UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS
SECOND SESSION

VOLUME 152—PART 13

SEPTEMBER 5, 2006 TO SEPTEMBER 19, 2006
(PAGES 17079 TO 18582)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
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SENATE—*Tuesday, September 5, 2006*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord and Creator of humanity, bless this legislative body today. Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort. Teach our lawmakers the importance of slowing down long enough to seek Your wisdom, to hear Your voice, to connect with each other and to send their roots deep into the soil of life's enduring values.

Empower each of us to grow toward the stars of our greater destiny.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under a previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30th, 2007, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I have a short statement to make, and then I will reframe what I expect to happen over the course of this week and in the near future.

Similar to many of my colleagues, I spent the month traveling the country. I began in Tennessee and ended in Tennessee. I visited a number of States, from the west coast to the east coast, from Washington State to Florida. At each stop, I spent a lot of time doing what I hope, and I am sure, all of my colleagues did, listening, listening very carefully to what the American people are thinking and what they are feeling.

As I summarize and step away from the messages that were sent to me, it is pretty clear how we need to spend the next 4 weeks in the Senate before taking a break before the elections themselves. I will recite a few of the items and point out the direction that will lead us into the next several weeks.

I listened carefully, and again and again people confirmed what I already knew: The Republican-led policies that we put into place are, indeed, working. To begin with, although despite derision from my colleagues on the other side of the aisle, the economy continues to grow. As we saw yet again last week, month after month we consistently have added new jobs. Productivity, the driving impetus that raises the standards of living, continues to accelerate, continues to go up. We have faced down many adverse developments, many adverse events in the past few years, including the 2001 recession, the terrorist attacks of September 11, corporate governance scandals, and more recently, the devastating hurricanes and substantial increases in the cost of energy.

People do feel the rising cost of energy at the pump each day. They feel the rising cost of health care.

As Federal Reserve Bank Chairman Ben Bernanke pointed out last week, despite all of these obstacles, our economy continues to advance and continues to grow. I am convinced, as are the constituents I met with during each stop across the country, the economic security we enjoy is due in large part to the Republican-led policies of tax relief and fiscal restraint we have implemented.

What is forefront in the minds of the American people is the economy; even more so is security—yes, economic security but security in general.

From Georgia to California, and each stop in between, the people I met want reassurance. They want to know when their family boards a plane, for example, on vacation or going to Disneyland, that plane will be safe. They want to know, when they hop on the subway or the Metro to go to work, that train will be safe. They want to know, when they fill up their gas tank, the money in their wallet is not going to end up in the hands of some terrorist overseas.

I share these same concerns. That is why we have set a very aggressive agenda for the remainder of this session that does focus on fighting and winning this war on terror.

Last week, one of my colleagues said that 99 percent of Democrats want to fight a strong war on terror. This week we will hold this Senate to that as we continue to debate Defense appropriations.

Our troops provide us an invaluable service. They fight daily on behalf of those enduring principles of freedom and liberty. For their invaluable service, we owe them the very best of resources.

The Defense appropriations bill is crucial to fighting a strong war on terror and to winning it. The bill provides our soldiers with the resources, the training, the technology, the equipment, the authorities they need to win the war on terror.

I encourage each of my colleagues to demonstrate their commitment to fighting and winning a strong war on terror by engaging in a productive debate, a debate that is on point and focused on how we can keep our troops strong to win this war.

At the end of the debate, I hope each and every one of my colleagues will join me in demonstrating our commitment to our troops, our commitment to strengthening and maintaining and enhancing our security at home and their commitment to winning the war

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

on terror by voting to pass the Defense appropriations bill.

But there is more we in the Senate can and will do to help alleviate the concerns and fears the American people have about security and winning the war on terror. We need to strengthen port security. After months of negotiations on this critical issue, it is time to act. We need to pass the Homeland Security appropriations conference report. We need to confirm critical security nominees such as John Bolton, U.S. Ambassador to the U.N.; Alice Fisher, DOJ's Assistant Attorney General for the Criminal Division; Kenneth Wainstein, first Assistant Attorney General for DOJ's new National Security Division.

We need to address the Supreme Court Hamdan decision, authorizing military commissions for terrorist combatants.

We need to send an energy package to the President so we can reduce that dangerous dependence on foreign sources of oil. Let's face it, we have a serious threat to our national security when nearly 60 percent of the oil we consume comes from foreign countries.

We need to strengthen the Terrorist Surveillance Program by modernizing the important Intelligence Surveillance Act definition of "electronic surveillance" and "communication" and by enhancing congressional oversight. We need to consider legislation that builds on the progress we made last year with the bioterror bill, by further refining and enhancing our defenses against nontraditional terrorist attacks. We need to secure America's prosperity by bringing budget process reform to the Senate and by finalizing a very exciting bipartisan competitiveness agenda package.

We need to continue securing America's health by bringing health information technology legislation to conference. We must continue to secure America's values by promoting sound Government that begins with fulfilling our constitutional duty of advice and consent by bringing more judicial nominations to the Senate for confirmation.

And it continues with addressing Internet gambling. As it is now, this industry threatens to undermine the quality of life of millions of Americans by bringing an addictive behavior right into our living rooms.

As you can see, we have a lot on our plate. Bipartisan support on each of these issues is absolutely necessary. It is election time. The tendency is to make everything political. For the American people, we need to rise above this. We need to come together. We need to work together on these important issues that so dramatically impact the security of the American people, the security of our homeland.

As we learned last year with Hurricanes Katrina and Rita, on September 11, almost 5 years ago, complacency and passiveness have no place in the Senate. We must work together to ensure that we anticipate and address the problems facing everyday Americans. We must work together to keep America moving forward. We must work together to fight and, yes, win the war on terror.

Mr. President, let me take a final minute and update our colleagues on the specific schedule for today.

Under the order, we are to immediately return to the consideration of the Defense appropriations bill. We began this important funding measure prior to our adjournment. We were unable to finish it prior to that recess. Although we do not have a unanimous consent agreement on the bill, the Democratic leader agreed prior to the recess that we would finish the bill no later than Wednesday of this week, although discussions prior to our beginning today's session indicate it may be Thursday.

Chairman STEVENS is here today occupying the chair and is ready to consider amendments and make progress during today's session. I understand no one is ready, at this point, to offer an amendment.

ORDER OF PROCEDURE

Therefore, I ask consent there be a period of morning business until 2:30 today, with the time equally divided in the usual form; and further, that at the conclusion of that period, we resume consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as an additional reminder to Senators, this afternoon at 4:30 we will proceed to executive session for the consideration of Kimberly Ann Moore to be a U.S. circuit court judge. A vote will occur at 5:30 on the confirmation of this judicial nomination.

Having said that, I expect a productive week as we wrap up our business on the Defense appropriations bill.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DOD APPROPRIATIONS

Mr. REID. Mr. President, as I indicated in conversation with the Presiding Officer and the majority leader, I indicated that we, the Democrats, would complete this bill in 2 days. We will do that. It will be Thursday because today, for a lot of reasons, not the least of which is the weather, we will not have much time to work on it. We will finish it Thursday. I indicated that to the manager of the bill and to the distinguished majority leader.

THE SENATE FAMILY

Mr. President, we are a family in the Senate. That includes not only the 100 Senators but the staff we have. Although he is off the Senate floor now, Jack Hickman, who has worked for the Senate for many years and sits right in front of me, had knee surgery or knee replacement. As a result of some things that do not work out as well as one could expect, he became gravely ill. We are so happy that all worked out, that he is now strong and healthy, and his knee works well, although the surgery was very traumatic, especially the side effects.

We are glad Jack is back and he is healthy. He represents the Senate family that works long Senate hours with little recognition—recognition which they deserve.

LEGISLATIVE PRIORITIES

Mr. President, the Chaplain, this morning, said the thoughts that were on my mind before coming here, and I certainly could not say them as well as he did, so I will read what he said in his own prayer:

> Bless this legislative body today. Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort.

That phrase in the prayer says it all. We need to work together. I want to focus on one thing, on one number, and that is 12. Twelve is very likely the number of legislative days remaining in this Congress, the 109th Congress. With the schedules we have kept in the past, we basically work 3 days a week. We have 4 weeks, counting today. That leaves 12 days. In a normal year, in a normal Congress, it would be an enormous challenge to complete the work we have ahead of us in 12 days.

In this Congress, which I have not said but which pundits and editorials have called the do-nothing Republican Congress, it is mission impossible. Think about all that remains to be done.

On the domestic front, the start of the new fiscal year is just days away. The Senate has yet to pass a single appropriations conference report. There has not been a single appropriations bill sent to the President. There are 13 of them. Normally, we would have basically completed them by now, or at least have them all in conference. We in the Senate have completed one appropriations bill.

With millions of children returning to school this week, this Republican-controlled Congress has yet to pass an education funding bill. In addition, there are middle-class tax breaks that have been sidetracked. There has been a big detour. These need to be extended. Why aren't they extended? There was an agreement before we left between the House and the Senate conferees to have the so-called tax extenders passed. They agreed. But someone came up with an idea, as absurd as it now sounds, that they would stick the tax extenders on a flawed minimum wage increase and, of course, estate tax repeal. It came here. We wasted a significant amount of time on it. The extenders were not passed. People are still waiting to have them passed. These are not extenders that help only Democrats, they help the country.

I had the head of the Business Roundtable call me. He said it is so important we pass the research and development tax credit. It was one of the extenders that did not pass because of this crazy idea to lump them all together. As a result, we have nothing. We have no minimum wage increase. We did not do the extenders. And, of course, the American people, they are not out there fighting for 8,100. That is who benefits from the estate tax repeal. The American people knew this was a foolish idea, and the Senate responded by making sure that so-called "trifecta," that we named "defecta," did not pass.

The Medicare prescription drug bill needs to be fixed. Are we going to do that? Not likely. We have a crisis in health care. I used to talk about 40 million people having no health insurance during this administration. In these 6 years it has gone to 47 million Americans with no health insurance, and millions more who are underinsured.

Energy: Because of the demand being lessened, energy costs have dropped a little bit in the last few weeks. But that has not taken away from the fact that we use 21 million barrels of oil every day in America 7 days a week, and we import more than 60 percent of that. Are we doing anything about that? No. Twelve days to do all these things.

On the national security front, just as much work remains to be done, if not more. We are a nation at war. We are still vulnerable 5 years after 9/11, and we have yet to pass the Defense and Homeland Security bills. We are going to pass the Defense appropriations bill. We are going to do that sometime on Thursday. But we have to take that bill to conference, along with the other 12 appropriations bills before we can send them to the President.

Because of delays by this Republican Congress, our borders remain open and immigration reform remains stalled. There is also port security to be considered, a phase II investigation where we had the assurance from the Republican leaders of the Intelligence Committee that they could complete phase II. They have not done that. We still do not know how the intelligence information was manipulated in an effort to take us to war in Iraq. The American people are entitled to that information.

Twelve days to finish all this work. And do you know what. It appears we are not even going to try to finish the work. The Republican-dominated Congress is not even going to try to finish this work.

Today's New York Times has the headline: "GOP Lawmakers Set Aside Work on Immigration." Sunday's Washington Post had a similar article entitled: "GOP Focus on Security Issues to Sideline Other Matters."

The papers report that Republicans plan to leave in September with immigration undone, Medicare undone, ethics reform undone, and a budget undone. We do not have a budget. Then, after leaving here with nothing done, they are going to go out and try to convince the American people that after years of getting it so wrong, they now have the right prescription for our Nation's security.

Democrats welcome a national security debate. I hope we can have one. America needs one. There is no excuse for the Senate not completing its work. And I say, referring back to the Chaplain's prayer:

> Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort.

We want to work on a bipartisan basis to resolve the Hamdan decision. That is how we bring these terrorists to justice. We want to work with our colleagues on the Republican side of the aisle to work something out on the domestic spying front.

There is no excuse for the Senate not completing its work. But if Republicans want to work with Democrats during the next 4 weeks to address the mistakes of national security, we welcome that. It is about time. There is a reason the Senate faces this predicament. It is a reason we stare in the face: September 5. None of the people's legislative priorities have been addressed in this Congress. It is because this do-nothing Republican Congress has wasted 20 months avoiding the people's priorities so they could play partisan games instead.

Think back over the last 2 years. Just take 2 years, not 4 years. We began, first of all, with a month-in and month-out debate dedicated to the so-called nuclear option, the Republicans' attempt to rewrite Senate rules so we would be another House of Representatives; that we would throw away the Constitution of the United States so the Federal courts could be packed.

Then, instead of addressing the crisis in health care or the crisis in energy, the Republican Senate moved to pet issues of their political base, such as the Terri Schiavo affair—a very personal issue that took an inordinate amount of time of the Congress. And, of course, we have spent weeks and weeks on a billion-dollar giveaway to repeal the estate tax to the richest of the rich.

This past summer was no different. The weeks in June and July were given to the marriage amendment and then flag desecration—two of the least pressing issues facing Americans today. In fact, I was stunned to read in the Washington Post today that Circuit Judge Wilkinson, who was said to be in line to be the President's selection to go on the Supreme Court, wrote an editorial saying: Do not amend the Constitution with the marriage amendment. It is unnecessary. It is wrong. Let the States take care of it.

Judge Wilkinson did that, one of the President's own: a waste of time, the marriage amendment.

Then, the 1 week we worked in August was given to the Republicans' infamous "trifecta" bill that I have spoken about earlier, the "defecta" bill, as we call it. In the words of Republican Congressman ZACH WAMP, Republicans tried to "outfox" the country into repealing the estate tax. Remember his famous quote: The only reason the Democrats are mad is we outfoxed them.

In the end, it was the Republicans who were outfoxed.

With 20 months wasted and just 12 days ahead of us, it is time for a new direction. We live in a very dangerous world. As we saw in Britain last month, there are terrorists around the world who want to do damage to Americans. Unfortunately, there are too many politicians in Washington who want to divide the country and play politics with national security instead of finding real solutions to keep America safe.

Again the Chaplain:

> Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort.

That is what we need: unified effort. It is time for a new direction.

Next week our country will mark a solemn anniversary: 5 years since 9/11. I remember where I was on 9/11, right across the hall. Every Tuesday Senator Daschle had a leadership meeting. At 9 o'clock in the morning, September 11, the towers were on fire. I saw them, as did all of America. I remember where I was, and I will bet every American can remember where they were.

Five years after 9/11 America is less safe than it should be. Today, only 5 or 6 percent of our ports are secure; cargo containers, 5 percent. Our chemical plants are vulnerable to attack. Our first responders do not have the materials to be the best they could be.

Interoperability all over America is not there. The man responsible for 9/11, Osama bin Laden, remains on the loose. The recommendations of the 9/11 Commission have been ignored by the administration.

This is the Republican record of the last 5 years. It is no wonder, with elections looming, they want to try to fix it in the next 12 days. Democrats have a better plan to keep America safe. It is called real security. It is tough, it is smart, and, as we laid out in a letter to President Bush yesterday, it starts by doing what the other side has refused to do: change course in Iraq.

While Iraq was not part of the war on terror before we invaded, today it is emboldening terrorists and recruiting new ones. For 2 years, the Republicans have been content to say "stay the course" in Iraq. They have stood with President Bush when he says: We're not leaving Iraq as long as I'm President.

That is wrong. They may think it is smart political strategy, but we know from what is happening around the world it is a failed security policy. Each day this Republican Government stays the course in Iraq, America grows less safe.

Since we last met, 75 American soldiers have been killed. I do not know how many have been wounded. It is approaching 21,000. My friend, the distinguished minority whip, has focused on doing something about head trauma with our veterans. In articles written this past week: 10 percent of those wounded have head trauma—10 percent. That means 2,100 probably. And that is only those who now recognize they have it.

As we know, as all the articles have said, a lot of the problems dealing with one's ability to think come later. A lot of times you can't see these head injuries, but these explosions cause the brain to do things it is not capable of handling. Yet we have been turned down in getting financial help for these people who have been wounded in Iraq.

Since we last met, I don't know how many Iraqi civilians have been killed, well over 1,000. I don't know how many have been damaged for life by their wounds. And since we last met, we have spent $12 billion of the taxpayers' money in Iraq on this mismanaged war. The Pentagon now believes all the conditions exist for a civil war in Iraq. We have a civil war in Iraq. When this many people are killed, it is a civil war. The administration's most recent report to Congress says it is only going to get worse.

Our military faces shortages of equipment and personnel that haven't been seen since Vietnam. Not a single Army nondeployed combat brigade is currently prepared to meet its wartime mission, and the chief of the National Guard has said the Guard is "even further behind or in an even more dire situation than the Army." At the same time, the war has emboldened regimes in North Korea and Iran, two countries which have grown their nuclear arsenals during this administration's watch.

These are the consequences of staying the course in Iraq: We are less safe, we face greater threats, and we are less prepared to meet them. Throughout this Congress, Democrats have come to the floor to demand—we have done it on the Senate floor, in interviews, through speeches in our States, and press conferences—that the President change course in Iraq; fight a better, smarter war on terror and secure the homeland; get good grades for the recommendations of the 9/11 Commission, not failed grades, as this administration has received.

Republicans have obstructed our efforts. We have offered amendment after amendment, and they have turned them down on a separate, party-line vote—amendments to protect nuclear plants, chemical plants, nuclear-power-generating facilities, amendments to help first responders—party-line votes, no. Republicans have obstructed our efforts and chosen to rubberstamp President Bush's failed security strategy.

With just 12 legislative days left before the end of this Congress, I once again ask my Republican colleagues: Is now the time for the Senate to hold President Bush accountable for his failed policies and demand a new direction? With the 5-year anniversary of 9/11 fast approaching—next Monday—it is time for America to refocus its efforts in the war on terror by implementing the recommendations of the 9/11 Commission, changing course in Iraq, and taking a smarter, better approach to hunting terrorists and preventing the next threat. We have 12 days to work together, not as Democrats and Republicans but as Americans doing everything we can to keep America safe.

On this side of the aisle, we are willing to work on these national security issues that we have read in the papers is what the Republicans want to focus on. We welcome that. But let's do it on a bipartisan basis so that when we finish our work, we are safer than when we started; not political diatribe, not an effort to embarrass one another but reflecting on what the Chaplain said today:

> Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of a unified effort.

We look forward to a unified effort. We take the challenge of spending this month debating national security issues, if that is what the majority chooses. In the meantime, we recognize what has not been done with the domestic agenda, which is also extremely important.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN AMPLE AGENDA

Mr. DURBIN. Mr. President, I salute the Democratic leader for his opening remarks. This is the beginning of the September session of this Congress, as we roll toward the election. The majority leader has suggested we will be here for perhaps 3 or 4 weeks. I hope we can work together, as Senator REID suggested, in a bipartisan fashion. There is certainly an ample agenda before us, a lot of things we should be considering.

I spent most of August traveling up and down Illinois, in the city of Chicago and cities large and small. It is clear to me that there is much we need to do.

Yesterday was Labor Day. Yesterday I noted in the State of Illinois that 330,000 workers are making less than what we are proposing as an increase in the minimum wage. That means 330,000 individuals got up this morning and went to work in Illinois, taking on some of the tougher jobs, some of the dirtier jobs, some of the jobs that demand more time away from your family, and they are faced with a wage which cannot sustain their families.

Imagine living in a State governed by the Federal minimum wage of $5.15 an hour—the same wage, the same level of wage it was 9 years ago. For 9 straight years, the Republican Congress and the Republican President have refused to increase the minimum wage for the lowest paid workers in America. This breaks with tradition.

Historically, this was a bipartisan issue. We didn't quarrel between Democrats and Republicans. We said: For goodness' sake, justice and fairness require that you give people who are working so hard for so little money an increase once in a while. The cost of living goes up; we know that. But for 9 years, the Republicans have said no, no increase in the minimum wage.

But there is an interesting thing to note. During that same 9-year period, when we have said that the lowest paid workers in America should be stuck at making around $10,000 a year, Congress has voted itself an increase in pay of $31,000 a year. We say no to millions of American workers, some of them single moms trying to raise their kids as best they can. We say no to increasing their minimum wage, and we increase the salary of Members of Congress.

We have taken a stand on the Democratic side. It is not going to happen this year. If the Republican majority refuses to increase the minimum wage for millions of these workers, there will be no increase in congressional pay. It is a small thing, maybe only symbolic, but it is an important symbol. Finally, Members of the Senate and Members of Congress have to realize there are consequences to their actions.

Yesterday, on Labor Day, I went to Rock Island, IL—one of our better Labor Day parades. Former Senator John Edwards was there. My colleague LANE EVANS, who is retiring from the House of Representatives, and a number of local people all came out to speak to those who gathered to recognize the contributions of every working

American. The No. 1 issue was the minimum wage. We are lucky our Governor, Rod Blagojevich, has raised the minimum wage in Illinois by State law. Some States have done that. They have given up on waiting for the Federal Government to do it.

If we want to do something before we leave for the November election, wouldn't it be good to return to those days when there was bipartisan support for an increase in the minimum wage? Couldn't we pass even this week an increase in the minimum wage to $7.50 an hour phased in over a few years? Shouldn't we at least say to these hard-working Americans that we are going to give them a helping hand to raise their children and keep their families together, pay for daycare, pay for medicine, and food and clothing? That is something we could do.

There is something else we could do. We have a Medicare prescription Part D which provides the possibility of lowering the cost of prescription drugs to millions of seniors across America. Before we leave, on a bipartisan basis, why don't we say that the Medicare Program can bargain with the pharmaceutical companies to get the best low prices for seniors across America? That was a glaring omission in the original bill. As a result, our seniors under this program are paying more today than they should. How do we know this? Because under the Veterans' Administration policies, they bargained with the drug companies, and for the 22 most frequently prescribed drugs for seniors, the VA price for those drugs is substantially lower than what seniors are paying today under the Medicare Program.

So why don't we, on a bipartisan basis, say that we will give to seniors across America the same benefit, the same helping hand that we give to our veterans; that we will give them lower drug prices? Most of these people we are talking about are on fixed incomes. They are trying to get by, and the cost of prescription drugs is going up. A helping hand for these Americans is something we can achieve, something we can do. It is something we ought to focus on in a bipartisan effort in the closing days of this session to really help those Americans.

There are so many other things we can do, and I sincerely hope that we do. When you consider the national energy situation, we have noticed in the Midwest the price of gasoline started coming down again. I don't know if other Members have noticed that. Interesting timing, isn't it? As the vacation season ends and Americans are no longer driving across the country with their families, burning up more gasoline, the price is starting to come down. I would like to believe that this is a trend that will continue and the prices will get much lower, but I am not confident because what we have seen is that the oil companies that are recording the highest profits in their history have the ability to raise these prices just as they raised them at gasoline stations around your hometown. And we don't have any control in Washington. The best we could get was a comment from the President and some of the Republican congressional leaders about how unhappy they were with gasoline prices but nothing more. There was no serious effort to penalize the oil companies that have run up these profits at the expense of families and businesses and farmers across America. We need a national energy policy.

As I travel around my State and the country, it is very clear that elements of that policy are obvious to most people. We need to have more fuel-efficient cars and trucks. The fuel economy of the vehicles we drive will do more to lessen our dependence on foreign oil than anything else. Sixty percent of the oil we import goes right into the tank. So if we want to have a serious effort toward reducing our dependence on foreign oil, we need to have more fuel-efficient cars and trucks.

I have tried three different times over the last 4 years to put in a new CAFE standard for America so that the makers of these cars and trucks will start building better cars and trucks with better technology that use less fuel. I can't get a majority, but I think the numbers are starting to change. For the first time I am noting that some of my Republican colleagues are seriously considering that possibility. We should do it. We could put in a new CAFE standard before we leave for the election and say to America: This is the important first step in moving us toward less dependence on foreign oil.

Today, as we fill up our tanks, hand over our cash and credit cards to pay for it, understand that a portion of the money that we pay at the gas station ends up in the hands of foreign governments, some of which are not on the same wavelength or on the same agenda as the United States when it comes to foreign policy. Sadly, some of the countries that we are sending money to for oil are using the proceeds from that oil to support terrorism. That is unacceptable. We need to have an energy policy which reduces our dependence on foreign oil and, in fact, burns less fuel when we drive our cars and trucks, not only saving us money as individuals and families and businesses but also reducing pollution in the process and reducing the threat of global warming.

A lot of families across Illinois come up to me and talk about the cost of health care. It has reached a point for some that is sad and painful and many times embarrassing. At one of my town meetings, a man came up afterwards and said: I am one of those families, those uninsured families. I have a sick child. I worry about him. Anyone would.

To think that we have reached a point in America where it is acceptable that more and more people have no coverage, no health insurance, is something that is not consistent with the values of our Nation. We should be working on a bipartisan basis to extend health insurance—affordable, quality health insurance—to every American family. Estimates are that 48 million Americans are without health insurance today, which is roughly 1 out of 6 Americans. That doesn't count the millions who have health insurance that is worth little or nothing.

Why are we not taking this on? Why isn't this an issue on which Congress focuses? It could be a good bipartisan issue for us to work on. When I think of what we have been considering over the last several months before the August recess, it is very clear to me that instead of a clarion call from Capitol Hill to unite behind an inspired program that really moves us forward as a nation, what we have heard is the death rattle of a Congress that is dominated by special interest groups and those who are looking for a political advantage as we approach the November 7 election.

The first special interest domination is obvious by the trifecta bill. If you go to a racetrack—and I have been to a few in Illinois—and you bet $2 on a trifecta, you know your odds of winning are very low. It is a high-stakes bet. It is a high-risk bet. Many more people will lose than will win. So it is the right name for the Republican program—the trifecta bill—that would give a tax break to the wealthiest families in America. Two-tenths of 1 percent—that is, 2 families out of every 1,000—would get a tax break, and they are the wealthiest families in America.

Senator FRIST and his colleagues on the Republican side have said this is our highest priority. In the midst of a war when we are asking for sacrifice from our brave soldiers, in the midst of a war in Iraq when we are asking the families of those soldiers who pray every night for their safety to stand by our country, in the midst of a war in Iraq where we have spent over $300 billion, with no end in sight, as we fight a war that costs us up to $3 billion a week, which requires that we cut back on spending at home for education and health care, in the midst of this situation, this President and his Republican counterparts in Congress have identified as their highest priority cutting taxes for the wealthiest people in America.

This is the first President in the recorded history of the United States of America to ever ask for a tax cut in a war, for obvious reasons. If you have a budget for the country and then a war on top of it, every other President in our history has understood that you cannot cut taxes. Most of them have raised taxes to try to pay for the war.

But not this President, not this Congress; they are cutting taxes in the midst of a war, driving us deeper and deeper into deficit—a debt which our children and their children will carry for generations. That is not fiscally sound. It doesn't add up. To think that is a much higher priority to many in the leadership on the other side of the aisle is an indication of how far we have moved away from mainstream thinking in America.

A lot of people are dissatisfied with this country's direction. A recent poll announced last week that two out of three people in America say our Nation is on the wrong track, that we need a new direction, that we can do better. We asked them: What is it you are thinking of when you speak of this? They say, No. 1, the war in Iraq. Something is wrong here. This is not what we were told we would get into. We were promised by this administration that removing Saddam Hussein would result in the Iraqi people greeting us with open arms, that we would see them move toward a democracy and set a standard for the rest of the world. Well, here we are in the fourth year of this war, having lost so many of our brave soldiers, and we are not close to that goal. There is no end in sight. The President's answer is a throwaway phrase: "Just stay the course."

The President has said that there won't be a serious discussion of removing American troops under his watch. That is up to the next President, he said. That means waiting more than 2 years to really start bringing American troops home. Is it any wonder the American people are upset with that, that they think we need a new direction in Iraq?

They understand that when it comes to the war on terrorism, we were attacked on 9/11 by al-Qaida, Osama bin Laden, and the al-Qaida terrorists. I served on the Senate Intelligence Committee at that time. The best estimates we had were that there were 20,000 of these willful killers around the world who launched that attack on the United States. Our intelligence agencies report today that they estimate there are 50,000 members of al-Qaida around the world. We know that before our invasion of Iraq, there was virtually no evidence of al-Qaida in the nation of Iraq. Today, al-Qaida has become a potent force, sowing seeds of discord within Iraq and launching attacks against American soldiers. Al-Qaida's franchise has arrived in Iraq since we invaded.

So we have a big job ahead of us to make America safe in a dangerous world, protect against terrorism. We should go back to where we started, when the overwhelming majority of the Senate voted to go after al-Qaida and the Taliban in Afghanistan. That is a mission not yet accomplished. We need to do more to go after al-Qaida. Unfortunately, this administration has not focused the resources necessary. They have disbanded the effort to find Osama bin Laden in the CIA, a special group put together for that purpose. I believe it is time to renew that effort, that commitment toward removing al-Qaida to make America safe.

Mr. President, as we see the agenda before us in the next few weeks, there are several things we can move forward with on a bipartisan basis: the minimum wage, doing something about Medicare prescription Part D, and making certain we move toward a nation with an energy policy that will sustain the growth of our economy and not destroy the environment in which we live. We can accomplish these things—and we should—in the days ahead.

THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, when I came to Congress years ago, I had no idea that one of the major issues I would face and be involved in was the tobacco industry. Now, I knew what tobacco had done to my family. I lost my father when he was 53 years old. He died of lung cancer. He smoked two packs of cigarettes a day. I was just a sophomore in high school when he died. I stood there by his bed at his last breath and thought to myself. I hope I am smart enough to never be addicted to tobacco, because I have seen his young life destroyed by it.

I didn't swear to go against the tobacco companies. That sure wasn't the reason I ran for office. But the time came, as a Member of the House of Representatives, when issues started presenting themselves involving tobacco. As they presented themselves, I recalled my personal and family experience with death and disease from tobacco, and I decided to get involved.

About 15 or 16 years ago, I introduced a bill to ban smoking on airplanes. I was a Member of the House and didn't know any better, and I was told by the experts: You are going to lose; nobody beats the tobacco lobby; they are too powerful in this town. All of the leadership on both sides of the aisle in the House opposed my amendment. To my great surprise, it passed anyway. It turns out that Members of the House of Representatives, and ultimately Members of the Senate, are frequent fliers. They knew how ridiculous it was to have smoking sections on airplanes and nonsmoking sections. Eventually, we reached a point where there was no smoking on airplanes. My colleague from New Jersey, FRANK LAUTENBERG, carried this bill successfully in the Senate. Together, we worked and banned smoking on airplanes.

A lot of things have happened in America since. Once we established that it was unsafe to be exposed to secondhand smoke on airplanes, people started asking the obvious questions: Is it safe in an office? Is it safe in a hospital? Is it safe on an Amtrak train or on a bus? America started moving toward a new standard over the last 16 years, and I am happy to say there are now fewer and fewer places in America where you are exposed to secondhand smoke. Most smokers who are still addicted at least ask permission before lighting up. Most know it is better to go outside. That is a changing standard in America and one that I believe has led to a healthier nation.

Make no mistake, while we have made progress in dealing with tobacco, the tobacco companies have still been selling their deadly product. As they sell that product, we learn more and more about their corporate strategy. Let me read to you the opening line in an editorial last week written in Newsday, a publication in New York:

> Lying is as natural to tobacco executives as breathing once was to their customers.

They were reacting to last week's stunning disclosure that the tobacco industry is up to its same old tricks. During the last 6 years, cigarette manufacturers have steadily increased the level of nicotine smokers inhale every time they smoke. Nicotine, of course, is that addictive chemical in the cigarettes which leads people to smoke even more. During the same 6-year period of time, more and more cities and States have been expanding protections for people to play and work away from secondhand smoke, while the industry has been loading up their product with more nicotine so that it is tougher to quit.

The Surgeon General of the United States found definitively that secondhand smoke is dangerous. Of the 45 million Americans who still smoke today, 70 percent say they want to quit. It is tough to quit. It is made even more difficult because the cigarette manufacturers put more of the addictive nicotine chemical in the cigarettes. We know that now. The tobacco industry was found guilty of racketeering, of intentionally manipulating nicotine levels to create more addiction to cigarettes. While they are running this advertising about how dangerous it is to smoke, to talk to your kids—while you see those ads on television and see what is going on in newspapers and magazines, all this advertising notwithstanding, they are pumping more and more of this addictive nicotine into their product.

We passed in the Senate a provision that would have given the FDA the authority to regulate cigarettes. It died in conference. Once it went into a conference with the House of Representatives, they stopped it. So this deadly product of tobacco and cigarettes continues to be the only product in America that is widely sold and is not regulated by our Government. It is not regulated in terms of its contents or its marketing or advertising. You would think that in a situation such as this, the tobacco industry would have spent the last 6 years cringing over the feeling that their product was so deadly. No, they decided to crank up the nicotine levels in popular brands of cigarettes. They made their deadly product even harder to quit using. If you are one of the 70 percent of smokers who really want to quit, tried to quit and haven't been able to, thank the manufacturers of that cigarette you are smoking; they made sure there is enough nicotine in every pack so that it is tough for you to stop your addiction.

Of course, the cigarette industry won't even consider informing their customers of the higher levels of nicotine. Instead, the companies ran ad campaigns promoting "light" and "low tar" brands—descriptions that were meaningless and only misled people into buying and smoking more cigarettes.

Newsday wasn't the only publication to speak out on this issue. The New York Times wrote:

> It is stunning to discover how easily this rogue industry was able to increase public consumption of nicotine without anyone knowing about it until Massachusetts blew the whistle. . . . It is long past time for Congress to bring this damaging and deceitful industry under Federal regulatory control.

You have to hand it to the cigarette makers. It is a great business plan. Every day, 4,000 teenagers take their first cigarette and start smoking. They don't need to smoke very long before their bodies have absorbed a lot of nicotine and they are on to an addiction. If you are addicted to cigarettes, of course, you want more of them.

The latest stand came several weeks after a Federal court found the cigarette makers guilty of racketeering. The Washington Post says of Judge Kessler's opinion that it:

> . . . is moving and powerful. It is exhaustive in scope, detailed and utterly convincing that the industry sought for five decades to mislead the American people and Government concerning the deadly consequences of smoking.

After several years of litigation against the industry by the U.S. Department of Justice, Judge Kessler found:

> Defendants have marketed and sold their lethal product with zeal, with deception, with the single-minded focus on their financial success, and without regard for their human tragedy or social costs that success exacted.

Two weeks after the strong rebuke of the industry's practices, the cigarette makers filed a motion with Judge Kessler. Do you know what they wanted to know? They asked if her directive to stop misleading customers about light and low-tar labels on their cigarettes meant they had to stop deceiving people overseas. They wanted to know if they could still practice their deception of their products they sell around the world, even though they have been told not to do it in the United States. What a great industry.

The Washington Post this morning said:

> (I)n a sign of the boundless rapaciousness of these companies in marketing death, they had the temerity to ask [the judge] not to apply her order "to sales wholly outside the United States." If we can't continue to defraud Americans into killing themselves, they effectively asked, can we at least keep suggesting to billions of people abroad that some cigarettes are safer than others?

Think about that. They had the nerve to ask if they could sell this product overseas and continue to deceive when they have been stopped from doing so in the United States. If any doubts remain about this ruling and the willingness of this industry to play fair, last week's news put it to rest.

Nicotine levels spiked even while this trial was underway, and there was no one—no industry representative, no Federal agency, no consumer group with access to the information—no one to question the cigarette makers. If it were not for the State law and diligent health requirements in Massachusetts, we still would not know.

The very helpful nicotine replacement products people use to help them quit smoking are not very effective if the cigarettes they are trying to give up are delivering much more nicotine.

Who is going to tell the consumers?

The cigarette makers have gotten away with this latest spike in nicotine, as they have gotten away with lies and deceptions in the past.

I have proposed, along with others, regulating this industry. It is time for us to know the contents of this product, to market it in an honest fashion, and to put meaningful warning labels on cigarette packages in the hopes that we can stop young people from taking up this habit.

I have said, in my entire life, I have never heard a single parent come to me and say: I have the greatest news in the world: My daughter has decided to smoke. I have never heard that because parents know intuitively—and we all know intuitively—that it is the beginning of an addiction which can lead to compromised health and death.

I urge my colleagues who have turned their back on this tobacco issue for too long to acknowledge what has happened with these decisions and with this disclosure by the Massachusetts health department. We need to do more. We need to regulate this product, and we need to protect American consumers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I understand we are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

ISSUES FACING AMERICA

Mr. THOMAS. Mr. President, it is nice to be back after having nearly a month break. It is a good opportunity to come back and see what the rest of the world is like. I think we have a lot of great challenges before us, and I hope we can accomplish a great deal. To do that, we are going to have to have some agreement among the folks here.

I am compelled to come to the Chamber because there has been a great deal of criticism on the floor today of the Congress and the lack of activity in the Congress over time, and certainly all of us agree we could do more and we need to do more. In order to do that, we have to come to some sort of an agreement.

One of the problems with getting things done with 55 votes is that anyone can object, and it takes 60 votes to override that, and we have had a lot of that experience from our friends on the other side of the aisle. So we need to do a great deal more than we have been able to do.

I am hopeful we can begin to talk more about issues. There is a difference of view about issues. That is what the Senate is all about. There are differences of views everywhere. We ought to talk about the issues and not just talk about politics. So I hope we can address those issues in a more direct way and not just simply be critical in order to talk about the future in terms of the Congress. I am here to say we haven't done all we would like to do. No one would argue with that. On the other hand, we have accomplished quite a number of things over a period of time. We have a great deal to do and a great many challenges.

Securing the homeland has been one of the top issues, of course, because of the threats we have going back to 11 September and the continuing threats we hear about, whether it be in London or whether it be in the Middle East. There is a terror problem in this world. We have a PATRIOT Act that gives us much more strength to be able to deal with the kinds of things that are going on. We have secured the borders much more than we have in the past. Is there more to do? Absolutely. We have 14,000 agents and 25,000 beds to deal with the problem at the border.

I am one who believes we ought to be doing something on immigration. I believe we ought to continue to tighten the border. We ought to initiate efforts to define who is illegal and who isn't. We should be able to get employers to report whom they have as illegal and so on, and we need to do some of those things. I am not for giving amnesty, but we can deal with the problems we have, and I hope we can come together and do some things. We have funded the war on terror, and there is a war on terror.

Securing America's prosperity. We have heard a great deal about the economy in the last few days with the latest reports. We have created 5.3 million jobs over the last couple of years. That is a lot of work. That is a lot of jobs. We have had a reduction in unemployment. We have had a good deal more activity in the economic sector, and there is no question about that.

Now, some places are different from others. In my State, we have had a great deal of economic opportunity. We have lower unemployment than we have had for a very long time.

We have managed to reduce taxes. I think that is a good thing. That is what has encouraged the economy. That is what has created these new job opportunities.

We cut taxes by $70 billion. Most of us agree that we ought to be able to keep the taxes as low as we can and continue to provide the services.

We have cut entitlement growth in terms of trying to deal with the deficit. We need to do much more with the deficit, but we have cut entitlement growth—$100 billion in the 10 years to come.

There are things that we are doing. We have accomplished a good deal, although there is much more to do. There is no question about that. But we ought to do it by planning together, by deciding together. The idea of just making this criticism doesn't get much done.

We have worked on energy. We have done a great deal on energy. Certainly we wish prices were still lower, but the fact is, we have had the energy, and that is an interesting thing. With all the dislocation there has been in the Middle East, with all the dependency we have had on energy in the Middle East, we have still been able to keep our energy supply going.

Now, interestingly enough, gas prices are going down. There are new discoveries in the gulf coast which we in the Congress opened recently. That is a very important thing to help us with energy. It could create a real opportunity for us to have lower energy prices. But the fact is, over time we have to find some new sources of energy.

We have an energy bill that is in place, an energy policy passed in this Congress for the first time in years. Now, of course, we are working on alternative sources.

Those do not happen overnight, so it will be 15 or 20 years before some of these new sources become important, but they will be, and that is the kind of looking forward that I believe we have to have.

As a result of this Congress, we have an energy policy that is working out for alternative sources, working out for more efficiency and more conservation in our use. We have to do that over time. There is no question about that.

These are very important things that have been done. If you just listen to the media and listen to what sometimes is said here, as it was this morning, you would think nothing has been done, and it has. As much as we want? Of course not. Everything we want? Of course not. Nevertheless, a good deal has been done.

We have done some things in education. We increased the Pell grants for math and science competitiveness. We continue to strengthen our schools. More funding has gone to education. We have done that here. Those are positive things that are changing our country.

We have had a good deal of trouble with lawsuits over a period of time. We had some class action reform this past year, and bankruptcy reform, so people are treated better under the law.

We have had gun liability reform, which means a lot to many people.

I guess I continue to repeat myself, but I think it is so unfair to say that things haven't been done, that we haven't done anything, the do-nothing Congress. It is not true. Could we do more? Of course.

As I said, one of the reasons we have not done more is because, under the system, the minority can object and can stop things from happening, and has a great deal.

We have done a good deal more with our infrastructure, with highways. We have had great changes in that.

On health care—one of the things that is most important to us and which has great challenges—we have done a great deal with drugs, the Part D drug benefit. That gives more opportunities—83 percent of the people in Wyoming who are eligible have signed up for the Part D health care. I happen to work as cochairman of the group on rural health care. Rural health care is a little different, and we have to take a look at some of the problems that are different from metropolitan areas. We have accomplished a great deal, having more providers be there. We have made the cost payments equal in rural areas. So we have done a good deal there. We have worked on adult stem cell therapy with cord blood. We have done those things. There has been work on technology, work that needed to be done.

On the Supreme Court, of course, two judges have been put on the Supreme Court, 14 circuit judges, and 34 district court judges. Does that mean we have done nothing in the Congress? I don't believe that is true.

We have more to do. There is always that thought. I am disappointed we have not moved faster on the appropriations bills. Traditionally, we should be further along than we are. Part of the problem, of course, is there are real problems with spending. We have to do something about spending. We can't continue to spend at the rate that we had to spend because we had emergencies, such as Katrina and such as the war on terror and Iraq. When you do that in your business or your family, you have to change: go back and make the changes to pick up what you had to do in the emergency. That is where we are now, seeking to make those differences.

Within Government we have done some lobbying reform. It needed to be done. We have done some of that. We have worked on the Voting Rights Act.

I guess I am a little impatient, coming back from having worked in my State where people are reasonably happy with what is happening, and then listening to the total negative reaction we have on the floor this morning about having done nothing when that is not the case. Could we do more? Of course, we should do more.

I will not take much more time, although it looks as if I could take as much time as I choose this morning. I am sure we will get on into it.

We have a lot of challenges. There is no question about that. Homeland security is one of those challenges. We have other things we need to deal with. I wish we could deal with immigration. That is one of the things I would like to do.

I am very much involved in energy, in the Energy Committee. My State is an energy State. We have a lot to do there to move forward.

In any event, I guess I am really saying we need an attitude that is a do-something attitude. We absolutely disagree about some of the issues. That is part of the system. We are going to have that as we are getting into an election. That is part of the system. But we need to be honest about the fact that we have done some things. We have things to do, and we need to work together to get them done. It seems to me that is our challenge.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIRD WAY

Mr. CARPER. Mr. President, it is good to see you, and it is good to be back in the Senate with you and our colleagues. With tongue in cheek, people ask me what I like about the Senate. I draw an analogy about when I was in elementary school. What I liked most about elementary school was recess. Now that I serve in the Senate, I am still quite fond of recesses. It is a great time to go back home—whether it is Texas, Delaware, or anywhere—and reconnect with the folks we serve and with our families.

I just had an opportunity to talk to the Presiding Officer about what he did. It is good to be back and to recharge the batteries and to focus. Now that we are back, I look forward to doing that with you, Mr. President.

Twelve years ago this summer, six Democratic centrist Senators pulled together to provide support for the founding and launching of something called Third Way. Third Way is a think tank which seeks to find a third way to deal with some of the issues and some of the challenges that face us today—not necessarily a Democratic or Republican approach but a different approach. Thinking outside of the box, every month or so Third Way presents smart people who come to work there with their ideas and their thoughts on what we might do or should be doing differently to move our country forward.

Just a few months ago, in one of the rooms outside of the Senate floor, a number of our colleagues, joined by General Wesley Clark, Congressman STENY HOYER, the Democratic whip from the House, and a woman named Sharon Burke from Third Way, joined together to talk about the path and the course our country is on and whether it is time for us to continue the course or stay the course or whether it is the right time, in some ways at least, to change course.

Third Way has done great work, working particularly with the situation in Afghanistan and Iraq, and offered some of their thoughts to us which are actually found in this document. It is not all that long. It is a very well documented and very sobering assessment. Given the source of their comments, I think it bears special attention. The world changed on September 11. I know that, and I think we all know that. In addition, the world has changed a whole lot since September 11.

This report from Third Way shows in ways which I think are sobering and compelling that some of those changes have not been for the better.

I think if you ask most people in the Senate, both Republicans and Democrats, what they think about me, among other things they might say, I think a number of them would say they have found me to be someone who goes out of his way to try to bring people together, to try to find common ground, to try to come up with a better solution to the challenges that we face day in and day out in this country and in the Senate.

I wish I could honestly say the same thing today about our President, but I am sorry to say that I cannot. I wish that instead of trying to politicize the war on terror and the situation in Iraq, or to insinuate that Democrats don't have the strength to stand up to our enemy, that he would sit down with us and talk about how we might move forward in Iraq and around the world.

I am reminded of the 8 years when I was Governor of Delaware. Every week that the Delaware Legislature was in session I would host, as my predecessor, Governor Mike Castle, and my successor, Governor Ruth Ann Minner have hosted every Tuesday, a bipartisan lunch for the leaders of the house and senate. We would meet in the Governor's house, which was close to the capitol, where we may have lunch together and talk for an hour or so, and then we would go to work for the legislative day. Sometimes we would talk about our families, sports, or the weather. A lot of times we talked about the issues that were before us.

One of the questions I would often ask of Democratic and Republican leaders in the House and Senate who were gathered there in the Governor's house that particular day was whether they had criticism of a policy or an issue that we would propose. I would ask them: What do you think we should do? What do you like about what we are proposing and where do you think we could improve on our policies?

And with respect to some of the policies of this administration—the President's policies—in too many instances they haven't worked. At least with respect to what is going on in Iraq today, they have not made us any safer.

As one who served 23 years on active duty with the Reserve as a Naval flight officer, I served in a hot war in Vietnam and a Cold War for many years after that. I love our troops. I love the folks in the Army, Navy, Air Force, and Marines, people in the Guard and Reserve who serve with great distinction and honor. Anything I said or, frankly, we said as a group a few minutes ago when we released this report should be viewed as expressing our support and our thanks and gratitude for those serving us in harm's way together.

Back in 2003, it was estimated there were roughly over 5,000 insurgents in Iraq. That was 3 years ago. Now we believe there are more than 20,000 insurgents in Iraq. In Afghanistan, the number of Taliban attacks has skyrocketed in the past 3 years.

We learned this week that opium production is up almost 60 percent from last year. Listen to this: Afghanistan is now producing a third more opium than the world's heroin addicts are crying out for. They are producing more heroin in Afghanistan than this country and the rest of the world can consume. Who is profiting from this drug trade? The Taliban and the Afghan insurgency who are trying to destabilize the government we put in place.

Meanwhile, Iran and North Korea, emboldened by our distractions in Iraq and the lack of effective diplomacy by the United States, are now defying the international community in their pursuit of nuclear weapons.

It is clear, at least to me and I believe to a lot of the people I talked to back in Delaware over the course of the last several weeks, that we need a new direction from this President, from this administration. At least so far we have not seen or planned to correct some of the mistakes we have made to put us back on the right track.

None of us have all the answers. I don't; I don't believe any of us do. But I do know one thing: Our President needs to get over his ideological aversion to diplomacy if we are going to solve the other problems facing us in Iraq and around the world.

As one of our American Ambassadors said to me not long ago when I was overseas: Just because we ignore someone doesn't mean they are going away.

With all due respect, I believe our President needs to reach out to the international community, to moderate Arab governments, to broker an agreement between sectarian governments in Iraq to head off civil war.

When I was abroad this last December, I met with officials from Israel, Jordan, Saudi Arabia, Kuwait, and Iraq. I heard from a number of folks from a number of the countries, and the leaders of those countries that we visited, that they have tribal relations—tribes in Saudi Arabia, for example; Jordan has tribal relations with the tribes in the country of Iraq. Saudis, Egyptians, and others are majority Sunni, and they have relations there as well. Some of those countries have a lot of money. A good deal of it is our money because we buy their oil products. They have a number of incentives not to want to see that part of the world devolve into terrorism, to see Iraq become a hotbed of terrorism and to be destabilized. It is not in the interests of any of the countries I have mentioned and some I have not mentioned.

We have to be smart enough as a country and with our administration to call on the other countries to bring to bear not just their money to help the situation in Iraq but the relationships that their people have with the tribes in Iraq and, frankly, with the Sunnis and with other elements of those of the population in Iraq. We need to work with our allies to establish a real and credible roadmap to peace in the Middle East.

I remember having lunch about 15 months ago, in Washington on the other side of the Capitol, with Palestinian President Abbas, along with some of our colleagues. He had been in office for 5 months. He was elected in January of last year. Over lunch, I asked: President Abbas, when do you think it would be an appropriate time for us, for this country, to put in the Middle East a high-level, full-time envoy, to work every day to implement the roadmap to peace? When would be a good time to do that?

This was June of last year. He had been elected January 6 last year. I will never forget what he said to me. He said: Five months ago.

I was convinced that day, convinced when I have gone to the Middle East, I am convinced today that we have let a great opportunity slip through our fingers. One of the reasons the Taliban, al-Qaida or the other terrorist groups were able to recruit people to blow themselves up, to terrorize those countries and to try to kill the rest of us is because of their ability to point to the Middle East and say: Look at the Americans, they are only for the Israelis. They have no interest in the Palestinians having a homeland of their own.

To the extent we could have brokered over the last couple of years and put the kind of energy, time, and investment into getting a negotiated settlement in the Middle East, as we have put other kinds of investments in Iraq and in Afghanistan, both we and those countries and, I think, our people and other people would be better off, but we have missed that opportunity. My fear is we are missing it again today. The roadmap for peace has become in the Middle East, at least for now, a roadmap to war.

Let me close by saying what is needed in this capital, in this country, is leadership that fosters a cooperative spirit. That may be a tribal man's hope over peace, triumph over reality as we approach an election 2 months out, but I believe that is what is needed—the kind of leadership that fosters a cooperative spirit. If we cannot get that leadership now before the election, my God, I hope we can find it when this election is over. I hope our President can give us that kind of leadership and work with those who are anxious and willing to truly make this country and the world a safer place during his 2 remaining years in office.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent to speak for a minimum of 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFRONTING TERRORISM

Mr. CORNYN. Mr. President, I was delighted to hear my friend and our colleague from Delaware speak a few moments ago. I like and admire him a great deal. I take him at his word when he says we ought to work more closely together in a bipartisan spirit to solve the Nation's problems.

While I have said how much I have admired and respected him, I disagree with him. That is what we are certainly at liberty to do in the Senate. I hope we do not degenerate into disagreements being personal or that disagreements, particularly when it comes to security matters, cast aspersions on one's patriotism.

I certainly do not doubt the patriotism of those who disagree with our current policy in the global war on terror, but there are some important reasons why their policies would lead us down a path—assuming they have a policy or a plan—dangerous to this country's security.

It is imperative for Members of the Senate, those who have been entrusted with this sacred responsibility to represent the American people, the people of my State of Texas, all 23 million, it is imperative to explain to the American people the threat that confronts our Nation today from a national security perspective and the consequences of our failing to deal with that threat in a way that will be likely to accomplish peace and stability in troubled regions of the world such as the Middle East.

I fear the big disagreement between some of my colleagues and I on this issue has to do with a different perception of the threat and perhaps a different perception of what the consequences would be for failing to deal with that threat, so I will talk about that for a moment.

Contrary to what some of our colleagues have said, this threat that our Nation confronts is not limited to Iraq. It is not limited to Afghanistan. Indeed, some have spoken about the need to bring our troops home from Iraq, as if, if we did so, all of our problems would go away and the threat with which our Nation is confronted would simply evaporate. That is simply wishful thinking.

Indeed, some have said this is not a war at all, this is more of a police action; this is something that is certainly not like World War II, when we knew who the enemy was and we knew the threat, or at least after a while we finally learned what the threat was to civilization as we know it.

This war is not limited to Iraq. So if we were to leave Iraq, the war would not be over but merely take place in a different location—unfortunately, right back in the United States.

The threat is that of those who believe in an extreme version of one of the world's great religions and who believe this extremism—some have called it Islamic fascism—this hijacking of one of the world's great religions has justified in their minds the killing of innocent men, women, and children and the establishment ultimately of a theocratic or religious State. It does not respect individual rights. It does not respect the right to worship according to the dictates of your own conscience. It certainly does not recognize freedom of speech and freedom of expression and certainly does not recognize the rights of women as equal members of society.

The important point I make is that some of our colleagues on the other side of the aisle who doubt we are at war, who doubt the global nature of the war, and who say if we were merely to bring our troops home from Iraq the threat would evaporate, one of the mistakes they make is they fail to perceive when this war started.

If you were to ask, I bet many of them would say the war started on September 11, 2001. However, the war had long been raging against America before September 11, 2001; America had simply failed to realize it. One useful date for identifying when the start of this war began would be November 4, 1979. That was the date that 66 American citizens were kidnapped and held hostage in the American embassy in Iran for a period of 444 days. Or you might say the war started in 1983, when 241 marines were killed in the Marine barracks in Beirut, Lebanon, by Hezbollah—the same terrorist organization, a proxy of Iran through Syria, that recently rained down Katyusha rockets on northern Israel, this same terrorist organization that has killed more American citizens than any other in world history, save and except for al-Qaida. Or you could say the war started in 1993, when al-Qaida engineered the bombing of the World Trade Center in a failed attempt to bring down that trade center, which they successfully accomplished 8 years later.

You could say part of that war that started, perhaps as far back as 1979, continued when 17 American sailors were killed when the USS *Cole* was bombed. And yes, the date we focus on the most, that had the most dramatic impact on us right here at home, was September 11, 2001, the fifth anniversary of which will be coming up in the next few days.

But some people act as if September 11, 2001, was the single and solitary event that defined this war of Islamic extremists who hate our way of life and simply want to eliminate it from the face of the Earth, along with our ally in the Middle East, Israel. They do not connect the dots to what happened in Beslan, Russia, at that school; Bali; Madrid; London; Mumbai—places where individuals, driven by this extremist ideology, which says that men, women, and children are simply fair game in pursuit of their agenda—are driven with such hatred that they will make no distinctions between armed citizens, military, people who can defend themselves or not—and, yes, these are the same individuals driven by the same ideology that recently rained down more than 2,000 rockets out of southern Lebanon into northern Israel. Hezbollah, supplied by Syria and Iran, delivered these very rockets.

Some wonder why America is so determined to make sure Iran does not get nuclear weapons. One reason why it is so critical we stop President Ahmadi-Nejad and his regime from getting nuclear weapons is: Do you doubt for a minute that if Iran had nuclear weapons they could have supplied Hezbollah to carry out those attacks on Israel they would have withheld their hand, that they would have failed to use them? I have no doubt in my mind that, based on this war against the West and against America, and specifically that has been raging since 1979, that if terrorist states, and those who support Islamic extremism, Islamic fascism, if they had it within their power to supply biological, chemical or nuclear weapons to terrorists in order to accomplish their goals, they would use them.

That is the challenge we must meet. A few months ago, my wife and I visited the battlefield at Gettysburg, where 50,000 American casualties suffered from wounds. Many died as a result of that great conflict so many years ago. I was reminded at the time that one of the greatest challenges Abraham Lincoln had at the time of that battle was convincing the American people that the desire to maintain the Union, the need to maintain the Union, justified continuation of war until it was successfully concluded.

Our job, in some ways, is exactly the same today because there is no military force on the face of the Earth that is more powerful than that of the U.S. military. We are simply the best, and no one else even comes close. The only way the U.S. military can be defeated is if they lose the support of the American people and we simply tell them to quit and to withdraw.

I believe the consequences of our quitting and withdrawing or giving up in Iraq and in fighting this global war against Islamic extremism would be disastrous to the American people. Rather than celebrating the 5-year anniversary since September 11 with no other terrorist attacks actually successfully occurring on American soil, I am sure the tale would be far different because we have chosen, through a number of different measures, that we have undertaken—whether it is passing the PATRIOT Act; whether it is through the use of a terrorist surveillance program that intercepts international phone calls between terrorist organizations and their allies in the United States; whether it is rooting out terrorist financing networks, which take the money out of the networks that actually fund terrorist attacks; whether it is the capture and interrogation of unlawful enemy combatants and getting good actual intelligence from them in the Guantanamo Bay facility; whether it is the information gathering, intelligence gathering and sharing we have done—all of these efforts since 9/11 have, I believe, contributed, in large part, to America not suffering another terrorist attack on our own soil in the last 5 years.

I also believe the fact we are fighting this radical ideology abroad in places such as Afghanistan and Iraq is part of the reason we are not fighting that battle right here at home.

I believe we are in a time of choosing, certainly in a time of testing. But we simply have a choice whether we want safety or we are willing to live with the danger of terrorists able to strike at virtually any time they wish, whether we believe strongly enough in our American values of freedom or whether we are willing to cower under this threat and live under tyranny, whether we believe strongly enough that open, transparent societies and self-determination are important or whether we are willing to live in some sort of prisonlike lockdown. This is a time for testing our determination. And this is a time of choosing what kind of America we want.

I know one of the most basic impulses of every parent is to hope for a better life for their children and grandchildren than they themselves perhaps had. That is one of the reasons why parents have worked so hard and pushed their children so hard to achieve and be successful, so that they may enjoy the standard of living and the opportunities that living in the United States has to offer.

I certainly know that was the reason my parents worked hard, that my father flew B-17s in World War II and knocked out Hitler's war machine before being captured as a prisoner of war. I believe the threat confronting our country and our way of life—indeed, the entire Western civilization—is equally as great as the threat faced by the "Greatest Generation," people such as my mother and father.

If we fail to point out to the American people what the threat is and give it a name and to let the American people understand how the various conflicts in the Middle East and the terrorist attacks that occur around the world are not disparate and isolated events but, rather, part of the threat of Islamic extremism that will endanger the next generation—which will change the very way of life of our children and grandchildren—unless we meet that threat, we will have failed to live up to our responsibilities.

Some of our colleagues say we should merely leave Iraq, bring our troops home as soon as possible. There is no one who wants our troops home any faster than I do. But we have to do so based upon the ability of the Iraqis to provide their own security. That is why we continue to train hundreds of thousands of Iraqi police officers and soldiers so they can provide that security. Sure, we could leave. We could leave today. But as General John Abizaid said, the head of Central Command: If we leave now, they will follow us here.

If we were to leave before we had a reasonable opportunity for the Iraqi people to provide for their own security and provide for their own government and self-determination, what would that say about the sacrifices of so many who have given so much to liberate the Iraqi people from a terrible dictator, to provide the people of Afghanistan an opportunity to vote in free and fair elections for their own leaders? Would that have all been in vain?

What would come of America's word and our commitment, when we ask brave Iraqis to step forward and to volunteer to serve in the police or in the army or to try to go about their life as much as possible by participating in free and fair elections, if we were to leave prematurely before they were able to provide for their own security, before they would be able to continue on the glidepath to self-determination and a better life?

Does anybody have any doubt that the criminals, that the jihadists, that the sectarian violence would lay claim to those individuals, those brave individuals who have allied themselves with America in an attempt to provide a peaceful and democratic Iraq?

What would it mean if we left immediately? Well, I think it would mean that, like Afghanistan—which was the launching pad for al-Qaida, with a friendly government such as the Taliban—we would have another failed state where terrorists could plan, finance, train, and then export their terrorist attacks to places such as the United States.

Yes, I believe this is the test of our generation, just like my parents' generation, the "Greatest Generation," met their test in World War II. And for the sake of the next generation, and generations beyond, I pray we pass that test.

Some have said, and our colleagues earlier today said: What do we want? We need to change. But they ask for change without any plan, without articulating what they would do differently, other than to criticize the hard effort being undertaken by our men and women in uniform to bring about a peaceful and secure Iraq.

They say we need a new direction, but they are unwilling to identify what direction we ought to go. They claim the President has politicized the war on terror. Well, I beg to differ. I believe this President has done what he believes is his duty by identifying the threat and confronting the threat and trying to make America a safer place. That is not politicizing the war on terror. That is telling the American people what the facts are.

Some have suggested we ought to sit down with the terrorists and talk to them. Well, I think we have seen what kind of threat this ideology breeds and why that is not an idea likely to be successful.

Some have gone so far as to say what has happened in Iraq has not made us safer. But as I went down the various places where terrorists have hit since September 11 all around the world, is there any doubt, but for the efforts we have undertaken in this country, both here and abroad, and taking the fight on the offensive, that we would not be celebrating the fifth anniversary of September 11 without another terrorist attack but, rather, we would be looking backward and saying, if we had only taken the threat more seriously, maybe we would have avoided that terrorist attack which would have occurred but for those acts?

Some have said there have been a lot of mistakes in Iraq. Well, perhaps that is true. I am not sure of any war plan that survives the first shot. I know we are fighting an intelligent and adaptive and resourceful enemy who manipulates the media, who has learned how to use the Internet to communicate, and who has attempted to attack our country and other countries time and time again.

I hope over this next month, before we recess for the November election season, we are successful in identifying the nature of the threat that confronts our country, indeed, the free world, and we describe with clarity the consequences of our failing to deal with it and that we demand that those who are critical of what we are doing in fighting the global war on terror explain to us precisely: What would you do differently and how do you believe that would make us safer.

That is the debate I believe we owe the American people. That is the debate I believe we owe the next generations that come after us. And that is the debate we owe those who have worked so hard over the last 200 years to make America the place it is today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business until 2:20 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH WITH DIGNITY ACT

Mr. WYDEN. Mr. President, after the Senate's unfortunate debate about the tragic case of the late Terri Schiavo, I thought the Senate was unlikely to debate this matter any time soon. Unfortunately, it seems there may be another discussion of this matter. In spite of the fact that the American people made it very clear that the Government ought to stay out of these tragic end-of-life matters, new legislation, S. 3788, has been introduced which would, in effect, throw Oregon's Death with Dignity Act into the trash can.

As a result of the introduction of this legislation and my concern that the last thing we need is more Government stepping into these very difficult end-of-life decisions, I am announcing this afternoon that I am placing a hold on S. 3788 which would overturn Oregon's unique Death with Dignity Act and would, in my view, do great damage to the cause of pain management all across our country.

In the past, the Senate has looked at this only in the context of what some describe as assisted suicide. Obviously, there are differences of opinion on this issue. The people in my State have been debating this for well over a decade and twice have made it clear that they believe these decisions ought to be left to the individual and to families trying to cope with these difficult circumstances. They have sent a strong message that death is an intensely personal and private matter and that the Government ought to leave our citizens alone. The Government ought not attempt to override or preempt the individual and family values, religious beliefs, and wishes.

What has been debated in Oregon is not all that different from what was faced in the Senate when there was a discussion about the case of the late Terri Schiavo. I objected on the floor at that time to consideration of the original Schiavo legislation, which was an extraordinary overreach of Federal power, and today I put a hold on S. 3788 which would overturn my State's law.

These are very difficult issues, and many of us are torn with respect to how to handle them. I, for example, opposed physician aid in dying both as an Oregon voter and as a Senator. When my State originally considered the Death with Dignity Act, I worried a great deal about the adequacy of the ballot measure safeguards to protect particularly the poor and the vulnerable. Now we have 8 years of experience with this legislation and, thankfully, my fears with respect to how the vulnerable would fare under this legislation have not been realized, and the realities are that the safeguards in the law have worked quite well in preventing potential abuses.

Had Oregon acted hastily or without thorough examination and debate, I might not be in a position to defend my State's law. But no one can accuse my State of acting precipitously in approving this matter. We have endured several ballot initiatives, court challenges, and, most recently, a challenge that was heard by the U.S. Supreme Court. Each time, the will of a majority of Oregonians prevailed. It is that will of my State's voters which S. 3788 would overturn.

During the 8 years the law has been in effect in my home State of Oregon, the opponents of the law have combed through the statute looking for potential pitfalls. The law still stands because the notion of opponents that there would be abuses and a stampede to Oregon have not been borne out. In fact, and this obviously could not ever be proved, my sense is that there are probably fewer assisted suicides in my home State, the only State with a statute, than there are in other parts of the country. That is because the real effect of Oregon's Death with Dignity Act has been to generate a significant increase in the use of hospice and to generate a significant increase in the number of people who spend their last days at home with family dealing with these issues on their own. So we have not seen this tidal wave of assisted suicides in my home State, but what we have seen as a result of all of the focus on end-of-life care is a significant increase in folks spending their last days through the compassionate services of hospice programs and help with their families at home.

The reality is there is no constitutional issue at stake in this discussion with respect to State rights. Historically, defining medical practice has been a matter left to the States. What is so ironic is that some who come to the floor of the Senate to talk about State rights are essentially saying they only believe in State rights if they think the State is right.

This is a matter which Oregonians have decided for themselves. It has historically been an issue which has been left to the States.

In my home State, there was a vigorous discussion around dinner tables and at the ballot box, and our State has spoken clearly with respect to where we stand on this difficult issue. I do not believe that a Senator from another State should seek to overturn another State's law based on his personal beliefs.

We are just a couple of months from Election Day in which local, State, and Federal elections will be held. Many States will have numerous ballot measures covering every issue imaginable. Voters need to know they can debate even the most emotionally wrenching issues through the ballot process and have their election results respected. The proposed legislation I have put a hold on, S. 3788, sends voters the message that if Congress doesn't like the conclusion your State comes to through a ballot measure, your vote really doesn't matter. I intend to make sure that the votes of the people of my State, on a matter that has historically been left to them, will count.

You can be opposed to physician aid in dying and be opposed to this legislation as well. The reason I conclude that, is because I believe this proposal will be a huge setback to the cause of pain management in every corner of the country, not just in my home State. Like efforts before it, S. 3788 seeks to undermine my State's law by amending the Controlled Substances Act in order to say that drugs which fall under the Controlled Substances Act cannot be used in physician aid in dying. The Controlled Substances Act, of course, is legislation Congress passed to go after drug kingpins and to make sure that those with access to drugs, including doctors and pharmacists and others, do not distribute them illegally. The penalties in the Controlled Substances Act are substantial. However, the bottom line is the Controlled Substances Act was not meant to throw the will of the people of my State or any other in the trash can with respect to a medical practice involving end-of-life care.

Like past efforts, the legislation I have put a hold on purports to create a safe harbor to protect physicians and others. Sadly, such a safe harbor is meaningless because of the realities patients, families, doctors, pharmacies, and others face when they are trying compassionately to assist a dying patient in that patient's last days. Medicine and the use of controlled substances, particularly in the case of the dying, is an art, not an exact science. It is not as if you can prove scientifically and medically that a dose of a drug in so many milligrams can always relieve pain and half a milligram more is going to result in death. People are different. Each of these medical tragedies is different. The dying often can withstand doses of controlled substances that would kill a healthy person.

There are many examples that make it clear that interpretations after the fact by law enforcement give physicians great concern with respect to how these drugs are used. Second-guessing will deter physicians, even physicians who are opposed to assisted suicide, from moving into treating pain aggressively.

During the previous congressional effort to throw out my State's law, the New England Journal of Medicine editorialized against that attempt out of the very same concern I have reflected today about the impact on pain management. The New England Journal of Medicine said:

> Many doctors are concerned about the scrutiny they invite when they prescribe or administer controlled substances and they are hypersensitive to drug-seeking behavior in patients. Patients as well as doctors often have exaggerated fears of addiction and the side effects of narcotics. Congress would make this bad situation worse.

That is what independent medical authorities said the last time there was an effort to pass legislation like the new bill, S. 3788, and it holds true as well today.

I have appreciated Senator SMITH's leadership, my colleague from Oregon on the other side of the aisle, who joins me with respect to the concern about pain management. He and I have introduced the Conquering Pain Act to help provide families, patients, and health professionals with assistance so that no patient would be left in excruciating pain waiting for a doctor's office to open up.

The reality is, as we saw during the debate involving the late Terri Schiavo, Americans have dramatically differing views on this issue, and those views are passionately held. But there can be efforts, successful efforts, to bring both sides together on this issue. I mentioned the Conquering Pain Act Senator SMITH and I have sponsored. I also believe there should be changes in the Medicare hospice benefit to extend opportunities for end-of-life care there. Right now, the Medicare law almost forces someone to give up hope for the prospect of recovery in order to get the hospice benefit, and I believe that is unfortunate.

I am almost finished with my remarks. I see my good friend from the State of Kentucky here. I would ask unanimous consent at this time—and see what is convenient for my colleague from Kentucky—for 5 additional minutes to wrap up my remarks, and if that is convenient with the Senator from Kentucky, I would make that unanimous consent request.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, again, just to complete that thought, there are ways that both sides in this end-of-life care debate can be brought together. I have mentioned several. What I think is clear, after the Terri Schiavo discussion, is that the American people don't want the Federal Government butting in, interfering, and preempting the ability of families and those in their last days to make these judgments. For the citizens of my State, the Death With Dignity Act has brought about improvement in many areas and encouraged conversations about a wide variety of end-of-life options. Those conversations probably wouldn't have even taken place if the people of my State hadn't voted for this twice. In my State, the end-of-life process has been decriminalized. Recognizing the deeply personal nature of this, the Federal Government should not decide again, as has been considered before, that this should be the province of the Federal Government and not left to individuals and families.

My State has chosen a unique path. Rather than the bitter and divisive debate over physician aid in dying—which this country would have, once again, if S. 3788 moved forward—I would offer that instead the Senate work together on a bipartisan basis to make the end of life a better period for all Americans.

So consistent with the policy I have held of publishing in the CONGRESSIONAL RECORD a statement whenever I put a hold on a piece of legislation, I am announcing today my intent to object to any unanimous consent agreement concerning S. 3788. The Senate should have learned during the debate over the tragic case of Terri Schiavo that the American people don't want the Government interfering during these very difficult days. S. 3788 would allow just this kind of interference, and that is why I will do everything I can to defend Oregon's law against this congressional overreaching and respect the message the American people sent during the Terri Schiavo debate that there ought to be a right to be left alone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

THE CRASH OF COMAIR FLIGHT 5191

Mr. McCONNELL: Mr. President, it is difficult to put into words what the citizens of Kentucky are feeling. Nine days ago, tragedy struck the heart of our Commonwealth when Comair Flight 5191 crashed shortly after takeoff at Blue Grass Airport, in Lexington, KY. Forty-nine people perished.

This single, devastating event is of course not one story but many. This crash has brought grief into scores of families and countless lives, all over Kentucky and beyond. Holes that cannot be filled have been created in places like Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond.

Funeral services have been conducted across Kentucky over recent days, and I know I am joined by all Kentuckians in extending heartfelt sympathy for the families and loved ones of the victims.

After a catastrophe as great as the crash of Comair Flight 5191, sorrow can be overwhelming. Many people in my state are feeling that way now. And the entire state is struggling for answers in the face of such an unexpected tragedy that is so unbearable.

Since the crash I have been learning, as many Kentuckians have, about the lives of the victims, who they were and where they were going that day.

Four Kentuckians on the plane worked for Galls, a Lexington-based company that makes public safety equipment and apparel. Three of them were flying to New Orleans to help deliver new uniforms to New Orleans police officers after Hurricane Katrina.

Jonathan Hooker, 27, and Scarlett Parsley Hooker, 24, spent only hours together as husband and wife before they both boarded Flight 5191 to fly to California for their honeymoon. The Reverend Terry Gabbard married them the night before the flight in a beautiful evening ceremony in Lexington. One week later, he would speak at their funeral.

The deaths of these two newlyweds so soon after starting their lives together devastated many in their hometown of London, Kentucky. Jon had a lot of friends after attending London's North Laurel High School, where he was a star athlete.

He went on to pitch for the University of Kentucky baseball team from 1997 to 2001, and then to work as a professional minor-league baseball player. In the last few months of his life, he helped others as a substance-abuse counselor. He liked to play golf, and worked with a youth baseball league in London.

Scarlett, his wife, was a 2004 graduate of Centre College, in Danville, Kentucky, and was attending the University of Kentucky to pursue a master's degree in communication disorders. An avid swimmer, among the many friends she leaves behind are the members of a local London swim team she helped found: the Barracudas.

My friend Lee Todd, the president of the University of Kentucky, put it well when he said that this young couple "held all the promise that youth and love carry." Because of the tragedy of Flight 5191, we will never get to see that promise fulfilled.

A promise was also snuffed out in Lexington at the same time—the promise of a father to a young son to watch him grow up. Clarence Wayne Fortney II, called C.W. by his friends and 34 years old, died in Flight 5191, leaving behind his wife Sarah and their 16-month-old son Calvin James.

C.W. was flying to Atlanta to report for work as a pilot for AirTran Airlines.

C.W. grew up in Stanton, Kentucky, and always wanted to be a pilot. Both his father and his grandfather were private pilots. When he was 5, his mother paid $35 for his first ride in a prop jet plane. C.W. realized his dream after graduating from Eastern Kentucky University with an aviation degree.

A kind man, during his and Sarah's courtship, C.W. helped care for her father with terminal cancer. As a pilot, he received commendations from Federal Aviation Administration officials who flew on his plane. A few days before the crash, he and Sarah celebrated their 8-year wedding anniversary.

This past Sunday, at C.W.'s funeral, 300 mourners pinned on pairs of pilot's wings. Mourners also got to see Mr. Lamb, a tiny stuffed lamb that C.W. bought for his wife on a whim about 3-years ago at an airport gift shop. Now, their toddler son Calvin James takes Mr. Lamb everywhere.

Sarah has said that as she raises Calvin James, she will be sure to teach him the words his father took as his motto: "In dreams and in love, there are no impossibilities." We hope it is not impossible that one day, Calvin James will soar as high as his father did.

Last week's crash also robbed the world of Patrick Smith, 58, of Lexington. Pat's ultimate destination that morning was Gulfport, MS. That was only a short distance for him. Because of his volunteer work with Habitat for Humanity, Pat had traveled to Ghana, Sri Lanka, Northern Ireland, South Africa, Mexico, and India to build houses for those less fortunate than he.

Pat was a member of Habitat for Humanity International's Board of Directors, as well as the board of his local Lexington chapter, and had served with the organization for more than 15 years. He excelled at organizing fellow volunteers from Kentucky and leading them in their humanitarian efforts.

Under his direction, 80 Kentucky volunteers constructed 26 houses in small fishing villages in southern India for people who had lost everything in the tsunami of 2004.

He also helped those closer to home. Pat's final trip to Gulfport was to follow up on the work he had already done in 7 trips to Mississippi before, for a project to build 13 houses on South Carolina Avenue to replace the ones that were washed away by Hurricane Katrina.

Pat's wife Jean often accompanied him on his projects, although last Sunday on Flight 5191 Pat traveled alone. Pat had done so much good work for the organization that he was named Habitat's volunteer of the year in 2003.

Several of Pat's volunteer projects were sponsored by his church, Cathedral of Christ the King. He worked as a partner at a Lexington industrial automation company, Versa Tech Automation.

Pat once stated very simply the reason he had dedicated so much of his time and efforts to volunteer work: "We have an obligation to help." Now his wife, Jean, and their children and grandchildren will rely on the help of others as grief sets in.

I am glad that newspapers all across Kentucky have printed details like these about the victims of the terrible crash of Comair Flight 5191. This way we can know not just how these people died, but also how they lived.

I am also grateful that even in such dark times, the generosity and kindness of Kentucky continues to shine through. Local volunteers have been invaluable to the relief and recovery effort, and to the families that have been left behind to grieve.

Volunteers from local chapters of the Salvation Army served as chaplains and grief counselors. They also served more than 1,000 meals and over 6,000 snacks and drinks to relief workers at the crash site.

The Bluegrass Chapter of the American Red Cross fielded dozens of volunteers, who helped arrange memorial services for the victims' families. They also worked as grief counselors and provided meals. Both groups say they will stay as long as there are workers at the crash site.

Local businesses pitched in as well with food, and toys for kids like Calvin James Fortney and others who lost a parent.

The National Transportation Safety Board is currently conducting an investigation into the cause of this crash. I intend to do everything I can to ensure that investigation proceeds smoothly, and that all of the questions we have can be answered as thoroughly as possible.

Mr. President, I have only been able to talk about a few of the 49 souls that were lost on a Sunday morning. If there is no objection, I ask unanimous consent that the names of every person who died on Comair Flight 5191 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMAIR FLIGHT 5191

Rebecca Adams, 47, Harrodsburg, Ky.
Lyle Anderson, 55, Ottawa, Ont.
Christina Anderson, 38, Inglewood, Ont.
Arnold Andrews, 64, Tampa, Fla.
Anne Marie Bailey, 49, Vancouver, B.C.
Bobbie Benton, 50, Stanford, Ky.
Jesse Clark Benton, 48, Stanford, Ky.
Carole Bizzack, 64, Lexington, Ky.
George Brunacini, 60, Georgetown, Ky.
Brian Byrd, Richmond, Ky.
Jeffrey Clay, 35, Burlington, Ky.
Diane Combs, Lexington, Ky.
Homer Combs, Lexington, Ky.
Fenton Dawson, Lexington, Ky.
Thomas Fahey, 26, Leawood, Kan.
Mike Finley, 52, London, Ky.
Clarence Wayne Fortney II, 34, Lexington, Ky.
Wade Bartley Frederick, 44, Danville, Ky.
Hollie Gilbert, Somerset, Ky.
Erik Harris, 28, Lexington, Ky.
Kelly Heyer, 27, Cincinnati area
Jonathan Hooker, 27, London, Ky.
Scarlett Parsley Hooker, 24, London, Ky.
Priscilla Johnson, 44, Lexington, Ky.
Nahoko Kono, 31, Lexington, Ky.
Tetsuya Kono, 34, Lexington, Ky.
Charles Lykins, 46, Naples, Fla.
Dan Mallory, 55, Bourbon County, Ky.
Steve McElravy, 57, Hagerstown, Md.
Lynda McKee, Richmond, Ky.
Bobby Meaux, Harrodsburg, Ky.
Kaye Craig Morris, Lexington, Ky.
Leslie Morris, Lexington, Ky.
Cecile Moscoe, 29, London, Ky.
Judy Ann Rains, Richmond, Ky.
Michael Ryan, Lexington, Ky.
Mary Jane Silas, 58, Columbus, Miss.
Pat Smith, 58, Lexington, Ky.
Tim Snoddy, 51, Lexington, Ky.

Marcie Thomason, 25, Washington, D.C.
Greg Threet, 35, Lexington, Ky.
Randy Towles, 47, Watertown, N.Y.
Larry Turner, 51, Lexington, Ky.
Victoria Washington, 54, Richmond, Ky.
Jeff Williams, 49, Centerville, Ohio
Paige Winters, 16, Leawood, Kan.
Bryan Woodward, Lafayette, La.
JoAnn Wright, 56, Cincinnati, Ohio
Betty Young, 74, Lexington, Ky.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. ALLEN. I yield.

Mr. STEVENS. Is there not an order to lay down the Defense bill now?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

Mr. STEVENS. What is the pending business?

The PRESIDING OFFICER. The Defense appropriations bill is pending.

Mr. STEVENS. May I ask what the Senator from Virginia intended to do?

Mr. ALLEN. Mr. President, I wanted to call up amendment No. 4883. I was waiting for our chairman to be here, and ask I be recognized to offer this amendment. It will take approximately 5 or 6 minutes to offer the amendment.

Mr. STEVENS. I might say to my friend from Virginia, when we left this bill, the understanding was Senator KENNEDY's amendment would come first. We will be happy to have the Senator offer his amendment with the understanding it will come up after the amendment of Senator KENNEDY, if that will be agreeable to Senator KENNEDY?

Mr. KENNEDY. That is fine.

Mr. STEVENS. Is Senator KENNEDY's amendment the pending amendment?

The PRESIDING OFFICER. There is no amendment pending.

Mr. KENNEDY. I have it ready to send to the desk.

Mr. STEVENS. I yield the floor to have the Senator propose his amendment and then Senator ALLEN propose his amendment and we will come back to his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4885

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and our Democratic leader, Senator REID.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. REID, proposes an amendment numbered 4885.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include information on civil war in Iraq in the quarterly reports on progress toward military and political stability in Iraq)

On page 235, between lines 2 and 3, insert the following:

(E) A determination by the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq.

(F) A description of the criteria underlying the determination in subparagraph (E) of the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq, including—

(i) an assessment of levels of sectarian violence and an estimate of civilian casualties as a result of sectarian violence;

(ii) the numbers of civilians displaced;

(iii) the degree to which government security forces (including the army, police, and special forces) exercise effective control over major urban areas;

(iv) the extent to which militias are providing security;

(v) the extent to which militias have organized or conducted hostile actions against the United States Armed Forces and Iraqi security forces;

(vi) the extent to which the Government of Iraq has developed and is implementing a credible plan to disarm, demobilize, and reintegrate militias into government security forces; and

(vii) the extent to which the Government of Iraq has obtained a credible commitment from the political parties to disarm and disband the militias.

(G) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is not a civil war in Iraq, the following information (in unclassified format):

(i) A description of the efforts by the United States Government to help avoid civil war in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces in the event of civil war in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the event of civil war in Iraq.

(iv) The progress being made by the Government of Iraq in disarming or demobilizing militias or reintegrating militias into government security forces.

(H) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is a civil war in Iraq, the following information (in unclassified format):

(i) A statement of the mission and duration of United States Armed Forces in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces while they remain in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the civil war.

Mr. KENNEDY. Mr. President, as suggested by the Senator from Alaska, I am glad to yield without losing my rights. I yield to the Senator from Virginia so he may offer his amendment. As I understand it, there is an agreement to dispose of it.

Is it the understanding of the Senator from Virginia that they are going to accept the amendment of the Senator from Virginia?

Mr. ALLEN. I say to the Senator from Massachusetts, I hope that Senator STEVENS and the committee will accept my amendment. I would not want to speak for them. But I surely so urge them. I think our body would support it. It is a very good amendment to help out in the funding for our soldiers, the men and women who come back with head injuries.

Mr. KENNEDY. Mr. President, I have no objection, obviously, to—

Mr. STEVENS. If the Senator will yield without losing his right to the floor?

Mr. KENNEDY. Yes.

Mr. STEVENS. It is our intention to suggest to the Senator from Hawaii, when he arrives, that we accept this amendment of the Senator from Virginia, but we don't accept amendments without bipartisan approval so I would appreciate it if the Senator will discuss his amendment after Senator KENNEDY has discussed his and we will await an opportunity to discuss it with the Senator from Hawaii.

Mr. KENNEDY. Mr. President, I have not had a chance to see the amendment of the Senator from Virginia that deals with head injuries. There is also an amendment, I believe, from the Senator from Illinois, Mr. DURBIN, on this subject as well. It is a matter of enormous importance and consequence. Hopefully, our committees will take action to deal with it at an appropriate time.

Mr. President, next week marks the fifth anniversary of the vicious attack on America by al-Qaida terrorists.

Despite the passage of time, Americans still vividly recall with enormous pain and sorrow that dark and somber day. We recall the nearly 3,000 Americans who were killed by al-Qaida terrorists. We recall the brave firefighters and first responders who sacrificed their lives so that others could live. We recall the twin towers crumbling before our eyes, and the Pentagon ablaze beneath a plume of smoke. And we recall the pledge by the administration and all Americans that this type of attack will never, ever occur again.

As we approach this anniversary, there is little doubt that the President will, once again, resort to the politics of fear in an effort to convince the American people that the Iraq war is central to the Global War on Terror.

Nothing is further from the truth. Scare tactics may have worked in the elections of 2002 and 2004, but this time, the American people know better.

The American people know that the war in Iraq was a distraction from the real Global War on Terror and that Iraq had nothing to do with al-Qaida.

The American people know that America should have kept its eye on the ball and captured Osama bin Laden—rather than rushing headlong into a war that we did not need to fight.

The American people know that the administration should have implemented fully the recommendations of the 9/11 Commission to protect our ports and support our first responders—rather than spending more than $200 million each day on a failed policy in Iraq.

The American people know that the war in Iraq has made Americans more hated in the world, created more terrorists, and made it harder to win the real Global War on Terror.

The American people know that while we have been bogged down in Iraq, North Korea's nuclear stockpile has quadrupled and Iran has continued its pursuit of nuclear weapons.

The American people know that we never should have gone to war in Iraq when we did, and for the false reasons we were given.

Most importantly, the American people know that the President's stubborn insistence that we "stay the course" does not make victory any more likely and that we need to change our policy in Iraq.

At almost every stage of the Bush administration's conduct of the war in Iraq, we have seen major miscalculations and serious mistakes that place our troops at greater risk and jeopardize America's standing in the world.

Military leaders and retired generals know it. Middle East experts know it. Our allies know it. Both Democrats and Republicans in Congress know it. And most important, the American people know it.

They saw it when the Bush team disbanded the Iraqi Army after the fall of Saddam but allowed thousands to walk away with their weapons.

They saw it when the Bush administration waited a full year to begin training the new Iraqi security forces.

They saw it when the White House failed to see the insurgency spreading like a cancer through Iraq.

They saw it when the Bush team failed to see the danger of roadside bombs and improvised explosive devices yet sent our troops on patrol day after day, month after month, year after year.

They saw it when the White House failed to provide proper armor for our troops, until Congress finally demanded it.

Unfortunately, the administration's repeated failure to see each new threat in Iraq has put our troops and our security in greater peril.

Today, once again, the administration refuses to recognize another seismic shift in Iraq—the dangerous prospect that we are drawn into a deadly and divisive civil war.

While the President and DICK CHENEY and Donald Rumsfeld are on the campaign trail claiming progress in Iraq, military leaders and experts are urging the White House to heed the disturbing warning signs in Iraq.

The President and his cabinet may not believe the fears of civil war are justified, but some of our military leaders do. General Rick Sanchez, former commander of the multi-national forces in Iraq, said as long ago as January 7, "The country's on the verge of a civil war." General Peter Pace, Chairman of the Joint Chiefs of Staff, said on March 13 that, "Everything is in place if they want to have a civil war."

Our Ambassador to Iraq, Zalmay Khalilzad, is concerned about the threat as well. On March 7, he said, "The potential is there" for sectarian violence to become civil war. "We have opened the Pandora's box and the question is, what is the way forward?"

General Abizaid acknowledged the clear danger when he told the Senate Armed Services Committee on August 3, "I believe that the sectarian violence is probably as bad as I've seen it, in Baghdad in particular, and that if not stopped, it is possible that Iraq could move towards civil war."

General Pace, at the same hearing, agreed about the threat of civil war. He said, "I believe that we do have the possibility of devolving to a civil war, but that does not have to be a fact."

Others think that a civil war may have already begun. Former Iraqi Prime Minister Allawi said in March that Iraq is probably in "an early stage of civil war."

The British Ambassador to Iraq wrote in August, "The prospect of a low intensity civil war and a de facto division of Iraq is probably more likely at this stage than a successful and substantial transition to a stable democracy.

Our colleague from Nebraska, Senator CHUCK HAGEL, concurred, saying, in August that "We, in fact, are in probably a low grade, maybe a very defined, civil war."

General William Nash, who commanded our troops in Bosnia after that country's civil war ended, stated on March 5, "We're in a civil war now; it's just that not everybody's joined in." He said, "The failure to understand that the civil war is already taking place, just not necessarily at the maximum level, means that our counter measures are inadequate and therefore dangerous to our long-term interest."

These leaders see what's really happening in Iraq—not just the White House spin.

They know that the polarization of communities along sectarian lines is increasing. In fact, 80 percent of the Iraqi people voted along sectarian lines in the recent elections.

Civilian casualties as a result of sectarian violence have skyrocketed. According to the United Nations, 5,800 civilians were killed during May and June of this year and another 5,800 were wounded. An estimated 100 people a day were killed in Baghdad in July. Militia attacks continue unabated. The Shiite militia forces are growing in strength. The widespread infiltration of government security forces by those whose principal loyalty is to their sectarian militias, not the government, is well documented. Interior ministry detention centers have been used to torture inmates just because they are Sunnis. Too often we hear that men wearing Interior ministry uniforms have abducted Sunni men and boys, who later turn up dead.

The numbers of civilians displaced or fleeing the violence is increasing as Shiites are forced from Sunni areas and Sunnis from Shiite areas. According to the United Nations, approximately 150,000 Iraqis had been displaced as of June.

Despite these trends and the warnings of the experts, President Bush stubbornly continues to deny that civil war is even a real possibility in Iraq.

Last December, he said, "I know some fear the possibility that Iraq could break apart and fall into a civil war. I don't believe these fears are justified."

The President reiterated the same view on February 28 when he said, "I don't buy your premise that there's going to be a civil war."

Again in March, President Bush dismissed the notion, saying, "They know that they lack the military strength to challenge Iraqi and coalition forces directly—so their only hope is to try and provoke a civil war . . . By their response over the past two weeks, Iraqis have shown the world they want a future of freedom and peace—and they will oppose a violent minority that seeks to take that future away from them by tearing their country apart."

In August, President Bush still denied that there was a civil war. He said, "You know, I hear people say, well, civil war this, civil war that. The Iraqi people decided against civil war when they went to the ballot box." Again, on August 21, he said, "You know, I hear a lot of talk about civil war. I'm concerned about that, of course. And I've talked to a lot of people about it. And what I've found from my talks are that the Iraqis want a unified country and that the Iraqi leadership is determined to thwart the efforts of the extremists and the radicals and al Qaida and that the security forces remain united behind the government."

For a third time, on August 31, the President denied the possibility of civil war. He said, "This cruelty and carnage has led some to question whether Iraq has descended into civil war. Our commanders and our diplomats on the ground in Iraq believe that's not the case. They report that only a small number of Iraqis are engaged in sectarian violence, while the overwhelming majority want peace and a normal life in a unified country."

I just wish the President would take a little time to read this report that was put out by the Department of Defense, on Stability and Security in Iraq.

I come back to that in a few moments.

Vice President CHENEY, too, has long denied the possibility of civil war. On March 19, he stated, "What we've seen is a serious effort by them to foment civil war, but I don't think they've been successful."

Secretary Rumsfeld dismisses it as well. In March he said, "I do not believe they are in a civil war."

That same month, Secretary Rumsfeld said, "The terrorists are determined to stoke sectarian tension and are attempting to spark a civil war. But despite the many acts of violence and provocation, the vast majority of Iraqis have shown that they want their country to remain whole and free of ethnic conflict."

In April, he said, "I don't think a full-fledged civil war will take hold of the country."

In May, in an eerie echo of the past, when asked what political and military contingences would be in place if a civil war occurred, Secretary Rumsfeld responded, "I don't think the scenario that you have described is going to happen, but life's filled with things you don't think are going to happen."

That's vintage Rumsfeld. "Stuff happens," he said, in response to the chaos that erupted in Baghdad after the first days of the invasion, as though no one could have anticipated such a possibility and it made no sense to waste time planning for such possibilities. That attitude has plagued our forces and our country throughout this misguided war, and it must stop.

This, July, as the situation took another turn for the worse, he said, "There certainly has been an upsurge in sectarian violence; there's no question but that they're trying to incite a civil war. And they have been for a long time, and they have failed so far."

Secretary Rice also refuses to see the possibility of civil war in Iraq. In February, she said, "I don't think there is a brewing civil war in Iraq." Despite the escalating casualties and increasing sectarian violence, on August 4 she said, "I don't think Iraq is going to slide into civil war." Two days later she repeated the claim and said, "But the important point here is that Iraqis haven't made a choice for civil war. Iraqis have made a choice for a unified government that can deliver for all Iraqis. And when I say Iraqis, I mean not just their leadership, which clearly has not made a choice for civil war, but their population."

On the same day she again denied the possibility of civil war, stating, "It would be really erroneous to say that the Iraqis are somehow making a choice for civil war, or I think even sliding into civil war."

That's what the Bush team is claiming. They are so focused on the spin war on the campaign trail that they fail to see the real war in Iraq. They are so focused on using the war to win elections here at home that they fail to see the real needs of our troops in Iraq.

But this time, the American people aren't buying it. They've heard it all before and are demanding honest assessments and realistic strategies. They know that the President and DICK CHENEY and Donald Rumsfeld can say it's not a civil war, but that doesn't make it so. They know that our brave men and women in uniform are doing everything they can to bring peace and stability in Iraq. They continue to fight insurgents and terrorists, but are at grave risk of being trapped in the middle of an unwinnable civil war.

That is why I am offering this amendment today with the Democratic leader. It requires the administration through the Secretary of Defense and the Secretary of State to provide an honest and candid assessment of the extent to which Iraq is now in a state of civil war. And even more important, the amendment requires them to say what we are going to do about it. How are we going to advance America's interests in Iraq in a time of civil war? How are we going to protect our troops from getting drawn ever deeper into an endless sectarian conflict?

An article in Newsweek magazine on August 14 indicates that although the Bush administration insists that Iraq is a long way from civil war, some inside the White House and the Pentagon have begun some contingency planning.

The administration should level with the American people about the real conditions and their planning.

And that's the purpose of our amendment today.

The amendment requires the Secretary of Defense, in consultation with the Secretary of State, to determine every 3 months whether a civil war is taking place and to inform Congress of the plan for our troops in the event of such a war.

For each determination, the Secretary of Defense and the Secretary of State will provide their assessment of the levels of sectarian violence such as the level of polarization of communities along sectarian lines and an estimate of civilian casualties as a result of the violence; the number of civilians displaced by the violence; the degree to which Iraqi government forces exercise effective control over major urban areas; the extent to which militias have been mobilized, are providing security, and attacking other Iraqis; and the extent to which the Government of Iraq has obtained a credible commitment from the political parties to disarm and disband the militias and are implementing a credible plan to disarm, demobilize and reintegrate militias into government security forces.

If the administration determines that Iraq is not in a civil war, the amendment requires a description of the efforts by our government to avoid civil war in Iraq, a plan to protect our troops in the event of a civil war, and a strategy to ensure that our troops don't take sides.

If the determination is that Iraq is in a civil war, the amendment requires the Secretary of Defense to explain the mission of our troops and its duration, his plan to protect our troops, and a strategy to ensure that they don't take sides in a civil war.

The amendment is needed to ensure proper planning in the event of civil war.

The trends in Iraq are discouraging and certainly point toward civil war.

Indeed, the September 1 report prepared by the Department of Defense on Stability and Security in Iraq reaffirms what the American people already understand: the conditions of civil war exist, violence in Iraq is spiraling out of control and staying the course is not a viable option.

The Department of Defense report says that concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months. Conditions that could lead to civil war exist in Iraq:

Rising sectarian strife defines the emerging nature of violence in mid-2006;

Sustained ethnic and sectarian violence is the greatest threat to security and stability in Iraq;

Sectarian tensions increased over the last three months, demonstrated by the increasing number of executions, kidnappings, attacks on civilians, and internally displaced persons;

Civilian casualties increased by approximately 1000 per month since the previous quarter. Assassinations in particular reached new highs in the month of July. The Baghdad Coroner's Office reported 1600 bodies arrived in June and more than 1800 bodies in July, 90 percent of which were assessed to be the result of executions;

Sectarian violence is gradually spreading north into Diyala Province and Kirkuk as Sunni, Shiite, and Kurdish groups compete for provincial influencey;

Both Shia and Sunni death squads are active in Iraq, and are responsible for the most significant increases in sectarian violence;

Militias and small, illegally armed groups operate openly and often with popular support. The threat posed by Shiite illegal armed groups, filling perceived and actual security vacuums, is growing;

The security situation is currently at its most complex state since the initiation of Operation Iraqi Freedom. Overall attack levels are higher than the last three months. The average number of weekly attacks increased 15 percent and Iraqi casualties increased by 51 percent compared.

These facts are at odds with the administration's statements about civil war. Sectarian divisions are increasing. Militia violence and death squad activity are increasing. The number of Iraqis fleeing the violence is increasing. Yet, the President continues to deny the possibility of civil war. The Vice President, Secretary of Defense and Secretary of State continue to deny it. As long as the administration continues to deny the plain truth, America will be behind the curve and unable to adjust to the current realities on the ground and protect our troops.

Instead of attacking those who want to change our course. President Bush ought to deal with the hard cold facts. This Defense Department report underscores the fundamental truth that our brave troops are being let down by an administration more interested in political spin than in finding a way to succeed.

The administration needs to look at all the facts and honestly address the question of civil war for the sake of our military and the American people.

This legislation creates a continuing obligation to ensure that analysis on civil war is done regularly. Unfortunately, this is necessary, because the Congress has forced the administration to step up to the plate on Iraq time and again.

The facts in the report say one thing about civil war, but the conclusion about civil war says another. We need an honest assessment from the Secretaries of Defense and State about the conditions on the ground, and that is what the Kennedy-Reid amendment would require. We also need some hard thinking within the administration and a clear plan to protect our troops in a civil war.

At every step of the way, this administration has missed the threat to our troops, and Democrats in Congress have had to force the issue.

The Democrats in Congress have had to force the issue:

We had to require accounting of progress being made to train Iraqi troops so our soldiers can begin to come home.

We provided over $1 billion in additional funding for vehicle armor to upgrade the armor on Humvees.

We are demanding an updated National Intelligence Estimate on Iraq because the administration has failed to provide one in more than 2 years.

We provided more than $175 million for democracy programs in Iraq when the Bush administration's budget did not provide it.

We need an honest accounting of the situation so we can adjust accordingly and protect our troops. And we need a plan to protect our troops. The President's stubborn insistence on staying the course impedes success.

Our soldiers and the American people deserve more from the administration. Together, the Secretary of Defense and Secretary of State need to set the White House's political agenda aside and directly and thoughtfully address this ominous threat.

The administration acts as if the mere discussion of civil war is defeatist. They have it exactly backwards. This amendment is an effort to make sure that the administration confronts and deals with the facts on the ground in Iraq and recognizes the emerging threat before it consumes our troops. This is the only way to achieve any measure of success. For too long, the Bush administration has pursued policies that have failed utterly to carry the day in Iraq and have made America less safe.

Unfortunately, this administration has decided that domestic politics require that it stay this failed course through November, and so they have refused to confront the facts in Iraq. Instead, they have chosen political spin, false claims of progress, and baseless attacks on those who focus on the reality of the situation.

We must do better. This administration owes it to the American people. Even more importantly, dealing with reality is essential and necessary to protect the lives of our brave soldiers.

Iraq's future and the lives of our troops are close to the precipice of a new disaster. The time bomb of civil war is ticking, and our most urgent priority is to defuse it.

Our Government should work to reverse the downward spiral. And Iraqi leaders must make essential compromises to strengthen their government, prevent civil war, undermine the insurgency, and deal with the festering problem of militias.

For the sake of our men and women in uniform and the stability of Iraq, all Americans are anxious for success, but we need to be realistic enough and smart enough and humble enough to understand that even our best efforts may not prevent a civil war from overtaking events in Iraq.

We need to begin planning now for this possibility. That's what this amendment requires.

Such planning is not an admission of defeat. It is essential and necessary for protecting the lives of our service men and women in Iraq, who are performing so admirably today under such enormously difficult circumstances.

Mr. President, I will not include this whole report in the RECORD—it is 63 pages—but I will reference it.

Mr. STEVENS. I made arrangements to put a copy of the report on every Senator's desk by tomorrow morning.

Mr. KENNEDY. I appreciate that. During the course of the week, individuals may quote from it, as I did earlier today and may again. I will not ask that it be printed in the RECORD, but it should be available for anyone concerned about the debate on Iraq. It is an enormously important document and is a "must read" for every Member of Congress—certainly for the American people—to have a real understanding of what we are facing in that country.

I yield the floor.

Mr. STEVENS. Mr. President, the Senator from Virginia will offer his amendment, so I will not take much time now. I will respond to the Senator from Massachusetts.

I have just returned from being present when the President of the United States made a tremendous statement about the situation in Iraq and the world in terms of the war on terror. My view of the situation is much different from the Senator from Massachusetts. I read this report that is before the Senate now as being an up-to-date analysis of the situation that exists now.

I sometimes wonder what would have happened in Korea if, after some of the major losses in Korea, the Senate had decided we ought to ask the Truman administration to make more reports, produce more reports, require analysis of what was going on, and have hearings.

We are about in the same situation. This report does conclude—that is why I think everyone should read it—the concerns over civil war that are expressed. It says that notwithstanding this concern, there is generally no agreed-upon definition of civil war among academics or defense analysts. Moreover, the conflict in Iraq does not meet the stringent international legal standards for civil war.

That is a situation of the statement that exists now. To require another set of reports when we get these every quarter is unwarranted. This was released September 1. We will get another one the first of January. We do not have to have an amendment to do this.

However, as we discussed, it may be possible to take this amendment to conference and work it out so we get some ideas. If they want additional information in the next report, we can arrange that; however, it does not have to be a conflict. It does not have to have as much political rhetoric, I say to my friend from Massachusetts. I am a little bit tired of political rhetoric concerning this conflict, which is a global conflict against terror. It is more than the war against Iraq, against Saddam Hussein. There is no question about that. I urge the Senator to read the President's speech today, the quotes he has given to us from the President of Iran, from the people involved with Hezbollah, from the people involved in the various dissident factions throughout the world that are demanding we surrender to them, that we kneel down before them and accept defeat. This Senator is not ready for that kind of rhetoric to come to this Senate. I hope it does not.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. STEVENS. I am happy to do that, yes.

Mr. KENNEDY. In my remarks, I said we ought to have kept our eye on the ball, which was al-Qaida and the terrorists, and not gone into Iraq.

As the President of the United States knows, there were no weapons of mass destruction in Iraq. As the 9/11 Commission reported, there was no connection between Iraq and al-Qaida's attack on this country.

So we have a rush to war. Instead of focusing on the problems of al-Qaida, North Korea and Iran, we are now mired in a war in Iraq.

The Senator is making my point. We should have focused on the dangers of Iraq. That is a completely different situation than in Korea when the Chinese Communists crossed the river. There was a real issue in terms of our national security. The case was not made that Iraq posed a threat to our national interest or security. That case was not made in the Senate. And the arguments that were made were inaccurate.

Mr. STEVENS. I still have the floor.

Mr. KENNEDY. All right.

Mr. STEVENS. I will be glad to debate the Senator any time.

Again, I urge the Senator to read the President's statement before he criticizes it. The President has made a very significant statement today of where we are. He will make another statement tomorrow.

I have looked at the report. Every Senator should look at it. We should decide whether there is a deficiency. If there is, we will be glad to take the amendment to conference and try to work out some language that will not be political rhetoric. I sense it is political rhetoric, I say to my friend from Massachusetts. I hope it does not get that far. It is still a war against terror.

Our job ought to be to get this bill passed so we can get the money to these people for sure by October 1. The longer this bill is delayed, the more trouble our people in uniform are going to have. I have been arguing that now for a month. There is no question this bill has to be signed by September 30.

I am not going to prolong this by debating politics in the Senate. I will say we will do our best to take as many amendments as we can to conference and try to work out something that will meet with the agreement of the Congress as a whole so we can get this bill signed.

I yield the floor. We have an agreement that the Senator will be able to propose his amendment.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Virginia.

AMENDMENT NO. 4883, AS MODIFIED

Mr. ALLEN. Mr. President, I call up my amendment. No. 4883, and I send a modification to the desk and I ask the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN] proposes an amendment numbered 4883, as modified.

The amendment is as follows:

(Purpose: To make available from Defense Health Program up to $12,000,000 for the Defense and Veterans Brain Injury Center)

At the end of title VIII, add the following:

SEC. _____. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", $19,000,000 shall be available for the Defense and Veterans Brain Injury Center.

Mr. ALLEN. Mr. President, I am proposing an amendment to provide an additional $12 million that shall be available to the Defense and Veterans Brain Injury Center and centers all across our country.

We are in the midst of a war against terrorist organizations. They are vile. They are hate filled. They are al-Qaida, they are Hezbollah, Islamic Jihad, Hamas, and a variety of different organizations. The battlefronts are all over the world. We have troops deployed in Iraq. We have troops in Afghanistan. Our friends and allies are having to fight Hezbollah, a puppet surrogate of Iran. These terrorists have hit all over the world. They have hit, obviously, in Iraq and Afghanistan. They have hit in Israel. They have hit in Jordan. They have hit in India, the Philippines, Indonesia, Spain, and London. They are still trying to hit us. Fortunately, the British intercepted airplanes that would be used in another terrorist attack.

They use a lot of different devices in this war. They use bombs and a variety of IEDs. They use rocket-propelled grenades. They use land mines. I was talking to a woman from Afghanistan a couple weeks ago. I asked for her perspective of Afghanistan. She said that things are better, but the terrorists are hitting schools.

I asked: Why are they hitting schools?

And she said: Because we are educating women in Afghanistan, and from the al-Qaida/Taliban point of view, women are not to be educated.

Our service men and women are serving very courageously in Iraq and Afghanistan and other places in the world. They deserve to have the best possibile equipment when they go into battle or into dangerous combat zones. We need to make sure our troops are outfitted with the best body armor, the most technologically advanced armaments, weapons, and communication devices that are possible so that they are safe and that we can defeat these terrorist enemies.

The same principles apply when our brave men and women return home from the theaters of war. We need to make sure our servicemembers receive the best possible medical care for any injuries that may have arisen while they were in these combat zones. We need to make sure our soldiers receive the proper mental health treatment to deal with any issues of post-traumatic stress disorder or appropriate counseling to help adjust back into civilian life.

For those soldiers returning home with an injury, we need to make sure our medical treatment facilities have sufficient funding and also the professional services and the most up-to-date technology so our servicemembers receive the quality care they deserve.

One of the more prevalent injuries in Iraq right now for our soldiers is traumatic brain injuries. According to the National Institute of Neurological Disorders and Stroke, a traumatic brain injury occurs when a sudden trauma causes damage to the brain. Traumatic brain injury can result when the head suddenly and violently hits an object or when an object pierces the skull and enters brain tissue.

According to the Office of the Surgeon General of the Army, 64 percent of soldiers recently wounded in Operation Iraqi Freedom sustained blast injuries, which are the leading cause of traumatic brain injuries for Active-Duty military personnel in war zones. These blast injuries are the result, as I said earlier, of RPGs, rocket-propelled grenades, or IEDs, otherwise known as or short for improvised explosive devices, and also landmines.

Soldiers, I say to the Presiding Officer and my colleagues, suffering injuries from these devices require specialized care from providers with experience in treating traumatic brain injuries. One of the key components of this care is the Defense and Veterans Brain Injury Center, which is located at Walter Reed Army Medical Center—the site that receives more casualties from theaters of operations than any other military treatment facility.

The Defense and Veterans Brain Injury Center provides state-of-the-art medical care, innovative clinical research initiatives, and educational programs on traumatic brain injury to assist Active-Duty servicemembers and veterans. The Brain Injury Center is actually a multisite medical care facility with operations in California, Texas, Florida, Minnesota, North Carolina, and in my home Commonwealth of Virginia. In Virginia, the Hunter Holmes McGuire VA Medical Center serves as a national referral center for traumatic brain injury cases and other diseases. They partner with Virginia Commonwealth University in Richmond to provide the best quality service for treatment and recovery, as well as research. And I suspect the facilities in other States, probably provide similar services. I just know very much about the McGuire facility in Richmond and also the Walter Reed site and have seen the expert staff as they review the daily incoming casualty reports and identify the patients who have sustained injuries caused by blasts or falls or other incidents. They have evaluated and treated hundreds of patients.

These centers really do provide outstanding specialized care, such as rehabilitation—for speech and physical rehabilitation—and education. These patients need to be helped to return to the highest possible level of function.

These centers are performing a very admirable job and doing the best they can; however, we need to make sure, whether it is McGuire in Richmond, whether it is Walter Reed, or one of these facilities in Minnesota or Florida or Texas or California or North Carolina—this work I have seen at these centers, at least at McGuire in Richmond and Walter Reed, are providing great services. I can tell you firsthand, by the way, how the soldiers are reacting to it and also the response from family members who are seeing slow but steady progress for many of their loved ones. They greatly appreciate it.

That is why I am offering this amendment, to make available from the Defense Health Programs an additional $12 million, which would increase it from $7 million to $19 million—an additional $12 million in funding that shall be available to the Defense and Veterans Brain Injury Centers for this work, including blast mitigation.

It is my view this is the least we should do. This is exactly what we should be trying to do to help our men and women who are bravely sacrificing so much to protect our freedom at home while trying to advance freedom for other people around the world.

George Washington cautioned that "the willingness of future generations to fight for their country, no matter how just the cause, will be proportional to how they perceive previous veterans are treated." This amendment is a long step forward—a long step forward—in that direction, and I strongly urge my colleagues in the Senate to support my amendment, as modified.

I understand other colleagues apparently share my concerns about the adequacy of such needed funding for brain injury services. I hope the Senator from Illinois, who I know shares my views on this issue, and other Senators on both sides of the aisle—that we could work together in a bipartisan manner to get this job done, to make sure we effectuate this bipartisan solution for this very pressing need to make sure those who have brain injuries—head trauma and injuries from blasts—whether in Afghanistan, whether in Iraq, or anywhere else in combat zones—to make sure they have the right treatment.

We have the professionals in this country, but we need to make sure they have adequate funding for this clear and present need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would ask the Senator to allow me to become a cosponsor. I hope the Senator from Illinois will, also. We had a little disagreement before about funding in this area, but I have no disagreement with the necessity for funds, particularly after a report we received just this August on the nature and extent of these matters. I think this money is needed. So I would be willing—and I think the Senator from Hawaii will have no objection to this—I would be pleased to——

Mr. KENNEDY. Will the Senator yield for a question?

Will the Senator from Virginia just yield for a question?

Mr. ALLEN. I would be pleased to yield.

Mr. STEVENS. Mr. President, I have the floor, for just a second, if I may. I would urge Senator DURBIN, if he will, to join us. Again, it is a matter of expediting our bill. I know he has an amendment, too. But I believe the numbers are the same and the intent is the same, and we should all cosponsor it, as far as I am concerned.

I yield the floor.

Mr. KENNEDY. I was just asking the Senator how this is different from the Durbin amendment. I note the Senator was in the Chamber earlier. How is this amendment different? I was a cosponsor of his amendment.

Mr. ALLEN. I would have to look at the details. That is why I mentioned the Senator from Illinois, and I and others, I think, share the same concern. The main point, the main concern—which is making sure the professional services were there, the adequacy of the devices, the adequacy of the health care professionals—I think was actually fairly identical. I have not looked at the measure of the Senator from Illinois. It appears that we are going down the same stream, in the same direction.

Mr. STEVENS. If the Senator will yield for a question?

Mr. ALLEN. Yes.

Mr. STEVENS. I believe the main difference was the amendment of the Senator from Virginia said "may" and the amendment of the Senator from Illinois said "shall" in terms of the $19 million. And you have used the word "shall" from the amendment of the Senator from Illinois, have you not?

Mr. ALLEN. Yes, as modified. Thank you. However, the point is it is $19 million, and it shall be appropriated for this function.

Mr. KENNEDY. So you have accepted what was in the Durbin amendment; that is, that shall be spent?

Mr. ALLEN. The point is, my amendment was going to be $19 million regardless. And my view was, we needed added funding, and this will make it absolutely clear.

Mr. KENNEDY. I thank the Senator because I was a cosponsor. I did not pay close attention to the presentation, but I was a cosponsor of Senator DURBIN's amendment, as I understand, as printed. And listening to the Senator from Virginia, it appears it is virtually identical to what the Senator from Illinois had proposed. I am glad we will have an opportunity to take action on it.

Mr. ALLEN. I would say, Mr. President, to the Senator from Massachusetts, this is an opportunity for all of us to come together in a bipartisan fashion. I know one of the occasions when I was at Walter Reed Hospital the Senator from Massachusetts was there at the same time. And we see the outstanding work the professionals provide for those men and women who have been injured.

This is one issue where I believe all Americans, regardless of party, regardless of region, need to come together to make sure funding is there.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, was my request to be added as a cosponsor to the amendment granted?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, Senator ALLEN filed an amendment numbered 4883, which was on the same subject matter as my amendment numbered 4884 that was filed. I have been told by staff that he has modified his amendment so it is now identical to mine; is that correct?

Mr. ALLEN. I believe so. Mr. President, my amendment was filed before the Senator's and his was filed after. I have not read the Senator's amendment, but as modified, the best I have heard from talking to Senator STEVENS and listening to the Senator from Massachusetts, they seem to be very close, if not identical.

Mr. DURBIN. I think the changes in language the Senator made to his amendment have made them virtually identical, so it appears we are setting out to do the same thing.

So that there is clarity in the record, I want to make sure I understand this. My amendment said $19 million will be available to this program for defense and a veterans brain injuries center. Is that the Senator's modified amendment?

Mr. ALLEN. Rather than "will," it would be "shall" in my amendment.

Mr. DURBIN. Yes. So they are identical at this point.

Mr. ALLEN. The Senator wasn't here. I mentioned that I would love for us to work together on a bipartisan basis to effectuate our shared goal.

Mr. DURBIN. That is exactly what we should do.

I ask unanimous consent that the cosponsors of my amendment—and there are some eight cosponsors and myself. Let us do this as a bipartisan amendment since we are doing exactly the same thing. Is that acceptable to the Senator?

Mr. ALLEN. Agreed.

Mr. DURBIN. Mr. President, I would like to make a statement in support of the amendment at this point. I think we all understand that the war we are fighting in Iraq has resulted in injuries that are much different than in previous wars. Many times our soldiers would go to war and face other soldiers and enemies with rifles aimed at them trying to kill them. Now most of our soldiers and marines are coming home with injuries related to trauma from these homemade bombs, these IEDs which are being exploded. As a consequence, the signature wound of the wars in Iraq and Afghanistan for American soldiers has become traumatic brain injury.

Many of my colleagues who have visited injured servicemen at military Veterans Administration facilities across the Nation understand this is a new challenge for us. We say to the men and women in uniform: If you will risk your life and stand up for America, we will stand by you. If you are injured, we will make sure we do everything humanly possible to get you back on your feet and back at home and into your normal life.

So now we know that traumatic brain injury is a new challenge for us, in greater numbers than we have ever seen in previous conflicts. The leading organization within the DOD to deal with this is the Defense and Veterans Brain Injury Center. They started it in 1992, and the clinical treatment and research conducted by that center has really tried to define optimal care for survivors of traumatic brain injury.

This center is located at Walter Reed, one of our greatest hospitals in America. It has other sites in Texas, California, Virginia, Florida, North Carolina, and Minnesota. The center's current budget is $14 million. That fiscal year ends in just a few weeks. The leaders at the center requested $19 million for the coming year. They say there are more patients. That is obvious from the soldiers coming home. They say the cost of long-term care has gone up. The current staffing requirements and need for research to improve treatment and prevention all require more funds, so that $14 million this year would not be enough for next year. The appropriations bill we seek to amend, unfortunately, cut the funds for the center. In fact, it cut them in half to $7 million. That is totally inadequate, even for this year, and would not meet the need for next year.

The center estimates that 1 out of every 10 servicemembers in Iraq and 2 in 10 troops in the front lines return from combat tours with concussions. It is the nature of combat in Iraq, where insurgents use roadside bombs instead of bullets. That produces more brain injuries. As of today, more than 1,700 wounded servicemen have come back from Iraq with brain injuries. Half of them are severe enough to permanently impair thinking, memory, mood, behavior, and their ability to work. In Vietnam and previous 20th century wars, brain injuries were just 12 percent of injuries. In Iraq and Afghanistan, it is almost double—22 percent.

According to a recent study by researchers at Harvard and Columbia, it is estimated that the cost of medical treatment for these individuals with brain injuries from the Iraq war will be at least $14 billion over the next 20 years. So when we speak of the real cost of war at this point, we are talking about not only the current injuries that are being treated as the soldiers return home but their long-term care and rehabilitation, which is part of our responsibility as well.

This brain injury center is completely different from other brain injury programs and initiatives. It focuses on the well-being of those who put themselves in harm's way for our country. It is not just research, it is treatment based. It links injured soldiers to clinical studies where cutting-edge treatments are explored. It does this with all members of the military, Active-Duty personnel and reservists as well. No other brain center combines treatment and clinical studies for the immediate benefit of our servicemembers.

This brain center also focuses on the unique needs of the military and veteran beneficiaries, including return-to-duty considerations, continuation of care with military and veterans hospitals, and TRICARE.

I offered amendment No. 4884 along with Senators MENENDEZ, MIKULSKI, KENNEDY, BINGAMAN, KERRY, LAUTENBERG, and OBAMA. They have all joined me in offering this amendment. I sent out a "dear colleague" last week, and I am happy to have their support. Now we are going to combine our amendment with Senator ALLEN's efforts so that it is a bipartisan effort to pass this amendment.

This amendment will allow the brain center to meet its current administrative and staffing requirements and maintain talented professionals who are essential for the soldiers to get back on their feet. My colleagues can clearly see that the brain injury center is directly related to the needs of our warfighters and will go a long way toward treating the signature wound of our conflicts in Afghanistan and Iraq. It is not just another research program.

Before the August recess, there was a lengthy debate about my attempts to put more money into research for traumatic brain injury, which was voted down on the floor. This is treatment as well as research and therapy. It is time for us to take decisive action.

I am proud that the Veterans of Foreign Wars, Disabled American Veterans, the Iraq and Afghanistan Veterans of America, the National Military Families Association, the American Legion, and the Blinded Veterans Association all support my amendment for more funding for the brain injury center. I hope my colleagues will also support our injured troops fighting this war by supporting this amendment.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am going to ask unanimous consent, but I will make it clear that if there is any modification at a later point that Senator ALLEN suggests, I will be glad to work with him. I believe this is our understanding based on the colloquy we had.

I ask unanimous consent that amendment No. 4883, Senator ALLEN's amendment, be shown as the Allen-Durbin amendment and that my cosponsors be added as cosponsors to this amendment. My amendment No. 4884 and Senator ALLEN's are identical.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. If Senator ALLEN wants to change that in any way, I will be happy to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield to me? I wish to make an inquiry of the Chair.

Mrs. BOXER. I am happy to yield to my friend.

Mr. STEVENS. Mr. President, what is the order? Is the order that we go to the judge nomination at 4:30?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I ask the Senator—I don't know how long she intends to speak; I don't even need to ask—when she is finished, will she put in a quorum call if it is before 4:30, please?

Mrs. BOXER. I will be happy to do so.

Mr. STEVENS. I thank the Chair.

Mrs. BOXER. Mr. President, I rise today, as we debate the Defense Appropriations bill, to talk about the leadership of the Secretary of Defense and to relay to my colleagues on both sides of the aisle what I heard, as I was out and about in California, about his comments and the need, in my opinion, to change direction at the Department of Defense.

During this break, I was home in California working. There is a lot of anxiety in the land. Today, a new poll came out and showed a huge percentage of the American people—a huge percentage—angry, actually angry about what is happening in this country today. If you probe and find out, there are many issues. They are angry about the economy, which they are part of, where they see corporate profits way up but wages stagnant or falling—wages that cannot even keep up with inflation. They are angry at deficits. They are angry at debt. They are angry at good jobs going overseas. They are angry at the oil companies. They are angry at this Congress for doing nothing about that, not even supporting antigouging legislation. But the one thing they are angry and upset about more than any other is the war in Iraq.

So I think it is time that the Senate go on record and state very clearly that we are not satisfied with the way things are going. We are angry as well. We are upset as well. So over the recess, when Secretary Rumsfeld made his latest speech, which turned into an attack on the American people who oppose this war—61 percent of the people; he called them appeasers—I just said enough is enough, and I announced that I was preparing a resolution asking the President for new leadership at the Pentagon.

I know today Secretary Rumsfeld is having elective surgery on his shoulder. I want him to know this is not about his personality, it is about his policies. I wish him well today. But I do think it is time for new leadership at the Department of Defense.

Last week, Secretary Rumsfeld compared critics of the Bush administration's failed policies in Iraq to those who wanted to appease fascism and Nazism in the run up to World War II. On this rampage, he said that those people who oppose this administration's war in Iraq failed to learn the lessons of history.

I have served in the Congress since 1983. I was sworn into the House that year, and in 1992 was sworn into the Senate. So it has been a long time. I have served with four Presidents, Republicans and Democrats. I have yet to see a situation where a President of the United States, in the middle of a horrific situation where we are losing our beautiful young men and women every day, where they are coming home with post-traumatic stress disorder, with severe brain injuries—and I am very pleased that Senators DURBIN and ALLEN have gotten together so we have a bipartisan amendment to help our soldiers as they come home dealing with these brain injuries—but I have never seen a President of any party offer no hope, no exit, no way out.

The best this President can say is: As long as I am President, we are going to be in Iraq. Is that a policy? Is that a plan? Is that a strategy? Is that hope? It isn't.

We hear the Secretary of Defense essentially give no hope either. His answer is to lash out at those of us who want to give some hope, who want to find a way out of this. But he went too far. He went too far because he attacked the American people. That is what he did. I believe that Secretary Rumsfeld, who thinks that those of us who believe this war is not going well and that we need an exit strategy are wrong, is failing to learn the lessons of history as he melds together the war on terror and the war in Iraq.

He says we don't understand history. I say to him: I voted to go to war against the terrorists. Every single Senator, Democrat and Republican, voted to go after the people who attacked us, voted to go after the terrorists.

Let me remind the Secretary that according to a publication of this administration's own Department of State, there was not at that time one al-Qaida cell in Iraq, when there were many here in America. So don't blend this. It isn't going to work anymore. The people are too smart for this. It was al-Qaida who struck the United States on September 11, 2001—not Iraq—a country that didn't have a single al-Qaida cell. It had a brutal dictator worthy of the worst possible fate but not one al-Qaida cell, by this administration's own reports that I have made public time and time again. The American people get it. Today, 61 percent of the American people, nearly two-thirds of all Americans, oppose the war in Iraq. The American people are right. They understand the difference. They understand that the President and the Secretary of Defense, saying over and over: Iraq, war on terror, same thing, doesn't make it true.

When President Bush was asked directly a few weeks ago on August 21, he said: Iraq had nothing to do with the terrorist attack of September 11, 2001. But then I am assuming everyone gets together and says: Well, the only way we can try to win over the American people and get them on the side of this war is to tell them over and over again that the Iraq war is about getting the terrorists. While Osama bin Laden is on the loose, while the Taliban are gaining strength in Afghanistan, while we took our eye off that prize, while we lost the support of the world, we went into Iraq. Secretary Rumsfeld is wrong when he says we don't understand this.

Osama bin Laden remains at large. America is bogged down in a war that becomes increasingly costly in dollars. My last memory is that it is costing $8 billion a month. Eight billion dollars a month, while we can't get $1 billion to take care of 1 million kids who have no place to go after school. That is just one comparison. While we are told we can't afford interoperable communications for our police, $8 billion a month is being spent in Iraq. And the treasure of our young people, each and every day—today I heard right now, another four—today, another four.

Now, here is the situation: We have to hold people accountable. When I face the electorate, I am held accountable. Everything I ever did that people didn't like, believe me, I hear about it. There are 30-second commercials about it and people get to look at it and they hold me accountable. Secretary Rumsfeld should be held accountable. Time and time again he has been wrong about Iraq, and time and time again he has responded to his own mistakes by playing politics and attacking the American people and their patriotism if they oppose his ill-advised decisions and now calling them appeasers. Appeasers, the new "word du jour."

It was Secretary Rumsfeld who failed to heed the warnings of military planners and experts that the overthrow of the Iraqi regime would be a prolonged and costly undertaking. In fact, he failed to heed even his own advice. I would like to share Secretary Rumsfeld's own words with you to illustrate this point. This is what Secretary Rumsfeld said his guidelines would be:

> U.S. leadership must be brutally honest with itself, the Congress, the public, and coalition partners. We must not make the effort sound even marginally easier or less costly than it could become. Preserving U.S. credibility requires that we promise less, or no more, than we are sure we can deliver. It is a great deal easier to get into something than it is to get out of it.

Now, this is the text of a memorandum: "Guidelines to be considered when committing forces," written by Defense Secretary Donald Rumsfeld in March 2001. So this is 2 years before Iraq. "It is a great deal easier," he said, "to get into something than it is to get out of it."

But he didn't follow his own guidelines. He never even had a plan to get out of it.

So I remember very clearly his other quote. He said:

> This war could last six days, six weeks. I doubt six months.

That was February of 2003.

And then he said in February of 2003:

> There is no question but that American forces would be welcomed by the majority of the civilian population of Iraq.

Now, if he said this and no more—I would say you have to hold someone responsible who has done all of this: set out guidelines and then turns around and doesn't pay attention to his own guidelines; predicts the war would, at tops, last 6 months, he doubted it; and that we would be welcomed by the majority of the civilian population of Iraq. He ought to tell that to a mother I just met with whose military son was training the Iraqi military when one of the Iraqi military killed him in cold blood. Tell that—tell that to the military moms that I meet with.

It was Secretary Rumsfeld who said on March 30, 2003:

> We know where they are, the weapons of mass destruction. They are in the area around Tikrit and Baghdad and east, west, south and north somewhat.

I remember sitting across from him, just a few feet, looking right into his eyes after we had started looking for the weapons of mass destruction, and he still held to all that: Oh, I know. You turn left at the fountain. It was that kind of a response. We know exactly where they are. Well, they had relied on people who were phonies. Their intelligence was wrong. But his judgment was to listen to those folks who were known to be exaggerators.

It was Secretary Rumsfeld who said on April 11, 2003, in the wake of widespread looting after the fall of Saddam Hussein when they were looting the museums, there was no law, there was no order. We had no plan. Our military did everything that was asked of them and they did it perfectly. There was no plan. And this is what he said in light of this widespread looting:

> Stuff happens, and it's untidy and freedom's untidy, and free people are free to make mistakes and commit crimes and do bad things.

What a message. We now know—and we knew then as we watched it—that this looting set the stage for the climate of fear and lawlessness that persists to this day in Iraq. No plan. Oh, we were going to be there 6 months tops. Our troops were going to be loved. Oh, yeah, and if they just did a little looting, this is nothing.

It was Secretary Rumsfeld who sent brave young American men and women into combat without sufficient body armor, telling the young soldier who had the guts to ask him a question about this, he said:

> As you know, you go to war with the Army you have, not the Army you might want or wish to have at a later time.

What kind of comment is that? Why would he not say:

> Young man, you had the guts to ask that question, and I am going to make sure that we do everything we have to do to make you as safe as you can be.

He needs to go.

It was Secretary Rumsfeld who sat back, without doing anything, in the face of widespread violence, the rise of sectarian militias, and the rapid growth of the insurgency. We went and asked questions of him time and time again. It was the same thing, always: Everything is going great. There are a couple of bad apples, a couple of bad apples.

It was Secretary Rumsfeld who presided over the Pentagon during the Abu Ghraib Prison abuse scandal which diminished U.S. standing in the world and caused irreparable harm to the image of the U.S. military. I remember looking at a document that the Secretary had approved of, where he said, these are the things that he thinks we should be able to do to the prisoners, and it was pretty shocking. But what has happened to this country is we have never been held in lower esteem, ever, than we are today.

This face, Secretary Rumsfeld's face, and this history, Secretary Rumsfeld's history, is dogging this country. I hope the President would see this, and we know he is extremely loyal, but it is time to be loyal to the troops now. It is time to be loyal to the families now. It is time to be loyal to the American people now who are very angry about what they see. It is time for him to go and get a fresh face in there. There are a number of people—and I wouldn't even consider putting any names out because it is not appropriate for me to do that. But there are many men and women in this country who could take on this task and bring a freshness to the job, a new perspective, someone who isn't tied down to past misstatements, past mistakes, and now this attack that he unleashed, this tirade on the American people.

It is time for new leadership, new direction, and new vision. We can do better. We have to do better. And I have to say in this conversation that there have been many on the other side of the aisle, both sitting in the Senate and also running for the Senate, who have also shared a critique of this particular Secretary of Defense. There is one in particular on the other side of the aisle who expressed no confidence in Secretary Rumsfeld. A number of retired generals who served our country with honor and distinction have called for Secretary Rumsfeld's resignation over his mishandling of the Iraq war, including GEN Anthony Zinni, GEN Wesley Clark, LTG Gregory Newbold, who actually was part of the team that laid out the invasion plan for Iraq and who appeared before the Foreign Relations Committee and clearly offered a better way a year, a year-and-a-half ago, a better way out of this war. MG John Batiste, MG Charles Swannack, Jr., MG John Riggs, and MG Paul Eaton. We remember what happened. As soon as these generals had the courage to go out and say something, they were slapped down hard by this administration, essentially saying they had no right to express themselves. Well, quite the contrary. Quite the contrary.

I heard my leader, HARRY REID, say something very interesting one day. He quoted Teddy Roosevelt, the Republican President, who said something like this. I am paraphrasing, but I am using very similar words. He said: In a time of war, if you don't agree with the commander in chief and you say nothing, you are guilty of treason. That is a Republican President. How much have they changed? Now if you try to say anything, they slap you down. These generals deserve our thanks for having the courage to come forward, having the courage to say we need new leadership at the Pentagon.

MG Paul Eaton, who was responsible for training Iraqi security forces from 2003 to 2004—and, by the way, that is a hard job. I saw it being done when I was in Iraq last. MG Paul Eaton wrote in the New York Times on March 19, 2006, that Secretary Rumsfeld, "has shown himself incompetent strategically, operationally, and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down."

This is not easy for former generals, to say these things. What is important is that we hear them. Not that we say you have no right to speak. This is America. They have the obligation to speak, and each of us has the obligation to speak. No one in this country should be afraid of saying what is on his or her mind. If we get to that point, we are in deep trouble.

Talk about the lessons of history—we have our men and women in uniform fighting to give the Iraqis a chance at freedom. They are doing every single thing they can do. They have accomplished every single mission. We can go back to the missions they have completed. Those missions changed constantly.

First it was find the weapons of mass instruction. Well, they found they were not there. Then we said get rid of Saddam Hussein, and they captured him and he will meet his fate. Then they said there is some trouble here, let's show we are tough, so they killed his sons, and then the administration chose to put those pictures on television, thinking that would send a message: Don't mess with us.

Then they said we have to have an election. Our troops were magnificent. They set the stage for the election. Then they said we have to train their troops, and they trained their troops. Then they said they need another election, and they did it again. They did an extraordinary job.

But they cannot want freedom and democracy more than the Iraqis want it. Name one country that could be a country but has to rely on a foreign power to run the country and to provide the security. You can't find a country that is surviving in that situation. You cannot.

We just saw, in Lebanon, Hezbollah, a terrorist group, acting like a state within a state. That is unacceptable. The world is coming to Lebanon's rescue. Hopefully it will work and they will stop attacking Israeli soldiers and sending their rockets into Israel and they will leave the Lebanese alone and the Lebanese will protect their security. We cannot do the job of security for the people of Iraq if they are not interested in doing it.

Let me say, when I was over there, there is an attitude there that we will just stay forever, that they never have to do this. There is an attitude over there like that. I don't mind being Uncle Sam, but I sure don't want to be Uncle Sucker. This isn't right. This isn't fair. This isn't just, to send our people back and back and back, to second tours of duty, third tours of duty, to do a job the Iraqis must do for themselves.

This sectarian violence is the problem. The Bush administration itself, while they try to make this a war on terror, says and teaches us that it is a small percent of the violence that is coming from the terrorists. The vast majority is sectarian violence. That is why the American people are seeing through this. What they are learning is that in fact this operation in Iraq is shorting the war on terror.

I spoke before about Afghanistan. We went in there with the vote of every single Senator, to get the terrorists. We had the world in our hands. Then we made a detour, turned around, and now Afghanistan is having trouble. That should have been the model we used. That would have sent the message. We would have gotten bin Laden. We would have ended the Taliban. Now they are all creeping back in, as is the drug trading. This adventure in Iraq has weakened the war on terror. When Secretary Rumsfeld refuses to see that clearly and tells us it is all one, he is confusing the public purposely because he sees, politically, the people are catching on.

How many more troops do we have to lose? Madam President, 2,652 troops have lost their lives in Iraq and nearly 20,000 have been wounded. The cost of this war will soon reach $318.5 billion. We don't have enough money to insure our children for health care. We don't have enough money to protect our ports. We don't have enough money for interoperable communications. We don't have enough money to protect our nuclear powerplants and our railroads. And while we are taking away lip gel from women on planes, they are still not checking the cargo that goes inside the planes. We can't afford it—oh, no. But we can afford this and tax cuts to millionaires—again and again and again.

I guess we can afford these deficits and we can afford the debt that is reaching such a major proportion that it is not only our children but our grandchildren, and maybe theirs, who will have to pay off this debt. And we were on our way to a debt-free America when this administration took over.

We have shortchanged the war in Afghanistan, which is the central front of the war on terror. According to the New York Times, suicide bombings have doubled. The roadside bombs attacks, modeled after those carried out in Iraq, are up 30 percent. The United Nations announced Saturday that this year's opium crop in Afghanistan has reached the highest levels ever recorded, yielding extraordinary profits that we know fall back into the hands of the very people we are trying to defeat.

Tragically, attacks against schools are on the rise, and attacks against women. In January, armed men in the Zabul province of Afghanistan beheaded a high school headmaster in front of his children. By March, half of the schools in the province had closed and attacks reached an average of one a day.

We are losing ground. Iraq, Iraq, Iraq—24/7—Iraq, Iraq, Iraq. There are no time lines, no deadlines, no hope, no vision, no plan. The only thing we know from this President is, as long as I am in power, he says, we will be in Iraq.

We are weaker in Afghanistan because of Iraq. We are weaker on homeland security. I call this administration soft on homeland defense because they will not do what needs to be done. There are things we could do right now, today, that absolutely make eminent sense. They are not politics. They are not politics. The 9/11 Commission came out with a number of recommendations, dozens of them. We know they said that it is important that we either screen the cargo for explosives—the cargo that goes on passenger planes—or we have blast-resistant cargo containers installed so if there is a blast, it will remain inside the container and not bring the airplane down.

Do you think this administration will do this? Let me tell you no, and let me tell you how I know—because I sit on the Commerce Committee. We have jurisdiction over the FAA. Years ago, I had an amendment pass the committee that said: Let's test these blast-resistant containers. Usually they would be made out of Kevlar. If you have ever seen Kevlar, had an experience with Kevlar, you know this is a fantastic product we can use. Oh, no, they are still studying it. And they are still not inspecting cargo.

So when we are told the alerts are up, of course we have every reason to be worried because we are not doing what we should be doing because we are spending $8 billion a month on Iraq, we are spending $318 billion, we are stretching our military thin, we are soft on homeland defense, and we have neglected Afghanistan.

The face of this policy, in addition to the President, is Secretary Rumsfeld. Now as he looks around the world, he has to see it. Everybody does see it. You can dream about a better world, but all you have to do is open any newspaper—I don't care whether it is a liberal or conservative one or independent or moderate—and you know what is happening on the ground all over the world. You see it. From Darfur to Afghanistan to Iraq to Iran to North Korea to London—where, thank God they foiled the plot of the terrorists there.

Instead of saying maybe it is time we just look at our priorities and do a little bit more—we all know in America that the war on terror is going to be with us. We all know we have to be prepared. We all know they do not give up. We all know they will try again. We all know al-Qaida is still out there, with bin Laden—but even if it didn't have bin Laden, it would still be out there. Yet what does Secretary Rumsfeld do? He starts a fight by calling the American people, who do not agree with him—the majority, vast majority—appeasers when they understand very clearly that the war in Iraq is a diversion from the war on terrorism and that we are failing on the war on terrorism because we have not invested in it and haven't focused on it. The American people want us to do that. It is time for a new direction.

I brought to the attention of the Senate the threat from shoulder-fired missiles. Two dozen terrorist organizations have them. They sit on the shoulder, they weigh 35 pounds, and they can catch an airplane. Oh, they are slow-walking that. They just don't have the money. They tested it, but they are slow-walking it.

It is time for accountability. I do not think staying the course with a failing policy in Iraq has anything to do with appeasing the Nazis before World War II. Get with the current moment, Mr. Secretary and Mr. President. Let's get a fresh face over at the Department of Defense. Let's move forward with hope.

Let's move forward with a plan. Let's win back the confidence of the American people together, all of us. And let's win back the confidence of the world.

I believe it starts with accountability. That is why I plan to support an amendment that will be offered to this bill calling for new leadership at the Department of Defense.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. SPECTER. Madam President, before the time arrives for consideration of the judicial nominee, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDAN

Mr. SPECTER. Madam President, I urge my colleagues to forcefully express themselves, to urge and perhaps even compel the Government of the Sudan to proceed to accept a United Nations peacekeeping force of some 20,000 to bring stability to that area. We have seen a drastic situation evolve where some 3 million people have been displaced—perhaps a few more, perhaps a few less—and some 300,000 have been killed. The fighting goes on between the Government of Sudan and the rebels.

And the prospects are for additional bloodshed and significant displacement of refugees are great unless there is some forceful action taken by the United Nations.

The proposal has been made to have 20,000 U.N. peacekeepers deploy to Darfur to try to stabilize the situation. Regrettably, this has been rejected by the Government of Sudan.

Just today, the New York Times reports that the Government of Sudan has given the African Union an ultimatum—either proceed under the terms of the Government of Sudan, which is characterized by the news report as "blackmail," or for the African force of some 7,000 proposed peacekeepers—they really are ineffectual in the job—to vacate the country by September 30.

I participated last Thursday, August 31, in a forum in the Trinity Cathedral in downtown Pittsburgh where concerned citizens gathered to decry the situation, to urge United Nations' action. The following day, I wrote to the President requesting that a Special Envoy to Sudan be appointed.

I ask unanimous consent that my letter to President Bush, dated September 1, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. GEORGE W. BUSH,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write to express my support for your efforts to bring an end to the ongoing crisis in the Darfur region of Sudan and to urge the immediate appointment of a Special Envoy to Sudan.

I commend the hard work of your Administration to achieve the Darfur Peace Agreement (DPA), which was signed by the government of Sudan and the Sudan Liberation Army (SLA) faction led by Minni Arku Minnawi on May 5, 2006. I also applaud your efforts to mobilize international support for the deployment of a United Nations (U.N.) peacekeeping force to replace the African Union (A.U.) force currently in the region. I believe the DPA and deployment of a U.N. force are important steps towards ending the crisis in Darfur, which to date has led to over 200,000 deaths and 2 million people displaced from their homes and dependent on international aid agencies for survival.

Unfortunately, the refusal of many rebel groups to sign the DPA, the limited capabilities of the A.U. peacekeepers, and rejection by the government of Sudan of the deployment of a U.N. force, has led to continued violence and further deterioration of the humanitarian situation in Darfur. In July, the U.N. World Food Program (WFP) reported that more than 470,000 of 2.8 million planned beneficiaries did not receive food assistance due to the deteriorating security conditions. To make matters worse, reports indicate that the government of Sudan is preparing a renewed assault against rebel groups that remain outside the DPA. Aid officials, cited in a August 31, 2006 article in The New York Times, stated that a military offensive in Darfur could lead to the "complete evacuation of humanitarian workers in Northern Darfur, which would leave millions without a lifeline" and that the resulting loss of life "could dwarf the killings in 2003 and 2004".

The DPA was signed in great measure due to the work of then-Deputy Secretary of State Robert Zoellick. However, in light of his resignation and the fragility of the prospects for a sustainable peace in Darfur, I urge that you immediately appoint a Special Envoy to Sudan. With so many lives hanging in the balance, it is vital that the U.S. demonstrate its commitment at the highest level to the success of the Darfur peace process. I believe the appointment of a Special Envoy, charged to proactively work with all parties to fully implement the DPA and secure the deployment of a U.N. force represents the best prospect for avoiding further catastrophe in Darfur.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Madam President, I ask unanimous consent that a report of USA Today, dated August 31, be printed in the RECORD. The headline is "U.S. Reporter's Arrest Shows Sudan Has Something To Hide." The reporter was arrested because he reported the truth which the Government of Sudan is trying to conceal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Aug. 31, 2006]

U.S. REPORTER'S ARREST SHOWS SUDAN HAS SOMETHING TO HIDE

The great journalists, writer Pete Hamill has said, are "men and women who take a torch to the back of a cave and report what they see to the rest of the tribe."

One of the darkest places on earth today is the war-torn Darfur region of Sudan, where at least 200,000 people have been killed and 3 million rendered homeless since 2003.

Award-winning U.S. reporter Paul Salopek was simply trying to illuminate the situation there when he was detained earlier this month, jailed and accused of espionage and writing "false news."

Looking for the truth in places such as Darfur, where truth is in short supply and needed so much, is a dangerous business. From 2001 through '05, 202 journalists were killed on duty, up from 136 in the prior five years, according to the Committee to Protect Journalists.

If it weren't for reporters like Salopek, the world would know little more than the twisted stories put out by the Sudanese government about the genocide in Darfur. His arrest is just one more of Sudan's increasingly shameless efforts to keep outsiders from reporting on—or doing something to end—the killings and mass rapes. Those government efforts range from shutting down many aid operations to refusing to accept a force of United Nations peacekeepers.

Similar attempts to bottle up truth or use journalists as pawns are common:

In China, Zhao Yan, a Chinese researcher for The New York Times, was jailed in 2004 on charges of leaking state secrets. He was acquitted of those charges last week but sentenced to three years in prison on an unrelated charge. Times executive editor Bill Keller said the only thing Zhao "committed is journalism."

In the Middle East, U.S. journalists have become targets. Two Fox News journalists were snatched by militants in Gaza and held for two harrowing weeks before their release Sunday. Their concern? That the incident would deter others: "I hope that this never scares a single journalist away from coming to Gaza to cover the story," said reporter Steve Centanni after his release.

Given the risks, even the severest press critic would concede that reporters' willingness to venture into the deepest caves is a courageous public service.

That's all that Salopek was doing. A Chicago Tribune reporter on a freelance assignment for National Geographic, he sneaked across the Sudanese border from Chad without a visa. For reporters, that's about the only way to get in. Usually when they are caught, they are deported.

This time, Sudan apparently chose to make a point. It did—that its claims about Darfur are not credible. The State Department and others are pressing Sudan to set Salopek free.

Salopek is anything but a spy. He is a veteran reporter who has won journalism's highest honor twice. And, unfortunately, he is the latest victim of those who seek to keep the public in the dark.

Mr. SPECTER. Madam President, I ask unanimous consent that my prepared written remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER

THE SITUATION IN DARFUR, SUDAN

Mr. President, I seek recognition today to call attention to the continuing crisis in

Darfur, Sudan. Tensions are not new to this drought plagued region where Arabic nomads and African farmers have long competed for land and resources. However, the current crisis began in February 2003 when two non-Arab Darfur rebel groups, the Sudan Liberation Army and the Justice and Equality Movement, rose up against Sudan's Arab dominated government, demanding the same resource and power-sharing concessions being offered to rebels in southern Sudan who were then engaged in peace talks to end a separate conflict with the Government in Khartoum.

The response from the Government of Sudan was swift and brutal. An estimated 200,000 Sudanese refugees fled to neighboring Chad telling of a scorched earth campaign being carried out by armed militias, known as the Janjaweed, supported by the Government of Sudan. While the Government bombarded villages from the air, militias followed on the ground murdering men and children, raping and branding women, and pillaging and burning homes.

The House and Senate declared the atrocities in Darfur "genocide" in July 2004. Former Secretary of State Colin Powell, in remarks before the Senate Foreign Relations Committee on September 9, 2004, stated that, "genocide has been committed in Darfur and the Government of Sudan and the Janjaweed bear responsibility." Further, the International Commission of Inquiry on Darfur, in its January 25, 2005 report to Secretary General Kofi Annan, found that, "the Government of Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law."

Today, the situation in Sudan represents the worst humanitarian crisis facing the world. Since the start of the conflict, the United Nations High Commissioner for Refugees estimates that 350,000 people have died in the region as a result of violence, disease or starvation. In addition, according to the United States Agency for International Development, the crisis has resulted in 1.8 million people displaced from their homes and dependent on aid agencies for survival.

Due to continued pressure by the U.S. Government, in particular the efforts of former Deputy Secretary of State Robert Zoellick, the government of Sudan and the strongest faction of the Sudanese Liberation Army signed the Darfur Peace Agreement on May 4, 2006. Under the terms of the Darfur Peace Agreement, the Janjaweed militias are to be disarmed, rebel fighters are to be integrated into Sudan's national forces or provided with the support necessary to assist their return to civilian life, measures are to be implemented to increase security for displaced persons and refugees, power and wealth sharing mechanisms are to be established at the national and local levels, and the Sudanese government is to provide Darfur with robust reconstruction assistance amounting to $700 million.

Unfortunately, the Justice and Equality Movement and a smaller rebel group formerly part of the Sudan Liberation Army did not sign the agreement, the Janjaweed has not been disarmed and violence persists resulting in the continued deterioration of the humanitarian and security situation.

I believe the Darfur Peace Agreement and deployment of a United Nations force are important steps towards ending the crisis in Darfur. I applaud U.S. efforts to mobilize international support for the deployment of a U.N. peacekeeping force to replace the African Union force currently in the region. The African Union has a 7,500 peacekeeping force deployed in Darfur. However, The African Union force is slow, poorly equipped and too small. Moreover, this force is quickly running out of funding and has a limited mandate that allows it to monitor but not enforce the cease-fire agreement.

On September 1, 2006 the U.N. Security Council approved a resolution authorizing the deployment of a U.N. military force of up to 17,300 members and a civilian police force of 3,300 with a Chapter VII mandate authorizing the use of force to protect civilians, relief workers and U.N. workers. Regrettably, the Government of Sudan has refused to accept a U.N. deployment. In a statement reported by the New York Times on August 22, 2006, Sudan's President, Omar Hassan al-Bashir, seemed to suggest he would resist such a deployment with force when he stated Sudan would "defeat any forces entering the country just as Hezbollah has defeated the Israeli forces."

On August 31, 2006, I attended a rally at the Trinity Cathedral in Pittsburgh, Pennsylvania sponsored by the Pittsburgh Darfur Emergency Coalition to call attention to the crisis in Darfur. The following day, I wrote to President Bush urging he appoint a Special Envoy to Sudan. With so many lives hanging in the balance, it is vital that the U.S. demonstrate its commitment at the highest level to resolving the Darfur crisis. I believe the appointment of a Special Envoy, charged to proactively work with all parties to fully implement the Darfur Peace Agreement and secure the deployment of a U.N. force represents the best prospect for avoiding further catastrophe in Darfur.

The crisis in Darfur can not be ignored. The international community must be allowed to take action before the situation deteriorates further. I urge the Administration to appoint a Special Envoy to Sudan to work with all parties to bring an end to the crisis, and urge the Government of Sudan to allow the deployment of a U.N. force.

I yield the floor.

Mr. SPECTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, before proceeding to the nomination of Kimberly Ann Moore to be U.S. circuit judge for the Federal Circuit, I ask unanimous consent that I may proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Madam President, at the conclusion of these brief remarks, I ask unanimous consent that a full text of my report on foreign travel be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, as is my custom, when I return from foreign travel, I file a report with the Senate.

From August 5 to August 24, I traveled abroad. I started with a delegation led by Senator TED STEVENS and Senator DAN INOUYE to China where eight U.S. Senators participated in a forum with Parliamentarians from China. We discussed a broad range of issues, with the Chinese delegation being very forceful on their concern about the one-nation policy, that Taiwan not be regarded as an independent nation. We had extensive discussions about the economic imbalance which exists in trade, on the manipulation by the Government of China of its currency, and on the issue of human rights.

I raised with the Chinese officials the issue of human rights starting with the incident in 1999 where the Dickinson law librarian in Pennsylvania was kept in custody for some 7 months without being able to see a lawyer, and without being able to see his wife.

Following that, an appropriation was made for approximately $2 million in each of the past several years for Temple University to establish in Beijing a law school to teach human rights, with a focus on Chinese judges, Chinese professors, and Chinese lawyers.

During the trip to Beijing, I met with almost 50 of the students at the school—some judges, some lawyers, and some academics—where there was a concern to understand due process of law. I was pleased to hear some reports that there has been an improvement in some situations on filing charges, on the access of counsel. I believe the school of law established by Temple University in Beijing is very useful. But I think, realistically, they have a very long way to go.

From China, I then set out to Nepal, visited Katmandu, and spoke to the Prime Minister, who has had a very difficult time. There was a great deal of unrest in the country following the King's taking power from the elected government. Following strong public resistance and marches, the King stepped down. Seven political parties are trying to go through the formation of a new government.

They are being challenged by malice, with an overriding concern about the possibility of violence there.

I discussed a major situation where there are more than 100,000 refugees in Nepal originating from neighboring Bhutan. I traveled next to Bhutan, which is a remarkable country situated between Nepal and Tibet. James Hilton's famous book, "Lost Horizon," locates the idyllic spot, Shangri-La, with fantasy, in Bhutan or in Tibet.

Bhutan is a country of about 700,000 people. It was totally isolated until 1950 when the King invited in foreigners. It was said that up until that time they lived in a medieval state.

Now there is a King, 51—very progressive, who has not waited for popular unrest to oust him. But they are moving ahead with the formation of a constitution—and a very unique constitution where they are concerned about the gross national happiness product as opposed to the gross domestic product.

I had a lengthy discussion with the King about setting up a constitution where the monarch must step aside at the age of 68. Bhutan is being modernized.

The road from the airport city to the main city, Thimpu, is 60 kilometers of treacherous highway road. But it is a remarkable country.

There I talked to the Chief Justice of Bhutan. I talked to him about the formation of their constitution as I had done in Nepal. The issue of a constitution is one which is spreading around the world, with considerable modeling after the Constitution of the United States which was, as we know, the first complete written constitution.

From Bhutan, I then traveled to Kuwait. I met with the Emir of Kuwait and with the Prime Minister and had extensive discussions about the concerns of the nuclear activities in neighboring Iran. We spent just an overnight there and then on to Israel. Regrettably, we had to make a stop in Cyprus. The rules are, if you come from an Arab country you can't fly directly to Israel, just as we cannot fly directly from Israel to Libya. But we had to make a stop in Cyprus, and coming from Kuwait, we had to make a stop in Amman, Jordan, before going on to Israel.

In Israel, we met with Prime Minister Olmert and with Defense Minister Perez. We reviewed the situation and our findings there are set out more extensively in the written report.

From Israel, we traveled on to Libya and saw a remarkable transformation of Libya and Libya's leader, Colonel Qadhafi. I think there has been a historic rehabilitation of the nation of Libya and the leader, Colonel Qadhafi, where they have moved from being the world's leading terrorist state in very heavy competition, at least at the time they blew up Pan Am flight 103 back in 1988 and blew up the German discotheque killing U.S. soldiers and wounding many more.

We had an opportunity to meet Colonel Qadhafi. We took a plane flight from Tripoli for a couple of hours, moved on to the middle of the desert, met with him in his tent, and had a discussion with him looking for some guidance as to how a major world terrorist could rehabilitate, pay compensation, as to whether there could be any insight as to what we might do with North Korea and Iran today.

Regrettably, those problems are beyond anyone's solution, but the rehabilitation of Libya and Qadhafi showed that there is some hope to turn major terrorists into a rehabilitated situation.

We then flew overnight to China and returned to the United States. As I said, the details are set forth in the extensive written report which follows the conclusion of these extemporaneous comments.

Exhibit 1

Statement of Arlen Specter

REPORT ON FOREIGN TRAVEL

Mr. President, I have sought recognition to report on foreign travel, as is my custom, from August 5 to August 24, 2006. On August 5, I joined a delegation led by Senator Ted Stevens which departed from Andrews Air Force Base at 11:00 a.m. en route to Guilin, China, via Beijing to participate in the Untied States-China interparliamentary conference. Senator Stevens is the Chairman of that conference and Senator Daniel Inouye is the co-chairman. Senator Patty Murray and Senator Norm Coleman serve as vice-chairmen. In addition, the delegation consisted of Senator Thad Cochran, Senator Mark Dayton, Senator Lamar Alexander and Senator Richard Burr.

Our first stop was Anchorage, Alaska where we landed at Elmendorf Air Force Base after a flight of 7 hours. After dinner and overnighting at the Captain Cook Hotel, we departed for Beijing the next morning, August 6, at 9:00 a.m. We passed the international date line and arrived in Beijing at about 9:00 a.m. Beijing time on Tuesday, August 7. We then flew an additional 3 hours to Guilin where the conference was held. Most of us decided to stay up for the balance of the day although we had already been up some 24 hours to try to get on our regular body clock schedule. Joan and I took a long walk, visited the town, had an early dinner, and retired. It is always difficult to get much sleep on the first night, but we awoke somewhat refreshed.

On the morning of Tuesday, August 8, we took a trip on the Li River hosted by the interparliamentary group's Chairman, Sheng Hauren. It was a magnificent boat trip. The area is heralded as one of the China's most extraordinary scenic spots. With lunch being served onboard, it provided an opportunity for extensive informal discussion with our Chinese hosts.

Chairman Sheng Hauren was a charming host in his mid-60s with a full head of gray hair, portly, with a perpetual smile and an easygoing disposition. I told him of my special interest in human rights in China arising out of an incident where a librarian from Dickinson College, Mr. Yongyi Song, was detained by Chinese officials in 1999. Mr. Song was born in China and immigrated to the United States where he was about to fulfill his requirements for citizenship when he returned to China for research. He was arrested, held for 7 months without an opportunity to see counsel or even his wife. No charges were brought against him and no hearing had been set when it was called to my attention.

I filed a Senate resolution reciting the facts, condemning the process which lacked even the fundamentals of due process of law and urged his release. Shortly after filing the petition, I was summoned by the Chinese Ambassador to the United States to meet with him. It was a testy meeting with the Ambassador beginning by challenging me for meddling in internal Chinese affairs. I responded politely but forcefully that it was hardly meddling in Chinese internal affairs when they detained a Pennsylvanian under the circumstances noted without any basic rights. I emphasized that I had great respect for China, a powerful country of 1 billion, 250 million people at which point I was interrupted by the Ambassador who said: "please Senator, 1 billion, 300 million people." From the time I had last checked the Chinese statistics they had gained about 50 million people, about the population of France. We continued to discuss the matter when the Ambassador notified me that Mr. Song was about to be released and would be arriving by air in Philadelphia in a few days.

I told Chairman Sheng Hauren about this incident as a primer to discussing with him the action taken as a result of the detention of Mr. Song. I introduced legislation to appropriate approximately 2 million dollars to establish a branch of the Temple Law School in Beijing to teach judges, prosecutors, academics and students the fundamentals of due process of law. Chairman Sheng Hauren listened politely and said, of course, that he knew nothing about the specifics of the case I cited. He said that with the developing country in China and the need for civil order there were occasions where arrests were made which might seem extreme to foreigners. I did not press the matter further, but I already made my point about being concerned about human rights and the rights of detainees in China.

I asked Chairman Sheng Huaren about the relative authority of the Chinese courts compared to the Executive Branch or the National People's Congress. Chairman Sheng Huaren replied that after the Supreme Court of China had ruled, their decisions could be overturned by National People's Congress. I replied that it was exactly the opposite in the United States where the Supreme Court had the final word in deciding the constitutionality of congressional enactments and the Supreme Court had the authority to overrule the President's exercise of executive power as the court has recently done in the celebrated case of Hamdan v Rumsfeld when the Supreme Court ruled the President did not have the authority to set the rules of the trials of war criminals.

I asked Chairman Sheng Huaren why there had been so much more economic development in China contrasted with India which had a population almost as large, one billion compared to 1.3 billion, and the government of India had the benefit of democratic institutions which would have been expected to produce more individual initiatives. Chairman Sheng Huaren replied that China had enjoyed greater success because of China's planning and the diversification of ownership. He pointed out that early on in China, employees had an interest in ownership. He noted that there had been planning between urban and rural areas with special attention being devoted to agriculture as the primary industry with secondary attention to manufacturing and beyond that the service industry. The Chairman emphasized that there had been a special effort made in China to achieve a harmonious social society which promoted productivity and economic advancement.

The boat ride ended mid-afternoon and we docked at a nearby town where shopping was available and then drove back to Guilin. The Chairman hosted a dinner that evening in a magnificent dinning hall which was part of the large conference center. The full delegation and spouses and staff were present with almost 100 people in attendance for the customary Chinese eight course dinner.

The next morning, the delegates arrived for the traditional photo session with the two hour morning program beginning at 9:30 AM. The topics which had been agreed upon were bilateral relations and trade and investment. After a break for lunch, again sumptuous, the afternoon session began at 2:00 PM and ran until approximately 4:00 PM with international security and energy as the topics.

The tone of the meeting was very cordial. Senator INOUYE drew a laugh when he said it was better to talk than to shoot. Chairman Sheng Huaren got down to business promptly raising the issue of Taiwan which is very much on the minds of the Chinese. Chairman Sheng Huaren stated that he appreciated the reiteration of our one China policy and China was totally opposed to unilateral action meaning any effort by Taiwan to break away from China.

At one point in the conference, Senator STEVENS reiterated that the United States stood behind the one China policy and added, prefacing his remarks that it was intended to be in the friendly constructive spirit, that the Chinese were preoccupied with the one China issue. Senator STEVENS noted China was soon to play host to the 2008 Olympics which has the promise to be the greatest Olympics ever and that event should not be marred or spoiled by any military action between China and Taiwan. The Chinese delegation appeared to take the comments in good spirit and gave no specific reply.

Senator STEVENS said that the 21st century should be the century of the Pacific and noted that the United States was proposing an interparliamentary meeting with Japan and that if that took root as the U.S.-Chinese group had, that they might look forward to having the three major powers, the U.S., China and Japan, join together to discuss the issues of the Pacific. Senator STEVENS pointed to the damage to plant life and the threat to extinguishing species of fishes and the air control over the pacific and the problems generally with the water supply. The Chinese delegates emphasized the enormous need for economic development in China with its expanding population and the need to create millions of jobs each year.

On the morning of August 11th, I broke from the delegation to speak to a group of students, lawyers and judges at Tsinghua University outside Beijing. The Yongyi Song case in 1999 illustrated the lack of a transparent and fair legal system in China. Since 2000, I worked to advance the rule of law in China through Temple University's Rule of Law program at Tsinghua Law School and approximately $2 million has been secured annually for the program. During a prior visit to China in 2001, I suggested to Premier Zhu Rong-ji that the Chinese government work with Temple's program to develop an agreement with the U.S. dealing with due process rights for detained American citizens. That is still a work in progress.

Upon arrival at Tsinghua, I was met by Temple professor John Snagoola who provided an update on the program. Temple has educated 612 legal professionals of whom 494 were from the public sector including 184 judges, 107 prosecutors, 59 government officials, 97 law professors and 47 NGO legal staff.

I was received in the law school's lecture hall by 48 students and a panel of eight professors. I spoke to the students about a wide variety of judicial and constitutional issues being debated in the United States including the detention facility at Guantanamo Bay and the NSA wiretapping program. I explained to the students the importance of the rule of law in American society and that no man is above the law. I highlighted the benefits of a system where the accused have the right to counsel, to a trial and to know why they are being detained.

I elaborated on the role of the courts as the final arbiter and that neither the Congress nor the President could overrule the courts. In contrast, the National People's Congress of China supersedes any decision made by the courts. The hour-long session provided ample time for dialogue with the students. They asked a variety of questions with special attention to civil liberties, national security, medical care for women, same sex marriage and the war in Iraq.

I ask unanimous consent that the Special Report on Temple Students compiled by the Beasley School of Law and letters supporting the program be included in the record.

I rejoined the delegation later that afternoon for a meeting with Wu Banggou, Chairman of the National People's Congress, at the Great Hall of the People. Our conversations included a wide range of issues including national security, weapons proliferation and trade. Following the meeting, Chairman Wu hosted a banquet for all members of the delegation at the Great Hall of the People.

On August 12th, the delegation returned to the Great Hall of the People for a meeting with President Hu Jintao. Many of the issues raised during the visit were discussed during the meeting. I specifically pressed President Hu about arms transfers to Iran and China's efforts to ensure they are not being transferred to third parties. I did not receive a sufficient response.

While my colleagues returned to the United States on August 12th, I traveled on to Kathmandu, Nepal. Prior to departing from Beijing, I was joined by my aide Christopher Bradish, Lieutenant Colonel Donald Walker, United States Army, and Dr. Ron Smith, United States Navy.

NEPAL

From Beijing, I traveled to Kathmandu, Nepal where I was met by Ambassador Bill Moriarty who provided me with insight into Nepal's political situation and its struggle for democracy. In June 2001 ten members of the royal family, including King Birendra, were killed in an assassination-suicide, reportedly carried out by Crown Prince Dipendra. The murdered king's younger brother, Gyanendra, now occupies the throne. Nepal's recent history has been characterized by a power struggle between the monarchy, political parties, and a Maoist insurgency.

In 1990, following a democratization movement, Nepal became a parliamentary democracy under a constitutional monarch. In a reversal of the longer-term trend towards a democratic constitutional monarchy, on February 1, 2005, King Gyanendra declared a state of emergency, assumed full powers, suspended civil liberties, and placed opposition leaders under arrest. The King explained his move as necessary, because of the elected government's inability to put down the Maoist insurgency. However, most analysts saw the move as an attempt to also assert control over the country's democratic elements.

In response to the King's actions, Nepal's seven main political parties announced they would work together to reform the constitution, reinstate parliament, and limit the powers of the king. Mutual rejection of the King's power grab also led the parties to seek rapprochement with the Maoist insurgents. In April 2006, popular anger at the King's abuse of power resulted in three weeks of massive demonstrations across the country and broad public support for a nationwide general strike called by the coalition of political parties, and backed by the Maoists.

After unsuccessfully attempting to forcefully suppress the demonstrations, the King announced the reinstatement of Parliament on April 26, 2006. The Parliament has since taken action to strip the King of his political and military powers, reciprocated a Maoist cease-fire, and released hundreds of guerrillas, including some of their top leaders, from jail. In talks with the Maoists, the Parliament has also agreed to the writing of an interim constitution, to the formation of an interim government, and to hold new elections.

In February 1996, the leaders of the underground Communist Party of Nepal (Maoist) and the United People's Front (UPF) launched a "People's War" in the Midwestern region of Nepal, with the aim of replacing the constitutional monarchy with a one-party Communist regime. The insurgency has claimed the lives of approximately 13,000 people. With an estimated 5,000–10,000 armed fighters utilizing guerrilla warfare tactics including murder, torture, arson, sabotage, extortion, child conscription, kidnapping, bombings, and assassinations, the Maoists were able to establish a parallel government to rule over substantial proportions of Nepal. A string of bank robberies, combined with "revolutionary tax" revenues, made the Nepalese Maoists among the wealthiest rebel groups in Asia.

Following the King's 2005 seizure of power, the Maoists joined with Nepal's seven major political parties in resisting the King's control of government. After the restoration of Parliament, the Maoists offered the government a cease fire and entered talks to join the government. In June, the Maoists leader, Pushpa Kamal Dahal, also known as "Prachanda," agreed to dismantle the parallel government, but refused to disarm until after elections are held for constituent assembly to draft a new constitution. The Maoists have offered to sequester their arms and men under international supervision, provided the Nepalese military does the same.

The Maoists' message has included bellicose and anti-American rhetoric. In 2002, the Maoists claimed responsibility for killing two off-duty Nepalese security guards at the American Embassy in Kathmandu. On October 22, 2003, the Maoists stated that American-backed organizations would be targeted for attack. The State Department does not list the Maoists/UPF as a Foreign Terrorist Organization. However, the Department's 2005 Country Reports on Terrorism does list the groups amongst its list of "Other Groups of Concern."

In a statement before the Senate Foreign Relations Committee's Subcommittee on Near Eastern and South Asian Affairs on May 18, 2006, Assistant Secretary of State for South and Central Asian Affairs Richard Boucher highlighted that the Maoists have not renounced violence, nor agreed to disarm. He further noted that the Maoists originally took up arms in 1996 against an elected government and that Maoists human rights abuses continue to be reported. He stated that until the group renounces violence and shows respect for human rights, the Administration "will not be convinced that they have abandoned their stated goal of establishing a one-party, authoritarian state."

Nepal is one of the poorest countries in the world. Up to 90 percent of its inhabitants earn a living through agriculture. Continued reliance on subsistence farming could keep Nepal poor for many years to come. Government efforts to increase foreign trade and investment have been impeded by political instability, the small size of the economy, its remoteness, a lack of infrastructure and technological development, and frequent natural disasters. Future economic prospects will likely be influenced by the outcome of the negotiations underway between the Parliament and Maoists.

On August 13th, I met with Prime Minister Koriala for 45 minutes. Prime Minister Koriala expressed his gratitude for U.S. financial assistance and that it aided in stabilizing the government. He stressed his strong support for democracy and emphasized that unless the Maoists give up their weapons they could not join the government. Koriala hoped that the United Nations would be brought in to resolve Nepal's internal conflict.

Prime Minister Koriala had been jailed on several occasions throughout his life for his political activities. These sentences accounted for fourteen years of his life. Koriala informed me that his life's goal was to bring all non-democratic elements, including the Maoists, into a constitutional democracy, stating that he would never surrender a democratic government to anyone. Koriala informed me that he would succeed in order for terrorists all over the world to learn from Nepal's example that dialogue was the best way to solve disputes.

Prime Minster Koriala said he favors a ceremonial monarchy because it had been a unifying factor in Nepal since 1769. He noted that, unless the Maoists gave up their weapons, the interim constitutional drafting committee could not consider the Maoist's suggestions, adding that their proposals for a republic based on ethnic regions could fragment and destabilize Nepal.

PM Koriala expressed his concern about the Maoist's intentions, especially as they have not given up their weapons. Koriala informed me that they are still extorting and collecting taxes from citizens despite their signing of the 25-point code of conduct in which they agreed to stop these activities. Many representatives I met with expressed skepticism about the Maoists ability to implement what they agree to do.

Following my meeting with the Prime Minister, I met with Subash Nemwang, Speaker of the House. The Speaker reiterated the position of the Prime Minister that Maoists will not be permitted to enter into any form of interim government until they are disarmed. Speaker Nemwang expressed his desire to see the Maoists repudiate violence and join the democratic political process.

I then met with the Home Minister Krishna Prasad Situala who is also the point person on the Government of Nepal's peace talks. The Home Minister expressed hope that the Maoists could be brought peacefully into the political mainstream, but warned that the Maoists had not lived up to the pledges made in negotiations. He stressed the importance between Nepal moving towards a successful democracy and the need to have the Maoists disarmed. He believes that the United Nations could playa positive role in facilitating the transition to democracy. I urged the Home Minister, in his role as chief negotiator, to be firm and tough with the Maoists, whose actions are similar to those of thugs.

Nepal has formed a Peace Secretariat, a think tank of sorts, to advise the government on how to transition to democracy. I met with the head of that agency, Vidyadhar Malik, who also expressed an interest in having the UN involved in Nepal. The Peace Secretariat believes the UN could be able to provide some best practices options for Nepal on how to ensure arms are not part of the political equation.

Armed groups or political parties cannot be permitted to participate in government unless they disarm. Hezbollah and Hamas, both terrorist organizations, were permitted to participate in government much to the detriment of citizens in the region. During my conversation with Mallik and other leaders, it became clear that were the Maoists to come to power, Nepal would be more unstable and ruled through intimidation and fear.

I was invited to the Ambassador's residence for a roundtable discussion and lunch with the leaders of the various Nepalese political parties. Attendees included: Sher Bahadur Dueba, former Prime Minister and President of the Nepali Congress, Madhav Kumar Nepal, General Secretary of the Communist party, Ram Chandra Poudel, General Secretary of the Nepali Congress party, Narayan Man Bijukche, President of the Nepal Workers and Peasants party, Prakash Man Singh, Vice President of the Nepali Congress, Chandra Prakash Mainali, General Secretary of the Socialist party, Jhalanath Khanal, Central Committee Member of the Communist party, Arjun Narsingh, Central Committee Member of the Nepali Congress party and Lilamani Pokhrel, Vice President of the People's Front. We had a candid discussion about the parties efforts to work together to confront the Maoists and the prospects for a democratic Nepal.

Later that day, the Ambassador invited me to a dinner reception at his residence where there were roughly seventy political party leaders, civil society representatives, human rights and women's rights activists. I had the opportunity to engage in dialogue with many of those in attendance about the status of Nepal and the prospects for stability. Many of the leaders expressed their appreciation to me for coming to Nepal and the support the U.S. has provided the country.

BHUTAN

On Monday, August 14th, we departed Kathmandu en route Thimphu, Bhutan. Due to the mountainous terrain of Bhutan, we had to take the Royal Druk Airline whose pilots are the only ones permitted to fly into Bhutan. From the Paro airport we took the windy ninety minute drive to the capital, Thimphu.

Bhutan is the world's last Buddhist kingdom. Although the government places a heavy influence on the preservation of its Tibetan Buddhist culture, Bhutan is slowly emerging from self imposed international isolation and is in the process of evolving into a constitutional monarchy with a representative government.

The U.S. and Bhutan have not established formal diplomatic relations; however, relations between the two governments are cordial. The Public Affairs Section of the U.S. Embassy in New Delhi administers the International Visitor (IV) and Fulbright Exchange Programs for Bhutan. There are currently sixty-seven Bhutanese alumni of the IV program including Bhutan's Chief Justice, three Ministers, and six District Governors. Thirty-three Bhutanese nationals have received undergraduate degrees in engineering and the sciences through the Fulbright Exchange Program. Most alumni now head technical corporations working on infrastructure development at Bhutan's regional level.

The following morning, I met with Prime Minister Sangay Ngedup. The Prime Minister began by expressing his appreciation for the United States as a great democracy and global leader. He also informed me that Bhutan is going through a lot of changes. Most notably, the King announced that Bhutan will be voting on its first constitution in 2008 and instituting a parliamentary democracy.

The Prime Minister told me that this move is inspired in no small part by the U.S. Constitution. Prime Minister Ngedup said the country's leadership is working to ensure the country will have good governance and good leaders for its future. He believes Bhutan can serve as a model democracy for the region. The Prime Minister expressed the view held in Bhutan that happiness is the cornerstone of the society. In fact, the country has developed a Gross National Happiness indicator.

When King Wangchuk came to power in 1972, he announced that government policies would be based on the pursuit of high "Gross National Happiness" rather than the conventional Gross Domestic Product (GDP). The concept of GNH is based on the premise that true development of human society takes place when material and spiritual development occur side by side to complement and reinforce each other. Since the King's 1972 announcement, the government has focused on what it calls the "four pillars" of GNH (socio-economic growth, cultural values, environmental conservation and good governance) to guide the country's development plans. For example, the government mandates that a minimum of 60 percent of its land be covered in forest and has instituted policies meant to encourage only high-scale environmentally conscientious tourists to visit. The 2005 national census found that 45.2 percent of Bhutanese are "very happy," 51.6 percent are "happy," and only 3.3 percent are "not very happy."

The Prime Minister reminded me of the provision penned by Thomas Jefferson regarding the pursuit of happiness. In Bhutan, they measure achieved happiness. The idea of a Gross National Happiness is certainly unusual. I did commend my hosts because it is wonderful that a government wants its people to be happy and makes government work toward that end.

The Prime Minister wears two hats in that he also serves as the government's point person for agricultural issues. His role in ensuring a high level of Gross National Happiness is to provide an adequate supply of food, shelter, clothing, clean air and water. He told me about his work to increase food production, raise rural income and improve the livelihood of the nation's large rural population while preserving the pristine natural environment and conserving the rich natural resources.

We then met with Khandu Wangchuk, the Minister of Foreign Affairs. Minister Wangchuk attended graduate school at Tufts University. I pressed the Prime Minister on the issue of the 105,000 refugees living in UN-funded camps in Nepal. The immigration of ethnic Nepalese to Bhutan has taken place since the 17th century and ethnic Nepalese and ruling Drukpas have shared cordial relations throughout the years. However, in the late 1980s, concern over the increase 13 in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts by Bhutan to assert a national culture, to tighten control over the southern regions, to control illegal immigration and to expel ethnic Nepalese.

Beginning in 1988, Bhutan's government expelled large numbers of ethnic Nepalese through enforcement of new citizenship laws. In response to this perceived repression, ethnic Nepalese protested, sometimes violently, leading to a government crackdown and the closure of local Nepalese schools, clinics, and development programs. In 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and to take refuge in Nepal. Today, over 100,000 ethnic Nepalese who were expelled from Bhutan are encamped in seven United Nations High Commissioner for Refugees (UNHCR) camps in southeastern Nepal.

In October 2004, then-Assistant Secretary of State for Population, Refugees and Migration Gene Dewey visited Bhutan and discussed the refugee issue with the King. During this visit, the King agreed to immediately repatriate certain categories of refugees. However, to date, no refugees have returned, because of procedural disagreements between Bhutan and Nepal. In recent months, the international community, through a Core Group on Bhutanese Refugees (consisting of the US, Canada, Australia, the Netherlands, Denmark, Norway, and New Zealand), has begun discussing a comprehensive solution to the refugee problem that would likely include resettlement of a large number of refugees to third countries. Ambassador Moriarty noted that the U.S. could possibly accept upwards of 75,000 refugees spread out over many years.

The Foreign Minister, well-versed in this issue, explained that this refugee issue is unique and complicated. He informed me that Bhutan, a country of 700,000 does not have the capability to absorb large numbers of people in its society and large-scale immigration would be difficult to accommodate and perhaps pose a threat to stability due to the scramble over resources and infrastructure.

The major problem facing the bilateral relationship between Bhutan and Nepal is the instability in Nepal. The constant changes in Nepal's government have made it difficult for Bhutan to negotiate.

The Foreign Minister requested that my committee and colleagues consider allowing Bhutanese students, studying in the United States, the ability to have multiple entry visas to allow them to return for holidays and to visit family. Additionally, he requested I inquire about funds belonging to Druk Air, the national airline, which were frozen by the United States as a result of the sanctions placed on Burma.

While in Nepal, many leaders expressed concern that if those in UN camps were allowed to go to a third-party country, such as the United States, Bhutan would expel additional ethnic Nepalese. The Foreign Minister assured me that the government would do no such thing.

Following our meeting with the Foreign Minister, we had an audience with King Jigme Singye Wangchuk who ascended to the throne in 1972 at the age of 17. As head of state, the King is responsible for all matters relating to the country's domestic policies, security, and sovereignty. However, in 1998, King Wangchuk voluntarily transferred his executive powers to the ten member-Council of Ministers. Ministers are nominated by the King and approved by the 150 member National Assembly, 106 of whom are elected by the people. The remaining Assembly members are selected by the King, Buddhist clergy, and the Council of Ministers.

In March 2005, King Wangchuk unveiled a draft constitution, which envisions a constitutional monarchy with a Parliament consisting of an upper and lower house. The proposed draft Constitution legalizes political parties and guarantees fundamental human rights such as the right to life, liberty and security of person, the right of association, freedom of speech and press, freedom from torture or inhuman punishment, and freedom from discrimination based on race, sex, language, religion, or politics. The draft also mandates the abdication of the monarch on his 65th birthday and would allow the National Assembly to force a royal abdication if the motion was backed by three-quarters of its members. The draft has reportedly been sent to every household in the country for review. The King has said the Constitution will be ratified through a public referendum, although a date has not yet been set.

In December 2005, King Wangchuk announced that when the nation holds elections for its first elected government in 2008, he will abdicate to his son, Crown Prince Dasho Jigme Khesar Namgyal Wangchuck. I asked the King why he chose to reduce the power of the monarchy. The King responded that he "became King due to birth, not merit . . . which is a flaw of monarchies" and that "national interests come first." I found this action rare and refreshing in contrast to a world where more and more people are trying to gain more and more power. We spoke at great length about a wide variety of issues including terrorism, the Middle East, radical Islam, Iraq and Afghanistan. We had an informative dialogue and I was impressed with the King's knowledge of world events during the course of our hour-long meeting.

Following the meeting with the King, I had the opportunity to meet with the Chief Justice of the Royal Court, Sonam Tobgye. The Bhutanese legal system is primarily based on Buddhist natural law. The court has three levels, the High Court, established in 1968, over which the Chief Justice presides, the Dzongkhag Court, established in 1960, and the Dungkhad Court, established in 1978. The High Court consists of seven to nine Judges. A Dzongkhag court comprises of a minimum of single judge and a maximum of three judges. A Dungkhag court is comprised of one judge.

The drafting committee for Bhutan's constitution is headed by the Chief Justice and consists of 39 members of elected representatives. The current system of government provides for a unicameral assembly. The new government will be a bicameral system with an assembly, or lower house, and an upper house. I asked the Chief Justice why the King supports a move towards this form of governance. He responded by saying that the King told him, "it is better to trust the people than to hope for the best in one person."

From Bhutan we flew back to Kathmandu, passing Mount Everest, to change planes before heading to Kuwait.

KUWAIT

On Friday, August 18th, we landed in 118 degree weather at Ali al Salem Air Base located 45 minutes outside Kuwait City and forty miles from the border with Iraq. We were met by First Secretary and Chief of the Political section from the U.S. embassy, Natalie Brown.

Ali Al Salem Air Base is located just 39 miles from the border with Iraq and the bomb damage from Iraq's occupation of Kuwait is still visible. Kuwait can host as many as 90,000 U.S. military personnel at any one time, most of whom are rotating in or out of Iraq. Following the U.S.-led effort to liberate Kuwait from Iraq in 1991, Kuwait signed a ten year defense pact with the U.S. In September 2001, the pact was renewed for another ten years. On April 1, 2004, the Bush Administration designed Kuwait as a Major Non-NATO Ally (MNNA), a designation held by only one other Gulf state (Bahrain).

Kuwait privately supported the invasion of Iraq in 2003, even though it publicly opposed the U.S. action. In the run up to the invasion, Kuwait closed off 60% of its territory in order to secure the U.S.-led invasion force of about 250,000 personnel and several thousand pieces of armor; allowed U.S. forces to use two air bases, as well as its international airport and sea ports, and provided $266 million in burden sharing to support combat operations. Kuwait has contributed $213 million in burden sharing support to OIF in FY2005, and is expected to contribute $210 million in both FY2006 and FY2007. Kuwait has also built a water line into Iraq, assists the Polish-led security sector in Hilla, Iraq, and runs a humanitarian operation center (HOC) that has funneled over $500 million in assistance to Iraqis since the fall of Saddam.

Prior to the toppling of Saddam Hussein, Kuwait hosted about 1,000 U.S. Air Force personnel enforcing the "no fly zone" over southern Iraq. Kuwait also hosted about 5,000 U.S. forces during Operation Enduring Freedom (OEF) in Afghanistan that ousted the Taliban.

On Saturday, August 19th, I met with U.S. Ambassador Richard LeBaron who updated me on the recent developments in the region. Ambassador LeBaron informed me that Kuwait plays host to the largest military base outside Iraq in the Middle East. Kuwait also gives more aid and support than any other country to support U.S. efforts in Iraq.

According to the Ambassador, Kuwait is very concerned about Iraq and what they describe as the "emergence of a failed state." LeBaron requested I pursue the issue of Iraq with Kuwaiti leaders and seek their views on the future of its northern neighbor. LeBaron further asked me to seek the views of Kuwait on the problem of Iran. While the U.S. is primarily concerned about Iran's capability to attain nuclear weapons, Kuwait is concerned about the environmental hazards associated with nuclear energy. More specifically, Iran's Bushehr nuclear facility is located closer to Kuwait city than Tehran. Any accident or leak at the facility could have a profound impact on Kuwait's water supply and air quality.

The State Department's 2005 Country Reports on Terrorism credits Kuwait for bolstering measures to protect U.S. forces in Kuwait from terrorist attacks but notes that Kuwait has been "reluctant to confront extremist elements within the local population." In May 2006, Kuwaiti judges dismissed charges against five Kuwaitis who were repatriated from the U.S. facility at Guantanamo Bay. In December 2005, Kuwait convicted six men of belonging to a terrorist group ("Lions of the Peninsula") allegedly planning attacks on U.S. troops in Kuwait. Since January 2005, Kuwaiti security forces have engaged terrorists in at least five confrontations in Kuwait City. Shortly after the September 11, 2001, attacks, Kuwait moved to block the accounts of suspected Al Qaeda activists in Kuwait, and the State Department reports that Kuwait has established an office at the Ministry of Social Affairs and Labor to monitor Islamic charities.

On the social and political fronts, Ambassador LeBaron reported that Kuwait has taken steady steps towards liberalization. Women received the right to vote in 2005 and ran in elections in 2006. However, no women were elected. The U.S. has been providing technical assistance to Kuwait through organizations like the International Republican

Institute and the National Democratic Institute. Kuwait has had a functioning legislature for forty years which the Ambassador portrayed as a "serious body" that is not a rubber stamp and is often critical of Kuwait's leadership.

The royal family is widely respected by the people of Kuwait. The Ambassador pointed out that they do not monopolize wealth and are part of the system. Kuwait's substantial oil wealth, which accounts for ten percent of the world market and three percent of U.S. imports, is not owned by the ruling family but rather the Kuwaiti people. Currently, there is much debate about over how much oil the country has, but the Ambassador said Kuwait has plenty and is still finding more.

For some time, I have questioned the validity of claims that the U.S. Ambassador to Iraq, April Glaspie, told Saddam Hussein that the U.S. would not stand in the way should he wish to take Kuwait. Unfortunately, this answer still eludes me as Ambassador LeBaron did not have an answer.

As Chairman of the Judiciary Committee, I have been heavily involved in examining the issues surrounding the detainees at Guantanamo Bay, Cuba. The U.S. released six Kuwaitis who were later tried and released in Kuwait. However, five Kuwaitis remain at Guantanamo.

Our discussion expanded to many issues confronting the region, namely the Arab-Israeli conflict. The Ambassador informed me that many in the Arab world would like to see the peace process rejuvenated. Even if progress is slow, Arabs want to see the United States and others engaged in a process and working towards a solution.

The Ambassador and I then headed to Seif Palace to meet with the Amir of Kuwait, Shaykh Sabah Al-Ahmed Al-Jaber Al-Sabah, the fifteenth Amir of Kuwait. During the hour-long session, I asked the Amir what needs to be done to get Iran to stop aiding Hezbollah and the insurgents in Iraq. The Amir responded by saying that Iraq will not be stable in the next few years and that Iran has been emboldened and strengthened by the chaos in Iraq and the situation in Lebanon. He advised me that the U.S. should speed up the training of the Iraqi army and that U.S. forces should not enter town and cities unless invited.

I asked Amir Sabah if it is realistic to think that a United Nations peacekeeping force of 15,000 in Lebanon can stabilize the situation between Israel and Hezbollah. The Amir felt the force will only be effective if they are given a good mandate and the necessary authority to control the region.

When I asked about Kuwait's bilateral relationship with Iran, the Amir told me Kuwait had good relations but that they are concerned about the impact a nuclear accident in Iran would have on Kuwait and their fear that Iran will transfer peaceful nuclear technology to a military capability. Given his concern about Iran becoming a nuclear state, I asked if Kuwait had pressed Iran to stop their pursuit of weapons. The Amir responded in the negative with the rationale that if the U.S. and Europeans could not convince Iran to give up their pursuit, a small country like Kuwait would not be able to make any progress. However, the Amir did say he would support sanctions.

I asked the Amir about his views on the Arab-Israeli conflict. Former National Security Advisor, Brent Scowcroft, wrote an article suggesting relations between the two could improve if Israel retreated to its 1967 borders. Saudi Arabia reportedly said it would enter into a peace agreement with Israel if it agreed to this proposal. The Amir also said Kuwait would support such a proposal and pointed out that the Arab League declared its support for such a proposal at the 2002 Arab summit. However, we both expressed doubt that Israel would agree to such a proposal.

I asked the Amir what should be done about Hamas and their view that Israel should be destroyed. The Amir doubted Hamas had the capability to destroy Israel and that Hamas attacks Israel with "fireworks." I informed the Amir that "fireworks do not kill people."

The Amir asked me to review the case of five Kuwaitis being held in U.S. custody at Guantanamo Bay, Cuba and work to secure their release to his government. The Amir assured me that they would be tried for any crimes and punished accordingly if found guilty. Six Kuwaitis were released to Kuwait from Guantanamo, tried and found not guilty.

Following my audience with the Amir, I met with Prime Minister Nasser Al-Mohammed Al-Ahmed Al-Sabah. The Prime Minister served as Ambassador to Iran for ten years and shared with me his views on that country. He pointed out that President Ahmadinejad came to power via democratic means and therefore he must be recognized and dealt with. The Prime Minister suggested that the U.S. should directly engage Iran in a frank and direct manner because, as is the case with all conflicts, dialogue and discussions should be exhausted before any other action is pursued. I agreed with the Prime Minister's assessment with the caveat that Iran's support for terrorism and its desire to possess nuclear weapons poses a threat to the region and the world. When Nasser suggested that the U.S. meet with Iran in Vienna to discuss the issues confronting our bilateral relationship, I informed him of my prior meetings with Iranian officials in New York and my desire to have a parliamentary dialogue.

On the issue of peacekeeping efforts in Lebanon, the Prime Minister hoped the U.N. efforts would be fruitful but that the key to success will be having a coalition of nations respected by both sides. On the issue of Hamas, the Prime Minister said that Hamas was democratically elected and that they must be recognized. However, he noted that Kuwait has counseled Hamas that they are now policymakers inside the government and must act accordingly. Following my meetings at Seif Palace, we left the Gulf for Israel.

ISRAEL

On Saturday, August 19th, we landed at Ben Gurion in Tel Aviv after a technical stop in Amman, Jordan. The following morning I met with Israel's Defense Minister, Amir Peretz in Jerusalem. Joining the meeting were Major General Etian Dangott, military aide to Minister Peretz, Eyal Sela from the Ministry of Foreign Affairs, Amos Gilad, Political Director of the Ministry of Defense and Commander Tom Williams, United States Navy.

Peretz expressed his view that the International Community must examine the rules of war for the U.N. mission in southern Lebanon as Hezbollah is not a conventional force. If Hezbollah is not disarmed, the U.N. must know that Israel maintains the right to defend itself. Peretz was disappointed that the U.N. has not been quick to provide the necessary forces to implement the Security Council resolution and asked the U.S. to pressure nations who have committed troops, such as France, to make good on their word. I concurred and believed that if there is not a sufficient force on the ground in short order, Hezbollah will have the opportunity to re-arm and we will find ourselves in the same situation in the future. Israel agreed to the cease-fire based on the U.N.'s commitment to provide 15,000 troops, of which France was to provide 3,500. As of the time of our meeting, France had only provided 200.

After sharing with me information that Iran has provided training and equipment via Syria to Hezbollah, I asked him if Israel considered retaliating against Iran and/or Syria for their open support of Hezbollah. He said that Israel did not want to open another front on the war and in particular, Israel felt fighting Syria would move them closer to Iran and result in Syria moving back into Lebanon. Peretz told me that there is much debate over whether to fight Syria or try to have a dialogue with them in an attempt to move them out of Iran's sphere of influence.

I asked the Defense Minister to update me on the status of the Israel Defense Force soldiers taken by Hamas and Hezbollah and the likelihood that they will be returned to Israel. Peretz expressed optimism that through negotiations with Abu Mazen and Egypt that the soldier taken by Hamas could be returned to Israel. However, he declared that Israel will not negotiate with Hezbollah as they do not want to strengthen the hand of Hassan Nasrallah who has not only requested the release of Lebanese prisoners from Israel, but also Palestinians.

I asked the Minister whether there was any possibility Israel would return to its pre-1967 borders. He expressed concern that without the disarmament of Hamas and Hezbollah, the proposal would only permit them to hit targets further inside Israel. He felt it was a complicated proposal because the question of Jerusalem remained unanswered and that Syria would have to be brought in as well.

Following my meeting with the Defense Minister, I went to Israel's Supreme Court to meet with the Chief Justice, Aharon Barak. Barak has served on the court for 28 years, of which he was Chief Justice for the last eleven. Barak will be retiring in September 2006 due to an Israeli limitation that judges must retire at 70. We discussed many issues including the interrogation of detainees, the use of torture, the power of the executive, rule of law and abortion.

Barak has had a long and distinguished career having served as dean of the law school, being appointed as Attorney General by Yitzhak Rabin in 1975 and serving through the Menachem Begin administration prior to his appointment to the court. Barak expressed his view that democracies cannot conduct or condone torture and that those taken into custody must be interrogated properly and given a prompt trial. Aside from our legal discussions, I asked him his views on the Arab-Israeli dilemma. The Chief Justice felt constrained from speaking candidly on this question as the Chief Justice, but said that "there is light at the end of the tunnel but the problem is that the tunnel keeps getting longer."

After lunch, I traveled to the Knesset to meet with Prime Minister Ehud Olmert. The Prime Minister began the meeting by expressing his realization that he knew his job would be difficult but that he did not expect to be in the middle of a war a few months into the job. He described in some detail the assistance Iran and Syria were giving to Hezbollah and the great threat that poses to Israeli security. He gave me many examples supporting his conclusion and pointed out that Hezbollah guards were trained in Iran and Iranian Revolutionary Guards are in Lebanon. He further explained how Iran has provided top class weapons to Hezbollah.

The Prime Minister said the Israeli forces were extremely effective in eliminating most of the long range and medium range missiles through its sophisticated systems and that no launcher fired a rocket twice. He declared that Israel won every confrontation with Hezbollah, but that fighting against well-equipped guerrillas is difficult. Despite these victories, he expressed concern about the growing influence being projected by Iran.

I asked the Olmert if he was frustrated that Israel could not retaliate against Iran. The Prime Minister explained that Israel should not have to deal with Iran alone and that the international community must realize the threat Iran poses and act to confront it accordingly. Olmert reminded me that it was only 65 years ago when a dictator declared his desire to eliminate Jews and now there was another leader who has stated a similar desire and who is seeking nuclear weapons—a convincing argument as to why the world should be moving aggressively to eliminate the threat posed by Iran.

I asked the Prime Minister if the ceasefire will hold. Olmert informed me that he had received criticism from Israelis for agreeing to the ceasefire and that he agreed to the proposal after assurances that a robust international force would be provided to bring calm to the region. He further explained that Security Resolution 1701 has to be implemented or Israel will be left with no choice but to continue to defend itself. He mentioned that this proposal was not of Israeli origin but rather from the French and the United States.

On the question of Hamas, the Prime Minister expressed hope that Abu Mazen will exert his authority and garner more control over the territories. He doubted there could be any progress with Hamas and he refuses to negotiate with them. He did believe that there could be progress in getting back soldiers taken by Hezbollah, possibly in exchange for those taken by Israel during the conflict.

I asked Prime Minister Olmert his views on the idea that if Israel returned to the 1967 borders, peace would come between the Arabs and Israelis. He responded by saying it was an outdated proposal and Hamas still wants to destroy Israel. Olmert expressed his belief that the next few years will be critical for Israel's survival as they combat Hezbollah, Hamas, Syria and most importantly Iran—who is seeking the capability to wipe Israel off the map.

LIBYA

On the morning of August 21, 2006, we departed Tel Aviv en route Tripoli, Libya with a brief technical stop in Cyprus. We were greeted at Mitiga International Airport by Dr. Suleiman al-Shahumi, the General People's Congress Secretary of Foreign Affairs and by Charge Greg Berry and Political and Economic Officer, Elizabeth Fritschle.

After a brief rest at the hotel, we traveled to the U.S. embassy annex in Tripoli for a country team briefing. The U.S. Embassy is temporarily located in the hotel we were staying at, but is insufficient to serve as a place for the U.S. Government to do its business. Charge Berry requested my assistance in speaking with Libyan leadership in hopes of security land for a permanent facility to build a mission. Additionally, he informed me that airline companies in Libya were in the process of deciding between Boeing and Airbus to supply them with a new fleet. President Chirac, Prime Minister Blair and Chancellor Merkel have all visited Libya and offered their support for Airbus. Charge Berry requested my assistance in sharing the benefits of the Boeing product.

In October 2005, Boeing received an order for two 737–800s from Buraq Air, a privately held airline, valued at $250 million and the planes are scheduled to be delivered by November 2006. However, Boeing is competing against Airbus to sell up to fourteen 737s and twelve 787s to Libyan Airways, the flag carrier. This deal is estimated to be worth $2.9 billion. Boeing has a significant footprint in Pennsylvania employing 4,681 workers and 915 venders and suppliers. Boeing spent $264,279,109 in Pennsylvania in 2005. In each of my meetings with Libyan officials, I described the benefits of the Boeing aircraft and highlighted the fact that it incorporates the latest technologies and offers significant fuel efficiencies.

Following the brief, we met with Dr. Suleiman al-Shahumi for about an hour. Dr. Shahumi expressed his government's desire to continue the improvements in our bilateral relationship. He briefed me on Libya's efforts to combat terrorism and their desire to have peace in Africa and the Middle East. Dr. Shahumi and I discussed our country's efforts to combat terrorism and our views on the issue of Iran. We both agreed that we are entering a new phase in U.S.-Libyan relations but that three decades of no communication will take some time to overcome.

Dr. Shahumi shared with me Libya's problems with illegal immigration. I told him about the ongoing immigration debate in the United States and the eleven million illegal immigrants residing in the country. Dr. Shahumi informed me that an estimated 50,000 illegal immigrants pass through Libya every month in an attempt to leave the continent for Europe.

I told Dr. Shahumi that it was important that the U.S. be permitted to establish an embassy quickly and he concurred. The people to people exchanges are very valuable in establishing sound relations between our countries. It was brought to my attention that the note taker from the Libyan government studied at Penn State University in 1980 and that her son was born in State College, PA.

I asked Dr. Shahumi to work with the United States to permit Dr. Donald White, an archaeology professor at the University of Pennsylvania, to continue to have access to various sites in Libya. Dr. White had previously had difficulty securing the appropriate documents needed to enter Libya. I also raised this issue with other members of the Libyan leadership during my stay. Following our meeting, Dr. Suleiman al-Shahumi hosted us for dinner at a beautiful downtown Tripoli restaurant located adjacent to an arch constructed in honor of Marcus Aurelius.

The following morning we departed for the Ministry of Justice to meet with Ali Umar al-Hasnawi, Secretary of the General People's Committee for Justice. As was customary during all of my meetings with Libyan officials, the meetings always began with a brief dialogue about the problems between the U.S. and Libya in the past and both nations' desire for better relations in the future.

I pressed Mr. Hasnawi about resolving the outstanding issues surrounding the cases involving the bombings of Pan Am Flight 103 and the La Belle Disco. On December 21, 1988, a bomb exploded on Pan Am flight 103, over Lockerbie, Scotland killing 270 people, including 189 Americans. The U.N. Security Council passed three resolutions that placed sanctions on Libya until its government surrendered for trial men suspected of the Pan Am flight and the bombing of French flight UTA 772 in 1989. Libya surrendered the two men on April 5, 1999, and the U.N. suspended sanctions the same day. In August 2003, Libya accepted responsibility for the Pan Am bombing and agreed to pay the families of each American victim $10 million in compensation. To date, the victims' families had been paid $8 million each over two payments with the remaining $2 million to be paid when the U.S. removed Libya from the list of State Sponsors of Terrorism. Libya has been removed but the final payment has not been made.

On November 13, 2001, a German court found four individuals, including a former employee of the Libyan embassy, guilty in connection with the 1986 La Belle disco bombing. Two U.S. servicemen were killed and eighty other servicemen and women were injured in the bombing. In August 2004, a compensation deal for non-U.S. victims was agreed to; however U.S. victims continue to pursue their claims in federal court. While the U.S. Government was not party to either of these suits, I stressed the importance of having these outstanding issues resolved and the benefit it will have in aiding Libya reemerge into the international community. Mr. Hasnawi informed me that both sides are working to bring the issue to a conclusion by the end of 2006 and should the cases go to court, he pledged that Libya would accept the ruling.

Charge Berry raised the issue of the five Bulgarian female nurses and one Palestinian male doctor who were arrested in 1999 on charges that they infected 426 Libyan children with HIV. They were found guilty on May 6, 2004, and sentenced to death by firing squad. However, a French doctor testified at the trial that the children had been infected in 1997, one year before the Bulgarians and the Palestinian arrived in Libya. On December 25, 2006, Libya's Supreme Court overturned the convictions and death sentences, and ordered a retrial which began in May 2006. Mr. Hasnawi responded that he anticipates a ruling in the case by no later than November 2006.

I then traveled to the Foreign Ministry to meet with Abdul Rahman Shalgam, Deputy Secretary of the General People's Committee for Foreign Relations. I asked Mr. Shalgam what can be done to address the tragic situation in Sudan. He informed me of Libya's involvement over the last three years to bring all sides in the conflict to Tripoli to participate in a dialogue. The key to peace and stability in Sudan, according to Shalgam, is to fulfill three requests made by all parties involved. Each of whom want to participate in power, benefit from the country's wealth and participate in a federal form of government to allow for local administration of the various regions. I requested that his government apply pressure on the government in Khartoum to permit the United Nations to enter the country.

I found the about-face in our bilateral relationship unique in modern history and asked Mr. Shalgam what were the factors that convinced Libya to reengage the United States and could it be used as a template to improve relations between the U.S. and Iran. He informed me that it was in the best interest of Libya to have good relations, commerce and trade with the United States and that living under sanctions was detrimental to the economy and the Libyan people. He further stated that Libya wants recognition for their actions to eliminate weapons of mass destruction and their cooperation on counterterrorism efforts. It is this recognition, and a seat at the international table, that Iran seeks, according to Shalgam. He believes the U.S. should directly enter into dialogue with Iran—a response shared by most officials I met with during my trip.

After lunch, I departed for a meeting with Ali Baghdadi al Mahmudi, Secretary of General People's Congress. Mr. Mahmudi, whose position is not unlike that of a Prime Minister, was running a cabinet meeting which was running overtime. This delay provided me an opportunity to speak with Mohammad Siala, Secretary of International Cooperation, about the steps Libya has taken to restore its economy. Prior to serving in his current capacity, Mr. Siala led Libya's tourism bureau. Mr. Siala, echoing the statements of Mr. Shalgam, stressed the importance of U.S. markets, in particular, the U.S. financial and banking system, to the growth of the Libyan economy. He expressed his interest in having a delegation from the U.S. Export Import Bank come to Libya in the near future to discuss proposals to aid Libya's infrastructure and commerce.

When the cabinet meeting broke, I met with Mr. Mahmudi who shared his view that the U.S.-Libyan relationship was on a positive track. He expressed his desire for enhanced trade and tourism with the U.S. and greater cooperation on issues of mutual concern such as radical Islam. Mahmudi views delegations from the U.S. as invaluable in enhancing our understanding of one another and hoped that more would come in the future.

During our discussion on Iran, Mr. Mahmudi believes the U.S. should not impose preconditions for talking to Tehran. On the issue of Libya serving as a framework in which the U.S. and Iran could foster better relations, he warned that the U.S. has not done enough to show the advantages of ditching weapons of mass destruction. Many Libyans question the move to surrender the weapons as they have not seen anything in return for their actions, such as technology and knowledge transfers. He believes that should the U.S. want to convince Iran to forego nuclear weapons, it should set an example by aiding Libya and showing the benefits that can be brought to those who chose that path. He mentioned that Libya has good relations with Iran and North Korea and that Libya may be able to play a role in future negotiations.

Following my meeting with Mahmudi, I was whisked to Mitiga International Airport as I was to meet Colonel Muammar Qadhafi in Surt, located about a one hour flight from Tripoli. Upon arrival at a vacant airport, I was led in a motorcade into the desert. The drive revealed the desolate landscape which was dotted with a few tents and camels. I arrived at Qadhafi's location to find a manmade pond, paddleboat, a few tents and a recreational vehicle. Perhaps the strangest fixture at this location was Congressman Tom Lantos, who was also meeting with Qadhafi. He commented how difficult it was to see each other in Washington, D.C. and how odd it was to be chatting in Libya.

As the sun was setting, we were summoned to enter Qadhafi's tent. We exchanged pleasantries and our desires for enhanced relations between our countries. I pressed Qadhafi to move expeditiously towards settling the outstanding disputes involving the bombings of Pan Am 103 and the La Belle disco.

I also requested he work expeditiously to grant the U.S. the necessary land to build an embassy. Qadhafi said that the U.S. would be given land, but that it would not be a typical embassy. He elaborated that the mission in Tripoli would not serve as an "outpost for democracy and opposition" and that the U.S. Ambassador should not interfere with local affairs. Charge Berry responded by reassuring Qadhafi that "the U.S. will be good guests." Qadhafi declared that he did not want the U.S. mission involved in Libyan politics and did not want U.S. funds being distributed to political parties and democracy efforts. Charge Berry quipped that he did not have any money to spend.

I asked Qadhafi if democracy was in Libya's future. He responded by saying democracy was derived from an Arabic term and that he hoped the United States would follow Libya's form of government declaring it was the most pure form of democracy in history. He believed that direct representation does not serve the people of the United States and that Libyans do not use proxies to make decisions on their behalf. Qadhafi believes that peace will happen only when all the people are in power and can decide the course of their government. He further declared his desire to end the existence of armies, classes, parliaments and to place wealth back into the hand of the people.

Qadhafi informed me that there was no animosity held by the Libyan people for Americans but that leaders of countries are typically responsible for actions that create animosity between peoples. For an example, he recanted his confrontation with President Ronald Reagan and the action taken by the United States which resulted in the killing of his daughter. He asked the question, "was that a decision of the American people?"

I discussed the problems the United States is having with Iran and their support for terrorism in the region, their desire to attain nuclear weapons and their statements seeking to wipe Israel off the map. I asked Qadhafi if there were any lessons to be learned from the experience between the U.S. and Libya and if it would be applicable to dealing with Iran. Qadhafi informed me that Libya urged North Korea and Iran to turn over their weapons and halt nuclear programs. However, Qadhafi believes that unless the U.S. shows the benefits of the actions taken by Libya to give up its weapons of mass destruction, the U.S. will not be able to approach either North Korea or Iran with any such proposals.

I asked Qadhafi what he wanted from the U.S. He replied by saying President Bush promised he would help with technology transfers and knowledge transfers but that nothing has happened since the agreement was reached in 2004. He also suggested that the United States provide free power facilities for Libya. While I could not promise they would be free, I concurred that the U.S. should aid Libya with their infrastructure.

Qadhafi declared it would be counterproductive for us to look towards the past and expressed his desire for the U.S. and Libya to confront international terrorism, disease, climate change and Middle East peace. I asked Qadhafi how we should combat the issue of fundamentalism and terrorism. He responded by saying that the U.S. is supporting it by supporting Saudi Arabia. I told him we did not do so intentionally and that some U.S. leaders, myself included, have long been concerned about our relationship with Saudi Arabia. I highlighted my frustration with the Saudi government which began with their lack of cooperation following the Khobar Towers bombing in 1996 to their support for textbooks which incite hatred. I told him about legislation I have authored, the Saudi Arabia Accountability Act, and my desire for a closer examination of our relationship with Riyadh.

He further stated that Wahabbism, which emanates from Saudi Arabia, is spreading across the region and is taking root in the Horn of Africa and is a threat to the entire Muslim world. Qadhafi went on to say that Saudi Arabia was responsible for the Bali bombings and behind the escape of seven individuals from Yemen responsible for the attack on the U.S.S. Cole. I asked Qadhafi to provide evidence to support these claims and did so at a subsequent meeting but was not provided anything to back up these charges.

Our meeting lasted about 45 minutes after which I was escorted through the desert back to the air base and back to Tripoli where we arrived at approximately 10:00 p.m.

On August 23rd, we departed Tripoli for Shannon, Ireland to rest and refuel prior to returning to Philadelphia on August 24, 2006.

I yield the floor.

TEMPLE UNIVERSITY, BEASLEY SCHOOL OF LAW, RULE OF LAW PROJECTS IN CHINA—SPECIAL REPORT ON TEMPLE STUDENTS

EXECUTIVE SUMMARY

Temple's initiatives in the People's Republic of China are grounded on the common theme of developing carefully-selected Chinese legal professionals who are poised to make significant contributions to the rule of law in China. Temple accomplishes this goal through three main categories of programs: the Temple Beijing LL.M degree program, non-degree education programs for judges and prosecutors, and law development and reform initiatives. Each of these programs is operated in cooperation with influential and high-level Chinese partners.

Education is long-term investment in the legal infrastructure of a society. However, Temple's programs have the benefit of also having an immediate impact. We are educating judges and prosecutors who are in the courtroom interpreting China's laws and applying them to real cases every day. Temple educates National People's Congress Legislative Affairs Committee members who are using their legal education to draft China's legislation. We instruct law professors who incorporate program content and critical teaching methods into their own classes, thus shaping more future judges, prosecutors, and lawyers. Temple graduates are developing the rule of law from within the system. As these leaders advance in their careers, the opportunities to use their Temple legal education will only gather momentum to bring about even more truly effective law reform.

The Temple-educated legal community has the potential to be enormously useful to the U.S. Government as it supports the rule of law in China. Temple graduates and current participants represent a reflective, highly-placed community of judges, prosecutors, state officials, professors, and legal advocates who have a special understanding of the principles of the U.S. legal system.

A total of 554 legal professionals have participated or are participating in at least one of Temple's China educational programs since 1997. Of these, 81 percent are from the public sector. We maintain contact with all graduates through the newly formed Temple Law Alumni Association of China (TLAAC), publishing directories, maintaining a website, and hosting national reunions at least once a year.

The Master of Laws (LL.M.) degree program

The Temple Beijing LL.M. degree program, operated cooperatively with Tsinghua University, is the most comprehensive educational program Temple—or any other foreign legal educational institution—offers in China. The educational experience is designed for Chinese legal professionals and aims to have a profound impact on these key legal change agents.

A total of 293 Chinese legal professionals, including judges, National People's Congress and State Council legislative officers, prosecutors, government officials, and law professors have graduated from or are currently enrolled in Temple's Beijing and Philadelphia LL.M. programs. Of these, 64% are from the public sector. Moreover, 12.7% are ethnic minority lawyers, many from traditionally disadvantaged regions within China.

The number of Temple-educated Chinese lawyers is impressive and important. Temple has educated a substantial core community of influential Chinese lawyers who have a deep understanding of the fundamental principles of the rule of law such as transparency, due process, accountability, and high ethical standards. They will carry these ideas with them as their careers mature.

Temple is constantly seeking out lawyers who work in NGOs and public interest work to admit to the LL.M program. Among our current students: Tu Lijuan is an experienced human rights advocate, having worked for the Domestic Violence Network; Shui Miao is a drafter with the Legislative Affairs Office of the National People's Congress; and Xue-Dan Is the Director of Training for the State Intellectual Property Organization. Jiefeng Lu, a protege of the famous anti-discrimination lawyer, Professor Zhou Wei, worked on cutting-edge employment discrimination cases in China, plans to become an activist-scholar in discrimination law.

Four LL.M. students from the public sector, including two law professors, one official with the Legislative Affairs Office of the State Council, and one official with the Ministry of Justice (All China Lawyers Association), participated in a one month internship at Reed Smith. Their experience culminated in mock trial before Senior Circuit Judge Edward Becker of the U.S. Third Circuit Court of Appeals. The fact pattern simulated that of Kelo vs. New London, the controversial property rights case involving the government taking of private property for private economic development. The students will take this knowledge on the U.S. law of condemnation back to China, where the similar issue of confiscation of private property is a sensitive issue that requires public participation and commentary.

Each year Temple makes efforts to locate law professors to attend the LL.M. program. To date, we have educated 19 law professors, including seven during the term of this grant. We know that these professors are incorporating what they have learned into their courses in Chinese law schools, thereby having a direct impact on what is being taught and, perhaps more importantly, how it is being taught. As a result, a new generation of Chinese lawyers will be able to critically examine Chinese law and be exposed to principles of U.S law.

Class of 2006 Beijing LL.M. student and Professor Meng Yanbei teaches antitrust at Renmin University. She reports that her Temple education directly influences her teaching and scholarship—and how she assesses her students. Meng took antitrust with Professor Burton Caine in the fall of 2005 and learned how to analyze cases from different angles and appreciate how judges with different opinions set forth their legal reasoning, and synthesize the law. The class discussions often focused on how cases differ and overlap, creating a living body of law, thus providing Meng with greater insight into the law and how it should be taught. Prior to her Temple education, she read antitrust and anticompetitive law materials through translation into Chinese, but now she reads the original source materials in English. She said that many translated materials are imprecise or misleading, and her improved English abilities allow her to teach more competently about U.S. sources of law. She also provides English case materials to her students, explaining to them that it is better to work hard at reading the original cases rather than fall back on translations.

On March 7, 2006, we observed Meng's fourth-year undergraduate law school anticompetition law class at Renmin University. She arranges in advance for students to discuss various topics and have them lead discussions using Power Point. In the class we observed, the student made a series of creative arguments in an effort to categorize the various forms of anticompetitive behavior, and Meng made comments to supplement the student points while also stimulating class discussion to help the presenter clarify her ideas. She also encouraged the students to think creatively about the law, how a court may consider public policy in making decisions, and to take a more active. role in their learning.

The impact of any program is demonstrated by its graduates and what they do with their education. Our alumni report that they are profoundly affected by their education. The following anecdotal stories—from a judge who published a book on how to cite legal authority and rationales in judicial opinions; a prosecutor who writes the standards for the Beijing People's Procuratorate stressing prosecutorial restraint; and a teacher who uses advocacy techniques in the courtroom and classroom—all illustrate the varied ways Temple graduates are using their education to promote the rule of law in China.

Mr. Feng Wensheng is the deputy director of the research and policy division of the Supreme People's Court of Hebei Province. Judge Feng graduated from the Temple Beijing LLM program in 2003 and is now responsible for drafting internal court procedures for all courts in the province—with emphasis on judicial conduct. He continually focuses on matters regarding judicial neutrality and the role of the judge to seek truth from the facts before making any legal determinations. His Temple experience also enabled him to publish "Reasoning and Annotations" (Law Press: 2005), in which Judge Feng draws on principles of U.S. and international law to create a model for Chinese judicial rationale drafting.

Mr. Chang Guofeng is the Director of the Discipline and Guidance division of the Beijing People's Procuratorate. Mr. Chang graduated from the Temple Beijing LL.M. program in 2004 and is responsible for writing policy directives that are distributed to the entire Beijing procuratorial system. He reports that his Temple education gave him a stronger view of prosecutorial restraint, and his directives reflect the spirit that the role of prosecutors is to vigorously represent the interests of the state without trampling the rights of the defendant. His directives include strategies and suggestions for prosecutors to take a middle course when carrying out investigations and prosecutions, as the larger interest of the state is not just to convict the guilty but to ensure a fair trial and accurate result for all participants.

Ms. Shen Jia is a professor of law at Beijing City University and 2005 graduate of the Beijing LL.M. program. Professor Shen reports in a recent e-mail:

"To be frank, I am proud of what I have learned from Beijing LLM program . . . Just think, two years ago, I knew nothing about common law system, not to mention trial advocacy. But now I can stand in front of a judge trying to persuade the court what I've got to say. I know what the judge wants from me by asking those questions, so I can turn them into advocating for our side. It's because of the help from all Temple professors . . . that made all these things possible."

Professor Shen teaches a U.S. common law course at Beijing City University. She now provides a fresh and updated teaching presentation to her students using strategies similar to those employed in her Temple trial advocacy class. Her teaching will inspire students to take a greater interest in the importance of transparent laws and effective advocacy trial practice.

Non-degree judicial education program

Temple has had a partnership with the National Judicial Training College of the Supreme People's Court to operate a non-degree judicial education program since 2002. Associate Chief Justice Cao Jianmin personally oversees the program and meets with Dean Robert Reinstein each year to discuss progress and future collaboration.

The program consists of a three-month Introduction to the U.S. Legal System course at the National Judicial College of the Supreme People's Court, followed by a concentrated four-week program in the United States. As part of the U.S. module, participants attend a three-week session on the role of the judiciary in a rule-of-law based legal system at New York University School of Law's Institute for Judicial Training. The judges also visit the Temple main campus in Philadelphia for a discussion on judicial review hosted by Dean Reinstein. Moreover, they visit Washington, D.C., meeting with their American judicial colleagues, the Department of Justice, and other legal institutions.

The Judicial Education Program was created primarily to educate those judges who could benefit from some exposure to U.S. and international law, but could not enter the LL.M. program due to work commitments. To date, 138 judges have completed or are participating in the program.

Participants are from geographically diverse parts of China, including many judges from lesser-developed Western regions. Temple maintains records on program participants and has integrated the judges into the Temple Alumni Association of China.

Judge Li Xinfang of the No.1 Civil Chamber of the Zhanjiang Intermediate Court, Guangdong Province, reports that the Introduction to U.S. Legal System course and one-month session in the United States in 2005 has greatly expanded the scope of resources she now uses to decide cases. In particular, her visits to courts and interaction with colleagues in the United States provided her a fresh perspective on dispute resolution while underscoring the use of due process and transparent norms as the guiding principle for all judicial action.

Previous program participants report that their Temple education allows them to exercise greater influence in their home courts. The judges emphasize that they are often asked to share information from their Temple training with their colleagues at staff meetings and through written reports. Their Temple experience also allows them to answer individual questions for colleagues who must resolve an issue currently unsettled under Chinese law but that may have common practice in the United States. Judges state that this multiplier effect allows their Temple education to carry tremendous weight and influence in courts well beyond the training of one individual judge.

Past Judicial Education Program participants also emphasize the long-term value of the program.

Mr. Bai Zongzhao is a judge on the Supreme People's Court of Sichuan Province. He participated in the 2003 Judicial Education Program and then graduated from the Temple Beijing LLM program in 2004. He is now the deputy director of the high court's criminal division. Judge Bai has indicated, in a 2005 interview, that his Temple education provided him with a profound sense of substantive knowledge and court procedure. When he is the presiding judge in a case, he now holds a pre-trial hearing and instructs the prosecutors and defense attorneys on more efficient court practice-skills Judge Bai says he learned in his Temple trial advocacy class. He informs counsel that the purpose of the hearing is to resolve questions the judges have about the weak points of the cases, and not simply to recite the written pleadings. Judge Bai insists that creating a more adversarial-style hearing allows him to ask more detailed questions and arrive at a more legally accurate conclusion. Overall, he concludes that the Temple program positively affects graduates' way of thinking about law, with greater adherence to law and procedure, and will pay long-term dividends in China's legal culture.

Temple and the National Judicial College remain very satisfied with the educational experience and the progress of our graduates. This year we have added an additional course in Civil Procedure to the Beijing portion of the program.

The National Judicial College has recently agreed to conduct a joint survey with Temple of all judges who have attended the program with the specific goal determining what has been most useful to our participants. We will likely use our findings as a basis to refine the curriculum.

Non-degree prosecutorial education program

In 2002 the Supreme People's Procuratorate invited Temple to create a non-degree prosecutor education program modeled on our successful partnership with the Supreme People's Court. In December 2005, the second prosecutorial education program was held in Beijing, Philadelphia and Washington, D.C.

Seasoned and well-reputed Temple faculty delivered sessions on search and seizure protections, pre-arrest warnings, jury trial procedures, and proper police practices in collecting evidence. To supplement the faculty discussions, Temple was fortunate to procure the enthusiastic participation of the U.S. Attorney's Office in Philadelphia as well as the Department of Justice in Washington DC. Investigators from the Federal Bureau of Investigations in both cities also took part. Experienced U.S. prosecutors and FBI agents delivered sessions on motion practice, importance of defense lawyers, and strategies for combating official corruption.

An underlying strategy of the Temple program was to underscore the importance of due process and transparent norms at all stages of criminal investigation and prosecution. Mr. Xu Yanping, Vice President of the Shanghai Pudong District Procuratorate, served as group leader and provided continual feedback to the program directors. He continually remarked how the program impressed upon the participants the depth and scope of U.S.-style protections, the tremendous knowledge of the faculty and practitioners, and the importance of an open and transparent system. This combination of factors will influence the prosecutors to carry out their own laws with fairness as well as to continually bring themselves to higher levels of professional excellence.

In a follow-up interview with Mr. Xu in Shanghai in February 2006, he underscored the value to him of his participation in the program, particularly how the material now provides him a new frame of reference in making decisions in his current job.

Similarly, Bian Fei, a participant in the 2003 program, reported that his superiors asked him to do a presentation on the information he acquired from the program to 100 of his peers upon his return. Some of the ideas were subsequently used in an office reorganization plan.

Participants reported that the training program was well-run and extremely beneficial to their professional development. They underscored that many areas of their prosecutorial practice, particularly criminal procedure, are still being developed in China—and that understanding of US. practice helps to fill certain gaps. Some participants were trial prosecutors, others were administrators and prosecutorial researchers, so the multiplier effect of training one person will also carry weight in various levels of the Chinese prosecutorial system.

As part of Temple's overall plan to create a community of U.S.-educated legal professionals, participants have been fully integrated into the Temple Law Alumni Association of China.

By all accounts, this program is effective and highly valued by the Supreme People's Procuratorate. Unfortunately, this program's funding was cut from the current year's grant.

Outreach to ethnic minorities in China

Temple is committed to identifying and supporting minority students in our programs, and we aggressively recruit qualified minority students, particularly from the Western regions of China. Our partner organizations in China have indicated that further development of the Western regions of China is critical to the overall stability of China's legal system, and so Temple has created a minority outreach program to educate students who have the social commitment to return to their home regions and carry out rule-of-law reforms in less-developed areas.

Temple has an extraordinary record of success in educating qualified minorities with a law degree—a rare commodity. Temple's reputation is so well-known that minority students are beginning to refer their friends to the program.

To date, 29 ethnic minorities have either graduated from or are currently attending our LL.M. program. Thirteen minority graduates now work in the public sector: four are judges, three are prosecutors, and one works at the State Council. Four graduates are law professors, currently teaching at the laws schools of Central University for Nationalities, Zhengzhou University, and Sichuan University. The LL.M. program has educated nine Tibetans, eight Huis, three Manchurians, two Mongolians, and one each Kazak, Li, Miao, Tijia, Uigyur, Yi, and Zhuang.

As part of our partnership with the Central University for Nationalities, Temple has supported Mr. Kalsang Tsering. Mr. Tsering is an ethnic Tibetan who studied English in Temple's Intensive English Language Program for two years. Upon his graduation from Temple in May 2006, returned to Tibet to work with the Tibet Hengfeng Law Firm to provide legal services to the Tibetan community. Mr. Tsering states that his Temple education will help him to provide access to justice for more Tibetans while also assisting in facilitating foreign investment in Tibet. He also feels a social obligation to serve his community, and he ultimately hopes to work both as a lawyer and law lecturer at newly-created law department at Tibet University.

Kalsang studied international human rights course and wrote a scholarly paper on how the Chinese government can take additional action to protect Tibetan language rights and establish a bilingual system in Tibetan regions.

CONCLUSION

We are gratified by the accomplishments of Temple's rule of law projects in China. Temple's programs are making tangible contributions to China in its ongoing process of developing a credible legal system. It is an honor and a privilege to be entrusted with such an important job by the Department of State.

MY VIEW OF THE TEMPLE/TSINGHOA LLM PROGRAM

SENATOR SPECTER: I am greatly honored for this opportunity to express my view of the Temple/Tsinghua Program by writing a letter to you.

First of all, heartiest thanks to you for your brief and instructive speech to us students of the program during your visit to China. Among the students, I was the luckiest person to have had the chance to answer your inquiry about the protection of the rights related to the accused persons in China. In my opinion, there are many differences between America and China on this issue, and the reasons are quite complicated.

Politically speaking, China has a more than 2000 years history of feudalism which is charateristic of autocracy, that is to say, we have a strong tradition to give more than enough belief and reliance to the government to decide whether a person is guilty or not. Even though we are trying to apply modern criminal procedure strictly to protect the legal rights of accused persons, the phenomenon of disregarding the suspects' legal rights still exists. More time is needed to change, and I hope the sooner the better.

Judicially speaking, we have used the standard of the presumption of guilt for many years, as it was hard to believe that a person could be innocent when he/she was accused of a crime in the past. From 1997, we began to apply a new standard of the presumption of innocence, however, in reality, we could not completely remove the influence of the old notion. I am sure things will change with the development of law in China.

Economically speaking, we have been focusing more on economic development than on social justice. Sometimes we do not have time to pay attention to the legal rights of accused persons. But now we have put forward the social object of justice, which no legal right can be ignored, nor can be the accused persons' legal rights.

As far as I know, the difference about the protection of the rights of the accused persons between America and China is so large that it is usually difficult for us to understand and agree with each other. Personally speaking, I think that America may give too much protection to the accused person, which is not very often good for the control of crime, and that China may pay too much attention to social stability and economic development, which sometimes sacrifices the accused persons' legal rights. Therefore, the two countries can make efforts to find common ground through communication. This program will surely enhance the mutual understanding of each other's legal systems.

I also know that it is your instrumental role in promoting this program that makes the judicial communication between America and China so specific and effective. All the students of the program have benefitted a lot from the program, and we will play a fundamental role in the legal communication between America and China.

Once again thanks for your continued attention to the program and to us students. We will try our best to study in the program. I am looking forward to hearing your thoughts on this matter.

Yours sincerely,

FENG ZHAOJIU/THOMAS,
Student of LL.M of Temple/Tsinghua.

MY IMPRESSION OF THE TEMPLE/TSINGHUA PROGRAM

SENATOR SPECTER: First of all thanks for your supports to the program and meeting with us!

The exchange and cooperation between Temple University and Tsinghua University law school is very valuable. It provides a good platform for Chinese judges, prosecutors, attorneys, and government officials to understand the legal system of the United States. The Master of Laws Program of Temple/Tsinghua University provides legal education that causes fruitful development in China. It opens a window for us to use the advanced legal system of the United States for references.

I come from the Dongying Intermediate Court of Shandong Province. I have been working as a criminal judge for six years, hearing more than 150 cases. I chose to attend this program with the encouragement of my American teachers when I studied in National Judicial College this year. What impressed me most is their patience and responsibility!

As to this program, I wish that it could contain more hands-on practical training, so that it could be even more efficient and valuable to us. In addition, I wish we can be given more lectures by American judges, prosecutors, and government officials; this will provide us additional information to help us carry out our jobs as judges in China.

Finally, this program is a big challenge to me because English is not my native language, and America's legal culture is very different from China's legal culture. I will do my best to achieve my goal in the program, meanwhile I wish I can obtain more help. I know it is only beginning, even if I can survive the LLM program! My dream is to become an excellent judge. In the future, I wish I can do some beneficial work for judicial exchange and cooperation between China and the United States.

CHEN LITIAN,
Graduate of the LLM of Temple
Tsinghua University.

AUGUST 24, 2006.

DEAR SENATOR SPECTER: I am very pleased to write this letter to you. I truly admire you for your abundant experience and your contribution to the judicial relationship between the United States and China. Your excellent and useful lecture impressed me deeply.

I am a young female Chinese judge of Bayannaor Intermediate Court in Inner Mongolia. I was appointed to the judiciary in March 1997.

I am very lucky to have this good opportunity to take part in Temple/Tsinghua LLM program. First of all, it is very convenient for Chinese law practitioners to learn the legal system of the United States at Tsinghua, which is a famous university in China, and then spend two months at Temple University in Philadelphia. We really appreciate the financial aid supplied by the American government. Secondly, the program has opened a broad vision for us to master the American legal system in such a short time with the help of American law professors. Thirdly, the "checks and balances" principle of the American legal system causes us to reconsider our own legal system, as it is also very helpful as a model for Chinese judicial reform.

As a judge, I have handled over 200 cases including both civil cases and criminal cases. In dealing with cases, I have found many problems which need to be solved in the Chinese legal system, although there has been progress: such as when police officers question suspects in the investigation process, and when lawyers or records are needed. We have absorbed American due process theory and set up a similar system. However, other problems need to be solved. For instance, there is only one Civil Code and one Civil Procedure Law in China. All judges apply the same law, but different judges make different decisions on similar factual matters. The parties cannot understand the results. I was taught some the fundamentals of U.S. law and the legal system by professors of Temple University. I found the interaction very useful to help me solve legal problems in my own practice. The Supreme People's Court of China should set up some cases system to instruct judges in applying new laws and principles.

I believe this study experience in Temple University will bring me great success in my future career.

Sincerely,

WEI XIAOXIA.

TSINGHUA UNIVERSITY
Beijing, August 20, 2006.

HON. SENATOR SPECTER: I do appreciate your visit! Thank you very much for your care and support for our program!

I have been engaged in civil case trials for 15 years in the Fujian Province High People's Court. I first worked in the civil division for 11 years, and now work in supervision division. It is my honor to enter the LLM of Temple University at Tsinghua University.

The function of the judge in the civil law and common law systems is different. However, the role of Chinese judges is undergoing change with the development of China. Judges no longer apply law mechanically. We are realizing the transformation of adapting the letter of the law to social reality and demands. No judge acquires the wisdom to apply laws without long-term study and practice. The judicial system based on case law is the essential element of American law. This is just what we should learn and refer to. So never can we learn the extensive and profound American law without the knowledge of a specific case and its process. So we need this opportunity to learn.

Although I have rich work experience and profound basis of legal theory, I wish to enlarge my scope of knowledge, to acquire more knowledge of the U.S. legal system, by taking advantage of this opportunity. I also want to improve my knowledge base in order to excel in my duties as a judge in the future.

Thank you again!

Yours faithfully,

ZHAO, YUMEI.

DEAR SENATOR SPECTER: I am glad to have attended the meeting in which I met with you in Beijing on July 11th. It is a great honor for me to further discuss with you the topic of the Temple Program's value to strengthen the cooperation and communication between the Sino-US legal systems.

I am the deputy presiding judge of the No. 1 Civil Tribunal (trial of civil cases, mainly including real estate, tort, contract, and domestic relations) of the Intermediate People's Court of Wuxi City, Jiangsu Province. I began my judicial career in the court since I graduated from China University of Political Science & Law in Beijing in 1994. During that same year, I passed the National Lawyer's Qualification Exam. I have worked as a clerk, an assistant judge, and a judge in the same court for more than 12 years. In 2004, I passed the entrance exam of Juris Master Degree in Pudan University (located in Shanghai, 126 kilometres away from Wuxi City) with the third highest score and am pursuing that degree part time.

Since 1999, I have been engaged in the trial of tort, contract, intellectual property, bankruptcy, and commercial matters involving foreign aspects as a judge in my court. In 2004, I become a presiding judge through tough competition. At present, all the cases which I was the main judge and wrote judicial opinions for have exceeded 370, not including those which I took part in as a member of the panel or a presiding judge.

Through my resume, you can imagine how challenging and exciting the job is. I am strongly interested in the practical trial of cases while I deeply know the importance of legal research beside the overload of the job. I like to read valuable treatises and communicate with other outstanding judges and some scholars to broaden my eyesight.

On Feb. 2006, I was selected to attend the program of training judges co-sponsored by the P.R. China Judicial College and Temple University. It is a good opportunity to obtain an international view over the Chinese legal system and jump out from the busy daily work to think about what I can do to improve it.

This three-month training course is very impressive. As one of the monitors of the training course, I fully noticed that all the professors in the group treated the job seriously and devoted their extra efforts to adapt to our critical judges. For example, Professor Melindah Bush, the group leader, was so popular that she approved our request for her to give more lectures every weekend and kept doing it from the first beginning till the last end. She also invited some experienced and smart personal friends to give us extra and helpful lectures, all at which exceeded the duty she must do and showed the program's friendliness and flexibility to adapt to our needs. Another example is Professor Peter Castagnaro, an expert in linguistics, who tried to convince us, mostly in our thirties or forties, to commence a scientific new style to learn English as a foreign language, which proved to be very effective. He even brought A4 paper for us to do homework when he heard we talked about the inconvenience to buy it. Surely the result of the training course manifested that their works brought us so many new ideas and was so successful that all the judges requested the program to be extended as long as possible until most of them must go to New York for the next stage training course. We were very grateful to see the request had been met again.

For my individual point of view, I acquired a general idea of American legal system from the judges training program. Different with an American attorney's emphasis on the distinction between Sino-US legal systems, whose lecture pointed out more than 10 differences, I found more important the common points between the two legal systems and arrived at a conclusion that doing further research about US legal system will be very helpful to improve our own legal system. As a judge, I prefer to avoid to arrive at any hasty decisions. But the extremely effective training program is a powerful supporting evidence to encourage me to apply for attending the Temple-Tsinghua LLM Program. I believe the precious opportunity will be beneficial to enhance my judicial ability and enable me to share new knowledge with other Chinese judges. I hope I can make full use of the time in the LLM program, learn new and practical ideas as much as possible to improve my court's judicial reform, and become familiar with the American culture and promote the communication and understanding between the people.

Finally, I shall express my deepest thanks to your kind support and serious concern with the program which provides such an effective way for me to learn something valuable to improve our judicial work and strengthen the understanding of US legal system.

Yours sincerely,

SHEN DONGEMI,

Judge of the Intermediate People's Court of Wuxi City, Jiangsu Province, P.R. China.

EXECUTIVE CALENDAR

NOMINATION OF KIMBERLY ANN MOORE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will proceed to executive session to consider the nomination of Kimberly Ann Moore, of Virginia, which the clerk will report.

The assistant legislative clerk read the nomination of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided.

Mr. LEAHY. If the Senator will yield, after the Senator from Pennsylvania uses whatever period of time he wants, or yields to another, there is half an hour available to the Senator from Vermont; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Madam President, I urge my colleagues to confirm Professor Kimberly Ann Moore for the U.S. Court of Appeals for the Federal Circuit. Professor Moore has an outstanding academic background. She has a bachelor of science from Massachusetts Institute of Technology, 1990; a master of science from MIT, 1991; and a law degree from the Georgetown University Law Center, cum laude, 1994.

She was an associate at the prestigious law firm of Kirkland & Ellis from 1994 to 1995. In 1995, Professor Moore became a law clerk to Judge Glen Archer, chief judge of the U.S. Court of Appeals for the Federal Circuit, serving from 1995 to 1997. Following her 2-year clerkship, she was an associate professor of law at Chicago-Kent College of Law, from 1997 to 1999. She was an assistant professor of law at the University of Maryland School of Law, from 1999 to 2000 and an intellectual property litigation counsel for Morgan, Lewis & Bockius from 2000 to 2003. From 2000–2004, she was an associate professor of law at George Mason University School of Law, before assuming her current position as Professor of Law at George Mason.

Professor Moore is a board member of the Federal Circuit Bar Association; a board member of Patent Strategy & Management; and a board member of Intellectual Property Owners Education Foundation.

I ask unanimous consent a full copy of her résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KIMBERLY ANN MOORE

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Birth

June 15, 1968, Baltimore, Maryland.

Legal Residence

Virginia.

Education

B.S., 1990, Massachusetts Institute of Technology.

M.S., 1991, Massachusetts Institute of Technology.

J.D., Cum Laude, 1994, Georgetown University Law Center.

Employment

Associate, Kirkland & Ellis, 1994–1995.

Law Clerk, Judge Glenn L. Archer, Chief Judge of the U.S. Court of Appeals for the Federal Circuit, 1995–1997.

Assistant Professor of Law, Chicago-Kent College of Law, 1997–1999.

Assistant Professor of Law, University of Maryland School of Law, 1999–2000.

Intellectual Property Litigation Counsel, Morgan, Lewis & Bockius, 2000–2003.

Associate Professor, George Mason University School of Law, 2000–2004.

Professor of Law, George Mason University School of Law, 2004–present.

Selected Activities

Board Member, Federal Circuit Bar Association, 1999–present.

Board Member, Patent Strategy & Management, 2001–present.

Board Member, Intellectual Property Owners Education Foundation, 2005–present.

Board Member, CPR Institute for Dispute Resolution, Judicial Subcommittee, 2003–present.

Member, Georgetown Patent Institute Advisory Board.

Member, Federalist Society.

Member, American Bar Association.

Member, American Intellectual Property Law Association.

Member, Maryland Bar Association.

Mr. SPECTER. She has the potential to make an outstanding judge. I urge my colleagues to vote to confirm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I concur with the senior Senator from Pennsylvania and will support the President's nominee in this case. I mention that at the outset to advise Senators on this side of the aisle.

I also welcome the distinguished Senator back from his trip. It sounds like it was a substantial trip. I spent August in Vermont, a matter of no great sacrifice I must say, but nevertheless a very busy month.

That made me think, Madam President, when we returned today from recess, we have less than 4 weeks remaining in this legislative session. With so little time remaining, I hope we can join to make real progress on the issues that have languished unresolved, the real issues that matter most to the American people. We spend a lot of time talking about issues that really do not matter to the American people and ignoring those issues that do.

I urge the administration and the Republican leadership of the House and Senate to recognize the failures that have set us back as a nation. We are ready to work together to rectify those failures.

Secretary Rumsfeld and Vice President CHENEY struck the absolute wrong note when they recently labeled as "appeasers" the majority of Americans who recognize the disastrous war in Iraq as distracting them from winning the war on terror. Basically, they are saying anyone who questions their mistakes or points out their mistakes is nearly treasonous. My God, we have not heard talk like that since the days of King George. And that led to the revolution that made us a country.

Again, this week, the Democratic leadership reached out to the President on this important issue. Rather than name-calling and seeking to divide Americans, rather than fostering fear and seeking to scare Americans into staying the disastrous course on which the Government remains headed, I urge Republican leaders to join to fight a smarter war on terror so we can make America safer.

The cronyism, the incompetence that brought us the devastating aftermath of Hurricane Katrina cannot continue to define Government action. With more Americans in poverty, and extreme poverty, with more children without health care, we must do better. America can do better.

With rising interest rates, rising mortgage rates, rising health care costs, rising insurance costs, we must do better for America's working families. America can do better.

While corporate profits have taken a greater and greater share of our gross national product, wages are stagnant. Those in charge refuse to allow a long overdue raise to the minimum wage. We have just come through a summer of record-high gas prices. For many families, the threat of record-high home heating prices this winter is around the corner. Yet this will be another year in which this administration will not raise the minimum wage.

As we approach the fifth anniversary of the attacks of September 11, 2001, we are more aware of the painful failure of the Federal Government in neglecting to protect the Nation from those attacks. September 11 could have been avoided. Our Government dropped the ball. We did not protect the Nation. In these last 5 years, the administration's decision to send hundreds of thousands of Americans into Iraq, diverting attention and resources from the hunt for Osama bin Laden and the fight against al-Qaida—those loom largest among the many mistakes they have made which have created a more dangerous and threatening world.

How sad, how discouraging, how needless, and how ominous it has been the past 5 years to see the national and international unity we had after those horrific attacks squandered by this administration's crass politics, their arrogant unilateralism, their misguided policies.

It was around the time of the second anniversary of September 11 that Defense Secretary Rumsfeld put his finger on a key question in the fight against terrorism, when he asked whether we were creating or eliminating more terrorists through our actions. There can now be little doubt about the honest answer to the question about the actions taken by this administration over the last 5 years. Does anyone doubt the impact of the occupation of Iraq, the images from Abu Ghraib, the international scandal at Guantanamo, and the war profiteering by huge defense contractors?

Our own State Department, the Bush State Department, had to revise its reports on international terrorism in order to reflect a more honest assessment of the growing incidence of terrorism violence.

Hamas and Hezbollah are winning elections, as are hardliners in Iran and elsewhere throughout the Middle East. We see American soldiers, brave American soldiers, trapped in the sectarian violence in Iraq. We see the situation every day in Afghanistan deteriorating.

Meanwhile, we have lost precious time to confront growing threats from Iran and North Korea and the Middle East. They are more threatening than any time in recent memory.

The administration resisted recent efforts to examine what led to the tragic events of September 11. The administration does not want the rubberstamp Congress to ask them what they did, why they allowed September 11 to happen in the first place.

They resisted the creation of a Department of Homeland Security. They resisted the formation of the 9/11 Commission because they knew it would ask the question: Why did September 11 happen during the Bush administration? And they failed to implement many of the Commission's most important recommendations.

Recently, President Bush held a press conference. He conceded what we all know: Iraq had "nothing" to do with the attack on the World Trade Center. Then he skipped quickly over the main reason we went into Iraq: namely, his erroneous contention that Iraq had weapons of mass destruction.

A growing roster of conservative Republicans, from William Buckley on, is now acknowledging the failure of this administration's strategy in Iraq.

Even as sectarian violence has continued to grow among Iraqis, as the losses it causes to America continue to mount, the administration tolerates no criticism or, worse yet, listens to no new perspectives on a deteriorating situation. They stubbornly insist: Stay on this uncorrected course for another 2½ years—this from a President who, when he first ran for office, told our country he was against nation building and against foreign military antagonists.

It is difficult to come together and to move forward when the administration will not acknowledge that its historic miscalculations that led to the current situation. When they are not ignoring the past, they simply excuse it. The excuses for their failures are mockingly the same.

In May 2002, the then-National Security Adviser, now Secretary of State, said:

> I don't think anybody could have predicted that these people would take an airplane and slam it into the World Trade Center . . . that they would try to use an airplane as a missile.

Of course, that was not true. The 9/11 Commission showed how the Bush administration had received many of the September 11 warnings that that was exactly what they were going to do.

In September 2005, President Bush responded to the destruction of New Orleans by saying:

> I don't think anybody anticipated the breach of the levees.

Of course, that was wrong. Of course, local papers and others had discussed this hurricane disaster scenario and others for years. It was predicted.

And earlier this summer, Vice President CHENEY said about Iraq:

> I don't think anybody anticipated the level of violence that we've encountered.

And a military spokesman said:

> I don't think anyone could have anticipated the sectarian violence.

Of course, neither of these statements was accurate since sectarian violence was a known risk. It was even a predicted risk from the outset. It is one of the reasons so many opposed going there in the first place.

Just as this administration's justification for U.S. involvement in Iraq continued to shift from one to the next, its excuses ring hollow when they refuse to acknowledge their errors and instead claim infallibility. "Just trust us" long ago proved its failure as a Bush administration policy.

Ours is the strongest military in the world, but there are limits to military power. That military power and resources must never be squandered. Many people who have actively served in the military knew that. The President's father knew that. General Powell knew that. President Eisenhower, the military hero of World War II, a Republican President, knew that.

Unfortunately, this administration, thousands of lives later, hundreds of billions of dollars later, is just beginning to learn it in what has proven to be a disaster of historic proportions.

Imagine how different our situation would be today if we had not shifted our lead forces from Afghanistan to Iraq at the critical moment when we had Osama bin Laden cornered, when we were about to find him. What if the President had done what we unanimously asked him to do, go get Osama bin Laden, the man who engineered September 11. We had him on the run. We let him go, and we went into a futile war in Iraq.

In the years since then, the Iraq war has stretched our military to the breaking point. It has sapped hundreds of millions of dollars and preoccupied our attention. The White House has even disbanded the intelligence unit that for a year was dedicated to tracking down Osama bin Laden. All those nations that were on our side after September 11, 2001, now do not support us.

What have we done? A diversion to Iraq has only succeeded in creating a new breeding ground for terrorists and in emboldening the rogue states to harbor and supply them. Starting this unnecessary war in Iraq did not make us more secure, it has made us less secure. And worse yet, the Bush administration allowed Osama bin Laden to escape.

We need to adjust our course in order to effectively confront the threat of terrorism. We do not need excuses and name calling. We need honesty and determination. We need not just conventional military might but better intelligence, stronger alliances, repaired alliances, and better information sharing. We need to use our resources for homeland security, to protect our ports, our planes, our industrial plants, and our vital resources.

Let us function as a constitutional democracy and act within a moral framework and legitimate legal rules. Let us be that democratic model to the world that America often has been and should be today. Let us show the strength and resolve of a free people, not a fearful people. Let us set a new direction to counterterrorism on our own terms, with American skill and with American values.

This summer we expressed our gratitude to British authorities for disrupting a plot that reportedly endangered the citizens of both our countries. That episode and the fifth anniversary, next week, of the attacks of 9/11 are reminders there is little margin for error in countering terrorism.

We need to refocus our attention and resources from the divisions that plague Iraq to eliminating the misdirection and mismanagement that still diverts us from an effective international strategy to protect the American people from terrorism. We need to be smarter and stronger to make America safer. We can do better. America can do better.

For almost 5 years since the Government failed to protect us from 9/11, Bush administration officials in charge of security have been saying it is not a question of whether al-Qaida will attack us again but when. We need to do better. We need to do better. We should look at the mistakes that allowed 9/11 to happen. We should look at the colossal mistake that allowed Osama bin Laden to escape. We as America need to do better.

Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER (Mr. ALEXANDER). Fourteen minutes.

Mr. LEAHY. Mr. President, I do not see others on the floor seeking recognition, so let me continue.

The full agenda before us, as we enter the final weeks of this legislative session, reflects how little this Republican leadership has accomplished, even when it has control of the White House, a Republican President, rubberstamp Republican leadership in both the House of Representatives and the Senate.

We have had a steady course of misguided priorities, including weeks—weeks—spent on constitutional amendments designed to restrict Americans' rights and the misuse of Congress's time and authority to interfere in court battles over the medical treatment of Terri Schiavo. These distractions have done nothing to help our country but instead cost Americans progress on real issues that matter most.

These failures to focus on our real priorities have left America less secure. I look forward to a representative Congress that focuses on the Nation's real priorities. For example, the Republican-controlled Congress has yet to enact a Federal budget; this notwithstanding that the law required them to do it by April 15 of this year. The Republican leadership of the House and Senate decided to ignore the law and not pass one.

We have passed but one appropriations bill, and we are required by law to pass 13. We have yet to reconcile and enact lobbying reform and ethics legislation. We have yet to deal with the skyrocketing cost of gasoline and health care. We have yet to reconcile and enact a bipartisan and comprehensive immigration reform bill. And the press reports today that the Republican leadership has decided they will not do that. And for the second year in a row, the Republican-led Senate will not even take up the annual intelligence authorization bill so we could vote up or down, even though they have a majority in their own party here.

As we commemorated the 1-year anniversary of Hurricane Katrina last week, we were reminded that the situation in the gulf coast remains a tragedy with serious human consequences. We need to commit ourselves and our resources to helping our fellow citizens who are still in need after the appalling lack of responsiveness by this administration. We need to provide the assistance to that region of our country where rubble remains a fixture of the landscape 1 year later. We are spending tens of millions—hundreds of millions—storing trailers that will never be used. Some contractors have made billions, but people remain homeless. This is our Department of Homeland Security that is supposed to be able to react at a moment's notice if we have a danger. Here, even though they were given days of warning, they did not react. And when they did, it was one fumble after another, while the administration gave statements saying: Everything is under control. It reminds me of the President standing on the aircraft carrier saying: Mission accomplished.

But not just the residents of the gulf coast who cannot return to homes or return to jobs, all Americans have to prepare for the threat of an avian flu pandemic so we do not see the repeat of last winter, when the Government was unprepared for a typical winter flu season. Mr. President, throughout your lifetime and my lifetime, every single year—every single year—we have had a flu season. And last year the administration acted surprised that we had a flu season. We should take action to preserve and improve rather than pollute the environment. Protecting our environment has become a pressing issue that has public safety and serious health consequences for all Americans, today and tomorrow. That demands immediate attention.

We cannot ignore the destruction already wrought by the administration's ill-advised, head-in-the-sand policies. We have to provide resources that our returning veterans need at home. We spend hundreds of millions of dollars for health care facilities in Iraq that will never be used. Yet we are cutting back on health care facilities in America that our veterans need. America can do better. We spend hundreds of millions of dollars, ostensibly, to build schools in Iraq that will never be used, and our schools in America are falling apart without money for them. We can spend hundreds of millions of dollars for law enforcement in Iraq, law enforcement that has proven particularly ineffective, and, at the same time, we are cutting millions of dollars for law enforcement in America, while our crime rates skyrocket. America can do better.

The Senate can make progress, but it has to work together. Today, we consider the nomination of Kimberly Ann Moore for a lifetime appointment to the Court of Appeals for the Federal Circuit. In the weeks before the recess, we confirmed several nominees to the Nation's important circuit courts.

Working together, the Senate confirmed two circuit nominees and two Federal trial court nominees in a matter of minutes in one afternoon. That, I might point out, is the kind of progress we can make when the President nominates qualified, consensus nominees.

When she is confirmed, Ms. Moore will be the 7th circuit court nominee and the 30th judge overall confirmed this year. Compare this with those left unconfirmed in the 1996 congressional session, when Republicans controlled the Senate and they stalled the nominations of President Clinton. And in that year, Republicans would not confirm a single appellate court judge—not one. Here, today, we will have our seventh appellate court judge. I think of the 61—61—judges of President Clinton who were pocket filibustered by a Republican-controlled Senate.

I think of the irony that in the 17 months of President Bush's term in office when the Democrats controlled the Senate, we actually confirmed President Bush's judges faster than has been done under a Republican-controlled Senate. You would not know that from the speeches that are made.

But today is a day to congratulate Ms. Moore on her confirmation. I hope she will be the kind of judge who will apply the law fairly and protect the rights of all litigants appearing in her courtroom. There are some superb people on that court. I think of such people as Judge Richard Linn. He should be a model for her as to the kind of judge this Nation deserves. He is one of the more senior members of that court. That is the kind of person I hope she will emulate.

Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. Six minutes.

Mr. LEAHY. Mr. President, of course, again, I will yield the floor if somebody else seeks time.

I do not mean this in an unfair way because the distinguished Presiding Officer, of course, is not allowed to speak. I commend him. He comes from a wonderful State. It has been my privilege to visit there. I suspect it is a lot like Vermont. You have a chance to go into these small towns and cities, to go to county fairs and meet people. I have known the Presiding Officer to be a very accessible person when he was a Governor, when he was a member of the Cabinet, and now as a Senator. I try to do the same thing in my own State.

During this past month, I have gone all over the State of Vermont. I have talked to people. I have attended funerals of brave soldiers killed in Iraq from Vermont. Vermont has lost more soldiers per capita than any other State in the country. And it is interesting, in a small State such as ours, as to the people you see at these funerals, everybody knows everybody else. I walk out and I see people whom I went to grade school with or people who knew my parents or I knew them or their families. We are there, and the other Members of the congressional delegation, the Governor, and nobody goes by a title. Our adjutant general is usually referred to as Mike. I am called Pat. There is Jim and Bernie and so on.

We're a very proud State. We're a very patriotic State. We're a very honest State. We're the 14th State in the Nation, and we have answered the call. People wonder if maybe the call has been distorted this time. They wonder what this war does for our security. As I said earlier, I believe it has made us less secure as a nation, not more secure. They wonder where the failures were in Government that allowed 9/11 to happen in the first place. And, of course, as more information has come out, it could have been avoided, should have been avoided, should have been avoided. And they wonder if the lessons have been learned about that.

They see Homeland Security that should be able to respond to any emergency, even that on a second's notice, and yet they see that it failed to respond to Katrina there was all kinds of notice. They see Republicans and Democrats joined together saying: Go get Osama bin Laden. And the administration does not get Osama bin Laden. Instead, they divert those forces to go into Iraq in a war we did not need and one that has made us less secure. They even disbanded the special intelligence unit that has been tracking Osama bin Laden.

But worse yet—and I heard this from Republicans and Democrats alike in my State—when the Secretary of Defense and others in the administration say if you raise questions, if you point out their mistakes, somehow you are aiding the enemy, however defined, that you are not being patriotic. I am reminded to paraphrase Mark Twain. He said: Love your country. Question your Government.

A lot of people in my State—Republicans and Democrats—say there is a great deal to question today.

I hope they will continue to do so. I hope they will never fail to do so. I hope that those people who have the audacity in America—the freest democracy on Earth—that those leaders in our Government who have the audacity to question the patriotism of Americans who question their mistakes will themselves be quiet and leave—leave the stage.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I support the President's nomination of Kimberly Ann Moore of Falls Church, VA, to be a U.S. Circuit Court Judge for the Federal Circuit. I was pleased, along with Senator ALLEN, to introduce Ms. Moore to the Judiciary Committee on June 28, 2006, and it is my privilege to speak again on her behalf.

All of us recognize the importance of the position to which President Bush has nominated Ms. Moore. The U.S. Court of Appeals for the Federal Circuit stands as one of the 13 Federal Circuit Courts of Appeals that operate just under the U.S. Supreme Court. The Federal Circuit, which consists of 12 judges, is a unique court in that it has nationwide jurisdiction in a variety of subject areas, including international trade, government contracts, patents, trademarks, certain money claims against the U.S. Government, and veterans' benefits cases.

Given the court's highly technical jurisdiction, there is no doubt that serving on the U.S. Court of Appeals for the Federal Circuit is a challenging task. In my view, based on Ms. Moore's educational background and her legal and technical expertise, she is clearly up to the task.

Ms. Moore received her undergraduate degree in 1990 in electrical engineering from the prestigious Massachusetts Institute of Technology. A year later, she earned her masters of science and earned an impressive grade point average of 4.8 out of a 5-point scale. The nominee then went on to graduate cum laude from Georgetown University Law Center in 1994.

Subsequent to graduation, Ms. Moore entered private practice where she worked as an associate at the well-respected law firm of Kirkland & Ellis. While at the firm, Ms. Moore specialized in intellectual property litigation.

In 1995, the nominee left private practice to serve as a law clerk for the Honorable Glenn L. Archer, Jr., then-chief judge of the U.S. Court of Appeals for the Federal Circuit. Ms. Moore served a 2-year clerkship on the court.

After her clerkship, the nominee joined the faculty at the Chicago-Kent College of Law and, later the University of Maryland School of Law. At both law schools, Ms. Moore taught patent and trademark law. Beginning in 2000, Ms. Moore spent 3 years as an intellectual property litigation counsel at the firm of Morgan, Lewis & Bockius in Washington DC. At the same time, however, she still managed to work in academia, teaching law as an associate professor at the George Mason University School of Law. In 2004, Ms. Moore became a full professor of law at George Mason University where she teaches intellectual property law.

It is impressive to note that throughout her legal career the nominee has written and delivered over 60 published articles, books, and speeches, mostly in the realm of intellectual property law. Moreover, Ms. Moore has earned accolades from the National Law Journal, which recently selected her as one of the 100 most influential lawyers in America.

In my view, Ms. Moore is obviously very well qualified to serve as a judge on this prestigious court. I look forward to the Senate confirming this fine nominee overwhelmingly.

Mr. ALLEN. Mr. President, I am pleased today to urge my colleagues to support the confirmation of Kimberly Moore to be a circuit judge on the U.S. Court of Appeals for the Federal Circuit.

Kimberly Moore is a Falls Church, VA resident and a full tenured law professor at George Mason University.

Among other cases, the Federal Circuit hears all patent appeals from the district courts and the U.S. Patent and Trademark Office. Kimberly Moore is uniquely qualified to serve on this distinguished court.

First, Ms. Moore has a strong technical background with two degrees from the Massachusetts Institute of Technology, a bachelor of science in electrical engineering, and a master of science and work experience as an engineer with the Naval Surface Warfare Center.

Also, Ms. Moore has a great deal of experience with the Federal Circuit itself. She is on the board of governors of the Federal Circuit Bar Association, has been editor-in-chief of the Federal Circuit Bar Journal for 8 years, and has been selected as a mediator in the Federal Circuit's Pilot Appellate Mediation Program.

As a professor, Kimberly Moore has taught courses in patent law, patent litigation, trademark law, and Federal circuit practice. In fact, she coauthored the casebook "Patent Litigation & Strategy," with the current chief judge of the Federal Circuit, Paul Michel, and a prominent practitioner, Raphael Lupo. Kimberly Moore has written more than a dozen law review articles on patent law and litigation and spoken at more than 40 conferences on patent topics.

As a lawyer, Kimberly Moore has consulted with firms on patent cases and appeals to the Federal Circuit. She has also served as an expert witness in dozens of patent cases. In fact, just this month, Kimberly Moore was named one of the 100 most influential lawyers in America by the National Law Journal.

I am pleased that President Bush has chosen to nominate someone with such a strong background in patent law to the Federal Circuit. Kimberly Moore will be an excellent addition to the court.

I strongly support the confirmation of Ms. Kimberly Moore to be circuit judge of the U.S. Court of Appeals for the Federal Circuit and urge my colleagues to support this confirmation.

Mr. SANTORUM. Mr. President, I am happy to see that we are scheduled to confirm today the nomination of Kimberly Ann Moore, of Virginia, to be U.S. Circuit Judge for the Federal Circuit. It is about time that we get back to confirming judges, and I am glad to see that our leader is putting this issue back on the Senate's agenda.

It is of utmost importance that the Senate continue to confirm President Bush's judicial nominees. Just last month, we saw what can happen when an ideologically driven activist judge attempts to create national security policy. Judge Anna Diggs Taylor, a Federal district judge in Michigan appointed by President Carter in 1979, ruled that the Terrorist Surveillance Program was unconstitutional. This program, administered by the National Security Agency, has been a critical component in ensuring the safety of millions of Americans. Despite that, Judge Diggs Taylor ruled that the program, which the Government only uses to intercept international telephone and internet communications, violates the first and fourth amendments to the Constitution, the Administrative Procedures Act, and the Separation of Powers doctrine, in other words the veritable legal kitchen sink.

While some on the other side of the aisle have rejoiced in this decision, this opinion has been attacked from both ends of the political spectrum. The Washington Post, in an editorial on August 18, noted that the decision is neither careful nor scholarly, and it is hard-hitting only in the sense that a bludgeon is hard-hitting. The angry rhetoric of U.S. District Judge Anna Diggs Taylor will no doubt grab headlines. But as a piece of judicial work—that is, as a guide to what the law requires and how it either restrains or permits the NSA's program—her opinion will not be helpful.

Legal scholars have also criticized Judge Diggs Taylor's opinion. Let me give you just a few of these criticisms. David B. Rivkin, a former Justice Department official in Reagan's and George H.W. Bush's administrations, noted in a New York Times op-ed on August 18 that "[i]t is an appallingly bad opinion, both from a philosophical and technical perspective, manifesting strong bias."

Harvard Law Professor Laurence Tribe has written "[i]t's altogether too easy to make disparaging remarks about the quality of the Taylor opinion, which seems almost to have been written more to poke a finger in the President's eye than to please the legal commentariat or even, alas, to impress an appellate panel . . . ."

Howard Bashman, an appellate attorney and editor of the How Appealing legal blog, wrote in the New York Times on August 19 that "[i]t does appear that folks on all sides of the spectrum, both those who support it and those who oppose it, say the decision is not strongly grounded in legal authority."

UCLA Law Professor Eugene Volokh wrote on his widely read blog: "the judge's opinion . . . seems not just ill-reasoned, but rhetorically ill-conceived. . . . [B]y writing an opinion that was too much feeling and too little careful argument, the judge in this case made it less likely that the legal approach she feels so strongly about will ultimately become law."

In contrast to Judge Anna Diggs Taylor, both of President Bush's nominees to the Supreme Court, Justices Roberts and Alito, understand that it is not the role of the judicial branch to make policy. During his confirmation hearings last year, Supreme Court Chief Justice John Roberts said, "I don't think you want judges who will decide cases before them under the law on what they think is good, simply good policy for America." He also noted, "[T]he Court has to appreciate that the reason they have that authority is because they're interpreting the law, they're not making policy, and to the extent they go beyond their confined limits and make policy or execute the law, they lose their legitimacy, and I think that calls into question the authority they will need when it's necessary to act in the face of unconstitutional action."

Similarly, Justice Samuel Alito remarked during his confirmation hearing that "results-oriented jurisprudence is never justified because it is not our job to try to produce particular results. We are not policy makers and we shouldn't be implementing any sort of policy agenda or policy preferences that we have."

Yes, Justices Roberts and Alito have it right. It is not the role of a judge to seek to replace the legislature, or the President, State legislatures, and the Governors, township supervisors, county councils with his or her own views. It is the role of a judge to apply the law and to do justice based on the facts in solving the dispute that has been presented.

A court is not a place for zealous advocates to impose their will upon the American public. It is not a place for people who believe their views as judges are superior to the views of the democratically elected officials in this country—better put, that their views are better than the people's views because we are, in fact, accountable to the people we represent. It is and should continue to be a place for those public servants who seek to do justice under the law and facts of each case and a place to interpret the law, rather than make law.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit?

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Florida (Mr. MARTINEZ) and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln

Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—8

Biden
Inouye
Lautenberg
Lieberman
Martinez
Menendez
Obama
Santorum

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action and the Senate will now resume legislative session.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 4882

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 4882.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. LEAHY, proposes an amendment numbered 4882.

The amendment is as follows:

(Purpose: To protect civilian lives from unexploded cluster munitions)

At the end of title VIII, add the following:

SEC. 8109. No funds appropriated or otherwise made available by this Act may be obligated or expended to acquire, utilize, sell, or transfer any cluster munition unless the rules of engagement applicable to the cluster munition ensure that the cluster munition will not be used in or near any concentrated population of civilians, whether permanent or temporary, including inhabited parts of cities or villages, camps or columns of refugees or evacuees, or camps or groups of nomads.

Mrs. FEINSTEIN. Mr. President, on behalf of the Senator from Vermont and myself, I offer an amendment to the Defense appropriations bill to address a humanitarian issue that I have actually thought a great deal about over a long period of time; that is, the use of the cluster bomb. The human death toll and injury from these weapons is felt every day, going back decades. Innocent children think they are picking up a play toy in the field and suddenly their arm is blown off.

I believe we need to take a look at our policies and adjust them. Specifically, our amendment would prevent any funds from being spent to purchase, use, or transfer cluster munitions until the rules of engagement have been adopted by the Department of Defense to ensure that such munitions will not be used in or near any concentration of civilians, be it permanent or temporary, such as inhabited parts of cities or villages or in camps or columns of refugees or evacuees.

Every year, hundreds of civilians are killed and many more are injured due to unexploded cluster bombs. From the fields of Vietnam, Laos, and Cambodia, through the streets of Kosovo and Iraq, to the arid hills of Afghanistan and the playgrounds of Lebanon, these lethal relics of war continue to cripple life, hope, and peace.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions or individual bomblets. They are intended for attacking enemy troop formations and armor, covering approximately a .6-mile radius. In other words, their swath is over one-half mile. Yet in practice they pose a real threat to the safety of civilians when used in populated areas because they leave hundreds of unexploded bombs over a very large area and they are often inaccurate. They end up in streets and cities where men and women go to work and do their shopping. They end up in groves of trees and fields where children play. They end up in homes where families live. And in some cases, up to 40 percent of cluster bombs fail to explode, posing a particular danger to civilians long after the conflict has ended.

This is particularly and sadly true of children because bomblets are no bigger than a D battery and in some cases resemble a tennis ball. Children outside with their friends and relatives come across these cluster bombs. They pick them up out of curiosity because they look like balls and they start playing with them and a terrible result follows.

On March 25, 2003, Abdallah Yaqoob, whose picture is behind me, was sleeping on his bed in his family's home in Basra, Iraq, when he was hit with shrapnel from a cluster munitions strike in his neighborhood. He lost his arm, and his abdomen was severely injured. Abdallah was hit by a British L20A1/M85 munition.

Falah Hassan, 13, was injured by an unexploded ground-launched submunition in Iraq on March 26, 2003. The explosion severed his right hand and spread shrapnel through his body. He lost his left index finger and soft tissue in his lower limbs.

This is a photo of an unexploded M42 cluster submunition found on a barbed-wire fence in southern Lebanon in August 2006. You can see the size of the bomblet. Right next to it is a small pinecone. So this is a small munition hanging on a piece of barbed wire.

These unexploded cluster bombs become, in essence, landmines. Instead of targeting troop formations and enemy armor, unexploded bomblets target innocent civilians, seriously maiming or killing their victims. This runs counter to our values, and I believe it also runs counter to the laws of war.

Make no mistake, the impact of unexploded cluster bombs on civilian populations has been devastating. This first came to my attention in Laos, many years ago. In Laos today, there are between 9 and 27 million unexploded cluster bombs, leftovers from our bombing campaigns in the 1960s and 1970s. Approximately 11,000 people, 30 percent of them children, have been killed or injured since the war ended.

In the first gulf war, 61,000 cluster bombs were used, containing 20 million bomblets. Since 1991, unexploded bomblets have killed 1,600 innocent men, women, and children and injured more than 2,500.

In Afghanistan in 2001, over 1,228 cluster bombs with almost a quarter of a million bomblets were used. Between October 2001 and November 2002, that year, 127 civilians were killed, 70 percent of them under the age of 18.

In Iraq in 2003, 13,000 cluster bombs with 2 million bomblets were used. Combining the first and second gulf war, the total number of unexploded bomblets in the region today is 1.2 million. How many people will die? Already, an estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed since 1991 because they innocently picked up one of these bomblets.

What gives rise in part to my amendment are recent developments in Lebanon over alleged use of cluster bombs. Throughout southern Lebanon, more than 405 cluster bomb sites containing approximately 100,000 unexploded bomblets have been discovered. Each site covers a radius of 220 yards. As Lebanese children and families return to their homes and begin to rebuild, they will be exposed to the danger of these unexploded bomblets lying in the rubble. Thirteen people, including three young children, have been killed so far, and 48 injured. One United Nations official estimates that the rate of unexploded bomblets is 40 percent. So far, more than 2,000 unexploded bomblets have been destroyed, but it will take 12 to 15 months to complete the effort.

Let me say that I join the United Nations Humanitarian Coordinator for Lebanon, David Shearer, in calling on Israel to provide information on where the cluster bombs were used. Such information is vital to speed up the cleanup process and save lives.

We have called the State Department. We have asked for information about the conditions for the sale of cluster munitions to Israel, and we have not been able to get that information. It seems to me that information should be readily available and transparent, particularly to the U.S. Senate and the House of Representatives.

The State Department is currently looking into charges that the cluster bombs found in south Lebanon were American made—I do not know that they were—and that they were used in violation of agreements between the United States and Israel. I do not know that they were, but I think we should know, and I think we should not cloak ourselves with ignorance. I am hopeful that this inquiry will be completed as soon as possible and the findings reported to the Congress. If there are violations, there should be consequences.

Looking at these figures, it is clear that several countries are awash with unexploded bomblets—Laos, 7 to 27 million; Iraq, 1.2 million; and then Lebanon, 100,000.

Some say: Why should we be doing this? I have always believed that this country stands for justice, it stands for right, and it has a moral compass. I believe the use of these weapons in civilian areas should be stopped.

I also know that there is a dud rate—in other words, a rate at which point these bomblets do not explode. I ask this question: How are we supposed to win the hearts and minds of civilians in those countries where we leave behind such deadly weapons that indiscriminately kill young children? How are we supposed to speed up reconstruction efforts—building homes, schools, hospitals, clinics, ensuring electricity and water supplies—when populated areas are littered with these bombs? They remind innocent civilians that it was America that launched these weapons in populated areas; that it was America that failed to take the necessary steps to protect them from unexploded bombs by demanding a low failure rate; and it was America that failed to remove, expeditiously, unexploded bombs.

Simply put, unexploded cluster bombs fuel anger and resentment and make security stabilization and reconstruction efforts that much harder.

It is not just a humanitarian problem, it is also a military problem.

By showering targets with cluster bombs, we ensure that our own personnel will face thousands of unexploded bombs as they move forward. This forces them to change course. It slows the mission.

During the Iraq war, U.S. troops fired 6 rockets containing 4,000 bomblets to eliminate 1 artillery piece in a civilian neighborhood. With a 16-percent failure rate, approximately 640 unexploded bomblets were left behind. That is 1 artillery piece—6 rockets, 4,000 bomblets, and today 640 unexploded bomblets on the streets.

As an August 2003 Wall Street Journal article noted, "Unexploded bomblets render significant swaths of battlefield off-limits to advancing U.S. troops."

In fact, during the first gulf war, unexploded cluster munitions killed 22 of our own military. That was 6 percent of the total U.S. fatalities, and it injured 58. Former Secretary of Defense Bill Cohen recognized the threat cluster bombs pose to civilians as well as our troops. He issued a memorandum which became known as the Cohen policy.

It stated that beginning in fiscal year 2005, all new cluster bomblets would have a failure rate of less than 1 percent.

This was an important step forward, but we must remember that we still have 5.5 million cluster bombs containing 728.5 million bomblets. That means we are still prepared to use an enormous number of cluster bombs that have significant failure rates—some estimate as high as 40 percent.

Out of the 728.5 million cluster submunitions, only 30,900 have self-destruct devices that would ensure a less than 1 percent so-called dud or unexploded failure rate. Those submunitions account for only 0.00004 percent of the U.S. total.

The Pentagon has stated that cluster bomblets with failure rates of more than 1 percent "will remain in the Department's inventory until used or until they have reached their extended life and are demilitarized."

That is pretty clear information that we are going to continue to use them. I think that is wrong.

In fact, by fiscal year 2011, the United States will still possess 480 million old cluster munitions with significant failure rates.

The latest Pentagon study on cluster bombs cite failure rates of 2 to 6 percent for the entire U.S. arsenal. Other studies, however, including one by the GAO, found failure rates as high as 16 percent. U.S. marines in Karbala, Iraq, in 2003 believe the failure rate in some places was as high as 40 percent.

But even if you accept the conservative estimate of the Pentagon report, if the United States used its entire arsenal of cluster bombs, we would leave 27 million unexploded bomblets somewhere in the world. And a 16-percent failure rate would equal 117 million unexploded bomblets, and a 40-percent failure rate would equal 300 million unexploded bomblets.

Where am I going with all this? Think about it. Three hundred million unexploded bomblets spread from Laos, Cambodia, Vietnam, Afghanistan, Iraq, southern Lebanon, wherever it may be, and those bomblets remain there decade after decade until somebody picks them up. And then that somebody is either killed or maimed for life.

I ask you: Is this the legacy we want to leave behind in Iraq and Afghanistan? Is this the legacy Israel wants to leave behind in Lebanon? Or is this the legacy anyone that manufactures and sells these munitions want to leave behind?

There are steps we can take to ensure a failure rate of less than 1 percent. And the Pentagon isn't going to do it. But at a cost of between $8 and $15, a self-destruct device can be added to cluster submunitions that destroy these munitions if, in fact, they survive intact.

The Pentagon has argued that adding this device is cost prohibitive. And it may well be.

The amendment of Senator LEAHY and myself does not address this issue.

I would like simply to end by reading the amendment.

> No funds appropriated or otherwise made available by this Act may be obligated or expended to acquire, utilize, sell, or transfer any cluster munition unless the rules of engagement applicable to the cluster munition ensure that the cluster munition will not be used in or near any concentrated population of civilians.

Is that too much to ask? That if you are going to use a cluster munition which spews bomblets for a half mile that you be certain these are not going to be used in a civilian area? I think the answer is clearly is no.

I hope the Senate will see fit to agree to this amendment.

I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHICAGO TRIBUNE REPORTER PAUL SALOPEK

Mr. DURBIN. Mr. President, during the August break, I took some time off with my wife. As we were traveling, we were contacted by Jim O'Shea, who works with the Chicago Tribune, in the city of Chicago, which I represent.

He told me about a terrible situation. A writer for the Chicago Tribune, Paul Salopek, who was on assignment for National Geographic in Africa, was arrested and detained in the Sudan.

For 9 days, our embassy was not notified. When they learned of this and found him, he was in a confinement or jail cell in El Fasher in Sudan. He is being charged with visa and other violations for crossing over into Sudan and most notably he is being charged with the crime of espionage.

I come to the Senate today to let the American people know about his plight but also to speak to the Sudanese Government and their embassy in Washington. Many times when we come to the Senate to speak about foreign policy issues, we discuss the fate of hundreds of thousands, sometimes even millions of people. This relates to the fate of one man. Paul Salopek is not just another journalist, not just another correspondent. He is a Pulitzer Prize winner.

I first started reading his work in the Chicago Tribune. As soon as I would finish a piece he had written, I would rush to the byline to see who wrote this. He is truly a gifted writer. He has written some things which I have saved and clipped out, that I hang onto. They are dog-eared and yellowed from age, he is just that good.

When I went to the Congo, the Democratic Republic of the Congo, this last December with Senator BROWNBACK, we were touring an area where, sadly, 5,000 people a day die in this region of Africa. Very few people in the West are aware of it. In preparation for that journey, we looked at the National Geographic special on Africa and particularly the section on the Democratic Republic of the Congo. It was, once again, one of those pieces of writing that stops you cold. And you think: I wish I had the gift to come up with the words of this writer. The writer, once again, was Paul Salopek.

On August 6, Paul Salopek was arrested in the Sudan while on freelance assignment for the National Geographic, along with his driver and interpreter. He has been charged, as I said, with espionage and with writing "false news," along with an immigration violation.

When you look at his assignment, it was not even close to being politically sensitive. National Geographic had sent him to this region to write about the history and culture of the Sahel region of Africa. I know that he undertook this assignment with the same commitment and passion as he has in all of his work.

When we visited the Congo, one of the women there, who had worked with Paul while he was in that region, said she could not remember another writer who became so immersed in his work, spending the entire day with the Pygmy people of the Congo, and then at night he would be off to his tent and, by just a dim light, working on his computer writing all night to bring together all of his thoughts.

His subject, in this case for the National Geographic, has been the geography, history, culture, environment, wildlife, natural resources, religion, landscape, and populace of the Sahel, a wide swath of land running from the Atlantic Ocean to the Horn of Africa. I know when the piece is finally written it will be well worth reading.

The name "Sahel" comes from the Arabic word for "border" or "margin." And for many Americans, the Sahel is undoubtedly on the margins of their awareness. Paul Salopek's article would have helped change that. Now he awaits trial in El Fasher, in the North Darfur region of Sudan.

I have been in close contact with the U.S. Embassy in Sudan and understand he is being treated well while he awaits trial. Mr. Bishop, who works for our embassy in Khartoum, has been in frequent contact, visiting him almost on a daily basis, providing him with water and food and the basics of life and making certain he is being taken care of. And I am glad to report that is happening. I appreciate that fact and all the efforts the State Department and others have undertaken on his behalf.

Assistant Secretary of State Jendayi Frazer urged Sudanese President al-Bashir to release him. And many of us in Congress have been working to try to help effect his release.

Let me make it clear: Those of us who know of the work of Paul Salopek know one thing for certain. Paul Salopek is a journalist. He is not a spy. He has written on everything from the human genome diversity project, for which he won his first Pulitzer Prize, to the civil war in the Congo, for which he won his second.

He has been a student of cultural geography, which informs his current project on the Sahel, once traveling hundreds of miles by mule through the remote Sierra Madre region in Mexico.

In another brilliant story, Paul traced the route of a barrel of oil, tracking shipments of crude oil from across the globe, until they reached South Elgin in my home State of Illinois, and filled the gas tanks of the cars in my home State.

He has written a touching article about 7-year-old brides in Ethiopia and a 13-year-old school girl in Angola who was tortured after she was accused of witchcraft.

His writing captures the reader from the opening sentence, illuminating and educating along the way. As Adlai Stevenson once said: He can make the words march on the page.

One of his former colleagues, now with the Seattle Times, wrote this week:

> If we don't care about Paul, we don't care about the stories he writes. We don't care about the world and the people in its farthest reaches and most desperate circumstances. His work serves us all, to help us understand and feel.

I would like to associate myself with that quotation.

Paul Salopek is a journalist, a reporter, and most fundamentally he is a writer. He crossed a border without the correct paperwork, but he has spent his writing career breaking down borders that divide us in this world.

I am hopeful the Government of Sudan will recognize the fact that although Paul did enter the country without a visa, which is a civil violation, he did so as a writer, writing for the National Geographic magazine. He is not a spy. He did not come to this region of the world with any political agenda.

I am heartened by the news that the Khartoum Government has issued a pardon to a Slovenian writer and envoy who had been convicted of similar charges.

I hope that Mr. Salopek can be released even more quickly.

The American Society of Newspaper Editors, Reporters without Borders, the Overseas Press Club, and the Committee to Protect Journalists have all issued statements urging the release of Paul Salopek and his driver and translator who were detained with them.

I want to repeat those calls on the floor of the Senate.

This is an opportunity for the Sudanese Government to make one small step in the right direction, toward recognizing basic freedoms.

I want to thank all those who tried to help; my colleague, Senator OBAMA, traveling in Africa, who has tried to do his part to help Paul Salopek. I also want to acknowledge the work that has been done by former Congressman, former Ambassador, former Secretary, now Governor Bill Richardson of New Mexico, who is also trying to help in every way he can.

This is an opportunity for the Sudanese Government to make the right step in the right direction, toward recognizing basic freedoms, toward demonstrating the kind of humanitarianism which will leave, I think, the Sudanese Government in good stead with many countries around the world.

It is my deepest hope that Paul Salopek will soon be reunited with his family and soon be released from this prison. It is a matter of the freedom of the press but, as I said, also the freedom of one fine man.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT 109-325

Mr. STEVENS. Mr. President, I ask unanimous consent to have a transmittal letter dated September 5, 2006 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC, September 5, 2006.
Hon. TED STEVENS,
President Pro Tempore,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: After two years of investigation and five hearings, the Committee is pleased to transmit our bipartisan, unanimous Final Report, 109-325, entitled "GIMME FIVE"—Investigation of Tribal Lobbying Matters.

Respectfully submitted,

JOHN MCCAIN,
Chairman.
BYRON DORGAN,
Vice Chairman.

TRIBUTE TO THE 25TH ANNIVERSARY OF GM IN BOWLING GREEN, KENTUCKY

Mr. MCCONNELL. Mr. President, for 25 years the Chevrolet Corvette, known as America's sports car, has been exclusively manufactured in the General Motors Bowling Green Assembly Plant in Bowling Green, KY. I rise today to celebrate Bowling Green as the "Home of the Corvette." We are very proud that it is in the Commonwealth of Kentucky.

The Corvette looms large as one of America's most admired sports cars. Introduced in 1953, it was originally produced elsewhere, but in 1981, General Motors recognized Kentucky as the growing, business-friendly environment it has become and decided Bowling Green and the Corvette made a good match. The first Kentucky-built Corvette rolled off the assembly line on June 1, 1981.

The Bowling Green Assembly Plant also produces the Cadillac XLR and XLR-V in addition to three models of the Corvette. Over 39,000 GM cars are manufactured in Kentucky each year and delivered to driving enthusiasts all over the world. Over the 2½ decades, the Bowling Green Assembly Plant has undergone redesign and updating to incorporate the latest technology. Recently, the newest model, the Corvette Z06, was launched and continues the success of the made-in-Kentucky Corvette brand.

The over 1,200 Kentuckians who work at the Bowling Green Assembly Plant maintain a high standard of quality while also serving as vital contributors to their communities. Plant employees have generously donated their efforts and resources to noble causes such as the United Way, Junior Achievement, the American Red Cross, D.A.R.E.—Drug Abuse Resistance Education—the Make-A-Wish Foundation, and various local charities.

The plant and its workers also work closely with Western Kentucky University to sponsor grants and events. They also offer 30 internships to WKU students each year, giving young men and women an invaluable opportunity to learn about the business world from inside one of America's biggest companies. Several interns have gone on to earn permanent jobs with GM after graduation.

The Bowling Green Assembly Plant's contribution to the local economy cannot be understated, either. Not only does the plant provide jobs to Kentuckians and keep directing money into the local economy, the plant also offers public tours, attracting over 50,000 tourists to the area every year.

Every Corvette built in Kentucky is custom-built for an individual customer; the cars are not mass produced. The employees of the Bowling Green Assembly Plant are very proud of their commitment to precision and high quality. They have won more than 70 automotive industry awards since 1997.

The Bowling Green Assembly Plant will celebrate its 25 years in Kentucky this September. Mr. President, I ask my colleagues to join me in congratulating the Kentuckians who make America's sports car for their dedication to achievement and success, both on the job and in their communities. Kentucky is still reaping the rewards of its 25-year partnership with GM, and we hope to continue to do so for years to come.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS WILLIAM EDGERTON THORNE

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to PFC William Edgerton Thorn who died honorably Thursday, August 24 at 8 a.m. in Baghdad at the age of 26. He was killed in Operation Iraqi Freedom after an improvised explosive devise detonated near his vehicle.

Given the opportunity to protect the people he loved and his strong belief in the cause, Willy, as he was known among family and friends, fought proudly. Similarly, Corey, his wife, is serving her country in Iraq. The couple was married on November 10, 2001 and enlisted in the Army in May of 2005. While they realized the dangers and hardships, they were willing to risk their lives for the freedom of others. My thoughts and prayers are with Corey Thorne at this difficult time, and I thank her for her service and tremendous sacrifice.

Willy loved making children laugh, and he and his wife hoped to save enough money to adopt a baby. His death is deeply mourned by his hometown, Rock Valley, and throughout the nation. Thus there is great truth in what Willy's mother-in-law, Deb Jasper, said "A fallen soldier hits everyone because they have fallen for each and every one of us. What a sacrifice. What an honor." We, the American people, are forever indebted to Willy for his great strength and heroic sacrifice.

STAFF SERGEANT JEFFREY J. HANSEN

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nebraska Army National Guard SSG Jeffrey J. Hansen of Cairo, NE Staff Sergeant Hansen died of injuries sustained in a vehicle accident near Balad, Iraq on Sunday, August 27. He was 31 years old.

Staff Sergeant Hansen was a 1993 graduate of Bertrand Community High School and graduated from the University of Nebraska at Kearney in 1997. Staff Sergeant Hansen lived in Cairo, NE, with his wife, Jennifer, and worked as a police officer at the Department of Veterans Affairs' medical facility in Grand Island, NE.

In January 2000, Staff Sergeant Hansen enlisted with the Nebraska Army National Guard. He mobilized for a tour of duty in Iraq on October 11, 2005 with the 1st Squadron, 167th Cavalry Regiment. Staff Sergeant Hansen served in a unit comprised of approximately 360 Nebraska Guard soldiers that were providing security for Camp Anaconda near Balad, Iraq. Staff Sergeant Hansen will be remembered as a loyal soldier who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Staff Sergeant Hansen are currently serving in Iraq.

In addition to his wife, Staff Sergeant Hansen is survived by his father, Robert, of Bertrand, Nebraska. Our thoughts and prayers are with them at this difficult time. America is proud of Staff Sergeant Hansen's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring Staff Sergeant Jeffrey J. Hansen.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2006 budget through August 4, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 Concurrent Resolution on the Budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.869 billion in budget authority and by $4.030 billion in outlays in 2006. Current level for revenues is $6.590 billion above the budget resolution in 2006.

Since my last report dated July 11, 2006, Congress has cleared and the President has signed the following acts which have changed budget authority, outlays, or revenues for 2006: the Returned Americans Protection Act of 2006 (P.L. 109-250) and an act to provide funding to facilitate the evacuation of persons from Lebanon (P.L. 109–268). In addition, the scoring for the Broadcast Decency Enforcement Act of 2005 was added to the report.

I ask unanimous consent to print the following information in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 5, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through August 4, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated July 10, 2006, the Congress has cleared and the President has signed the following acts which have changed budget authority, outlays, or revenues: the Returned Americans Protection Act of 2006 (Public Law 109-250); and an act to provide funding to facilitate the evacuation of persons from Lebanon (Public Law 109–268).

In addition, the scoring for the Broadcast Decency Enforcement Act of 2005 (Public Law 109-235) was added to the enclosed report. The act increases revenues in fiscal year 2006 by $1 million.

Sincerely,

DONALD B. MARRON,
Acting Director

Enclosure.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF AUGUST 4, 2006

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (–) resolution
ON-BUDGET			
Budget Authority	2,094.4	2,082.5	−11.9
Outlays	2,099.0	2,095.0	−4.0
Revenues	1,589.9	1,596.5	6.6
OFF-BUDGET			
Social Security Outlays [3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176, Public Law 109–208, and Public Law 109–234 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

* = Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF AUGUST 4, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	n.a.
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,868	−479,868	n.a.
Total, enacted in previous sessions:	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Native American Corrections Act of 2006 (P.L. 109–221)	23	23	3
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−10,757
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−1
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)	−111	143	55
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	0	0	1
Returned Americans Protection Act of 2006 (P.L. 109–250)	4	3	0
An act to provide funding authority to facilitate the evacuation of persons from Lebanon (P.L. 109–268)	0	27	0
Total, enacted this session:	1,166	1,196	−10,698
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	n.a.
Total Current Level [1] [2] [3] [4]	2,082,515	2,094,966	1,596,482
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements [4]	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,094,384	2,098,996	n.a.
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	6,590
Current Level Under Adjusted Budget Resolution	11,869	4,030	n.a.

[1] P.L. 109–171 was enacted early in this session of Congress, but is shown under "enacted in previous sessions" as requested by the Committee on the Budget. Included in current-level totals for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts:

	Budget authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)	94,541	24,184	0
Total, enacted emergency requirements	171,547	138,882	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176, Public Law 109–208, and Public Law 109–234 (see footnote 2 above) budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NEXT STEPS IN LEBANON

Mr. FEINGOLD. Mr. President, as the international community deploys an international peacekeeping force to southern Lebanon and as Lebanon and Israel begin rebuilding after the recent conflict, it has become clear that a long-term solution to this conflict will not come about unless the Lebanese Government is strengthened and has the ability and the will to improve the daily lives of its citizens—thereby eliminating the conditions that have allowed Hezbollah to exploit and expand its influence throughout the country. Israel's security depends on it, and a lasting peace throughout the region won't occur without it.

While it is still fragile, the cessation of hostilities presents an opportunity for the Lebanese people, with support from the international community, to eliminate terrorism and to cast off the detrimental influence that Iran and Syria have had throughout their country for years. It is also an opportunity to address the significant threats that have plagued Israel for decades.

Still, my optimism is guarded. Unless the deployment of a U.N. force to patrol southern Lebanon is part of a broader international effort to root out Hezbollah and address the underlying causes of the conflict, we cannot expect Israel to feel more secure than it did prior to Hezbollah's recent aggressions, nor can we expect that any broader, long-term peace process will be pursued. Israel has every right to remain wary of the current international effort unless its security concerns are addressed and Lebanon can become a permanent—and capable—partner in establishing long-term peace in the region.

One of the most important elements of establishing peace is initiating reconstruction efforts throughout southern Lebanon immediately. Unfortunately, the Lebanese Government—and thus the international community—is already losing to Hezbollah in the race to show legitimacy and strength. It is an ominous sign that Hezbollah is ahead of Lebanese and internationally led reconstruction efforts and has been responsive to local needs. This is in contrast to an international donor community that has yet to establish the mechanisms and partnerships on the ground to get reconstruction efforts moving. In addition, the Lebanese Government is looking weak and out of touch, struggling to develop coordinated strategies for reconstruction and security. If this continues, it will have very real security implications for Israel, Lebanon, and the region, and will make the work of the U.N. force relatively useless. This is not in the interest of Israel, Lebanon, or the international community.

Mr. President, as troop-contributing nations begin their deployments to support the U.N. force, an equal amount of attention needs to be paid to longer term efforts to bolster the Lebanese Government's capacity to deliver services and to kick-start the Lebanese economy. As I mentioned, coordinated—and rapid—reconstruction efforts will help. But so, too, will support for the Government, its institutions, and its role in Lebanese society. In addition, and as experts have suggested in recent weeks, sufficient—and significant—attention needs to be given to enhancing the ability of the Lebanese military and police forces to do their jobs. The military and police forces need outside help. They need training, equipment, and supplies if they are going to be able to project the authority of the central Government in a professional way. Lebanon's democratic institutions need help; so, too, do civil society groups and private enterprises that can provide services to the Lebanese people quickly and that can increase demand for functioning, responsive, and transparent democratic institutions. Without this support for the army and police, stability will be elusive, and Israel will have every right to remain nervous about the role that Hezbollah will play in southern Lebanon and about the influence that Iran and Syria will have throughout the country.

Finally, the U.S. Government must devote greater attention and resources to this issue. We have already seen the results of this administration's passive approach: hesitant international partners, lagging reconstruction efforts, and a shaky framework for ensuring that Israel's security concerns are addressed. If we are to contribute positively to a sustainable ceasefire and to setting the conditions within which Israel and Lebanon can become secure, a senior U.S. envoy must be deployed to help manage the implementation of U.N. Resolution 1701, assist with donor reconstruction efforts, build support for the Lebanese Government, influence important regional actors, and begin setting the conditions for a transition to a broader peace process throughout the region that will bring an end to this violence and instability.

One of the most pressing and important tasks for a U.S. envoy will be working with the international community to end the pernicious influence that Iran and Syria continue to exert over Lebanon. Until that influence is ended and the Lebanese people are allowed to assert their own sovereignty, the prospects for a long-term peace will be shaky at best.

Mr. President, we have an opportunity to eliminate a terrorist organization that has terrorized Israel for too long. It has exploited a weak Lebanese Government and has used the façade of public service and charity work to buy favor amongst the people of southern Lebanon. Efforts now must be focused on helping to create the conditions within which the Lebanese Government can build the legitimacy and capacity it will need to establish peace within its borders. This will make Israel safer and will contribute to longer term peace efforts throughout the region. That won't happen unless the international community, led by the United States, helps create the conditions within which the Lebanese Government can do its job.

AFRICAN UNION

Mr. FEINGOLD. Mr. President, the African Union is essential to the political and economic development of Africa's diverse community of States. It has become clear that the AU represents a real commitment by its members to establishing a forum for political dialogue and to address the challenges and seize opportunities that are arising throughout the continent.

The AU plays three very specific roles that I will highlight as we consider the nomination of the United States' first ambassador and as we renew our efforts to strengthen our relationship with the AU.

The AU is primed to serve as the primary forum for establishing peace and preventing conflict throughout the continent. I applaud the efforts of the leaders of the AU to establish a true capacity to prevent and end conflict that has devastated many parts of the continent for too long. The creation of the Peace and Security Council, PSC, within the AU is particularly valuable, and I hope this organ within the AU develops sufficient capacity to deal with the full range of conflict throughout the continent. It is essential that the PSC complete its work in developing a series of early warning systems and indicators so that it can be effective in preventing conflict. It also must develop a real capacity to respond to conflict should one occur. The Panel of the Wise, too, is an important source of moral authority and opportunity for prominent African leaders to engage in country-specific conflicts without sacrificing neutrality or threatening the sovereignty of a nation.

As we have learned from recent years in places such as Sudan and Somalia, it is critical that there be a way to identify, understand, and respond to the conditions that breed instability. The United States should support this conflict prevention and resolution capacity and work closely with the AU to identify weaknesses or shortfalls that exist in maximizing the AU's ability to fulfill these important functions.

The United States must also support the AU's efforts to establish an African Standby Force that can participate in peace operations, intervention, and conflict monitoring. The AU and its members have proven a willingness and commitment to contributing military forces to AU-flagged missions throughout the continent. AU forces are operational in Darfur and in Burundi and have proven that they are willing to take on challenging assignments in nonpermissive environments. Unfortunately, the AU still does not have the capacity to fully implement the vision for the African Standby Force, nor to effectively complete its mission in Darfur. The United States should assist the AU in developing a professional, deployment-ready standby force that can respond to conflict and that can participate in interventions to establish peace in areas already facing conflict. We must continue our efforts to help African militaries develop their capacity, while also urging the importance of the respect for human rights, civilian leadership, and fighting corruption.

Finally, the AU is playing an increasingly important role in defeating terrorist networks throughout the African continent. As terrorist networks exploit undergoverned or unstable areas throughout Africa, the AU can play an important role in helping member States develop internal capacity to defeat the conditions that allow terrorists to take root. The AU also can strengthen member-State networks to share information, best practices, and even capacity as it relates to understanding, and ultimately defeating, terrorist networks. The African Center for the Study and Research on Terrorism, ACSRT, a joint AU Commission/PSC structure, was launched in 2004 but lacks sufficient capacity to carry out its broad mission. It is a good first step, but it will need assistance from the United States, the European Union, and other members of the international community. Establishing this capacity must also be a priority for the AU's member states.

There are a range of other challenges facing the AU, and there is no doubt a long list of priorities to be addressed. And while the United States has and will continue to support a range of AU efforts, it is essential that the U.S. Government structure its assistance to the AU to help empower it as an organization, support its priorities, and help to develop an internal capacity to plan for its growth and role in the coming years. I hope that the fact that we are sending our first ambassador to the AU will represent a heightened level of engagement with the AU and a renewed commitment to helping the AU, its member states, and the people of the African continent address the challenges of the 21st century.

FOREIGN SERVICE FAMILY LOSSES

Ms. SNOWE. Mr. President, Monday, August 7, was the eighth anniversary of the bombings of our Embassies in Nairobi and Dar es Salaam of August 7, 1998. On that dreadful day, the lives of 12 Americans, 11 Tanzanians, and 212 Kenyans were tragically taken; more than 4,000 injured. The names of 56 killed U.S. Government employees—Americans, Kenyans, and Tanzanians—are memorialized on a plaque on a wall in the State Department. I want to take this opportunity to extend my deepest sympathies and condolences to the families and friends of those who died and to those who were injured. We continue to mourn their loss. Their memories will remain eternal. And we pray for strength for those who are still suffering.

At this time, I also want to express my heartfelt sympathy for another great loss in the Foreign Service family, the matriarch of America's diplomats, Ambassador Mary Ryan. I, as well as all those who knew her, was deeply saddened to hear of Mary's passing on April 25.

During my days with the House Foreign Affairs Committee, Mary and I worked closely together in response to the 1993 World Trade Center bombings by aggressively introducing technology data systems, such as the TIPOFF lookout system, and strengthening interagency information sharing to identify potential terrorists as they applied for visas to our great Nation. In the aftermath of the August 7 bombings in Kenya and Tanzania, and then after 9/11, our paths crossed again, as we, together, tackled the visa and border security challenges of our day. Mary's dedication to and love for her nation was always very evident during these trying times.

As the longest-serving diplomat at the time of her departure from the State Department, Mary served 36 years in her distinguished public service career. Mary entered the Foreign Service in 1966 serving in Naples, Tegucigalpa, Monterrey, Washington, Abidjan, and Khartoum before being appointed ambassador to Swaziland in 1988. In 1993, she became the Assistant Secretary of State for Consular Affairs and in 1999 she was named career ambassador, only the second woman to hold the rank in the history of the State Department.

A mentor to generations in the Foreign Service, particularly women, Mary Ryan was truly an outstanding American diplomat and public servant. Mary donated much of her time to those in need, extending a uniquely kind, generous and warm spirit that will be missed by all.

The Nation owes a deep debt of gratitude to these fine men and women who serve our Nation's interests overseas and their families. And I want to thank them for their public service and dedication to our fine Nation.

PENSION PROTECTION ACT OF 2006

Mrs. CLINTON. Mr. President, I would like to begin by commending Senate Health, Education, Labor and Pensions Committee Chairman ENZI, Senate HELP Committee Ranking Member KENNEDY, and the rest of my colleagues on the HELP Committee and the Senate Finance Committee for their commitment to working on a bipartisan basis toward the shared goal of comprehensive pension reform. This legislation is the product of their tireless work on behalf of our Nation's workers and retirees.

In particular, I would like to express my appreciation to the conferees in the Senate and the House for undertaking the difficult work of negotiating a compromise between the two Chambers' bills. It is a challenge to reconcile legislation on such a complex set of reforms, and it is an enormous credit to the hard work of the conferees—and their staffs—that we were in a position to act on this important piece of legislation.

The protection of the retirement security of workers and their families is one of my highest priorities as a Senator. The promise of a pension is one of the central tenets of the compact between an employer and an employee and one of the essential components of the American dream. It is incumbent on our businesses and on our Nation to make good on that promise. So many of my constituents in New York, like millions of other Americans throughout the Nation, work their entire lives to secure the right to pension benefits when they retire, and they come to depend on those benefits to provide financial security for them and their loved ones through retirement.

Unfortunately, the private pension system in America is badly in need of repair. More and more companies are terminating the defined benefit plans that serve as a dependable source of retirement income for tens of millions of workers throughout the country. Workers in terminated plans often find their pension benefits slashed, and the consequences for these workers are all too real, including postponed retirement, additional jobs, and tighter budgets.

Liability for these pension plans is shifted to the Pension Benefit Guaranty Corporation, which insures defined benefit plans but is now $22 billion in debt and itself could require a taxpayer bailout if more companies abandon their plans. And in fact, many more companies' defined benefit plans are on the brink of insolvency—defined benefit plans insured by the PBGC are underfunded by roughly $450 billion, including almost $100 billion for defaults it calls reasonably possible. I meet often with New Yorkers who are deeply anxious that they will never see the pension benefits they worked so hard to earn.

The Pension Protection Act makes great strides toward restoring the great promise of the private pension system for workers in New York and throughout the Nation. Among the important reforms in this bill are provisions that: require companies to fully fund their single-employer defined benefit plans; provide incentives for companies to contribute more money to their pension plans during good years;

strengthen the multiemployer pension system; improve the pensions of public safety officers; allow Reserve and National Guard members to draw on their retirement savings without penalty when they serve our country in active duty; and take important steps toward restoring the solvency of the PBGC.

The Pension Protection Act also contains provisions that aim to protect the retirement security of workers as more employers transition from defined benefit pensions to 401(k)s and new hybrid plans. The legislation will clarify the legality of these hybrid plans on a prospective basis, and prohibit the "wear-away" of the benefits of older employees under these plans. The legislation will encourage the use of automatic enrollment for 401(k)s and other defined contribution plans. And the legislation will prohibit employers from requiring employees to keep their retirement savings in company stock, a practice that magnified the harmful impact of the Enron and other corporate scandals on employees.

Finally, in light of the low personal savings rate in this country, it was vitally important that the bill included tax incentives for savings. I am particularly happy that the bill makes permanent the Saver's Credit, which helps middle- and low-income families save for their retirement. Making the credit permanent was one of the reforms that I and some of my colleagues call for in the American Dream Initiative. These are smart and commonsense reforms that will offer clarity and certainty in the retirement planning of the millions of New Yorkers and the 65 million Americans estimated to participate in 401(k) and defined contribution plans.

I also commend the conference on making a number of improvements to the Senate bill that was passed last year. For one, the new bill is wise to drop a provision that would have looked to the credit rating of a company to determine whether it is at risk for plan default and therefore must make accelerated contributions into its plan. That approach would have made it far more difficult for a company to preserve a plan during a period of financial distress, a result that is undesirable for the company, its employees, and the American taxpayer. Likewise, the legislation increases the "smoothing" period for the calculation of assets and liabilities from what was in the Senate bill, a change that will improve the predictability of pension payments and make it easier for employers to keep their pension promises.

The legislation is not without its flaws. The legislation walks back several of the provisions in various areas of the Senate bill that provided important protections for workers. My strong preference was to see the costs in the legislation offset. Also, while funding provisions in the bill required a certain measure of compromise on the part of all of the stakeholders, I am concerned that these provisions could exact an unintentional and unnecessarily harsh toll on employees in certain industries. I will be monitoring the impact of the bill closely, and I will work with my colleagues to correct the situation should this occur. Finally, while the bill protects the pensions of many of the thousands of airline employees who live and work in New York, we must continue to find ways to assist other distressed companies in taking the steps necessary to preserve the pension plans of their employees.

And indeed, we should not regard this bill as an excuse to rest on our laurels. Our work on behalf of workers and their families is only beginning. We need even more Congressional action to pursue public and private ways of addressing the retirement security of workers in New York and throughout America: portable retirement accounts for workers with even stronger incentives to save, offering real health care options to retirees and workers; and protecting Social Security for our seniors.

Workers and their families are counting on their employers to keep their pension promises. The Pension Protection Act will help employers to do so, while strengthening the defined benefit system, protecting the PBGC, and encouraging private savings. This bill is an important step toward the goal of restoring retirement security for working men and women. For these reasons, I applaud the Senate for passing this important piece of legislation, and I call on the President to sign it promptly. I look forward to working my colleagues on further measures to enhance the defined benefit system and increase retirement savings for workers in New York and throughout the Nation.

LIFTING OF HOLDS

Mr. WYDEN. Mr. President, in August, I announced my intention to object to any unanimous consent request for the Senate to take up the nominations of John Ray Correll to be Director of the Office of Surface Mining, Interior Department, and Mark Myers to be Director of the U.S. Geological Services, Interior Department. Previously, in May, I also placed a hold on David Bernhardt, the administration's nominee to be Interior Solicitor. I also objected to any unanimous consent to keep these nominees on the calendar during the August recess. Instead, I asked that these nominations be returned to the White House. I did so because, despite several requests, I had received no assurance from the administration that the needs of people in more than 700 rural counties in over 40 States would be adequately addressed by fully funded county payments. The county payments law, which provides a stable revenue source for education, roads, and other county services in rural areas, is due to expire at the end of this year. In early 2005, I cosponsored a bipartisan bill, S. 267, to reauthorize county payments for another 7 years. In February, the administration proposed reauthorizing the law for only 5 years, while cutting funding by 60 percent, and funding that reduced portion with a controversial Federal land sale scheme.

During the August recess, the administration agreed to work with us to find a mutually acceptable solution to fully fund county payments for another year. On August 7, 2006, I received a letter from Mr. Mark Rey, Under Secretary for the U.S. Department of Agriculture, in which the administration committed to work with me, and my colleagues Senator SMITH and Senator CRAIG, to reauthorize the program for the coming year, through a mutually acceptable funding source. This is not a long-term solution, but it will address the needs of hundreds of communities for the short term. Because of the commitment of the administration to work with me, and my colleagues Senator SMITH and Senator CRAIG, to reach a solution, I will no longer object to any unanimous consent request for the Senate to take up the nominations of John Ray Correll, Mark Myers, and David Bernhardt. I will, however, continue to look for the agreed upon funding solution to be proposed from the administration, while looking toward a future long-term solution.

I ask unanimous consent that a copy of this statement along with Mr. Rey's letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, August 7, 2006.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.
Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.
Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATORS: Like you, the U.S. Department of Agriculture recognizes the importance of the Secure Rural Schools and Community Self Determination Act. We are committed to working with you to reauthorize the program this year.

Acknowledging the difficulty in a multiyear reauthorization of this program prior to the September 30, 2006, expiration of the program's authority, we commit to working with you to enact a one year extension of the program, at full funding levels, and finding mutually acceptable offsets. We understand from our discussions that time does not permit the enactment of our proposed land sales offset as free standing legislation; as such, this would not be an offset option for the one year extension.

We appreciate your leadership on this issue and look forward to continuing working with you.

Sincerely,

MARK REY,
Under Secretary,
Natural Resources and the Environment.

CONGRESSMAN ROBERT GIAIMO

Mr. DODD. Mr. President, I rise today to pay tribute to a former colleague and dear friend, Robert Giaimo, who passed away on May 24 of this year. He served the people of Connecticut and the United States as a Member of the House of Representatives for more than 20 years, and I want to speak to my colleagues today about the life and legacy of this dedicated public servant.

Bob Giaimo was born in North Haven, CT on October 19, 1919, son of the late Rose and Rosario Giaimo. He attended North Haven public schools, and graduated from Fordham University before receiving his law degree from the University of Connecticut in 1943. During World War II, Bob served as a commissioned officer in the United States Army. When he returned, he served as the chairman of the State of Connecticut Personnel Appeals Board, as a member of the North Haven Board of Education, North Haven Board of Finance, and as third selectman of the town of North Haven.

Bob Giaimo's public service culminated with his tenure in the House of Representatives. Elected in 1958, Congressman Giaimo represented Connecticut's third congressional district until his retirement in 1980. During his eleven terms in office, Representative Giaimo served as a member of the House Education and Labor Committee between 1959 and 1963, and went on to serve on the House Appropriations Committee. When the House Committee on the Budget was established in 1974, Representative Giaimo was elected to serve as a member, and was elected chairman of that committee in 1979. He was the first Connecticut Democrat and the first Connecticut Member of Congress since 1931 to chair a congressional committee.

One of Congressman Giaimo's greatest legislative achievements was undoubtedly his 1965 sponsorship of the bill that created the National Endowment for the Arts and the National Endowment for the Humanities, separate grant-making agencies that support our nation's painters, sculptors, writers, poets, and historians, among others. His dedication to this legislation has made an enormous contribution to America's cultural heritage.

When I was elected to Congress in 1975, Bob was already a senior member of the House. But he very graciously took an interest in showing this newcomer the ways of that institution. With me, as with all who knew him, Bob was a public figure who led by example. Never one to seek the spotlight, Bob remained dedicated to the working families, the poor, the elderly, and others who cannot afford to buy a voice in Washington and who instead rely on their elected officials to look out for them in the corridors of power. The quality and caliber of this leadership will be missed and continues to inspire those of us who knew him and who serve in public life.

My wife Jackie and I offer our deepest condolences to his wife Marion, his daughter Barbara, and his granddaughter Tracey. They have lost a beloved member of their family. And the people of Connecticut and our Nation have lost a dedicated public servant and an exceptional man.

I was honored to attend Representative Giaimo's memorial service on June 1, and found the eulogy, delivered by Reverend Hugh MacDonald, to be particularly moving. I ask unanimous consent that the text of the eulogy be printed in the RECORD.

EULOGY: ROBERT GIAIMO

(Reverend Hugh MacDonald, June 1, 2006)

The great cathedrals of Europe are a glorious part of our Christian heritage—towering testimonials to an Age of Faith. But anyone who now visits these sublime buildings soon realizes that they also have a history as cemeteries for the celebrated.

Whether interred in the basement crypts or encased in magnificent tombs scattered around the sanctuary and aisles, the famous dead almost vie for attention with our living worship.

My personal favorite among cathedral tombs is in the Cathedral of Saint Richard in the city of Chichester on the southern coast of England. In the north aisle of that elegant church is a massive stone sepulcher containing the remains of the fourteenth-century Earl of Arundel and his countess. Side by side, atop the monument, lie their carved stone likenesses.

A famous warrior, he is clad in medieval armor, and his feet rest up on a lion—the symbol of bravery. On his right, his wife is shown in nun-like robes, her feet resting on a small dog—symbol of fidelity.

Purely as sculpture, the Arundel tomb is not all that impressive, and six centuries have blurred the once precise details of the carved faces. But what finally rivets your attention is their hands! The universal custom in pious monument-sculpture is for the hands to be stiffly folded on the chest, pointing heavenward in a gesture of everlasting prayer.

Not so with the Arundels! His left arm lies at his side, and in that left hand he holds the empty glove (or gauntlet) for his right hand. So, immediately your eyes seek out that right hand. His right arm is also relaxed at his side, and the hand is thus concealed by the overlapping folds of the countess's robe as she lies beside him. But if you go to the foot of the monument and stoop down a bit, you can discover their touching secret. Under the carved armor and the pleated dress, their hands are clasped in tender love!

I find that detail enormously moving. We know almost nothing now about the once famous exploits of this heroic earl and nothing whatsoever about his wife. And in the cathedral that houses their bones, the centuries have witnessed violent religious wars and the cruel ravages of time. But through it all and despite it all, those clasped hands are a reminder of what is noblest in our lives and in our legacy. The poet Philip Larkin put it beautifully in the final line of his meditation on the Arundel tomb when he wrote: "What will survive of us is love."

Those words sprang to my mind on Monday after I had talked on the phone with Barbara about the shining love her parents shared. Robert and Marion were married here at Saint Barnabas sixty-one years ago. Sadly, poor health prevents Marion from being here with us this morning for this Mass of Christian Burial.

But in fact every celebration of the Eucharist reminds us that nothing can truly separate us from our love of the Lord or our love of each other. Not miles or years or even death! Love is always present tense, and love never comes to an end!!

Clearly, what God asks of us is not just theoretical love, love-in-the-abstract. Not at all! God challenges you and me to flesh out our love in acts of living prayer and lives of authentic service. Unless our hands are clasped in love, nothing else really matters.

Robert Giaimo understood that challenge, and he lived that faith with sincerity and simple conviction. Harry Truman (God bless him!) once said that the politicians of his era used to pour God over everything—like ketchup! (By the way, I don't know what President Truman would have to say about the current level of religiosity in our political discourse, but I for one would dearly love to hear it!!!)

But Bob Giaimo's faith was never showy or self-congratulatory. He didn't preach sermons, he just served people.

This was a man who regularly walked the corridors of power, but never forgot his roots, his heritage, his humanity. His towering stature made him an imposing presence, but his genuine humility made him a caring person and a lasting friend. And, of course, a deeply devoted husband, father, and grandfather.

The pulpit is not a place to assess his political achievements, but I can't resist a heartfelt "Thank you!" to the man who was so influential in creating the National Endowment for the Arts and Humanities. He firmly believed that the arts not only enrich our lives but actually instruct us how to live. (That's one of the reasons I began this eulogy with that Arundel anecdote.)

Our brother has now passed beyond our sight but not at all beyond our reach. He is quite literally only a prayer away. And on each day of our continuing journey of faith, he will continue through the power of his prayer to reach into our lives: to touch us, to lead us, to help us. Because, for Robert Giaimo it has always been quite personal!

And isn't that precisely the point Jesus is making in today's gospel selection? Notice the Lord did not say to His anxious Apostle: "Thomas, I will show you the way, I will teach you the truth, I will give you life." No: it's absolutely personal. "Thomas, I AM the Way and the Truth and the Life."

No one was ever saved by words or rituals, by laws or creeds. We are saved by the powerful Person of the Lord, and we show our acceptance of that great gift by cherishing all the precious people who share our journey.

So, when all is said and done, Bob Giaimo's gift to us was not a legacy of laws but of loving service. Power passes, and fame is fleeting. "What will survive of us is love."

ADDITIONAL STATEMENTS

PAYNESVILLE AREA SCHOOL DISTRICT, PAYNESVILLE, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor the Paynesville Area School District, in Paynesville, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Paynesville Area School District is truly a model of educational success. The district administrators, teachers, staff, and parents have remained focused on the District's mission: "Success for Everyone Through Quality Learning."

The commitment of the entire community to the education of its children has earned the Paynesville Area School District's high school a five-star rating in both math and reading, one of only seven percent of schools in the State that can make that claim. The elementary school also earned a five-star rating in reading. Paynesville is very proud of the fact that it is the only district in greater Minnesota that has five stars in reading for both its elementary and high schools.

Paynesville, a rural community, continually seeks new ideas to remain competitive in a progressive society while cherishing local history and tradition. Along with the fundamentals of reading, writing, and mathematics, the district also emphasizes respect as a basic value.

The Paynesville Area School District offers a number of innovative programs, including full-day kindergarten for everyone; children in kindergarten and first grade are grouped by ability; teachers in grades 2 and 3 remain with the same teacher for 2 years in a row; parents can view children's grades through the district's Web site; and College in the Classroom courses are available for fundamentals of college writing, rhetoric, and introduction to literature, allowing students to earn college credit in these subjects.

The Paynesville Area School District also offers a wide variety of cocurricular activities, including: an award-winning Future Farmers of America Program, a Future Leaders of America Program, and a Business Professionals of America Program. The middle school band has been rated "Best Young Band," and the high school choir performed at candlelight processionals at Disney's Epcot Center in 2000 and 2004.

Much of the credit for the Paynesville Area Public School's success belongs to its superintendent, Mr. Todd Burlingame, and the district's dedicated principals, teachers, and staff. The students and staff at the Paynesville Area School District understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at the Paynesville Area School District should be very proud of their accomplishments.

I congratulate the Paynesville Area School District in Paynesville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

LITTLE FALLS COMMUNITY MIDDLE SCHOOL, LITTLE FALLS, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Little Falls Community Middle School, in Little Falls, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Little Falls Community Middle School is truly a model of educational success. Every year since 1997, its Language Arts Department has invited well-known authors to work with the students to help develop their writing skills. Students are assigned beforehand to read one or more of each author's books. This approach to teaching both an appreciation of reading and improved writing skills works very well in a middle school setting.

This year, Will Weaver was invited to work with the students. Some other authors who have participated are Will Durbin, Patricia Calvert, and Earl Fleck. The author spends 2 days teaching techniques for writing stories that allow the reader to "feel" what is happening. The authors discuss their favorite books, how they came up with the ideas for their books, how long it takes to write a chapter, and how they were able to get their first books published. Students come away from the experience believing that they, too, can become good writers.

Another program unique to the school is its annual Water Festival, which allows sixth-graders to travel each year to nearby Camp Ripley for hands-on experience learning about the significance of water in our environment. The festival offers children an opportunity to discover how important water is in their lives and how we ourselves affect water, positively or negatively. They learn about water purification techniques, invertebrates that live in the water, wetland habitat, the history of the Mississippi River, and the characteristics of a watershed. The school makes use of National Guard staff, Department of Natural Resources Specialists, and representatives from the Science Museum of Minnesota.

This year, Little Falls Community Middle School suffered a tremendous loss when one of its teachers, Mr. Lee Hochsprung, died suddenly. He had enjoyed spending time with his family, teaching at the middle school for 31 years in language arts, EBD, and social studies, hunting, fishing, camping, cooking, watching his children play sports, announcing wrestling matches, listening to all kinds of music, and reading history. He was a compassionate person, a motivator, and a loving husband, father, and loyal friend. The Little Falls community will remember Lee for his stories, jokes, great teaching skills, fabulous coaching ability, gift for connecting with students and parents, capacity for fun, and love for all children, especially for his own children, Laura, Paul, Phil, and Katie, and his wife Julie.

Much of the credit for Little Falls Community Middle School's success belongs to its principal, Dr. Maxine Strege, and the dedicated teachers. The students and staff at Little Falls Community Middle School understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Little Falls Community Middle School should be very proud of their accomplishments.

I congratulate Little Falls Community Middle School in Little Falls for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

JOHNSVILLE ELEMENTARY SCHOOL

• Mr. DAYTON. Mr. President, today I honor Johnsville Elementary School, in Blaine, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Johnsville Elementary School is truly a model of educational success. The school has developed a wide variety of programs to meet the learning needs of all children. Unlike many elementary schools, which offer only three or four break-out curricula, Johnsville has built art, music, library, technology, and physical education into the school-day curriculum. A talent development program provides enrichment reading, math, creative writing, and science for the more advanced learners. A targeted services program offers extended-day instruction in reading and math for pupils who are struggling.

At Johnsville, those kindergarten children who have already begun to read and write can participate in an advanced reader program. In addition, for 2 consecutive years, a Johnsville kindergartner has won the Anoka Hennepin District's Anti-Bullying Kindergarten Poster Contest. This year's winner was Jake Taylor.

The school is also very proud of its choir programs, including an honors choir program, and its Fine Arts Festival, where everyone displays at least one project.

The Anoka-Hennepin School District has also established a teacher with outstanding performance, TOP, recognition program so that parents can nominate deserving teachers. Seven of Johnsville's teachers have received the award.

Parents' support for the school is reflected in the 98 percent parent participation rate in parent-teacher conferences. Johnsville also provides opportunities to involve parents in all aspects of the school day.

In the spirit of community service, this year Johnsville participated in a special fund-raiser for people affected by Hurricane Katrina, raising $2,700 for St. John's School in Louisiana.

Johnsville's principal, Mr. Patrick Murray, was recently recognized with a division leadership award from the Minnesota Elementary School Principals' Association.

In 2005, the school received a three-star rating in math and a four-star rating in reading. This is an improvement over the two-star rating in reading the school received in 2004.

Much of the credit for Johnsville Elementary School's success belongs to its principal, Mr. Patrick Murray, and the dedicated teachers and staff. The pupils and staff at Johnsville Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Johnsville Elementary School should be very proud of their accomplishments.

I congratulate Johnsville Elementary School in Blaine for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

SAINT ANTHONY MIDDLE SCHOOL, SAINT ANTHONY VILLAGE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Saint Anthony Middle School, in Saint Anthony Village, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Saint Anthony Middle School is truly a model of educational success. The Saint Anthony and New Brighton communities, which are served by the middle school, place a high value on quality education for every student. The teachers and students have taken the initiative to establish an academic enrichment program, matching students and teachers with similar interests to participate in enrichment learning activities.

Saint Anthony Middle School has also developed curricula and teaching techniques to meet the needs of struggling learners as well as advanced students. Children who need greater support are given additional study time and assistance from paraprofessionals and high school tutors. Advanced students participate in special courses designed to move at a faster pace. The Connections Course, developed by the social studies teachers and language arts teachers, offers an advanced-level course integrating both subjects.

Recognizing that positive connections with middle school students are essential, teachers and staff work constantly to improve the educational experience. Teachers, who often go to great lengths to be sure that all students are connecting with the curriculum, helped the eighth-graders create a Colonial Day, on which community members facilitate workshops to help students to understand firsthand what it was like to live during colonial times. Among other things, students created cornhusk dolls, wove baskets, dressed in colonial attire, and ignited a fire using stones. The school is also exploring the possibility of adding an International Baccalaureate Program to the curriculum.

The success of Saint Anthony Middle School is reflected in student enrollment numbers: 42 percent of the students come to the school, through open enrollment, from neighboring districts.

In 2005, St. Anthony Middle School received a three-star rating in math and a four-star rating in reading from the Minnesota Department of Education.

Much of the credit for Saint Anthony Middle School's success belongs to its principal, Shirley Gregoire, and the dedicated teachers and staff. The students and staff at Saint Anthony Middle School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Saint Anthony Middle School should be very proud of their accomplishments.

I congratulate Saint Anthony Middle School in Saint Anthony Village for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

SAINT ANTHONY VILLAGE HIGH SCHOOL, SAINT ANTHONY VILLAGE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Saint Anthony Village High School, in Saint Anthony Village, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Saint Anthony Village High School is truly a model of educational success. The high school aims to establish a "preferred, small, caring educational community creatively meeting individual learners' needs."

The Saint Anthony Village High School's success can be attributed to the relatively small number of students enrolled, the dedicated teachers and staff, and the strong community support. The high school and middle school share the same building, hence the innovative Tutors R Us Program has allowed high-achieving older students to help tutor middle school students who need more individualized attention.

Teachers at Saint Anthony Village High School genuinely care for their students and hold them accountable for high academic standards. When Maggie Horan, a recent graduate, and senior Dede Sirleaf were asked about their teachers, they responded by citing their experience with Mr. Olszanski, their math teacher:

> He takes the time to explain things. If you don't get it, he will explain it two or three times to make sure you get it—he really cares about you. He wants everyone to learn and be on the same page. He will even take time to stay after school with you if you don't get it.

The community has demonstrated its strong support for the schools by approving several referendums and supporting numerous fundraising activities. Community members are always represented at school functions, act as mentors for students, serve as hosts for student volunteer opportunities, and frequently offer afterschool employment for Saint Anthony students.

The results are very impressive. The number of Advanced Placement tests taken by students at Saint Anthony has grown from 5 in 1994 to 240 in 2006. Over 20 percent of juniors and seniors belong to the National Honor Society.

In both 2004 and 2005, the school received five-star ratings in both math and reading from the Minnesota Department of Education.

Much of the credit for Saint Anthony Village High School's success belongs to its principal, Mr. Tom Keith, and the dedicated teachers and staff. The students and staff at Saint Anthony Village High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Saint Anthony Village High School should be very proud of their accomplishments.

I congratulate Saint Anthony Village High School in Saint Anthony Village for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

MORRIS ELEMENTARY SCHOOL, MORRIS, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Morris Elementary School, in Morris, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Morris Elementary School is truly a model of educational success. The award specifically recognizes the fifth-grade science program for three initiatives: Project Alpha, chick growing, and Tomato Fest, which all combine learning with hands-on application of scientific theory and research, and which also involve prominent scientists and parent volunteers.

Project Alpha blends learning in science, math, language, and the arts. The children form an aerospace commission designed to study space flight, aerodynamics, weather, physics, and optics. As they accomplish each intelligence-gathering mission, they earn valuable "cash" for their company. They then use the knowledge they have acquired to build and launch model air-powered rockets. The children then make design modifications to their rockets, based on actual flight performance. To earn the privilege of launching their rockets, pupils must pass a tough physics test which covers concepts in energy, mass, light, sound, the earth's tilt, and Newton's laws of motion.

Fifth-graders also participate in an experiment growing chicks, which includes gauging the effects of diet on growing chickens. The children write the experimental protocol, analyze weight gain, feed intake, and feed/gain conversion. They use math skills to compile data and perform measurements. The children meet with research scientists from the University of Minnesota's College of Agricultural, Food, and Environmental Sciences at the West Central Research and Outreach Center. The scientists talk with the children about research, how to write a scientific hypothesis, and how to conduct a research project that will either prove or disprove the hypothesis.

Fifth-graders also conduct a plant-growing experiment, in partnership with the USDA Soils Lab, located in Morris. The children study how certain variables affect germination, growth, and reproduction in tomato plants. The children are required to take measurements, construct data tables, and present findings at the annual Tomato Fest. One-third of the seeds were flown aboard the Space Shuttle Atlantis in 1997; another third were sealed in a dry container and kept underwater at the Scott Carpenter Space Analog Station in Key Largo, FL; and the rest were kept as a control group at Park Seed Company.

During the fifth-graders' annual science fair, research scientists from the University join area high school students who excel in science. The scientists and high school students visit the fifth- grade classrooms for a "meet the expert day," when they review the science projects, answer questions, and give feedback about the fifth-graders' projects.

While the Award for Excellence in Education recognizes the Morris Elementary fifth-grade science curriculum, the school has also done very well in reading and math, receiving four stars in reading and five stars in math from the Minnesota Department of Education in 2005.

Much of the credit for Morris Elementary School's success belongs to its principal, Brad Korn, and the dedicated teachers and staff. The pupils and staff at Morris Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Morris Elementary School should be very proud of their accomplishments.

I congratulate Morris Elementary School in Morris for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

MARSHALL PUBLIC SCHOOLS, MARSHALL, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor the Marshall Public School District, in Marshall, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Marshall Public School District is truly a model of educational success. Marshall Mayor Bob Byrnes nominated the local school district for an Award for Excellence, based largely upon the many programs offered through a collaboration of the school district, the city, and local businesses.

The programs include the Marshall Public School District's Mentor Connection Program, which gives students an opportunity to shadow Marshall business, nonprofit, and government leaders; the Talents Academy, which pairs the brightest instructors with gifted students at a very early age; and the Marshall East Campus Learning Alternative, MECLA, Program, the district's alternative education program for students at risk of dropping out of high school. All of these reflect the belief of the Marshall community that "all children are important resources."

The growth and achievement shown by Marshall's students have supplied benchmarks for other Minnesota school districts. Students achieved 90 percent reading proficiency and 80 percent math proficiency on the Minnesota Comprehensive Assessment tests. Over 50 percent of Marshall's teachers have at least a master's degree.

The Emerging Leadership Investment Program for Marshall's minority residents demonstrates the effectiveness of collaboration on the local level. The partnership between the city, its schools, and its businesses has also produced an extremely successful intramural sports program at Marshall High School, which allows a cross section of students to interact socially in a structured, recreational setting, while benefiting from physical activity. The program will be expanded this fall to deliver the same opportunities to middle school children. In addition, foreign languages, creative writing, and science clubs will be added to after-school activities.

Mayor Byrnes said, "Our community is fortunate to understand the common goal of educating our youth and developing communities that demonstrate their interest in our youth. Communities that value youth, in the end, will retain youth for its sustainable future."

In 2005, the Marshall High School received a three-star rating in math and a five-star rating in reading from the Minnesota Department of Education; the junior high school received a four-star rating in math and a three-star rating in reading; and the elementary schools received three-star ratings in both math and reading.

Much of the credit for the Marshall Public School District's success belongs to its superintendent, Mr. Klint Willert, and the dedicated principals, teachers, and staff. The students and staff at Marshall Public Schools understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Marshall Public Schools should be very proud of their accomplishments.

I congratulate the Marshall Public School District in Marshall for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

WALKER-HACKENSACK-AKELEY SCHOOL DISTRICT'S SPEECH TEAM, WALKER, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Walker-Hackensack-Akeley School District's speech team, in Walker, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Walker-Hackensack-Akeley speech team is truly a model of educational success. The team has demonstrated that when a school establishes a reputation in a specific area, this promotes high expectations, community involvement and support, and an atmosphere encouraging further success. The competitive speech program at Walker-Hackensack-Akeley High School truly sets this school apart from most others in the State. The program is primarily for senior high school, but exceptionally gifted seventh- and eighth-graders can also participate.

The speech program focuses on the Minnesota State High School Speech Competition and the National Forensic League. Both areas of concentration have brought numerous awards and recognition to Walker-Hackensack-Akeley communities. More important, the program has helped develop students' skills and led them, in some cases, to world-class opportunities.

Walker-Hackensack-Akeley's speech program has produced more State champions and medal winners at State-level competition than any school its size, and the high school consistently ranks among the top schools throughout Minnesota. Many students have gone on to compete in the prestigious National Forensic League, and 10 former students have achieved National Forensic League Academic All-American status. Many have also pursued distinguished careers in law, medicine, and business.

The Walker-Hackensack-Akeley speech program has a 40-year record of success, during which participants earned 163 State speech medals, including 31 individual State championships. Participants of the program have competed 21 times at the national level and have won dozens of invitational, subsection, and sectional titles.

Last year, the high school's graduating class of 61 students received in excess of $650,000 in merit-based scholarships from universities and colleges across the country.

Much of the credit for the Walker-Hackensack-Akeley's speech team's success belongs to its coach, Chuck Cravens. The students and staff at Walker-Hackensack-Akeley Schools understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Walker-Hackensack-Akeley Schools should be very proud of the accomplishments of its speech team.

I congratulate the Walker-Hackensack-Akeley School District's speech team in Walker for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

WABASSO PUBLIC SCHOOLS, WABASSO, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor the Wabasso Public Schools, in Wabasso, MN, which recently earned an Award for Excellence in Education for exceptional and innovative achievements in educating children.

The Wabasso Public Schools are truly a model of educational success. The district is a small, rural district that has a single building for its entire program, prekindergarten through grade 12. Superintendent Ted Suss describes the District as the "center of local activity, the most important institution within its community, and the emblem of community pride." Wabasso Public Schools have demonstrated that quality education can be provided in a small, rural school district. The district prides itself for its success in academics, athletics, and the arts.

Wabasso Public Schools' amenities include a comprehensive early childhood education program, a formal prekindergarten for 4-year-olds and an all-day kindergarten. In the high school, Wabasso offers a full-year physics class and a full-year calculus class. The vocational agriculture department offers additional opportunities for students to earn science credits, including hands-on learning in floriculture, agriculture, crop science, and animal science. The district will begin offering advanced placement classes next year, which very few rural districts are able to do.

The Wabasso community is proudest of a Future Farmers of America Chapter in which 25 percent of all students in grades 9 through 12 won the opportunity to compete at the FAA State Convention; the Wabasso High School choir, which won three "superior" ratings, the maximum possible under Minnesota State High School League rules; the Wabasso High School Rabbits, which have an extraordinary record of success, including State championships in girls' fast-pitch softball and basketball; the boys' wrestling team has qualified for the State tournament in 2 of the past 3 years, winning second place in 2001 and reaching the semifinals in 2003; and the football team has also advanced to the State tournament in 2 of the past 3 years. The success of the football team is even more impressive, given that the school has opted to play in the more competitive 11-man league even though the small enrollment would have allowed them to compete in the 9-man league.

To control costs, the Wabasso School District has hired a single dean of students to serve as the principal for the elementary school, middle school, and high school. A site council makes many of the decisions traditionally made by a school principal.

The Wabasso Elementary School received a four-star rating in math and a five-star rating in reading from the department of education, while the high school received three-star ratings in both math and reading. Last year, every 10th-grade student passed the state MCA writing test on the first attempt. Well over 90 percent of the class of 2005 continued on to a postsecondary education program or entered the military.

Much of the credit for Wabasso Public School's success belongs to its superintendent, Ted Suss, its dean of students, Amy Iverson, and the dedicated teachers and staff. The students and staff at Wabasso Public Schools understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Wabasso Public Schools should be very proud of their accomplishments.

I congratulate Wabasso Public Schools in Wabasso for winning the Award for Excellence in Education and for exceptional contributions to education in Minnesota.•

THOMAS JEFFERSON HIGH SCHOOL, BLOOMINGTON, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Thomas Jefferson High School, in Bloomington, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Thomas Jefferson High School is truly a model of educational success. The school is to be commended for its overall commitment to quality education, including its curriculum and scheduling, staffing, materials and equipment, and facilities. The quality of Jefferson's programs in the sciences, mathematics, language arts, health, music, languages, special education, technology, media, and the arts has set the standard for secondary education in Minnesota. In 2004 and 2005, the school ranked as one of the top six schools in the State on the Minnesota Comprehensive Assessments reading and math scores.

Thomas Jefferson High School, which opened in 1970, has 1,748 students and prides itself for its academic rigor. During the past 3 years, 30 students have earned distinction as National Merit Scholar Semifinalists and Commended Scholars. Each year, over 150 students earn college credits at Jefferson by scoring three points or higher on advanced placement tests. After graduation, more than 80 percent of Jefferson students go on to postsecondary educational opportunities.

Academics alone, however, do not present the whole picture. According to the Thomas Jefferson High School mission statement: "The Jefferson High

School Community will develop and nurture responsible leaders and enlightened citizens who challenge themselves to create the present and enrich the future." The teachers and administrators at Jefferson High are proud of their students' academic, athletic, and artistic accomplishments, especially when achieved in the spirit of the Thomas Jefferson core ethical values of respect, responsibility, integrity, citizenship, and honesty.

For example, in keeping with Jefferson's broad mission statement, students demonstrated their personal integrity and desire to serve others by working to raise over $12,000 for hurricane relief and $10,000 for the Red Cross relief efforts.

In addition, the Jefferson Marching Band, which is fondly known as the Pride of Minnesota, is a source of special luster and has performed at the Cotton Bowl, Alamo Bowl, Fiesta Bowl, and Tournament of Roses Parade. Students are also offered a choice of two orchestra programs.

The school does well in athletic competition. Over its 35-year history, Jefferson High School has won 51 State championships in hockey, soccer, football, baseball, and other men's and women's sports. Recent accomplishments of Jefferson sports teams include a 2004–2005 Boys State Soccer Championship, a 2004-2005 Boys' Hockey Lake Conference and 6AA Championship Title, and a 2003–2004 Girls State Alpine Ski Academic Championship.

Much of the credit for Thomas Jefferson High School's success belongs to its principal, Steve Hill, and the dedicated teachers. The students and staff at Thomas Jefferson High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Thomas Jefferson High School should be very proud of their accomplishments.

I congratulate Thomas Jefferson High School in Bloomington for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

WILSHIRE PARK ELEMENTARY SCHOOL, SAINT ANTHONY VILLAGE, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Wilshire Park Elementary School, in Saint Anthony Village, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Wilshire Park Elementary School is truly a model of educational success. Wilshire's motto is: "Making Kids #1 for Over 40 Years." The school's reputation is reflected in the fact that nearly half its pupils enter through open enrollment, and there is a long waiting list for acceptance. Families choose Wilshire because it is known for academic excellence and for its safe, caring environment

Test scores at Wilshire Park Elementary School are well above the State average and continue to improve every year. Three years ago, Wilshire received three stars in reading and math from the Minnesota Department of Education. Two years ago, the school received four stars in reading and three in math. Last year, Wilshire received four stars in reading and five stars in math.

However, test scores and ratings alone do not fully represent a school's true success. The principal and teachers at Wilshire Park Elementary believe many other factors influence children's ability to learn, qualities often better revealed through personal stories describing an atmosphere of caring and nurturing.

The true sense of the Wilshire community is evident from the support the entire school gives to children experiencing tragedies in their lives. One Wilshire student has been on kidney dialysis for several years, waiting to receive a transplant. Last fall, the school held a dance to raise funds to help cover the family's medical expenses. Also, earlier this year, staff rallied to support a first-grader whose mother died suddenly.

Wilshire was the first school in the five-State area to have a K-Kids Club, which is a Kiwanis Club for children to work on projects to benefit the whole community.

Wilshire Park Elementary School is also proud of the tremendous volunteer support it receives from the community. The school currently has 252 active volunteers, of whom 70 to 80 work at the school at least 1 to 2 days per week. These volunteers not only include parents of Wilshire pupils; aunts, grandparents, and community members are also regulars in the volunteer room.

Much of the credit for Wilshire Park Elementary School's success belongs to its recently retired principal, Dr. Bonnie Kirkpatrick, and the dedicated teachers and staff. The pupils and staff at Wilshire Park Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Wilshire Park Elementary School should be very proud of their accomplishments.

I congratulate Wilshire Park Elementary School in Saint Anthony Village for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

RENVILLE COUNTY WEST SCHOOL DISTRICT, RENVILLE, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Renville County West School District, in Renville, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Renville County West School District is truly a model of educational success. The district has struggled financially for many years, primarily as a result of declining enrollment. It has addressed its financial problems through multiple consolidations of many districts into a single district, and last year, the closing of yet another school building. These moves, while financially necessary, are extremely hard on the students, staff, and community.

While the district has been plagued by falling enrollment due to population trends, statutory operating debt, reductions in staff and programs, and staff development funds that have been suspended, the district maintains its commitment to quality education. Its schools have consistently made yearly progress toward the goals of No Child Left Behind.

Despite these challenges, test scores in Renville County West schools have improved over the past few years. Last year, Renville County West Elementary School earned four-star ratings in math and reading; and its high school earned a four-star rating in math. Renville County West's continued academic progress has also overcome changes created by greater numbers of special education, low-income, and minority students.

The statements of teachers and students offer yet another reflection of the success of the district. Social sciences teacher Daniel Rohman writes: "I have developed a senior economics class that gives kids a springboard into life. In this class, I teach the concepts of micro and macro but try to put it into real life examples that the kids have to work at. In this class I teach investments. We do mock portfolios; we track stocks; we do government securities, 403s and 401s, IRAs, mutual funds, insurance plans, money market accounts, and on and on.

"I have had kids so interested in this class that they have gone into the securities profession as investment brokers, insurance sales, working for firms such as State Farm and Piper Jaffrey. Do you think that makes me proud? You bet it does. That is what teaching is all about. Seeing a kid make three times what I make and feeling good about it when they come back to share their success story with you and saying, 'Thank you, you made a difference in my life.'"

Molly Forkrud, a 2006 graduate of Renville, describes her academic career, writing: "I can honestly say in all four campuses, I have received a wonderful education. This education did not come from the walls, halls, or classrooms of certain buildings, but rather the consistent ambition of the teachers and staff who instructed me. The buildings themselves have had nothing to do with my education, but it's the people inside who have impacted my life as a student."

Although the district has struggled financially, it has made the financial commitment to fund an all-day kindergarten for all children, something the State of Minnesota has refused to provide.

Much of the credit for the Renville County West School District's success belongs to its Superintendent, Mr. Doug Conboy, and the dedicated principals, teachers, and staff. The students and staff at the Renville County West School District understand that in order to be successful, a school must go beyond achieving academic success. It must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at the Renville County West School District should be very proud of their accomplishments.

I congratulate the Renville County West School District in Renville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

SAINT MICHAEL-ALBERTVILLE HIGH SCHOOL, ALBERTVILLE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Saint Michael-Albertville High School, in Albertville, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Saint Michael-Albertville High School is truly a model of educational success. Its students and staff recently completed a collaborative effort uniting the environmental sciences classes, studio art classes, and members of the community to create a mural, now displayed in the school's courtyard. The students also designed a flower garden to beautify the building's landscaping. Each of the mural's components depicts one of the four seasons in Minnesota.

The mural, which was completed last November, was funded through a grant from the Minnesota Arts Board. Over 180 high school students contributed, under the direction of Mr. Danny Saathoff, an artist in residence. Students from the environmental sciences department helped develop the ideas for each component of the mural. Then studio art students transformed those ideas into a proposed design. A local business, Timberland Clothing Store, also helped install the finished mural in the courtyard.

Although the Award for Excellence is in recognition of the school's creation of a mural, its academic performance over the past few years also merits recognition. In 2005, the high school received five stars in reading and four stars in math from the Minnesota Department of Education, which is a significant improvement over the three-star rating the district received in reading and math in 2004. The school also offers a College in a Classroom Program, allowing high school students to take college-level courses and earn college credits through a partnership with St. Cloud State University.

Much of the credit for the Saint Michael-Albertville High School's success belongs to its Principal, Mark Minkler, and the dedicated teachers. The students and staff at Saint Michael-Albertville High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Saint Michael-Albertville High School should be very proud of their accomplishments.

I congratulate Saint Michael-Albertville High School in Albertville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

TRIBUTE TO HELEN ARMSTRONG

● Mr. DODD. Mr. President, today I pay tribute to a gifted musician, successful entrepreneur, devoted wife and mother, constituent, and friend, Helen Armstrong, who passed away on April 28 of this year. Helen was an international virtuoso violinist who dedicated her life to enriching the lives of others through music.

Helen Armstrong was born on March 16, 1943, in Rockford, IL. Her career as a violinist began at the age of 3. Before long, she was enrolled at the Juilliard School where she quickly caught the eye of renowned instructors Ivan Galamian and Dorothy DeLay. She was among the select few chosen to study under them in pursuit of a solo career. Other violinists in this group include Helen's childhood friend Yitzhak Perlman and Pinchas Zuckerman. In 1976 Helen made her Lincoln Center debut and went on to perform with various orchestras including the Boston Pops, the Indianapolis Symphony, and the New Polish Philharmonic. She has also toured North America, Europe, and Asia as a recitalist.

But Helen Armstrong was not content to be a successful and highly accomplished musician. She was also an entrepreneur and philanthropist who brought music into the lives of others through performance and education. She founded Armstrong Chamber Concerts, Inc. and served as its artistic director for more than 22 years. What began one summer as a way to lure musicians out of New York City to perform in Helen's home in Washington, CT became a thriving enterprise encompassing performance series in Litchfield and Fairfield counties as well as Carnegie Hall recitals, corporate events, and educational programs in schools in Connecticut and New York City. At the heart of ACC is Helen's artistic vision to broaden public interest in chamber music through performance and education, and its primary focus has been to bring musical education to public and private schools through its unique Students' Music Enrichment Program. Over 100,000 students have benefited from this program thanks to Helen Armstrong's remarkable vision an dedication to this cause. One of the most noteworthy examples of Helen's benevolent spirit were her performances at a prison in Danbury. She counted those performances as some of her most rewarding outreach experiences, and said the music made the inmates feel that life was worth living. Helen dedicated her life to spreading her love of classical music, and she has touched the lives and hearts of countless citizens, including my own. I had the privilege of seeing Helen perform, and was truly captivated by her immense talent and passion. Her performance moved me to act as an honorary chairperson of the concert series she organized, and I am honored to have been associated with her organization.

Helen Armstrong was a remarkable woman in several respects. Along with her accomplishments as a solo violinist and founder of a successful nonprofit chamber music organization, she was a devoted wife, mother, and grandmother. She was widowed by her first husband, Alan Cohen, in 1978. Despite this terrible loss, Helen continued to promote ACC's mission and to perform while raising her two children. After a long relationship, she married Ajit Hutheesing in 1996. In addition to him, she is survived by her children Debbie and David, her grandchildren Brenden, Tyler, and Cailey, her sister Nancy, and her brother Robert. I offer my deepest condolences to all of them. They have lost a beloved member of their family. Helen's great talent and generous spirit will be sorely missed by them and countless others.●

TRIBUTE TO NICK WALTERS

● Mr. LOTT. Mr. President, I want to take a moment and wish best of luck to an accomplished, young and promising Mississippian who is leaving federal service to pursue private sector opportunities.

Nick Walters, originally of Wiggins, MS, was appointed as Mississippi's USDA Rural Development Director by President George Bush in 2001. Since then, Nick has done a great job supporting Mississippi's communities, helping to secure resources needed for public facilities, utilities, and for economic development.

This is a key Federal position for my State. As Nick likes to say, this is the "nonfarm," or "nonfood" part of USDA. It is about new water and waste water systems, so people can have clean, dependable running water. It is about new community centers, town halls, and even high-tech or educational assets like broadband service, telemedicine and long-distance learning.

Since taking office, Nick has presented scores of oversized checks, in countless, photos for local papers telling stories about a new water tower or a new police car or fire truck.

Some people might think these things are small, and they often are in terms of Federal dollars. But these modest services will reverberate for years to come. As Nick says: USDA Rural Development is really about economic development, helping to encourage and sustain job creation—paving the way for communities to grow.

Nick has helped administer more than $100 million to Mississippi's cities and towns through this agency.

He hasn't sat on his laurels waiting for mayors, supervisors, town alderman or CEOs to approach him. Nick has been proactive, innovative, and he has actively sought cases and ways to meet individual community needs through USDA's various Rural Development Programs.

We've all heard the old saying: Don't tell me what you can't do, tell me what you can do. That has been Nick Walters' approach to public service. His first inclination is to act.

That is something we Mississippians appreciate. After Hurricane Katrina, we saw many Federal bureaucrats in FEMA and elsewhere strapped by indecision, blinded by tunnel vision, stuck on what they could not do, obsessed with the word "no," when they should have been saying "yes."

Nick isn't that type. He has provided a great example of what someone in this office can do using its authority to the utmost, and we are working hard to find a successor who will continue this strong leadership.

Nick Walters will be missed, but my guess is that he will be back in public service one day. In what capacity? I don't know. That's a decision for him, his wife Lisa and his young children, Porter and John Garrett.

But now with this success behind him and given his previous experience in the private sector, his work with former Mississippi Governor Kirk Fordice, his stint as chief of staff for the Mississippi Public Service Commission—Nick Walters will be successful in wherever his endeavors may lead.

I hope my colleagues will join me in thanking Nick Walters for his exemplary service to the Federal Government and, more importantly, to America as Mississippi's USDA rural development director.●

TRIBUTE TO BRAD EXTON

• Mr. JOHNSON. Mr. President, today I wish to honor Brad Exton, an individual with a long and outstanding record as member of the U.S. Forest Service. Over the course of his 29 years in the Forest Service, Mr. Exton has held many demanding posts, including deputy forest supervisor and acting forest supervisor of the Black Hills National Forest, BHNF, in South Dakota. He has also been instrumental in helping the Forest Service improve relations with Native American tribes, and helped to create a closer relationship between the Forest Service, National Park Service, and the State park system.

Before his tenure in South Dakota, Mr. Exton served in several States and numerous positions within the Forest Service. He was a graduate forester in Oregon; a river ranger in the Frank Church River of No Return Wilderness in Idaho; a district ranger in Caribou-Targhee National Forest, encompassing 3 million acres in Idaho, Montana, Wyoming, and Utah; and a recreation staff officer in the Ashley National Forest in Utah. He brought this wealth of experience with him to BHNF in April of 2003.

As deputy forest supervisor and acting forest supervisor at BHNF, Mr. Exton took a leadership role in confronting some of the most difficult challenges facing the organization. For example, Mr. Exton was a BHNF spokesman and negotiator on issues of concern to Indian tribes. The Black Hills area is sacred land to 22 tribes, including the Lakota people, and there has often been tension with the Forest Service over the role of the tribes in land management and usage. Through meetings and the formation of an advisory group, Mr. Exton has partnered with tribal members to seek a more active role for the tribes in maintaining healthy forests and creating an atmosphere of respect for indigenous cultures and knowledge. His commitment was reflected in 2005, when he was awarded a Regional Forester Honor Award for his work with the Rosebud Sioux Tribe in developing a program of fuel reduction.

While it is unfortunate for BHNF to lose a valuable public servant such as Mr. Exton, I am confident he will thrive in his new position as manager of the Grand Staircase-Escalante National Monument in Utah. I wish to congratulate Mr. Exton on this exciting new opportunity, and wish him all the best. The cooperation and respect Mr. Exton has fostered in South Dakota will remain as a worthy legacy.●

HONORING RUDY GARCIA

• Mr. COLEMAN. Mr. President, I would like to take this opportunity to honor the memory of Rudolph "Rudy" Garcia, a quintessential entrepreneur and fixture in the St. Paul community, who passed away on August 27, 2006, at the age of 61. As Rudy's close friends have noted: "He truly personified the American Dream." Having grown up in an orphanage without any formation education, Rudy decided at an early age to chase his dream of owning and operating his own restaurant a dream that went hand in hand with his great love of cooking.

At the age of 21, he opened his first establishment, Garcia's Casita on the West Side of the city, becoming St. Paul's first Latino businessowner. Through a combination of Rudy's personality and commonsense business practices, he was able to grow Garcia's Casita into a string of six different St. Paul eating establishments during the 1990s. From steakhouses to nightclubs, Rudy's perseverance continually led him to success even in the face of several failures and a St. Paul that was still on the edge of revitalization.

Rick Aguilar, a St. Paul businessman and longtime friend, described Rudy as "a man with a million ideas" whose energy helped him roll with the punches and make his dreams a reality. Rudy continued to stay the course as both he and St. Paul grew alongside each other through the years. In 1994, while serving as the mayor of St. Paul, I had the distinct privilege of proclaiming a day in his honor. While the St. Paul community mourns Rudy's passing, we can't help but celebrate his life that should serve as a model for not only Latinos, but all Americans who are looking to make their dreams a reality.

The St. Paul area and I will sincerely miss Garcia's great commitment to our community. Whether it was his work in the restaurant business or his participation in the early 1960s band the Jaymars a popular area band that played a mix of jazz, rock 'n' roll and blues—Garcia's impact on St. Paul is immeasurable.●

TRIBUTE TO LYN McCLELLAND

• Mrs. MURRAY. Mr. President, today I wish to honor Lyn McClelland, a highly respected leader in the maritime community, who is retiring this month after 21 years of service as the Maritime Administration's Seattle representative. Lyn has helped support the success, safety, and security of the

U.S. maritime community in the Pacific Northwest.

Over the years, we have turned to Lyn time and again for her expertise, her judgment, and her ability to come up with practical solutions. If there is a challenge in the maritime community, you can bet that Lyn's worked to solve it.

I am especially proud of Lyn's work on critical security programs, which as my colleagues know is an area of special interest for me. I was so pleased that Lyn worked on Operation Safe Commerce, which I helped create here in the Senate. She has worked on the STEP program Seattle/Tacoma/Everett Port Security Program, and the Washington State Transportation Research Center electronic seal test. She's been a key player on three Area Maritime Security Committees Alaska, Washington, and Oregon, and Lyn partnered with the Coast Guard on a number of maritime security programs including reviewing applications for port security grants. Lyn's work also helped ensure the development, availability and security of military out-load ports in support of our men and women engaged in hostilities overseas.

Lyn's contributions were not limited to port security. She has also been a major supporter of the development of the Marine Transportation System, the U.S. Merchant Marine, and she has always been involved in encouraging young people to pursue careers in the maritime industry. Her support of the Puget Sound Harbor Safety Committee spurred the adoption of new safety measures for vessel and waterfront facility operation. Lyn's eager participation in a wide array of maritime events and celebrations helped make them successful.

Lyn has been a stalwart leader and mainstay of the Pacific Northwest maritime industry, and she has strengthened the relationship between industry and government. As other leaders came and went, we could always rely on the energy, knowledge, dedication, and professionalism of Lyn McClelland for any challenge. I want to wish her "fair winds and following seas" in her well-deserved retirement. She will be greatly missed. Lyn may be leaving her job, but she is leaving all of us with a tremendous legacy of service and success. Congratulations, Lyn.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on August 4, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. DAVIS) has signed the following enrolled bills:

H.R. 4. An act to provide economic security for all Americans, and for other purposes.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building".

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building" .

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building".

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office".

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

H.R. 5169. An act to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office" .

H.R. 5540. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office".

Under authority of the order of the Senate of January 4, 2005, the enrolled bills were subsequently signed by the Vice President during the adjournment of the Senate, on August 14, 2006.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4157. To promote a better health information system.

H.R. 4761. An act to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes.

H.R. 4890. To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7862. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to conducting a standard competition of the base support, vehicle operations, and equipment functions performed by Department of the Navy civilian personnel for possible performance by private contractor; to the Committee on Armed Services.

EC–7863. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for Fiscal Year (FY) 2007; also included are AMPs for Fiscal Years 2008 through 2011; to the Committee on Armed Services.

EC–7864. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06-186-06-195); to the Committee on Foreign Relations.

EC–7865. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the military, diplomatic, political, and economic measures that have been or are being taken to successfully complete the mission in Iraq; to the Committee on Foreign Relations.

EC–7866. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Atomic Energy Agency's (IAEA) technical assistance to Iran during 2005; to the Committee on Foreign Relations.

EC–7867. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–7868. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the effectiveness of United Nations efforts to prevent sexual exploitation, abuse, and trafficking; to the Committee on Foreign Relations.

EC–7869. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–7870. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: Federal Acquisition Circular 2005-12" (FAC 2005-12) received on August 18, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7871. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Auditor's Examination of Contracts for Four (4) Consumers Under the Care of the Mental Retardation and Developmental Disabilities Administration"; to the Committee on Homeland Security and Governmental Affairs.

EC–7872. A communication from the Chair, Corporation of Public Broadcasting (CPB)

Board of Directors, transmitting, pursuant to law, the semiannual report of the Inspector General of the CPB for the period ending March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7873. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, Corporation for National and Community Service, received on August 16, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7874. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, a report relative to the performance plan of the Federal Financing Bank for fiscal years 2005–2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7875. A communication from the White House Liaison and Executive Director, Commission on Remembrance, transmitting, pursuant to law, the annual report of the White House Commission on the National Moment of Remembrance; to the Committee on the Judiciary.

EC–7876. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Connecticut Advisory Committee; to the Committee on the Judiciary.

EC–7877. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the North Carolina Advisory Committee; to the Committee on the Judiciary.

EC–7878. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Commerce in Explosives—Hobby Rocket Motors" (RIN1140–AA25) received on August 18, 2006; to the Committee on the Judiciary.

EC–7879. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Commerce in Explosives—Hobby Rocket Motors" (RIN1140–AA25) received on August 18, 2006; to the Committee on the Judiciary.

EC–7880. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Public Safety Officers' Benefits Program" (RIN1121–AA56) received on August 18, 2006; to the Committee on the Judiciary.

EC–7881. A communication from the Chief Justice, U.S. Supreme Court, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States which was held on March 14, 2006; to the Committee on the Judiciary.

EC–7882. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "REMIC Residual Interests—Accounting for REMIC Net Income (Including Any Excess Inclusions) (Foreign Holders)" ((RIN1545–BE81)(TD9272)) received on August 18, 2006; to the Committee on Finance.

EC–7883. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "GO Zone Bonus Depreciation" (Notice 2006-67) received on August 18, 2006; to the Committee on Finance.

EC–7884. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amplification and Modification of Rev. Rul. 81-35, Rev. Rul. 81-36 and Rev. Rul. 87-10" (Rev. Rul. 2006-43) received on August 8, 2006; to the Committee on Finance.

EC–7885. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of Forms 8898 and 8840" (Notice 2006-73) received on August 8, 2006; to the Committee on Finance.

EC–7886. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006-74) received on August 15, 2006; to the Committee on Finance.

EC–7887. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stock Transfer Rules: Carryover of Earnings and Taxes" ((RIN1545–AX65)(TD9273)) received on August 15, 2006; to the Committee on Finance.

EC–7888. A communication from the Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Changes to the Income and Resources Provisions for Supplemental Security Income (SSI) Based on Sections 430, 435, and 436 of the Social Security Protection Act (SSPA) of 2004" (RIN0960–AG13) received on August 15, 2006; to the Committee on Finance.

EC–7889. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Andean Trade Promotion and Drug Eradication Act" (RIN1505–AB37) received on August 2, 2006; to the Committee on Finance.

EC–7890. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Flat Rate Supplemental Wage Withholding" (RIN1545–BD96) received on August 3, 2006; to the Committee on Finance.

EC–7891. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements for Widely Held Fixed Investment Trusts" ((RIN1545–BF86)(TD9279)) received on August 3, 2006; to the Committee on Finance.

EC–7892. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Notice 2006-53" (Notice 2006-71) received on August 2, 2006; to the Committee on Finance.

EC–7893. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 411(d)(6) Protected Benefits" ((RIN1545–BE10)(TD9280)) received on August 8, 2006; to the Committee on Finance.

EC–7894. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD: Determination of Interest Expense Deduction of Foreign Corporations" ((RIN1545–BF70)(TD9281)) received on August 18, 2006; to the Committee on Finance.

EC–7895. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—June 2006" (Rev. Rul. 2006-41) received on August 18, 2006; to the Committee on Finance.

EC–7896. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2006" (Rev. Rul. 2006-44) received on August 18, 2006; to the Committee on Finance.

EC–7897. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974: Implementation of Exemptions; Intelligence, Enforcement, Internal Investigation, and Background Investigation Records" (RIN1652–AA34) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7898. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drivers Licensed by Canada or Mexico Transporting Hazardous Materials To and Within the United States" (RIN1652–AA50) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wellington, KS" ((RIN2120–AA66)(Docket No. 06–ACE–4)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Jackson, WY" ((RIN2120–AA66)(Docket No. 05–ANM–13)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Offshore Airspace Area; Control 1234L; AK" ((RIN2120–AA66)(Docket No. 06–AAL–1)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Offshore Airspace Area, Control 1487L; AK" ((RIN2120–AA66)(Docket No. 06–AAL–8)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class D and E Airspace at Roosevelt Roads PR. The Roosevelt Roads Naval Station, Ofstie Field, PR" ((RIN2120–AA66)(Docket No. 06–ASO–5)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7904. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Vandenberg AFB, CA" ((RIN2120–AA66)(Docket No. 06–AWP–3)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7905. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace at Pompano Beach FL, Fort Lauderdale Executive Airport, FL" ((RIN2120–AA66)(Docket No. 06–ASO–6)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7906. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corp. Ltd. Model 750 XL Airplanes" ((RIN2120–AA64)(Docket No. 2005–CE–15)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, 400, 500, 700, and 800 Series Airplanes; Model 747-400 and 400F Series Airplanes; Model 757–200 Series Airplanes, Model 767–300 Series Airplanes; and Model 777–300 Series Airplanes Equipped with Certain Driessen or Showa Galleys or Driessen Closets" ((RIN2120–AA64)(Docket No. 2005–NM–056)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7908. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4 Series Airplanes, Model A300 B4 600 Series Airplanes; Model A300 C4 605R Variant F Airplanes; Model A310 200 Series Airplanes; and Model A310 300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–012)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7909. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–200 and 300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–151)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7910. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS350B, BA, B1, B2, B3, C, D, and D1 Helicopters" ((RIN2120–AA64)(Docket No. 2005–SW–03)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7911. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models 228–100, 228–101, 282–200, 228–201, 229–202, and 228–212 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–21)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7912. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Components Incorporated Reciprocating Engine Cylinder Assemblies" ((RIN2120–AA64)(Docket No. 2005–NE–20)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7913. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Herlong, CA" ((RIN2120–AA66)(Docket No. 04–ANM–24)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7914. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; A300 B4–600, B4–600R, and F4–600R Series Airplanes; and Model C4–605R Variant F Airplanes" ((RIN2120–AA64)(Docket No. 2003–NM–27)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7915. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600R Series Airplanes, A300 C4–605R Variant F Airplanes; A300 F4–600R Series Airplanes; and Model A310–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–241)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7916. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 300, 400, 400D, and 747–SR Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–244)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7917. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–022)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7918. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Model 14RF–19 Propellers" ((RIN2120–AA64)(Docket No. 2005–NE–13)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7919. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira del Aeronautica SA, Model EMB–120, –120ER, –120FC, –120OC, and –120RT Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–015)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–200C Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–166)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106 , –202, –301, –311, –314, and –315 Airplanes; Equipped with Certain Cockpit Door Installations" ((RIN2120–AA64)(Docket No. 2006–NM–033)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–243)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Order TSO–C69b and Installed on Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model A340–541 and –642 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–229)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–150)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAE 146 and Avro 146–RJ Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–163)) received on August 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7926. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the establishment of an Intelligent Transportation Systems (ITS) Program Advisory Committee; to the Committee on Commerce, Science, and Transportation.

EC–7927. A communication from the Under Secretary of Commerce for Intellectual Property, and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings" (RIN0651-AC02) received on August 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-011)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-190)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CORRECTION: Boeing Model 757-200 Series Airplanes; Modified by Supplemental Type Certificate (STC) SA979NE" ((RIN2120-AA64) (7-13/NM-099)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes" ((RIN2120-AA64) (Docket No. 2004-NM-72) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7932. A communication from the Assistant Chief Counsel for Hazmat Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations; Correction" (RIN2137-AE12) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (19); Amdt. No. 3173" (RIN2120-AA65) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (62); Amdt. No. 3174" (RIN2120-AA65) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (57); Amendment No. 3175" (RIN2120-AA65) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (54); Amdt. No. 3176" (RIN2120-AA65) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (67); Amdt. No. 3177" ((RIN2120-AA65) (7-21/3177)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, and 100 Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-CE-52)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64) (Docket No. 2006-CE-16)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7940. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64) (Docket No. 2006-CE-17)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7941. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-147)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7942. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 742-400 and 747-400D Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-248)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7943. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200 and A340-300 Series Airplanes; and Model A340-541, and A340-642 Airplanes" ((RIN2120-AA64) (6-22/NM-115)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7944. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation 250-B and 250-C Series Turboprop and Turboshaft Engines" ((RIN2120-AA64) (Docket No. 2005-NE-28)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7945. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64) (Docket No. 2004-NM-197)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7946. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-057)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7947. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with a No. 3 Cargo Door" ((RIN2120-AA64) (Docket No. 2002-NM-272)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes" ((RIN2120-AA64) (Docket No. 2006-CE-02)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Machine—Diecron, Inc. Actuator Nut Assembly for the Right Main Landing Gear Installed on Certain Raytheon Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. 2005-CE-53)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-117)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-262)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7952. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report relative to the financial performance of projects assisted by the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC-7953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120–AA64) (Docket No. 2006-NM-006)) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7954. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband Over Power Line Systems" (Docket No. 04-37 & 03-104) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7955. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Brawley and Campo, California)" (MB Docket No . 05–219) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7956. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Willcox, Arizona)" (MB Docket No. 04–84) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7957. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Savanna, Oklahoma)" (MB Docket No. 05–297) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7958. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (ID071806A) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7959. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Nantucket Lightship Scallop Access Area (NLCA) Closure for Scallop Vessels" (RIN0648–AU47) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7960. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 21 to the FMP for BSAI King and Tanner Crabs" (RIN0648–AU37) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7961. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Framework Adjustment 6 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan" (RIN0648–AT26) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7962. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Adjustment (2006 Scup Winter II Quota)" (ID071306A) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7963. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from VA to NY" (ID071906C) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7964. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2005 Missile Technology Control Regime Plenary Agreements" (RIN0694–AD65) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7965. A communication from the White House Liaison, Office of Legislative and Intergovernmental Affairs, Department of Commerce, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Legislative and Intergovernmental Affairs, received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7966. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the annual report relative to the operation of the National Do Not Call Registry for fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC-7967. A communication from the Attorney Advisor, Office of the Inspector General, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Inspector General, received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7968. A communication from the Undersecretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the 2006 Annual Report of the National Oceanographic Partnership Program; to the Committee on Commerce, Science, and Transportation.

EC – 7969. A communication from the Program Analyst, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 U.S.C. 30141" (RIN2127–AJ87) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7970. A communication from the White House Liaison, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Export Administration, received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7971. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 4 regulations beginning with CGD01-06-019" (RIN1625–AA09) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation .

EC – 7972. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone, Mackinac Bridge and Straits of Mackinac, Mackinaw City, MI (CGD09–06–019)" (RIN1625–AA87) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7973. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones: Captain of the Port Zone Jacksonville, FL [COTP Jacksonville 06-164]" (RIN1625–AA87) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7974. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 5 regulations beginning with CGD05–06–057)" (RIN1625–AA08) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7975. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with CGD05-06-037)" (RIN1625–AA08) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7976. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 9 regulations beginning with CGD01–06–089)" (RIN1625–AA09) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7977. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 9 regulations beginning with CGD13-06-025)" (RIN1625-AA00) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7978. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments (USCG–2006-25150)" (RIN1625-ZA08) received on August 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 7979. A communication from the Secretary to the Board, Railroad Retirement Board, transmitting, pursuant to law, a draft of its Strategic Plan for 2006–2011; to the Committee on Health, Education, Labor, and Pensions.

EC – 7980. A communication from the Director, Regulations Policy and Management

Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Decongestant Drug Products" ((RIN0910–AF34) (Docket No. 1976N–0052N)) received on August 15, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC – 7981. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the addition of a class of employees from the Ames Laboratory to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC – 7982. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the addition of a certain class of employees from the Y-12 Plant in Oakridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC – 7983. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final report mandated by section 5006 of the Deficit Reducation Act of 2005; to the Committee on Health, Education, Labor, and Pensions.

EC – 7984. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities" (RIN1820–AB57) received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC – 7985. A communication from Railroad Retirement Board, transmitting, pursuant to law, the Board's 2006 annual report for the fiscal year ended September 30, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC – 7986. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Developmental Disabilities Programs for Fiscal Years 2003-2004; to the Committee on Health, Education, Labor, and Pensions.

EC – 7987. A communication from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Duties of Plan Sponsor Following Mass Withdrawal" (RIN1212–AA55) received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC – 7988. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments" (Docket No. 1998C–0431) received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC – 7989. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary, received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC – 7990. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7991. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstrations for Assistive Technology Reutilization" (CFDA No. 84.235V) received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7992. A communication from the Acting Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Assigned Protection Factors" (RIN1218–AA05) received on August 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7993. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Executive Compensation and Related Party Disclosure" (RIN3235–AI80) received on August 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7994. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 701—Loan Interest Rates" (RIN3133–AD26) received on August 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7995. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions, Interpretive Ruling and Policy Statement 06–1" (12 CFR Part 701) received on August 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7996. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–7997. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report of the bank for fiscal years 2004 and 2005 and the independent auditor's report on the bank's financial statements for 2004 and 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–7998. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management of Federal Agency Disbursements" (RIN1510–AB07) received on August 2, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7999. A communication from the Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 11 of the Commission's Informal and Other Procedures: Public Company Accounting Oversight Board Budget Approval Process" (RIN3235–AJ63) received on August 8, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8000. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8001. A communication from the Assistant to the Board, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending)" (Docket No. 1263) received on August 18, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8002. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8003. A communication from the Acting Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions Regulations" (31 CFR part 560) received on August 18, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8004. A communication from the Chief Counsel, Bureau of Public Debt, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Parts 315, 341, 346, 351, 352, 353, 359, and 360; Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes; Regulations Governing United States Retirement Plan Bonds; Regulations Governing United States Individual Retirement Bonds; Offering of United States Savings Bonds, Series EE; Offerings of United States Savings Bonds, Series HH; Regulations Governing United States Savings Bonds, Series EE and HH; Offering of United States Savings Bond, Series I; Regulations Governing Definitive United States Savings Bonds, Series I" received on August 18, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8005. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Renewable Energy Production Incentives" (RIN1904–AB62) received on August 15, 2006; to the Committee on Energy and Natural Resources.

EC–8006. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the first semi-annual report relative to the implementation of energy conservation standards; to the Committee on Energy and Natural Resources.

EC–8007. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to planning for U.S. fusion community participation in the ITER Program; to the Committee on Energy and Natural Resources.

EC–8008. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Long-Term Firm Transmission Rights in Organized Electricity Markets" (Docket No. RM06–8–000) received on August 2, 2006; to the Committee on Energy and Natural Resources.

EC–8009. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the performance milestones for the 2020 Goals for the Clean

Coal Power Initiative; to the Committee on Energy and Natural Resources.

EC–8010. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the research and development needs for the electric transmissions and distribution system; to the Committee on Energy and Natural Resources.

EC–8011. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's study of national electric transmission congestion; to the Committee on Energy and Natural Resources.

EC–8012. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to bringing gas hydrates to the market; to the Committee on Energy and Natural Resources.

EC–8013. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the re-use of used lubricating oils; to the Committee on Energy and Natural Resources.

EC–8014. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to hydrogen program goal-setting methodologies; to the Committee on Energy and Natural Resources.

EC–8015. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the benefits of using mobile transformers and mobile substations to rapidly restore electrical service to certain areas subjected to blackouts; to the Committee on Energy and Natural Resources.

EC–8016. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the assessment of demand response and advanced metering; to the Committee on Energy and Natural Resources.

EC–8017. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Standby Support for Certain Nuclear Plant Delays" (RIN1901–AB17) received on August 18, 2006; to the Committee on Energy and Natural Resources.

EC–8018. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS) and Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line—Change in Reference to Official Title" (RIN1010–AD35) received on August 18, 2006; to the Committee on Energy and Natural Resources.

EC–8019. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting and Permits: Regulations for Managing Resident Canada Goose Populations" (RIN1018–AI32) received on August 18, 2006; to the Committee on Energy and Natural Resources.

EC–8020. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to identifying alternative technologies to replace the use of radioactive sealed sources; to the Committee on Energy and Natural Resources.

EC–8021. A communication from the Chairman and CEO of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Organization; Termination of System Institution Status" (RIN3052–AC29) received on August 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8022. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Recognition of Multilateral Clearing Organizations" (71 FR 10958) received on August 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8023. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Market and Large Trading Reporting" (RIN3038–AC22) received on August 18, 2006 to the Committee on Agriculture, Nutrition, and Forestry.

EC–8024. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Loans—Retaining PLP Status and Payment of Interest Accrued During Bankruptcy and Redemption Rights Periods" (RIN0560–AH07) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8025. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerance" (FRL No. 8086–9) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8026. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethenamid; Pesticide Tolerance" (FRL No. 8079–3) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8027. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflumizole; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8078–1) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8028. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredient; Revocation of the Tetrahydrofurfyl Alcohol (THFA) Tolerance Exemption" (FRL No. 8082–2) received on August 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8029. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredients; Revocation of Tolerance Exemptions with Insufficient Data for Reassessment" (FRL No. 8084–1) received on August 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8030. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredient; Revocation of the Tolerance Exemption for Mono- and Bis-(1H, 1H, 2H, 2H-perfluoroalkyl) Phosphates Where the Alkyl Group is Even Numbered and in the C6–C12 Range" (FRL No. 8082–3) received on August 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8031. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isophorone; Exemption from the Requirement of a Tolerance" (FRL No. 8082–1) received on August 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8032. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerance" (FRL No. 8081–7) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8033. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Copper Sulfate Pentahydrate; Tolerance Exemption in or on Various Food and Feed Commodities" (FRL No. 8085–3) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8034. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances" (FRL No. 8081–8) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8035. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lepidopteran Pheromones; Exemption from the Requirement of a Tolerance" (FRL No. 8083–8) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8036. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment" (FRL No. 8076–25) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8037. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Procedural Regulations for Registration Review" (FRL No. 8080–4) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8038. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inorganic Bromide; Tolerance Actions" (FRL No. 8077–6) received on August 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8039. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Endothall; Pesticide Tolerance" (FRL No. 8080–7) received on August 18, 2006; to the Committee on Environment and Public Works.

EC–8040. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Maintenance, Nonattainment, and Prevention of Significant Deterioration

Areas" (FRL No. 8211–2) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8041. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Definition of 'Volatile Organic Compound'" (FRL No. 8211–1) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8042. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8209–9) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8043. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals" (FRL No. 7764–7) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8044. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Preliminary Assessment Information Reporting; Addition of Certain Chemicals" (FRL No. 7764–9) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8045. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178)" (FRL No. 8210–5) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8046. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota" (FRL No. 8208–8) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8047. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee: Redesignation of the Montgomery County, Tennessee Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment; Correcting Amendment" (FRL No. 8308–9) received on August 15, 2006; to the Committee on Environment and Public Works .

EC–8048. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sanitizers with No Food-Contact Uses in Registered Pesticide Products; Revocation of Tolerance Exemptions" (FRL No. 8086–1) received on August 15, 2006; to the Committee on Environment and Public Works.

EC–8049. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama; Nitrogen Oxides Budget and Allowance Trading Program, Phase II; Correcting Amendment" (FRL No. 8205–2) received on August 2, 2006; to the Committee on Environment and Public Works.

EC–8050. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Finding of Attainment for Rillito Particulate Matter of 10 Microns or Less (PM10) Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction" (FRL No. 8206–4) received on August 2, 2006; to the Committee on Environment and Public Works.

EC–8051. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Las Vegas Valley Carbon Monoxide Attainment Plan" (FRL No. 8190–2) received on August 2, 2006; to the Committee on Environment and Public Works.

EC–8052. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tribal Strategy; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005" (FRL No. 8208–4) received on August 18, 2006; to the Committee on Environment and Public Works.

EC–8053. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delivery Prohibition Grant Guidelines for States; Solid Waste Disposal Act , Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005" (FRL No. 8208–5) received on August 18, 2006; to the Committee on Environment and Public Works.

EC–8054. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the efforts of the Radiation Source Protection and Security Task Force; to the Committee on Environment and Public Works.

EC–8055. A communication from the Deputy Director for Management, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the competitive sourcing activities conducted by the office for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–8056. A message from the President of the United States, transmitting, pursuant to law, a report of the continuation of the emergency regarding export control regulations for one year from August 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of August 4, 2006, the following reports of committees were submitted on August 30, 2006:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 939, A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes (Rept. No. 109–320).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3495, A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam (Rept. No. 109–321).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled "Hurricane Katrina: A Nation Still Unprepared" (Rept. No. 109–322). Additional views filed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1902. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children (Rept. No. 109–323).

S. 3546. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes (Rept. No. 109–324).

By Mr. McCAIN, from the Committee on Indian Affairs:

Special Report entitled "'Gimme Five'—Investigation of Tribal Lobbying Matters" (Rept. No. 109–325).

EXECUTIVE REPORTS OF COMMITTEE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of July 27, 2006, the following executive reports of committee were submitted on August 30, 2006:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 109–9 Investment Treaty with Uruguay (Ex. Rept. 109–17); and Treaty Doc. 109–6 U.N. Convention Against Corruption (Ex. Rept. 109–18)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

[109–9 Investment Treaty with Uruguay]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata on November 4, 2005 (Treaty Doc. 109–9).

[109–6 U.N. Convention Against Corruption]

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the United Nations Convention Against Corruption (hereinafter in this resolution referred to as the "Convention"), adopted by the United Nations General Assembly on October 31, 2003, and signed by the United States on December 9, 2003, at Merida, Mexico (T. Doc. 109096), subject to the reservations in section 2 and the declarations in section 3.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as an important component of the legal regime within the United States for combating corruption and is broadly effective for this purpose. Federal criminal law does not apply where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are conceivable situations involving offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. Similarly, in the U.S. system, the states are responsible for preventive measures governing their own officials. While the states generally regulate their own affairs in a manner consistent with the obligations set forth in the chapter on preventive measures in the Convention, in some cases they may do so in a different manner. Accordingly, there may be situations where state and federal law will not be entirely adequate to satisfy an obligation in Chapters II and III of the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they (1) address conduct that would fall within this narrow category of highly localized activity or (2) involve preventive measures not covered by federal law governing state and local officials. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other States Parties in accordance with the provisions of the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 42, paragraph 1(b) with respect to the offenses established in accordance with the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in many circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States shall implement paragraph 1(b) to the extent provided for under its federal law.

Section 3. Declarations.

(a) The advice and consent of the Senate under section 1 is subject to the following declaration: The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of United States, fulfills the obligations of the Convention for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Convention.

(b) The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) In accordance with Article 66, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 66, paragraph 2.

(2) The United States declares that the provisions of the Convention (with the exception of Articles 44 and 46) are non-self-executing. None of the provisions of the Convention creates a private right of action.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3840. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to produce ethanol in high-consumption, low-production States, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. ENSIGN, Mr. REID, and Mrs. FEINSTEIN):

S. 3841. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3842. A bill to suspend temporarily the duty on synthetic quartz or fused silica photomask blank substrates; to the Committee on Finance.

By Mr. LUGAR:

S. 3843. A bill to amend the African Growth and Opportunity Act to extend certain trade benefits to eligible sub-Saharan African countries, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 3844. A bill to provide for the investment of all funds collected from the tariff on imports of ethanol in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 13, a bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 311

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Michigan (Mr. LEVIN), the Senator from North Carolina (Mrs. DOLE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1046

At the request of Mr. KYL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1324

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1324, a bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices.

S. 1325

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1325, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes.

S. 1353

At the request of Mr. REID, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1423

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1423, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

At the request of Mr. SUNUNU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1948, supra.

S. 2200

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2475

At the request of Mr. SALAZAR, the names of the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. CORNYN), the Senator from Indiana (Mr. LUGAR), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2545

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2545, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Missouri (Mr. TALENT), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. DODD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S.2917

At the request of Ms. SNOWE, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2917, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 3490

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3490, a bill to direct the Secretary of the Interior to initiate and complete an evaluation of land and water located in northeastern Pennsylvania for future acquisition and inclusion in a potential Cherry Valley National Wildlife Refuge, and for other purposes.

S. 3535

At the request of Mr. TALENT, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3633

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3633, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes.

S. 3652

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3652, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 3694

At the request of Mr. OBAMA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3694, a bill to increase fuel economy standards for automobiles, and for other purposes.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. KYL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3705

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3718

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3718, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

S. 3724

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3724, a bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes.

S. 3737

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3737, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Route National Historic Trail.

S. 3765

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3765, a bill to designate Lebanon under section 244(b) of the Immigration and Naturalization Act to permit nationals of Lebanon to be granted temporary protected status in the United States.

S. 3773

At the request of Mr. DOMENICI, the names of the Senator from Arizona (Mr. KYL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 3773, a bill to increase the number of Federal judgeships, in accordance with recommendations by the Judicial Conference, in districts that have an extraordinarily high immigration caseload.

S. 3795

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3807

At the request of Mr. ENZI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 3807, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, and for other purposes.

S. 3825

At the request of Mr. BURNS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3825, a bill to end the flow of methamphetamine and precursor chemicals coming across the border of the United States.

S. 3828

At the request of Mr. INHOFE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3828, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. CON. RES. 97

At the request of Mr. SALAZAR, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. CON. RES. 101

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Con. Res. 101, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 552

At the request of Mr. SESSIONS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from California (Mrs. BOXER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 552, a resolution designating September 2006 as "National Prostate Cancer Awareness Month".

AMENDMENT NO. 4764

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4764 intended to be proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. ENSIGN, Mr. REID, and Mrs. FEINSTEIN):

S. 3841. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senators ENSIGN, FEINSTEIN and REID to introduce the Lower Colorado River Multi-Species Conservation Program Act. This bipartisan legislation is designed to protect and maintain wildlife habitat on the lower Colorado River and to provide assurances to the affected water and power agencies of Arizona, California, and Nevada that their river operations may continue upon compliance with the underlying program.

The Lower Colorado River Multi-Species Conservation Program, otherwise known as the MSCP, is a comprehensive, cooperative effort among 50 Federal and non-Federal entities in Arizona, California, and Nevada whose purposes are to: 1. protect the lower Colorado River environment while ensuring the certainty of existing river water and power operations; 2. protect threatened and endangered wildlife under the Endangered Species Act; and 3. prevent the listing of additional species on the lower Colorado River.

To accomplish these goals, the MSCP will create more than 8,100 acres of riparian, marsh, and backwater habitat and implement additional measures to protect 26 endangered, threatened and sensitive species. The program covers approximately 400 miles, including the full-pool elevations of Lake Mead to the United States-Mexico Southerly International Boundary.

The program costs will be spread over 50 years, and split 50/50 between the Federal Government and the non-Federal entities covered by MSCP. Arizona and Nevada will each bear 25 percent of the non-Federal costs and California will bear 50 percent of the non-Federal costs.

Although implementation of the program began in April 2005 under the U.S. Department of the Interior's existing authority, legislation is needed to protect the substantial financial commitments that the non-Federal parties are making to species protection. To that end, the bill: 1. expressly authorizes appropriations to cover the Federal share of the program costs; 2. directs the Secretary of the Interior to manage and implement the MSCP in accordance with the underlying program documents; and 3. provides a waiver of sovereign immunity to allow the non-Federal parties to enforce, if necessary, the underlying program documents. The waiver, however, does not allow an action to be brought against the United States for money damages.

While some minor issues remain regarding the continuity of the program documents, we have every confidence that these issues will be resolved as the legislation progresses.

In summary, this bill will ensure the certainty of existing river water and power operations while at the same time conserving and helping the recovery of endangered species on the lower Colorado River. I urge my colleagues to support this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4882. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

SA 4883. Mr. ALLEN (for himself, Mr. DURBIN, Mr. STEVENS, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, Mr. LAUTENBERG, Mr. TALENT, Mr. DEWINE, Mr. BYRD, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra.

SA 4884. Mr. DURBIN (for himself, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4885. Mr. KENNEDY (for himself and Mr. REID) proposed an amendment to the bill H.R. 5631, supra.

SA 4886. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4887. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

SA 4888. Mr. FRIST (for Mr. JEFFORDS (for himself and Mr. OBAMA)) proposed an amendment to the bill S. 466, supra.

SA 4889. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4882. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. No funds appropriated or otherwise made available by this Act my be obligated or expended to acquire, utilize, sell, or transfer any cluster munition unless the rules of engagement applicable to the cluster munition ensure that the cluster munition will not be used in or near any concentrated population of civilians, whether permanent or temporary, including inhabited parts of cities or villages, camps or columns of refugees or evacuees, or camps or groups of nomads.

SA 4883. Mr. ALLEN (for himself, Mr. DURBIN, Mr. STEVENS, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, Mr. LAUTENBERG, Mr. TALENT, Mr. DEWINE, Mr. BYRD, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. _____. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", up to $12,000,000 may be available for the Defense and Veterans Brain Injury Center.

SA 4884. Mr. DURBIN (for himself, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", $19,000,000 shall be available for the Defense and Veterans Brain Injury Center (DVBIC).

SA 4885. Mr. KENNEDY (for himself and Mr. REID) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 235, between lines 2 and 3, insert the following:

(E) A determination by the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq.

(F) A description of the criteria underlying the determination in subparagraph (E) of the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq, including—

(i) an assessment of levels of sectarian violence and an estimate of civilian casualties as a result of sectarian violence;

(ii) the numbers of civilians displaced;

(iii) the degree to which government security forces (including the army, police, and special forces) exercise effective control over major urban areas;

(iv) the extent to which militias are providing security;

(v) the extent to which militias have organized or conducted hostile actions against the United States Armed Forces and Iraqi security forces;

(vi) the extent to which the Government of Iraq has developed and is implementing a credible plan to disarm, demobilize, and reintegrate militias into government security forces; and

(vii) the extent to which the Government of Iraq has obtained a credible commitment from the political parties to disarm and disband the militias.

(G) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is not a civil war in Iraq, the following information (in unclassified format):

(i) A description of the efforts by the United States Government to help avoid civil war in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces in the event of civil war in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the event of civil war in Iraq.

(iv) The progress being made by the Government of Iraq in disarming or demobilizing militias or reintegrating militias into government security forces.

(H) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is a civil war in Iraq, the following information (in unclassified format):

(i) A statement of the mission and duration of United States Armed Forces in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces while they remain in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the civil war.

SA 4886. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. (a) No funds made available for fiscal year 2006 may be made available to implement any decision of the Army Contract Adjustment Board the funding for which is approved between August 1, 2006, and the adjournment sine die of the 109th Congress.

(b) The total amount of funds made available to implement decisions of the Army Contract Adjustment Board described under subsection (a) may be up to, but may not exceed, $97,000,000.

SA 4887. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; as follows:

At the end, add the following:

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SA 4888. Mr. FRIST (for Mr. JEFFORDS (for himself and Mr. OBAMA)) proposed an amendment to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; as follows:

SEC. XXX. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT.

(a) IN GENERAL.—Not later than May 31, 2007, the Secretary shall publish a supplement to the major rehabilitation report for the Herbert Hoover Dike system, approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. XXX. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the "River and Harbor Act of 1927") (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW comer of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

SA 4889. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007. and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for Military Engineering Advanced Technology, $7,900,000 may be available for solid oxide fuel cell research in conjunction with Oak Ridge National Laboratory.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I woud like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 12th, at 10:00 a.m. in room SD-628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recunence of such an event.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at 202-224-7545 or Sara Zecher at 202-224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous cosent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 5, 2006, at 4:15 p.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Lona Stoll and William Johnson, legislative fellows in Senator KENNEDY's office, be granted the privilege of the floor during the consideration of the Department of Defense appropriations bill, 2007, and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 866.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Robert S. Martin, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

DEAUTHORIZING A CERTAIN PORTION OF THE PROJECT FOR NAVIGATION, ROCKLAND HARBOR, MAINE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 466 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 466) to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4887 and 4888) were agreed to, as follows:

AMENDMENT NO. 4887

(Purpose: To redesignate the project for navigation, Saco River, Maine)

At the end, add the following:

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

AMENDMENT NO. 4888

At the end, insert the following:

SEC. XXX. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT.

(a) IN GENERAL.—Not later than May 31, 2007, the Secretary shall publish a supplement to the major rehabilitation report for the Herbert Hoover Dike system, approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. XXX. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the "River and Harbor Act of 1927") (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

The bill (S. 466), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROCKLAND HARBOR, MAINE.

As of the date of enactment of this Act, the portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202, chapter 314), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N. 99977.37, E. 340290.02, thence running easterly about 200.00 feet to a point with coordinates N. 99978.49, E. 340490.02, thence running northerly about 138.00 feet to a point with coordinates N. 100116.49, E. 340289.25, thence running westerly about 200.00 feet to a point with coordinates N. 100115.37, E. 340289.25, thence running southerly about 138.00 feet to the point of origin, is not authorized.

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SEC. 3. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT.

(a) IN GENERAL.—Not later than May 31, 2007, the Secretary shall publish a supplement to the major rehabilitation report for the Herbert Hoover Dike system, approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 4. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the "River and Harbor Act of 1927") (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109–12

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 5, 2006, by the President of the United States: Patent Law Treaty and Regulations Under Patent Law Treaty, Treaty Document No. 109-12. I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, subject to the reservation outlined below, I transmit herewith the Patent Law Treaty and Regulations Under the Patent Law Treaty (the "Treaty"), done at Geneva on June 1, 2000, between the Governments of 53 countries including the United States of America. I also transmit, for the information of the Senate, the Key Provisions of the Patent Law Treaty report prepared by the Department of State.

Strong intellectual property protection is a cornerstone of free trade and global market access. This Treaty promotes patent protection by codifying, harmonizing, and reducing the costs of taking the steps necessary for obtaining and maintaining patents throughout the world. The provisions set forth in the Treaty will safeguard U.S. commercial interests by making it easier for U.S. patent applicants and owners to protect their intellectual property worldwide.

The Treaty generally sets forth the maximum procedural requirements that can be imposed on patent applicants, and in addition, provides standardized requirements for obtaining a filing date from which no party may deviate. Additionally, the Treaty provides that applicants cannot be required to hire representation for, among other things, the purpose of filing an application and that patents may not be revoked or invalidated because of noncompliance with certain application requirements, unless the noncompliance is a result of fraud. The Treaty does not limit the United States from providing patent requirements that are more favorable to the patent applicant or patent owner than those set forth in the Treaty or from prescribing requirements that are provided for in our substantive law relating to patents. Additionally, the Treaty is not intended to limit the United States from taking actions that it deems necessary for the preservation of its essential security interests.

This Treaty is in harmony with current U.S. patent laws and regulations, with minor exceptions to be addressed in proposed legislation. Because U.S. law does not require that each patent application apply to only one invention or inventive concept, and because the U.S. Patent and Trademark Office assesses that implementing a provision of the Treaty requiring "unity of invention" for all national applications would require a substantive and impractical change to our Patent Law, I recommend that the following reservation be included in the U.S. instrument of ratification, as allowed by the Treaty:

Pursuant to Article 23, the United States declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

I recommend that the Senate give early and favorable consideration to this Treaty and give its advice and consent to its ratification, subject to the reservation described above.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 5, 2006.*

MEASURES PLACED ON THE CALENDAR—H.R. 4157, H.R. 4761, AND H.R. 4890

Mr. FRIST. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4157) to promote a better health information system.

A bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the Outer Continental Shelf, and for other purposes.

A bill (H.R. 4890) to amend the Congressional budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and that the Senate now proceed to S. Res. 552.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 552) designating September 2006 as "National Prostate Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 552

Whereas countless families in the United States have a family member that suffers from prostate cancer;

Whereas 1 in 6 men in the United States is diagnosed with prostate cancer;

Whereas throughout the past decade, prostate cancer has been the most commonly diagnosed type of cancer other than skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2006, more than 234,460 men in the United States will be diagnosed with prostate cancer and 27,350 men in the United States will die of prostate cancer according to estimates from the American Cancer Society;

Whereas 30 percent of the new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of being diagnosed with prostate cancer;

Whereas African American males suffer from prostate cancer at an incidence rate up to 65 percent higher than white males and at a mortality rate double that of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the chance that the disease will lead to death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can detect prostate cancer in earlier and more treatable stages and reduce the rate of mortality due to the disease;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2006 as "National Prostate Cancer Awareness Month";

(2) declares that it is critical—

(A) to raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) to increase research funding to be proportionate with the burden of prostate cancer so that the causes of the disease, improved screening and treatments, and ultimately a cure may be discovered; and

(C) to continue to consider methods to improve both access to and the quality of health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, SEPTEMBER 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Wednesday, September 6. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the minority leader or his designee; further, that the Senate then resume consideration of H.R. 5631, the Department of Defense Appropriations bill. I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today we continued debate on the Department of Defense Appropriations bill that we started before the August recess. We have three amendments pending, and we expect to have more amendments offered tomorrow. Votes can be expected before the weekly policy luncheons and throughout the day. We will work to finish this important spending bill no later than tomorrow or Thursday. Members who have amendments still to offer to this bill should consult with the bill managers to get their amendments in the queue. Again, I welcome my colleagues back from the recess. We have a lot of work to do, as I outlined earlier this morning, over the course of the next several weeks, and we can expect some very full days.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Wednesday, September 6, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 2006:

DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JAMES R. MOSELEY.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF SEVEN YEARS, VICE ALBERT S. JACQUEZ, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE CHARLES G. GROAT, RESIGNED.

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

MARY AMELIA BOMAR, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE, VICE FRANCES P. MAINELLA, RESIGNED.

DAVID LONGLY BERNHARDT, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE SUE ELLEN WOOLDRIDGE.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

DEPARTMENT OF THE TREASURY

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

DEPARTMENT OF STATE

CHARLES L. GLAZER, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

DEPARTMENT OF LABOR

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

DEPARTMENT OF EDUCATION

SARA ALICIA TUCKER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION, VICE EDWARD R. MCPHERSON, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED.

THE JUDICIARY

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F.X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BARRY D. CRANE.

THE JUDICIARY

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

THE JUDICIARY

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT T. HOWARD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY), VICE ROBERT N. MCFARLAND.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN EDWARD MANSFIELD, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2011. (REAPPOINTMENT)

LARRY W. BROWN, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2010, VICE R. BRUCE MATTHEWS, RESIGNED.

PETER STANLEY WINOKUR, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2009, VICE JOHN T. CONWAY, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

NAKEDA L. JACKSON, 9937
CHANTAL NEWSOME, 0832

To be lieutenant colonel

ORSURE BEAN, 3666
COLLINS T. LYONS, 6189
GEORGE H. MAXFIELD, 5290

To be major

LILLIAN L. LANDRIGAN, 1490
JOSEPH A. MARINO, 6547
KELLEY L. TOMSETT, 9907
STEVEN R. TURNER, 9751

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LARRY W. APPLEWHITE, 6840
CLARK H. WEAVER, 9032
JAY M. WEBB, 3594

To be major

PHILLIP A. HOLOCOMBE, 7346
DENNIS H. MOON, 9242

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KATHERINE M. BROWN, 8521

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JONATHAN E. CHENEY, 2556
JAMES S. NEWELL, 8985

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KEVIN P. BUSS, 7399
JEFFREY CLARK, 2369
KAREN R. HOLZCLAW, 3415
WILLIAM J. HUNT, 8354
SANDRA M. ROLPH, 2078
MICHELE R. STONE, 9454
JILL S. VOGEL, 4105

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

JOHN PARSONS, 5217

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RYAN G. BATCHELOR, 6646
CHRISTOPHER M. SYLVESTER, 6400
JASON T. YAUMAN, 8260

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARC A. ARAGON, 9480
THOMAS C. BALL, 8236
PABLO C. BREUER, 9594

JOHN W. CARLS, 1796
ROBERT A. CLARADY, 0091
VALENCIA V. COURTNEY, 6573
HAROLD W. EMPSON, 1835
CHARLES E. FISHER, 8290
KELLY GANNON, 2498
TODD P. GLIDDEN, 3321
LOUIS M. GUTIERREZ, 4039
SAMARIA M. HUNTER, 5978
CAROLINE D. LAHMAN, 9560
LAURO LUNA, 9265
GEORGE J. MCCAFFREY III, 8653
MICHAEL S. MILLIKEN, 4051
BRADLEY R. NALITT, 7558
JASON W. PATTERSON, 7970
RAFAEL PEREZ, JR., 6957
SAMMIE PRINGLE II, 4691
WILLIAM A. REVAK, 6223
ANTONIO J. SCURLOCK, 9282
CHRISTOPHER SIMPSON, 6806
JONATHAN W. SIMS, 7662
GREGORY S. TAYLOR, 6912
JEFFREY S. WILLIAMS, 6569
ROBERT A. YEE, 6224

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. BARRIERE, 6984
ROBERT L. BURGESS, 5424
BERNARD F. CALAMUG, 8044
KENNETH D. CAMERON, 1688
SCOTT G. CARTER, 1839
FRANCINI R. CLEMMONS, 2120
MARC K. FARNSWORTH, 5584
CHRISTOPHER J. HAAS, 8194
JON M. HERSEY, 4057
JOSEPH A. HIDALGO, JR., 0747
DALE F. LOCKLAR, 3811
VENCENT W. LOGAN, 4632
JOSHUA D. MACMURDO, 9904
MICHAEL MARRERO, 0818
TERENCE N. MEJOS, 3127
RICARDO MERCADO, 9753
SATURNINO MOJICA, 5809
JEFFREY J. MYERS, 3746
WINFORD A. PEREGRINO, 3185
MARILEE A. PIKE, 8406
SCOTT C. SCHULZ, 9174
TIMOTHY M. SNOWDEN, 0284
KENTARO A. TACHIKAWA, 4615
JOHN A. TURNER, 7243
MICHAEL D. WAGNER, 0886

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN A. ANDERSON, 0230
MARIO BENTIVOGLIO, 9036
CATHERINE W. BOEHME, 1258
CINDA L. BROWN, 8581
GEORGE R. CARAMICO, 0073
SAMUEL F. CORDERO, 7894
JOSHUA D. CRINKLAW, 7026
GREGORY L. ELKINS, 9781
KEVIN M. FLOOD, 2586
JASON GRABELLE, 6517
DANIEL M. HAASE, 9602
CHRISTOPHER I. HOAG, 3191
KEITH C. HOWLAND, 0575
STEVEN E. ISOMURA, 4385
MICHAEL E. KALINSKI, 6769
PETER K. KENDALL, 4415
JEROD W. KETCHAM, 9009
DANIEL C. KIDD, 5116
JULIE A. KITCHENKA, 6122
JAMES A. KUHLMANN, 0347
FREDERICK L. LENTZ II, 7576
JON P. LETOURNEAU, 0047
JEFFREY S. LOCK, 8468
JOHN R. MENTZER, 1527
PHILIP R. MLYNARSKI, 5838
JAMES P. MOSMAN, 2423
SEAN P. NILES, 5478
KYLE OLECHNOWICZ, 3750
MICHAEL L. ROACH, 7286
ROMAN P. SALM III, 4565
MICHAEL W. SMITH, 5435
CRAIG A. SYLVESTER, 1188
OMAR J. WHEATLEY, 3497
CHRISTOPHER G. WILLIAMS, 0393
JAY A. YOUNG, 7567

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GERARD D. AVILA, 2939
DERRICK E. BLACKSTON, 4142
MATTHEW C. BYRNE, 0033
BRENT E. COWER, 6321
ROMADEL E. DELASALAS, 5083
BRIAN D. DOHERTY, 4494
WILLIAM B. HINSON, 3414
RONALD HOJNOWSKI, 3398
SUZANNE M. JOHNSON, 6528
KIMBERLY M. KRAMER, 1814
JON K. NEUHALFEN, 0790
VALERIE K. ROSS, 6524
PAUL S. RUBEN, 7088
ROBERT T. STOCKTON, JR., 2509
ROBERT F. VADNAIS, 8243
EDDI L. WATSON, 2790

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RENE V. ABADESCO, 7015
ALAN D. ABSHEAR, 4992
CHERYL A. AGE, 6282
DAVID R. AGLE, 9804
ANDREW J. ASHTON, 8264
MATTHEW T. ATWOOD, 7669
CHRISTOPHER BAILEY, 4292
LOUIS H. BALOT, 8162
DONNA M. BAPTISTE, 9289
JAMES S. BARNES, 4144
KEVIN S. BARNETT, 5571
DAVID W. BAXLEY, 9641
KEITH L. BECK, 6973
WILLIAM M. BEGLAU, 0308
BYRON K. BENARD, 8009
AMY C. BENDER, 7475
EDWARD M. BENDER, 7959
MICHAEL J. BICKEL, 4248
DAVID M. BIRMINGHAM, 4851
ALICE J. BLACK, 7157
WILLIAM H. BLANCHARD, 2554
CLIFTON A. BOYCE, 9932
LAMAR R. BRADLEY, 8998
EDWARD B. BRINSON, JR., 4219
BRUCE G. BRONK, 3118
PURVIS A. BROUGHTON, 7615
CARVIN A. BROWN, 9769
MARY A. BROWN, 4682
STUART A. BROWN, 5652
JOED M. BRUCE, 6032
MARK S. BURGETT, 8488
CELETA L. BURKS, 8192
JOSEPH P. BURNS, 2740
WILLIAM J. BURROWS, 1672
DANIEL J. CARIUS, 6512
BRYAN K. CATOE, 7334
DANIEL R. CEITHAMER, 6553
RICK L. CHAMBERS, 0112
WILLIAM C. CHAMBERS, 1347
NORMAN H. CHASSE, 7155
DONALD E. CISSELL, 2481
DAVID G. CLARK, 8150
WILLIAM J. CLARK, 1274
JOHN W. COATES, 0775
KEVIN A. COCHRAN, 2131
GARY E. COLEMAN, 6003
CLIFFORD COLLINS, 0436
BRUCE J. CONWAY, 8439
MATTHEW T. COOPER, 2110
MICHAEL R. CORBIN, 2336
CHARLES C. COWART, 9525
WESLEY D. CUNNINGHAM, 6659
MICHAEL L. DALE, 4100
MELITON A. R. DASCO, 4455
CHARLES B. DAVENPORT, 1098
EDDIE E. DAVIS, 7431
JEFFREY S. DAVIS, 5334
LAWRENCE W. DAY, 7857
KEITH W. DEBBAN, 5551
MICHELLE M. DEBOURGE, 3682
THOMAS A. DECKER, 5046
RICHARD A. DEHAVEN, 2746
MIKE A. DEHOYOS, 2603
CHRISTINA DIGREGORIO, 4388
JOEL A. DOANE, 1936
FRANCIS J. DONAHUE, 2539
ADAM DONALDSON, 4370
KARL R. DREIKORN, 0797
BRADY J. DRENNAN, 5416
STEVEN D. DUNCAN, 6077
FLOYD A. DYAL, 3676
CAROL A. EATON, 8929
LAWRENCE A. EDWARDS, 8555
KELLY D. ENNIS, 8446
HOWLAND I. ENOKIDA, 1274
DONALD E. EVERSOLL, 5939
SEAN B. FARRELL, 8934
EDWARD L. FEIDT, 4823
TERRY D. FELLOWS, 7489
THOMAS J. FELTEN, 3520
JOSEPH G. FELTOVIC, 9814
JEFFREY P. FENDICK, 6942
KENNETH H. FERGUSON, 5997
DEAN R. FISHER, JR., 4132
JOAN J. FISHER, 9849
WILLIAM J. FRANCIS, 6829
JEFFREY A. FRANKS, 8582
JEFFREY S. FREELAND, 8777
ALLEN L. FRY, 8855
TYLER R. FRYE, 4302
FRANK FUENTES III, 7115
CHARLES P. FULWIDER, 2213
MICHAEL B. GARBER, 3173
DAVID E. GARRETSON, 5759
GARY W. GAULDIN, 2475
PETER R. GERYAK, 2816
KEVIN W. GILES, 3455
RENE G. GOCO, 2369
ALVIN M. GONZALEZ, 2260
MARC T. GOODE, 6934
PAMELA GRAHAM, 6863
MICHAEL S. GRANT, 5540
DOUGLAS C. GRAVE, 0264
JAMES A. GRAY, 5907
STEVEN P. GREER, 6134
CHRISTOPHER GROVER, 0243
JOHN E. GUSTAFSON, 7211
JACINTO T. GUTIERREZ, 9438
WILLIAM S. HAFLEY, 7125
TERRY F. HALL, 6153
JAMES L. HAMILTON, 1494
ERIC D. HANSEN, 6465
MICHAEL L. HARRIS, 2650
DAVID R. HARROLD, 5578
BRUCE B. HAYNES, 1331
DONALD HEFFENTRAGER, 6885
TIMOTHY A. HILL, 1506
DONALD E. HOCUTT, 7621
TIMOTHY R. HODSKINS, 2750
THOMAS G. HOLCOMB, 6709
PAUL L. HOMAN, 1005
GREGORY W. HORSHOK, 0347
PATRICK J. HOUGH, 1320
DAVID S. HUBBELL, 0349
DAVID L. HUNT, 4416
FRANKLIN W. HUNT, 6607
CHARLES D. HUNTINGTON, 2399
DERRICK L. HUTCHISON, 6869
STEVEN D. INGRAM, 1970
MARK P. INGWERSEN, 7640
EARLY JACKSON, 3387
ATKINS JINADU, 7650
DONALD JOHNSON, 4576
GORDON W. JOHNSON, 0617
MICHAEL E. JOHNSTON, 8939
TODD M. JOHNSTON, 8252
HARRY L. JUNEAU, 3067
MICHAEL R. KASZUBA, 5163
GEORGE S. KELLAS, 2684
ROY G. KIDDY, 5775
CRIS S. KIDWELL, 0455
VINCENT M. KIRSCH, 9575
ANTHONY A. KITSON, 4195
PETER J. KLOETZKE, 8967
BRIAN F. KOSKO, 8189
MICHAEL J. KRAFT, 2501
FRANK S. KREMER, 0403
WILLIAM M. KRUMP, 0900
DAVID L. LANDON, 5723
RICHARD G. LANIER, 2397
DAVID A. LAUFFENBURGER, 0760
ANTHONY LEONE, 5379
DONALD P. LIBBY, 1565
ROBERT E. LOEFFLER, 1763
DAVID W. LONG, 5355
KENNETH J. LOOKABAUGH, 3711
VICKIE L. LUCAS, 4466
MICHAEL R. LUTHER, 3851
CHARLES E. LYNCH, 8834
CHARLES H. MAHER, 0344
DANIEL D. MALONEY, 9023
PATRICK J. MARCOTTE, 8179
CHARLIE L. MARTIN, 1098
DANIEL S. MARTINDALE, 2218
JOSE A. MARTINEZ, 2199
MICHAEL B. MARTINEZ, JR., 2735
WARREN S. MCCALLUM, 3717
GUY E. MEFFERD, 9933
JIMMY H. MELTON, 0514
THOMAS H. MILLER, 9488
ROBERT L. MOORE, 4600
CARTER L. MORELAND, 3070
JEFFREY T. MORGAN, 0232
CHARLES E. MORRIS, 4650
JEROME D. MORRIS, 9175
ROBERT D. MYERS, 8049
HEZEKIAH NATTA, JR., 9559
WILLIAM H. NEIGER, 6216
OTTIS R. NELSON, 4669
THOMAS E. NELSON, 8765
GIL V. NICDAO, 4630
CHRISTOPHER T. NICHOLS, 1843
GEORGE R. NIEDHAMMER, 4516
PAUL M. NIELSON, 4626
DONALD P. OCONER, 1037
JOSEPH P. OHARA, 4320
JOHN E. OLANOWSKI, 2515
DAVID B. OLDHAM, JR., 6145
BERRENDIA K. ONEAL, 2990
MATTHEW ONEILL, 7037
PATRICK O. PADDOCK, 9667
JUAN A. PAGAN, 3819
PERRY B. PAGE, 0046
BARRY C. PARHAM, 9010
DREMA D. PARSONS, 6465
ROBERT F. PAULEY, 3397
WANDA S. PEACOCK, 2912
RAYMOND C. PENLAND, 7549
ALFREDO M. PINEDA, 8844
JAMES W. PITCOCK, 4370
YVONNE O. PITTS, 3745
TERRY J. PRATT, 6583
WILLIAM S. PRATT, 3131
CHRISTOPHER PRESSLEY, 6358
ALAN W. PROCTOR, 7367
JAMES M. PYLE, 9573
TODD M. RADEMACHER, 9208
TIMOTHY R. RAGNAR, 0772
EDWARD E. RANCOURT, 6000
STEPHEN R. RANNE, 8460
CHRISTOPHER L. RAYBURN, 5415
MARK D. REAVIS, 2857

ESTEBAN RICO, 4460
MATTHEW G. ROBERTS, 6291
EDDIE ROBLES, 6118
VICTOR O. ROMAN, 6315
DWAYNE W. RUFFNER, 9213
BERNARDO C. SALAZAR, 0844
ERIC M. SAMUELSON, 2608
ROBERT M. SAUNDERS, 7166
WILLIAM M. SCHAEFER, 5426
MACK F. SCHMIDT, 1252
JERRY L. SCHULTZ, 3356
LOUIS V. SCOTT, 3774
NIGEL A. SEALY, 0768
JEFFREY C. SERVEN, 6820
DALE W. SEXTON, 8036
ROY J. SIMMONS, 4514
MICHAEL E. SIMPKINS, 3214
JAMES A. SMITH, 7461
JERRY L. SMITH, JR., 0329
LEROY SMITH, 5541
NICHOLAS SMITH, 0393
TIMOTHY D. SMITH, 2959
ERWIN J. SNELL, 9003
MICHAEL R. SNIDER, 5199
LYLE V. SPAIN, 4100
ALLEN R. STAMBAUGH, 0608
ERIC J. STEIN, 2862
JEFFREY T. STEPHENS, 5511
WADE M. STEPHENS, 7455
LEON B. TACKITT, 6910
ANDREW P. THOMAS, 7299
JAMES E. THOMAS, 0885
TRACY I. TRUITT, 3085
EUGENE T. TSCHUDY, 6584
WESBURN J. UNGER, 8334
VICTOR L. VAUGHAN, 6164
GEORGE G. VERGOS, 6712
KYLE J. VERNON, 2395
MICHAEL S. VINING, 9107
TANYA J. WALLACE, 8364
KENNETH G. WALTON, 2990
EZRA A. WARD, 1557
DOUGLAS D. WASKIEWICZ, 3730
RICHARD P. WEISS, 6938
CHARLES A. WHEATLEY, 1166
MARK S. WHITTAKER, 9757
JOHN C. WILKERSON, 6878
CHRISTOPHER A. WILLIAMS, 0097
ERIC M. WILLIAMS, 0418
MICHAEL WILLIAMSON, 1360
JOHN F. WOLSTENHOLME, 9032
DAVID A. WOODS, 6187
MARK W. YATES, 6150
MICHAEL W. F. YAWN, 4877

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AMY L. BLEIDORN, 9303
DANIEL E. BUTLER, 7792
GLEN M. CESARI, 0553
ERICK L. EDWARDS, 7305
DANNY J. GARCIA, 1127
JOHN E. HENDRICKSON, 4552
BENJAMIN A. JONES, 3207
RUTH A. LANE, 1662
SHANE STOUGHTON, 9218
KENNETH A. WALLACE, 9781
MICAH A. WELTMER, 6228

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

COREY B. BARKER, 1056
CHARLES M. BELL, JR., 0493
DAVID A. BENHAM, 9426
WILLIAM G. DAVIS III, 8622
WILLIAM F. KUEBLER, 3614
ROBERT T. LYON, 7780
WALTER M. MATTHEWS, 5989
BARBARA J. MERTZ, 9376
RYAN M. PERRY, 1211
JON D. SPIERS, 2632
WILLIAM R. URBAN, 6938

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

NATHANIEL A. BAILEY, 1312
SCOTT D. BARSCZEWSKI, 9006
JONATHAN V. BERIS, 4376
HEATH D. BOHLEN, 6409
REBECCA A. BOONE, 9703
SCOTT M. BOOTHROYD, 6502
BRADLEY D. BROWN, JR., 2441
BRIAN S. CAREY, 0831
JAMES L. CASTLEBERRY, 1613
THOMAS R. CHAPMAN III, 7721
JAY W. CLEMONS, 8848
THOMAS D. CROCI, 8996
DAVID M. CROWE, 9859
HUBERT C. DANTZLER III, 2597
MICHAEL G. DUDAS, 9646
BRIAN M. FOSS, 1418
JOSEPH D. FRASER, 2720
MICHAEL M. GIBSON, 1857
DIANA GUGLIELMO, 5485
JAMIE L. HORNING, 8752
FRANK E. HUDSON, 5578
KENNETH M. HUGHES, 1324
JASON P. HURLEY, 1949
JOANNA C. JACKOBY, 8262
VINCENT W. KIRSCH, 3801
KENNETH T. KLIMA, JR., 9311
GRANT M. KOENIG, 1337
DAWN A. KUPSKI, 2718
WILLIAM E. KUPSKI, 3248
ERIC S. LASER, 3450
BRYAN H. LEESE, 5889
JOHN R. LEHMANN, 9849
KRISTI A. LEHMKUHLER, 3771
GEORGE M. LOWE, 8301
MAUREEN O. MANDAC, 8911
GEOFFREY M. MCGARRIGLE, 6678
JASON D. MENARCHIK, 1894
JAMES T. MERCHANT, 4025
STEPHANY L. MOORE, 6310
JON A. OCONNOR, 1475
SEAN T. OCONNOR, 7879
PHILIP B. OHLEMEIER, 6262
MICHAEL V. OWEN, 1097
JAMES M. PENDERGAST, 6558
MARCUS R. POLSON, 6829
KRISHNA C. PULGAR, 2811
CHRISTY J. REICHARDT, 6045
JEFFREY D. RHINEFIELD, JR., 5610
KYLE P. RILEY, 4475
GEOFFREY G. RUTECKI, 7034
LENSWORTH A. SAMUEL, 0258
CHRISTOPHER M. SAVAGE, 1711
KARL SHANK, 1213
JOHN W. SHONE, 7961
RISA B. SIMON, 0993
JOSEPH F. SIMONE, 4265
CHRISTOPHER H. SMITH, 3223
DOROTHY M. SMITH, 4034
ROBERT J. TEAGUE, 6559
KIRBY L. TOLCH, 2191
MAXIMILLIAN L. WESTLAND, 3274
RYAN W. WHITESITT, 4598
MARK E. WRIGHT, 6978
MATTHEW C. YOUNG, 9878

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TRACY L. BLACKHOWELL, 6190
SEAN J. BRANDES, 5323
STEVEN C. CALHOUN, 5386
JASON L. CORNELISON, 1779
GLORIA E. COX, 1998
ANNA M. CULPEPPER, 4305
MARK L. CUMMINGS, 5339
WILLIAM A. DANIELS, 5725
JAMES C. DUDLEY, JR., 2110
DAVID C. DURAZZO, 9996
JEFFERSON D. DYER, 4522
CHRISTOPHER D. ENG, 1103
KEVIN L. ERNEST, 6680
TRENNY R. FOSTER, 0423
JAMES E. GIBB, 9791
CHRISTOPHER M. GUOAN, 8336
SCOTT A. HENRIKSON, 1465
DUANE W. HOUSER, 0285
BLAKE G. JACOBSON, 2909
CYNTHIA P. KEATING, 0914
CORLISS A. KINARD, 4264
PAUL D. LASHMET, 4414
KEVIN T. LIVINGSTON, 6189
KEVIN R. LOCK, 4533
DOMINIC R. LOVELLO, 6933
DANYELLE M. LOW, 7167
KENDRICK R. MACKLIN, 4441
JOSEPH J. MARCUS, 4640
THOR MARTINSEN, 0690
ANDREA J. MCLEMORE, 2535
SHERRI R. MITCHELL, 7652
ANDREW T. NEWSOME, 6595
MINH Q. PHAN, 9759
CHRISTOPHER V. QUICK, 9787
JAMES W. REMINGTON, 3285
ROGER L. ROGERS, 4138
JARED T. SALAZAR, 8223
IRVIN D. SMITH, JR., 7446
PETER J. SPITALE, 0102
CHRISTOPHER J. STOREY, 0514
WILLIAM K. TIRRELL, 1992
MARK A. VENZOR, 7936
JEFFREY R. VRCHOTICKY, 0674
GREGORY V. WINGER, 2614
SEAN M. WOODSIDE, 0790

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLES J. ACKERKNECHT, 9059
DAVID J. ADAMS, 6982
JAMES G. ADAMS, 0654
RECO L. AIKENS, 2886
MARK R. ALEXANDER, 7493
MARTY J. ALEXANDER, 2051
CLIFFORD J. ALLEN, 4342
HENRY J. ALLEN, 5397
RODNEY ALLEN, 1957
TIMOTHY E. ALLEN, 6516
PAUL M. ALLGEIER, 8373
WALTER H. ALLMAN III, 3892
NICOLE I. AMADOR, 8834
ROBERT J. ANDERSON, 8029
GABRIEL A. ANSEEUW, 8410
JAMES M. ANSLEY, 9427
ISAAC C. ARMSTRONG IV, 7856
ROBERT A. ARMSTRONG, 7129
CHRISTOPHER S. ARNOLD, 8714
DANIEL J. AUGUST, 2814
JEREMY J. AUJERO, 2817
PAUL R. AUSTIN, 1222
THOMAS B. AYDT, 2019
KIRBY M. BADGER, 4565
CHRISTOPHER M. BAHNER, 6310
TODD S. BAIER, 7691
WILLIAM C. BAKER, 6946
KURT D. BALAGNA, 6534
JOSEPH E. BALDETTI, 2815
BRIAN M. BALLER, 2067
KEITH A. BARAVIK, 3232
RICHARD L. BARGAS, 9729
ANDREW R. BARLOW, 8905
DEWAINE M. BARNES, 3595
JEFFERY A. BARRETT, 0202
JOHN S. BARSANO, 8282
BRIAN J. BARTLETT, 8795
BRIAN P. BASS, 4360
ANDREW D. BATES, 9820
STEPHEN W. BAUGH, 6010
ANDREW M. BAXTER, 4686
ROBERT L. BAYLIS, 3557
KYLE R. BEAHAN, 9772
PATRICK J. BEAM, 8968
JUSTIN C. BEELER, 1590
DAVID H. BELEW, 1090
JASON J. BENDER, 4008
WALLACE S. BERG, 7244
WILLIAM J. BERRYMAN, 6306
ROBERT T. BIBEAU, 6649
BRANNON S. BICKEL, 9327
ERIK M. BIELIK, 2281
STEPHEN G. BIRD, 8619
JENNIFER M. BLAKESLEE, 3195
RYAN J. BLAZEVICH, 4378
SHAWN D. BLICKLEY, 7194
JAMES W. BOERNER, 1238
HOWARD J. BOGAC, 5906
CURTIS L. BOGETTO, 8884
THEODORE A. BOHL, 6252
KURT H. BOHLKEN, 8765
BRIAN S. BOICE, 4991
DANIEL A. BOMAN, 5219
LIAM O. BOOHER, 0718
DERRICK D. BOOM, 3690
DRUMMOND R. BOORD, 1470
GEOFFREY P. BOWMAN, 8914
ORLANDO S. BOWMAN, 4771
STEVEN P. BRABEC, 0738
ENID S. BRACKETT, 9906
JOHN S. BRADDOCK, 7172
JOHN F. BRADFORD, 1604
MICHAEL P. BRADLEY, 4888
FLINT J. BRADY, 6551
JASON J. BRIANAS, 1731
KENDALL G. BRIDGEWATER, 7399
JOHN H. BRIGHT III, 0577
KEVIN M. BRINK, 0282
LUIS D. BRIONES, 3840
CARL W. BROBST, JR., 4921
BOBBY E. BROWN, JR., 3999
CALEB C. BROWN, 9608
COREY W. BROWN, 6931
DERECK C. BROWN, 8530
DEREK R. BROWN, 0862
GARY L. BROWN, 7696
GREGORY E. BROWN, 6076
MARK A. BROWN, 6778
TROY A. BROWN, 6182
BARRY M. BRUMMETT, 4403
JOSEPH R. BRUNSON, 2087
HOWARD M. BRYANT, 1546
SAMUEL C. BRYANT, 9527
ELAINE A. BRYE, 1536
SCOTT L. BUCHANAN, 0500
SCOTT J. BUCHAR, 2361
KURT A. BUCKENDORF, 8858
JOSEPH M. BUCZKOWSKI, 3903
THOMAS A. BUECKER, 5051
CALVIN E. BUMPHUS, 2995
LEONARD BUNCH, 2240
SEAN K. BURKE, 0112
TIMOTHY J. BURKE, 6037
PAUL R. BURKHART, 2627
CHRISTOPHER D. BURKS, 0385
DAVID A. BURMEISTER, 2609
MARK C. BURNS, 4532
BRIAN P. BURROW, 6675
CHARLES W. BURTON, 6733
STEPHEN J. BURY, 9258
ABE A. BUSH III, 1601
RAOUL J. BUSTAMANTE, 5670
NATHAN R. BUTIKOFER, 0752
BRYCE D. BUTLER, 7375
CHRISTOPHER R. BUTLER, 6195
CYNTHIA J. BUTLER, 2589
EDWARD K. BYERS, 5250
ROBERT BYFORD II, 3480
KEVIN H. CADY, 8951
ADRIAN T. CALDER, 1135
ALEXANDER J. CALLAHAN III, 4388
LEWIS W. CALLAWAY, 9336
SCOTT I. CAMPBELL, 5681

JACOB CANDELARIA, 5103
KEVIN R. CARLSON, 9672
JOSEPH J. CASALE, 7424
BRICE D. CASEY, 1916
DAVID M. CASS, 9647
CARRINE N. CASSADY, 1430
ARMANDO J. CASTELLANOS, 6023
JEFFREY S. CATHCART IV, 0866
JAMES V. CELANI, JR., 5402
HECTOR A. CERVANTES, 3894
MEGER D. CHAPPELL, 1723
GARY M. CHASE, 8336
DAVID Y. CHO, 0525
JOSEPH P. CHOPEK, 1399
CORY C. CHRISTENSEN, 7739
KIRK A. CHRISTOFFERSON, 8195
JASON L. CHUDEREWICZ, 8222
THANE C. CLARE, 6861
ANDREW J. CLARK IV, 4393
PAUL W. CLARK, 8095
SHANNON M. CLARK, 2798
THOMAS M. CLARK, 4993
JEREMY L. CLAUZE, 8595
CHRISTOPHER M. COATS, 9939
DANIEL COBIAN, 9552
SCOTT D. COCKRUM, 7710
KIRK E. COCO, 3282
JOSHUA C. J. COHEN, 3659
JEFFREY S. COKER, 4347
JAYSON L. COLEBANK, 9352
JONATHAN S. COLLINS, 1489
NOAH S. COLLINS, 4481
RYAN D. COLLINS, 2864
JAMES N. COLSTON, 8158
WILLIAM P. COLSTON, 1363
MICHAEL CONCANNON, 4288
CHRISTOPHER M. CONDON, 4657
MATTHEW T. CONERLY, 2984
CHAD J. CONEWAY, 3342
BRIAN D. CONNOLLY, 6298
CHARLES O. COOK, 3247
JOHN O. COOKE, 1464
CHRISTOPHER E. COOPER, 9750
JESUS M. CORDEROVILA, 5597
SHANNON M. CORKILL, 0342
JASON C. COURT, 2041
BRIAN COWELL, 4717
TIMOTHY A. CRADDOCK, 3351
DOUGLAS M. CRANE, 1534
MARC D. CRAWFORD, 7840
DON B. CROSS, 8004
ANDY C. CRUZ, 5573
TONY J. CULIC, 3564
KENNETH M. CURTIN, 4647
ERIK L. CYRE, 5914
MICHAEL J. DAIGLE, JR., 7727
SAMUEL J. DALE, 5488
LUKE W. DANZO, 6589
JEFFREY M. DAUDERT, 0158
DAVID DAVIS, 4855
DERRICK L. DAVIS, 3521
KEVIN J. DAVIS, 6893
RAYMOND C. DAVIS, 8748
SAMUEL J. DAVIS, 8491
THERON C. DAVIS, 3271
DEREK B. DAWSON, 3209
TEENA M. DEERING, 1800
DAVID S. DEES, 0582
HANS D. DEFOR, 4251
MATTHEW B. DELABARRE, 6432
GUY R. DELAHOUSSAYE, JR., 3512
MICHAEL A. DEMATTIA, 6133
NATHAN J. DENMAN, 8375
JASON M. DENNEY, 2142
LEROY P. DENNIS III, 1967
MARK E. DENNISON, 0861
BART L. DENNY, 7934
SHAWN T. DEWEY, 4350
STANLEY G. DICKERSON, 3327
DARRIK J. DINNEEN, 7841
NATHANIEL J. DISHMAN, 1124
CORBETT L. DIXON, 6202
ALAN M. DJOCK, 4264
STEVEN V. DJUNAEDI, 2066
GEORGE M. DOLAN, 9744
CHRISTOPHER T. DOLLARD, 7892
BENJAMIN W. DOMOTO, 5135
MATTHEW F. DONAHUE, 1764
BRIAN M. DONOVAN, 6131
JUSTIN A. DOWD, 8916
MICHAEL L. DOXEY, 5531
ERIK P. DOYE, 4757
ERIC C. DOYLE, 9935
JAMES P. DREW, 8406
MICHAEL R. DUBUQUE, 0701
BENJAMIN P. DUELLEY, 6029
HALLE D. DUNN, 2347
ALEXANDER C. DUTKO, 1589
DAVID T. EARP, 7724
PAUL N. EASTERLING, 9755
CHARLES E. EATON, 8079
MICHAEL D. EBERLEIN, 0150
CHARLES B. ECKHART, 7220
DANIEL D. EDDINGER II, 3802
ROY A. EDGE, 5106
MOTALE E. EFIMBA, 5730
WILLIAM R. EHRET, JR., 5247
MATTHEW G. ELDER, 3714
LUIS R. ELIZA, 8779
DAVID C. ELLIS, 7606
BRENT J. EMBRY, 7243
TRACY L. EMMERSEN, 9176
CHRISTOPHER S. ENGLAND, 0606
EVERETTE T. ENTZMINGER, 6041
CHRISTOPHER E. ESCAJEDA, 4029
RICKSON E. EVANGELISTA, 3931
JASON T. EVANS, 0390
ZACHARY J. EVANS, 8247
KEITH E. EVEN, 9635
STEPHEN A. EVERAGE, 9781
FORD C. EWALDSEN, JR., 1661
MICHAEL C. EXUM, 4056
SCOTT EYSENBACH, 4876
RAFAEL C. FACUNDO, 3477
EDWARD A. FAHRENKRUG, 9125
STEVEN E. FAULK, 1097
JUSTIN T. FAUNTLEROY, 6761
PETER F. FEHER, 2620
BRANT A. FELDMAN, 7828
PAUL J. FELINI, 4972
TROY A. FENDRICK, 6922
DANIEL E. FILLION, 9193
JAMES B. FILLIUS, 0012
DONALD S. FINKLESTINE, 2820
BENJAMIN H. FINNEY, 8239
STANFORD E. FISHER III, 3302
BRIAN P. FITZSIMMONS, 5664
DEREK R. FIX, 1794
WILLIAM A. FLECK II, 3908
ADAM L. FLEMING, 8579
KELLY T. FLETCHER, 8682
PAUL N. FLORES, 8562
STEVEN M. FOLEY, 4981
MICHAEL K. FORD, 6831
JACOB A. FORET, 1618
EDWARD R. FOSSATI, 4123
JASON M. FOSTER, 8049
TIMOTHY W. FOX, 6058
JOEL A. FRAGALE, 9172
MICHAEL D. FRANCE, 8115
ROBERT C. FRANCIS, JR., 1905
MATTHEW T. FRAUENZIMMER, 2651
JONATHAN A. FRAZIER, 9699
CARLTON Q. FREEMAN, 1431
DAVID B. FREEMAN, 1300
STANLEY G. FREEMYERS, 8640
THOMAS E. FRIES, 3958
STEPHEN M. FROEHLICH, 0958
ERIC B. FROSTAD, 8744
STEVEN L. FULTON, 0384
CHRISTOPHER L. FUSSELL, 6850
SAMUEL D. GAGE, 1166
WILLIAM D. GALLAGHER, 4645
MARCUS B. GALMAN, 0162
WILLIAM K. GANTT, JR., 2963
ROLANDO GARCES, 9157
HARRIS L. GARCIA, 2610
JUAN R. GARCIA, 0871
MATTHEW W. GARRISON, 1960
BRETT A. GARVIE, 6266
JOSE L. GARZA, 5115
STEVEN P. GARZA, 0493
CHRISTOPHER C. GAVINO, 3229
GILBERT D. GAY, 3607
JEFFERY J. GAYDASH, 2685
JASON M. GEDDES, 7754
TRACEY J. GENDREAU, 5473
PATRICK E. GENDRON, 7343
RICHARD M. GENSLEY, 1676
DANIEL F. GERAGHTY, 7537
CHAD A. GERBER, 1372
ROBERT S. GEROSA, JR., 8625
MICHAEL F. GESUALDO, 2943
WILLIAM J. GETCHIUS, 2280
TAREY M. GETTYS, 5539
WILLIAM E. GIBSON, 5759
CHRISTOPHER J. GILBERTSON, 2866
JEFFREY A. GLASER, 1686
JASON A. GMEINER, 5491
HAROLD K. GODWIN, 6072
FRANK T. GOERTNER, 4431
ROBERT C. GOMEZ, 9573
CESAR S. GONZALEZ, 9768
JAVIER GONZALEZOCASIO, 3887
ROBERT L. GOOD, 8469
GEOFFREY A. GORMAN, 6948
THOMAS R. GOUDREAU, 6298
ANDREW P. GRABUS, 2490
AMY E. GRAHAM, 9118
CHAD W. GRAHAM, 7101
JEFFREY T. GRANT, 7369
NICHOLAS S. GREEN, 3069
JOSEPH R. GREENTREE, 2333
DALE M. GREGORY, JR., 7765
JOHN R. GREGORY, 8876
JEANETTE D. GROENEVELD, 6462
JONATHAN M. GROENKE, 5233
JONATHAN D. GRUEN, 1874
SEAN T. GRUNWELL, 9226
BRIAN C. GUGLIOTTA, 3847
MICHAEL J. GUNTHER, 6460
JUAN J. GUTIERREZ, 3966
JOHN W. HALE, 4321
MATTHEW H. HALL, 0042
CHARLES E. HAMPTON, 4908
ADAM C. HANCOCK, 9108
JEREMY R. HANKINS, 4115
ERIC M. HANKS, 7355
GLENN E. HANKS, 3072
MICHAEL H. HANSEN, 2422
JASON D. HARDY, 3851
WILLIAM E. HARGREAVES, 8856
KEITH J. HARNETIAUX, 9867
BRIAN D. HARP, 0953
ASHLEY M. HARRIS, 4272
MARK R. HARRIS, 8331
GRANT I. HARTFIELD, 0510
MICHAEL C. HARVEY, 1257
CHAD A. HASKELL, 8035
JUSTIN T. HAWKINS, 3118
IAN D. HAWLEY, 6547
WILLIAM D. HAWTHORNE, 9477
JAMES A. HAYES, 0215
JOHN J. HAYS III, 4666
THOMAS L. HEAD, 4232
FRANZ M. HELCHINGER, 0064
GABRIEL J. HELMS, 0771
ERIK D. HENDERSON, 8754
JUSTIN K. HENDRICKSON, 1258
MATTHEW S. HENDRICKSON, 5645
WILLIAM M. HENSON, 0244
INDALECIO M. HERNANDEZ, 1878
MANUEL HERNANDEZ, 5354
BRIAN M. HESS, 9729
ERIK M. HESS, 9897
ERIC P. HIGGS, 3232
JEFFREY W. HILL, 0090
KATRINA L. HILL, 0072
MARK W. HILL, 8593
MARTIN J. HILL III, 3624
ROBERT M. HILL, 6513
DANIEL R. HILLER, 7870
KELLY A. HINDERER, 3032
BRIAN E. HINER, 7288
LEONID L. HMELEVSKY, 9776
CHRISTOPHER R. HOBBS, 8649
ARTHUR A. HODGE, 9252
JUSTIN R. HODGES, 9411
SIDNEY W. HODGSON III, 3046
PETER HOEGEL, JR., 9262
BRIAN P. HOGAN, 8533
TODD K. HOLBECK, 1636
MICHAEL C. HOLLAND, 4416
MICHAEL P. HOLLENBACH, 6348
PETER J. HOLTON, 6170
CHAD R. HOLZAPFEL, 5006
KITJA HORPAYAK, 9938
MATTHEW G. HORR, 9776
WILLIAM S. HORTON, 6633
JOHN F. HOUSER, 9260
JASON M. HOWELL, 4743
JUSTIN S. HSU, 8911
BRYAN L. HUDSON, 0152
NICHOLAS A. HUDSON, 9146
PAVAO A. HULDISCH, 5118
MATTHEW G. HUMPHREY, 1111
DAVID C. HUNT, 6391
CHRISTOPHER M. HUNTER, 4351
TERESA A. HURD, 6654
JACKTHOMAS M. HURLEY, 5700
TODD E. HUTCHISON, 9896
MICHAEL E. ILTERIS, 8515
PATRICK J. INGMAN, 5038
CHRISTOPHER S. IRWIN, 2952
WADE A. IVERSON, 8059
JONATHAN W. JACKSON, 6951
BRIAN E. JAMERSON, 6532
CHRISTOPHER C. JASON, 2194
MARCOS A. JASSO, 7131
ERIC A. JENKINS, 4519
CEDRICK L. JESSUP, 5693
IVAN A. JIMENEZ, 4038
AARON D. JOHNSON, 6101
CHARLES E. JOHNSON, 8982
CHRISTOPHER M. JOHNSON, 0655
DALE F. JOHNSON, 1284
DENNIS N. JOHNSON, 7440
EDWARD D. JOHNSON, 1002
JEFFREY F. JOHNSON, 5827
JOHN D. JOHNSON, 2023
JOSEPH P. JOHNSON, 3642
LAWRENCE D. JOHNSON, 4281
COREY S. JOHNSTON, 8184
ERIC D. JONES, 7421
MATTHEW T. JONES, 4022
SYLVESTER JOSEPH, JR., 5794
JEFFREY JUERGENS, 0046
BARTOLOME R. J. JUMAOAS, 3884
DAVID I. KAISER, 5935
CHRISTOPHER B. KASTEN, 6057
MICHAEL P. KEENAN, 1877
THOMAS M. KEENAN, 6816
STEPHEN G. KEENE, 2952
DARRELL L. KELLER, JR., 2693
DANIEL J. KELLY, 0106
MARC A. KENNEDY, 1548
JEFFREY D. KETCHAM, 7121
IAN P. KIBLER, 7237
CHRISTOPHER W. KIDNEY, 2084
JOHN C. KIEFABER, 7065
ROBERT M. KIHM, 9598
DANIEL W. KIMBERLY, 5991
JAMES T. KING, 8993
JOSHUA C. KINNEAR, 5331
DANIEL E. KINSKE, 0469
SHAWN C. KIRLIN, 2367
ARIEL S. KLEIN, 0569
MICHAEL P. KLINE, 5104
MATTHEW B. KLOBUKOWSKI, 8363
ODIN J. KLUG, 3219
JASON S. KNAPP, 1948
DAVID H. KNIGHT, 5515
JOHN J. KOBLE, 2729
KENNETH S. KOELBL, 8117
DANIEL R. KOMAR, 6397
CORDELL R. KOOPMAN, 1832

ROGER L. KOOPMAN, 2921
STEPHEN M. KOSLOSKI, JR., 7043
DAVID T. KOZMINSKI, 2756
BRET J. KREIZENBECK, 2303
JUDD A. KRIER, 6625
TIMOTHY F. KRIPPENDORF, 2859
JOHN A. KRISCIUNAS, 8589
NEIL A. KRUEGER, 5960
MARTY D. KUHL, 6665
HERBERT E. LACY, 4077
TEAGUE R. LAGUENS, 0932
ALEX C. LAM, 5216
BRANT T. LANDRETH, 7397
JASON R. LANE, 1333
ERIC E. LANG, 1973
JOEL B. LANG, 5722
DOUGLAS M. LANGENBERG, 4670
MATTHEW S. LANGLEY, 8423
ANDRE W. LANIER, 2099
MATTHEW E. LAPOINTE, 4159
DAVID F. LASPISA, 7726
KENNETH B. LAWRENCE, 9775
LUIGI L. LAZZARI, 6123
BRENDAN J. LEARY, 7153
JOSEPH W. LEBER, JR., 0392
MICHAEL D. LEE, 0858
MICHAEL W. LEE, 4609
BRIAN E. LEGAN, 3084
MICHAEL C. LEHRFELD, 6666
MICAH A. LENOX, 8575
DANIEL J. LEONARD, 0497
JOHN C. LEPAK, 8239
JADE L. LEPKE, 4372
CHRISTOPHER J. LEVITT, 0359
GORDON L. LEWIS, 9929
MARK E. LIERSCH, 0110
RICHARD J. LINHART III, 5791
MARK A. LITKOWSKI, 2350
TOMMY L. LIVEOAK, 6385
DENNIS S. LLOYD, 8312
PRICE J. LOCKARD, 8750
TOMMY F. LOCKE, JR., 2712
ROBERT S. LOEB, 2707
RYAN J. LOGAN, 5211
TERRY D. LOHNES, 2914
ERIK B. LOHRKE, 9785
DANIEL J. LOMBARDO, 6894
JUSTIN A. LONG, 7798
JOSEPH R. LOSIEVSKY, 9886
DWAYNE M. LOUIS, 3220
AARON M. LOWE, 7527
PHUONG M. LUI, 4067
STEPHEN T. LUMPKIN, 1740
DAVID C. LUNDAHL, JR., 1466
ELAINE G. LURIA, 2419
ALEX T. MABINI, 0176
ADAM J. MACKIE, 6543
KEVIN W. MACY, 3377
RICO N. MAGBANUA, 3330
RONALD P. MALLOY, 8244
RONNIE P. MANGSAT, 0326
TRAVIS R. MANN, 8948
MICHAEL J. MANOR, 8522
NICOLAS V. MANTALVANOS, 4205
RYAN C. MAPESO, 2129
RICHARD L. MARCHAND, 3425
CRISTINA S. MARECZ, 9084
JEROD L. MARKLEY, 7940
JAJA J. E. MARSHALL, 0746
RAYMOND S. MARSHALL, 0243
BENJAMIN P. MARTIN, 6058
KEVIN J. MARTIN, 2820
TODD M. MASSOW, 0303
JOSEPH S. MATISON, 9126
STEPHEN B. MAY, 5204
TRACEY M. MAYS, 5734
GEOFFREY P. MCALWEE, 2360
GINA L. MCCAINE, 9785
SEAN M. MCCARTHY, 1332
MARISA L. MCCLURE, 1430
PATRICK W. MCCORMICK, 2709
JASON C. MCCOY, 7012
ANDREW C. MCCRONE, 2168
STEVEN B. MCCUBBIN, 7248
VICKIE M. MCDONALD, 9439
STEVEN R. MCDOWELL, 3084
MICHAEL P. MCFADDEN, 1483
SCOTT J. MCGINNIS, 4270
RICHARD S. MCGOWEN, 7765
MARK L. MCGUCKIN, 5046
MATTHEW E. MCGUIRE, 5567
BRADLEY J. MCINNIS, 1503
BRIAN D. MCINTOSH, 2586
JACK E. MCKECHNIE, 0535
SCOTT E. MCKELLAR, 4422
JOHN M. MCLEAN, 8229
CHRISTOPHER R. MCNAMARA, 5392
ZACHARY J. MCNEILL, 9885
MICHAEL B. MEASON, 9374
GREGORY D. MENDENHALL, 5289
JASON J. MENDEZ, 4944
MATTHEW D. MENZA, 0183
MICHAEL W. MERRILL, 6818
STEPHEN M. MERRITT, 3016
ELIZABETH A. MEYDENBAUER, 7352
JEFFREY A. MILLER, 3065
KENNETH H. MILLER, 0935
ROBERT R. MILLER, 8447
CHRISTOPHER G. MILNER, 0294
ETHAN D. MITCHELL, 0932
REED C. MITCHELL, 8874
TIMOTHY R. MOHR, 1324
KEVIN O. MOLLER, 1526
ANTHONY I. MONELL, 1080
GARY G. MONTALVO, JR., 9266
JAMES C. MONTGOMERY, 6569
JEFFREY MONTGOMERY, 1502
NATHAN A. MOORE, 7932
SHANNON L. MOORE, 6746
TIMOTHY B. MOORE, 7083
TIMOTHY C. MOORE, 1071
MATTHEW P. MORGAN, 7009
JEFFREY V. MORGANTHALER, 5311
JEFFREY A. MORRIS, 2850
DONALD L. MORRISON, JR., 0166
DONALD L. MOSELEY, JR., 0694
TIMOTHY F. MOTSCH, 2745
KATHLEEN A. MULLEN, 1560
DAVID R. MULLINS, 7230
GEORGE R. MURGA, 5151
DAVID E. MURPHY, 5690
JAMES P. MURPHY, 5841
DAVID S. MURRAY, 8744
CHRISTOPHER S. MUSSELMAN, 7028
ANTHONY M. MYERS, 5329
LARRY A. MYERS, JR., 1518
PAUL S. NAGY, 8362
MELVYN N. NAIDAS, 7288
JASON M. NAIDYHORSKI, 6699
MICHELLE L. NAKAMURA, 7772
JASON A. NEAL, 3713
TYLER Y. NEKOMOTO, 1551
IAN R. NESBITT, 3587
MARK P. NEVITT, 4363
DANIEL A. NICHOLS, 2961
JEREMY P. NILES, 0591
WILLIAM J. NINK, 2523
ROGER D. NISBETT, 3467
MICHAEL A. NORTON, 1682
BRENDAN T. OBRIEN, 2075
JESSICA J. OBRIEN, 7621
PAUL J. ODEN, 6772
ERIK ODOM, 1797
BRIAN P. ODONNELL, 9583
EDWARD J. OGRADY III, 6142
JOHN P. OLIVER II, 1414
PATRICK H. OMAHONEY, 0653
ROGER K. ONAGA, 7338
TERRANCE D. ONEILL, 8985
SEAN D. OPITZ, 2739
JEFFERY R. ORR, 0774
CHRISTOPHER M. OSBORN, 8948
TIMOTHY A. OSWALT, 6491
ERIC G. PACHECO, 5569
IAN B. PADDOCK, 5962
WILLIAM B. PALMER II, 6957
DANIEL P. PAPP, 2459
DAVID C. PARKER, 9893
AARON M. PARKS, 8644
LAWRENCE D. PARKS, 1058
WILLIAM F. PARMENTIER, 4787
GONZALO PARTIDA, 9459
ERIC S. PARTIN, 4026
KAMYAR PASHNEHTALA, 3763
DOMITILO M. PASTORIN, JR., 7710
NIRAV V. PATEL, 0704
HADEN U. PATRICK, 3568
DOUGLAS A. PATTERSON, 3247
GEOFFRY W. PATTERSON, 2017
MICHAEL J. PAUL, 4467
ALEXEI M. PAWLOWSKI, 4673
ROBERT S. PEARSON, 5560
WALTER T. PEASLEY, 5230
MATTHEW J. PERCY, 3173
LESTER B. PERSON, 1247
DOUGLAS M. PETERSON, 9910
MATTHEW D. PHANEUF, 8255
BENJAMIN A. PHELPS, 1292
VANNAVONG PHETSOMPHOU, 1640
ISAAC A. PHILIPS, 1027
LONNIE R. PHILLIPS, 9852
MIKAL J. PHILLIPS, 1469
RYAN M. PHILLIPS, 8559
TODD K. PHILLIPS, 7669
WILLARD L. PHILLIPS, 1420
MICHAEL A. PICCIANO, 5910
JAMES M. PICKENS, 3507
DANIEL C. PIERCE, 7761
GLENN D. PIERCE, 1920
KENNETH L. PIERCE, 0474
JEROME R. PILEWSKI, 7924
DAVID S. PLACE, 8920
STEPHEN C. PLEW, 3622
COREY J. PLOCHER, 0717
CHRISTOPHER J. POLK, 5731
LONNIE M. POPE, 8831
THOMAS R. POULTER, 9160
HAROLD S. POULTON, 0392
KEITH M. POWELL, 8399
MICHAEL E. POWELL, 3902
DAVID J. PRAISLER, 0872
ANDREW L. PRESBY, 4044
STACEY A. PRESCOTT, 2437
WILLIAM G. PRESSLEY, 7805
SHAWN M. PRICE, 3116
COREY L. PRITCHARD, 0651
GREGORY J. PROVENCHER, 8375
BRETT A. PUGSLEY, 3759
PATRICK D. PURCELL, 7529
ERIC J. PURVIS, 5108
JAMES A. QUARESIMO, 8312
DANIEL T. QUINN, 3903
JAMES W. RACHAL, 8451
JOSEPH P. RADELL, 4942
MICHAEL J. RAK, 9583
CHRISTOPHER A. RAKOV, 6781
RONALD A. RALLS, 2597
KEVIN W. RALSTON, 4183
JAMES F. RANKIN, 3939
CLARK J. RASCO, 3942
DAVID E. RASH, JR., 1040
DAVID W. RAUENHORST, 0279
DAVID M. RAY, 4109
MATTHEW G. REAMS, 8003
LAURENCE D. REAY, 5572
KELAND T. REGAN, 7746
TIMOTHY P. REIDY, JR., 3136
WILLIAM R. REILEIN, 3626
DAVID S. REILLY, 7673
PAUL B. REINHARDT, 1448
JASON S. RELLER, 5343
ALFREDO R. RENDON, 7102
HENRY L. RENDON, 7302
MATTHEW A. RENNER, 7823
JAMES T. REYNOLDS, 4054
JASON M. RHEA, 5569
JOHN M. RHODES, 7952
KENNETH W. RICE, 8598
BRIAN A. RICH, 9041
CHRISTOPHER A. RICHARD, 7549
JAMES M. RICHARDS, 4136
JEFFREY A. RICHTER, 3182
STEPHEN L. RIGGS, 3940
ROBERT M. RINAS, 2360
ANDREW H. RING, 0995
EDERLAIDA A. RITTER, 0862
RICKY RIVERA, 9893
ROBERT P. ROBBINS, 0253
CHRISTOPHER L. ROBY, 5057
RANDY L. ROCCI, 8862
STEVEN L. RODENBAUGH, 7959
TONY M. RODGERS, 4902
ERIC W. ROE, 8160
STEPHEN M. ROE, 4774
DAVID J. ROGERS, 5063
JEFFREY D. ROGERS, 2905
PHILLIP A. ROGERSON, 8167
CHRISTOPHER F. ROHRBACH, 5218
OSCAR E. ROJAS, 9164
ALEXANDER ROMO, 9848
KENNETH R. ROMO, 7018
SEAN RONGERS, 9282
ARNOLD I. ROPER, 7122
ANDREW C. ROSS, 1573
MATTHEW B. ROSS, 2361
JOANNIS C. ROUSSAKIES, 1501
JON J. ROWE, 8144
ROBERT A. ROY, 5645
ERIC J. ROZEK, 0446
JOHN G. RUANE, 8228
JOHN A. RUBINO, 2696
DAVID J. RUETER, 5784
MICHAEL A. RUTH, 3440
MATTHEW F. RUTHERFORD, 6175
WILLIAM S. RUTHERFURD, 1613
PETER G. RYBSKI, JR., 6551
THOMAS A. RYNO, 9323
VAN E. RYPEL, 3807
ZACHARY SALAS, 5422
ROMMEL J. SALGADO, 3424
JASON A. SALINAS, 5991
MICHAEL A. SALKA, 8939
DEAN O. SAMANIEGO, 1733
SCOTT F. SAMO, 9259
JEFFERY D. SAMPSON, 1654
ADAM M. SAMUELS, 5330
ROBERTO F. SANCHEZ, 1710
RODNEY A. SANCHEZ, 0329
RUSSEL B. SANCHEZ, 0879
BRIAN J. SANDBERG, 6501
WALTER G. SANDELL, 3446
KARREY D. SANDERS, 2617
ADAM P. SCHLISMANN, 9781
WILLIAM M. SCHOMER, 4460
ERICH J. SCHUBERT, 2106
ERIC A. SCHUCHARD, 2212
ASHLY H. SCHWARTZ, 9159
JASON W. SCHWARZKOPF, 8419
LEON B. SCORATOW, 4696
BRANDON M. SCOTT, 3067
DEAN L. SCRIVENER, 8616
ALBERT C. SEEMAN, 7977
KEVIN S. SEIBEL, 0153
BRANDON G. SELLERS, 9933
MICHAEL I. SELLERS, 0942
DAVID D. SHAND, 1624
RYAN P. SHANN, 6854
JOHN D. SHANNON, 1607
LEE H. SHANNON, 5445
PETER J. SHEEHY, 6607
JAMES P. SHELL, 4919
JASON J. SHERMAN, 7515
NATHAN D. SHIFLETT, 5757
KEVIN R. SHILLING, 4686
CHRISTOPHER K. SHIPE, 3664
WILLIAM H. SHIPP, 1204
GARRETT W. SHOOK, 9749
ROBERT Y. SHU, 4066
BARRY J. SHUEMAKER, 9858
MARK F. SILBERNAGEL, 8796
CHRISTOPHER A. SILVA, 0918
MICHAEL C. SIMPSON, 5924
BRIAN C. SINCLAIR, 3727
ANTHONY D. SINGLETON, 8222
ERIC J. SINIBALDI, 1695
ROBERT G. SINRAM, 8661

SHARN R. SKELTON, 0446
DAMON M. SLUTZ, 4487
ROBERT G. SMALLWOOD III, 8124
DAVID T. SMITH, 7096
GERALD N. SMITH, 4160
GREGORY A. SMITH, 3470
JANICE G. SMITH, 0436
JEFFREY J. SMITH, JR., 8017
JERRY D. SMITH, 3228
LLOYD L. SMITH, 0222
MELVIN R. SMITH, JR., 9971
ROBERT S. SMITH, 5715
MATTHEW M. SNIFFIN, 5089
WILLIAM S. SNYDER, JR., 0639
PATRICIA A. SOLLITTO, 9336
VICTOR SORRENTINO, 6513
MICHELLE G. SOUTHARD, 2499
CRAIG E. SPEER, 7030
JONATHAN E. SPORE, 7049
SINGO S. SPRAUVE, 0791
JOHN W. STAFFORD, 6712
RICHARD J. STAFFORD IV, 6148
JONATHAN A. STALEY, 2422
JASON W. STARMER, 8273
DAVID L. STEBBINS, 9838
JEFFREY W. STEBBINS, 4702
TIMOTHY M. STEELE, 7179
GARY C. STENSON, 8553
THOMAS A. STEPHEN, 1206
THOMAS S. STEPHENS, 9172
WILLIAM F. STEVENS, JR., 4534
JAMES W. STEWART, 8809
JASON W. STEWART, 0942
BRETT A. STGEORGE, 0308
JASON W. STICHT, 9036
KATHERINE F. STLAURENT, 5640
KELSEY P. STLOUIS, 4834
GHISLAINE W. STONAKER, 7957
RONALD L. STOWE, 4718
ANDRE J. STRIDIRON III, 7763
RAYMOND G. STROMBERGER, 4133
MICHAEL R. STRONG, 5434
JASON R. STUMPF, 1668
JARROD W. STUNDAHL, 1005
JEFFREY D. STURM, 8974
LUKE C. SUBER, 6944
RONALD J. SUCHARSKI, 3311
CHRISTOPHER M. SULLIVAN, 8893
JAMES T. SULTENFUSS, 9408
PAUL P. SUMAGAYSAY, 6856
EDWARD D. SUNDBERG, 4666
SCOTT A. SWAGLER, 7967
MATTHEW R. SWANSON, 8125
JEREMIAH SWARTZLENDER, 7331
AARON W. SWENSON, 8079
WILLIAM F. SWINFORD, 8978
GLENN D. SWITTS, 8324
MICHAEL J. SZCZERBINSKI, 2569
OLAF O. TALBERT, 6358
RENEE C. TANAKA, 8465
SCOTT T. TASIN, 4236
CORA C. TAYLOR, 0016
JASON S. TAYLOR, 4793
JENNIFER D. TAYLOR, 8144
JOSHUA P. TAYLOR, 1482
JASON D. TEETER, 5878
RODOLFO N. TERRAZAS, 9361
MILCIADES THEN, 0137
MATTHEW C. THOMAS, 0230
JEREMY F. THOMPSON, 9433
JOSEPH P. THOMPSON III, 4211
MICHAEL B. THOMPSON, 1456
SHEA S. THOMPSON, 0394
TIMOTHY M. THOMPSON, 4236
JAMES T. THORP, 0696
TROY A. TINKHAM, 4065
LYNDEN R. TOLIVER, JR., 0419
JASON L. TOMASOVIC, 3672
BLAINE K. TOMPKINS, 6408
MICHAEL G. TORIBIO, 5171
BLAKE J. TORNGA, 4492
JASON I. TOSCANO, 2834
SUMMER S. TOSCANO, 6532
MATTHEW A. TOTORO, 9547
JARA D. TRIPIANO, 0094
MATTHEW B. TUCKER, 4973
BRIAN A. TUIN, 9248
DANIEL W. TURBEVILLE, 5226
MICHAEL E. TURNER, 4897
CARLOS URBIZU, 0710
MICHAEL R. VAAS, 5298
ELISABETH A. VAGNARELLI, 9630
STEPHEN M. VAJDA, 4793
ADRIAN F. VANDELLEN, 0605
MAGNUM O. VASSELL, 0358
JEREMY T. VAUGHAN, 6663
JAMES O. VEGA, 8922
IVAN J. VILLESCAS, 0086
JOHN A. VOIGHT, 0969
KEVIN J. VOLPE, 5002
RICHARD D. VTIPIL, 0459
HOLGER M. WAGNER, 8452
TIMOTHY L. WAITS, 1082
DENNIS J. WAJDA, 6639
STEPHAN E. WALBORN, 0446
STANLEY M. WALKER, 7716
CURTIS J. WALKINS, 5122
KENNETH WALLS, 7112
SAMUEL G. WARTELL, 4026
GARY L. WASHBURN, 1612
DANIEL WEBSTER, 1893
JOHN W. WEIDNER, JR., 1104
EDWARD M. WEILER, 8875
JAMES F. WELCH, 1729
DAVID S. WELLS, 7112
ROBERT A. WESTLUND, 5074
DONALD G. WETHERBEE, 3777
MICHAEL G. WHEELER, 0667
BRIAN P. WHITESIDE, 3949
CARL B. WHORTON, 6927
PATRICK W. WIEGLEB, 1185
TROY E. WILCOX, 9782
MATTHEW D. WILDER, 0667
PAUL D. WILL, 8178
JASON W. WILLENBERG, 4796
MATTHEW D. WILLER, 8844
CHRISTOPHER J. WILLIAMS, 7025
ETHAN R. WILLIAMS, 9141
PATRICK S. WILLIAMS, 1981
SAI G. WILLIAMS, 7681
JOHN G. WILLINK, 7528
CHARLES J. WILSON, 0003
MARIE A. S. WISE, 9945
ROBERT C. WISE, 8986
GREGORY R. WISEMAN, 9370
DORSEY G. WISOTZKI, 2404
THADDEUS S. WITHERS, 2464
RONALD L. WITHROW, 0996
MICHAEL F. WOLNER, 0436
ROBERT G. WONG, 1768
JASON M. WOOD, 7774
JOHN I. WOOD, 6181
CASEY L. WOODS, 7767
ROBERT D. WOODS, 4331
BRYAN M. WORSWICK, 3788
CRAIG E. WORTHAM, 9671
GRAHAM L. WRIGHT III, 3029
ANDREW J. WYLIE, 1251
ROY A. WYLIE, 5146
STEPHEN S. WYNFIELD, 5561
MARK E. YATES, 1618
JAMES A. YEATS, 5863
JAESEN V. YERGER, 4275
ABRAHAM N. YOUNCE, 8634
ROY M. ZALETSKI, 9399
RICHARD A. ZASZEWSKI, 3530
KEVIN P. ZAYAC, 6932
TODD C. ZENNER, 4164
THOMAS J. ZERR, 3438
JASON A. ZIEBOLD, 8725
JESSE J. ZIMBAUER, 2351
ANTHONY D. ZIMMERMAN, 9864
GREGORY M. ZIMMERMAN, 7158
JAMES G. ZOULIAS, 5600

THE JUDICIARY

HALIL SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE DAVID C. BRAMLETTE, RETIRED.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE GARY L. TAYLOR, RETIRED.

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE RONALD S. W. LEW, RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, September 5, 2006:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROBERT S. MARTIN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

KIMBERLY ANN MOORE, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

HOUSE OF REPRESENTATIVES—*Wednesday, September 6, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BISHOP of Utah).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 6, 2006.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. J. Alfred Smith, Sr., Senior Pastor, Allen Temple Baptist Church, Oakland, California, offered the following prayer:

O God, Your sacred word teaches us the words of Jesus who said: "Blessed are the peacemakers, for they shall be called the children of God."

Teach us the religion of African American slaves who sang about laying down their burdens and studying war no more. Give us the knowledge for understanding how to remove the causes of violence. Open our eyes to see that violence as a solution only multiplies escalating violence.

Grant us the wisdom to make peace in our heads, hearts, homes, school houses and legislative houses. Grant us the courage to become advocates for the weak in our society, for the strong are their own advocates. May the fresh awareness of Your invisible presence guide each of us today as we seek not to be problems, but solutions for the ills of our hurting world.

Help the elected leaders of this U.S. House of Representatives serve as eyes for the blind, voices for the voiceless, and advocates for the last, the least, and the left out.

We pray this prayer in the name of the One who is wonderful, counselor, the Mighty God, the everlasting parent and the Prince of Peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 466. An act to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2006, at 10 a.m.:

That the Senate passed S. 843.

That the Senate passed without amendment H.R. 4.

That the Senate passed with an amendment H.R. 3858.

That the Senate passed S. 1899.

That the Senate passed S. 3836.

That the Senate passed S. 2068.

That the Senate passed S. 2694.

That the Senate passed S. 3534.

That the Senate agreed to H. Con. Res. 467.

With best wishes, I am.

Sincerely,

KAREN L. HAAS,
Clerk of the House.

THE REVEREND DR. J. ALFRED SMITH, SR.

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise today to welcome and to recognize my pastor who offered this powerful prayer as we opened our session today, the Reverend Dr. J. Alfred Smith, Sr., of the Allen Temple Baptist Church in Oakland, California, in my district.

Among his many accomplishments, Pastor Smith serves as a distinguished professor of Christian ministry and preaching at the American Baptist Seminary of the West and the Graduate Theological Seminary in Berkeley, and is the past national president of the Progressive National Baptist Convention and the American Baptist Church of the West.

From his work in helping ex-offenders to turn their lives around and successfully return to our community, to his efforts in the fight against HIV and AIDS, I can tell you that you can see the results of his loving and his spirit-filled ministry in my district. Pastor Smith has been described as a drum major for justice, peace and righteousness, and he has been a source of strength and inspiration for me and for thousands in our community and throughout the world.

So as Congress reconvenes, I want to thank Pastor Smith for his powerful words of wisdom and of guidance, and for a lifetime of service to God and to humankind, and to my Allen Temple family, several of whom have joined us this afternoon in the House gallery. Thank you, Pastor Smith.

NATIONAL SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to address the single most important function of the Federal Government: national security and the protection of our citizens. The United States is in an ongoing war on terror. While we have achieved many successes, such as the recent apprehension of Hamid al-Su'aydi, al Qaeda's second-highest ranking member in Iraq, we must not relent in the apprehension and destruction of global terrorist cells.

We are making progress in the global war on terror, but there is still more to be done. The August 31 deadline for Iran to stop producing nuclear fuel has been ignored. And although the United States, along with three European allies, is assembling a list of sanctions to present to the United Nations, it is no surprise that many of the U.N. sanctions and resolutions go ignored.

It is time the United States made clear that Iran's nuclear ambitions

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

must not go unchecked. A well-known philosopher once said that a nation never falls but by suicide. If we ignore the current threat of terrorism, the nuclear ambitions of rogue nations, we are certainly setting our Nation on a path to suicide.

Mr. Speaker, we must continue to relentlessly pursue and eliminate the global terrorist network, as well as ensure that the nuclear ambitions of Iran are eradicated. Not only will this aid in the stabilization of the Middle East, but in the security of all Americans.

SENATE MUST PASS THE SECOND CHANCE ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I too want to welcome the Reverend Smith and the Allen Temple Church and especially commend them for their work with ex-offenders and ex-offender reentry.

We were very fortunate to get passed out of Judiciary before the recess the Second Chance Act; and I would hope that before we adjourn this year, that both the House and the Senate will have passed that legislation, sent it to the President's desk, and he will have signed it, because it is one of the most important things we can do.

REAL COMMITMENT—NOT RHETORIC—NEEDED TO WIN WAR ON TERROR

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, we have been hearing a great deal lately from the Democrats about their ideas on how to fight and how to win the war on terror. But yesterday I was listening to the White House press secretary, Tony Snow, give his daily briefing. I thought he summed up the Democrats' position on the war on terror very clearly.

He said: "There have been some in the Democratic Party who have argued against the PATRIOT Act, against the terrorist surveillance program, against Guantanamo. In other words, there are some who say that we should not fight the war, we should not apprehend al Qaeda, we should not detain al Qaeda, we should not question al Qaeda, we should not listen to al Qaeda. In other words, they are all for winning the war on terror, but they are against providing the tools for winning that war."

Mr. Speaker, now those same people want America to entrust them with power, to set national policy in the war on terror. And this month we will be addressing many issues important to the security of our Nation: defending against terror, prosecuting terrorists, securing our borders. I urge every American to watch how each Representative and each party votes on these very important issues, and they will each know which party truly stands for security from terror.

AMERICA'S STRONG ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, while traveling by bus through the 10 counties of South Carolina's Second Congressional District last month, I visited with chambers of commerce, schools, and booming local businesses. During these visits, I saw the effects of Republican tax reductions and pro-growth initiatives at work.

Due to the Republicans' fiscal policies, workers are keeping more of their own money. In turn, they are investing more money in their local economies. Last month, the unemployment rate dipped to 4.7 percent, one of the lowest points since 2001. Yet just last week, House Democratic Leader NANCY PELOSI stated: "Our economy is moving in the wrong direction."

I am grateful that American workers can celebrate 36 consecutive months of job growth, creating nearly 6 million new jobs. Homeownership is at a record high of nearly 70 percent, and more persons than ever in history are fulfilling the American Dream.

In conclusion, God bless our troops, and we will never forget September 11.

HONORING ANDRE AGASSI

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I appreciate this opportunity to recognize a great Nevadan whose name is Andre Agassi for his 20 years of success as an athlete. His professional career goes from eight Grand Slam titles, 60 singles titles, Olympic gold medal and number one in the world in tennis.

But I am here to share with you that his success is far greater than that on the court. Off the court, Mr. Agassi has raised close to $50 million to help abused and neglected children in the State of Nevada, has created a Boys and Girls Club, a K-12 charter school, cottages for medically fragile children and is certainly a loving father and husband.

History will show that he is one of the greatest athletes in modern times, but I truly believe that his charitable, humanitarian approach to our community will overshadow his athletic success. He told his fans that he was inspired by his fans.

He truly has been an inspiration for our community in Nevada and for our country. I rise today recognizing Andre Agassi as a great American hero.

AMERICAN ENERGY POLICIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, since this Chamber last met, there has been some good news regarding American energy. Over the past 2 weeks, gas prices have been dropping, providing some relief for Labor Day travelers.

Just this week a group of oil companies announced a discovery of a petroleum reserve that could increase America's proven reserves by as much as 50 percent. This is good news, Mr. Speaker. But more can be done.

This year alone, the House has passed several meaningful bills aimed at boosting our domestic energy supply. In May we authorized environmentally responsible energy exploration in Alaska. In June we passed legislation to streamline the process for building new refineries in our country. We also authorized access to the enormous reserves known to exist off our coast on the Outer Continental Shelf.

Mr. Speaker, the House has a strong record on energy independence. But there are only a limited number of days left on the calendar. Now it is time for the Senate to take action on these bills and keep the good energy news coming for the American consumer.

☐ 1415

HONORING THE LITTLE LEAGUE WORLD SERIES CHAMPIONS FROM COLUMBUS, GEORGIA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Little Leaguers from Columbus, Georgia, who on August 28 defeated their worthy opponents from Japan to win the Little League World Series.

Mr. Speaker, this is a truly remarkable accomplishment. It is the ultimate achievement in Little League sports. Performing so well under pressure in front of the massive Williamsport crowds, as well as millions watching on national television, it is a testament to the tremendous talent, character and fortitude of these boys from Columbus.

Mr. Speaker, in 1983, another team from Georgia bested the Dominican Republic to win the Little League World Series. By now, these boys are grown men, and some pursued a future in professional baseball. Adam Olmstead, the starting third baseman and son of my nurse, Lynn, when I practiced medicine, is now a prominent radiologist in Florida.

Mr. Speaker, this shows us that many of our best and brightest student athletes pass through Williamsport in this character-building experience on their way to excellence in a variety of professional fields. These boys from Columbus are no exception. They made their community and their country very proud, Mr. Speaker, and are a great example of the future leaders our Nation needs.

Again, I offer my congratulations on a job well done.

THANK GOD FOR GEORGE BUSH AND DON RUMSFELD

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, we have heard recently from our friends across the aisle that supposedly George Bush and Don Rumsfeld are responsible for the terrorist attacks that have been going on. If you believe George Bush and Don Rumsfeld are responsible for the terrorist attacks that are occurring, then you have to absolutely believe that Bill Clinton caused 9/11. There is no other choice, because we know unequivocally that the planning for 9/11 occurred during the 1990s when Bill Clinton was President. Though Bill Clinton may have been guilty of many things, he was not guilty of bringing about this kind of horror. Yet, they plotted and planned while he was President.

If you look at the areas and causes for which Bill Clinton committed troops, it was generally to help Muslims. He was the most friendly President to Palestinians in history. He did nothing to deserve 9/11 being plotted during his presidency. Yet it was.

So, the current President understands that we are in a war for our survival and we cannot walk away from it. The terrorists want to take us back to the Dark Ages. This is a fight we cannot walk away from unless we are prepared to go to the Dark Ages.

Thank God for George Bush and Don Rumsfeld. They understand that since our first attack in 1979, we are in a war for survival.

CREATIVE FEDERALISM—HEALTH COVERAGE INNOVATION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, is it not time that we in Congress take real steps forward to increase the number of Americans with health insurance? The latest Census Bureau report shows us that there are over 46 million Americans without health insurance coverage. To resolve this problem and relieve the burden this places on our health care system, we need an innovative and new approach.

The bipartisan Health Partnership Through Creative Federalism Act, H.R. 5864, offers that inventive path. Creative Federalism provides for innovation in health care through State initiatives that expand health care coverage. It empowers States and other regions to tailor health programs to their specific needs, thereby increasing access to health care all across this Nation.

Members from both sides of the aisle realize that to solve a problem of such significance, we need fresh thinking and new ideas. States should be encouraged to consider a variety of reforms, tax credits, pooling programs, health savings accounts or a combination of other options.

Mr. Speaker, the status quo is unacceptable. The Health Partnership Through Creative Federalism Act, H.R. 5864, can lead us to a new period of greater health coverage and more insured Americans, and Mr. Speaker, that is a good thing.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 3, 2006, at 9:45 a.m.:

That the Senate passed S. 2555.

That the Senate passed S. 3613.

That the Senate passed without amendment H. Con. Res. 399.

That the Senate passed without amendment H.R. 4646.

That the Senate passed without amendment H.R. 4811.

That the Senate passed without amendment H.R. 4962.

That the Senate passed without amendment H.R. 5104.

That the Senate passed without amendment H.R. 5107.

That the Senate passed without amendment H.R. 5169.

That the Senate passed without amendment H.R. 5540.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2006, at 11:45 a.m.:

That the Senate passed with an amendment H.R. 3508.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore Tom Davis signed the following enrolled bills on Wednesday, August 9, 2006:

H.R. 4, to provide economic security for all Americans, and for other purposes;

H.R. 4646, to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building";

H.R. 4811, to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building";

H.R. 4962, to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building";

H.R. 5104, to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office";

H.R. 5107, to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building";

H.R. 5169, to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr., Post Office";

H.R. 5540, to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office".

APPOINTMENT AS MEMBER TO BOARD OF TRUSTEES OF AMERICAN FOLKLIFE CENTER

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 2103(b) and the order of the House of December 18, 2005, the Chair announces the Speaker on August 15, 2006, appointed the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House for a term of 6 years:

Mr. C. Kurt Dewhurst, Michigan.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

U.S. HOUSE OF REPRESENTATIVES,
August 17, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As the House Democratic Leader and pursuant to Section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), I hereby appoint Ms. Barbara Arnwine of Washington, D.C. to the U.S. Election Assistance Commission Board of Advisors. The appointment is a two-year term.

If you have any questions regarding this appointment, please contact me or Jonathan Stivers in my office at 5-0100. Thank you.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM DISTRICT REPRESENTATIVE OF HON. JERRY LEWIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Tara Clarke, District Representative of the Honorable JERRY LEWIS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena, issued by the San Bernardino Court of the State of California, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TARA CLARKE,
District Representative.

COMMUNICATION FROM DISTRICT REPRESENTATIVE OF HON. JERRY LEWIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Janet Scott, District Representative of the Honorable JERRY LEWIS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena, issued by the San Bernardino Court of the State of California for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JANET SCOTT,
District Representative.

COMMUNICATION FROM THE HONORABLE STEVEN C. LATOURETTE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEVEN C. LATOURETTE, Member of Congress:

CONGRESS OF THE UNITED STATES,
August 16, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Cuyahoga County, Ohio Court of Common Pleas.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Sincerely,

STEVEN C. LATOURETTE

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2808) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln, as amended.

The Clerk read as follows:

H.R. 2808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abraham Lincoln Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in present-day LaRue County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for his country, dying from an assassin's bullet on April 15, 1865.

(6) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(7) The Abraham Lincoln Bicentennial Commission has been charged by Congress with planning the celebration of Lincoln's bicentennial.

(8) The proceeds from a commemorative coin will help fund the celebration and the continued study of the life of Lincoln.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—All coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of President Abraham Lincoln.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2009"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the Abraham Lincoln Bicentennial Commission; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2009.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1), title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Abraham Lincoln Bicentennial Commission to further the work of the Commission.

(c) AUDITS.—The Abraham Lincoln Bicentennial Commission shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from Illinois (Ms. BEAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I rise today to urge passage of H.R. 2808, the Abraham Lincoln Commemorative Coin Act. I commend my friend, the gentleman from Illinois (Mr. LAHOOD), for its introduction.

Mr. Speaker, in 2009, our great Nation will celebrate the bicentennial of President Abraham Lincoln's birth. To commemorate this event, the bill we are considering today authorizes the Secretary of the Treasury to mint as many as half a million silver $1 coins for sale in 2009. Surcharges on the sales will be used to fund the work of Abraham Lincoln's Bicentennial Commission, which is planning various special events to commemorate the occasion of Lincoln's birth.

I fully support this program, Mr. Speaker, because there is so much to learn about this great man. Certainly, he was a tremendous President, perhaps the only man who could have held this country together during the difficult period of his presidency. Certainly, he freed the slaves, and certainly he left us some of our clearest statements of what the United States stands for both as a Nation and as a symbol.

But so much more has been said and written about him, so much that can shed light on different aspects of this man, from his persona to his presidency. As a matter of fact, thanks to the hard work and efforts of my colleague Mr. LAHOOD and others, an Abraham Lincoln Presidential Library and Museum just opened in Springfield, Illinois, in April of 2005 to help Americans rediscover one of their greatest Presidents.

There is no disputing that Lincoln was a great man. One of my favorite stories of his presidency could not happen today. It involves an event on which some claim the entire Civil War turned.

Early on in the war, an inventor presented himself at the White House with a new weapon and was led in to see the President. Lincoln, who had been quite a hunter in his youth, is said to have taken this new weapon out to the south lawn to try it out on a pile of firewood. The President immediately saw the great potential in its accuracy and speed, and his decision to arm the Union troops with a new repeater rifle many claim is one of the reasons the Union side won the war.

Mr. Speaker, the point of this story is not to talk about firearms but to talk about a remarkable man who literally took charge of a deeply divided Nation when he became President. His leadership through such a tumultuous time in our Nation's history certainly qualifies him as one of the greatest individuals to represent the State of Illinois.

It is that great President who will be honored by the minting of these coins and whose memory will be brought to life to a whole new generation in just 3 short years. For that reason, Mr. Speaker, I urge immediate adoption of this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BEAN. Mr. Speaker, I yield myself as much time as I may consume. I thank the gentlewoman from Illinois, Congresswoman BIGGERT.

As a member of the Illinois delegation, I am proud to join my distinguished colleague today in support of H.R. 2808, the Abraham Lincoln Commemorative Coin Act. This bill celebrates the many contributions of our 16th President and one of Illinois' favorite sons, Abraham Lincoln, by directing the Treasury to mint a coin in commemoration of the bicentennial of his birth.

Born to humble roots in 1809, Abraham Lincoln and his family moved to Illinois in 1830. Lincoln would go on to serve in the Illinois House of Representatives, represent Illinois in the 30th Congress and run unsuccessfully for the U.S. Senate. In addition, he practiced law and later served as a judge.

In 1860, Abraham Lincoln was elected President in the midst of a Nation dissolving from within. By the time of his first inaugural address in March, seven States had already seceded from the Union. Yet, committed to doing everything in his power to prevent civil war, President Lincoln used his inaugural address to make a stirring appeal for the preservation of the Union, ending his address by saying:

"I am loathe to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."

Nevertheless, in April, Fort Sumter was attacked, and the war began.

For 4 years, Lincoln was consumed with winning the war and salvaging the Union, and as the war finally neared its end in March 1865, Lincoln focused on healing and reuniting a ravaged Nation. Instead of rebuking or punishing the Confederacy, Lincoln chose instead to offer a united vision of a healed country. During his last inaugural address, he said:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

□ 1430

Unfortunately, he would not live to see the end of the Civil War. In April of 1865, just blocks from where we stand today, Lincoln was assassinated at Ford's Theatre.

Abraham Lincoln's service to Illinois alone warrants our remembrance and recognition, but his stewardship and vision led our Nation through the darkest and most dangerous time in our history; and for that, all Americans today and all those to come, are forever indebted to him.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the author of this legislation, Mr. LAHOOD, from the great State of Illinois.

Mr. LAHOOD. Mr. Speaker, I thank Congresswoman BIGGERT and Congresswoman BEAN for this opportunity to consider the bill on the floor today that I have been working on for about a year and a half.

In a little more than 2 years, the United States will celebrate the 200th birthday of its greatest President, Abraham Lincoln. We are all familiar with this legendary man's story. He was born in poverty in Kentucky, educated himself while growing up in the wilds of southern Indiana, and after failing in business eventually established a thriving legal practice in Illinois. He overcame repeated obstacles in his personal, professional, and political life and rose to lead our country through the greatest crisis it has ever faced.

The American political system was still a fragile experiment, just 85 years old, when Abraham Lincoln became President in 1861. Many Europeans at the time viewed America's democracy with distaste and skepticism, and Lincoln knew that government of the people, by the people, and for the people would be discredited forever if a disaffected minority could simply withdraw from the government. His faith in representative government allowed him not only to save the Union but to forge a Nation.

As the Congressman who represents much of the same district he represented in the 30th Congress from 1847 to 1849, I am privileged to be involved in the work of the Abraham Lincoln Bicentennial Commission, on which I serve as one of the cochairs along with Senator RICHARD DURBIN and Harold Halzer. For the last several years, we have been striving to plan a fitting and proper celebration of the bicentennial of Lincoln's birthday in 2009. Among our efforts is this legislation that comes before the House today. H.R. 2808, the Abraham Lincoln Commemorative Coin Act.

This bill directs the Secretary of the Treasury to mint 500,000 one-dollar commemorative coins which would highlight the life and legacy of President Abraham Lincoln during the bicentennial year of 2009. Proceeds from the sale of the coin will help fund the celebration and the continued study of the life of President Lincoln.

This legislation could not have come to the floor today without the extraordinary help and assistance of Congressman JESSE JACKSON, Jr. In order to bring a bill like this to the floor, it requires 290 signatures of Members of the House in order to signal that the bill is prepared and ready to be considered by the House. Mr. JACKSON was a great help in lining up and getting the signatures so that we could bring the bill to the House.

I urge all to support the bill.

Ms. BEAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to rise in support of this legislation, and I commend my colleagues, Representative LAHOOD and Representative JACKSON from Illinois, for the work that they did on this legislation. I am pleased to join with Representatives BIGGERT and BEAN in expressing strong support for the measure.

Abraham Lincoln was obviously one of the great historical figures of our Nation, and I remember as a child that my mother used to tell us stories about Abraham Lincoln. I recall how we would sit around her in awe of his exploits. I ultimately became, I guess what I would call a Lincoln scholar after having decided to major in history in undergraduate school. And Abraham Lincoln is one of the reasons that I am proud to call myself an Illinoisan.

I am proud of the heritage of our State, proud of the tremendous work that he did and what he has meant to the development of what is the greatest Nation on the face of the Earth, the United States of America; and so I urge passage of this legislation.

Mrs. BIGGERT. Mr. Speaker, I reserve the balance of my time.

Ms. BEAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, in closing, I would just like to thank again my friend and colleague, Mr. LAHOOD, for his introduction of this bill; and I would also like to thank the Members of the Illinois delegation who have spoken so eloquently, and thank Ms. BEAN for her managing this bill and Mr. DAVIS for being here and Mr. JACKSON for also working on this bill.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 2808, the Abraham Lincoln Commemorative Coin Act, sponsored by the gentleman from Illinois, Mr. LAHOOD.

The legislation calls for the Secretary of the Treasury to mint and issue not more than 500,000 one-dollar silver coins in 2009, to mark the bicentennial of the birth of one of our greatest Presidents, Abraham Lincoln. The Nation's 16th President, he was born February 12, 1809, in present-day LaRue County, Kentucky.

Mr. Speaker, we all know the story of the tall, craggy man who went on to become a lawyer in Springfield, Illinois. Later, by dint of honesty, integrity, intelligence and compassion, became President, and served through some of the most trying times of our Nation. We all know the tragic story of his death after being shot at Ford's Theater on April 15, 1865. And we all know the Gettysburg Address and the Emancipation Proclamation.

Few of us know, I think, the history of that famous proclamation. Although it ended up as a proclamation by the President using his war powers, it started life as a normal piece of legislation. In fact, its existence first was reported 144 years ago in the famous Harper's Weekly magazine of July 26, 1862, which said: "The following message was delivered to Congress on Monday: FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES—Herewith is the draft of the bill to compensate any State which may abolish slavery within its limits, the passage of which, substantially as presented, I respectfully recommend. ABRAHAM LINCOLN."

Congress and President Lincoln already had started down the road to emancipation, freeing slaves in the District of Columbia on April 16 of that year and in U.S. territories two months later. Lincoln issued a preliminary emancipation proclamation on September 22 of 1862, shortly after the Union victory at Antietam, and the final proclamation January 1, 1863. The Thirteenth Amendment made the proclamation permanent late in 1865.

Mr. Speaker, those were astonishing actions, even for a time of war, and serve to remind us how truly remarkable Abraham Lincoln was. These coins called for in this legislation, and the surcharges on the sales of the coins that will be paid to the Abraham Lincoln Bicentennial Commission, will further illuminate Abraham Lincoln's life.

Mr. Speaker, this legislation has more than the 290 cosponsors required for consideration, and will proceed at no cost to the taxpayers. Companion legislation already has passed the other body. I recommend its immediate passage.

I enclose the following exchange of correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 5, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 2808, the "Abraham Lincoln Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on June 8, 2006. It is my expectation that this bill will be scheduled for floor consideration in the near future.

As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I request that your committee forego action on H.R. 2808 in order to allow the bill to come to the floor expeditiously. I appreciate your cooperation in so doing, and agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 5, 2006.
Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN OXLEY: I am writing concerning H.R. 2808, the "Abraham Lincoln Commemorative Coin Act," which is scheduled to be on the House floor on September 6, 2006.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 2808 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2808, the Abraham Lincoln Commemorative Coin Act.

This Act recognizes the fact that the year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln and directs the Secretary of the Treasury to mint coins commemorating his birth.

President Abraham Lincoln is one of the most important, most instrumental, and most revered individuals in our Nation's history. Few others have had such an important role in guiding the future of our Nation. He was committed to a government of the people, believed the Constitution was inviolate, and fought for the rights of every individual.

President Lincoln's achievements include no less than the abolishment of slavery, the survival of the Union and the civil rights of all individuals, regardless of race or creed. President Lincoln truly believed in and fought for one indivisible Nation with liberty and justice for all. The legacy he left after his tragic death has continued to inspire generations.

I hope that we, as elected Members of Congress of this great Nation, continue to find inspiration in President Lincoln's words from his Second Inaugural Address:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds."

In order to honor the 200th anniversary of his birth, the Abraham Lincoln Bicentennial Commission has been charged by Congress with planning the celebration of President Lincoln's bicentennial.

The proceeds from a commemorative coin will help fund the celebration and the continued study of the life of President Lincoln. 500,000 one dollar silver coins will be issued, dated in the year 2009.

I urge my colleagues to support this resolution.

Mr. EVANS. Mr. Speaker, it is with great admiration and respect that I rise today in support of H.R. 2808, the Abraham Lincoln Commemorative Coin Act. In celebration of Abraham Lincoln's 200th birthday, I join the Illinois delegation and other colleagues in honoring this great Illinoisan with a commemorative coin.

Abraham Lincoln was born on February 12, 1809 in Kentucky. As a young man, he moved to Illinois where he earned the nickname, "Honest Abe." He began his political career at the young age of 23, when he was elected to the Illinois General Assembly. After serving 12 years, Lincoln was elected to the House of Representatives. He went on to run for U.S. Senate, during which he debated Stephen Douglas in the cities of Quincy and Galesburg located in my district. Although he was defeated, Lincoln's call to public service was strong and unwavering; he reemerged two years later as a presidential candidate.

On November 6, 1860, Abraham Lincoln was elected the 16th President of the United States. From the beginning of his presidency, Lincoln was tasked with the challenge of reuniting a Nation divided over slavery and Civil War. President Lincoln was steadfast in his efforts to preserve our Union and never let the world forget that the Civil War involved an even larger issue. This he profoundly stated in dedicating the military cemetery at Gettysburg by proclaiming, "We here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

As Representative of the 17th District of Illinois, I look to the legacy of Abraham Lincoln for guidance and inspiration. Not only did Mr. Lincoln show great leadership during a tumultuous time in our history, but he exhibited determination and conviction as he successfully fought to defend the liberty of every American.

I urge my fellow colleagues to join me and vote in support of H.R. 2808, the Abraham Lincoln Commemorative Coin Act.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2808, a bill that directs the Treasury Department to mint 500,000 one-dollar coins marking Abraham Lincoln's 200th birthday. Abraham Lincoln is a true American hero who will always be remembered for his commitment to the ideals of freedom, democracy, and equal opportunity. Illinois, known as the Land of Lincoln, is where Lincoln lived for many years and began his political career. Today, many historical sites in Illinois are dedicated in honor of Lincoln and his legacy. Illinois will be a focal point for activities to celebrate the 200th anniversary of Lincoln's birth.

Besides being a noble tribute, this commemorative coin will help provide significant funding for the bicentennial and is an important part of how the United States will mark Lincoln's 200th birthday in 2009.

I urge my colleagues to support the bill.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 2808, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. BIGGERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL LIFE INSURANCE AWARENESS MONTH

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 912) supporting the goals and ideals of National Life Insurance Awareness Month.

The Clerk read as follows:

H. RES. 912

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September of 2006 as National Life Insurance Awareness Month as a means to encourage consumers to (1) become more aware of their life insurance needs; (2) seek professional advice regarding life insurance; and (3) take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Life Insurance Awareness Month; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 912, offered by the distinguished gentlewoman from Illinois (Mrs. BIGGERT), would support the goals and ideals of Life Insurance Awareness Month.

There is a growing crisis facing America today due to individuals not having enough life insurance coverage to provide for their loved ones in the event of their premature death. Statistics show more than 60 million Americans are estimated to lack sufficient coverage. When the worst happens, and financial preparations are deficient, the consequences can be dire. Those left behind are often forced to work additional jobs or longer hours, borrow money from friends and family, spend retirement or college savings, and move to less expensive housing. These situations can be prevented.

A life insurance policy guarantees that a designated amount of money will be available, generally income-tax free, at the very time it is needed most. This resolution would encourage consumers to take stock of their life insurance needs. The industry-wide effort is supported by many of the Nation's leading life insurance companies.

Together, industry organizations will stage several community activities in September in the hopes that more people will begin to consider their life insurance needs. I urge all Members to come together to support the critical need for the advancement of life insurance education by adopting H. Res. 912.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 912, which expresses the sense of Congress regarding the importance of life insurance. Life insurance provides financial security for families in the event of a premature death by helping surviving family members meet immediate needs and long-term financial obligations.

Almost 70 million Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones, yet the need for life insurance is well documented. Recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the deceased often results in the surviving family members being placed under an insurmountable burden, forcing family members to take on extra jobs, work longer hours, borrow money, and spend less time with their families. This takes place at a time when spending time with loved ones is important to heal and to recover from the tragedy of losing a family member.

By designating a month each year as Life Insurance Awareness Month, we are establishing just how important it is for families to learn and educate themselves about life insurance. As a society, we must take steps to make sure our children are safe and provided for. By supporting a Life Insurance Awareness Month, we are signaling to the American people that this is an important issue that they should consider in their financial planning.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as she may consume to my distinguished colleague from the State of Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise today to urge my colleagues to support House Resolution 912, which supports the goals and ideals of designating September as National Life Insurance Awareness Month. I want to thank my friend and colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), for introducing this resolution with me for the third year in a row and for his support on this important issue. Mr. KANJORSKI serves with me on both the Financial Services Committee and the Financial and Economic Literacy Caucus and has been an outstanding leader on the important issue of financial security.

I also want to thank the gentleman from Virginia, Chairman TOM DAVIS, for expeditiously moving this resolution through the Committee on Government Reform.

And last, I acknowledge and thank Senator BEN NELSON of Nebraska and Senator SAXBY CHAMBLISS for their contributions to this effort. They worked with us on this side of the Capitol to craft identical resolutions that garner both bipartisan and bicameral support. It is my hope that the Senate soon will pass its version of the resolution.

Mr. Speaker, life insurance too often is thought of only when it is too late. How many times have any of us heard friends or loved ones sadly reflect that the deceased had no life insurance or had too little life insurance. Today, only four in 10 Americans own an individual life insurance policy; and among those who do have life insurance, the amount is often too small to safeguard the financial future of their loved ones.

Because of insufficient coverage, family members often have had to work extra jobs or longer hours, borrow money, or move to less desirable housing. In short, these outcomes are only symptoms of the crisis of underinsurance that exists in our Nation today.

Mr. Speaker, House Resolution 912 calls on the Nation to observe the month of September as Life Insurance Awareness Month. The Life and Health Insurance Foundation for Education, the National Association of Insurance and Financial Advisers, the American Council of Life Insurers, and a coalition representing hundreds of leading life insurance providers and advocates have designated September 2006 as Life Insurance Awareness Month. Our collective goal for the month is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve financial security for their families.

Many of my colleagues on both the Financial Services and the Education and Workforce Committees have been working very hard to increase the level of financial literacy and economic education in this Nation. Understanding how financial products work and how they can work to build financial security are two important ingredients in a complete financial education.

This September I will join my colleagues and many others in helping to further educate Americans about the importance of life insurance to a sound financial plan. Losing a family member is painful enough without it being compounded by financial difficulties. It is my hope that recognizing Life Insurance Awareness Month will motivate Americans to seek out information about the benefits of life insurance so that if the premature death of a loved one does occur, they will be spared the economic hardships that often accompany tragedy.

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Mr. Speaker, I ask my colleagues to join me and support the goals and ideals of designating September as National Life Insurance Awareness Month.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I rise in strong support of the resolution I helped to introduce with my distinguished colleague from Illinois, Mrs. BIGGERT, House Resolution 912. This resolution would designate September as National Life Insurance Awareness Month.

Life insurance is a financial planning tool that all families should explore, but particularly at this time when we in this country are so interested in providing personal and family security. Life insurance is an element of that security which all families should consider and which is helpful in helping those families plan for their future needs.

To provide security in the event of an untimely death for a family is one of the most important aspects of financial life. Too often, we wait too long or ignore the advantage that this financial tool has and the use it should be put to, to provide the support for those left behind in an untimely death.

By designating September as National Life Insurance Awareness Month, we will hopefully highlight the importance of this financial instrument for the nearly 50 million Americans who presently lack the life insurance coverage needed to meet long-term financial needs of their families.

In closing, I urge my colleagues to support this important resolution to promote financial literacy.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I guess given the fact that today is my birthday, I recognize how important life insurance is because I have just gotten a bit older. So I am pleased to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support this resolution, which recognizes the goals and ideals of National Life Insurance Awareness Month.

Life insurance is an essential' part of a sound financial plan. Life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family.

Around 68 million United Sates citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones, most aware of neither the options nor the consequences.

Life insurance packages can help families protect themselves from additional burdens after the death of a family member by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care.

It is not, however, sufficient to simply encourage consumers to buy life insurance. There is an implicit responsibility in the business of insurance to conduct benefits with honesty, integrity, and decency. I have been shocked and appalled over the last year to see that those who so desperately needed assistance in the gulf region were denied coverage on specious reasoning.

Many of my constituents, both newly arrived and long-term residents, continue to try to rebuild their lives after last year's hurricanes. Many insurance policies distinguish between rain, wind, and flood damage. Government-issued policies do insure against flood damage, but most homeowners don't have them. In the Katrina-hit region, only about one-third of homes and one-fourth of businesses carried this Federal policy.

Just 2 weeks ago, a judge issued the verdict on the first of many pending lawsuits by homeowners trying to recover the costs of their lost homes. In Leonard v National Mutual Insurance Co., the homeowners, Paul and Julie Leonard, stated that their agent implied that they did not need flood insurance if they purchased wind and rain coverage. They thought storm surges and other water damage were covered if caused by a hurricane's wind.

Aside from the fact that it is unkind to exclude flood insurance in an area prone to flooding, yet it is immoral, and should be illegal to dissuade homeowners away from flood insurance by erroneously describing policy. Flooding exclusion language may make a few rich business people happy, but it irreversibly harms our neighbors and constituents.

Katrina cost insurers about $41 billion in claims, the largest event in the history of the industry, with homes accounting for nearly half of the total. More than 100,000 homes were damaged or destroyed by Katrina in what has been called the worst natural disaster in U.S. history.

The predicament of the Leonard family is not unusual, and a major public policy problem. Life insurance, and other insurance policies, must dutifully act as the crutch they are needed to be in times of crisis. Insurance companies should be ashamed of any activity that results in misleading, tricking, or deceiving its customers out of needed benefits.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the adoption of H. Res. 912, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 912.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF PRESTON ROBERT TISCH

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States.

The Clerk read as follows:

H. RES. 605

Whereas Preston Robert "Bob" Tisch was born on April 29th, 1926, in the Bensonhurst neighborhood of Brooklyn to a middle class family;

Whereas Bob Tisch attended Erasmus Hall High School in Brooklyn for 3 years and DeWitt Clinton High School in the Bronx for one year;

Whereas Bob Tisch earned a Bachelor of Arts degree in economics from the University of Michigan in 1948;

Whereas in 1948 Bob Tisch joined a family hotel business venture, the Laurel-in-the-Pines in Lakewood, New Jersey, establishing the foundation for his success;

Whereas from 1946 through 1959 Bob and Larry Tisch built a thriving hotel chain spanning New York, New Jersey, and Florida;

Whereas in 1959 Bob and Larry Tisch acquired a controlling interest in Loew's Theatres, consisting of 102 movie theatres and a New York radio station, WMGM;

Whereas the investment in Loew's Theatres formed the basis for the modern-day Loews Corporation, which was created in 1969;

Whereas Bob and Larry Tisch built Loews Corporation into one of the largest diversified financial corporations in the United States;

Whereas in 1986 Bob Tisch was appointed by the Board of Governors of the United States Postal Service as Postmaster General under the administration of President Ronald Reagan;

Whereas in 1991 Bob Tisch purchased a 50 percent share in the New York Giants Football Club;

Whereas Bob Tisch helped create the Meals-on-Wheels program and served as its president for over 10 years, frequently delivering meals himself;

Whereas Bob Tisch founded the Take the Field program, a program which during the 1990s raised over $100,000,000 in public and private funds to rebuild 43 athletic fields in New York City for the use of hundreds of thousands of public school students;

Whereas Bob Tisch gave countless millions of dollars to hospitals, charities, and universities in the spirit of improving the lives of Americans;

Whereas on November 15, 2005, Bob Tisch died of a brain tumor at the age of 79; and

Whereas the life of Bob Tisch serves as a model for self-made success and positive American philanthropy: Now, therefore, be it

Resolved, That the House of Representatives, on the occasion of the death of Preston Robert Tisch—

(1) expresses its deepest condolences to his wife of 57 years Joan and their 3 children; and

(2) recognizes the outstanding contributions Preston Robert Tisch made throughout his life to New York City, the New York Giants Football Club, the National Football League, and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Preston Robert Tisch realized a long-term dream in 1991 when he completed negotiations with Timothy Wellington Mara for a 50-percent interest in the New York Giants Football Club. Tisch played an active role in the organization as a member of the National Football League's Finance and Super Bowl Policy Committees, attaining a prominence in the sports arena equal to his position in the world of business.

Owning the Giants was one of many careers Tisch pursued simultaneously. He was the chairman and a director of the Loews Corporation, one of the country's most successful financial companies. From 1990-1993, Tisch served as chairman of the New York City Partnership, Inc., and the New York Chamber of Commerce and Industry, where he was instrumental in developing the campaign to enhance New York's position as an international business center.

After completing his term as chairman, Tisch remained on the Board of Directors of both organizations, now merged, and continued serving as a trustee of New York University. However, co-owning the New York Giants was his true love. As a lifelong sports fan, he attended every Giants game, home and away, and spent as much time working in his stadium office as possible.

I urge all Members to honor a man that promoted excellence in business and took every opportunity to give back to the community by adopting H. Res. 605.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 605, which recognizes the life and achievements of Preston Robert Tisch.

The New York Giants begin the 2006 football season next week absent the front office presence of Bob Tisch for the first time in 15 years. The Giants have been one of the National Football League's most successful franchises, and this is due in no small part to Tisch's leadership. The New York Giants grieve the passing of their former owner, but they do not grieve alone.

In addition to the New York Giants, Bob Tisch and his family own the Loews hotels and movie theaters and many other successful businesses.

However, Tisch will be remembered by many for his philanthropic ventures. Many organizations and educational institutions, such as the University of Michigan, his alma mater, and New York University, benefited from Tisch's generosity.

Tisch established the overwhelmingly successful Take the Field program. During the 1990s, the Take the Field program raised over $140 million to help rebuild dozens of athletic fields used by public school children in New York City.

Tisch also created the Meals on Wheels program and served as president of the program for a decade. It was not uncommon to find Bob Tisch delivering meals to those in need.

Bob Tisch was also a devoted and successful public servant. From 1986-1988, Tisch served as Postmaster General of the United States. He served honorably in his role at the United States Postal Service and created the Department of Philatelic Affairs. This department revolutionized the sale of stamps in postal facilities.

On November 15, 2005, Preston Robert Tisch lost his battle against brain cancer at the age of 79. In one last demonstration of his eminent generosity, Tisch donated $10 million to the Duke University Cancer Center that had treated and cared for him in his final days.

Mr. Speaker, I urge my colleagues to join me in strong support of H. Res. 605 in recognition of the life and work of Preston Robert Tisch.

Mr. Speaker, it is not unusual for individuals to become wealthy and to become successful. It is not even unusual for some of them to share some of what they have been able to accumulate with others. But in looking at the history of Preston Robert Tisch, it is difficult to find a more magnanimous individual who made greater use of his time, his energy, his efforts, and, of course, his wealth.

When you think of the Meals on Wheels program and the large numbers of senior citizens who have benefited so greatly from such a great program, you realize how great Mr. Tisch was and how long his legacy will continue to live.

Mr. Speaker, it is my pleasure to yield such time as she may consume to the Democratic Leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Illinois for yielding and thank all who were responsible for bringing this important tribute to the floor of the House.

Mr. Speaker, I rise with very mixed emotions about this. I am absolutely delighted that Bob Tisch is receiving the recognition that he deserves, and he deserves even more, but sad that it has come at a time when he has passed on.

I rise proudly to pay tribute to Preston Robert Tisch, known to all of us fortunate enough to call him "friend" as Bob. My friendship with him goes back to 1976; that would be 30 years, Mr. Speaker, a long, long time. It was at the time when he was the chair of the host committee for the Democratic National Convention in New York.

I later became the chair of its host committee for the convention in San Francisco and, as such, went to visit him to get some advice on how to make our city shine when all of that attention was focused on us. His advice was always excellent, professional and, in fact, nonpartisan. It was very important, he said, for this to be about your community. It isn't about the Democrats. It is about your city, your State and your welcome to a convention that is part of the democratic process. But your role is not a political one.

He was bipartisan in so much of what he did. He was a mentor to many, and I was very honored to receive advice from him now for the past 30 years.

Bob Tisch and his family, his brother Larry, are well-known to many of us on both sides of the aisle, and there wasn't anything that was wonderful in our community and our society and our economy that they weren't part of, whether it was the arts, the media, education, sports, again, very important factors in the economy.

But I guess the last note I received from Bob Tisch, he was on his way home from a football game, and I guess dictated it or something, but football was such a love for him. He found a way to combine his love for football with his philanthropic spirit by founding the Take the Field program. This is a wonderful, wonderful venture, a nonprofit organization dedicated to renovating and rebuilding the athletic fields at New York City's public high schools.

Bob believed in giving back to New York City public high schools, the public high schools that educated him, giving student athletes fields of play and single-handedly raising more than $147 million to do so.

Across the country, there is other evidence of Bob Tisch's generosity. His name graces both a medical center and an arts school at New York University, a gallery at the Metropolitan Museum of Art, and the Children's Zoo at Central Park.

Bob helped found Meals on Wheels and served as its president for 20 years. He delivered many meals personally to elderly patrons.

I wanted to just mention football, because he loved it so much. Many know Bob Tisch realized his lifelong dream in 1991 when he became chairman and co-CEO of the New York Giants. The Giants brought him great joy. He attended every game, both home and away, and spent as much time working in his stadium office as possible.

Bob was a tremendously talented businessman, as we discussed, a dedicated public servant who served as our Nation's Postmaster General, again, under a Republican President, a Democratic Postmaster General, and one of the most generous philanthropists our country has known.

As we pay tribute to Bob, we must remember the many people who loved him and grieve his death, especially his wife of 57 years, Joan Tisch; his children, Steven, Laurie and Jonathan; and his nine grandchildren.

The last time I saw Bob Tisch, he was having brunch, Sunday brunch, at the Regency Hotel with his family and some of his grandchildren. He held court there. Many of us would see him when we were in New York. He held court there, and it was just always a wonderful, wonderful, wonderful experience to see him. He was always so full of optimism and hope, even though, at some point, we didn't know how long he would be with us.

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I think the former mayor of New York City, David Dinkins said it best of Bob: When you think of Bob Tisch, you smile. Though we grieve the loss of Bob today, we smile as we remember his brilliant life.

Again, I hope it is a comfort to Joan, to Jonathan, to Steven and to Laurie, my friend, that so many people mourn their loss and are praying for them. He has been gone for a number of months, but we continue to pray for them and to sing the praises of this great man, Bob Tisch.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she might consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank my colleague for yielding, and I join my voice with the Democratic leader and Mr. FOSSELLA and many others in honoring Robert Tisch.

When Preston Robert Tisch passed away on November 15, 2005, America lost one of its preeminent and most successful business people. Anyone who followed his career or worked with him knew of his brilliant business sense, and anyone who has seen a movie in a Loews theater or stayed in a Loews hotel can attest to it.

But as much as Bob Tisch will be remembered for his many business successes, he will be remembered and honored for being one of our most caring and giving philanthropists and humanitarians. Anyone who has benefitted from the vital city Meals on Wheels program is a testament to his many efforts. In his business career, Bob was an enormous success, and he used his wealth and intelligence to assist those who need help the most. For that, we greatly admire him, and we honor him with this resolution today.

I am particularly proud, as is my colleague, VITO FOSSELLA, who introduced this resolution, that Bob Tisch was born and resided in our hometown, New York City. We were able to see the success and many good deeds up close, and our city has been the beneficiary of many of his best and most heartfelt ideas and programs. The City of New York thanks him and misses him.

Bob Tisch, the son of Russian immigrants and a native of Bensonhurst, Brooklyn, served our country in the Army during World War II. He graduated from the University of Michigan with a degree in economics and would go on to become the chairman and director of the highly successful Loews Corporation.

During the financial crisis of the 1970s, he organized business leaders from New York and around the country to earn the support of the Federal Government for New York City, and he helped rebuild our city. He helped our city go from bust to boom.

Bob Tisch served as the Postmaster General under President Reagan from 1986 to 1988 and, likewise, served as the chair of the National Democratic Convention. He was a man who was admired by both parties, admired by all people. He was chairman of the New York City Convention and Visitors Bureau for 19 years, and he was appointed by former Mayor David Dinkins to be the city's ambassador to Washington in 1990. You would often see him here in Washington visiting, talking, promoting New York City.

Perhaps his greatest feats, though, were his philanthropic efforts. Aside from the countless of millions of dollars he gave to charities, hospitals, universities and the Metropolitan Museum, Bob Tisch helped create city Meals on Wheels and was president for more than 20 years. The program provides food to the elderly and to the homebound, New Yorkers in need, allowing them to get nutrition and stay healthy in their homes.

More recently, Bob Tisch's Take the Field campaign raised more than $140 million to refurbish unkempt athletic fields of New York City's public schools.

Since 1991, Bob Tisch, a lifelong sports fan, owned 50 percent of the New York Giants Football Club, sharing it with another great New Yorker whom we recently lost, Wellington Mara.

Few Americans have done more in their lives or have helped more people than Bob Tisch. He is missed tremendously, especially in New York. As the companies he ran endure and as the philanthropic programs he created continue to help those in need, Bob Tisch will not be forgotten.

The good work he began continues even today, and our hearts and our thoughts are with his wife, Joan; his children, Steven, Laurie and Jonathan, all of whom have continued with his philanthropic work. And they have greatly, in their own way, benefitted our city, State and our country.

Overall, Bob Tisch was just a good man. He was a terrific person. He is deeply missed, and I am so pleased for his family and for his city that Congress has thought to honor him today.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as he might consume to the Dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my dear friend for yielding to me.

Mr. Speaker, like many others in this chamber, I had the opportunity of knowing Bob Tisch, wonderful gentleman, great patriot, public servant, a man concerned about the well-being of his community and a man who greatly loved his family and the Nation of which he was a part. He was also a man who was extraordinary in his charity to America, to its people and to those of almost all parts of the country. He was a great human being, a wonderful friend. He will be missed.

I am delighted that we are honoring him. I thank the committee for what they are doing. I extend with them my condolences to the wonderful family of our dear friend Preston Robert Tisch, but I also rejoice that we are honoring a great American well deserving of that today, and I thank my colleagues.

Mr. ENGEL. Mr. Speaker, I rise today to honor a great American and a great New Yorker, Preston Robert Tisch. I am a friend of the Tisch family, and I am proud to stand here today and speak about Bob Tisch's many accomplishments.

Bob Tisch was a businessman, a philanthropist, and an entrepreneur. He made a positive impact on every organization he was affiliated with. Bob built the Loews Corporation into one of the largest diversified financial companies in the Nation, headed the New York Giants football franchise, and was one of the most generous philanthropists in New York. In every venture of his life he made he made a positive and indelible mark.

Bob and his brother Larry started a small hotel in New Jersey called Laurel-in-the Pines. The two brothers eventually built this business into the Loews chain of hotels. Their company acquired numerous other businesses to become the Loews Corporation that exists today.

After leaving Loews, Bob followed his dream and became the owner of the New York Giants football team. He was a true fan, attending every home and away game. He also brought his considerable talent and experience from the business field to the Giants organization.

However, Bob's most impressive accomplishments were his philanthropic ventures. In 2000, he helped create Take the Field, which raised money to rebuild the athletic fields of the public high schools in New York City. In only 4 years, he raised over $147 million for that cause. Additionally, he donated millions of dollars to universities around the country. New York University's Tisch School of the Arts, NYU Medical Center's Tisch Hospital, and even Tisch Hall at the University of Michigan are all testaments to the generosity of Bob Tisch.

Bob's gifts continued even after his passing. The Tisch Foundation, created by Bob and his wife Joan, has made substantial contributions to Play It Smart, an organization dedicated to training academic coaches to work with high school football teams in underserved neighborhoods. This program has achieved amazing success, with 98 percent of their students graduating high school and 80 percent enrolling in college. Both of these statistics are well above the national average.

Bob Tisch dedicated his life to improving the lives of others. He was a true American in the best sense of the word. For all these reasons, I strongly support H. Res. 605 and I urge my colleagues to do the same.

Mr. FOSSELLA. Mr. Speaker, on November 15th, 2005, America lost one of its greatest entrepreneurs, the great Preston Robert "Bob" Tisch, the former Postmaster General and owner of the New York Giants Football Club.

Bob Tisch grew up in Bensonhurst, Brooklyn, to middle-class parents who had emigrated from Russia. He had a vision that anyone could succeed in life if they worked hard enough to achieve it. He once mentioned that "perseverance is at the heart of meeting any challenge." This is a motto he would live by for the rest of his life. In 1943 Bob Tisch joined the U.S. Army and fought in World War II. Shortly after he left the military, he earned his bachelor's degree in economics from the University of Michigan in 1948. That same year he began what he would later become famous for: he joined his family hotel business at the Laurel-in-the-Pines in Lakewood, New Jersey.

Later in life he would move on to gain total control of the Loews Theater Corporation and in 1962, would build the Summit Hotel in Bal Harbour, Florida. At over 50 stories, it was the world's tallest hotel at the time. Throughout his life he would find success in all that he did. This would continue into the later years of his life. At the age of 60, President Ronald Reagan appointed him the United States Postmaster General, a post he would hold for two years. And finally in 1991, he purchased a 50 percent share of the New York Giants Football Club, an ownership he would happily share with the late Wellington Mara.

Recognizing the financial crisis that New York City was experiencing in the 1970s, Bob Tisch organized regular breakfasts at his Regency Hotel with some of the cities most influential movers and shakers. These breakfasts helped attract influential businessmen and women from all over the country and turned New York City's financial crisis into a burgeoning economy.

Bob Tisch had an incredible record of charity work. He helped create the Meals-on-Wheels program and would serve as its president for over 20 years. His final campaign was called the "Take the Field" imitative which was established to revitalize the ragged athletic fields of the city's public high schools which raised over $140 million. He also gave countless millions of dollars through his philanthropic works to hospitals, charities, and universities in the spirit of improving the lives of Americans.

While we mourn his loss, we as a Nation should smile proudly at his life and his deeds, for there is no greater credit to his accomplishments than having left this Nation and our world better than he had found it.

Mr. MARKEY. Mr. Speaker, Bob Tisch was my friend. He did many things in life for which he will be remembered, but for me it was that he created a family of unsurpassed excellence. It was an honor for me to know him, and his family should know how many people like me came to admire him.

Mr. RANGEL. Mr. Speaker, I rise today in strong support of H. Res. 605, a resolution recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States. Mr. Tisch died, at the age of 79, on November 15, 2005, at his home in Manhattan, New York. The cause of his demise was a brain tumor, as said Jeffrey Stewart, spokesman for the family. New Yorkers knew Mr. Tisch as Bob and will always remember his stupendous economic support and leadership on several civic initiatives committed to the betterment of the city.

Having made his fortune from the real estate business in New York, Bob Tisch was a dedicated man who truly loved this city and exemplified the belief that the prime responsibility and highest calling of those fortunate enough to have achieved financial security was to use the resources and capacity to improve the lives of other people. Many New Yorkers were helped by the generosity of Mr. Tisch's civic commitment.

In May 2005, Mr. Tisch was interviewed for the online edition of Education Update magazine by Joan Baum, Ph.D. Dr. Baum described him as an "extraordinary life of public service and philanthropy". Mr. Tisch's service as Postmaster General of the United States in the 90s was mentioned. As well as his participation in a partnership program to fund community programs, sitting on the board as a founding member of Citymeals-on-wheels, and as an essential driving force behind the new Giants Stadium.

In 2000, Mr. Tisch founded a program known as "Take the Field", which benefited public schools by restoring athletic fields in New York to provide spaces for children to both practice and play. Since its inception "Take the Field" has already successfully restored 41 of 43 athletic fields in New York. By May 2005 Mr. Tisch's efforts had raised $135 million in private and public funds for "Take the Field." Ernie Accorsi, Giants General Manager, 1998–present, stated: "Bob Tisch was a historic man in New York City history. His contributions ranged from government, both National and local, to the entertainment world to the sports world, but most important, to incredible charitable acts. His 'Take the Field' program was one of the most innovative and beautiful efforts in athletics in this country. But in addition to these things and to his co-ownership of one of the great franchises in American sport, in addition to his brilliance and dynamic New York presence, was the soul of a good and decent man who cared about people and did countless deeds to help those less fortunate, acts which never received notice."

Mr. Tisch wanted to improve health and increase the academic performance of not only students, but also of the communities as well. Mr. Tisch was very interested in education. Evidence of this is the Tisch School of the Arts and the Preston Robert Tisch Center for Hospitality, Tourism and Sports at New York University.

Mr. Tisch also served as Mayor David N. Dinkins "ambassador" to Washington, he was chairman of host committees for the 1976 and 1980 Democratic National Conventions, and also led the way in building a new convention center on Manhattan's West Side. He was the Chairman and Director of the Loews Corporation, one of the country's most successful financial companies.

In 1991 he purchased the New York Giants and loved to attend practices and share opinions with coaches. Mr. Tisch improved the Giant's business by sharpening the team's marketing strategies. As a member of the National Football League's Finance and Super Bowl Policy Committees, Mr. Tisch attained prominence in the sports arena equal to his position in the world of business.

We all mourn the loss of Bob Tisch, who left an indelible mark on our society. He will always be alive in our hearts and minds. As a friend, I will greatly miss a remarkable man whose companionship I treasured, and whose energetic, enthusiastic, and enormously big heart will never be forgotten.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the adoption of H. Res. 605, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the resolution, H. Res. 605.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2006

Mr. GILLMOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2491) to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Solid Waste Importation and Management Act of 2006".

SEC. 2. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) STATE AUTHORITY TO ADDRESS IMPORTATION AND MANAGEMENT OF MUNICIPAL SOLID WASTE.—

"(1) IN GENERAL.—Until the date on which all final regulations issued by the Administrator to implement and enforce the Agreement (including notice and consent provisions of the Agreement) become effective, a State may enact a law or laws or issue regulations or orders imposing limitations on the receipt and disposal of foreign municipal solid waste within the State. Laws, regulations, and orders enacted or issued before that date may continue in effect according to their terms after that date.

“(2) EFFECT ON INTERSTATE AND FOREIGN COMMERCE.—No State action taken as authorized by this section shall be considered to impose an undue burden on interstate and foreign commerce or to otherwise impair, restrain, or discriminate against interstate and foreign commerce.

“(3) TRADE AND TREATY OBLIGATIONS.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

“(b) AUTHORITY OF ADMINISTRATOR.—

“(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

“(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

“(B) implement and enforce the notice and consent and other provisions of the Agreement.

“(2) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Administrator shall issue final regulations with respect to the Administrator's responsibilities under paragraph (1).

“(3) CONSENT TO IMPORTATION.—In considering whether to consent to the importation under article 3(c) of the Agreement, the Administrator shall—

“(A) give substantial weight to the views of the State or States into which the municipal solid waste is to be imported, and consider the views of the local government with jurisdiction over the location where the waste is to be disposed;

“(B) consider the impact of the importation on—

“(i) continued public support for and adherence to State and local recycling programs;

“(ii) landfill capacity as provided in comprehensive waste management plans;

“(iii) air emissions from increased vehicular traffic; and

“(iv) road deterioration from increased vehicular traffic; and

“(C) consider the impact of the importation on homeland security, public health, and the environment.

“(4) ACTIONS IN VIOLATION OF THE AGREEMENT.—No person shall import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement.

“(c) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

“(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

“(d) PUBLIC HEARING.—Any order issued under this section shall become final unless, not later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

“(e) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.

“(f) DEFINITIONS.—For purposes of this section:

“(1) AGREEMENT.—The term ‘Agreement’ means—

“(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

“(B) any regulations promulgated and orders issued to implement and enforce that Agreement.

“(2) FOREIGN MUNICIPAL SOLID WASTE.—The term ‘foreign municipal solid waste’ means municipal solid waste generated outside of the United States.

“(3) MUNICIPAL SOLID WASTE.—

“(A) WASTE INCLUDED.—Except as provided in subparagraph (B), the term ‘municipal solid waste’ means—

“(i) all waste materials discarded for disposal by households, including single and multifamily residences, and hotels and motels; and

“(ii) all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials—

“(I) are essentially the same as materials described in clause (i); and

“(II) were collected and disposed of with other municipal solid waste described in clause (i) or subclause (I) of this clause as part of normal municipal solid waste collection services, except that this subclause does not apply to hazardous materials other than hazardous materials that, pursuant to regulations issued under section 3001(d), are not subject to regulation under subtitle C.

Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, and household hazardous waste. Such term shall include debris resulting from construction, remodeling, repair, or demolition of structures.

“(B) WASTE NOT INCLUDED.—The term ‘municipal solid waste’ does not include any of the following:

“(i) Any solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste.

“(ii) Any solid waste, including contaminated soil and debris, resulting from—

“(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606);

“(II) a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106; or

“(III) a corrective action taken under this Act.

“(iii) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

“(iv) Scrap rubber to be used as a fuel source.

“(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

“(vi) Any solid waste that is—

“(I) generated by an industrial facility; and

“(II) transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated, or the capacity of which is contractually dedicated exclusively to a specific generator, so long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site.

“(vii) Any medical waste that is segregated from or not mixed with solid waste.

“(viii) Sewage sludge and residuals from any sewage treatment plant.

“(ix) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

“(x) Solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

“Sec. 4011. International transportation and disposal of municipal solid waste.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GILLMOR) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to begin by thanking several cosponsors of this bill from Michigan, Mr. ROGERS, Mr. DINGELL, Mrs. MILLER, Mr. STUPAK, Mr. UPTON, Mr. CAMP and many others. The legislation the House is considering today is the version of H.R. 2491 unanimously reported by the Committee on Energy and Commerce with two minor technical amendments; one to correct the year expressed in the bill's title from 2005 to 2006, and the second one to clarify the committee's position as stated in its filed report that this legislation does not cover solid waste generated incident to the provision of service in interstate, intrastate, foreign or overseas air transportation.

Today's consideration of H.R. 2491 has been a long time in coming. This legislation gives States and localities some control over the amount of waste that is generated outside of the United States that they must accept.

To give you an idea of the scope of the problem, we now have almost 4 million tons of municipal solid waste coming into landfills in the United States from outside the country. My staff has calculated that is more than 425 truckloads per day.

Current law basically punishes the environmentally responsible and rewards the environmentally irresponsible. Those States which go to the expense and the effort to create landfill space are finding their landfills clogged with waste from those who do not make and will not make this financial and legal commitment.

While there are many issues in the area of waste from and between jurisdictions, this bill deals only with the international waste, and great care has been taken to be sure to only limit itself to international waste.

Quite simply, this bill gives States the authority, only if they want to use it, to place limits on municipal solid waste generated in another country and exported for disposal in the United States.

In addition, the bill provides the necessary legal authority for the United States to fully implement the U.S.-Canada Waste Agreement. EPA has testified before the House Energy and Commerce Committee that such legal authority was necessary for our country to fully meet its commitments under this pact.

The steps in this bill are ones that must be taken to give meaningful and needed powers to both Federal and State governments. They are consistent with the powers granted in the United States Constitution and the U.S.-Canada Waste Trade Agreement.

We have worked hard to assure that they do not violate any of our international trade obligations like those in the North America Free Trade Agreement.

I urge all Members to support this bill, to send a message to other countries that the United States is not going to be their wastebasket. I would urge Members to support H.R. 2491.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in strong support of H.R. 2491, the International Solid Waste and Management Act of 2005. I want to express my particular gratitude and commendations to the gentleman from Ohio (Mr. GILLMOR) and for his leadership and the fine way in which he has handled this legislation. We in Michigan are grateful to the gentleman from Ohio and want him to know that he has our appreciation.

This is long overdue. It has been sponsored with great energy by the Members of this delegation in a bipartisan fashion, Mr. ROGERS, Mr. STUPAK, Mr. UPTON, Mr. LEVIN, Mr. SCHWARZ of Michigan, Mr. HOEKSTRA, Mr. KILDEE, Mrs. MILLER, Ms. KILPATRICK, Mr. EHLERS and Mr. CAMP have all worked very hard to bring this legislation to the floor in the shape in which it is.

The legislation came out of the Energy and Commerce Committee a year ago. It requires the Administrator of the Environmental Protection Agency to enforce the notice and consent provisions of the bilateral U.S.-Canadian Agreement, an Agreement that the United States signed in 1986, to govern the transboundary movement of hazardous waste, and amended in 1992 to include municipal solid waste.

Unfortunately, the Administration has made no effort to implement the bilateral agreement. Legislation was promised "soon" by this Administration more than 3 years ago. It has yet to arrive. The bill provides criteria to ensure that the views of State and local governments are properly taken into account in implementing the bilateral agreement and adds the necessary statutory enforcement authority.

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The situation in Michigan with regard to Canadian waste continues to get worse. Since 1996, when Michigan started collecting data, the amount of Canadian waste being disposed of in Michigan has risen by 335 percent. Essentially, our State is being used as a dumping ground by the Canadians.

Now, I note that the Administration should be complying with the notice and consent provisions of the bilateral agreement which requires that both countries use "best efforts" absent regulations. The bilateral agreement is especially important because Canada is a party to the Basel Convention and the United States is not. The Basel Convention specifically prohibits Basel parties from exporting waste to a nonparty. Thus, the United States-Canadian bilateral agreement is the only way waste can travel between the two countries at all.

Unfortunately, despite several letters that I, along with our two capable and hardworking Michigan Senators, Senators LEVIN and STABENOW, have sent to the Administration, the White House has decided to turn a blind eye to the needs of Michigan.

More than 400 trucks carry waste into Michigan every day from Canada. These are more than just a nuisance. The trucks and the cargo pose an environmental risk, a security risk, a potential hazard to health, as well as being detrimental to our roads. And they have even been used to smuggle narcotics into Michigan.

The citizens of Michigan need action by this Congress, and I am pleased that we are moving forward in the House. This legislation must be made a priority in the Senate. It will do much to help a situation that is intolerable.

While I am pleased with the bill coming to the House floor, and while Canadian waste makes up the majority of waste imports into Michigan, we have a significant amount of waste coming in from other States; and as such, I look forward to working with my colleagues on a comprehensive bill giving the States the right to regulate unwanted trash imports into their borders.

I urge my colleagues to support the passage of H.R. 2491.

Mr. Speaker, I reserve the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I thank our chairman and Mr. DINGELL for working so hard and so long to help us put this bill together, as did Mrs. MILLER and Mr. STUPAK.

When many people across the country think of Canada, they think of great trading partners and great allies. They think of hockey great Wayne Gretzky, Michael J. Fox, Shania Twain, all great contributions to our society here and good neighbors.

But when the people from Michigan think about Canada, we don't have that luxury. We think about trash and Canadian trash. We think about PCBs, soiled coffin waste and medical waste. We think of the loss of half of our landfill capacity in Michigan to Canadian imports of household municipal waste.

That is what it looks like and that is where it comes, to the great State of Michigan. There is no value added to it. It comes and is thrown into a hole. Because of the fact that they are consuming our landfill capacity, and coming to a neighborhood near you, my great State of Michigan is a landfill.

This bill, with the work of so many people, will stop the flow of Canadian waste. It will give Michigan citizens, and every citizen across the country in their own States, the ability to make the determination if they want to take this trash in their landfills.

Just a week ago they talked about, as they have since this bill was first introduced in 2001, the Canadians said we will reduce the trash and try to get to our 100 percent recycling rate and we will get back to you. The problem was since that last verbal promise to do that, 5,500 equivalent garbage trucks have come over the bridge in the last week. That is 288,000 garbage truck equivalents coming across our bridge every year for the foreseeable future. It is 11 million cubic yards a year ending up in Michigan landfills.

Why are we concerned about that? You can see on the far chart there is human blood dripping out of the back of that truck. You can imagine what chaos that caused when that truck was coming across the bridge. We had testimony by a Michigan State police officer that they believed that there may have even been a human body in that truck. They stopped it and searched it, and what they found was not a human body, but human medical waste. That is one mosquito away from an epidemic. It is dangerous and illegal. We have no way of knowing what other medical waste is in those trucks. It is impossible to inspect them.

This is really a good-neighbor policy. This says we love our Canadian friends to the north. We want to continue with the most robust trading partner we have in the world, but good neighbors don't throw their trash in another person's yard; and they have been doing it for a long time.

This bill is important for a couple of reasons. It is balanced. It is balanced because it directs the EPA to implement the existing U.S.-Canadian Transboundary agreement; but it also, more importantly, gives the State of Michigan and every State the ability to make their own determination if those trucks should continue at that rate coming into our landfills in the great State of Michigan. It allows Michigan citizens to be good stewards of their environment. There is no better place to place that trust and legal authority and that binding agreement than in the hands of these Michigan citizens.

Mr. Speaker, those PCBs, that blood, we even found illegal drugs coming across in those trucks, as well as soiled coffin waste. It is all living proof of what we have endured over these last years.

Today is the day we will stand up and tell our good friends the Canadians we are tired of getting their trash in the State of Michigan. Let us be good stewards of our environment.

Mr. Speaker, I thank the chairman for his hard work and all he has done to bring us to this point and put all of the right people in the room to make this happen. I thank Mr. DINGELL for working with us and CANDICE MILLER for pushing this vote. This is a vote that will send a very clear signal to our Canadian friends that we won't put up with political promises, that we want real action and we want it now.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank Mr. DINGELL and Mr. GILLMOR and others from the Michigan delegation for bringing forth this bill. It has been a long time.

I rise in support of H.R. 2491, the International Solid Waste Importation and Management Act, or what is commonly referred to as the Canadian trash bill. I encourage my colleagues to support this legislation which is needed to help control over 400 trucks a day that cross the border from Canada, bringing tons of trash mostly into Michigan, but also to other States.

The unregulated flow of trash into Michigan and other States creates significant environment and public health concerns. Even more alarming, a January 2006 audit conducted by the Department of Homeland Security has shown that these trucks are often found containing human blood, medical waste, illegal drugs, and illegal currency. The report raises significant border security and national safety concerns that must be addressed.

Currently, States and local governments are not allowed to control the trash coming in from out of their State. This Canadian trash bill will give residents of Michigan and other States the power to limit the trash from outside of the United States that they are forced to accept.

I have repeatedly requested that President Bush and the Republican leadership support this legislation. I am pleased that the Republican leadership is finally allowing its consideration more than a year after our Energy and Commerce Committee unanimously approved this bill in our committee.

I will continue to work to encourage the administration to finally support us in addressing Michigan's ongoing problem with imported waste from Canada.

Last week Senators STABENOW and LEVIN announced a landmark agreement that will go a long ways toward eliminating Canadian trash imports. By 2010, Ontario has agreed to stop the shipment of all municipal garbage to Michigan. This is a significant step forward in eliminating trash imports to the United States, and I commend Senators STABENOW and LEVIN for their fine work.

Along with this agreement, the Canadian trash bill we are currently considering will help limit the flow of trash from Canada. Given the environment, public health, border security and national safety concerns, it is especially important that we act immediately to limit the flow of municipal waste from Canada.

I urge my colleagues to vote "yes" on H.R. 2491. I thank the gentleman for yielding me this time.

Mr. GILLMOR. Mr. Speaker, I yield 3 minutes to Mrs. MILLER from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, the nation of Canada is really a great friend to America in so many ways, but it is not very neighborly to unapologetically dump your garbage on your neighbor, and that is what has been happening in Michigan for decades.

Every day in Michigan, hundreds of huge trucks loaded with Canadian garbage come across the Blue Water Bridge in my district, and they dump their garbage in Michigan landfills. For decades, the Michigan legislature, both Republicans and Democrats, have tried to pass laws that would stop this ridiculous situation, but we have always been told that only Congress has the authority to stop it by passing legislation in both the House and the Senate.

Mr. Speaker, I, along with my colleagues in the House, both Republicans and Democrats, have pushed and prodded and persuaded the House leadership to allow us to vote on this legislation.

This legislation will allow the State legislatures the right to block foreign trash while the EPA promulgates a rule over a 2-year period to make the ban permanent. If the House passes this bill today, and I sincerely hope that we do, the House will have done its duty.

But according to Michigan's two United States Senators, companion legislation which has been languishing in the Senate has little, if any, chance of going forward because you see, Mr. Speaker, Michigan's two Senators secretly negotiated a personal agreement with the Province of Ontario that effectively stops our ability to stop Canadian trash. Michigan's two Senators agreed not to push any legislation in the Senate and not to push any inspection fees of those trucks and agreed not to do anything apparently on this issue for the next 4 years.

And in return, the Canadians have agreed to phase out over the next 4 years about one-third of the garbage that they dump in Michigan today. What about the other two thirds? Apparently there is no problem. We are going to just stand back and let those trucks keep coming.

No wonder the Canadians have been celebrating in the last week. They cannot believe their good luck. Just when the United States Congress finally is set to pass legislation that will stop Canadian trash, the two Senators from Michigan save them.

I am not going to question the motives of my two Senators. Obviously, they want to stop Canadian trash, but the motivation of the Canadians is very clear. In fact, when asked by the Canadian media why they would have agreed to this deal, the environmental ministry spokesperson said, "Our garbage trucks could have been turned back from the border as early as January of 2007. We needed to find a solution to avert that."

The Canadians knew very well we were going to have this vote today. They needed a solution. I hope they haven't found it.

In fact, I had one reporter tell me in fairness to the Senators, they thought their agreement was for all of the trash. They didn't realize it was only for one-third. Well, we should have had some other people included in the secret negotiation with the Canadians, and somebody could have pointed that fact out.

Mr. Speaker, I urge my colleagues, both Democrats and Republicans, to vote "yes" on this bill and to work together to encourage action in the Senate.

Mr. DINGELL. Mr. Speaker, I yield 6 minutes to Mr. LEVIN from Michigan.

Mr. LEVIN. Mr. Speaker, as one of the cosponsors of H.R. 2491, I rise in strong support of this measure.

This issue of waste coming into Michigan from Ontario is one of great concern to the people I represent and to others; and I appreciate, Mr. DINGELL, your efforts and that of others to move this legislation.

Let me just try to put this in perspective.

Recently, a breakthrough occurred after years of inaction, years of inaction. It is the agreement announced by our two Senators from Michigan with the Government of Ontario. Under this agreement, there is a phasing out of municipal waste shipments from Canada over the next 4 years. Under the agreement, some 2.78 million metric tons of waste will stay in Canada and not come to Michigan over the first 4 years alone.

We for a long time have been asking for action on the bill before us today.

☐ 1530

A bipartisan group of ten representatives wrote to Speaker HASTERT last November to urge expeditious consideration. That bill had been approved by the full Energy and Commerce Committee 14 months ago. We wrote twice to Speaker HASTERT to urge him to schedule this legislation. As mentioned, there was a letter November 3, and all but one member of the Michigan delegation signed a second letter to the Speaker on May 16.

I will insert these two letters into the CONGRESSIONAL RECORD.

WASHINGTON, DC,
November 3, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We write today to request that H.R. 2491, the International Solid Waste Importation and Management Act of 2005, be brought to the floor for consideration as expeditiously as possible before our target adjournment date of November 18.

As you know, in June H.R. 2491 passed both the Energy and Commerce Subcommittee on Environment and Hazardous Materials and the full Committee by voice vote.

The issue of waste coming into Michigan from Ontario, Canada for disposal is one of great concern to the people we represent. Currently, more than 400 trash trucks come across the bridge into the Michigan each day. The goal of H.R. 2491 simply is to implement and enforce an existing bilateral agreement that has been too long ignored and to give states some tools to manage foreign municipal solid waste being disposed of within its borders.

As you know, H.R. 2491 is the bipartisan product of hard work and tough negotiations. We made every attempt to provide the people of Michigan, as well as other states, with some relief while not affecting or amending any prior law relating to the need for consistency with international trade agreements. H.R. 2491 is a good bill that meets the needs of all concerned.

Thank you for your attention to this matter.

Sincerely,
John D. Dingell, Sander Levin, Peter Hoekstra, Dave Camp, Bart Stupak, Carolyn C. Kilpatrick, Mike Rogers, Dale Kildee, Fred Upton, Joe Schwarz.

WASHINGTON, DC,
May 16, 2006.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We write again today to request that HR 2491, the International Solid Waste Importation and Management Act of 2005, be brought to the floor for consideration as expeditiously as possible. You will remember that we wrote you in November 2005 with the same request. Unfortunately, the bill did not make it to the floor by the end of last year as we had urged in our last letter.

In June, HR 2491 passed both the House Energy and Commerce Subcommittee on Environment and Hazardous Materials and the full Committee by voice vote. As you know, voice votes are traditionally saved for only the most non-controversial bills.

The issue of waste coming into Michigan from Ontario, Canada for disposal is one of great concern to the people we represent. Currently, hundreds of trash trucks come across the bridge into Michigan each day. Just recently, human waste was spilled onto a Michigan road from a Canadian trash truck. This is the second such incident since March 2005.

This is also a national security issue. In January, the Department of Homeland Security Office of Inspector General issued a report—originally labeled "For Official Use Only"—which found that U.S. Customs "does not have an effective method to screen and inspect the 350 truckloads of municipal solid waste that enter the U.S. daily through the Detroit and Port Huron ports of entry." The report was released to the public by Senate Permanent Subcommittee on Investigations Chairman Norm Coleman and Ranking Member Carl Levin.

The goal of HR 2491 simply is to implement and enforce an existing bilateral agreement that has been too long ignored and to give states tools to manage foreign municipal solid waste being disposed of within its borders.

As you know, HR 2491 is the bipartisan product of hard work and tough negotiations. We made every attempt to provide the people of Michigan, as well as other states, with some relief while not affecting or amending any prior law relating to the need for consistency with international trade agreements. HR 2491 is a good bill that meets the needs of all concerned.

Thank you for your attention to this matter and we look forward to expeditious floor consideration.

Sincerely,
John D. Dingell, Sander Levin, Dale Kildee, John Conyers, Joe Schwarz, Carolyn C. Kilpatrick, Thaddeus McCotter, Dave Camp, Vern Ehlers, Fred Upton, Pete Hoekstra, Bart Stupak, Mike Rogers, Joe Knollenberg.

Mr. LEVIN. Mr. Speaker, I do not understand, in view of the importance of this legislation and, indeed, the light workload of the House this year, why this bill was not brought up months and months ago. Now it is being brought up at the 11th hour, with only 14 or 15 legislative days left before Congress adjourns for the elections. Fourteen months were wasted before this bill was brought up.

And it is not clear at all that the legislation can move in the Senate. Indeed, in an article just this morning in the Congress Daily, a spokesman for the chairman, the Republican chairman, of the Senate Environment and Public Works Committee indicated that the committee has no plans to hold a hearing on this legislation before Congress adjourns or recesses for the election.

Here is a consideration in addition regarding H.R. 2491, and I have read it. If it were to be made a law through passage in this Congress, I think it is likely that there would be lengthy litigation and therefore a further delay in meaningful reduction of trash exports to Michigan for years. So this bill says the EPA has 2 years, up to 2 years, and in the meanwhile, States could take action, but I think there is a real probability that there would be litigation in the meanwhile. And so because of what the Senate spokesman has said, with no likely action in the Senate, and other problems, we have before us a bill that I strongly support, but it should not be the basis for an attack on what was done by the two Senators from our State of Michigan. No basis whatsoever.

There has also been a mischaracterization of what our two Senators said. They did not say they do not support 2941. They said they support it. They had presented some amendments to the Homeland Security bill, and that helped to instigate action by Ontario to do something. To do something. And now there is an agreement that will lead to a substantial reduction of the trash that is coming in from Ontario.

So, look, I would hope that there would be some limitation, some limitation on partisanship within this House. Apparently there continues to be little, if none. That agreement was a step forward. It was not everything, but after years of inaction in this House, after at least months after action by the committee, something has happened that will bring about a reduction under this agreement.

So what we should be doing today, instead of engaging in partisanship, is saying, look, there is an agreement. It is a step forward. Congratulations. We have this bill. It would go beyond it. We hope the Senate will act. We are sorry that the Senate Republican spokesman said they would not take it up. Let us unite to see if we can get action by the Senate.

So under those conditions, I very much rise in support of this bill and hope the full picture will be understood, not misrepresented.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

Just a couple of points. I have been advised that when the Canadians entered into this so-called agreement, they referenced the passage of this bill, H.R. 2491, as a reason for doing that. I am also a little confused by the position of the gentleman from Michigan, who first said he supported the bill and then said if we passed the bill, it could result in litigation that would delay the stopping of the garbage. So I am not sure what his position is.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. GILLMOR. I yield to the gentleman from Michigan.

Mr. LEVIN. Look. I said the EPA would have up until 2 years, and in the meanwhile, States could act, and I said it is thought by many observers that there would be litigation. I don't favor litigation. But there might well be litigation in terms of the power of the States as delegated from this House.

All I am saying, sir, is, look, there was reference to this legislation. There was also reference to the reality that there were amendments in the Senate that were going to put a squeeze on Ontario.

I acknowledge the importance of this bill. I am sorry it did not occur earlier, and it comes up at the 11th hour after a number of us wrote to the Speaker saying, bring it up, and most of us, not all of us, signed those letters. And here it is, the 11th hour, and now it is being brought up. Good. It is better late than never. It would also be nice if we could have an agreement from the Senate to act. And the two Senators from Michigan have said, when they announced this agreement with Ontario, they supported this bill. So no one should get up on the floor and say otherwise.

Mr. GILLMOR. Mr. Speaker, reclaiming my time, let me just point out that in the Detroit News, it was reported on September 1 that the environmental ministry spokesman from Ontario, Kate Jordan, said the deal was prompted by fear of this bill's becoming law and that Michigan might stop all trash shipments within 30 days.

Now, I am not critical of the Senators, and I haven't been, for trying to negotiate a deal. But I do want to point a couple things out. First of all, anybody could sue for anything; so you may have litigation. But the fact of the matter is we went to great lengths to be sure that this complied with both NAFTA and the U.S.-Canadian transboundary agreement.

The other point is that the so-called deal with the Canadians is not in any way legally enforceable. All you have is a promise that they will do that. They can turn around tomorrow or next week or next month and take that back.

So there is one legally enforceable way to protect Michigan and the other States, and that is passage of H.R. 2491.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this has been, I think, a very useful and very respectful debate. It has been one which does credit for all concerned, and I repeat my commendations to my colleagues who have done such a fine job of bringing this legislation to the floor, and I particularly commend my friend from Ohio, Mr. GILLMOR, for his labors.

We have before us in Michigan a situation which we clearly find intolerable. It is one which has to have something done. Happily, over here, we have been able to get this legislation to the floor. I hope that this bill will be taken up by the Senate in proper fashion and time so that it can go to the President and can be signed and become law. That would be wonderful.

I also hope that the deal which has been cut by our two Senators will be able to bear fruit because it will result in termination of a massive amount of waste coming in from Canada if it is implemented according to its terms.

I want to commend also our Senators, and I think our people back home are very appreciative of what the Senators did because what they have accomplished is to give us something which will have immediate effect if the agreement is honored by the Canadians. I have received assurances from our senior Senator that our Senators will do everything possible to get this legislation which we are now considering, H.R. 2491, enacted into law in the Senate.

We have two arrows rather than one for our bow. We are able to move forward towards the implementation of the agreement achieved in the Senate; and we are able, with the help of everybody concerned, including the leadership in the Senate, to move forward on a piece of legislation which will offer significant relief to our State. Much more will remain to be done after we have concluded, but at least we are beginning to make strides forward, and we are doing so in two ways, in two places, with prospects of success for each.

I urge us not to fall into any partisan arguments here.

Mr. Speaker, I reserve the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

I had some other speakers but they are not here. So let me just say that I hope we can pass this bill. And I want to echo what my colleague from Michigan (Mr. DINGELL) said. This is not a partisan issue. And I very much appreciate the way that Members, particularly of our Committee on Energy and Commerce, have been able to come together and move this bill unanimously, and hopefully we can see it move further in the other body.

Mr. DINGELL. If the gentleman will yield, to that I say a very pious amen.

Mr. KNOLLENBERG. Mr. Speaker, I rise to express my strong support for H.R. 2491, the International Solid Waste Importation and Management Act of 2005.

For many years, Canada has shipped significant amounts of solid waste into the United States each year, with a large percentage of it going to the State of Michigan. In 2004, Canadian trash imports represented 18 percent of all the trash disposed of in Michigan. The State of Michigan receives approximately 350 truck loads of trash every day—or over 12,000 truck loads a year—from Ontario.

Despite heightened border security that has been imposed following the September 11, 2001, terrorist attacks, which include stricter inspections of all truck shipments passing through international borders, the importation of substantial amounts of solid waste into the United States each year from Canada poses a serious security threat to the State of Michigan and other border States which accept imported trash. Moreover, it poses environmental and health risks to these States.

States must have the ability to address these matters as they deem fit. H.R. 2491 is necessary in order to provide States with the power to address these issues, as the U.S. Supreme Court and other Federal courts have consistently ruled that, pursuant to the Interstate Commerce Clause of the U.S. Constitution, States cannot restrict out-of-State trash from their landfills.

Previous agreements regarding the import of trash from Canada have had no legal standing and were not enforceable. This legislation will finally allow the U.S. and the State of Michigan to set for themselves legal, enforceable boundaries for the importation of municipal solid waste.

I urge all of my colleagues to support the passage of H.R. 2491.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 2491, the International Solid Waste Importation and Management Act of 2005. Riverview and other downriver communities in my district have had to cope with hundreds of trucks full of Canadian trash rumbling down their streets on a daily basis for years. These trucks pass through our communities en route from the Ambassador Bridge to traffic dumps to the west. You can imagine the traffic congestion, environmental, and quality-of-life problems these truckloads of trash have created.

Local activists like Mr. George Read of Trenton and State Representative Kathleen Law have been working tirelessly alongside our congressional delegation to put an end to this never-ending flow of trash, and I am very pleased that the House today is taking a step toward that goal. If adopted, H.R. 2491 would give States the power to restrict the importation of foreign waste. Under current law, only the Federal Government is able to make such restrictions.

Mr. Speaker, let us not overlook the fact that H.R. 2491 has been awaiting floor consideration since it passed the Energy and Commerce committee 14 months ago. Our delegation has had to send two letters to get Speaker HASTERT to finally bring this important legislation to the floor. We now have only about 15 days left in session before we break for the elections, and it will be a tall order for this bill to make it through committee and the full Senate during that time. Indeed, the Republican chairman of the Senate Committee on Environment and Public Works has already announced that he does not foresee consideration of this legislation any time soon.

I want to commend Senators LEVIN and STABENOW and Congressman DINGELL for the deal they have worked out with Ontario's Minister of the Environment to halt the importation of Canadian municipal waste over the next 4 years. The Bush administration and the Republican Congress have wasted many years and numerous opportunities to address this issue both through legislation and by implementing a bilateral agreement between the U.S. and Canada already on the books since 1992. Our constituents were fed up with this inaction, so our Michigan Democratic legislators took the initiative to negotiate an agreement that will reduce the importation of Canadian municipal trash immediately, and end it completely in 4 years. Republicans can complain about our legislators taking matters into their own hands, but the fact is that the Republicans have failed to do a thing to address this serious problem. The negotiated agreement is a step in the right direction, as is passage of this bill.

Mr. CAMP of Michigan. Mr. Speaker, as a strong supporter and cosponsor of the International Solid Waste Importation and Management Act, I am pleased that the House of Representatives will soon vote on this important bill.

My home State of Michigan continues to be on the receiving end of millions of tons of imports of Canadian trash. According to data from the Congressional Research Service, in 2004 nearly two-thirds of Michigan's total waste imports, about 2.8 million tons, came from the Canadian province of Ontario. In response to this growing problem, H.R. 2491 provides States the authority to enact laws or regulations to limit the transportation and disposal of foreign municipal solid waste. Residents in Michigan have long sought a legally binding and enforceable solution that stops the flow of Canadian trash into the State.

For too many years Michigan has been a dumping ground for waste coming in from Canada. When the city of Toronto closed its landfill in 2002, the city sent its trash to Michigan instead of building a new landfill or transporting it to another Canadian location. Toronto's actions compounded the trash flow problem in Michigan and further incensed the State's residents who consider this issue an environmental concern, a transportation problem, and a public health worry. The State of Michigan and other States should have the authority to protect its citizens. Governments at all levels, Federal, State, and local should have the tools to safeguard residents from potential public health and safety risks. Foreign municipal trash is flooding Michigan's borders with virtually no inspection. Hospital waste and other hazardous waste can, and does, make its way to Michigan. I am a fervent supporter of policies that ensure a free-flow of commerce at the U.S. and Canada border. But, States should have the ability to protect residents from shipments that may pose risks to public health and the environment.

The International Solid Waste Importation and Management Act is the right answer to stopping foreign shipments of municipal waste. While negotiating contracts with landfill operators may sound like a good solution, it does not go far enough. Congressional approval of H.R. 2491 will ensure that States have the authority to prevent foreign waste from crossing our borders. Governors should have control over what enters their state. Such decisions should not be left to private business interests. Importantly too, passage of H.R. 2491 will carry the force of U.S. law.

Instead of clogging Michigan bridges and roads with dump trucks destined for Michigan landfills, it is high time Canada keep its own trash. I urge my colleagues to vote for H.R. 2491 and allow States to reject foreign shipments of municipal waste.

Mr. KILDEE. Mr. Speaker, I rise today to offer my support for H.R. 2491, the International Solid Waste Importation and Management Act. I am a cosponsor of this important bill.

Mr. Speaker, the importation of all foreign trash is an issue that is of great concern to the people of Michigan. Time and again the people of my state have made it clear they do not want foreign trash coming into Michigan. Congress has had numerous opportunities to address this problem, either through legislation or the implementation of a bilateral agreement between the U.S. and Canada from 1992, which would allow Michigan to manage foreign waste being disposed of within its borders.

The growing amount of foreign trash coming into Michigan is clogging our roadways, increasing the health and safety risks in our state. In the last 3 years, the number of trucks coming from Canada has roughly doubled, from 180 per day to over 350 per day. Since that time, multiple incidents have occurred where Canadian trash trucks have spilled waste onto Michigan roadways. Owners of two major Michigan landfills are near capacity and state officials claim that in 20 years, there won't be any more landfill space available. It is no overstatement to say the Great Lakes heritage we take so much pride in is at risk if something is not done. We need to protect our environment.

The escalating importation of Canadian trash also constitutes a security threat. In January, the Department of Homeland Security Office of Inspector General issued a report, later released to the Senate Permanent Subcommittee on Investigations, which found that U.S. Customs does not have an effective method to screen and inspect the hundreds of truckloads of municipal solid waste that enter the U.S. daily through the Detroit and Port Huron ports of entry. In this day and age, Mr. Speaker, such lack of inspection is unacceptable.

H.R. 2491 has broad, bipartisan support, reinforced by its clear passage through the House Energy and Commerce Committee in 2005 by a voice vote without objection.

Once again, Mr. Speaker, I add my support for H.R. 2491 and call for its passage.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 2491, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YOUTHBUILD TRANSFER ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3534) to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The Clerk read as follows:

S. 3534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "YouthBuild Transfer Act".

SEC. 2. YOUTHBUILD PROGRAM.

(a) ESTABLISHMENT OF YOUTHBUILD PROGRAM IN THE DEPARTMENT OF LABOR.—Subtitle D of title I of the Workforce Investment Act of 1998 is amended by inserting before section 174 (29 U.S.C. 2919) the following new section:

"SEC. 173A. YOUTHBUILD PROGRAM.

"(a) STATEMENT OF PURPOSE.—The purposes of this section are—

"(1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;

"(2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;

"(3) to foster the development of employment and leadership skills and commitment to community development among youth in low-income communities; and

"(4) to expand the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth.

"(b) DEFINITIONS.—In this section:

"(1) ADJUSTED INCOME.—The term 'adjusted income' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

"(2) APPLICANT.—The term 'applicant' means an eligible entity that has submitted an application under subsection (c).

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private nonprofit agency or organization (including a consortium of such agencies or organizations), including—

"(A) a community-based organization;

"(B) a faith-based organization;

"(C) an entity carrying out activities under this title, such as a local board;

"(D) a community action agency;

"(E) a State or local housing development agency;

"(F) an Indian tribe or other agency primarily serving Indians;

"(G) a community development corporation;

"(H) a State or local youth service or conservation corps; and

"(I) any other entity eligible to provide education or employment training under a Federal program (other than the program carried out under this section).

"(4) HOMELESS INDIVIDUAL.—The term 'homeless individual' has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

"(5) HOUSING DEVELOPMENT AGENCY.—The term 'housing development agency' means any agency of a State or local government, or any private nonprofit organization, that is engaged in providing housing for homeless individuals or low-income families.

"(6) INCOME.—The term 'income' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

"(7) INDIAN; INDIAN TRIBE.—The terms 'Indian' and 'Indian tribe' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(8) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term 'individual of limited English proficiency' means an eligible participant under this section who meets the criteria set forth in section 203(10) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(10)).

"(9) LOW-INCOME FAMILY.—The term 'low-income family' means a family described in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

"(10) QUALIFIED NATIONAL NONPROFIT AGENCY.—The term 'qualified national nonprofit agency' means a nonprofit agency that—

"(A) has significant national experience providing services consisting of training, information, technical assistance, and data management to YouthBuild programs or similar projects; and

"(B) has the capacity to provide those services.

"(11) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program—

"(A) registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 20 U.S.C. 50 et seq.); and

"(B) that meets such other criteria as may be established by the Secretary under this section.

"(12) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing provided for the purpose of facilitating the movement of homeless individuals to independent living within a reasonable amount of time. The term includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals who are individuals with disabilities or members of families with children.

"(13) YOUTHBUILD PROGRAM.—The term 'YouthBuild program' means any program that receives assistance under this section and provides disadvantaged youth with opportunities for employment, education, leadership development, and training through the rehabilitation or construction of housing for homeless individuals and low-income families, and of public facilities.

"(c) YOUTHBUILD GRANTS.—

"(1) AMOUNTS OF GRANTS.—The Secretary is authorized to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.

"(2) ELIGIBLE ACTIVITIES.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out a YouthBuild program, which may include the following activities:

"(A) Education and workforce investment activities including—

"(i) work experience and skills training (coordinated, to the maximum extent feasible, with preapprenticeship and registered apprenticeship programs) in the rehabilitation and construction activities described in subparagraphs (B) and (C);

"(ii) occupational skills training;

"(iii) other paid and unpaid work experiences, including internships and job shadowing;

"(iv) services and activities designed to meet the educational needs of participants, including—

"(I) basic skills instruction and remedial education;

"(II) language instruction educational programs for individuals with limited English proficiency;

"(III) secondary education services and activities, including tutoring, study skills training, and dropout prevention activities, designed to lead to the attainment of a secondary school diploma, General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities);

"(IV) counseling and assistance in obtaining postsecondary education and required financial aid; and

"(V) alternative secondary school services;

"(v) counseling services and related activities, such as comprehensive guidance and counseling on drug and alcohol abuse and referral;

"(vi) activities designed to develop employment and leadership skills, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors, and activities related to youth policy committees that participate in decision-making related to the program;

"(vii) supportive services and provision of need-based stipends necessary to enable individuals to participate in the program and supportive services to assist individuals, for a period not to exceed 12 months after the completion of training, in obtaining or retaining employment, or applying for and transitioning to postsecondary education; and

"(viii) job search and assistance.

"(B) Supervision and training for participants in the rehabilitation or construction of housing, including residential housing for homeless individuals or low-income families, or transitional housing for homeless individuals.

"(C) Supervision and training for participants in the rehabilitation or construction of community and other public facilities, except that not more than 10 percent of funds appropriated to carry out this section may be used for such supervision and training.

"(D) Payment of administrative costs of the applicant, except that not more than 15 percent of the amount of assistance provided under this subsection to the grant recipient may be used for such costs.

"(E) Adult mentoring.

"(F) Provision of wages, stipends, or benefits to participants in the program.

"(G) Ongoing training and technical assistance that are related to developing and carrying out the program.

"(H) Follow-up services.

"(3) APPLICATION.—

"(A) FORM AND PROCEDURE.—To be qualified to receive a grant under this subsection, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) MINIMUM REQUIREMENTS.—The Secretary shall require that the application contain, at a minimum—

"(i) labor market information for the labor market area where the proposed program will be implemented, including both current data (as of the date of submission of the application) and projections on career opportunities in growing industries;

"(ii) a request for the grant, specifying the amount of the grant requested and its proposed uses;

"(iii) a description of the applicant and a statement of its qualifications, including a description of the applicant's relationship with local boards, one-stop operators, local unions, entities carrying out registered apprenticeship programs, other community groups, and employers, and the applicant's past experience, if any, with rehabilitation or construction of housing or public facilities, and with youth education and employment training programs;

"(iv) a description of the proposed site for the proposed program;

"(v) a description of the educational and job training activities, work opportunities, postsecondary education and training opportunities, and other services that will be provided to participants, and how those activities, opportunities, and services will prepare youth for employment in occupations in demand in the labor market area described in clause (i);

"(vi) a description of the proposed rehabilitation or construction activities to be undertaken under the grant and the anticipated schedule for carrying out such activities;

"(vii) a description of the manner in which eligible youth will be recruited and selected as participants, including a description of arrangements that will be made with local boards, one-stop operators, community- and faith-based organizations, State educational agencies or local educational agencies (including agencies of Indian tribes), public assistance agencies, the courts of jurisdiction, agencies operating shelters for homeless individuals and other agencies that serve youth who are homeless individuals, foster care agencies, and other appropriate public and private agencies;

"(viii) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children) as participants;

"(ix) a description of the specific role of employers in the proposed program, such as their role in developing the proposed program and assisting in service provision and in placement activities;

"(x) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, such as local workforce investment activities, vocational education programs, adult and language instruction educational programs, activities conducted by public schools, activities, conducted by community colleges, national service programs, and other job training provided with funds available under this title;

"(xi) assurances that there will be a sufficient number of adequately trained supervisory personnel in the proposed program;

"(xii) a description of results to be achieved with respect to common indicators of performance for youth and lifelong learning, as identified by the Secretary;

"(xiii) a description of the applicant's relationship with local building trade unions regarding their involvement in training to be provided through the proposed program, the relationship of the proposed program to established registered apprenticeship programs and employers, and the ability of the applicant to grant industry-recognized skill certification through the program;

"(xiv) a description of activities that will be undertaken to develop the leadership skills of participants;

"(xv) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the proposed program;

"(xvi) a description of the commitments for any additional resources (in addition to the funds made available through the grant) to be made available to the proposed program from—

"(I) the applicant;

"(II) recipients of other Federal, State or local housing and community development assistance who will sponsor any part of the rehabilitation, construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

"(III) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including vocational education programs, adult and language instruction educational programs, and job training provided with funds available under this title;

"(xvii) information identifying, and a description of, the financing proposed for any—

"(I) rehabilitation of the property involved;

"(II) acquisition of the property; or

"(III) construction of the property;

"(xviii) information identifying, and a description of, the entity that will operate and manage the property;

"(xix) information identifying, and a description of, the data collection systems to be used;

"(xx) a certification, by a public official responsible for the housing strategy for the State or unit of general local government within which the proposed program is located, that the proposed program is consistent with the housing strategy; and

"(xxi) a certification that the applicant will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601 et seq.) and will affirmatively further fair housing.

"(4) SELECTION CRITERIA.—For an applicant to be eligible to receive a grant under this subsection, the applicant and the applicant's proposed program shall meet such selection criteria as the Secretary shall establish under this section, which shall include criteria relating to—

"(A) the qualifications or potential capabilities of an applicant;

"(B) an applicant's potential for developing a successful YouthBuild program;

"(C) the need for an applicant's proposed program, as determined by the degree of economic distress of the community from which participants would be recruited (measured by indicators such as poverty, youth unemployment, and the number of individuals who have dropped out of secondary school) and of the community in which the housing and public facilities proposed to be rehabilitated or constructed is located (measured by indicators such as incidence of homelessness, shortage of affordable housing, and poverty);

"(D) the commitment of an applicant to providing skills training, leadership development, and education to participants;

"(E) the focus of a proposed program on preparing youth for occupations in demand or postsecondary education and training opportunities;

"(F) the extent of an applicant's coordination of activities to be carried out through the proposed program with local boards, one-stop operators, and one-stop partners participating in the operation of the one-stop delivery system involved, or the extent of the applicant's good faith efforts in achieving such coordination;

"(G) the extent of the applicant's coordination of activities with public education, criminal justice, housing and community development, national service, or postsecondary education or other systems that relate to the goals of the proposed program;

"(H) the extent of an applicant's coordination of activities with employers in the local area involved;

"(I) the extent to which a proposed program provides for inclusion of tenants who were previously homeless individuals in the rental housing provided through the program;

"(J) the commitment of additional resources (in addition to the funds made available through the grant) to a proposed program by—

"(i) an applicant;

"(ii) recipients of other Federal, State, or local housing and community development assistance who will sponsor any part of the rehabilitation, construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

"(iii) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including vocational education programs, adult and language instruction educational programs, and job training provided with funds available under this title;

"(K) the applicant's potential to serve different regions, including rural areas and States that have not previously received grants for YouthBuild programs; and

"(L) such other factors as the Secretary determines to be appropriate for purposes of carrying out the proposed program in an effective and efficient manner.

"(5) APPROVAL.—To the extent practicable, the Secretary shall notify each applicant, not later than 5 months after the date of receipt of the application by the Secretary, whether the application is approved or not approved.

"(d) USE OF HOUSING UNITS.—Residential housing units rehabilitated or constructed using funds made available under subsection (c) shall be available solely—

"(1) for rental by, or sale to, homeless individuals or low-income families; or

"(2) for use as transitional or permanent housing, for the purpose of assisting in the movement of homeless individuals to independent living.

"(e) ADDITIONAL PROGRAM REQUIREMENTS.—

"(1) ELIGIBLE PARTICIPANTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an individual may participate in a YouthBuild program only if such individual is—

"(i) not less than age 16 and not more than age 24, on the date of enrollment;

"(ii) a member of a low-income family, a youth in foster care (including youth aging out of foster care), a youth offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and

"(iii) a school dropout.

"(B) EXCEPTION FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS.—Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who—

"(i) are basic skills deficient, despite attainment of a secondary school diploma, General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); or

"(ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

"(2) PARTICIPATION LIMITATION.—An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation in the program for a period of not less than 6 months and not more than 24 months.

"(3) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES.—A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered—

"(A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and

"(B) work and skill development activities such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at least 40 percent of the time during which the participants participate in the program.

"(4) AUTHORITY RESTRICTION.—No provision of this section may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution (including a school) or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

"(5) STATE AND LOCAL STANDARDS.—All educational programs and activities supported with funds provided under subsection (c) shall be consistent with applicable State and local educational standards. Standards and procedures for the programs and activities that relate to awarding academic credit for and certifying educational attainment in such programs and activities shall be consistent with applicable State and local educational standards.

"(f) MANAGEMENT AND TECHNICAL ASSISTANCE.—

"(1) SECRETARY ASSISTANCE.—The Secretary may enter into contracts with 1 or more entities to provide assistance to the Secretary in the management, supervision, and coordination of the program carried out under this section.

"(2) TECHNICAL ASSISTANCE.—

"(A) CONTRACTS AND GRANTS.—The Secretary shall enter into contracts with or make grants to 1 or more qualified national nonprofit agencies, in order to provide training, information, technical assistance, and data management to recipients of grants under subsection (c).

"(B) RESERVATION OF FUNDS.—Of the amounts available under subsection (h) to carry out this section for a fiscal year, the Secretary shall reserve 5 percent to carry out subparagraph (A).

"(3) CAPACITY BUILDING GRANTS.—

"(A) IN GENERAL.—In each fiscal year, the Secretary may use not more than 3 percent of the amounts available under subsection (h) to award grants to 1 or more qualified national nonprofit agencies to pay for the Federal share of the cost of capacity building activities.

"(B) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) shall be 25 percent. The non-Federal share shall be provided from private sources.

"(g) SUBGRANTS AND CONTRACTS.—Each recipient of a grant under subsection (c) to carry out a YouthBuild program shall provide the services and activities described in this section directly or through subgrants, contracts, or other arrangements with local educational agencies, postsecondary educational institutions, State or local housing development agencies, other public agencies, including agencies of Indian tribes, or private organizations.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2007 through 2012 such sums as may be necessary to carry out this section.

"(2) FISCAL YEAR.—Notwithstanding section 189(g), appropriations for any fiscal year for programs and activities carried out under this section shall be available for obligation only on the basis of a fiscal year.".

(b) CLERICAL AMENDMENT.—Section 1(b) of the Workforce Investment Act of 1998 (relating to the table of contents) is amended by inserting before the item relating to section 174 the following:

"Sec. 173A. YouthBuild program".

(c) EXCEPTION TO PROGRAM YEAR APPROPRIATION CYCLE REQUIREMENT.—Section 189(g)(1)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2939(g)(1)(A)) is amended by inserting "and section 173A" after "Except as provided in subparagraph (B)".

(d) CONFORMING AMENDMENTS.—

(1) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended in paragraphs (1)(B)(iii) and (2)(B) of subsection (c), and paragraphs (1)(B)(iii) and (2)(B) of subsection (d), by striking "Youthbuild" and all that follows and inserting "YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998.".

(2) Section 507(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4183(b)) is amended by striking "subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act.".

(3) Section 402 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12870) is amended by striking the second sentence of subsections (a) and (b).

(e) REPEAL OF PROVISIONS.—Subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is repealed.

(f) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the earlier of—

(1) the date of enactment of this Act; and

(2) September 30, 2006.

SEC. 3. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Department of Labor all functions which the Secretary of Housing and Urban Development exercised before the effective date of this section (including all related functions of any officer or employee of the Department of Housing and Urban Development) relating to subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.).

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Secretary of Labor may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this section. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Secretary of Labor may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Secretary of Labor may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(e) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Secretary of Labor may delegate any of the functions transferred to the Secretary of Labor by this section and any function transferred or granted to the Secretary of Labor after the effective date of this section to such officers and employees of the Department of Labor as the Secretary of Labor may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary of Labor under this subsection or under any other provision of this section shall relieve the Secretary of Labor of responsibility for the administration of such functions.

(f) REORGANIZATION.—The Secretary of Labor is authorized to allocate or reallocate any function transferred under subsection (b) among the officers of the Department of Labor, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of Labor as may be necessary or appropriate.

(g) RULES.—The Secretary of Labor is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary of Labor determines necessary or appropriate to administer and manage the functions of the Department of Labor.

(h) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Labor. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(i) TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this section, and to make such dispositions of assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds used, held, arising from, available to, or to be made available in connection with such functions, subject to section 1531 of title 31, United States Code, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this section; and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Labor or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of Housing and Urban Development at the time this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall

continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Housing and Urban Development, or by or against any individual in the official capacity of such individual as an officer of the Department of Housing and Urban Development, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of Housing and Urban Development relating to a function transferred under this section may be continued by the Department of Labor with the same effect as if this section had not been enacted.

(k) SEPARABILITY.—If a provision of this section or its application to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(l) TRANSITION.—The Secretary of Labor is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of Housing and Urban Development with respect to functions transferred to the Department of Labor by this section; and

(2) funds appropriated to such functions for such period of time,

as may reasonably be needed to facilitate the orderly implementation of this section.

(m) ACCOMPLISHING ORDERLY TRANSFER.—Consistent with the requirements of this section, the Secretary of Labor and the Secretary of Housing and Urban Development shall take such actions as the Secretaries determine are appropriate to accomplish the orderly transfer of functions as described in subsection (b).

(n) ADMINISTRATION OF PRIOR GRANTS.—Notwithstanding any other provision of this Act, grants awarded under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) with funds appropriated for fiscal year 2006 or a preceding fiscal year shall be subject to the continuing authority of the Secretary of Housing and Urban Development under the provisions of such subtitle, as in effect on the day before the date of enactment of this Act, until the authority to expend applicable funds for the grants, as specified by the Secretary of Housing and Urban Development, has expired and the Secretary has completed the administrative responsibilities associated with the grants.

(o) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Secretary of Housing and Urban Development with regard to functions transferred under subsection (b), shall be deemed to refer to the Secretary of Labor; and

(2) the Department of Housing and Urban Development with regard to functions transferred under subsection (b), shall be deemed to refer to the Department of Labor.

(p) EFFECTIVE DATE.—This section takes effect on the earlier of—

(1) the date of enactment of this Act; and

(2) September 30, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3534.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

It gives me great pleasure to rise today in support of S. 3534, the YouthBuild Transfer Act. I have been working with my Senate colleagues, the administration, the YouthBuild community, and the gentleman from Massachusetts (Mr. FRANK) for over a year, and I am pleased that we are here today to finish our work and send the transfer to the President.

YouthBuild began as a community-based organization in 1978, was later replicated in other cities, and ultimately authorized by Congress in 1992. The program provides grants for job training and educational opportunities for at-risk youth who help construct or rehabilitate housing for low-income or homeless families and individuals in their respective communities. Each year, youth who participate in YouthBuild receive a combination of classroom and job skills development and on-site training in a construction trade.

Today there is a national network of more than 225 local YouthBuild programs which have served more than 54,000 young people and built more than 14,000 units of affordable housing in 44 States since 1994. In my work on the Committee on Education and the Workforce, it is clear that our high schools still have room for reform and that graduation rates are a significant problem. This program fulfills a small niche and is making a difference not only in degree attainment but also skills.

Since 1992, the program has been operated out of the U.S. Department of Housing and Urban Development. Given the fact that the program is at its core an employment and training program for disadvantaged youth, today's bill will delete the program from HUD's jurisdiction and transfer administrative responsibilities to the U.S. Department of Labor.

The ultimate goal of the transfer is to improve services to youth. This is accomplished through the transfer but also in a number of ways, including establishing a stronger linkage to the Workforce Investment Act, WIA, One-Stop System's specialized resources, expertise and market knowledge, particularly in connecting the individuals to supportive services and placing individuals in education, training, or occupations in demand. In addition, the bill authorizes additional education and workforce investment activities including occupational skills training, internships and job shadowing, alternative secondary school services, community service and peer-centered activities, and comprehensive guidance and counseling.

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While enhancing these services, the YouthBuild program will maintain its mission to provide affordable housing for low-income and homeless individuals and families. Eligibility is targeted to a more specific youth population by including, in addition to meeting the current-law requirements of being between the ages of 16 and 24, and not having finished school, being in one or more of the following categories: a member of a low-income family, foster care youth, youth offenders, disabled youth, children of incarcerated parents, and migrant youth.

To ensure that other at-risk youth have access to the program, an exemption to the eligibility requirements will be expanded to allow secondary schools to refer students to a YouthBuild program that leads to the attainment of a secondary school diploma.

This is an easy program to support. Not only does it address housing needs in our communities, but also addresses important educational workforce needs by providing meaningful opportunities for at-risk youth to acquire the basic education and job skills needed to advance to productive employment and higher education.

It is not often the case that a program meets two important needs. Mr. Speaker, I urge my colleagues to continue their support of the program by passing this.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of the YouthBuild Transfer Act, which would move this valuable community development program from the Department of Housing and Urban Development to the Department of Labor.

The YouthBuild is a program designed to offer construction job opportunities and leadership training to low-income youth while building affordable housing for low-income communities.

While the program has been located in the Department of Housing and Urban Development since its inception in 1993, this bill reflects a new understanding about how we should approach youth issues. Ultimately, the YouthBuild is a youth development program where the participants, largely at-risk young men, nearly half of whom are African Americans, have the opportunity to complete their education and prepare for future careers while developing leadership skills and learning the value of civic engagement and community service.

YouthBuild participants benefit from the strong counseling and support component of the program. Counseling through the YouthBuild helps participants navigate work and education barriers such as substance abuse, child care, and transportation.

After graduating, YouthBuild participants continue to have access to the resources that will help them explore post-secondary options, have successful careers, and become role models for other at-risk youth.

Since 1993, nearly 60,000 young people have built over 15,000 units of affordable housing. Yet this program has value that far surpasses only the development of affordable housing. This bill provides for the transition of this program from the Department of Housing and Urban Development to the Department of Labor and specifically as a national program under the Workforce Investment Act.

By integrating the YouthBuild into WIA programs, the program will have access to a wider range of youth employment resources. As a national program it will have the attention of the Secretary of Labor.

We welcome the program to the jurisdiction of the Committee on Education and the Workforce. With continued appropriations, I am confident that this program will continue to thrive in the Department of Labor.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), the ranking member of Financial Services.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate very much the yielding by the ranking member from the Education and Workforce Committee. I hope we are going to set some good examples for the body today.

First, my friend from Illinois correctly noted that I am the ranking member of the Committee on Financial Services, which under this bill will lose jurisdiction over the program. And I cheerfully get up here to thank my colleagues for doing this.

We are too consumed by turf in this body. I must say, having served on a number of committees, there is not a committee in the Congress that does not have more to do than any rational human being can handle. I wish people would be less concerned about turf.

I agree here: this is a program that makes more sense in the Workforce Committee. It will also resolve a problem we have had in which the appropriation for this program was bounced back and forth between the appropriations subcommittee that deals with HUD and the appropriations committee that deals with the Department of Labor.

I do note parenthetically, I guess, I am surprised that my Republican colleagues have not yet changed the name of the Secretary of Labor to the Secretary of Workforce. They let that nasty word "labor" survive longer than I think they meant to.

The point is that there was a tension that was there. I want to express my appreciation to all of my colleagues, including those on the appropriations committee, for dealing with it. And my understanding is that once this bill, which goes from here to the President's desk for what I know is a sure signature, it will free up a contingent appropriation that we have, that is, an appropriation was in, I think, the Labor-H bill contingent on this being done.

So this is a good example, I hope, of cooperation between committees about how to do things. It is also a very good example of bipartisanship. I want to particularly express my appreciation and admiration to the gentleman from Delaware. This was a subject that should not have been hard, but for a variety of reasons it became hard. It involved two appropriations subcommittees, two standing committees, and then it involved that wondrous place, the United States Senate, where very little is simple.

And I want to express my admiration for the extent to which the gentleman from Delaware navigated between shoals in the Senate. I do notice that the Washingtonian magazine listed him as a "bridge builder." And I have to say that in getting all of the various pieces together, and he was able to take the lead in this, he built a bridge that rivals the Delaware Water Gap Bridge in terms of what he was able to do. I am very appreciative.

Because what we have here, as both of my colleagues have said, is a wonderful program. It does what a lot of people talk about doing, but we are rarely able to do. It goes to young people, including many young people who have had troubled pasts who have been not only troubled, but let's be honest, troubling to others. And it takes some of those who are willing to make an effort to straighten out their lives and gives them a framework in which to do it. I have experienced this program in the city of New Bedford, Massachusetts, which has had some problems.

I see my colleague from Georgia here, who did us the great honor of coming to New Bedford and was very well received. We have a situation there with young people who were in those circumstances, and this program has been a wonderful program.

It is actually kind of a two-in-one program, because it provides great help to the young people, and we also get some affordable housing out of it. It is not primarily a housing program, that is why it belongs in this Committee on Workforce, but it does have a housing benefit. And so what we have is a very good program tangled up in jurisdictional issues.

Thanks to the leadership of the gentleman from Delaware, and it was a fortuitous circumstance that he serves on both of the committees, Financial Services and Education and Workforce, and the great enthusiasm of the gentleman from Illinois who has been a strong advocate of this and has helped when we tried to save it a couple of times.

Because of this ambiguity, it was in nobody's appropriation bill. Given the limited allocations that appropriators have, they have the reverse turf issue, because the more you have to cover a program, the less you have got for your other programs. So for a couple of years now, we have had this problem where this program became orphaned in the appropriations process. It was the subject of an unusual custody: both parents were insisting that the other one take responsibility.

We finally resolved that. And so what has happened is that the legislative situation has caught up with an excellent substance. And I now am very pleased that we are going to pass this bill. It is going to be signed by the President. The appropriation will go forward. I have to say the appropriation is not what I would like it to be. Like a lot of other good programs, it has suffered from being squeezed by the, I think, the distorted priorities of this Congress. I do not want to be wholly bipartisan about all of this.

But at least we have saved the program to fight again for a better day. For that I thank the gentleman from Delaware for his leadership, the gentleman from Illinois who has been a strong supporter, and let me say, as a member of the Financial Services Committee, and we had jurisdiction over this program, I say good-bye to it cheerfully, because I understand that in its new home it will be very well taken care of.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Massachusetts for his kind words. I hadn't thought about the jurisdictional aspects of this bill until he raised it for it. I cannot really take much credit for it since I am both the receiving and the giving end of this.

But I do agree with his kind words about the legislation. He has been a behind-the-scenes pusher for this legislation for all of this time. In fact, frankly, without his support we would not be where we are today. He is absolutely right: nobody is ever willing to yield jurisdiction on anything around here. So it is a sign of the times, perhaps, that we can move something forward.

I have no further speakers and I am prepared to yield.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time. I would like to thank the gentleman from Delaware. I want to thank the gentleman from Massachusetts for recognizing that enough is enough and that there is enough work to go around, and for being willing to give up jurisdiction of this work.

I am sure that Education and the Workforce would gladly take it.

Mr. McKEON. Mr. Speaker, I rise today in support of S. 3534, the YouthBuild Transfer Act. I commend the gentleman from Delaware for his leadership on this issue and for sponsoring the corresponding House legislation.

Through community organizations nationwide, YouthBuild provides education and job training services, leadership training, counseling, and other support activities to at-risk youth, who—as part of their training—help construct or rehabilitate housing for low-income or homeless families in their communities.

The bill before us today simply would transfer operation and oversight of the program from the Department of Housing and Urban Development to the Department of Labor. President Bush proposed this change in his two most recent budgets, based on the recommendation of the White House Task Force for Disadvantaged Youth.

The YouthBuild program is, at its core, an employment and training program for disadvantaged youth. The Department of Labor is the Federal agency with primary responsibility for providing youth development and employment services, including the youth development program of the Workforce Investment Act and the Job Corps program. Therefore, moving this program to the Department of Labor will allow better coordination of services for at-risk youth, strengthen connections to the workforce investment system, and streamline program operations.

Mr. Speaker, by moving the program under the Workforce Investment Act, YouthBuild will make more efficient and effective use of Federal funds. The program will be able to maximize collaboration with partners in the One-Stop Career Centers and reduce duplication of efforts across funding streams. In addition, the program will emphasize training that leads to industry-recognized certifications, which will increase participants' access to high demand jobs. At the same time, the program will retain the dual purpose of providing affordable housing.

In short, this transfer will enhance the YouthBuild program and provide meaningful opportunities for at-risk youth to acquire the basic education and job skills they need to advance to higher education and productive employment, while at the same time helping rebuild communities. This is a sound, straightforward, and common sense proposal that I urge my colleagues to support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support S. 3534, a bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The YouthBuild Program enables disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities.

The program provides disadvantaged youth with opportunities for meaningful work and service to their communities. The goals of the program include fostering the development of employment and leadership skills and commitment to community development among youth in low-income communities, and expanding the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth.

The program provides a crucial package of work experience and skills training, occupational skills training, internships and job shadowing, remedial education, language instruction educational programs for individuals with limited English proficiency, secondary education, counseling and assistance in obtaining postsecondary education and required financial aid, and job search assistance.

If you are between the ages of 16 and 24, and have dropped out of school, this is a way to pick up the pieces and learn a craft that can literally rebuild your life and rebuild your neighborhood.

The program is intended for individuals who are serious and committed, interested in learning construction, interested in helping to rehabilitate affordable housing, a low income School drop out, and member of a low-income family, a youth in foster care including youth aging out of foster care, a youth offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth.

This is an excellent program; we are pleased to have it in my district in Houston. However, it is underfunded, and because of this, it struggles to find the direction it needs to achieve, its maximum benefit. Worthwhile programs like this must be fully funded and supported.

I urge my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I urge support of what I think is a very good piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the Senate bill, S. 3534.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING SPELMAN COLLEGE ON ITS 125TH ANNIVERSARY

Mr. PRICE of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 875) congratulating Spelman College on the occasion of its 125th anniversary, as amended.

The Clerk read as follows:

H. RES. 875

Whereas Spelman College was established by Sophia B. Packard and Harriet E. Giles, school teachers and Baptist missionaries, in 1881 in Atlanta, Georgia, for the purpose of educating African American women and girls;

Whereas as a result of the benevolence of John D. Rockefeller, Sr. and Laura Spelman Rockefeller, the name of the institution was changed from "Atlanta Baptist Female Seminary" to "Spelman Seminary" in honor of the Spelman family;

Whereas the curriculum expanded to include high school and college classes, and Spelman Seminary conferred its first high school diplomas in 1887, and its first college degrees in 1901;

Whereas in 1924, Spelman Seminary officially became Spelman College and grew to become a leading undergraduate institution for African American women;

Whereas Spelman College was ranked among the top 75 Best Liberal Arts Colleges according to U.S. News & World Report, 2007 edition;

Whereas Spelman College is one of six institutions designated by the National Science Foundation and the National Aeronautics and Space Administration as a Model Institution for Excellence in undergraduate science and math education;

Whereas the administration of Spelman College has initiated a strategic plan for Spelman ("Spelman ALIVE") that includes five goals: Academic excellence, Leadership development, Improving the infrastructure, Visibility of accomplishments of the campus community, and Exemplary customer service, all designed to create a vision for Spelman of "Nothing Less than the Best"; and

Whereas Spelman College has prepared more than six generations of African American women to reach the highest levels of academic, community, and professional achievement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Spelman College on the occasion of its 125th anniversary; and

(2) commends the administration, faculty, staff, students, and alumnae of Spelman College for their outstanding achievements, and contributions to African American education, history, and culture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. PRICE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 875.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 875, which is a resolution to recognize the contributions of Spelman College on the occasion of its 125th anniversary. I sincerely want to thank the gentleman from Georgia, my good friend, Mr. LEWIS, for introducing this resolution and for his continuing recognition of the important role Spelman College plays in educating young women from all over the world.

Spelman College, located in Atlanta, Georgia, was originally founded in 1881 by two women with the intent of serving as an all-female seminary school. The school has since expanded its mission and ranks now as one of the leading liberal arts institutions offering a full range of degrees.

Today, Spelman educates over 2,000 young women and brings students from across the United States and around the globe to our community of Atlanta. As a Historically Black College and University, Spelman is one of a diverse community of institutions. Historically, black colleges and universities include 2- and 4-year institutions, both public and private, as well as single sex and coed.

To be designated a Historically Black College or University, an institution must have been established prior to 1964, with a primary mission of educating African Americans.

Mr. Speaker, these schools have a long, proud and well-established heritage. These institutions have been educating students of this Nation for over 100 years. And while comprising less than 3 percent of the country's 2- and 4-year institutions, they are responsible for producing a significant number of all bachelors, masters and professional degrees earned by African Americans.

Congress has repeatedly recognized the importance of Historically Black Colleges and Universities. Between 1995 and 2006, congressional funding for strengthening the Historical Black Colleges and Universities program rose from $109 million to $238 million, a 118 percent increase.

Furthermore, funding for the graduate programs increased from $19.6 million to $57.9 million over that same period of time, an increase of nearly 200 percent.

Historically, Spelman College has been named as a college with the "best environment." Spelman works with its fellow colleges and universities to advance the goals of educating African American students as part of the largest consortium of historically black higher education institutions in the world.

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It does this by sharing cross-registration with its partner institutions, which include Clark Atlanta University, the Interdenominational Theological Center, Morehouse College and the Morehouse School of Medicine.

Mr. Speaker, for this reason and many more, I urge my colleagues to honor the 125th anniversary of Spelman College and support H. Res. 875.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Georgia (Mr. LEWIS), the author of this legislation and the chief deputy whip of the Democratic Caucus.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and friend Mr. DAVIS for yielding.

Mr. Speaker, it is with great pleasure and delight that I rise with my colleague Mr. KINGSTON of Georgia to offer H. Res. 875, a resolution commemorating the 125th anniversary of Spelman College. I must also thank Mr. PRICE and Mr. GINGREY of Georgia for being here to participate in the passing of this resolution.

Mr. Speaker, not so long ago, 50 years ago, in many parts of the American south, black women had limited options when it came to furthering their education after high school. Just 50 years ago, black women were turned away from many colleges and universities throughout the south. They were turned away not because of a low GPA, not because of inferior SAT scores and not for submitting a poorly written essay with their application. So many of these students were turned away simply because of the color of their skin.

Mr. Speaker, fortunately, since 1881, Spelman College has been here to provide hope, opportunity and a bright future for women of color. Created for the purpose of educating African American women and girls, Spelman is part of the Atlanta University Center, which is the largest concentration of historic black universities and colleges in the Nation. Spelman College is located in Atlanta, Georgia, and I have the privilege of representing Spelman as part of my congressional district. Spelman has a very diverse student population from 41 States and 15 foreign countries. It has been ranked among the top 75 liberal arts colleges in the Nation by U.S. News and World Report.

Mr. Speaker, one of the many things that I admire about Spelman College is that its students are encouraged to pursue the study of fields where minorities and women are often underrepresented. This is evident in Spelman's continued emphasis on exposing black women to the fields of science and engineering. Spelman has established a partnership with NASA, and it is one of six institutions designated by the National Science Foundation and NASA as a model institution for excellence in undergraduate science and math education.

Mr. Speaker, last summer, Spelman College made history when six Spelman women qualified for the International Robo Cup 2005 Four-Legged Robot Soccer Competition in Japan. They were the first and only historically black college and university, the only all-women institution and the only United States undergraduate institution to qualify for this tournament.

Mr. Speaker, under the leadership of current Spelman's president, Dr. Beverly Daniel Tatum, I have every confidence that the institution will continue to excel. Dr. Tatum's extraordinary vision for the college will enable Spelman to make extraordinary contributions to our Nation for another 125 years and beyond. I want to congratulate President Tatum for creating and executing the Spelman ALIVE initiative that promotes the following ideas for Spelman: Academic excellence, Leadership development, Improving our environment, Visibility of our achievements and Exemplary customer service. I understand that this program is enjoying much success.

Mr. Speaker, for 125 years, Spelman College has empowered women to fully use their talents to succeed and to better the world. For many years, Spelman College served as a refuge for black women seeking to further their education when they were turned away by others. Fortunately, times have changed, and black women have virtually unlimited options when it comes to pursuing a college education today.

Nevertheless, Spelman's impact on our society remains as important as ever. As one of two historically black women's colleges in the Nation, Spelman College has a rich and historical legacy that we must continue to celebrate.

So, Mr. Speaker, I ask and urge all of my colleagues in the House to join me and Congressman KINGSTON in commemorating the 125th anniversary of Spelman College and in supporting this resolution.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to my colleague from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank Mr. PRICE for his cosponsorship of this, and also, I wanted to acknowledge my friends Mr. SCOTT and Mr. GINGREY for their cosponsorship, but I also wanted to say, many thanks to my friend JOHN LEWIS, the lead sponsor of this.

When he asked me to cosponsor the resolution commemorating Spelman College for their 125th anniversary, it was an easy "yes," Mr. Speaker, and it was easy because I had an employee who is a Spelman graduate. Her name is Karen Robenson Boggans. She is not working with me anymore and, indeed, has gone on to bigger and better things, but I hope that I helped her on the pathway to the top. She is doing great things.

When she was my legislative assistant, Karen handled many issues. She was smart, intelligent, capable, task-oriented, focused and got the job done, and only because she was moving out of town did she leave our office. In fact, when she moved back to Savannah, I was able to get her to come back to work for us for a short period of time, and then she got a bigger calling one more time.

But if she is an example, and she is, of a Spelman graduate, it is a great institution, and I know it to be a great institution.

As Mr. LEWIS pointed out: in 1881, when Spelman was started, it was a school for African American women because there were not many choices. Now there are lots and lots of choices, and yet Spelman still continues to show lots of leadership. It is still a great choice for women to go to this school because they learn how to be competitive, and they learn business, and they learn how to write, and they learn the basics of getting the job done. They are all over the world today. They are in 39 different countries and 42 different States. It is international in scope.

The funding for historically black colleges and institutions since 1995, under the leadership, I believe, of J.C. Watts, and as much as anybody, but good bipartisan leadership has increased 118 percent. Spelman College is an investment not just in historically black colleges and institutions but in America, because you are investing in your own people who will go on to become great leaders in our country.

So I am proud to stand as a cosponsor of this, and I thank the gentleman.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 6 minutes to another son of Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, thank you very much to my distinguished colleague from Chicago, Congressman DAVIS; my distinguished colleague and Congressman from Georgia, JOHN LEWIS; to my distinguished colleagues from Georgia, Mr. KINGSTON, Dr. PRICE. I appreciate so much having this opportunity, and I am also pleased to join with my colleague Mr. GINGREY.

I am honored on this day to recognize one of our Nation's most prestigious institutions of higher learning, and that is indeed Spelman College. Singularly devoted to the education of women, Spelman College now celebrates its 125th anniversary this year.

What an extraordinary story this is, Mr. Speaker, because when you tell the story of Spelman, you are telling a truly genuine American story that represents the heart and soul of what America is all about.

Spelman College is a private and historically black college that opened its doors less than two full decades after the Emancipation Proclamation and the ratification of the 13th amendment, and out of necessity, and it was necessary to provide educational opportunities for black women in the south when none existed.

To get the proper perspective on this, Mr. Speaker, we must understand that it was not long, just a few years before this, when the law of the land was not to allow African Americans to even read a book. Just think of that: In this country, it was against the law for African Americans to even learn to read.

It is within this backdrop that Spelman College stepped forward.

Sophia B. Packard and Harriet E. Giles founded Spelman College in Atlanta, Georgia, naming it first the Atlanta Baptist Female Seminary. It began as a comprehensive academy that provided education for women from elementary school all the way through to college. It was renamed Spelman Seminary in 1884 and underwent one final change, becoming Spelman College in 1924.

Let me stop for a moment to give the importance of this name Spelman. It originated from a member of the distinguished Rockefeller family. For without John D. Rockefeller, it can arguably be said that there would have been no Spelman.

Reflecting on the early relationship forged by this institution's founders, it was a unique relationship with John D. Rockefeller himself who provided necessary resources that ensured the longevity of this college. So as we celebrate the 125th anniversary of Spelman College, let us pay direct homage to the Rockefeller family, without whom this college would not have been.

The academic achievements of its students and the rigor of its academic programs have brought numerous honors to this private college. Spelman was awarded a chapter of Phi Beta Kappa honor society in 1998, one of only four historically black colleges and universities to receive such an honor. In 2003, Spelman was named one of six institutions to receive a $4.2 million grant from the National Institutes of Health's National Center for Minority Health and Health Disparities to eliminate health disparities among racial and ethnic minorities.

They put together a health and wellness initiative that set the standard for academic institutions' outreach to the community to improve health care. Spelman College did that.

Throughout its history, Spelman's campus has grown, reflecting the addition of new programs and the strengthening of its renowned liberal arts program. A new academic center that houses several departments, a museum and the college archives resulted from a $20 million donation from Bill and Camille Cosby.

Indeed, an institution lives in the hearts and minds of the people who inhabit it, and Spelman's many accomplished graduates include the founder of the Children's Defense Fund, Marian Wright Edelman; actress Esther Rolle; Pulitzer Prize novelist Alice Walker; and writer, Pearl Cleage.

Many distinguished presidents have been at its helm, notably Dr. Johnetta Cole, the institution's first black female president and current president of Bennett College; Dr. Audrey Manley, former deputy Surgeon General; and current president, Dr. Beverly Tatum, administrator and clinical psychologist.

What a great day this is, Mr. Speaker, for us to be able to stand here in this wonderful country and pay homage to Spelman College on its 125th anniversary. What a distinguished institution, and we are proud of the great service that it has given to African Americans for sure, but most definitely to this great Nation of America and the world.

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Mr. PRICE of Georgia. I am pleased to yield 3 minutes to my friend and colleague from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague for yielding, and I rise today to congratulate Spelman College on its 125th anniversary. This is a historic anniversary for a historic institution, and I am indeed proud to cosponsor the resolution of my good friend Mr. LEWIS and my other Georgia colleagues in honoring Spelman College.

In 1881, two female schoolteachers, Sophia Packard and Harriet Giles, established Spelman College in Atlanta for the purpose of educating African American women and girls. Over its 125-year history, there have been many individuals who have worked hard to bring excellence to this institution, a tradition that indeed continues today.

Spelman College today encompasses a student body of more than 2,100 students from more than 21 States and 15 foreign countries. In 2006, their excellence was noted nationally when U.S. News and World Report ranked Spelman College among the top 75 best liberal arts colleges in the country.

Mr. Speaker, in this resolution, just looking at a couple of points, Spelman College was ranked, as I say, among the top 75 best liberal arts colleges, according to U.S. News and World Report; also the Association of Medical Colleges ranked Spelman fifth among undergraduate programs for black students accepted to medical school; and Spelman is one of six institutions designated by the National Science Foundation and the National Aeronautics and Space Administration as a model institution for excellence in undergraduate science and math studies.

Mr. Speaker, I want to take this opportunity to commend Spelman College President Dr. Beverly Daniel Tatum, as well as the administration, the faculty, students, and alumni for contributing to the enormous success Spelman College has achieved over these past 125 years. With Dr. Tatum's vision for achieving excellence, I know the next 125-plus years will see the same quality education and the strong community support of Spelman College.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with Representatives PRICE, KINGSTON, GINGREY, SCOTT, and my good friend and the chief sponsor of this legislation, Mr. LEWIS from Georgia. I rise in strong support of H. Res. 875 congratulating Spelman College on the occasion of its 125th anniversary.

I am pleased to take this opportunity to recognize the achievements of this fine institution of higher education and to pay special tribute to the unique role it has played in the lives of students, especially African American women. Spelman College, founded in 1881, for the purposes of educating African American women, set a high standard early on for providing quality instruction and valuable experiences, especially at a time when opportunities were not plentiful for African Americans, let alone African American women.

As a Historically Black College, Spelman has focused on not only increasing opportunities for black women, but it is also their mission to ensure students think objectively, critically, and creatively within a moral framework. Founded by two Massachusetts teachers, Harriet Giles and Sophia Packard, the school was originally named the Atlanta Baptist Female Seminary. The school was started with 11 black women and $100 given to Miss Giles and Miss Packard by a church congregation in Medford, Massachusetts. With the $100, the two teachers built more than a school, rather a foundation and a reason for women to believe in themselves and to aspire to do and be more.

The school eventually became Spelman College, named after John D. Rockefeller's in-laws. When funds ran out, Rockefeller settled the debt on the property and donated funds for what is currently the oldest building on campus, Rockefeller Hall. This institution produced many notable alumni, including Marian Wright Edelman, head of the Children's Defense Fund; novelist Alice Walker; as well as the mother of Martin Luther King, Jr., Ms. Alberta Williams King.

Spelman continues the tradition of excellence as one of the best liberal arts colleges in the Nation, according to the latest rankings of U.S. News and World Report. This prestige is coupled with the designation by the National Science Foundation and the National Aeronautics and Space Administration as a model institution for excellence in undergraduate science and math education. Spelman is one of six in the country with this designation.

In the Spelman tradition of seeing a need and filling the need, the school created the Spelman College Health and Wellness Initiative. This program is helping to create preventive strategies for the unique circumstances that apply to all African American women. These strategies are currently being developed and used to prevent cancer, cardiovascular diseases, diabetes, and HIV/AIDS in African American women.

To top this all off, last year Spelman College made history when six Spelman women qualified for the international RoboCup 2005 robot soccer competition in Osaka, Japan. They were the first and only Historically Black College and University, the only all-women institution, and the only United States undergraduate institution to qualify for this tournament. For those of you unfamiliar with the RoboCup, it is truly an amazing competition. Students from all over the world enter their robot into a competition to play soccer against humans.

Spelman is one of those schools that offers its students the opportunity to broaden their horizons and reach their fullest potential. Among African American women especially, and in black life, the young African American woman who gets an opportunity to go to Spelman considers herself to be not only honored but is often in awe. It is considered to be sui generis, fruit of the loom, in a class by itself, all alone. And there is nothing more delightful to a young African American woman growing up in this country than the opportunity to attend Spelman.

So I join with all of my colleagues in congratulating this fine and outstanding institution, and I urge support for this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased also to join Mr. DAVIS and my good friends from Georgia, Mr. SCOTT, and the author, Mr. LEWIS, in urging all of my colleagues to support H. Res. 875.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to congratulate Spelman College on the occasion of their 125th anniversary. 125 years ago, two Baptist missionaries Sophia B. Packard and Harriet E. Giles traveled to Atlanta, Georgia for the purpose of educating African American women and girls. Founded as Atlanta Baptist Female Seminary on April 11, 1881, the first Bible class was held in the basement of the Friendship Baptist Church for 11 brave young women—who only years earlier had been enslaved.

Since that day, Spelman College has maintained a tradition of producing African American women of excellence who have gone on to serve in various capacities throughout the world and has empowered its daughters to make a difference in their communities while shattering stereotypes.

Spelman is an institution within the African American community and remains an intricate part of American history. In 1884, the college was renamed Spelman Seminary, and later Spelman College, in honor of Mrs. Laura Spelman Rockefeller and her parents Harvey Buel and Lucy Henry Spelman, who were longtime activists in the antislavery movement. In 1968, thousands came to mourn the loss of Rev. Martin Luther King, Jr., whose body was laid in state on Spelman's Campus in the historic Sisters Chapel. And in 1987, millions of viewers were introduced to Spelman's beautiful campus through the groundbreaking Cosby Show spin-off "A Different World."

Today, Spelman continues to be the leading institution for educating African American women and was ranked among the top 75 Best Liberal Arts Colleges according to U.S. News & World Report, 2005 edition.

I am proud to say that I am a friend of Spelman College. Dr. Johnnetta B. Cole, the first African American female to serve as president of Spelman is a good friend of mine. Additionally, Nicole Y. Williams, a class of 2000 Spelman graduate and the current president of the Washington, D.C. Chapter of the National Alumnae Association of Spelman College has been a member of my staff for over five years serving as my Communications Director.

Spelman's current President, Dr. Beverly Daniel Tatum continues to strengthen the Spelman legacy through her Spelman ALIVE strategic plan that includes five goals: Academic excellence, Leadership development, Improving the infrastructure, Visibility of accomplishments of the campus community, and Exemplary customer service, all designed to create a vision for Spelman of 'Nothing Less than the Best'.

So today, I join my colleagues in commending Spelman College on reaching this milestone and wish them continued success.

Mr. MARKEY. Mr. Speaker, I would like to add my congratulations to Spelman College for providing African American women with outstanding education and guidance for the last 125 years.

Spelman College was founded in 1881 as Atlanta Baptist Female Academy by two women commissioned by the Baptist church to provide educational opportunities for newly freed black women. Spelman began in a damp church basement with 11 pupils, mostly women, determined to learn to read the Bible and write well enough to send letters to their families in the North. The academy first offered postsecondary education in 1897. It adopted its present name in 1924.

Two years after its founding, the former barracks and drill grounds used for federal troops after the Civil War were purchased for the school for $15,000. To pay the enormous debt, the black community raised $4000, the Negro Baptists of Georgia raised $3000, and individuals donated $1300, which left an outstanding balance of $6700. John D. Rockefeller was so impressed with the school when he visited that before he left, he paid the outstanding balance, which resulted in a name change to Spelman Seminary, in honor of Rockefeller's mother-in-law, Harvey Spelman. Several years later, Rockefeller donated $40,000 toward the building of Rockefeller Hall, named in his honor.

Spelman continues to be blessed with friends dedicated to its mission to provide high-quality educational opportunities to black women. Spelman was the recipient of a $20 million gift from entertainer Bill Cosby and his wife Camille to build the Camille Olivia Hanks Cosby Academic Center. The school also receives $37 million from the DeWitt Wallace/Spelman College Fund, which was established by the founder of the Reader's Digest Association. The College has gained national recognition as a result of such philanthropic gifts and the fact that it was the basis for the fictional black college in the television show "A Different World."

Despite large-scale development, Spelman continues to place special emphasis on the cultural, social, and personal development of each student and sisterhood and individual discovery is encouraged and stressed. Spelman continues to prepare women to become successful in any field they choose while also instilling a sense of giving back to the community, with their motto of "Women Who Serve". The founder of the Children's Defense Fund, Marian Wright Edelman, Spelman '60, is perhaps this generation's most effective voice for the disadvantaged and forgotten in our society. The author Alice Walker, Spelman '63, who received the Pulitzer Prize in literature for The Color Purple is also a dedicated activist and social visionary.

I am particularly proud that a Massachusetts native and member of the Spelman class of 2006, Tulani Elisa, has chosen to serve the people of the 7th Congressional District of Massachusetts here in my Washington office.

Congratulations to a great American institution of higher learning and of commitment to service.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 875, Congratulating Spelman College on the occasion of its 125th anniversary.

Spelman College was established by Sophia B. Packard and Harriet E. Giles, school teachers and Baptist missionaries, in 1881 in Atlanta, Georgia, in order to educate African American women and girls.

The seminary conferred its first high school diplomas in 1887, and its first college degrees in 1901. In 1924, Spelman Seminary officially became Spelman College and grew to become a leading undergraduate institution for African American women.

Spelman College has prepared more than six generations of African American women to reach the highest levels of academic, community, and professional achievement.

Spelman College continues to pave the way for new generations of African American students. The college offers competitive and high quality academic programs in liberal arts, humanities, sciences, communications, and engineering, to name just a few.

The Association of Medical Colleges ranks Spelman College fifth among undergraduate programs for Black students accepted to medical school, and Spelman is one of six institutions designated by the National Science Foundation and the National Aeronautics and Space Administration as a Model Institution for Excellence in undergraduate science and math education.

I urge my colleagues to support the achievements of this institution, and support this resolution honoring the 125th anniversary of Spelman College.

Mr. PRICE of Georgia. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. PRICE) that the House suspend the rules and agree to the resolution, H. Res. 875, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING CONDOLENCES TO FAMILIES, FRIENDS, AND LOVED ONES OF VICTIMS OF CRASH OF COMAIR FLIGHT 5191

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 980) expressing condolences to the families, friends, and loved ones of the victims of the crash of Comair Flight 5191, and for other purposes.

The Clerk read as follows:

H. RES. 980

Whereas the people of Kentucky, including the citizens of the 6th Congressional District, have experienced a terrible tragedy with the loss of 49 lives in the crash of Comair Flight 5191 at Blue Grass Airport in Lexington, Kentucky, on August 27, 2006;

Whereas many of the victims of the crash were residents of Kentucky, particularly of the small, close-knit town of Lexington and other surrounding communities; and

Whereas Federal, State, and local officials have cooperated not only at the crash site but throughout Kentucky and the Nation to respond to the emergency, investigate the accident, and provide assistance to families devastated by the loss of loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the families, friends, and loved ones of the victims of the crash of Comair Flight 5191;

(2) honors the victims of the crash: Rebecca Adams, Christina Anderson, Lyle Anderson, Arnold Andrews, Anne Marie Bailey, Bobbie Benton, Jesse Clark Benton, Carole Bizzack, George Brunacini, Brian Byrd, Jeffrey Clay, Homer Combs, Diane Combs, Fenton Dawson, Thomas Fahey, Mike Finley, Clarence Wayne "C.W." Fortney II, Wade Bartley "Bart" Frederick, Hollie Gilbert, Erik Harris, Kelly Heyer, Jonathan Hooker, Scarlett Parsley Hooker, Priscilla Johnson, Tetsuya Kono, Nahoko Kono, Charles Lykins, Dan Mallory, Steve McElravy, Lynda McKee, Bobby Meaux, Leslie Morris II, Kaye Craig Morris, Cecile Moscoe, Judy Ann Rains, Michael Ryan, Mary Jane Silas, Pat Smith, Tim Snoddy, Marcie Thomason, Greg Threet, Randy Towles, Larry Turner, Victoria Washington, Jeff Williams, Paige Winters, Bryan Woodward, JoAnn Wright, and Betty Young;

(3) expresses sympathies to the people of Lexington, the entire Commonwealth of Kentucky, and the Nation who grieve for the victims;

(4) commends the heroic actions of the rescue workers at the crash site who retrieved copilot James M. Polehinke from the wreckage; and

(5) commends the Federal, State, and local officials and the volunteers who worked together to respond to the tragedy with courage, determination, and skill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Kentucky (Mr. CHANDLER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of this resolution today that is being introduced by my good friend and colleague from Kentucky (Mr. CHANDLER).

This resolution, H. Res. 980, expresses condolences to the families, friends, and loved ones of the victims of the August 27, 2006, aircraft accident of Flight 5191, which took place in Lexington, Kentucky. There were 50 people on board Flight 5191, including passengers and crew, with one individual surviving the crash, Copilot James Polehinke, who is currently recovering, and we wish him Godspeed in his recovery.

Mr. Speaker, I want to say that my heartfelt sympathy goes out to the victims and to each and every one of their families, friends, and loved ones. Losing a loved one is always very tragic, but I think it is compounded when such a loss is the result of an unfortunate and unforeseen situation. I am hopeful that this resolution will in some small way help to comfort the families and friends of all those who lost their lives on Flight 5191.

Mr. Speaker, as Chair of the House Aviation Subcommittee, I want to assure the traveling public and my colleagues that the National Transportation Safety Board is now and will continue to thoroughly investigate every aspect of this accident. Any presumption on the cause or causes of this accident at this stage are purely speculative, and at this time I think it should be definitely left to the professional investigative abilities of the

NTSB. It is their responsibility in fact to determine the circumstances and cause, and they will report back to Congress.

I can also assure the families, the public, and Members of Congress that those charged with the investigation of this tragedy will not rest until the cause of this aviation crash has been finally determined.

While even the loss of one life in an aviation accident is unacceptable, the public should know, Members of Congress should know, and those who travel should know that our commercial airlines today are both safe and also reliable. Since 2001, more than 4 billion passengers have flown safely on U.S. commercial airliners with the lowest fatality accident rate in history.

Mr. Speaker, it is important to note that on a typical weekday, just one day like today, there are an average of some 33,000 commercial airline takeoffs and landings at airports of general aviation across the country, and almost all of them, again with large commercial aircraft since November 12, 2001, have done so safely. Despite this amazing safety record, I wish we all lived in a world where we could eliminate all accidents and all risks. While I do not believe that we can do that, I do sincerely believe that we can continue to work together to do everything humanly possible to avoid these types of accidents in the future.

Again, I want to express my heartfelt condolences to the families, friends, and loved ones of the victims on board Flight 5191, also to Mr. CHANDLER, a good friend and distinguished colleague from Kentucky, and his constituents. He told me he lost a number of personal friends and a large number of constituents in this unfortunate aviation tragedy. Again, my condolences to all affected.

Mr. Speaker, I reserve the balance of my time.

☐ 1630

Mr. CHANDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first thank my friend and colleague, the gentleman from Florida (Mr. MICA) for his good wishes and for his efforts as chairman of the Aviation Subcommittee to help with promoting safety in the air throughout this country. I appreciate those efforts very much, and I appreciate his help with this resolution.

Mr. Speaker, I rise today with a heavy heart for Kentuckians who have tragically lost their lives and for loved ones who have been left behind to pick up the pieces.

On August 27, 2006, Comair Flight 5191 crashed upon take off at Blue Grass Airport in Lexington, Kentucky, killing 49 of the 50 people aboard. Twenty-eight of the victims lived in the district I represent, and several other passengers were fellow Kentuckians. Fathers and mothers, daughters and sons, brothers and sisters, husbands and wives, all perished in the worst plane crash this country has seen since 2001.

The small, close-knit town of Lexington and the surrounding communities of Central Kentucky will forever be changed by the scenes from early that Sunday morning and by the sudden loss of family, friends, neighbors and community leaders. Almost everyone in central Kentucky knew someone on that plane. The loss is a community loss, but also a profoundly personal loss for those of us who remain.

I am here today to honor the victims of this horrible crash by urging this body to pass House Resolution 980, expressing the condolences of this body to all who grieve during this time and commending all of those who responded to this tragedy with courage and determination.

It is also important that today we remember copilot James Polehinke, who was the only person on board who survived the tragedy. He is currently recovering, and we certainly wish him the very best.

Mr. Speaker, I am sure there will come a day when this body will address the causes of this tragedy, particularly if there are measures to be taken to prevent future accidents. At this time, however, the thing we must do is memorialize those that we have lost.

All of Kentucky is still grieving as families continue to say goodbye to loved ones. The following are the victims whose lives were cut short by this horrible tragedy:

Rebecca Adams; Christina Anderson; Lyle Anderson; Arnold Andrews; Anne Marie Bailey; Bobbie Benton; Jesse Clark Benton; Carol Bizzack; George Brunacini; Brian Byrd; Jeffrey Clay; Homer Combs; Diane Combs; Fenton Dawson; Thomas Fahey; Mike Finley; Clarence Wayne "C.W." Fortney, II; Wade Bartley "Bart" Frederick; Hollie Gilbert; Erik Harris; Kelly Heyer; Jonathan Hooker; Scarlett Parsley Hooker; Priscilla Johnson; Tetsuya Kono; Nahoko Kono; Charles Lykins; Dan Mallory; Steve McElravy; Linda McKee; Bobby Meaux; Leslie Morris, II; Kaye Craig Morris; Cecile Moscoe; Judy Ann Rains; Michael Ryan; Mary Jane Silas; Pat Smith; Tim Snoddy; Marcie Thomason; Greg Threet; Randy Towles; Larry Turner; Victoria Washington; Jeff Williams; Paige Winters; Bryan Woodward; JoAnn Wright; and Betty Young.

Mr. Speaker, I strongly urge this body to honor these victims by passing H. Res. 980.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to extend my condolences to all the family, friends and loved ones of those who lost their loved ones on Flight 5191 in Lexington, Kentucky.

I also want to express my condolences to Mr. CHANDLER. Mr. CHANDLER is a member of the Transportation and Infrastructure Committee. I particularly want to again thank him for the way he has handled himself in this matter.

Mr. CHANDLER has been a spokesperson for those who have lost their loved ones in this tragedy. He has also yielded to appropriate manners of resolution to determine what caused this crash, and I appreciate his leadership on the committee and on this issue.

It is critical that we do find the cause of aviation crashes and incidents and that we take preventative measures, and that is something that has been very much my intention as chairman of the Aviation Subcommittee. In fact, we have changed some procedures to accomplish that goal.

One of the provisions of the law that we changed now requires NTSB to continue corrective measures. In the past the NTSB would investigate these accidents. A recommendation would be made, findings would be made, but they just sort of stayed on the shelf. That is no longer the case. Today recommendations from these accidents are not left on the shelf, where causes and risks would not be addressed. Recommendations now must be followed through and brought back to the Congress and measures taken to correct any of the errors or institute appropriate remedies that are recommended by the NTSB.

Again, I am pleased that Mr. CHANDLER comes before the House today to remember those lost in this incident and that he has also been supportive of having the NTSB thoroughly investigate this crash. We give assurances to the loved ones and others that due course and due process will be followed and a full review and determination of the cause of this horrible aviation accident and tragedy will be made so that we will know how to prevent similar accidents in the future, and we will be able to correct these deficiencies.

Again, to Mr. CHANDLER, to all those who suffered loss, we extend our condolences, and I ask the House to concur in adoption of House Resolution 980, sponsored by the gentleman.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 980, which formally expresses Congress' condolences to the families and friends of the 49 passengers who perished in the August 27, 2006 crash of Conair Flight 5191 at the Blue Grass Airport in Lexington, Kentucky.

H. Res. 980 not only expresses the condolences for the lives lost, but also honors those rescue workers and personnel at the crash site, as well as the Federal, State and local officials who worked together to respond to the unfolding tragedy.

While we will not know the probable cause of the Conair crash until the National Transportation Safety Board, NTSB, completes its investigation, serious questions have been raised regarding the Federal Aviation Administration's, FAA, air traffic control staffing policies. The FAA confirmed that the air traffic control tower at the Blue Grass Airport was understaffed at the time of the accident.

Mr. Speaker, air traffic controllers are essential to the safe operation of our nation's air traffic system, and the effectiveness of controllers requires proper staffing levels at each facility.

Inadequate staffing during periods of low traffic is not a new problem. It was reported that in November 2005, an overloaded controller at the Raleigh, North Carolina airport directed two planes too close to one another, and this close call prompted the FAA to issue guidance forbidding air traffic controllers with certain responsibilities from working alone.

After the Lexington accident, the FAA stated that some air traffic control towers responsible for surface traffic also separate airborne aircraft using radar equipment, contrary to FAA guidance to provide individual controllers for the radar and control tower functions. It is not clear whether this guidance is written or verbal. The FAA statement further indicates that this guidance was not followed at the Lexington tower where the manager decided to have one controller handle both functions during the overnight shift. Moreover, further investigation has revealed that the Lexington tower was not an anomaly; other tower managers across the country routinely chose not to staff their towers adequately, and the FAA was either unaware of these deviations or unwilling to crack down until after the Lexington tragedy.

The FAA's inconsistency in applying its own controller staffing policy is very troubling. That is why Representatives COSTELLO, CHANDLER and I have requested that the Department of Transportation's Inspector General, IG, investigate how widely the staffing experience at the Blue Grass Airport is practiced at other air traffic control facilities across the Nation and determine the extent to which the towers covered by the guidance are complying with it. Importantly, we have requested that the IG investigate the steps that FAA undertook after the Raleigh incident to review staffing at its facilities to determine if the facilities were complying with the guidance, and to require compliance if they were not.

While it will be some time before the NTSB completes its investigation into the probable causes of the Conair Flight 5191 crash, we should waste no time in ensuring that the FAA consistently applies its controller staffing policies across our Nation's air traffic control towers.

Finally, and most importantly, Mr. Speaker, I want to express my condolences to the families and friends of the Flight 5191 passengers, and I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support this resolution expressing condolences to the families, friends, and loved ones of the victims of the crash of Comair Flight 5191.

It should come as a sobering fact that this is the worst aviation crash our country has seen since 2001. The crash occurred on Comair Flight 5191 upon take-off at 6:07 am at Blue Grass Airport, in Lexington, KY. The flight was en route to Atlanta, GA.

All but one of the 50 people on board, including passengers and crew, died. The only individual who survived the crash, copilot James M. Polehinke, is recovering at Chandler Medical Center, in Lexington, Kentucky, and we wish him a speedy recovery.

Many individuals and entities who responded to the disaster acted nobly, cooperatively, and admirably. Federal, state, and local officials and volunteers were soon on the scene, and I applaud their efforts.

However, this was clearly a mistake, and an accident that should never have occurred. We desperately need adequate and rigorous oversight to ensure the operational safety of every commercial flight in this country. Air control towers across the country are currently short-staffed. Since September 2003, the number of air traffic controllers has plummeted from 15,386 to 14,305 in August 2006. Moreover, at the time of this tragic accident, there was only one air traffic controller present, which is a violation of FAA guidelines which mandate at least two air traffic controllers be present.

At the heart of every oversight issue is inevitably a funding issue Funds must be provided and managed effectively and efficiently in order to make sure that there exists a sufficient level of trained air traffic controllers ensuring the safety of air travel.

I offer my sympathy to the good citizens of Kentucky, and I join Mr. CHANDLER in mourning those lost and honoring their memory. I encourage my colleagues to support this resolution.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to join my colleague from Kentucky's Sixth Congressional District, Ben Chandler, in support of his resolution expressing our deep sorrow and condolences to the families, friends, and loved ones who are grappling with the loss of 49 lives in an early morning August 27, 2006 plane crash—Comair Flight 5191.

The passengers on board Flight 5191 represented the rich diversity and commitment to community emblematic of the Commonwealth. A horse trainer, a UK faculty member, the wife of an East Kentucky University Board Member, newlyweds. A business leader, a youth basketball coach, a technology innovator, and a young father.

Mr. Speaker, all of Kentucky grieves with these families realizing their tremendous loss of a brother, a husband, a sister, a daughter, and our tremendous loss in our community of leaders. I specifically want to recognize my constituents Mike Finley, Hollie Gilbert, John and Scarlett Parsley Hooker, and Marcie Thomason and extend my heartfelt sympathy to their families. Their commitment to southern and eastern Kentucky created jobs and opportunities for young people, helped keep kids in positive pursuits by modeling hard work and supporting our communities.

Mr. Speaker, I would like to join my colleagues in commending federal, state, and local officials who cooperated not only at the crash site, but throughout Kentucky to respond to the emergency, investigate the accident, and provide assistance to families devastated by the loss of loved ones.

On behalf of the entire congressional delegation from Kentucky, we offer our most sincere condolences to the families of the victims and all those that were affected.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to Comair Flight 5191 and I join my colleagues in support of H. Res. 980. My deepest sympathies, thoughts and prayers are with the families and friends of the victims of this tragic event that occurred in Lexington, Kentucky.

It is little solace to them that we have the safest air transportation system in the world, or that we had not had a major fatal accident in five years. Along with our support of this resolution, what Congress must do to honor these victims is to learn everything we can from this accident to try to prevent similar events in the future. Their lives will be remembered in the work we do here. As the ranking Democrat on the Aviation subcommittee, I am committed to making sure this happens. The National Transportation Safety Board is conducting a thorough investigation of this accident, and I fully support its efforts, along with those of the Federal Aviation Administration and the Inspector General of the Department of Transportation.

Mr. Speaker, I again remember those that lost their lives in this accident and offer my condolences to their loved ones. I also urge my colleagues to support H. Res. 980.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the resolution, H. Res. 980.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BONNER) at 6 o'clock and 30 minutes p.m.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and adopt H. Res. 912 to the end that the Chair put the question de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 912.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2808, by the yeas and nays;

H. Res. 605, by the yeas and nays;

H. Res. 875, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2808, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 2808, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 31, as follows:

[Roll No. 427]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—31

Beauprez
Bilirakis
Boucher
Costello
Davis (FL)
Davis (KY)
Doyle
Drake
Engel
Evans
Feeney
Gallegly
Green (WI)
Gutierrez
Harris
Istook
Johnson, Sam
McHenry
McKinney
Meeks (NY)
Miller, Gary
Murtha
Nadler
Nunes
Nussle
Pallone
Peterson (PA)
Rush
Sánchez, Linda T.
Sanchez, Loretta
Young (AK)

☐ 1857

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF PRESTON ROBERT TISCH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 605.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 605, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 33, as follows:

[Roll No. 428]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola

Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—33

Beauprez
Berman
Bilirakis
Boucher
Capuano
Costello
Davis (FL)
Davis (KY)
Doyle
Drake
Engel
Evans
Feeney
Gallegly
Green (WI)
Gutierrez
Harris
Istook
Johnson, Sam
McKinney
Miller, Gary
Murtha
Nadler
Nunes
Nussle
Pallone
Peterson (PA)
Ramstad
Rush
Sánchez, Linda T.
Sanchez, Loretta
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1905

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING SPELMAN COLLEGE ON ITS 125TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 875, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. PRICE) that the House suspend the rules and agree to the resolution, H. Res. 875, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 429]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)

Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—32

Beauprez
Bilirakis
Boucher
Costello
Davis (FL)
Davis (KY)
Doyle
Drake
Engel
Evans
Feeney
Gallegly
Gilchrest
Green (WI)
Gutierrez
Harris
Istook
Johnson, Sam
Mack
McKinney
Miller, Gary
Murtha
Nadler
Nunes
Nussle
Pallone
Peterson (PA)
Rush
Sánchez, Linda T.
Sanchez, Loretta
Wynn
Young (AK)

☐ 1924

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Wednesday, September 6, 2006 I was absent from the House to attend the visitation for a United States Marine from my district.

Had I been present I would have voted: Rollcall No. 427—"yea"; rollcall No. 428—"yea"; rollcall No. 429—"yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. Had I been present, I would have voted "yea" on rollcall votes No.'s 427, 428, and 429.

MILITARY COMMISSIONS ACT OF 2006—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-133)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services, Committee on the Judiciary, and Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I transmit for the consideration of the Congress draft legislation entitled the "Military Commissions Act of 2006." This draft legislation responds to the Supreme Court of the United States decision in Hamdan v. Rumsfeld, 126 S. Ct. 2749 (2006), by establishing for the first time in our Nation's history a comprehensive statutory structure for military commissions that would allow for the fair and effective prosecution of captured members of al Qaeda and other unlawful enemy combatants. The Act also addresses the Supreme Court's holding that Common Article 3 of the Geneva Conventions applies to the conflict with al Qaeda by providing definitions rooted in United States law for the standards of conduct prescribed by Common Article 3.

The military commission procedures contained in this draft legislation reflect the result of an extended deliberation both within the executive branch and between representatives of my Administration and Members of Congress. The draft legislation would establish a Code of Military Commissions that tracks the courts-martial procedures of the Uniform Code of Military Justice, but that departs from those procedures where they would be impracticable or inappropriate for the trial of unlawful enemy combatants captured in the midst of an ongoing armed conflict, under circumstances far different from those typically encountered by military prosecutors.

Five years after the mass murders of 9/11, it is time for the United States to begin to prosecute captured al Qaeda members for the serious crimes that many of them have committed against United States citizens and our allies abroad. As we provide terrorists the justice and due process that they denied their victims, we demonstrate that our Nation remains committed to the rule of law.

I ask that the Congress carefully consider this legislation and respectfully urge its speedy passage for enactment into law.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 6, 2006.*

BANKS AND ILLEGALS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the battle for the border continues. Our recent terrorism hearings on the crimes inflicted on America by illegals brought forth almost universal testimony that illegals in this country contribute a vast over-percentage of violent crime and street crime, from theft to rape to murder.

Only one witness, a banker, said illegals do not affect crime rates in his border town of Laredo, Texas, this despite the overwhelming contradictory testimony of his own sheriff and numerous lawmen.

When the banker was questioned about his motives, that his bank makes money off deposits by illegals, and they are shipping their money south, he told the Wall Street Journal he felt attacked.

Well, it is American communities that are under attack, Mr. Speaker. The banks and the wire services that profit off illegals can and should charge a fee for each transaction. That money would be used to compensate crime victims and pay for health care and education costs of illegals. Americans are paying these costs of illegals. Now it is time illegals pay.

Mr. Speaker, that's just the way it is.

REMEMBERING THE FALLEN IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just want a moment in reflection of those that we lost on the front lines of Iraq and Afghanistan in the absence of this Congress. I believe we owe them not only a debt of gratitude, but also an apology.

It is time now for there to be a defined strategy by this administration to return our soldiers home, those who have been deployed once, two times, three times, and to have an orderly redeployment as soon as possible.

I will not accept the condemnation that Democrats do not understand the war on terror, nor will I accept the condemnation that we are not patriotic or respect our soldiers, for we know a civil war when we see it. We know bloodshed when we see it. We know a wrong policy when we see it. We know a failed Secretary of Defense when we see it.

Might I just say for those of us who traveled across the country on immigration hearings, there was much more testimony than undocuments create a criminal situation in America. Undocuments are families and children who are basically seeking an opportunity.

Democrats want border security. We want comprehensive immigration reform. We are not here to condemn and suggest that those children are the basis of crime in America.

☐ 1930

NEED FOR EMPLOYER SANCTIONS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in frustration with the Senate's delay in protecting Americans by taking up the House border security bill.

Employer verification and enforcement are vital to upholding our immigrant laws. Innocently hiring an illegal alien because there is no system in place is one thing. Knowingly violating our immigration laws for cheap labor is another. Not only does this hurt Americans by driving down wages, it invites an influx of illegal aliens that overwhelms our border security.

H.R. 4437 cracks down on those who compound our immigration problems by hiring illegals, fining them up to $25,000 per employee when they consistently violate the law.

To the Senate we need to say, listen up. Listen to what the American people are saying and pass H.R. 4437. This must become law this year so we can stop the massive illegal flow and secure our borders.

JUSTICE WILL PREVAIL IN THE WAR ON TERROR

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I had the opportunity today to join President George W. Bush at the White House, along with colleagues from the House and Senate and, most poignantly, with the families of victims of September 11 as President Bush gave a forceful and fact-based address about the war on terror.

The President declassified today a CIA program that over the last 5 years has resulted in securing vital information in the war on terror from some of the most nefarious characters that we captured, along with Khalid Shaikh Mohammed and others.

The President also announced today that those same individuals, including Khalid Shaikh Mohammed, who was the mastermind behind the attack on our country 5 years ago this Monday, will now be transferred to Guantanamo Bay, and the process will begin of facing a military tribunal. Five years hence, we have proven that justice will not sleep for the terrorists in this country.

America remembers 9/11, and today our Commander in Chief spoke truth to the world that justice will prevail.

THE PRESIDENT IS ON THE RIGHT TRACK

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, the President gave a major policy speech today outlining the future and the fate of those individuals who are detained at our base in Guantanamo, Cuba. Two months ago, I had the opportunity to travel to Guantanamo to evaluate for myself the treatment of the individuals who are housed there.

Mr. Speaker, I might remind us how these individuals held in that facility are not signatories of the Geneva Convention, nor are they citizens of the United States and, therefore, entitled to constitutional protections.

With these individuals, it is not a question of guilt or innocence. It is a question of capability and intent. Clearly, these are individuals who are capable of doing our country great harm. Clearly, the intent is there.

I think the President is on the right track with the announcement today of military tribunals. I look forward to us getting that legislation in the House and passing it forthwith.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE LIFE OF STAFF SERGEANT JEFF HANSON

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to assume the 5 minutes of the gentleman from Minnesota (Mr. RAMSTAD) and address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. OSBORNE. Mr. Speaker, yesterday, I attended a funeral of the Staff Sergeant Jeff Hanson from my district in Nebraska who was killed in Iraq last week. His death was the 29th soldier from Nebraska and the 14th from my district. My district is largely rural. We find that people from small towns and farms tend to volunteer, enlist at a higher rate, tend to be rather patriotic. Therefore, districts like mine have assumed a disproportionate load of the war in the Middle East.

One of the things that struck me about the funeral was that I visited with his father, Robert, and also with his wife, Jennie. Robert had one request of me, and he said, please do not let them pull out prematurely. He said that his son saw progress in Iraq, and he felt that little of that progress was being translated to the American people.

Robert said this, and I think it is very true, he said, freedom is costly and always has been. Like the Civil War, we go back to World War I, World War II, there has always been a great price that has been exacted. He said that there was no doubt in his mind that we needed to stay the course and see things through.

But this is just the story of one soldier, one wife, and does it reflect the thinking of a lot of people? I guess, as I thought about Robert's comments, I reflected on the fact that I have talked to almost all of the parents and spouses of those 14 soldiers who have died in Iraq, and I cannot recall one of them saying, get us out of this.

I have seen time after time comments very similar to Robert's saying, we saw meaning, we saw purpose; we saw progress; we think we need to stay the course.

Jeff Hanson was a young person, well-educated, was an excellent leader. He served in Kosovo previously, was a Federal police officer. His wife, Jennie, indicated that Jeff was not only committed to fighting terrorism but also giving everyone in the world, including Iraqis, a chance at freedom. He felt that was really an important part of his mission.

She, also like Robert, felt that we should continue until we had had some measure of finality to the struggle.

So I guess, as the funeral concluded, I was reminded of the words of a young captain that I met over in Kuwait in 2002. This captain had been in Iraq for a year, and he said this; he said, if we pull out prematurely, three things will happen: Number one, those who have died will have died in vain, and that is very true. I think that is one of the things that the family of Jeff were trying to get across.

Secondly, he said, we will have gone back on our word to the Iraqis, and you may recall that that happened in the first Gulf War. We cannot afford to do that.

Then, thirdly, we will have indicated to terrorists everywhere that terrorism works, it is effective, and if they hang in there long enough, eventually, we will back down, and terrorism will only multiply.

I believe that strongly, and I think the family of Jeff Hanson feels that very strongly. I know we are involved in a great debate. There are many people who do not agree with that point of view. So, before long, we will have 300,000 Iraqis trained and equipped sometime late this fall, and that has been the target. At some point, we obviously have to turn it over to them and say, it is your ball, you run with it, now let us see what you can get done with it.

So we do not know how it is going to end up, but I do feel that we need to honor the feelings of so many who have sacrificed so greatly and think this national debate through very carefully before we make any preemptive or presumptive move that may be contrary to the wishes of so many who have suffered.

I thank the Speaker for this opportunity to reflect on the life of Jeff Hanson and his family, and we hope that Jeff and his fellow soldiers can see this through to a successful solution.

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, the clock is ticking on the 109th Congress. There is not much time left to pass commonsense gun legislation that will keep guns out of the hands of criminals without infringing on anyone's second amendment rights.

When it comes to commonsense gun laws, the Congress has a dismal record. Thus far, this Congress has given corrupt and incompetent gun dealers immunity from negligence lawsuits. This Congress will make it a crime for two police departments to share information from ATF's ballistics database. This Congress has tied the hands of law enforcement dealing with gun-wielding mobs during times of disaster, and it has made it possible for guns to be brought into hurricane shelters.

But now this Congress has a chance to redeem itself a little bit. Last spring, the Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security approved H.R. 1415, the NICS Improvement Act, and the full committee markup is scheduled for tomorrow.

This is a bill that would increase the effectiveness of the existing National Instant Criminal Background Check System, the database used to check firearms buyers for any criminal record or any disqualifying criteria.

Overall, NICS has been a success. Since 1994, more than 1.2 million individuals have been denied a gun because of a failed background check. NICS also provides the vast majority of honest gun sellers with peace of mind in knowing that they are selling their products to citizens who will use their guns legally.

However, the NICS system is only as good as the information that the States provide, and unfortunately, many States do not have the resources necessary to enter all of their disqualifying criteria into the NICS system.

The end result is that felons and others who are not permitted by existing law to buy guns are passing background checks and buying guns through legitimate means.

In fact, 28 States have automated less than 75 percent of their criminal record history. In 15 States, domestic violence restraining orders are not accessible through NICS. Those and other loopholes have cost countless people their lives. It is only a matter of time before the system's failings provoke more tragedies.

We must improve the NICS system and allow it to do what it was designed to do. The responsibility for accuracy and effectiveness of the NICS system ultimately belongs to the States. However, many State budgets are already overburdened.

This legislation would provide grants to States to update the NICS system. States would be able to update their system, their database, to include felons, domestic abusers and others not legally qualified to buy a gun.

The bill's goal is to have all 50 States enter at least 90 percent of their disqualifying information into the NICS system.

□ 1945

States that don't comply or fall short of these goals will be penalized with a 5 percent reduction of their Federal Department of Justice grant allocations.

Also, the bill would provide grants for State courts to promptly enter information to the NICS system. For example, when someone is served with a restraining order stemming from domestic violence, an inefficient NICS system allows him or her to leave the courthouse and head right to the gun store. My bill would make sure all prevailing court records are entered into the NICS database before a crime of passion can be committed.

It is important to keep in mind this bill does not infringe on anyone's second amendment right, which I support. It creates no new gun laws. It simply gives States the resources to better enforce the current laws. If H.R. 1415 becomes law, law-abiding citizens who want to buy a gun legally will not experience any delay at the point of purchase. This bill poses no new burden on gun sellers or owners.

In fact, I first introduced this bill in 2002 with my friend and colleague Mr. DINGELL of Michigan, who is well-known for his strong support of gun rights. This legislation passed in 2002. Unfortunately, the other body didn't have time to take it up. This is something that we can actually get passed. This is something that we should be passing.

We see gun violence becoming more prevalent lately. I know. In my own Long Island district suburban area, over the weekend, we had many gun violence incidents. We are seeing more robberies with guns. These are illegal guns. We must enforce the laws that are on the books so we can save lives, and especially those that do survive these horrible tragedies so that we don't run up the medical costs of this country.

Mr. Speaker, the debate on guns has been going on for a long time, and I understand that this body is nervous about the National Rifle Association, but we have to do what we can to protect the citizens of this country by making sure that illegal guns don't get into the wrong hands. It may not be a perfect bill. We are not going to be perfect in anything we do here, but we can certainly do better, and we should be doing better.

H.R. 5866, A MEDICARE SOLUTION

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to go out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BURGESS. Mr. Speaker, I come to the floor tonight to talk about the way that this Congress and the Center for Medicaid and Medicare Services pays for patient access in the Medicare system and how they reimburse physicians.

Under the current formula, America's doctors participating in Medicare can expect an annual pay cut of approximately 5 percent over the next decade. That translates to between a 30 and a 36 percent pay reduction for physicians in this country over the next 10 years. Now, Mr. Speaker, I do not know of many small businesses where the expectation of their overhead payments is going to fall by a third over the next 10 years. Indeed, it will be very hard for many of these individuals to remain in business if this issue is not fixed. Not addressing this impending crisis would be negligent at best and put frail and elderly Medicare beneficiaries at risk of losing their physician.

The current Medicare physician payment methodology is fundamentally flawed, and it must be reformed. It is not going to be fixed by the application of a Band-Aid. This requires major surgery. A recent bill introduced, 5856, the Medicare Physician Payment Reform and Quality Improvement Act of 2006, will attempt to accomplish this and two additional goals.

The three purposes of this bill are, one, ensure that physicians receive fair payment for the services that they provide; number two, create quality performance measures and improve the quality improvement organizations that exist to improve the quality of care available to Medicare patients; and, three, identify reasonable offsets to give Medicare physicians a more regular and predictable payment update year to year.

Without intervention, payment for physician services will be cut more than 5 percent next year. H.R. 5866 ends the application of what is known as the sustainable growth rate on January 1, 2007, and institutes a single conversion factor, the Medicare economic index minus 1 percent. This creates a more market-based approach to physician payment by placing more value on the actual costs of inputs and not on arbitrary volume of service targets each year.

In other words, doctors would be paid the same as hospitals are paid, the same as nursing homes are paid, the same as long-term care hospitals are paid, based upon the market cost of inputs for providing that care.

The bill also establishes a system of quality performance measures so that physicians can voluntarily, and let me stress the word voluntarily, report data to the Center for Medicare and Medicaid Services. Patients can then assess the level of quality of their prospective doctors, the level those doctors are achieving, and decide which doctor they would prefer to use. These measures will be developed in collaboration with physician specialty organizations for core medical services to make certain that these measures are relevant and meaningful to that particular practice of that branch of medicine.

As an incentive to participate in reporting for performance measures, participating physicians will be permitted to balance bill certain high-income Medicare beneficiaries. Redirecting the stabilization fund from the Medicare Modernization Act provides an additional $10 billion for offsets. Eliminating the double payment from Medicare for indirect costs of medical education is another source of offsetting these costs.

Mr. Speaker, this August, the American Medical Association, in its publication the American Medical News, talked about this bill, 5866. Quoting now, it said that "the bill would ensure positive annual updates by tying rates to the Medicare economic index. This index is an indicator of how much doctors' cost of caring for patients is increasing. If lawmakers and the White House can approve the measure before Congress adjourns for the year, physicians would start receiving yearly updates equal to an approximately 1.5 percent increase in Medicare rates."

The bill drew endorsements, of course, from the American Medical Association. But also the American College of Obstetricians and Gynecologists and the American College of Clinical Endocrinologists are a few of the specialty organizations that have endorsed the concept of this legislation.

We need help to make real changes in this system. We need help from every Member on both sides of the aisle. We need to create solutions and stop simply talking about the Medicare problem. I am asking my colleagues to join me in cosponsoring H.R. 5866.

REPUBLICAN PARTY AFRAID OF LOSING POWER

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, we have not returned to Washington, D.C. to legislate on behalf of the American people. The Republican Party will spend the next 30 days trying to make us all afraid. They are afraid of losing power, and the only way they know how to govern is to play the fear game.

It is the Republican mid-term strategy that if you can make us afraid and keep us afraid, maybe they can cling to power. For the rest of September, until the moment the Republican leaders gavel the Congress into adjournment, Republican speakers will rise and implore the American people to be afraid.

Republicans will call it security. And every time they do, just remember they are speaking in code. Republicans really mean insecurity. During September, Republicans will wield the gavel, but they won't make America safer.

We will not consider, much less pass, legislation to protect our ports by inspecting the minimum number of cargo that it takes to stop a potential terrorist threat. We know what needs to be done, but the Republicans are hard on rhetoric and soft on action.

Republicans are going to use their insecure words so often I hope Lou Dobbs, John Stewart, and the others keep track and remind people daily of how often Republicans are willing to talk and how little they are willing to act.

After America was attacked on 9/11, the finest military in the world, the United States Armed Forces, was sent to Afghanistan to hunt down bin Laden and stop the Taliban. They did a magnificent job, until U.S. soldiers were ordered to leave before the job was done and go to Iraq. We don't have bin Laden and Afghanistan is now looking more like Iraq.

A Republican administration is responsible for diverting our military, draining our treasury, destroying our credibility, and making America less safe. The American people know that Iraq has nothing to do with 9/11, but the administration denies that intelligence. Instead, the President mechanically recites his standard PR line.

The American people know that we are off course and adrift in a sea of violence. U.S. soldiers are not fighting a war on terror in Iraq. They are targets in a civil war among Iraqis. When Republicans parade to the rostrum to outdo each other using their insecurity word, think of just how insecure our soldiers are.

Republicans keep saying things are getting better. This is disproved by their own Secretary of Defense, Mr. Rumsfeld, who ordered another 13,000 troops back into Iraq. There are now 140,000 targets. With 2,653 American lives lost and 19,600 wounded, the country deserves Democratic leadership that knows the Republican plan to stay the course is the most insecure plan for our soldiers, for our Nation, and for the Iraqi people.

But the Republicans are going to spend the next 30 days trying to stay in power. Nothing more. They will say their insecurity code word over and over and over again, but they won't pass the recommendations of the bipartisan Commission on 9/11. Republicans won't bring up immigration legislation intended to make our borders safer. Republicans won't address reforms to Social Security. Republicans won't bring up legislation to end taxpayer subsidies for Big Oil or launch a national campaign to end our addiction to oil.

Instead, the Republicans will tell you to be afraid unless you pay through the nose at the pump and Big Oil can drill in every part of the pristine environment on our planet. Republicans will tell you to be afraid for Social Security unless you give your money to Enron through Wall Street. Republicans will tell you to be afraid unless we mortgage our future in the 22nd century by giving the rich tax breaks now.

Republicans have had their chance and used it to overwhelm the American people with monstrous debt so the rich can have more riches. The Republicans had their chance and used it to divert America away from the real problems of this country.

Americans are calling this Security September. Just remember to be afraid, afraid of what else the Republicans will do if they remain in power after November 8. Don't forget, there is an election coming.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 503, TO AMEND THE HORSE PROTECTION ACT

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–642) on the resolution (H. Res. 981) providing for consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PUBLIC SCHOOLS IN NEW ORLEANS AFTER KATRINA

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. MILLENDER-McDONALD. Mr. Speaker, a year ago last week, Americans saw one of the most devastating natural disasters in our country's recent history. Hurricane Katrina ravaged the gulf coast and overwhelmed the levees of New Orleans, resulting in near total submersion of that city. A year later, the flood waters have receded, yet the devastation sadly remains.

One area where this devastation is most readily apparent is in the city's public schools, many of which were destroyed beyond repair in the storms. However, the system which has arisen in the wake of Katrina is fragmented and poorly organized. More than half of New Orleans' schools remain closed a year after the storm. Of those that are open, some are run by the city, others are run by the State, and others are run by private companies. As a result, area schools may have different application procedures, admission rules, and starting dates. That is no way to educate children.

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Further complicating this problem is the fact that more students are returning than were ever previously expected, putting an additional strain on a system already stretched to the breaking point. Parents have expressed frustration at the difficulty of navigating this system, and many have been unable to enroll their children in school, despite their best efforts.

These barriers to education are intolerable, Mr. Speaker, anywhere in America. However, it is particularly egregious that we have allowed such barriers to exist for a population that is already so challenged. We must do better, especially for an area with a high minority population, high poverty levels and historically poor academic outcomes.

The consequences of the failure to improve the education system in New Orleans are all too real. Without drastic improvement, we will surely see higher dropout rates and substandard education for those who manage to remain in school.

Furthermore, the effects of this neglect will not rest solely with the young and vulnerable. A poorly educated population promises a bleak future for the entire City of New Orleans and for this country, one characterized by poverty, crime and broken families.

We cannot leave the victims of Hurricane Katrina to fend for themselves twice. President Bush has promised to stand with the victims of Hurricane Katrina until the job is done, yet the persistent problems with New Orleans schools are a disheartening sign that the job is far from done.

In Congress, we have approved four emergency spending bills that together provide more than $110 billion in Federal aid for rebuilding these areas. However, less than half of this money has actually been spent by Federal agencies, with hardly any accountability. Much needs to be done to help New Orleans recover from the disastrous effects of Hurricane Katrina. However, we must prioritize children in our efforts to rebuild this city, making them first priority.

Therefore, I call on the Bush administration, as well as relevant State and local agencies, to promise the children of New Orleans that they will have access to safe, high quality schools this year. As part of this, the administration must exercise the oversight and follow-through necessary to ensure that Federal funds are appropriately spent and schools are built.

Our children can wait no longer. While Hurricane Katrina resulted in much destruction along the Gulf Coast, it has also given us an unprecedented opportunity to completely remake underperforming schools. We must do that for the children of America. We must do that for New Orleans children. I demand that this administration and other relevant persons not let this opportunity slip through their fingers.

BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Sergeant Christian Williams of Winter Haven, Florida; Staff Sergeant Tracy Melvin of Seattle, Washington; Lance Corporal Jeremy Long of Sun Valley, Nevada, only 18 years old; Private First Class Colin Wolfe, also an 18 year old, of Manassas, Virginia; and Staff Sergeant Michael Deason of Farmington, Missouri.

Mr. Speaker, these are just five of the Americans who have been killed in action in Iraq since this Chamber last convened. You see, Congress gets to close up shop for a month, the entire month of August, even if we haven't completed the Nation's business. But no such luxury for the 138,000 men and women who are stationed in Iraq. Their dangerous work goes on and on. No adjournment, no recess, no end to their mission in sight.

In fact, many who were scheduled to come home were told in August, no, they had to stay in Iraq. And why? Because their commander-in-chief says that people who want our troops to come home don't understand the world in which we live.

I submit, Mr. Speaker, that it is the President himself whose understanding of our world could use some real work.

Does he understand that his clumsy belligerence has contributed to more intense feelings of jihad and anti-American radicalism in the Muslim world?

Does he understand that the invasion and occupation of Iraq has created many more terrorists than it could possibly defeat?

Does he understand that his policy lit the match that engulfed Iraq in sectarian violence and civil war?

Does he understand that at least 40,000 and perhaps as many as 100,000 innocent Iraqi civilians have died for what he calls their liberation?

Does he understand that military force is one of the least effective ways of exercising American power?

Does he understand the concept of "soft power," the idea that America can and must lead by example, by demonstrating compassion, by promoting our values, by maintaining global goodwill and credibility?

Does he understand that outside his window today at the National Mall, veterans and their families are launching Camp Democracy, a 16-day anti-war demonstration just like the one they held outside the President's Crawford ranch last August?

He must not understand that he has lost the confidence of the people of the United States of America; that in overwhelming numbers they believe he made a mistake in Iraq and want him to reverse course as soon as possible.

It is clear that he understands none of these things, and, as a result, our Nation is paying the price, all of us; all of us who want to live in a country that is admired around the world; all of us who want to be safe from terrorism; all of us who depend on public investment in education and health care, housing and more, investments that won't be possible because of the $1 trillion cost of the Iraq occupation.

But, of course, no one has sacrificed more than young Americans like Christian Williams, Tracy Melvin, Jeremy Long, Colin Wolfe and Michael Deason, who lost their lives. There is nothing more we can do for them other than honor their memories and take care of their families. But we can save hundreds and perhaps thousands of their fellow soldiers from a similar fate if this ruinous policy continues.

Mr. President, bring our troops home.

GOVERNMENT FAILED TO ADDRESS 9/11 PROPERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, next Monday, 5 days from now, it will be 5 years since we experienced the attack of September 11, 2001. That was one of the most tragic circumstances ever to confront this country. More than 3,000 Americans lost their lives.

But it has developed into an additionally tragic circumstance for our Nation as a whole, because the administration and the Congress, the entire government of our country, the legislative and executive branches, failed to address the issue properly.

The administration called upon the Congress to give it the authority to conduct itself in a way that was entirely inappropriate, and on October 16, the majority of the Members of this Congress voted to give the President that authority. As a result of that, we have now been bogged down as a result of the attack in Iraq and the subsequent occupation for more than 3 years, and the administration and this Congress have no plan for relieving ourselves of that obligation and responsibility.

One of the tragic aspects of that, of course, is the fact that more than 2,600 American servicemen and women have now lost their lives. That number now is approaching the number of Americans who lost their lives as a result of the attack of September 11th by the al Qaeda network.

There are a great many issues that this Congress has failed to address. Let me begin by talking just for a minute or two about the circumstances that existed prior to that attack of September 11, 2001.

The intelligence agencies of our country had informed the administration beginning with the first meeting of the National Security Council of this administration in January of 2001 that the al Qaeda network offered the greatest threat to the safety and security of America and that it was likely that they were going to advance some form of attack against our country.

Now, we know that they had done other things in the past. They organized the initial attack against the World Trade Center in 1993. They organized the attack against the two United States embassies in East Africa. They organized the attack against the USS *Cole*. The President of the United States was informed from the first day this administration came into office and virtually every single day thereafter up to September 11, 2001, that there was a great danger from the al Qaeda network.

On August 6, 2001, the President's daily briefing said that al Qaeda was determined to attack the United States, and there were other instances where the intelligence community told the administration that al Qaeda was determined to attack the United States. Yet nothing was done about it. No action was taken. The President was on a very extended vacation in Crawford, Texas.

One of the things that this Congress has failed to do is to investigate the intelligence that was available prior to the attack of September 11th and why that intelligence was not used appropriately by this administration to prevent the attack of September 11th.

Why has this Congress failed to carry out its obligations and responsibilities under the Constitution to oversee actions of the administration in that regard? The Senate Select Intelligence Committee has conducted an investigation, but they have failed to release the information with regard to the intelligence that the administration had available to it prior to the attack. We need to ask ourselves why that is the case.

And why is it that the House Intelligence Committee has not carried out its obligations and responsibilities to conduct an investigation as to the quality and caliber of the intelligence information available to the administration prior to the attack of September 11th and why that information, which seems to have been so clear and so focused, was not used appropriately? Let's focus our attention on that.

TWO WARS—NOT ONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, Iraq. A good number of people are confused when the name of that country is mentioned.

Let's be clear. Our country is engaged in two wars. The first is the war against terrorism, which has its genesis in Afghanistan with tentacles reaching throughout the world.

The terrorist group known as al Qaeda, headed by a man named Osama bin Laden, originated in Afghanistan and was protected by the former Afghan Taliban government. After the September 11, 2001, attacks on our country, which were sponsored by bin Laden's al Qaeda, our military forces struck the Taliban government and the al Qaeda strongholds in Afghanistan. Our military forces, along with allied and NATO forces, remain fighting the remnants of al Qaeda and the Taliban with the assistance of the Afghan National Army.

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The attack by our military in the ongoing conflict was a war of necessity. The second war, our attack on Saddam Hussein's Iraq originated because of the alleged threat of weapons of mass destruction against America and our interests. This is a war of choice. After soundly defeating the military in open battle, our occupation of that troubled country came about without proper planning or resources.

Massive looting was allowed. The Iraqi Army was disbanded, without giving former soldiers paychecks and shovels, which caused many to turn against the American occupation. There were insufficient troop numbers to provide a successful military occupation and reconstruction.

Former Sunni Muslim Baathist regime elements formed the basis of a growing insurgency against the occupation forces. They were joined by foreign fighters, mainly al Qaeda, and numerous criminals who were recently released from prison by Saddam Hussein shortly before the conflict started.

In more recent days, a new source of violence has erupted in Iraq, sectarian religious violence with Shia and Sunni elements killing each other. According to a recent Pentagon report, sectarian bloodshed has pushed violence in Iraq to its highest level in more than 2 years. Preventing full-scale civil war is now the most urgent mission of the U.S. troops in that country.

Thus, this is the status of the Iraq war, which is a separate and distinct war from that against the terrorists. The enemy in each conflict has different goals. The al Qaeda terrorist group wishes to establish a Muslim caliphate throughout the entire Middle East. The Iraqi insurgents' goal is to cause the existing Iraqi government to fail and to establish Sunni dominance in Iraq.

The Sunni Arab insurgency remains strong and viable. The sectarian violence overlays this initial struggle with the sectarian leaders such as Muqtada al-Sadr in the wings of the Shiite groups. On September 4, 2002, and again on March 18, 2003, before we invaded Iraq, I wrote the President warning of the instability in the months following the initial coalition victory.

Sadly, my warnings were of Cassandra-esque value. They were not heeded by the administration. So there we are, two conflicts, two wars, and the two should not be confused.

There are those who attempt to fuzz the two conflicts together as the war on terror, but the wars are truly separate and distinct. With the help of NATO troops, we made significant gains in Afghanistan, but these are in danger of being overturned if we relax our focus.

The picture is not so rosy in Iraq, which calls for a different policy and a different approach to bring about stability and representative government. The recent Pentagon report is not encouraging.

LABOR DAY 2006: TOUGH TIMES IN AMERICA'S HEARTLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the United States is spending $250 million a day in Iraq, over $11 million an hour. This week, as we celebrated Labor Day across this country, President Bush continued to proclaim the strength and health of the U.S. economy.

Treasury Secretary Henry Paulson, whom he appointed, said recently, the American people are clearly better off as a result of strong economic growth and job creation. Well, for the wealthiest 1 percent, that tiny slice that President Bush has called his core supporters, things might be looking up. But for everybody else, we are having to work harder for less.

As someone said to me, not only have we had the race to the bottom, we are now bouncing off the bottom. So as Congress left Washington for an entire month, the economic anxiety felt palpably by the American people increased. The debt piled up more, now over $5 trillion. Interest rates are up as a throttle on economic growth.

Unemployment is up, surely, in America's heartland. According to the Census Bureau, working families fell even farther behind in the past year as they have every single year since this president took office. President Bush's own Census Bureau reports that the median income of working age households fell by another half of a percent last year.

According to the University of Michigan, consumer confidence hit a 9-month low in August, and authors of a confidence report say the gap between rich and poor in the United States is quite different than anything else observed in the prior half century. Truly America is in uncharted economic waters.

According to The New York Times, for the first time since World War II, though productivity is up by our people, real wages have failed to increase for most workers at a time when the overall economy was even growing. Even though President Bush and Secretary Paulson might claim the American people are better off, working people know better. They trust their real life experiences, not White House press releases.

The reality for America's families is that high gasoline prices, higher natural gas prices, rising health care costs, credit card debt increasing and borrowing against home equity have topped out. They are eating away at disposable income, and everywhere they turn, many middle class families are getting squeezed.

Job losses due to more outsourcing and foreign competition have left working families wondering, what does the future hold? Does work have a value in America anymore?

The median hourly wage for American workers has declined 2 percent since 2003 despite their increased productivity. The Economic Policy Institute estimates that real median income for households headed by someone under age 65 has declined 5.4 percent since President Bush took office. Is anybody here in Washington paying attention?

The net result, according to the New York Times, is that wages and salaries now make up the lowest share of the Nation's gross domestic product since the government began recording the data in 1947. But yet corporate profits represent the larger share of gross domestic profit since the 1960s.

There is a little imbalance there. The Times quoted a report from economists at Goldman Sachs. The most important contributor to higher profit margins over the past 5 years has been a decline in labor's share of national income.

Our mother used to ask the question for the super wealthy and the super rich, did they ever fill up? When is enough? How many homes? How many cars? How many chauffeurs? How many trips? How much do you really need? How much? So the bottom line on Labor Day 2006 is this: The strong economy that President Bush and his Secretary of the Treasury keep talking about has benefitted big business, but it has clearly bypassed the vast majority of the American people. It is time we change this Congress.

It is time we have people here in Washington who again represent the vast majority of the people of the United States who believe in hard work, who want to follow the rules, and they have a right to live a better way of life for investing themselves in the beliefs of this country and for putting their lives on the line for it. Mr. Speaker, America, this Congress, and, frankly, this President simply have to do much better.

GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, right now in my district in rural North Carolina, folks are very concerned about the high cost of fuel. I rise tonight to call on this Congress to take action now to help the people who are suffering from this very serious crisis, not only in my district and State, but really in this country.

Gas prices are higher than they have ever been in the history of our country, and rural Americans are getting hit particularly hard. Our farmers are watching most of the profits from the crops that they harvest go back into their fuel tanks or their tractors and their equipment.

Our school districts in rural North Carolina are having trouble keeping the buses on the road. Rural Americans as a whole feel a greater pinch from these outrageous fuel prices. They have longer commutes just to get to the grocery store, to the doctor's office and to their church on Sunday.

Yet, while Americans are struggling to make ends meet, big oil companies are making record profits.

I support legislation to crack down on price gouging of gasoline and fuel. I also believe that it is our duty in this body to find alternatives to what has become a dangerous reliance on foreign oil.

As the co-chairman of the Democratic Rural Working Group, we have introduced H.R. 5372, the Biofuels Act of 2006. This is legislation that will help bring Americans a step closer to energy independence.

Today, we have the technology to solve our energy crisis. Other countries are already making significant progress and are far ahead of the United States in their energy independence. Countries such as Brazil already use over 80 percent ethanol and biodiesel, and they are 100 percent energy independent.

The Biofuels Act would increase production of vehicles that are E85 compatible and provide the tax credits to service station owners who update their equipment. We have the ability to turn soybeans and cellulose into biodiesel and ethanol. What we don't have is the infrastructure to maximize our ability to use these fuels.

Instead of the same old giveaways to big oil companies, the Republican leadership in this Congress should allow a vote on the legislation that we have introduced, H.R. 5372. Other countries have accomplished their energy independence. Americans can, too. Now is the time. The answer to our crisis of energy is growing in our fields.

NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, we have had a month here in August where we have gone back home and talked to folks back home and visited with them, and we are moving forward on issues that are vital to America. But nothing is more vital to the United States of America than its national security.

So I rise this evening to discuss with my colleagues and my neighbors the view that I am a little concerned about and want to talk about on the issue of national security. National security, the term itself, has a broad umbrella. It has an umbrella that we have a lot of historical experience to look at.

I am an old history buff. I like history. I study history. I think we learn lessons from history. I think when we forget history, we forget lessons we have learned, sometimes the hard way.

So, tonight, I want to talk a little bit about the national security of the United States today and compare that national security to a little bit of our history, and then also to discuss a little bit about what our response is, how we are now viewing our lives that we live in this country in light of national security. Now, national security means, are we secure as a Nation in the scope of our world, which means we have to think about our own common defense, promoting our own general welfare, the things that our founders talked about. That is part of it.

National security is securing our Nation's borders, and this debate has been ongoing now in this Congress for quite some time concerning our Nation's borders, and we may talk a little bit about that tonight.

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But I think that anyone who establishes a nation, and of course I believe with my whole heart our Founders, when they established our Nation, had in mind securing our lives in the United States of America by protecting the life, liberty, and property of Americans.

And they had in mind when those who would do us harm would put the life, liberty, or property of Americans at risk, that we would have the resources with which to protect those citizens and their holdings.

In our recent memory, and I was actually born 1 month, I am going to show my age here, 1 month before the Japanese bombed Pearl Harbor on December 7, so I am a prewar human being by 1 month. Almost 1 month to a day. I want to look at that event and how our Nation responded to that event.

On December 7, 1941, the Imperial Navy of Japan attacked the United States of America basically from the air. They killed 2,402 Americans, 57 of them were civilians and 2,345 were Americans who were in the service. They attacked our military with their military all in uniform. It was a dastardly sneak attack. The American citizens were irate.

But what is kind of interesting, that particular day my dad tells the story, that was the first day under the way doctors looked at babies that people could visit the new baby. So on December 7, 1941, a group of friends came to my house to see me as a 1-month-old baby.

When this was announced on the radio, the first question they asked was, where is Pearl Harbor? When they found out American citizens were attacked, American soldiers, sailors, airmen and marines were attacked, the American public was irate. The next day we went to war with Japan by declaration of this Congress. We followed that by going to war with Germany and Italy, supporters, allies of Japan, people who had the same agenda.

The American public went wholeheartedly into that war. They suffered things on the homefront. A whole lot of women had to take men's jobs on the assembly line so men could go to war. They rationed gasoline and food. They rationed sugar. They rationed lots of things. The American public saved scrap iron and they got involved in selling war bonds. They supported our soldiers as our soldiers went to war.

On the 11th day of September, 9/11 as we call it, 2001, a group of people attacked the United States of America again. These people didn't wear uniforms. These people didn't attack a military target. Well, sort of. Their last attack was on the Pentagon, but their initial attack was a civilian target, a symbol of international freedom and economy. The total number of United States citizens killed that day was 3,025, the vast majority of whom were civilians, not military soldiers, sailors, airmen and marines; and they were not attacked by someone's army. They were totally and completely sneak attacked on 9/11 to kill innocent American civilians who had done absolutely no imaginable harm to the people who attacked them.

You know, this Congress gathered on the steps of the Capitol in a very touching moment and sang "God Bless America," Republicans and Democrats alike. For 48 hours this country was united, and we sit there and say that is when it all started. Actually, that is not when it all started.

Actually, if you want to go back a little bit, you can look at this same ideology, if you will, related groups of people attacked the embassy in Baghdad in 1983, attacked the Marines barracks in Lebanon in 1983 killing an additional 242 and 120 in those two attacks; hijacked a TWA airplane, the Pan Am 103 bombing; the first World Trade Center bombing in 1993; attempted assassination of President George H.W. Bush; the Khobar Towers bombing in 1996; the embassy bombing in east Africa in 1998; and the USS Cole bombing in 2000, followed by an attack on our country for a total of American citizens killed of 4,037. And we were really upset about it. But who sacrificed? Where are we in the support of enemies who would bring down our Nation? That is something I find very curious.

Tonight I heard some of my colleagues, my Democrat colleagues over here, saying the Iraqi war is wrong. They had nothing to do with 9/11.

Well, the first people we whipped in the Second World War were the Italians. They had nothing to do with Pearl Harbor. And the second group of people we whipped in the Second World War was the Germans. They had nothing to do with Pearl Harbor by their definition, but they lent allied support to the country that attacked this country. How can they argue when Saddam Hussein paid $25,000 to every terrorist family that attacked the United States of America? How can they say they were not aiding and abetting our enemies?

The President of the United States said something I thought was right. He said: Folks, you are either with us or you are against us. If you are helping our enemies, you are our enemies.

Now, sort of like the Monday morning quarterback at a football game, and I know about that, it is fun to sit in the stands and watch everybody second-guess your kid, all of a sudden we have people who knew all along, even though President Clinton thought they had weapons of mass destruction and said so publicly, those in his administration said the same thing, all indications were that they did, and the British intelligence, along with others around the world confirmed that they thought that they had the potential to get to the hands of terrorists weapons of mass destruction. But in addition, they aided and abetted through at least a $25,000 reward to aid the terrorists who attacked us, our enemies.

The Germans didn't do that and neither did the Italians, and yet we had to take care of those who would bring down our Nation. This Congress, the government in 1941, recognized the threat to the United States and knew that national security required us to get rid of the evil that was coming after our Nation.

Mr. Speaker, that evil is still out there in this war we are fighting right now. You know what, we have been successful, very successful in taking down an awful lot of evil people. And we have used tools that are constitutional and legal to maintain our national security.

Our intelligence network had been gutted in the 1980s and in the 1990s. And all of a sudden we are all very critical of our intelligence network. But if you go back and look at the history of our intelligence network, we basically took the on-the-ground resources out of the hands of our intelligence people. We have had to replace those. We have had to do a lot of hard work communicating. We have the best electronics in the world, but our human resources were lacking.

But that doesn't excuse the fact that we have an enemy who as recently as about 3 weeks ago was planning on blowing up, the estimate is nine or ten, airplanes headed to the United States with American citizens on board, with us the target, with our airline industry the target. And thank goodness for good British intelligence and information-gathering by the Brits that they were able to stop this from happening.

But it tells us something. I am not trying to scare anybody. It tells us commitment counts. Here tonight we have heard some of my Democrat colleagues say we need a new strategy in the Middle East. We need to pull our troops out of Iraq and do it today. A passionate plea to the President, Mr. President, pull back the troops.

You know, if you read about the battles, and I use as an example the Civil War, sometimes those people bashed each other for 3 or 4 days to a bloody pulp. But when one army left the field, the other side was the victor. The Battle of Gettysburg, which was probably the turning point in the war, when the Confederate Army left the field, the Union Army was the victor. That is the definition.

I would propose, we are talking about a battle in Iraq and Afghanistan. The war is worldwide, but the battles are in Afghanistan and Iraq. Hopefully, that is the only place we will have to fight.

Mr. Speaker, if we retire from the field, it is a victory for evil, evil that wishes to bring down the United States of America. It is the wrong thing to do.

I hesitate to talk about this, but it is something that concerns me. We are constantly examining ourselves and looking at our warts, but whenever evil is defined by our enemies, we say it is just too bad to talk about. Has anybody thought about the fact that American guys who were just working for a living trying to help rebuild Iraq got kidnapped and their heads sawed off with an 8-inch knife? Has anybody thought about that? Because it was so gruesome we didn't see it on television, thank God. That horrible incident alone ought to inflame Americans against our enemies. Don't we care any more about the safety of American citizens around the world? Aren't we willing to stand up and say we are not going to tolerate this?

We have some fine people in this country who are willing to do that. God bless each and every one of them. That is the American soldier, sailor, airman, marine and Coast Guard. It is unsafe right now. Because of kidnappings and decapitations and murder and terror around the world, it is unsafe for Americans. We have a bunch of people walking around Afghanistan and Iraq flying the American flag on their shoulders. They are not afraid. They are standing up for what it takes to win the war on terrorism, the war on Islamic fascism. And even a better definition, the war on evil. When you do what they did to these contractors, when you do something like that to a human being, the whole world, but especially the United States of America, ought to be fighting mad.

Mr. Speaker, I think that in our hearts we know that we have to confront evil where it is and we have to do hard jobs. You know, somebody said in 3 years there has been no progress. Once again I went back to my thoughts about history. I said, okay, we were bombed in 1941 and we landed on the beaches at Normandy on June 6, 1944. So that very argument could have been made in this House on the Second World War in the spring of 1944. We have been fighting 3 years, and we have made relatively no progress because we haven't gotten after the Germans where they are. We had to fight the Italians, we had to fight in North Africa, and we had to fight the Japanese. We were still fighting the Germans, and we have made no progress against the people who attacked us.

But that is not how our fathers and grandfathers and great grandfathers felt about this country. They were in it to get it done. That is why they are the Greatest Generation. That is why we talk about them as the Greatest Generation.

You can sit around and make excuses, and you can get in folks' faces on things, and you can put politics before country.

□ 2045

But, Mr. Speaker, this is not about politics. This is about the safety of this country.

I think we have got a lot to be proud of. I think we have done a lot of good. We have revitalized an intelligence group that is doing the job, accomplishing the mission, getting us good intelligence. It is substantially, substantially better than what we inherited and what we started with. But I think that there are some fuzzy thinking people out there that have got strange ideas about what entitles our enemy, for instance, to sue us in court. That is fuzzy thinking.

The American people know what is right and what is wrong. The American people do not need to be scared because they know whatever the United States of America sets its mind to it gets done. And I think that is really the message that we have got.

We have increased funding for our intelligence community. We have got all of our law enforcement communities talking to each other now and sharing information. We have poured $30 billion into our first responders so that we are ready to protect our homeland. This House has passed a bill to address the border, and hopefully, we will get that bill passed and written into law, and we will work out all of the issues that involve immigration and work them out in a way that they will be manageable and we can do what is right for all the people of the United States. But we first have got to defend our borders.

Mr. Speaker, this is national security. It is a big picture. And it is one we have to be concerned about. We have to realize that the only realistic thing for us to do is to continue to support our soldiers as they do a very tough job. I have the only two division posts in the entire world in my district. No one has more compassion for those young men and women that go to war, on their third rotation now. We are getting the 4th Infantry Division back early this fall, and we have got the 1st Cav going back again. And it is hard. But do you know what? Those soldiers know that they are doing their duty, and they are doing what they have to do and they are doing what it takes to keep our Nation secure.

I am confident, Mr. Speaker, that we will examine each and every day in light of protecting the American citizen wherever he may be, and that is what national security is all about. I am confident the American people will give us the resources. I am confident that this government will do the right thing to protect Americans.

I have got colleagues here that have joined me, and I am going to ask Mr. GINGREY from Georgia, one of my best friends in this Congress, to talk to us a little bit about this issue. I yield to the gentleman.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding. And, indeed, it is a pleasure to be here tonight, Mr. Speaker, with my good friend Judge CARTER. We are about the same age, and he was giving us a little bit of a history lesson, much better than I can, in regard to some of the things that went on with our Greatest Generation in defending this country in World War II, and I think that some of these statistics are so telling, the things that Judge CARTER talked about in regard to, of course, that day that will live in infamy, December 7, 1941. And, of course, I am referencing again, as he did, Pearl Harbor. I think Judge CARTER mentioned that something like 2,400 of our sailors and airmen and a lot of civilian workers were killed that Sunday morning, a day of rest, a day of worship. An unprovoked attack. And the very next day, as JOHN CARTER pointed out, this Congress declared war against imperial Japan for this dastardly act, this unprovoked sneak attack on that early Sunday morning.

Here again we think back now, and next Monday, 5 days from now, will be the fifth anniversary of an attack that was just as unprovoked and just as dastardly as Pearl Harbor and resulted actually in the loss of a greater number of lives. Something above, 3,000 innocent men and women were killed in the Twin Towers attacks of September 11, 2001.

And as I think about the numbers, and we are all very saddened when we read in the newspaper that another of our brave young soldiers has either been injured or killed in Iraq, maybe by one of these improvised explosive devices, and we are getting beyond the 3-year anniversary. We are more than 3 years engaged in that battle, and the number is something like 2,470 killed.

Mr. Speaker, I remind my colleagues on both sides of the aisle and the American people that in the battle of Iwo Jima, we lost 7,000 of our Greatest Generation in 30 days; 7,000 to secure that strategic island in the mid-Pacific. That was a tremendous price for our Greatest Generation to pay. But we didn't hear Members of Congress telling President Roosevelt, well, that is too high a price, and we need to bring the troops home. We need to come back and batten down the hatches and cut our losses. I could say the same thing to my colleagues about the Battle of the Bulge, as tough as that was. Representative CARTER referenced some Civil War battles, Antietam, Gettysburg. When the going gets tough, the tough don't leave. The tough fight back. And that was what happened in the Battle of the Bulge. That was what happened on the island of Iwo Jima where that famous flag was raised on Mount Suribachi. We cannot afford to cut and run. I am not saying that my colleagues on the other side of the aisle are necessarily advocating that, but certainly some of the rhetoric sounds a lot like that, Mr. Speaker, and I think the American people are hearing that. But even worse, our soldiers that are doing the fighting and the dying and the suffering on our behalf are hearing it.

One of our colleagues on the other side of the aisle a few minutes ago was talking about what things that President Bush should have known and how he should have responded even before 9/11. And as I listened, Mr. Speaker, I heard him talk about the United States embassies in East Africa; the attack on the USS *Cole*, where I think 17 of our soldiers were killed there; the first attack on the World Trade Center in the early 1990s; the Khobar Towers bombing. Well, I would remind my colleagues on the other side of the aisle that that was under the administration of one William Jefferson Clinton, a Democratic President, where basically the response was the bombing of an aspirin factory in Sudan, and I think maybe one janitor was injured a little bit in that bomb attack. That was the kind of response we got from them.

The bottom line is you cannot continue to dare and double-dog dare and triple-dog dare and draw lines in the sand that you ignore, and that was what led us to this situation and that culminated in 9/11.

This President responded. This President had the guts, if you will pardon my Georgia slang, to stand up and get permission from Congress, just as President Roosevelt did on December 8, 1941, and declared war on these people that were responsible for that attack.

And I will just take a couple of minutes more, and then I will turn it back over to my colleagues and the gentleman from Tennessee for his remarks. The President was just speaking to the Reserve Officers Association a couple days ago, and this is what he said and this is, so telling, Mr. Speaker. And I quote:

"The experience of September 11th made clear, in the long run, the only way to secure our Nation is to change the course of the Middle East. So America has committed its influence in the world to advancing freedom and liberty and democracy as the great alternatives to repression and radicalism. We're taking the side of democratic leaders and moderates and reformers across the Middle East. We strongly support the voices of tolerance and moderation in the Muslim world. We're standing with Afghanistan's elected government against al Qaeda and the Taliban remnants that are trying to restore tyranny in that country. We're also standing with Lebanon's young democracy against the foreign forces that are seeking to undermine the country's sovereignty and independence. And we're standing with the leaders of Iraq's unity government as they work to defeat the enemies of freedom and chart a more hopeful course for their people. This is why victory is so important in Iraq. By helping freedom succeed in Iraq, we will help America, and the Middle East, and the world become more secure."

I cannot improve on that, Mr. Speaker. I think the President said it well.

I thank God that we have a President that has the moral character and the intestinal strength to fight when we need to fight, to lead us, as President Roosevelt did, in that war that our Greatest Generation fought.

So I am really proud to be here and share a little time with my colleagues. I thank Congressman JOHN CARTER for leading this hour and giving me an opportunity to discuss such a vital issue as this with my colleagues.

Mr. CARTER. Mr. Speaker, I thank the gentleman for his comments.

At this time I will yield to my colleague from Tennessee, Mr. ZACH WAMP.

Mr. WAMP. Thank you, Judge CARTER, for yielding.

Mr. Speaker, I just want to, as I begin, stand, as I think virtually everyone in this Chamber would do, and thank the men and women in uniform who volunteered to serve because whatever that call is that our commander-in-chief deems in our national interest and the Congress supports the actions for, they are the ones standing in harm's way. They are the ones willing to make the sacrifice.

Over this August district work period, like many of my colleagues, I spent a lot of time with the men and women in uniform from my home State. The 196th Field Artillery Brigade just got back from a year in Afghanistan. I welcomed them home, and then I traveled to Nashville to spend several hours with them and their families, going through the slide slows and listening to the success of their mission there. And I am so very proud that they would volunteer to serve and that they would be willing to step up.

So I begin today just by honoring them, and I know the House stands behind them. But where we are seeing some confusion is the messages that are coming out across the country here in the middle of a very divisive election year that, frankly, are at best mixed messages to our troops in the field and, at the very worst, not helpful at all. And I really hate that because I know that the Greatest Generation who set the standard for sacrifice and courage in our country would want us to attempt to work through our sometimes petty division and right now political division to stand at the waters' edge united against this threat. And there are people in this country who, frankly, do not want to acknowledge it. The Wall Street Journal editorialized last week and called it an "aversion to conflict," meaning that there are people in this country that just do not want to be bothered. They do not want to accept the fact that these threats are real.

I also spent all of August reading, and I would encourage people to read "Londonistan," how the radical Islamists, the jihadists, the people who are literally waging war and believe that death is the only end, are spreading like wildfire through Great Britain and Europe, through the mosque, and radicalization is taking place so fast that we need to wake up as a Nation.

□ 2100

I have been here 12 years. But sometimes I feel like Paul Revere. When you know something in your heart, you better not be quiet about it. You better speak out about it. The gentleman from Texas and I serve on the Homeland Security Appropriations Subcommittee.

For 4 years, we have had the detailed briefings of some of these threats. And while we cannot speak of some things, we know that Hezbollah is the A Team in terrorism around the world. Al Qaeda has been seriously hit by us. We have dismantled a lot of their operations. We have killed Zarqawi. We have had a lot of success.

But Hezbollah now has reared its ugly head in a way that threatens the entire free world. And they want, by their own charter and definition, the destruction of Israel and Christians. That is the truth. That is in their charter.

I would encourage you to read "While Europe Slept," about the rest of Europe and the radicalization that is taking place there, and be sensitive to what is happening in northern Africa where just this week we finally established a U.S. command. Why? Because Somalia is at risk. I was there last summer in eastern Africa. I came back and talked about the problems that we face with the potential of the terrorist networks and the jihadists looking for a vacuum in leadership, the Sudan, Somalia, Algeria, where they can go in and find another sovereign nation from which to operate like they had in Afghanistan.

That was one of the great successes of removing Saddam Hussein, as we took Iraq out of the picture of having a sovereign nation from which the terrorists could operate. But this war has not gone perfectly.

But as Senator MCCAIN said 2 weeks ago on "Meet the Press," no war we have ever fought went perfectly. We have never entered a war and not made mistakes. Of course mistakes have been made. That is the essence of war.

But I am reminded of what John Stuart Mill said about war. This is where the veterans come in, our troops in the field. He said: "War is an ugly thing. But it is not the ugliest of things. The decayed and degraded state of moral and patriotic feelings which thinks that nothing is worth war is much worse."

He said: "A person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature, who has no chance of ever being free unless those very freedoms are made and kept by better persons than himself."

And those better persons, men and women of the House, Mr. Speaker, are our Nation's veterans. Our sons and daughters and friends and relatives that are in harm's way today looking back asking, often to each other, does this country stand behind us? Does the elected leadership of the United States Congress believe in this mission? Will we be successful or will we go home early?

Those are serious questions of war and peace, of freedom or tyranny, whether or not there is ever going to be a hope of us instilling some democratic systems in a part of the world that frankly is breeding hate and destruction directed right at us.

The chronology that you have heard some of today was articulated well by a U.S. Navy captain in Pensacola, Florida. I want to read it into the RECORD, and then submit it for the RECORD. It takes a minute, but this really capsulizes the threats we face that some people are in denial of, and some people do not want to acknowledge that this is worse than it was on September 11 in terms of the global proportions of the terrorist networks, the jihadists working together.

Hamas, Hezbollah, al Qaeda, it is growing. But it did not just start. He writes: "It was a cool fall day in November 1979 in a country going through a religious and political upheaval when a group of Iranian students attacked and seized the American embassy in Tehran.

"The seizure was an outright attack on American soil. It was an attack that held the world's most powerful country hostage and paralyzed a Presidency. The attack on the sovereign U.S. embassy set the stage for events to follow for the next 25 years.

"America was still reeling from the aftermath of the Vietnam experience and had a serious threat from the Soviet Union when then President Carter had to do something. He chose to conduct a clandestine raid in the desert. The ill-fated mission ended in ruin, but stood as a symbol of America's inability to deal with terrorism. America's military had been decimated and downsized or right-sized since the end of the Vietnam war.

"A poorly trained, poorly equipped, and poorly organized military was called on to execute a complex mission that was doomed from the start. Shortly after the Tehran Experience, Americans began to be kidnapped and killed throughout the Middle East. America could do little to protect her citizens living and working abroad. The attacks against U.S. soil continued.

"In April of 1983, a large vehicle packed with high explosives was driven into the U.S. embassy compound in Beirut. When it exploded, it killed 63 people. The alarm went off and America hit the snooze button once again.

"Then just 6 short months later, in 1983, a large truck heavily laden down with over 2,500 pounds of TNT smashed through the main gate of the U.S. Marine Corps headquarters in Beirut, and 241 U.S. servicemen were killed.

"America mourned her dead and hit the snooze button once more. Two months later, in December of 1983, another truck loaded with explosives was driven into the U.S. embassy in Kuwait, and America continued her slumber. The following year, in September of 1984, another van was driven into the gate of the U.S. embassy in Beirut, and America slept.

"Soon the terrorism spread to Europe. In April 1985, a bomb exploded in a restaurant frequented by U.S. soldiers in Madrid. Then in August of 1985, a Volkswagen loaded with explosives was driven into the main gate of the U.S. Air Force base Rhein-Main. Twenty-two were killed and the snooze alarm was buzzing louder and louder as U.S. interests were continually attacked.

"Fifty-nine days later, in 1985, a cruise ship, the *Achille Lauro*, was hijacked as we watched an American in a wheel chair singled out from the passenger list and executed.

"The terrorists then shifted their tactics to bombing civilian airlines when they bombed TWA Flight 840 in April of 1986 that killed four, and the most tragic bombing, Pam Am Flight 103 over Lockerbie, Scotland, in 1988, killing 259.

"President Clinton treated these terrorist acts as crimes. In fact, we are still trying to bring these people to trial. These were acts of war. The wake-up alarm was getting louder and louder. The terrorists decided to bring the fight to America. In January 1993, two CIA agents were shot and killed as they entered CIA headquarters in Langley, Virginia. The following month, February, 1993, a group of terrorists were arrested after a rented van, packed with explosives, was driven into the underground parking garage of the World Trade Center in New York City. Six people were killed and 1,000 injured.

"Still, this was a crime and not an act of war. The snooze alarm was depressed again. Then in November, 1995, a car bomb exploded at a U.S. military complex in Riyadh, Saudi Arabia, killing seven servicemen and -women. A few months later, in June of 1996, another truck bomb exploded, only 35 yards from the U.S. military compound in Dhahran, Saudi Arabia. It destroyed the Khobar Towers, a U.S. Air Force barracks, killing 19 and injuring over 500.

"The terrorists were getting braver and smarter as they saw that America did not respond decisively. They moved to coordinate their attacks in a simultaneous attack on two U.S. embassies in Kenya and Tanzania, where I was. These attacks were planned with precision. They killed 224 people.

"America responded with cruise missile attacks and went back to sleep. The USS *Cole* was docked in a port in Yemen for refueling on October 12, 2000 when a small craft pulled alongside the ship and exploded, killing 17 U.S. Navy sailors. Attacking a U.S. warship is an act of war, but we sent the FBI to investigate the crime and went back to sleep.

"And of course you know the events of September 11, 2001. Most Americans think this was the first attack against U.S. soil or in America. How wrong they are. America has been under a constant attack since 1979 and we chose to hit the snooze alarm and roll over and go back to sleep."

Now, this was written by a U.S. Navy captain currently serving. This was his speech to a group. I submit it for the RECORD. You can take issue with that. But that is a chronology of what has happened. These threats are real and they are building, they are growing.

Ladies and gentlemen, when Zarqawi wrote a letter to Zawahari before we killed him, he said, use the infidel's, us, presence in the Middle East, Iraq, to expand the califate from Morocco to Indonesia. Morocco is in northern Africa. It is in northwest Africa. Indonesia is way over here, east of Saudi Arabia and the Middle East.

The califate is frankly jihadist rule, expanding their territory. This is an aggressive plan, documented by their own words. People can deny this if they want to, but I got to tell you, our generation has been called to many, many challenges. And since the Greatest Generation set the standard for sacrifice and commitment, we have had it really easy in this country.

But we need to be honest with the American people. It is not going to be easy in the coming years at all. We are very fortunate we have not been struck again. We are kidding ourselves if we do not think they are planning another attack. We are kidding ourselves if we think that this problem will go away if we pull out of Iraq.

What will happen is it will give them momentum. It will cause them to recruit more jihadists and more suicide bombers, because they will see us in retreat. That is the truth. This problem is not going away. This problem did not just start either. It has been building. We just did not get serious enough about it until they actually took the Towers down, which they tried to do 8 years earlier, but their engineering was flawed and it did not work. That is when they wanted them to come down.

Ladies and gentlemen of the House, Mr. Speaker, we have an obligation to try our best to meet at the water's edge. I want these volunteer troops and the Guard and Reserve and active duty to see us united around this issue.

This is our call. This is so important. Our way of life is worth defending. Everybody is going to have their role. They say, oh, well, you are not over there serving. Everybody has got a role to play. The Greatest Generation, "Rosie the Riveter" was the spouse who stayed and worked in the factories and raised the kids so the men could serve. And they were people on the floor of this House standing with those troops. We need to do it again.

I will be glad when the next 62 days are over so this is not as much about politics as it is about doing what is right for the men and women in uniform, and for global security because the world is looking to us for leadership. And I am also grateful that we have had consistent and decisive hard-nosed Texas-tough leadership in the White House.

Because this is not a time for wimps. This is a time for us to be consistent and be resolute. The President has got a big heart. I have been with him when he has talked about the families of these troops and there were tears rolling down his face. He understands the sacrifice. He would never, ever put any person in harm's way unless he knew deep in his soul that it is in our national interest and we have to do this. Freedom is not free. We hear that so much we think, oh, that is just what the politicians say.

The sacrifices of the generation before us hang in the balance today. Are we going to rise to meet this or not? We have got to keep talking about it too. Even though we are in an election, this is about the free world and our leadership, whether or not we are going to stand with our allies, whether or not the people in Europe and across the world look to us for leadership or put their hope in organizations like the United Nations that have proved ineffective and today grossly corrupt.

The coalition of the willing are the only people willing to do it today, us and our allies, and tyranny and terrorism is on the rise. Let's not bury our head in the sand.

WHEN WWIII STARTED—1979

It was a cool fall day in November 1979 in a country going through a religious and political upheaval when a group of Iranian students attacked and seized the American Embassy in Tehran. The seizure was an outright attack on American soil; it was an attack that held the world's most powerful country hostage and paralyzed a presidency. The attack on this sovereign U.S. embassy set the stage for events to follow for the next 25 years.

America was still reeling from the aftermath of the Viet Nam experience and had a serious threat from the Soviet Union when then, President Carter, had to do something. He chose to conduct a clandestine raid in the desert. The ill-fated mission ended in ruin, but stood as a symbol of America's inability to deal with terrorism.

America's military has been decimated and down sized/right sized since the end of the Viet Nam war. A poorly trained, poorly equipped and poorly organized military was called on to execute a complex mission that was doomed from the start.

Shortly after the Tehran experience, Americans began to be kidnapped and killed throughout the Middle East. America could do little to protect her citizens living and working abroad. The attacks against U.S. soil continued.

In April of 1983, a large vehicle packed with high explosives was driven into the U.S. Embassy compound in Beirut. When it exploded, it killed 63 people. The alarm went off again and America hit the snooze button once more.

Then just six short months later in 1983 a large truck heavily laden down with over 2500 pounds of TNT smashed through the main gate of the U.S. Marine Corps headquarters in Beirut and 241 U.S. servicemen were killed. America mourned her dead and hit the snooze button once more.

Two months later in December 1983, another truck loaded with explosives was driven into the U.S. Embassy in Kuwait, and America continued her slumber.

The following year, in September 1984, another van was driven into the gate of the U.S. Embassy in Beirut and America slept.

Soon the terrorism spread to Europe. In April 1985 a bomb exploded in a restaurant frequented by U.S. soldiers in Madrid.

Then in August 1985 a Volkswagen loaded with explosives was driven into the main gate of the U.S. Air Force Base at Rhein-Main, 22 were killed and the snooze alarm was buzzing louder and louder as U.S. interests were continually attacked.

Fifty-nine days later in 1985 a cruise ship, the Achille Lauro, was hijacked and we watched as an American in a wheelchair was singled out of the passenger list and executed.

The terrorists then shifted their tactics to bombing civilian airlines when they bombed TWA Flight 840 in April of 1986 that killed 4, and the most tragic bombing, Pan Am Flight 103 over Lockerbie, Scotland in 1988, killing 259.

President Clinton treated these terrorist acts as crimes; in fact we are still trying to bring these people to trial. These were acts of war.

The wake up alarm was getting louder and louder.

The terrorists decided to bring the fight to America. In January 1993, two CIA agents were shot and killed as they entered CIA headquarters in Langley, Virginia.

The following month, February 1993, a group of terrorists were arrested after a rented van packed with explosives was driven into the underground parking garage of the World Trade Center in New York City. Six people were killed and over 1,000 injured. Still this was a crime and not an act of war? The snooze alarm was depressed again.

Then in November 1995 a car bomb exploded at a U.S. military complex in Riyadh, Saudi Arabia killing seven service men and women.

A few months later in June of 1996, another truck bomb exploded only 35 yards from the U.S. military compound in Dhahran, Saudi Arabia. It destroyed the Khobar Towers, a U.S. Air Force barracks, killing 19 and injuring over 500. The terrorists were getting braver and smarter as they saw that America did not respond decisively.

They moved to coordinate their attacks in a simultaneous attack on two U.S. embassies in Kenya and Tanzania. These attacks were planned with precision. They killed 224. America responded with cruise missile attacks and went back to sleep.

The USS *Cole* was docked in a port in Yemen for refueling on 12 October 2000, when a small craft pulled along side the ship and exploded killing 17 U.S. Navy sailors. Attacking a U.S. war ship is an act of war, but we sent the FBI to investigate the crime and went back to sleep.

And of course you know the events of 11 September 2001. Most Americans think this was the first attack against U.S. soil or in America. How wrong they are. America has been under a constant attack since 1979 and we chose to hit the snooze alarm and roll over and go back to sleep.

U.S. Navy Captain from Pensacola, Florida.

Mr. CARTER. Mr. Speaker, I thank Mr. WAMP, and I thank him for sharing that letter from that Navy captain. I think that was very well expressed by that captain in the Navy.

Mr. Speaker, there is a lot of rhetoric going on. What we really need is we need, as Mr. WAMP has so very accurately described, we need to meet on the water's edge. We are waiting to hear plans for solutions. Mr. Speaker, if we do not stay the course, as hard as it is, whether it is hard politically, whether it is hard socially, whatever, if we do not stay the course, Mr. Speaker, I honestly think, as Mr. WAMP said, all the investment in freedom that we have made in the past will pale to the surrender that follows.

I thank you for your time, Mr. Speaker, and I thank you for allowing us to share this concern and this little bit of history. I yield back.

☐ 2115

THE WAR ON TERRORISM FIVE YEARS AFTER SEPTEMBER 11—HOW SAFE ARE WE?

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, next Monday will mark the fifth anniversary of the most calamitous day in the modern history of this country. Not since the British torched Washington during the War of 1812 has the American homeland suffered such a devastating attack. For all of us, the terrible events of September 11th remain an all-too-fresh memory that still casts a pall over our national life.

For the families of the more than 2,900 people killed in New York, Washington and Pennsylvania, the 9/11 attacks remain an open wound. Many of them have sought to redirect their anger and grief into ensuring that we as a Nation are secure and safe from future attacks. In pursuing this goal, they have only asked that our Nation's leaders be honest in assessing the state of our Nation's security, willing to address shortfalls in our defense and that we act together as Americans and not as Republicans and Democrats.

Mr. Speaker, bipartisanship has been at the center of America's national security policy-making for most of our history. In standing behind our Armed Forces, in standing up for our diplomatic priorities, in supporting the intelligence community and in supporting the President in times of crisis, Congress has often spoken with one voice.

This unanimity was never stronger than in the aftermath of the September 11 attacks on the World Trade Center and the Pentagon. When President Bush addressed the Congress and the Nation on September 20, this Nation was more united than at any time since the Second World War.

That unity extended around the world, to friends and foes alike. In the wake of the attacks, NATO invoked for the first time in its history Article 5 of the NATO Charter, declaring the attacks on the United States to be an attack on the alliance. As American military assets rushed toward Afghanistan in preparation for the invasion that would topple the Taliban regime, allied early-warning aircraft patrolled American skies to protect us.

Five years later, this national and international unity seems quaint. Here at home, the President and his fellow Republicans have made no secret that they intend to exploit the 9/11 attacks and the war on terror for political advantage in the upcoming midterm elections, and they have sought to smear as unpatriotic anybody who questions their conduct of our Nation's security policy, most recently, as Secretary of Defense Rumsfeld did, likening war critics to Nazi appeasers.

Overseas, we are isolated. Where America was seen as a victim in the wake of 9/11, it is wrongly viewed as an aggressor. American troops are fighting and dying in Iraq while our closest allies sit on the sidelines, many of them refusing to help.

President Bush and the Republicans have not only squandered domestic unity and international goodwill, they have poorly prosecuted the war on terror and failed to improve our security here at home. Even as we spend $1 billion a week in Iraq, basic security here at home has not been improved as it should have been. This failure has been most clearly demonstrated by the administration's woefully inadequate performance in implementing the recommendations of the independent and bipartisan 9/11 Commission.

In fact, in December of last year, the 9/11 Commission Public Discourse Project, made up of the members of the commission, issued a report card on the lack of progress in improving our Nation's security. The report card was filled with Cs, Ds and Fs. In a statement accompanying the report card, Chairman THOMAS Kean, a Republican, and Vice Chair Lee Hamilton, a Democrat, said, "Many obvious steps that the American people assume have been completed have not been. Some of these failures are shocking." What we have seen over the last 4 years, Mr. Speaker, has been a failure of leadership and a failure of initiative.

My friends on the other side of the aisle, as we heard tonight, I guess have decided that their best response to the criticism of the 9/11 Commission is to blame Bill Clinton. I guess that is the new national security strategy of my friends in the GOP, blame Bill Clinton. I suppose that would be fine if Bill Clinton was the President of the United States, but the last time I checked, it was George W. Bush and had been for a great many years. The last time I checked, it was a Republican House and a Republican Senate.

If we step back 5 years to the immediate aftermath of September 11th and we ask ourselves, would we as a country choose a course that would lead us 5 years hence to a place where we were mired in civil war in Iraq, where Osama bin Laden was still at large, where he and al Zawahiri were issuing a dozen taped messages just in this year alone, where North Korea is testing missiles to carry nuclear bombs that it has manufactured, where Iran is thumbing its nose at the international community and going forward with its nuclear program, where we have become more dependent on foreign oil, not less, how many of us would choose that course for the United States of America? I submit none of us would. None of us would choose that course.

The administration, all they can say is, stay that course; stay a course that has made us more energy dependent on the Middle East than ever; stay that course where Afghanistan's opium production now exceeds what it did under the Taliban; stay that course where sectarian violence is increasing and it is now a civil war in Iraq; stay the course where we have not protected the homeland; stay the course where we have earned Cs, Ds and Fs from the bipartisan 9/11 Commission. Stay the course is the best they can come up with.

If anyone is hitting the snooze button that my colleagues on the other side of the aisle refer to, it is this administration and this Congress. The majority has dubbed this Security September. Well, that has a lovely ring to it, Security September. The problem with Security September is I suppose that in October it will be something else. It will not be security month anymore. Security September will be over. What will October be? October will be, what is a good old term for the political agenda on the floor?

The problem is the Nation's security is not a political agenda to be talked about in the September before a midterm election under the quaint title of Security September.

My colleagues on the other side of the aisle say that everyone has a role to play in the Nation's defense, and with that I wholeheartedly agree, but who has the administration asked among us, other than those brilliant and brave Americans wearing the uniform of this country and their families, who has been asked to be Rosie the Riveter? Who has been asked to make a sacrifice? Has the President asked the American people to sacrifice on the war on terror?

When he was interviewed recently by Brian Williams, who said, Mr. President, many have criticized that you have not asked the American people for a sacrifice; the President said, no, that is not true; the American people have sacrificed. They pay taxes.

That, I guess, was the extent of the sacrifice Americans have been asked to make in the war on terror. The President could have gone on to say he has asked the American people to sacrifice by paying less taxes, by ringing up large deficits on our children to pay for the war, to pay for our own security. That is not the kind of sacrifice, that is not the kind of role that we have to play in the Nation's security.

Now I would like to go through briefly some of the criticisms of the 9/11 Commission that have not been addressed. One of the core parts of the Democratic real security plan is, we will implement the recommendations of the 9/11 Commission. We will put them into effect, and when we go through some of those tonight, we will see just how important they are, just how derelict the majority has been and the administration has been in not implementing these recommendations.

I am joined tonight by CHRIS VAN HOLLEN of Maryland and by DAVID SCOTT of Georgia, two leaders on national security issues, and I want to turn to them after I go through some of the failing grades that we have earned as an institution and this Congress, under majority GOP rule and that the administration has earned.

First, in its report, the 9/11 Commission talked about having a national strategy for transportation security. The commission said, "Hard choices must be made in allocating limited resources. The U.S. government should identify and evaluate transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget and funding to implement the effort. The plan should assign roles and missions to the relevant authorities, Federal, State, regional and local, and to private stakeholders. In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure."

Well, that was what the 9/11 Commission recommended. Now let us see what the 9/11 Commission said about how this administration and the majority have done. The grade: C. "DHS," the Department of Homeland Security, "has transmitted its National Strategy for Transportation Security to the Congress. While the strategy reportedly outlines broad objectives, this first version lacks the necessary detail to make it an effective management tool." C on the National Strategy For Transportation Security.

Airline passenger prescreening: The 9/11 Commission urged that "improved use of 'no-fly' and 'automatic selectee' lists should not be delayed while the argument about a successor to Computer Assisted Passenger Pre-Screening continues. This screening function should be performed by the TSA, and it should utilize the larger set of watch lists maintained by the Federal Government. Air carriers should be required to supply the information needed to test and implement this new system."

What grade did the 9/11 Commission, the bipartisan commission, give this administration and Congress? An F, failure. "Few improvements have been made to the existing passenger screening system since right after 9/11. The completion of the testing phase of TSA's prescreening program for airline passengers has been delayed. A new system, utilizing all names on the consolidated terrorist watch list, is therefore not yet in operation." Remarkable. We do not have a unified terrorist watch list in operation that is trustworthy, that we can rely on to keep dangerous people off our planes. F, failing grade by the bipartisan 9/11 Commission.

Checked bag and cargo screening. The 9/11 report stated that "more attention and resources should be directed to reducing or mitigating the threat posed by explosives in vessels' cargo holds."

Well, that has not happened either. The grade here: D. Now, we all know we have got to take our shoes off and we cannot carry fluids on the plane, but you can still ship a crate the size of a piano in the cargo hold of a passenger plane, and it will not be screened for explosives. This is a glaring hole. We have known about it for a long time. The 9/11 Commission has talked about it, written about it, cajoled about it, as have the Democrats in Congress. What has been done about it? Very, very little. Precious little. Dangerously little.

Airline passenger explosive screening, the grade given by the 9/11 Commission for the administration and Congress work in that area: C.

Critical infrastructure assessment, where we determine the risks and vulnerabilities that will guide the distribution of Homeland Security funds to the most threatened areas. You would expect that when we are identifying what the risks are to the country, that we would go about it in a logical way; we would identify these are the most vulnerable sites, these are the areas where terrorists could cause the most catastrophic damage and losses, and we will prioritize our resources, addressing the most significant risks first.

Well, if that is what you thought we were doing, then you were wrong. Grade by the 9/11 Commission: D. "A draft National Infrastructure Protection Plan spells out a methodology and process for critical infrastructure assessments. No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources. All key decisions are at least a year away." That is negligence with the Nation's security.

Information sharing between government agencies. The grade the 9/11 commission gave: D. "Designating individuals to be in charge of information sharing" within the government "is not enough. They need resources, active presidential backing, policies and procedures in place that compel sharing, and systems of performance evaluation that appraise personnel on how they carry out information sharing."

Intelligence oversight reform, grade given by the 9/11 Commission: D.

International collaboration on borders, grade given by the commission to this administration and this Congress: D.

Let me just talk about border security for a minute. Again, my colleagues on the other side of the aisle blame Bill Clinton. Well, that is great. Let us blame Bill Clinton for everything, but border security? We have had a Republican President. We have a Republican House. We have a Republican Senate. If the GOP wanted to pass border security, it could have been done years ago. Positions that we appropriated in this House to fill border patrol positions have remained vacant. The administration has not followed through.

Well, okay, Security September, maybe October will be border Security October. Maybe they will get around to it in October because, after all, the midterms are in November. But one cannot help escape the conclusion that this is driven by the midterm elections and not the national security of the United States of America, and that is wrong.

Those brave people that protected this Capitol when that plane was over Pennsylvania headed our way, those brave people that protected this Capitol deserve better from the people working in this Capitol. They have the right to expect that those working in this Capitol will use their best efforts to protect the rest of the country and not just with the midterm coming up, a couple of months away.

Now, I am joined tonight by two great leaders on national security issues, and I would like to turn first to my colleague from Maryland, CHRIS VAN HOLLEN, who has joined me on several of these national security Special Order hours, in fact, when it was not Security September, and I thank Mr. VAN HOLLEN for his leadership and yield to the gentleman.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague from California (Mr. SCHIFF) and thank you for your leadership on these very important national security issues, and as you have suggested, national security issues should not be devoted to just 1 month. We need to make sure that we are watching after the national security every day of this year.

I am pleased to join you and Mr. SCOTT here this evening to discuss these issues because the President has said he wants a national conversation on national security issues in Iraq, but in the same speech, he begins finger pointing; he begins name-calling. Secretary Rumsfeld and Vice President CHENEY are out around the country name-calling and pointing fingers and trying to malign anybody that disagrees with them. That is not a national conversation.

Let us have a national conversation. I say, bring it on when it comes to a national security discussion here in the Nation's Capital and throughout the country because, unfortunately, if you look at Iraq, if you look at our national security policy and the implications of that policy around the world, you can see we have created a mess and that in so many ways we have made ourselves less safe than we could be if we had been smart, smart and tough as we went about it.

□ 2130

And it is very difficult to listen to President Bush and Vice President CHENEY talk about how if we only stick with their plan, we would begin to see a way out of here. After all, we all remember President Bush when he was on the aircraft carrier USS *Lincoln* back in May 2003, with a big banner in front of him declaring "mission accomplished." May 2003. Well, here we are today in Iraq and we just had a report come out a few days ago from the Pentagon saying things are worse than ever before. Clearly, we are a long way from mission accomplished.

We had Vice President CHENEY say more than a year ago that the insurgency in Iraq was in its final throes, and yet the report that came out just a few days ago from the Pentagon, a report I must say was required by Congress, it wasn't volunteered by the administration, Democrats in Congress pushed for a little small measure of accountability. Not what we need, but we got this report. And while the Vice President said the insurgency was in its last throes more than a year ago, the report says the Sunni-based insurgency remains "potent and viable."

And Secretary Rumsfeld, from day one has looked at Iraq through these rose-colored glasses. I remember when he sort of referenced an estimate by people at the Office of Management and Budget regarding the costs of the war as just a few million dollars. I mean, the figure he gave was peanuts compared to what we already have spent in Iraq.

So I say to all those people who for all these years have said to us, trust us, we know what we are doing, just look at your record. Let us have that debate and let us have a real national conversation on these issues. Because the mantra "stay the course" is not a strategy.

Do we really want to keep doing exactly what we have been doing when just a few days ago the report that came out of the Pentagon said things are worse than they have been in Iraq? Is that a strategy for success? Is that the plan for victory that the President announced last November at the U.S. Naval Academy in Maryland?

I represent a congressional district in Maryland. The President went there and unveiled his plan for victory, he called it. Again, we have a report just a few days ago out of the Pentagon saying things are worse than ever. So I say we need a national conversation. We need to work together to find our way forward here.

Mr. SCHIFF. If I can interject for just a second, we had a nonclassified briefing, so I can raise this point, before we had the August recess with Secretary Rice, Secretary Rumsfeld, Director Negroponte, and General Pace, and I asked a question that is based on your comments. It was acknowledged at that time that the sectarian violence now exceeded the violence from the insurgency.

I asked them how are we changing our strategy, militarily or politically, because the strategy used in dealing with the counterinsurgency effort and the strategy you use in trying to bring a halt to a civil war are two very different animals. So I asked, how are we adjusting to these new conditions on the ground? And the long and short of it was, we are not adjusting to the conditions on the ground. We are doing the same thing, the same strategy, the one-size-fits-all, the stay-the-course.

That, I think, given the history you have outlined, where this congressionally compelled report indicates things have gotten worse across almost every metric, not better, that stay the course just doesn't cut it any more.

Mr. VAN HOLLEN.

Mr. VAN HOLLEN. It doesn't. And what is unfortunate is people on the one hand are saying let us have this national conversation and then finger-pointing at people who raise questions about what is happening in Iraq and elsewhere in our national security policy, when any sensible person looking at what is going on would have questions. So let us really get together and have a genuine national conversation about these very important issues.

Now, you mentioned, and others have mentioned, that we are coming up very shortly to the tragic fifth anniversary of the September 11 attacks on our country, and I do think it is important to take a moment to reflect again on where those attacks came from and the reaction of the international community, which you have outlined a little bit. Because we all know that those attacks were launched from Afghanistan. They were launched by al Qaeda. They were launched by Osama bin Laden as the head of al Qaeda, and they were launched from Afghanistan because the Taliban government gave al Qaeda sanctuary there in Afghanistan.

When we were attacked on September 11, this country, and in fact the international community, responded. You already referred to the action taken by the North Atlantic Treaty Organization. But in fact also the United Nations unanimously passed a resolution saying they were with the United States in its fight against terror and they were with us in going after al Qaeda and Osama bin Laden. And in fact, when we went into Afghanistan, we were united as a country and the world was united behind us.

You would think, given a lot of the recent talk and rhetoric out of the administration, until just a few days ago, that Osama bin Laden had kind of been forgotten. We weren't talking a lot about Osama bin Laden. But now, just the other day, as we approached September 11 and the anniversary of that tragic attack, the President again raised the words of Osama bin Laden and the very real threat that Osama bin Laden and al Qaeda and their virulent form of extremist Islamic ideology poses.

But I think we should ask the question, given the fact that the President has now reminded us again of where those attacks came from, what are we doing in Afghanistan and how much progress have we really made? If you look at the situation now and you look at the southern part of Afghanistan, we have seen, by all accounts, including from the testimony of the Defense Intelligence Agency, the head of that is General Maples, that you have seen a resurgence in Taliban activities in southern Afghanistan. That is the hotbed of the resistance in Afghanistan. Yet, while we are seeing that resistance grow, we have actually seen a reduction in U.S. military forces in that area. That is not the way you address a real threat.

Secondly, this administration disbanded the one unit, the one unit within the Central Intelligence Agency that was specifically dedicated to targeting al Qaeda and Osama bin Laden. They got rid of it.

We have also seen reports today that opium production in Afghanistan is now at a record high, the highest levels ever recorded in terms of opium production. And those are funds that are able to be used by al Qaeda to help arm themselves and help promote their ideology and help promote their efforts against the United States and others.

At the same time, we learned today that Pakistan, Pakistan, has now entered into a deal with the pro-Taliban militia in the Waziristan portion of Pakistan, that rugged mountain area along the Pakistan-Afghan border, where the Taliban have been assembling and using as a launching pad for their attacks into Afghanistan. We have heard that Pakistan apparently is no longer going to sort of prosecute the war against al Qaeda.

So if you look at the state of play today, and you ask yourself what have we done to eliminate the threat that attacked us on September 11, I would say the answer is pretty clear. We have a long way to go before we can hang up a banner of mission accomplished. And we need to redouble our efforts in Afghanistan.

Unfortunately, what has happened is we have, as a result of the war in Iraq, diverted our resources and gotten ourselves bogged down in a very messy situation with a huge amount of sectarian violence, a budding civil war, civil war, whatever you want to call it. We heard from the Pentagon it is the worst situation they have seen. We have gotten bogged down there and we haven't finished the job against al Qaeda.

Yet, at the same time, we have actually fueled the forces that support the extremists. We have added to their allies. We have provided a great recruiting tool for them. And the biggest beneficiary of all has been Iran. The biggest beneficiary of all has been Iran, which is right there next to Iraq. They fought a long war with Iraq. During most of the 1980s Iraq and Iran were engaged in a very bitter war. But now, with Iraq in chaos, Iran is extremely well positioned and is taking advantage of the situation. They are emboldened and they are trying to expand their influence in the region through Hezbollah and through other proxies.

So I think as we have this national conversation, it is very important that the American people, not just looking at some of this rhetoric out there, but they really try to figure out what is going on. Because one of the biggest consequences of the administration's mistakes, and many of them are coming home to roost now, is that they refuse to listen. They refuse to listen to many generals regarding the best way to prosecute the war in Iraq. They refuse to listen to the experts at the Central Intelligence Agency about the possible consequences within Iraq of taking the lid off Pandora's box and unleashing the forces between the Sunnis, the Shiias, and the Kurds.

They have all the answers, the administration. We have got all the answers. Who are you to question us? And you know what this Republican Congress said? You are right, you have got all the answers, so we are not going to ask you the tough questions. This was a blank-check Congress. No tough questions. No accountability. And the result has been very clear: when you ignore failure, or when you reward failure, you are going to get more failure.

So what we are saying is, let us have a real national conversation. Let us have a Congress that will begin to ask the hard questions.

□ 2145

Let's hold people accountable when they make mistakes.

The finger pointing, you have got to scratch your head, as you pointed out. We have President Bush in the White House. We have Republicans controlling the Senate and the House. They really have no one to look around right now to blame. Yet they still are out there in the field trying to tell the American people that somehow it is the other guy's fault that we are in this mess now.

It is time to hold them accountable.

Mr. SCHIFF. On that point, Mr. VAN HOLLEN, we had one of the very few hearings, you were in attendance, on Iraq in committee, after years of asking the committee leadership in International Relations to hold a hearing on the Iraq war. You would think it wouldn't be so difficult. We finally had a hearing.

During that hearing, I asked the administration witnesses, who has been held accountable for some of the disastrous decision making that has been made? Who has been held accountable for the standing down of the Iraqi army? Who has been held accountable for the intelligence failures that led to the Iraq war? Who has been held accountable for any one of these innumerable errors?

There was this long, painful, prolonged silence. And the answer was clear: No one. No one has been held accountable.

Mr. VAN HOLLEN. We know what the consequence of that is. We know what the consequence is. When you don't hold people accountable for failure, you shouldn't be surprised when you get more of the same. But more of the same is not a good strategy in Iraq. More of the same is not a good strategy in terms of our national security. These are tough, difficult issues. Nobody has all the answers.

So, it is very important that the Bush administration and the Republican leadership stop pretending that they have all the answers, because their view of the world has gotten us to where we are now, and we can be doing a lot better.

I want to thank you and Mr. SCOTT for your very sensible leadership on these national security questions.

Mr. SCHIFF. I thank gentleman. You really put your finger on it. The reality is that "stay the course" is nothing but more of the same. That doesn't cut it anymore.

I yield to my good friend, a leader on national security issues, DAVID SCOTT from the great State of Georgia.

Mr. SCOTT of Georgia. Thank you very much. It is good to be here with you and my good friend, Congressman VAN HOLLEN, always a pleasure, and I commend both of you on your expert comments and thought-provoking comments here today.

Accountability is the issue that we just left trippingly off our tongues. Accountability, The timing is right now for accountability. "The buck stops here," as Harry Truman said. "The buck stops here." And the buck is stopping within 9 or 10 weeks, for we are right around the corner from true accountability. That is accountability with our customers, our clients, the people who put us here. They want some accountability.

We have all just come back from our August recess. Paramount on their minds is security. The American people have lost faith with the direction in which we are headed. Every poll speaks that. I don't care if it is the Fox poll, the CNN poll, the Washington Post poll, the ABC poll, every poll that has been taken speaks clearly; 63 percent of the American people are dissatisfied with the direction this country is moving in, in Iraq, and half of the people in this country are finally getting the picture, the ability to separate the war in Iraq from the war on terror.

That is very fundamental. That is a sea change. That has been a very serious part of our problem, and it has really been the Achilles' heel of this administration, of the Bush administration. I think a serious mistake was made in trying to link the war on terror with the war in Iraq, and we have had a muddled policy ever since.

It is no wonder then that here we are on the eve of the fifth anniversary of 9/11. If you would have told me 5 years ago, right after 9/11, Mr. SCHIFF, Mr. VAN HOLLEN, that 5 years from now we would not have been able to catch Osama bin Laden; if you had told me 5 years ago that we will have expended 2,600 precious lives of our American soldiers in the so-called war on terror, and yet and still al Qaeda is still running around stronger than ever before and Osama bin Laden is turning out more videotapes and CDs than Michael Jackson ever did, 25 at the last count that he has turned out.

And yet for this President to say that we are winning this, that we are succeeding, that we are safer? We are not safer, Mr. SCHIFF, when the butcher that masterminded that mass murder of our citizens and citizens of the world on 9/11 is still alive, and yet we know where he is. And, Mr. SCHIFF, he is not in Iraq. That was the mistake.

What have we done? We have wasted precious resources, not only just in the lives of our precious soldiers there, but to the tune of nearly $3 billion every week. But Osama bin Laden is alive. Al Qaeda is alive. Terrorist attacks have increased over 250 percent since 9/11.

No, we are not safer than where we were. And, yes, we have an accountability coming, and the American people are saying one important thing; they are saying we need a change. We don't need more of the same.

Yes, the Republicans will throw out to us, if you get up here and criticize the President here, you are being un-American or you are not being patriotic or you are talking about "cutting and running."

We are talking as Democrats about being courageous, being bold and being smart. We will win this war on terror, but we will never win the war on terror as long as Osama bin Laden is running around on the border of Pakistan and Afghanistan. We will never win this war on terror if we do not realize we are going to have to develop better intelligence.

Military might alone won't do it, not in this war. We are not fighting states or countries. We are fighting non-state actors. We are fighting rogues. We are fighting folks who, like rats in the night, are looking for holes to scurry in. Now they are secure in that hole over there on the border of Afghanistan and Pakistan. And you tell me how far we have come, when the government of Pakistan just last week condescended to them to give the terrorists safe haven in that section of Pakistan and Afghanistan.

No, no, no, that is not winning this war. That strategy is not right. There is something wrong with this picture.

They can talk and say all they want to say about Democrats, but the American people are very delighted and very pleased that Democrats are finally getting this Congress to stand up and be Congress. That is what they elected us for, to provide the oversight, to ask the questions.

We control the purse strings. And before we turn loose these purse strings, we have to ask the questions the American people want to know. They want to know when are we getting to get and cut off the head of bin Laden? They want to know when are we going to arrest and solve this worldwide terror problem?

Who would have thought, 5 years? On this anniversary, as we look, let us look at the landscape. Let's look at it clearly. Who would have thought that a terrorist group named Hezbollah would be basically running the nation of Lebanon? Who would have thought that a terrorist group, Hamas, would be running the Palestinians over in Palestine? Who would have thought that Iran would be on the verge of nuclear weapons? Who would have thought that North Korea would have eight nuclear weapons as we speak and the capacity of producing at least six or seven in a year's cycle? Unstable regimes.

And who would have thought that China would be eating our lunch in two ways, two essential ways; not only in terms of the free market and the market economy that they are developing over there at the same time they have a planned socialist economy, but the fact that they are one of our largest creditors, and we are one of their largest debtors. We are borrowing $328 billion from China, a huge debt.

Are we safer? I don't think so. And this administration has some serious questions that they have got to answer, and the American people are expecting it.

I hope, Mr. SCHIFF, that each night that we can come on this floor, and we are going to take this national security, and we are going to show the American people that Democrats are stronger on national security. You know why? Because we are smarter.

We are going to find bin Laden, and we are going to destroy him. We are going to beef up our resources in intelligence and the State Department because we know that this war on terror cannot be won strictly with bullets and bombs. It cannot be, for we are not dealing with a standing target to bomb. Nations we can. But we need to make friends with these nations.

We have got the world's best military, but because we are in Iraq, our military is coming off at the wheels. I am not going to get into very direct specifics on that; I don't want the enemy to know. This is going over C-SPAN to the Nation. I don't want our enemies to know just what our situation is. But you know what it is, and I know what it is.

Without question, we are the superior force. But, by Jove, we have got to keep it that way. That is the greatest deterrent to these terrorists, to know that we have that military capacity.

But we won't be able to win the war on military alone. We have got to beef up the State Department. We have got to make sure we have the kinds of relationships with these countries that no nation would do what Pakistan has done. That is unconscionable. That is one of the great defeats that we have had.

Democrats can change that. No, we don't want the same course. We want to get smart. We want to fight this war on terror, and we want to win it. And in order to win it, we have got to be smart.

Mr. SCHIFF. Mr. SCOTT, I thank you for those words. They are right on the mark. You pose the question, who would have thought, and it is a good one. Who would have thought, here we are, 5 years after 9/11, that the mastermind of the butcher of thousands of American lives would still be at large? Who would have imagined that the strongest nation on Earth would not have succeeded in hunting him down and killing him? That is an astounding, astounding fact.

But I think the important thing here tonight is this country cannot, must not, accept this as the best America can do. We can do better. We can do better in aggressively taking it to our enemy. We can do better defensively protecting America. We have to do better.

The fact that this crowd that runs this House, that runs this White House, can't capture and kill bin Laden doesn't mean he can't be captured and killed. He can. He must, but not on the course this crowd is on.

The fact that this crowd can't stop Iran from developing a nuclear bomb doesn't mean they can't be stopped. They can be stopped. They must be stopped.

The fact that this crowd in this House and in the White House can't stop North Korea from testing its missiles doesn't mean North Korea can't be stopped. But it does require a certain competence in an administration. It does require a certain diplomatic skill in an administration. It does mean that you cannot alienate the rest of the world and expect them to come to your assistance, to rally to your cause.

We seem to compartmentalize and think that we can spurn the rest of the world on other things, and then on the issues that we care about, that we can count on them.

□ 2200

It hasn't worked that way. But just because this crowd has failed, it doesn't mean that failure is inevitable. It isn't. I believe in this country, as I know you do. I believe there is a better way. I believe the Democrats have a better way. I believe part of that better way is to make this country energy independent so we are not relying on these Middle Eastern nations.

Do you know why Iran can thwart the international community, they can thumb their nose at us? Because they are a petroleum-rich state, and petroleum prices are through the roof.

It is the same reason Russia can thumb its nose at the United States now, because they are awash in oil money. And part of the reason they are awash in that oil money is because we have that addiction to oil that this oil-soaked administration isn't willing to confront.

Mr. SCOTT of Georgia. Well, I think you are absolutely right, and I think a part of that is those who are at the helm, President Bush and those in the White House, are good decent people, but they are oil people. I mean, they think like oil people.

That is it, when our future is not in that way. We have got to have a clean energy policy. We have got to invest in our own farms and our agriculture products like corn and soybeans and sugar cane so that we can develop ethanol as an alternative. We have got to have a robust economy in this country that is based upon our own self-sufficiency of oil.

We should be going down to Brazil by the planeloads, learning and seeing what they have done. If Brazil can take their own automotive industry, their main means of transportation, and run it 80 percent on ethanol made from sugar cane, what is keeping us from doing that? Why must we be so dependent on Middle Eastern oil? It is the way they think in the White House.

Now, I am telling you, it is not just me here. You have been around this country; all the polls are saying it. Americans want a difference. They want a change in direction. Quite honestly, that is why you have two parties. That is why you have parties here. That is why the Founding Fathers made it that way.

One party cannot have it all the time, and the American people deserve a change. I am convinced President Bush has stayed the course. America says, no, no, we want a new direction.

Well, you can't take a new direction with somebody who says stay the course, do what the job has done, we are here, this is the way we are going with the Republican-led Congress. We have got to have some changes. Democrats are aggressive. Democrats are smart. We have shown time and time in the history of this country, when this country was in a world war. This President was in the world, the business talks about Naziism, he talks about fascism and he talks about all of that about Hitler.

All that time, who stood up to Hitler? Who was it who said the only thing we have to fear is fear itself? A Democrat, Franklin Delano Roosevelt. When the communists were threatening in South Korea and North Korea, who was there? Harry S. Truman, who said, the buck stops here.

When we had that missile crisis down in Cuba, when we were on the throes, right on the edge of what many say meant the end of the world if that had happened, can you imagine? It was a Democrat with steely eyes who stood there and looked Khrushchev in the eyes and had the courage. It was John Fitzgerald Kennedy, a Democrat.

Now, the world can rest assured this Nation will be secure in the hands of Democrats. We are waiting on the chance to provide the change and direction. I am just proud of our national security review by myself and Mr. ISRAEL, who for the past 3 years have provided leadership on this very issue where we have had great leaders like Senator Nunn, Senator Sam Nunn, who has provided the way, my friend from Georgia all the way in; and Sandy Berger, we have had men and women at the helm of national security that have done a fine job and we are here to do that job. This is the way for us to go, strong and smart.

Mr. SCHIFF. Mr. SCOTT, I think this is the key importance of our being here week after week, as you and I and Mr. VAN HOLLEN and others have. The country recognizes we cannot go on with business as usual in our national security. We can't just have a policy that says more of the same. More of the same has put this Nation at inordinate risk.

And so the country is asking, all right, we don't like what this crowd is doing. We don't like what the crowd in the House is doing; we don't like what the crowd in the White House is doing. What are Democrats proposing? And for weeks now we have been laying that out, in the pillars of our own security plan, where we will rebuild our military, because that is what it really means at this point.

Our military is strained so thin, stretched so thin, we are now using professional recruiters to try to recruit. We are getting bonuses to recruit people in the Armed Forces. We are using involuntary recalls. These men and women in uniform, they deserve our undying gratitude, because, boy, are we asking a lot of them, not only them but their families.

But our military is at the breaking point. Our forces are stretched, our equipment is degrading in the conditions in Afghanistan and elsewhere. It needs an investment, it needs to be better managed than this administration has done, and we will build that 21st century military. We are committed to the war on terror and to going after the heart of that war, which is Osama bin Laden and al Qaeda. When I was in Afghanistan, Mr. SCOTT, do you know what one of our troops said to me?

He said, Mr. SCHIFF, you know, we here in Afghanistan, we feel like we are the third front in a two-front war, third front in a two-front war. This won't be the third front in a two-front war under Democratic leadership.

Homeland Security? We will implement those recommendations of the 9/11 Commission that the snooze alarm policy, the snooze button policy this administration has ignored. In Iraq, we will recognize the facts on the ground, which is now a civil war. We will adjust our strategy. We will reduce and redeploy our forces so the Iraqis have to take control of their own country.

If Shiite and Sunni are determined to murder each other in large numbers, it is not the job of American troops to stand in the way and catch the bullets. We ought to play a supporting role; we ought to do everything we can to reduce the conflagration there. But ultimately Iraqis have to decide they want to be one country.

Finally, we will achieve energy independence. That is a key part of our national security agenda. The fact that this administration has failed in so many of these respects doesn't mean failure is acceptable or inevitable. This country has always done better and can do better, will do better.

Mr. SCOTT of Georgia. You know, that certainly doesn't sound like cutting and running to me. It says sticking and staying, but sticking and staying smart. Nobody is running away from this war on terror. You cannot run away from it. We are simply talking about putting our resources where they need to be. We are talking about building a military and not dragging it down. Let me give you one example of where I am talking about where we will make choices. Democrats will not make this mistake. Right now we are facing our military. We are trying to make choices about air superiority versus ground superiority. It should not be one versus the other. We have got to have both.

But here we have got right now, in my home district in Atlanta, Georgia, in the Atlanta metro area, I represent CBO county, Marietta, which is the Lockheed Martin base where we make the F-22s. Right now there is debate, the Army, the Air Force wants 318 F-22s. Well, we have got 75 already moving off the line, but they cut down their request now to about 125.

If the Air Force says we need 318, we should make 318. That is what the military says we need in order to maintain the superiority. The F-22 fights in the air and on the ground. We need that, but here is the rub. The rub is the Defense Department right now is saying we cannot even afford the 125.

Why? Because the war in Iraq is making us choose between how we are going to fit our military. That need not be. We need not allow the war in Iraq to be a drag on the resources of our military operation. No wonder you have Iran doing what they are doing. No wonder you have Syria and North Korea, China, even Russia.

No wonder we can't get around and even talk with Russia and the Eastern European countries about gathering up those loose nukes. Sam Nunn brought that to our national security meeting and made it very clear that quite honestly that is a number one threat to the security of this country.

So when you look at the entire fix we are in, we are talking about a reallocation of resources. Democrats are talking about being smart, taking our resources and using it, stopping the drain on it, making sure that we don't have soldiers who are going over into Iraq for the third and fourth tour, or having soldiers, last we had about 30,000 marines called up, their retirement was cut short and having to go back to Iraq.

Mr. SCHIFF. Mr. SCOTT, let's look at this, let's look at this through the prism of more of the same, or stay the course, as our majority is advocating, as opposed to what we have outlined in a new direction on each of these items.

What does it mean to stay the course? Well, what it means in terms of energy independence is that we continue and increase our reliance on Middle Eastern oil, and all of the national security risk that entails for that country. That is what stay the course means on energy independence that we remain dependent on Middle Eastern oil.

What does more of the same mean in Iraq? More of the same in Iraq means most costly, the continuing casualties, American troops losing their lives and becoming severely injured. But in addition to that, more of the same in Iraq means if you look at the course of Iraq, it means an increase in the civil war violence, because when you look at the curve of the Iraqi violence, it has been a steady increase in sectarian violence.

So what does stay the course mean? It means stay the increasing course of civil war violence. The insurgent violence, which has been on the increase, the number of incidents over the summer reaching all-time highs. What does stay the course wartime policy mean? It means more insurgent violence.

Is that the course we want to stay on? The only, and, boy, I have searched, I have searched high and low for some good news to report out of Iraq. The only positive news I have seen out of Iraq has been in terms of the political development in terms of the elections in Iraq, the unity government.

But, unfortunately, that government has not been able to solidify its control over Iraq. It doesn't have the confidence of the Iraqi people. Unfortunately, if we stay that course, that doesn't offer much hope either. Homeland security, what does stay the course, more of the same mean for America under homeland security?

It means more Cs, more Ds, and for more Fs for our failure to do more for airports, nuclear plants, chemical plants. More of the same on the war on terror, more of the same means more messages from Osama bin Laden, more of the same from Zarqawi, more of the same bombings in London, Madrid, Turkey, elsewhere, more sanctuary in Pakistan. That's what stay the course means in the war on terror.

More of the same in the military means people on their third deployment, fourth deployment, sixth deployment. That is what more of the same means in the military. That just is not right for America.

Mr. SCOTT of Georgia. No, it is not, and more of the same means this, Mr. SCHIFF: this is the latest report on terrorism, what the facts are. On 9/11, more than 5 years ago, there was an estimated number of al Qaeda numbers worldwide, and on 9/11/2001 it was 20,000. Now, the estimated number of al Qaeda numbers worldwide is 50,000. Then on 9/11/2001, the number of al Qaeda terrorist attacks in the 5 years before 9/11, three.

The number of al Qaeda attacks in the 5 years since 9/11, 30. The number of days Osama bin Laden has been at large since U.S. military operations commenced in Afghanistan, 1,784 days and counting. What do we have to show for that?

If we look again at the 2,600 American soldiers that we have loss in this war on terror, good brave soldiers, where we score the more of the same, no more of the same, no more of this staying the course on this course. We have got to correct the course and stay and fight the war on terror, deal with the situation in Iraq, but do it smartly with the resources we have.

□ 2215

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the remaining time before midnight.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate the privilege and honor to address you here on the floor of the United States Congress. I am pleased to be back in Washington, D.C., where we can join together and work together to resolve the issues that are in front of us between now and the election and after the election.

As I awaited this opportunity to address you, Mr. Speaker, and I listened to the remarks made by my colleagues on the other side of the aisle, I have to say that it is a bit depressing to listen to that litany, but as I look back across these Presidents that have done such a fantastic job, I think in terms of who was in charge when we got into those wars that were ended when they were in charge, it is the same person.

I don't take a great issue with the way the Second World War was conducted by FDR. In fact, I am quite proud of the way Harry Truman had enough vision and courage to do what he did to end the Second World War. But as I listened through the rest of that, who was in charge when the war in Vietnam began, and the first troops were sent over there by John F. Kennedy, who was in charge at the Bay of Pigs when air power was taken off to protect the lives of the Cuban freedom fighters who were caught out in the open and slaughtered in the Bay of Pigs, that was John F. Kennedy who decided not to provide the air cover that he had guaranteed them. They went in there thinking they had air cover, they didn't have air cover, and Castro has been in power ever since down there in Cuba.

I would go further. Not only did Kennedy send the first troops into Vietnam, but Johnson accelerated the operations that were there. As I listened along throughout some of these Presidential candidates, and I am just simply giving the balance on the other side, Mr. Speaker. I didn't come here to make a case to denigrate any of our proud Presidents that we have, just to put some balance in this perspective that we have here and hopefully I can get that done and then move on to some other subjects that I came here to talk about.

But the Johnson administration got to the point where Lyndon Johnson would not run for a second term of office. Those of us that were here remember that. He knew he couldn't win. The streets were full of demonstrators. Things had melted down in Vietnam to the point and melted down in this country to the point that he had lost confidence, and he came to the American people and said I will not be a candidate for a second term for President.

So that some characterize as a failed Presidency, and I just point this out to bring some balance to the reality of it all.

I also recall what happened in the aftermath of the issue that nobody is proud of, and that is the Watergate break-in. That put political power in the hands of the people on the other side of the aisle. And what was the first thing that they did with it? They passed legislation that said there won't be a dollar spent in Vietnam helping anybody defend anybody from the North Vietnamese. There won't be a dollar spent for a meal or a bullet or a tank or a gallon of fuel for air cover to protect the people that we pledged to protect.

And in a matter of a few months, the North Vietnamese stormed through South Vietnam. And you wonder why they couldn't defend themselves. They didn't have munitions to work with. They didn't have air cover support which we had pledged them. And there were hundreds of thousands, in fact, millions that died in the aftermath because we made a commitment and didn't keep that commitment because of political fighting here in Congress. Not because of the lack of the will of the American soldier or the lack of the will of the South Vietnamese soldier, for that matter, at least during that era.

And as we move forward throughout history and we bring ourselves up to the Clinton era, I just have a little note in my pocket from a speech that I gave a couple of nights ago. In fact, it was last night. Someone remarked in that meeting that I was at that they knew what the meaning of the word "is" is. Well, all I have to do is say that, Mr. Speaker, and I think it brings back to mind all kinds of images of things that went on through the 8 years of the Clinton administration.

I didn't notice that there were some strong remarks there, but I do remember the remarks that were made with regard to Sandy Berger, the proud adviser to the Clinton administration, and how he had provided for a strong military.

Mr. Speaker, there is something about the image of Sandy Berger with his socks full of secret documents at the National Archives that just belies any kind of image of Sandy Berger contributing to a strong military. In fact, on his watch, and on the watch of Bill Clinton, we saw our military be reduced from 2.4 million military down to about 1.4, perhaps even 1.3 million in our military. Now, that is not what you call contributing to a stronger military. That is reducing the military. That is what they called the peace dividend.

If you remember when the Wall went down on November 9, 1989, most of the people in the mainstream media thought that had to do with a family reunion between East and West Berlin families. But what it was, when that wall went down, the Iron Curtain came crashing down at the same time and peace echoed across Europe almost bloodlessly in what I would consider to be nearly a historical miracle.

But in that period of time after a couple of years and that soaked in and we got around to the 1992 elections, people in Congress then coupled with the President decided, and that would be President Clinton, decided we have this great peace dividend. Now the Soviet Union is no more. There is no evil empire out there. Of course, they wouldn't have called it an evil empire. That was Ronald Reagan that defined our enemy there. But the evil empire had fallen apart and been separated into its parts. And, of course, it wasn't equal to the sum of its parts. Each part was separate. They didn't pull together anymore. And the threat from a superpower from without diminished substantially.

When that happened, the decision was made here, Mr. Speaker, in this Congress, to dramatically reduce our military and take the savings and spend them on growing government programs. That is what was going on during the reign of Sandy Berger. I don't know how he was the guide that propped up and beefed up our military.

There are compliments that we can lay into every administration and criticism that we can lay into every administration, but it is pretty difficult to lay out a clear perspective that is subjective because all of us have a different viewpoint. We have that different viewpoint. It has driven us to come here to help serve the American people.

But out of this Congress needs to come a consensus that can help direct the American people, Mr. Speaker. It doesn't serve us well to be tearing down our effort of our military when they are overseas, when their lives are on the line for our safety, for our freedom, to win this global battle and this war on terror and provide an opportunity for freedom for the Iraqi and the Afghani people.

And who knows what might be next. Who knows what people might be next. Who knows who might be attacked next. But we are on the eve of the fifth anniversary of September 11, 2001, and I am standing tonight on the floor of Congress listening to a lamentation of sadness and despair because the resolve to finish this appears to not be there with some of my esteemed colleagues on the other side of the aisle. I regret that, and it saddens me.

But I ask: if they say staying the course is not a plan, and I am looking for some direction that can resolve this thing more quickly myself, Mr. Speaker, but if they say staying the course is not a plan, I have to tell you, it is no plan to tear down the effort. You had better have a positive message. You better have a way to resolve this issue. Or it works against the American people and it works against the American soldier to stand on the floor of this Congress and say, This is not a plan. We're going to take a new direction. We will fight the war wiser than President Bush fights the war. But we're not going to tell you how. We're going to keep that classified.

That would be one of the few things kept classified that had to do with military, but that is because there is nothing to uncover. There is not an idea. There is not a plan. They don't have a way to fight the war smarter than it is being fought now, or they would tell you. They would surely tell you between now and the elections in November. But that seems to be still a secret.

So I say to them, gentlemen, what is your plan? Please tell the American people what is your plan. How would you resolve the issue in Iraq? How would you resolve the issue across the world where about 1.3 million Muslims have within them, maybe 10 percent that are sympathetic to, or actively supporting, al Qaeda? How would you resolve this issue?

And if as some of the people on the other side of the aisle say, Mr. Speaker, and that would include the minority leader, that Iraq was a diversion, that it really didn't have anything to do with the global war on terror, that the terrorists weren't in Iraq, that they weren't operating in there. Saddam Hussein, they claim, was not harboring terrorists and he was not fomenting any kind of terror. He was essentially a benign dictator that just tortured and murdered, in mass fashion, with weapons of mass destruction, his own people. That is the argument, Mr. Speaker.

I would submit this, then: If Iraq was a diversion and didn't have anything to do with the global war on terror, why did you vote for military operations to go in there? Don't tell me that you were duped by the intelligence of the United States, that you were given misinformation. That was the intelligence that all the world had, that all the world concurred with. This was the intelligence of America and the United Nations and Great Britain and Israel, and probably the intelligence that Saddam Hussein had as well.

We made a decision based upon the very best information that was available, all of us together. And now you want to say, No, it was a diversion. It was a distraction. We should have been somewhere else. Where? Well, anywhere else.

If Iraq could have been taken off the map, and I would challenge you on this, as a nation that didn't threaten us and didn't foment terror and didn't have weapons of mass destruction, all these things we know did happen, they are true, but you want to argue that they are not. If you could have taken Iraq off the map and wouldn't have had to worry about Iraq, what other countries out there, gentlemen, would you name that are nice and safe and we can cozy up to and we can take them out of the equation as a nation that might harbor terrorists, breed terrorists, foment terror, fund them or sympathize with them or have the kind of habitat that breeds them? Who can we take off our list?

Could it be Syria? I don't think so.

Iran? No, I don't believe so.

Even Saudi Arabia? Well, there are a lot of Saudis that were here 5 years ago in the air, came in to blow up Americans. So I don't think so.

Pakistan? There are thousands of madrassas teaching hatred there. Even though Musharaf has been doing a very good balancing job within Pakistan and he is making progress there, but we can't turn our back and conclude that the Pakistanis are all our friends. A lot of them are. They have done a good job of working with us. But there are elements from within.

What about Great Britain, speaking of elements from within? Can we take them off the list? It would have been a foolish mistake to do so, Mr. Speaker, as we found out just a few weeks ago as a plan was foiled to blow up as many as 10 or more airliners across the Atlantic Ocean that would have flown out of Great Britain towards the United States. That plot was put together and led by, some of them, born citizens of the United Kingdom, second generation people, who were taught hatred in their home and in their schools that didn't assimilate into the society.

So the argument that Iraq was a diversion just simply does not hold up, Mr. Speaker, because you could not have taken Iraq out of that equation any more than you could take Syria or Iran out of the equation today.

It is a false and specious argument and the American people know it, Mr. Speaker. The more it gets repeated by the other side of the aisle, the broader the margins of victory are going to be for the Republicans in November, because at least we have a rational process of thinking. We are a reasonable people. Even though we disagree, we understand a logical and rational argument, and we understand when one is not logical and it is not rational. It is not rational to argue that we didn't have to worry about Iraq if you can't name a country that we don't have to worry about today. You didn't have the vision then, you don't have the vision now, and that is where it stands.

Moving along now, Mr. Speaker, as I listened to the argument that we need to go to Brazil to figure out what to do about our energy crisis here in the United States of America, I went down to Brazil to take a look at that. I wish the gentlemen over there would sit down and have a conversation about this or maybe just simply, Mr. Speaker, tune into C-SPAN and I will fill them in on what one can find out in a place like that. You can go to Brazil believing that they have replaced 100 percent of their gasoline with ethanol that is produced from sugar cane. But you can't go to Brazil and come home believing that, because it is simply not true. And it is obvious from your first moments within the country.

I can give you some real numbers that put this in perspective. Of all of the fuel that is burned on the roads in Brazil, only 15 percent of it is ethanol. Only 15 percent out of the 100 percent pie chart. 15 percent is ethanol, of all the fuel burned on the roads by all the vehicles in Brazil. When you take the trucks and the diesel fuel vehicles out of there so you are just dealing with the ethanol gas market, now the number goes up to 37 percent. Not 100 percent. Even when you take the diesel vehicles out of it. That is respectable, though, I have to say. But it is only a little bit more than a third of what most people think is the reality in Brazil.

But 37 percent of the gas-burning vehicles that have the option of gas and ethanol, 37 percent of the fuel burned is ethanol. Then they burn a blend. You can either go in, pull in and buy a 100 percent blend of ethanol, or you can buy the blend.

The blend is actually a 25 percent blend. While I was there, they reduced it down to 20 percent because they didn't have enough ethanol to fuel their own vehicles. So I don't think Brazil has got the answer for us all here. They want $8 billion to build the capital to invest in their ethanol production because they want to double this production that they have, but they don't have the sugar cane to make enough ethanol to even blend their fuel up to 25 percent.

□ 2230

I would rather have that capital invested in this country where we can build an infrastructure here that is going to produce the ethanol that will replace the gasoline from the Middle East.

So I would simply submit that there is $1 billion worth of private capital that is being invested in this construction year in my little congressional district to produce renewable fuels, between ethanol, biodiesel, and wind, $1 billion in that sliver, that western third of Iowa, and we are kicking up our ethanol production. And if you want to see how to do it, come out there where we are doing it in America.

I see my esteemed colleague on the floor this evening, and I am quite interested to hear what my friend and the chairman of the Armed Services Committee, DUNCAN HUNTER, might have to say, and I would be happy to yield to him.

Mr. HUNTER. Mr. Speaker, I want to thank my good colleague, Mr. KING, for yielding.

And I listened, as you probably did, to some of the Democrat Members who were decrying the state of the world and "woe is me" and things are going terribly, according to them. And as the gentleman took the floor, as I watched him take the floor, and started talking about the Republican legacy in national security that they were complaining about and the Republican legacy of peace through strength, I was reminded about coming here in 1980 when a guy named Ronald Reagan was running for President. And we just finished with a President who was very, very similar to Jimmy Carter, the gentleman who had his tenure in office somewhat truncated by Ronald Reagan, and that was Bill Clinton. And I thought of the fact that the Democrats entered the Clinton administration with 15 Army divisions, combat divisions, and when they walked out of the White House and that administration left, they had cut the United States Army by about 40 percent. They were down to 10 divisions, and many of those divisions were undermanned, and then I was reminded that they were the same people that complained that we didn't have enough people on the ground when we went into Iraq. And then I was reminded that, as we are talking about Iraq, and today there is a big hue and cry to get rid of Secretary Rumsfeld among the Democrats, in the Democrat cloakroom, thankfully, 6,000 miles away that sentiment is not shared by the Americans who are reenlisting in the combat zone, in places like the Sunni triangle, where the 101st is well over 100 percent of their expected reenlistment rate. The First Marine Division out in the very dangerous Anbar Province is up well over 100 percent of their expected reenlistment rate. So the people that serve in combat under Don Rumsfeld seem to like him.

But I was reminded, as I listened to that "woe is me" discussion by the Democrats, that it is the Republican Party that is the party of peace through strength, and the American people rely on us to do that. And I think that is one reason they are trying to pull down Secretary Don Rumsfeld.

And I thought it was interesting today, as the President announced that Khalid Shaikh Mohammad, the mastermind of the attack that drove those planes into New York, into Washington, D.C., and into Pennsylvania, will soon be coming to a courtroom near us in the United States because he was captured and he was interrogated and others were interrogated in what the Democrats call inhumane methods, even though our lawyers and all of the people who scrutinized the methods of interrogation found that they were legal methods of interrogation, uncomfortable but legal and not torture, and that that person and others who joined him, his team of terrorists who joined him in masterminding the 9/11 attacks on America, will be coming to a courtroom near us, soon to be prosecuted, truly brought to justice because of the leadership of this administration and because of some of these methods of interrogation that have been associated with Secretary of Defense Don Rumsfeld. And the President laid out today how thousands of Americans had their lives spared, how we stopped attacks and we stopped plots to attack our country in mid course, including not only attacks that would include explosives but also attacks that would include things like anthrax, because we had a forward-leaning, tough, aggressive posture in this war against terror.

So as the Democrats sip their lattes and find themselves very comfortable in what they describe as a very uncomfortable world, the reason they are able to be here having enjoyed almost 5 years after the 9/11 attack with no further attacks on the United States is partly because we had a President with an aggressive, forward-leaning policy against terrorism; that he went out and took them on; that he hunted them down in places where they didn't think they would ever be found, with the leadership of Don Rumsfeld, and we kept them off balance. And because of that, because they were kept off balance, because we penetrated them, because we were able to get into their cells and we were able to discover who was masterminding these plots against the United States, we were able to keep our people safe.

And I am further reminded that when Don Rumsfeld's military, our military, led by General Tommy Franks, was driving that iron spearhead up toward Baghdad, you already had the Democrats complaining that there were not enough troops and that he would get bogged down. And as you saw them on talk shows, the talk shows in which Democrats were complaining that he would get bogged down were interrupted by news announcements that Tommy Franks had taken yet other stronghold of Saddam Hussein. And they would seem to be almost disappointed rather than joyous when they would hear that American troops had, in fact, mowed down another line of defense by Saddam Hussein; so they stopped criticizing for a while. Then after we took Baghdad, the criticism started again. And this time the criticism was what I called the "both ways criticism." In the same discussion, a Democrat leader would say we need to have more troops on the ground and in the next sentence he would say we want to have an Iraqi face on the security apparatus. Well, how do you have an Iraqi face on a security apparatus if you stuff enough troops into that country to have a GI on every corner? The facts are you cannot have it both ways.

And then the other criticism was, we should have kept the Iraqi military intact.

The Iraqi military had over 10,000 Sunni generals. What do you do with 10,000 Sunni generals? You don't do anything. And that is what the army would have done to secure Iraq: nothing. The idea of having that army where corruption was the order of the day, where you had people who were simply following their own political agenda and making their own way and making their own profits and the idea that we would maintain that army as the new safeguard or security force in Iraq to protect this fledgling, newly elected, democratically elected government coming up makes no sense at all. The smartest thing we ever did was starting with scratch with that military and teaching the new army the chain of command; teaching them respect both up and down the chain of command; teaching them to take responsibility; teaching them to have a thing called NCOs, noncommissioned officers; teaching them to be decent to people; teaching them not to be corrupt. And that is why today the best force that we have in Iraq is not the police force, is not the security force. It is the military. And even people who have criticized this administration in the way they conducted the war concur that there is a strong core in this Iraqi army. That is because we built it from scratch, and we didn't start with 15,000 Sunni generals.

Now, the last thing, and I have mentioned it, that the administration was condemned for and that Don Rumsfeld became a lightning rod for was uncomfortable interrogation methods. Well, you know, the world is a tough place, and the people that we are dealing with are not made out of cotton candy. And the fact that we were able to get information from terrorists because they are the ones that have the information, not Americans, but because the terrorists are the ones that have the information, the fact that we were able to get that information from them and use that to stop other actions against the United States before they could mature, before they could result in American casualties accrued to the benefit of America's security.

So when I look at this "woe is me" and we have got the real security plan and if we had only taken the other road, you will notice that the road not taken is always the smoothest one, where we had all the Sunni generals, that we would have used those to somehow bring security to Iraq, or if we had stuffed enough GIs into Iraq that somehow there would not be any car bombings or would not be any violence, or if we would just ask people politely to give up the names of their co-terrorists, they would do that and we wouldn't have to be tough on them in interrogations. All those positions, I think, define why the American people, Democrats and Republicans, rely on Republicans for national security.

And I thank the gentleman for yielding.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for coming to the floor and speaking on behalf of our military men and women. And as I listened to his presentation, it was very welcomed from my perspective.

I wonder if the chairman would yield for a question.

Mr. HUNTER. Absolutely.

Mr. KING of Iowa. Chairman HUNTER, I would ask you, would you care to comment on the remarks on the position that Iraq is a diversion on this global war on terror and it didn't have anything to do with Osama bin Laden and al Qaeda?

Mr. HUNTER. I think that comment that somehow this is a neat, tidy package and if we just confined ourselves to Afghanistan, somehow we would win the war against terror and we wouldn't have to worry about Iraq is a naive position.

The facts are that we learned after 9/11 that if we didn't change the world, the world was going to change us. And having an Iraq that has a modicum of freedom, that is not an enemy of the United States and will not be a springboard to future terrorism accrues to the benefit of generations of Americans. It is not something you can put on a bumper sticker, but having some change in that part of the world.

And one manifestation of that change that was little noticed was when, during the conflict between Israel and Hezbollah, Hezbollah sought rearmaments from Iran, and Iran, according to reports, sent off a plane full of new missiles to throw at the defenseless civilian populations in Israeli cities, and Iraq would not let them fly over. So they said, okay, we will try to fly over Turkey. And Turkey said, You can come into our aerospace but only if you land and we can search your plane. And Iran then turned the plane around and took it back home and did not deliver the missiles.

Now, that is only a small thing. On the other hand, it could be a big thing for the people who might have felt the impact of those warheads in Israeli cities. But that was an Iraq whose government was not friendly to terrorists. That was an Iraq whose government was supportive of free people. And that was because of the American position in Iraq and the fact that we have changed the face of Iraq.

Now, there is something I think all American troops should see because they are hearing this constant drumbeat now from the Democrats that the casualties have been in vain, that their efforts have been in vain, that this is all a terrible fiasco. I think that every American who serves should be shown the excavations that are taking place in Iraq right now, those mass graves wherein if you watch the History Channel, you might have seen some of this about a month ago where American anthropologists and scientists are excavating the mass graves, where Saddam Hussein's people would herd hundreds and thousands of people and in many cases would shoot the mother holding her baby in the back of the head. And then when the scientists would examine the skull of the little baby, they would notice it too would have a pistol bullet hole in the back of its head. Double execution, mother and baby. I think all Americans that serve over there should see the photos of those Kurdish mothers whose bodies are strewn out across the hillsides still holding their babies, killed in mid stride by Chemical Ali.

And I am reminded of a Democrat President who stood on the west steps of this Capitol many years ago and said, Let the word go out, let friend and foe alike know that America will bear any burden to support the cause of freedom. And I am paraphrasing, of course, John Kennedy. What happened to those Democrats? What value do they place on those thousands of people who were pushed into mass graves?

In fact, I think one farmer testified about Saddam Hussein's executioners that they had an execution squad that would show up at about 9 o'clock on his farm. They had an excavation squad or team that would show up with construction equipment, and they would dig these big trenches on his farm in the morning, and then the execution squad would arrive, and then they would truck in the unfortunate villagers who were going to be executed. They would line them up and shoot them in the back of the head, push them into this big cut that they had made in the Earth, and then they would cover them up with bulldozers.

□ 2245

As I recall at one point, the farmer said that one day the execution squad, the logistics guy did not show up so they did not have any bullets. So he said, what the heck. They just pushed the people in alive and covered them up without shooting them. It did not make a lot of difference to them.

Those historical excavations, and that record of human suffering and human tragedy that was visited on those people, that should be shown. Because that is the work of Saddam Hussein. That should be shown to every GI, every marine, every navy corpsman that serves out there in that tough Fallujah area, and al Ramadi with the marines, every airman who flies those long lifts, bringing and keeping that logistical train going between American bases and that area of operation.

Every one of them ought to be shown the full story of what Saddam Hussein did and what he was. And the idea that we can turn that country where the ruler did that to those people, to a country who, when Iran says we want to fly these missiles over your air space so we can kill people in Israel says "no, we are not going to let you do that. Go back".

To me that is a remarkable thing. Now, you know, the freedom of the Iraqi people is not guaranteed by this operation in perpetuity. Nobody's freedom is guaranteed in perpetuity including our own. We are developing them, a freedom for that country. We are giving them a running start at freedom. I think it was Ben Franklin one time who said, we have our freedom, now if we can keep it. It will be up to them to keep it.

But we learned after 9/11 that if we did not change the world, the world was going to change us. This is far-reaching. This is visionary. This is going beyond Fortress America that somehow we must have said something wrong to these extremists to come after us and bomb us and do these things to us.

And you know, I have thought about this idea that somehow what did we do wrong to invite this strike against America? I thought about that. I thought about the last couple of wars we fought. Two wars ago it was the invasion of Kuwait by Saddam Hussein. Kuwait is a Muslim country. We saved it.

And then we went in and we saved hundreds of thousands of Muslims in the Balkans, in Bosnia. We had that record. And the reward that we got from the extremists was for them to attack the United States of America. So what more could we do? So this idea of this flagellation of America is something that is reviving in the Democratic party. I think you probably noticed that. It is coming to the fore. It is, we did something wrong. And it is not Khalid Sheikh Mohammad, the real devils in this operation, according to the Democrats, are not these people that we are going after who have tried to kill thousands of Americans, it is really our leaders.

Those are the people that they say are the bad people. And it is not the guys that our great intelligence agencies and military people manage to bring to justice that we will soon see in a court of justice being tried I believe for murder, among other things.

But it is the methods of these uncomfortable methods that were used to get them to tell about people that were planning to kill Americans and fly planes into our country loaded with explosives and do the other things that the President talked about today. This blame America first thing is reviving on the Democrat side of the aisle.

I do not think the American people are going to buy it.

Mr. KING of Iowa. I thank you, Mr. Chairman. I would take this to another level of this vision too. Before I do that, I would point out that I sometimes have some opportunities to sit down and talk to people who were raised in Iraq. Some of them are refugees that have found their way here. There is just a certain bond and affinity between Iraqi and Americans today because they understand and they appreciate the sacrifice and the commitment that has given them now an opportunity.

I recall a conversation with a young lady who was raised in the north up near Kirkuk. And she said that no one admitted that they had any boys in the family. The houses in that town all had hidden compartments in them. If they had a boy they had hidden compartments. So when Saddam's men came to town, those boys crawled into those hiding places within those homes to hide from the military recruiters.

They would pick those young men up and haul them off to the military and they would never know where they went and they would never see them again. The girls could go out and play, but the boys could not. They had to be kept in hiding, like young little Anne Frank hiding in their home and growing up and trying to make a happy life out of this.

But I would take this image, that we had Iowa Guard troops on the ground in Afghanistan helping to guard the routes to and those polling places that were there. The first time in the history of the world that those people had ever voted on that place in the planet.

And we have seen the Iraqi people go to the polls, and three times pull off a successful election, when the naysayers on the other side of the aisle said it cannot be done, there is too much violence, and the Iraqi people really cannot handle this Democratic process.

Think about what this means. The inspiration that Afghanistan is today, and the inspiration that Iraq is becoming. I see those two nations as the loadstar for the world of Islam. And if Islam can see that they can live in compatibility with freedom and prosper and turn their focus, as Benazir Bhutto, the former prime minister of Pakistan told me shortly after September 11, she came to Buena Vista University in Storm Lake, Iowa, and gave an outstanding speech.

And we sat down afterwards one on one and had a conversation. And I asked her a couple of questions, that I remember, at least. And one of them was, what percentage of the Muslims are really inclined to be supportive of or sympathetic to al-Qaeda? And her answer was, not very many, perhaps 10 percent. A very quick answer which told me that she had thought about it.

Daniel Pipes used the number 15 percent in his book Radical Islam, I think, Visits America or something very close to that. 15 percent. So when you think about what that means, I said how can we get to this point? How do we define victory, and how do we achieve victory?

And she said, you have got to give them freedom, you have got to give them a chance at democracy. And if you do that, they will turn their focus then from hatred and killing and jealousy, and the kind of things that motivate people to evil, their focus will be to good.

It will be to build their families and build their communities and build their countries and make that stronger. Take those goals, and now they have an opportunity to reach for. But today, their energy is being used in hatred and being taught in madrassas to hate people that are not like them.

So when you think about it in terms of Iraq and Afghanistan becoming the lodestar nations, they are the inspiration for the world of Islam. I want to say to the Arab world, but then we have got countries like Iran that are really not Arab they are Persian. But the inspiration for those countries to know that they can become free, and then index that to that historical miracle that I referenced a little earlier about how freedom echoed across eastern Europe when the Berlin Wall and the Iran Curtain came crashing down, that historical miracle can be replicated in the Middle East, probably not as fast, certainly not as easy, maybe it takes a lot longer, maybe it is not as pretty when it is done, but there is an opportunity there to find a way to finally win.

Our alternatives become, promote freedom as the President has done, that is the Bush doctrine. And in that freedom, change the habitat that breeds terror. And if we go the other route, if we go the route to the poor me's, the lamentations, the everything is wrong and we would have been smarter, we just cannot tell you even in hindsight how, and we certainly are not going to give you any foresight as to how to be smarter, if we go that route, then our alternative, and there only being two, the first one is the road to freedom, to change the habitat that breeds terror.

The other road is for the United States of America to curl up in a fetal position and guard every bus stop and every school and every hospital and every football stadium, and still be attacked and still see our families blown to bits by people that hate us. We cannot prevail in this war, this clash of these two civilizations by simply playing defense and thinking it is a law enforcement mission. It is a matter of defending ourselves militarily, putting our resources at the tip of the spear, but it is also a matter of changing that habitat, so that freedom can grow and prosper.

When that day comes, and I believe that freedom burns in the heart of every person, and I believe it is in the future of everyone on this earth. When that day comes, we will be a lot closer to freedom than we are today. Free people never go to war against other free people.

I particularly appreciate the chairman and ask him if he has any other remarks to make.

Mr HUNTER. Mr. Speaker, I think the last thing the gentleman said, and I appreciate you letting me come in and butt in here and talk a little bit. But you know Great Britain has nuclear weapons. But we do not fear Great Britain because Great Britain is free. France has nuclear weapons. We do not fear France because France is free.

The Soviet Union, former Soviet Union, now Russia has nuclear weapons, residual from their days as the center of the Soviet Empire. But they are becoming free. They are still a fragile country that is trying to move in that direction. Still with, lots of problems. We have less worry about them today because they have more freedom than they had before.

So clearly bringing freedom to the world is an important part of America's own future, and an important part of our own security. And for those who think we can hold back in Fortress America and not change the world, and not worry about what the rest of the world is doing, that is a naive position.

It is one that politicians had a number of occasions in the last century, in which 619,000 Americans died on battlefields around the world. In many places and cases where we had forgotten that we achieved peace through strength, where we let our guard down, where we thought we could pull back into the United States and not worry about what was going on around the world.

This president is aggressive. He has been tough in the war against terror. He has been determined. That is probably his best quality. He does not read the polls every day. He does not check the wind every day to see which direction it is blowing. But his aggressive stance against the terrorists, running them down in places where they never thought that our forces could get to them, killing them at 10,000-foot elevation mountains in Afghanistan, taking them out in safe houses where they had no idea that we were on to them, going after them and taking them out and keeping them off balance is one reason that we have had 5 years without attacks on this United States.

So I thank the gentleman for talking about the Republican position on national security. It is too bad. I think it is too bad when we have to politicize or put a partisan face on national security. But I think it is appropriate when the Democratic leadership gets up and talks about the Republican position on security.

I think it is appropriate to remind them that we rebuilt our national security after we had the hollow army of the 1970s, we had 1,500 petty officers a month leaving the navy because they could not make enough money to feed their families. We had about 35 percent of our ships that could not sail, about 50 percent of our combat aircraft that were not fully mission capable.

And we rebuilt America from those days. We stood up to the Soviet Union and we disassembled the Soviet Union and we made the world a lot safer because we did that. We stood up to the Communist intrusion in Central America. When on this side of the aisle, the Democrats were writing Dear Commandante letters and talking about appeasement in Central America.

Because of that, those countries that were dictatorships when Ronald Reagan came into office are now fragile democracies where people get to vote, where they settle things with ballots not bullets. That is the legacy of the Republican Party. And it is the Republican party that rebuilt national security.

You know, we put $40 billion extra into the defense budgets during the Clinton years because President Clinton took our defenses down like a rock falling off a cliff. As I said, we had over 15-plus Army divisions when he came into office. When he left we only had 10. When he needed money for other things in the budget, he just cut the military. We had to rebuild that force after that gentleman left office. We did it.

Today we are spending more than $100 billion more, not counting the operations in Afghanistan and Iraq than we did under the Clinton administration.

□ 2300

We still need to spend more. We are spending about 4 percent of GDP on defense today. Under John Kennedy, a conservative Democrat who believed in peace through strength, we were spending 9 percent of GDP on defense, and under Ronald Reagan, we were spending 6 percent. Probably, we are going to need to go up to about 4½ or 5 percent of GDP being spent on defense to make sure that we ensure security for the coming decades.

I thank the gentleman for his allowing me to come down and say a word or two this evening.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman. It is for a good cause, and as I recall, I believe that the percentage of our GDP during the Second World War was perhaps up to 26 percent for a period of time there. There was a real, real commitment, and as those numbers go down and you see the numbers in the military shrink, our commitment to our military has not been as strong as it might have been and needs to be stronger again.

We do not have a real handle on how broad and how deep this is going to have to be, but we must be ready at every quarter, and especially, this homeland security side has been for these 5 years, it has outstripped the expectations and the aspirations I think. I did not hear anybody say back on September 11, 2001, we can go a half a decade without an attack in this country. Everyone believed that there would be another attack. Now, heaven forbid it happens at this point or beyond, but I am grateful for work that has been done that has kept us safe to this point.

I would take us to another aspect of this issue, too. One of the things that this administration decided to do was we are not going to touch the oil in Iraq, and we set that aside for the Iraqi people. Now, that system over there is not shaping up the way it might be. There is a lot of oil in Iraq. It seeps to the top of the ground, and the wells they have drilled, there have not been new ones in years and years, and a lot of the infrastructure has not been rebuilt. That needs to all happen and get that oil online.

One of the first things I would do, if I were the prime minister of Iraq, would be to hold a bidding conference and bring in the oil companies and get them to inject international capital into the development of the fields and the development of the infrastructure so they can get that cash flow running, and if the cash flow runs, capitalism will take over.

I gave a speech in Baghdad a while back to the Baghdad Chamber of Commerce in the Al Rasheed hotel. As I walked in there, they started to introduce me. I said, just a moment, I would like to know who my interpreter is before you introduce me. They said, no, you do not have an interpreter. I said, but I do not speak Arabic. They said, you do not need to; these businesspeople speak English. There were 57 members there of the Iraqi Chamber of Commerce, and you could tell by the way they laughed and smiled and applauded, it was all timed just right. They understood English.

Afterwards we had a great gathering over on the side of the room, handing out business cards like frantic businessmen in a way. They wanted to exchange information and ideas. They are ready to do business in that country, and they are doing business in that country. The more dollars can come in and the faster that can get turned over, the closer they are to their own solution in Iraq. So I am optimistic that we get a solution out of there that bodes well when judged by history.

Sometimes we lose confidence in who we are as a Nation. I would take us back to a little over 100 years ago, and actually in 1898, we sent the military over to the Philippines. I recall being in this city about 3 years ago in a hotel when the President of the Philippines, President Arroyo gave a speech. She was not speaking to Members of Congress. I was kind of a random dinner guest, but she said, speaking of this random crowd in a hotel here in Washington, she said, Thank you America. Thank you for sending the Marine Corps to the Philippines in 1898. Thank you for freeing us. Thank you for liberating us. Thank you for sending the priests and the pastors there. Thank you for sending 10,000 teachers that taught in our schools and you taught your language to us and we learned your language. We learned your culture, and today, there are 1.6 million Filipinos that go anywhere in the world to work and send their money back to the Philippines because they have the language skills and they have the cultural skills that came because of the liberation that came from the American military.

How often do we read that in our history books, Mr. Speaker, that kind of an impact that, a century later, the expressions of gratitude that come from a national leader? That was an insurgency. That was an insurgency we fought in the Philippines and defeated at insurgency in the Philippines. That does not seem to be part of our national memory.

We can often learn from history, and we need to understand the economics and the sociology and the military tactics and put this all together, but we must have faith in who we are as a people. We must have faith in what has made us great. We must hang on to those things that are going to enhance that greatness and move America to the next level of our destiny. Once in a while we have got to discard some of those things that are not assets to us.

We have got to move into the future with technology. We have got to hang on to those core things that give us strength, and those things I believe are free enterprise capitalism, Western civilization and our biblical values, tied together as the three pillars that make America great.

So, Mr. Speaker, I appreciate the privilege to address this chamber and address you tonight. I especially appreciate the chairman coming down to stand up for American fighting men and women, and the job that you have done to lead us through these difficult years from September 11 and on into the future, and I will stand with you and our military men and women when one day hopefully it will be us, and if it will not, it will be our children and grandchildren that realize there has been a victory in this global war on terror and the face of the world will have changed and the world will be a freer place. A freer place is a safer place, and that is the goal and that is the call of the trumpet for us in this country.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 27, 2006, AT PAGE 16173

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on July 27, 2006, she presented to the President of the United States, for his approval, the following bills.

H.J. Res 86. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 4019. To amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

H.R. 5865. To amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Ms. PELOSI) for today and September 7 on account of personal matters.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and September 7 on account of illness.

Mr. NUNES (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending the funeral of former Representative Bob Mathias.

Mr. BILIRAKIS (at the request of Mr. BOEHNER) for today and September 7 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today and September 7.

Mr. OSBORNE, for 5 minutes, today.

Mr. POE, for 5 minutes, today and September 12 and 13.

Mr. FLAKE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 7.

Mr. BURGESS, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 466. An act to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; to the Committee on Transportation and Infrastructure.

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education; to the Committee on Energy and Commerce.

S. 1899. An act to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Resources, in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2068. An act to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Government Reform.

S. 2694. An act to amend title 38, United States Code, to remove certain limitations on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, to make certain improvements in the area of memorial affairs, and for other purposes; to the Committee on Veterans' Affairs, in addition to the Committee on Financial Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building"; to the Committee on Government Reform.

S. 3836. An act to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia.

H.R. 4. An act to provide economic security for all Americans, and for other purposes.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building".

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building".

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building".

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office".

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

H.R. 5169. An act to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office".

H.R. 5440. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmit, Texas, as the "Sergeant Jacob Dan Dones Post Office".

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on July 26, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 3549. To designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

Karen L. Haas, Clerk of the House, also reports that on August 2, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 3682. To redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge.

H.R. 5683. To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

H.R. 5877. To amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006.

Karen L. Haas, Clerk of the House, also reports that on August 14, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 4. To provide economic security for all Americans, and for other purposes.

H.R. 4646. To designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building".

H.R. 4811. To designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building".

H.R. 4962. To designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building".

H.R. 5104. To designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office".

H.R. 5107. To designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

H.R. 5169. To designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office".

H.R. 5540. To designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office".

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, September 7, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9085. A letter from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting the Department's final rule — Office of Energy Policy and New Uses; Designation of Biobased Items for Federal Procurement (RIN: 0503-AA26) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9086. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Organization; Termination of System Institution Status (RIN: 3052-AC29) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9087. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting the Agency's report as required by Pub. L. 109-113; to the Committee on Appropriations.

9088. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 19-06 informing of an intent to sign the Joint U.S./U.K. Studies on Ballistic Missile Defense Lethality Project Arrangement between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Armed Services.

9089. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the National Defense Stockpile Annual Materials Plan (AMP) for fiscal year 2007, pursuant to 50 U.S.C. 98h-5; to the Committee on Armed Services.

9090. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the feasibility and desirability of capital budgeting for major defense acquisition programs, pursuant to Section 1004 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

9091. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the implementation plan for accession of persons with specialized skills, pursuant to Public Law 108-375; to the Committee on Armed Services.

9092. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in fiscal year 2005, pursuant to Public Law 108-287, section 8032(b); to the Committee on Armed Services.

9093. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107-314, section 3183; to the Committee on Armed Services.

9094. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Appeal of Decisions Relating to Flood Insurance Claims [FEMA-2005-0057] (RIN: 1660-AA41) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9095. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9096. A letter from the Secretary and Chairman, Federal Trade Commission and Board of Governors of the Federal Reserve System, transmitting a copy of the Commission's and the Board's Report to Congress Under Sections 313(b) of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

9097. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to the Informal and Other Procedures; Public Company Accounting Oversight Board Budget Approval Process [Release Nos. 33-8724; 34-54168] received August 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9098. A letter from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule — Executive Compensation and Related Person Disclosure [Release Nos. 33-8732; 34-54302; IC-27444; File No. S7-03-06] (RIN: 3235-AI80) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9099. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities (RIN: 1820-AB57) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9100. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's "Major" final rule — Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities (RIN: 1820-AB57) received August 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9101. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Federal Student Aid Programs (RIN: 1840-AC87) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9102. A letter from the Secretary, Department of Education, transmitting the Department's follow-up report on the September 2005 report entitled, "The Mission Continues, Annual Report to the President on the Results of Participation of Historically Black Colleges and Universities in Federal Programs 2002-03"; to the Committee on Education and the Workforce.

9103. A letter from the Acting Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Assigned Protection Factors [Docket No. H049C] (RIN: 1218-AA05) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9104. A letter from the Assistant Secretary, EBSA, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210-AA62) received August 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9105. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Energy and Commerce.

9106. A letter from the Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's first semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

9107. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Used Oil Re-refining

Study to Address Energy Policy Act section 1838"; to the Committee on Energy and Commerce.

9108. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Benefits of Using Mobile Transformers and Mobile Substations for Rapidly Restoring Electric Service," pursuant to Section 1816 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

9109. A letter from the Secretary, Department of Energy, transmitting the Department's report on the National Electric Transmission Congestion Study, pursuant to Section 1221 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

9110. A letter from the Secretary, Department of Energy, transmitting the Department's report outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2005, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988, Pub. L. 100-202; to the Committee on Energy and Commerce.

9111. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Standby Support for Certain Nuclear Plant Delays (RIN: 1901-AB17) received August 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9112. A letter from the Secretary, Department of Health and Human Services, transmitting the third annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2005; to the Committee on Energy and Commerce.

9113. A letter from the Deputy Chief, Pricing Policy Division, Wireless Competition Bureau, Federal Communication Commission, transmitting the Commission's final rule — Regulation of Prepaid Calling Card Services [WC Docket No. 05-68] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9114. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Savanna, Oklahoma) [MB Docket No. 05-297; RM-11290] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9115. A letter from the Associate Managing Director, PERM, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2006 [MD Docket No. 06-68] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9116. A letter from the Associate Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Altamont and Odin, Illinois) [MB Docket No. 05-86; RM-11165; RM-11297] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9117. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Americus and Emporia, Kansas) [MB Docket No. 05-139; RM-11218] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9118. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Improving Pub. Sfty. Comms. in the 800 MHz Band [WT Dckt 02-55]; Consolidating the 800 & 900 MHz Ind./Land Trans. & Bus. Pool Chs.; Amdt. of Pt. 2 of the Commission's Rules to Allocate Spect. Below 3 GHz for Mobile & Fixed Serv. to Supp. the Intro. of New Adv. Wireless Servs., Inc. 3rd Gen. Wireless Systs. [ET Dckt No 00-258] Pet. for Rule Making of the Wireless Info. Networks Forum Concerning the Unlicensed Pers. Comms. Serv. [RM-9498]; Pet. for Rule Making of UT Starcom, Inc. Concerning the Unlicensed Pers. Conns. Serv. [RM-10024]; Amdt. of Sec. 2.106, Commission's Rls. to Allocate Spec. at 2 GHz for Use by the Mobile to the Committee on Energy and Commerce.

9119. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Austwell, Refugio, and Victoria, Texas) [MB Docket No. 05-154; RM-11224; RM-11250] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9120. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b); Table of Allotments, FM Broadcast Stations. (Aspen and Leadville, Colorado) [MB Docket No. 05-184] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9121. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Lometa and Richland Springs, Texas) [MB Docket No. 05-305; RM-11137; RM-11248]; Reclassification of License of Station KELI(FM), San Angelo, Texas, and Station KAMX(FM), Luling, Texas. received August 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9122. A letter from the Acting Chief, Telecom. Access Policy Div., Federal Communications Commission, transmitting the Comm's final rule — Univ. Serv. Contrib. Meth.[WC Dkt 06-122]; Fed-State Jnt. Brd. on Univ. Serv.[CC Dkt 96-45]; 1998 Bien. Reg. Rev. — Strmlne. Contrib. Rprt. Reqs. Assoc. w/Admin. of Telecomms. Relay Serv., N. Amer. Num. Plan, Loc. Num. Port., and Univ. Serv. Supp. Mechs.[CC Dkt 98-171]; Telecomms. Servs. for Indivs. w/Hearing & Speech Disab., & the Amers. with Disab. Act of 1990[CC Dkt 90-571]; Admin. of the N. Amer. Num. Plan & N. Amer. Num. Plan Cost Rec. Contrib. Fact. & Fund Size[CC Dkt 92-237; NSD File No L-00-72]; Num. Res. Opt.[CC Dkt 99-200]; Tele. Num. Port. [CC Dkt 95-116]; Truth in Billing [CC Dkt 98-170]; IP-Enabled to the Committee on Energy and Commerce.

9123. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Long-Term Firm Transmission Rights in Organized Electricity Markets [Docket No. RM06-8-000; Order No. 681) received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9124. A letter from the Secretary, Federal Trade Commisison, transmitting the Commission's annual report of the operation of the National Do Not Call Registry for Fiscal Year 2005, from October 1, 2004 through September 30, 2005; to the Committee on Energy and Commerce.

9125. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on the efforts of the Radiation Source Protection and Security Task Force, in accordance with Section 651(d) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

9126. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the first report of 2006, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

9127. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

9128. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9129. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of United Kingdom (Transmittal No. 06-07); to the Committee on International Relations.

9130. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department's notification of Presidential Determination No. 2006-20, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

9131. A letter from the Assistant Secretary for International Security Policy, Department of Defense, transmitting the Department's notification of the intention to obligate up to $44.5 million in FY 2006 funds for the Cooperative Threat Reduction Program, pursuant to Public Law 104-106, section 1205; to the Committee on International Relations.

9132. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fifty-Fourth report on the extent and disposition of United States contributions to international organizations for fiscal year 2005, pursuant to Public Law 107-228, section 405(b); to the Committee on International Relations.

9133. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the quarterly report of obligations and outlays of FY 2004, FY 2005 and FY 2006 funds under the Emergency Plan for AIDS Relief through December 31, 2005 pursuant to Division D, Pub. L. 108-199; to the Committee on International Relations.

9134. A letter from the Secretary, Department of State, transmitting the Department's report consistant with the United States Policy in Iraq Act, section 1227 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-163; to the Committee on International Relations.

9135. A communication from the President of the United States, transmitting a notice of continuation of national emergency beyond August 17, 2006 declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109—130); to the Committee on International Relations and ordered to be printed.

9136. A letter from the White House Liaison and Executive Director, White House Commission on the National Monument of Remembrance, transmitting the Fourth Annual Report of the White House Commission on the National Moment of Remembrance for fiscal year 2005, pursuant to 36 U.S.C.116 note Public Law 106-579, section 6 (b)(1); to the Committee on Government Reform.

9137. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-474, "Emerging Technology Opportunity Development Task Force Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9138. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-473, "Targeted Historic Preservation Assistance Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9139. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-475, "Technical Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9140. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-476, "Fiscal Year 2007 Budget Support Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9141. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9142. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9143. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9144. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9145. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9146. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9147. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9148. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9149. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9150. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9151. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9152. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9153. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9154. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9155. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal years 2004 and 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

9156. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2005 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

9157. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Fifth Financial Statement for the period October 1, 2004 to September 30, 2005, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

9158. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-12; Introduction [Docket FAR-2006-0023] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9159. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the "Fiscal Year 2005 Accounting of Drug Control Funds," pursuant to Public Law 105-277, section 705(d)(Div. C-Title VII); to the Committee on Government Reform.

9160. A letter from the Director, Office of Personnel Management, transmitting the semiannual report of the Inspector General and the Management Response for the period of October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9161. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave (RIN: 3206-AK61) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9162. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9163. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's 2006 report for the fiscal year ended September 30, 2005, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act; to the Committee on Government Reform.

9164. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9165. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting the Department's report entitled, "Bringing Gas Hydrates — A Potential New Source of Natural Gas — to Market," pursuant to Section 353(e) of the Energy Policy Act of 2005; to the Committee on Resources.

9166. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [WY-034-FOR] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9167. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-109-FOR] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9168. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting and Permits; Regulations for Managing Resident Canada Goose Populations (RIN: 1018-AI32) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9169. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the North Carolina advisory committee; to the Committee on the Judiciary.

9170. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Connecticut advisory committee; to the Committee on the Judiciary.

9171. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings [Docket No.: PTO-P-2006-0007] (RIN: 0651-AC02) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9172. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Y-12 Plant in Oakridge, Tennessee to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

9173. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Ames Laboratory in Iowa to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

9174. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule — Controlled Substances and List I Chemical Registration and Reregistration Application Fees [Docket No. DEA-266F] (RIN: 1117-AA96) received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9175. A letter from the Secretary, Judicial Conference of the United States, transmitting the Executive Committee's status report on Judicial Conference action on judicial ethics and accountability; to the Committee on the Judiciary.

9176. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden for the period from January 1, 2005 through December 31, 2005, pursuant to 36 U.S.C. 1535 Public Law 88-449, section 10(b); to the Committee on the Judiciary.

9177. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the recomendations of the Intelligent Transportation Systems (ITS) Program Advisory Committee, pursuant to 23 U.S.C. 512 note Public Law 109-59, section 5305(h)(4); to the Committee on Transportation and Infrastructure.

9178. A letter from the Acting Secretary, Department of Transportation, transmitting the Department's report on the Transportaton Infrastructure Finance and Innovation Act of 1998 (TIFIA); to the Committee on Transportation and Infrastructure.

9179. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Technical Milestones for 2020 Goals and Project Status for the Clean Coal Power Initiative," pursuant to Section 403 of the Energy Policy Act; to the Committee on Science.

9180. A letter from the Secretary, Department of Energy, transmitting the Department's reserach development and demonstration program to ensure the reliability, efficiency, and environmental integrity of the electric transmission and distribution system, in accordance with Section 925 of the Energy Policy Act; to the Committee on Science.

9181. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Hydrogen Program Goal-Setting Methodologies Report to Congress," pursuant to section 1819 of the Energy Policy Act of 2005; to the Committee on Science.

9182. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Implementation of the Andean Trade Promotion and Drug Eradication Act [CBP Dec. 0621] (RIN: 1505-AB37) received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9183. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Stock Transfer Rules; Carryover of Earnings and Taxes [TD 9273] (RIN: 1545-AX65) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9184. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Flat Rate Supplemental Wage Withholding [TD 9276] (RIN: 1545-BD96) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9185. A letter from the Regulations Director, Social Security Administration, transmitting the Administration's final rule — Changes to the Income and Resources Provisions for Supplemental Secuirty Income (SSI) Based on Sections 430, 435, and 436 of the Social Security Protection Act (SSPA) of 2004 (RIN: 0960-AG13) received August 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9186. A letter from the Secretary, Department of Energy, transmitting the Department's report on Alternatives to Industrial Radioactive Sources, pursuant to Section 957 of the Energy Policy Act of 2005; jointly to the Committees on Energy and Commerce and Science.

9187. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's final report and strategic and implementing plan required under Section 5006 of the Deficit Reducation Act of 2005; jointly to the Committees on Energy and Commerce and Ways and Means.

9188. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the ninth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2005, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

9189. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 109-102, notification that implementation of the FY 2006 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2006 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. Report entitled "al-Qaeda: The Many Faces of an Islamic Extremist Threat" (Rept. 109–615). Referred to the Committee on the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Brownfields: What Will It Take To Turn Lost Opportunities Into America's Gain? (Rept. 109–616). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLATTE: Committee on Agriculture. H.R. 503. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, with an amendment; adversely (Rept. 109–617 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 138. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; with an amendment (Rept. 109–618). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 383. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; with amendments (Rept. 109–619). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 479. A bill to replace a Coastal Barrier Resources System Grayson Beach Unit FL–95P in Walton County, Florida; with an amendment (Rept. 109–620). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 631. A bill to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes (Rept. 109–621). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1796. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes (Rept. 109–622). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2069. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes (Rept. 109–623). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2110. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes, with an amendment (Rept. 109–624). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2334. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters water in the area of Oxnard, California; with an amendment (Rept. 109–625). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3350. A bill to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000 to establish the Tribal Development Corporation Feasibility Study Group (Rept. 109–626). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3534. A bill to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes (Rept. 109–627). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 3961. A bill to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park (Rept. 109–628). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 4382. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard (Rept. 109–629). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 4588. A bill to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; with an amendment (Rept. 109–630). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 4612. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park," and for other purposes; with amendments (Rept. 109–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 4750. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas; with an amendment (Rept. 109–632). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes (Rept. 109–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 4789. A bill to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; with an amendment (Rept. 109–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 5016. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; with an amendment (Rept. 109–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 5079. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; with amendments (Rept. 109–636). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5132. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812; with an amendment (Rept. 109–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5381. A bill to establish a volunteer program and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices (Rept. 109–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5539. A bill to reauthorize the North American Wetlands Conservation Reauthorization Act; with an amendments (Rept. 109–639). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5802. A bill to amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a consessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes; with an amendment (Rept. 109–640). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5861. A bill to amend the National Historic Preservation Act, and for other purposes; with amendment (Rept. 109–641). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 981. Resolution providing for consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes (Rept. 109–642). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 503 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OWENS:

H.R. 6028. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. RADANOVICH (for himself, Mrs. Napolitano, and Mrs. McMorris Rodgers):

H.R. 6029. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself, Mr. Pomeroy, Mrs. Emerson, Mr. McIntyre, Mr. Marshall, Mr. Paul, Mr. McNulty, Mr. Goode, Mr. Graves, Ms. Herseth, Mr. Peterson of Minnesota, Mr. Davis of Tennessee, Mrs. Jo Ann Davis of Virginia, Mr. McHugh, Mr. Jones of North Carolina, Mr. Ross, Mrs. McMorris Rodgers, Mr. Tanner, Mr. Peterson of Pennsylvania, Mr. Berry, Mr. Nussle, Mr. Matheson, Mr. Boyd, Mr. Moran of Kansas, Mr. Kind, Mr. Sweeney, Mr. DeFazio, Mr. Leach, Mr. Etheridge, Mr. Sherwood, Mr. Boucher, Mr. Bishop of Georgia, Mr. Oberstar, Mr. Salazar, Mr. Rogers of Alabama, Mr. Ney, Mr. Stupak, Mr. Thompson of California, Mr. Hinojosa, Mr. Bass, Mr. Lucas, Mr. Hastings of Washington, Mr. Otter, Mr. Edwards, Mrs. Cubin, Mr. Latham, Mr. Kennedy of Minnesota, Mr. Rahall, Mr. Hinchey, Mrs. Capito, Mr. Michaud, Mr. Strickland, Mr. Simpson, Mr. Hoekstra, Mr. Allen, Mr. Udall of New Mexico, Mr. Pickering, Mr. Kildee, Mr. Melancon, and Mr. Renzi):

H.R. 6030. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY:

H.R. 6031. A bill to provide student loan forgiveness to the survivors of victims of the terrorist attack on September 11, 2001; to the Committee on Education and the Workforce.

By Mr. HAYES:

H.R. 6032. A bill to redesignate the Special Textile Negotiator of the United States Trade Representative as the Chief Textiles Negotiator and confer the rank of Ambassador upon that position, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. Ackerman, Mr. King of New York, Mr. Waxman, Mr. Barton of Texas, Mr. Dingell, Mrs. McCarthy, Mr. McNulty, Mr. Higgins, Mr. Serrano, Mr. Weiner, Mr. Kuhl of New York, Mr. Nadler, Mrs. Maloney, Mr. Rangel, Mr. Hinchey, Mr. Israel, Mr. Engel, Mr. Walsh, Mrs. Lowey, Mr. McHugh, Mr. Sweeney, Mr. Fossella, Mr. Boehlert, Mr. Towns, Ms. Velázquez, Mr. Bishop of New York, Mr. Owens, Ms. Slaughter, Mr. Reynolds, Mrs. Kelly, Mr. Meeks of New York, Mr. Marshall, Mr. Markey, Mr. Gordon, Mr. Pallone, Mr. Brown of Ohio, Ms. Kilpatrick of Michigan, Mrs. Tauscher, Mr. Butterfield, Mr. Sherman, Mr. Lantos, Ms. Schwartz of Pennsylvania, Mr. Neal of Massachusetts, Mr. Stark, Mr. Rush, Mr. Moore of Kansas, Mr. Skelton, and Ms. Eshoo):

H.R. 6033. A bill to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH of Pennsylvania:

H.R. 6034. A bill to provide demonstration grants to States for the purpose of extending the length of the academic year at elementary and secondary schools within the State; to the Committee on Education and the Workforce.

By Mr. LARSEN of Washington:

H.R. 6035. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide enhanced travel benefits for veterans traveling to facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEARCE:

H.R. 6036. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to enter into contracts with community health care providers to improve access to health care for veterans in highly rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEARCE:

H.R. 6037. A bill to direct the Secretary of Agriculture to convey to the village of Santa Clara, the city of Bayard, or the county of Grant, in the State of New Mexico, in tracts of not less than 40 acres, at market price at its present state of use as agricultural grazing lands as determined by the Secretary, for business and community development, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 6038. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Ms. WATERS:

H. Con. Res. 468. Concurrent resolution expressing the sense of Congress that the United States should encourage and support the Government of Iraq to pursue a policy that would realign the provinces of Iraq to reflect ethnic boundaries among Shiites, Sunnis, and Kurds and provide opportunity for those groups to exercise control over designated areas; to the Committee on International Relations.

By Mr. CHANDLER (for himself, Mr. WHITFIELD, Mrs. NORTHUP, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, and Mr. SODREL):

H. Res. 980. A resolution expressing condolences to the families, friends, and loved ones of the victims of the crash of Comair Flight 5191, and for other purposes; to the Committee on Transportation and Infrastructure. considered and agreed to.

By Mrs. CAPPS (for herself and Mr. FOLEY):

H. Res. 982. A resolution supporting the goals and ideals of National Peripheral Arterial Disease Awareness Week; to the Committee on Energy and Commerce.

By Mr. DOYLE (for himself, Mr. MURPHY, Mr. BRADY of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Ms. HART, Mr. SHUSTER, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, Mr. SHERWOOD, Mr. HOLDEN, and Mr. PLATTS):

H. Res. 983. A resolution honoring the life and accomplishments of the late Robert E. O'Connor, Jr; to the Committee on Government Reform.

By Ms. WATERS:

H. Res. 984. A resolution expressing the sense of the House of Representatives that Iraq is in the midst of a civil war since the February 22, 2006, bombing of the Golden Mosque in Samarra, Iraq, one of the holiest places for Shiite Muslims; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII.

435. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 34 commemorating the Fifty-Second anniversary of the detonation of the Bravo Hydrogen Bomb over Bikini Atoll, declaring March 1st as a day of rememberance, and requesting the Congress of the United States to enact appropriate measures to provide for the full health needs of the hydrogen bomb tests survivors and their progeny; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. PENCE and Mr. BOREN.

H.R. 97: Mr. CUMMINGS and Mr. REHBERG.

H.R. 98: Mr. WAMP and Mr. KUHL of New York.

H.R. 224: Mr. MICHAUD and Ms. MOORE of Wisconsin.

H.R. 284: Mr. FRANK of Massachusetts and Ms. MOORE of Wisconsin.

H.R. 303: Mr. DENT.

H.R. 332: Ms. ROS-LEHTINEN.

H.R. 354: Mr. FORD.

H.R. 363: Mr. AL GREEN of Texas and Ms. MOORE of Wisconsin.

H.R. 389: Mr. GERLACH.

H.R. 550: Mr. COSTA, Mr. COSTELLO, Ms. HERSETH, Mr. CASTLE, and Mr. BOREN.

H.R. 552: Mr. KELLER.

H.R. 561: Ms. LORETTA SANCHEZ of California.

H.R. 583: Mr. WELDON of Pennsylvania, Mr. BURTON of Indiana, Mr. REICHERT, Mrs. KELLY, Mr. ISSA, Mrs. SCHMIDT, and Mr. FITZPATRICK of Pennsylvania.

H.R. 602: Mr. FORD.

H.R. 615: Ms. ROYBAL-ALLARD and Mr. DAVIS of Tennessee.

H.R. 634: Ms. SCHAKOWSKY.

H.R. 668: Mr. STARK.

H.R. 699: Ms. KAPTUR and Mr. SMITH of Washington.

H.R. 769: Mr. NADLER.

H.R. 791: Mr. FORD.

H.R. 807: Ms. SCHWARTZ of Pennsylvania and Mr. RUPPERSBERGER.

H.R. 808: Mrs. CUBIN and Mr. CLYBURN.

H.R. 817: Mrs. EMERSON, Mr. SALAZAR, and Mr. KANJORSKI.

H.R. 823: Mr. MILLER of North Carolina.

H.R. 865: Mr. CROWLEY.

H.R. 874: Mr. SMITH of Texas.

H.R. 896: Mr. FERGUSON, Ms. JACKSON-LEE of Texas, Mr. STRICKLAND, and Mr. MURPHY.

H.R. 898: Mr. GOODE.

H.R. 910: Mr. STRICKLAND.

H.R. 916: Mr. GOHMERT.

H.R. 947: Mr. PRICE of North Carolina.

H.R. 1040: Mr. PENCE.

H.R. 1120: Mr. DOGGETT and Mr. NADLER.

H.R. 1124: Mr. MCCOTTER.

H.R. 1177: Ms. MOORE of Wisconsin.

H.R. 1214: Mr. SCOTT of Georgia.

H.R. 1226: Mr. GARRETT of New Jersey.

H.R. 1227: Mr. GOHMERT and Mr. TOWNS.

H.R. 1245: Mr. SWEENEY, Mr. LATHAM, Mr. MURTHA, and Mr. GILCHREST.

H.R. 1262: Mr. NADLER.

H.R. 1298: Mrs. KELLY, Mr. TOM DAVIS of Virginia, and Mr. HAYWORTH.

H.R. 1329: Mr. LOBIONDO.

H.R. 1333: Mr. MORAN of Kansas, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. WELDON of Pennsylvania, and Mr. DOYLE.

H.R. 1356: Ms. LORETTA SANCHEZ of California, Mr. SCHWARZ of Michigan, and Ms. CORRINE BROWN of Florida.

H.R. 1357: Mr. KUHL of New York.

H.R. 1376: Mr. OSBORNE, Mr. NADLER, and Mr. CARDIN.

H.R. 1384: Mrs. CUBIN and Mr. TERRY.

H.R. 1426: Mr. ETHERIDGE, Mr. MCHENRY, and Ms. JACKSON-LEE of Texas.

H.R. 1498: Mr. NORWOOD and Mr. ETHERIDGE.

H.R. 1554: Mr. OWENS, Mr. BOEHLERT, Mr. RAMSTAD, and Mr. JENKINS.

H.R. 1558: Mr. BOSWELL.

H.R. 1632: Ms. BORDALLO, Mr. ETHERIDGE, and Mr. DAVIS of Illinois.

H.R. 1652: Mr. SCOTT of Georgia.

H.R. 1668: Mr. UDALL of Colorado.

H.R. 1671: Mr. HERGER and Mr. DOGGETT.

H.R. 1688: Mr. SERRANO.

H.R. 1707: Mr. MARKEY.

H.R. 1732: Mr. DAVIS of Tennessee.

H.R. 1733: Mr. DAVIS of Tennessee.

H.R. 1734: Mr. DAVIS of Tennessee.

H.R. 1836: Mr. MICA.

H.R. 1898: Mr. SAXTON.

H.R. 1951: Mr. FATTAH, Mr. HAYES, and Mr. SANDERS.

H.R. 2034: Mr. LUCAS.

H.R. 2051: Mr. FILNER, Mr. HINCHEY, and Mr. PLATTS.

H.R. 2356: Mr. HOLT and Ms. HARRIS.

H.R. 2378: Mrs. CHRISTENSEN.

H.R. 2488: Mr. FOSSELLA.

H.R. 2665: Mr. FORD.

H.R. 2669: Mr. MEEHAN.

H.R. 2671: Ms. DEGETTE.

H.R. 2739: Mr. NADLER.

H.R. 2793: Mr. ROSS.

H.R. 2835: Mr. NEAL of Massachusetts and Ms. MOORE of Wisconsin.

H.R. 2869: Mr. CUMMINGS.

H.R. 2928: Mr. SERRANO and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2962: Mr. RAHALL.

H.R. 3004: Mr. BARROW.

H.R. 3006: Mr. DEFAZIO.

H.R. 3019: Mr. WELLER.

H.R. 3151: Mr. NADLER.

H.R. 3159: Mr. FOSSELLA.

H.R. 3318: Mr. WELDON of Pennsylvania.

H.R. 3326: Mr. SCOTT of Georgia.

H.R. 3352: Mr. WOLF.

H.R. 3361: Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, Ms. MCCOLLUM of Minnesota, Mr. STARK, Mr. PORTER, and Mr. LOBIONDO.

H.R. 3380: Mr. OBERSTAR.

H.R. 3427: Mr. WYNN and Ms. ESHOO.

H.R. 3438: Mrs. MUSGRAVE.

H.R. 3471: Ms. SCHAKOWSKY.

H.R. 3476: Mr. BARTON of Texas.

H.R. 3502: Mr. PAYNE.

H.R. 3532: Ms. KILPATRICK of Michigan.

H.R. 3628: Mr. HULSHOF, Mr. GEORGE MILLER of California, and Mr. EHLERS.

H.R. 3630: Mr. ANDREWS.

H.R. 3641: Mr. WATT.

H.R. 3689: Mr. MICHAUD.

H.R. 3762: Mr. WALSH, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WATSON.

H.R. 3776: Mr. SPRATT.

H.R. 3779: Mr. HASTINGS of Florida.

H.R. 3954: Mr. THOMPSON of Mississippi, Mr. RUPPERSBERGER, Mr. FRANK of Massachusetts, Mr. STARK, and Mr. LYNCH.

H.R. 3968: Mr. WAXMAN.

H.R. 4033: Mr. BROWN of South Carolina, Mr. BUTTERFIELD, Ms. MCCOLLUM of Minnesota, and Mr. SMITH of Washington.

H.R. 4045: Mr. CROWLEY and Mr. SHAYS.

H.R. 4098: Ms. GINNY BROWN-WAITE of Florida, Mr. JINDAL, Mr. HAYWORTH, and Mr. HOLT.

H.R. 4188: Mr. WYNN.

H.R. 4197: Ms. BALDWIN.

H.R. 4215: Mr. GENE GREEN of Texas.

H.R. 4239: Mr. ANDREWS and Mr. STARK.

H.R. 4259: Mr. WAXMAN and Ms. MATSUI.

H.R. 4264: Mr. SANDERS and Mr. BROWN of Ohio.

H.R. 4293: Ms. Jackson-Lee of Texas, Ms. Bordallo, Mr. Nadler, Ms. Slaughter, and Mr. Boucher.

H.R. 4341: Mr. Barrett of South Carolina.

H.R. 4398: Mr. Ross.

H.R. 4474: Ms. DeLauro.

H.R. 4517 Mr. Price of North Carolina, Mr. Mack, Mr. Nadler, and Mr. Mica.

H.R. 4562: Mr. Goodlatte, Mr. McHugh, and Mr. Shadegg.

H.R. 4597: Mr. DeFazio, Mr. Ross, Mr. Waxman, Mr. Holt, Ms. Eddie Bernice Johnson of Texas, Mrs. Napolitano, and Mr. Brown of South Carolina.

H.R. 4604: Ms. Berkley.

H.R. 4736: Mr. Holt.

H.R. 4740: Mr. Gerlach, Mr. Meehan, and Mr. Beauprez.

H.R. 4747: Mr. Wu, Mr. Larsen of Washington, Mr. Filner, Mr. Rothman, Mr. Hinchey, and Ms. Slaughter.

H.R. 4767: Mr. Waxman.

H.R. 4769: Mr. Lipinski.

H.R. 4771: Ms. Jackson-Lee of Texas.

H.R. 4776: Mr. Linder.

H.R. 4791: Mr. McCotter.

H.R. 4824: Mr. Pitts, Mr. Boucher, and Mrs. Capps.

H.R. 4829: Mr. Shays.

H.R. 4838: Mr. Putnam and Mr. Foley.

H.R. 4844: Mr. Sessions.

H.R. 4870: Mr. LoBiondo.

H.R. 4873: Mr. Bradley of New Hampshire, Mr. Scott of Virginia, Mr. Otter, Ms. Matsui, and Mr. Baker.

H.R. 4903: Ms. Eshoo and Mr. Shays.

H.R. 4904: Mr. Waxman, Ms. Eshoo, Mr. Andrews, and Mr. Shays.

H.R. 4922: Mr. Meeks of New York.

H.R. 4949: Mr. Holt.

H.R. 4992: Mr. Souder.

H.R. 4993: Mr. Wexler, Ms. Woolsey, Mr. Ramstad, Mr. Brown of Ohio, and Ms. Moore of Wisconsin.

H.R. 4994: Mr. Tierney.

H.R. 5005: Mrs. Myrick.

H.R. 5053: Mr. Jenkins.

H.R. 5092: Mr. Sherwood, Mrs. Myrick, Mr. Tanner, Mr. Mollohan, Mrs. Cubin, Mrs. Jo Ann Davis of Virginia, and Mr. Cardoza.

H.R. 5103: Mr. Goode.

H.R. 5113: Mr. Tierney.

H.R. 5120: Mr. Hensarling and Mr. Cannon.

H.R. 5139: Mr. Ryan of Ohio, Mr. Norwood, Ms. Eddie Bernice Johnson of Texas, Mr. Tierney, and Ms. Eshoo.

H.R. 5140: Mr. Tierney.

H.R. 5150: Mr. Sanders.

H.R. 5171: Mr. Tiberi, Mr. Platts, and Mr. Price of North Carolina.

H.R. 5177: Mr. Doyle.

H.R. 5201: Mr. Holt.

H.R. 5204: Mr. Andrews.

H.R. 5225: Mr. Etheridge, Ms. Millender-McDonald, and Ms. Eddie Bernice Johnson of Texas.

H.R. 5246: Mr. Gutknecht, Mr. Cramer, Mr. Burgess, Mr. McGovern, Mr. Franks of Arizona, Mr. Kirk, Mr. Kline, Mr. Rogers of Alabama, and Mr. Wamp.

H.R. 5250: Mr. Rothman.

H.R. 5268: Mr. Frank of Massachusetts, Mr. Stark, and Ms. Woolsey.

H.R. 5269: Mr. Frank of Massachusetts, Mr. Stark, and Ms. Eshoo.

H.R. 5278: Mr. Fossella.

H.R. 5291: Mr. Boozman and Ms. Ros-Lehtinen.

H.R. 5309: Mr. Reynolds.

H.R. 5312: Ms. Herseth and Mr. Inslee.

H.R. 5324: Mr. Rothman, Mr. Gillmor, and Mrs. Schmidt.

H.R. 5332: Ms. Eshoo.

H.R. 5348: Mr. Grijalva, Mr. Cardoza, Mr. Larsen of Washington, and Ms. McCollum of Minnesota.

H.R. 5372: Mr. Higgins.

H.R. 5400: Mr. Jindal and Mr. Price of North Carolina.

H.R. 5409: Mr. McHenry.

H.R. 5444: Mr. Gordon.

H.R. 5452: Mr. LoBiondo, Mr. Fortuño, Mr. Michaud, and Mr. Ford.

H.R. 5455: Mr. Taylor of Mississippi.

H.R. 5457: Mrs. Drake.

H.R. 5465: Mr. Grijalva, Mr. Jindal, and Mr. Boucher.

H.R. 5476: Mr. Hyde.

H.R. 5482: Mr. Payne.

H.R. 5493: Mr. Jefferson and Ms. Bordallo.

H.R. 5499: Mr. Andrews and Mr. Goodlatte.

H.R. 5506: Mr. Spratt.

H.R. 5507: Mr. McHenry.

H.R. 5513: Ms. Herseth, Mr. Cummings, Mr. Tierney, Mr. Doggett, Mr. Coble, Mr. Michaud, Mr. Frank of Massachusetts, Mr. Wilson of South Carolina, Mr. Jefferson, Mr. Simmons, and Mr. Bradley of New Hampshire.

H.R. 5533: Mr. Shimkus and Mr. Ferguson.

H.R. 5539: Ms. Jackson-Lee of Texas.

H.R. 5555: Ms. Bordallo and Mr. Sessions.

H.R. 5583: Mr. Barrow and Mr. Boren.

H.R. 5598: Mr. Lynch.

H.R. 5642: Mr. Langevin, Mr. Israel, Ms. Moore of Wisconsin, Mr. Filner, Mr. Hastings of Florida, Mr. Jackson of Illinois, Mr. Weldon of Pennsylvania, Mr. Thompson of Mississippi, Mr. Kind, Mr. Fitzpatrick of Pennsylvania, Mrs. Tauscher, Mr. Andrews, Mr. Conyers, Ms. Loretta Sanchez of California, Ms. Watson, Mr. Chandler, and Mr. Payne.

H.R. 5674: Mr. Abercrombie, Mr. George Miller of California, Mr. Moore of Kansas, Mr. Van Hollen, Mr. Neal of Massachusetts, Mr. Clay, and Mr. Smith of Washington.

H.R. 5688: Mr. Kuhl of New York, and Mr. Sweeney.

H.R. 5693: Mr. Weldon of Pennsylvania, and Mr. Conaway.

H.R. 5697: Mr. Young of Alaska.

H.R. 5700: Mr. McCotter.

H.R. 5702: Mr. Gingrey, Mr. Westmoreland, and Mr. Sessions.

H.R. 5704: Mr. Cummings, Mr. Duncan, Mr. Goode, Mr. Schiff, Mr. Taylor of North Carolina, Mr. Paul, Mr. Davis of Tennessee, Mr. Gordon, Mrs. Maloney, Mr. McCotter, Mr. Murphy, Mr. Sullivan, Mr. Radanovich, Mrs. Cubin, Mr. Herger, Ms. Granger, Mr. Simmons, and Mr. Al Green of Texas.

H.R. 5707: Ms. Matsui and Mr. Mollohan.

H.R. 5744: Mrs. Drake.

H.R. 5752: Mr. Schiff and Mr. Platts.

H.R. 5755: Mr. LoBiondo, Mrs. Capito, Mr. Everett, Mr. English of Pennsylvania, Mr. Gordon, Mr. Fitzpatrick of Pennsylvania, Mr. Smith of Washington, Mrs. McCarthy, Mr. Marshall, Mr. Herger, Mr. King of New York, and Ms. Berkley.

H.R. 5767: Mr. English of Pennsylvania.

H.R. 5770: Ms. Solis and Mr. Grijalva.

H.R. 5772: Mr. Ehlers, Mr. McCaul of Texas, Mr. Platts, Mrs. McMorris Rodgers, Mrs. Kelly, Mr. Wolf, Mr. Herger, and Mr. Ramstad.

H.R. 5784: Mr. Kucinich.

H.R. 5790: Mr. Shaw.

H.R. 5791: Mr. Gordon, Mr. Paul, Mr. Tierney, and Mr. Frank of Massachusetts.

H.R. 5803: Mr. Miller of North Carolina.

H.R. 5819: Ms. Schakowsky.

H.R. 5823: Mr. Boehlert.

H.R. 5824: Mr. English of Pennsylvania and Mr. Ehlers.

H.R. 5830: Mr. Pastor, Ms. Zoe Lofgren of California, and Mr. Tiberi.

H.R. 5834: Mr. Hastings of Florida, Mr. Schiff, Ms. Matsui, Mr. Pastor, Mrs. Napolitano, Mr. Boucher, Mrs. Tauscher, Mr. LaHood, Mr. Sanders, and Mr. Frank of Massachusetts.

H.R. 5835: Mr. Barrow, Mrs. Davis of California, Mr. Bartlett of Maryland, Mr. Pastor, and Mrs. Blackburn.

H.R. 5840: Mrs. Tauscher.

H.R. 5859: Mr. Wamp, Mr. Pence, Mr. Hensarling, Mr. Barrett of South Carolina, and Mrs. Myrick.

H.R. 5862: Mr. Souder.

H.R. 5866: Mr. Whitfield.

H.R. 5886: Ms. Baldwin, Mr. Cummings, and Ms. Slaughter.

H.R. 5888: Mr. Marshall, Mr. Barrow, Mr. Keller, Mr. Aderholt, Mr. Gordon, Mr. Ramstad, Mr. Deal of Georgia, Mr. Herger, Mr. McCotter, Mr. Davis of Tennessee, Mr. Neugebauer, Mr. DeFazio, Mr. Rothman, Mr. Fortuño, Mr. Snyder, Mr. Hyde, Mr. Wolf, and Mr. Platts.

H.R. 5890: Mr. Renzi, Mr. Shuster, and Mr. McCotter.

H.R. 5891: Mr. Hinojosa and Mr. Wexler.

H.R. 5894: Mr. Filner.

H.R. 5902: Mr. Conyers.

H.R. 5906: Mr. Goode and Mr. Boehlert.

H.R. 5917: Mr. Foley, Mr. King of New York, and Mr. Rogers of Alabama.

H.R. 5918: Mr. Conyers, Ms. Jackson-Lee of Texas, Mr. Ehlers, and Mr. Rothman.

H.R. 5928: Mr. Wexler, Mr. Melancon, Mr. Michaud, Ms. Eddie Bernice Johnson of Texas, and Ms. Moore of Wisconsin.

H.R. 5932: Mr. Cramer and Mr. English of Pennsylvania.

H.R. 5940: Mr. Filner, Mr. Cardin, Mr. Paul, Ms. Bordallo, Mr. Rothman, Mr. Gordon, and Mr. Barrow.

H.R. 5944: Mr. Sanders.

H.R. 5948: Mr. Wexler, Mr. McIntyre, and Mr. Wolf.

H.R. 5965: Mr. McNulty, Mrs. McCarthy, Mr. Doyle, Mr. Wynn, Mr. Grijalva, Mr. Hinchey, Mr. Payne, Mr. Ford, Mr. Higgins, Ms. Wasserman Schultz, and Mr. Lewis of Georgia.

H.R. 5996: Mr. Pallone.

H.R. 6014: Mr. Cardoza.

H.R. 6020: Mr. Fattah.

H.R. 6027: Mr. Goode.

H.J. Res. 23: Mr. Andrews.

H. Con. Res. 138: Mr. Towns and Mrs. McCarthy.

H. Con. Res. 158: Mr. Serrano.

H. Con. Res. 197: Mr. Leach.

H. Con. Res. 222: Mr. Marshall.

H. Con. Res. 231: Mr. Wynn.

H. Con. Res. 343: Mrs. Maloney and Mr. Rangel.

H. Con. Res. 348: Ms. Lee.

H. Con. Res. 415: Mr. Shays.

H. Con. Res. 419: Mr. Walsh, Mr. Ackerman, Mr. McNulty, Mr. Higgins, Ms. Slaughter, Mr. Meeks of New York, Mr. Reynolds, and Mr. Crowley.

H. Con. Res. 434: Mr. Hinchey.

H. Con. Res. 444: Mr. Abercrombie, Mr. Ryan of Ohio, Mr. Gibbons, Mr. Hayes, Mrs. McMorris Rodgers, Mr. Bartlett of Maryland, Mr. Jones of North Carolina, Mr. Reyes, Mr. Snyder, Mr. Wilson of South Carolina, Mr. Burton of Indiana, Ms. Harris, and Mr. King of New York.

H. Con. Res. 450: Mr. Olver.

H. Con. Res. 453: Mr. Inslee, Mr. Rothman, Mr. Case, Ms. Jackson-Lee of Texas, and Mr. Farr.

H. Con. Res. 464: Mr. Cuellar.

H. Res. 295: Mr. McIntyre, Ms. Lee, Ms. Matsui, Mr. Marshall, Mr. Blumenauer, and Mr. Boucher.

H. Res. 316: Mr. GONZALEZ.

H. Res. 526: Mr. MCGOVERN, Mr. SWEENEY, Ms. CARSON, Mr. SMITH of New Jersey, Ms. CORRINE BROWN of Florida, Mr. ETHERIDGE, Mr. RUPPERSBERGER, Mr. KILDEE, and Mr. SHAYS.

H. Res. 635: Mr. ROTHMAN.

H. Res. 636: Mr. ROTHMAN.

H. Res. 637: Mr. ROTHMAN.

H. Res. 745: Mr. DAVIS of Tennessee, Mr. DAVIS of Illinois, Mr. MCCRERY, Mr. PRICE of North Carolina, Mr. SHAYS, and Mr. CLEAVER.

H. Res. 790: Mr. RUSH and Mr. THOMPSON of Mississippi.

H. Res. 822: Ms. WATSON.

H. Res. 838: Mr. GOODLATTE and Mr. DAVIS of Kentucky.

H. Res. 888: Mr. MCDERMOTT, Ms. HOOLEY, Mr. DEFAZIO, and Mr. ROTHMAN.

H. Res. 912: Ms. WASSERMAN SCHULTZ.

H. Res. 931: Mr. CONYERS, Mr. SERRANO, Mr. BECERRA, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOYD, Mr. HINOJOSA, Mr. ANDREWS, Mr. MELANCON, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. DOYLE, Mr. ETHERIDGE, Mr. WYNN, Mr. GONZALEZ, Mr. ISRAEL, Mr. CUMMINGS, Mr. PETERSON of Minnesota, Mr. SPRATT, Mr. BERMAN, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. SABO, Mr. PASTOR, Mr. ROTHMAN, and Ms. WASSERMAN SCHULTZ.

H. Res. 940: Mr. ENGEL, Mr. MEEKS of New York, Ms. LEE, Mr. PASCRELL, Mr. BLUMENAUER, Mr. HINOJOSA, and Mr. SOUDER.

H. Res. 945: Ms. MOORE of Wisconsin.

H. Res. 959: Ms. BORDALLO, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. FORTUÑO, and Mr. GORDON.

H. Res. 960: Mr. FORTUÑO, Mr. SENSENBRENNER, and Mr. COOPER.

H. Res. 961: Mr. PRICE of North Carolina.

H. Res. 962: Mr. SULLIVAN, Mr. MCDERMOTT, and Mr. SENSENBRENNER.

H. Res. 964: Ms. JACKSON-LEE of Texas, Mr. RAMSTAD, Mr. BROWN of South Carolina, Mr. MATHESON, Ms. BORDALLO, Mr. WALSH, Mr. SALAZAR, Mrs. CAPPS, Mr. CUMMINGS, Mr. MURPHY, Mr. BILIRAKIS, and Mr. LARSEN of Washington.

H. Res. 967: Mr. KUCINICH, Mr. WEXLER, and Mr. MCDERMOTT.

H. Res. 970: Mr. RUPPERSBERGER, Mr. STARK, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. BACA, and Mr. GRIJALVA.

H. Res. 972: Mr. WOLF.

H. Res. 973: Ms. CARSON, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mrs. MALONEY, Mr. OXLEY, Mr. BACHUS, Ms. BEAN, Mr. GUTIERREZ, Mr. FORD, Mr. CLAY, Mr. MOORE of Kansas, Mrs. MCCARTHY, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. JONES of North Carolina, Ms. WATERS, Mr. ORTIZ, Mr. CROWLEY, Mr. COOPER, Mr. MEEKS of New York, Mr. DREIER, Mr. BACA, Mr. BUTTERFIELD, Ms. MILLENDER-MCDONALD, Mr. PLATTS, Mr. SHAYS, Ms. LEE, Ms. HOOLEY, Ms. LORETTA SANCHEZ of California, Mr. MURPHY, Ms. MATSUI, Mr. PEARCE, Mrs. JOHNSON of Connecticut, Mr. GRIJALVA, Mr. JOHNSON of Illinois, Mr. CAPUANO, Mr. KIRK, Mr. DAVIS of Alabama, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. PAYNE, Mr. FITZPATRICK of Pennsylvania, Ms. LINDA T. SÁNCHEZ of California, Mr. CAMPBELL of California, Mr. GARRETT of New Jersey, Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, Mr. HIGGINS, Mr. LARSEN of Washington, Mr. SHIMKUS, and Mr. BAKER.

H. Res. 974: Mr. TANNER, Mr. WU, Mr. SIMMONS, Mr. MCGOVERN, Mr. MCNULTY, Mr. WEXLER, Mr. MURTHA, Mr. HINCHEY, Mr. UPTON, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. ETHERIDGE, Mr. CROWLEY, Mr. HOLT, Mr. BERMAN, Mr. OLVER, Mr. FITZPATRICK of Pennsylvania, Mr. CONYERS, Mr. RAMSTAD, Mr. HIGGINS, Mr. CARDIN, and Mr. MARKEY.

H. Res. 977: Mr. KUCINICH.

SENATE—*Wednesday, September 6, 2006*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Infinite Spirit, draw near to us today. Forgive us if we have been blind to needs of our world. Take us down the road of humility so that we will be patient with those who don't agree with us.

Guide Your Senators with Your wisdom. Let Your purposes shape their minds and Your holiness direct their decisions. Remind them often that they serve You and that Your standard for success is faithfulness.

Help them pursue mercy as well as justice as You provide them with greater insight into Your will. Show them what is right and then give them the courage to do it.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have 30 minutes of morning business. Following that period, we will return to the Defense appropriations bill. We have three amendments pending on the bill at this time. We hope to lock in a vote in relation to the Feinstein amendment regarding cluster munitions. I understand that 12 noon is the best time for that vote. Therefore, Senators can expect a vote prior to the policy luncheons. We will recess for the policy meetings today from 12:30 to 2:15.

I remind everyone we will finish the bill this evening or Thursday, if necessary. If Senators have amendments, they should have already contacted the managers. In order to finish at the earliest time, we will be voting throughout the day and as late as necessary to ensure completion of that bill.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DOD APPROPRIATIONS

Mr. REID. While the distinguished majority leader is on the floor, I just finished our leadership meeting. As I indicated to the leader last night somewhat late, we will be in a position right after the caucus to indicate to floor staff what amendments will be offered on this bill so we can finish it tomorrow. I indicated to the majority leader what we intend to do after the caucus today is completed, and I have floor staff lining up how much time will be taken on that amendment so we can finish that this afternoon or this evening, certainly. We are going to finish this bill. We have had to eliminate a number of amendments. We have squeezed those so we have a reasonable number. They are not completely squeezed out yet. They will be.

As I told the distinguished Presiding Officer yesterday, and the majority leader, we will finish the bill tomorrow.

Mr. FRIST. Mr. President, I very much appreciate the comments of the Democratic leader. This is a bill we started before our recess. We agreed we would finish today, although because of extenuating circumstances we will go to tomorrow. It is a very important bill. It is important in support of our troops, in support of our efforts on the war on terror. It is a bill we will finish tomorrow.

ORDER OF PROCEDURE

I ask unanimous consent the Senate proceed to a vote in relation to the Feinstein amendment No. 4882 at 12 noon today with no second-degree amendments in order prior to the vote; further, that the time from 11:15 to noon be equally divided in the usual form.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half under the time of the control of the majority leader or his designee and the second half under the control of the minority leader or his designee.

Mr. KYL. I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF PRESIDENT BUSH

Mr. KYL. Mr. President, the remarks President Bush delivered yesterday about the war against the radical Islamist terrorists was a historic speech, the clearest statement to date of the nature of the struggle we face.

Probably there were two factors that entered the President's decision to give the remarks today: First, the fact that we will soon, next Monday, have the fifth anniversary of the heinous attack of September 11 on the United States of America; second, because of the increasing calls by partisans to abandon part of the conflict—namely, the Iraq front—in this war.

It was important for the President to define who the enemy is and to make it clear that the enemy is not terrorism. People in the media have called this the war on terrorism. We could have just as easily called the war in the Pacific and World War II the war on kamikaze terrorism, as kamikaze is a suicide tactic by evil people. The war, then, was against Nazism, Fascism, the imperial Japanese, and later communism. It was not against a tactic.

The same thing is true today. It was important for the President to define the nature of the enemy we face in order to be able to adequately confront that enemy. The President made a comparison with a couple of the enemies in World War II. He talked about Adolph Hitler and the fact he was not taken seriously at first. At first, Adolph Hitler was a crazy paper hanger. Then he was greatly underestimated. Eventually, there were those who thought he could be appeased because the world did not want to fight again, with World War I so fresh in everyone's mind. But he did have to be confronted.

And the same later with respect to communism. At first it was Uncle Joe Stalin who helped us win World War II.

But it became clear, after the Berlin blockade and his explosion of an H bomb, that communism was a clear and present danger for the United States. Eventually, America understood, and the cold war confronted communism, eventually succeeding in defeating that threat.

There is a big difference between the Soviets of the Communist era and the radical Islamists. One difference is that the Soviets could be deterred. Radical Islamists are not going to be deterred. There is a particular reason why. The Soviets were rational about life itself. Radical Islamists seek to bend us to their will, to kill us or to die trying. Either way, in their view, they win.

I ask my colleagues: What did Steve Centanni and Olaf Wiig have to do before they were released in Gaza just a couple of weeks ago? They had to bend to the will of Allah. They had to convert to Islam before they were released. This is the goal of these radical Islamists, as the President explained—to either bend the rest of the world to their will, to kill us or to die trying.

We will only win this war if we take the threat seriously. The sooner we commit to victory, the fewer our losses will be. The best strategy is to take the fight to the enemy. The worst strategy is to leave in the middle of a battle, for example, in Iraq. It would be difficult, if not impossible, to win the war if we abdicate the battle. What ally in the war will stand with us if we decide that the fight is too tough? How would that help us influence the mullahs who rule in Iran?

I will read from parts of the President's speech to illustrate the clarity with which he described the nature of our enemy, the nature of this conflict, and the absolute necessity that we confront it strongly now in order to save future generations from the scourge of this continuing conflict.

The President said:

> Five years after our nation was attacked, the terrorist danger remains. We're a nation at war.

And he said:

> . . . we've also learned a great deal about the enemy we face . . .

We know what the terrorists intend to do because they've told us—and we need to take their words seriously.

And he proceeded to describe, in the terrorists' own words, what they believe, what they hope to accomplish, and how they intend to accomplish it.

Listen to these words of the President:

> The terrorists who attacked us on September 11, 2001, are men without conscience—but they're not madmen. They kill in the name of a clear and focused ideology, a set of beliefs that are evil, but not insane. These al Qaeda terrorists and those who share their ideology are violent Sunni extremists. They're driven by a radical and perverted vision of Islam that rejects tolerance, crushes all dissent, and justifies the murder of innocent men, women, and children in the pursuit of political power. They hope to establish a violent political Utopia across the Middle East, which they call a "caliphate," where all the world would be ruled according to their hateful ideology. Osama bin Laden has called the 9/11 attacks—in his words—"a great step toward the unity of Muslims and establishing the righteous caliphate."

The President went on to describe that this caliphate would be a totalitarian Islamic empire, and using the words of the terrorist Zawahiri, al-Qaida second in command, declaring that al-Qaida intends to impose its rule "in every land that was a home for Islam, from Spain to Iraq." And he went on to say:

> The whole world is an open field for us.

The President also described what such a world would look like, referring to the situation in Afghanistan before its liberation as exemplifying the rule of these kinds of terrorists: Under the Taliban and al-Qaida, Afghanistan was a nightmare, a land where women were imprisoned in their homes, girls could not go to school, religious police roamed the streets, and women were publicly whipped. In fact, summary executions were held in Kabul's soccer stadium in front of cheering mobs. And Afghanistan was turned into a launching pad for the horrific attacks against America and other parts of the civilized world.

The President said:

> The goal of these Sunni extremists is to remake the entire Muslim world in their radical image. In pursuit of their imperial aims, these extremists say there can be no compromise or dialogue with those they call "infidels". . . .
>
> These radicals have declared their uncompromising hostility to freedom.

And the President said:

> It is foolish to think that you can negotiate with them.

The President also quoted from some of the al-Qaida documents that illustrate the precise nature of this threat. One is the al-Qaida charter that was secured by coalition forces searching a terrorist safe house. The charter states:

> There will be continuing enmity until everyone believes in Allah. We will not meet the enemy halfway. There will be no room for dialogue with them.

The President also noted that the goal of al-Qaida is to cause Americans to tire of the conflict, "hoping that the American people will grow tired of casualties and give up the fight."

The President said:

> And they are targeting America's financial centers and economic infrastructure at home, hoping to terrorize us and cause our economy to collapse.

He quoted the words of Osama bin Laden, who calls this his "bleed-until-bankruptcy plan," and noted that Osama bin Laden was very impressed with the relatively small investment he had to make to cause such a large amount of damage to the United States and to our economy.

The President also noted the enemy has a propaganda strategy. Osama bin Laden says al-Qaida intends to "launch," in his words, "a media campaign to create a wedge between the American people and their government."

I would submit that the evidence of that campaign is there for all to see.

The President said:

> Bin Laden and his allies are absolutely convinced they can succeed in forcing America to retreat and causing our economic collapse. They believe our nation is weak and decadent, and lacking in patience and resolve.

The President also said that "they've made clear that the most important front in their struggle against America is Iraq—the nation bin Laden has declared the 'capital of the caliphate.'

The President said:

> Hear the words of bin Laden: "I now address the whole Islamic nation. Listen and understand. The most serious issue today for the whole world is this Third World War that is raging in Iraq." He calls it "a war of destiny between infidelity and Islam." He says, "The whole world is watching this war," and that it will end in "victory and glory, or misery and humiliation."

The President noted:

> For al Qaeda, Iraq is not a distraction from their war on America—it is the central battlefield where the outcome of this struggle will be decided.

The President said:

> Bin Laden and his terrorist allies have made their intentions as clear as Lenin and Hitler before them. The question is: Will we listen? Will we pay attention to what these evil men say?

And then the President noted that there is a second group of these radical Islamists who, combined with the first, represent the axis of evil that we face in this war, the threat posed by Shia extremists.

The President said:

> The Shia strain of Islamic radicalism is just as dangerous, and just as hostile to America, and just as determined to establish its brand of hegemony across the broader Middle East. And the Shia extremists have achieved something that al Qaeda has so far failed to do: In 1979, they took control of a major power, the nation of Iran, subjecting its proud people to a regime of tyranny, and using that nation's resources to fund the spread of terror and pursue their radical agenda.

Then the President went on to describe the clear aims of the Iranian regime: wanting to drive America out of the region, to destroy Israel, and to dominate the broader Middle East. Among the ways in which they intend to achieve their goals is by the creation and supporting of terrorist groups such as Hezbollah.

The President said:

> Just as we must take the words of the Sunni extremists seriously, we must take the words of the Shia extremists seriously.

He went on to quote the Hezbollah leader, the terrorist Nasrallah, and also the President of Iran, President

Mahmud Ahmadi-Nejad, who declared in a speech that some people ask, and I am quoting, "whether a world without the United States and Zionism can be achieved. I say that this goal is achievable."

Everyone is aware of Ahmadi-Nejad's threats to wipe Israel off the face of the Earth.

He said:

> If you do not abandon the path of falsehood, your doomed destiny will be annihilation.

He delivered this message to the American people. And I am quoting:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

The language is always: Bow down. Surrender to their radical, perverted view of Islam.

And now the Iranian regime is pursuing nuclear weapons. Imagine if this nation acquires nuclear weapons, a nation that sponsors terrorism around the world, is the chief sponsor of terrorism, according to the U.S. State Department. And were they to provide nuclear weaponry to terrorists, the result is unthinkable.

What the President concluded was:

> The Shia and Sunni extremists represent different faces of the same threat. They draw inspiration from different sources, but both seek to impose a dark vision of violent Islamic radicalism across the Middle East.

The President said:

> And armed with nuclear weapons, they would blackmail the free world, and spread their ideologies of hate, and raise a mortal threat to the American people. If we allow them to do this, if we retreat from Iraq, if we don't uphold our duty to support those who are desirous to live in liberty, 50 years from now history will look back on our time with unforgiving clarity, and demand to know why we did not act.

The President then went on to reiterate the five basic elements of the strategy he has discussed before. He pointed out that the enemy is a flexible and agile enemy that adapts and changes its ways of dealing with us, and that we have to do the same, and pointed out how we are doing that.

In fact, the President said:

> During the last five years we've learned a lot about this enemy. We've learned that they're cunning and sophisticated. We've witnessed their ability to change their methods and their tactics with deadly speed—even as their murderous obsessions remain unchanging.

He also noted—and I think this is important—that one of the things they have accomplished over the last several years is the slaughtering of huge numbers of innocent Muslim men and women around the world. And you have but to look at the daily casualty count in Iraq, where it is primarily violence on other Muslims in Iraq that represents this terrible news we wake up to every morning.

The President said, as he has said before:

> The road ahead is going to be difficult, and it will require more sacrifice. Yet we can have confidence in the outcome, because we've seen freedom conquer tyranny and terror before.

I would say that we have a choice to make. We can understand the nature of this conflict and its seriousness and the required sacrifice now or we can come to that realization after we have suffered far too many more casualties and far too much loss in blood and treasure. Eventually the world will join us in this struggle and we will succeed. But the question is, How many have to die? How much loss has to occur before the world wakes to the nature of this threat?

I harken back to the days just before World War II as a good lesson in history to remind us that we need to take the words of these evildoers to heart. They just may mean what they say. History has proven that to be the case in the past, and recent history leaves no doubt that this is what they mean today.

Next Monday, we will stand on the Capitol steps at 6 o'clock, as we did exactly 5 years before, to demonstrate to the American people that the attacks on America will not deter us from our business or our commitment to protect the American people. When we do that, we need to mean what we say. Our ability to make good on that commitment will depend, first and foremost, on our understanding of the nature of this threat and our ability and willingness to confront it.

The President concluded his remarks with these statements. He said:

> This time, we're confronting them—

Meaning the enemy—

> before they gain the capacity to inflict unspeakable damage on the world, and we're confronting their hateful ideology before it . . . takes root.

That is the point I was making, that we have a choice today to take this fight to the enemy and win rather than waiting until more damage has been inflicted upon us to understand and appreciate the nature of the threat.

The President concluded by saying:

> This is the great ideological struggle of the 21st century—and it is the calling of our generation. All civilized nations are bound together in this struggle between moderation and extremism.

Mr. President, this is the challenge which confronts us. It confronts us as leaders of this country, and it requires of us the discussion, honestly and forthrightly, of the serious nature of this struggle. It will not be won by papering over differences. It will not be won by deciding that the fight is too difficult and that there are places where this struggle is occurring where we just cannot prevail. We cannot send a message to our enemies, let alone to our allies, that we are not up to the struggle, wherever it may break out.

The way to win this struggle is to win it. And that is the point the President was making in his remarks yesterday.

Mr. President, I urge my colleagues to review the President's remarks. I ask unanimous consent that the full text of the speech he made yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT DISCUSSES GLOBAL WAR ON TERROR

THE PRESIDENT: Thank you all very much. (Applause.) Thank you all. Please be seated. General Hendrix, thank you for the invitation to be here. Thanks for the kind introduction. I'm honored to stand with the men and women of the Military Officers Association of America. I appreciate the Board of Directors who are here, and the leaders who have given me this platform from which to speak. I'm proud to be here with active members of the United States military. Thank you for your service. I'm proud to be your Commander-in-Chief. (Applause.)

I am pleased also to stand with members of the diplomatic corps, including many representing nations that have been attacked by al Qaeda and its terrorist allies since September the 11th, 2001. (Applause.) Your presence here reminds us that we're engaged in a global war against an enemy that threatens all civilized nations. And today the civilized world stands together to defend our freedom; we stand together to defeat the terrorists; and were working to secure the peace for generations to come.

I appreciate my Attorney General joining us today, Al Gonzales. Thank you for being here. (Applause.) The Secretary of Homeland Security, Michael Chertoff, is with us. (Applause.) Three members of the United States Senate—I might say, three important members of the United States Senate—Senate President Pro Tem Ted Stevens of Alaska. Thank you for joining us, Senator. (Applause.) Chairman of the Appropriations Committee, Senator Thad Cochran of Mississippi. (Applause.) The Chairman of the Armed Services Committee, John Warner of Virginia. (Applause.)

I thank Norb Ryan, as well, for his leadership. I do appreciate all the folks that are at Walter Reed who have joined us today. I'm going to tell the parents of our troops, we provide great health care to those who wear the uniform. I'm proud of those folks at Bethesda and Walter Reed—are providing you the best possible care to help you recover from your injuries. Thank you for your courage. Thank you for joining us here today. May God bless you in your recovery. (Applause.)

Next week, America will mark the fifth anniversary of September the 11th, 2001 terrorist attacks. As this day approaches, it brings with it a flood of painful memories. We remember the horror of watching planes fly into the World Trade Center, and seeing the towers collapse before our eyes. We remember the sight of the Pentagon, broken and in flames. We remember the rescue workers who rushed into burning buildings to save lives, knowing they might never emerge again. We remember the brave passengers who charged the cockpit of their hijacked plane, and stopped the terrorists from reaching their target and killing more innocent civilians. We remember the cold brutality of the enemy who inflicted this harm on our country—an enemy whose leader, Osama bin Laden, declared the massacre of nearly 3,000 people that day—I quote—"an unparalleled and magnificent feat of valor, unmatched by any in humankind before them."

In five years since our nation was attacked, al Qaeda and terrorists it has inspired have continued to attack across the world. They've killed the innocent in Europe and Africa and the Middle East, in Central Asia and the Far East, and beyond. Most recently, they attempted to strike again in the most ambitious plot since the attacks of September the 11th—a plan to blow up passenger planes headed for America over the Atlantic Ocean.

Five years after our nation was attacked, the terrorist danger remains. We're a nation at war—and America and her allies are fighting this war with relentless determination across the world. Together with our coalition partners, we've removed terrorist sanctuaries, disrupted their finances, killed and captured key operatives, broken up terrorist cells in America and other nations, and stopped new attacks before they're carried out. We're on the offense against the terrorists on every battlefront—and we'll accept nothing less than complete victory. (Applause.)

In the five years since our nation was attacked, we've also learned a great deal about the enemy we face in this war. We've learned about them through videos and audio recordings, and letters and statements they've posted on websites. We've learned about them from captured enemy documents that the terrorists have never meant for us to see. Together, these documents and statements have given us clear insight into the mind of our enemies—their ideology, their ambitions, and their strategy to defeat us.

We know what the terrorists intend to do because they've told us—and we need to take their words seriously. So today I'm going to describe—in the terrorists' own words, what they believe... what they hope to accomplish, and how they intend to accomplish it. I'll discuss how the enemy has adapted in the wake of our sustained offensive against them, and the threat posed by different strains of violent Islamic radicalism. I'll explain the strategy we're pursuing to protect America, by defeating the terrorists on the battlefield, and defeating their hateful ideology in the battle of ideas.

The terrorists who attacked us on September the 11th, 2001, are men without conscience—but they're not madmen. They kill in the name of a clear and focused ideology, a set of beliefs that are evil, but not insane. These al Qaeda terrorists and those who share their ideology are violent Sunni extremists. They're driven by a radical and perverted vision of Islam that rejects tolerance, crushes all dissent, and justifies the murder of innocent men, women and children in the pursuit of political power. They hope to establish a violent political utopia across the Middle East, which they call a "Caliphate"—where all would be ruled according to their hateful ideology. Osama bin Laden has called the 9/11 attacks—in his words—"a great step towards the unity of Muslims and establishing the Righteous... [Caliphate]."

This caliphate would be a totalitarian Islamic empire encompassing all current and former Muslim lands, stretching from Europe to North Africa, the Middle East, and Southeast Asia. We know this because al Qaeda has told us. About two months ago, the terrorist Zawahiri—he's al Qaeda's second in command—declared that al Qaeda intends to impose its rule in "every land that was a home for Islam, from [Spain] to Iraq. He went on to say, "The whole world is an open field for us."

We know what this radical empire would look like in practice, because we saw how the radicals imposed their ideology on the people of Afghanistan. Under the rule of the Taliban and al Qaeda, Afghanistan was a totalitarian nightmare—a land where women were imprisoned in their homes, men were beaten for missing prayer meetings, girls could not go to school, and children were forbidden the smallest pleasures like flying kites. Religious police roamed the streets, beating and detaining civilians for perceived offenses. Women were publicly whipped. Summary executions were held in Kabul's soccer stadium in front of cheering mobs. And Afghanistan was turned into a launching pad for horrific attacks against America and other parts of the civilized world—including many Muslim nations.

The goal of these Sunni extremists is to remake the entire Muslim world in their radical image. In pursuit of their imperial aims, these extremists say there can be no compromise or dialogue with those they call "infidels"—a category that includes America, the world's free nations, Jews, and all Muslims who reject their extreme vision of Islam. They reject the possibility of peaceful coexistence with the free world. Again, hear the words of Osama bin Laden earlier this year: "Death is better than living on this Earth with the unbelievers among us."

These radicals have declared their uncompromising hostility to freedom. It is foolish to think that you can negotiate with them. (Applause.) We see the uncompromising nature of the enemy in many captured terrorist documents. Here are just two examples: After the liberation of Afghanistan, coalition forces searching through a terrorist safe house in that country found a copy of the al Qaeda charter. This charter states that "there will be continuing enmity until everyone believes in Allah. We will not meet [the enemy] halfway. There will be no room for dialogue with them." Another document was found in 2000 by British police during an anti-terrorist raid in London—a grisly al Qaeda manual that includes chapters with titles such as "Guidelines for Beating and Killing Hostages." This manual declares that their vision of Islam "does not . . . make a truce with unbelief, but rather confronts it." The confrontation . . . calls for . . . the dialogue of bullets, the ideals of assassination, bombing, and destruction, and the diplomacy of the cannon and machine gun."

Still other captured documents show al Qaeda's strategy for infiltrating Muslim nations, establishing terrorist enclaves, overthrowing governments, and building their totalitarian empire. We see this strategy laid out in a captured al Qaeda document found during a recent raid in Iraq, which describes their plans to infiltrate and take over Iraq's western Anbar Province. The document lays out an elaborate al Qaeda governing structure for the region that includes an Education Department, a Social Services Department, a Justice Department, and an "Execution Unit" responsible for "Sorting out, Arrest, Murder, and Destruction."

According to their public statements, countries that have—they have targeted stretch from the Middle East to Africa, to Southeast Asia. Through this strategy, al Qaeda and its allies intend to create numerous, decentralized operating bases across the world, from which they can plan new attacks, and advance their vision of a unified, totalitarian Islamic state that can confront and eventually destroy the free world.

These violent extremists know that to realize this vision, they must first drive out the main obstacle that stands in their way—the United States of America. According to al Qaeda, their strategy to defeat America has two parts: First, they're waging a campaign of terror across the world. They're targeting our forces abroad, hoping that the American people will grow tired of casualties and give up the fight. And they're targeting America's financial centers and economic infrastructure at home, hoping to terrorize us and cause our economy to collapse.

Bin Laden calls this his "bleed-until-bankruptcy plan." And he cited the attacks of 9/11 as evidence that such a plan can succeed. With the 9/11 attacks, Osama bin Laden says, "al Qaeda spent $500,000 on the event, while America. . . lost—according to the lowest estimate—$500 billion . . . Meaning that every dollar of al Qaeda defeated a million dollars" of America. Bin Laden concludes from this experience that "America is definitely a great power, with . . . unbelievable military strength and a vibrant economy, but all of these have been built on a very weak and hollow foundation." He went on to say, "Therefore, it is very easy to target the flimsy base and concentrate on their weak points, and even if we're able to target one-tenth of these weak points, we will be able [to] crush and destroy them."

Secondly, along with this campaign of terror, the enemy has a propaganda strategy. Osama bin Laden laid out this strategy in a letter to the Taliban leader, Mullah Omar, that coalition forces uncovered in Afghanistan in 2002. In it, bin Laden says that al Qaeda intends to "[launch]," in his words, "a media campaign . . . to create a wedge between the American people and their government." This media campaign, bin Laden says, will send the American people a number of messages, including "that their government [will] bring them more losses, in finances and casualties." And he goes on to say that "they are being sacrificed . . . to serve . . . the big investors, especially the Jews." Bin Laden says that by delivering these messages, al Qaeda "aims at creating pressure from the American people on the American government to stop their campaign against Afghanistan."

Bin Laden and his allies are absolutely convinced they can succeed in forcing America to retreat and causing our economic collapse. They believe our nation is weak and decadent, and lacking in patience and resolve. And they're wrong. (Applause.) Osama bin Laden has written that the "defeat of . . . American forces in Beirut" in 1983 is proof America does not have the stomach to stay in the fight. He's declared that "in Somalia . . . the United States [pulled] out, trailing disappointment, defeat, and failure behind it." And last year, the terrorist Zawahiri declared that Americans "know better than others that there is no hope in victory. The Vietnam specter is closing every outlet."

These terrorists hope to drive America and our coalition out of Afghanistan, so they can restore the safe haven they lost when coalition forces drove them out five years ago. But they've made clear that the most important front in their struggle against America is Iraq—the nation bin Laden has declared the "capital of the Caliphate." Hear the words of bin Laden: "I now address. . . the whole . . . Islamic nation: Listen and understand . . . The most . . . serious issue today for the whole world is this Third World War

. . . [that] is raging in [Iraq]." He calls it "a war of destiny between infidelity and Islam." He says, "The whole world is watching this war," and that it will end in "victory and glory or misery and humiliation." For al Qaeda, Iraq is not a distraction from their war on America—it is the central battlefield where the outcome of this struggle will be decided.

Here is what al Qaeda says they will do if they succeed in driving us out of Iraq: The terrorist Zawahiri has said that al Qaeda will proceed with "several incremental goals. The first stage: Expel the Americans from Iraq. The second stage: Establish an Islamic authority or amirate, then develop it and support it until it achieves the level of Caliphate . . . The third stage: Extend the jihad wave to the secular countries neighboring Iraq. And the fourth stage: . . . the clash with Israel."

These evil men know that a fundamental threat to their aspirations is a democratic Iraq that can govern itself, sustain itself, and defend itself. They know that given a choice, the Iraqi people will never choose to live in the totalitarian state the extremists hope to establish. And that is why we must not, and we will not, give the enemy victory in Iraq by deserting the Iraqi people. (Applause.)

Last year, the terrorist Zarqawi declared in a message posted on the Internet that democracy "is the essence of infidelity and deviation from the right path." The Iraqi people disagree. Last December, nearly 12 million Iraqis from every ethnic and religious community turned out to vote in their country's third free election in less than a year. Iraq now has a unity government that represents Iraq's diverse population—and al Qaeda's top commander in Iraq breathed his last breath. (Applause.)

Despite these strategic setbacks, the enemy will continue to fight freedom's advance in Iraq, because they understand the stakes in this war. Again, hear the words of bin Laden, in a message to the American people earlier this year. He says: "The war is for you or for us to win. If we win it, it means your defeat and disgrace forever."

Now, I know some of our country hear the terrorists' words, and hope that they will not, or cannot, do what they say. History teaches that underestimating the words of evil and ambitious men is a terrible mistake. In the early 1900s, an exiled lawyer in Europe published a pamphlet called "What Is To Be Done?"—in which he laid out his plan to launch a communist revolution in Russia. The world did not heed Lenin's words, and paid a terrible price. The Soviet Empire he established killed tens of millions, and brought the world to the brink of thermonuclear war. In the 1920s, a failed Austrian painter published a book in which he explained his intention to build an Aryan super-state in Germany and take revenge on Europe and eradicate the Jews. The world ignored Hitler's words, and paid a terrible price. His Nazi regime killed millions in the gas chambers, and set the world aflame in war, before it was finally defeated at a terrible cost in lives.

Bin Laden and his terrorist allies have made their intentions as clear as Lenin and Hitler before them. The question is: Will we listen? Will we pay attention to what these evil men say? America and our coalition partners have made our choice. We're taking the words of the enemy seriously. We're on the offensive, and we will not rest, we will not retreat, and we will not withdraw from the fight, until this threat to civilization has been removed. (Applause.)

Five years into this struggle, it's important to take stock of what's been accomplished—and the difficult work that remains. Al Qaeda has been weakened by our sustained offensive against them, and today it is harder for al Qaeda's leaders to operate freely, to move money, or to communicate with their operatives and facilitators. Yet al Qaeda remains dangerous and determined. Bin Laden and Zawahiri remain in hiding in remote regions of this world. Al Qaeda continues to adapt in the face of our global campaign against them. Increasingly, al Qaeda is taking advantage of the Internet to disseminate propaganda, and to conduct "virtual recruitment" and "virtual training" of new terrorists. Al Qaeda's leaders no longer need to meet face-to-face with their operatives. They can find new suicide bombers, and facilitate new terrorist attacks, without ever laying eyes on those they're training, financing, or sending to strike us.

As al Qaeda changes, the broader terrorist movement is also changing, becoming more dispersed and self-directed. More and more, we're facing threats from locally established terrorist cells that are inspired by al Qaeda's ideology and goals, but do not necessarily have direct links to al Qaeda, such as training and funding. Some of these groups are made up of "homegrown" terrorists, militant extremists who were born and educated in Western nations, were indoctrinated by radical Islamists or attracted to their ideology, and joined the violent extremist cause. These locally established cells appear to be responsible for a number of attacks and plots, including those in Madrid, and Canada, and other countries across the world.

As we continue to fight al Qaeda and these Sunni extremists inspired by their radical ideology, we also face the threat posed by Shia extremists, who are learning from al Qaeda, increasing their assertiveness, and stepping up their threats. Like the vast majority of Sunnis, the vast majority of Shia across the world reject the vision of extremists—and in Iraq, millions of Shia have defied terrorist threats to vote in free elections, and have shown their desire to live in freedom. The Shia extremists want to deny them this right. This Shia strain of Islamic radicalism is just as dangerous, and just as hostile to America, and just as determined to establish its brand of hegemony across the broader Middle East. And the Shia extremists have achieved something that al Qaeda has so far failed to do: In 1979, they took control of a major power, the nation of Iran, subjugating its proud people to a regime of tyranny, and using that nation's resources to fund the spread of terror and pursue their radical agenda.

Like al Qaeda and the Sunni extremists, the Iranian regime has clear aims: They want to drive America out of the region, to destroy Israel, and to dominate the broader Middle East. To achieve these aims, they are funding and arming terrorist groups like Hezbollah, which allow them to attack Israel and America by proxy. Hezbollah, the source of the current instability in Lebanon, has killed more Americans than any terrorist organization except al Qaeda. Unlike al Qaeda, they've not yet attacked the American homeland. Yet they're directly responsible for the murder of hundreds of Americans abroad. It was Hezbollah that was behind the 1983 bombing of the U.S. Marine barracks in Beirut that killed 241 Americans. And Saudi Hezbollah was behind the 1996 bombing of Khobar Towers in Saudi Arabia that killed 19 Americans, an attack conducted by terrorists who we believe were working with Iranian officials.

Just as we must take the words of the Sunni extremists seriously, we must take the words of the Shia extremists seriously. Listen to the words of Hezbollah's leader, the terrorist Nasrallah, who has declared his hatred of America. He says, "Let the entire world hear me. Our hostility to the Great Satan [America] is absolute . . . Regardless of how the world has changed after 11 September, Death to America will remain our reverberating and powerful slogan: Death to America."

Iran's leaders, who back Hezbollah, have also declared their absolute hostility to America. Last October, Iran's President declared in a speech that some people ask—in his words—"whether a world without the United States and Zionism can be achieved . . . I say that this . . . goal is achievable." Less than three months ago, Iran's President declared to America and other Western powers: "open your eyes and see the fate of pharaoh . . . if you do not abandon the path of falsehood . . . your doomed destiny will be annihilation." Less than two months ago, he warned: "The anger of Muslims may reach an explosion point soon. If such a day comes . . . [America and the West] should know that the waves of the blast will not remain within the boundaries of our region." He also delivered this message to the American people: "If you would like to have good relations with the Iranian nation in the future . . . bow down before the greatness of the Iranian nation and surrender. If you don't accept [to do this], the Iranian nation will . . . force you to surrender and bow down."

America will not bow down to tyrants. (Applause.)

The Iranian regime and its terrorist proxies have demonstrated their willingness to kill Americans—and now the Iranian regime is pursuing nuclear weapons. The world is working together to prevent Iran's regime from acquiring the tools of mass murder. The international community has made a reasonable proposal to Iran's leaders, and given them the opportunity to set their nation on a better course. So far, Iran's leaders have rejected this offer.

Their choice is increasingly isolating the great Iranian nation from the international community, and denying the Iranian people an opportunity for greater economic prosperity. It's time for Iran's leader to make a different choice. And we've made our choice. We'll continue to work closely with our allies to find a diplomatic solution. The world's free nations will not allow Iran to develop a nuclear weapon. (Applause.)

The Shia and Sunni extremists represent different faces of the same threat. They draw inspiration from different sources, but both seek to impose a dark vision of violent Islamic radicalism across the Middle East. They oppose the advance of freedom, and they want to gain control of weapons of mass destruction. If they succeed in undermining fragile democracies, like Iraq, and drive the forces of freedom out of the region, they will have an open field to pursue their dangerous goals. Each strain of violent Islamic radicalism would be emboldened in their efforts to topple moderate governments and establish terrorist safe havens.

Imagine a world in which they were able to control governments, a world awash with oil and they would use oil resources to punish industrialized nations. And they would use those resources to fuel their radical agenda, and pursue and purchase weapons of mass murder. And armed with nuclear weapons, they would blackmail the free world, and spread their ideologies of hate, and raise a mortal threat to the American people. If we allow them to do this, if we retreat from Iraq, if we don't uphold our duty to support those who are desirous to live in liberty, 50 years from now history will look back on our time with unforgiving clarity, and demand to know why we did not act.

I'm not going to allow this to happen—and no future American President can allow it either. America did not seek this global struggle, but we're answering history's call with confidence and a clear strategy. Today we're releasing a document called the "National Strategy for Combating Terrorism." This is an unclassified version of the strategy we've been pursuing since September the 11th, 2001. This strategy was first released in February 2003; it's been updated to take into account the changing nature of this enemy. This strategy document is posted on the White House website—whitehouse.gov. And I urge all Americans to read it.

Our strategy for combating terrorism has five basic elements:

First, we're determined to prevent terrorist attacks before they occur. So we're taking the fight to the enemy. The best way to protect America is to stay on the offense. Since 9/11, our coalition has captured or killed al Qaeda managers and operatives, and scores of other terrorists across the world. The enemy is living under constant pressure, and we intend to keep it that way—and this adds to our security. When terrorists spend their days working to avoid death or capture, it's harder for them to plan and execute new attacks.

We're also fighting the enemy here at home. We've given our law enforcement and intelligence professionals the tools they need to stop the terrorists in our midst. We passed the PATRIOT Act to break down the wall that prevented law enforcement and intelligence from sharing vital information. We created the Terrorist Surveillance Program to monitor the communications between al Qaeda commanders abroad and terrorist operatives within our borders. If al Qaeda is calling somebody in America, we need to know why, in order to stop attacks. (Applause.)

I want to thank these three Senators for working with us to give our law enforcement and intelligence officers the tools necessary to do their jobs. (Applause.) And over the last five years, federal, state, and local law enforcement have used those tools to break up terrorist cells, and to prosecute terrorist operatives and supporters in New York, and Oregon, and Virginia, and Texas, and New Jersey, and Illinois, Ohio, and other states. By taking the battle to the terrorists and their supporters on our own soil and across the world, we've stopped a number of al Qaeda plots.

Second, we're determined to deny weapons of mass destruction to outlaw regimes and terrorists who would use them without hesitation. Working with Great Britain and Pakistan and other nations, the United States shut down the world's most dangerous nuclear trading cartel, the AQ Khan network. This network had supplied Iran and Libya and North Korea with equipment and know-how that advanced their efforts to obtain nuclear weapons. And we launched the Proliferation Security Initiative, a coalition of more than 70 nations that is working together to stop shipments related to weapons of mass destruction on land, at sea, and in the air. The greatest threat this world faces is the danger of extremists and terrorists armed with weapons of mass destruction—and this is a threat America cannot defeat on her own. We applaud the determined efforts of many nations around the world to stop the spread of these dangerous weapons. Together, we pledge we'll continue to work together to stop the world's most dangerous men from getting their hands on the world's most dangerous weapons. (Applause.)

Third, we're determined to deny terrorists the support of outlaw regimes. After September the 11th, I laid out a clear doctrine: America makes no distinction between those who commit acts of terror, and those that harbor and support them, because they're equally guilty of murder. Thanks to our efforts, there are now three fewer state sponsors of terror in the world than there were on September the 11th, 2001. Afghanistan and Iraq have been transformed from terrorist states into allies in the war on terror. And the nation of Libya has renounced terrorism, and given up its weapons of mass destruction programs, and its nuclear materials and equipment. Over the past five years, we've acted to disrupt the flow of weapons and support from terrorist states to terrorist networks. And we have made clear that any government that chooses to be an ally of terror has also chosen to be an enemy of civilization. (Applause.)

Fourth, we're determined to deny terrorist networks control of any nation, or territory within a nation. So, along with our coalition and the Iraqi government, we'll stop the terrorists from taking control of Iraq, and establishing a new safe haven from which to attack America and the free world. And we're working with friends and allies to deny the terrorists the enclaves they seek to establish in ungoverned areas across the world. By helping governments reclaim full sovereign control over their territory, we make ourselves more secure.

Fifth, we're working to deny terrorists new recruits, by defeating their hateful ideology and spreading the hope of freedom—by spreading the hope of freedom across the Middle East. For decades, American policy sought to achieve peace in the Middle East by pursuing stability at the expense of liberty. The lack of freedom in that region helped create conditions where anger and resentment grew, and radicalism thrived, and terrorists found willing recruits. And we saw the consequences on September the 11th, when the terrorists brought death and destruction to our country. The policy wasn't working.

The experience of September the 11th made clear, in the long run, the only way to secure our nation is to change the course of the Middle East. So America has committed its influence in the world to advancing freedom and liberty and democracy as the great alternatives to repression and radicalism. (Applause.) We're taking the side of democratic leaders and moderates and reformers across the Middle East. We strongly support the voices of tolerance and moderation in the Muslim world. We're standing with Afghanistan's elected government against al Qaeda and the Taliban remnants that are trying to restore tyranny in that country. We're standing with Lebanon's young democracy against the foreign forces that are seeking to undermine the country's sovereignty and independence. And we're standing with the leaders of Iraq's unity government as they work to defeat the enemies of freedom, and chart a more hopeful course for their people. This is why victory is so important in Iraq. By helping freedom succeed in Iraq, we will help America, and the Middle East, and the world become more secure.

During the last five years we've learned a lot about this enemy. We've learned that they're cunning and sophisticated. We've witnessed their ability to change their methods and their tactics with deadly speed—even as their murderous obsessions remain unchanging. We've seen that it's the terrorists who have declared war on Muslims, slaughtering huge numbers of innocent Muslim men and women around the world.

We know what the terrorists believe, we know what they have done, and we know what they intend to do. And now the world's free nations must summon the will to meet this great challenge. The road ahead is going to be difficult, and it will require more sacrifice. Yet we can have confidence in the outcome, because we've seen freedom conquer tyranny and terror before. In the 20th century, free nations confronted and defeated Nazi Germany. During the Cold War, we confronted Soviet communism, and today Europe is whole, free and at peace.

And now, freedom is once again contending with the forces of darkness and tyranny. This time, the battle is unfolding in a new region—the broader Middle East. This time, we're not waiting for our enemies to gather in strength. This time, we're confronting them before they gain the capacity to inflict unspeakable damage on the world, and we're confronting their hateful ideology before it fully takes root.

We see a day when people across the Middle East have governments that honor their dignity, and unleash their creativity, and count their votes. We see a day when across this region citizens are allowed to express themselves freely, women have full rights, and children are educated and given the tools necessary to succeed in life. And we see a day when all the nations of the Middle East are allies in the cause of peace.

We fight for this day, because the security of our own citizens depends on it. This is the great ideological struggle of the 21st century—and it is the calling of our generation. All civilized nations are bound together in this struggle between moderation and extremism. By coming together, we will roll back this grave threat to our way of life. We will help the people of the Middle East claim their freedom, and we will leave a safer and more hopeful world for our children and grandchildren.

God bless. (Applause.)

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, good morning.

(The remarks of Mr. CARPER pertaining to the introduction of S. 3846 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN BOLTON

Mr. DODD. Mr. President, at this moment in history our Nation faces enormous challenges from terrorism, Iraq, Afghanistan, Lebanon, Israel and the occupied territories, Sudan's Darfur region, Iran, North Korea, Syria, HIV/AIDS, global health generally, climate change, energy security, and the list seems endless. These are all important issues that call out for important action and leadership from the United States.

America's capacity to respond to this global clarion call has been seriously circumscribed, in my view, by the Bush administration's preemptive war of choice in Iraq—circumscribed militarily, politically, and economically. The options have become fewer since March 19, 2003, as the world has become more dangerous, and the reputation and global standing of the United States has become weaker.

Our friends know this. More importantly, so do our adversaries, apparently.

That is why it is imperative that we make the most of the options still available to respond to these challenges. Diplomacy is one of the few options that remain available with a reasonable political and minority pricetag. As John Kennedy said so eloquently more than 45 years ago, this Nation should never fear to negotiate but never negotiate out of fear. It is going to take effective and pragmatic diplomacy to build the kinds of international partnerships and coalitions to address the challenges that confront us so that America can feel safe and be safer and more secure.

While the United Nations isn't the only forum for the conduct of that diplomacy, it is very clear that President Bush has placed much more reliance on the United Nations Security Council in his second term in office than he certainly did in the first. Be it Iran, North Korea, Darfur, or Lebanon, the United States has turned to the Security Council to respond to humanitarian crises and other threats to international peace and stability.

That is why, more than at any other time in recent years, since the founding of the United Nations, that it matters who sits in the United States chair on that Council. In my view, Mr. John Bolton does not fit the bill.

Based on information developed by the Senate Foreign Relations Committee last year from unprecedented committee testimony by former Assistant Secretary of State Carl Ford and more than 30 staff interviews of then-current and former colleagues of Mr. Bolton in the Bush administration—in the Bush administration, I might add—the Senate made the decision not to act on that nomination.

Carl Ford and 12 of those interviewed were extremely critical of Mr. Bolton, including retired COL Lawrence Wilkerson, chief of staff to Secretary Powell; Thomas Fingar, Deputy Assistant Secretary of State for Intelligence and Research; former Deputy Director of the CIA, Stuart Cohen; and Robert Hutchings, former acting head and head of the National Intelligence Council, respectively; and Jamie Miscik, former Deputy Director of Intelligence at the CIA.

These are not light people; these are serious people, all of whom served in the Bush administration. Here is what some of them had to say about this nomination. Again, these were Bush appointees, people who served in the Bush administration. Listen to Carl Ford, the Assistant Secretary of State for Intelligence in his testimony before the Senate Foreign Relations Committee:

Mr. Bolton is a "quintessential kiss-up, kick-down sort of guy."

Mr. Bolton has "a bigger kick and it gets bigger and stronger the further down the bureaucracy he's kicking."

Mr. Bolton is a "serial abuser."

> I have never seen anyone quite like Secretary Bolton—doesn't even come close. I don't have a second and third or fourth in terms of the way that he abuses his power and authority with little people.
>
> I consider myself to be a loyal Republican and conservative to the core. I'm a firm and enthusiastic supporter of President Bush and his policies, and I'm a huge fan of Vice President Cheney, who I worked with when he was Secretary of Defense.

With respect to the Bolton's treatment of Westermann, Mr. Ford went on:

> The attitude, the volume of his tone, and what I understand, the substance of the conversation, he was so far over the line that he meets—he's one of the sort of memorable moments in my 30-plus-year career [in public service for the Federal Government.]

Again, this is a Bush appointee about whom we are talking.

Listen further. Larry Wilkerson, lieutenant colonel, chief of staff to Secretary of State Colin Powell in a telephone interview, Lieutenant Colonel Wilkerson said:

> Do I think John Bolton would make a good ambassador to the United Nations? Absolutely not.
>
> He is incapable of listening to people and taking into account their views.
>
> He would be an abysmal ambassador.

Listen further to Mr. Wilkerson:

> I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his "brilliance." I didn't see it.
>
> I saw a man who counted beans, who said "98 today, 99 tomorrow, 100 the next day," and had no willingness—and, in many cases, no capacity—to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations.

Lastly, Mr. McLaughlin, Deputy Director of the CIA, responding to a question as to whether other policymakers had sought to remove CIA analysts:

> No. This is the only time I had ever heard of such a request . . . I reacted strongly to it. I didn't think it was appropriate.

I will return to that particular point in a few minutes, this idea of attempting to fire intelligence analysts.

These are just some of the quotes, again, of people who served in the Bush administration commenting on the nomination of John Bolton to be our ambassador to the United Nations.

There have been some excellent U.S. representatives to the United Nations over the years: Henry Cabot Lodge, Adlai Stevenson, Daniel Patrick Moynihan, our former colleague Jeane Kirkpatrick, and Richard Holbrooke, just to name a few. Each and every one of these individuals possessed a certain skill and ability to work with others, our adversaries as well as our friends, in order to stretch the U.N. as an institution in ways that supported U.S. interests. None of them were shrinking violets, to put it mildly.

It is very clear that Mr. Bolton does not possess that skill set. Over the years, Mr. Bolton evidenced great skepticism and disdain for the United Nations and multilateral diplomacy generally.

Nothing he has said or done since assuming his current position in New York suggests that he has altered his views on the United Nations or on multilateral diplomacy generally.

Once again, it is those who have worked most closely with him who are his biggest critics. More than 30 ambassadors with whom Mr. Bolton serves at the United Nations—all supportive of U.N. reform—questioned his leadership abilities.

In a July 21, 2006, New York Times article, one U.N. colleague characterized Mr. Bolton as "intransigent and maximalist." Another suggested that Mr. Bolton's "high ambitions are cover-ups for less noble aims, and oriented not at improving the United Nations, but at belittling and weakening it." A third has essentially written off working with Mr. Bolton. "He's lost me as an ally now, and that's what many other ambassadors who consider themselves friends of the United States are saying."

Mr. Bolton's response to a question posed by Senator COLEMAN at his July nomination hearing was stunning to me. Our colleague, NORM COLEMAN, asked the following question:

> Mr. COLEMAN. You knew the organization, you were involved in it, then you were on the outside. Now you're there. Is there—has your impression of the U.N. changed? Has there been anything that surprised you in the last year?
>
> Mr. BOLTON. Not really.

That is a response of an individual who is so entrenched in his views that he is incapable of the kind of openness and flexibility that I think most in this Chamber believe is essential if the United Nations Security Council is going to be made to work to serve our interests around the globe.

Mr. Bolton clearly has an aversion to being diplomatic. He has even been called a bully by some of his harshest critics. Mr. Bolton's personality is really not the issue as far as I am concerned. There are a lot of bullies in this town, and I suspect in New York as well. My objection isn't that he is a bully, but that he has been an ineffective bully. He can't win the day for the

United States when it really counts. He isolates the United States rather than builds consensus around U.S. positions.

Mr. Bolton showed his colors, in my view, as soon as he arrived in New York after receiving his recess appointment last August 2005. After the U.S. mission had worked for months to negotiate a 2-year reform effort that was to be endorsed by President Bush and other heads of State 2 weeks later, Mr. Bolton almost destroyed the consensus around the document by tabling 705 separate amendments to the text. It took the involvement of the President of the United States and the Secretary of State to cobble the agreement back together at the last minute at a price of losing some of the provisions that the United States had sought be included with respect to management reforms.

The Bush administration has made the ongoing crisis in Darfur a key concern. Yet when in June of this year members of the Security Council visited the Sudan to send a signal to the Government of Khartoum that it was on the wrong track, Mr. Bolton thought it more important to travel to London to deliver a U.N. bashing speech to a private think tank rather than join his colleagues on a visit to Sudan and carrying on a message of how important we think the genocidal behavior is.

On another occasion, prior to a vote last July on a U.N. Security Council resolution intended to sanction North Korea for its provocative Fourth of July missile launches, Mr. Bolton publicly assured anyone who would listen that he could get support for a resolution with teeth, with the so-called chapter 7 obligations. It turns out he couldn't. The resolution adopted by the U.N. Security Council fell far short of that.

Last September, Mr. Bolton told the House International Relations Committee that the negotiation of an effective Human Rights Council was a key objective of the United States and that it was a "very high priority, and a personal priority of mine."

There were 30 negotiating sessions held to hammer out the framework of this new Human Rights Council, and Ambassador Bolton managed to attend just one or two of those sessions.

In the end, the United States was one of four countries to vote against the approval of the U.N. Human Rights Council.

When the tally is taken on how effective Mr. Bolton has been at the U.N., in my view he gets a failing grade overall.

These are key positions that help to strengthen the United States, and yet in case after case, from reform, to Darfur, to North Korea, to the U.N. Human Rights Council—critical issues to strengthen the United States—our ambassador has failed in getting the kind of results that are critically important.

But there is more.

On the basis of those issues, I urge my colleagues to vote against Mr. Bolton, but I am going to go a step further because I believe other actions taken by Mr. Bolton are so outrageous that Mr. Bolton does not even deserve a vote, in my view.

There is Mr. Bolton's well-documented attempts to manipulate intelligence to suit his world view and seek the removal of at least two intelligence analysts who wouldn't play ball. When these analysts refused to support intelligence conclusions not supported by available intelligence, Mr. Bolton mounted a concerted effort to have them fired. The fact they were not removed does not excuse his actions.

I don't mind a heated debate. I don't mind people having serious disagreements with conclusions. But when you attempt to fire lower level employees who are responsible for gathering intelligence for the United States because you don't like their results, that is dangerous business indeed.

I do not care in which administration you may serve. Any individual, in my view, who attempts to doctor evidence to fire people whose conclusions they disagree with when it comes to intelligence gathering does not deserve to be promoted to the high position of ambassador to the United Nations.

His behavior, in my view, endangers our national security because it goes to the very heart of what we depend upon to protect that security—unbiased professional intelligence collection and analysis. Mr. Bolton stepped away and he stepped over the line and committed an offense so grievous, in my view, it warrants that this Senate deny him an up-or-down vote on his nomination.

In concluding, Mr. President, I return to the point I made earlier; namely, that Mr. Bolton has largely burned his bridges with his colleagues in New York and is not likely to be an effective diplomat when his diplomacy is increasingly becoming the coin of the realm in protecting and advancing U.S. interests at this very unstable moment in this country.

Fifty-nine former U.S. Ambassadors and diplomats who have served in five administrations, Democratic and Republican, agree. Yesterday, they sent a letter to the Senate Foreign Relations Committee strongly opposing this nomination—59 former U.S. Ambassadors.

I mentioned earlier the number of people in the Bush administration who are outspokenly critical of this nomination. What more do we need to hear, what more do we need to hear that this is a bad nomination and one that is going to jeopardize the interests of the United States? Those Ambassadors recognize, as do I, that at this critical moment in our Nation's future, the President should put the Nation's interests first and nominate an individual with strong diplomatic skills who believes in diplomacy rather than placating his conservative base by continuing to push for the nomination of an unsuitable nominee.

I believe it is time for the Senate to send that message loudly and clearly to the President by rejecting efforts to ramrod this nomination through in the closing days of this session.

I urge my colleagues to join me in strongly opposing this nomination.

Mr. President, I yield floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5631) to make appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Kennedy-Reid amendment No. 4885, to include information on civil war in Iraq in the quarterly reports on progress toward military and political stability in Iraq.

Allen modified amendment No. 4883, to make available from Defense Health Program up to $19,000,000 for the Defense and Veterans Brain Injury Center.

Feinstein-Leahy amendment No. 4882, to protect civilian lives from unexploded cluster munitions.

Mr. STEVENS. Mr. President, what is the pending business on this bill?

The PRESIDING OFFICER. The pending amendment is the Feinstein amendment.

Mr. STEVENS. Is the Kennedy amendment still set aside following that amendment?

The PRESIDING OFFICER. Yes, it is.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

AMENDMENT NO. 4882

Mrs. FEINSTEIN. Mr. President, I understand it is appropriate for me now to speak on an amendment I offered yesterday having to do with cluster bombs.

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. Mr. President, I rise to discuss again the amendment offered by myself and Senator LEAHY to this bill on the use of a munition called a cluster bomb. Our amendment is very simple. It prevents any funds from being spent to purchase, use, or transfer cluster munitions until rules of engagement have been adopted by the Department of Defense to ensure that such munitions will not be used in or near any concentration of civilians.

That is not a difficult requirement. It seems to me, because of the widespread damage caused by these munitions, that there ought to be specific rules of engagement which ban their use in areas where civilian death or maiming might result.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions or individual bomblets. They are intended for attacking enemy troop formations, and they release these small bomblets over the radius of a half mile. In practice, they pose a real threat to the safety of civilians when used in populated areas because they leave hundreds of unexploded bomblets over a large area, and they are often inaccurate. In some cases, up to 40 percent of cluster bombs fail to explode, posing a particular danger to civilians long after the conflict has ended.

Bomblets are no bigger than a D battery and in some cases resemble a tennis ball, so they are attractive to small children who pick them up to play with them. Then the bomblet explodes and the individual is either killed or maimed.

I would like to show three photographs.

On March 25, 2003, a youngster by the name of Abdallah Yaqoob was sleeping in his bed in his home in Basra, Iraq when he was hit with shrapnel from a cluster munitions strike that hit his neighborhood. He lost his arm, and his abdomen was severely damaged. He was hit by a British L20A1/M85 munition—a cluster bomb.

Second, Falah Hassan, 13, was injured by an unexploded ground-launched submunition in Iraq on March 26, 2003. The explosion severed his right hand and spread shrapnel throughout his body. He lost his left index finger and soft tissue in his lower limbs.

This is a photo of an unexploded M42 cluster submunition found on a barbed-wire fence in southern Iraq in August 2006. As you will see, this is the bomblet and this is a small pinecone. You will see how small this bomblet is, hanging on the barbed wire.

These unexploded cluster bombs become, in essence, de facto landmines.

The issue was first brought to my attention by a 2005 PBS documentary entitled "Bombies" which chronicled the impact of unexploded cluster bombs in Laos. This is startling. In Laos alone, there are between 9 and 27 million unexploded cluster bombs. They are leftovers from U.S. bombing campaigns in the 1960s and 1970s. Approximately 11,000 people, 30 percent of them children, have been killed or injured since that war ended—11,000 killed or injured by cluster bombs. So 40 to 50 years after these munitions were used, their deadly force remains active.

As the documentary showed, these unexploded cluster bombs have ended up in bamboo trees, in playgrounds, in houses, on rice paddies, and in schools. They have been found in the ground where farmers prepare their fields to plant. They have threatened their lives and their livelihood. As one farmer from northern Laos put it, "Working in these fields is a problem. There are lots of bombies. But we work very carefully. If we work fast, we are afraid we'll hit a bombie."

These farmers have to tend the fields and put their lives at risk because they have to grow food to feed their families. Decades after the last bomb was dropped, they are still threatened by death and serious injury. A cluster bomb is lethal for up to 150 yards. It will kill or maim the person who picks it up and those nearby.

I remind my colleagues, these munitions have been used in many battles in many wars.

In the first gulf war, 60,000 cluster bombs were used, containing 20 million bomblets. Since 1991, unexploded bomblets have killed 1,600 innocent men, women, and children and injured more than 2,500.

In Afghanistan in 2001, 1,228 cluster bombs with nearly a quarter of a million—248.056—bomblets were used.

Between October of 2001 and November of 2002—that is just 1 year—127 civilians were killed, 70 percent of them under the age of 18.

In Iraq in 2003, 13,000 cluster bombs with nearly 2 million bomblets were used. Combining the first and second gulf wars, the total number of unexploded bomblets in the region is approximately 1.2 million. An estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed since 1991 by these discarded munitions.

Here we have it: In Iraq, 13,000 cluster bombs, two million bomblets; in Afghanistan, 1,200 cluster bombs, a quarter of a million bomblets, numbers killed in a year, 127 civilians; in the first gulf war, 61,000 used, 20 million bomblets lying around, 1,600 innocent, men, women, and children killed, more than 2,500 wounded since 1991.

This gives rise to recent developments in Lebanon. Throughout southern Lebanon, more than 405 cluster bomb sites containing approximately 100,000 unexploded bomblets have been discovered. Each site covers a radius of 220 yards. As Lebanese children and families return to their homes and begin to rebuild, they will be exposed to the danger of these unexploded bomblets lying in the rubble. Thirteen people already, including three young children, have been killed, and 48 injured. One United Nations official estimates that the rate of unexploded bomblets is 40 percent in southern Lebanon. So far, more than 2,900 exploded bomblets have been destroyed. It will take 12 to 15 months to complete that effort.

The State Department is looking into charges that the cluster bombs found in southern Lebanon were American-made and that they were used in violation of agreements between the United States and Israel that govern their use. I do not know whether that is true. We have tried to find out. At this time, and despite repeated inquiries, I am unaware what those agreements actually say and what conditions they place on Israel. It seems to me we ought to know. It seems to me this information ought to be transparent and that the Congress of the United States, in the process of lawmaking, is entitled to that information.

By passing this information and codifying this language in statute we will help ensure that civilian populations will be protected by adequate rules of engagement that accompany the sale or transfer of these weapons to another country and the rules of engagement that condition their use by our military in foreign countries.

Each death that results from an unexploded bomblet weakens American diplomacy and American values. How do people in Laos feel when they live and farm with the daily threat of running into one of these bomblets? How do they feel in Afghanistan, Iraq, in southern Lebanon, in any other place where civilians can be wounded and killed by these bomblets?

Simply put, unexploded cluster bombs fuel anger and resentment. They make security, stabilization, and reconstruction efforts that much harder.

Senator LEAHY and I are not the only ones that feel this way. Former Secretary of Defense Bill Cohen recognized the threat that cluster bombs pose to civilians and U.S. troops alike because they litter a battlefield. He issued a memorandum which became known as the Cohen policy. It stated that beginning in 2005 all new cluster bombs would have a failure rate of less than 1 percent.

This was an important step forward. But we still have 5½ million cluster bombs containing 728 million bomblets. They are aging in the American arsenal. This indicates we are still prepared to use, transfer, or sell an enormous number of cluster bombs that have significant failure rates.

I ask this question: Is this the source of legacy we want to leave behind in Iraq and Afghanistan?

Let me be clear, this amendment does not place a ban on cluster bombs. It is a simple step that will give the Pentagon time to develop specific guidelines to ensure that cluster bombs are not used in or near populated areas. Does anyone in this Senate believe that a cluster munition should be used in a civilian populated area? That person can stand up and talk to that point of view. It is unconscionable. It is immoral. It is beyond the laws of warfare. If somebody wants to argue that point of view, so be it. If that is the kind of country a Member wants to represent, so be it. It is not the country I want to represent.

This is a simple amendment which says no funds will be used until there are rules of engagement that say that these munitions will not be used in civilian areas where death and maiming is apt to result.

This amendment will go a long way toward ensuring only prudent battlefield use. I hope this amendment has an opportunity to pass.

I yield the floor and I reserve the remainder of my time.

How much time remains?

The PRESIDING OFFICER. Four and a half minutes.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I cannot support this amendment. It is not enforceable. It establishes policies that may in some situations dangerously restrict the options available to our commanders on the battlefield.

I do share the Senator's concern about potential use on the indiscriminate manner of these antipersonal weapons. Protecting innocent civilians from the violence and destruction of war is our goal. It is a laudable goal.

Of course, the consequences of using cluster munitions must be carefully considered before such weapons are engaged. This is a complex policy area. It deserves comprehensive review by the relevant policy committees, not only the Committee on Armed Services but also the Foreign Relations Committee. As the Senator has said, it has already been reviewed on a secretarial level several times in the Department of Defense.

This amendment is just not acceptable. It legislates the rules of engagement for an entire class of weapon. The task of settling the rules of engagement properly belongs to the military and to the commander and ultimately to the Commander in Chief.

In an extreme situation the commander must be able to use all options to shape the battlefield to protect our forces and those allied with us. Restricting the deployment of cluster munitions could severely hinder aviation and artillery capabilities and reduce the commander's capability to wage war successfully. It could severely degrade our allies' capability to defend themselves in threatening situations.

The Department of Defense already has guidance and target methodologies that emphasize minimizing dangers to civilians in or near the zone of conflict. This amendment requires that prior to the sale or transfer, the Department ensures that munitions will not be used in or near populations, including villages, camps, and groups of refugees, evacuees, or nomads. This could be obtained at the point of sale.

Once the weapons are transferred, it would be impossible to enforce. They place a burden on the military that is impossible to achieve.

The Arms Export Control Act already has broad guidelines on the use of weapons sold by the United States, and press reports indicate the State Department has opened an investigation into use of cluster bombs by Israel against Hezbollah to determine if those guidelines were violated. If it has, the United States may impose sanctions. This was done in 1982. The Department of State already has tools to enforce the humanitarian considerations and sanction wanton use of cluster munitions.

The Senate should recall the use of cluster munitions is consistent with the convention on certain conventional weapons and international humanitarian law, including the Geneva and Hague Conventions. I recommend the Senate refuse to accept this amendment.

I do support the Defense appropriations bill as drafted.

I yield the floor.

Mr. BIDEN. Mr. President, I share the concerns that prompted the introduction of this amendment, but I am not prepared to approve such a far-reaching measure without a clear legislative record regarding the need for it and its likely impact on U.S. and allied forces.

Cluster bombs have always posed problems for responsible military forces like those of the United States. The weapons are very useful militarily, but they also carry a real risk of causing civilian casualties if they are used where civilians are present or if too many submunitions fail to explode when they hit the ground. This is a legitimate issue to consider and, perhaps, to legislate. But it should be done in a careful manner, after holding hearings and with proper preparation.

I urge the Senate Armed Services Committee to hold hearings on the issue of cluster munitions so that we can all gain a better understanding of how to maintain their usefulness while minimizing their risks. The committee should also make sure the Defense Department lives up to its claim that it "is working towards minimizing 'dud' cluster munitions by phasing cluster munitions systems with more reliable or self-destructing fuzes." Success in that effort would go far to reduce the risks of postwar casualties.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, the ranking member of the Judiciary Committee is here, Senator LEAHY of Vermont, someone whose leadership on the landmine issue has been unparalleled in the Senate. He is a cosponsor of this amendment.

I yield the Senator the remainder of my time.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from California. I have had a chance to work with the Senator on this amendment. It is an extremely important amendment. I have spent decades on the question of landmines. We use the Leahy War Victims Fund in parts of the world to aid landmine victims. I have visited these field hospitals. I have seen the damage, usually to children, overwhelmingly to civilians. My wife is a registered nurse. She has gone into the surgeries and watched the amputations.

The problem of cluster bombs which maim and kill the innocent has been known for many years. Probably one of the most egregious examples was in Laos, where millions of the explosives were dropped by U.S. planes during the Vietnam war. Unfortunately, what happens with landmines, the war ends, the landmines stay. The peace treaties are signed and civilians continue to die; 30 years after those were dropped there are horrific casualties of civilians.

I have urged the Pentagon both in Democratic and Republican administrations to address this problem for nearly a decade. While they have acknowledged the problem, and they do acknowledge it, they have not taken effective steps to solve it.

We have used massive numbers of cluster munitions in the invasion of Iraq, including in densely inhabited areas. Civilians paid the price and continue to pay the price.

Israel used these weapons in Lebanon. Again, it has been innocent civilians who have suffered disproportionately.

Now, cluster munitions, like any weapon, of course, have military utility. They can be effective against armor or military infrastructure, but they are in effect indiscriminate because they scatter thousands of lethal bomblets over wide areas. There are many weapons that can be effective. Used right, I suppose, poison gas is effective, but we have banned it since World War I. We have urged other countries to ban it.

On these cluster munitions, between 1 and 40 percent, depending on the type or the condition of the terrain, fail to explode on contact. Remember, there are thousands of these coming down. So if anywhere from even 1 percent fail, and as high as 40 percent fail, they remain as hazardous duds indefinitely, no different than scattering landmines, something we do not do.

And those who come in contact with them activate them. That could very well be a child out walking to school. It can be someone playing. It can be someone going to tend their animals, their crops, and they end up with lifelong disfigurement or disability, often death.

No one argues it is possible to completely avoid civilian casualties in a war.

Such casualties are inevitable. They have been tragic consequences in all wars. But this amendment should not be necessary. Weapons that are so disproportionately hazardous to civilians should be subject to strict rules of engagement.

The Feinstein-Leahy amendment is fully consistent with the laws of war and international humanitarian law. It uses the same standard as for incendiary weapons, which are also notoriously hazardous to civilians. Rather than prohibit cluster munitions, the amendment says only that they should not be used where there are concentrations of civilians.

This is a moral issue and it is an issue of our own self interest. Using or selling weapons that are so indiscriminate, without strict rules of engagement, is immoral. It is immoral. Anyone who has seen the horrific consequences of children with an arm or a leg blown off, or a part of their face, or their lifeless body cut to pieces by the shrapnel, knows that.

But it is also contrary to our own interest to be using or selling weapons which, without strict controls on their use, cause such appalling casualties of innocent people who are not the enemy. It fuels anger and resentment we can ill afford among the very people whose support we need.

So again I commend the Senator from California and strongly support the amendment.

Mr. President, I ask unanimous consent that an article from USA Today, dated December 11, 2003, about cluster bombs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Dec. 11, 2003]

CLUSTER BOMBS KILL IN IRAQ, EVEN AFTER SHOOTING ENDS

(By Paul Wiseman)

BAGHDAD.—The little canisters dropped onto the city, white ribbons trailing behind. They clattered into streets, landed in lemon trees, rattled around on roofs, settled on lawns.

When Jassim al-Qaisi saw the canisters the size of D batteries falling on his neighborhood just before 7 a.m. April 7, he laughed and asked himself: "Now what are the Americans throwing on our heads?"

The strange objects were fired by U.S. artillery outside Baghdad as U.S. forces approached the Iraqi capital. In the span of a few minutes, they would kill four civilians in the al-Dora neighborhood of southern Baghdad and send al-Qaisi's teenage son to the hospital with metal fragments in his foot.

The deadly objects were cluster bomblets, small explosives packed by the dozens or hundreds into bombs, rockets or artillery shells known as cluster weapons. When these weapons were fired on Baghdad on April 7, many of the bomblets failed to explode on impact. They were picked up or stumbled on by their victims.

The four who died in the al-Dora neighborhood that day lived a few blocks from al-Qaisi's house. Rashid Majid, 58, who was nearsighted, stepped on an unexploded bomblet around the corner from his home. The explosion ripped his legs off. As he lay bleeding in the street, another bomblet exploded a few yards away, instantly killing three young men, including two of Majid's sons—Arkan, 33, and Ghasan, 28. "My sons! My sons!" Majid called out. He died a few hours later.

The deaths occurred because the world's most modern military, one determined to minimize civilian casualties, went to war with stockpiles of weapons known to endanger civilians and its own soldiers. The weapons claimed victims in the initial explosions and continued to kill afterward, as Iraqis and U.S. forces accidentally detonated bomblets lying around like small land mines.

A four-month examination by USA Today of how cluster bombs were used in the Iraq war found dozens of deaths that were unintended but predictable. Although U.S. forces sought to limit what they call "collateral damage" in the Iraq campaign, they defied international criticism and used nearly 10,800 cluster weapons; their British allies used almost 2,200.

The bomblets packed inside these weapons wiped out Iraq troop formations and silenced Iraqi artillery. They also killed civilians. These unintentional deaths added to the hostility that has complicated the U.S. occupation. One anti-war group calculates that cluster weapons killed as many as 372 Iraqi civilians. The numbers are impossible to verify: Iraqi records are incomplete, and many Iraqi families buried their dead without reporting their deaths.

In the most comprehensive report on the use of cluster weapons in Iraq, USA Today visited Iraqi neighborhoods and interviewed dozens of Iraqi families, U.S. troops, teams clearing unexploded ordnance in Iraq, military analysts and humanitarian groups. The findings:

The Pentagon presented a misleading picture during the war of the extent to which cluster weapons were being used and of the civilian casualties they were causing. Gen. Richard Myers, chairman of the Joint Chiefs of Staff, told reporters on April 25, six days before President Bush declared major combat operations over, that the United States had used 1,500 cluster weapons and caused one civilian casualty. It turns out he was referring only to cluster weapons dropped from the air, not those fired by U.S. ground forces.

In fact, the United States used 10,782 cluster weapons, according to the declassified executive summary of a report compiled by U.S. Central Command, which oversaw military operations in Iraq. Centcom sent the figures to the Joint Chiefs in response to queries from USA Today and others, but details of the report remain secret.

U.S. forces fired hundreds of cluster weapons into urban areas. These strikes, from late March to early April, killed dozens and possibly hundreds of Iraqi civilians. Forty civilians were killed in one neighborhood in Hillah, 60 miles south of Baghdad, say residents and Saad Khazal al-Faluji, a surgeon at Hillah General Hospital who tracked casualties.

The attacks also left behind thousands of unexploded bomblets, known as duds, that continued to kill and injure Iraqi civilians weeks after the fighting stopped. U.S. officials say they sought to limit civilian casualties by trying to avoid using cluster munitions. But often alternative weapons were not available or would not have been as effective during the invasion.

Unexploded U.S. cluster bomblets remain a threat to U.S. forces in Iraq. They have killed or injured at least eight U.S. troops.

The U.S. Air Force, criticized for using cluster bombs that killed civilians during the wars in Vietnam, Kosovo and Afghanistan, has improved its cluster bombs. But U.S. ground forces relied on cluster munitions known to cause a high number of civilian casualties.

The Air Force, responding to the criticism, began working on safer cluster bombs in the mid-1990s and started using them in Afghanistan. But the Army started a program to install self-destruct fuses in existing cluster bomblets only after former Defense Secretary William Cohen called in January 2001 for dud rates of no more than 1% after 2005. The safer bomblets won't be available for at least two years. During the war in Iraq, U.S. ground forces dipped into stockpiles of more than 740 million cluster bomblets, all with a history of high dud rates.

Senior Army officials in Washington would not answer questions about the Army's use of cluster weapons in Iraq. Maj. Gary Tallman, an Army spokesman at the Pentagon, said such weapons are effective "against enemy troop formations and light-skinned vehicles" and are used only after "a deliberate decision-making process."

WHY CLUSTER BOMBS ARE DEADLY

Cluster bombs have been controversial since they killed thousands of Vietnamese, Cambodian and Laotian civilians during and after the Vietnam War. They have since been used by armies around the world, including Russian forces in Chechnya and Sudanese government troops fighting rebels in a long-running civil war. But their use in urban areas of Iraq has given new momentum to a movement to restrict the use of cluster bombs.

Last month, dozens of activist groups hoping to duplicate the success of the campaign to ban land mines formed a coalition aimed at getting a worldwide moratorium on cluster weapons. After seeing the toll the weapons took on Iraqi civilians and their own forces, even some U.S. soldiers have misgivings about using cluster weapons, at least in urban areas.

As the war in Iraq approached, humanitarian groups warned the Pentagon against using cluster weapons, especially in urban areas. New York-based Human Rights Watch predicted on March 18, a day before the war began with an airstrike in Baghdad: "The use of cluster munitions in Iraq will result in grave dangers to civilians and friendly combatants." Cluster weapons are especially dangerous to civilians because they spray wide areas with hundreds of bomblets. Most are unguided "dumb" weapons, so they can miss their target, and many of the bomblets don't explode immediately.

The U.S. military was aware of the threat cluster munitions posed and was determined to minimize them. Col. Lyle Cayce, an Army judge advocate general (JAG), led a team of 14 lawyers providing advice on the battlefield to the 3rd Infantry Division on the use of cluster munitions, as well as other weapons, during its 21-day, 450-mile drive north from Kuwait to Baghdad. The goal was to ensure that U.S. forces complied with international humanitarian law, enshrined in the Geneva Conventions. "No other army in the world does that," Cayce says. "We value the rule of law."

The Geneva Conventions hold that when choosing which targets to hit and which weapons to use, armies must make sure they do not "cause superfluous injury or unnecessary suffering" and ensure that the harm to civilians does not outweigh the military advantages.

U.S. forces relied on sophisticated radar to pinpoint the sources of Iraqi fire, then cross-checked them against a computerized list of about 10,000 sensitive sites, such as mosques and schools. Cayce and the other lawyers looked at potential targets and advised U.S. commanders whether the military benefits of using specific weapons against those targets justified the risks to civilians.

Cayce gave advice 512 times during the war, usually in cases involving cluster munitions. Most involved sites outside populated areas. Cayce estimates he dealt with only 25 to 30 "controversial missions." For example: He approved a strike against an Iraqi artillery battery in a soccer field next to a mosque because it was firing on the 3rd Infantry Division's artillery headquarters.

The choices could be agonizing. He says he asked himself, "How many Americans do I have to let get killed before I take out that (Iraqi) weapons system?" Ten to 15 times, Cayce advised commanders against firing on a target; they never overruled him. Five times, in fact, they decided against using cluster munitions even after he gave them the go-ahead because they believed the risk to civilians was too great. "We didn't just shoot there willy-nilly," he says.

"It was the enemy who was putting his civilians at risk. . . . They put their artillery right in town. Now who's at fault there?"

Rather than call upon their artillery to hit a target with cluster munitions, U.S. ground forces preferred either to use other weapons, such as M–16 rifles or tank rounds, or to summon the Air Force to hit Iraqi targets from the sky with precision bombs. "Cluster munitions were the last choice, not the first," Cayce says.

But aircraft frequently were unavailable. Sometimes the weather was bad or sandstorms were swirling. Sometimes Air Force pilots insisted on seeing targets instead of relying on radar readouts. The cluster munitions, especially M26 rockets fired by a multiple-launch rocket system (MLRS), had greater range than other weapons and were more reliable in bad weather.

Commanders also thought an MLRS was better at returning fire and killing the enemy. "MLRS is ideal for counterfire," says Col. Ted Janosko, artillery commander for the Army's V Corps. In fighting on March 31 around Karbala, 50 miles south of Baghdad, U.S. forces came under heavy artillery fire from the Iraqis. "We used (MLRS) rockets to fire back," Janosko says. "As soon as we started using rockets, guess what? We never heard from that unit again. I'm not going to say we killed them all . . . but believe me, they did not fire again from that position."

The 3rd Infantry Division also used MLRS frequently. The rockets can go more than 20 miles, and they spray a wider area than other weapons. The 3rd Infantry fired 794 MLRS rockets during the Iraq war, according to an assessment by two high-ranking division artillery officers in the U.S. Army journal Field Artillery, published at Fort Sill, Okla.

As they raced north from Kuwait toward Baghdad in late March and early April, U.S. forces fired rockets and artillery shells loaded with bomblets into Iraqi troop and artillery positions in Hillah, in Baghdad and in other cities. U.S. aircraft sometimes dropped cluster bombs as well.

Just before U.S. forces' "thunder run" into Baghdad on April 7, the 3rd Infantry Division fired 24 MLRS cluster rockets into Iraqi positions at an important intersection in the capital. The damage assessment, recounted in the Field Artillery article: "There's nothing left but burning trucks and body parts."

The PRESIDING OFFICER. The time of the Senator from California has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I reiterate my opposition to this amendment. The rules of engagement properly belong with the Department of Defense and the Commander in Chief. This amends and sets forth restrictions on the ability of our military to use these munitions to protect our people in the future. It also would put on our military and our executive branch the duty of trying to determine how weapons might be used in the future, should they sell these weapons to other countries.

We have been informed that this amendment is opposed by the Department of Defense. It is their determination that once the weapons have been transferred to a country under a sale that is permitted, it would not be possible to enforce this restriction. They point out the Arms Export Control Act already has broad guidelines on the use of weapons sold by the United States. And if that act is violated, the United States may impose sanctions and deny sale or transfer of weapons in the future, and has, as it did in 1982, sanctioned a country for misusing such weapons, not these in particular but the weapons that had been sold.

The Senator from California said if anyone wants to stand up and talk about using these munitions, they ought to defend them. Some of the instances which the Senator from California mentioned were years ago when the areas were not occupied by civilians at all. And later the civilians moved into the areas, areas that had not been cleared properly by the country involved. I think that is a dangerous situation. Obviously, it is a difficult situation.

But I would urge her to go back to the countries she mentioned and reconsider the reason for the use of these weapons in the past—in Korea, in Vietnam. I do not think we used them in Spain. But they were used in Spain after having been sold to Spain. The concepts here are impossible for our commanders to protect our forces with the prohibitions that are involved. It is impossible for us to enforce.

We have a population of approximately 300 million people. We are involved in situations throughout the world and have been. Just remember the "Marines' Hymn: From the halls of Montezuma to the shores of Tripoli." We have been doing this for years, protecting our system abroad and protecting freedom abroad. It is not the province of the Senate to enact rules of engagement. We authorize people to do it, and we review them—if you want to have a hearing on it and review the rules of engagement, I will be pleased to participate in such a hearing—but we do not write them. And we should not attempt to restrict them. I think this would place a dangerous restriction on the options available to our commanders, as I have said.

If the issue is a relatively high rate of existing inventory, as the Senator indicates, then the solution is to replace these munitions with improved items, many of which are not possible to manufacture now because of existing restrictions on such manufacturing.

I do not believe it can be shown we have used these weapons indiscriminately in civilian areas. I believe civilians have moved into areas where they have been used in defense of our country and defense of our people.

So under the circumstances, I oppose this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. STEVENS. Madam President, it is my understanding this is the time set for the vote on Senator FEINSTEIN's amendment. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. STEVENS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—30

Akaka
Baucus
Bingaman
Boxer
Byrd
Cantwell
Carper
Conrad
Dayton
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Menendez
Mikulski
Murray
Obama
Reed
Reid
Sarbanes
Stabenow
Wyden

NAYS—70

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 4882) was rejected.

Mr. DURBIN. Madam President. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4895

Ms. MIKULSKI. Madam President, I am here to join with my colleague, Senator PAUL SARBANES, to offer an amendment, which we have at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, and Mr. SARBANES, proposes an amendment numbered 4895.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to a private-public competition conducted under Office of Management and Budget Circular A–76 that was initiated on June 13, 2000, and has the solicitation number DADA 10–03–R–0001)

On page 218, between lines 6 and 7, insert the following:

SEC. 8109. None of the funds appropriated or otherwise made available by this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to a private-public competition conducted under Office of Management and Budget Circular A–76 that was initiated on June 13, 2000, and has the solicitation number DADA 10–03–R–0001.

Ms. MIKULSKI. Madam President, I ask unanimous consent that Senator SARBANES be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I thought we had an agreement to stand in recess at 12:30.

Ms. MIKULSKI. If the distinguished Senator will yield, I thought there was an agreement for us to offer this amendment and not ask for a vote on this amendment. Had the Senate followed the regular order, we would have been done with the other business, the pending business on cluster bombs.

Mr. STEVENS. Was there an order for the recess at 12:30?

The PRESIDING OFFICER. There is an order to recess. The Senator from Maryland will need unanimous consent in order to proceed beyond the hour of 12:30.

Ms. MIKULSKI. I apologize. Madam President, I ask unanimous consent that the session be extended for 10 additional minutes so that Senator SARBANES and I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Will the Senator yield? I thought the amendment had been offered.

Ms. MIKULSKI. No, it has not.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Madam President, parliamentary inquiry: Is the amendment now pending?

The PRESIDING OFFICER. The amendment is now pending.

Mr. SARBANES. And we have this unanimous consent request to take 10 minutes in order to proceed; we are trying to help the chairman move this process along.

Mr. STEVENS. Madam President. I have no objection to offering the amendment and making comments about its introduction. The Senator wants 10 minutes?

Ms. MIKULSKI. Yes.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. We will move briskly. This is to fix a terribly botched competition for Federal jobs at the Walter Reed Army Medical Center. This competition has wasted taxpayer money. It is unfair to Federal employees, and we urge that it stop. We are opposed to this because it has gone on too long, it is unfair, it has broken the rules, and cost taxpayers an incredible amount of money.

I do wish at this time, though, to pay tribute to the distinguished Senators, the chair and the ranking member of the Defense Appropriations Subcommittee, Senator STEVENS and Senator INOUYE. We have had no finer, more hard-working champions for Walter Reed and military medicine than those two men. So in raising this amendment, we understand where they are and why they also don't want to get into individual privatization issues, but this was such an egregious, unfair process, we felt we had to do this.

This amendment would privatize 350 jobs at Walter Reed, mostly landscapers and maintenance workers.

Why is this A–76 so flawed? Well, the competition has broken the rules. It has gone on and on and on. It is deeply flawed. It is disastrous. It started in June of 2000. It has lasted more than 6 years, beyond a full Senate term and longer than a President's term. OMB says that it should not have gone on more than 12 months, but this competition has gone on for more than 6 years. Federal employees in 2004 September were declared the winner of this competition, only to have the decision reversed 2 years later—not 2 days, not 2 weeks, but 2 years. Then DOD kept putting out new plans. They announced a new plan where they amended it 16 times. Every time the Federal employees won, the Army came up with a new rule. The last amendment included 1,500 changes. This was the 49th month of this solicitation, and once again they said: Let's start over. They keep changing the rules every time the Federal employees win, and then finally they lost it in 2006 after this chaos.

Now, does contracting out save money? You bet, sometimes, but not this time. It has already cost the military $7 million to conduct this privatization. It is going to cost another $5 million to implement. When the demands on Walter Reed are so high, when we have a war that has no line item, should we be spending tax dollars to implement a program that will not save it? This will not save the taxpayers' money.

Also, I bring to my colleagues' attention that Walter Reed will be closing in just a couple of years. Why privatize now? It is a solution that is wrong. The competition was flawed. It does not save taxpayers' money. Sure, we understand contracting out when it is legal, when it is fair, when it saves taxpayers' money and maintains integrity. This amendment will eliminate the funding to carry this out, and we urge its adoption at the appropriate time.

Mr. SARBANES. Madam President, how much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining.

Mr. SARBANES. Madam President, I wish to very strongly underscore the arguments made by my very able colleague, Senator MIKULSKI, with respect to this amendment. I am very pleased to join with her in offering it.

This amendment would put an end to a very costly and flawed A–76 competitive sourcing study at Walter Reed Army Medical Center, which is, of course, one of our foremost military hospitals. There have been numerous and serious flaws in the conduct of this A–76 study. The study has been going on now for 6 years—contrary to law governing the A–76 process. As a result, it has been extraordinarily expensive and promises to be even more expensive if completed.

The Federal employees actually were declared the winner of this competition in September of 2004, only to have that decision reversed earlier this year. The decision was reversed after a whole new set of amendments were made with respect to the bidding process. In fact, the solicitation has been amended a number of times with hundreds of changes, making the process terribly unfair to everyone involved. This particular A–76 is so egregious that it ought to be brought to an end, and that is what this amendment proposes to do.

I believe the situation as it currently stands is also having a detrimental impact on the work being done at Walter Reed. The A-76 study covers base operation support services—workers who deal in landscaping and maintenance. The requirements now are that these A-76 processes cannot go on for more than 30 months—in part to avoid such a disruption in the workforce. However, this study has been going on for more than 6 years. Obviously it is having an impact on the morale of the employees and resulting in a loss in productivity. So I urge my colleagues to be supportive of this amendment, which will bring this costly and flawed A–76 study to an end and help Walter Reed maintain the high level of services which characterizes that fine institution.

I would also add that the BRAC Commission has recommended the consolidation of Walter Reed with the Bethesda Naval Medical Center. That is supposed to take place over the next few years. That seems to me to be an additional argument for adopting this amendment.

In other words, in a very short period of time, Walter Reed will move to a new campus where we will be developing a new, more modern, military hospital. At that point, the base operations workforce will have to be reshaped to fit the needs of this new facility.

So I urge my colleagues to respect the reasonable rules of the bidding process, rules which have been so departed from in this instance. We should adopt this amendment to ensure that this and other competitive sourcing studies are conducted pursuant to the laws and regulations governing the A–76 process.

I very strongly support my colleague. I commend her for her important leadership on this issue. Let's be fair to the employees. Let's honor a reasonable bidding process with its own rules and requirements.

If Federal jobs are to be subject to the competitive sourcing process, Federal agencies should follow the rules and requirements governing that process. That has not been done in this instance, which is the reason I support the amendment that is pending before us.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the distinguished Democratic leader seeks recognition now. I ask unanimous consent that the majority leader be recognized immediately following Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I will at an appropriate time send an amendment to the desk. The amendment will read as follows:

At the appropriate place insert the following:

It is the sense of the Senate on the Need for a New Direction in Iraq Policy and in the Civilian Leadership of the Department of Defense.

Here are the findings.

1. U.S. forces have served honorably and courageously in Iraq, with over 2,600 brave Americans having made the ultimate sacrifice and over 20,000 wounded.

2. The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with over $300 billion in additional debt.

3. With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

Therefore, it is the sense of the Senate that:

1. Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.

2. President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change of course would be to replace the current Secretary of Defense.

In war, strategy is the searchlight that illuminates the way ahead. In its absence, the U.S. military would fight hard and well but blindly and the noble sacrifices of soldiers would be undercut by the lack of thoughtful leadership at the top that soberly assessed the realities of the situation and constructed a response.

That is a direct quote from a book called "Fiasco," which was written by Washington Post senior Pentagon correspondent, Thomas Ricks. The quote concerns a war and a Secretary of Defense I would like to talk about today. The war is Iraq, the Secretary of Defense is Donald Rumsfeld.

For me, it was not a quick or easy decision to come to the floor to demand that President Bush replace Secretary Rumsfeld. I have always held the opinion that the President of the United States deserves ample leeway in determining who serves in his Cabinet. Regrettably, after 5 years of mismanagement and mistakes in Iraq that have made America less safe, the time for that leeway has passed. So, today, as I have indicated, I will offer an amendment expressing the sense of the Senate that President Bush replace Secretary Rumsfeld immediately.

This amendment is bigger than Donald Rumsfeld. This is about changing course in Iraq and the President demonstrating to the American people he understands America cannot stay the course when the present course is taking our country in the wrong direction. The United States currently has about 140,000 soldiers serving in far away Iraq. Thousands have served coming from Nevada. Hundreds are there right now. They are bravely performing their jobs, but it is time for the President to do his and chart a new direction in that far away land called Iraq.

In the last month, scores of U.S. soldiers and marines have been killed. Hundreds of U.S. troops have been wounded. More than a thousand Iraqis have been killed. American taxpayers have lost another $12 billion to this mismanaged war. The totals for this conflict now approach 2,700 Americans killed and over 20,000 Americans wounded. A third of these wounded soldiers and marines are missing arms, legs, eyes. They are paralyzed or coping with brain injuries, and over $300 billion of debt already has been expended for which the American taxpayer must foot the bill.

Today, because of Iraq, the readiness of our troops has declined to levels not seen since Vietnam. There is not a single Army nondeployed combat brigade that is currently prepared to meet its wartime mission. I repeat, not a single nondeployed combat brigade is currently prepared to meet its wartime mission. And the Chief of the National Guard has said the Guard is "even further behind or in an even more dire situation than the Army."

In peacetime such a state of our military would be disturbing. At a time of war, this is unacceptable. The facts on the ground do not lie. All the speeches by President Bush, all the speeches by the Vice President, all the speeches by Secretary Rumsfeld do not change what is taking place on the ground in that desert called Iraq. The current course in Iraq is not working, not for our military, not for the Iraqi people, and not for our security.

Five years after the attacks of September 11, 2001, America is not as safe as it needs to be. Secretary Rumsfeld and the Bush White House have mastered the politics of national security.

but as we have seen day after day, week after week, month after month, in Iraq they have failed to do what it takes to make America safe.

This is not a personal attack. I am not looking to pick a fight with Secretary Rumsfeld or the President of the United States, but it is about making America as safe as we can and should be. Secretary Rumsfeld's failed track record is well documented, and the consequences of his mismanagement on American national security are well known. Secretary Rumsfeld was a leading participant in the administration's cherry-picking and manipulation of intelligence in the run-up to the war, exaggerating Iraq's connections to al-Qaida and the threat posed by its weapons of mass destruction—which didn't exist.

As a result of his and others' actions, our Nation was rushed to war based on faulty facts, and the Pentagon is now spending $20 million on a public relations campaign to rebrand the war to the American people. New money, $20 million—public relations.

Secretary Rumsfeld was one of those who ignored the advice of the uniformed military and went into battle in Iraq with too few troops and no plan—no plan to win the peace. As a result, the insurgency was able to gain a foothold in Iraq, and now even the Pentagon is forced to conclude that civil and sectarian strife threatens our troops and the future of the country of Iraq. Secretary Rumsfeld was the one who directed disbanding the Iraqi Army and purging of all Baath Party officials from the Iraqi Government. His lack of preparation delayed the training of Iraqi security forces for untold time.

As a result, here we are, more than 3 years later, with not a single Iraqi Army battalion that can operate independently—not one. We should remember the Secretary's mistakes are not all buried in the past. Just last week he demonstrated again he is not the man for the job. As he spoke to the American Legion this became very clear. His remarks were wrong, they were unnecessary, and they were a slap in the face to every American.

Rumsfeld's speech was filled with reckless, irresponsible assertions, but the most insulting and misguided words compared the critics of the Bush administration's Iraq policy to those who appeased the Nazis, leading to World War II—a statement made by our Secretary of Defense. These assertions were offensive and indicative of a Secretary of Defense who has lost his way, who is not capable of overseeing America's defense or certainly a new direction in Iraq; who is more concerned, it seems, with the Bush administration's political fortunes than the safety and security of the American people; and who must be replaced.

Keith Olbermann of NBC observed, after Rumsfeld's comments, as follows:

> [His speech] did not merely serve to impugn the morality or intelligence—indeed the loyalty—of the majority of Americans who oppose the transient occupants of the highest offices in the land. Worse, still, it credits those same transient occupants—our employees—with a total omniscience; a total omniscience which neither common sense, nor this administration's track record abroad, suggests they deserve.

We need to change course, and it starts at the top with President Bush.

Before anyone dismisses this amendment as partisan politics, I would like to remind my colleagues that Democrats are not alone in criticizing the poor performance, the faulty performance, the unfortunate performance of Secretary Rumsfeld. In fact, on page 18 of the Hill newspaper today, there is a full story on all the Republicans who oppose Secretary Rumsfeld and say that he should leave.

From the military we have heard from at least eight retired generals have called for his resignation. These are some of the best of the best. Who are these eight? Are they fly-by-nighters? Do they have any ability to speak, to say Rumsfeld should go? Who are they?

Retired MG Charles Swannack, former commander of the Army's 82nd Airborne Division—that is a real soldier; retired MG John Batiste—whom we have all met; he used to come and brief us here—who commanded the Army's 1st Infantry Division in Iraq in 2003 and 2004. I would think he would know or have some idea of the competency of the Secretary of Defense.

Third, Marine LTG Greg Newbold; No. 4, MG Paul Eaton, who was in charge of training Iraqi troops in 2003 and 2004; Former NATO Commander Wesley Clark, a four-star general; Army MG John Riggs; Marine GEN Anthony Zinni, the former Commander of the United States Central Command; LTG Paul van Riper, United States Marine Corps, Director of the Command and Staff College, Quantico, VA.

Those are just eight. There are many more.

From the Republican side of the aisle, we not only have page 18 of the Hill—anyone within sound of my voice can read that. I am not going to go through all the names. We have heard, though, from Senators in this body—Senators McCAIN and HAGEL, two war heroes from Vietnam. JOHN McCAIN served in a prison war camp for years—not months, years. Senator HAGEL saved his brother from death in the battlefields of Vietnam. Both are highly decorated. I repeat, two heroes of Vietnam who have been harsh critics of the Secretary of Defense have said they have no confidence in Rumsfeld. Senator HAGEL said:

> The concern I've had is, at a very dangerous time, (the) Secretary of Defense does not command the respect and confidence of our men and women in uniform . . . There is no real question about his capacity to lead at this critical time.

This is Senator HAGEL quoted in the Lincoln Journal Star.

In the House of Representatives, the list is very long. I will not name all of the Members. Longtime Congressman CHRIS SHAYS from Connecticut, who has been in Iraq 14 times, is quoted in today's New York Times as saying he would vote for an amendment of "no confidence" if it came to the House of Representatives.

These men are card-carrying conservatives. If we go out of Congress, we can find other leading conservatives. How about William Kristol?

> Actually, we have a pretty terrific Army. It's performed a lot better in this war than the secretary of defense has . . . Surely Don Rumsfeld is not the defense secretary Bush should want to have for the remainder of his second term.

From the Washington Post, that is a direct quote.

Across the country and in my own State of Nevada, people from all walks of life have called for Donald Rumsfeld to step down, asking the President to make a change. This would be a start in the change of direction. There is a reason for this bipartisan groundswell: Having the right leadership to keep America safe is not a partisan issue; it is a national priority.

Today in the Senate, I hope we see similar bipartisan support for this amendment, this vote of no confidence. There is no better way for the Senate to show the American people and, indeed, the world that we are committed to success in Iraq and a more secure America than by demanding that President Bush find leadership from the Pentagon that matches the skill, determination, and commitment of our valiant troops. We need a vote on this amendment. It cannot fall to parliamentary tricks. Our troops and the American people must be given the opportunity to see that the Senate stands with them in seeking a new direction for our country.

This amendment, which I will send to the desk later, says:

Sense of the Senate on the Need for a New Direction in Iraq Policy and in the Civilian Leadership of the Department of Defense

Findngs:

1. U.S. forces have served honorably and courageously in Iraq, with over 2,600 brave Americans having made the ultimate sacrifice and over 20,000 wounded.

2. The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with over $300 billion in additional debt.

3. With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

Therefore it is the sense of the Senate that:

1. Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.

2. President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change of course would be to replace the current Secretary of Defense.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the distinguished Senator, the Democrat leader, the Senator from Nevada, is a close friend. I am sad to disagree with him as violently as I do.

I have known Secretary Rumsfeld, Don Rumsfeld, for many years. He came to Washington with Congressman Jerry Ford. He has been in and out of Washington. He has done a great many things, committed a great portion of his life to the service of this country. He is highly intelligent. He is one of the first persons to serve as Secretary of Defense twice. He served previously as Secretary of Defense. He was a person who served in the White House. He has been a very impressive Secretary of Defense.

Since 1981, either Senator INOUYE or I have been the chairman of the Defense Appropriations Subcommittee. During that time, we have met with Secretaries of Defense. I met with them prior to that time, and I served in the Eisenhower administration and knew the Secretaries of Defense then and knew them personally. I can think of no one who has worked harder as Secretary of Defense than Don Rumsfeld.

I have been in meetings with him and members of the Joint Chiefs—with all of the Joint Chiefs—with other members of the defense and intelligence establishment. The rapport he has built up among those who serve this country in uniform and serve this country in the intelligence field is overwhelming. I have been to meetings he has held with the Chiefs, just quiet dinner meetings, to discuss basic subjects that were part of our jurisdiction, the Defense Appropriations Subcommittee jurisdiction. I have seen the way those people interact with Secretary Rumsfeld.

I know some people say there are dissidents in the Department of Defense. It would be surprising in a country as large as ours, with a Defense Department as large as ours, if there were not some. I do believe he has the support of those who are involved in managing our activities at home and abroad now in the defense area. He has a steady hand. I know he has the trust of the President. I admire the work he has done.

I find it unfortunate that this bill will be held up now for a period of time debating the future of Secretary Rumsfeld. I say categorically that this amendment is nongermane to this bill. It is subject to a point of order. I will make the point of order when the amendment is laid down. Everyone realizes that.

The time we take to discuss this subject is going to delay getting this bill to the President to be signed. I repeat what I have been saying for over a month: it must be to the President and signed and the money ready to be allocated on October 1. The funds are absolutely necessary this time. There will be no bridge for this period. These moneys must be available. I hope Members of the Senate will be brief. I will be reasonably brief in terms of what I am saying about my good friend, the Secretary of Defense, Donald Rumsfeld.

He has forged close relationships. He has earned senior military leaders' confidence. Just 2 weeks ago, I was in Fairbanks with him when he dedicated the Lend-Lease Memorial, the memorial to those Army Air Corps pilots who flew planes to Fairbanks and the Russian pilots who flew the planes on into Russia, going across the Bering Strait, going across Siberia, going across the Urals and into the area where they could be used in the defense of the Allies against the Nazi challenge to the world. Secretary Rumsfeld was overwhelming.

The interesting thing was our partner at the dinner table was the Secretary of Defense from Russia—a gentleman with a great deal of capability, by the way. He speaks English very well. We had a delightful conversation about the past, about the war.

It was my honor to serve in World War II as an Army Air Corps pilot. I was pleased to see so many of my colleagues. Everyone was delighted with Secretary Rumsfeld and was overwhelmed to have their pictures taken with him.

This man deserves the support of the Senate. He does not deserve the opposition, I am sad to say, in my opinion, on a purely political basis. There may be some on this side of the aisle who have lost confidence, but this Senator has not.

I hope and I pray that Members of the Senate will be reasonably brief in their comments on this proposal.

Mr. WARNER. Will the Senator yield?

Mr. STEVENS. I am happy to yield.

Mr. WARNER. Mr. President, I will eventually address my own remarks, but as the distinguished Democratic leader spoke, we had the majority leader here. It was his intention, of course, to follow the Democratic leader with his remarks. He was called to the White House, and therefore we will have to hear from our distinguished majority leader later in the day on this matter.

If I could ask my colleagues across the aisle, perhaps we could alternate. Senator STEVENS has spoken; perhaps I could follow your next speaker as a matter of comity.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, let me say initially——

Mr. STEVENS. I still have the floor. I am happy to yield. I want to have the consent entered into. If the Senator from Illinois is willing to enter into the agreement, we can go back and forth across the aisle. I am happy to agree to that unanimous consent with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Let me say initially that I am sure during the course of the debate there will be many raising the question of whether we should spend this time on this debate. The fact that we might spend 4 hours on the debate over a war we are now facing for our fourth year indicates that it truly is appropriate.

What we would like to do is ask unanimous consent that the following Democratic Senators be recognized in the order as stated with the understanding that if a Republican Senator seeks recognition, they would be recognized in alternating fashion.

I will read the list of Democratic Senators in the order in which they will speak: Senators SCHUMER, DURBIN, LEVIN, REED of Rhode Island, KERRY, CLINTON, KENNEDY, HARKIN, BOXER, DAYTON, CARPER, DORGAN, MURRAY, and MIKULSKI.

Mr. WARNER. Mr. President, at this point in time, I reserve, with the understanding that I encourage it be agreed to, but the distinguished Senator from Texas, the Senator from Alaska, and others are going to work on the sequencing over here, so I wonder if we could just informally say we will follow that until such time as one of these two come over and agree.

Mr. DURBIN. In response to the Senator from Virginia, this only reflects the order of the Democratic speakers, but if the Senator would like to withhold the agreement of this until the Senator has his complete list——

Mr. WARNER. A list, thank you.

Mr. DURBIN.—I am happy to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The request is withdrawn.

Mr. DURBIN. I ask unanimous consent that Senator SCHUMER from New York be recognized for this side of the aisle.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will be brief. I know we have a long list of Members who wish to speak on this weighty and important matter.

First, I compliment the minority leader. The resolution he has put forward is well thought out and covers a range of issues for those who believe the war in Iraq needs a new direction; therefore, I am proud to support this resolution. I hope we can get bipartisan support for it. Most Americans—Democrats, Independents, and Republicans—believe we need a new direction in Iraq. That is what this resolution personifies.

Our troops on the ground and their loved ones here at home deserve a clear policy, a plan, from this administration—not rhetoric, not name-calling, not "kneecapping"—a plan, a direction. We cannot continue to pour lives and resources into Iraq without a clear plan for transitioning the security of Iraq to Iraqis. With the insurgency diving into civil war, we need to come up with this plan now.

No Americans anticipated that the main goal of our troops would be to police a civil war, knowing the longtime hatred between the Shiites and the Sunnis, between the Shiites and the Kurds, and the Sunnis and the Kurds. Yet that is what this war is devolving into right now.

In sum, to fight a war on terror, we need to be both strong and smart. With Secretary Rumsfeld and this administration, you do see a great deal of strength, but we do not see enough of the smarts. We can have both. The two are not contradictory.

Furthermore, Secretary Rumsfeld's comments last month before the American Legion show he does not get it. The President's comments yesterday show he doesn't get it. We do not need to be reminded that Osama bin Laden is still alive. It is 5 years since September 11, and he is still alive. We will address that in an amendment both colleagues from North Dakota will bring up.

Certainly, when Secretary Rumsfeld tries to draw the analogy to World War II, the analogy is flawed. Back in the late 1930s, indeed, there were many Americans who wished to appease Hitler and thought he could be won over. I don't know of an American who thinks we can appease the terrorists, al-Qaida and the others who strike against us. It is a false analogy. I dare them to name a single Member of this Senate or the other body or anyone else who is seeking appeasements of the terrorists.

Secretary Rumsfeld's speech in Utah was a low point. We got a lot of name-calling, more slogans, but for all the hype, we did not get any new policies. One has to ask: Is the name-calling, is the hype—are there imperfect historical analogies made because there is no plan? That is what it seems to be.

When the American people—Democrats, Independents, and Republicans—are crying out, in droves, for a change in direction and a new policy, we hear none. We never get a plan. Unfortunately, we also often do not get straight answers.

When Secretary Rumsfeld was asked by a member of our Armed Forces about the lack of body armor, he could not give a direct and forthright answer. We must get answers on what has gone wrong. We need to hear a plan for getting it right. Unfortunately, we have heard neither from this administration, and particularly our Secretary of Defense.

This is not even about the end game because that is the President's responsibility. And we are going to be focusing on President Bush repeatedly on that issue. This is also about the implementation of the administration's own goals, and that falls on Secretary Rumsfeld's shoulders.

When a schoolteacher tells one of our colleagues, Senator DORGAN, that she had to pay for the body armor for her son who was in Iraq, something is wrong with the implementation. That does not go to the plan. That does not go to whether you are a hawk or dove. Everyone would think our troops would need body armor. Yet tens of thousands did not get it on Secretary Rumsfeld's watch.

When Iraq was supposed to have, by now, a self-sufficient army that could guard against a civil war, and it is not even close, the implementation of that falls on Secretary Rumsfeld's shoulders. Not even discussing whether democratization is right, it has not been done appropriately or properly.

So to say that Secretary Rumsfeld should be removed from office does not let the President off the hook. He is responsible for the policies, and those are not working. But Secretary Rumsfeld has not only gone along with those policies, he has been the lead figure in the failure of the actual implementation of those policies.

Democrats want new strategies and new ideas to fight a strong war on terror, to secure the peace in Iraq. We certainly do not want the continuation of the status quo, which is clearly not moving Iraq in the right direction.

There have been major tactical failures which Secretary Rumsfeld and the administration refuse to admit: failure to protect vital infrastructure, failure to protect the streets from looters and violence, failure to protect a strong Iraqi security force.

However, these failures are among many, and they are things that neither the President nor Secretary Rumsfeld will own up to, much less address.

People in this administration, this week, are giving a lot of speeches on this topic. But they never talk about a plan, a change in direction, what we are doing wrong, why it has not worked, and what has to change to make it right. If you ignore the realities and simply engage in a game of name-calling and sloganeering, you are never going to solve the very real problems.

In conclusion, Mr. President, the bottom line is very simple: The American people want some answers. What is the game plan in Iraq? How are we going to win the war on terror? We need answers to these questions and a new direction in Iraq. Removing Secretary Rumsfeld from office will be a first step to accomplishing that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Thank you, Mr. President.

I am afraid if my Democratic colleagues spent half the time helping us fight this war on terror as they do attacking the administration we would be a lot closer to winning this war. But, unfortunately, they are very united in defeatism, in their negative attacks on the President, and, in the process, encouraging terrorists all around the world, sending the signal that America is frustrated and ready to quit.

America is not ready to quit.

As they continue their attacks, I would like to remind them of the progress we have made since President Bush took office. Before President Bush took office, after 8 years of President Clinton's administration, Afghanistan was a worldwide staging area for terrorism, where the training took place, communications were organized, financing took place. Iraq was sitting on multiple chemical weapons in defiance of the United Nations resolution. Numerous terrorist attacks had occurred against our warships, our embassies. And our administration, under President Clinton, did nothing.

Again, terrorism was unchallenged and undetected. President Clinton was doing exactly what our Democratic colleagues want President Bush to do now. They tried to stop the PATRIOT Act so that we would not have the tools to fight terrorism. They have tried to stop the interception of communications from terrorists into this country so we could not find out who they were and what they were planning. They have complained about tracing the financing of terrorism around the world—when this President took action.

We need to remind our Democratic colleagues that before President Bush took office, 9/11 had already been planned under the Clinton administration, been financed. The communication was set up. All the tools that the President needs and has used to protect us were not used then. So 9/11 has happened.

But since 9/11, this President took action. And with the support of this Congress, he along with his staff has changed Afghanistan. Afghanistan is no longer the staging area for terrorism. And a signal has been sent to any country that does it.

Afghanistan is now a democracy. Women can vote and go to school. Iraq no longer has control of their arsenal of chemical weapons. Iraq is moving toward a democracy, admittedly with many difficulties.

But if our Democratic colleagues had their way, Iraq would become the new staging area for terrorists. Being between Iran and Syria, if we leave before this country can stand up on its own, everyone knows it will be in the hands of terrorists.

We cannot retreat. We must fight this global war that has been declared on us. There is a reason there has been no attacks in this country since 9/11. It is because we have been attacking the terrorists all around the world.

The Democrats are united. They are united in the idea of retreat and defeatism. They attack this President with no ideas of their own. They are trying to take the tools to fight terrorism away from this President—the PATRIOT Act, the interception of communications, tracing finances. On every turn, the Democrats are obstructing the things that have changed with this President that allowed terrorism to grow unchallenged for 8 years under the Clinton administration.

Now my colleagues on the other side of the aisle have stooped to attacking members of the President's Cabinet. I think it is time to get this amendment off the table. It is not germane. We need to get back to the business of approving the resources that our soldiers need.

I would appeal to my Democratic colleagues to stop performing for an audience and help us fight this war on terror.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am glad the Senator from South Carolina is still on the Senate floor because I want to make clear that debating the war in Iraq is not a performance. It is part of our responsibility. This is the world's, maybe the Nation's, greatest deliberative body. And if we do not take a few hours to address the policies and strategies in Iraq, then we are not living up to our responsibility.

The Senator from South Carolina went on to say that we tried to stop the PATRIOT Act. The Senator was not here when the PATRIOT Act was considered. He was still a Member of the House, and he may not know what happened. But with the exception of one Member on our side of the aisle, every Senator voted for the passage of the PATRIOT Act. It was a strong bipartisan vote. Also, for the reauthorization of the PATRIOT Act, it was a strong bipartisan vote.

When it came to obstructing the President's efforts in Iraq, I will concede I was 1 of 23 Senators who voted against the authorization of force. But I have voted for every penny this President has asked for to wage this war in Iraq. On a bipartisan basis, we have provided this President with every resource. So this version of the past which the Senator from South Carolina has recounted, I think, is deficient in many respects. I hope when he reviews the record he will realize that.

I will also tell you that I believe this is an important debate today, and it is, of course, focused on the Secretary of Defense but, more importantly, focused on our strategy in Iraq. The Democratic side of the aisle believes we need a strategy for success. We need to make certain that when we do leave Iraq, it is with our mission truly accomplished. And that means, of course, changing direction on our policies in Iraq.

As we pass this bill, which will add to the nearly $300 billion in our national security effort, we continue to make a great investment in Iraq—no greater investment than the human lives that have been lost by our brave American soldiers who have served there. Yet it is our responsibility, in fact I think it is our constitutional responsibility, to question the policies of the administration when we disagree with them.

Retired GEN Wesley Clark stated yesterday that our Nation made a strategic mistake in invading Iraq.

We went into that war on the basis of poor intelligence, with too few troops, and without the necessary equipment. Our troops paid a heavy price for those decisions.

Today, we face a situation in Iraq which the Pentagon told us last week is dangerously close to civil war. We cannot continue along this same pattern. Our soldiers deserve better.

If we are to change policy in Iraq, we need new leadership at the Department of Defense. We need a fresh start. We need a new team. We need a new direction when it comes to our strategy in Iraq.

Our Armed Forces have shown extraordinary courage. They have done everything we have asked of them. With courage and with dedication they have adapted to conditions on the ground with enormous skill and ingenuity. But decisions by the leadership at the highest levels of the Government—at the White House and at the Department of Defense—have magnified the challenges our troops face.

I listened as the Senator from South Carolina talked about nuclear weapons in Iraq and weapons of mass destruction. I am sure he did not mean to state that we found those weapons of mass destruction because, despite the best efforts of our Government, we have found no evidence of the weapons of mass destruction we were told were the reason we had to invade this country. We have found no evidence of the nuclear weapons program which we were told threatened the United States with mushroom clouds.

So to suggest today, as some still do, that there really were weapons of mass destruction when we invaded Iraq, we have never found them, and it is an indication that the American people were misled, misled from the highest levels of our Government as to the true threat against the United States. That is, indeed, unfortunate. And it is unfortunate, as well, that the President, the Vice President, as well as the Secretary of Defense, and others, made statements that misled us into believing that there were threats in Iraq that clearly did not exist.

But when we talk of the record of the Secretary of Defense, even beyond the misleading statements which led to our war, the fact is that at a moment in time the Secretary of Defense said to the President: We are ready to go to war.

We know now we were not ready to go to war.

Do you recall on February 25, 2003, Army Chief of Staff GEN Eric Shinseki testified before the Senate Armed Services Committee? He stated that, in an invasion of Iraq, "any postwar occupying force would have to be big enough to maintain safety in a country with ethnic tensions that could lead to other problems."

He was asked how many troops were needed. General Shinseki said:

> Something on the order of several hundred thousand soldiers.

And he added:

> Assistance from friends and allies would be helpful.

For his candor and his honesty, he was replaced. Instead of sending the necessary troops to make sure we lived up to the Powell doctrine with overwhelming force and responded to the possibilities that were ahead of us after Saddam Hussein was deposed, for his candor and honesty General Shinseki's command was replaced.

The administration was not about to stand still for someone in uniform telling them the stark, honest truth: that without enough soldiers, the ones we sent to war would be in danger.

So we invaded with too few troops to secure the peace. As a result of that decision, and the decision to disband the Iraqi Army, the initial insurgency took hold in Iraq. The miscalculation by the planners and the leaders made life more dangerous for our soldiers on the ground in Iraq.

Since then, sectarian violence has exploded, creating conditions that now approach civil war. And every one of us recalls the situation involving the equipment given our troops. I remember my first visit to Walter Reed Hospital, meeting a National Guardsman from Ohio who lost his right leg at the knee. He said:

> I was in one of those humvees that just had canvas on the side. A bomb went off and I lost my leg. You have to do more to protect those soldiers.

He wanted to go back, even with his amputation, just to show his commitment to our Nation. The leadership under Secretary Rumsfeld didn't show the same commitment when it came to protecting our troops as they road in humvees. I recall a friend of mine whose son is a member of the military police with the U.S. Army. He told me he and his wife went out to buy the body armor that his son wasn't given when he went to Iraq. Have we reached that point, spending billions of dollars, as we have, when individual families have to take up collections at churches or reach into their savings accounts to provide the most basic equipment?

The fact is that that happened, and it happened under the watch of Secretary Rumsfeld. Today, we know the situation with our military. Brave men and women are still willing to serve, but we understand that readiness is a serious issue. Bonuses are being given for those who will join the military or stay in uniform. We understand that the standards have changed because of the difficulty meeting enlistment goals. But these are reality. We know that the National Guard across the United States has 34 percent of the equipment they need to do their job.

Let me remind everybody that the decision to invade was the decision of this administration and this Secretary of Defense. They picked the date, the time, and they established when readiness would be adequate. Sadly, they were wrong. The administration chose to invade Iraq but failed to plan for its aftermath. You have heard about the generals who spoke out, calling for a change in the leadership at the Department of Defense, calling for Secretary Rumsfeld to go. As Senator REID said earlier, these generals were under his command. Many of them had important responsibilities and saw up close this Secretary in action.

I thought one of the most dramatic statements was made by retired LTG Gregory Newbold, a Marine Corps general. He said:

> We need fresh ideas and fresh faces. That means, as a first step, replacing Rumsfeld and many others unwilling to fundamentally change their approach. The troops in the Middle East have performed their duty. Now we need people in Washington who can construct a unified strategy worthy of them. It is time to send a signal to our Nation, our forces and the world that we are uncompromising on our security but are prepared to rethink how we achieve it.

General Newbold went on to say, in some of the most touching and dramatic words I have read:

> The cost of flawed leadership continues to be paid in blood. . . . They must be absolutely sure [speaking of our soldiers] that the commitment is for a cause as honorable as the sacrifice.

Here is what Lieutenant General Newbold of the Marine Corps said in closing:

> My sincere view is that the commitment of our forces to this fight was done with the casualness and a swagger that are the special province of those who have never had to execute these missions—or bury the results.

He is not alone in this assessment, nor is he alone calling for a change in leadership at the Pentagon. For those who stand before us and say that any time we are critical of the policy of this administration we are somehow not standing behind the troops, I will tell you these are words spoken by troops, by soldiers and marines who have been there, paid the price for swearing to stand by our Nation.

Now we have a report from the Pentagon that the situation on the ground in Iraq is deteriorating—a grim portrait last week of Iraq—saying violence has reached its highest level in the last 2 years, with executions, kidnappings, bombings, and torture killings of more than 3,000 Iraqis a month. Ninety percent of the bodies coming into the Baghdad morgue are execution victims. Many were gruesomely tortured before being killed.

According to that assessment, the number of attacks in Iraq over the last 4 months is up 15 percent, and the number of civilian casualties in the last 4 months is up 51 percent. Over 137,000 people have been internally displaced in Iraq since last February, pushed out of their homes. We know it is because of rising sectarian strife and violence. The report from the Pentagon, for the first time, concedes that "conditions that could lead to civil war exist in Iraq."

Today, we have about 140,000 troops in Iraq, and 2,657 brave Americans have given their lives in that conflict as of September 5. We owe it to those who gave their lives and who still serve, and their families who stay behind and pray for their safety, to make sure they have the right leadership.

This is not a question of will. This is a question of leadership and mission. Our soldiers deserve better. They deserve leadership from the Pentagon that will provide them with the equipment they need, the direction they need to make certain that they truly come home with their mission accomplished. We need to change the leadership in the Department of Defense, and we need to change the leadership of this Secretary.

The Pentagon's report makes it clear:

> Since the last report, the core conflict in Iraq has changed into a struggle between Sunni and Shia extremists. . . .

Is that something we bargained for when we voted for this? Did we bargain for the fact that our soldiers are standing in the crossfire of a civil war today? How many times have we been promised that the Iraqis will come to the rescue? We are spending billions to train them and replace our troops. It is not a credible statement until American soldiers start coming home.

Many of us believe that the Iraqis will not stand and fight and defend their own country as long as they believe the American soldiers will do the job. The best military in the world is there to protect them at no expense. We have to let the Iraqis know that this is their responsibility.

I will close by saying this debate makes one thing very clear to the people of America. Neither this Republican President nor this Republican Congress will challenge, nor will they change a policy that has cost us too many brave American lives. 2,657 sons and daughters, husbands and wives, cousins and friends—the people we love who have given their lives so far. Sadly, last week, 18 were added to that list. More were added yesterday.

We have now spent over $300 billion. We are in the fourth year of this fight. There is no end in sight. Suggesting a change in leadership so we can start to move forward in a new direction toward a real victory is long overdue.

Change may not take place in this Republican-controlled Senate. We have been told they will object to even taking a vote on this issue about whether we are confident in the leadership of Secretary Rumsfeld. But even if change will not take place in this Chamber, the American people will still have the last word on November 7.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, at this time, we seek the benefit of the comments of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, listening to the comments of our friends across the aisle, you would think this is more about an election than it is about winning a war. The problem is not so much in the eyes of the critics or the Islamic extremists who attacked the United States time and time again, until we finally woke up on September 11, 2001, and realized we were at war. The problem is not them; the problem is us. It is America. It is America's leaders. We are the problem.

This is more important than any party. This is more important than any election. This is more important than any single person. This is about whether we will win this war that was declared against the United States that we finally woke up and realized was going on, on September 11. It dates back as long ago as 1979, when the U.S. embassy in Tehran was overcome and for 444 days American citizens were held captive by Islamic militants.

Our friends on the other side of the aisle would like to claim that this is all about Iraq and a mistake that was made going into Iraq, and but for that mistake the world would be rosy and we would be at peace. But that is revisionist history.

The fact is that in 1979, when our embassy was captured and Americans were kidnapped in Tehran, and in 1983, when 241 marines were killed in Beirut by Hezbollah, the same terrorist organization that has been lobbing Katyusha rockets, supplied by Iran through Syria, into Israel—yes, this is the same enemy that continued to attack American embassies in Africa in 2000, and killed 17 American sailors on the USS *Cole*. Yes, this is the same enemy that killed almost 3,000 Americans on September 11, 2001, in New York City and Washington, DC, and but for the brave actions of a few on Flight 93, perhaps thousands more would have been killed.

Recently, I attended a speech where the Deputy Secretary of Defense spoke. He asked the question:

> Do you know why it was that these Islamic extremists killed 3,000 people on September 11, 2001? It was because they could not kill 30,000, and because they could not kill 3 million. Is there any doubt in anyone's mind that an ideology that celebrates the murder of innocent civilians in order to accomplish their objective would stop at anything, use any weapon at its disposal to accomplish its ends?

Mr. President, I disagree with our colleagues on the other side of the aisle that this war is limited to Iraq and that if we were to withdraw our troops precipitously, the world would suddenly be a rosy place and we would live in peace.

Unfortunately, this debate seems to be more about criticizing those who are prosecuting the war. No, we are not going to be critical of the men and women in uniform, but our colleagues on the other side of the aisle are all too ready to criticize those who command them, the civilian leadership in the Department of Defense and the Commander in Chief. I am not saying they don't have a right to criticize them. I am not saying that they have been perfect and haven't made mistakes. But I think we need to keep our eye on the threat. The threat is not just Iraq, the threat is in Afghanistan, it is in Madrid, it is in Beslan, it is in London. It is a threat driven by an extreme ideology that celebrates the murder of innocent civilians to accomplish its goals. What would be the consequences of doing as our colleagues on the other side of the aisle suggest, leaving before the Iraqi security forces are able to provide security for their fragile and fledgling democracy? It would be the same mistake that we saw occur in Afghanistan. After the Soviet Union was defeated and Afghanistan became a failed state, we saw the rise of the Taliban and saw its partners in al-Qaida and Osama bin Laden.

Our friends on the other side of the aisle talk about a change in direction, fresh ideas, new direction. Those are campaign slogans. They are not about solving the problem. They are not about beating the enemy, defeating the enemy who declared war on us as far back as 1979.

I know that our colleagues have been critical. Again, they have every right to be. This is America. We believe in free speech. We believe in people being able to express their views no matter how mistaken, no matter how naive.

This administration and the Secretary of Defense have been criticized for saying we need to stay the course, we need to keep the faith, that what we are doing in Iraq and what we are doing in trying to fight and defeat this enemy of Islamic extremism is important to the security of this country because if we were to do as some of our friends on the other side of the aisle suggest and leave Iraq before the Iraqis are able to provide basic security, it would become another failed state. And, no, this is not George Bush's Vietnam because after Vietnam, the Vietcong did not follow us here. That is exactly the threat with which we are confronted today.

The Islamic extremists who have declared war on America and the West will follow us here unless we deal with them on the offensive there. And, yes, every time we seem to talk about the tools that are necessary to win this war, we run into a brick wall of opposition on the other side of the aisle, such as listening to international phone calls between al-Qaida operatives and their confederates here in the United States. Yet our friends on the other side of the aisle said: Foul; the President doesn't have the authority to do that. Only Congress has the authority to do that. So we get into a big food fight about who has the power, who has the authority, not about working together to solve the problem.

When it comes to the issue of how do we deal with those who have been captured on the battlefield and detained in Guantanamo Bay—sources of important intelligence that have disrupted and deterred terrorist attacks and saved American lives—it seems as if the focus is all too often on what should we be doing to make the detainee's life better rather than what should we be doing to get that intelligence which will allow us to detect, deter, and disrupt terrorist activities.

Now the world has turned an anxious eye toward Tehran once again, where the same radical ideology has caused them to supply, through Syria, weapons to Hezbollah, a terrorist organization that has killed more Americans than any other in the world, save and except al-Qaida.

Is there any doubt that if Iran had been able to supply biological, chemical or nuclear weapons to Hezbollah in order to achieve its stated goal of wiping Israel off the map, is there any question that they would have withheld their hand, that they would not have done so?

I have to say I think this must be a very strange picture to the civilized world, those who actually believe we are serious about fighting this enemy who has declared war against the West and against our way of life and against our values, that instead of focusing together on how do we defeat this enemy who declared war on us, we have somehow turned this into an election-year effort to discredit and vote no confidence for the Secretary of Defense. It is the wrong direction.

Our colleagues on the other side of the aisle say there is no plan for success and, of course, there is. It is to provide training to the Iraqi security forces so they can provide security, and we can bring our troops home, allow this new Government in Iraq to resolve its differences after 30 years of tyranny, try to work through the sectarian conflicts by creating a coalition government, and then to allow the Iraqi people to enjoy the prosperity so they can see the benefits of self-determination and free and fair elections.

But our colleagues on the other side of the aisle seem to be long on criticism, long on complaints, and short on plans. They have yet to offer a single concrete idea about what they would do differently to win this war and defeat this enemy. I, as one Senator, would welcome their ideas, if they have ideas, so we can work together to defeat the common enemy because, as I said, this is more important than any election, than any party or any person. This is about the safety and security of our Nation and our hope and dream that the values we represent can be exported—and the blessings of liberty along with it—to other nations that have never known anything but the boot heel of a tyrant.

I hope our colleagues will reconsider and will not pursue this distraction, will not pursue this unwise and inappropriate vote of no confidence against the Secretary of Defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Michigan.

Mr. LEVIN. Mr. President, our current policy in Iraq has not been working; it is not working. It is making us less secure against the common enemy which the Senator from Texas has correctly identified. It is, indeed, a common enemy. The question is whether the current course we are on is contributing to the defeat of that enemy or whether the current course we are on is making us less secure, as our resolution states.

It is long past time for a change in course. When you find yourself in a hole, the first thing you should do is stop digging. Unfortunately, President Bush and the administration just keep digging us into a deeper and deeper hole.

The President has given the Iraqis the impression that our commitment in Iraq is open ended. He reinforced that impression when he said last month: We are not leaving so long as I am President.

The Iraqi leadership needs a wakeup call, a dose of reality. They need to be told: If you don't get your political house in order, if you don't reach a political settlement that leads to the end of the Sunni insurgency and leads to the dismantling of the Shia militia, then we cannot save you from yourselves. It is in your hands, we must tell the Iraqis, not ours. Whether you want to put together a nation or whether you have a civil war is your choice. We have opened the door for you. We have given you an incredible opportunity which no other country would even consider giving but ours. We have paid for it in blood and treasure. But only the Iraqis can utilize that opportunity. We cannot force them through that door that we have opened for them.

The Iraqi leadership now is operating under the misconception that we are there as long as they want us or as long as they need us. That misconception must end. They must be told that they must make the political compromises, they must share resources, they must share political power, that only they can decide if they are going to, in fact, avoid an all-out civil war and defeat the insurgency. We cannot do that for them.

We have been there now longer than we fought the Korean war. They have had an opportunity to create a constitution. By now, they were supposed to consider amendments to that constitution. That apparently has been shelved by the Iraqi political leadership. That is unacceptable to us; it is unacceptable to the American people. The American people want the Iraqi leadership to make the compromises they need to make to avoid an all-out civil war. They must take hold of their country.

We must begin, I believe, a phased withdrawal of U.S. forces from Iraq this year, by the end of this year—and the Iraqis should be told by the end of this year that the phased withdrawal is going to begin. It is essential to do this in order to prod the Iraqis to reach the political settlement which, according to our top commander in Iraq, is essential if all-out civil war is going to be avoided.

This cannot be won militarily. The military piece has been done. We have 80 to 90 percent of the Iraqi military force now trained. It is the political will in Iraq which is lacking, and that will must be brought to bear. We must prod it, we must pressure it, we must push them to do what only they, again, can do.

I believe they must face an abyss. These decisions are obviously difficult, we know that. There is a long history there that needs to be overcome. But the Iraqi leaders must face the abyss. They must face a very stark choice: civil war or nationhood.

The American security blanket is now providing a negative incentive to reach those kinds of essential decisions. Instead, similar to a broken record, President Bush and members of his administration keep saying that the choice in Iraq is between staying the course or withdrawing, cutting and running. That is not the choice. There is a third choice: changing the course, changing the negative dynamic in Iraq, which is the best and, I believe, only hope of achieving our mission. Staying on this downward spiral in Iraq makes no sense.

Some of the President's recent comments on Iraq sound as if he is out of touch with the reality on the ground. For example, the President was extremely naive when he said at a recent press conference that the violence in Iraq, Lebanon, and Gaza was the result of "groups of terrorists trying to stop the advance of democracy." But it is a terrorist group, Hezbollah, which is part of a democratically elected Government of Lebanon, and the democratically elected Government in Iraq supported and identified itself with Hezbollah, a terrorist group, and its attacks on Israel.

The President also said at that August 21 news conference that "Saddam Hussein had relations with Zarqawi," a terrorist who was killed in Iraq. That simply is not true. It continues an administration's tactic of trying to link Saddam Hussein and al-Qaida, a link that our intelligence community has repeatedly said did not exist. It continues a pattern of this administration of falsely linking Saddam Hussein to the people who attacked us on 9/11 in an obvious effort to win public support for the administration's Iraq policy.

It is part of a continuing pattern of misleading and false statements, such as the effort which lasted over years of making the American people believe that there was a meeting in Prague between the head of the Iraqi Secret Service and Mohammed Atta prior to 9/11, Mohammed Atta being the lead hijacker and attacker on us on 9/11. That was false. The intelligence community did not believe that meeting took place. And yet month after month prior to the war and after the war, the administration kept pointing to reports of the meeting that suggested the link between the people who attacked us on 9/11 and Saddam Hussein, trying to create the impression that Saddam Hussein was part of that attack, to such an extent that over half the American people believed that, in fact, there was such a link.

Finally, the President recently insisted there be no withdrawal of American troops so long as he was President. He gave a long list of reasons for his statement, and one of those reasons was that it is what the Iraqi people want, to quote the President. The President is badly misinformed.

An April 2006 survey of Iraqi public opinion conducted by the University of Michigan and reported in U.S. News leads to the opposite conclusion. This survey found that almost 92 percent of Iraqis oppose the presence of coalition troops in Iraq. Even more disturbing than that is the fact that this number was an increase from the 74 percent of Iraqi people who opposed the presence of coalition troops in Iraq in 2004. So that in the 2 years from 2004 to 2006, the percentage of Iraqi people who oppose the presence of coalition troops in their country increased from 74 percent to 92 percent. And almost 85 percent of that 92 percent—almost 85 percent of Iraqis—are "strongly opposed to the presence of coalition troops."

So our open-ended commitment of troops is not supported even by the Iraqis, and it sends the wrong message to the Iraqi leadership.

Our strategy in Iraq is not succeeding. We need to change course. The longer we maintain our failed stay-the-course approach, the weaker we are in the war on terrorism. The Iraqis need to hear a wake-up call from the President instead of a soothing message that we will be there so long as he is the President.

President Bush has repeatedly said that as the Iraqis stand up, we will stand down. The Iraqi security forces are 85 percent stood up. Where is the Presidential promised response that there be at least the beginning of a standdown as the Iraqis have been standing up? Where is that commitment being kept, so critically important to the American people, so repeatedly made by the President of the United States: As the Iraqis stand up, we will stand down? It doesn't say after all the Iraqis have been fully trained, even though they are nearly there. It says as they stand up. And the reason that is so critically important is because as long as the present policy continues, that the Iraqis believe we will be there as a security blanket even though they do not make the political decisions and compromises which are essential to their success, our policy of staying the course, our open-ended commitment makes it less likely that we are going to succeed in Iraq.

I think every Member of this Chamber believes we have a common enemy, and that is the religious fanatics who terrorize innocents. They are a common enemy and we all want to see them defeated. But the current course that we are on makes it more difficult for us to defeat that enemy where they are, and it makes it less likely that we will have the ultimate success which is so essential to our own security.

The amendment that is being offered calls on the President to change course in Iraq. It also says that one important indication of that change would be the replacement of the current Secretary of Defense. I have said in the past that I would call for the changing of the Secretary of Defense if I thought it would represent a change in the administration's policies in Iraq. I have focused on the policies, not on the personalities. But, in my view, as the resolution says, replacing Secretary Rumsfeld would be an indication, finally, that the Bush administration recognizes the need to change course in Iraq, and because it is that policy change which is so essential, I will support the resolution and hope that the Senate is allowed to vote on it.

Mr. President, I ask unanimous consent to have printed in the RECORD the University of Michigan poll to which I made reference and which was referred to and utilized, I believe, in U.S. News and World Report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3

	Do you support or oppose the presence of coalition forces in Iraq				
	Strongly support	Somewhat support	Somewhat oppose	Strongly oppose	Total (percent)
Sunni Arabs:					
2004	1.8	3.8	5.5	89.0	100
2006	1.5	.4	.9	97.2	100
Shiiti Arabs:					
2004	5.8	13.0	17.7	63.5	100
2006	3.1	2.3	4.9	89.7	100
Sunni Kurds:					
2004	37.3	42.7	7.5	12.1	100
2006	10.6	26.1	32.7	30.6	100
All:					
2004	10.0	15.7	13.3	61.0	100
2006	3.6	4.7	7.2	84.5	100

Mr. WARNER. Mr. President, before my colleague departs, I wonder if I might engage in a colloquy with him. I am the next speaker on this side. I have allowed my colleagues to go ahead of me to accommodate them. If the Senator wants to recite his unanimous consent request, we have absolutely no objection, and I would simply add to it that following the speaker on the Democratic side who follows me, the distinguished Senator from New Hampshire be recognized to speak on our side.

The PRESIDING OFFICER (Mr. COBURN). Is there objection?

Mr. DURBIN. Mr. President, I made an earlier unanimous consent request that we were going to alternate. I could read the list that we currently have subject, of course, to the arrival of Senators. But it is our hope that we would have Senator KERRY followed by Senator KENNEDY, and then Senators JACK REED and HILLARY CLINTON, followed by Senators HARKIN, BOXER, DAYTON, CARPER, DORGAN, MURRAY, MIKULSKI, and LAUTENBERG.

Mr. WARNER. Mr. President, we have no objection. I would simply ask that it be amended such that following my taking the floor on our side, as I understand it, the distinguished Senator from Massachusetts will speak, and then the Senator from New Hampshire on our side will be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I say to my good friend and colleague, we have had 28 wonderful years together on the Armed Services Committee. Now, with the passage of time, the responsibility of the management of that committee rests on our two shoulders, I as chairman at the present time, incidentally succeeding my good friend as chairman before me for a brief period, and he is now a distinguished ranking member. But I would like to start my remarks with a question to my good friend by asking Senators as we participate in this debate to consider what I regard as a very interesting approach to this debate as characterized by our President in a news conference on August 21.

He said the following:

> You know, it is an interesting debate we are having in America about how we ought to handle Iraq. There is a lot of people—good, decent people—saying: Withdraw now. They are absolutely wrong. It would be a huge mistake for this country.

And I continue to quote the President:

> There are a lot of good, decent people saying, get out now. Vote for me. I will do everything I can, I guess, to cut off money, is what they will try to do to get our troops out. That, too—

The President said—

> is a big mistake. It would be wrong, in my judgment, for us to leave before the mission is completed in Iraq.

I will refer to this later. But this is the tenor. It seems to me that it is a very balanced and respectful tenor because the President went on to say:

> I will never question the patriotism of somebody who disagrees with me. This debate has nothing to do with patriotism.

I take my cues from his approach and the manner in which he addressed the importance of the debate and how those who participate in it hopefully will be guided by his impressions.

To my good friend from Michigan, I listened very carefully to much of what he said, and I commend him in the sense that he is consistent in his approach. But what I want to draw the Senator's attention to is, what are the consequences—to the whole region, to the people in Iraq, to the war we are waging against terrorism, to our people here at home—what are the consequences if this somewhat fragile and new Government struggling to put down its roots and exercise the full reigns of sovereignty, what are the consequences should it fail to be able to exercise the full spectrum of responsibilities of a sovereign nation that Iraq is now? It is a sovereign nation. I believe those consequences, of their inability to govern, the inability of those in control of their armed forces—we are not in control of their armed forces—they are a sovereign nation. It is the Prime Minister who will issue the orders to their armed forces, not General Abizaid or General Casey. We work in concert with them, but they are a sovereign nation.

What are the consequences if this Government were not able to exercise the reins of sovereignty because of such conditions of further deterioration in the security situation? What are the consequences, I ask my good friend?

I would name several, in my judgment. First and foremost, that nation is sitting on the second largest oil reserve in the world—the second largest oil reserve. There it is. It is not the property of the United States. It is not the property of the coalition forces. We are not there to fight over the oil. But we are there to try to elect a government—or not elect, but let a government handle those natural resources which can quickly, if properly extracted, turn into hard cash. If those reserves fall into the wrong hands, hands which are dealing with terrorism, which support terrorism, which are antithetical to every principle of free democracies in the world, ours or other free nations, it would give terrorists unlimited cash to pursue their goals on terrorism—unlimited. And you couple unlimited cash with the cruelest, yet regrettably most effective weapon of war of the terrorists; namely, the human bombers, who, regrettably, they can purchase for dollars—for Dinars—you are facing not only the coalition forces in Iraq but the forces of freedom the world over, a very dangerous combination of unlimited funding and the human bomber.

The world stood in awe as we watched the human bombers inflict time and time again disastrous consequences on Israel. Now we have watched how they inflict disastrous consequences on our coalition forces in Iraq and, unfortunately, in a growing number of instances in Afghanistan.

Secondly, if that Government were to fail after all of the courage that the coalition of nations, working with the United States, has shown in trying to give the Iraqi people a sequence of free elections, a freely elected government, a constitution; if that Government were to fail, it would seriously affect the credibility of the United States of America in that region and complicate the already complicated problem posed by Iran, a nation that is thus far manifesting an unrelenting intent to acquire the capabilities to manufacture and possess nuclear weapons.

I would love to hear this Chamber debate what would be the consequences to that region if Iran were to obtain that capability and put it in its arsenal. There is no chapter in world history to match that threat—not the Cold War that our Nation and other nations faced with the Soviet Union. We always knew the Soviet Union had a degree of rational, objective understanding of the consequences of the use of the nuclear weapon. I have not seen any manifestations of this current Government in Iran that they operate in any rational, objective way.

So I ask my friend, as you spell out your fervent belief that we should begin, as you said just now—I copied it down—a "phased withdrawal," could that not trigger instability in that fragile Government? Take, for example, their legislative body which just convened again this week. Each of us travels to and from this Chamber with a sense of absolute security in this country that we can do so safely. But each member of that legislative body, as they traverse Iraq, given the instability of that country in many areas, questions the personal safety of individuals serving in this Government. If the message were that we are going to start to withdraw, it might well cause that individual legislator or member of the Cabinet of the Maliki government to say: Wait a minute. Am I going to take all these personal risks to myself and to my family if this Government is not going to succeed? And what if this withdrawal were to trigger, in the minds of many of those brave people stepping up to serve in public service in Iraq today—it might well trigger to them: I better consider my own personal safety rather than trying to continue this public service.

Mr. LEVIN. It will trigger exactly the opposite. If the Iraqis finally recognize that our commitment is not open-ended, we are not going to be their security blanket, if they finally recognize we cannot do for them what only they can do for themselves—share power, share resources, consider amendments to their Constitution, which were supposed to have been considered by now—that statement to them will trigger a reality in them that only they can save themselves; we cannot save them. We can give them an opportunity—and we have, at great cost of blood and treasure. As I said before, I know of no other country that would do what we did, what we have done for mankind, which is to give people an opportunity for freedom.

I didn't vote for this war. I thought it would unleash forces which would be very negative. But now that we are there, I have always believed—my dear friend from Virginia knows this—that we should maximize the chances for success. The road we are on now is not a road to success. We are on a downward spiral now. Sectarian violence is increasing, not decreasing. So the consequences are consequences which we both want to avoid. The consequences which the Senator from Virginia outlined are consequences which are clearly negative, and every person in this Chamber and in this land would want to avoid those consequences. But how do we best prod the Iraqis to take hold of their own situation and share power, share resources, recognize the rights of each other, become tolerant, give up the revenge slayings which are going on there? How do we force them to do that if we say we are here for some open-ended time?

The President says some people want to withdraw now—and some do. What I believe is we should give fair notice to the Iraqis that in a reasonable period of time, since their army is now almost fully stood up, we are going to begin a phased withdrawal, and that should begin by the end of the year so that it can be done in a way which is planned, thoughtful, but that it finally impress on the Iraqi leaders that: Folks, it has been 3 or 4 years. You have had elections. You have had an opportunity to pass the Constitution. You have a civil war some folks say is going on. You and you alone can address the issues which are driving that civil conflict.

We cannot as Americans solve their political disputes. That is what I believe is at stake. We all want to avoid the consequences. The issue is, How do we best avoid the consequences which the Senator from Virginia has outlined? Stay the course? Is that avoiding the consequences? I don't think so. We get deeper and deeper into that mire, and the very consequences, the consequences which the Senator from Virginia has outlined, are the consequences which are more likely to occur if we do not change that negative dynamic which exists in Iraq with a wake-up call which the President alone can give to the Iraqis. Only the President can tell the Iraqis: Folks, there is no open-ended commitment here. You have to take hold of this situation. I think only the President can do that.

We can try, and that is what we are doing. Some Senators believe we should try to send that message to the Iraqis. I think the good Senator from Virginia was present at the White House when I urged the President to stop counseling patience when the Iraqis should understand that the American people are impatient. We are impatient, and rightfully so, at the failure of the Iraqi political leadership to reach those political compromises which are essential to avoiding an all-out civil war, and end the insurgency.

The Senator was present when I urged the President: Please, Mr. President, you know I voted against the war. I am not expecting you to grab on to my advice. I have been a critic. I have been a critic of the way the war has been handled. The Iraqi Army being disbanded was a tragic mistake. The failure to have a plan for the aftermath was a terrible mistake. There were a lot of mistakes. But to the extent you are willing to consider this message, Mr. President, let the Iraqis know the American people are impatient, instead of counseling patience.

The President looked me in the eye and said: That is a useful message. In other words, it is a useful message for a Senator to be delivering. But he implied—by implication—he is not willing to deliver that message himself to the Iraqis.

What this argument is about, in my judgment, is that the President needs to deliver that message to the Iraqis in order to help them recognize that is the only way they can succeed—if they take hold. They have to look into that abyss. They have to see some stark alternatives. They, the Iraqi leadership, have to see some very stark alternatives: settle the issues politically, defeat the insurgency thereby, avoid all-out civil war thereby. You have to do it, folks. We can't do it for you. I believe that has to be laid before the Iraqis as the best chance of avoiding those very negative consequences which the Senator from Virginia outlined.

Mr. WARNER. Mr. President, I respect my colleague's views. We have had this debate several times before. I recognize and feel, as do you, as do I and I think every Member of this Chamber, the extraordinary losses in this country of 2,600-some men and women who have given their lives and some over 20,000 who are trying to recover from wounds and the impact on their families. That is an enormous sacrifice.

But what I say to you, my dear friend: You pose a big gamble. If you are not right and this legislature interprets that as a signal, the public servants in Iraq interpret that as a signal, the members of the Iraqi security forces—namely, the army—hear that their support base, logistically and other ways, the United States, that we are beginning a phased withdrawal, this could trigger the opposite reaction. If that Government were not able to function because of the lack of security and they lose reins of sovereignty, I ask my good friend, what happens? If these oilfields—maybe not all at once but fractionally—what happens if this country begins to divide in three parts: the Kurds in the north, the Sunnis in al

Anbar, and down south in the Bosra region, the Shia? Iran is flexing its muscles in various ways, and as you and I know their influence is being felt in that country. What happens if they see we are not there with the resolve that our President, time and time again, has stated?

Yesterday, I was privileged, along with others, to be in the audience when he delivered what I thought was one of his strongest and best speeches, sketching the whole history of the war on terrorism and with direct quotes of the principals who are fighting against our interests here in this country. I ask, what happens if that Government fails to exercise the full range of democracy? What is your anticipation?

Mr. LEVIN. I think it is more likely that the Government will succeed if they recognize that they are the ones who have to succeed and we can't do it for them. The gamble that we are now taking is greater, which is continuing on a course of action which is failing.

You know, the first argument which was used to go to Iraq was there were weapons of mass destruction. That was the first argument which was used. That didn't work out as the basis for the policy. The next one was we are going to promote democracy in Iraq. Now the argument is there were no weapons; we are not doing very well on the democracy side since that democratic Government is supporting at least one terrorist and probably two terrorist groups, in Lebanon and in Gaza, so the democratically elected Government is giving substance and support to what we believe is terrorism. So now there is a third argument used for this policy, that our leaving will create a huge problem.

First it was weapons of mass destruction. Then it was we were promoting democracy. Now it is we cannot leave because look what will happen if we leave.

Look at what is happening because we are staying in an open-ended way because they don't see that stark choice they face because they are relying on Uncle Sam's security blanket. That is what must be changed. That is the dynamic which I believe must be changed, and the only way to change it is in a reasonable way, a thoughtful way, a planned way, to say: Folks, we have to do what we said we would do—as you stand up, we are going to stand down. You have known that now for years. We are going to carry out that policy which the President has enunciated.

Mr. WARNER. Mr. President, I have one other question for my colleague, and let me preface it with the following. You are a signatory of a letter, dated September 4, to the President, along with a number of your colleagues and the distinguished Democratic leader and the distinguished House Democratic leader and others. In it, you say the following:

> In short, Mr. President, the current path for our military, for the Iraqi people and for our security is neither working nor making us more secure.

That is your basic thesis. And you list in here:

> Therefore, we urge you once again to consider changes to your Iraq policy. We propose a new direction, which would include: (1) transitioning the U.S. mission in Iraq to counter-terrorism, training, logistics and force protection; (2) beginning the phased redeployment of U.S. forces from Iraq before the end of this year; (3) working with Iraqi leaders to disarm the militias and to develop a broad-based and sustainable political settlement, including amending the Constitution to achieve a fair sharing of power and resources; and (4) convening an international conference and contact group to support a political settlement in Iraq, to preserve Iraq's sovereignty, and to revitalize the stalled economic reconstruction and rebuilding effort. These proposals were outlined in our July 30th letter and are consistent with the "U.S. Policy in Iraq Act" you signed into law last year.

In reply, a letter, a very respectful letter, was forwarded to all signatories on September 5. It was signed by the Chief of Staff of the President, Joshua B. Bolton. It is interesting, his observations. You say stay the course. Did you have an opportunity to look at this letter? Fine. Let me just read it. He cites as follows:

> Thank you for your September 4 letter to the President. I am responding on his behalf.
>
> A useful discussion of what we need to do in Iraq requires an accurate and fair-minded description of our current policy: As the President has explained, our goal is an Iraq that can govern itself, defend itself, and sustain itself. In order to achieve this goal, we are pursuing a strategy along three main tracks—political, economic, and security. Along each of these tracks, we are constantly adjusting our tactics to meet conditions on the ground. We have witnessed both successes and setbacks [acknowledging that, Senator] along the way, which is the story of every war that has been waged and won.
>
> Your letter recites four elements of a proposed "new direction" in Iraq.

This I think most important. He cites in this letter that three of those elements reflect well-established administration policy and the fourth is dangerously misguided.

I ask unanimous consent this be printed in the RECORD following this paragraph.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. He recites the changes in the administration adaptation to the ever-changing situation on the ground and with the Government. He recites each of the four points raised in your letter and addresses how this administration is pursuing a revised strategy.

To say we are staying the course is an inaccurate statement.

Mr. LEVIN. But the President says we should stay the course.

Mr. WARNER. I understand.

Mr. LEVIN. But the President of the United States says we should stay the course.

Mr. WARNER. This outlines the course we will embark on at this point in time. I urge my colleagues to read this letter in the context of our debate today.

I thank my colleague.

EXHIBIT 1

RESPONSE FROM THE CHIEF OF STAFF JOSH BOLTEN TO A DEMOCRATIC LETTER

SEPTEMBER 5, 2006.

Senate Democratic Leader HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: Thank you for your September 4 letter to the President. I am responding on his behalf.

A useful discussion of what we need to do in Iraq requires an accurate and fair-minded description of our current policy: As the President has explained, our goal is an Iraq that can govern itself, defend itself, and sustain itself. In order to achieve this goal, we are pursuing a strategy along three main tracks—political, economic, and security. Along each of these tracks, we are constantly adjusting our tactics to meet conditions on the ground. We have witnessed both successes and setbacks along the way, which is the story of every war that has been waged and won.

Your letter recites four elements of a proposed "new direction" in Iraq. Three of those elements reflect well-established Administration policy; the fourth is dangerously misguided.

First, you propose "transitioning the U.S. mission in Iraq to counter-terrorism, training, logistics and force protection." That is what we are now doing, and have been doing for several years. Our efforts to train the Iraqi Security Forces (ISF) have evolved and accelerated over the past three years. Our military has had substantial success in building the Iraqi Army—and increasingly we have seen the Iraqi Army take the lead in fighting the enemies of a free Iraq. The Iraqi Security Forces still must rely on U.S. support, both in direct combat and especially in key combat support functions. But any fair-minded reading of the current situation must recognize that the ISF are unquestionably more capable and shouldering a greater portion of the burden than a year ago—and because of the extraordinary efforts of the United States military, we expect they will become increasingly capable with each passing month. Your recommendation that we focus on counter-terrorism training and operations—which is the most demanding task facing our troops—tracks not only with our policy but also our understanding, as well as the understanding of al Qaeda and other terrorist organizations, that Iraq is a central front in the war against terror.

Second, your letter proposes "working with Iraqi leaders to disarm the militias and to develop a broad-based and sustainable political settlement, including amending the Constitution to achieve a fair sharing of power and resources." You are once again urging that the Bush Administration adopt an approach that has not only been embraced, but is now being executed. Prime Minister Nouri al-Maliki is pursuing a national reconciliation project. It is an undertaking that (a) was devised by the Iraqis; (b) has the support of the United States, our coalition partners and the United Nations; and (c) is now being implemented. Further, in Iraq's political evolution, the Sunnis, who boycotted the first Iraq election, are now much more involved in the political process. Prime Minister Maliki is head of a free government that represents all communities in

Iraq for the first time in that nation's history. It is in the context of this broad-based, unity government, and the lasting national compact that government is pursuing, that the Iraqis will consider what amendments might be required to the constitution that the Iraqi people adopted last year. On the matter of disarming militias: that is precisely what Prime Minister al-Maliki is working to do. Indeed, Coalition leaders are working with him and his ministers to devise and implement a program to disarm, demobilize, and reintegrate members of militias and other illegal armed groups.

Third, your letter calls for "convening an international conference and contact group to support a political settlement in Iraq, to preserve Iraq's sovereignty, and to revitalize the stalled economic reconstruction and rebuilding effort." The International Compact for Iraq, launched recently by the sovereign Iraqi government and the United Nations, is the best way to work with regional and international partners to make substantial economic progress in Iraq, help revitalize the economic reconstruction and rebuilding of that nation, and support a fair and just political settlement in Iraq—all while preserving Iraqi sovereignty. This effort is well under way, it has momentum, and I urge you to support it.

Three of the key proposals found in your letter, then, are already reflected in current U.S. and Iraqi policy in the region.

On the fourth element of your proposed "new direction," however, we do disagree strongly. Our strategy calls for redeploying troops from Iraq as conditions on the ground allow, when the Iraqi Security Forces are capable of defending their nation, and when our military commanders believe the time is right. Your proposal is driven by none of these factors; instead, it would have U.S. forces begin withdrawing from Iraq by the end of the year, without regard to the conditions on the ground. Because your letter lacks specifics, it is difficult to determine exactly what is contemplated by the "phased redeployment" you propose. (One such proposal, advanced by Representative Murtha, a signatory to your letter, suggested that U.S. forces should be redeployed as a "quick reaction force" to Okinawa, which is nearly 5,000 miles from Baghdad).

Regardless of the specifics you envision by "phased redeployment," any premature withdrawal of U.S. forces would have disastrous consequences for America's security. Such a policy would embolden our terrorist enemies; betray the hopes of the Iraqi people; lead to a terrorist state in control of huge oil reserves; shatter the confidence our regional allies have in America; undermine the spread of democracy in the Middle East; and mean the sacrifices of American troops would have been in vain. This "new direction" would lead to a crippling defeat for America and a staggering victory for Islamic extremists. That is not a direction this President will follow. The President is being guided by a commitment to victory—and that plan, in turn, is being driven by the counsel and recommendations of our military commanders in the region.

Finally, your letter calls for replacing Secretary of Defense Rumsfeld. We strongly disagree. Secretary Rumsfeld is an honorable and able public servant. Under his leadership, the United States Armed Forces and our allies have overthrown two brutal tyrannies and liberated more than 50 million people. Al Qaeda has suffered tremendous blows. Secretary Rumsfeld has pursued vigorously the President's vision for a transformed U.S. military. And he has played a lead role in forging and implementing many of the policies you now recommend in Iraq. Secretary Rumsfeld retains the full confidence of the President.

We appreciate your stated interest in working with the Administration on policies that honor the sacrifice of our troops and promote our national security, which we believe can be accomplished only through victory in this central front in the War on Terror.

Sincerely,

JOSHUA B. BOLTEN,
Chief of Staff.

Identical Letters Sent To:

The Honorable Harry Reid, Senate Democratic Leader.

The Honorable Nancy Pelosi, House Democratic Leader.

The Honorable Dick Durbin, Senate Assistant Democratic Leader.

The Honorable Steny Hoyer, House Minority Whip.

The Honorable Carl Levin, Ranking Member, Senate Armed Services Committee.

The Honorable Ike Skelton, Ranking Member, House Armed Services Committee.

The Honorable Joe Biden, Ranking Member, Senate Foreign Relations Committee.

The Honorable Tom Lantos, Ranking Member, House International Relations Committee.

The Honorable Jay Rockefeller, Vice Chairman, Senate Intelligence Committee.

The Honorable Jane Harman, Ranking Member, House Intelligence Committee.

The Honorable Daniel Inouye, Ranking Member, Senate Defense Appropriations Subcommittee.

The Honorable John Murtha, Ranking Member, House Defense Appropriations Subcommittee.

Mr. LEVIN. And I thank my friend.

Mr. WARNER. I return to the President's August 21 news conference. That sets the tenor for how we should address this debate not only in the Senate but across the land as we direct our attention to this important subject. The President concludes another paragraph in that news conference:

> And so we will continue to speak out in a respectful way, never challenging somebody's love for America when you criticize their strategies or their point of view.

That is the context in which I wish to address the Senate this afternoon and have tried to do so in a respectful way, just as the President said.

I turn to another part of the letter I referred to, written by the Democratic leadership, in which they say:

> We also think there is one additional measure you can take immediately to demonstrate that you recognize the problems your policies have created in Iraq and elsewhere, consider changing the civilian leadership at the Defense Department.

Everyone has a perfect right to do that. That has been stated in this letter.

We go back to the basic strategy of this great republic, as laid down by our forefathers in the Constitution. The President was given the responsibility as Commander in Chief, as President, to assemble the Cabinet of his choosing—or her, in the future, if we have a female President. He has exercised that. This Senate has given its advice and consent, as is required under the Constitution for each of the Members, including Secretary Rumsfeld.

I draw upon my distinguished colleague from Alaska, his comments about Secretary Rumsfeld. Similar to the Senator from Alaska, I, too, have known Secretary Rumsfeld for a very long time. When I was Secretary of the Navy, he was in the White House at that time. I had some contact with him. In the ensuing years, I served under three Secretaries of Defense in my 5 years in the Department of Defense. In the ensuing years, in my years in the Senate, I have worked with each and every one of the Secretaries of Defense, so I have some understanding, modest though it be, with regard to that office and those who have served in that office.

I find in my dealings with Secretary Rumsfeld over the years he has been in office—I worked on his confirmation, as a matter of fact, at that time—I have found him, much like the Senator from Alaska, to be an individual with whom I could work very successfully. I have established a working relationship and a mutual respect. I believe it is a fundamental right of the President to make his choice.

This debate, in a way, is an attack on the President as to his choice and to his constitutional right to select his own Cabinet. In so doing, we must respect that Constitution and his right to do so. He has chosen Secretary Rumsfeld. Within the past day or two, he has reiterated his unwavering support. Consequently, we must recognize it comes down to the Constitution, the Presidential right to select members of his Cabinet.

I join my colleague from Alaska and other colleagues in resisting, in every way, any call by which to indicate a lack of confidence in the President's choice for the Office of Secretary of Defense.

I may have further remarks to deliver on this subject as the debate continues, but at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I begin by saying, I have been listening to the debate for a good period of time. It is a pleasure to hear the Senator from Virginia, who is always civil in his approach to these debates and who always asks intelligent and probing questions. The colloquies I have had with him, and certainly the colloquy I listened to a moment ago, are what the Senate ought to be about. It has been an intelligent, healthy exchange with respect to policy in Iraq.

I will speak to the question of Secretary Rumsfeld in a few moments, but I share some thoughts. Regrettably, the debate that preceded the Senator from Virginia, without mentioning

Senators specifically, is relatively insulting and is not worthy of the subject and its importance.

One colleague talked about how war was declared against the United States on September 11 and drummed up America's passion that we all share about opposing terrorists. However, he did exactly what a lot of people on the other side of the aisle have been doing for 4 or 5 years now, which is conflating the war on terror into Iraq.

Let me remind my colleagues on the other side of the aisle, I have not heard one person in this country who doesn't want to do everything in the power of our Nation in order to stand up to terrorists. We all voted to go to Afghanistan. We all voted to take on the Taliban and al-Qaida. If the President had kept his eye on the ball and done what was necessary in Afghanistan and not outsourced the job to Afghan mercenaries, we would have perhaps used the 101st Airborne, the 82nd Airborne, the 10th Mountain Division, or the 1st Marines to do what the CIA, it is now known publicly, was arguing adamantly we ought to be doing, which was surrounding Tora Bora and capturing or killing Osama bin Laden and those thousand or so people up there with him. The President wouldn't have had to quote Osama bin Laden yesterday if we had done the job at Tora Bora. That is what we voted to do, every single one of us.

We gave the money. We have consistently voted for the PATRIOT Act—the vast majority—and voted for the reorganization of our intelligence community and done everything in our power to fight terrorists.

Let me remind our colleague who wanted to drum up the passion of the Nation about being attacked on September 11, that it was not Saddam who attacked us. It was not anybody from Iraq. It was Osama bin Laden and other terrorists.

The fact is, there are more terrorists today in Iraq than there were on September 11. There are more terrorists in the world today who want to kill Americans than there were on September 11. Is that a policy that is working?

More terrorists today want to kill Americans than on September 11, when the whole world was united behind the United States of America, when newspapers across the world said, "We are all Americans now," and everyone was ready to do what we needed to do in Afghanistan. We squandered that. This administration has squandered it. There has been a complete and total lack of accountability for what has happened in between.

I heard one of our colleagues come to the Senate and say it would be a mistake to leave before Iraq can provide its own security. We are not talking about leaving before they can provide their own security. I heard another colleague say what a mistake it would be to withdraw precipitously. Precipitously? What is precipitous about saying we are going to set a target for withdrawal a year from now? A whole year from now we are going to stand up their forces, to provide for the security of their nation. That is not precipitous.

I am tired of a whole bunch of people who want to conflate, distort, and mislead Americans with a phony debate about the war on terror.

Iraq was not the war on terror. Today it is not the center of the war on terror. Are there some terrorists in Iraq? You bet there are. It is the best training ground in the world for terrorists. It is a poster child for recruitment for terrorists. And they are coming. And where are they going? They are going to Europe. Europe is now the center of al-Qaida. I don't know how many people know that. There are cells in Germany and elsewhere in Europe. We are providing the training ground.

The fact is that Iraqis themselves do not want al-Qaida there. If we can provide them the capacity to provide for their own security, believe me, they will drive out whatever is left of the remnants of foreign tourists because the Shia don't like them, the Sunnis don't like them, the Kurds don't need them and don't like them, and they will not survive, except to the degree that they currently provide a convenient connection between the interests of the different parties in Iraq that can only be resolved politically.

Now, let's come back to that. Let's get away from this phony debate we have had in the Senate and this country. Secretary Rice said this can only be resolved politically and diplomatically. General Casey has said there is no military solution. If there is no military solution, what is the solution?

The Senator from Texas said: Give me a plan, give me an idea, one idea that is different. Well, we have done it. We have suggested, many of us, including distinguished people such as General Zinni, who knows the region. He is about as good and as tough and as patriotic as there is a soldier in America. He believes, as I and others do, the only way to resolve what is happening in the Middle East and Iraq is through diplomacy and political effort.

I suggested during the discussion of the amendment that I had several months ago we ought to have an international summit. The Secretary-General of the United Nations believes it. The King of Jordan believes it. The President of Egypt believes it. A whole bunch of people in the region believe that unless you get the full measure of all the parties together—the Sunni, the Shia, the Kurds, the factions of Iraq, the Iraqis themselves, obviously as a government, the Arab League, the neighbor states, including Syria and Iran—you cannot begin to resolve this problem.

Ask yourselves the simple question: How is this going to be resolved? How are American forces going to come back? They are going to come back if you provide the measure of stability to Iraq that it deserves and needs. How do you provide the measure of stability it deserves and needs? By providing confidence to the people and confidence to the parties that the differences between them are adequately resolved, that there is a level of investment, of a stakeholder investment in all of those parties.

How do you get there? You don't get there by not talking to each other. You don't get there by not having the kind of summitry and diplomacy that has guided the world through most of the last centuries of civilized behavior. That is not taking place. There is a total absence of the kind of effort that can help to resolve what is happening in Iraq.

Our soldiers have done their job. They have provided the opportunity for democracy. They have provided for several elections, for the transfer of authority. And to measure plans—the Senator from Texas said: Give me a plan—what was the plan of the Republicans, of the administration? The plan is: As they stand up, we will stand down. What American has not heard those words from the President? "As they stand up, we will stand down."

Well, what has happened? Eighty-five percent of their forces are now supposedly trained. You cannot have it both ways. At some point the game has to stop. Either there really are 85 percent trained, and they are making progress—which they keep telling us—or they are not. If they are, then why aren't we able to withdraw a few troops? Either they are or they are not. And you ought to be able to withdraw some of those troops. The fact is, we are not standing down.

The violence over the last month was the worst. They have just upped the number of people in the morgue, tripled it. It is the worst month in the last months. And each month keeps on being a worse month than the month before.

Now, somewhere along the line, I learned in the military there is accountability. If a captain runs a ship aground, he is gone. That is it—usually with no questions asked. I noticed that the commander of the Cole was held responsible, even though it was not his fault for what happened in the bombing of the Cole, and he is not going to be promoted. These things affect careers and they affect your tenure. Ask General Shinseki. Ask the folks who were involved in Abu Ghraib, at least at the lower levels.

What happened to the accountability in this administration, particularly within the military branch, the Pentagon, for the decisions that have been made along the way?

Our plan says we will set a date by which time the Iraqis have to assume responsibility so that we leverage the Iraqis to assume that responsibility. Now, is that precipitous—a year from now? I do not think so, particularly when you read the language of what we laid out, which says the President has the discretion to leave troops there to complete the training. There is nothing precipitous about allowing the President to have the discretion to complete the training and leave troops there. That is not a withdrawal even, complete and total.

Secondly, we allow the President the discretion to keep sufficient special forces there to fight al-Qaida.

And, thirdly, we allow the President to be able to protect American facilities and forces.

Now, that is pretty broad, folks. It is time we had a real debate about what is going to empower the Iraqis to be able to take control over their own future, and we had a real debate that does not try to scare the American people. The way fear has been thrown around by this administration is disgraceful. And they keep drumming up terrorism and suggesting that Iraq is somehow the center of this war on terror, which it is not now today and never has been.

This administration has made our Nation less safe than it ought to be because they have focused so much time and energy and effort—and squandered it—in Iraq. They have lost allies and regional links that we ought to have traditionally because they have pushed people away from us. They do not have credibility in the region. It is extremely difficult for them to conduct diplomacy with people who, frankly, do not trust them.

In fact, they have empowered Iran. Iran is stronger today because of Iraq than it would have been without Iraq. And there is no expert on Iran who will not tell you that. Are we safer because Iran is stronger today? Because we are so bogged down in Iraq we do not have the ability to do what we need to do?

I listened to my colleagues talk about Secretary Rumsfeld. I heard them say that they have known him a long time, that they have a good working relationship, that there is a mutual respect, that they like him, that he is smart, and a whole host of things that are part of working with somebody through the years. I respect that.

But none of that goes to the fundamental question of whether you have confidence in his judgment. None of that goes to the question of whether he has made such a series of mistakes that he is a symbol, an emblem, of our failure in Iraq and is one of the reasons you cannot get other countries and other people to the table to help resolve the differences here.

I called for Secretary Rumsfeld to resign 3 years ago. Three years ago I felt that the level of the mistakes were so significant—in the deployment of troops, in the abandonment of a plan for postwar Iraq, in the choices that were made—that I thought that track record exhibited terrible judgment, poor planning, and ideologically driven decisionmaking, to which this administration has consistently turned a deaf ear.

I think the office of Secretary of Defense ought to be above politics. And I think it also ought to never be beyond accountability. But under Secretary Rumsfeld it has been profoundly political, as we saw last week reemphasized again, and it has been utterly unaccountable.

The Secretary's record says a lot about the question of accountability in this administration and certainly has not stopped him from speaking his mind.

A few days ago, Secretary Rumsfeld gave a low and ugly political speech, smearing those who dissent from a catastrophic policy. And then he spoke of moral confusion in our country. Well, there is some moral confusion around.

I think it is immoral for old men to send young Americans to fight and die in a conflict with a strategy that is failing and a mission that has not weakened terrorism but strengthened it.

I think it is immoral to not tell the truth to America about the progress in that war just to get through a new cycle or an election.

I think it is immoral to treat 9/11 as a political pawn and to continue to excuse the invasion of Iraq by exploiting the 3,000 mothers and fathers, sons and daughters who were lost on September 11. They were attacked and killed, I remind the Senate again, not by Saddam Hussein but by Osama bin Laden.

And it is deeply immoral to compare a majority of Americans—a majority of Americans—who oppose a failing policy and seek a winning one; we do not seek to quit, as one Senator suggested—we seek to win. And we have a better strategy for winning. And to compare those who seek a better strategy to win to appeasers of fascism and Naziism is an insult to the quality of debate we ought to have in this country. And it is overtly political.

The leaders in this administration have shown they will do anything, say anything, twist any truth, and even endanger our Nation's character as one America simply to execute a political strategy for the election.

I heard one Senator talk about political strategy. Karl Rove has been pretty open about expressing where the Republicans need to go in order to try to win; and it is to exploit security.

Americans, I believe, now see through this charade. They know the truth. They know we have a "Katrina" foreign policy, a succession of blunders and failures that have betrayed our ideals, killed and maimed soldiers, and widened the terrorist threat instead of defeating it.

In the place of accountability, we have vicious, partisan attacks on anyone who opposes those policies with a suggestion not for how you quit, not for how you run but for how you win—how you win.

We have watched Iraq sliding further and further into a bloody civil war, with too few troops and no plan. Who is responsible for too few troops and no plan? The President and Secretary of Defense.

I have heard Republican colleagues privately express their reservations about this policy and about this Secretary. Can we afford to trust our Pentagon to an individual who seems to be the last person to acknowledge the mistakes that have been made? Secretary Rice said there have been thousands of mistakes.

Who admits to the fiasco of hubris and mismanagement that falls largely at the Secretary's own doorstep, who can only reach for a sort of clumsy, rhetorical brick to hurl at the opponents, suggesting, without an ounce of shame, that they are soft on Hitler. Soft on Hitler?

We are too long overdue for some accountability. But instead of the pink slips that they so richly deserve, this administration's worst foreign policy failures are instead rewarded. You get a Presidential Medal of Freedom. George Tenet, who presided over the intelligence failures leading up to 9/11, Medal of Freedom. Paul Bremer, who botched the occupation, Medal of Freedom. And somehow it seems the only people in this administration who are rewarded are those who make the mistakes, while those who tell the truth are punished.

According to Secretary of State Rice, we know this has to be resolved politically and diplomatically, but it is not.

Who is accountable for those mistakes? Who is accountable for young people dying as a result of mistakes? Who is accountable for billions of dollars being spent as a result of mistakes?

We are all human. We all make mistakes. We understand that. But there is a point of accountability in the carrying out of a high public job, where mistake compounded on mistake compounded on mistake begs for accountability.

On issue after issue, Secretary Rumsfeld has made the wrong decision. You may like him, respect him, admire his long years of public service, but he has been wrong, when he could have listened to General Shinseki, and other generals, and put in enough troops to maintain order. We have heard a whole group of other generals speak out about what happened over there. He chose not to listen. He chose not to listen. He was wrong.

When he could have implemented a detailed State Department plan for reconstructing post-Saddam Iraq—guess what—he ignored it, threw it away, would not have anything to do with it. He was wrong, again.

When he could have ordered the protection of American forces by guarding the ammo dumps and making sure a plan was in place to move efficiently through the territory that they were taking, where there were weapons of individual destruction, he chose not to. He was wrong. And he exposed our young men and women to the ammo that now maims and kills them because they chose not to act. Who is accountable for that?

When he could have imposed immediate order and structure in Baghdad after the fall of Saddam, do you know what he did? He shrugged his shoulders publicly on television and he said Baghdad was safer than Washington, DC, and he chose not to act. He was wrong.

When the administration could have kept an Iraqi Army selectively intact, they chose not to. He was wrong.

When they could have kept an entire civil structure functioning and provided basic services to Iraqi citizens, they chose not to. And they were wrong.

When they could have accepted the offers of the United Nations and individual countries that were provided at the time in order to give us on-the-ground peacekeepers to help us and reconstruction assistance to help us so the American taxpayer and soldier did not carry the whole burden, he chose not to. They were wrong.

When they should have leveled with the American people that the insurgency had grown—when many of us were on the floor of the Senate saying the insurgency is growing, it is out of control—they ignored the insurgency, chose to ignore it. And they were wrong.

Wrong decisions, wrong priorities, but, tragically, no accountability.

Some Republican Senators have had the courage to come to the floor and talk about this lack of accountability and talk about these judgments that were wrong. How did it get so wrong? It got so wrong because, in part, the Secretary became so enamored with "new think" and transformation at the Pentagon that he failed to see the limits. He believed the American military could operate lighter, smaller, leaner.

A lot of people spent a great deal of time in the 1990s thinking about this. They looked at the first Persian Gulf war, and they saw how the application of air power and stealth and precision munitions, combined with the latest information technology, could radically change the way wars are fought. And operationally they were right. But at the operational level, we had a military that emerged from the Clinton administration prepared to apply its technological advantage against any enemy.

Witness the fact that it was the Clinton buildup and capacity that, in effect, was used because the President had only been President for 10 months. They had not transformed the military. That was the military that succeeded in routing the Iraqi Army. It was that military that drove to Baghdad in 3 weeks. And that is an edge that we all want to maintain forever.

But Secretary Rumsfeld failed to understand that the wars of the future would not be fought only at the operational level. He fell in love with the vision of the Armed Forces of the future and lost track of the reality of the current threat.

He believed that a heavy dose of shock and awe was all it would take to break our adversary's will. That failure to see past the operational level was part and parcel of an administration that came to power with nothing but contempt for nation building. They scoffed at the lessons learned previously. That is why the Secretary began his tenure trying to slash Army end strength and boots on the ground to fund missile defense. He was betting, unwisely, that America would not find itself in anymore failed states.

So now we have the fifth summer of Mr. Rumsfeld's tenure coming to a close, and we find ourselves engaged in massive stability operations in two failed states, Iraq and Afghanistan. In short, Mr. Rumsfeld was wrong again and again and again. American troops have had to pay the price for that, as has the American taxpayer, and too many Americans have paid with their lives.

I believe personally that Secretary Rumsfeld should be held accountable for this job. When faced with widespread looting in Iraq, the Secretary quipped that freedom is messy. When he was asked by a soldier why they were sent in without the necessary armor, he said that you go to war with the Army you have, not the Army you want—despite the fact that parents were able to buy armor for their kids on the Internet and elsewhere. He has dismissed international law regarding military detainees and abuses at Abu Ghraib. He still refuses to acknowledge that the Army and Marine Corps are too small for the missions they face. Earlier this year, he even supported cuts to the National Guard.

Mr. President, I believe his stubbornness is our weakness. He likes to talk about the war on terror as the long war, but in this long war he is stretching the Army to its limits. Its officers and noncommissioned officers are sent on back-to-back deployments with inadequate resources. Despite their heroic service, they are leaving this military. It is costing us enormous extra sums of money to hold it together.

Mr. President, the Secretary's benefit of the doubt has come and gone. I think the moment of accountability is long overdue. Americans deserve leadership they can trust. We need to change the course in Iraq. We all want to be successful, but the current course is not leading to that success. And if it is, then there is no reason they cannot begin an adequate redeployment, as General Casey said—in fact, General Casy's own dates coincide with the dates of those of us who suggested to set a date about a year from now. You can always change a date if you have to. If the situation on the ground doesn't change adequately, you have flexibility. But unless you leverage the willingness of the Iraqis to assume responsibility for their own future, there is nothing that American troops can do except continue to be sent out on missions where they discover improvised explosive devices the hard way. We have too many young Americans who are in Bethesda and Walter Reed as a consequence of that policy. I believe there was a better policy to fight terror, to liberate us, and to fight broadly in some 65 countries around the world where al-Qaida is embedded. We need to fight that, and we need a greater troop level and capacity on the ground in Afghanistan.

All of these things are needed, and they are all suffering because of decisions made and not made. I believe on credibility and the track record of decisions based on ideology, this Secretary is not the person for the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I have listened to the Senator from Massachusetts speaking. In many ways, I find it a bit disingenuous. I had planned to speak specifically about other points relative to this resolution. I think it is appropriate to respond to some of what he has said. Of course, he is the former standard bearer of the party in the prior election and, therefore, a voice of considerable import on policy in this Nation relative to the position of the Democratic Party.

The Senator gave a litany of what he deemed to be errors—some of which I agree were errors—that have occurred relative to the way we have pursued this battle in Iraq. It is a litany as if he is a Monday morning quarterback and had the answer now to what would have been the correct process. It sort of makes you think that if he were giving a discussion about the Red Sox, he would not have put Bill Buckner at first. He would not have picked Bucky Dent. He would have given Carlton Fisk his contract. Or he would not have traded Babe Ruth.

When you come to the Senate floor and pick out a series of events as unique items that flowed within the context of a major effort to confront the terrorist threat to this Nation—he uses the term "hubris" and mismanagement. I would say it is a bit of hubris to take that position on the Senate floor.

The Senator failed to mention, for example, that as a result of the initiatives of this administration, led by this President and this Secretary of Defense, over 50 million people today are free who were not free; that women in Afghanistan are no longer closeted in their homes and threatened with death if they wear the wrong garment on the street, or shot in soccer stadiums in Afghanistan, but women have the right to move about as they wish; that there have been elections in Afghanistan that have brought to power a democratic government, which is under pressure today, yes, because of those forces that represent our enemies, and our enemies seek to undermine that democracy. He failed to mention that Iraq, which has suffered for 20 years from a genocide executed by a homicidal leadership, is now free and that the people of Iraq no longer have to fear mass murder of the proportions that occurred under Saddam Hussein; that a government that was and had produced chemical weapons and used them against their own people—specifically the Kurds—was no longer in power; that we have had a series of democratic actions in Iraq that have led to a freely elected government, which involves a coalition of very disparate groups—Sunnis, Shiites, Kurds, and subdivisions within those various clans of political purpose; that that government is moving forward, and that it has stood up an army that is a responsible army, not one of threat to its people but an army of defense of its people. And it is in the process of taking responsibility or defending those people from forces in that nation who wish to return to chaos, to genocide, and to a government that is lawless in the name of fanaticism.

He failed to mention any of that as the results of the efforts of this administration. Those are pretty big things. Instead, he picks out the little events—fairly big in some instances—of error. Yes, there have been some errors, and nobody denies that for a second. But the purpose is to defeat our enemies, and we have set as a goal in that process setting up a government in the nation of Iraq that will speak to the basic values that are fundamentally western—individual liberty, democracy, rights for women, and a marketplace economy. And we have had considerable success in that effort. We are not there yet, and we do not know if we will accomplish the final goal because, obviously, there are forces at work who do not wish to have us accomplish that goal.

But to dismiss this as a failure and to point to a series of incidents as an example of failure and never acknowledge the 50 million free people, the fact that an entire half of the population that had been written out of the ability to participate in civilized life—specifically women—are now brought into the process of having a decent lifestyle, the fact that we have had elections, the fact that we have an army in place that is their army, the fact that we are moving toward a nation based on democracy and law—we have a long way to go, but we are moving that way—to dismiss that and say that because of a series of errors, which he deems to be errors—and in some instances I agree—we should call for the removal of the Secretary of Defense because of those events is just ignoring reality.

In fact, he used the terms on innumerable instances, saying he did not want to see a partisan fight; he thought the Secretary of Defense should be above politics. So how can you then come to the floor of the Senate and make the speech that was just made? It was "overtly political," to use his term, which was for the purpose of exuding a political strategy that if you attack the Secretary of Defense, you weaken the Presidency and will do better in the election. It was, to use his term, "a viciously partisan attack."

There is inconsistency which cannot go uncalled. So let me point it out. This proposal is not an attack on Donald Rumsfeld. That is not the purpose of this attack. That is the politics of this attack. It generates a good press release, and it is a sound bite event to call for the Secretary of Defense to resign. But that is not what this is about. We all know that.

This is about the policy of fighting people who have determined that America should be extinguished from the face of the Earth, that Americans should be killed and our culture should be destroyed, and whether our efforts in Iraq are a legitimate part of that defense as we confront that threat.

It is the position of the other side, it appears, that Iraq is not part of the battle or essential to the battle against Islamic fascism, Islamic fundamentalism. I find that position to be untenable. That is hardly the position taken by our enemies. The words of Zarqawi and the words of bin Laden have been very specific: Iraq is where they see the war being waged. Their purpose is to use Iraq as a bootstrap to pursue their goals of basically undermining and destroying western culture and killing Americans. You need to believe their words. If your enemy tells you what they are going to do, and your enemy then does what they tell you they are going to do, you have to start taking them seriously when he tells you something else. And when Osama bin Laden and Zarqawi say Iraq is where the war is being fought, where the effort to pursue Islamic fundamentalism is being pursued and aggressively undertaken, then you have to take that seriously.

But it appears that the other side believes that Iraq is a distraction to our efforts. Well, the track record doesn't show that. Have we been attacked in the United States since 9/11? The reason we have not been attacked, in some measure, is good luck, good fortune, but it is also the fact that this administration has put into place an aggressive effort to fight terrorism not in America—Islamic fundamentalism and fascism—not on our soil but to take the fight to their soil and to meet them where they are.

That policy appears to be working. We can't take great solace, obviously, because who knows when they will attack us again and when they will breach our capacity to be secure.

I don't claim that we are anywhere near secure. In fact, I made it very clear that I have serious reservations about things we still need to do to make ourselves secure. But the fact is that the concept, the basic philosophy of pursuing the terrorists, the Islamic fundamentalists, the Islamic fascist movement, on their territory versus waiting for them to attack us and hoping to get them through our intelligence capability before they do that is a policy which is the correct policy.

Yet the other side of the aisle has had enough of it. They have had enough of it. So they want to use the stalking horse of attacking the Secretary of Defense as a process for basically undermining the policies and efforts which have led us at least to this point to some level of security as a nation. They don't appear, from what I have heard here so far, to really even have an offer of an alternative that is specific enough that it could be said to be a real alternative.

A letter was sent to the President outlining their alternative. They outlined four initiatives in this alternative. Three of them we are already pursuing and pursuing aggressively. The response from the administration was put in the RECORD earlier today by the Senator from Arizona.

The diplomatic process is going forward. I heard the Senator from Massachusetts talk extensively about the diplomatic need, that this should be resolved diplomatically, and I believe his words were that there is no military solution, there is only a diplomatic solution.

I only point out the obvious: You can't get to a diplomatic solution without having a military on the ground that makes things stable enough so that diplomacy can go forward. If you withdraw the military, you have chaos, and there is no diplomacy that is going to straighten that out. So that argument is a little disingenuous, to say the least.

Sure, there isn't a military solution in the sense that this is a war involving nationhood, nation against nation in the tradition of the wars of the 20th century, but there are military actions that can be taken and need to be taken which involve finding those people who wish to do us harm and eliminating them before they can do us harm. And a big part of that involves the intelligence and the on-the-ground capability which we gain by being in Iraq and having an influence in that nation which is leading toward a form of democracy.

Another big part of that which is again military based is allowing Iraq to evolve to the point where it can actually show the rest of the Islamic world that democracy is not an enemy, that democracy gives people good options; that giving people rights, especially women, is not bad for them but actually is good for them; that a culture which is open, which is market oriented, which has a reasonable level of freedom, is a better way of life than a culture which is closed and which denies people the rights to participate other than through some sort of extremist control, such as the Taliban had. It becomes a beacon of opportunity to look to. We are not there yet, but we are never going to get there if we don't make the effort.

So if we look at their proposals—and, as I said, three of them have already been met. What is the fourth one? The fourth one is to begin what they refer to as—I will quote this. This is actually not their fourth one, it is their second one—although the other three have been met—in their letter to the President:

> . . . beginning the phased redeployment of U.S. forces from Iraq before the end of this year.

This year. The Senator from Massachusetts kept saying a year from now to begin the redeployment. Their position is not a year from now; their position is this year to begin redeployment.

What does this term "phased redeployment" mean? I wonder how many focus groups they ran that one through before they decided to use that terminology, "phased redeployment." I will tell you what it means. It is a phrase, the purpose of which is to give political cover to those who wish to stand in opposition to the administration relative to what is happening in the war against the Islamic fascists.

In practice, were it ever to be executed—in other words, if you were actually to start pulling down troops before the end of this year—you would have set an arbitrary date and you would start removing American troops. What would happen to the troops left there? We all know Iraq is not yet ready to defend itself. Would that not put at even greater risk American soldiers left on the ground? How could you look the people in the face who are in the divisions and who are in the brigades who have been left behind as you started to pull people out prematurely and said: Oh, good luck, you are now a bigger target because we aren't there to give you the cover you need.

Phased redeployment before the end of this year, arbitrary date set for the purposes of making a political statement as we head into an election—it is not very good policy, to say the least, even if it is policy. It isn't policy. It is just politics, a political statement.

With whom are they going to replace Donald Rumsfeld? Howard Dean? Ned Lamont? I mean, these are the standard bearers of the position of their party. They want to take out Donald Rumsfeld and I presume they want to put in Howard Dean and Ned Lamont, two people whose purpose it is to speak for the party—one being the chairman of the party, one being the most recent standard bearer of the party—to immediately withdraw, to take our troops out of there now and to let happen what happens.

I am not going to use the pejorative to describe that. I think the American people are sophisticated enough to recognize that policy makes no sense. Howard Dean as Secretary of Defense? Maybe we should amend this and say "and we shall replace him with Howard Dean."

Howard Dean was a pretty good Governor from Vermont. I enjoyed working with him when I was Governor of New Hampshire. He wouldn't be a very good person in the Defense Department. He is not a very good person on foreign policy, and he clearly does not understand the threat, in my opinion, that the Islamic fundamentalists reflect.

The Howard Dean-Ned Lamont policy is a policy based on naivete. It is a policy that rejects the reality of the situation, which is there are people out there who wish to kill us and destroy our culture, and there are a lot of them, unfortunately. They feed off weakness, and they believe we are weak and will believe we are truly weak and will be able to make that case should we begin a phased withdrawal this year when we have no military capability of covering that withdrawal and protecting our troops who are left behind. It is a policy that is firmly grounded in Birkenstocks and clearly not grounded in the reality of the world as it is but the world as they wish it were.

We have a truly extraordinary military. I recognize everybody on both sides of the aisle understands that. There isn't a Member in this Chamber who hasn't been to a funeral and tried to console a member of a family of someone who has been lost in this war, in this battle. These are exceptional people who defend us and who carry forward our flag. They need to understand that their purpose is good and their purpose is right. And it is. Their cause is to find the people who wish to do America harm and who have said they intend to do America harm and to eliminate them before they can attack us and do us further harm.

Iraq is an integral part of that cause. Have there been mistakes there? Absolutely. Absolutely. It is terribly unfortunate, and we all recognize that. But have there been successes there and very significant successes there? Yes, there have been. As I said before, 50 million people, between Iraq and Afghanistan, are now free, women brought from behind the closeted doors of their houses into society, press availability, elections, governments formed, security forces who report to a government. We have a long way to go, but these soldiers have served extraordinarily well, and they have accomplished a great deal. To use this attack on Donald Rumsfeld as a stalking horse as an attack on the policies of Iraq I don't believe does anybody any good.

If the other side of the aisle wishes to debate the Iraq issue in context of the policy, fine, but to personalize this in such a manner—to quote the Senator from Massachusetts—is viciously partisan and overtly political and is not constructive to our ability to pursue this war or to our need to assure our soldiers in the field that they fight for our right and just cause.

Under the leadership of this President and the Secretary of Defense, Secretary Rumsfeld, the military has received the largest increases in resources since World War II. We have taken an approach to the military which has been to essentially get them whatever they need to do the job and do it right and make sure our soldiers are safe. Errors have been made along the way in accomplishing that, but the attention and the commitment to resources have been there, and this President and this Secretary of Defense take a second seat to no one in our history relative to their commitment to the men and women who wear the uniform of the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, like others, I have had the good opportunity to listen with great interest during the course of the afternoon about the nature of the resolution which is before us which questions the serious judgments of the Secretary of Defense in bringing us to where we are. He is the principal architect of the Iraq policy. I have listened to others talk about the general nature of the threat in terms of our national security.

In most recent times, we have an excellent Department of Defense study, some 63 pages long. We referenced it yesterday. It talks about the principal challenges we are facing in Iraq. I will briefly mention parts of it.

It talks about sustained ethnosectarian violence is the greatest threat to security and stability in Iraq; breaking the cycle of violence is the most pressing immediate goal of the coalition in Iraqi operations; conditions that could lead to civil war exist in Iraq, specifically around Baghdad; concern about civil war with the Iraqi civilian population has increased in recent months.

It goes on and talks about both Shia and Sunni death squads are active in Iraq and responsible for the significant increase in sectarian violence; militias—small, illegally armed groups—operate openly and often with popular support; civilian casualties increased by approximately 1,000 per month since the previous quarter; executions in particular reached new highs in the month of July; and rising sectarian strife defines the nature of violence in mid-2006.

Now we have to ask ourselves: How could all of this come to pass? Who was the architect that brought us to this situation? Clearly, it is because of the persistent, stubborn insistence of those who believe that we ought to stay the course, the principal architects being the Secretary of Defense and the President of the United States.

As has been mentioned here time in and time out, America was struck by al-Qaida, not Saddam Hussein. All of us gathered together to support the attacks that took place in Afghanistan and the isolation of Osama bin Laden and the belief, as has been pointed out earlier in the course of the afternoon, we had a real opportunity to catch and to punish and to bring to justice the individual that was the principal architect of 9/11. But instead, the administration moved military units and moved focus out of that search for Osama bin Laden into Iraq—into Iraq. It was Osama bin Laden who was the architect, not Saddam Hussein, and as a result, we have effectively taken our eye off the principal author of terrorism.

Even as the President of the United States spoke yesterday, 17 times he mentions Osama bin Laden. He was the one who was the architect. We should have been after him for the last 4 years. Instead, we have been weighted down with the resulting conditions that I described earlier, and the principal architect of that is the Secretary of Defense. He was wrong when he represented that there were weapons of mass destruction in Iraq that threatened the United States. He was wrong about the connection of al-Qaida to 9/11, as was demonstrated by the 9/11 Commission. He was wrong about the insurgency being just a group of deadenders. He was wrong about the administration of Abu Ghraib. He has just been continuously wrong, and we have the current situation which is outlined not by those of us who are supporting this resolution but by the Department of Defense.

Let's look at what the military does to its soldiers when they have failures in the performance of their duty. Here we have just mentioned, and it has been discussed over the course of the afternoon, the series of blunders by the Secretary of Defense—a series of blunders. Let's look at how the military treats its people.

In 2003, the Navy fired 14 commanding officers. In October of that year, the commanding officer of a Prowler aircraft squadron lost his job after one of his jets skidded off a runway. The Navy cited a "loss of confidence" when they made the decision to dismiss him.

In December of 2003 and January of 2004, the commanding officers of the submarine *Jimmy Carter* and the frigate USS *Gary* were both fired because of "loss of confidence."

In 2004, the Navy fired the captain of the USS *John F. Kennedy* aircraft carrier for running over a small boat in the Persian Gulf. The Navy didn't hide the incompetence or gloss over the facts. It responded decisively. It stated plainly it had "lost confidence" in the captain's ability to operate the carrier safely. He was the eleventh commanding officer of the Navy to be fired that year.

In February 2004, the commanding officer of the frigate USS *Samuel B. Roberts* was fired for a "loss of confidence" after he spent a night off the ship during a port visit to Ecuador.

For military officers in the Navy, the message is clear: If you fail, you are fired. The message to the civilian leadership of this administration is equally clear: If you fail, there are no consequences, no accountability, even if more than 2,600 Americans lose their lives.

It is time for the Department of Defense to run a tighter ship at all levels of command, including the civilian leadership. Those leaders at the Pentagon should be held at least to the same standard of accountability to which military officers in the Navy are held.

Secretary Rumsfeld must be held accountable for the massive failures in Iraq. Civilian control of the military is one of the great cornerstones of our democracy. But what if the civilian leaders don't know what they are doing and mindlessly lead our troops into battle unprepared? Clearly, there must be accountability for this breathtaking incompetence which has put our soldiers in daily danger and weakened American national security.

In a hearing by the Senate Armed Services Committee in 2004, former Defense Secretary Harold Brown described the key to accountability:

> At each level, the question is a loss of confidence. And in the Navy, the loss of confidence goes with grounding your ship. At a higher level, the loss of confidence has to be determined on a basis that is somewhat broader, the full performance. And I think that applies at the highest military levels. And it applies at the level of the Secretary of Defense and his staff.

That is what this resolution is all about.

The Bush administration has had its chance, and it has failed the basic test of competence. It is more focused on the spin of war than the real war in Iraq.

There is broad agreement among military experts, Members of Congress of both parties, and the overwhelming majority of the American people that we need to change course in Iraq. We need this administration to face up to its mistakes and correct them. A good place to start would be for the President to replace Secretary Rumsfeld. It is long past time for Secretary Rumsfeld to go, and I urge the Senate to pass this resolution.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Another speaker on our side is coming. I wish to not make a statement in that queue, so to speak. I just want to speak as a manager of the bill. I was under the impression we would be able to get through this discussion prior to the submission of this resolution and be able to go ahead with the votes we have. We have at least three votes left tonight, and we have assurance that we are going to pass this bill tomorrow, and there are still quite a few other amendments out there.

So I would like to know—can I inquire, may we get a time agreement from the other side of when this bill will pass tomorrow? I would like to know what is going to happen to this bill now? We had the understanding—I agreed we could not finish it on Wednesday, as we initially agreed—that is today—and that we would finish it tomorrow. But we had not anticipated this prolonged discussion about a resolution that hasn't even been introduced yet.

Is the distinguished deputy leader willing to enter into some discussion about this?

Mr. DURBIN. Mr. President, if I could respond to the question of the Senator from Alaska, it is my understanding there was an attempt to reach a time agreement before this started and, unfortunately, there was objection on the other side of the aisle. But——

Mr. STEVENS. We have not had any request for a time agreement. I have been willing to enter into a time agreement from the very beginning—from the very beginning.

Mr. DURBIN. I would be happy to discuss this with Senator REID, and we will move quickly as our Members come to the floor prepared to speak. We have tried to alternate back and forth, and we are prepared to continue to do that. Our goal is to finish this bill by tomorrow.

Mr. STEVENS. I would suggest then—is the Senator from Delaware going to speak next?

Mr. DURBIN. The Senator from Minnesota.

Mr. STEVENS. Pardon me. It is my eyes. I am sorry. Let's just skip this space and we will have a speaker come and follow him when he is finished.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I join today with many of my colleagues in expressing "no confidence" in Secretary of Defense Donald Rumsfeld and urging President Bush to replace him. I truly respect the Secretary's commitment to public service, and I recognize that he has one of the most difficult jobs here or anywhere in the world. He is a stand-up, tell-it-as-he-sees-it man, the kind we need more of in Washington. Unfortunately, the way he sees it has too often been wrong.

His disastrous failures in prosecuting the war in Iraq have left our courageous American troops mired in a quagmire there with no end in sight. And his shameful rhetoric last week comparing critics of his failed policies to the appeasers of Hitler was clearly a desperate attempt to divert attention away from his own failures.

Recent polls show the number of Americans who support the Administration's policies in Iraq is down to 39 percent compared to a high of 76 percent in April 2003.

That loss of public confidence has occurred not because Americans are appeasers—they most certainly are not—and not because Americans don't support our troops because they most certainly do support them and admire their incredible courage and patriotism as they persevere in the awful, deteriorating conditions there.

That loss of the public confidence in the Bush administration's war has occurred because Americans can tell the difference between success and failure. They can see that the President's policies are not succeeding in Iraq. They can see that the Iraqi Government and the Iraqi people are not winning against their own countrymen who oppose them. And the conditions in Iraq are getting still worse, not better.

All of the administration's rhetoric won't change their failed plans, policies, and practices that have created this mess.

Shortly before the invasion of Iraq, then-Army Chief of Staff Eric Shinseki testified before the Armed Services Committee that more than twice the number of U.S. troops that the Secretary was planning to commit to Iraq would be needed to secure the country after Saddam Hussein's overthrow.

For his foresight and his candor, General Shinseki was essentially dismissed by the Secretary, who preferred to believe the administration's favorite Iraqi exile, Ahmed Chalabi that the country would go back to work the day after Saddam's regime was toppled.

So when widespread looting and disorder occurred instead, the Secretary of Defense dismissed its significance. We now know that General Shinseki was right and President Bush, Secretary Rumsfeld, and Mr. Chalabi were wrong.

And that the initial civil disorder was a warning of much worse upheavals ahead, for which the Bush administration and its appointed Iraqi administrators were completely unprepared.

Even more tragically, they remain unprepared even today. Increasing violence, widespread corruption, nonexistent public services, failed improvement projects, delays, failures, and finger-pointing—those are the miseries that Iraqi citizens must endure today.

Democracy is a great thing, but democracy as we know means life, liberty, and the pursuit of happiness. Most Iraqis today fear for their lives, more and more are losing them, and reportedly almost 1 million Iraqi citizens have fled their country.

The New York Times today has an article about Iraqi citizens who are changing their names, something that is almost forbidden in the Iraqi culture, because it is the only way they know to save themselves from being pulled out of their cars or their homes and murdered simply because of their identity. The story states, and I will quote in part:

> Stories abound of Iraqi civilians being stopped at checkpoints by militia men or uniformed men and having their identification cards scrutinized. They are then taken away or executed on the spot if they have a suspect name or a hometown dominated by the rival sect. In Baghdad, Shiite death squads, sometimes in police uniform, operate many of the illegal checkpoints, Iraqi and American officials say. The most infamous episode of this kind took place in July when Shiite gunmen set up fake checkpoints and went on a daytime rampage through the Jihad neighborhood of Baghdad, dragging people from their cars and homes and shooting them after looking at their identification cards. Up to 50 people were killed.

Liberty, as we know, requires basic security, which the Bush administration and the Iraqi Government are failing to provide. And the chance to pursue happiness for many Iraqis is tragically even less possible now than it was under Saddam Hussein's evil regime.

This is the disaster for which over 2,600 heroic American soldiers have given their lives. Almost 20,000 have given their bodies, and for which Secretary Rumsfeld must accept responsibility—but won't.

Instead, what we are getting is another round of overheated and misleading rhetoric from the Secretary, the Vice President, and the President.

Last week was a repeat of some of the 2002 conventions where they first trotted out their overheated and misleading rhetoric to stampede Congress into supporting the Iraqi war resolution.

Saddam Hussein and his supposed weapons of mass destruction were then called urgent threats to our citizens' safety.

The Secretary of Defense, the Vice President, and the President all claimed proof positive that Saddam Hussein was developing nuclear weapons that would soon, if not already, present mortal danger to our national security.

Critics, skeptics, and even questioners were derided and dismissed as being appeasers of the then-Hitlerian menace of Saddam Hussein.

The administration offensive succeeded in persuading the majority of Congress and the American people. I was 1 of only 23 Members of the Senate to vote against the Iraq war resolution in October of 2002.

Yet even with bipartisan support for their war resolution, the President and others still used it politically to try to defeat Democrats in the 2002 midterm elections—just as they are now trying to do in this year's midterm elections.

Once again their rhetoric is misleading at best and blatantly wrong at worst.

Just yesterday the President repeated his claim that Iraq is the central battlefield where the war against terrorism will be decided.

There is no question that we must win the war in Iraq because we started that war, and once you are in it you must win it or suffer serious consequences.

But the worsening violence in Iraq, which the Bush administration and the Iraqi Government are failing to control or contain, is, by all rational accounts, primarily and mostly Iraqi-against-Iraqi sectarian violence.

To the extent that Al-Qaida and other terrorist organizations are operating in Iraq it is because of the openings and opportunities President Bush has provide them by creating a leaderless and lawless state.

Al-Qaida, as we have just witnessed, is not using Iraq as its central battlefield, but rather Heathrow Airport, or bombings in Spain, Jordan, and Egypt.

Osama bin Laden is by all accounts not masterminding his next assault against the United States from Iraq but rather from Pakistan or Afghanistan, where the al-Qaida allied Taliban is now resurgent due to other failed Bush administration policies, including their tragic and disastrous failures to meaningfully help rebuild that country.

Five years after 9/11, Osama bin Laden is still alive, unscathed, and plotting against the United States because the Bush administration has failed to devote the military personnel, the resources, and the diplomatic efforts necessary to find him and eliminate him.

Given the administration's attempts to exploit next month's fifth anniversary of 9/11 to its political benefit, it is a disgrace to the Americans Osama bin

Laden murdered and to their families—this terrible criminal remaining alive and free to operate against the United States.

Let me conclude with excerpts from public statements made recently by two U.S. generals with firsthand experience of the situation in Iraq. The first are excerpts from an article in the Washington Post by GEN John Batiste, a retired Army major general who commanded the First U.S. Infantry Division in Iraq. He wrote on Wednesday, April 19, 2006:

> I had the opportunity to observe high-level policy formulation in the Pentagon and experience firsthand its impact on the ground. I have concluded that we need new leadership in the Defense Department because of a pattern of poor strategic decisions and a leadership style that is contemptuous, dismissive, arrogant and abusive . . .
>
> We went to war with the wrong war plan. Senior civilian leadership chose to radically alter the results of 12 years of deliberate and continuous war planning, which was improved and approved, year after year, by previous secretaries of defense, all supported by their associated chairmen and Joint Chiefs of Staffs. Previous planning identified the need for up to three times the troop strength we committed to remove the regime in Iraq and set the conditions for peace there . . .
>
> Our current leadership decided to discount professional military advice and ignore more than a decade of competent military planning . . .
>
> We took down a regime but failed to provide the resources to build the peace. The shortage of troops never allowed commanders on the ground to deal properly with the insurgency and the unexpected. What could have been a deliberate victory is now a long, protracted challenge.
>
> Defense Secretary Donald Rumsfeld claims to be the man who started the Army's transformation. This is not true. Army transformation started years before this administration came into office. The secretary's definition of transformation was to reduce the Army to between five and seven divisions to fund programs in missile defense, space defense and high-tech weapons . . . the Army remains under-resourced at a time when it is shouldering most of the war effort. Boots on the ground and high-tech weapons are important, and one cannot come at the expense of the other.
>
> Civilian control of the military is fundamental, but we deserve competent leaders who do not lead by intimidation, who understand that respect is a two-way street, and who do not dismiss sound military advice. At the same time, we need senior military leaders who are grounded in the fundamental principles of war and who are not afraid to do the right thing. Our democracy depends on it. There are some who advocate that we gag this debate, but let me assure you that it is not in our national interest to do so. We must win this war, and we cannot allow senior leaders to continue to make decisions when their track record is so dismal . . .

Secondly, a statement in Time magazine on Sunday, April 9, 2006, by LTG Greg Newbold, who states:

> From 2000 until October 2002, I was a Marine Corps lieutenant general and director of operations for the Joint Chiefs of Staff. . . . Inside the military family, I made no secret of my view that the zealots' rationale for war made no sense. And I think I was outspoken enough to make those senior to me uncomfortable. But I now regret that I did not more openly challenge those who were determined to invade a country whose actions were peripheral to the real threat—al-Qaeda . . . I am driven to action now by the missteps and misjudgments of the White House and the Pentagon, and by my many painful visits to our military hospitals . . .
>
> What we are living with now is the consequences of successive policy failures. Some of the missteps include: the distortion of intelligence in the buildup to the war, McNamara-like micromanagement that kept our forces from having enough resources to do the job, the failure to retain and reconstitute the Iraqi military in time to help quell civil disorder, the initial denial that an insurgency was the heart of the opposition to occupation, alienation of allies who could have helped in a more robust way to rebuild Iraq, and the continuing failure of the other agencies of our government to commit assets to the same degree as the Defense Department. My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions—or bury the results . . .
>
> The consequence of the military's quiescence was that a fundamentally flawed plan was executed for an invented war, while pursuing the real enemy, al-Qaeda, became a secondary effort. . . .
>
> So what is to be done? We need fresh ideas and fresh faces. That means, as a first step, replacing Rumsfeld and many others unwilling to fundamentally change their approach. The troops in the Middle East have performed their duty. Now we need people in Washington who can construct a unified strategy worthy of them. It is time to send a signal to our nation, our forces and the world that we are uncompromising on our security but are prepared to rethink how we achieve it. . . .

This debate is long overdue on the Senate floor, and I thank our Democratic leader for it.

This debate is about how to finally win in Iraq, how to bring our courageous troops home as safely and as soon as possible, with their victory secured by the Iraqi Government, the Iraqi military and police, and the Iraqi people.

Our heroic soldiers deserve better than the President's apologies, again defending the failures of the past and the continuing failures of the present. They deserve a new strategy to win victory in Iraq and a new leader to achieve it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, we are here ostensibly debating a resolution that deals with the Secretary of Defense but, of course, the conversation has devolved into a discussion of the war against the radical Islamists and the battle in Iraq, a battlefront of that war.

Let me begin, though, by asking unanimous consent that at the end of my remarks we have printed in the RECORD a letter from Josh Bolton, of the administration, to the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, that letter goes to one of the points of the resolution that we are ostensibly debating, a resolution which seems to mock the phrase "stay the course," claiming that the current stay-the-course policy has made America less secure.

I guess it all depends on what you mean by stay the course because, if you mean by stay the course don't abandon the effort, then of course the administration and the Senate do not want to abandon the effort and therefore do want to stay the course. At least the people on this side of the aisle do not want to abandon the effort. But if it means don't change the way you are doing anything, obviously that is another matter. The problem is, it is a straw man for those on the other side to argue that the administration is not willing to change anything. The letter from Mr. Bolton to the distinguished minority leader will demonstrate the fact that, just as the enemy is agile and changes its tactics, so, too, has the United States changed the way that it deals with the enemy in Iraq.

So, yes, stay the course if by that we mean don't abdicate the mission; no, if it means don't ever change the way you operate.

The other part of the resolution I found rather odd was the condemnation of Secretary Rumsfeld, which for days now we heard is coming. I was rather bracing for an indictment of the Secretary of Defense who, of course, needs no one to defend him. He is an honorable and effective and totally self-sacrificing public servant who has served the President and the American people well. But I noted that the big indictment is that President Bush needs to change course in Iraq—undefined how that change in course might operate—to provide a strategy for success—the strategy was announced over and over by the President, reiterated in his speech yesterday—and one indication of a change of course would be to replace the current Secretary of Defense.

I suppose it would be. That is a bit of a tautology. But it doesn't suggest that it would do anything or accomplish anything except, perhaps, embarrass the President, perhaps undermine our credibility abroad, perhaps embolden our opponents and raise questions by our allies. That is not a very constructive proposition by our friends on the other side of the aisle. But, on the other hand, not much that they have offered is very constructive.

It is easy to criticize, easy to play Monday morning quarterback. It is a little more difficult when you are in the middle of the battle, charged with the responsibility of success. I shudder to think what these Monday morning quarterbacks would have done in World War II or World War I, a day after the landing on D-day or at Iwo Jima—10,000 casualties. Or the Civil War. It occurs to me we would not be here debating as a unified nation today if one of the greatest generals in the history of America, Robert E. Lee, hadn't made a monumental mistake at Gettysburg. The reality is mistakes are made in war and it is very difficult while the war is going on, and before the historians have the context in which to reflect on it, to debate the mistakes, especially when the enemy is listening and certainly our allies and our troops are listening as well.

But just to reflect on a couple of these, one comment by one of the Senators was the problem is we are trying to do a war without enough military. A lot of us on this side of the aisle have steadfastly supported a stronger more robust military. Sometimes we don't get a lot of support on the other side of the aisle for that. But the comment was we do need more troops, from a Senator who wants to withdraw our troops.

I happen to agree with my colleague, the senior Senator from Arizona, who has said we need more troops. The best way to do that, at least under current circumstances, is to not withdraw an American soldier for every Iraqi trained but combine the two armies as the Iraqis are trained up in order to go into a place like Baghdad and get control. That is not reducing troops, obviously; that is enhancing the total power there.

How do we get more troops if every time we train up an Iraqi an American has to leave? Or we set a timetable for leaving by the end of the year? I am at a loss to understand this notion: Our problem is we need more troops, so let's bring our troops home. I don't get it. Unless, of course, we are not concerned about the outcome—and that is the question.

That, unfortunately, is the question that must be in the minds of our allies. It must be in the minds of our enemies when they hear a debate like this and they hear: We need more troops, let's bring our troops home. They must ask: Okay, what does that mean? Does it mean America is in it for winning or does it mean we are going to be leaving, and the vacuum that is created will be an opportunity to move in and do our evil deeds?

The President, in his speech yesterday, was very clear about the nature of the enemy, an enemy that sees the Iraq battlefront as a central part of what he called World War III, their attempt to either make us bow down to their will or kill us or, if we succeed, they die trying. It is a win-win for them either way, according to them.

The reality is, this is a battle we cannot leave. This is a fight we cannot walk away from. If we are going to win the war against the terrorists, we have to win the battle in Iraq. There is no other way around that proposition. We cannot abdicate Iraq and still hope to win this war against these radical Islamists, at least not without taking horrendous casualties and losses in the meantime until our allies and some in America determine it is worth fighting, that it is a serious enemy, that we have to do whatever it takes to win, and that includes fighting in places such as Iraq.

I conclude with this notion, and the Senator from New Hampshire made the point earlier in a very eloquent way. After recounting all of the carping and criticism of what could have been done differently, he asked: Is there no credit for what we have achieved in Afghanistan, a country that was ruled by the Taliban, where women were beaten, where people were taken to the soccer stadium and shot, where little girls could not go to school and on and on, an altogether horrific place? Is there no credit for the fact that the people of Afghanistan are now free? Is there no credit for the fact that a brutal dictator who killed thousands and thousands of his own citizens, gassed many of them to death, killed hundreds of thousands of people in neighboring countries and was prepared to do battle with us, is there no credit for the fact that Saddam Hussein is gone, that his people have now been afforded the opportunity to freely elect their own government, and we are in the process of helping them secure that freedom? Is there no credit for the fact that Qadhafi decided America's will was pretty well demonstrated in Afghanistan, and he was not going to buck that will by continuing his evil way and developing nuclear weapons, so discretion being the better part of valor, he would get on the right side of history and be with us in this war? Is there no credit for any of these achievements?

No, no, not when you are discussing the President of the United States, who in some circles has to be vilified in the name of political discourse. This is not the way to conduct this debate. The way to conduct a debate over the strategy and over the course of history is to have a civil discussion that does not focus on an individual in the administration—who, after all, is only one person making the decisions and who has served this country ably—but, rather, on the strategic objectives over the goals.

Can anyone doubt what the goals in the war have to be? Can anyone doubt that the goal has to be to retain the ability of the country of Iraq to keep terrorists out and to ensure the safety and security of their own citizens in the future? I don't think there can be any doubt about what the goals ought to be.

Yet the President was right yesterday in reiterating those goals because there appear to be some who have lost sight or who have not ever realized the true evil nature of this enemy, who don't quite comprehend what it will take to defeat this enemy, who do not connect the dots to see we cannot walk away from Iraq and still be able to defeat this enemy, the radical Islamist, both the Sunni and the Shia Islamists, the people who would do us evil if we do not stand in that way. If you do not understand the enemy, I suppose it is not hard to conclude that, because the going is getting tough in Iraq, we ought to leave. The people who believe that are very strong, as the President said, maybe quite patriotic but very wrong.

It is the terrorist leaders themselves who believe that Iraq is a central battlefield in what we call the Third World War, a war that obviously the United States is leading. With our allies, we need to bring this to a successful conclusion.

I quote from the President's speech the words of Osama bin Laden who said:

> I now address the whole Islamic nation. Listen and understand. The most serious issue today for the whole world is this third world war that is raging in Iraq.

He calls it a war of destiny between infidelity and Islam and concludes that the whole world is watching this war, and it will end in victory and glory or misery and humiliation.

In the latter, I think he was correct. We have to make sure that it is his misery and humiliation and the terrorists' misery and humiliation that is the result of the conflict in Iraq and not that of the United States. In order to ensure that, it is incumbent upon us to prosecute this war to a successful conclusion and not leave this difficult battlefield prematurely—in the process, by the way, support those who are working very hard on our behalf, not denigrate them. It is fine to show the loyalty and the gratitude to our troops that the resolution does, and which I do, but it is also important to show that same kind of gratitude to other people who are trying very hard to protect the American people. That includes the President of the United States and the Secretary of Defense.

EXHIBIT 1

RESPONSE FROM THE CHIEF OF STAFF JOSH BOLTEN TO A DEMOCRATIC LETTER

SEPTEMBER 5, 2006.

Senate Democratic Leader HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: Thank you for your September 4 letter to the President. I am responding on his behalf.

A useful discussion of what we need to do in Iraq requires an accurate and fair-minded description of our current policy: As the President has explained, our goal is an Iraq that can govern itself, defend itself, and sustain itself. In order to achieve this goal, we are pursuing a strategy along three main tracks—political, economic, and security. Along each of these tracks, we are constantly adjusting our tactics to meet conditions on the ground. We have witnessed both successes and setbacks along the way, which is the story of every war that has been waged and won.

Your letter recites four elements of a proposed "new direction" in Iraq. Three of those elements reflect well-established Administration policy; the fourth is dangerously misguided.

First, you propose "transitioning the U.S. mission in Iraq to counter-terrorism, training, logistics and force protection." That is what we are now doing, and have been doing for several years. Our efforts to train the Iraqi Security Forces (ISF) have evolved and accelerated over the past three years. Our military has had substantial success in building the Iraqi Army—and increasingly we have seen the Iraqi Army take the lead in fighting the enemies of a free Iraq. The Iraqi Security Forces still must rely on U.S. support, both in direct combat and especially in key combat support functions. But any fair-minded reading of the current situation must recognize that the ISF are unquestionably more capable and shouldering a greater portion of the burden than a year ago—and because of the extraordinary efforts of the United States military, we expect they will become increasingly capable with each passing month. Your recommendation that we focus on counterterrorism training and operations—which is the most demanding task facing our troops—tracks not only with our policy but also our understanding, as well as the understanding of al Qaeda and other terrorist organizations, that Iraq is a central front in the war against terror.

Second, your letter proposes "working with Iraqi leaders to disarm the militias and to develop a broad-based and sustainable political settlement, including amending the Constitution to achieve a fair sharing of power and resources." You are once again urging that the Bush Administration adopt an approach that has not only been embraced, but is now being executed. Prime Minister Nouri al-Maliki is pursuing a national reconciliation project. It is an undertaking that (a) was devised by the Iraqis; (b) has the support of the United States, our coalition partners and the United Nations; and (c) is now being implemented. Further, in Iraq's political evolution, the Sunnis, who boycotted the first Iraq election, are now much more involved in the political process. Prime Minister Maliki is head of a free government that represents all communities in Iraq for the first time in that nation's history. It is in the context of this broad-based, unity government, and the lasting national compact that government is pursuing, that the Iraqis will consider what amendments might be required to the constitution that the Iraqi people adopted last year. On the matter of disarming militias: that is precisely what Prime Minister al-Maliki is working to do. Indeed, Coalition leaders are working with him and his ministers to devise and implement a program to disarm, demobilize, and reintegrate members of militias and other illegal armed groups.

Third, your letter calls for "convening an international conference and contact group to support a political settlement in Iraq, to preserve Iraq's sovereignty, and to revitalize the stalled economic reconstruction and rebuilding effort." The International Compact for Iraq, launched recently by the sovereign Iraqi government and the United Nations, is the best way to work with regional and international partners to make substantial economic progress in Iraq, help revitalize the economic reconstruction and rebuilding of that nation, and support a fair and just political settlement in Iraq—all while preserving Iraqi sovereignty. This effort is well under way, it has momentum, and I urge you to support it.

Three of the key proposals found in your letter, then, are already reflected in current U.S. and Iraqi policy in the region.

On the fourth element of your proposed "new direction," however, we do disagree strongly. Our strategy calls for redeploying troops from Iraq as conditions on the ground allow, when the Iraqi Security Forces are capable of defending their nation, and when our military commanders believe the time is right. Your proposal is driven by none of these factors; instead, it would have U.S. forces begin withdrawing from Iraq by the end of the year, without regard to the conditions on the ground. Because your letter lacks specifics, it is difficult to determine exactly what is contemplated by the "phased redeployment" you propose. (One such proposal, advanced by Representative Murtha, a signatory to your letter, suggested that U.S. forces should be redeployed as a "quick reaction force" to Okinawa, which is nearly 5,000 miles from Baghdad).

Regardless of the specifics you envision by "phased redeployment," any premature withdrawal of U.S forces would have disastrous consequences for America's security. Such a policy would embolden our terrorist enemies; betray the hopes of the Iraqi people; lead to a terrorist state in control of huge oil reserves; shatter the confidence our regional allies have in America; undermine the spread of democracy in the Middle East; and mean the sacrifices of American troops would have been in vain. This "new direction" would lead to a crippling defeat for America and a staggering victory for Islamic extremists. That is not a direction this President will follow. The President is being guided by a commitment to victory—and that plan, in turn, is being driven by the counsel and recommendations of our military commanders in the region.

Finally, your letter calls for replacing Secretary of Defense Rumsfeld. We strongly disagree. Secretary Rumsfeld is an honorable and able public servant. Under his leadership, the United States Armed Forces and our allies have overthrown two brutal tyrannies and liberated more than 50 million people. Al Qaeda has suffered tremendous blows. Secretary Rumsfeld has pursued vigorously the President's vision for a transformed U.S. military. And he has played a lead role in forging and implementing many of the policies you now recommend in Iraq. Secretary Rumsfeld retains the full confidence of the President.

We appreciate your stated interest in working with the Administration on policies that honor the sacrifice of our troops and promote our national security, which we believe can be accomplished only through victory in this central front in the War on Terror.

Sincerely,

JOSHUA B. BOLTEN,
Chief of Staff.

The PRESIDING OFFICER. The Senator from New York.

Mr. DURBIN. Will the Senator from New York yield for a moment?

Mrs. CLINTON. Certainly.

Mr. DURBIN. I make a unanimous consent as to the remaining speakers on the Democratic side, if I might. I apologize for interrupting the Senator from New York.

I ask unanimous consent that the following speakers be recognized on the Democratic side in sequence, alternating with Republicans: Senator CLINTON for 10 minutes; Senator HARKIN for 15 minutes; Senator BOXER, 6 minutes; Senator CARPER, 5 minutes; Senator DORGAN, 10 minutes; Senator MURRAY, 5 minutes; Senator MIKULSKI, 5 minutes; and Senator LAUTENBERG, 10 minutes.

The sequence may be different, depending on who is in the Chamber, but those are the times allotted for which I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized for 10 minutes.

Mrs. CLINTON. Mr. President, we are debating this resolution for two simple reasons. First, no matter how the lily is gilded, things are not going well in our war against terrorism, and there is no doubt we need new leadership.

Second, this Congress has abdicated its constitutional responsibility to conduct oversight and hold the administration accountable for the decisions which it has made over the course of the last 5 years.

This is quite unusual in American history because ordinarily the Congress would play that role of check and balance.

In the middle of World War II, which really was a world war, then-Senator Harry Truman was the chair of a commission looking into war profiteering and other matters related to the conduct of the war. There was a Democratic Congress, a Democratic President. Yet the Congress, under then-Senator Truman's leadership, fulfilled its responsibility.

During the Vietnam war, which ripped this country apart, Senator Fulbright felt compelled to hold hearings about the conduct of that war. A Democratic Congress, a Democratic President, fulfilling its responsibility.

We have seen none of that, with very few exceptions. This Congress has been either intimidated or negligent in the fulfillment of its responsibilities to hold the administration accountable. Absolute power not only corrupts, but it can lead to bad decisions. This has been a very small group of decisionmakers.

Recently, the President changed the leadership of his economic team because we all know the economy is not doing as well as advertised. Profits are up, productivity is up, but average wages and income aren't. It is getting harder and harder for the average American to make ends meet. So the President changed his economic leadership, changed his Chief of Staff in the White House. Yet there is no accountability with respect to his security team.

I just returned, as did my colleagues, from our recess. I visited throughout my State. In every kind of community, people are expressing deep concerns about the direction we are heading when it comes to the war in Iraq, when it comes to American security interests. New Yorkers, as most Americans, want things set right in Iraq, when so much both has gone wrong and seems to continue to go wrong.

We are asking for some accountability. There is no illusion on this side of the aisle that this resolution will pass. We know it will not. We may not even get a vote on it because, heaven forbid, the other side would have to stand up and actually vote. We know that many on the other side share our doubts. Privately, they will say some of the most harsh and critical comments about the Secretary of Defense, about the President, about the Vice President, and the conduct of this war. However, they abdicate their responsibility in public. We have no illusions we are going to get a vote. Yet we owe it to ourselves, our troops, our fellow citizens to raise these issues.

One doesn't have to read the recently published book "Fiasco" or the book before it, "Cobra II," to see how badly things have gone. We know that. At the center of so many of the wrong calls, the misjudgments, the strategic blunders has been the Secretary of Defense. No one is questioning his patriotism, his honorable service. We are questioning his judgment and his leadership.

We went to war with the Secretary of Defense we had. Now it is time to complete the mission with the new Secretary of Defense we need. It is past time.

Our friends on the other side will come forward and make the most impassioned arguments about how things are going, how we have to stay the course, and what has to be done in order to succeed. But under Secretary Rumsfeld's leadership, it has not happened. We have a full-fledged insurgency and full-blown sectarian conflict in Iraq. I don't care what you label it—civil war, sectarian violence—the fact is the Iraqis are losing hundreds and hundreds of lives. As of yesterday, 2,652 service men and women have been killed in Iraq; amongst them, 123 New Yorkers.

We didn't go with enough troops to establish law and order, to put down a marker as to our authority as we replaced an authoritarian dictatorship. We went with this dysfunctional bureaucracy known as the Coalition Provisional Authority, which disbanded the Iraqi Army which we are now trying to recreate.

Secretary Rumsfeld rejected virtually all of the planning that had been done previously to maintain stability when the regime was overthrown. He deliberately and repeatedly underestimated the nature and strength of the insurgency, the sectarian violence, and the spread of Iranian influence.

Let us not confuse the leadership's failures with either the remaining mission in Iraq, the war on terrorism or with our support for our troops. What we have is a failure of leadership to accomplish that mission. What was hailed as our shortest war has now become one of our longest.

What was hailed as a model of democracy teeters on the brink of complete anarchy. What was the leadership that quickly claimed credit for success has been lethargic in the face of misjudgments and setbacks. I do not see what other conclusions one can draw. We will have the same President and Vice President for the next 2 years. But why not ask the President to exercise his judgment to bring in new leadership, to send a new signal to our troops, to our military leadership, to our friends and our allies, and to our country that—guess what—we get it, we need new leadership.

When I confronted Secretary Rumsfeld a month ago, he continued to obfuscate and deny responsibility. He denied he ever painted a rosy picture in Iraq. In response, my office compiled a list of 13 statements, out of many he had made, which clearly painted a rosy scenario.

Mr. President, I ask unanimous consent that those statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT FOR THE RECORD BY SENATOR CLINTON

In the August 3 Armed Services Committee hearing, I had the following exchange with Secretary Rumsfeld:

CLINTON: Well, Mr. Secretary, I know you would, and I know you feel strongly about it, but there's a track record here. This is not 2002, 2003, 2004, '5, when you appeared before this committee and made many comments and presented many assurances that have, frankly, proven to be unfulfilled. And . . .

RUMSFELD: Senator, I don't think that's true. I have never painted a rosy picture. I've been very measured in my words. And you'd have a dickens of a time trying to find instances where I've been excessively optimistic. I understand this is tough stuff.

I ask unanimous consent that the following quotes from Secretary Rumsfeld be included in the Record:

CONGRESSIONAL HEARINGS

July 9, 2003: Senate Armed Services Committee hearing

"The residents of Baghdad may not have power 24 hours a day, but they no longer wake up each morning in fear wondering whether this will be the day that a death squad would come to cut out their tongues, chop off their ears, or take their children away for 'questioning,' never to be seen again."

September 30, 2003: House Appropriations Committee hearing

"My impression is that the war was highly successful."

Source: Transcript of Hearing of House Appropriations Committee, Subcommittee on Defense on President's FY '04 Supplemental Request for Iraq and Afghanistan, available online from FDCH Political Transcripts on Lexis-Nexis.

February 4, 2004: Senate Armed Services Committee hearing

"The increased demand on the force we are experiencing today is likely a 'spike,' driven by the deployment of nearly 115,000 troops in Iraq. We hope and anticipate that that spike will be temporary. We do not expect to have 115,000 troops permanently deployed in any one campaign."

May 7, 2004: Senate Armed Services Committee hearing

"Senator BAYH. So my question, Mr. Secretary, my final question is just very simply, do you believe we're on the right course presently, or is dramatic action necessary to regain the momentum so that we can ultimately prevail in what is a very noble and idealistic undertaking?

Sec. RUMSFELD. I do believe we're on the right track."

June 23, 2005: Senate Armed Services Committee hearing

"But terrorists no longer can take advantage of sanctuaries like Fallujah."

June 23, 2005: House Armed Services Committee hearing

"The level of support from the international community is growing."

March 9, 2006: Senate Appropriations Committee hearing

"Sen. ROBERT BYRD. Mr. Secretary, how can Congress be assured that the funds in this bill won't be used to put our troops right in the middle of a full-blown Iraqi civil war?

Sec. DONALD RUMSFELD. Senator, I can say that certainly it is not the intention of the military commanders to allow that to happen. The—and to repeat, the—at least thus far, the situation has been such that the Iraqi security forces could for the most part deal with the problems that exist."

PRESS INTERVIEWS AND OTHER FORUMS

November 14, 2002: Infinity CBS Radio Connect, interview with Steve Kroft

"The Gulf War in the 1990s lasted five days on the ground. I can't tell you if the use of force in Iraq today would last five days, or five weeks, or five months, but it certainly isn't going to last any longer than that."

December 18, 2002: CNN "Larry King Live"

"The Taliban are gone. The al Qaeda are gone."

February 7, 2003: Town hall meeting with U.S. troops in Aviano, Italy

"And it is not knowable if force will be used, but if it is to be used, it is not knowable how long that conflict would last. It could last, you know, six days, six weeks. I doubt six months."

February 20, 2003: PBS "NewsHour"

"Lehrer. Do you expect the invasion, if it comes, to be welcomed by the majority of the civilian population of Iraq?

RUMSFELD. There's obviously the Shia population in Iraq and the Kurdish population in Iraq have been treated very badly by Saddam Hussein's regime, they represent a large fraction of the total. There is no question but that they would be welcomed."

March 30, 2003: ABC "This Week with George Stephanopoulos"

"We know where [the WMD] are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat."

February 1, 2006: Department of Defense News Briefing

"Q: One clarification on "the long war." Is Iraq going to be a long war?

Sec. RUMSFELD. No, I don't believe it is."

Mrs. CLINTON. It is time for the Senate to exercise our responsibility, for the Members of this Chamber to decide: What do we owe our constituents, our young men and women in uniform? What do we owe history in terms of our responsibility? We know the answer. Whether we stand up and deny it or not, we know the answer. History is going to judge this period harshly. And I wish we could, as a body, redeem ourselves and redeem this mission, give it a chance for success, with new eyes and ears, with a new way of thinking and leading.

I have no idea whom the President might ask to replace the Secretary were he to be asked to leave or resign, but I have to believe that some fresh thinking, some new ideas would make a difference. It is time we put our policy, our chance for success, ahead of politics, that we put wise decision-making and new leadership ahead of the status quo. When it is not working, why do we keep digging a deeper hole? So I hope this body would exercise responsibility in the only way open to us, since we cannot have the oversight and accountability the Congress should be demanding.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, does the distinguished Senator from Alaska, the chairman of the Appropriations Subcommittee on Defense, wish to speak?

Mr. STEVENS. No. We are alternating speakers on each side, and Senator INHOFE is coming.

Ms. MIKULSKI. While we are waiting, my remarks are 5 minutes. May I proceed?

Mr. STEVENS. Yes, you may.

Ms. MIKULSKI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President. I appreciate all the courtesy.

Mr. President, this is really a sad day for me. It is a very sad day, as we are coming up on the anniversary of September 11, as I remember the fear that gripped the Capitol and gripped the United States of America. I remember us being outside on the steps of the Capitol on the evening of September 11 when we stood together and sang "God Bless America" together, when we were one Nation indivisible and when we were united and we were so determined to fight that global war against terrorism.

I joined with all of my colleagues and I voted to give the President the power to use lethal force to pursue the terrorists and pursue the Taliban and take the fight to Afghanistan. And how pleased I was with the victory in Afghanistan and the way, then, that the Afghan people came together in their Loya Jurga to choose Mr. Karzai to be their leader and to lay the groundwork for a democratic Afghanistan. I thought we were going to make Afghanistan the jewel of the Middle East, where the Muslim community could flourish, a democratic community could emerge, and women would be able to exercise their rights. How joyful we were when those little girls were going to school the same way as the little boys. But it was not meant to be. Afghanistan did not get the backing and support it needed, and along the way there was the recommendation to go to war in Iraq.

In 2002, 1 year later, we were debating the war in Iraq. Well, on October 10, 2002, I disagreed with the resolution before the Senate, with the request to give the President the authority to wage war in Iraq, using a unilateral approach, and to engage in a preemptive war. I did not agree that the world and the United States of America faced a clear, present, immediate danger from weapons of mass destruction.

That information was coming from our CIA, and it was coming from our Department of Defense, which had cozied up to a dissident named Achmed Chalabi, the guy who hung around London, being paid $300,000 a week from the CIA, eating Dover sole, with no backing, no information. He sold us a bill of goods. There were no weapons of mass destruction in Iraq. Rumsfeld was one of the ones who made that argument, along with the CIA.

So where am I today? Today, I really do believe we need a fresh approach. One of the ways to get it is through new leadership. Ordinarily, I would not single out a personality. I would agree with my colleagues on the other side of the aisle, that this is about policies. But we have gotten nowhere. So I have joined with my colleagues to ask for Donald Rumsfeld's resignation.

I have been asking for his resignation since 2004 because I watched us go from being at war with Iraq to being at war within Iraq. Well, this dangerous incompetence has been wrong for America and wrong for our troops and wrong for our allies and wrong for the Iraqi people.

Rumsfeld was wrong about the Iraqi weapons of mass destruction, and he led us into war on inaccurate evidence. As a member of the Intelligence Committee, I know that Rumsfeld skewed, selected, and exaggerated information about weapons of mass destruction. And our men and women in uniform have been paying for this deception ever since.

Rumsfeld was wrong about what it would take to secure Iraq. We sent our troops to war without sufficient body armor, without armored humvees, and unprotected for the war in Iraq, where they face daily attacks by IEDs and RPGs. It was up to the Congress, and actually the Defense Appropriations Subcommittee, to add over $1 billion to make sure our troops have the protection they need.

Well, now they need to have new leadership, as well as new protection and new weapons. And along the way, when we hear we are going to listen to our generals in the field—what generals in the field? Those generals who said we need more troops or different strategies, who disagreed with Rumsfeld's rosy projections were muzzled. Warnings about lawlessness and looting were ignored. The State Department's reconstruction plan for Iraq was dismissed and laid aside.

DOD's own report says now sectarian violence is the dominant trend in Iraq. But the Secretary of Defense, Mr. Rumsfeld, refuses to admit what our generals can clearly see: Iraq is slipping into a civil war and sectarian violence. And whose side are we going to be on? We have said this must be a year of transition. And the transition must begin with Mr. Rumsfeld resigning.

Now, Mr. Rumsfeld also assured us about the cost of the war. I was in the meetings. I was in the hearings. He said: Don't worry, American taxpayers will not pay for the war. With our shock and awe, and this quick war, we are going to have a mission accomplished, that the war will be over, and the cost of rebuilding will be paid for by Iraqi oil. Well, Iraqi oil—drip, drip, drip. When do we get a chance to see it? There is no Iraqi oil coming to the United States. Why? Because the infrastructure is broken. Because of the corruption. And because we were once again oversold.

Finally, we need to hold Rumsfeld responsible for the prisoner abuse scandals. The abuse at Abu Ghraib is deplorable, despicable and dishonorable. It does not reflect the values of the United States, or the code of conduct that most of our Soldiers live by every day. Rumsfeld's leadership created a command atmosphere where terrible abuse of prisoners was not just tolerated, but encouraged. But only junior enlisted and young officers have been held accountable, while high level military and civilian leaders are let off the hook. This is unacceptable.

Rumsfeld is completely incapable of speaking the truth—or facing the truth—about Iraq. His dismal performance has undermined U.S. credibility in the world, and undermined the President's credibility with the American people. We face serious threats from terrorism and rogue regimes, and our brave troops are risking their lives every day around the world. We need a Secretary of Defense we can trust. Donald Rumsfeld should resign now.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. I think I made my point, and I am willing to yield my time. We need new leadership. We need a new Secretary of Defense.

I yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say I have listened with some interest. Unfortunately, the committee I chair has had meetings all day, and I have not had a chance to really get involved in this discussion. But I have been listening to people criticizing Secretary Rumsfeld, talking about the war, and I just wonder what war they are talking about and what Secretary they are talking about because it certainly is not what is going on right now.

I can remember so many times during the 1990s when we had this euphoric attitude that somehow the Cold War was over and so we no longer needed a military and so we knew we could do some downgrading at that time. I can remember so many times on the floor saying we will rue the day we did this, we are going to have to rebuild, not knowing at that time that this would have to be during a time of war.

At that time, our Army divisions went down by about 50 percent. The tactical air wings went down by about 50 percent. Ships went down from 600 to 300. And again, people were thinking, there is no need to have this strong of a military. And they did not seem to think there was any kind of a threat out there. Nobody really thought about what we call today the asymmetric threat.

Now, that is what Secretary Rumsfeld inherited. I remember so well, about 6½ years ago, at his confirmation hearing, I asked a question. I said: Right now, we have downgraded the military to the point where we are going to have to build it up again. And as we try to anticipate the problems we will be facing that we must prepare for today, that will come 10 years from now, you are going to have all the four star generals, who are all smart people, but they are not going to guess it right.

I can remember one time, in 1994, I was in the House Armed Services Committee, and we had someone testify that in 10 years from then we would no longer need ground troops. That was in 1994. So I asked: What is the answer to this? If we are going to try to have our kids, our troops go into the field on some future date 10 years from now, how are we going to be sure they have the best of everything?

He said: Well—I am going from memory now, but he said—all throughout the 20th century the amount we spent on defense equaled 5.7 percent of GDP. At the end of the 1990s, we were down to 2.7 percent.

I said: Where should it be?

He said: Probably, in order to be prepared for any contingency in the future, we would have to be somewhere between 4 and 4.5 percent or maybe even 5 percent of GDP.

That is the problem he inherited. And he was hired because he has had the vision to restructure this and set about doing that job some 6½ years ago.

During his first month, he called for flowcharts to be created that would detail the interdepartmental relationships at the Pentagon. What he received back looked like a bowl of spaghetti.

It was totally disorganized. He had to expose this, and we all know now what he did. He started in on reforming the Pentagon. Nobody else did it prior to him. He was the one who did it. We know the big picture changes and takes time when we shake up the very foundation of the Pentagon, but he did it. We were shifting from a division-oriented force to a modular brigade combat force, from a conventional base enemy toward an asymmetric war, while maintaining our ability as a modernized nation. Much progress has been made in the Army's system of dealing with divisions and organizing them into modular brigades, combat teams that are more capable and faster to deploy. He increased force size from 33 brigades to 42 brigades. I didn't agree with him at first.

I remember that out in Oklahoma we were shocked when he made the announcement as to one of the programs that we had, that we were working on, the development of a modern nonline-of-sight cannon called the Crusader. It was going to take us out of the World War II technology. Right now, the best thing we have in terms of artillery is the Paladin, and that is World War II technology. It is one where you have to swab the breach after every shot. That is what we were faced with at that time. I criticized him for junking that program. He had a bigger picture in mind. It was a future combat system for the Army.

He looked at the Navy and said the biggest problem was spare parts. Donald Rumsfeld concentrated on that and now has ships ready to be deployable. Another change in the Navy was instead of bringing a ship all the way with a crew out to a battle area, he leaves the ship there and flies the crew back and forth and increases the ship's efficiency at sea by about 50 percent. That is common sense, but it is something that nobody else did. It took Donald Rumsfeld to come along with the idea to do that.

In the Air Force, he recognized at that time that—I think it was probably under his supervision that General Jumper had the courage to stand up and say: Now we are sending our airmen out with equipment that isn't as good, potentially, as the enemy's. He talked about our strike fighters, and the best that we had were the F–15 and the F–16. We slowed down the F–22 development, the joint strike fighter. But General Jumper stood up and said—and Rumsfeld agreed—that now the potential is that the enemy has better equipment than we do. What he was referring to was the SU series the Russians were making, SU–27s, SU–30s, and SU–35s were, in many ways, superior to what our airmen and women were flying.

So, anyway, we got this back on schedule and now we have some 66, 68 F–22s flying. I see a couple of the Senators on the floor who will join me in wanting to enhance that program of F–22s and move the joint strike fighter forward. That is something that this Secretary did, which others were not willing or capable of doing and didn't have the foresight to do.

I have to tell you this, Mr. President. I was there during the confirmation hearing, and I said publicly on the Senate floor that the liberals are not going to like Rumsfeld for one major reason: they cannot intimidate him. He is not one to be intimidated. He has stood up to them, and he tells the truth; he tells it like it is. People in politics, many times, don't like that.

Turning to Iraq, the positive things that have changed in Iraq are economic change, where the economy is recovering after 30 years of a bloody dictatorship that we are aware of. In 2005, the Iraqi economy grew an estimated 3 percent. It is estimated to be some 10 percent in 2006. The International Monetary Fund is anticipating that. Under Saddam Hussein's regime, the Iraqi standard of living deteriorated rapidly. The per capita income there dropped from $3,800 in 1980 to $715 in 2002. Today, the economic recovery is picking up, with GDP growing from $18.9 billion in 2002 to $33 billion in 2005.

I have to say this, also. So many of the people who criticize what is going on over there in the war don't go over there and see. If you watch CNN and the networks and read the New York Times, you will not get an accurate picture of what is going on. I have been there more than anybody else. I have been in the Iraqi AOR 11 times, during all of the elections. I was in Fallujah during that election. I recall very well a general there named Mahi, who had been the brigade commander for Saddam Hussein; he had hated Americans. He hated Americans until the Marines went into Fallujah and started this embedded training. He learned to love them so much that he looked across at me and he said, "When they rotated the Marines out, we all cried." Then he renamed the Iraqi security forces in Fallujah to be the Iraqi Marines.

Then, up in Saddam's hometown, I was there when they blew up some of the Iraqi security forces who were training. Forty were either killed or near dead. What you didn't get in the media was the success story, the support from the Iraqis. Each family of the ones who were killed in Tikrit supplied another member of the family to take the place of the one who died. You don't see that in the news. I was fortunate to have arranged to be there at the same time that their Government took over. The Prime Minister, Defense Minister Jasim, and the National Security Advisor were there. I asked them basic questions. Some are talking about the civil war that is going on. A civil war is not going on. If you go there and sit down and talk to them, I believe it was Jasim who said that he is Shia and his wife is a Sunni. He didn't even know what some of the other members of the Cabinet were. I wasn't sure I believed this. I say to my friend from Alabama. I went out on my own with an interpreter and I saw an honor guard force, the very elite of the group; there were nine of them. One was the leader. I said to the leader: I would like to know about the civil war, about what is happening between the Shia and the Sunnis. He said: That is just not a real thing. I have been with these guys 8 days now, and I cannot tell you which are Shia and which are Sunni. He said—and this is interesting because he repeated what Dr. Rubai said—he said: That is a Western concept.

I wish that some of these people who are criticizing what is going on would hear the testimonials we hear. A woman told me "now my daughter can get married." I said: Why couldn't she get married before? She said it was because the wedding celebrations take place outdoors. Many times, the forces would come by—and we know, of course, Saddam's sons would capture and rape all of the girls and bury them alive. That is not happening anymore. For the first time, we have women going to school there. You have to go there and talk to them before you realize it.

The security forces that we criticize on the floor of the Senate are up now to 275,000 trained and equipped. I have talked to them, visited with them. I was in Fallujah when they voted. They voted 2 days ahead of time because they were risking their lives to vote. They are looking forward to the day when they are going to be able to take care of their own security. It is difficult for people to say when that day is going to come. That is a military decision. Many of the military people tell me that when they have 10 divisions trained and equipped, they will be able to do it. Now they have 275,000, so that would be about 325,000.

They are making great progress. I heard the distinguished minority leader of the Armed Services Committee talk about a poll taken about how the Iraqi people are responding to us. If a question is worded: Do you want to have the coalition forces here from now on? Of course, they don't. They are a very proud people. They want to take care of their own problems. But they are not ready for us to leave right now. In a poll taken about two trips ago, they said 94 percent of the Iraqis support a unity government. Now they have that unity government.

In the same poll, 78 percent of the Iraqis said they were opposed to Iraqis being segregated by religion or ethnicity. And so we can show you that the Iraqi people are so appreciative. It is spooky when they recognize you as an American and come running up to you. You never know for sure what they have with them. But they come up and embrace you and they are recognizing that what we and the coalition forces have done is a remarkable thing.

Also, what do a lot of these critics I heard on the floor have in common? They are all running for President of the United States. This is going to be their issue. If they can go to the Democrats and say, I am more liberal than anybody else, I am heading up the surrender, cut-and-run caucus, that is what they are going to try to do.

I suggest that we are very fortunate that Donald Rumsfeld was here at this time. I have thought often about what might have been the alternative. The greatest possible disservice we can do, not just to the Iraqi people but to our troops there, is to use Rumsfeld and the war for political advancement. I have spent time with them over there, and I assure you that we did the right thing.

People who say there is no connection between 9/11 and Iraq don't realize that three major terrorist camps were actually in Iraq at that time. They are not open for business anymore. So I am very proud to stand here and defend our Secretary of Defense, who has done a great job, and also to say that our troops are doing an incredible job under most difficult circumstances.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the Senate really should not have to debate the need to replace Donald Rumsfeld, the Secretary of Defense. If the Bush administration believed in accountability, if it believed in performance standards, if it believed in demanding competence from senior officials, Mr. Rumsfeld would have been dismissed long ago.

Instead, as disaster after disaster has followed disaster after disaster, and as Iraq descended first into guerrilla war and into civil war, Mr. Rumsfeld has been allowed to cling to his job.

For the record, I was the first Senator to call for Mr. Rumsfeld's resignation. I did so nearly 2½ years ago, on May 6, 2004, in response to the revelations of torture and abuse at Abu Ghraib prison. As I said then:

> For the good of our country, the safety of our troops, and our image around the globe, Secretary Rumsfeld should resign. If he does not resign forthwith, the President should fire him.

I said that on May 6, 2004. However, the scandal at Abu Ghraib is not the only disaster that can be traced directly to Mr. Rumsfeld. The Secretary of Defense has become virtually synonymous with disastrous decision-making. The litany of his catastrophic mistakes is familiar to all of us.

Before the invasion of Iraq, Mr. Rumsfeld sidelined General Shinseki, then the Army Chief of Staff, for daring to state that hundreds of thousands of troops would be needed to secure Iraq. Instead, Mr. Rumsfeld insisted on going to war on the cheap, with the bare minimum number of troops needed to overthrow Saddam Hussein. Mr. Rumsfeld gave no thought to securing the country after Saddam's fall. Indeed, he threw out the State Department's plan for restoring order. It was Mr. Rumsfeld, remember, who dismissed the postwar anarchy in Baghdad and other places with the phrase "stuff happens." That is a direct quote from Mr. Rumsfeld.

He was complicit in the decision to disband the Iraqi Army which fed the chaos and drove many former Iraqi soldiers into the arms of the insurgency.

Again and again, he refused to increase U.S. troop strength to a level that would allow law and order to be restored in Iraq.

He gave a green light to abusive practices that led to the scandal at Abu Ghraib prison.

He dismissed the insurgency as the work of just a few "dead-enders" who would soon be routed.

He failed to adequately equip our Armed Forces in Iraq, including basic items such as body armor and fortified humvees.

Most recently—just last week—Mr. Rumsfeld lashed out at critics of the war in Iraq. He accused them of "moral and intellectual confusion" and of appeasing "a new type of fascism." Those are his exact words, "moral and intellectual confusion," "a new type of fascism."

Wait a minute. This is the same Donald Rumsfeld who visited Baghdad in 1983 and was photographed warmly shaking hands with none other than Saddam Hussein. He had been sent on that mission to court Saddam Hussein and to communicate the Reagan administration's desire to help the Iraqi dictator in his war against Iran.

Mr. Rumsfeld went on that mission after we knew that Saddam Hussein had committed mass murders, after we knew he had used chemical weapons to gas the Iraqi Kurds and Iranians. Mr. Rumsfeld is the last person to be preaching about "moral and intellectual confusion."

I don't know of anyone else, I don't know of anyone on this side of the aisle who has criticized the President and his mismanagement of the war, and Rumsfeld and his mismanagement, who ever went to Iraq to shake hands with Saddam Hussein, who went to tell Saddam Hussein we would share information and intelligence and whatever weapons we might need. This was after we knew that he had gassed the Kurds and Iranians, after he committed mass murders. Yet for Mr. Rumsfeld in 1983, Saddam was our guy. Let me rephrase that. Saddam was his guy, not ours.

Now, for Mr. Rumsfeld to be talking about moral and intellectual confusion, let's get real here, folks. The only person who is morally and intellectually confused is Donald Rumsfeld.

The litany of Donald Rumsfeld's mistakes and misjudgments go on and on. He has become almost a legend in his own time as a Secretary of Defense who has been catastrophically wrong again and again but who arrogantly refuses to acknowledge any mistakes.

Earlier this year, when Secretary of State Condoleezza Rice said the United States made tactical errors in Iraq, Mr. Rumsfeld dismissed her, too. He said:

> If someone says, well, that's a tactical mistake, then I guess it's a lack of understanding of what warfare is about.

Maybe we should listen to those who truly do understand what warfare is about. Maybe we should listen to some of the generals.

In early April, LTG Greg Newbold, the former Director of Operations for the Joint Chiefs of Staff, wrote in Time magazine that the invasion of Iraq "was done with a casualness and swagger that are the special provenance of those who have never had to execute these missions—or bury the results."

He added:

> The cost of flawed leadership continues to be paid in blood.

About the same time, MG John Baptiste, who commanded the 1st Infantry Division in Iraq in 2004 and 2005, said:

> I believe we need a fresh start at the Pentagon. . . .We need leadership up there that respects the military as they expect the military to respect them.

Marine GEN Anthony Zinni, the former Chief of U.S. Central Command, accused Mr. Rumsfeld and his civilian advisers of "dereliction of duty" in failing to prepare adequately for war.

The remarkable thing about the debacle in Iraq is that nobody, aside from a few privates and sergeants, has been held accountable or dismissed. Isn't it the truth? It is always the grunts, it is always the noncoms and the privates who get the raw end of the deal. They were the ones who were thrown in prison for the scandals at Abu Ghraib. What about the people above them? No one is ever held accountable above them.

Incredible as it may seem, the four coarchitects of the Iraq debacle—Paul Wolfowitz, George Tenet, GEN Tommy Franks, Paul Bremmer—have all been awarded the Medal of Freedom. They have all been awarded the Medal of Freedom. Paul Wolfowitz, who said we would pay for it with Iraqi oil, who said it would be over within 6 weeks, maybe 6 months at the most, was awarded the Medal of Freedom. Think about that, the architects of the debacle in Iraq. And Donald Rumsfeld has been rewarded with continued tenure as Secretary of Defense.

Meanwhile, our enterprise in Iraq continues to descend deeper and deeper into chaos, corruption, and crime. Who is surprised by this? The same Secretary of Defense whose decisions created the quagmire in Iraq is still in office, still in charge, still making key decisions.

It boggles the mind. I am reminded that the definition of insanity is doing the same thing over and over again and expecting a different result.

We have the same disastrous civilian leadership in place at the Pentagon. Why should we expect anything but the same disastrous results?

I saw a bumper sticker the other day that said "Support our troops, not poor leadership." I agree. Our soldiers and marines on the ground in Iraq are putting their lives on the line every day. They are trying their best to salvage some kind of positive outcome in Iraq. They deserve our respect and our support. They also deserve competent civilian leadership at the Pentagon.

Donald Rumsfeld ought to have the decency to step aside and allow for fresh leadership at the Pentagon. Instead, he stubbornly refuses to admit any error. He stubbornly refuses to change course. He stubbornly refuses to go.

Quite frankly, Mr. Rumsfeld has a pre-9/11 mentality, a pre-9/11 mindset. He talks about World War II, fascists, and Nazis. That is World War II.

Then, he said we have to stop the terrorists in Iraq before they get into the Philippines, Indonesia, and other places. I remember as a staff aide to a committee in the House in 1970 going to Vietnam and sitting in a meeting with then-President Nguyen Van Thieu with a bunch of Congressmen. I remember him lecturing how the Communist goal was not South Vietnam; it was just a stepping stone to the Philippines and Indonesia. And the Congressmen there lapped it up. They lapped it up. Oh, yes, we have to stop the Communists in Vietnam before they get to America. This is Rumsfeld saying this about terrorists.

As it has been pointed out, there are more terrorists in Iraq now than prior to 9/11. It seems as though for every terrorist we kill, four or five spring up.

So Mr. Rumsfeld has a pre-9/11 mindset, that he is fighting World War II or maybe even fighting the Vietnam war. That is why we need a change at the Pentagon. His tenure at the Pentagon has been disastrous—disastrous for our economy, disastrous for Iraq, disastrous for the world, disastrous for so many of our troops now injured, now deceased, killed in Iraq.

It is unacceptable. It is time for the Senate to go on record saying that it is unacceptable. That is what the amendment is all about. It is about holding Mr. Rumsfeld accountable for his tragic mistakes. It is about giving our troops the credible, competent civilian leadership they deserve, someone with a post-9/11 mindset on the world, not a pre-9/11 mindset, such as Mr. Rumsfeld has.

It is about charting a new course in Iraq. It is also about charting a new course in the war against terrorists who attacked us on September 11, 2001.

It is time for Mr. Rumsfeld to go. It is time for new leadership at the Pentagon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to this amendment that I understand is going to be filed. I want to be brief, but I want to make two quick points.

I listened with interest to my good friend from Iowa, and he is my dear friend. I understand there are reasons one can put hindsight glasses on and one can criticize somebody for failing to take action when something has been done over a course of weeks, months, and years in this case. But what I don't hear in addition to the criticism is what we could have done or what we ought to do. All I hear is blame being put on, in this case, one man for the situation that has developed in Iraq.

I happen to have a different opinion. I have been involved from the intelligence side, as well as from the Armed Services side in this body, as well as previously on the House side. Secretary Rumsfeld has been at the helm of the Department of Defense now for almost 6 years, and during that 6 years, we, first of all, saw a movement toward transformation of our military to a leaner, meaner, more mobile military. Under his leadership, we have been headed in that direction.

During the course of that, along comes the conflict in Afghanistan, followed by the conflict in Iraq, and the overall global war on terror, which is really what this is all about.

I heard the distinguished minority leader say this morning that this is not about Donald Rumsfeld. It goes well beyond that. He is exactly right because the criticism I hear now is not just specifically at the Secretary of Defense but the overall policy of this administration toward the global war on terrorism.

I am not a military expert. I don't pretend to be, and I don't think there is anybody in this body who is an expert on the type of conflict in which we are now engaged, particularly as much of an expert as those folks who wear the uniform of the United States. All of those who have worn it, all of those who do wear it are true heroes to all of us. But the fact is, when it comes to the leadership in the Army, the leadership in every other branch of the U.S. military—but most specifically the Army because, frankly, they have carried the brunt of this in Afghanistan as well as in Iraq—there is strong leadership over there, strong individuals, men who are well educated, men who are smart, men who are well schooled in the war on terrorism but who are principally schooled in military operations. We don't hear any one of those individuals jumping up and saying: I have told the Secretary this, he wouldn't do this, and therefore we suffered the consequences of his decision.

What we have heard from my good friend from Iowa, again, is comments made by former military individuals who probably didn't agree with what this Secretary did, but they didn't say it while they were in uniform. They waited until they were out of uniform.

It is awfully easy to look back and say what we should have done. But there has been no Secretary of Defense in modern times that has had to deal with as many complex military issues as this Secretary of Defense.

This Secretary of Defense is a tough boss. He is a very tough boss, but he has a tough job to do. When I look at the men who are making comments relative to what this Secretary of Defense should have done or should not have done, I start with GEN Tommy Franks. General Franks was there from day one as the Commander of CENTCOM. Tommy Franks was the man who was leading his men and women into battle under this Secretary of Defense. He is the man who was providing tactical information to this Secretary of Defense and who made the key decisions in Afghanistan and the decisions early on relative to Iraq. And what does Franks say about the leadership of Donald Rumsfeld? He couldn't say enough nice things or enough positive things about the leadership of Donald Rumsfeld. But as the minority leader said, this goes beyond that. What we are hearing in this debate is about the policy in Iraq and not about just the leadership of that one position. And this amendment goes to that.

My second point is when we talk about in this amendment that America is less secure today than we were prior to September 11, that statement could not be any more false. All of us in this body who were here on September 11—I happened to be in the other body on September 11, and all of us who were in both the House and the Senate who had any knowledge whatsoever of the intelligence situation and, for that matter, probably 100 percent of the Members of the House and the Senate, believed that at some point in time we were going to suffer another attack by the terrorists, who wake up every single morning with their sole purpose that day being to try to decide how they are going to kill and harm Americans. Yet we are going to celebrate next Monday the fifth anniversary of September 11. And, gosh knows we hope it doesn't happen today, we hope it doesn't happen tomorrow, but if we get to Monday, it will be 5 years that the United States has gone without suffering another attack.

There are reasons for that, and Donald Rumsfeld is one of the reasons we have not suffered another attack on U.S. domestic soil since September 11. He is part of a team. There are a lot of people who deserve credit for it. Our intelligence community is doing a much better job. We had a briefing in the Intelligence Committee from the Director of the CIA, Mike Hayden, today to find out some additional things that we are doing now, all positive things, all continuing to move in the right direction. Mike Hayden is a part of that team. As we look out at all of our other intelligence agencies around the country, from a defense standpoint as well as a civilian standpoint, they are all doing a better job than they were on September 11. They are all a part of that team with Donald Rumsfeld and Mike Hayden to make sure that we are protected as citizens of the United States.

When you look at Director Mueller at the FBI, the FBI is doing a better job today than they were doing on September 11 of helping to gather intelligence and interrupting and disrupting potential terrorist operations inside the United States. They, again, are part of that team. Every single FBI agent, whether they are on domestic soil or whether they are on foreign operations, are doing a better job of making sure that as a team they are working to protect Americans and to help interrupt and disrupt terrorist activity.

So to say that we are not as safe today as we were on September 11, 2001, is simply an incorrect statement and shows a lack of understanding about what has happened in the 5 years since September 11.

Donald Rumsfeld is in a very unique position. He is in a position of making decisions relative to every single aspect of the war on terror. Donald Rumsfeld has a boss and he has to answer to that boss, and the boss is the President. I suspect that the underlying motive behind what we are debating today is not about Donald Rumsfeld; it is one more opportunity for those folks who came on the floor of the Senate and attacked the war in Iraq and said it was time to get out and made the arguments that we ought to get out of there now, we ought to get out of there in 6 months, we ought to be out in 9 months, whatever it is—let's set a timetable and tell the terrorists: You sit where you are, and in that period of time we are going to be out of there. And when the vote came on that particular issue, there was a resounding vote in opposition to that particular philosophy in this body. I hope the next vote that we take, which will be on this particular amendment, will be just as resounding in opposition and a defeat of this amendment.

I will say that I haven't always agreed with Donald Rumsfeld. He and I have had some very public and tough battles. But he has always been fair. He has always been straightforward.

In one instance, when he called me about a matter that I was involved in, frankly, he was right and I was wrong, and I had to admit that. I made a change in something we were doing, and we moved on. In other matters, he has told me that I was right, and he was wrong. That is the kind of leader he is. He is not one who says that you either agree with me or you are simply not on the team. Secretary Rumsfeld has been in a tough position since he has been there. He has dealt with very tough decisions in a very fair and favorable way.

If you look at the men who have served under him and you start with Tommy Franks, for whom I have such great respect and who I think everybody in this body would agree is not somebody who is going to get rolled over, Tommy Franks is not that kind of individual. If he believed in something, he would encourage the Secretary of Defense under his leadership to do exactly what he thought ought to be done. Donald Rumsfeld is the kind of person who would have listened to him, and he would have done whatever General Franks recommended. When General Franks says this is the kind of guy we need in the foxhole with us, as Tommy Franks has alluded to, then he is the kind of guy we want leading the Department of Defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, it is interesting and amazing to me to listen to the critics of dissent in this democratic society. If you disagree with the administration, they try to insult you out of order and to create positions that describe you as insignificant, willing to retreat. We watched last week as the President continued his administration, as he began yet another campaign to convince Americans that its policy in Iraq is working. But much like the President's Iraq policy itself, this latest rhetorical campaign just isn't working. There have been five Bush administration campaigns to convince America that we should stay the course, and in each one of these administration claims they fail to convince the public. The public is smarter than they give them credit for. The American people understand what is happening in Iraq, and no wordsmithing is going to change that.

The administration rhetoric continues. Last month, in a speech in Arizona, Vice President CHENEY said:

> What these Democrats are pushing now is the very kind of retreat that has been tried in the past and has failed.

Is he implying that their mismanaged offense worked? Ask the 2,600 families who lost a son or a daughter there whether they think the plan has worked. It is insulting to suggest that those who disagree suggest a retreat. They are ugly, partisan, political comments by the Vice President.

What the Democrats want—and many Republicans—is a change in the direction in Iraq and new civilian leadership at the Pentagon to implement it. The stubborn Bush-Cheney-Rumsfeld approach is simply not working. The retreat the Republican administration should be concerned with is the retreat of their colleagues from this failed Iraq policy.

Some Republicans in Congress are happy to walk the plank and support the arguments that simply defy logic and others are jumping ship. We are seeing staunch Republicans, such as Representative GIL GUTKNECHT of Minnesota, saying that we lack strategic control of Baghdad and calling for a limited troop withdrawal. Representative MIKE FITZPATRICK of Pennsylvania has characterized the Bush stay-the-course strategy as extreme. We all know our principled colleague, Senator HAGEL, has spoken up in favor of changing course in Iraq from these failed policies.

But through it all, the Bush administration mantra is the same: Stay the course. Don't cut and run.

The alternative to that is stay and die. Critics are either unpatriotic or, as we heard from Secretary Rumsfeld last week, like Nazi appeasers.

It seems the more the Americans call on the President to change course in Iraq, the more adamant he is to continue his failed approach. President Bush and Secretary Rumsfeld are making the same speeches now that they were making a year ago and even 2 years ago. Most of the words and phrases are the same. Nothing has changed except the date and the stage of the time.

The reality is that this administration is incompetent, and those in this Congress who stand with them are endorsing this grievous incompetence. The administration's incompetence in Iraq has put our troops in danger. The administration's incompetence in Iraq is now empowering the terrorist regime in Iran. The administration's incompetence in Iraq has strengthened, not weakened, al-Qaida and other jihadists.

In summary, this administration's incompetence has made us less safe, and Americans feel it in poll after poll and in State after State.

I used to run a large company. Any successful CEO will tell you that if one of the top executives is making mistake after mistake after mistake, you have only one course: fire him. Get rid of him. There have been so many mistakes and miscalculations by Secretary Rumsfeld it is staggering to try to understand why he is still around, to be polite, why he is still on the job. It doesn't make sense. It doesn't make sense to me, and it doesn't make sense to millions across the country.

Before the war, Secretary Rumsfeld said:

> We know where the weapons of mass destruction are.

But now we know that there was no real evidence that Iraqis had WMDs. He also said that the Iraqis would welcome U.S. troops and that Iraqi resistance would be limited. That was obviously wrong. He also failed to build coalitions with our allies. That doesn't stop him from referring to the coalition experience that we are having. There is virtually no coalition existence there, with the exception perhaps of the U.K. and Canada. In fact, Secretary Rumsfeld went out of his way to mock our allies when he should have been reaching out to them.

This administration's failure to build a real coalition has caused our troops to bear the vast majority of risk and to suffer the casualties. These casualties stand at 2,652 deaths and almost 20,000 wounded.

Secretary Rumsfeld said the war would be short. He said:

> It is unknowable how long that conflict will last. It could last six days, six weeks. I doubt six months.

More than 3 years later, we know that assessment was tragically wrong.

Secretary Rumsfeld also ignored warnings that he wasn't committing enough personnel and resources to win the war. When Army Chief of Staff GEN Eric Shinseki suggested that we needed more troops to maintain order in postwar Iraq, he was forced out.

Secretary Rumsfeld also was way off on the cost of the war. He said it would cost no more than $100 billion. The war so far has cost a staggering $320 billion. He missed the mark. He said—insultingly:

> You go to war with the Army you have, not the Army you might want.

Is that a suggestion that our troops are less competent, less brave, less courageous, less willing to do their job? I think it is a terrible reference:

> If you think about it, you can have all of the armor in the world on a tank and a tank can be blown up.

Ask the parents of those who are in the tank corps how they feel about that.

> And you can have an up-armored humvee and it can be blown up.

So it means, if you take it literally, well, that is what happens. If you don't have enough armor, they just get killed. Talk to the parents. I talked to them. I visited with them. Boy, they don't feel they were as protected as they should have been.

Despite all of the funds, all of the effort, all of the sacrifice devoted to the war, Secretary Rumsfeld has failed to fully equip our troops. As we know, a number of prominent retired generals have come forward to say what many in the military have been thinking for years—it is time for Secretary Rumsfeld to leave his post.

The generals who have spoken out: MG Paul D. Eaton, GEN Anthony Zinni, LTG Gregory Newbold, MG John Batiste, MG John Riggs, MG Charles Swannack, Jr., LTG Paul van Riper, GEN Wesley Clark—distinguished military leaders who served nobly, who served bravely. Now, when they say take a look and see where we are going, they are ignored.

General Eaton, who served in Iraq, said the following about Secretary Rumsfeld:

> In sum, he has shown himself incompetent, strategically, operationally, and tactically, and is, far more than anyone else, responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.

In summary, business as usual in Iraq has to stop. We need new leadership. Unless Secretary Rumsfeld is replaced, we are, unfortunately, destined for more of the same pain and casualties as we have in Iraq now.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, what we are having now is a rehash of people's complaints about the war, and they are focusing it on the Secretary of Defense in a political season. We all know we will soon have an election. So, everything anybody wants to complain about with regards to the war on terror, that they are unhappy about regarding the difficulties we now face in Iraq, is now dropped on the head of the Secretary of Defense.

The President of the United States took his case to the American people in the last election. We heard these same complaints from these same people, and they made them all over the country, and the President of the United States, George Bush, won that election. He won it with a majority of the votes of the American people. For the first time in over a decade, a President has won the majority of the votes in this country.

Now unfortunately, that is not enough.

I would just say a couple of things I think are important. This Senate, after months and weeks of debate and discussion and hearings—open hearings, secret hearings, briefings from the intelligence officers at lower rank, briefings from the CIA Director, from Defense intelligence—we came into this body and we had to do our duty. Our duty was to vote our conscience on whether to authorize military force in Iraq. That was a solemn duty. I do not think anyone here misunderstood the seriousness of that event. If they did, they are not very grown up because it was a grownup decision we were asked to make: whether we were going to commit our soldiers to military action against the Saddam Hussein regime, which had violated 16 U.N. resolutions. This regime had fired at our airplanes on a regular basis—we cannot forget that. And we were dropping bombs on him weekly and he was shooting missiles at our airplanes weekly. That had been going on for years. He was violating the resolutions, he was violating the weapons of mass destruction discovery and openness requirement that he had committed to, to the U.N.—all those things.

The situation was such that we, with many of our allies, gave him one last chance. He didn't take that chance, that one last chance to clear himself and demonstrate he had no weapons of mass destruction, and that is when we voted. There was no mystery about that.

The Secretary worked with GEN Tommy Franks, and GEN Tommy Franks approved and designed a military campaign that he believed would be successful. He moved with lightning speed and tremendous effectiveness, and it was a tremendously effective destruction of Saddam Hussein's regime in a time period far less than I would ever have thought possible and with a loss of life far less than I would have thought possible. It was a brilliant deal, and the Secretary of Defense, if you read GEN Tommy Franks' book, followed GEN Tommy Franks' decision, supported that decision and was praised by GEN Tommy Franks, the man who led this effort against Saddam Hussein and removed him from office.

Now what has happened? Many of the things that were predicted to happen didn't happen. We didn't have a humanitarian disaster. We didn't have to lose thousands or tens of thousands of soldiers in house-to-house fighting. We didn't have oil well fires. We didn't have a lot of things people projected. The people did welcome our soldiers, and they were happy to see the statue fall. You remember those scenes.

But look, we have difficulties now. There has been a persistent measure of violence in Iraq driven by a whole lot of forces. They are determined and striving every day to not allow a good and decent government to be formed and be sustained in Iraq. We have invested a lot of time and effort in that. It is tough.

I have a nephew there and the son of a good friend there in the Marines, in tough areas right now. My nephew is in the Marines. I have a sense for the effort and courage of our soldiers. It is a tough duty, and we are in a very tough struggle.

The struggle moved to Baghdad. An effort has been made to destabilize Baghdad and the Government there. We moved to counter that. That is the way, American people, it is always going to be when you deal with an enemy who has an ability to think. When you move in one direction, they will counter. When they move in another direction, you have to counter that. That is the way it will be. It is not a failure when an enemy moves in one direction for you to counter that and alter your tactics. In fact, I expect any good military commander would be altering tactics on a regular basis to stay one step ahead of the enemy. That is what we are in, and it is a tough battle.

I, therefore, ask, first and foremost, does the resolution suggest—I say the resolution. It hasn't been offered because it is not appropriate, as I understand it, and it would not be appropriate to be offered. But any resolution to change the Secretary of Defense, is that going to help our soldiers in Iraq? Is that going to help them be successful? Is it going to make their lives better? Will it help us win this war, which we must do? We need to ask ourselves that.

It is ironic, I have to say, that some of the people who complain about Secretary Rumsfeld not having enough troops voted consistently for the reduction of the number of troops we had by 40 percent when President Clinton was in office.

I see Senator MCCAIN here. He has been a strong supporter of defense. He has been concerned about the number of troops and said so consistently. But there are many in the Chamber today who are saying we do not have enough troops and at the same time saying they must be withdrawn ahead of time; we ought to pull the number of troops down. How ironic is that.

They say Secretary Rumsfeld doesn't listen to the generals. I say he has listened to the generals.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. SESSIONS. I will be pleased.

Mr. MCCAIN. The Senator, who is a strong supporter of the military men and women who are serving and with whom I have had the great privilege of serving on the Armed Services Committee, if I may be a bit cynical, may I ask, Does the Senator think we would be having this discussion if we were not in an even-numbered year in September?

Mr. SESSIONS. Unfortunately, I think the Senator's suggestion is correct. We are on the eve of an election. We have a motion here, a suggestion and an attack on the Secretary of Defense who is leading a war effort.

Let me ask the Senator from Arizona, who served in the military courageously and who has been actively engaged in trying to help us be successful in this war, is he troubled that the resolution and remarks that are made, even recognizing we are in an election cycle, could be such that they would add to the risk and difficulties our soldiers face?

Mr. MCCAIN. Mr. President, I ask unanimous consent to respond to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I say to my friend from Alabama, we have many pressing areas of the war on terror in Iraq. I think we should be engaged in discussions as to how we can better equip the men and women who are serving in Iraq. I think we could discuss the situation of the acquisition of nuclear weapons by Iran and North Korea. There are many pressing issues around the world this body could be discussing.

I would respond with one more question for my friend from Alabama. I do not want to take up too much of his time, but isn't it true that elections have consequences? The fact is, when we elect a President of the United States, one of the most important things is for him to have a team around him that he can trust and that he can rely on, and the President should be able to keep that team until such time as the President of the United States loses confidence in that team.

If we begin dictating who the team is around the President of the United States, it bodes ill for any President of the United States, whether it be a Democrat or Republican or whoever, because one of the important aspects of the Presidency is to have people around the President of the United States whom he or she can trust. Isn't that one of the most important predicates of capable government?

Mr. SESSIONS. I couldn't agree more. I think the Senator from Arizona has made a tremendously important point. This President is committed to a successful outcome in Iraq. He has chosen his Secretary of Defense, and his Secretary of Defense is his person in whom he has confidence, and he does not believe changing that Cabinet Member at this point in time would help him be successful in that effort. I agree. But regardless of whether you and I might agree, it is his call. He was elected after a full debate over the wisdom and the conduct of the war in Iraq. He was reelected. I think the American people, therefore, affirmed him and expect him to choose the type people he believes will be successful.

I think the Senator makes a good point.

I would just share a couple of thoughts before my time is up. To repeat, we made a decision in this body. A majority of the Democratic side and a large majority if not all the Republicans voted to authorize this military action. Many things went far better than we could have expected. But we are now facing very difficult, persistent violence that places at risk our soldiers, places at risk the new Iraqi Government, and it is something that should not be minimized. This is a very tough time. But we have to be successful.

I know my colleagues have filed a motion and had quite a number of votes on one or more resolutions to set a date and just withdraw, regardless of what is going on in the country—to just withdraw.

Just a few weeks ago, just before we recessed on August 3, we had an Armed Services Committee hearing on Iraq. Testifying before that committee was General Abizaid. General Abizaid followed Tommy Franks as CENTCOM Commander. That region of the world is under his control. We had just voted overwhelmingly to reject a pullout of the troops in Iraq without regard to the status of the military situation in Iraq. I asked him a question at that hearing.

I see the Senator from Alaska is here. I know he has had experience in these issues. He served our country in combat.

This is the question I asked General Abizaid:

> What kind of reaction, what kind of impact would there be with regard to the Islamic extremists in the Middle East? And you are a student, General Abizaid of that region. You spent time in that region as a young person. You speak Arabic and you have been with us, conducting this Iraq war, virtually from the beginning. What kind of impact would result if we were to precipitously withdraw? Would it mollify the extremists? Would it make them say, well, the United States is a nicer place now? We don't have to be so aggressive now? Or would they likely be emboldened, empowered, and more aggressive?

And just like that, General Abizaid said:

> Emboldened, empowered, more aggressive.

I said:

> In your opinion, would a failure in Iraq embolden and empower these radical extremists?
>
> Yes, it would.

I asked again:

> And, in your opinion, would setting a fixed date, regardless of the situation in Iraq, for a withdrawal, embolden or empower the extremist forces?
>
> Embolden.

Then I asked General Pace, Chairman of the Joint Chiefs of Staff, Marine Corps general:

> General Pace, this is a matter we've discussed. Unfortunately, it's had very little support in the Senate but there is a political election coming up and people float this idea that we should just pull out. You've heard General Abizaid's comments. He's been in the region for years and been leading this effort. Would you agree with his comments?

General Pace, Marine Corps general, Chairman of the Joint Chiefs of Staff, said:

> Sir, I agree with each of General Abizaid's responses to each of your questions.

Mr. REID. Will the Senator yield?

Mr. SESSIONS. I would, briefly.

Mr. REID. Senator STEVENS came to me and wanted to enter into an agreement that we will have two votes tonight. I am very inclined to agree to that, but I ask the Senator—we have specific times on our speakers. We need an idea as to how much longer the Senator will speak.

Mr. SESSIONS. I won't be speaking but just 3 or 4 minutes.

Mr. REID. That way we can work through there and have the votes the majority leader wants.

Mr. SESSIONS. Then he basically volunteered, he said:

> Senator Sessions, sir, what I'd like to say is that the troops that serve in the region are not afraid of what's happening there. They would be afraid of what would happen if we just precipitously left.

I would carry it a little bit further because I was talking to some soldiers. Basically, what they told me was they were worried the politicians wouldn't have the gumption to stay the course and be successful after we have committed so much of our resources and lives, when we have a new government that has been up less than 6 months, trying to get itself established, and then we send signals with this kind of debate that we might just up and leave.

Fortunately, when we have had the votes, they have not been there. It is not helpful, in my view, to have this kind of debate. We have had it before. We have had our votes. The American people have elected the President again when he stated exactly what he intends to do to protect this country from the regimes and the terrorists that are gathering in Iraq.

We have an outstanding Secretary of Defense, a man who has the confidence of the President, a man who has listened to the generals.

I was on an airplane, a C–130, flying into Baghdad with General Abizaid. We could hardly hear anyone talk on the planes. Just the two of us were sitting on one side of the aircraft. He explained to me why he thought we should not send more troops there 2 years ago. He testified recently at the hearing that he does not believe we need to send more troops.

Is Secretary Rumsfeld dictating this policy or is he listening to the general? That is what they have advised him; that is what he is doing. He is following the advice of one of the most brilliant generals in the Army, General Abizaid, the commander in that region.

If we will continue to follow that advice, if we will show strength and courage, if we continue to alter our tactics to meet the changing tactics of the enemy, this mindless violence can be defeated and a good and decent government in Iraq can be established. We have invested so much in that effort.

We voted as a Congress to undertake this action. We need to see it through successfully. We can do that. We just do not need to lose our nerve. We must win this war.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Delaware.

Mr. CARPER. I have listened to my friend from Alabama assert that the Democrats are really interested in precipitous withdrawal from Iraq. For the most part, the debate I have heard from our side and in our own caucus is really more reflective of the words of some of our top military leaders in Iraq with whom I met who said, as recently as last December, it is time for America to move toward the door; not to go out the door, not to close the door behind us but, again, move toward the door.

That is a pretty good way to describe the way most feel. It is time to redeploy our forces, not to leave overnight, not to leave precipitously, but to move toward the door.

Senator MCCAIN asked: Would we be having this debate if it were not September of an election year? I remember voting in 1991 to authorize the use of force to invade Iraq and to force and compel the Iraqis out of Kuwait back into Iraq. Eighteen months or so after that, September 1992, we were not having a debate. There was an election year.

Mr. STEVENS. I ask my comments not interrupt the Senator's speech in the RECORD.

Could the Senator yield to me? We have a time agreement following the disposition of this.

Mr. CARPER. I am happy to yield.

Mr. STEVENS. I ask unanimous consent following the disposition of the Reid amendment there be a period of 30 minutes equally divided in relation to the Kennedy amendment, No. 4885, with no second-degree amendments in order prior to a vote in relation to the amendment; provided further, following the vote, there will be 10 minutes equally divided in the usual form prior to a vote in relation to the Mikulski amendment, No. 4895, with no second-degree in order prior to that vote.

Mrs. BOXER. We have no objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. What I was saying, responding and reflecting on Senator MCCAIN's question, would we be having this debate if it were not September of an election year, in 1991, we voted to authorize the use of force in Iraq. Eighteen months after a number of us voted to authorize the use of force to force the Iraqis out of Kuwait and to follow them into Iraq, 18 months later, in September of 1992, a Presidential election year, we were having debates. One of the things we were not debating was the wisdom of going out, getting the Iraqis out of Kuwait and forcing them far into Iraq, into Baghdad.

The reason we are having this debate today is not because it is an election year, not because it is September of an election year, but because of how badly too much of our effort in that part of the world has been managed. It is not a reflection of our troops. They have served us valiantly. They continue to do so.

I say to my friend on the other side, be honest with yourself. If the shoe were on the other foot, if we had a Democratic administration, Democratic President, a Secretary of Defense appointed by that Democratic President; if we were in a war that the Secretary of Defense had alleged would cost $50 billion to $60 billion, and in reality was costing 10 to 20 times that amount; if we were in a war that was expected to last maybe 6 months, and we are in it 3 years later, with no end in sight; if we were in a war where basically a Democratic administration had said to the Iraqi Army, go home, we don't need you; if we were in a situation where instead of fostering a situation where we had fewer insurgents, we had at least a fourfold increase in the number of insurgents holding forth in Iraq; if we had a Democratic administration in Afghanistan that was starting to slip away from us, and we were seeing a massive increase in drug production, growing enough poppies in Afghanistan today to meet the demands of the whole rest of the world, not just the U.S. heroin addiction but the rest of the world, I say to my friends on the other side, if the effort were mismanaged as badly by a Democratic administration, I bet we would be having this debate in September of 2006.

This is a reasonable debate. I say that as one who has voted for most of this administration's nominees who had to be confirmed, who tried to help a bunch of my old colleagues, including Secretaries Thompson, Ridge, Leavitt, Whitman, and others to put together their teams to help govern this country.

Every now and then the time comes to change course. We know what we are doing is not working. One of the keys to changing course, frankly, is to change leadership.

Secretary Rumsfeld, to his credit, in response to early criticism, I am told, actually came to the President and offered to resign. And the President, to his credit, being loyal to his team, declined that offer by his Secretary. I believe that to be true.

I would say, Mr. President, if Secretary Rumsfeld feels compelled to submit his resignation to you again, accept it. It is time to turn the page. It is not the time to turn our backs on Iraq. It is not the time to turn our backs certainly on the men and women who are serving there for us on behalf of the Iraqi people today, but it is time to change course. It is time to change the leadership. That begins with the civilian leadership of the Department of Defense.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate is debating a resolution that simply asks the question: Could the Bush administration be doing things better in Iraq, the global war on terror, and with homeland security?

I know we can do better. I know we need to change course if we want to be more secure. We can do better than sending our troops into war without the armor and equipment they need. We can do better than misleading the American people about the costs of this war. We can do better than completely misreading the insurgency, which the Vice President told us over a year ago was in its last throes. We can do better than a policy that leaves our troops without a clear mission and without a plan for success.

Our servicemembers deserve better. Frankly, our security demands better. It starts with this Senate simply saying we need to change the course. We cannot tolerate more of the same. We cannot have an administration that has gotten it wrong at every turn. It is time to send that message loudly and clearly.

We all want the same thing in Iraq: for our troops to complete their mission successfully and to come home safely. But today it is not even clear why our servicemembers are still there. What are they supposed to be accomplishing in Iraq today? Overthrowing Saddam Hussein? They accomplished that. Looking for weapons of mass destruction? They looked and there were no weapons to be found. Are they supposed to be setting up an Iraqi Government? We have done that. The Iraqi people have created a Constitution. They have elected their leaders. They filled their Cabinet. Our troops have done everything we have asked them to do. What is left? What are our troops supposed to be accomplishing today? And how will the President's policies get us there? That is the discussion we need to be having.

This administration's focus—solely on Iraq—has distracted us from the larger important war on terror and has left us vulnerable. Our country faces possible threats from terrorists around the world. We need a security strategy that ensures we can fight those threats wherever they are. But, instead, this administration has become increasingly focused on Iraq. The President took a detour from the war on terror and has invested a majority of our resources in Iraq, seemingly forever. That weakens our ability to fight the important war on terror. That is another mistake.

Bin Laden is still on the loose and our homeland security efforts are woefully inadequate. This resolution sends the message that we have to get back on track on the war on terror. We cannot continue to stay the course in Iraq indefinitely and expect to make progress in the global war on terror.

The war on terror extends far beyond the borders of Iraq, and unless we deal with all the threats we are facing, we are not going to have the security we deserve in this country. But this White House has put all our eggs in the baskets of Iraq, and we are slipping behind all the other challenges we face in Iran, in North Korea, in Afghanistan.

Yesterday, the New York Times showed us how bad things have gotten in Afghanistan. And I quote:

> Across Afghanistan, roadside bomb attacks are up by 30 percent; suicide bombings have doubled. Statistically it is now nearly as dangerous to serve as an American soldier in Afghanistan as it is in Iraq.

Today the Seattle Post-Intelligencer in my home State of Washington editorialized that we need to get back to work in Afghanistan. And I want to read to you what they said:

> The central government's control is weakening as warlords and the Taliban reassert themselves. Casualties for international troops are mounting, making Afghanistan almost as risky for U.S. soldiers as Iraq. Opium production is at a record. The head of the U.N. Office on Drugs and Crime said Afghanistan is now supplying a "staggering" 92 percent of the world's opium supply.

We entered Afghanistan because it had harbored al-Qaida and bin Laden—who are responsible for the terrorist attacks of September 11, which killed nearly 3,000 Americans. We still have not captured bin Laden, and the Taliban is reemerging in Afghanistan.

Iraq is not the only challenge we face, and if we do not recognize that, Americans will pay the price.

This administration has gotten it wrong in Iraq, the war on terror, and on homeland security time and again. Continuing the status quo is unacceptable, and that is the message I send with my support for this resolution.

The American people deserve straight answers and a real debate so we can get this right. Nothing is more important for our security, and nothing is more important for this country's future.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise today in support of a no-confidence resolution on the leadership of Secretary of Defense Donald H. Rumsfeld.

Secretary Rumsfeld has overseen a failed strategy, policy, and military tactics for Iraq that have weakened the state of our national and homeland defense.

Despite clear evidence that our current strategy is not working, he has stubbornly stuck to a deteriorating course.

We need a new direction. "Staying the course" is not the answer and Secretary Rumsfeld has been the key proponent of this failed policy.

I first publicly called for Secretary Rumsfeld's resignation 6 months ago, after watching 3 years of mismanagement of our war effort in Iraq.

And, since that time, I have become more convinced of the importance of changing the leadership at the top of the Department of Defense.

In truth, the Bush administration's failed strategy and tactics in Iraq have significantly diminished the United States' standing in the world and made waging the global war on terror more difficult.

Despite optimistic reports by Pentagon officials regarding the security situation near Baghdad over the past several weeks, it is clear that Iraq is on the edge of civil war.

For example, in recent days news agencies have reported that: 40 bodies, 25 of which had been blindfolded and executed by gunshot, were discovered in a mass grave in Baghdad—this from the New York Times.

The number of killings in and around Baghdad grew substantially last week despite an American-led security crackdown, with morgues receiving as many bodies as they had during the first three weeks of August combined—this from the Los Angeles Times.

Finally, the Iraqi parliament voted to extend a state of emergency throughout much of the country a strong indication that the security situation remains tenuous—this from the Associated Press.

Yet we are continuing down the same failed path, buttressing the Shiite-dominated government and preventing it from taking actions necessary to end the insurgency and prevent a full-scale civil war.

As a result of these failed policies under Secretary Rumsfeld's leadership, Iraq continues to be a nation in chaos.

Yes, there is a permanent government in place. But the ministries do not function properly; terror, kidnappings, and assassinations continue on a daily basis.

Iranian influence is growing, and Shiite militias dominate the police.

Civilian killings now top 3,000 a month, and a Sunni-Shiite civil war is emerging, with U.S. forces caught in the middle.

Despite spending almost $20 billion on reconstruction efforts, our plan for Iraq reconstruction has stalled as security requirements continue to tax our resources.

Unemployment may be as high as 50 percent, many utilities are not online, and demand for subsidized gasoline—U.S. $0.55/gallon—has led to a thriving black market and corruption. Oil production has yet to meet revenue goals.

The list of failures in our war policy in Iraq is comprehensive and long:

(1) Failed strategic, logistical, and financial planning for the Iraq war

Secretary Rumsfeld ignored suggestions early on by advisers like Army Chief of Staff General Shinseki, Senators such as John McCain, and reports by well-respected think tanks such as the RAND Corporation, that many more ground troops were needed.

For questioning Rumsfeld's plan, General Shinseki was effectively forced into early retirement.

White House economic adviser Lawrence Lindsey found himself out of a job after differing with Rumsfeld in suggesting that the Iraq war might cost up to $200 billion Rumsfeld initially argued that it would cost only $50 billion.

With the addition of emergency supplemental funding, the cost of the Iraq war has now reached $320 billion, with spending averaging $2 billion a week.

American troops went into combat without the proper equipment and protection. Hundreds of soldiers and marines were killed or maimed in the early stages of the war due to the lack of appropriate vehicle and body armor.

Yet in responding to these concerns, Secretary Rumsfeld famously quipped, "You go to war with the Army you have."

(2) Failed policy of de-Baathification, including abolishing the Iraqi Army with no severance pay or pensions for soldiers

Perhaps the biggest strategic mistake made by military planners, beyond the lack of adequate troop strength, was the decision to demobilize the standing Iraqi Army, while "blacklisting" other civilian professionals who had been members of the Baathist Party.

Many of these soldiers, government officials, doctors, lawyers, and other civilian workers, with their jobs eliminated and no money to feed their families chose to join the insurgency that has now grown to an estimated 20,000 individuals.

Remarkably, Rumsfeld until only recently tried to characterize the insurgency as a group of "foreign fighters," failing to understand the deep resentment cultivated by American policies in post-Saddam Iraq.

(3) Faulty belief that capturing Baghdad meant controlling Iraq

As related in recent firsthand accounts of the initial invasion, commanders on the ground quickly identified the threat of a guerilla war, but after GEN William Wallace, who was leading the march toward Baghdad, recommended crushing the small insurgency along the way, he was nearly forced to resign.

While U.S. forces successfully captured Baghdad within 3 weeks, this strategy allowed an insurgency to grow within the Sunni triangle and hundreds of foreign fighters to stream across Iraq's unguarded borders.

(4) Failure to manage the chaos in the aftermath of the invasion

Some of the first signs that the U.S. lacked adequate troops were the pictures of Iraqis rioting and looting in several key cities immediately following the invasion.

Rumsfeld dismissed the chaos as a symbol of "freedom and democracy," simply saying "stuff happens." Sadly, it demonstrated to all Iraqis that American military resources were limited.

This shortage of U.S. troops also resulted in a failure to secure munition dumps and small arms that were stashed throughout the country.

The insurgency was able to thrive through access to these munitions and weapons caches, and many American troops have been killed or injured from bombs or RPGs that could have been secured in the initial invasion, had we had enough troops.

(5) Failure to stop abuse and torture

One of the greatest stains on America's reputation that will come out of the war effort is our failure to properly protect the rights of those detained by our military.

While most of our men and women have served honorably, it is clear that the Pentagon allowed a culture of abuse to develop in prisons such as Abu Ghraib, Guantanamo, and Camp Nama.

Yet despite the clear evidence of detainee abuse, no high-level official has been held accountable for these actions.

(6) Failure to maintain military readiness

The Iraq war has taken a significant toll on the state and preparedness of our military. Our armed forces are stretched thin; our men and women in uniform overburdened.

Last month, the Marine Corps was forced to issue call-up orders for 2,500 from its Individual Ready Reserve the first time it has had to do so since the war started.

Top Army commanders have suggested that two-thirds of all Army brigades do not meet the necessary state of readiness, and National Guard chief, LTG Steven Blum, estimates that two-thirds of the National Guard cannot even be deployed today.

Equipment is fast wearing out. It is estimated that the Army and Marines will need a combined $75 billion over the next 5 years for maintenance, repair, and replacement alone.

As a result of failed policies under Secretary Rumsfeld's leadership, we may well end up with a broken force and an Iraq held captive by civil war.

There must be a change in course and a change in those who have managed the war effort.

This is critical if we want to have any chance for success in Iraq.

Just last week, Secretary Rumsfeld employed truly shameful rhetoric by comparing those who have criticized the Iraq War with those who "appease[d]" the Nazis in the run-up to World War II.

In the speech at the American Legion conference in Salt Lake City, Rumsfeld stated:

> Once again, we face similar challenges in efforts to confront the rising threat of a new type of fascism but some seem not to have learned history's lessons.

Questioning the patriotism of those who might not support the war, he said:

> The struggle we are in is too important the consequences too severe to have the luxury of returning to the "blame America first" mentality.

These baseless, partisan attacks are simply over-the-top and are being used to fill a gaping vacuum created by the lack of a successful plan for Iraq.

It is clear to me that this administration, led by the President and Secretary Rumsfeld, has been wrong at almost every turn.

Still, Secretary Rumsfeld remains in place, despite a growing number of bipartisan calls for the President to replace him.

Consequently, I believe that now is the time for the Senate to assert its oversight role and move forward with a vote of no-confidence.

Ultimately, it is true that President Bush is responsible for the failures in Iraq, but no Bush administration official was closer to the war planning than Defense Secretary Rumsfeld.

Secretary Rumsfeld was and remains the chief architect of the strategy and policy in Iraq.

Consequently, it is time for President Bush to ask for Secretary Rumsfeld's resignation and pursue a course correction under new Pentagon leadership.

There must be accountability for the disastrous policy pursued in Iraq.

It is time to bring in a new team to run our military. Secretary Rumsfeld must step down.

Our men and women in uniform deserve better.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from California.

Mrs. BOXER. Mr. President, I am going to be the last speaker. Senator DORGAN will not be using his time, so I am asking that I have 4 minutes of his time, since he has given me that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you. That will give me a total of 10 minutes.

Mr. President, I think it is a very sad day that the Republicans are not going to allow a vote on this Democratic resolution calling for a changed course in Iraq. And their reason—I sat here and listened—is that we are only doing this because it is an election year. Well, folks, I do not know how to break this to you, but every 2 years is an election year. Are we supposed to stop working in an election year? Are we supposed to stop talking about the issues that are on the minds of the American people because they may be difficult or they may be controversial or they may have consequences for us? Are we supposed to stop doing the people's business in an election year?

I do not know about my Republican friends, but I know Californians expect me to work every year—election year or not—every day, every week, every month. And I say to Senator McCAIN, elections do have consequences. He said elections have consequences. Yes. And all of us were elected, too. Is he forgetting that? Does he think the only election that matters is the election of a President? I think our Founders would be very shocked. Our job is to provide oversight. Our job is to, in fact, advise and consent on many nominations, including the top levels of this administration. So I rise in strong support of this very important amendment Senator REID has carefully put together.

This amendment does three critically important things.

First, it is about this Congress conducting its constitutional responsibility to exercise oversight over the executive branch. It is our job, given to us by the Founders. It is our job not to be a rubberstamp Congress, not to be a compliant Congress, not to be a roll-over-and-play-dead Congress, but to challenge, to question, to push; and if things are not going well for our country—be it wages for our workers or be it education for our children or be it deficits as far as the eye can see and debt as far as the eye can see or the war in Iraq—we need to speak out. And that is what this carefully crafted amendment does.

Second, the amendment is about helping to chart a new path forward in Iraq and clearly states that we need a new direction. That is important. There are those on the other side who said this is all about Donald Rumsfeld. It is not all about Donald Rumsfeld. It talks about starting over, starting anew, getting a new strategy in place for success in Iraq.

Third, it is about calling for a new civilian leadership. As you know, in this particular version, we do not even mention Donald Rumsfeld's name. We are basically saying it is time to change direction. Things are dangerously heading down the wrong path in Iraq.

Let's hear what the latest Pentagon report said. My friends are quoting the Pentagon, as well they should. Let's hear what the Pentagon itself is saying:

> Concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months. Conditions that could lead to civil war exist in Iraq.

They pointed out that the average number of weekly attacks—against coalition forces, Iraqi security forces, the civilian population, and infrastructure—increased by 15 percent since last spring. The number of weekly attacks has increased from approximately 640 to nearly 800. July saw the highest level of weekly attacks since military operations began.

In California, we have bases that are sending our troops out for their fourth tour of duty—their fourth tour of duty. So we are supposed to sit back and be compliant because it is an election year? Because it is an election year? Just talk to the parents and the families who are losing their family members, who are losing their sons and daughters, who are losing their moms and dads, who are seeing them come back with post-traumatic stress disorder, severe brain injury. Talk to them about it. They could care less if it is an election year. They want us to change course and bring their kids home. The fact is, we could do it if the Iraqis wanted democracy and wanted freedom as much as we wanted it for them. You show me one country that survives that cannot take care of its own security.

Sectarian violence is what is going on over there. As a result of our flawed policy, we are shorting the war on terror. We are not protecting our ports. The money is going to Iraq. It is being sucked out of the Treasury, going onto the backs of our grandchildren, to the tune of over $300 billion. And where is the money for port security? Where is the money to protect our nuclear powerplants? Where is the money to protect our infrastructure? Where is the money to protect our aircraft from shoulder-fired missiles, when we know that at least two dozen terrorist organizations have those missiles and the FBI has warned us over and over that we need to do something about it? Oh, they have to slow-walk it because they do not have the money—except for tax cuts to billionaires. They have the money for that.

So the bottom line is, this flawed strategy is shorting the war on terror. Secretary Rumsfeld how wrong could he be? He said he doubted this war would even last even 6 months. But he cannot admit a mistake. The fact is, when we went into Iraq without a plan, we turned away from the war on terror. Every single Senator voted for the war on terror—every single Senator.

I remember writing a speech, coming to this floor, and giving strong support to this President to go get Osama bin Laden, to go break the backs of terrorists, to go break the backs of al-Qaida to do it—and I would give him everything he needed. The whole world was with us. Go back to those days. Everyone was with us. But, oh, no, he had this thing, he was going to go into Iraq, even though his own State Department showed there was not one al-Qaida cell in Iraq. There were more al-Qaida cells in America than in Iraq. Took the money, took the energy, took the military, spread them thin, thought this war would be over in a nanosecond. And we have been misled. We have been misled.

So this is a very sensible resolution. Let me just read you the operative language:

> Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.
>
> President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change, of course, would be to replace the current Secretary of Defense.

Mr. President, this resolution is written with respect to the President. It does not demean anybody. I believe it is very carefully drawn, and I think it speaks for the American people. If you look at the polls today, they are begging us—begging us—to change course. And I will tell you, it has not been easy for the American people to make their feelings known because they have changed. In the beginning, they were all for this. But they have seen what has happened. We cannot close our eyes to what is happening. And then when the Secretary of Defense looks at those of us in America—a vast majority who oppose this war—and says we do not understand history and we are appeasers, that has gone just too far.

I say to the Secretary and to this President: Get with the current times.

I even heard Secretary Rice talk about how this was somehow akin to the people who did not want to fight the Civil War. Talk about drawing up analogies that do not make any sense, there is another one.

Let's change course now. And let's start by approving this resolution. At the minimum, I say to my friends on the Republican side, let us vote on this resolution. It is our job to speak out. It is our job to do oversight. And let the votes fall where they may. But the American people deserve this vote. I thank my leader for putting this resolution together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will momentarily send an amendment to the desk. But my disappointment is that the majority, as they have done for years when a tough issue comes before the Senate, through technical means, is preventing Senators and preventing the Senate from expressing its will—in this instance on this resolution of no confidence. This is unfortunate. We should have the ability to vote on this amendment.

AMENDMENT NO. 4904

Mr. President, I send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself, Mr. DURBIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BAYH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. CARPER, Ms. MIKULSKI, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. HARKIN, and Mrs. CLINTON, proposes an amendment numbered 4904.

> At the appropriate place insert the following:
>
> SENSE OF THE SENATE ON THE NEED FOR A NEW DIRECTION IN IRAQ POLICY AND IN THE CIVILIAN LEADERSHIP OF THE DEPARTMENT OF DEFENSE:
>
> Findings:
>
> 1. U.S. forces have served honorably and courageously in Iraq, with over 2,600 brave Americans having made the ultimate sacrifice and over 20,000 wounded.
>
> 2. The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with over $300 billion in additional debt.
>
> 3. With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.
>
> Therefore it is the sense of the Senate that:
>
> 1. Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.
>
> 2. President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change of course would be to replace the current Secretary of Defense

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I raise a point of order against this resolution on the basis of precedent of the Senate of May 17, 2000. It is not appropriate to raise this amendment as a sense of the Senate on this bill.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not germane. The amendment falls under the criteria of the Senate.

AMENDMENT NO. 4885

Mr. STEVENS. Mr. President, there is now, for the Kennedy amendment, 30 minutes on a side, as I understand it; am I correct?

The PRESIDING OFFICER. It is equally divided.

Mr. STEVENS. Fifteen minutes on a side?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes. Just for the information of the Members, I intend to ask for the yeas and nays at the conclusion of the debate.

Mr. President, the Kennedy-Reid amendment requires the Secretaries of Defense and State to determine every 3 months whether Iraq is in a civil war and to outline a plan to protect our troops in the event of a civil war.

Under our amendment, if the administration determines that Iraq is not in a civil war, the amendment requires a description of the efforts by our Government to avoid civil war in Iraq, a plan to protect our troops in the event of a civil war, and a strategy to ensure that our troops don't take sides. If the determination is that Iraq is in a civil war, the amendment requires the Secretary of Defense to explain the mission of our troops and the duration, his plan to protect our troops, and a strategy to ensure that they don't take sides in a civil war.

At every step of the way, this administration has missed the threat to our troops, and the American people have seen it time and again. They saw it when the Bush administration disbanded the Iraqi Army after the fall of Saddam Hussein but allowed thousands to walk away with their weapons. They saw it when the Bush administration waited a full year to begin training the new Iraqi security forces. They saw it when the White House failed to see the insurgency spreading like a cancer throughout Iraq. They saw it when the Bush team failed to see the danger of roadside bombs and improvised explosive devices, yet sent our troops on patrol day after day, month after month, year after year. They saw it when the White House failed to provide the proper armor for our troops until the Congress demanded it.

Unfortunately, the administration's repeated failure to see each new threat in Iraq has put our troops and our security in greater peril. Today, once again, the administration refuses to recognize another seismic shift in Iraq—the dangerous prospect that we are drawn into a deadly and divisive civil war.

While the President and DICK CHENEY, Secretary Rumsfeld and Secretary Rice are out on the campaign trail claiming progress in Iraq, military leaders and experts are urging the White House to heed the disturbing warning signs in Iraq. General Abizaid acknowledged the clear danger when he told the Senate Armed Services Committee on August 3:

> I believe that the sectarian violence is probably as bad as I have seen it, in Baghdad in particular, and that if not stopped, it is possible that Iraq could move toward civil war.

General Pace, at the same hearing, agreed about the threat of the civil war. He said:

> I believe that we do have the possibility of devolving to a civil war, but that does not have to be the fact.

Others think that a civil war may have already begun. Former Iraqi Prime Minister Allawi said in March that Iraq is probably in "an early stage of civil war."

The British Ambassador to Iraq wrote in August:

> The prospect of a low-intensity civil war and a de facto division of Iraq is probably more likely at this stage than a successful and substantial transition to a stable democracy.

Our colleague from Nebraska, Senator CHUCK HAGEL, concurred, saying in August:

> We, in fact, are in probably a low-grade, maybe a very defined, civil war.

General William Nash, who commanded our troops in Bosnia after that country's civil war ended, stated on March 5:

> We are in a civil war now; it is just that not everybody has joined in.

These leaders see what is really happening in Iraq, not just the White House spin. Indeed, the September 1 report prepared by the Department of Defense on civility and security in Iraq reaffirms what the American people already understand, the conditions of civil war exist. Violence in Iraq is spiraling out of control, and staying the course is not a viable option.

This is what the Department of Defense report says:

> Concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months. Conditions that could lead to civil war exist in Iraq.
>
> Rising sectarian strife defines the emerging nature of violence in mid-2006.
>
> Sustained ethnic and sectarian violence is the greatest threat to security and civility in Iraq.
>
> Sectarian tensions increased over the last 3 months, demonstrated by the increased number of executions, kidnappings, attacks on civilians, and internally displaced persons.
>
> Civilian casualties increased by approximately 1,000 per month since the previous quarter. Assassinations, in particular, reached new highs in the month of July. The Baghdad coroner's office reported that 1,600 bodies arrived in June, and more than 1,800 bodies in July, 90 percent of which were assessed to be the result of executions.
>
> Sectarian violence is gradually spreading north into Diyala Province and Kirkuk as Sunni, Shiite, and Kurdish groups compete for provincial influence.
>
> Both Shia and Sunni death squads are active in Iraq, and are responsible for the most significant increases in sectarian violence.
>
> Militias and small, illegally armed groups operate openly and often with popular support. The threat posed by Shiite illegal armed groups, filling perceived and actual vacuums, is growing.
>
> The security situation is currently at its most complex state since the initiation of Operation Iraqi Freedom.

That is all from the report prepared by the Defense Department. These facts are at odds with the administration's statement about civil war. Sectarian divisions are increasing. Militia violence and death squad activity is increasing. The number of Iraqis fleeing the violence is increasing. Yet the President, Vice President, Secretary of Defense, and Secretary of State continue to deny the possibility of civil war. As long as the administration continues to deny the plain truth, America will be behind the curve and unable to adjust to the current realities on the ground and protect our troops.

Most important, our amendment requires the administration to say what we are going to do about it. How are we going to advance America's interests in Iraq in a time of civil war? How are we going to protect our troops from getting drawn ever deeper into an endless sectarian conflict?

An article in Newsweek magazine on August 14 indicates that although the Bush administration insists that Iraq is a long way from civil war, some inside the White House and the Pentagon have begun some contingency planning. The American people and our men and women in uniform want to know what that means.

What is the role of our troops in a civil war? What is our mission? How long will it take? What are the rules of engagement? How do we prevent our troops from taking sides? As long as we are on the ground in the conflict, our troops run the risk that they will be perceived as helping one side against another.

The administration should level with the American people about their planning to protect our troops. We all agree that the Iraqis need to make political compromises necessary to stop the violence and civil war. That is plan A. But what is plan B? What is the contingency plan? What is the plan to protect our troops?

That is the purpose of our amendment this evening. The amendment is needed to ensure proper planning in the event of civil war.

Instead of attacking those who want to change our course, President Bush ought to deal with the hard, cold facts. This Defense Department report underscores the fundamental truth that our brave troops are being let down by the administration and we need to find a way to succeed.

The administration needs to look at all of the facts and honestly address the question of civil war for the sake of our military and the American people. This legislation creates a continuing obligation to ensure that analysis on civil war is done regularly. The facts in the administration's report say one thing about civil war, but the conclusion about civil war says another. We need an honest assessment about the conditions and a clear plan to protect our troops.

Our soldiers and the American people deserve more from the administration. Together, the Secretary of Defense and the Secretary of State need to set the White House political agenda aside and directly and thoughtfully address this ominous threat.

The administration acts as if the mere discussion of a civil war is defeatist. They have it exactly backward. This amendment is an effort to make sure that the administration confronts and deals with the facts on the ground in Iraq and recognizes the emerging threat before it consumes our troops.

We must do better. This administration owes it to the American people. Even more important, dealing with reality is essential and necessary to protect the lives of our brave soldiers.

Iraq's future and the lives of our troops are close to the precipice of a new disaster. The timebomb of civil war is ticking, and our most urgent priority is to defuse it.

For the sake of our men and women in uniform and the stability of Iraq, all Americans are anxious for success, but we need to be realistic and smart enough and humble enough to understand that even our best efforts may not prevent a civil war from overtaking events in Iraq.

We need to begin planning now for this possibility. Such planning is not an admission of defeat. It is essential and necessary for protecting the lives of our service men and women in Iraq who are performing so admirably today under such enormously difficult circumstances.

Benjamin Franklin said as long ago as the 18th century:

> By failing to prepare, you are preparing to fail.

This was sound advice then, it is sound advice now. I urge my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. STEVENS. Mr. President, I yield such time as the Senator from Virginia may use.

Mr. WARNER. Mr. President, I rise in strong opposition to this initiative by my fellow colleague on the Armed Services Committee, Senator KENNEDY of Massachusetts. It is rather interesting. I went back and studied a lot of military treatises and precedents, trying to analyze what constitutes a civil war—Webster's Dictionary; Edward Luttwak, "The Dictionary of Modern War"; Pennsylvania State University's "The Classic International War"; and other treatises. It was interesting. There is another academic, with a last name spelled K-A-L-L-Y-V-A-S. He put out a treatise on warfare in civil wars. He talks about a conventional civil war, an irregular civil war, an asymmetric, nonconventional civil war.

This is an academic exercise that yields nothing. The one thing that comes out in this study is that there are no two civil insurrections alike. There is not a blueprint that can be put on this problem in Iraq to say definitively that it constitutes a civil war.

In fact, the situation in Iraq, no matter how disturbed all of us are about the rising number of deaths and the sectarian violence, it is very disturbing and I acknowledge that. It was never, in my judgment, foreseen that this level of insurrection would take place once we had a series of elections by the people of Iraq and a government put into place.

But the basic formula of civil war has the principle in it that if the government is still functioning and if the

Armed Forces of that country are still acting in support of the government, then it does not constitute a civil war.

I urge my colleagues to turn their attention to the key fact here: What are the consequences if this government fails to have a security situation that enables it to exercise the full range of sovereignty? What are the consequences? What are the consequences if these valuable oilfields—maybe not all at once, but part of them—fall into the hands of terrorists who seize them? What are the consequences of the situation devolving to the point where the nations around it feel they must inject themselves into the situation? For example, those nations with Sunni populations, Jordan and Saudi Arabia and indeed Syria and Egypt: they are not going to stand on the sidelines.

So I say to my colleague, we better look at what happens if this Government fails to receive that measure of support from the coalition forces, principally the United States, to enable it to continue to exercise the reins of sovereignty and continue to have the allegiance and loyalty of the Armed Forces which we have painstakingly trained in large numbers now and equipped.

Therein is the debate we should have to let the American people know what are the consequences. If the oilfields were to fall into the wrong hands, they would provide an unlimited source of cash for the terrorists—terrorists who have the most frightful of all weapons today; namely, the human bomber. Couple that unlimited cash and what appears to be a number of human bombers and we have a serious problem. The Middle East would be thrown into a convulsive state. The credibility of our Nation, in the eyes of the world, would be tested, and we could no longer be a strong voice in trying to bring about order in this region and to contain the most serious problem, as I see it; that is, the possibility of Iran becoming a power enabling it to have nuclear weapons.

We must maintain a strong presence and we cannot let this Government be in a situation where it can no longer exercise the reins of sovereignty.

I yield the floor.

Mr. STEVENS. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. STEVENS. And how much time on Senator KENNEDY's side?

The PRESIDING OFFICER. Three minutes.

Mr. STEVENS. Mr. President, since 2005, the Defense Appropriations Committee has required the Department of Defense to report quarterly on the stability and security situation in Iraq. This is the most recent report. It was prepared in August and embargoed until September 1.

Six pages of the bill language is very detailed. Starting on page 233—my colleagues can look in the bill—it requires a comprehensive set of performance indicators and measures for progress and political stability in Iraq. In other words, we continue in our bill already, without the Kennedy amendment, the concept that every quarter the Department reports to us.

The first part of this report describes trends and progress toward meeting goals and political stability. That requirement is contained in section 9010 of our bill.

The second section of this report describes training development and readiness of the Iraqi security forces, including the forces of the Ministry of Defense and police and paramilitary forces of the Ministry of Interior.

The third section describes transfer of security responsibility from coalition forces to the Iraqi Government, including prerequisite conditions and criteria for assessing the readiness of provinces to assume responsibility for security.

As I said, this report is already prepared and was presented on September 1 and is on every desk in the Senate. The current report addresses the prospect of civil war on pages 33, 34, and 35. It is very clear. It has reviewed the concept of ethno-sectarian violence, and that is the greatest threat to security and stability. It also continues with regard to the concepts on page 34 and has a series of incident reports.

I can tell the Senate there is no question that the Department has discussed already in the report the concepts Senator KENNEDY wants to have discussed. It says this on page 33:

> Notwithstanding this concern, there is no generally agreed upon definition of civil war among academic or defense analysts. Moreover, the conflict in Iraq does not meet the stringent international legal standards for civil war.

In other words, they have already reported to us, as Senator KENNEDY would require. But Senator KENNEDY wants to add additional requirements now. The question he asks, for example, in section (G), subparagraph 3: is the strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the event of a civil war in Iraq?

It may be that we are already taking sides. We are supporting the Government if the insurrection is there. We need to help the elected Government against the al-Qaida attacks. There is no question that should be done. But the Kennedy proposal presumes the United States must not take sides. In other words, he would prevent what we are doing right now.

The question for the strategy of the United States in taking sides is repeated in section 6 of Senator KENNEDY's amendment. I do not believe it is appropriate to direct foreign policy or military strategy through a reporting requirement on an appropriations bill.

Senator KENNEDY and Senator WARNER sit on the Armed Services Committee. That is where policy is discussed. I do not think this is the way the Senate should do business.

We are in a situation tonight where having had this discussion at length on the other matter, I think too many Members of the Senate have not heard this debate and probably will come and say: What's going on?

The clear answer has to be that we should not dictate policy—particularly military policy—in an appropriations bill. We provide the funding for whatever policies are already established by law, by regulation, by the Commander in Chief. This is something that requires the determination of the Secretary of Defense, the Secretary of State, and the President to set military policy.

There is a constitutional question involved here, in my opinion, in terms of what Senator KENNEDY wants to do. He wants to set up a situation whereby the Department of Defense has to decide if there is a civil war going on and if there is, then it has a set of procedures that must be followed. If they decide a civil war is not going on, there is another set of procedures that must be followed.

As a practical matter, what he is saying is reports such as this should come to the Senate quarterly and they should tell us in advance what are they going to do for the next quarter. In terms of military strategy and what we are doing over there, for those of us who have been there repeatedly, it is not possible to do that.

I certainly believe Senator WARNER outlined the whole concept of civil war very clearly. You can call it a civil war if you want, but the question is, when you put it into an amendment that demands we have a report to assess a finding by the Department, which it must make whether or not there is a civil war going on, and then give it instructions based on how it makes that decision, I think, is micromanaging the Defense Department. If there is one thing we should not do on an appropriations bill is try to micromanage the Defense Department.

I urge the Senate not to support this amendment. I do believe the reports we are getting right now give us some measurement of what is going on, and on the basis of that let's make judgments which we should make. For instance, this bill measures progress toward a democratic Iraq.

It describes the obstacles toward political progress, and it gives us a comparison of the situation in individual Iraqi homes.

It tells us about the black market in Iraq and how it might affect what we are doing over there.

It discusses the al-Qaida influence in Iraq and the recent developments in the security environment.

This is a very extensive report. Like a lot of reports, it comes to us quarterly, Mr. President, but not a lot of people pay attention to it. We do. If you look at our bill, we prepared, on the basis of the last report, a continuation of the concept of what they should do in terms of improving these reports for the coming period.

I do hope the Senate will support our position that this is not the way to go, that this is not the thing to do.

Has my time expired?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. STEVENS. I yield to my friend.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one can argue about the definition of a civil war, but what I am talking about is the concern of the commanders on the ground in Iraq. This is what GEN Rick Sanchez, former commander of the multinational forces in Iraq, said on January 7:

> The country is on the verge of civil war.

GEN Peter Pace on March 13:

> Everything is in place if they want to have a civil war.

Ambassador Khalilzad is concerned about the threat, March 7:

> The potential is there for sectarian violence to become a civil war.

General Abizaid before the Armed Services Committee on August 3:

> I believe the sectarian violence is probably as bad as I have seen it in Baghdad, and if not stopped, it is possible Iraq could move toward civil war.

General Pace the same day:

> I do believe we have the possibility of devolving into civil war.

Here we have Newsweek magazine, August 14:

> The Bush administration insists Iraq is a long way from civil war but the contingency planning has already begun. . . .

Now, the Senator from Alaska says let's look at the most recent report from the Defense Department that we received September 1. Let's look at it. What does it say?

> Concern about civil war within the Iraqi civilian populations among defense analysts increased in recent months. Conditions that could lead to civil war exist in Iraq.

And it continues:

> Conditions that could lead to civil war exist in Iraq, specifically in and around Baghdad. Concerns about civil war within the Iraqi civilian populations increased in recent months.

All we are asking for is a plan to protect our troops. What are the rules of engagement if there is a civil war? That is the issue. That is the question. That is the information they ought to have, the families ought to have, and the American people ought to have. That is what this amendment is all about.

The White House evidently is concerned, according to news reports. Generals on the ground are concerned about it. The Defense Department's own report is concerned about it. All we want to do is let Congress know and let us have the kind of planning that is going to provide the greatest protection for American troops on the ground should there be a civil war. Rules of engagement—that is all this amendment does. And it does seem to me when we are talking about plans—we heard a great deal of debate about policy today. This is about a plan to protect American troops. That is what this amendment is.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I disagree. This amendment is about changing the report requirements we have had in the past and that we have in this bill now. And we have had a satisfactory report.

If one looks at the report, there is no question there are attitudes in Iraq that indicate this may turn into a civil war. There is no question that is one of the major problems facing us today. To put on the Secretary of Defense the burden of deciding if there is a civil war and giving instructions whether there is or not, changing the basis of things we require that are serving us right now—I urge Senators to look at this report. There are graphs in the report. Are you very or somewhat concerned that a civil war might break out? There is great worry that it might. We should have that worry. But to force the Department of Defense to decide when it has turned into a civil war and give specific instructions in case they do make that decision, and if they don't make the decision—of course, that is not what the Senator from Massachusetts wants. He wants the decision that there is a civil war, obviously, because that would force a withdrawal.

This is very much connected with the debate we just had about the amendment that was considered to be not in order.

I urge the Senate to reject the Senator's amendment. I move to table his amendment and ask for the yeas and nays. Time is up, is it not, Mr. President?

The PRESIDING OFFICER. The motion to table is not in order until all time has expired. The majority has 1 minute remaining, and the minority has 30 seconds remaining.

Mr. STEVENS. The Senator from Massachusetts has 30 seconds.

Mr. KENNEDY. Mr. President, in the 30 seconds, refer to page 3 of my amendment. If there is not a civil war, we are still asking for the strategy to protect American troops. If there is a civil war, the strategy ought to be how are we going to protect the Armed Forces of the United States. This is a plan about how to protect American troops if there is a civil war, plain and simple.

The White House is concerned about it. Newspapers have published that they are concerned about it. We ought to be able to get it, and the members of the Armed Forces ought to be entitled to that information. We missed too many opportunities in the past. Let's not miss this one.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. I yield back my time. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "nay."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—2

Lieberman
Menendez

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4895

Mr. STEVENS. Senator MIKULSKI has an amendment.

The PRESIDING OFFICER. There is 10 minutes equally divided on the Mikulski amendment.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, this is the Mikulski-Sarbanes amendment. It is very straightforward. It eliminates funding for the Army to carry out the A-76 effort that eliminates close to 400 jobs at Walter Reed, primarily little people, such as landscapers. Senator SARBANES and I objected to this contracting out because the process was flawed, unfair, and does not save the taxpayer any money.

Number 1, it started in the year 2000. It went on and cost $7 million to run the process.

The Federal employees won it in 2004. The Army changed the bar, reissued the solicitation, making up to 1,500 changes. After the Federal employees won the contract in September 2004, the Army changed the solicitation.

Having spent $7 million, it will now spend $5 million to implement it. The Army is about to spend $12 million to save $7 million. Even by Army accounting, that is a bad deal.

This process is flawed. It is unfair. It did not go by the rules. It does not save the taxpayers money. We urge the agreement of the Mikulski-Sarbanes amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. THOMAS. Mr. President, very briefly, no one would argue there are activities which are inherently governmental and should be performed by the Government. However, the Government should not engage in activities which are already offered in the private sector.

I am here today to share my opposition to the Mikulski amendment. If agreed to, this amendment would roll back a completed public-private job competition at Walter Reed Army Hospital. This job competition was won fair and square by the private sector because it proved to be more efficient and will save the taxpayers $32 million over the next 5 years. Furthermore, it was subject to intense review and investigation by the Army and the GAO, all upholding the Army decision to move forward to award to the private sector.

Opponents are not happy with the outcome. They appealed and lost; they appealed again and lost. Now they have appealed the contract award to Congress by offering this amendment. Congress is not in the business of awarding contracts. This amendment is bad policy and bad precedent.

Competitive sourcing is not about outsourcing or offshoring. It is about competition. It is the useful tool that utilizes competition to allow Federal agencies to evaluate whether certain functions shall be performed in the future by Federal employees of the private sector. We ought to continue to evaluate programs and activities and whether the Federal Government should be doing these kinds of things. This is essentially true if the Government is involved in activities that are available to the private sector.

It is my longstanding view that if a service is available to the private sector, there better be a darn good reason why the Government is doing it. In most cases, it simply is not right for the Federal Government to be doing things that could be done by Main Street business.

But the Federal Government is engaged in activity already offered in small business.

If this language prevails, it will undermine a portion of the administration's competitive sourcing program. With the continuing war on terror, the Army must have extra savings to meet its daily needs. The private sector will be discouraged from bidding on future competitions if the Congress demonstrates an effort to reverse legitimate acquisition decisions.

I urge all of my colleagues to oppose this amendment.

I yield the floor.

Mr. SARBANES. How much time remains?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. SARBANES. I yield myself a minute and a half.

Mr. President, I listened very carefully to my able colleague from Wyoming. I don't quarrel with a lot of what he says, but this process was absolutely flawed. This was not a fair process. The rules were constantly being changed. If we are going to have competitive sourcing, it ought to be done according to the rules, with a respect for the competitive bidding process. That didn't happen here.

This was put out for bid in June of 2000. It is now September of 2006. Under current law, none of these competitions can go on for more than 3 years. In 2004, the Federal employees won this competition. And the Army came back and changed the solicitation and put in new requirements for the bids. It is totally unfair, what is happening here. I respect the competitive bidding process, but there has to be some integrity to it. It has to have some decency to it. That is totally lacking in this situation.

I urge my colleagues to support the Mikulski amendment.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I normally would agree with the Senator from Maryland, but the comments that were made are really not correct.

This has been reviewed by third-party entities, including the Government Accountability Office. We received a final report on May 30, 2006. The Department of Defense strongly opposes the amendment. If the language prevails, it will undermine the competitive sourcing program.

They have learned a lot about using A-76 on an enormous entity like the Walter Reed Hospital, but this amendment would preclude the Army from implementing a contract which has been reviewed three times and has been agreed to by the GAO.

Ms. MIKULSKI. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 2 minutes.

Ms. MIKULSKI. Let's talk about taxpayers, since this is supposed to inherently do something or other, saving money to fight terrorism.

This started in 2000, as Senator SARBANES said. The Army spent $7 million to defeat their own Federal employees. They spent $7 million in 6 years. Boy, how about that? These are the little people, the landscapers. Thank God they had the AFGE behind them.

Then, after spending $7 million and changing the rules—and with the last set of specs, they had 1,500 amendments; imagine if we had 1,500 amendments—what we now find is they are going to have to spend another $5 million to implement the savings. So they are going to spend $12 million when the original goal was to save $7 million. Come on. If we are fighting terrorism and saving money, let's leave Walter Reed alone. It is going to be closed in a couple years because of BRAC. Let the landscapers do their job. Let the doctors and nurses do their job. Let's do our job and pass the Mikulski-Sarbanes amendment.

Mr. STEVENS. The delay in this matter really came about—there is no question there is a serious delay—as it was reviewed and upheld on two occasions. These are third-party entities that did the review, including the GAO. We should not upset a process that has taken so long and is finalized now.

I yield back the remainder of my time and move to table the Senator's amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Wyden

NOT VOTING—2

Lieberman
Menendez

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4883, AS MODIFIED

Mr. STEVENS. Mr. President, I have an amendment that we wish to adopt. As I understand it, the Allen-Durbin amendment No. 4883 has been cleared as modified. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4883), as modified, was agreed to.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

ARMY CORPORAL CHRISTOPHER SITTON

Mr. SALAZAR. Mr. President, I wish to speak for a moment to honor the memory of a fallen Coloradan: Army Cpl Christopher Franklin Sitton of Montrose.

Corporal Sitton was a medic with the 10th Mountain Division, serving in Afghanistan since March. He had just turned 21 and graduated from Montrose High School just 3 years ago. Now, instead of having his whole life ahead of him, he has been taken from his friends, family and country by a roadside bomb in Kunar, in eastern Afghanistan.

Chris Sitton was looking forward to a medical career. His interest in medicine reached back to his childhood, where as a young man in Quinlan, TX he would accompany his father, a volunteer with a rescue group, on emergency calls.

Corporal Sitton's time in the Army was marked by excellence, not unlike his time in high school. Secialist Sitton entered the Army nearly 3 years ago, in January 2004. In his service, Specialist Sitton received three commander's coins, recognizing his exemplary performance in the Army. One was personally handed to him by a four-star general.

This achievement is remarkable to many but not to those who knew Christopher Sitton. Chris was a natural leader. A standout track star, he is pictured mentoring a younger teammate in a photo that hangs in his high school track coach's office. Young people naturally gravitated to him, and Chris returned their enthusiasm with a smile one friend described as big as Texas itself.

As a young man, Chris Sitton was an accomplished Eagle Scout. He was an avid athlete, a musician and outdoorsman, enjoying his time hiking, skiing and camping. But perhaps most notable, Chris Sitton left a mark on those around him as someone who was always helping others, putting them before himself.

GEN Douglas MacArthur once reflected, "The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars." Chris' legacy as a son, friend and mentor, his willingness to put others before himself, shows how fundamentally he understood this calling to find a better tomorrow. Corporal Sitton sought to make the world a better place in his every action, to bring us to a better understanding of the ties that bind humanity together.

To Corporal Sitton's parents, Judy and Steve Sitton, I know that no words can ease the grief you feel at the loss of your son. I and this entire Nation share, in some small way, your painful sorrow. Corporal Christopher Sitton and his entire family will reside in my prayers tonight and remain in my thoughts.

MARINE CORPORAL JORDAN C. PIERSON

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to Marine Cpl Jordan C. Pierson of Milford, CT.

Corporal Pierson, a member of Charlie Company, 1st Battalion, 25th Marine Regiment, 4th Marine Division 2nd Reconnaissance Battalion, was killed in action on August 24 while conducting combat operations against anti-Iraqi forces in Al Anbar Province. He was shot while on foot patrol. He had been previously awarded the Purple Heart for wounds to his arms and legs by shrapnel from an insurgent's grenade 3 months prior.

Having delayed his education at the University of Connecticut, Corporal Pierson joined the Marine Corps in December 2003. It seems to be apparent by the many recollections of his friends and family that Jordan had already proven himself a leader. They recount many of the high-spirited exploits that he both engineered and led. However, his wily deeds quickly gave way to an outstanding performance as a Marine devoted to his comrades and mission.

He is fondly remembered as a brilliant light and strong leader with strength of character and self assurance, persistently watching out for his fellow marines. He is described best by his first sergeant: "Corporal Pierson had been a bright spot in his platoon, in a place, that can take the softest of hearts into a void of darkness. Even when the gloom of combat reached deep in a man's soul, Corporal Pierson could bring the Marine back to a sense of purpose, a sense of why we were here, and that we were making a difference. Corporal Pierson was destined not to only be a Marine, but a leader among Marines. He fostered a sense of caring for Marines while still embodying all it meant to be a Marine."

Corporal Jordan Pierson was a true patriot and defender of our great Nation's principles of freedom of justice. He served as an example of the potent American spirit, which permeates this Nation's history. I am both proud and grateful that we have the kind of defender exemplified by Corporal Pierson serving our great Nation.

Our Nation extends its heartfelt condolences to his family. To his father Eric, his mother Beverly, and brother Ethan, we extend our profound gratitude for sharing this outstanding marine with us, and we offer our prayers and support.

COMMUNICATIONS ACT OF 2006

Mr. MARTINEZ. Mr. President, I would like to bring to the attention of my colleagues a bill that could have a significant impact on the family budgets of millions of American households. H.R. 5252, the Communications Act of 2006, passed by the Senate Commerce Committee in June is that bill.

H.R. 5252 is an important piece of proconsumer legislation. It reforms the cable franchising process to permit competition to incumbent cable companies. The result will be competition in the delivery of cable television services to all our constituents.

While prices for Internet access and wireless service continue to fall, cable bills continue to climb and climb—in fact, according to the Federal Communications Commission, those bills have shot up more than 86 percent over the past decade. Millions of Americans have no choice when it comes to their video provider.

H.R. 5252 will change that by bringing real competition and giving consumers the ability to choose who provides their video programming. This is something consumers want and deserve. Competition brings lower prices and consumers win. Competition brings improved customer service—and consumers win. Competition results in service providers seeking to serve narrower segments of the marketplace—and consumers win.

It is not an exaggeration to say that the enactment of this legislation will save consumers billions of dollars a year. In the few markets where video providers have successfully negotiated franchise agreements—for instance, in parts of Florida, Texas and Virginia—consumers have benefited greatly.

According to a recent Bank of America study, in those aforementioned areas, cable bills have fallen by 28 to 42 percent—a savings of as much as $264 per year for cable customers.

And a recent Phoenix Center report estimates that each year Congress delays cable franchise reform, it costs American consumers $8.2 billion in unrecoverable losses from increased cable rates. This is unacceptable.

Furthermore, according to the same report, this means that Florida consumers are losing $626 million each year. That is a significant amount of money coming out of the pockets of my fellow Floridians. We have the power to change this. Consumers in every State will continue to lose money if we do not act now.

This issue is too important for us to ignore. We all know and understand that technology is changing each and every day—and yet our Nation's telecom laws have not been updated in 10 years.

The United States is the world leader in creating new and innovative technologies and we are at the forefront of bringing these new technologies to the marketplace. Sadly though, when it comes to broadband deployment, the U.S. currently ranks 16th in the world.

We need to act today to update our Nation's telecom laws and bring more choice and competition to the marketplace. Our economy needs it and consumers are demanding it.

I know the Senate Calendar is packed with important legislation which we must complete prior to adjourning. But the video choice legislation will affect every single household in America. It will bring competition to the video programming marketplace, and bring the benefits of competition to all of our constituents, whether or not they subscribe to cable.

I urge my colleagues to support the efforts of Senator STEVENS to bring this legislation before us.

As far as this legislation is concerned, time is money. Change is long overdue, and we are eager to help our fellow Americans keep more of their hard earned money.

We in this Chamber have a responsibility to get this legislation passed sooner, rather than later, so that our constituents can start saving more today, not tomorrow.

TRIBUTE TO WAYNE S. FENTON, M.D.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to Wayne S. Fenton, M.D., Director of the Division of Adult Translational Research and Associate Director for Clinical Affairs at the National Institute of Mental Health who was tragically murdered on September 3, 2006.

Dr. Fenton was a man truly passionate about working with the most severe mentally ill population. He was a compassionate and tireless advocate for people with mental illness and the families so desperately trying to help them. He went above and beyond the call of duty and continued a private practice outside of his work at the National Institute of Mental Health. In his private practice, Dr. Fenton readily treated patients with the most severe mental illnesses, very often ones that other psychiatrists refused to see. These are the patients who are most likely to commit horrific crimes when they do not take necessary medication.

Just last week, I participated in a panel discussion regarding whether the State of New Mexico should enact an assisted outpatient treatment, AOT, program that requires a court ordered treatment for those who are severely mentally ill. It is time we focus on this issue at a State and national level. Dr. Fenton's death should not be in vain; we cannot continue along a path that not only does not help the suffering, but continues to hurt the community. This is a challenging topic to take on and a hard discussion to have but we must start addressing the link between untreated mental illness and violence or we run the risk of seeing more horrific deaths.

Outside of his work and private practice, Dr. Fenton worked with many groups including the National Alliance of the Mentally Ill, the American Psychiatric Association, and the World Psychiatric Association. He served as Deputy Editor of Schizophrenia Bulletin and as a consultant to the Department of Justice, Civil Rights Division. On numerous occasions he was nominated as one of the Best Doctors in America. He was a leader in the field of mental health research, particularly relating to the study of schizophrenia. Dr. Fenton authored many textbook chapters and more than fifty scientific papers on diagnosing, treatment, and mental health service methods for individuals who suffer from schizophrenia. His central goal was to create a treatment system to allow even those suffering from the most severe mental illness to become functioning members of society.

Dr. Fenton's death truly is a great loss to the mental health community. In the words of Dr. Thomas Insel, Director of NIMH, "It is difficult to grasp such a tragic, shocking loss; a loss not only for his many friends and family but for people with serious mental illness everywhere." As advocates for people with mental illness, and mental health policy, my wife Nancy and I had the pleasure to work with him over the years. I am extremely saddened by his tragic death. I want to extend my thoughts and prayers to his family, friends, and coworkers at this time. It is my hope they remember the great impact he made during his time with us. I express my deepest sympathy to them.

NOMINATION OF JAMES O'GARA

Mr. BIDEN. Mr. President, prior to the August recess, the Senate sent the nomination of James O'Gara to be the Deputy Director for Supply Reduction at the Office of National Drug Control Policy back to the White House for reconsideration. Mr. O'Gara's nomination was strongly opposed by Senators on both sides of the aisle, which prevented it even from being reported out of the Judiciary Committee. Unfortunately, the White House has returned Mr. O'Gara's nomination for confirmation. As such, I am using this opportunity to, again, remind the President of the objections that law enforcement and many Members of this body have to the policies and the leadership at the Office of National Drug Control Policy. In so doing, it is my hope that the administration will change course and develop and implement strategies that will address the drug problems facing our communities, such as the spread of methamphetamine.

More than 20 years ago I began working to create an Office of National Drug Control Policy because I believed then, as I believe now, that we needed a Cabinet-level official who would coordinate Federal drug policy and be publicly accountable for developing and implementing an effective national strategy. I believe the Office of National Drug Control Policy is an important office, and I take matters related to it very seriously.

When our current drug czar, John Walters, came for a vote before this body in 2001, I opposed his nomination because I did not believe he was the right man for the job.

Unfortunately, my fears have been borne out. During his tenure, John Walters has been reticent to acknowledge the methamphetamine problem that is plaguing small communities nationwide, preferring to focus almost exclusively on marijuana. He recommended to the President that the highly popular and highly effective High Intensity Drug Trafficking Area Program, which funds drug enforcement task forces, be cut by 56 percent and relegated to the Department of Justice. And under his leadership, the Office of National Drug Control Policy has essentially walled itself off from consultation and dialogue with external drug policy experts including treatment professionals, prevention specialists, and State and local law enforcement officials.

Those are just a few of the many examples of Mr. Walters' missteps. Under him, the office operates like an ivory tower rather than the command center for our national drug control policy.

This past year, together with many of my Republican colleagues, I fought to prevent James O'Gara—a colleague of Mr. Walters since 1989—from becoming the Deputy Director for Supply Reduction. Together, they have coauthored policy articles expressing their shared drug policy views. Given the misgivings that many of us have about how Mr. Walters has run the Office of National Drug Control Policy, I would likely have a difficult time voting to give a promotion to any member of his inner circle. But that is not the only reason why many of us opposed Mr. O'Gara's nomination.

Perhaps most troubling is that Mr. O'Gara, who was nominated for a position which has authority over international drug control, foreign and domestic drug intelligence, and interdiction, does not have the confidence of law enforcement.

In letters to Senator SPECTER and Senator LEAHY expressing their strong opposition to the O'Gara nomination, law enforcement has expressed its strong opposition. The National Narcotics Officers Association wrote that:

> Mr. O'Gara lacks an operational understanding of a critical issue involved in supply reduction, has no operational background in supply reduction or drug control, and most importantly is not trusted by his constituents in the drug enforcement, prevention and treatment fields. All of this makes him unqualified and unable to effectively lead the coordination of supply reduction initiatives in accordance with the National Drug Control Strategy.

The letter from the HIDTA Directors states that:

> Based on our collective 1,000+ years of law enforcement experience, we believe Mr. O'Gara lacks the qualifications and abilities necessary to coordinate our nation's supply reduction initiatives effectively. We believe his lack of experience and inability and/or unwillingness to collaborate with a variety of stakeholders has resulted in the formulation of three National Drug Control Strategy documents that do not provide adequate guidance to law enforcement, treatment, and prevention professionals; lack specific and measurable objectives; and insufficiently address some of the most pressing drug threats facing our country today, including methamphetamine.

By returning this nomination, it is my hope—together with many of my Republican colleagues—that the administration will reconsider and rescind this nomination.

State and local law enforcement accounts for more than 90% of drug-related arrests. During a time when assistance for State and local law enforcement has been slashed, it is essential that the leadership of the Office of National Drug Control Policy have the confidence of local officials. Mr. O'Gara lacks this support. Moreover, Mr. Walters and Mr. O'Gara have alienated State and local law enforcement, drug prevention and treatment professionals, as well as many members of Congress.

As the scourge of methamphetamine continues to ravage middle America, it is essential that the policies adopted and the personnel appointed by the administration have the confidence of the drug enforcement community. President Bush could take a huge step in this direction by rescinding the nomination of Mr. O'Gara and consulting with local law enforcement to appoint an individual who could win the bipartisan support of the Senate.

ADDITIONAL STATEMENTS

RECOGNIZING THE CENTER FOR INDEPENDENT LIVING—FRESNO

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing and congratulating the Center for Independent Living—Fresno for 30 years of dedicated service empowering people with disabilities in Fresno, Kings, Madera, and Merced counties. Since opening their doors in 1976, this organization has made significant contributions to the lives of the Central Valley's disabled community and their family members.

For the past three decades, the Center for Independent Living—Fresno has been a respected leader in advocating for people with disabilities to live independent lives. They strongly uphold the principle that everyone should be afforded the opportunity to thrive and live independently in their own communities. The dedicated staff of the Center of Independent Living—Fresno work tirelessly to ensure that those who are in need of their support are treated with the respect and dignity that all people deserve. Through the center, thousands of people have learned invaluable tools to help them become self-advocates and lead productive lives.

I congratulate the Center for Independent Living—Fresno on its 30th anniversary and wish its staff and supporters even greater success as they continue to provide important services to people with disabilities. You are not only a tremendous asset for your clients, but you perform a great service for the Central Valley community.•

RESTORATION OF THE COLONIAL THEATER IN PITTSFIELD, MA

• Mr. KENNEDY. Mr. President, last week, an excellent article in the New York Times of August 29 detailed the renaissance of Pittsfield, MA, which has adopted a bold economic revitalization strategy centered on the arts and historic preservation involving the restoration of the popular Colonial Theater of a century ago. Pittsfield mayor James Ruberto and the entire Pittsfield community came together behind this bold vision, which received major encouragement a decade ago when the theater was included as part of First Lady and now Senator HILLARY RODHAM CLINTON's highly effective Save America's Treasures tour.

The Colonial Theater certainly qualified as an American Treasure. The restored theater reopened on August 29 to wide acclaim, and I am proud of all that the mayor and the community have accomplished. This recognition of their efforts is eminently well-deserved, and I believe all of our colleagues in Congress will be interested in Pittsfield's extraordinary achievement. I commend Mayor Ruberto and the people of Pittsfield for a job well done, and I ask that the article be printed in the RECORD.

The article follows.

[From The New York Times, Aug. 29, 2006]

A CITY PLOTS ITS FUTURE BY REACHING INTO THE PAST

(By Hubert B. Herring)

Arts-minded visitors to the Berkshire Hills in western Massachusetts may think of Pittsfield as little more than an urban speed bump on the way to Stockbridge, Williamstown and the glories of Tanglewood and Jacob's Pillow.

But the city is betting that, with the help of a long-neglected jewel of a theater, it too can make a place for itself on the region's arts map. After a two-year, $22 million restoration, the century-old Colonial Theater will reopen tonight for a year-round season that kicks off with a week's visit by a touring company of "Rent." After that, there are more than 40 other events scheduled for the rest of the year.

For years, few outsiders were aware of what lay behind the neo-Classical yellow-brick facade on the Route 7 commercial strip. But inside was a grand Broadway-style theater, a Gilded Age monument designed by J.B. McElfatrick, who designed dozens of New York theaters, including the Theater Republic (now the New Victory) on 42nd Street.

From its opening in 1903 to the early 30s, the house, which seated about 1,400, was a regular stop for the likes of Sarah Bernhardt, the Barrymores, Rachmaninoff, Will Rogers and John Philip Sousa. Anna Pavlova danced by, as did the Ziegfeld Follies (100 strong).

In 1937, the Colonial was converted into a movie palace, but by 1952 it had gone dark. It was saved from demolition only because a local businessman, George Miller, bought it and housed his paint business inside.

The idea of transforming the city into a cultural center received a boost in 1998, when Hillary Rodham Clinton, then the first lady, visited the Colonial as part of a "Save America's Treasures" tour.

"Her visit said, 'You have a national treasure—it's worth fighting for,'" said John Bissell, a senior vice president at the Greylock Federal Credit Union and a prominent figure in the move to revitalize Pittsfield.

In 2002, the city commissioned a study on the potential economic benefits of restoring the theater. The study, led by Stephen Sheppard, an economics professor at Williams College, forecast $2 million a year in direct economic benefits to Pittsfield and an increase in local property values of at least $23 million.

That study "quantified what we felt instinctively, that the theater would indeed make economic sense," said James M. Ruberto, Pittsfield's mayor and a major force behind the renovation.

After Mrs. Clinton's visit and the study, of course, came the fund-raising. Ultimately, some $7 million came from donations, the rest from city, state and federal grants and tax credits.

"I have been amazed at the amount of money given to the Colonial," said Gary Scarafoni, a retired banker who is now the theater's president.

The theater itself was a shambles, said Tom Johnson of Martinez & Johnson, the Washington architects responsible for the restoration. In the half-darkness of the balcony, "you could see the plaster detailing," big pieces of which were starting to fall.

Now, the curves and curlicues of the interior ornamentation—which Mr. Johnson describes as eclectic neo-Classical—have been restored to their original glory.

But the renovation remains a gamble. David W. Fleming, recently hired as the theater's executive director, said that the Colonial would have an annual overhead of at least $750,000 and expected artists' fees, marketing and stagehand costs collectively to fall in the same range.

That means, said Mr. Fleming, who previously ran the Grand Opera House in Wilmington, Del., and the New Brunswick Cultural Center in New Jersey, that the theater will need to fill about 60 percent of its seats if it is to pay half its annual expenses from ticket sales.

"Ideally," he said, "I'd like to see us cover more like 65 percent"—with the rest coming from annual donations.

He said he hoped that within a few years, the theater, now reconfigured to seat 810, would be active 200 nights a year, with events that appeal to all tastes and budgets. This season's offerings include low-priced fare like Cirkus Inferno and the Inflatable Theater Company.

The theater will have to rely in part on out-of-town audiences. The city's population, roughly 57,000 in 1960, fell steadily after General Electric, which once employed more than 10,000 workers here, gradually shut down most of its operations, paring the workforce to less than 1,000. The population is now 43,000 and is projected to fall considerably further in the next two decades.

The city is betting that, if it can transform itself into an arts center, it can reverse that slide. It took a first step in that direction when the highly regarded Barrington Stage Company moved into a renovated 1912 music hall in downtown Pittsfield this month after working for years out of a high school auditorium in Sheffield, in the southwest corner of the state. The company plans spring, summer and fall productions.

Mr. Bissell of the credit union argues that people will come, not only to visit but also to live. He cites the rise of the local real estate market since the Colonial restoration project was announced.

"When new businesses come to town," he added, "every single one cites the rebirth of the Colonial as a primary reason why they chose this location."

Such optimism is not universal. Jonathan Levine, publisher of The Pittsfield Gazette, said that while he was "thrilled to have a renovated theater," he questioned the business projections behind it.

"They've made all these economic development promises," Mr. Levine said, "and there is no way, with their current programming, they can achieve those goals."

But the Colonial can boast of something that half of every Broadway audience can only dream about. The theater bought an abutting property that will house, in addition to the main entrance, a gigantic ladies' room.•

IN MEMORY OF MATTHEW S. COSTA

• Mr. LIEBERMAN. Mr. President, I rise today in memory of Matthew S. Costa, an outstanding young man from Cheshire, CT who died tragically on September 3. I am very saddened to hear of Matthew's death and will be keeping his friends and family in my thoughts and prayers during this difficult time.

At the time of his death Matthew was serving in Mali as a volunteer for the U.S. Peace Corps. Matthew enrolled in the Peace Corps in 2003 and had been serving in the Malian village of Kati since November 2005, after teaching English in Chad for 2 years.

While in Kati, Matthew helped foster one of the Peace Corps core missions, fostering cultural exchange, by fully immersing himself in the local community. He taught English to local high school students and organized training for other teachers in the community. He was also widely known in the community as the host of a popular radio program that played popular American music and then worked with the radio station to improve its marketing strategy. Matthew also sought to involve himself with the village community by playing in a local soccer league and helping to distribute donations of sports equipment.

What I think was truly remarkable about Matthew is that after graduating from Tulane University in 2003, a time in which there must have been unlimited opportunities open for Matthew to pursue, he chose to delay any future career plans to help others and broaden his cultural understanding. Matthew volunteered to travel many miles from home and, if necessary, to give up many of the modern conveniences we often take for granted. Matthew liked it so much, that in 2005 he extended his service. Matthew's sacrifice and dedication is truly inspiring.

The passing of Matthew Costa is truly a loss for the Peace Corps, for the people of Mali, and for Connecticut. May his selfless devotion to helping others live on in the hearts and minds of those who knew him best and were served by his good works.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

DRAFT OF PROPOSED LEGISLATION ENTITLED "MILITARY COMMISSIONS ACT OF 2006"—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

I transmit for the consideration of the Congress draft legislation entitled the "Military Commissions Act of 2006." This draft legislation responds to the Supreme Court of the United States decision in Hamdan v. Rumsfeld, 126 S. Ct. 2749 (2006), by establishing for the first time in our Nation's history a comprehensive statutory structure for military commissions that would allow for the fair and effective prosecution of captured members of al Qaeda and other unlawful enemy combatants. The Act also addresses the Supreme Court's holding that Common Article 3 of the Geneva Conventions applies to the conflict with al Qaeda by providing definitions rooted in United States law for the standards of conduct prescribed by Common Article 3.

The military commission procedures contained in this draft legislation reflect the result of an extended deliberation both within the executive branch and between representatives of my Administration and Members of Congress. The draft legislation would establish a Code of Military Commissions that tracks the courts-martial procedures of the Uniform Code of Military Justice, but that departs from those procedures where they would be impracticable or inappropriate for the trial of unlawful enemy combatants captured in the midst of an ongoing armed conflict, under circumstances far different from those typically encountered by military prosecutors.

Five years after the mass murders of 9/11, it is time for the United States to begin to prosecute captured al Qaeda members for the serious crimes that many of them have committed against United States citizens and our allies abroad. As we provide terrorists the justice and due process that they denied their victims, we demonstrate that our Nation remains committed to the rule of law.

I ask that the Congress carefully consider this legislation and respectfully urge its speedy passage for enactment into law.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 6, 2006*.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8057. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the Department of Energy and Residual Department Standards Regulation" ((RIN1990–AA19)(RIN3209–AA15)) received on August 18, 2006; to the Committee on Energy and Natural Resources .

EC–8058. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to plutonium storage at the Department of Energy's Savannah River Site; to the Committee on Energy and Natural Resources.

EC–8059. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "State Abandoned Mine Land Reclamation Plan" (MS–016–FOR) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8060. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Topsoil Redistribution and Revegetation Success Standards" (RIN1029–AC02) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8061. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (WY–034–FOR) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8062. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV–109–FOR) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8063. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Special Rule for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter" (RIN1018–AU21) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8064. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Gila Trout (Onchorhynchus gilae) From Endangered to Threatened; Special Rule for Gila Trout in New Mexico and Arizona" (RIN1018–AH57) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8065. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico and Arizona" (RIN1018–AI80) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8066. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of a bill entitled "Buffalo Soldiers in the National Parks Study Act"; to the Committee on Energy and Natural Resources.

EC–8067. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of Exxon and Stripper Well oil overcharge funds as of September 30, 2005; to the Committee on Energy and Natural Resources.

EC–8068. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart A; Makhnati Island Area" (RIN1018–AU70) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8069. A communication from the Chief, Policy and Directives Management Division, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Revision of Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest Regulations" (RIN1018–AU56) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8070. A communication from the Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Service of Official Correspondence" (RIN1010–AD22) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC–8071. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's quarterly report on the status of its licensing and regulatory duties; to the Committee on Energy and Natural Resources.

EC–8072. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for Health, received on August 24, 2006; to the Committee on Veterans' Affairs.

EC–8073. A communication from the Assistant to the Secretary for Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits Act of 2003 and Veterans Benefits Improvement Act of 2004" (RIN2900–AM27) received on September 5, 2006; to the Committee on Veterans' Affairs.

EC–8074. A communication from the Chief of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Definition of Psychosis for Certain VA Purposes" (RIN2900–AK21) received on September 5, 2006; to the Committee on Veterans Affairs.

EC–8075. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Policy and Planning, received on September 5, 2006; to the Committee on Veterans' Affairs.

EC–8076. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference" (FRL 8214–1) received on September 6, 2006; to the Committee on Environment and Public Works.

EC–8077. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Reportable Quantity Adjustment for Isophorone Diisocyanate" ((RIN2050–A632) (FRL 8217–4)) received on September 6, 2006; to the Committee on Environment and Public Works.

EC–8078. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Rule; Electronic Reporting" (FRL 7752–8) received on September 6, 2006; to the Committee on Environment and Public Works.

EC–8079. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana" (FRL 8202–1) received on September 5, 2006; to the Committee on Environment and Public Works.

EC–8080. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality

Implementation Plans; State of Iowa" (FRL 8213-9) received on September 5, 2006; to the Committee on Environment and Public Works.

EC–8081. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations for Heavy-Duty Diesel Engines" (FRL 8214-9) received on September 5, 2006; to the Committee on Environment and Public Works.

EC–8082. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Allen County 8-hour Ozone Nonattainment Area to Attainment for Ozone" (FRL 8214–5) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8083. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL 8207-9) received on September 5, 2006; to the Committee on Environment and Public Works.

EC–8084. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,6–DIPN; Time Limited Pesticide Tolerance" (FRL 8081-9) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8085. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC Regulations and One-hour Ozone Attainment Demonstration Shortfall" (FRL 8209–6) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8086. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Ford Motor Company Adjusted Standard" (FRL 8214-2) received on September 5, 2006; to the Committee on Environment and Public Works.

EC–8087. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Kentucky: Air Permit Regulations" (FRL 8216–7) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8088. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Texas; Discrete Emission Credit Banking and Trading Program" (FRL 8216–5) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8089. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Texas; Emission Credit Banking and Trading Program" (FRL 8216–3) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8090. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Texas; Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program for the Houston/Galveston/Brazoria Ozone Nonattainment Area" (FRL 8216–6) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8091. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Texas; Revisions for the Mass Emissions Cap and Trade Program for the Houston/Galveston/Brazoria Ozone Nonattainment Area" (FRL 8216-4) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8092. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Ozone Attainment Plan for the Houston/Galveston/Brazoria Nonattainment Area" (FRL 8216-1) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8093. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Rules for the Control of Highly Reactive Volatile Organic Compounds in the Houston/Galveston/Brazoria Ozone Nonattainment Area" (FRL 8216–2) received on September 5, 2006; to the Committee on Environment and Public Works.

EC-8094. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan" (FRL 8210–2) received on September 5, 2006; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3850. An original bill to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry (Rept. No. 109–326).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3852. An original bill to enhance certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 109–327).

By Mr. CRAIG, from the Committee on Veterans' Affairs, with amendments:

S. 3421. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes (Rept. No. 109–328).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself and Mr. COBURN):

S. 3845. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 3846. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 3847. A bill to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KYL (for himself, Mr. DEWINE, and Mr. CORNYN):

S. 3848. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 3849. A bill to require commercial airlines to make flight delay information available to the public, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 3850. An original bill to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Ms. MURKOWSKI:

S. 3851. A bill to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 3852. An original bill to enhance certain maritime programs of the Department of Transportation, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. SCHUMER:

S. 3853. A bill to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3854. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. COLEMAN, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DORGAN, Mr. BAUCUS, Mr. SALAZAR, Mr. JOHNSON, Ms. CANTWELL, Mr. DURBIN, Mr. OBAMA, Mr. DAYTON, Mr. THUNE, Mrs. LINCOLN, and Mr. BURNS):

S. 3855. A bill to provide emergency agricultural disaster assistance, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. 3856. A bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 3857. A bill to amend the Internal Revenue Code of 1986 to provide incentives to small businesses; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3858. A bill to authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 3859. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 3860. A bill to provide emergency wildfire and agricultural disaster assistance, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. INHOFE):

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Res. 557. A resolution designating September 10 through September 16, 2006, as "National Polycystic Kidney Disease Awareness Week" and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. Res. 558. A resolution honoring the lives and memory of the victims of the crash of Comair Flight 5191, and extending the most sincere condolences of the citizens of the United States to the families and friends of those individuals; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. LOTT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 389

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 389, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 604

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 755

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 755, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to women needing such services, and for other purposes.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1522

At the request of Mr. CHAMBLISS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1522, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from Washington (Mrs. MURRAY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2075

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. DAYTON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2075, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2392

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2392, a bill to promote the empowerment of women in Afghanistan.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. VITTER), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2590, supra.

S. 2663

At the request of Mr. DODD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2990

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3128

At the request of Mr. BURR, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3325

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3325, a bill to promote coal-to-liquid fuel activities.

S. 3456

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3456, a bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

S. 3519

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3529

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3529, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 3570

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3570, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

S. 3623

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3623, a bill to promote coal-to-liquid fuel activities.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3681

At the request of Mr. DOMENICI, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 3685

At the request of Mr. BOND, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3685, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3754

At the request of Mr. MARTINEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3754, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes.

S. 3768

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3771

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3788

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3788, a bill to clarify Federal law to prohibit the dispensing, distribution, or administration of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 3791

At the request of Mrs. HUTCHISON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3795

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3801

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3801, a bill to support the implementation of the Darfur Peace Agreement and to protect the lives and address the humanitarian needs of the people of Darfur, and for other purposes.

S. 3837

At the request of Mr. AKAKA, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Colorado (Mr. SALAZAR), the Senator from Washington (Ms. CANTWELL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S.J. RES. 7

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 35

At the request of Mr. BYRD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. CON. RES. 113

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution congratulating the Magen David Adom Society in Israel for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes.

S. RES. 407

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 448

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 448, a resolution supporting the goals and ideals of "National Life Insurance Awareness Month".

S. RES. 551

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 551, a resolution expressing the sense of the Senate that illegal immigrants should not receive Social Security benefits and that this prohibition should be strictly enforced.

AMENDMENT NO. 4883

At the request of Mr. ALLEN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4883 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 4883 proposed to H.R. 5631, supra.

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 4883 proposed to H.R. 5631, supra.

AMENDMENT NO. 4885

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4885 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Mr. COBURN):

S. 3845. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to proudly introduce legislation to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, OK as the "Mickey Mantle Post Office."

Mickey Mantle emulates the Oklahoma spirit of hard work, charity, and sportsmanship. He is a shining example of how commitment and dedication can lead to great success. I seek to name the post office in Commerce, OK, in Mickey Mantle's honor. He is still known to Commerce by the nicknames "Commerce Comet" or "Commerce Kid".

At age 4 Mickey Mantle moved with his family to Commerce where he grew up, having been born in Spavinaw, OK. By his father who was an amateur player and fervent fan, Mickey Mantle was named in honor of Mickey Cochrane, the Hall of Fame catcher from the Detroit Tigers.

Signing with the New York Yankees in 1949, Mantle made his Major League Debut in 1951. He played his entire Major League career with the Yankees. He was a twenty-time All Star and named American League MVP three times. Mantle was a part of 12 pennant winners and 7 World Championship clubs. Some of Mantle's records still hold today. He holds the record for most World Series home runs (18), runs batted in (40), runs (42), walks (43), extra-base hits (26), and total bases (123).

Mantle announced his retirement on March 1, 1969. He actually retired on Mickey Mantle Day, June 8, 1969. In addition to the retirement of his uniform number 7, Mantle was given a plaque that would hang on the center field wall at Yankee Stadium, near the monuments to Babe Ruth, Lou Gehrig and Miller Huggins. In 1974, as soon as he was eligible, he was inducted into the Baseball Hall of Fame demonstrating his importance to baseball and community.

Sadly, Mickey Mantle's father died of cancer at the age of 39, just as his son was starting his career. Mantle said one of the great heartaches of his life was that he never told his father he loved him.

After a bout with liver cancer himself, Mickey Mantle was given a few precious extra weeks of life due to a liver transplant. The baseball great was overwhelmed by the selfless gift of a liver from a stranger; therefore, Mickey became determined to give something back at the end of his life. Thus, in 1995, the year he died, the Mickey Mantle Foundation was established to promote organ and tissue donation, and Mickey Mantle will be remembered for something more than his heroic baseball career.

I encourage my colleagues to join me in support of this legislation as we commemorate an outstanding athlete so that future generations will be as inspired by his example of sportsmanship and charity as we have been.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 3846. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to announce the introduction of a piece of legislation that Senator VOINOVICH of Ohio and I have worked on for a while. It is called the Federal Employees Electronic Personal Health Records Act of 2006. This bill makes available—or would make available—electronic personal health records for every enrollee of a Federal health benefits plan who wishes to have one. That is, potentially, as many as 8 million people. That includes those of us who work in Federal agencies, large and small, across the country and, actually, around the world. It includes their families and includes Federal retirees and their families as well.

Our health care sector is the most innovative in the world, but it has not kept up with the information age. Our excessive reliance on paper record keeping makes our health care system less efficient, more costly, and more prone to mistakes. Expanding the use of health information technology shows promise as a way to improve both the cost and the quality of health care in our country.

In 2004, the United States spent some $1.9 trillion on health care costs.

That is more than any other industrialized country on this planet. In 2005, health care premiums continued their upward trend, increasing by an average, I am told, of some 9 percent. We are literally spending trillions of dollars on health care, but I am sorry to say we are not getting the gold standard of treatment or results.

A 2005 survey conducted by the Commonwealth Fund, a private foundation that focuses on improving health care, found that medical error reports rates in the United States far exceed those of western countries. In that survey, one in three Americans reported getting the wrong dosage of medication, incorrect test results, mistakes in treatment, or late notification of test results. That is nearly 15 percent higher than similar results in Britain and Germany.

I believe some of the problems—though certainly not all of them—can be blamed on the fact that health care providers don't have full and real-time access to patients' medical records. Doctors in this country wait days sometimes for couriers to deliver lab tests or x-rays. They diagnose patients without knowing their full medical history, what they are allergic to, what kinds of surgeries they have had, or whether they have complained about similar symptoms before.

Time constraints, or medical necessity, often force doctors to perform a quick diagnosis. Sometimes that diagnosis wrong. Sometimes those errors prove to be costly. The widespread use of health information technology, the ability to immediately access one's full medical history from a computer, can help doctors and nurses provide better care less expensively. It has the potential to dramatically transform the way we provide health care in America—saving lives, saving costs.

If we are looking for success stories on how health care professionals have integrated the use of electronic health care records into their daily routines, we don't have to look any further than our own Department of Defense and our Department of Veterans Affairs.

Times have changed since I retired from the Navy some 15 years ago. I remember that as an ensign I used to carry my medical health records in a brown manila folder from duty station to duty station—from the time I left Ohio State, on to Pensacola, Corpus Christi Naval Air Station, out to California, across the seas and back again, and, finally, getting off of active duty and coming to Delaware to enroll in graduate school, on the GI bill, at the University of Delaware in the business school. I went up the road to the VA hospital. I still had my folder with the records. I turned them in and asked: What kind of benefits am I eligible for?

Over a decade ago, the Department of Defense and VA decided there was a better way, and the results have been nothing short of phenomenal. Today, when a patient enrolls in the Department of Defense's military health system, they no longer need the kind of brown manila folder I carried all those years. Instead, we have electronic health care records to keep track of the medical histories of those who serve our country in the military. This health record is managed electronically, and you don't have to remember to pack it up on your next tour of duty, whether it is in Southeast Asia, or Iraq, or Afghanistan.

Instead, one's electronic health care record follows them wherever they go—both during the time they are in the military and when they leave and join our veterans community as a veteran.

The result is that the Department of Defense and VA have been impressive, especially when you consider that they have only used these electronic health records for about a decade or so.

The VA health system has transformed itself from a troubled, sometimes bloated and inefficient operation to one of the best health care operations in the country.

Researchers and doctors now laud the VA for having the foresight to use electronic health records to improve patient care.

What is the cost? That is a good question. It is about $78 per patient. That is roughly the cost of not repeating one blood test. In other words, it is money well spent.

The VA now regularly outperforms Medicare and other private health plans when it comes to providing patient care for diabetes, high blood pressure, and heart attack victims.

In January, the National Quality Research Center concluded that for the sixth consecutive year, the VA health care system outranks the private sector for customer satisfaction.

I have witnessed that new-found satisfaction in my own backyard, at the Veterans Medical Center in Elsmere, DE. That is the place I went in 1973 fresh out of the Navy. Veterans from neighboring States are now coming to our hospital in Elsmere to seek care instead of going to regular civilian hospitals near them.

In 2004, the Elsmere facility, as well as popular satellite clinics in Millsboro and Seaford, DE, served more than 22,000 veterans and had more than 150,000 outpatient visits. Both totals are about 20 percent higher than just 4 years ago.

Normally, you would think the busier a hospital is, the less satisfied customers are because of longer waits and other hassles. But it turned out that the opposite is true. As the workload has climbed, so has patient satisfaction. I might add, so has the satisfaction of those providing the care to the patients.

More than 85 percent of Delaware's VA outpatients said they were "highly satisfied" with the care they received. Planning is now underway to open a third outpatient clinic for veterans in Kent County next spring—probably in Dover where we have another 15,000 veterans.

What is keeping the rest of our Nation's health care system from following the lead of the Department of Defense and the VA? The answer is the high cost of implementing the latest information technologies, as well as the lack of uniformity among various technology products.

A physician can spend up to $30,000 implementing an electronic health records system. A hospital can spend up to five times that amount. If that weren't enough of a reason to say no thanks, there is one more reason; that is, we don't have a set of national standards in place to make sure that once health care providers have made the switch, their new system can communicate with the hospital or doctor on the other side of town. The result: Only 15 percent of doctors and about 30 percent of hospitals have fully functional electronic health care systems today.

A new study by a number of health care scholars estimates there will be another 20 years before the majority of physicians are using an electronic health care system.

Let me say this. Our Presiding Officer is from Louisiana where they went through a terrible situation a year ago with Katrina. The folks who happened to be civilians and were in hospitals or nursing homes, for the most part, they had paper health records and they were destroyed. The veterans who were on the gulf coast when Katrina struck—either in nursing homes, VA nursing homes, or VA hospitals—were evacuated from the area as civilians were; but when the veterans got to another VA facility inland, or a nursing home, or a VA hospital, their electronic health records were available immediately, and whoever provided care for them had access to the records and were able to provide excellent care.

I am sorry to say that the same wasn't true for the civilians whose paper records were largely destroyed at the time of the evacuation.

As a nation, we cannot afford to rely solely on health care providers to bring the health care industry into the 21st century. We must think outside of the box and build on the health information technology issues already underway in other areas of our health care industry.

The Federal Employee Electronic Personal Health Records Act of 2006—the legislation Senator VOINOVICH and I introduce today—does just that. How? By requiring all carriers that contract with the Federal Employees Health Benefits Program to make available an electronic personal health record for those of us who are enrolled in that program. As I said earlier, it is some 8 million people.

Electronic personal health records will provide enrollees with a tool to better access and control their health information. Via the Internet, an enrollee will be able to log on to their electronic personal health record to keep track of such things as their medications, cholesterol, glucose levels, allergies, and immunization records.

An enrollee will also be able to review a comprehensive, easily understood listing of their health care claims. Health care providers, payers, and enrollees will be able to add this information onto the electronic personal health record. Enrollees will benefit, I believe, significantly from such a tool.

An enrollee can easily share sections of the electronic personal health record with their health care provider, ensuring that their provider has the most up-to-date and accurate health information when making clinical decisions.

In the case of an emergency, an enrollee can also grant others the ability to access their electronic personal health record. Again, it is the decision of the patient, the enrollee in the Federal Employee Health Benefits Program, to decide what kind of access to grant to a provider or a member of the family or another person in the wake of an emergency.

Having health information readily available will increase the efficiency and safety of health care for enrollees by eliminating unwarranted tests, procedures, and prescriptions.

Most important, the legislation ensures that the electronic personal health records provided for through this act are kept private and secure.

The electronic personal health records are required to include a number of security features. They include, among other things, user authentication and audit trails.

The legislation also requires that carriers comply with all privacy and security regulations outlined in the Health Insurance Portability and Accountability Act, which we call HIPAA.

Mr. President, what Senator VOINOVICH and I are introducing today will help demonstrate the importance and utility of health information technology—not just the importance of the technology but the importance of harnessing the technology—in the delivery of health care in this country today. In this case, the potential is as many as 8 million additional Americans.

This bill is designed to jumpstart this new technology by requiring some of the largest health insurance companies to offer these electronic personal health records, which many are beginning to do today. As more insurance companies, health care providers, and consumers use this new technology, I am convinced that more people will recognize its advantages, and we can more quickly move America's health care industry into the 21st century.

We view this initiative as the next necessary step for the Nation's largest employer-sponsored health insurance program that prides itself on being a model for best practices in health care.

I invite my colleagues to join Senator VOINOVICH and me as we introduce this legislation. We look forward to talking with our colleagues about it. With luck, maybe we will have a hearing. Senator VOINOVICH may hold one in his subcommittee this month.

Mr. VOINOVICH. Mr. President, I rise to speak about a bill my colleague Senator CARPER and I introduced today, the Electronic Personal Health Records Act. The purpose of this legislation is to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in the Federal Employee Health Benefits Plan, FEHBP.

The widespread adoption of health information technology, such as electronic health record, (EHR), will revolutionize the health care profession. In fact, the Institute of Medicine, the National Committee on Vital and Health Statistics, and other expert panels have identified information technology as one of the most powerful tools in reducing medical errors and improving the quality of care. Unfortunately, our country's health care industry lags far behind other sectors of the economy in its investment in IT.

The Institute of Medicine estimates that there are nearly 98,000 deaths each year resulting from medical errors. Many of these deaths can be directly attributed to the inherent imperfections of our current paper-based health care system. This statistic is startling and one that I hope will motivate my colleagues to take a close look at the goals of our legislation.

The voluntary EHRs that would be established through the Electronic Personal Health Records Act will provide clinicians with real-time access to their patient's health history. Each EHR would contain claims data, contact information for providers of health care services, and other useful information for diagnosis and treatment. The records will be available cost-free to FEHBP participants and will maintain strict adherence to HIPAA.

Under the bill, the Office of Personnel Management, OPM, would be required to ensure that all carriers who participate in FEHBP educate their members about the implementation of the EHR, as well as give timely notice of the establishment of the record and an opportunity for each individual to elect not to participate in the program.

OPM, through their carriers, would also have to ensure that all records would be available for electronic access through Internet, fax, or printed method for the use of the individual, and that to the extent possible, records could be transferred from one plan to another. The bill would require EHRs to be made available two years after the passage of the legislation or earlier at the discretion of OPM in consultation with the Office of the National Coordinator for Health Information Technology within HHS.

Not only can EHRs save lives and improve the quality of health care, they also have the potential to reduce the cost of the delivery of health care. According to Rand Corporation, the health care delivery system in the United States could save approximately $160 billion annually with the widespread use of electronic medical records. As a result, the private market is already moving toward implementing electronic medical records.

This bill, simply encourages the health care industry to continue in that direction and take their use of technology in the delivery of care to the next step. I urge my colleagues to consider not only the benefit it will provide to the eight million individuals who receive their health care through the FEHBP, but also to our Nation's overall health care system.

By Mrs. CLINTON:

S. 3847. A bill to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I am pleased to introduce legislation which would designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, NY, as the "Jacob Samuel Fletcher Post Office Building."

Jacob Samuel Fletcher sent his first application for military enlistment to the Marines when he was 8 years old. Young Jacob had completed an application he found in a magazine and submitted it through the mail. Though his mother told the Marines recruiter to call back in a few years, it wouldn't be long before Fletcher was wearing a uniform.

Fletcher enlisted in the Army soon after the September 11 terrorist attacks. He told family members that he felt he had a duty to serve his country. This service was nothing new to his family, as both his father and his stepfather served in Vietnam.

His story, however, ends in a tragically different manner than his father's or stepfather's. On November 14, 2003, PFC Jacob Samuel Fletcher was killed when a road side bomb exploded near a bus he was riding in Samara, Iraq. It was 11 days before his 29th birthday. He was posthumously awarded the Bronze Star and the Purple Heart.

While he was close to finishing his tour of duty at the time of his death, Jacob told family and friends that he was not finished serving; he hoped to become a state trooper upon completion of his tour in the military.

I ask that the Senate come together and honor this brave American for his service to our Nation.

By Mr. KYL (for himself, Mr. DEWINE, and Mr. CORNYN):

S. 3848. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce the Terrorism Prevention Act of 2006. This Act will enhance and improve the statutes governing material support for terrorism, protection of classified information, terrorist hoaxes, and terrorist murders and assaults. Specifically, the TPA expands the reach of statutes punishing material support for terrorism, making it a crime to reward the family of a suicide bomber or other terrorist with the intent to facilitate terrorism, and increases penalties for existing material support offenses; clarifies and improves the Classified Information Procedures Act in light of the lessons learned in the Moussaoui trial; expands the reach of the terrorist hoax statute, and increases penalties for hoaxes about the deaths of U.S. soldiers during wartime; increases penalties for terrorist murders, kidnappings, and assaults committed overseas against U.S. nationals, and increases penalties for terrorist crimes resulting in death; and improves the United States's ability to investigate terrorist crimes by protecting the confidentiality of FISA investigations, authorizing multi-district search warrants in terrorism cases, and increasing penalties for obstruction of justice in terrorism cases.

I ask unanimous consent that a section by section analysis of the Terrorism Prevention Act be printed in the RECORD.

There being no objection, the text of the analysis was ordered to be printed in the RECORD, as follows:

THE TERRORISM PREVENTION ACT OF 2006

SECTION BY SECTION ANALYSIS

SECTION 2. MATERIAL SUPPORT

Subsection (a) creates a new offense, 18 U.S.C. §2339E, of giving material benefits to the family or associates of someone who has committed a terrorist act, if the benefit is given with the intent to reward, encourage, or facilitate terrorism. Section 2339E applies overseas to the extent that the offenses are linked to interstate or foreign commerce, are targeted at the United States or its people or property, or the offender is a U.S. national or resident. The offense is punishable by imprisonment for ten years to life. This new offense would punish those individuals who encourage or embolden suicide bombers by rewarding their families after such bombings occur.

Subsection (b) increases penalties for existing material support offenses as follows: §2339A, giving material support to aid a terrorist act, 10 years to life; §2339B, giving material support to a designated terrorist organization, 5 to 25 years; and §2339D, receiving military-type training from a terrorist organization, 3 to 15 years. The §2339A and B penalties have not been increased since the terrorist attacks of September 11, 2001.

Subsection (c) eliminates a loophole in current law that would allow an individual to give an unlimited amount of medical or religious supplies to a designated terrorist organization. This loophole, which was recently criticized by a judge of the U.S. Court of Appeals, could allow a terrorist organization to receive large amounts of supplies that it could either resell in exchange for cash or distribute in its local area in order to build support and gain recruits.

Subsection (d) amends §2339D to bar attempts or conspiracies to obtain military-type training from a terrorist organization.

Subsection (e) bars convicted terrorist from receiving federal benefits.

SECTION 3. IMPROVEMENTS TO CIPA

This section implements a number of lessons learned during the use of the Classified Information Procedures Act during the trial of suspected 20th hijacker Zacarias Moussaoui. Subsection (b) authorizes interlocutory appeals of any order for access to classified information. In the Moussaoui case, the Fourth Circuit determined that CIPA allows interlocutory appeals only of orders entered under CIPA itself, not orders entered under other authority. One judge of that Court noted that, although compelled by the text of CIPA, this result frustrates Congress's intent to allow prompt review of disputes over disclosure of classified information.

Subsection (c) allows requests for CIPA protection to be made ex parte. Sometimes a request for protection of classified information cannot be made publicly without itself compromising classified information. This subsection also ensures that requests for CIPA protection shall remain sealed, regardless of whether they are accepted or denied, and codifies the current practice of allowing such requests to be made orally.

Subsection (d) clarifies that CIPA applies to evidence obtained from nondocumentary sources, such as depositions of witnesses. In the Moussaoui case, the Fourth Circuit determined that CIPA technically only applies to documentary information and information that the defense might disclose during trial. The Court nevertheless looked to CIPA to develop a framework for protecting classified information during depositions. This subsection effectively codifies the Fourth Circuit's approach by formally applying CIPA to nondocumentary sources of evidence, such as depositions.

SECTION 4. TERRORIST HOAXES

This section amends the terrorist hoax statute so that it punishes hoaxes relating to terrorist offenses that inexplicably were excluded from the current hoax law. For example, current law does not punish hoaxes related to the taking of hostages in order to coerce the federal government (18 U.S.C. 1203), hoaxes related to blowing up an energy facility (18 U.S.C. 1366(a)), hoaxes related to terrorist attacks on military bases aimed at undermining national defense (18 U.S.C. 2156), or hoaxes related to attacks on railways and mass-transportation facilities, such as the recent London bombings (18 U.S.C. 1992–93). This section adds these terrorist crimes to the predicates for the terrorist hoax statute.

This section also increases the penalties for hoaxes about the death, injury, or capture of a U.S. soldier during wartime. Unfortunately, there have been a number of incidents in which individuals have contacted the families of US. soldiers serving in Iraq, pretended to represent the military or other official organizations, and falsely told the family that their son, brother, or other relative had been killed. This section would punish such hoaxes with imprisonment for 2 to 10 years. If the hoax resulted in serious bodily injury, it would be punished by 5 to 25 years, and if it resulted in death, 10 years to life.

This section also clarifies that the offense of mailing threatening communications applies to threats made against organizations as well as individuals.

SECTION 5. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS

This section expands 18 U.S.C. §2332, which punishes murder or assault of U.S. nationals overseas for terrorist purposes, to also include kidnappings of U.S. nationals overseas that are carried out for terrorist purposes, and clarifies that sexual assault qualifies as serious bodily injury for purposes of the section's assault prohibitions. This section also increases penalties for terrorist murders and assaults, such that a murder of a U.S. national overseas that is carried out for terrorist purposes would be punished by imprisonment for at least 30 years, and an assault resulting in serious bodily injury would be punished by imprisonment for 10 years to life. "Serious bodily injury" is defined by federal statute to mean bodily injury accompanied by a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

This section also creates a new offense of committing a terrorist crime while engaging in conduct that results in death. This new offense is punishable by death or imprisonment for 20 years up to life. This section also makes eligible for capital punishment existing offenses resulting in death that involve the use of nuclear weapons, anti-aircraft missiles, radiological bombs, and variola (smallpox) virus, and increases to 15 years to life the penalties for aiding a foreign terrorist organization or state sponsor of terrorism's WMD program or developing, possessing, using, or threatening to use a radiological weapon.

SECTION 6. INVESTIGATION OF TERRORIST CRIMES

Subsection (a) limits FISA notification requirements so that the government is not required to inform an individual seeking an immigration benefit if FISA information was used to deny their application. Such notice effectively informs such an individual that he or his associates have been the target of an intelligence investigation. The United States should not be required to compromise an intelligence investigation in order to exclude a foreign national with ties to terrorism from the United States.

Subsection (b) authorizes federal judges to authorize search warrants that may be used in multiple judicial districts for purposes of terrorism investigations. Such investigations often require searches to be conducted in different parts of the country at the same time.

Subsection (c) increases the potential penalties for obstruction of justice in the course of a terrorism investigation by making the maximum penalty ten years' imprisonment.

By Ms. MURKOWSKI:

S. 3851. A bill to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce legislation to give private developers more time to complete planning and financing for a complex of three high-mountain lake-tap hydroelectric projects that promise to provide at an electric power for Southeast Alaska and for the Pacific Northwest.

Today, I introduce legislation to extend by a total of six years the time for developers to secure data necessary to determine the feasibility and prepare a development application for three individual hydroelectric projects, all located up Thomas Bay in Southeast Alaska, near Petersburg, AK. This legislation will give time for construction of the estimated $75 million, 45-megawatt Cascade Creek project, the $56 million, 30-megawatt Scenery Creek, and the $40 million, 20-megawatt Delta Creek hydroelectric projects to be built.

The extensions are needed and justified since the three renewable energy projects can only proceed after a $30 million, 27-mile high-voltage transmission line is constructed in Alaska to the U.S.-Canada border, after another $130 million is spent for 150 miles of new line are built in Canada, after $120 million is spent for 140 miles of transmission line upgrades are finished on the Canadian side of the border to move the excess power to Skeena near Terrace in Canada, and after portions of the proposed Southeast Alaska. Electric, Intertie are finished to also permit excess power from the existing Swan Lake and Tyee Lake hydroelectric projects, and the proposed Mahoney Lake project near Ketchikan, AK, to be shared among Panhandle communities and to connect to export transmission lines.

The developers of the Thomas Bay project, Cascade, LLC., deserve a time extension since the company, so far, has focused all of its planning efforts on winning approval and financing for the vital electrical interconnection between Southeast Alaska and Canada, not on finishing the three individual power projects. The State of Alaska only in early summer 2006 approved a grant of $3.2 million to pay for planning to develop a comprehensive plan and review the economic feasibility of using several of Southeast Alaska's nearly 100 potential hydroelectric sites to provide power for both local needs and for export of the surplus power to the Pacific Northwest power grid to help with financing of the 95 megawatts of installed capacity, 410 gigawatt, power project.

These hydroelectric projects all involve tapping high mountain lakes for power. They do not require the damming of fish streams, so they have no negative environmental impacts. They will produce electricity at substantial savings over the 40- to 50-cents per kilowatt hour cost of generating power from expensive diesel fuel in the region and they will also reduce the effects of local air pollution and reduce carbon dioxide generation through the avoidance of fossil fuel combustion.

Congress routinely extends the three-year deadline for worthy potential FERC-licensed power projects to provide additional time for completion of preliminary planning, financing and design. It is certainly appropriate to grant these three projects that are so interconnected this additional time to work out the contractual and financial planning and to finish the environmental studies needed for construction permits to be obtained.

Developing renewable energy that can be produced without any environmental impacts on streams and the fish and wildlife they support is an increasingly important task of government. This bill will help such environmentally-sensitive development occur and will help reduce the nation's dependence on foreign fossil fuels. I hope for speedy passage of this measure.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3854. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, Mount Hood is a cherished wild place that is often photographed, visited and enjoyed by scores of Oregonians and many non-Oregonians as well. Today, I am introducing, along with my colleague Senator SMITH, a new bipartisan Oregon Wilderness bill: the "Lewis and Clark Mount Hood Wilderness Act of 2006." In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the Oregonian wish to protect but also actively experience our State's treasures.

This bill contains many elements of the bill I introduced two years ago while incorporating many of the provisions adopted in the House-passed version of Mount Hood Wilderness protections, HR 5025. My bill builds upon the House version by adding more wilderness, more wild and scenic rivers, and providing a recreation area to allow diverse recreational opportunities. It protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of Oregon. They provide the clean water necessary for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs from the bill I introduced two years ago because it responds to the many comments I heard in the ensuing years. I received thousands of comments on proposed Mount Hood legislation. Some comments came as a result of the general public meetings I held in Oregon. Many of the meetings lasted over 3 hours, and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge hosted by Representatives WALDEN and BLUMENAUER. I and my staff met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

Overwhelmingly, these comments urged me to protect and build on Oregon's Wilderness system. This goal is as important today as it was in 1804, 1964 or 1984—if not more so. To succeed, we must provide the tools that help us create a planned future on Mount Hood. This bill does both.

The Mount Hood National Forest is the seventh most visited National Forest in the United States. In the 22 years that have elapsed since any new wilderness has been designated in the Mount

Hood area, the population in local counties has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness and the need for opportunities for diverse outdoor recreation sometimes it seems we are in jeopardy of "loving our wild places to death."

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, part of the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain's great places. We should ensure the Mount Hood National Forest can meet the increased use and demand for outdoor experiences—my bill will provide those opportunities.

Of the hundreds of people who attended the meetings I held throughout the State of Oregon, the vast majority spoke in favor of more wilderness. Additionally, I have received more than 2,500 written comments supporting additional wilderness for Mount Hood.

This is what I have heard: More Wilderness: First and foremost, I heard that Oregonians in astonishing numbers support protecting Mount Hood and the Columbia River Gorge with additional wilderness. A large number of Oregonians didn't think that enough wilderness areas had been included in the House proposal.

Mountain Biking: Some mountain bikers expressed concerns that their recreation opportunities not be unfairly curtailed.

Fire Protection and Forest Health: Some people were worried about forest health and those living in towns on the mountain and in the gorge were concerned about fire protection for their communities.

Developed Recreation: Some people were worried about maintaining a role for developed recreation, like skiing, on Mt. Hood.

This is what my bill does to address those concerns: More Wilderness: There are currently 189,200 acres of designated wilderness on the Mount Hood National Forest. The House legislation would have added approximately 77,200 acres of new wilderness on the Mountain. The bill I am introducing today increases wilderness on Mount Hood by designating approximately 128,385 new acres of wilderness—incorporating all the areas the House bill included and building upon them.

This bill adds the areas surrounding the oldest Mt. Hood Wilderness—the mountain itself—which was designated in the original Wilderness Act of 1964. These additions include cathedral old growth forests, the historic Tilly Jane trail, lava beds that were created during the Mt. Hood eruptions, and much of the legendary route that Oregon's pioneers used when they were settling our great state. To the north and west of the mountain, I would add the viewshed of the Columbia Gorge to the current Mark O. Hatfield wilderness. These areas encompass the spectacular ridges framing the Gorge that we all marvel at from I-84 and include perhaps the greatest concentration of waterfalls in North America. To the southwest of the mountain I add lands to the current Salmon Huckleberry Wilderness to conserve their diverse wildlife and protect unique recreational areas like those around popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the City of Sandy, which unanimously endorsed the draft proposal. Over to the east are proposed additions to the Badger Creek Wilderness. These areas provide a critical link between Westside forests and Eastside ecosystems. This area is known for beautiful fall color and the best deer and elk hunting in the entire Mount Hood National Forest. Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial Area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge—built originally by the Works Progress Administration in 1937—to its former grandeur.

Wild and Scenic Rivers: My proposal seeks to protect over 81 miles of wild and scenic rivers on nine free flowing rivers. This includes some of the most pristine and beautiful rivers in Oregon. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting and fishing grounds of Fish Creek. Over 17 miles of superb salmon and steelhead habitat on the Collowash River have also been proposed for protection. My bill again incorporates all the House proposed protections and builds upon them.

Mountain Biking: I believe that local riders raised some valid concerns, so I did two things. I have proposed Mount Hood National Recreation Area. It will offer greater, permanent environmental protections to those beautiful areas, while providing mountain bikers, and other recreational users, an opportunity to continue to recreate in these areas. Additionally, I made boundary adjustments to ensure all open mountain biking trails were not included in my proposed wilderness.

Fire Protection and Forest Health: I protect wilderness, where there are healthy, older trees that should never be harvested on Mount Hood or in the Gorge. Older, healthy stands are the most resistant to fire and disease. However, there is an enormous backlog of over-crowded, plantation, second-growth that should be thinned. My bill incorporates House provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects and disease. This also includes provisions to study and encourage the development of biomass in conjunction with forest health work. In addition, I added fire safe community zones so that the Secretary will construct a system of fire safe buffer zones around the communities of Cascade Locks and Government Camp.

Developed Recreation: In order to facilitate developed recreation opportunities I have adopted the House provisions establishing a "fee-retention" provision that will establish an account for the Mount Hood National Forest. In addition, in order to help address growth while ensuring access to recreational opportunities, I have adopted House provisions directing the Secretary and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

Local and Tribal Relationships: I have also incorporated the House provisions on local and tribal relationships emphasizing the rich history of the Mount Hood region and affirming the rights of Native peoples to access the mountains resources, as they have for generations.

The protection of these important Oregon places will depend on the hard work and dedication of all Oregonians and particularly that of my Oregon colleagues here in the Congress. I am especially pleased that Senator SMITH has joined me in developing this bipartisan legislation and putting forth our proposal for wilderness. I am hopeful everyone will pull together: county Commissioners, environmentalists, entrepreneurs, chambers of commerce, state elected officials, the Governor, and the Oregon delegation here in the Capitol. I look forward to perfecting legislation together in the coming weeks, and seeing its swift adoption by Congress thereafter. Then the grandeur of Mount Hood and other Oregon treasures can be assured for future generations.

Soda Mountain Wilderness: In addition, I wish to offer my cosponsorship of legislation to be presented by Senator SMITH, creating the Soda Mountain Wilderness and authorizing the voluntary cancellation of grazing leases in the Cascade-Siskiyou National Monument. This bill would establish a 23,000-acre Soda Mountain Wilderness in the backcountry of the Cascade-Siskiyou National Monument. In addition, it provides for the negotiated voluntary grazing permit lease buyout in the Monument. This proposed wilderness area lies at the intersection of the Siskiyou and Cascade mountain ranges, and the Oregon Desert, California chaparral, High Cascade and coastal Westside forests. It is truly where east meets west meets north meets south. This makes it a truly unique and biodiverse ecosystem and a key wildlife corridor—one that is used by ten rare, threatened or endangered species, including the northern spotted owl, Ashland thistle, and the Siskiyou fritillary. It is also home to populations of trout, elk, bobcats, black bears and falcons. The grazing buyout in this bill also provides a win-win situation. It provides a good deal for the ranchers—the negotiated agreement between the Bureau of Land Management grazing lessees and the conservationists includes an agreed-upon conservationist premium to be paid to the lessees. This premium enhances the compensation lessees receive from the federal government as part of the legislation. It also ensures this special place will be protected. I commend Senator SMITH for introducing this legislation and am happy to join him in introducing this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lewis and Clark Mount Hood Wilderness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Findings and purpose.
Sec. 102. Lewis and Clark Mount Hood wilderness areas.
Sec. 103. Map and legal descriptions.
Sec. 104. Administration.
Sec. 105. Buffer zones.
Sec. 106. Fire safe community zones.
Sec. 107. Gateway communities.
Sec. 108. Fish and wildlife; hunting and fishing.
Sec. 109. Trail restoration and study.
Sec. 110. Fire, insects, and diseases.
Sec. 111. Land reclassification.
Sec. 112. Valid existing rights and withdrawal.
Sec. 113. Maintenance and replacement of foot bridges in wilderness areas.
Sec. 114. Richard L. Kohnstamm Memorial Area.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

Sec. 201. Finding and purpose.
Sec. 202. Wild and scenic river designations, Mount Hood National Forest.
Sec. 203. Impact on water rights and flow requirements.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

Sec. 301. Designation.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

Sec. 401. Definition of Mount Hood region.
Sec. 402. Transportation plan.
Sec. 403. Study relating to gondola connection and intermodal transportation center.
Sec. 404. Burial of power lines.
Sec. 405. Culvert replacement.
Sec. 406. Clarification of treatment of State highways.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange

Sec. 501. Purpose.
Sec. 502. Cooper Spur-Government Camp land exchange.

Subtitle B—Other Land Exchanges

Sec. 511. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.
Sec. 512. Hunchback Mountain land exchange, Clackamas County.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

Sec. 601. Findings and purpose.
Sec. 602. Fqrest stewardship assessment.
Sec. 603. Sustainable biomass utilization study.
Sec. 604. Watershed management memoranda of understanding.
Sec. 605. Termination of authority.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

Sec. 701. Findings and purpose.
Sec. 702. Establishment of Crystal Springs Watershed Special Resources Management Unit.
Sec. 703. Administration of Management Unit.
Sec. 704. Acquisition of lands.
Sec. 705. Effective date.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

Sec. 801. Findings and purpose.
Sec. 802. First foods gathering areas.
Sec. 803. Forest Service coordination with State and local governments.
Sec. 804. Savings provisions regarding relations with Indian tribes.
Sec. 805. Improved natural disaster preparedness.

TITLE IX—RECREATION

Sec. 901. Findings and purpose.
Sec. 902. Retention of Mount Hood National Forest land use fees from special use authorizations.
Sec. 903. Use of funds in special account to support recreation.
Sec. 904. Annual reporting requirement.
Sec. 905. Mount hood national forest recreational working group.
Sec. 906. Consideration of conversion of forest roads to recreational uses.
Sec. 907. Improved trail access for persons with disabilities.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

Sec. 1001. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) long before the arrival of Lewis and Clark, Native Americans in the Oregon country lived amid the wild splendor of the Cascade Mountains and the Columbia River, where the waters teemed with fish, game roamed the forests, and fruits and berries were abundant;

(2) the Native Americans arrived in this bountiful land from Asia by way of the Bering Sea and inhabited the land in and around Mount Hood and the Columbia Gorge;

(3) some of the tribes along the Columbia River were part of the Chinook family;

(4) many of the people of the tribes—

(A) used canoes made from cedar logs;

(B) were expert fisherman;

(C) told fire legends about the mid-Columbia volcanic peaks that featured warrior heroes, fair ladies, and numerous gods; and

(D) Mount Hood as Wy'East, the warrior whose passionate love caused the region to be transformed as he hurled powerful volcanic fire in his quest for the love of the gentle maiden Loo-wit, known today as Mount St. Helens;

(5) traveling down the Columbia River in 1805, the Lewis and Clark Corps of Discovery expedition was awed by the unspoiled scenic splendors of the Cascade Mountains and the Columbia River Gorge cutting through the mountain rampart;

(6) on October 18, 1805, Clark recorded in his journal: "I ascended a high cliff, about 200 feet above the water, from the top of which is a level plain, extending up the river and off for a great extent. From this place I discovered a mountain of immense height, covered with snow.";

(7) following Lewis and Clark, settlers came to the Oregon territory by way of the Oregon Trail, transforming more accessible portions of the wild landscape into farms, orchards, and small communities using the old growth forests;

(8) in 1845, Oregon Trail pioneers Samuel K. Barlow and Joel Palmer and their parties opened the Barlow Trail across Barlow Pass, high on the south slopes of Mount Hood, with Palmer writing on October 11, 1845: "I had never seen a sight so nobly grand.";

(9) even as the settlers transformed the wilderness, that frontier land helped develop in the settlers the characteristics of self-reliance, fortitude, hard work, independence, and love of the land, which the people of Oregon and the entire United States cherish to this day and wish to inculcate in their children;

(10) the unprotected wilderness that remains in the Mount Hood and Columbia River Gorge region provides easily accessible outdoor recreation for the descendants of the early settlers and more recent arrivals;

(11) Mount Hood is home to the historic Timberline Lodge, which—

(A) is a National Historic Landmark;

(B) was built as a project by the Federal Works Progress Administration in 1937; and

(C) was restored to its former grandeur by the dedication and stewardship of Richard L. Kohnstamm;

(12) preserving wilderness assures the integrity of the background and scenic views that enrich more developed forms of recreational use, including downhill skiing and roadside enjoyment of sweeping wilderness scenery;

(13) designation as wilderness provides the strongest congressional protection of scientific, cultural, educational, environmental, scenic, and recreational values that contribute long-term quality of life and economic benefits to the people of Oregon, visitors to Oregon, and local communities in and around the Mount Hood National Forest, including the wilderness-dependent wildlife, high water quality, and resident and anadromous fish that thrive in undisturbed ecosystems;

(14) the Mount Hood National Forest is the seventh most visited National Forest in the United States;

(15) wilderness management is interrelated with and will interface with the established

activities and management of adjacent land, particularly when the land is high-density recreation land;

(16) Mount Hood National Forest is predominantly used by the public for mechanized and non-mechanized activities, such as hiking, camping, and fishing, which according to the Mount Hood National Forest Management Plan, are projected to increase dramatically over time;

(17) the Land and Resource Management Plan for Mount Hood National Forest provides that "the present capability to supply recreational opportunities such as hiking on trails in primitive and semi-primitive non-motorized areas is predicted to fall short of satisfying demand";

(18) according to the plan described in paragraph (17), the Mount Hood National Forest—

(A) provides resources for nearly 2 times the current demand for developed recreation such as skiing, power boating, and sightseeing by car; but

(B) meets less than ⅔ of the demand for back country recreation;

(19) the Management Plan for Mount Hood National Forest projects that by 2040, the Mount Hood National Forest will only meet 16 percent of the demand for wilderness recreation, while meeting more than 100 percent of the demand for mechanized recreation;

(20) because the Mount Hood National Forest provides drinking water for more than 16 communities and over 40 percent of Oregon residents, management of the Mount Hood National Forest needs to take into consideration plans developed by local watershed councils in managing the forest; and

(21) the management of the Mount Hood National Forest should address practical, site-specific situations in a manner that supports wilderness and the general environmental, economic, and community-related welfare of the mountain.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) MOUNTAIN BIKE.—The term "mountain bike" does not include a motorized vehicle.

(3) OLD GROWTH.—The term "old growth", with respect to a tree or grove of trees, means a tree or grove that is—

(A) at last 120 years old; or

(B) previously unmanaged.

(4) SECRETARY.—The term "Secretary" means—

(A) when used in reference to Forest Service land, the Secretary of Agriculture; and

(B) when used in reference to Bureau of Land Management land, the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Oregon.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the most recent designation of wilderness in the Mount Hood National Forest occurred in 1984; and

(2) the designation of an additional 128,400 acres as a wilderness area by this title will increase the amount of wilderness designated as a wilderness area in the Mount Hood National Forest by 68 percent.

(b) PURPOSE.—The purpose of this title is to designate approximately 128,400 acres of National Forest System land in the Mount Hood National Forest as a wilderness area.

SEC. 102. LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.

(a) DESIGNATIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 3,700 acres, as generally depicted on the maps entitled "Badger Creek" and "Bonnie Butte", dated September 2006, which are incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 6,870 acres, as generally depicted on the map entitled "Bull of the Woods", dated June 2006, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 11,900 acres, as generally depicted on the maps entitled "Clackamas Canyon", "Big Bottom", "Memaloose Lake", "South Fork Clackamas", "Sisi Butte", and "Upper Big Bottom", dated September 2006, which shall be known as the "Clackamas Wilderness".

(4) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,850 acres, as generally depicted on the map entitled "Lower White River", dated September 2006, which shall be known as the "Lower White River Wilderness".

(5) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 26,000 acres, as generally depicted on the maps entitled "Gorge Ridgeline" and "Larch Mountain", dated September 2006, which shall be known as the "Mark O. Hatfield Wilderness Additions".

(6) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 21,580 acres, as generally depicted on the maps entitled "Elk Cove/Mazama Addition", "Sandy Additions", "Tilly Jane", "Sand Canyon", "Lost Lake", "Twin Lakes", "Barlow Butte", "White River", and "Richard L. Kohnstamm Memorial Area", dated September 2006, which are incorporated in, and considered to be a part of, the Mount Hood Wilderness as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)), and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(7) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 37,750 acres, as generally depicted on the map entitled "Roaring River Wilderness", dated September 2006, which shall be known as the "Roaring River Wilderness".

(8) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 17,720 acres, as generally depicted on the maps entitled "Alder Creek Addition", "Eagle Creek Addition", "Mirror Lake", "Inch Creek", "Salmon River Meadows", and "Hunchback Mountain", dated September 2006, which are incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(b) EFFECT OF DESIGNATIONS.—

(1) ELECTRIC UTILITIES.—The areas in the State that are designated as wilderness areas and as components of the National Wilderness Preservation System under subsection (a) shall not—

(A) include any land that on the date of enactment of this Act is—

(i) licensed for a hydroelectric project by the Federal Energy Regulatory Commission; or

(ii) located within 200 feet of an electric power line in the White River Unit of the Mount Hood Wilderness Additions under subsection (a)(6); or

(B) affect any activity relating to the operation, maintenance, or construction of a project described in clause (i) or (ii) of subparagraph (A).

(2) COLUMBIA GORGE AIRSHED.—The area depicted on the maps entitled "Gorge Ridgeline Wilderness" and "Large Mountain", dated September 2006, that is designated as a wilderness area and as a component of the National Wilderness Preservation System under subsection (a) shall not result in the designation of a Class I airshed in the Columbia Gorge through Federal regulatory action.

SEC. 103. MAP AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map entitled "Lewis and Clark Mount Hood Wilderness Additions of 2006", dated September 2006, and a legal description of each wilderness area designated by this title, with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(b) FORCE OF LAW.—The map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and each legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be on file and available for public inspection in—

(1) the office of the Chief of the Forest Service;

(2) the office of the Director of the Bureau of Land Management; and

(3) the applicable local Forest Service and Bureau of Land Management offices.

SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) CONSISTENT INTERPRETATION TO THE PUBLIC.—Notwithstanding their separate jurisdictions, the Secretary of Agriculture and the Secretary of the Interior shall collaborate to ensure that the wilderness areas designated by this title, if appropriate, are interpreted for the public as an overall complex related by—

(1) common location in the Mount Hood-Columbia River Gorge region;

(2) the abundant history of Native American use;

(3) the epic journey of Lewis and Clark;

(4) the pioneer settlement and growth of the State; and

(5) water sources for more than 40 percent of the residents of the State.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land located within the boundaries of an area designated as a wilderness area by this title that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of, the wilderness area within which the acquired land or interest is located.

SEC. 105. BUFFER ZONES.

(a) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(b) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

SEC. 106. FIRE SAFE COMMUNITY ZONES.

Consistent with the Mount Hood National Forest Management Plan and the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), the Secretary shall construct a strategic system of defensible fuel profile zones (including shaded fuelbreaks, thinning, individual tree selection, and other methods of vegetation management) between the wilderness boundary and the community boundary around Cascade Locks and Government Camp.

SEC. 107. GATEWAY COMMUNITIES.

(a) IN GENERAL.—The Secretary may provide grants to communities that are gateways to Mount Hood Wilderness areas, including the Hoodland Fire District, Government Camp, and the villages surrounding Mount Hood, and the appropriate county governments in the State, to be administered through the Forest Service State and Private Forestry program.

(b) LIMITATION OF FUNDS.—The total amount of funds provided by the Secretary to gateway communities under subsection (a) shall not exceed $10,000,000.

SEC. 108. FISH AND WILDLIFE; HUNTING AND FISHING.

(a) FISH AND WILDLIFE.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats on the National Forest System land designated as wilderness by section 102 if those activities are—

(1) consistent with applicable wilderness management plans; and

(2) carried out in accordance with applicable guidelines and policies.

(b) BULL TROUT RESTORATION PROJECT.—

(1) IN GENERAL.—Nothing in this Act affects the authority of the Secretary to carry out the Bull Trout restoration project underway as of the date of enactment of this Act in Clear Branch Creek.

(2) MINIMUM TOOL POLICIES.—The Secretary shall carry out the Bull Trout restoration project under paragraph (1) in accordance with the minimum tools policies of the Forest Service.

SEC. 109. TRAIL RESTORATION AND STUDY.

(a) PALMETEER TRAIL RESTORATION.—

(1) IN GENERAL.—It is the intent of Congress that nothing in this title shall prevent the Secretary from conducting the planned Palmateer Trail restoration project underway as of the date of enactment of this Act in the Twin Lakes area of the Mount Hood National Forest to restore the quality of the Trail.

(2) MINIMUM TOOLS POLICIES.—The Secretary shall carry out the Palmateer Trail restoration project described in paragraph (1) in accordance with the minimum tools policies of the Forest Service.

(b) STUDY OF COOL CREEK TRAIL 794.—The Secretary shall conduct a study of the appropriate public use of Cool Creek Trail 794.

SEC. 110. FIRE, INSECTS, AND DISEASES.

As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this Act, the Secretary of Agriculture (in collaboration with the Secretary of the Interior, where appropriate) may take such measures as are necessary to control fire, insects, and diseases, subject to such conditions as the Secretary of Agriculture (in collaboration with the Secretary of the Interior where appropriate) determines to be desirable.

SEC. 111. LAND RECLASSIFICATION.

(a) OREGON AND CALIFORNIA RAILROAD LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad Land that is subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f), within the boundary of the Clackamas Wilderness, as generally depicted on the map entitled "South Fork Clackamas", dated September 2006.

(b) PUBLIC DOMAIN LAND.—

(1) DEFINITION OF PUBLIC DOMAIN LAND.—In this section, the term "public domain land"—

(A) has the meaning given the term "public land" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702); and

(B) does not include any land managed under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) IDENTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall identify public domain land within the State that is approximately equal in acreage of land described in subsection (a), but is not subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) MAPS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register, 1 or more maps depicting the land identified under subsections (a) and this subsection.

(4) RECLASSIFICATION.—After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify—

(A) the land described in subsection (a) as public domain land that is not subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f); and

(B) the land described in this subsection as Oregon and California Railroad Land that is subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 112. VALID EXISTING RIGHTS AND WITHDRAWAL.

(a) VALID EXISTING RIGHTS.—Nothing in this Act affects any valid existing right.

(b) WITHDRAWAL.—Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in section 102 is withdrawn from all forms of—

(1) appropriation;

(2) disposal under public law;

(3) location, entry, and patent under mining law; and

(4) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 113. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN WILDERNESS AREAS.

(a) IN GENERAL.—In the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary be able to provide for—

(1) the maintenance of any foot bridge crossing located in a wilderness area; and

(2) when needed, the replacement of the foot bridge crossings to ensure public access and safety.

(b) MINIMUM TOOL POLICIES.—The Secretary shall carry out foot bridge replacement work under subsection (a) in accordance with the minimum tools policies of the Forest Service.

SEC. 114. RICHARD L. KOHNSTAMM MEMORIAL AREA.

(a) DESIGNATION.—Certain Federal land managed by the Forest Service, comprising approximately 30 acres, as generally depicted on the map entitled "Richard L. Kohnstamm Memorial Area", dated September 2006, and approximately 157 acres of designated wilderness, as generally depicted on the map entitled "Richard L. Kohnstamm Memorial Area", dated September 2006, shall be known and designated as the "Richard L. Kohnstamm Wilderness".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to an area described in subsection (a) shall be deemed to be a reference to the Richard L. Kohnstamm Wilderness.

(c) BOUNDARY.—

(1) IN GENERAL.—The memorial area shall consist of land located within the boundary depicted on the map entitled "Richard L. Kohnstamm Memorial Area", dated September 2006.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

SEC. 201. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the addition of 81 miles of waterways to the National Wild and Scenic River System in the Mount Hood National Forest would increase the total length of the portion of the National Wild and Scenic River System that is located in the Mount Hood National Forest by approximately 47 percent.

(b) PURPOSE.—The purpose of this title is to designate approximately 81 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System.

SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the undesignated paragraph relating to the White Salmon River as paragraph (167); and

(2) by adding at the end the following:

"(168) MOUNT HOOD NATIONAL FOREST, OREGON.—The following segments in the Mount Hood National Forest in the State of Oregon, to be administered by the Secretary of Agriculture:

"(A) The 4.1-mile segment of the South Fork of the Clackamas River from its confluence with the East Fork of the South Fork of the Clackamas to the its confluence with the Clackamas River, as a scenic river.

"(B) The 8.5-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, of which—

"(i) the 6.7-mile segment from its headwaters to the west section line of T. 3 S., R. 6 E., sec. 20, as a wild river; and

"(ii) the remaining 1.8-mile segment from that section line, as a recreational river.

"(C) The 3.7-mile segment of the Middle Fork of the Hood River from the confluence of Clear and Coe Branches to the Mount Hood National Forest boundary of sec. 11 and 12 in T. 1 S., R. 9 and 10 E., as a scenic river.

"(D) The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, as a wild river.

"(E) The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, as a wild river.

"(F) The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the Mount Hood National Forest boundary, including—

"(i) the 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river;

"(ii) the 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river;

"(iii) the 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of sec. 20, T. 2 S., R. 12 E., WM, as a wild river; and

"(iv) the 0.2-mile segment from the western edge of section 20, T. 2 S., R. 12 E., WM to the Mount Hood National Forest boundary, as a scenic river;

"(G) The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, as a recreational river.

"(H) The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence with the Clackamas River, of which—

"(i) the 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river; and

"(ii) the 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

"(I) The 13.6-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, as a recreational river.".

SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIREMENTS.

(a) Relation to Existing Requirements.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by this Act, to have any impact on any water right or flow requirement relating to—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

(b) Exclusion of Operational Areas.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by this Act, to include any portion of the operational area of—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

SEC. 301. DESIGNATION.

(a) Designation.—The Mount Hood National Recreation Area shall be known and designated as the "Mount Hood National Recreation Area".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Mount Hood National Recreation Area shall be deemed to be a reference to the Mount Hood National Recreation Area.

(c) Boundary.—

(1) In general.—The Mount Hood National Recreation Area shall consist of land located within the boundary depicted on the map entitled "Mount Hood National Recreation Area", dated September 2006.

(2) Availability of map.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(d) Administration.—The Secretary shall administer the Mount Hood National Recreation Area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation—

(1) in a manner that—

(A) protects and maintains—

(i) the diverse recreational opportunities of the Mount Hood National Recreation Area for public use; and

(ii) fish and wildlife habitats;

(B) conserves the scenic, recreational, cultural, scientific, spiritual, and other values of the Mount Hood National Recreation Area that contribute to the benefit of the public;

(C) preserves each feature and peculiarity of the Mount Hood National Recreation Area believed to be biologically significant, including—

(i) rare and endemic plant species;

(ii) rare combinations of aquatic, terrestrial, and atmospheric habitats; and

(iii) rare combinations of outstanding and diverse ecosystems and parts of associated ecosystems;

(D) protects archeological and paleontological sites and interprets those sites for the benefit of the public;

(E) maintains and enhances the desired structural components consistent with Standards and Guidelines of the Northwest Forest Plan; and

(F) prevents any cutting, sale, or removal of timber except where the cutting, sale, or removal of timber—

(i) improves the health of the forest and—

(I) maximizes the retention of large trees as appropriate to the forest type, to the extent that those trees promote stands that are fire-resilient and healthy;

(II) improves the habitats of threatened, endangered, proposed, or sensitive species; and

(III) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire effects;

(ii) is incidental to the accomplishment of an approved management activity not otherwise prohibited; or

(iii) is for personal or administrative use; and

(2) to prevent the new or temporary construction or reconstruction of roads, except when the new or temporary construction or reconstruction of roads is required—

(A) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(B) to conduct environmental cleanup required by the Federal Government;

(C) to allow for reserved or outstanding rights provided for by a statute or treaty;

(D) to prevent irreparable resource damage by an existing road;

(E) to rectify a hazardous road condition;

(F) as part of a Federal-aid highway project; or

(G) in conjunction with—

(i) the continuation, extension, or renewal of a mineral lease on land that is under lease; or

(ii) a new mineral lease that is issued immediately after the expiration of an existing mineral lease.

(e) Chainsaws.—The Secretary may use chainsaws to maintain existing trails in the Mount Hood National Recreation Area.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

SEC. 401. DEFINITION OF MOUNT HOOD REGION.

In this title, the term "Mount Hood region" means—

(1) Mount Hood and the other land located adjacent to the mountain;

(2) any segment of the Oregon State Highway 26 corridor that is located in or near Mount Hood National Forest;

(3) any segment of the Oregon State Highway 35 corridor that is located in or near Mount Hood National Forest;

(4) each other road of the Forest Service, State, or county that is located in and near Mount Hood National Forest; and

(5) any gateway community located adjacent to any highway or road described in paragraph (2), (3), or (4).

SEC. 402. TRANSPORTATION PLAN.

(a) In General.—The Secretary shall collaborate with the State to develop an integrated, multimodal transportation plan for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(1) to promote appropriate economic development;

(2) to preserve the landscape of the Mount Hood region; and

(3) to enhance public safety.

(b) Planning Process.—The transportation plan under subsection (a) shall—

(1) conform with Federal and Oregon transportation planning requirements; and

(2) be developed through a collaborative process, preferably through the use of a commission composed of interested persons appointed by the State, with representation from the Forest Service and local governments in the Mount Hood region.

(c) Scope of Plan.—The transportation plan under subsection (a) shall address issues relating to—

(1) the transportation of individuals to and from areas outside the Mount Hood region on major corridors traversing that region; and

(2) the transportation of individuals to and from locations that are located within the Mount Hood region.

(d) Contents of Plan.—At a minimum, the transportation plan under subsection (a) shall consider—

(1) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(2) establishing park-and-ride facilities that shall be located at gateway communities;

(3) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(4) creating a new interchange on Oregon State Highway 26 that shall be located adjacent to or within Government Camp;

(5) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(A) providing emergency routes; or

(B) improving access to, and travel within, the Mount Hood region;

(6) reconstructing the segment of Oregon State Highway 35 that is located between Mineral Creek and Baseline Road to address ongoing debris flow locations; and

(7) creating mechanisms for funding the implementation of the transportation plan under subsection (a), including—

(A) funds provided by the Federal Government;

(B) public-private partnerships;

(C) incremental tax financing; and

(D) other financing tools that link transportation infrastructure improvements with development.

(e) COMPLETION OF PLAN.—Not later than 2 years after the date on which funds are first made available to carry out this section, the Secretary shall complete the transportation plan under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 403. STUDY RELATING TO GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.

(a) FEASIBILITY STUDY.—The Secretary shall carry out a study of the feasibility of establishing—

(1) a gondola connection that—

(A) connects Timberline Lodge to Government Camp; and

(B) is located in close proximity to the site of the historic gondola corridor; and

(2) an intermodal transportation center to be located in close proximity to Government Camp.

(b) CONSIDERATION OF MULTIPLE SITES.—In carrying out the feasibility study under subsection (a), the Secretary may consider 1 or more sites.

SEC. 404. BURIAL OF POWER LINES.

Because of the incongruent presence of power lines adjacent to or within wilderness areas, the Secretary may provide to Cascade Locks and Hood River County $3,200,000 through the Forest Service State and Private Forestry program to bury ground power lines adjacent to or within Mount Hood Wilderness areas, including wilderness areas designated by this Act.

SEC. 405. CULVERT REPLACEMENT.

(a) IN GENERAL.—The Secretary may provide $1,000,000 to Clackamas County to replace or remove culverts on the wild and scenic river segments in Clackamas County, Oregon, designated by title II.

(b) LIMITATION.—Culvert replacement carried out by the Forest Service and Clackamas County to improve fish passage and the ecology of the wilderness designated by this Act shall not be considered water and resource development.

SEC. 406. CLARIFICATION OF TREATMENT OF STATE HIGHWAYS.

(a) EXCLUSION.—Any part of Oregon State Highway 35 or other any other State highway in existence on the date of enactment of this Act (including all existing rights-of-way and 150 feet on each side of the centerline, whichever is greater, that is adjacent to or within wilderness areas in the Mount Hood National Forest, including wilderness areas designated by this Act) shall be excluded from wilderness under this Act.

(b) NO NET EFFECT.—The designation of wilderness or wild and scenic rivers under this Act or an amendment made by this Act shall not limit or restrict the ability of the State—

(1) to operate, maintain, repair, reconstruct, protect, or make any other improvement to Oregon State Highway 35 or any other State highway in existence on the date of enactment of this Act;

(2) to use any site that is not within a highway right-of-way to operate, maintain, repair, reconstruct, protect, or make any other improvement to those highways; or

(3) to take any action outside of a highway right-of-way that is necessary to operate, maintain, repair, reconstruct, protect, or make any other improvement to those highways.

(c) FLOOD PLAIN.—Congress encourages the carrying out of projects that will reduce the impact of Oregon State Highway 35 on the flood plain of the East Fork Hood River.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange

SEC. 501. PURPOSE.

The purpose of this subtitle is to recognize the years of work by local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood and bring to culmination the land exchange authorized by section 502.

SEC. 502. COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.

(a) CONVEYANCE REQUIRED.—With the exception if the Retained Conservation and Trail Easements under subsection (j), the Secretary shall convey to Mt. Hood Meadows Oreg., Limited Partnership (in this subtitle referred to as 'Mt. Hood Meadows'), all right, title, and interest of the United States in and to—

(1) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 80 acres in Government Camp, Clackamas County, Oregon, as depicted on the map entitled "Cooper Spur-Government Camp Land Exchange" and dated September 2006 (in this subtitle referred to as the "official map"); and

(2) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 40 acres in Government Camp, as depicted on the official map.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, shall convey to the United States all right, title, and interest of these entities in and to—

(1) a parcel of private land consisting of approximately 770 acres at Cooper Spur, as depicted on the official map;

(2) all buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur covered by the appraisal described in subsection (c)(1);

(3) the 1,350 acre special use permit for the Cooper Spur Ski Area, as depicted on the official map; and

(4) all buildings, furniture, fixtures, and equipment at the Cooper Spur Ski Area covered by the appraisal described in subsection (c)(1).

(c) APPRAISALS.—

(1) IN GENERAL.—The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) EXISTING APPRAISALS.—The Secretary shall review the appraisals of the land and other property to be conveyed under subsections (a) and (b) performed in 2005 by Appraiser Steven A. Hall, MAI, CCIM, for accuracy and compliance with paragraph (1). If the Secretary determines that the appraisals are accurate and meet the requirements of paragraph (1), then the Secretary may approve the appraisals.

(3) TREATMENT OF EXCESS CONSIDERATION.—Should the appraisal determine a difference in values between the properties exchanged, in favor of the government, excess value donated to the United States will not be deemed a donation for tax purposes. Donation of non-federal land may exceed 25% of the value of the federal land.

(d) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture, the County and Mt. Hood Meadows Oreg., Limited Partnership. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(e) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(f) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(g) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the County.

(h) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(i) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the land exchange under this section and complete the closing of the land exchange not later than 16 months after the date of the enactment of this Act.

(j) RETAINED CONSERVATION AND TRAIL EASEMENTS.—In conjunction with the conveyance of title to Mt. Hood Meadows, the Secretary of Agriculture shall reserve a Conservation Easement to protect existing wetlands on the conveyed parcels, as determined by the Oregon Department of State Lands. Alternative equivalent wetland mitigation measures shall be allowed to compensate for minor wetland encroachments necessary for the orderly development of the parcels. In addition, the Secretary of Agriculture shall reserve a Trail Easement which allows the non-motorized functional use by the public of identified existing trails located on the conveyed parcels as depicted on the map entitled "Government Camp Trail Map" and dated September 2006 as such trails may be improved or relocated to accommodate development of the property. The Trail Easement shall provide that roads, utilities and infrastructure facilities may cross such trails.

Subtitle B—Other Land Exchanges

SEC. 511. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to the Port of Cascade Locks, Cascade Locks, Oregon (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Columbia River Gorge National Scenic Area consisting of approximately 10 acres, as depicted on the map entitled "Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange" and dated June 2006.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Port shall convey to the United States all right, title, and interest of the Port in and to a parcel of land consisting of approximately 40 acres, as depicted on the map referred to in subsection (a). The acquisition of this land will ensure the continued integrity of the Pacific Crest National Scenic Trail in the vicinity of Cascade Locks and the public's ability to access the north Oregon entrance of the trail.

(c) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the Port. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the Port.

(g) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within 16 months after the date of the enactment of this Act.

SEC. 512. HUNCHBACK MOUNTAIN LAND EXCHANGE, CLACKAMAS COUNTY.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to Clackamas County, Oregon (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Mount Hood National Forest consisting of approximately 160 acres, as depicted on the map entitled "Hunchback Mountain Land Exchange-Clackamas County" and dated June 2006.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall convey to the United States all right, title, and interest of the County in and to a parcel of land consisting of approximately 160 acres, as depicted on the map referred to in subsection (a). The acquisition of this parcel will ensure the continued integrity of the forested land, a substantial portion of which exceeds 120 years in age, and the public's access to the parcel.

(c) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the County. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the County.

(g) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the land exchange under this section and complete the closing of the land exchange not later than 16 months after the date of the enactment of this Act.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

SEC. 601. FINDINGS AND PURPOSE.

The purpose of this title is to direct the Forest Service to prepare an assessment to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and communities from property damage and threats to public safety, and to protect and enhance existing community or municipal watersheds. It is the intent of Congress that site-specific forest health projects undertaken pursuant to this assessment shall be completed in accordance with existing law.

SEC. 602. FOREST STEWARDSHIP ASSESSMENT.

(a) PREPARATION OF ASSESSMENT.—The Secretary of Agriculture shall prepare an assessment to identify the forest health needs in those areas of the Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) IMPROVED MAPPING.—The assessment will include peer reviewed mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) COMPLETION.—The Secretary of Agriculture shall complete the assessment not later than 1 year after the date of enactment of this Act.

(d) DURATION OF STUDY.—The assessment shall cover a 10-year period.

(e) IMPLEMENTATION.—Not later than 1 year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented using authorities available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) DELAY.—During development of the assessment under this section, a forest management project that is unaffiliated with the assessment and has completed review as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with existing law, need not be delayed in the event the Secretary fails to meet the deadline specified in subsection (c).

(g) RELATION TO EXISTING LAW AND PLANS.—Nothing in this section grants the Secretary any authority to manage the Mount Hood National Forest contrary to existing law. The assessment conducted by the Secretary under this section shall not supersede, be considered a supplement or amendment to, or in any way affect the legal or regulatory authority of the Mount Hood National Forest Land and Resource Management Plan or the collection of documents entitled "Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl" and "Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest-Related Species Within the Range of the Northern Spotted Owl".

(h) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for interested persons to be involved in development of the assessment conducted by the Secretary under this section.

SEC. 603. SUSTAINABLE BIOMASS UTILIZATION STUDY.

(a) STUDY REQUIRED.—The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available in the Mount Hood National Forest that, consistent with applicable law, could be made available as a raw material for—

(1) the production of electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products;

(2) dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, or pulp for paper; or

(3) other commercial purposes.

(b) DEFINITION.—In this section, the term "biomass" means small diameter trees and understory vegetation that is removed from forested land as a by-product of forest restoration efforts.

SEC. 604. WATERSHED MANAGEMENT MEMORANDA OF UNDERSTANDING.

(a) COMPLETION OF MEMORANDA OF UNDERSTANDING.—To the extent that memoranda of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memoranda of understanding that outline stewardship goals to manage the watersheds for water quality and water quantity.

(b) ELEMENTS OF MEMORANDUM.—A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks regarding water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) PUBLIC PROCESS REQUIRED.—

(1) COLLABORATION AND CONSULTATION.—The Secretary of Agriculture shall ensure that the process by which the Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) PUBLIC MEETING REQUIRED.—The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least 1 joint public meeting before completing a final draft of the memorandum of understanding.

(3) PUBLIC COMMENT.—A draft memorandum of understanding shall also be open to public comment before being finalized.

SEC. 605. TERMINATION OF AUTHORITY.

The authority provided by this title shall terminate on the date that is 10 years after the date of enactment of this Act.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

SEC. 701. FINDINGS AND PURPOSE.

The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

SEC. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) ESTABLISHMENT.—Effective as provided by section 705, the Secretary of Agriculture shall establish a special resources management unit in the State consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled "Crystal Springs Watershed Special Resources Management Unit" and dated June 2006 (in this subtitle referred to as the "official map").

(b) DESIGNATION.—The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the "Management Unit".

(c) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) WITHDRAWAL.—Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTIONS.—As soon as practicable after the effective date specified in section 705, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) FORCE OF LAW.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the map and legal descriptions. The map of the Crystal Springs Zone of Contribution is incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(3) PUBLIC AVAILABILITY.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

SEC. 703. ADMINISTRATION OF MANAGEMENT UNIT.

(a) GENERAL APPLICABILITY OF EXISTING LAWS.—Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to the National Forest System lands included in the Management Unit.

(b) AUTHORIZED ACTIVITIES.—

(1) PROCESS FOR ALLOWING ACTIVITIES.—Only activities described in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary—

(A) obtains the review and opinions of the Crystal Springs Water District regarding the effect of the activity on the purposes of the Management Unit;

(B) complies with all applicable Federal law regarding development and implementation of the activity; and

(C) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) RECREATION.—The Secretary may—

(A) continue to maintain recreational opportunities and trails, in existence in the Management Unit as of the effective date specified in section 705, within their existing and historic footprints or at an alternative location; and

(B) develop new footpaths or cross-county skiing trails in the Management Unit.

(3) LEASE OF CERTAIN IMPROVEMENTS.—The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 705, within their existing and designated footprints to 1 or more concessionaires.

(4) ROAD MAINTENANCE.—Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit as of the effective date specified in section 705 or as directed by the management plan required by subsection (d). Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(5) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit, the Secretary may permit fuel reduction on National Forest System land in the Management Unit—

(A) extending up to 400 feet from structures on National Forest System land or structures on adjacent private land; and

(B) extending up to 400 feet from the Cooper Spur Road, the Cloud Cap Road, and the Cooper Spur ski area loop road.

(6) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels. The purpose of any fire risk reduction or forest health management activity conducted in the Management Unit shall be the maintenance and restoration of fire-resilient forest structures containing late successional forest structure characterized by large trees and multi-storied canopies (where ecologically appropriate) and the protection of the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit.

(c) SPECIFICALLY PROHIBITED ACTIVITIES.—The following activities may not occur on National Forest System land in the Management Unit, whether separately or, except as provided in paragraph (2), as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing non-System roads.

(2) Projects undertaken for the purpose of harvesting commercial timber. The harvest of merchantable products that are by-products of activities conducted pursuant to subsection (b)(6) and carried out pursuant to a stewardship contract are not prohibited by this subsection.

(3) Commercial livestock grazing.

(4) The placement or maintenance of fuel storage tanks.

(5) The application of any toxic chemicals, including pesticides, rodenticides, herbicides, or retardants, for any purpose, except with the consent of the Crystal Springs Water District.

(d) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Within 9 months after the effective date specified in section 605, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism, and other risks to water quality.

(2) CONSULTATION AND PUBLIC PARTICIPATION.—The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(e) FOREST ROAD CLOSURES.—As part of the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of any Forest Service road within the Management Unit, except for the road commonly known as Cloud Cap Road.

(f) PRIVATE LAND.—Nothing in this section affects the use of, or access to, any private property within the Crystal Springs Zone of Contribution by the owners of the private property and their guests. The Secretary is encouraged to work with interested private landowners who have voluntarily agreed to cooperate with the Secretary to further the purposes of this title.

(g) RELATIONSHIP WITH WATER DISTRICT.—Except as provided in this section, the Crystal Springs Water District has no authorities over management or use of National Forest System land included in the Management Unit.

SEC. 704. ACQUISITION OF LANDS.

(a) ACQUISITION AUTHORITY.—The Secretary of Agriculture may acquire from willing landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of Mount Hood National Forest. Lands so acquired shall automatically be added to the Management Unit.

(b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII and included within the Management Unit, to any person.

SEC. 705. EFFECTIVE DATE.

The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII, but in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before final closing of the land exchange.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

SEC. 801. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount Hood National Forest using traditional methods and the central role of the State and local governments in management of issues dealing with natural and developed environments in the vicinity of the national forest.

SEC. 802. FIRST FOODS GATHERING AREAS.

(a) PRIORITY USE AREAS.—The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the "Warm Springs Tribe") and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) PRIORITY USE.—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall have exclusive rights to gather first foods in the priority-use areas established pursuant to subsection (a).

(c) APPLICABLE LAW.—In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) DEFINITION.—In this section, the term "first foods" means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 803. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State, local communities, counties, and Indian tribes in the vicinity of Mount Hood National Forest, and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and non-Federal land in the vicinity of the national forest.

SEC. 804. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.

(a) TREATY RIGHTS.—Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights reserved by such treaty.

(b) TRIBAL LANDS.—Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) HUNTING AND FISHING.—Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

SEC. 805. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) IMPOSITION OF STANDARDS.—New development occurring on land conveyed by the Secretary of Agriculture under title V or undertaken or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with 1 of the nationally recognized model building codes or wildland-urban interface codes and with other applicable nationally recognized codes.

(b) INCLUSION OF STANDARDS IN LAND CONVEYANCES.—In the case of each of the land conveyances described in title V, the Secretary shall impose the requirements of subsection (a) as a condition on the conveyance of the Federal land under the conveyance.

(c) EFFECT ON STATE AND LOCAL LAW.—To the maximum extent feasible, the codes imposed pursuant to subsection (a) shall be consistent with the nationally recognized codes adopted by the State or political subdivisions of the State. This section shall not be construed to limit the power of the State or a political subdivision of the State to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) ENFORCEMENT.—The codes imposed pursuant to subsection (a) may be enforced by the same entities otherwise enforcing building codes regarding new development occurring on land conveyed by the Secretary of Agriculture under title V.

TITLE IX—RECREATION

SEC. 901. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

SEC. 902. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.

(b) DEPOSITS.—Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108–107; 16 U.S.C. 6231 et seq.), Public Law 106–206 (commonly known as the Commercial Filming Act; 16 U.S.C. 460l–d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all land use fees received after the date which is 6 months after the date of enactment of this Act from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, and linear rights-of-way, and all other special use types issued with regard to Mount Hood National Forest shall be deposited in the special account established under subsection (a).

(c) AVAILABILITY.—Subject to subsection (d), amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 903. Upon request of the Secretary of Agriculture, the Secretary of the Treasury shall transfer to the Secretary of Agriculture from the special account such funds as the Secretary of Agriculture may request. The Secretary shall accept and use the funds in accordance with section 903.

(d) TERMINATION OF SPECIAL ACCOUNT.—The special account required by subsection (a) shall terminate at the end of the 10-year period beginning on the date of enactment of this Act. Any amounts remaining in the special account at the end of such period shall be transferred to the general fund of the Treasury.

SEC. 903. USE OF FUNDS IN SPECIAL ACCOUNT TO SUPPORT RECREATION.

(a) AUTHORIZED USES.—The Secretary of Agriculture shall use funds received from the special account under section 902(c) for the following purposes related to Mount Hood National Forest:

(1) Installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, such as—

(A) the improvement and maintenance of trails, including trails used for hiking, biking, snowmobiling, horseback riding, cross-country skiing, and off-highway vehicles;

(B) water system improvements; and

(C) personal sanitation facilities improvements.

(2) Interpretive programs, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and wilderness rangers.

(3) Habitat restoration directly related to recreation.

(4) Cooperative environmental restoration projects with non-Federal partnership groups and associations, including groups and associations that work with youth.

(5) Law enforcement and rescue and recovery efforts related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal recreation activities investigations, and enforcement.

(6) Improving administration of special use authorizations.

(7) Preparation of documents required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the improvement or development of recreational opportunities.

(8) Other projects or partnerships recommended by the Mount Hood National Forest Recreation Working Group established by section 905.

(b) ALLOCATION REQUIREMENTS.—Of the total funds received by the Secretary of Agriculture from the special account under section 902(c) for a fiscal year, the Secretary shall allocate the funds as follows:

(1) 95 percent of the funds to Mount Hood National Forest.

(2) 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

SEC. 904. ANNUAL REPORTING REQUIREMENT.

The Secretary of Agriculture shall submit to Congress an annual report specifying—

(1) the total funds received by the Secretary from the special account under section 902(c) for the preceding fiscal year;

(2) how the funds were allocated and expended; and

(3) the results from such expenditures.

SEC. 905. MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall establish the Mount Hood National Forest Recreational Working Group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special account established under section 902 should be requested and expended.

(b) DUTIES.—The Working Group shall—

(1) review projects proposed by the Secretary for Mount Hood National Forest under section 903(a);

(2) propose projects under section 903(a) to the Secretary;

(3) recommend the amount of funds from the special account established under section 902 to be used to fund projects under section 903; and

(4) provide opportunities for citizens, organizations, Indian tribes, the Forest Service, and other interested parties to participate openly and meaningfully, beginning at the early stages of the development of projects under section 903(a).

(c) APPOINTMENT.—

(1) APPOINTMENT AND TERM.—The Regional Forester, acting on behalf of the Secretary of Agriculture, shall appoint the members of the Working Group for a term of 3 years beginning on the date of appointment. A member may be reappointed to subsequent 3-year terms.

(2) INITIAL APPOINTMENT.—The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of enactment of this Act.

(3) VACANCIES.—The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.

(4) COMPENSATION.—Members of the Working Group shall not receive any compensation for their service on the Working Group.

(5) NOMINATIONS.—The State and county governments for each county directly adjacent to or containing any portion of Mount Hood National Forest may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d).

(6) BROAD AND BALANCED REPRESENTATION.—In appointing the members of the Working Group, the Regional Forester shall provide for a balanced and broad representation from the recreation community.

(d) COMPOSITION OF WORKING GROUP.—The Working Group shall be composed of 15 members, selected so that the following activities and interest groups are represented:

(1) Summer non-mechanized recreation, such as hiking.

(2) Winter non-motorized recreation, such as snowshoeing and backcountry skiing.

(3) Mountain biking.

(4) Hunting and fishing.

(5) Summer motorized recreation, such as off-highway vehicle use.

(6) Local environmental groups.

(7) Winter motorized recreation, such as snowmobiling.

(8) Permitted ski areas.

(9) Forest products industry.

(10) Affected Indian tribes.

(11) Local holder of a recreation residence permit.

(12) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or containing any portion of Mount Hood National Forest.

(13) A resident of Government Camp.

(14) The State.

(15) Operators of campground facilities open to the general public.

(e) CHAIRPERSON.—The chairperson of the Working Group shall be selected by a majority of the Working Group.

(f) OTHER WORKING GROUP AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of the Working Group shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—Not more than 5 percent of the funds allocated under section 903(b) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Working Group during that fiscal year.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.

(i) TERMINATION OF WORKING GROUP.—The Working Group shall terminate at the end of the 10-year period beginning on the date of enactment of this Act.

SEC. 906. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.

(a) EVALUATION OF CURRENTLY CLOSED ROADS.—

(1) CONSIDERATION FOR RECREATIONAL USE.—The Secretary of Agriculture may make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before the date of enactment of this Act for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational uses to enhance recreational opportunities in the national forest, such as conversion to single-track trails for mountain bikes and trails for snowmobiling, off-road vehicle use, horseback riding, hiking, cross-country skiing, and other recreational uses.

(2) CONSIDERATION OF ENVIRONMENTAL AND ECONOMIC IMPACTS.—In evaluating the feasibility and suitability of converting Forest Service roads under this subsection to recreational uses, and the types of recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(3) PUBLIC PROCESS.—The consideration and selection of Forest Service roads under this subsection for conversion to recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(b) FUTURE CLOSURE CONSIDERATIONS.—Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary shall include, as an alternative to decommissioning the road, consideration of converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

SEC. 907. IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.

(a) CONSTRUCTION OF TRAIL.—The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) PUBLIC PROCESS.—The selection of the trail location under subsection (a) and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(c) FUNDING.—The Secretary of Agriculture may use funds in the special account established under section 902 to carry out this section.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. MENENDEZ (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. 3856. A bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I rise today with my colleagues Senator ENSIGN and Senator LAUTENBERG to introduce legislation to award Jerry Lewis with the Congressional Gold Medal of Honor. This well-deserved recognition pays tribute to the many outstanding and enduring contributions Jerry Lewis has made throughout his career.

Born in 1926 in Newark, NJ, this gifted comedian has been a fixture in the entertainment community for more than five decades keeping spirits high and Americans laughing during some of the most turbulent periods in our history—World War II, the Cold War, and the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr. But in addition to his comic persona, Lewis is also an active champion of charitable causes with an undying commitment to finding a cure for muscular dystrophy. Mr. Lewis has served for five decades as the National Chairman of the Muscular Dystrophy Association, which is an incredible organization dedicated to making a difference in the lives of countless families dealing with the challenges associated with muscular dystrophy. Forty years ago, he began the "Jerry Lewis MDA Labor Day Telethon," an annual television program that benefits children and adults affected by muscular dystrophy and related neuromuscular diseases. This year, Mr. Lewis achieved an amazing accomplishment. His annual Labor Day telethon raised a record $61 million to fight this disease.

In September of 1976, this great body adopted a resolution expressing their appreciation of Jerry Lewis' philanthropic endeavors, in particular, his fight to find a cure for muscular dystrophy. Today, I believe a fitting accolade to this larger than life individual would be for him to join the ranks of distinguished Congressional Gold Medal recipients. I urge my colleagues to join me in congratulating Jerry Lewis, supporting the fight to end muscular dystrophy, and co-sponsoring this important legislation.

By Mr. SMITH (for himself and Mrs. Lincoln):

S. 3857. A bill to amend the Internal Revenue Code of 1986 to provide incentives to small businesses; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the "Bringing Opportunity to Our Small Business Taxpayers Act," or "BOOST Act." I am pleased to be joined by my colleague Senator Blanche Lincoln of Arkansas.

Small businesses represent over 99 percent of all employers and create approximately three-fourths of the new jobs added to the economy. The approximately 23 million small businesses truly are the backbone of our economy.

However, this important engine of job creation and growth for our economy is subjected to unnecessary and unfair financial burdens inflicted by Federal tax policy and other laws. My bill will extend expensing provisions, eliminate tax inequities and encourage retirement plans for small businesses, as well as provide a health insurance tax deduction for the self-employed.

Current law allows small businesses to expense up to $100,000 of the cost of property per year and invest up to $400,000 per year and still be eligible for expensing. My bill will make these expensing provisions, which are set to expire in 2009, permanent.

My legislation also addresses inequitable provisions in the law that affect the approximately 3.2 million S-corporations in the United States. Today, businesses that convert from C-corporation to S-corporation status are penalized for a period of ten years if they sell assets that were held prior to the conversion, even if the proceeds are driven right back into the business. By reducing the holding period subjected to built-in gains tax from ten years to seven years, S-corporations will be able to unload unneeded assets and improve cash flow and create more jobs.

Known as the "sting tax," S-corporations that have converted from C-corporation status are taxed at the maximum corporate tax rate for passive investment income in excess of 25 percent of their gross receipts. This law is burdensome and unfair and needs to be revised. My bill will decrease the amount of income subjected to the tax. The adjustment will relieve S-corporations from an unnecessary tax burden and level the playing field with C-corporations and LLCs.

Saving for retirement is important for all Americans and access to retirement plans is critical in order to build wealth for an individual's golden years. Unfortunately, high costs and taxes discourage many small businesses from providing retirement plans to their employees. Through tax equity and tax credit measures, my bill encourages small businesses to offer retirement benefits to employees so they will have the necessary tools to prepare for their financial future.

I look forward to working with my colleagues on issues affecting small businesses and urge their support of my legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bringing Opportunities to Our Small Business Taxpayers Act" or "BOOST Act".

TITLE I—TAX FAIRNESS FOR SMALL BUSINESSES

SEC. 101. PERMANENT EXTENSION OF EXPENSING FOR SMALL BUSINESSES.

(a) Dollar Limitation.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2010)" and inserting "$100,000".

(b) Reduction in Limitation.—Paragraph (2) of section 179(b) of such Code, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2010)" and inserting "$400,000".

(c) Inflation Adjustments.—Subparagraph (A) of section 179(b)(5) of such Code, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "and before 2010".

(d) Election.—Paragraph (2) of section 179(c) of such Code, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "and before 2010".

(e) Computer Software.—Clause (ii) of section 179(d)(1)(A), as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "and before 2010".

SEC. 102. MODIFICATION OF CONSTRUCTION CONTRACTS EXCEPTION TO PERCENTAGE OF COMPLETION METHOD OF ACCOUNTING.

(a) In General.—Clause (ii) section 460(e)(1)(B) of the Internal Revenue Code of 1986 is amended by striking "$10,000,000" and inserting "$25,000,000".

(b) Effective Date.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

SEC. 103. MODIFICATION OF LOOK-BACK METHOD FOR CERTAIN CONSTRUCTION CONTRACTS.

(a) In General.—Subparagraph (B) of section 460(b)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) Look-back method not to apply to certain contracts.—Paragraph (1)(B) shall not apply to—

"(i) any construction contract which is—

"(I) entered into by a taxpayer whose average annual gross receipts for the 3 taxable years preceding the taxable year in which such contract is completed do not exceed $25,000,000, and

"(II) completed within 3 years of the contract commencement date, or

"(ii) any other contract—

"(I) the gross price of which (as of the completion of the contract) does not exceed the lesser of $1,000,000 or 1 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the contract was completed, and

"(II) which is completed within 2 years of the contract commencement date.

For purposes of this subparagraph, rules similar to the rules of subsections (e)(2) and (f)(3) shall apply.".

(b) Effective Date.—The amendments made by this section shall apply to contracts completed in taxable years ending after the date of the enactment of this Act.

SEC. 104. USE OF CASH METHOD OF ACCOUNTING FOR CERTAIN SMALL BUSINESSES.

(a) In General.—Section 446 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) Use of Cash Method of Accounting by Certain Taxpayers.—

"(1) In general.—Notwithstanding section 471 and subject to such regulations as the Secretary may provide, a qualifying small business taxpayer may use the cash receipts and disbursements method of accounting.

"(2) Qualifying small business taxpayer.—For purposes of this subsection, the term 'qualifying small business taxpayer' means a taxpayer which—

"(A) meets the gross receipts test under section 448(c) (determined by substituting '$10,000,000' for '$5,000,000' each place it appears therein),

"(B) is not prohibited from using the cash receipts and disbursement method of accounting under section 448, and

"(C) meets the requirements described in section 4.01 of Revenue Procedure 2002–28.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—S CORPORATION PARITY

SEC. 201. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) In General.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(7) Recognition period.—The term 'recognition period' means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date of such distribution.".

(b) Effective Date.—

(1) General rule.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) Special application to existing periods exceeding 7 years.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

SEC. 202. MODIFICATION TO S CORPORATION PASSIVE INVESTMENT INCOME RULES.

(a) Increased Percentage Limit.—Paragraph (2) of section 1375(a) of the Internal Revenue Code of 1986 is amended by striking "25 percent" and inserting "60 percent".

(b) Repeal of Excessive Passive Investment Income as a Termination Event.—

(1) In general.—Section 1362(d) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Conforming amendment.—Subsection (b) of section 1375 of such Code is amended by striking paragraphs (3) and (4) and inserting the following new paragraph:

"(3) Passive investment income defined.—

"(A) In general.—Except as otherwise provided in this paragraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(B) Exception for interest on notes from sales of inventory.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(C) Treatment of certain lending or finance companies.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(D) Treatment of certain dividends.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(E) Exception for banks, etc.—In the case of a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act (12 U.S.C. 1841(p))), the term 'passive investment income' shall not include—

"(i) interest income earned by such bank or company, or

"(ii) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.

"(F) Coordination with section 1374.—The amount of passive investment income shall be determined by not taking into account any recognized built-in gain or loss of the S corporation for any taxable year in the recognition period. Terms used in the preceding sentence shall have the same respective meanings as when used in section 1374.".

(c) Other Conforming Amendments.—

(1) Subparagraph (J) of section 26(b)(2) of the Internal Revenue Code of 1986 is amended by striking "25 percent" and inserting "60 percent".

(2) Clause (i) of section 1042(c)(4)(A) of such Code is amended by striking "section 1362(d)(3)(C)" and inserting "section 1375(b)(3)".

(3) Subparagraph (B) of section 1362(f)(1) of such Code is amended by striking "or (3)".

(4) Clause (i) of section 1375(b)(1)(A) of such Code is amended by striking "25 percent" and inserting "60 percent".

(5) The heading for section 1375 of such Code is amended by striking "25 percent" and inserting "60 percent".

(6) The item relating to section 1375 in the table of sections for part III of subchapter S of chapter 1 of such Code is amended by striking "25 percent" and inserting "60 percent".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 203. NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS.

(a) Nonresident Aliens Allowed to Be Shareholders.—

(1) In general.—Paragraph (1) of section 1361(b) of the Internal Revenue Code of 1986 (defining small business corporation) is amended—

(A) by adding "and" at the end of subparagraph (B),

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(2) Conforming amendments.—

(A) Paragraph (4) and (5)(A) of section 1361(c) of such Code (relating to special rules for applying subsection (b)) are each amended by striking "subsection (b)(1)(D)" and inserting "subsection (b)(1)(C)".

(B) Clause (i) of section 280G(b)(5)(A) of such Code (relating to general rule for exemption for small business corporations, etc.) is amended by striking "but without regard to paragraph (1)(C) thereof".

(b) Nonresident Alien Shareholder Treated as Engaged in Trade or Business Within United States.—

(1) In general.—Section 875 of the Internal Revenue Code of 1986 is amended—

(A) by striking "and" at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting ", and", and

(C) by adding at the end the following new paragraph:

"(3) a nonresident alien individual shall be considered as being engaged in a trade or business within the United States if the S corporation of which such individual is a shareholder is so engaged.".

(2) Pro rata share of S corporation income.—The last sentence of section 1441(b) of such Code (relating to income items) is amended to read as follows: "In the case of a nonresident alien individual who is a member of a domestic partnership or a shareholder of an S corporation, the items of income referred to in subsection (a) shall be treated as referring to items specified in this subsection included in his distributive share of the income of such partnership or in his pro rata share of the income of such S corporation.".

(3) Application of withholding tax on nonresident alien shareholders.—Section 1446 of such Code (relating to withholding tax on foreign partners' share of effectively connected income) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) S Corporation Treated as Partnership, etc.—For purposes of this section—

"(1) an S corporation shall be treated as a partnership,

"(2) the shareholders of such corporation shall be treated as partners of such partnership,

"(3) any reference to section 704 shall be treated as a reference to section 1366, and

"(4) no withholding tax under subsection (a) shall be required in the case of any income realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).".

(4) Conforming amendments.—

(A) The heading of section 875 of such Code is amended to read as follows:

"SEC. 875. PARTNERSHIPS; BENEFICIARIES OF ESTATES AND TRUSTS; S CORPORATIONS.".

(B) The heading of section 1446 of such Code is amended to read as follows:

"SEC. 1446. WITHHOLDING TAX ON FOREIGN PARTNERS' AND S CORPORATION SHAREHOLDERS' SHARE OF EFFECTIVELY CONNECTED INCOME.".

(5) Clerical amendments.—

(A) The item relating to section 875 in the table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended to read as follows:

"Sec. 875. Partnerships; beneficiaries of estates and trusts; S corporations".

(B) The item relating to section 1446 in the table of sections for subchapter A of chapter 3 of such Code is amended to read as follows:

"Sec. 1446. Withholding tax on foreign partners' and S corporation shareholders' share of effectively connected income".

(C) Permanent establishment of partners and S corporation shareholders.—Section 894 of such Code (relating to income affected by treaty) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Permanent Establishment of Partners and S Corporation Shareholders.—If a partnership or S corporation has a permanent establishment in the United States (within the meaning of a treaty to which the United States is a party) at any time during a taxable year of such entity, a nonresident alien individual or foreign corporation which is a partner in such partnership, or a nonresident alien individual who is a shareholder in such S corporation, shall be treated as having a permanent establishment in the United States for purposes of such treaty.".

(c) Application of Other Withholding Tax Rules on Nonresident Alien Shareholders.—

(1) Section 1441.—Section 1441 of the Internal Revenue Code of 1986 (relating to withholding of tax on nonresident aliens) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) S Corporation Treated as Partnership, etc.—For purposes of this section—

"(1) an S corporation shall be treated as a partnership,

"(2) the shareholders of such corporation shall be treated as partners of such partnership, and

"(3) no deduction or withholding under subsection (a) shall be required in the case of any item of income realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).".

(2) Section 1445.—Section 1445(e) of such Code (relating to special rules relating to distributions, etc., by corporations, partnerships, trusts, or estates) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) S corporation treated as partnership, etc.—For purposes of this section—

"(A) an S corporation shall be treated as a partnership, and

"(B) the shareholders of such corporation shall be treated as partners of such partnership, and

"(C) no deduction or withholding under subsection (a) shall be required in the case of any gain realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).".

(d) Additional Conforming Amendments.—

(1) Section 1361(c)(2)(A)(i) of the Internal Revenue Code of 1986 is amended by striking "who is a citizen or resident of the United States".

(2) Section 1361(d)(3)(B) of such Code is amended by striking "who is a citizen or resident of the United States".

(3) Section 1361(e)(2) of such Code is amended by inserting "(including a nonresident alien)" after "person" the first place it appears.

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 204. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) In General.—Clause (vi) of section 1361(c)(2)(A) of the Internal Revenue Code of 1986 (relating to certain trusts permitted as shareholders) is amended to read as follows:

"(vi) A trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A.".

(b) Sale of Stock in IRA Relating to S Corporation Election Exempt From Prohibited Transaction Rules.—Paragraph (16) of section 4975(d) of the Internal Revenue Code of 1986 (relating to exemptions) is amended to read as follows:

"(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if—

"(A) such sale is pursuant to an election under section 1362(a) by the issuer of such stock,

"(B) such sale is for fair market value at the time of sale (as established by an independent appraiser) and the terms of the sale are otherwise at least as favorable to such trust as the terms that would apply on a sale to an unrelated party,

"(C) such trust does not pay any commissions, costs, or other expenses in connection with the sale, and

"(D) the stock is sold in a single transaction for cash not later than 120 days after the S corporation election is made.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—PENSION PLAN INCENTIVES AND PARITY

SEC. 301. CREDIT FOR QUALIFIED PENSION PLAN CONTRIBUTIONS OF SMALL EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45N. SMALL EMPLOYER PENSION PLAN CONTRIBUTIONS.

"(a) General Rule.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan contribution credit determined under this section for any taxable year is an amount equal to 50 percent of the amount which would (but for subsection (f)(1)) be allowed as a deduction under section 404 for such taxable year for qualified employer contributions made to any qualified retirement plan on behalf of any employee who is not a highly compensated employee.

"(b) Credit Limited to 3 Years.—The credit allowable by this section shall be allowed only with respect to the period of 3 taxable years beginning with the first taxable year for which a credit is allowable with respect to a plan under this section.

"(c) Qualified Employer Contribution.—For purposes of this section—

"(1) Defined contribution plans.—In the case of a defined contribution plan, the term 'qualified employer contribution' means the amount of nonelective and matching contributions to the plan made by the employer on behalf of any employee who is not a highly compensated employee to the extent such amount does not exceed 3 percent of such employee's compensation from the employer for the year.

"(2) Defined benefit plans.—In the case of a defined benefit plan, the term 'qualified employer contribution' means the amount of employer contributions to the plan made on behalf of any employee who is not a highly compensated employee to the extent that the accrued benefit of such employee derived from employer contributions for the year does not exceed the equivalent (as determined under regulations prescribed by the Secretary and without regard to contributions and benefits under the Social Security Act) of 3 percent of such employee's compensation from the employer for the year.

"(d) Qualified Retirement Plan.—

"(1) In general.—The term 'qualified retirement plan' means any plan described in section 401(a) which includes a trust exempt from tax under section 501(a) if the plan meets—

"(A) the contribution requirements of paragraph (2),

"(B) the vesting requirements of paragraph (3), and

"(C) the distribution requirements of paragraph (4).

"(2) Contribution requirements.—

"(A) In general.—The requirements of this paragraph are met if, under the plan—

"(i) the employer is required to make nonelective contributions of at least 1 percent of compensation (or the equivalent thereof in the case of a defined benefit plan) for each employee who is not a highly compensated employee who is eligible to participate in the plan, and

"(ii) allocations of nonelective employer contributions, in the case of a defined contribution plan, are either in equal dollar amounts for all employees covered by the plan or bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan (and an equivalent requirement is met with respect to a defined benefit plan).

"(B) Compensation limitation.—The compensation taken into account under subparagraph (A) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).

"(3) Vesting requirements.—The requirements of this paragraph are met if the plan satisfies the requirements of either of the following subparagraphs:

"(A) 3-year vesting.—A plan satisfies the requirements of this subparagraph if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(B) 5-year graded vesting.—A plan satisfies the requirements of this subparagraph if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
1	20
2	40
3	60
4	80
5	100.

"(4) Distribution requirements.—In the case of a profit-sharing or stock bonus plan, the requirements of this paragraph are met if, under the plan, qualified employer contributions are distributable only as provided in section 401(k)(2)(B).

"(e) Other Definitions.—For purposes of this section—

"(1) Eligible employer.—

"(A) In general.—The term 'eligible employer' means, with respect to any year, an employer which has no more than 25 employees who received at least $5,000 of compensation from the employer for the preceding year.

"(B) Requirement for new qualified employer plans.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

"(2) Highly compensated employee.—The term 'highly compensated employee' has the meaning given such term by section 414(q) (determined without regard to section 414(q)(1)(B)(ii)).

"(f) SPECIAL RULES.—

"(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified employer contributions paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(2) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(3) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(g) RECAPTURE OF CREDIT ON FORFEITED CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if any accrued benefit which is forfeitable by reason of subsection (d)(3) is forfeited, the employer's tax imposed by this chapter for the taxable year in which the forfeiture occurs shall be increased by 35 percent of the employer contributions from which such benefit is derived to the extent such contributions were taken into account in determining the credit under this section.

"(2) REALLOCATED CONTRIBUTIONS.—Paragraph (1) shall not apply to any contribution which is reallocated by the employer under the plan to employees who are not highly compensated employees.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (defining current year business credit) is amended by striking "plus" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following new paragraph:

"(31) in the case of an eligible employer (as defined in section 45E(e)), the small employer pension plan contribution credit determined under section 45M(a)."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", and", and by adding at the end the following new paragraph:

"(14) the small employer pension plan contribution credit determined under section 45E(a)."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45M. Small employer pension plan contributions".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or incurred in taxable years beginning after December 31, 2006.

SEC. 302. DEDUCTION FOR PENSION CONTRIBUTIONS ALLOWED IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", and", and by inserting after paragraph (16) the following new paragraph:

"(17) any deduction allowed under section 404 by reason of section 404(a)(8)(C) shall be allowed, except that the amount of such deduction shall be determined without regard to this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—HEALTH INSURANCE COSTS PARITY

SEC. 401. DEDUCTION FOR HEALTH INSURANCE COSTS ALLOWED IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 (defining net earnings from self-employment), as amended by section 302, is amended by striking "and" at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ", and", and by inserting after paragraph (17) the following new paragraph:

"(18) any deduction allowed under section 162(l) shall be allowed.".

(b) CONFORMING AMENDMENT.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rule for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. INHOFE):

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes; read the first time.

Mr. FRIST. In 5 days we will observe the fifth anniversary of the most vicious act of terror ever perpetrated on American soil. Nearly 3,000 fellow Americans lost their lives on September 11.

We have worked tirelessly to make America safer from terrorist attacks and to honor the sacrifices of the victims of 9/11 and their families. But the fact remains that we still have more to do.

That is why Senator MCCONNELL and I are proud to introduce legislation on behalf of the President to bring terrorists to justice. The bill authorizes military commissions to prosecute terrorist detainees and addresses the concerns raised by the Supreme Court in the Hamdan decision.

Today, we are a nation at war. Our enemies are terrorists who do not value democracy, freedom, or innocent life.

When we capture them on the battlefield, we have a right to prosecute them for war crimes. And we must establish a system that protects our national security while ensuring a full and fair trial for the detainees.

That is why it is imperative that we quickly move forward on this bill. By formally establishing military commissions to prosecute terrorist detainees, we are creating another tool in the war on terror—and providing a measure of justice to the victims of 9/11.

Under these commissions, terrorist detainees will get a fair trial. They will be tried before impartial military judges. They will have the right to be presumed innocent until proven guilty, the right to counsel, the right to present exculpatory evidence, the right to exclude evidence obtained through torture or coercion, and the right to appeal.

However, these procedures also recognize that because we are at war, we should not try terrorist detainees in the same way as our uniformed military or common civilian criminals. The procedures take great care to protect our national security interests by preventing disclosure of classified information to the detainees themselves.

I urge my colleagues to review this bill carefully. I will consult Chairman Warner and the Armed Services Committee members to ensure the Senate moves expeditiously to meet its responsibility to the American people.

I hope we can move forward in a spirit of bipartisanship even though we are in the middle of a partisan election season. And I hope we can remain focused on the goal of making America safer and continuing to honor the victims of 9/11.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

(The bill will be printed in a future edition of the RECORD.)

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 557—DESIGNATING SEPTEMBER 10 THROUGH SEPTEMBER 16, 2006, AS "NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK" AND SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. DEWINE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 557

Whereas polycystic kidney disease (known as "PKD") is the most prevalent life-threatening genetic disease in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents called polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no cure, is 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the "baby boomers", continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease causes many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression (7 times the national average) and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 10 through September 16, 2006, as "National Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease (known as "PKD");

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Awareness Week through appropriate ceremonies and activities to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

SENATE RESOLUTION 558—HONORING THE LIVES AND MEMORY OF THE VICTIMS OF THE CRASH OF COMAIR FLIGHT 5191, AND EXTENDING THE MOST SINCERE CONDOLENCES OF THE CITIZENS OF THE UNITED STATES TO THE FAMILIES AND FRIENDS OF THOSE INDIVIDUALS

Mr. McCONNELL (for himself and Mr. BUNNING) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 558

Whereas, on August 27, 2006, the Commonwealth of Kentucky suffered a tragic loss when Comair Flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington, Kentucky;

Whereas 49 individuals perished in that tragic accident;

Whereas that event brought grief not only into the communities of Kentucky, such as Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond, but also to homes throughout the United States, Canada, and Japan; and

Whereas local volunteers and government officials responded quickly to rescue a survivor, James Polehinke, investigate the accident, and provide relief and recovery to the families and friends of the victims: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the victims of the crash of Comair Flight 5191, including—

Rebecca Adams;
Christina Anderson;
Lyle Anderson;
Arnold Andrews;
Anne Marie Bailey;
Bobbie Benton;
Jesse Clark Benton;
Carole Bizzack;
George Brunacini;
Brian Byrd;
Jeffrey Clay;
Diane Combs;
Homer Combs;
Fenton Dawson;
Thomas Fahey;
Mike Finley;
Clarence Wayne ("C.W.") Fortney II;
Wade Bartley ("Bart") Frederick;
Hollie Gilbert;
Erik Harris;
Kelly Heyer;
Jonathan Walton Hooker;
Scarlett Parsley Hooker;
Priscilla Johnson;
Nahoko Kono;
Tetsuya Kono;
Charles Lykins;
Dan Mallory;
Steve McElravy;
Lynda McKee;
Bobby Meaux;
Kaye Craig Morris;
Leslie Morris II;
Cecile Moscoe;
Judy Ann Rains;
Michael N. Ryan;
Mary Jane Silas;
Pat Smith;
Timothy K. Snoddy;
Marcie Thomason;
Greg Threet;
Randy Towles;
Larry Turner;
Victoria Washington;
Jeff Williams;
Paige Winters;
Bryan Woodward;
JoAnn Wright; and
Betty Young;

(2) conveys the most sincere condolences of the citizens of the United States to the families, friends, and communities of the victims;

(3) recognizes the rescue and safety workers, medical personnel, and Federal, State, and local officials who—

(A) responded to the tragedy; and

(B) are working—

(i) to uncover the causes of that tragedy; and

(ii) to prevent future accidents; and

(4) commends the volunteers, counselors, and clergy who provided support to families during the difficult days that followed August 27, 2006.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4890. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4891. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4892. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4893. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4894. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4895. Ms. MIKULSKI (for herself, Mr. SARBANES, and Mr. DAYTON) proposed an amendment to the bill H.R. 5631, supra.

SA 4896. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4897. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4898. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4899. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4900. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4901. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4902. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4903. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4904. Mr. REID (for himself, Mr. DURBIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BAYH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. CARPER, Ms. MIKULSKI, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. OBAMA, Mr. DORGAN, Mr. MENENDEZ, Ms. STABENOW, Mr. DAYTON, and Mr. DODD) proposed an amendment to the bill H.R. 5631, supra.

SA 4905. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

SA 4906. Mr. ROCKEFELLER proposed an amendment to the bill H .R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

TEXT OF AMENDMENTS

SA 4890. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.7 percent.

SA 4891. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRANSPARENCY IN FEDERAL FUNDING.

(a) SHORT TITLE.—This section may be cited as the "Transparency in Federal Funding Act of 2006".

(b) FINDINGS.—Congress finds that—

(1) our system of Government has checks and balances, and it has come to the attention of Congress that executive branch departments and their component agencies occasionally retain a portion of funds appropriated by Congress to non-Federal entities;

(2) Members of Congress are required to provide justification for earmarks and, likewise, the executive branch should provide justification as to why earmarked funds are used for another purpose;

(3) our constituents are entitled to know, in advance, whether they will receive the full amount of an appropriation, so they can plan accordingly;

(4) the practice of skimming results in increased and unintentional spending in the Federal bureaucracy;

(5) the practice of widespread and unaccountable skimming is likely to result in artificially inflated appropriations requests in order to account for this skimming;

(6) full transparency with respect to skimming will lead to better decision-making by Members and staff when allocating constituent request amongst departments, agencies, and accounts; and

(7) accountability and transparency are vitally important to the legislative process.

(c) EARMARK.—In this section—

(1) the term "assistance" means budget authority, contract authority, loan authority, and other expenditures; and

(2) the term "earmark" means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance.

(d) DISCLOSURE AND REPORTING.—

(1) IN GENERAL.—Not later than January 31 of each year, each cabinet-level department and independent agency that administers a program for which funds are provided by this Act that contained an earmark in the preceding year shall report to Congress disclosing whether any portion of the earmarked funds in the preceding year were retained by the agency or any other organization tasked with distributing them.

(2) CONTENTS.—A report required by this subsection shall include an accounting of all funds retained including—

(A) how much money and the percentage retained;

(B) the purpose for which these retained funds were used;

(C) a justification for the purpose for which these funds were spent; and

(D) the authority by which the agency retained the funds.

SA 4892. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $1,000,000 may be available for the Nanotechnology Program (Pe #0601103).

SA 4893. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, strike lines 10 through 16.

SA 4894. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to $1,500,000 may be available for a Convoy Training Simulator for the Montana Army National Guard.

SA 4895. Ms. MIKULSKI (for herself, Mr. SARBANES, and Mr. DAYTON) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 218, between lines 6 and 7, insert the following:

SEC. 8109. None of the funds appropriated or otherwise made available by this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to a private-public competition conducted under Office of Management and Budget Circular A–76 that was initiated on June 13, 2000, and has the solicitation number DADA 10–03–R–0001.

SA 4896. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for legged mobility robotic research.

SA 4897. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES" is hereby increased by $700,000,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by title

VI under the heading "Drug Interdiction and Counter-Drug Activities", as increased by subsection (a), up to an additional $700,000,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

(c) Supplement Not Supplant.—The amount available under subsection (b) for the purpose set forth in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 4898. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Sec. 8109. (a) Additional Amount for Department of Defense.—The amount appropriated by this Act for the Department of Defense is hereby increased by $706,956,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(b) Transfer to Department of Homeland Security.—The Secretary of Defense shall transfer the amount appropriated by the Act by reason of the increase made by subsection (a) to the Secretary of Homeland Security, who shall deposit the amount so transferred to the Research, Development, Acquisition and Operations subaccount of the Science and Technology account of the Department of Homeland Security. The amount so transferred shall be merged with amounts in that subaccount, and shall be available for the same purposes, and subject to the same conditions and limitations, as the amounts with which merged.

(c) Availability of Certain Funds.—Of the amount transferred under subsection (b), not less than $100,000,000 shall be available for purposes of explosives detection and countermeasures.

SA 4899. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SECTION .

"None of the funds appropriated in this Act, or any other Act, may be used for the modernization of Naval and Marine Corps manpower, personnel, and pay information technology systems, including legacy systems, until the Department of Defense and the Department of the Navy have certified and validated that such systems selected by the Department of Defense and Department of the Navy for modernization are certified and validated by the General Accounting Office, with notification to the Congressional defense committees, that the funding baseline and milestone schedules for each of these systems covered by such a certification and validation shall include, at a minimum, the following with respect to each system: (1) business process reengineering; (2) an analysis of alternatives, including a detailed cost comparison versus the use of the Defense Integrated Military Human Resources Systems (DIMHRS); (3) an economic analysis that includes a calculation of the return on investment; (4) performance measures; and, (5) an information assurance strategy consistent with the Department's Global Information Grid."

SA 4900. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Sec. 8109. Of the amounts appropriated or otherwise made available by this Act, up to $2,000,000 may be available for infrastructure for the Afghanistan military legal system.

SA 4901. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Sec. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to $1,500,000 may be available for the development of a field-deployable hydrogen fueling station.

SA 4902. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, beginning on line 15, strike "$19,265,000" and all that follows through line 16 and insert the following: "$39,265,000, to remain available until September 30, 2008: *Provided*, That $20,000,000 of such funds is available only for the establishment of a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234."

SA 4903. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Sec. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to $6,000,000 may be available as follows:

(1) $3,000,000 for bioterrorism protection research (PE #0601384BP).

(2) $3,000,000 for advanced protective gear for small-arms threats (PE #0601101E).

SA 4904. Mr. REID (for himself, Mr. DURBIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BAYH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. CARPER, Ms. MIKULSKI, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. OBAMA, Mr. DORGAN, Mr. MENENDEZ, Ms. STABENOW, Mr. DAYTON, and Mr. DODD) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place insert the following:

SENSE OF THE SENATE ON THE NEED FOR A NEW DIRECTION IN IRAQ POLICY AND IN THE CIVILIAN LEADERSHIP OF THE DEPARTMENT OF DEFENSE

Findings

(1) U.S. forces have served honorably and courageously in Iraq, with over 2,600 brave Americans having made the ultimate sacrifice and over 20,000 wounded.

(2) The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with over $300 billion in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

Therefore it is the Sense of the Senate that:

(1) Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.

(2) President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change of course would be to replace the current Secretary of Defense.

SA 4905. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes; as follows:

At the end of the bill add the following:

SECTION 6. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "or"; and

(3) by adding at the end the following:

"(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.".

SA 4906. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 206, strike lines 10 through 16.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 6, 2006, at 10 a.m., to receive a briefing on the Army Field Manual on Interrogation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 6, 2006, at 10 a.m., to conduct a hearing on "Stock Options Backdating."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that on Wednesday, September 6, 2006, at 9:30 a.m. the Committee on Environment and Public Works be authorized to hold an oversight hearing to examine Federal renewable fuels programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 6, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony at a hearing entitled, "Executive Compensation: Backdating to the Future/Oversight of current issues regarding executive compensation including backdating of stock options; and tax treatment of executive compensation, retirement and benefits."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Examining Competition in Group Health Care" on Wednesday, September 6, 2006, at 11 a.m., in Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Tom Coburn, United States Senator, R–OK.

Panel II: Mr. Bruce McDonald, Deputy Assistant Attorney General, Antitrust Division, Department of Justice, Washington, DC; Mr. David Wales, Deputy Director, Bureau of Competition, Federal Trade Commission, Washington, DC; Dr. Mark Piasio, President, Pennsylvania Medical Society, Harrisburg, PA; Ms. Stephanie Kanwit, American Association of Health Plans, Washington, DC; Dr. Edward Langston, Chair-Elect, Board of Trustees, American Medical Association, Chicago, IL; Professor David Hyman, Professor of Law, Gallowich-Huizenga Faculty Scholar, University of Illinois College of Law, Champaign, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, September 6, 2006, at 2 p.m., in Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 6, 2006, at 10:30 a.m., to hold a closed briefing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Brianna Rodriguez of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3861

Mr. STEVENS. Mr. President, I understand there is a bill at the desk, S. 3861, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3861) to facilitate bringing justice to terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

Mr. STEVENS. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 449, H.R. 2066.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "General Services Administration Modernization Act".

SEC. 2. FEDERAL ACQUISITION SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 303 of title 40, United States Code, is amended to read as follows:

"§ 303. Federal Acquisition Service

"(a) ESTABLISHMENT.—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a Commissioner of the Federal Acquisition

Service, who shall be the head of the Federal Acquisition Service.

"(b) FUNCTIONS.—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for carrying out functions related to the uses for which the Acquisition Services Fund is authorized under section 321 of this title, including any functions that were carried out by the entities known as the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

"(c) REGIONAL EXECUTIVES.—The Administrator may appoint [up to five] Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate.".

(2) CLERICAL AMENDMENT.—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows:

"303. Federal Acquisition Service.".

(b) EXECUTIVE SCHEDULE COMPENSATION.—Section 5316 of title 5, United States Code, is amended by striking "Commissioner, Federal Supply Service, General Services Administration." and inserting the following:

"Commissioner, Federal Acquisition Service, General Services Administration.".

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

SEC. 3. ACQUISITION SERVICES FUND.

(a) ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) TRANSFERS.—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) ASSUMPTION OF OBLIGATIONS.—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be assumed by the Acquisition Services Fund.

(d) EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

"(a) EXISTENCE.—The Acquisition Services Fund is a special fund in the Treasury.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

"(2) OTHER CREDITS.—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

"(A) the net proceeds of disposal of surplus personal property; and

"(B) receipts from carriers and others for loss of, or damage to, personal property; and

"(C) receipts from agencies charged fees pursuant to rates established by the Administrator.

"(3) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged agencies provided, or to be provided, supply of personal property and non-personal services through the Fund, in accordance with the plan.

"(4) DEPOSIT OF FEES.—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.".

(e) USES OF FUND.—Section 321(c) of such title is amended in paragraph (1)(A)—

(1) by striking "and" at the end of clause (i);

(2) by inserting "and" after the semicolon at the end of clause (ii); and

(3) by inserting after clause (ii) the following new clause:

"(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);".

(f) PAYMENT FOR PROPERTY AND SERVICES.—Section 321(d)(2)(A) of such title is amended—

(1) by striking "and" at the end of clause (iv);

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following new clause:

"(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and".

(g) TRANSFER OF UNCOMMITTED BALANCES.—Subsection (f) of section 321 of such title is amended to read as follows:

"(f) TRANSFER OF UNCOMMITTED BALANCES.—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.".

(h) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 322 of such title is repealed.

(2) The heading for section 321 of such title is amended to read as follows:

"§ 321. Acquisition Services Fund".

(3) The table of sections for chapter 3 of such title is amended by striking the items relating to sections 321 and 322 and inserting the following:

"321. Acquisition Services Fund.".

(4) Section 573 of such title is amended by striking "General Supply Fund" both places it appears and inserting "Acquisition Services Fund".

(5) Section 604(b) of such title is amended—

(A) in the heading, by striking "**GENERAL SUPPLY FUND**" and inserting "**ACQUISITION SERVICES FUND**"; and

(B) in the text, by striking "General Supply Fund" and inserting "Acquisition Services Fund".

(6) Section 605 of such title is amended—

(A) in subsection (a)—

(i) in the heading, by striking "**GENERAL SUPPLY FUND**" and inserting "**ACQUISITION SERVICES FUND**"; and

(ii) in the text, by striking "General Supply Fund" and inserting "Acquisition Services Fund"; and

(B) in subsection (b)(2)—

(i) by striking "321(f)(1)" and inserting "321(f)"; and

(ii) by striking "General Supply Fund" and inserting "Acquisition Services Fund".

SEC. 4. PROVISIONS RELATING TO ACQUISITION PERSONNEL.

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsections:

"(i) PROVISIONS RELATING TO REEMPLOYMENT.—

"(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator and the Director of the Office of Personnel Management, shall establish policies and procedures under which the agency head may reemploy in an acquisition-related position (as described in subsection (g)(1)(A)) an individual receiving an annuity from the Civil Service Retirement and Disability Fund, on the basis of such individual's service, without discontinuing such annuity. The head of each executive agency shall keep the Administrator informed of the agency's use of this authority.

"(2) SERVICE NOT SUBJECT TO CSRS OR FERS.—An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

"(3) CRITERIA FOR EXERCISE OF AUTHORITY.—Polices and procedures established pursuant to this subsection shall authorize the head of the executive agency, on a case-by-case basis, to continue an annuity if—

"(A) the unusually high or unique qualifications of an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual's service, [or

"(B) a special need of the agency for the services of an employee.]

"(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

"(C) a temporary emergency hiring need,

makes the reemployment of an individual essential.

"(4) REPORTING REQUIREMENT.—The Administrator shall submit annually to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the use of the authority under this subsection, including the number of employees reemployed under authority of this subsection.

"(5) SUNSET PROVISION.—The authority under this subsection shall expire on [December 31, 2011.] *December 31, 2011.*".

["(j) RETENTION BONUSES.—

["(1) IN GENERAL.—The head of each executive agency, after consultation with the Administrator, shall establish policies and procedures under which the agency head may pay retention bonuses to employees holding acquisition-related positions (as described in subsection (g)(1)(A)) within such agency, except that the authority to pay a bonus under this subsection shall be available only if—

["(A) the unusually high or unique qualifications of an employee or a special need of the agency for the services of an employee makes the retention of such employee essential; and

["(B) the agency determines that, in the absence of such a bonus, it is likely that the employee would leave—

["(i) the Federal service; or

["(ii) for a different position in the Federal service under conditions described in regulations of the Office.

["(2) SERVICE AGREEMENTS.—(A) Payment of a bonus under this subsection shall be contingent upon the employee entering into a written agreement with the agency to complete a period of service with the agency in return for the bonus.

["(B)(i) The agreement shall include—

["(I) the length of the period of service required;

["(II) the bonus amount;

["(III) the manner in which the bonus will be paid (as described in paragraph (3)(B)); and

["(IV) any other terms and conditions of the bonus, including the terms and conditions governing the termination of an agreement.

["(3) TERMS AND CONDITIONS.—A bonus under this subsection—

["(A) may not exceed 50 percent of the basic pay of the employee;

["(B) may be paid to an employee—

["(i) in installments after completion of specified periods of service;

["(ii) in a single lump sum at the end of the period of service required by the agreement; or

["(iii) in any other manner mutually agreed to by the agency and the employee;

["(C) is not part of the basic pay of the employee; and

["(D) may not be paid to an employee who holds a position—

["(i) appointment to which is by the President, by and with the advice and consent of the Senate;

["(ii) in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a) of title 5, United States Code); or

["(iii) which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.".]

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Levin amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4905) was agreed to, as follows:

At the end of the bill add the following:

SECTION 6. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "; or"; and

(3) by adding at the end of the following:

"(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.".

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2066), as amended, was read the third time and passed; as follows:

(The bill will be printed in a future edition of the RECORD.)

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 448 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk report will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 448) supporting the goals and ideals of "National Life Insurance Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 448) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 448

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2006 as "National Life Insurance Awareness Month" as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

ORDERS FOR THURSDAY, SEPTEMBER 7, 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, September 7. I further ask that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that the Senate then resume consideration of H.R. 5631, the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, speaking for the leader, he believes we had a full day debating the Department of Defense appropriations bill. Tomorrow we will finish this bill. Therefore, Senators should expect rollcall votes throughout the day. The managers should be consulted about any outstanding amendments Senators would like to have considered. Senator CONRAD will be here first thing in the morning to offer an amendment.

Again, we will finish this bill tomorrow, and Members should anticipate a long day if needed to complete our work on this spending bill.

ORDER FOR RECESS

Mr. STEVENS. Mr. President, it is my understanding that Senator ROCKEFELLER has an amendment and a statement. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senator ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Alaska. It is late, and I understand that. I rise to address something which is very important to me, and that is the Defense appropriations bill that may appear to many to be insignificant boilerplate language, when, in fact, is not that at all. Unfortunately, the provision has an enlarged significance in this Congress as a result of the inexplicable and unpardonable failure of the Senate to do something that it has never done before, and that is to fail to pass intelligence authorizations for either fiscal year 2006 or fiscal year 2007.

Section 8086 of the Defense appropriations bill waives section 504 of the National Security Act of 1947 until the enactment of the Intelligence Authorization Act for fiscal year 2007. What does that mean? Section 504 provides, with limited exceptions, that no appropriated funds available may be obligated or expended for an intelligence activity unless those funds were specifically authorized by Congress; therefore, by the two Intelligence Committees.

This waiver is a standard part of the Defense appropriations bill. Until this Congress, it has served the acceptable function of allowing intelligence communities to begin spending money if the authorization bill is not completed before the beginning of the fiscal year. Under this waiver, as soon as the intelligence authorizations for any given year are enacted, that authorization language would control.

In this Congress, however, the boilerplate language has become the substitute for legislative authorization of intelligence activities because the majority leader, to be honest, has refused to bring the intelligence authorization bill to the floor for the past 2 years—for the past 2 years.

The Senate's failure to pass this critical national security legislation is unprecedented. Last year was the first time since the establishment of the congressional Intelligence Committees that the Senate failed to pass an annual authorization bill. From 1978 through 2004, the Senate had an unbroken, 27-year record of completing its work on this critical legislation. The intelligence authorization bill has been rightly considered, always, must-pass legislation. Regardless of who controlled the Senate, regardless of who controlled the White House, there was an understanding that the programs authorized by this bill were too important to not have the input of the Congress through the Intelligence Committees.

Unfortunately, because of an anonymous objection by a Republican Senator, the majority leader decided to let this important national security legislation die on the vine last year, for the first time, and he appears intent on doing so this year again. The result of this decision by the majority leader will be diminished authority for intelligence agencies to do their jobs of protecting Americans. It also will result in less effective oversight, which was essentially the 9/11 Commission's No. 1 call, and all of this at a time when the intelligence community is undergoing the biggest restructuring in its 50-year history.

The annual intelligence authorization is the primary mechanism which the Congress, through the Intelligence Committees, uses to provide guidance and support to America's intelligence agencies, the heart of our effort to protect America's national security.

At a time when our security depends so heavily on good intelligence, when our national security has been endangered by not depending sufficiently on good intelligence—or maybe the intelligence wasn't good when it should have been—and we are in the midst of reforming and modernizing our intelligence community, the Senate's failure to act on this legislation is absolutely inexplicable to this Senator and to virtually all the Members of the Intelligence Committees.

In reporting the resolution to establish the Intelligence Committee in May 1976, since the first chairman on our side was the Senator from Hawaii, Mr. INOUYE, the Committee on Government Operations back then wrote the following:

> An essential part of the new committee's jurisdiction will be authorization authority over the intelligence activities of the Department of Defense, the Department of State, the Federal Bureau of Investigation, and the Central Intelligence Agency. Without this authority, the new committee would not be assured the practical ability to monitor the activities of these agencies.

They wrote that back then—and that is:

> . . . to obtain full access to information which the committees must have to exercise control over the budgets of agencies in order to reduce waste and inefficiency, and to impose changes in agency practices.

That is what they said.

The failure of the Senate to pass intelligence authorization for 2 years threatens to erode the ability of the Intelligence Committee to carry out the mission assigned to it by the Senate. This failure has consequences both immediate and long term. Our intelligence agencies can continue executing the funding made available through the various appropriations bills but without any guidance as to what they should do from the Intelligence Committees.

I do not understand this.

The Appropriations Committee does an excellent job at providing resources for the intelligence agencies, what they need to operate on. But the roadmap for how the Congress expects those sources to be executed comes from the authorization bill—which seems to no longer exist. The sensitivity and importance of our Nation's intelligence programs makes congressional direction essential every single year. But the creation of an Office of the Director of National Intelligence in 2004, and the ongoing development of that office, makes the guidance even more important now.

The fiscal year 2006 authorization bill contains 17 separate provisions enhancing or clarifying the authority of the DNI. Those provisions included additional authority to promote information sharing, clarifying the DNI's role in managing human intelligence—all of these, easy to say and difficult to do—providing flexibility in the financing of national intelligence centers, how those centers were to be set up, and elevating the DNI Inspector General to a statutory position.

Those important provisions are now included in this fiscal year 2007 bill, and we should act on them as soon as possible. I do not think we are going to, but we should.

In the longer term, the Senate's inability to debate and act on this critical legislation will have a more lasting effect on congressional oversight. Both the 9/11 and the Robb-Silberman commission on weapons of mass destruction highlighted the importance of improving oversight as a necessary component of reforming our intelligence capabilities. Oversight.

The 9/11 Commission wrote:

> Of all our recommendations, strengthening Congressional oversight may be among the most difficult and most important.

In December 2004, the Senate took steps to strengthen the Senate Intelligence Committee by eliminating member term limits. That had been a long time coming. People were limited to 8 years. They just began to get up to speed and then they were off. Now that has changed. It is at the discretion of the majority leader and the minority leader.

We increased our staff and strengthened other procedures. But these improvements were in a sense a hollow victory. Since enactment of the reforms, the majority leader has emasculated the Intelligence Committee by denying it the central tool to carry out oversight, and that is the annual authorization bill which is called for under the law.

The majority leader's unwillingness to consider these bills is even more puzzling because of the bipartisan effort that has gone into their development on both sides of this House. Both the fiscal 2006 and 2007 bills passed the Intelligence Committee unanimously. Both were referred to the Armed Services Committee where they were again approved unanimously. Last year, the bill was also referred to the Homeland Security and Governmental Affairs Committee, which suggested changes that would have been included had we been discussing the bill along with suggestions from the administration in a managers' amendment.

Last year's bill and this year's bill contain legislation focused on four important areas about which I am going to talk briefly. I have already mentioned the numerous provisions relating to the authority and the operation of the Office of the DNI, the Director of National Intelligence. The bill also contains additional provisions to foster and improve information sharing and information access. Easy words, hard to do.

Section 310 establishes a pilot program giving the Intelligence Committee access to databases of other nonintelligence agencies for the purpose of collecting intelligence on counterterrorism or weapons of mass destruction. While this bill sits on the calendar, that information is now outside the reach of the intelligence community.

Many of my colleagues have decried the seemingly endless stream of leaks of classified information. I join them in denouncing the leaks of sensitive material. The authorization bill includes provisions strengthening the authority of the DNI and the Director of the CIA to protect intelligence sources and methods. It also includes a provision, authored by Senator WYDEN and adopted by the committee unanimously, to increase the penalties for the unauthorized disclosure of a covert agent.

Finally, the authorization bill contains numerous provisions intended to improve oversight of the intelligence community, both from within and from the Congress itself.

Section 408 is interesting. Section 408 of the bill proposes the establishment of a statutory inspector general for the intelligence community. I have said that. The Intelligence Reform Act of 2004 took a first step toward that end by authorizing the Director of National Intelligence to appoint an inspector general within the Office of the Director. The DNI has done that, and I applaud him for doing so. But the bill will strengthen that position and make it more accountable to the Congress.

Section 434 of the bill strengthens accountability further and oversight of the technical agencies by providing that the heads of the National Security Agency, the National Reconnaissance Office, the National Geospatial-Intelligence Agency are to be appointed by the President with the Senate's advice and consent.

This is in the authorization bill, and if we were to pass it, this would become effective. I think it actually comes as a surprise to many of my colleagues that the head of an agency with as central a role in the intelligence community as the National Security Agency is not appointed with Senate confirmation. In fact, heads of the National Security Agency have customarily only gone through confirmation in connection with their military rank but not for their appointment to the position of the Director of NSA. That is not considered.

Section 107 of the bill, sponsored in committee by Senators LEVIN and HAGEL, seeks to improve the timely flow of information to the congressional Intelligence Committees. Similar language was included in the intelligence reform legislation that passed in the Senate in 2004 but did not survive the conference. I applaud Senators LEVIN and HAGEL for their efforts with respect to this issue.

There are other provisions requiring specific information, including a report on the implementation of the Detainee Treatment Act and a separate report on the possibility of existence of clandestine detention facilities. I am at a loss to understand what the objection to this legislation is. Maybe somebody does not like the enhancement of oversight. That is our job. That is why the committees were formed. Maybe somebody doesn't want the DNI to have more authority or maybe somebody thinks the Congress should not be getting timely access to information about intelligence programs that are so important. But let me remind all my colleagues that the authorization bill passed the Intelligence Committee unanimously. If somebody has a problem with a provision, bring up the bill, offer an amendment, debate, and vote. That is the way the Senate works.

AMENDMENT NO. 4906

Because of the importance of getting the authorization bill enacted and because I and all the members of the Senate Intelligence Committee have been totally unable to make any headway on this at all now for 2 years, and because I have concluded that it will once again be ignored by the majority leader, I send an amendment to the desk to strike section 8086 of the pending legislation, the fiscal year 2007 Department of Defense appropriations bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from West Virginia [Mr. ROCKEFELLER] proposes a amendment numbered 4906.

The amendment follows:

> (Purpose: To strike the section specifically authorizing intelligence and intelligence-related activities)
>
> On page 206, strike lines 10 through 16.

Mr. ROCKEFELLER. Mr. President, striking section 8086 would mean the following: that none of the funds in this bill could be spent for intelligence activities without an authorization bill. I do not know how else to do it. I am reluctant to take this step because I do not want our intelligence agencies to be caught without funding. But I see no other way to force the Senate to bring into the consciousness, the cerebral cortexes of the various Senators, that it is important to take up and pass authorization bills.

This legislation is too important to be allowed to languish in legislative limbo. I am at a loss to understand why the Senate cannot complete action. It would be in no one's interest to not complete this, not the Senate, not the Congress, not the intelligence community, nor would it be in the national security interest of the United States.

Democrats are more than willing to quickly debate and pass much needed national security legislation. Democrats know that it is essential that we permit the men and women of the intelligence agencies to continue their critical work on the front lines of the war in Iraq and the war on terror.

In the meantime, to the men and women of the intelligence agencies, I say that we stand with you. We are proud of your bravery and your patriotism, and we thank you for your sacrifice, working in silence, and in the shadows, against the threat that America faces.

(At the request of Mr. ROCKEFELLER, the following statement was ordered to be printed in the RECORD.)

FAILURE TO PASS AN INTELLIGENCE AUTHORIZATION BILL

• Mrs. FEINSTEIN. Mr. President, I join Vice Chairman ROCKEFELLER in calling for the Senate to take up and pass the Intelligence Authorization Act for Fiscal Year 2007. As has been said already, this legislation is the primary way in which the Congress directs the Nation's 16 intelligence agencies.

In writing this legislation, the Committee worked closely with the Director of National Intelligence, or DNI, to identify new authorities needed to protect our national security. The bill authorizes a pilot program to allow intelligence agencies to better share information that could help uncover and thwart a terrorist; empowers the DNI to build information-sharing systems across the Federal Government; and creates a strong inspector general for the intelligence community.

The bill also requires the intelligence community to explain how it is complying with the Detainee Treatment Act and provide Congress with information on any "alleged clandestine detention facilities" that it may be operating and continues the process of intelligence reform begun in 2004.

It is not surprising that the creation of the DNI and major organizational changes across the Government's national security apparatus left some things undone. This Intelligence authorization bill makes a number of small but useful changes to allow the DNI and the Nation's 16 intelligence agencies to operate on a day-to-day basis more effectively.

These are a few of the important provisions in this legislation. But here I would like to focus on language in the bill that was adopted on a bipartisan basis at committee. The provisions, sections 304 and 307 of the bill, ensure that the congressional Intelligence Committees are fully informed of all intelligence activities.

The National Security Act of 1947 requires the President to "ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States. . .".

Even more than other committees, the Intelligence Committee relies on the executive branch to provide it with information. Without full and timely notification of intelligence programs, problems, and plans, the committee cannot judge whether agencies have adhered to the law, nor can we judge whether changes in authorities or resources are needed to better protect national security.

It was, in fact, Congress's lack of regular oversight that led to the creation of the Senate Intelligence Committee in 1976. Following the Church Committee's report on Executive abuses, the Senate established the Committee to "provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

Thirty years after the Senate Intelligence Committee was created, however, it is not living up to its charge. Members of the committee are not provided with sufficient information on intelligence programs and activities to legislate or oversee to intelligence community. Provisions in the stalled legislation—the Intelligence authorization bill—would fix this problem.

A good example of how the system fails to work is the so-called Terrorist Surveillance Program, which was publicly revealed last December but which had not previously been briefed to the committees.

According to the White House, this National Security Agency program was too sensitive to be briefed to the 15 Senators on the committee—the 15 Senators hand-selected by the majority and minority leaders for this assignment.

Instead, the President and Vice President decided to inform only 8 of the 535 Members of Congress: the party leadership in both houses and the leadership of the two intelligence committees.

The National Security Act does provide for limited briefings to these eight Members of Congress but only for especially sensitive covert actions. The NSA program is not a covert action.

The administration also points to statute saying that it must take "due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters. . ."

The 1980 Senate report accompanying this "due regard" provision explained this provision more directly—and makes clear that it does not allow the administration to restrict information from the committee indefinitely as was done with the Terrorist Surveillance Program.

The report recognized "that in extremely rare circumstances a need to preserve essential secrecy may result in a decision not to impart certain sensitive aspects of operations or collection programs to the oversight committees in order to protect extremely sensitive intelligence sources and methods."

The "due regard" language that the administration cites was intended, at most, to limit briefings on the most sensitive aspects of operations, in extremely rare circumstances. It was also expected that withholding this sensitive information would be a temporary measure. This language was not intended to conceal the existence of entire programs from all committee members.

So in effect, the White House has broadly interpreted the National Security Act to void meeting its responsibility to inform Congress.

This Intelligence authorization bill's changes to the National Security Act close the loopholes but, in fact, are far more generous to the executive branch than many would like. The bill acknowledges that there are times when not all Members have to be "fully and currently" briefed on all intelligence matters. However, in those cases, it requires that all committee members receive a summary of the intelligence collection or covert action in question.

This arrangement would allow the intelligence agencies to protect the most sensitive details of sources and methods, but crucially, it would allow the full committee to assess the legality, costs and benefits, and advisability of an intelligence operation.

The authorization bill also changes a definition in the National Security Act to make clear that the requirement to keep the committees "fully and currently informed" means that all Members will be kept informed. Congress has allowed the intelligence community to brief only the chairman and vice chairman on too many programs for too long.

I do not need to remind my colleagues that full committees, not a single Democrat and Republican, vote to authorize programs and funding. All Members must be informed if they are to perform their Constitutional duties.

The pending authorization bill would make one additional change to what it means for an intelligence activity to be authorized by Congress.

Stemming from the wiretapping abuses in the 1970s and because of the special challenges to conducting oversight of classified programs, the National Security Act prohibits the use of appropriated funds for any intelligence activities unless they are authorized by Congress. The pending bill would specify that an activity can only be "authorized" if the members of the authorizing committees have been fully briefed on it—or given a summary in the especially sensitive cases I described before.●

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow.

Thereupon the Senate, at 9:25 p.m., recessed until Thursday, September 7, 2006, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate September 6, 2006:

DEPARTMENT OF THE TREASURY

ROBERT K. STEEL, OF CONNECTICUT, TO BE AN UNDER SECRETARY OF THE DEPARTMENT OF THE TREASURY, VICE RANDAL QUARLES.

EXTENSIONS OF REMARKS

HONORING VICTORIA GRAY ADAMS CIVIL RIGHTS LEGEND

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life of an African-American civil rights legend, Mrs. Victoria Gray Adams. Victoria Gray Adams, civil rights activist, co-founded the Mississippi Freedom Democratic Party.

Victoria Gray Adams and fellow civil rights activist Fannie Lou Hamer and Annie Devine were chosen as the national spokespersons for the Mississippi Freedom Democratic Party and attended the 1964 Democratic Convention in Atlantic City, New Jersey. Though their efforts to unseat the all-white Mississippi delegation were unsuccessful, these pioneering women and other members of the Mississippi Freedom Democratic Party's decision to challenge the Mississippi Segregationist political machine resulted in an integrated Mississippi delegation at the 1968 Democratic Convention and became a turning point in the civil rights movement. Mrs. Adams gave account of her civil rights involvement in the documentary "Standing on My Sisters Shoulders", in which she recalls the day in 1968 that she along with Fannie Lou Hamer and Annie Devine were the first African-American women to ever be invited as guest on the floor of the U.S. House of Representatives. She and others were honored at the 2004 Democratic National Convention for their trailblazing spirit and contribution to the civil rights movement.

Mrs. Adams would later become the first woman from Mississippi to run for the United States Senate. Mrs. Adams helped change Mississippi politics significantly by guaranteeing a seat at the table to discuss the African-American agenda. Courageous and tenacious, Mrs. Adams had an unyielding commitment to the civil rights movement, and for that reason today Mississippi has the highest number of African-American elected officials in the nation.

After attending Wilberforce University for a year, Mrs. Adams returned to Hattiesburg, Mississippi where she taught voter registration classes in the early 1960s and her fight for equality began. While Hattiesburg was 30 percent African-American, only 50 citizens were allowed to register to vote. In 1962, Mrs. Adams dedicated herself to the civil rights movement when she became field secretary of the Student Nonviolent Coordinating Committee (SNCC). She would later move to Thailand and labor on behalf of African-American United States servicemen for several years.

In her own words, Mrs. Adams said she learned in 1964 that there were two kinds of people in grass-roots politics, "those who are in the movement and those who have the movement in them." "The movement is in me", she said, and "and I know it always be."

Please join me today in honoring a true civil rights pioneer, Victoria Gray Adams.

HONORING LOUIS LAFAYETTE HUNTLEY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor a great man whose life represents an American success story. Sadly, Louis Lafayette Huntley passed away, but he left behind a legacy of service for generations to follow. Mr. Huntley's life is a testament to commitment, faith and perseverance.

Louis Huntley grew up in a large family in Northeast Florida where he learned from his parents the hard work it takes to be successful in life. Following high school, he served in the U.S. Army for one year and after graduating from the University of Florida in 1950, he committed himself to over 40 years of service, first to the Florida National Guard and later to the Army Reserve until he retired as a Colonel in 1991.

In that same period, Mr. Huntley's distinguished himself in the Florida business community, going out on his own and starting his own business. By the time he sold it in 1990, Huntley's Jiffy Stores, Inc. had amassed 342 locations across Florida and Southeast Georgia. The success of his business endeavors was truly earned. This success translated into politics where he served as president of the Clay County Chamber of Commerce and as a Florida State Representative from 1964 to 1966.

Mr. Huntley's largest accomplishments, however, can be attributed to what he gave back to his family and community. Mr. Huntley was a great family man, with a loving wife, Mary, by his side for over a half-century. Together, they raised three children, Ward, Frank and Edith, who along with their nine grandchildren will carry on his legacy for generations to come. He loved to keep active with charities like the Boy Scouts of America and Rotary International, where he had a perfect attendance record for decades. He was also a man of deep Christian faith who employed his strong family values in his professional and personal life.

Mr. Huntley's life was successful not only because of his hard work and determination, but because he cared so much about those around him. Through innovation and leadership, he was able to create so much in his professional life, yet he still found time be a loving father and husband. He earned the respect and friendship from those that knew him; he will truly be missed.

I would like to send my condolences to his family and those mourning his loss. Although he will be greatly missed, his story will live on for others to follow.

PAYING TRIBUTE TO NEVADA STATE COLLEGE AND DR. FRED MARYANSKI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the students, faculty and administrators of Nevada State College's School of Nursing in Henderson, Nevada, for their tremendous achievements with their accelerated nursing program. Their achievements are a reflection of their commitment to our community. Dr. Fred Maryanski, President of Nevada State College, has been instrumental in Nevada State College's early success as Nevada's newest institution of public higher education. His leadership, commitment, and vision serves as a testimonial to the success of the college's nursing program.

Nevada State College first welcomed students in August of 2002. It has been charged with the mission to meet the needs of students who are interested in bachelor degrees in our state's much-needed fields such as nursing and education, as well as in other disciplines in the arts and sciences. Since that time, Nevada State College has committed resources, professors, and vision to ensure that their mission statement becomes a reality. For faculty and students, that dream has been achieved. On Saturday, August 26, 2006, twenty-nine students graduated from the college's Accelerated Nursing Program, a success which reflects the college's commitment to providing their students with the necessary resources to achieve their dreams. I would like to commend the following students on their graduation from Nevada State College's Accelerated Nursing Program: Nancy Andruk, Joyce Arce, Royal Bradley, Tatiana Brandon, Katherine Busby, Diandra Castenada, Perla Cisco, Themis De Guzman, Tobyn Derby-Talbot, Andi Del Gatto, Catherine Dullano, Crisandra Eastmond, Raul Ellazar, Desiree Espinoza, Diane Graham, Kathryn Havey, Lynda Hubeny, Marianne Jackson, Brigitte Lacombe, Jeanette Long, Eudora Mordi, Eleanor Mox, Milagros Navarro, Bette-Ann Pierce, Sayma Salman, Dawn Scott, Nicole Thomas, Chantal Whittenberg, Bethany Williams, and Samantha Zomar.

As a result of Dr. Maryanski's tremendous leadership, his faculty's commitment to their goals, and his students' determination to succeed, Nevada State College has become an important component of Nevada's educational system. Dr. Maryanski assumed the presidency of the college in 2005, after a long and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

distinguished career at one of our country's leading public universities, the University of Connecticut. Since his arrival, President Maryanski has been working in partnership with the Nevada System of Higher Education to triple the number of nursing graduates by 2013.

Mr. Speaker, I am proud to honor Dr. Fred Maryanski, President of Nevada State College and the students of the Accelerated Nursing Program. Nevada State is making a tremendous difference throughout Southern Nevada, and the Nursing Program is helping to provide skilled workers to the health services across the state. I applaud Nevada State College's efforts and wish them the best in their future endeavors.

CONGRATULATING MISTY PENA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Misty Pena of North Richland Hills, Texas, on receiving the venerated 2006 Presidential Freedom Scholarship. As a recipient of this prestigious award, she is recognized for her outstanding leadership and commitment to servicing of her community and its residents.

The Presidential Freedom Scholarship program, sponsored by the Corporation for National and Community Service and administered by Learn and Serve America, honors select high school juniors and seniors, displaying exceptional service and citizenship, with a $1,000 scholarship to the college of their choice. To be eligible for nomination, individuals must have completed at least 100 hours of community service and receive the recommendation of their high school.

Mr. Speaker, I extend my sincere congratulations to Misty Pena on receiving this award and commend her dedication and desire to help her school, community, and country.

TRIBUTE TO REX GUYNN OF ZEPHYRHILLS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the accomplishments of a distinguished constituent, Rex Guynn of Zephyrhills, Florida. Rex served as the acting fire chief and recently retired after 21 years of service.

Following his service in the U.S. Army, Rex began his career in 1985 as a firefighter. He quickly rose through the ranks to become a driver engineer, captain, fire inspector, assistant chief and acting chief in June 2006.

An avid runner throughout his life, Rex ran track as a kid and has completed marathons as an adult. In his free time, Rex enjoys hunting, fishing, golfing, motorcycle riding and praising the Lord. A member of the CARES Board that governs the senior center, Rex is also a faithful member of the Oasis Church where he serves as a missionary. Rex also is a member of the Florida Fire Marshal's Association, Prison Ministry, Christian Motorcycle Association, and the Rotary Club.

Rex and his wife, Melinda, have one son, Ryan, and one stepson, Blake. They lost a third son, Aaron, in a motorcycle accident after his military service in Iraq. Following Rex's last official day with the city on August 11, 2006, he and Melinda will travel to Uganda, Africa, and spread the word of the Lord as missionaries.

Mr. Speaker, Rex Guynn has served the Zephyrhills community with distinction for 21 years. It is a testament to his desire to serve that he and his wife will continue their missionary work following his retirement. I commend Rex for his service and congratulate him on his retirement from the Zephyrhills Fire Department.

IN HONOR AND RECOGNITION OF GREGORY JACKSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise in tribute and recognition of Gregory D. Jackson, Fire Chief of Bay Village, Ohio. Mr. Jackson is retiring after serving and protecting the people of Bay Village for over 33 years.

Gregory Jackson served our country as a member of the U.S. Air Force in Korea. Upon his return from military service, Mr. Jackson became a firefighter, working at NASA's Lewis Research Center in Cleveland, Ohio, before joining the Bay Village division in September 1972.

During his career, Jackson became one of the first firefighters trained as a paramedic. In 1976, he helped create the WeShare—West Shore Area Rescue program—that raised the standards of fire fighting skills. Mr. Jackson volunteered countless hours as an Emergency Medical Technician and fire academy instructor, training future generations of emergency responders. With a genuine concern for his community, it is no surprise that Jackson was also involved in the establishment of a centralized emergency response center for nearby suburbs.

In August 1979, Jackson was sworn in as fire chief. His tenure is the longest in Bay Village's history. Throughout his career, his wife, Kim; daughters, Michelle and Connie; and the people of his community have been thankful for his leadership.

Mr. Speaker, please join me in tribute and recognition of a man whose career has been spent sacrificing his own safety, for the safety of others. His commitment to the protection of the people of northeast Ohio will be missed tremendously. May he enjoy a retirement filled with happiness and good health.

IN HONOR OF JOE HALL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the achievements of Joe Hall, who has recently retired after serving the citizens of Santa Cruz in various capacities since 1973.

Joe is best known in my office as the steward of the San Lorenzo River Flood Control Project, an effort on which we have worked together since I began my service in Congress and is finally nearing completion.

Through his hard work in the City of Santa Cruz Planning Department and later as assistant director of the Santa Cruz Redevelopment Agency, Joe worked tirelessly to corral the resources of local, State, and Federal agencies toward a project that will provide vital flood protection to the residents and businesses of Santa Cruz.

He was the primary source of information for me as I advocated for the project in Washington, and I know he is as proud of the success of this project as I am.

There is no doubt that the 1989 Loma Prieta earthquake is the defining moment for a generation of Santa Cruz residents, and Joe played an integral role in the miraculous redevelopment of a downtown that was literally leveled by the quake.

It might have been an accepted idea at the time to forget about downtown Santa Cruz and redevelop an economic base elsewhere in the area, but the visionary work of Redevelopment Director Ceil Cirillo, Joe, and other city officials led to an amazing rebirth in downtown that continues today.

Joe also was instrumental in the creation of legislation on the State level that provided a special bond financing mechanism to assist with the seismic retrofit of older buildings. While the legislation was approved too late to help Santa Cruz, other California cities have since benefited from Joe's ideas.

While Joe has been an outstanding employee of the city of Santa Cruz since 1973, he has also served the Santa Cruz community in a number of other capacities, including president of the board of education, a public affairs talk show host for a local public radio station, and an instructor in city planning at Cabrillo College.

And while Santa Cruz may have benefited most from Joe's good works, he has also served his country with honor and dignity. Commissioned as a second lieutenant in the United States Army upon his graduation from UCLA, Joe served as a training officer for the U.S. Army Electronic Command and in 1996 he retired from the U.S. Army as a lieutenant colonel.

I am certain that I have not heard the last from Joe, as I expect he will remain an active member of the community, but I do want to wish he, his wife Marcella, and his children Eric and Christine, the best as they enter this exciting new chapter.

A SALUTE TO REGINA CARTER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert that occurs during the Congressional Black Caucus Foundation's Annual Legislative Conference, I rise to salute the achievements of violinist Regina Carter, a rising star in the field of jazz. The following biography is found on her own web site. It chronicles a career of accomplishment already deserving of high recognition, and of this body's thoughtful attention and respect:

Regina Carter's immersion in music began at the age of 2 when she took up piano followed by violin at the age of 4. Forever indebted to the Suzuki method of music teaching, the approach freed her from the rigid restraints of solely reading music and opened her to the wonders of improvisation. Though her original focus was classical music, with the hope of being a soloist with a major symphony, the pull of Detroit's rich soul music legacy and the discovery of jazz broadened her horizons.

Regina attended Detroit's prestigious Cass Technical High School. Upon graduating, she departed for the New England Conservatory of Music, only to return to Michigan's Oakland University, seasoning her chops by gigging with several local musicians. She later joined the attention-grabbing all-female quartet Straight Ahead which recorded two albums for Atlantic Records. Carter departed the band in 1994, recording two solo albums for Atlantic while also making the most of her newfound New York connections by working with the likes of the String Trio of New York, Muhal Richard Abrams, and Greg Tate and the Black Rock Coalition.

Carter joined Verve Records in 1998 and has since recorded four critically acclaimed works of astounding maturity and variety: Rhythms of the Heart, Motor City Moments, (also produced by John Clayton), and Paganini: After a Dream (for which she made history by being the first African American and jazz musician to travel to Genoa, Italy to perform and record with the legendary Guarneri del Gesu violin owned by classical music virtuoso Niccolo Paganini), and a duet project with pianist Kenny Barron entitled Freefall. Her playing has also graced work that includes filmmaker Ken Burns' soundtrack for the PBS documentary, Jazz. Wynton Marsalis' opera Blood on the Fields; Cassandra Wilson's tribute to Miles Davis, Traveling Miles; and the queen of hip-hop soul Mary J. Blige. In the summer of 2006, Regina will join Latin Jazz pianist Eddie Palmieri for some dates related to his latest recording, the Grammy award-winning, Listen Here, on which she was also a guest.

Among her personal accomplishments is work she has done to spread the love of music to others, something that is touched upon in her one original composition on I'll Be Seeing You. John Clayton always insists that I write at least one original piece on every album" she says "I chose 'How Ruth Felt,' which is a commissioned piece that I wrote for a woman named Ruth Felt, President of San Francisco Performances, and Arts organization in San Francisco. I spent some time as an Artist-in-Residence there, teaching music to disadvantaged children and spreading the joy of music to people in community centers and churches around the Bay area. Ruth helped me tremendously while I was dealing with my mother's illness. I included 'How Ruth Felt' on my album as a way to say, 'Thank you.'"

Now Regina Carter is looking forward to a brighter 2006, filled with sharing the memory of her mother and the music of I'll Be Seeing You: A Sentimental Journey with people in a live context. "When I perform now, she shares, "I feel different when I go on stage . . . stronger . . . like I've gone through something and really lived! I still get nervous, but all of those negative, critical voices that I used to hear in my head are gone. I think that's my mother . . . making me realize that none of that is important. This is my stage . . . It's what I do . . . and I'm having a good time."

200TH ANNIVERSARY OF THE TOWN OF OTISCO CELEBRATED ON AUGUST 12, 2006

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. WALSH. Mr. Speaker, I rise today to recognize the 200th anniversary of the Town of Otisco. Tucked away in Central New York, the Town of Otisco was formed from parts of the neighboring towns of Pompey, Marcellus, and Tully. Over its storied 200 years, the Town of Otisco has gone through many changes: In 1798, Oliver Tuttle was the first settler in Otisco, clearing land with his sons on the north end of Otisco Lake. Tuttle left, only to return with his entire family 4 years later. The Town of Otisco was officially created in 1806, as more settlers began to call the area home. As the population grew, the town began to experience changes such as the creation of a turnpike road started in 1806 to connect the Town of Otisco to the Town of Skaneateles.

Otisco has contributed its part to our nation. There are 42 Revolutionary soldiers and 57 Civil War soldiers buried in the town, all of whom called Otisco home. Otisco also had nine soldiers in the War of 1812, 22 soldiers in WWI, and 26 soldiers in WWII.

The town's population has slowly grown from 1,850 in the mid-19th century to 2,500 in 2000. Blessed by a pristine landscape and the beauty of Otisco Lake, the town provides a throwback feeling to the old days of small town living. To this day, farming is at the center of life in Otisco, and the lake is still the main area for activity.

On behalf of the constituents of the 25th District of New York, I congratulate the Town of Otisco and its citizens, both past and present, on 200 years of history.

HONORING DR. CLINTON BRISTOW, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life of Dr. Clinton Bristow, Jr., president of Alcorn State University.

Dr. Bristow, 57, became president of Alcorn State University, one of three Historically Black public Universities in Mississippi, on August 24, 1995. Prior to becoming president of Alcorn State University and 11 years of service and leadership, Dr. Bristow served as president of the Chicago Board of Education, dean of the College of Business at Chicago State University, and vice president at Olive-Harvey College in Chicago.

Dr. Bristow was committed to increasing the percentage of minority students attending graduate and professional school and increasing the public's awareness and appreciation of the value and contributions to society by land grant universities through their research, extension programs, and overall excellence. Under Dr. Bristow's direction, Alcorn doubled the percentage of students attending graduate/professional school, improved retention and established a faculty research incentive program to enhance research in the life sciences, where the university has become a national leader in the production of African-American baccalaureate graduates in the life and agricultural sciences.

President Bristow was a visionary who worked closely with the administration and the community to move Alcorn forward academically. He referred to Alcorn State University, a college of 3,500 students situated in rural Mississippi as the "Academic Resort" and "Communiversity." He believed in quality education and made a difference in the lives of each of his students and believed that each student could make a difference in the world. The students were inspired by his passion for education and his belief in the success of their careers. Dr. Bristow cared deeply for the students and felt personally responsible for their education and stressed the importance of graduate and professional schools. He established relationships with universities in several countries and was responsible for implementing exchange programs and increasing the number of international student enrollment. President Bristow understood the needs of the university and the Alcorn community and used his shrewd business sense to help secure Federal funds to improve the "face" of Alcorn State's campus.

Dr. Bristow earned a B.A., J.D. and Ph.D. degrees from Northwestern University in Evanston, Illinois, and an MBA from Governors State University in University Park, Illinois.

The contributions Dr. Clinton Bristow, Jr. made to Alcorn State University will never be forgotten. He touched the lives of many students and alumni throughout his 11 year tenure as president of Alcorn and will truly be missed by the university, community, and his colleagues throughout the country. Please join me today in honoring the remarkable life of Dr. Clinton Bristow, Jr.

HONORING RABBI SOLOMON SCHIFF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor Rabbi Solomon Schiff on the occasion of his retirement as Director of the Greater Miami Jewish Federation's Community Chaplaincy Service, and as executive vice president of the Rabbinical Association of Greater Miami. The entire South Florida community has benefited from his more than 40 years of outstanding community service.

Rabbi Schiff has become one of the most recognizable members of the south Florida Jewish community, and his tremendous influence extends far beyond the Jewish people. As a spiritual advisor, an interfaith liaison, and a dedicated community leader, he has truly touched the lives of countless individuals representing all religious persuasions and backgrounds. Anyone having met Rabbi Schiff can attest to his love of his fellow man, his desire to make the world a kinder and gentler place, and his ability to bring people of all faiths and political persuasions together.

Rabbi Schiff has been called upon several times to offer prayers both in the House of Representatives and the Senate. In 1992, President George H. W. Bush appointed Rabbi Schiff to serve on the "We Will Rebuild Committee." This committee helped restore the areas in south Florida that were severely damaged by Hurricane Andrew. Lawton Chiles, the late Governor of Florida, appointed Rabbi Schiff to serve on a task force to examine the problems of the homeless. Thanks to that task force, two new homeless assistance centers were created in Miami-Dade County alone. More recently, Florida Governor Jeb Bush invited Rabbi Schiff to serve on his Faith-Based Advisory Board.

Rabbi Schiff is known and admired for treating everyone with equal dignity and respect. He has always found time in his schedule to visit as many in need as possible, from ill hospital patients to the homeless. His spiritual guidance is an enduring legacy to the countless individuals he has encountered throughout his career.

Although Rabbi Schiff has won numerous awards, and has served on many local and national committees, the greatest honor he has ever received is the love and support of his family. He and his wife, Shirley, have three grown sons, Elliot, Jeffrey and Steven, and they are the proud grandparents of seven grandchildren. I wish him well as he begins this new chapter in his life, and we all celebrate his many remarkable achievements.

PAYING TRIBUTE TO ROBERT A. GERYE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Speaker, I rise today to honor Robert A. Gerye for his tireless work to enhance the educational experience of the children of Clark County.

Bob Gerye has been an educator for nearly 30 years. He received his bachelors degree in English education from Washburn University in Topeka, Kansas, and his graduate and post-graduate degrees from the University of Kansas. He taught English on the college level for several years in Kansas before becoming a secondary education administrator.

Mr. Gerye moved to Las Vegas in 1992. He was the founding principal of the Las Vegas Academy of International Studies, Performing and Visual Arts, which opened in 1993. The Las Vegas Academy was the first academic, dedicated magnet school in the Clark County School District. Mr. Gerye developed and implemented an innovative curriculum which offered students the opportunity to select a major area of study from one of the academy's seven programs and take classes in a college-style block format. During Mr. Gerye's tenure as principal, the Las Vegas Academy was recognized on several occasions at both the State and the national level. In November 2000, the U.S. Department of Education honored the academy as a "New American High School," recognizing it as one of the top high schools in the United States. In October 2002, the academy was again honored by the U.S. Department of Education when it was named a "Blue Ribbon School." In March 2003, the Las Vegas Academy received the Governor's Arts Awards in Education from the State of Nevada in recognition of its outstanding arts education programs.

As a result of his many successes as an educator, Bob has received numerous accolades. In 1998, Bob received the Community Achievement Award in Education from the Las Vegas Chamber of Commerce for his work at the Las Vegas Academy. In 2000, the Clark County School District inducted Bob into the Excellence in Education Hall of Fame. In 2004, he was named the Nevada High School Principal of the Year by the National Association of Secondary Schools Principals and was a finalist for the National Principal of the Year Award. Mr. Gerye has also received the Jeffrey Lawrence Lifetime Achievement Award for Arts Education, and the Washburn University Alumni Fellows Award for Lifetime Achievement in Education.

In 2003, Bob was selected by the Clark County School District to plan and implement the first Smaller Learning Communities/Career Academy comprehensive high school in the District. As a result of Bob Gerye's strong leadership and his commitment to excellence in education, Spring Valley High School has demonstrated overwhelming success in overcoming many of the challenges faced by a brand new school with a brand new educational structure.

Mr. Speaker, I am proud to honor Robert A. Gerye for his contributions to education. He has dedicated his career to improving the quality and the availability of education. His enthusiastic and innovative approach has helped his students reach heights of achievement. Bob Gerye has made a profound difference in our community and we are most fortunate to have such a gifted educator and administrator in the Clark County School District. I applaud his many successes and I wish him the very best as he continues to serve the cause of education.

CONGRATULATING MARC BELLE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Marc Belle of Flower Mound, Texas, on receiving the venerated 2006 Presidential Freedom Scholarship. As a recipient of this prestigious award, he is recognized for his outstanding leadership and commitment to servicing of his community and its residents.

The Presidential Freedom Scholarship program, sponsored by the Corporation for National and Community Service and administered by Learn and Serve America, honors select high school juniors and seniors, displaying exceptional service and citizenship, with a $1,000 scholarship to the college of their choice. To be eligible for nomination, individuals must have completed at least one hundred hours of community service and receive the recommendation of their high school.

Mr. Speaker, I extend my sincere congratulations to Marc Belle on receiving this award and commend his dedication and desire to help his school, community and country

TRIBUTE TO CAPT. CHRISTOPHER PATE OF BEAVERTON, OREGON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor an American soldier who gave his life in service to our Nation.

U.S. Marine Captain Christopher Pate of Beaverton, Oregon was killed in action during operations in Iraq. Captain Pate is survived by his parents, Jerry and Kathy Pate of Lady Lake, Florida, and a fiancee, Margaret Stearns.

While on patrol in Iraq, Captain Pate's patrol was struck by an improvised explosive device, ripping through his unit. Using his dying words to radio for medical assistance, Captain Pate's bravery and actions most likely saved the lives of two other soldiers severely wounded in the attack.

Joining the Marines in 1999, Chris Pate achieved the rank of Captain in July, 2004. Stationed at Camp Lejeune, North Carolina, he was assigned to the 2nd Naval Gunfire Liaison Company, 2nd Marine Expeditionary Force. Serving in Okinawa, Korea, Thailand, South America and Yemen, Captain Pate eventually volunteered for two tours in Iraq.

A modern day renaissance man, Captain Pate will be remembered for his love of languages, his sense of adventure and a desire for knowledge. Having paddeled up the Amazon, spent time in a monastary, studied esoteric Eastern religions, and learned Spanish, German and Arabic, he was well on his way to achieving his dreams. Scheduled to return from Iraq in November, Captain Pate and his finacee were planning their wedding ceremony and anticipating a move to Washington, D.C.

Mr. Speaker, it is soldiers like Captain Pate who have volunteered to protect the freedoms that all Americans hold dear. While brave men and women like Chris have perished in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

IN HONOR AND RECOGNITION OF HERMAN BOONE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Herman Boone. As a high school football coach in Alexandria, Virginia, Mr. Boone inspired players to set aside racial differences and unite into one of the most successful teams in Virginia's history.

In 1971, Mr. Boone was named head football coach of TC Williams High School, a high school recently formed from smaller, segregated schools. In order to promote cooperation and teamwork, Mr. Boone used a game plan that was as strong on the field as off the field. Mr. Boone's leadership and love of the game led his team to an undefeated, 13–0 season. But his most memorable win was helping the community of Alexandria traverse a racial divide. Mr. Boone's affect on the people of once segregated towns was an unconscious one, fueled by his willingness to put prejudice aside and cooperate with coaches and players from white schools. With an open mind, Mr. Boone set the standard and fans followed.

Today, Mr. Boone travels the country as an inspirational speaker. His story, which inspired the Disney movie, "Remember the Titans", has been brought to northeast Ohio. Mr. Boone will be honored at the 40th anniversary luncheon of the West Side Ecumenical Ministry this month.

Mr. Speaker and colleagues, please join me in tribute and recognition of Herman Boone. His leadership as a high school football coach tackled the challenge of racism. Now more than 30 years later, he continues to lead players, coaches, and teams to victory through his message of persistence and teamwork.

IN HONOR OF DR. ARNOLD MANOR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Dr. Arnold Manor of Carmel Valley, California who passed away on June 2, 2006, after an extraordinary 96 years working to make the world a better place. Dr. Manor lived his life to its fullest, selflessly serving others and living an impressive and honorable life that serves as an example for all Americans to follow. His love of life and his dedication to helping others will be missed by all. I offer his wife Dorothy, daughter Susan, and the rest of Dr. Manor's family my deepest condolences.

A pioneer in our local community, Dr. Manor became the first professional to specialize in Obstetrics and Gynecology on the Monterey Peninsula beginning in 1938. Over the course of his 52-year medical career, he helped deliver over 7,500 babies into this world. Dr. Manor was committed to giving his patients the utmost care and respect and his interactions with his patients serve as an example for other medical practitioners to follow. In addition to his medical practice, Dr. Manor served as one of the leaders during the planning and construction of the Community Hospital of the Monterey Peninsula.

Along with his dedication for caring for others in the medicinal world, Dr. Manor donated much of his time to various noteworthy nonprofit boards throughout the community. Dr. Arnold served as chairman for the Monterey Urban Renewal Agency, the Carmel Bach Festival, the Carmel Music Society, the Devereux Foundation, and the Gateway Center, just to name a few. One of Dr. Manor's most lasting marks on our community was his leadership at the Monterey Peninsula College.

Dr. Manor lived his life to its fullest and shared his kindness with all who were fortunate to meet him. He is remembered by friends as one whose life was enriched by his love of music, reading, and nature. In his final decade, Dr. Manor frequently enjoyed the company of his hiking companions in the Haasis Hikers group. Dr. Manor brought out the best in people, working amicably and productively, never seeking praise or reward for his honorable work.

Mr. Speaker, in short, our country has lost a remarkable citizen. While Dr. Arnold may no longer be with us, his memory and life's work will carry on in all those whose lives he touched. I regret that Dr. Manor was unable to be in every city in our country, because our society grew greater and kinder with every person he touched. On behalf of the United States Congress, it is my privilege to honor the life of Dr. Arnold Manor, and I join his family, friends, and communities of the Monterey Peninsula in mourning the loss of this truly great American.

A SALUTE TO MARLON JORDAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert that occurs during the Congressional Black Caucus Foundation's Annual Legislative Conference, I rise to salute the achievements of trumpeter Marlon Jordan, a rising star in the field of jazz. The following biography is found on Marlon Jordan's own web site. It chronicles a career of accomplishment already deserving of high recognition, and of this body's thoughtful attention and respect.

> Marlon Jordan is the youngest of seven children of musician-educator Edward Jordan and Edvidge Jordan, a classical pianist. "I started out playing saxophone, violin and drums," says Marlon, "but the trumpet was the instrument that stuck with me." Marlon recalls his father literally taking him on the bandstand "even before I really knew how to play. He'd introduce me to all the musicians, and they'd call me up on the stand. They'd say, 'Come on. That's Kidd's son. Let him play.' "
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> As he continued his musical studies he had the day to day inspiration of Wynton Marsalis, Terence Blanchard, and many others to draw on. The young musicians often hung out at the Jordan household where they would practice music with Kent Jordan and take lessons from Edward Jordan. Marlon graduated from the famed NOCCA (New Orleans Center for the Creative Arts).
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> An accomplished classical musician as well, Marlon has performed solo with the New Orleans Symphony Orchestra. But his true joy is his constant performance in the streets and nightclubs of New Orleans and Brazil.
>
> His debut album "For You Only," released by Columbia Records was the source of unanimous praise from the press. It was named "one of the best debut albums of the year" by the Washington Post. Following the debut album's release, Marlon took his quintet on the road. They joined Wynton Marsalis, Miles Davis and George Benson as a headlining act in a series of JVC Festival dates (produced by George Wein) in Atlanta, Dallas and other cities. They also played in some of the country's top jazz clubs, including the Blue Note and the Ritz, as well as in concerts ranging from New York's Avery Fisher Hall to Binghamton University.
>
> Marlon understood that his continued growth as a musician depended on his ability to stake out his own musical ground, and not just to play standards. Following up on his own ideas, he wrote five of the tunes on his second Columbia release "Learson's Return" (April 1991). Following a series of quintet dates immediately following the album's release in the spring of '91 (highlighted by a run at the Village Vanguard), Marlon joined up with "Jazz Futures"—George Wein's brilliantly-conceived "supergroup" of "Young Lions"—virtually playing every major jazz festival and outdoor "shed" on the circuit.

Mr. Speaker, latest release, "You Don't Know What Love Is," features his sister, vocalist Stephanie Jordan. Marlon, Stephanie and another sister, violinist Rachel Jordan, will be performing together on September 7, 2006, at the Jazz Forum and Concert that I will host during the Congressional Black Caucus Foundation's 36th Annual Legislative Conference. I urge all of you, and those who love real jazz to attend.

TRIBUTE TO MR. RALPH CONTE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. WALSH. Mr. Speaker, I rise today to honor Mr. Ralph Conte, who recently retired as Chief of the Civil Engineering Facility Programming Branch Air National Guard. Ralph attained this position in 1990, assuming the duties as lead engineering programmer for the National Guard, providing infallible advice, council, and programming decisions.

Ralph was born in 1940 in Ponza, Italy, a small Mediterranean island off the coast of Anzio. He lived his early years as a citizen of Italy, playing with childhood friends and attending the Italian school system, which at that time was limited to the 5th grade. This academic level is comparable to an American 9th grade education.

Ralph immigrated to America in 1956 with mother and brother; joining his father who had left Italy for the United States in 1954. The trip from Naples to New York Harbor took 7 days on the grand dame of the sea, the Andrea Doria. This was the Andrea Doria's second to last trip before her horrific collision and sinking of July 25, 1956. Upon arriving in the United States, the Conte family settled in White Plains, New York, where Ralph became a naturalized U.S. citizen in July 1961, and graduated from White Plains High School. He continued his education, attending New York University, Bronx Campus, receiving a BS in Civil Engineering and Central Michigan University receiving a Master's Degree in Industrial Management.

Ralph joined the Air Force on April 20, 1967 and was commissioned as a 2nd Lt on June 30, 1967. From 1967 to 1970, he served on consecutive oversea tours from Aviano to Vietnam. In 1970, he was assigned to RED HORSE with Headquarters in Bien Hoa where he was responsible for all design and construction. Later, he was reassigned to Kunsan AB, Korea as the Officer in Charge for a Detachment of the RHS out of Cam Ran Bay. In 1972, Ralph was again reassigned to Wright Patterson, Ohio, where he assumed the oversight of facility programming including MFH, NAF, MILCON, R&D and O&M funds. Wright Patterson would be Ralph's last stop as an active duty service member, as he separated from the Air Force on Apri1 30, 1975 at the rank of Captain. Since 1975, Ralph has faithfully worked for the Air Force as a civilian in his former job, achieving his final assignment in 1990 as Chief of the Facility Programming Branch (ANG/CEP).

Mr. Speaker, throughout his career, Ralph Conte has demonstrated a profound commitment to the Air Force, Air National Guard and the Nation. He is a consummate professional whose performance in over 30 years of service has personified those traits of competency and integrity that our Nation has come to expect of its senior civilian leaders. I would like to thank Ralph for his many years of dedicated service and wish he and his family a fulfilling retirement.

PAYING TRIBUTE TO SPRING VALLEY HIGH SCHOOL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the students, faculty and administrators of Spring Valley High School in Las Vegas, Nevada, for their tremendous achievements in educational progress.

Spring Valley High School opened in August 2004 as the first Smaller Learning Communities/Career Academy High School in the State of Nevada. Robert Gerye, principal of Spring Valley High School, developed a unique curriculum and educational design intended to prepare students for higher education while providing opportunities to explore possible career paths. The curriculum design provides an environment in which students can interact more effectively with teachers and administrators. Each grade level is housed in its own wing of the school and assigned an administrator and a counselor who will be with those students throughout their high school years. To further foster educational growth and individualized student attention, every staff member at Spring Valley High School is assigned approximately 20 students to mentor as they advance from 9th to 12th grade. The format establishes a greater level of coordination between teachers in each grade level, increased collaboration with the local post-secondary institutions and rigorous academic standards intended to help students graduate with the preparation necessary to excel in college and in their chosen careers.

Although Spring Valley High School is worthy of recognition for many reasons, I wish to recognize Spring Valley High School today for its tremendous improvement under the standards set by the No Child Left Behind Act. As a brand-new school in the 2004–2005 school-year, Spring Valley High School faced many challenges. It was classified on the 2004–2005 Accountability Report as a school which did not demonstrate Adequate Yearly Progress (AYP). As a result of Mr. Gerye's tremendous leadership, his faculty's commitment to their goals, and his students' determination to succeed, Spring Valley High School not only met the Adequate Yearly Progress criteria this year, it has been classified in the 2005–2006 Accountability Report as a High Achieving—Growth institution.

The administration, faculty and staff at Spring Valley High School have approached their goals with discipline and determination and, as a result, they have enhanced both the academic experience and performance of its students. For the incredible contribution they have made to the success of Spring Valley High School, I would like to commend the following individuals: Walt Acra, Larry Adams, Sheila Ali, Lisa Ancona, Carlose Arellano, Rica Arenas, Jennifer Ashford, Joyce Bakkedahl, Teresa Barajas, Phanom Baravong, Ana Bames, Bianca Bautista, Elaine Beller, Bibi Belloto, Louise Belviso, Christopher Bires, Robert Bloom, Donald Bohm, Christina Bolin, Liana Bolton, Marilee Botos, Shawn Boyle, Charles Branich, Susan Brewer, David Brooks, Elizabeth Brown, Valerie Bugni, Dawn Bums, Antonio Caiati, Paul Campbell, Heather Carroll, Daniel Casel, Charlotte Chapman, Bernard Chase, Holly Chidester, Douglas Clarke, Kathy Clemens, Vaunette Coache, Paulette Coleman, Ann Collum, George Comadena, Melissa Conley, Geraldine Conte, Laurie Daly, Eric DeAnda, Ann Deleuil, Patricia Delfs, Amy DeVaul, Paula Digerolami-Macon, Suzanne Dompierre, Melody Dubois, Anna Eapen, Sindy Eisen, Ann Elandt, Jeanette Engelhart, Diane Epstein, Sarah Federspiel, Karen Florence-Hopkins, LaVanda Ford, William Fouts, Victoria Franklin-Dillon, Thomas Fraiser, Rhonda Fritch, Jennifer Gallegos, Wanda Gambino, Anthony Gamboa, Richardo Garcia, Gail Garrett, Dean Gentuso, Michelle Gex, Robert Gillingham, Mamie Glorioso, Michael Gomez, Dennis Goode, Gayane Gulyan, William Hamilton, Sarah Hanes, Yuki Harada-Hart, Christopher Hendley, Edward Henry, Kevin Henry, Connie Hines, Caprice Houston-Bey, Rebecca Hutchings, Linda Idemoto, Lori Jackson, Rebecca Jackson, Tanya Jackson, Steven Jacobson, Jill Jaeger, Charles Janette, Margaret Jeffrey, Susan Jennings, Andrew Jennings, Emily Jensen, Brett Jeross, Shirley Jimenez, Bessie Lee Johnson, Deborah Johnston, Harlan Johnston, Karen Jolivette, Emily Jones, Yvette Kagan, Ethel Keck, Lisa Keith, Heather Kennedy, Lezlie Koepp, Joel Krautstrunkm, Morgan Krista!, Susan Kuehl, Denise Lauriano, Monica Lavelle, Wende Lestelle, Robert Leytham, Enrico Litterini, Peter Locatelli, Johnny Macon, Rosette Mare, Kyle Martin, Gary Mayers, Phillip McAlister, Brianne McElroy, Melinda McGill, John McLavy, Jr., Jackson Meeker, Frederick Meyer, Michelle Minggia, Kimberly Moody, Dawn Moore, Robert Murphy, Elonda Murray, Amy Murray, Rachelle Neam, Jane Newton, Richard Niemczewski, Amy Nugent, Michael O'Brien, Michael Oliver, Serene Oppenheim, Rebecca Pappas, Chrissy Paradiso, Iretta Pearson, Joe Peck, Evan Politi, Debbie Pope, Shannon Powell, Jeffrey Pynter, Dennis Pumphrey, Louis Reale, Efrain Rene, Shirley Reuben, Susan Rheinwald, Tyra Riefler, Roberto Rodriguez, Jeffrey Rubin, Ian Salzman, Adam Sampson, Angelica Sanchez, Elizabeth Sandelin, Daniel Schantol, Christina Schenauer, Nikki Semmelroth, Nicholas Sevano, Paul Shapiro, Susie Shepley, Donald Shumaker, Debbie Simons, Brant Smith, Marion Smith, Jr., Mitchell Sperling, Gregory Stack, John Staples, Heather Stringham, Jen Strobel, Robert Stropky, Jr., Cindy Taylor, Marcus Teal, Jeanine Tegano, Jennifer Tichon, James Tippett, Bonnie Toth, Justin Truitt, Leota Tucker, Travis Underwood, Becky Utchel, Nayelee Villanueva, Clara Virga, Lynn Wentland, Stacey White, Yvette White, Deborah Whitt, Michael Williams, Sabrina Woodruft: Dave Yacubovich, Kenneth Young, Suzanne Ziegler, Emily Zierse, and Lee Zigan.

Mr. Speaker, I am proud to honor Robert Gerye and his extraordinary staff at Spring Valley High School for the exceptional progress they have made this year. Their tireless efforts to exceed the achievement standards set by the No Child Left Behind Act have made a profound difference for the students who attend Spring Valley High School. I applaud this outstanding achievement and I look forward to seeing Spring Valley High School and its students continue to excel in our community.

CONGRATULATING HEATHER CROSSMAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Heather Crossman of North Richland Hills, Texas, on receiving the venerated 2006 Presidential Freedom Scholarship. As a recipient of this prestigious award, she is recognized for her outstanding leadership and commitment to servicing of her community and its residents.

The Presidential Freedom Scholarship program, sponsored by the Corporation for National and Community Service and administered by Learn and Serve America, honors select high school juniors and seniors, displaying exceptional service and citizenship, with a $1,000 scholarship to the college of their choice. To be eligible for nomination, individuals must have completed at least 100 hours of community service and receive the recommendation of their high school.

Mr. Speaker, I extend my sincere congratulations to Heather Crossman on receiving this award and commend her dedication and desire to help her school, community and country.

TRIBUTE TO THE VIRGILIO LODGE NO. 1586 AND THE BEATRICE PORTINARI LODGE NO. 1626 OF THE ORDER OF SONS OF ITALY ON THEIR 75TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating the Virgilio Lodge No. 1586 and the Beatrice Portinari Lodge No. 1626 as they celebrate their Golden Jubilee Gala on September 9, 2006.

The Order of the Sons of Italy in America was established in Vallejo, California, in January of 1931 when one-fourth of the community was composed of Italian Americans. The Sons of Italy is a National Fraternal Order that has lodges throughout the United States and Canada and took out its Charter in 1905 in New York City. They believe in liberty, equality and fraternity.

The lodges have been very active in Vallejo and Solano County including awarding 15 annual scholarships; raising in excess of $80,000 for the Alzheimer's Research Center at the University of California at Davis Medical Center; donating $5500 to the helipad at Sutter Solano Hospital in Vallejo; donating to numerous charities in the area; and in 1976 sponsoring the Landing of Columbus at the Vallejo Waterfront as a Bicentennial Tribute to the City of Vallejo.

Through the years the Virgilio Lodge and the Beatrice Portinari Lodge have jointly participated in activities from civic to social functions in Vallejo. Among their shared highlights during their 75-year history are sponsoring the annual Columbus Day Banquet and initiating the renaming of Miller Road to Columbus Parkway. In 1974 they dedicated their own Lodge building in the former Lincoln School annex, which represents a second family home to the entire membership. Three Lodge members have served as Mayors of Vallejo: Terry Cutrola, Jr., Anthony J. Intintoli, Jr., and Gloria Exline. Many other members have served as elected or appointed officials in the City of Vallejo and are very active in the community.

I commend the Virgilio Lodge No. 1586 and the Beatrice Portinari Lodge No. 1626 for their many contributions to the City of Vallejo and wish them many more years of service to the community.

HONORING DAVID ANDERSEN

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor and recognize David Andersen, President and CEO of Saratoga Hospital and Saratoga Care Inc., in celebration of his retirement on August 31, 2006. The immeasurable amount of time and effort that David has given during his career has helped countless citizens of my district, and has made Saratoga County a better place to live.

Since becoming President and CEO of Saratoga Hospital in 1991, David has greatly expanded and improved the healthcare capabilities available to those in need throughout Saratoga County. Under his leadership the hospital merged with Family Health Centers in the towns of Ballston Spa, Galway, and Schuylerville, and established Saratoga Care Inc. as the parent company of the combined healthcare organization. During his tenure, David oversaw the creation of the Same Day Surgery Center, the Cardiac Catheterization Center, the Saratoga Surgery Center, the Radiation Oncology Center, the Pulmonary Rehabilitation Center, and Wilton Medical Arts as affiliates of Saratoga Hospital. David has also worked to implement innovative healthcare education programs through Saratoga Care, to give patients and their families the knowledge they need to make difficult healthcare decisions. Through his tireless dedication to his profession, Saratoga Hospital and its affiliates have become among the healthiest in the Capital District of New York.

It is my privilege to honor such a selfless and dedicated member of my district. All citizens should be able to have access to the best quality healthcare available, and through David's leadership and the expansion of the Saratoga Hospital and its affiliates, that has become a reality to so many of my constituents in Saratoga County. On behalf of the House of Representatives I would like to commend David Andersen on a truly distinguished career and wish him the best of luck in the future.

20TH ANNIVERSARY OF PORTLAND'S MAX LIGHT RAIL LINE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BLUMENAUER. Mr. Speaker, today we are celebrating the 20th anniversary of the opening of Portland's pioneering MAX—Metropolitan Area Express—one of America's first light-rail lines. Since 1986, MAX has been one of our region's most visible icons of livability—and has served as an inspiration to cities across the Nation and around the world. Instead of building yet another expensive and destructive freeway that would have divided and degraded Southeast Portland, we created MAX and coaxed higher-value investments from Federal transportation dollars. While this was certainly controversial at the time, our decision led to a renaissance for both Gresham and Portland and increased value for our entire region.

This anniversary gives us the opportunity to think about how our current decisions will be celebrated in another 20 years. If we are to continue our success, we must leverage what we've accomplished in the years ahead.

With light-rail, that's exactly what we're doing. In the last 20 years we have built three more extensions: Westside MAX, Airport MAX, and Interstate MAX. We are also hard at work on extending the system to the south and are hopeful that the next project will cross the Columbia River, expanding our regional system to include Vancouver, Washington.

The overwhelming popularity and success of our light-rail system is a testimony to wise investments, meaningful public participation, and regional leadership that took the political risks to make it all come together. The result has been a regional transportation system that truly supports the communities it serves and provides people with reliable and efficient choices to cope with congestion, skyrocketing oil prices, and global warming.

My heartiest congratulations to TriMet, elected officials, business leaders, and citizens throughout the Portland region for this amazing success story.

TRIBUTE TO VIETNAM WAR VETERAN LEON ZIMMERMANN, JR., OF CITRUS COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Leon Zimmermann, Jr., of Homosassa, Florida, a Purple Heart Veteran from the Vietnam War.

In August of 1970, Leon Zimmermann was assigned to guard an area along the Phouc Xuyen River and provide a safe landing area for his fellow troops. As a 19-year-old Navy sailor serving in the jungles of Vietnam, Mr. Zimmermann was looking forward to his watch being over and the opportunity to get some much needed rest in the barracks.

A sudden mortar explosion killed two of his fellow troops, and severely wounded Mr. Zimmermann and two other sailors nearby. Taken to the radio room by the medics, Mr. Zimmermann was eventually evacuated by a rescue helicopter. Once he recovered from his wounds, he received a medical discharge from the Navy.

Due to problems with his military records, Mr. Zimmermann never received official recognition for his military service. I recently had the honor of presenting Mr. Zimmermann with his Purple Heart Medal for the wounds he received that fateful August afternoon.

Following his military service, Mr. Zimmermann was able to put the incident behind him and raise five wonderful children in the United States.

Mr. Speaker, sailors like Leon Zimmermann, Jr. should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to have presented Mr. Zimmermann with his long overdue Purple Heart. He should know that we truly consider him one of America's heroes.

IN HONOR AND RECOGNITION OF THE 100TH ANNIVERSARY OF THE WEST SIDE HUNGARIAN REFORMED CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of the West Side Hungarian Reformed Church, which is celebrating its centennial anniversary. This month, the congregation will also commemorate the 50th anniversary of the 1956 uprising against communism in Hungary.

The Church has supported its members and community faithfully during its 100 years of service. In has served as a haven for immigrants and refugees during various stages of its historic pilgrimage. The Church has become a spiritual community comprised of Hungarian old timers, newcomers, and others associated with the congregation through family and religious ties.

All the people of the greater Cleveland area have benefited from the West Side Hungarian Reformed Church's participation in the community's social and cultural activities. People of the Cleveland area have joined the congregation to honor Hungarians who, half a century ago, resisted oppression, fought in a heroic attempt to restore freedom to Hungary, and made sacrifices to advance the cause of liberty.

My official congratulations and best wishes are extended to the Reverend Zoltan Sandor Kelemen, as well as to the members of the congregations, past and present, for their selfless efforts to serve the church and community.

Mr. Speaker, please join me in offering a proclamation of congratulations to the West Side Hungarian Reformed Church on its 100th anniversary.

CONGRATULATING JAMIE DEAN LUCAS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Jamie Dean Lucas, a friend and constituent from my congressional district who will be representing Kentucky in the upcoming NBC reality series "The Biggest Loser." Jamie will compete against contestants, representing each of the 50 States, in a nationally broadcast weight loss and fitness challenge.

Jamie is an especially generous and talented member of my community. By taking on this important challenge, Jamie is giving himself and his family a new lease on the future. In fact, Jamie is already well on his way toward his ultimate weight loss goal. I have no doubt that he will soon again enjoy some of his favorite activities like tennis and horseback riding. I am also sure that his commitment to health will give him many more happy years to enjoy with his children and future grandchildren.

Weight loss is a very difficult endeavor. Jamie's steady spirit and unyielding determination represent the very best of what it means to be a Kentuckian. I am proud that Jamie will be representing my district before a national audience and prouder still to call him my friend.

I would like to take this opportunity to congratulate Jamie Dean Lucas, before the entire U.S. House of Representatives, for all that he has accomplished in the past few months. His remarkable progress is a true inspiration to many of us in Kentucky and, very soon, for millions of television viewers across the Nation.

IN RECOGNITION OF THE PUBLIC SERVICE OF THE NEW JERSEY STATE LAW ENFORCEMENT ASIAN-AMERICAN ADVISORY COMMITTEE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize the tremendous public service of the New Jersey State Law Enforcement Asian-American Advisory Committee. With Americans of Asian heritage making up an increasingly large proportion of our population, both in New Jersey and across the Nation, it is important that law enforcement have a strong relationship with the Asian-American community.

There are an estimated 14 million U.S. residents with Asian heritage. That's 5 percent of the U.S. population. They are by no means of a monolithic culture—with backgrounds from Korea, Vietnam, Philippines, Taiwan, and elsewhere. Asian-Americans have lent this diversity to our national melting pot, enriching America with their contributions to music, food, design, literature, entertainment, and more.

Asian-Americans are our neighbors, our local business owners, our teachers, our elected officials, and also our police officers and first responders. The New Jersey State Law Enforcement Asian-American Advisory Committee helps to bridge the gap both for Asian-Americans in the law enforcement family and in the larger population. Its members engender a greater understanding of the special needs of the Asian-American community.

I am proud to work with them to make New Jersey's neighborhoods safer and bring New Jersey's communities closer, and I am proud to support their efforts to become a national organization.

TRIBUTE ON THE 40TH ANNIVERSARY OF THE UNIVERSITY OF MARYLAND, BALTIMORE COUNTY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CARDIN. Mr. Speaker, I rise today to offer congratulations to one of Maryland's premier institutions of higher learning—the University of Maryland, Baltimore County (UMBC)—as it celebrates its 40th anniversary.

Located on what was once a cow pasture, the university has risen to astonishing heights in a very short time. When UMBC first opened in 1966, it had only 750 students and three buildings. Today, the university offers first-rate education and research opportunities to more than 11,000 students, while retaining the personal contact typically found at a small liberal arts college.

In recent years, the guidance of President Freeman Hrabowski has led the university to new heights. UMBC's unique combination of undergraduate focus and graduate research reflects the dedication to balance that has led

UMBC to become one of the top public universities in the nation.

The nationally recognized Meyerhoff Scholars Program, which Dr. Hrabowski co-founded, is among the most successful undergraduate diversity programs in the nation. UMBC has one of the highest rates of minority students pursuing advanced degrees in medicine and science of any school in the United States. UMBC also has been ranked first nationally in the total number of undergraduate chemistry degrees given to African-Americans.

In 40 years UMBC has become one of the nation's top independent public research universities. The numerous accomplishments of the university are all the more impressive because they have come so rapidly. In fact, UMBC is one of the youngest universities ever to be honored with a chapter of Phi Beta Kappa, and in recent years UMBC has led every university in the nation in undergraduates receiving Merck Undergraduate Science Research Scholarships.

Mr. Speaker, I call upon my colleagues in the U.S. House of Representatives to join me in honoring the achievements and success of UMBC, one of the bright stars in American higher education.

PAYING TRIBUTE TO NEVADA STATE COLLEGE AND DR. CONNIE CARPENTER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the students, faculty and administrators of Nevada State College's School of Nursing in Henderson, Nevada, for their tremendous achievements with their accelerated nursing program. Their achievements are a reflection of their commitment to our community. Dr. Connie Carpenter, Dean of the School of Nursing, has been instrumental in Nevada State College's early success as Nevada's newest institution of public higher education. Her leadership, commitment, and vision serve as a testimonial to the success of the college's nursing program.

Nevada State College first welcomed students in August of 2002, it has been charged with the mission to meet the needs of students who are interested in bachelor's degrees in our state's much-needed fields such as nursing and education, as well as in other disciplines in the arts and sciences. Since that time, Nevada State College has committed resources, professors, and vision to ensure that their mission statement becomes a reality. For faculty and students, that dream has been achieved. On Saturday, August 26, 2006, twenty nine students graduated from the college's Accelerated Nursing Program, a success which reflects the college's commitment to providing their students with the necessary resources to achieve their dreams. I would like to commend the following students on their graduation from Nevada State College's Accelerated Nursing Program: Nancy Andruk, Joyce Arce, Royal Bradley, Tatiana Brandon, Katherine Busby, Diandra Castenada, Perla Cisco, Themis De Guzman, Tobyn Derby-Talbot, Andi Del Gatto, Catherine Dullano, Crisandra Eastmond, Raul Ellazar, Desiree Espinoza, Diane Graham, Kathryn Havey, Lynda Hubeny, Marianne Jackson, Brigitte Lacombe, Jeanette Long, Eudora Mordi, Eleanor Mox, Milagros Navarro, Bette-Ann Pierce, Sayma Salman, Dawn Scott, Nicole Thomas, Chantal Whittenberg, Bethany Williams, and Samantha Zomar.

Dr. Carpenter brings a wealth of experience in nursing, nursing education, educational administration and in delivering quality online instructional programs to the Nursing program. She has been a leading advocate in expanding the nursing program at Nevada State College; she is a pioneer in developing distance learning programs. She is very dedicated to providing effective and accessible education. I have full faith that with Dr. Carpenter's leadership, Nevada State College will continue to exceed every possible expectation.

Mr. Speaker, I am proud to honor Dr. Connie Carpenter, Dean of the School of Nursing, and the students of the Accelerated Nursing Program. Nevada State is making a tremendous difference throughout Southern Nevada, and the Nursing Program is helping to provide skilled workers to the health services across the state. I applaud Nevada State College's efforts and wish them the best in their future endeavors.

CONGRATULATING MR. BRYCE BENTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Bryce Benton, a graduate student in the masters program at the University of North Texas School of Library and Information Sciences, on receiving the Paul Evan Peters Award. This great honor is awarded jointly by the Association of Research Libraries, the Coalition for Networked Information and EDUCAUSE to individuals whose achievements in information science and librarianship move forward intellectual productivity and scholarship.

Mr. Benton's most recent work with DSpace open source systems on an institutional repository pilot project at the University of North Texas has won him many accolades from his professors and fellow peers.

Described as "personable, enthusiastic, and as someone who possesses a 'volunteering spirit,'" and recognized by this award for his "civic responsibility, democratic values, and imagination," he will undoubtedly continue to advance the field of librarianship and information sciences.

Mr. Speaker, I extend my sincere congratulations to Mr. Bryce Benton on receiving the Paul Evans Peters Award and commend his dedication and desire to helping promote scholarship and intellectual productivity.

TRIBUTE TO NATIONAL YOUTH COURT MONTH

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize September as National Youth Court Month. During September, more than 1,100 youth courts operating in district-level juvenile justice systems, schools, and community-based organizations in 49 states and the District of Columbia will celebrate the fifth annual National Youth Court Month.

Youth court—also known as teen court, peer court, and student court—is one of the fastest growing crime prevention and early intervention programs in the nation. Youth court volunteers, under the supervision of adult volunteers, act as judges, jurors, clerks, bailiffs, and counsel for youth charged with minor delinquent offenses and problem behavior. The overall goal is to help offending youth find an appropriate, constructive, and restorative disposition.

This year, the theme of National Youth Court Month is "Correcting Crooked Paths: Youth and Communities in Partnership for Justice." The theme addresses two very important aspects within the youth court realm: learning from mistakes and youth empowerment. Uniquely, youth and adults from a variety of entities in the community including justice agencies, nonprofit organizations, schools, and municipalities work side-by-side to address and solve local problems particularly related to juvenile crime and problem behavior.

I visited several teen courts last year and was impressed by the power this innovative program has to change misdirected and challenged teenagers into productive and adjusted adults. I would like to recognize their efforts and those of so many other courts by proclaiming September 2006 as National Youth Court Month. I urge Americans to celebrate the valuable contributions that youth courts and their volunteers, adult and youth, make to keep our nation's communities safe.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. HELENA CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the parish community of St. Helena Catholic Church, as members and leaders celebrate one hundred years of faith and hope throughout Cleveland's west side neighborhoods.

Throughout the past century, St. Helena Parish has served as a spiritual refuge for Americans of Romanian heritage, and was established as the first Romanian Catholic Church built on American soil.

The ministry of St Helena began in 1906, with a mission focused on supporting the spiritual and cultural needs of Romanian immigrant families who settled in Cleveland. Since that time, a number of pastors and parishioners have served as critical guides in the journey of the faithful at St. Helena Church. Over the years, this close-knit parish community has evolved and grown, and its faithful members have survived numerous struggles and hardships. Generations of Romanian Americans have assimilated into American culture, with the support and guidance of the leaders and members of St. Helena Catholic Church.

Mr. Speaker and Colleagues, please join me in honor and recognition of every past and current member and spiritual leader of St. Helena Catholic Church. In 1906, as today, St. Helena parish continues to provide a haven of faith, guidance, renewal and support for hundreds of families, along Cleveland's near Westside and far beyond.

TRIBUTE TO CATALYST CONNECTION

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Catalyst Connection, the proud recipient of the Economic Development Administration's 2006 Excellence in Economic Development Award in the category of Enhancing Regional Competitiveness.

Catalyst Connection is a non-profit organization dedicated to helping small- and medium-sized manufacturers improve their competitive performance. Clients of Catalyst Connection can receive assistance to address their operations in the fields of: Financial Programs, Information Technology, Lean Manufacturing, Market Development, Product Development, Quality Systems, Web Marketing and Workforce. Since Catalyst Connection's creation in 1988, they have served over 1,000 clients and have delivered $43.7 million in value-added impact to their clients' operations in 2005 alone.

I ask my colleagues in the United States House of Representatives to join me in honoring Catalyst Connection as recipient of the 2006 Excellence in Economic Development Award for all of its fine work with the region's businesses.

LABOR DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. LANTOS. Mr. Speaker, as we celebrated Labor Day this past weekend, the Census Bureau made the plight of working-class Americans more clear with its most recent report on income, poverty and health care in 2005. Unfortunately, the statistics confirmed what many Americans across the country have known for some time: the economic policies of the Administration benefit only a lucky few while most working Americans are struggling from paycheck to paycheck. The federal minimum wage has been stagnant since 1996, real household income has dropped more than $1200 in the past five years, and the number of uninsured Americans has jumped by 1.3 million just in the last year, totaling 46.6 million. Meanwhile, the Administration is pushing for a tax cut for the wealthiest 1 percent of Americans. It is no wonder that most people believe that things are going from bad to worse, and want a new direction for America.

These important concerns were raised by my constituent and good friend Shelley Kessler in the San Mateo Daily Journal on September 4, 2006. Shelley Kessler is the executive secretary-treasurer of the San Mateo County Central Labor Council, AFL–CIO. She is a powerful voice for labor rights and her clear vision makes her a trusted ally who always fights for the best interests of America's workers. I wholeheartedly associate myself with her comments and ask unanimous consent that the text of her article be included in the RECORD at the conclusion of my remarks.

Mr. Speaker, I encourage all of my colleagues, on both sides of the aisle, to read this important statement on helping America's workers by Shelley Kessler.

[From the Daily Journal, Sept. 4, 2006]

ARE WE WORKING TO LIVE OR LIVING TO WORK?

(By Shelley Kessler)

Mark Twain once said: "Sometimes I wonder whether the world is being run by smart people who are putting us on or by imbeciles who really mean it."

When you look around this Labor Day, you have to wonder about that quote. America is not working the way it should for working people, let alone those who are struggling to find jobs on which they can support themselves and their families. The disparity between the rich and working poor is growing every day. People are working harder and making less. We're in a health care crisis that's deeper than any of us ever imagined. We all worry about how we'll retire with dignity. A good, middle-class life is increasingly out of reach. Who ever thought that in America, our kids might not be better off than their parents? Today's economic outlook for children and the next generation is pretty grim.

Bill Moyers recently cited these facts: "In 1960, the gap between the top 20 percent and the bottom 20 percent was 30 fold. Now it is 75 fold. Thirty years ago, the average annual compensation of the top 100 chief executives in the country was 30 times the pay of the average worker. Today it is 1,000 times the pay of the average worker. The top 10 percent of earners have captured almost half the total income gains in the past four decades and the top 1 percent have gained the most of all—more in fact, than the entire bottom 50 percent."

And the Bush administration wants to tie an increase of the minimum wage, which has not been raised in 10 years, to a tax break for the top 1 percent, to the wealthiest 8,200 families in the country. As if he or any of his cronies could live on less than $7 per hour.

Mark Twain, is this what you meant?

In the words of one of our former Supreme Court justices Louis Brandeis: "You can have wealth concentrated in the hands of a few, or democracy; but you cannot have both."

That's why it is time to take back our humanity! And that means that the bad actor Gov. Arnold Schwarzenegger and others of his supporting cast must be removed from the script. Pretending to care about people while lining the pockets of the rich cannot continue.

Today there is vast public support of broad social goals such as affordable medical coverage for all, decent wages for working people, safe working conditions, a secure retirement and clean air and water. We must bring back a government "of, by, and for the people" to deliver on those aspirations and make sure that America is working for all of us.

George Jean Nathan once said: "Bad officials are elected by good citizens who do not vote." So this November, we are organizing, not just to provide for workers on the job, but to mobilize our communities to action. We will build a grassroots effort to elect people to fight hard for these goals; people who share a vision of common good, who respect the public trust that has been placed in their hands and will earn the right to represent the majority of people who work diligently every day and are the real backbone of this county, this state, and this country.

Here in San Mateo County, the labor community invites other like-minded people to join with us. Let's work together to protect the gains we've made while providing access to a better quality of life for those struggling every day; our food service workers, janitors, home care workers and many others who deserve a decent wage and health care. Let us try to create a place where people have retirement security for which they have worked hard, instead of giving golden pensions to corporate CEOs who have been stripped from the obligations promised to their employees like at United Airlines. Our county is making great strides in the area of health care, sustainable communities and transportation.

The challenges are great, but our efforts are paying off and will continue with dedication and commitment.

We can stop the race to the bottom. We can invest in our future. We can and we will make a difference if we unite together to improve the quality of life and respect for the work we all do. Let's "work to live," we've earned it.

RECOGNIZING 31 YEARS OF SERVICE BY COL PAUL C. CHRISTIAN, USMC

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ISSA. Mr. Speaker, today I rise to honor the 31 years of dedicated service of Marine Corps COL Paul C. Christian.

Colonel Christian is a native of Neenah, WI. While attending the University of Wisconsin-Platteville, Colonel Christian joined the Marine Corps Platoon Leaders' Class and underwent officer candidate training during the summers of 1973 and 1975. He was commissioned a Second Lieutenant in December 1975 upon graduation with a B.S. in Criminal Justice.

In March 1976, Second Lieutenant Christian reported to the Basic School, MCDEC, Quantico, VA. Upon graduation in September 1976, he was sent to NAS Pensacola, FL, for flight training. After receiving his designation as a Naval Aviator and promoted to First Lieutenant in November 1977, he was ordered to

HML–267, Camp Pendleton, CA, for transition into the UH–1N. His duties consisted of CMCC/CMS Officer, Adjutant, Flight Officer, and Assistant Operations Officer. He was promoted to Captain in September 1980, and deployed twice to Marine Corps Air Station Futenma, Okinawa, Japan, with HML–267, Detachment Alpha.

In April 1982, Captain Christian became a "Plank Holder" upon the commissioning of HMT–303, where he served as the Administrative Officer and a Huey flight instructor. Ordered to SOMS, MCAS El Toro, CA, in October 1982, he was assigned as a Search and Rescue Pilot, Officer-in-Charge of Air Freight/VAL, and Assistant Airfield Operations Officer. In October 1985, Captain Christian reported to 1st Battalion, 1st Marines, 1st Marine Division, Camp Pendleton, as the Air Officer. During this period, he deployed to WESTPAC with BLT 1/1, 11th MEU.

Again ordered to HMT–303 in October 1986, he was assigned as the Operations Officer and was promoted to Major in July 1987. In April 1988, Major Christian reported to HMLA–267 for duty as Executive Officer of Det. Alpha and deployed to MCAS Futenma. Upon returning from WESTPAC, he assumed duties in January 1989 as the Executive Officer of MWSS–372, MCAS Camp Pendleton. In January 1990, Major Christian was assigned as a student at the Armed Forces Staff College in Norfolk, VA.

Upon graduation in June 1990, Major Christian was ordered to the Conventional War Plans and Interoperability Directorate (J–7), Joint Staff, Pentagon, Washington, DC. During this tour, Major Christian served as an action officer for deliberate and crisis action planning. Promoted to Lieutenant Colonel in July 1993, he then reported to MAG–39, MCAS Camp Pendleton, as the Operations Officer for MAG–39. From June 1995 to June 1997, Lieutenant Colonel Christian was the Commanding Officer, Aviation Ground Support Element, 3rd MAW, MCAGCC, 29 Palms, CA.

In June 1998, he graduated, with distinction, with a Master's Degree in National Security and Strategic Studies from the Naval War College, Newport, RI. Assigned to the 3rd Marine Division, Okinawa, Japan, in August 1998, he served as the Deputy and then as the Assistant Chief of Staff, G–3. Additionally, he was the Commander, Marine Forces Forward, during Exercise Cobra Gold '99 conducted in Thailand.

In August 1999, Colonel Christian reported to I Marine Expeditionary Force and served as the Force Fires Coordinator, Future Operations Officer and as the Chief of Staff of the 1st Marine Expeditionary Brigade and the Special Purpose MAGTF, Exercise Bright Star conducted in Egypt. He was the Commanding Officer of MCAS Camp Pendleton from July 2000 to July 2003. On 11 July 2003 he was assigned as the Chief of Staff, Marine Corps Air Bases Western Area (MCABWA) and MCAS Miramar. He assumed the additional duties of Acting Commander, MCABWA and MCAS Miramar from September 2003 until April 2004 due to the deployment of the Commanding General to Iraq, when he then resumed his Chief of Staff duties. He assumed the duties as the Commanding Officer of MCAS Miramar on 6 January 2006.

Colonel Christian's personal awards include the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal (two awards), Joint Service Commendation Medal, Navy and Marine Corps Commendation Medal, and the Joint Staff Badge.

He is married to the former Deborah J. Behnke of Kewaskum, WI. They have two daughters, Rachel and Betsy.

On behalf of the people of the United States whom Colonel Christian spent a career serving, I thank him for his service and commitment to the defense of our Nation.

HONORING SONITROL SECURITY SYSTEMS ON ITS 30TH ANNIVERSARY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to Sonitrol, an electronic security company located in Buffalo, NY, that marked its 30th anniversary on August 1, 2006. I am pleased to be able to join with President David P. Jones and Vice President Paul A. Nickel to celebrate their success and commitment to providing comprehensive security solutions to businesses in Western New York.

Mr. Jones and Mr. Nickel brought Sonitrol Security Systems to life in 1976 when they relocated to Buffalo, NY, from Connecticut. They began their business in the basement of what is now known as the HSBC building in downtown Buffalo. Working day and night handling both the sales and the installation of their security systems, Mr. Jones and Mr. Nickel grew the company and began to acquire other alarm companies in the process.

Sonitrol Security Systems uses unique "Verified Alarm Technology" that results in high apprehension rates and low false alarm rates in the security alarm industry. Sonitrol has used "Verified Audio Intrusion Detection" for several years and will soon introduce "Verified Video Intrusion Detection" to further enhance the quality of service that they provide their business customers.

Mr. Speaker, I ask my colleagues in Congress to please join me in wishing David P. Jones, Paul A. Nickel and the employees of Sonitrol Security Systems continued success in the security business. I am confident that they will remain an invaluable security company, employer and partner in Western New York for many years to come.

IN RECOGNITION OF THE END-OF-ACTIVE SERVICE OF STAFF SERGEANT CLAIRE J. BUFFINGTON, UNITED STATES MARINE CORPS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the 7 years that SSG Claire Buffington has served in the United States Marine Corps.

Coming to the United States from Scotland, Great Britain, Staff Sergeant Buffington is a true patriot who has significantly contributed to the defense of our Nation. Staff Sergeant Buffington enlisted in the U.S. Marine Corps in June 1999, and was assigned to the Fourth Recruit Training Battalion, Recruit Training Center, Parris Island, SC. She graduated as company honor graduate and received a meritorious promotion to the rank of private first class. She subsequently attended Marine Combat Training at Camp Geiger, NC, and Supply School at Camp Johnson, NC.

Private First Class Buffington's first assignment was to the Second Marine Division's Supply section at Camp Lejeune, where she served as a supply clerk. She was promoted to the rank of lance corporal and then transferred to the Second Marine Division Headquarters Battalion supply section where she served as a supply clerk and platoon sergeant. During this assignment, she earned meritorious promotion to the rank of corporal in July 2001, completed Corporal's Leadership Course, and then earned meritorious promotion to sergeant in November 2001. Sergeant Buffington also graduated from the Marine Corps Marksmanship Instructor's Course and served as pistol and rifle requalification coach for Headquarters Battalion, 2d Marine Division.

In June 2003, Sergeant Buffington was assigned to the House Liaison Office, Office of Legislative Affairs, Headquarters Marine Corps, as the administrative clerk, and was promoted to staff sergeant on February 12, 2006. In her current capacity, Staff Sergeant Buffington has faithfully served the 435 members of the 106th, 107th, 108th and 109th Congresses as a member of the Marine Corps' House of Representatives Liaison Office. Staff Sergeant Buffington has been responsible for directing and organizing many congressional and staff delegations around the world, as well as numerous congressional events on Capitol Hill. Her attention to detail in every event she participates has made a positive impact on the relationship between the Congress and the Marine Corps.

Mr. Speaker, few can match the dedication and Esprit de Corps that Claire Buffington has shown over her 7 years of service to Corps and country. I wish Claire and her husband Tony continued success in their future endeavors. Many thanks Staff Sergeant Buffington, our Nation has benefited from your outstanding leadership

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PAYING TRIBUTE TO KELLY PURCELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Kelly Purcell, the former Director of Federal Government Affairs for the California and Nevada Credit Union Leagues. She passed away on Tuesday, August 1, 2006.

Kelly earned a Bachelor's degree in Psychology and Social Behavior from the University of California, Irvine. In addition, she earned a Master's degree in Psychology from Pepperdine University, and another Master's in Political Management from George Washington University's Graduate School of Political Management. Kelly's academic achievements and experience were of great value as she advanced her career.

In October of 2003, Kelly became the Federal Legislative Affairs Manager for the California and Nevada Credit Union Leagues. She was quickly promoted to serve as Acting Director of Federal Government Affairs in September of 2004, and became Director in February of 2005. In her position, she served California and Nevada credit unions by overseeing Congressional and regulatory advocacy programs.

Kelly attended the Credit Union National Association Government Affairs Conference in February of this year. At the event, she met with legislators on Capitol Hill to update them on important issues including the effects of the Rallies for Credit Unions, the importance of local union movements, and the progress of the Credit Union Regulatory Improvements Act.

Mr. Speaker, I am saddened by the unexpected loss of such a young and ambitious woman. Kelly's hard work brought passion and enthusiasm to the California and Nevada Credit Union Leagues through her advocacy efforts in Nevada, California, Washington, D.C., and nationwide. She will be deeply missed

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CONGRATULATING MYCHAL BLACK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mychal Black of Lewisville, Texas, on receiving the venerated 2006 Presidential Freedom Scholarship. As a recipient of this prestigious award, she is recognized for her outstanding leadership and commitment to servicing of her community and its residents.

The Presidential Freedom Scholarship program, sponsored by the Corporation for National and Community Service and administered by Learn and Serve America, honors select high school juniors and seniors, displaying exceptional service and citizenship, with a $1,000 scholarship to the college of their choice. To be eligible for nomination, individuals must have completed at least 100 hours of community service and receive the recommendation of their high school.

Mr. Speaker, I extend my sincere congratulations to Mychal Black on receiving this award and commend her dedication and desire to help her school, community and country.

TRIBUTE TO ROBERT HARTWIG OF ZEPHYRHILLS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Robert Hartwig, the Zephyrhills Fire Chief who recently retired following 32 years of service. Chief Hartwig began his career in 1974 as the first paid firefighter with the Zephyrhills Fire Department, and then rose through the ranks to become a driver engineer, captain, assistant chief and finally chief in 1983.

Chief Hartwig was instrumental in the construction of a second fire station. The new station included administrative offices and doubled the size of the department. He helped secure various grants to enhance the department's functionality and offset the city's budget. Chief Hartwig also entered into a joint venture between the city and Florida Hospital of Zephyrhills to initiate a Wellness/Fitness Program for all Zephyrhills fire rescue personnel.

Holding an A.A. degree from Hillsborough Community College, Chief Hartwig achieved the difficult Smoke Diver's Certification. In his spare time, he has been involved with many clubs and organizations, including: President of the East Pasco Soccer Youth League, President of the Kiwanis Club, youth baseball coach, youth soccer coach, board member of the Chamber of Commerce, member of International Association of Fire Chiefs, member of Florida Fire Chiefs' Association, member of Pasco Hernando Fire Chiefs' Association, member of Florida Fire Marshals' Association and was an instructor at the Florida State Fire College.

Chief Hartwig will spend his retirement years pursuing his first love; home remodeling. Learning the construction trade by working side-by-side with his father, he eventually created his own home remodeling business, "The House Doctor." He also loves Alaska and has spent extensive time there commercial salmon fishing. Chief Hartwig has a grown son, Jeff, a grown daughter, Amy, and one grandchild.

The entire Zephyrhills community can be proud of the work that Chief Hartwig has accomplished during his thirty-two year tenure. A dedicated public servant, Robert Hartwig has earned his retirement many times over and should be congratulated for a job well done.

IN HONOR AND REMEMBRANCE OF CLEVELAND POLICE DETECTIVE JONATHAN SCHROEDER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Cleveland Police Detective Jonathan Schroeder, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our community.

Family, friends and service to others enveloped Detective Schroeder's life. He drew personal strength and faith from those close to him, especially his wife, Amy, and infant son, Eric. His generous spirit and humble nature made him a role model for those around him. He would often help shovel neighbors' driveways and sidewalks, and when his premature son left Fairview Hospital in a healthy condition, he vowed to make an annual donation to the hospital.

Detective Schroeder's steadfast focus on hard work and serving the public were evidenced throughout his life. He grew up in Monroeville, Pennsylvania and was a 1992 graduate of Kent State University. Detective Schroeder finished the police academy in 1996 and heroically served the Cleveland Police Department for ten years, five of those years as a detective. His calm demeanor and sense of fairness reflected in his colleagues' deep admiration and respect for him, as a police officer and as a human being. Detective Schroeder had a reputation for handling victims, as well as suspects, with an equal amount of respect.

Mr. Speaker and colleagues, please join me in honor and remembrance of Detective Jonathan Schroeder. I extend my deepest condolences to his family members and many friends. The ultimate sacrifice, significant service and true heart that framed the life of Detective Schroeder will live forever in the memories and hearts of all those who knew and loved him best. His legacy of service and courage will be honored and remembered by the Cleveland community, today and for all time.

HONORING LOUIS E. DAUGHERTY, M.D. ON THE OCCASION OF HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the distinguished career of Dr. Louis E. Daugherty on the occasion of his retirement from the position of Medical Examiner of Napa County.

Dr. Daugherty has had a long career of service to his community and country, exemplifying the highest ideals of the medical profession. Born in St. Paul, Minnesota, Dr. Daugherty earned a Bachelor's Degree from the University of Arizona before completing his M.D. at Marquette University.

Dr. Daugherty served as a Battalion Surgeon in the United States Army in Vietnam, saving the lives of many young soldiers. His bravery during the Tet Offensive at the Siege of Saigon was rewarded with a Silver Star, one of our nation's highest military honors for distinguished gallantry. He was further recognized with the Combat Medic's Badge for his medical service alongside infantrymen under combat conditions in the Vietnamese Delta.

After his service in Vietnam, Dr. Daugherty returned to school to complete his residencies at one of our nation's finest medical schools, the University of California at San Francisco. Having finished his residencies, he took a series of positions in the greater Bay Area as a pathologist and medical consultant. He has worked for Napa County for the last 28 years as a Medical Examiner and Forensic pathologist.

Mr. Speaker, in addition to his career with Napa County, Dr. Daugherty has assisted his wife Sheila's innovative treatment center to help teens with substance abuse problems. He has provided the medical services which allow the center to assist teens with the broad scope of issues they must confront in overcoming substance abuse.

Dr. Daugherty is known to his friends and family as a man of strong character and steely determination. A long-time marathon runner, he has also completed the Ironman and other triathlons. Dr. Daugherty and his wife have two children, Dr. Eugene Daugherty and Dr. Matthew Daugherty. They are also blessed with two grandchildren, Cecilia and Frances.

Mr. Speaker, it is appropriate at this time that we extend thanks to Dr. Louis E. Daugherty for his long record of public service to the people of Napa County. His professional and personal integrity have greatly contributed to our community, and I wish him all of the best in the future.

RECOGNIZING LILLIE BEATRICE KNIGHT IRVING

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PICKERING. Mr. Speaker, today I want to recognize a Mississippian who has given a century of service to her family, friends and community. She and her husband, the Reverend Monroe J. Irving, reared ten children. She now has forty-two grandchildren, eighty-seven great-grandchildren, twenty-eight great-great-grandchildren, and one great-great-great-grandchild. Her family in quality and quantity has blessed southwest Mississippi.

Lillie Beatrice Knight Irving was born on September 11, 1906 in Adams County, Mississippi. She studied at Wickland Elementary School, Brumfield High School, and Alcorn State University. She then gave back to the education community serving as a teacher for forty-six years at the Tate Baptist Church Public School, the Wickland Elementary Public School, Central Elementary School and Liddell Elementary School.

She married Monroe Irving on January 17, 1933 and together they made a life of service to God and man. She served as the church clerk for thirty-three years and deaconess of Greater Mt. Bethel Baptist Church. Her service can be seen in the many awards and honors she has received from her church and community. But the real fruit of her life can be seen in how she cares for her fellow Mississippians through prayer and work and faith.

Mr. Speaker, Lillie is thoughtful and careful to feed her mind, body and soul; keeping active and balancing a strong body and her strong faith. Her commitment to the Word of God and her saving Lord has given her purpose and her life's strength. She has a family with a wonderful reputation and she and they have been a blessing to her community, her friends and everyone she comes in contact with. I hope this Congress joins me in wishing her a very happy one-hundredth birthday and praying she has many years with the Mississippi she so loves and serves.

TRIBUTE TO SHIRLEY S. ABRAHAMSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. BALDWIN. Mr. Speaker, I rise in tribute to a distinguished American, Shirley S. Abrahamson, who is being honored today at the Wisconsin State Capitol for her 50 years of membership in the bar, 30 years as a justice on the Wisconsin Supreme Court, and 10 years as Chief Justice.

But Chief Justice Abrahamson is not being honored solely on the basis of time-served. Her colleagues, students, friends, and family, indeed all citizens of Wisconsin, are the beneficiaries of her work ethic, intellect, compassion, sense of humor, respect for justice and dedication to the law.

An elected fellow of the American Academy of Arts and Sciences, this daughter of immigrants grew up across the street from her family's grocery store in New York City. The only woman in her law school class, the first woman on the Wisconsin Supreme Court, the first woman to serve there as Chief Justice, Shirley Abrahamson, among other honors, was elected by her peers as President of the Conference of Chief Justices and Chair of the Board of Directors of the National Center of State Courts because of their "abiding confidence in her leadership and her judicial acumen."

She paved the way for women in the law and set a standard of excellence in the Court, always reminding us, "We need to be careful to appreciate our system of judicial independence and ensure it survives."

Last year, while standing patiently in the line of mourners outside the U.S. Supreme Court to pay respects at the bier of Chief Justice Rehnquist, Chief Justice Abrahamson was recognized and urged to exert her celebrity and move to the front of the line. "That's not the Wisconsin tradition," she replied.

Shirley Abrahamson not only respects Wisconsin's tradition of equal justice and equal opportunity, she enforces both with strength, courage, and grace.

I join the people of Wisconsin in paying tribute to a great jurist and citizen, Chief Justice Shirley Abrahamson.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 426. Had I been present, I would have voted "aye".

NEW BEDFORD CELEBRATION OF THE NATIONAL HISPANIC HERITAGE MONTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, on September 12th, the Annual Hispanic Recognition Awards Ceremony will take place in New Bedford, Massachusetts. These awards express the admiration and appreciation of the community for outstanding individuals who have shown leadership in a variety of ways. Unfortunately for me, we will be in session when this awards ceremony takes place, and I will not be able to attend in person, which I would have liked to do so that I could express directly my admiration and gratitude to the winners of these awards for the work they have done.

Mr. Speaker, since I cannot be there and because the work that is being recognized is so important not just for the Hispanic Community but for the Greater New Bedford Community and indeed all of Southeastern Massachusetts, I wish to take the opportunity here to commend Mayor Lang, elected officials and the committee, led by Director Emilio Cruz. who have done the work that is culminating in this important ceremony and to express my deep appreciation of the winners of the awards.

Mr. Speaker, the list of the awardees is: Reverend Eva Amaro, Senior Pastor of the Christian Revival Temple, Dr. Guillermo Gonzalez, MD, renowned psychiatrist, Mr. Anibal Lucas, Director of the Maya Kichee USA, Ms. Raquel Tejadas, businesswoman.

PAYING TRIBUTE TO TERRY AND LEE KISTNER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Terry and Lee Kistner of Overton, Nevada for their overwhelming commitment to serving others.

Terry and Lee moved to Overton nearly ten years ago. Shortly thereafter, they opened Valley Boot and Shoe Repair, a small business specializing in leather craftsmanship, including boots, saddles, tack and repairs. Despite the struggles of owning a small business in an economy dominated by large companies and manufacturers, Terry and Lee have managed to keep their doors open and their business running successfully for more than nine years. In order to do so, both Terry and Lee work full-time jobs and stagger their schedules so that each can tend to the needs of their business.

Although their extraordinary work ethic and commitment to their craft is part of what makes the Kistners an asset to the Moapa Valley Community, it is their remarkable compassion for others and their dedication to community service that is truly inspiring. Terry and

Lee strive to help others in any way they can. They frequently contribute their expertise in leather craftsmanship to school and community groups. Whether it means donating leather and teaching special education students how to make their own belts, donating labor and craftsmanship to the Nevada High School Rodeo winners or donating custom-made boots to fulfill a young boy's dreams of owning real cowboy boots, the Kistners are happy to give their talents to a variety of worthy endeavors.

Terry and Lee are also committed citizens of the United States of America. They instilled in each of their four children a sense of pride in their country and a commitment to serving others. They currently have a son who is serving in the United States Army in Iraq. In addition to all they do to serve their local community, the Kistners also strive to support their son in his military service. The Kistners have purchased and donated a variety of needed equipment and supplies for their son's 17-member military unit.

Mr. Speaker, I am honored to recognize Terry and Lee Kistner on the floor of the House for the extraordinary citizens that they are. I commend their patriotism and their inspiring commitment to serving others. I thank them for the sacrifices they have made to brighten the lives of those around them and I wish them the very best in all their future endeavors.

TRIBUTE TO STERLING DOBBS OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Mr. Sterling Dobbs of Homosassa, Florida.

Joining the Army in June of 1941, Mr. Dobbs spent more than 4 years in service to our Nation. As a pilot, Mr. Dobbs proved his mettle in more than 35 combat missions in the European Theater during World War II.

Awarded his 1st distinguished flying cross on October 20, 1944, Mr. Dobbs had already shown extraordinary achievement as a pilot flying a B–24 aircraft on many bombardment missions.

On April 8, 1945, Mr. Dobbs received an oak leaf cluster for a distinguished flying cross as the lead pilot on a mission over enemy occupied continental Europe. On his 30th mission, Mr. Dobbs was the lead B–24 aircraft for the 2nd Air Division that flew into Kassel, Germany where they bombed a factory. After this mission he flew several more as the command pilot, with a final total of 35 combat missions.

Truly one of America's greatest generation, Mr. Dobbs served in the Nebraska National Guard for 3 years prior to his 5-year active duty commitment. Following his honorable discharge from the Army, Mr. Dobbs then served reserve duty for another 17 years.

Mr. Speaker, true American heroes like Sterling Dobbs should be honored for their service to our Nation and for their commitment and sacrifices in battle. It was young men like Sterling Dobbs who saved the world from the threat of Nazi occupation of Europe. Without their help, America and her allies would not have been victorious in World War II.

COMMEMORATING MT. JULIET'S HEROES THIS PATRIOT DAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. COOPER. Mr. Speaker, I rise today to commemorate the First Annual Patriot Day Community Candlelight Tribute in Mt. Juliet, TN.

Tonight, citizens from across Wilson County will come together to pay tribute to the men and women in uniform who work hard to protect our communities everyday. With flags flown at half-staff, a moment of silence and heartfelt prayer and a candlelight ceremony this evening, Mt. Juliet will remember all those who were lost on September 11, 2001 and honor the Americans who serve and protect our country today.

At home, our law enforcement officers, sheriff's department personnel, firefighters and emergency rescue workers give their energy and expertise to fight a variety of challenges and threats to make sure we are safe. From natural hazards and fires, to crime prevention, and the ever-growing meth epidemic, these local heroes endanger their lives to make ours safer.

Overseas, we count on the brave men and women of the Armed Forces to defend our freedom and protect democracy. They face countless dangers as they serve under the most difficult of conditions. We remember our family members, friends and neighbors across Wilson County and Tennessee who made the ultimate sacrifice for our freedom. And it is with great pride and admiration that we support the Tennesseans who continue to serve their Nation overseas.

Tonight's Patriot Day Community Candlelight in Mt. Juliet is an opportunity to personally thank our local heroes—both at home and overseas—for their dedication and sacrifice. It is a time to remember those patriots we have lost, and it is a chance for us to renew our own patriotic spirit.

NAVY MASTER DIVER CARL BRASHEAR REMEMBERED

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to remember a great American warrior and patriot. Master Chief Carl Brashear passed away on July 25, 2006 at the Naval Medical Center in Portsmouth. His legendary accomplishments, however, live on in Navy lore today and for generations to come.

As a 17-year-old, Brashear joined the Navy in 1948, shortly after the service had been officially desegregated. At age 23, he applied for, was accepted to and graduated from the Navy Salvage Diving School. Twelve years later, an accident aboard the salvage ship *Hoist* nearly cost Brashear his career and his life. Brashear's left leg was amputated below the knee, a crippling debilitation for anyone but worse for a man whose dream was to be a master diver in the finest Navy in the world. He refused to give up.

In 1967, Brashear became the first Navy diver to be restored to full active duty as an amputee, and his focus returned to the sea. By March 1968, he was back to work at the NAS Norfolk where he served as the lead diver.

In June 1970, less than 4 years after the accident, Carl Brashear made history again. He became the first African-American to be certified as a master diver in the United States Navy and the only amputee deep-sea diver to ever achieve that status. Brashear would also go on to become the first black man to ever become Master Diver of the U.S. Navy, a position he held from 1975 to 1977. Brashear retired from the Navy in 1979 after 31 years of devoted service.

"Carl, a man with such humble beginnings, has touched so many people," said retired Master Diver J. Lamont King—the fifth black American in history to earn the title. "He represented African-Americans. He represented people with disabilities. He represented the United States Navy. He represented veterans. He was the best of the best of what was truly American." For many, Carl's courage broke barriers and helped changed attitudes, but his legacy is not that of an amputee or of an African-American but rather of a seaman who overcame disability and racial prejudices to join a long blue line of American heroes.

As the Command Master Chief of NAB Little Creek Hakim Diaz remarked, "We pay tribute to a seaman, a Sailor in whose chest beat the most valiant heart of all." MCBM Brashear's son, Phillip Brashear, an Army chief warrant officer 4, said it best, "He taught people worldwide that your race, your gender, your religion, none of that makes any difference. You can achieve your goals, you can be held accountable to your characteristics as a person, not by the color of your skin."

Countless stories of MCBM Brashear's bravery, determination, courage and friendship show that he was more than a man with a dream; he was a sailor whose skill and dedication make him a hero. Brashear was the recipient of multiple awards and commendations including the Navy Commendation Medal, Navy Achievement Medal, National Defense Service Medal, Navy and Marine Corps Medal, Navy Occupation Service Medal and the Presidential Unit Citation.

Nearly 800 people gathered last week to honor MCBM Brashear as he was memorialized. To their words I can add only that through the actions of Master Chief Carl Brashear, we are a better nation today. Without the resolve of sailors like Carl Brashear, a man whose boundless determination inspired every walk of life, our country and its people could never truly understand dedication and sacrifice.

IN HONOR OF COLONEL RICHARD STEPHEN GEBELEIN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Colonel Richard Stephen Gebelein upon his retirement from the United States Army Judge Advocate General's Corps after 26 years of faithful and distinguished service.

Colonel Gebelein's legal career began upon his graduation from Villanova University School of Law in 1970. After law school, Colonel Gebelein served as a law clerk on the Delaware Chancery Court, deputy attorney general for the State of Delaware, State Solicitor of the Delaware Department of Justice, and as the Chief Deputy Public Defender. In 1979, Colonel Gebelein began his military career when he became a member of the United States Army Judge Advocate General's Corps with the HHC 261st Signal Command of the Delaware Army National Guard.

After serving as Delaware's Attorney General from 1979 to 1983, Colonel Gebelein was appointed to the bench of the Delaware Superior Court. Colonel Gebelein's appointment to the bench required that he become what's known as an M-Day Soldier, or a part-time drilling soldier. However, Colonel Gebelein continued to bolster his already impressive credentials by graduating from the United States Army War College and earning a degree in Islamic Studies at the University of Sarajevo in Bosnia-Herzegovina. Colonel Gebelein has also been integral in improving services provided to soldiers in the Delaware Army National Guard. Colonel Gebelein devised the system used for processing administrative discharge boards and courts martial at the Delaware Army National Guard.

In 2004, Colonel Gebelein was called-up and went to Afghanistan and served as the Rule of Law Officer for the Staff Judge Advocate Combined Forces Command—Afghanistan, in support of Operation Enduring Freedom Colonel Gebelein served in Afghanistan for 8 months and shortly after his return to the Delaware Superior Court, his expertise as a premier international jurist was recognized; based on the quality of his character and knowledge in international legal matters, Colonel Gebelein was invited to address the United Nations forum on International Humanitarian Law and Peacekeeping Operations. Colonel Gebelein currently serves as an International Judge for War Crimes and Organized Crime and Economic Corruption on the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina.

Mr. Speaker, in closing, I would like to express my deep personal thanks to Colonel Gebelein for his service to the United States Army, the Delaware Superior Court, and the citizens of Delaware. Colonel Gebelein's distinguished career is a testament to his impeccable character, intelligence, and integrity. I'm proud to call him a friend, but I'm grateful that he is a Delawarean.

TRIBUTE TO MONTY BROOKS AND THE IMPORTANCE OF BASIC FIRST AID TRAINING

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PENCE. Mr. Speaker, today I rise to highlight the importance of basic life-saving skills such as CPR and the Heimlich Maneuver. One of my constituents, Monty Brooks, recognizes the importance of these skills following a frightening experience in August.

On this warm Indiana evening, Monty Brooks and his 9-year-old daughter, Carrington, were spending time together on their porch. Carrington had prepared some leftovers from dinner and after a lull in the conversation, Monty realized something was terribly wrong with his daughter. Carrington clutched her neck indicating that she was choking.

Mr. Speaker, Monty Brooks knows first-hand the importance of basic life-saving skills. Monty is the director of health and safety for the Hoosier Heartland Chapter of the American Red Cross. His experience with Carrington only serves to highlight his long-time understanding that these skills are important.

Monty Brooks put his basic life-saving knowledge to use on that warm August evening. He performed the Heimlich Maneuver on Carrington, dislodging the food and allowing her to breathe freely once again.

I rejoice with Monty Brooks that Carrington is well after this frightening episode. I also commend Monty for his dedication to educating and training others in basic life-saving skills through the American Red Cross preventing the unnecessary deaths of his fellow Hoosiers. Along with Monty Brooks, I encourage Hoosiers and all Americans to get trained and become familiar with basic life-saving skills.

HONORING THE TOWN OF BURLINGTON, CT ON ITS 200TH ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to pay tribute to the Town of Burlington, Connecticut, on the occasion of its bicentennial.

The Town of Burlington emerged from its incorporation in 1806 as a dynamic community. Although the young town relied heavily on agriculture through its small farms, it was also home to several mills and factories, producing goods ranging from muskets to mantel clocks to cider brandy. Today, as many small businesses continue to grow and prosper in Burlington, I would like to commend the many generations of hard-working people who have helped to set such high standards of entrepreneurship and initiative throughout the town's history.

Many outstanding individuals have hailed from Burlington over the past two centuries. Among them were Samuel Monce, inventor of the glass cutter; Colonel Ralph L. Gezelman, who was responsible for organizing the supply shipments for the D-Day invasion; and Herman Humphrey; whose leadership at Amherst College helped transform that school into the fine institution that it is today.

Mr. Speaker, I commend this fine community for its innumerable accomplishments over the course of its first 200 years. As one of the fastest growing towns in Connecticut, Burlington not only has a rich history behind it, but a promising future as well.

TRIBUTE TO ST. MARY'S LAW SCHOOL

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise today in honor of an institution that prides itself on excellence, distinction and integrity—my alma mater St. Mary's Law School.

Located in San Antonio, Texas, St. Mary's Law School is a community of faith and an independent Catholic institution that instills in its students a commitment to public service, and a profound moral and intellectual obligation to the public that its students will someday serve.

I am proud to say that I graduated from St. Mary's Law School in 1987, and the great education of the law and public service that I received there built the foundation for my career as a Member of Congress.

Recently, St. Mary's Law School dedicated their new Center for Terrorism Law. The St. Mary's Center for Terrorism Law is committed to the study of the legal issues associated with both antiterrorism and counterterrorism, with a particular emphasis on cyberterrorism and information assurance technologies.

Through its exceptional curriculum, the Center for Terrorism Law is dedicated to increasing the professional and public understanding of terrorism law, and the balance between ensuring global security and protecting the civil liberties of all Americans.

As a Member of the Homeland Security Committee and a St. Mary's alumnus, I am encouraged by their commitment to these complex and crucial issues that are at the foundation of America's national security. The education they are providing their students, and the work they are doing in the field of terrorism law will make America a safer place.

PAYING TRIBUTE TO SPECIALIST IGNACIO RAMIREZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of United States Army Specialist Ignacio Ramirez, who was killed on August 9, 2006, in Ramadi, Iraq while serving in Operation Iraqi Freedom.

Ignacio "Nacho" Ramirez was born in Los Angeles on August 23, 1983. He spent the majority of his youth in Henderson, Nevada. He was involved in athletics throughout his youth, playing youth baseball and high school football. He graduated from Basic High School in 2002, and joined the United States Army shortly after graduation.

Specialist Ramirez was assigned to the 1st Battalion, 37th Armored Regiment, 1st Armored Division of the United States Army based out of Friedberg, Germany. He lost his life when a roadside bomb exploded near his vehicle.

Specialist Ramirez was a hero whose desire to serve his country will forever make an impact on his family, his community and his country. He joined the Army to help the United States fight the Global War on Terror and he will not only be remembered for his sacrifice and willing service, but for the extraordinary person that he was.

Ignacio's warmth and optimism brightened the lives of his family and friends. He is survived by his loving parents, Marina and Robert Vance; and six siblings, Ofelia Espinoza, Sidney Jiminez, Ivan and Jasmine Ramirez, and James and Tia Vance.

Mr. Speaker, I am proud to honor the life of United States Army Specialist Ignacio Ramirez. Specialist Ramirez made the ultimate sacrifice for his country while defending democracy and freedom. He was a true patriot who served the United States of America with valor and courage. I am saddened by his loss and I extend my deepest sympathies to his family.

TRIBUTE TO VIETNAM WAR VETERAN WILLIAM REES, JR. OF LEVY COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor William Rees, Jr. of Williston, Florida, a purple heart Veteran from the Vietnam war.

Mr. Rees was wounded in action in April of 1968 when a mine exploded near his station. As part of the 3rd Squadron, 11th armored cavalry regiment, Mr. Rees and his fellow soldiers faced the enemy in battle many times throughout that fateful month.

During April, his squadron destroyed seven hundred and twenty-five enemy bunkers and recorded forty-nine vietnamese soldiers killed in action. Additionally, Mr., Rees and his fellow troops confiscated significant weapons caches, numerous documents, utensils, food, and medical supplies.

Veterans of the Vietnam war made tremendous sacrifices in the name of freedom. More than 300,000 brave soldiers were wounded during the war, many of them disabled for life.

This level of sacrifice required a great amount of courage, strength, and devotion to the preservation of the American ideals of democracy and freedom for all. It is by remembering their sacrifices that we can celebrate the end of such a difficult conflict.

Mr. Speaker, veterans like William Rees, Jr. should be recognized for their service to our nation and for their commitment and sacrifices in battle. I am honored to have presented Mr. Rees with his long overdue purple heart. He should know that we truly consider him one of America's heroes.

TRIBUTE TO MRS. BONNIE REESE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of Mrs. Bonnie Reese. I can truly say that Bonnie is a dedicated, distinguished, and honorable citizen. I have known Bonnie for many years, and she is one of the most involved citizens I have ever known, especially when it comes to her service to the community. Bonnie has served her community of Jasper County in some political capacity for 35 years, and her overall service to the community is immeasurable. For many years, Bonnie has been a constant fixture in the Jasper County Democratic Party. For her efforts, she will be honored at an event hosted by the Jasper County Democrats on Friday, September 8, 2006, at the American Legion Post #406 in Wheatfield, Indiana.

Bonnie Reese began her career with the Jasper County Democratic Party in 1971, at which time she served as the Party's Secretary. After serving 4 years in that position with unwavering professionalism and dedication, Bonnie was named to the position of Vice Chair. For over 30 years, Bonnie has maintained this post, and she has done so with complete loyalty to the Democratic Party and to the people of her community. When called upon to address the needs of the community, Bonnie has always been a willing servant. Because of her commitment and care for the citizens of Jasper County, Bonnie was also elected First District Vice Chair in 2004. In addition, she has the distinction of being the first female elected to the Jasper County Council. However, not only was Bonnie the only woman on the Council, but also the sole Democrat. Bonnie's knowledge of the government and her willingness to serve have made her very successful in all of the positions she has held.

Indisputably, Bonnie Reese has been extremely successful throughout her career in public office. However, her efforts to support and contribute to her community have extended beyond her political service. Aside from her public service, Bonnie is also known for her skills as an organist. Many people in the community know her from her service to her church, the Tefft United Methodist Church, where she serves not only as the church's organist, but also as its choir director.

When not engaged within the community, Bonnie spends her spare time with those closest to her, her family. A loving wife, mother, grandmother, and great-grandmother, Bonnie's commitment to her community is surpassed only by her love for her family. Bonnie has been married to her husband, Roy, for 48 years. She and Roy, a retiree of U.S. Steel after 40 years of service, have four sons: Daniel, Michael, Richard, and Douglas. Roy and Bonnie are proud grandparents of 14, and they also have one great-grandchild.

Mr. Speaker, Bonnie Reese has given her time and efforts selflessly to the people of Jasper County throughout her years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her lifetime of service and dedication.

RECOGNIZING THE ACHIEVEMENTS OF MR. FRED A. CURLS

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Mr. Fred Curls, a pioneer for civil and political rights, and a resident of the Fifth District of Missouri, which I am honored to represent. This week, Mr. Curls is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri. He is one of the original Founders of Freedom Incorporated, an African-American political organization which at one time could generate nearly 70,000 votes. Freedom Inc. was and has been very influential in delivering votes for a candidate or a cause.

The organization has been at the forefront in serving as a catalyst for change in civil rights, public accommodations, and the election of candidates at all levels of government. Its office has been visited by City Councilpersons, Mayors, Governors, Congresspersons, Senators, and persons with Presidential aspirations. For nearly forty-five years, Mr. Curls has dedicated his life to the Greater Kansas City community, promoting and improving political empowerment and civil rights of people of color. His son, State Senator Phil B. Curls, Sr. was the President of Freedom Inc. when I was Chairman. It was a period when Freedom Inc. was recognized as one of the most potent political organizations in the United States and brought about the election of the first African-American Congressman from the Fifth District of Missouri, U.S. Representative Alan Wheat.

Since the mid-1950s, Mr. Curls has been involved in real estate sales and appraisals, most notably in the African American community of Kansas City. He fought against "restrictive covenants" whereby residential homes could not be sold in certain areas to minorities. He was part of a class action lawsuit which resulted in the United States Supreme Court outlawing such covenants.

In all of his activities, he demonstrates his dedication and commitment to the greater good of others. He is actively involved with his high school graduating class, the "Class of 1937," which has been very close to this day. They have started the Lincoln High Alumni Association which gives scholarships to deserving young adults to go to college. He was recently honored by Jackson County, Missouri as one of its "Legacy Awardees" for its 175th anniversary as a political subdivision.

Throughout his life, he has believed in the saying "make it happen." He has put his principles to practice, and the effects of his efforts have "made it happen" throughout the Kansas City metropolitan area.

For those reasons and more, it is indeed an honor and privilege to recognize Mr. Fred Curls at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative William Lacy Clay of St. Louis.

Mr. Speaker, just as this body has honored Dr. Martin Luther King as an outspoken pioneer and one of the historians of the civil rights struggle, and has honored Buck O'Neill was one of the historians for those who toiled in the Negro Leagues rather than the Major Leagues, we should now give honor to Fred Curls as one of the historians of Kansas City's African-American political struggle. He was active in promoting equality, elevating African-Americans from a second class citizenship to a first class citizenship to be recognized by all. Whatever we, as African-Americans, may attain in the political arena, Fred Curls, and those who labored to act on our behalf as political pioneers, have helped to change the course of history. In the year that this 109th Congress has approved the extension of the Voting Rights Act, it is with great pride that we honor one of our active, long-time heroes with this Missouri Walk of Fame. Mr. Speaker, please join me in expressing our appreciation to Mr. Fred Curls and his endless commitment to serving the residents of the State of Missouri. He is a true role model not just to the African-American community in Missouri, but to the entire community at large.

IN HONOR OF THE CAREER OF COACH EDDIE JACKSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the career of Coach Eddie Jackson. Coach Jackson has been a guiding light to the youth of Arkansas and Texas for more than 35 years. On July 21st he was honored with an induction into the Arkansas High School Coaches Association Hall of Fame.

After graduating from Fairview High School in 1963, Coach Jackson went on to receive a BSE from Southern Arkansas University and an MSE from Henderson State University. Within months of graduating college he joined the Prescott High School football and track staffs, winning district championships in his first year. In 1973, his first year as a head football coach, Coach Jackson won the first of three state championships at Prescott. His last state championship came in 1995, his final year as head coach.

Track and field has always held a special place in Coach Jackson's heart. During his distinguished career, he has amassed numerous titles and honors. While at Prescott, Coach Jackson won 15 district titles, was state runner-up twice and won an impressive three state championships. He has also served as the state track meet director twice and was an official at the Southeastern Conference Outdoor Championships.

After leaving Prescott, Coach Jackson went on to coach one season at Hampton before moving to Texarkana and coaching one year at Texas High and two at Liberty-Eylau. In 2002, Coach Jackson became middle school athletic coordinator in Hooks, Texas while also coaching middle school football and track.

Since Prescott is my hometown, I had the privilege to see first-hand the lives this man touched not, only in sports but in the community as well. On July 21st Coach Jackson joined 10 other outstanding coaches to be inducted into the Arkansas High School Coaches Association Hall of Fame.

I am so pleased to have the opportunity to properly recognize Coach Eddie Jackson before the United States Congress for his outstanding contributions to the communities and youth he has touched in Arkansas and Texas. Please join me in congratulating Coach Jackson on his induction into the Arkansas High School Coaches Association Hall of Fame.

THE SECOND ANNIVERSARY OF THE BESLAN MASSACRE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express my sympathy over the terrible tragedy that took place just over two years ago in the southern Russian city of Beslan. This nightmare began on September 1, 2004, the first day of school when over 1000 students, parents, and teachers were forced by terrorists at gunpoint into a gymnasium rigged with explosives. These young students and others were held hostage for three days without access to food or water while the sick and wounded were denied access to medical treatment. In the end, nearly 400 people lost their lives, including 186 children, and over 700 people were wounded in the savage and senseless acts of violence that occurred in Beslan.

Words alone cannot adequately convey the heartache and sorrow over this barbaric act of terrorism. Having an entire Russian school taken hostage by terrorists was shocking. As the world watched, hoping against hope that this would somehow be resolved peacefully, it was horrible to learn on September 3rd that there had been massive loss of innocent lives in the early afternoon of that day.

Mr. Speaker, we continue to grieve for those children and their families and join with other Americans in solidarity with the Russian people on this somber second anniversary of the Beslan massacre.

As Americans we know what it is like to watch—helplessly and in horror—as merciless acts of terrorism are committed against innocent people. We will never forget the tremendous outpouring of sympathy from the people of Russia following the tragic events of September 11, 2001. This support was much appreciated by our wounded nation and helped us through the dark days in the immediate aftermath of the senseless violence of that fateful day.

As both our nations mourn the losses of September 3rd and September 11th, let us find hope in the countless stories of humanitarian acts that surrounded those horrible events. Colleagues, let us remember the heroism of our first responders, the valor of our troops, and the generosity of our communities in their collective response to these tragedies. May the God of mercy grant His peace to all those who continue to suffer from the violence of those tragic days.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall vote 418 through rollcall vote 426 on July 27, 2006, and July 28, 2006, because I was unavoidably detained on official business.

Had I been present, I would have cast the following votes: On rollcall vote No. 418, I would have voted "yea"; on rollcall vote No. 419, I would have voted "yea"; on rollcall vote No. 420, I would have voted "yea"; on rollcall vote No. 421, I would have voted "nay"; on rollcall vote No. 422, I would have voted "aye"; on rollcall vote No. 423, I would have voted "yea"; on rollcall vote No. 424, I would have voted "no"; on rollcall vote No. 425, I would have voted "aye"; on rollcall vote No. 426, I would have voted "aye."

PAYING TRIBUTE TO ANDRE AGASSI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. Andre Agassi as he retires from a 20-year professional tennis career.

Andre Agassi was born on April 29, 1970, in Las Vegas, NV, to Elizabeth and Emmanuel "Mike" Agassi. When he was an infant, Andre's father hung tennis balls above his crib in the hopes that he would some day become a tennis champion. From the time he could walk and hold a racquet effectively, Andre practiced his game, hitting up to 5,000 balls a day. By age 5, he was practicing with pros such as Jimmy Connors and Roscoe Tanner. At the age of 14, Andre's father sent him to train at Nick Bollettieri's Tennis Academy in Florida. Two years later, in 1986, he turned professional, winning his first top-level singles title in 1987 at the Sul America Open in Itaparica, Brazil.

Andre has won eight Grand Slam singles titles and has achieved a total of 60 career singles titles with one career doubles title. Andre is one of only five players to win all four Grand Slam events in his career: four Australian Open titles, one French Open, one Wimbledon, and two U.S. Opens. Furthermore, Andre won the men's singles gold medal at the 1996 Olympic Games in Atlanta, and in 1999 was ranked the No. 1 player in the world.

In addition to his achievements on the court, Andre participates in many charity organizations and founded the Andre Agassi Charitable Association (AACA), whose mission statement is to provide educational and recreational institutions and activities for abandoned, abused, and at-risk kids. Every year, the AACA holds a concert benefit entitled Grand Slam for Children, featuring performances by artists such as Celine Dion, Robin Williams, and Sir Elton John. After its 11th year, the event has successfully raised over $50 million for the at-risk children of Las Vegas. In 1995, he won the ATP Arthur Ashe Humanitarian award in recognition of his efforts for helping disadvantaged youth in Las Vegas. In 1997, Andre opened the Boys & Girls Club to assist the youth of Las Vegas, which features a junior tennis team, Team Agassi, as well as a basketball program, the Agassi Stars. In 2001, Andre opened the Andre Agassi College Preparatory Academy in Las Vegas, NV, a K–12 public charter school founded on the principle that nothing can impact on a child's life more than the education they receive. Additionally, through the AACA, he supports Clark County's only residential facility for abused and neglected children called Child Haven, donating funds for a six-room classroom building now named the Agassi Center for Education. His foundation also provided $720,000 to assist in the building of the Andre Agassi Cottage for Medically Fragile Children.

In addition to his professional success and his contributions to the community, Andre is a dedicated family man; he is the loving husband of former tennis champion Steffi Graf, and the devoted father to 4-year-old son Jaden Gil and 2-year-old daughter Jaz Elle.

The consummate sportsman, Andre praised his fans following his match on Sunday, September 3, 2006 at the U.S. Open. This match brought to a close one of the most impressive professional careers in all of sports. After walking off the court, Andre said "The scoreboard said I lost today, but what the scoreboard doesn't say is what I've found. Over the last 21 years, I've found loyalty. You have pulled for me on the court and also in life. I have found inspiration. You have willed me to succeed sometimes in my lowest moments." He will always be No. 1 in the world, not only as an athlete, but also as a great humanitarian. Andre has willed our community and children to succeed at some of our lowest moments.

Mr. Speaker, I am honored to recognize Mr. Andre Agassi. I would like to offer Andre my sincerest congratulations on an esteemed career, my warmest thanks for his ongoing contributions to the Las Vegas community, and wish him much luck in his future endeavors.

TRIBUTE TO THE NORTHERN LITTLE LEAGUE TEAM OF COLUMBUS, GEORGIA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I would like to take this opportunity to pay special tribute and congratulate the 2006 Little League World Champions, the Northern Little League team of Columbus, Georgia.

The victory by our Northern Little Leaguers over the undefeated Kawaguchi City team representing Japan, makes them only the second team from Georgia to win a World Championship. While a team from Marietta won in 1983, our team is only the second team from Georgia to ever qualify for this event in its entire 60 year history.

As the Member of Congress representing Columbus and Muscogee County, Georgia, where most of the young men live, I can not tell you how proud we all are of this fine young team.

The entire city and surrounding community was thrilled by the success of its native sons. The Columbus Northern Little League players are not only world champions; they are hometown heroes and celebrities as well.

These young men represented the city of Columbus, the State of Georgia and indeed, our great nation, in the finest tradition of the Little League, and what it stands for and represents—teamwork, sportsmanship and camaraderie.

The spirit of sportsmanship was no more apparent than this year. After winning the Championship game, the entire Columbus team walked over to their opponents dugout, and invited the Japanese team to help them hoist the championship banner and to join them in taking the victory lap around the field. Then, side by side, the two teams scooped up dirt from the infield to keep as souvenirs.

I also want to pay tribute to the parents of these young men. Any parent of a little league baseball player, or for that matter, football, soccer or other sports knows and appreciates the love and commitment needed to be successful in these activities.

Let me also pay tribute to the dedicated Columbus fans, hundreds of whom took the 900-mile trip to Williamsport from Columbus to support our team, as well as the other Little League teams in the Columbus area, and the many volunteers, sponsors and supporters who have dedicated themselves to Little League sports year after year.

Throughout the World Series, it was clear that our Northern Little Leaguers were well schooled and prepared, which in large part, points to the hard work and dedication of the team's Manager—Randy Morris, and Coach—Richard Carter.

But it was the members of the team themselves who had to put it all together on the field. And I would like to pay special tribute to each one of the team members individually, including: Brady Hamilton #6, Ryan Lang #18, Josh Lester #4, Matthew Hollis #10, Patrick Stallings #25, Mason Meyers #16, Kyle Rovig #8, Matthew Kuhlenberg #7, Cody Walker #21, Kyle Carter #19, and J.T. Phillips #22.

Babe Ruth once said, "Baseball was, is and always will be to me the best game in the world."

And indeed, for the millions of Little League fans around the world, the 2006 Little League Championship game will go down as one of the best single games in the history of the event.

TRIBUTE TO STAFF SERGEANT CHRISTOPHER SWANSON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. HOYER. Mr. Speaker, the tragic death of a young soldier from Anne Arundel County, Maryland, who gave the ultimate measure of sacrifice in the global war on terror, saddens all of us. As we continue to fight this war, the loss of each and every service member is a tragedy.

Anne Arundel County, the state of Maryland, and our Nation lost a great hero when Army Staff Sergeant Christopher Swanson of Rose Haven was killed in Anbar on July 22.

More than 50 of Maryland's bravest have now died in the war in Iraq.

Christopher Swanson was completely dedicated to protecting his fellow troops. He wrote on his personal website, "I would do anything for them even if it means giving my life to save theirs."

Swanson was highly regarded in his family and community. As a teenager, he traveled on mission trips with members of the First Baptist Church in Upper Marlboro, providing the hope of a better life to gang members in West Virginia and Ohio.

He was the captain of his soccer team at Southern High School, where faculty remembered a "happy go-lucky kid that was always lending a hand."

In August of 1999, Sergeant Swanson enlisted in the Army, even as others tried to talk him out of it. He served in Kosovo as a member of the 82nd Airborne Division, and was part of the initial assault on Iraq in March of 2003, the first of three tours.

Sergeant Swanson was awarded two purple hearts, one after being injured by an improvised explosive device just weeks before he was killed. He persevered, telling his brother Kenneth that he would not be sidelined.

Christopher Swanson gave his life for all of us. As his representative in Congress, I am grateful for his patriotism and his sacrifice. The Fifth District of Maryland and all Americans join the Swanson family in mourning the loss of this fine young man, a real hero.

IN LASTING MEMORY OF JUDGE JOHN W. GOODSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of Judge John W.

Goodson, a true treasure to the community of Texarkana, Arkansas, and to the entire state of Arkansas. Judge Goodson passed away August 18, 2006, in Texarkana, Arkansas, at the age of 80.

John W. Goodson began practicing law in 1951 and was known as a "gentle giant" in the courtroom because of his imposing height, booming voice and tender heart. Throughout his distinguished career as a lawyer and Circuit Judge, John Goodson was a mentor and a friend to many. Some of those he mentored moved on to become international lawyers, elected prosecutors, Circuit Judges, Arkansas Supreme Court Judges and a federal Judge.

Judge Goodson served as the presiding Circuit Judge in courts in Miller, Lafayette, Hempstead and Nevada counties in Southwest Arkansas.

Judge Goodson was a World War II Air Force Veteran, a member of the Arkansas Masonic Lodge, and a board member and former Sunday school teacher at the First United Methodist Church in Texarkana, Arkansas.

Nothing meant more in the life of John W. Goodson than the love he had for his family. This love was evident in all he did, from his active involvement in his church to his role as a community leader.

My condolences go out to his wife, Doris; his daughters Jan Murphy and Mary Jane Briggs; his son John Goodson; and his three granddaughters, Jane Anne Murphy, Wesley Hana Goodson and Mary Claire Briggs. Judge Goodson will be sorely missed in Texarkana and throughout the state of Arkansas.

RECOGNIZING THE ACHIEVEMENTS OF DR. GAYLE HOLLIDAY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Dr. Gayle Holliday, an important resident of the Fifth District of Missouri, which I am honored to represent. This week, Dr. Holliday is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri. I had the privilege of nominating Gayle for the Congressional Black Caucus Spouses' Celebration of Leadership Unsung Hero Award. While this award carries no monetary prize, it is no less a testament to her devotion to bettering our area. For more than 35 years, Gayle has dedicated her life to the Greater Kansas City community, promoting and improving socio-economic conditions, political empowerment and civil rights of people of color.

Dr. Holliday holds a Bachelor of Arts in Political Science, a Masters in Public Administration, and a Ph.D. in Management and Applied Technology. She is the President and Owner of G & H Consulting, LLC, which has been in business for more than 10 years, helping clients in the public, private and non-profit sectors with strategic planning and business plan development. She was recently appointed by Jackson County, Missouri to oversee the minority and women hiring by contractors and subcontractors for the Truman Sports Complex renovation, which is home of the Kansas City Chiefs and the Kansas City Royals. Additionally, under President Bill Clinton, Gayle was selected as one of a small group of individuals to represent the transportation industry on the President's transition team.

Civically, Dr. Holliday serves on twelve boards in the Greater Kansas City Area with varied interests such as healthcare, education, economic development, and diversity in such areas as race, sex, and religion. Through these community activities, Gayle amasses more than 70 hours of community service each month. She is also a member of the church I pastor, St. James United Methodist Church, and finds time to serve as chair of the Pastor Parish Staff Relations Committee. In all of her activities, she demonstrates her dedication and commitment to the greater good of others. Her high energy pace translates directly to the results she is able to obtain for the benefit of all in the Greater Kansas City Area. Regardless of whether she is in the trenches or the boardroom, her poise and thoughtfulness is ever present.

Throughout her life, Dr. Gayle Holliday has exercised a tireless belief in the principle of putting "others" before "self." She has put her principles to practice, and the effects of her efforts can be felt throughout the Kansas City Metropolitan Area.

For those reasons and more, it is indeed an honor and privilege to recognize Dr. Holliday at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Dr. Gayle Holliday and her endless commitment to serving the residents of the State of Missouri. She is a true role model not just to the African-American community in Missouri, but to the entire African-American community at large. May her success serve as a stepping stone for many other African-Americans eager to be just as successful in their endeavors. While it is but a small acknowledgement for all of the work she has done, it is a heartfelt gesture, taking strength from the myriad lives she has touched in our hometown.

TRIBUTE TO NORTHWEST INDIANA FEDERATION OF LABOR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most devoted and proficient workers in Northwest Indiana. The Northwest Indiana Federation of Labor AFL–CIO will recognize several individuals for their dedication during the 32nd Annual Community Awards Reception to be held at the Duneland Falls Banquet Center in Chesterton, Indiana on Thursday, August 31, 2006. These individuals, in addition to the other Northwest Indiana Federation of Labor members who have served Northwest Indiana so diligently for such a long period of time, are a tribute to the ideal American worker: loyal, dedicated, and hardworking.

At this year's event, several individuals will receive special recognition. Mr. Thomas Conway, United Steelworkers International Union Vice President, is this year's recipient of the President's Award. Mr. Conway is being honored for enhancing the well-being of workers throughout Northwest Indiana by countless contributions which further the philosophy of the Labor Movement.

Mr. James W. Callahan, City of Hammond Building Commissioner, will receive the Service to Labor Award for special recognition in assisting organized labor to improve the quality of life for workers in Northwest Indiana.

On behalf of the Pangere Corporation, Mr. Steve Pangere, President, will be presented with this year's Union Label Award for unselfish devotion to the Labor movement through its promotion in all areas of endeavor.

On behalf of the United Union of Roofers, Waterproofers and Allied Workers Local 26 and Roofers Local 26 Joint Apprenticeship and Training Committee Apprentice Program, Mr. Jeff Lussow, Business Manager, and Mr. Keith Vitkovich, Apprenticeship Coordinator, will accept the Community Service Award for exemplary service to the community and the enhancement of the quality of life for all.

Mr. Patrick Malott, Sr., United Steelworkers #6787, will receive the George Meany Scout Award, an honor bestowed upon him by the Boy Scouts of America.

Mr. James G. Stemmler, Business Manager for the Iron Workers Local 395, will be honored with the Lifetime Achievement Award. The exceptional service he has provided to the community deserves our admiration and respect. His dedication and commitment demonstrated for his community is representative of the values we cherish in Northwest Indiana.

For the 2006 Business Sector Awards, Mr. John C. Mang is this year's recipient of the President's Award. The years of hard work he has put forth are a true inspiration to all. Mr. Calvin E. Bellamy is this year's recipient of the Retail/Wholesale Sector Award, while Mr. Mike Schaller, President, Schaller and Mandemack Construction, Incorporated, will receive the Building Trades Sector Award. Finally, Mr. Don Potrebic, Lake County Councilman and retired member of the United Steelworkers Local 1014, will be honored with this year's Service/Municipal Sector Award.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These individuals are all outstanding examples of these qualities. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding citizens, in addition to all of the hardworking union men and women in America. They have shown commitment and courage toward their pursuits, and I am proud to represent them in Washington, DC.

HONORING RICHARD GIMBL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BISHOP of New York. Mr. Speaker, I am very proud to rise in honor of an American hero and one of the bravest firemen that Long Island has ever known, Mr. Richard Gimbl, Chief of the Holbrook Fire Department.

It is a tremendous privilege for me to inform the House that Chief Gimbl was recently selected by the great State of New York as its 2006 "Fireman of the Year." This award is the most recent of a long and highly prestigious list of decorations bestowed upon Chief Gimbl throughout a remarkably distinguished career exemplified by valor, sacrifice and selfless dedication to his fellow firemen and on behalf of a grateful community that he served and protected for 36 years.

Mr. Speaker, Chief Gimbl has answered the call time and again. He was dispatched to Puerto Rico and the Virgin Islands to help with the relief and recovery from the violent hurricanes of the late 1980s. As part of a FEMA relief unit, he responded to the Oklahoma City bombing in 1995. And he was there at Ground Zero on September 11th when the World Trade Center and so many of our bravest firemen fell.

At a time in our Nation's history when the ever-present threat of terrorism and natural disasters continue to imperil our safety and security here at home, we need and are deeply grateful for heroes like Chief Gimbl, who set the bar for a higher standard of commitment and bravery consistently demonstrated by our first responders, and who comfort us each day by the blanket of security they provide at the expense of tremendous sacrifice.

Mr. Speaker, as Chief Gimbl recovers from injuries sustained in the line of duty last year, we join with his family, fellow firefighters at the Holbrook FD, and the entire Long Island community in expressing our sincere best wishes for a full and speedy recovery and to assure each of them that he will remain in our thoughts and prayers.

15TH ANNIVERSARY OF UKRAINE'S INDEPENDENCE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. SMITH of New Jersey. Mr. Speaker, August 24th marked the fifteenth anniversary of Ukraine's rebirth as an independent state, finally being freed from the shackles of Soviet misrule that included a reign of terror, cultural suppression and a genocidal famine.

The last fifteen years have witnessed peaks and valleys as the Ukrainian people have struggled to overcome the legacy of communism and Moscow's imperialism. While the process of Ukraine's restoration is still a work in progress, great strides have been made to consolidate that nation as an independent, free and democratic state. The December 1, 1991 referendum on independence, the 1996 Constitution and especially the 2004 Orange Revolution stand as highlights, demonstrating Ukrainian resolve for independence, rule of law, democracy and freedom, and the continuing promise of a better life.

In contrast to the first 13 years of independence, Ukraine is now "free", and not merely "partly free." The March 26 parliamentary election was one of the freest and fairest ever held among post-Soviet states. The Ukrainian economy is on the road to recovery and development after the initial post-Soviet decline of the 1990s. Ukraine is a responsible neighbor and has shown its mettle as a partner for peace and security in the world.

Of course, challenges remain despite the real progress that has been made. There have been missed opportunities. Many of the promises of the Orange Revolution are only partially fulfilled. The rule of law, including a truly independent judiciary, remains to be consolidated. Corruption, although not as egregious as before the Orange Revolution, still rears its ugly head. Many Ukrainians believe all too many among the political elites look first toward their personal interests rather than to the good of the people and of the nation they are supposed to serve. As the last months have demonstrated, political stability can be elusive, and it remains to be seen what direction the new government will take. Nevertheless, Ukraine continues to show tremendous potential, and I am firmly convinced that this still relatively young 15-year-old independent state will fulfill its potential.

Mr. Speaker, in looking over the last fifteen years, we must not forget the sacrifices of millions who fought for Ukraine's liberty over the course of the last century, often against great odds and at great personal risk. Whether in the struggle for Ukraine's short-lived independence in 1918–21, or the insurgent armies that fought against both Nazi and Soviet rule during and after World War II, many Ukrainians made the ultimate sacrifice.

More recently, in the final decades of Soviet domination, Ukrainian Helsinki Monitors and other human rights activists challenged the system, calling upon the Kremlin to live up to commitments voluntarily undertaken when Leonid Brezhnev signed the 1975 Helsinki Final Act. One such renowned activist, Ukrainian Helsinki Monitor Nadia Svitlychna, who served three years in a Soviet labor camp for her tireless defense of human rights and freedom, died last month. We honor the memory of Mrs. Svitlychna, recalling that it was courageous and dedicated individuals like her who, as much as anyone, paved the way for an independent, democratic Ukraine.

Mr. Speaker, I am proud of the role that the Helsinki Commission, which I Co-Chair, has played throughout its 30-year existence in firmly supporting human rights and freedom for Ukraine. I am pleased that the Congress has stood firm in support of Ukraine and am confident that the United States will continue to extend the hand of friendship as Ukraine moves toward its rightful place as a fully integrated member of the Euro-Atlantic community of nations.

TRIBUTE TO MARK CHESNUTT

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor Mark Chesnutt on this day September 6, 2006, his 43rd birthday. This outstanding country music star currently has 14 No. 1 hits, 23 top ten singles, four platinum albums, five gold records, and continually maintains a hefty live tour schedule.

Born in Beaumont, TX, Mark got his start playing in honky-tonk bars throughout his hometown area singing alongside his father, Bob Chesnutt. His dad traveled often to Nashville and started taking Mark along at 17 where he was soon discovered by talent agents who recognized the vocal and authentic talents Mark possesses.

Signed at 17 by MCA, Mark soon won the coveted Country Music Association's Horizon Award recognizing the industry's top new talent. At the awards ceremony, he was introduced by legendary country music star George Jones who remarked, "This boy from Beaumont, Texas is the real deal."

Throughout the 90's Mark's singles continued to light up the chart including some of the decade's most memorable up-tempo hits like "Bubba Shot the Jukebox" and "Going Through the Big D." Also accelerating his rise to stardom were hits like the emotional ballads "I'll Think of Something" and "I Don't Want to Miss a Thing."

Mark's excellence continues today combining world-class vocals and awe-inspiring stage performances that leave crowds standing in ovation until they themselves are hoarse! Most remarkable of all, he stays true to his roots keeping the traditional country music style he was raised on in an ever-changing country music landscape.

Mark Chesnutt is a true gift to Country Music and specifically the 8th District of Texas. Not only has he blessed us with musical hit after hit, he also has tirelessly given of his time and talent to assist east and southeast Texas in their recovery from the devastating effects of Hurricane Rita. Mark also has a wonderful marriage to Tracie Chesnutt with three beautiful children: Waylon, Casey, and Cameron.

Mr. Speaker, thank you for helping me honor Mark Chesnutt, this America country music superstar, on his 43rd birthday.

CONGRATULATING RONNIE LÓPEZ FOR HIS INDUCTION INTO VALLE DEL SOL'S HALL OF FAME

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. PASTOR. Mr. Speaker, I rise before you today to proudly pay tribute to an Arizonan who has exemplified the meanings of leadership, commitment to community, social justice and integrity. He is a highly-regarded leader not only in Arizona, but nationally, and someone whom I am proud to call my friend—Mr. Ronnie López.

For more than 30 years, Ronnie López has been a leader in various community and political endeavors that have improved the quality of life for Arizona's residents. For his work, he will be entered into the Valle Del Sol Hall of Fame during the 16th Annual Profiles of Success Hispanic Leadership Awards Celebration on September 8, 2006, in Phoenix, Arizona.

Born in Miami, Arizona, Ronnie and his two brothers were raised by a single parent, Mrs. Vera López, after the death of his father. Ronnie married his high school sweetheart, Angie, and together they headed to Phoenix in the late 1960s to pursue higher education and new opportunities. They have two outstanding sons, Paul and Marcos, and Paul and his wife Elizabeth are expecting a daughter in December, another point of pride for Ronnie as a first-time grandfather.

Ronnie served in the administration of Arizona Governor Bruce Babbitt for ten years, ultimately serving as his Chief of Staff. Ronnie had the honor of twice administering the oath of office to Babbitt: when then Attorney General Bruce Babbitt succeeded to the governorship in 1979 and again in 1993 when Babbitt became the Secretary of Interior. He has served and continues to serve on numerous boards and commissions, including Bank of America, Congressional Hispanic Caucus Institute, Friends of Sky Harbor Advisory Board, and the Governor's Commission on the September 11th Memorial.

Most recently, Ronnie served as the co-chair of the 2006 City of Phoenix Bond Committee the work of which voters approved in March 2006. Ronnie also is the former presiding Justice of the Peace of the West Phoenix Precinct in Maricopa County. Ronnie also led the establishment of community based organizations like Valle del Sol, Inc., and Chicanos Por La Causa, Inc., two of the Valley's leading non-profit Hispanic advocacy organizations.

He also has served on numerous political campaigns and sits on the National Democratic Business Council. Among his many accolades, in the year 2000, he was listed as one of the "Most Influential Hispanics" by Hispanic Business Magazine.

Mr. Speaker, as you can surmise, Ronnie López, a Miami Vandal, has exhibited a tireless and visionary commitment to making Arizona a better place to live for all people. He is an exemplary leader and a profoundly committed individual who is a true role model for the nation. Therefore, I am pleased to pay tribute to my friend Ronnie López, and I know my colleagues will join me in thanking him and wishing him great success.

TO ACKNOWLEDGE AND ENCOURAGE CONGRESS'S SUPPORT FOR SEPTEMBER 9–10 DESIGNATED AS LUPUS AWARENESS WEEKEND

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. SCOTT of Georgia. Mr. Speaker, I rise before you today to emphasize the importance of raising awareness about Lupus, as well as recognizing it as one of America's major diseases. It is important to note more Americans have this disease than cerebral palsy, multiple sclerosis, sickle-cell anemia and cystic fibrosis combined.

In raising awareness about this devastating disease, I joined many of my colleagues in supporting increased funding for public and health professional programs which raise awareness and understanding about lupus. Furthermore, I stand with many of my colleagues in strengthening the Nation's research efforts to identify the causes of and cure for lupus.

I believe one of the more important ways of raising awareness is encouraging education about the disease and recognizing the symptoms. However, as many of the symptoms experienced by those who have lupus mimic other diseases, lupus is very often hard to diagnose. There is no cure for lupus and researchers have yet to learn what causes the disease. It is of interest to note, lupus occurs more frequently in women and is also two to three times more common among African Americans, Hispanics, Asians and Native Americans.

Mr. Speaker, I am honored to support September 9 through 10 as Lupus Awareness Weekend. I am hopeful with increased professional awareness and improved techniques for diagnosing patients we can ensure early treatment options as well as early diagnosis. It is of utmost importance we remain vigilant in improving access to information about this disease and ensuring funding levels remain adequate.

RECOGNITION OF RAYMOND C. BORGIA OF THE GLENWOOD SCHOOL FOR BOYS AND GIRLS

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. BEAN. Mr. Speaker, I rise today to congratulate and thank Raymond C. Borgia for his exemplary service at the Glenwood School for Boys and Girls located in Glenwood, IL.

A student himself at Glenwood from 1938 to 1949, Mr. Borgia excelled as a student leader serving as a battalion commander from 1947 through 1949. Mr. Borgia was awarded an officer's saber in 1947 and awarded the prestigious Glenwood Schools' Wilfred Sykes Award in 1949.

After attending Northern Illinois University in 1949 to 1950, Mr. Borgia served as a combat infantryman in the Korean war from 1950 to 1953. To honor his heroic service to our country, he was awarded the Bronze Star and Purple Heart. After leaving active duty in 1953, Mr. Borgia went on to serve in the U.S. Army Reserves for 17 years.

Upon his return to Illinois, Mr. Borgia enrolled at the Chicago Technical College where he obtained a degree in industrial engineering in 1955.

In January 1957, he began as an instructor at the Glenwood School for Boys and Girls. During his distinguished career at Glenwood, Mr. Borgia served as a camp director, military instructor, football coach, baseball coach, dean and vice president of the school. Over the last half century, Mr. Borgia has committed his life to being a mentor and role model to generations of young men and women.

On December 31, 2006, Raymond Borgia will retire after 50 years of service at the Glenwood School for Boys and Girls. To commemorate his many contributions to Glenwood, the school named a military award as well as the dining hall at Glenwood's Wisconsin camp after Mr. Borgia.

He celebrates his retirement with his wife of 45 years, Manuela, his three sons and their wives, six grandchildren and generations of Glenwood students and friends. Although Mr. Borgia is leaving Glenwood School for Boys and Girls, his impact on the thousands of students he has instructed will last for many years to come.

HONORING THE SERVICE OF LIEUTENANT JESSICA HILL TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Lieutenant Jessica Hill, who perished on August 17th in the line of duty for our country.

Lt. Hill was proud to serve in the United States Coast Guard, and she earned the respect and admiration of many. She joined the Coast Guard in October 2001 after earning a Master's Degree, and was stationed at MSO San Francisco where she decided to become a Coast Guard Dive Officer.

After successfully completing dive school, Lt. Hill was assigned to the Cutter *Healy*, one of the Coast Guard's three polar ice cutters, as a marine science and dive officer. With her positive attitude, easy laugh and constant smile, she also served as Morale Officer for the crew of that vessel.

Lieutenant Jessica Hill's ambition, training and passion served to inspire her entire unit, her shipmates, her family and many outside the Coast Guard. She has been awarded the Meritorious Service Medal and was regarded as a good Coastie, a woman of honor and a patriot.

We should all remember Jessica's life, courage and ultimate sacrifice in service for our Nation.

A native of St. Augustine, Jessica was a loving daughter to Mr. William Hill and Mrs. Dawn Zimmerman, and sister to Mrs. Adrienne Gullet. To all of Jessica's family, we know she will be dearly missed and we extend our deepest sympathy.

Mr. Speaker, because of Lieutenant Jessica Hill's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing her service in our Nation's Coast Guard and remembering both her life and her dedication to the United States of America.

IN LASTING MEMORY OF MACK BALL, SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of Mack Ball, Sr., who passed away August 8, 2006, in Eudora, Arkansas at the age of 75.

Mack Ball, Sr. was dedicated to improving his home community of Eudora, Arkansas. He served the community as Mayor for 12 years and was the presiding Chicot County Judge. Mack Ball, Sr. was also a committed member of the Eudora Chamber of Commerce. He took a particular interest in improving public education opportunities in Eudora and served on Eudora Public School Board. In addition he was a past national board member of the Beefmaster Breeders Universal.

Mack Ball, Sr. was a man devoted to his faith and was a member of the Eudora Baptist Church where he served as a deacon and as a Sunday school teacher.

My deepest condolences go to his wife, Leila Ball; his son Mack Ball, Jr.; his daughter Sally Tisdale and husband Stephen; his daughter Kathryn Phillips and her husband Doug; his brother Fred Felts, Jr.; his five grandchildren Mary Kathryn Gilfoil, Allan Phillips, David Phillips, Meg Phillips, and Elizabeth Cooper; and his two great grandchildren. Mack Ball, Sr. will be greatly missed in Chicot County and throughout the state of Arkansas.

RECOGNIZING THE ACHIEVEMENTS OF MR. PETER YELORDA

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Mr. Peter Yelorda, a person who has spent nearly 35 years as a leader in the corporate and public sector, and a resident of the Fifth District of Missouri, which I am honored to represent. This week, Mr. Yelorda is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

Peter holds a Bachelor of Science in Science from Eastern Michigan University, and a Masters in Education from the University of Michigan specializing in Public Policy, Community and National Planning and Development. He is the Executive Vice President and Chief Executive Officer of Blue Cross Blue Shield of Kansas City and has served in that capacity for nine years. In his role as a senior executive at his company, Peter is one of the highest ranking African-American executives in the Greater Kansas City Area. Prior to joining Blue Cross Blue Shield, he was Assistant City Manager of the City of Kansas City, Missouri while I was Mayor.

Civically, Peter serves on nine boards in the Greater Kansas City Area, including the National Association for the Advancement of Colored People, the University of Missouri-Kansas City Board of Trustees, Urban League, and others. He serves as the Chairperson for the Full Employment Council, Chairman of the TIF Commission and Co-Chair of the Downtown Economic Stimulus Authority. In addition, he serves as the Chair of the Jazz District Redevelopment Corporation, the not-for-profit entity organized to revitalize the Historic 18th and Vine Jazz District. Under Peter's leadership, senior housing, a restaurant, and young adult housing were born. Mr. Yelorda is respected by business and community activists alike. Through these activities, Peter spends a considerable amount of time in service to the community each month. In all of his activities, he demonstrates his dedication and commitment to the greater good of others. Regardless of his leadership role, he always conducts himself with dedication, poise, and thoughtfulness, being mindful of all concerns.

For those reasons and more, it is indeed an honor and privilege to recognize Mr. Peter Yelorda at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative Wm. Lacy Clay of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Peter and his endless commitment to serving the residents of the State of Missouri. He is a true role model not just to the African-American community in Missouri, but to the entire community at large. May his success serve as a stepping stone for many other African-Americans eager to be just as successful in their endeavors. While it is but a small acknowledgement for all of the work he has done, it is a heartfelt gesture, taking strength from the myriad lives he has touched in our hometown.

TRIBUTE TO UNION BENEFICA MEXICANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the Union Benefica Mexicana (U.B.M.) on its many accomplishments throughout its 50 years of service to the people of Northwest Indiana and Mexico. This exceptional milestone will be highlighted at the annual Mexican Day Parade to be held on Sunday, September 10, 2006, in East Chicago, Indiana.

The U.B.M., officially founded in November 1956, was the result of a merger between three established organizations: the Cuatemoc Association, the Benito Juárez Association, and the Union of Latin Steel Workers. Since its inception, the U.B.M. has always taken pride in being a pillar of the Mexican Community. They have always made it a priority to remember and celebrate Mexico's independence, through the organization of parades and festivities. At the same time, they have focused on improving the lives of the youth, speaking out against discrimination, and assisting those in need, both here in Northwest Indiana and throughout Mexico.

Throughout its history, the U.B.M. has been instrumental in improving the quality of life in the Mexican community. The efforts of the U.B.M. have been felt by every generation, but nowhere has the selfless commitment of its members been demonstrated more than to the youth of Northwest Indiana and Mexico. Locally, the U.B.M. has a strong tradition of sponsoring youth activities, such as Little League baseball teams, soccer teams, boxing teams, and folkloric dance groups, as well as organizing special events, such as Christmas and Halloween parties and the annual Fiesta De Los Niños celebration.

In addition, the U.B.M.'s commitment to improving educational opportunities for the youth of the community is evidenced by their sponsorship of storytelling sessions by renowned authors, their participation in public library reading programs, and training seminars focused on public speaking and artistic performance. The U.B.M.'s dedication to the youth, specifically towards young women in the community, is further demonstrated by an annual program which, with the support of local elected officials, awards scholarships to three deserving young women each year.

Outside of the United States, the U.B.M.'s commitment to the people of Mexico is a shining example of the dedication, generosity, and compassion found in the people of Northwest Indiana. The U.B.M's efforts in Mexico, throughout the years, have included relief for victims of natural disasters in Mexico City, Acapulco, Oaxaca, and Jalisco, to name a few. The U.B.M. has also conducted fundraising efforts that have led to the building of churches in El Llano, Michoacan, and Aguas Caliente, as well as the purchase of an ambulance in Nuevo Leon. In addition, to assist Mexican families during the most difficult of times, the U.B.M. has demonstrated its benevolence by providing financial assistance to families in order to assist with the transporting of deceased relatives back to Mexico.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Union Benefica Mexicana, its members, and its President, Mr. Tony Barreda, on the organization's 50th anniversary. Their many accomplishments, their tireless efforts to improve the community, and their service to the people of Northwest Indiana and Mexico will forever be remembered.

IN RECOGNITION OF STEPHEN K. HALL

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today on behalf of my colleagues Rep. Jim Costa, Rep. Devin Nunes, Rep. Richard Pombo and Rep. George Radanovich to honor Stephen K. Hall, the Executive Director of the Association of California Water Agencies (ACWA) for his outstanding contributions to California agriculture and the California water community.

The recognition that my colleagues and I are offering today is well deserved and long overdue. Throughout his career, Steve has remained a champion for California agriculture and for the protection and delivery of safe and clean water. Soon after graduating from California State University, Fresno in the early 1970's, Steve began his career as General Manager of the Tulare Lake Drainage District. In the years following, Steve founded the Land Preservation Association, an organization created to help develop and implement irrigation and drainage policy in California, and the California Farm Water Coalition, a pioneer collaboration of agricultural water users and water agencies. In 1992 Steve became the Executive Director of ACWA, and in the years since has helped shape the laws and policies that affect California's cities, farms and businesses. Under Steve's guidance and leadership, the ACWA has been a leader in California water issues. Devoted to promoting the development, management and reasonable beneficial use of water in an environmentally balanced manner, Steve has been involved in many major statewide water issues affecting California's local water agencies. He was a lead negotiator in the three-way negotiations between agricultural, urban and environmental water representatives that led to the creation of the CALFED Bay-Delta Program and the passage of Propositions 204 and 13.

Steve Hall's expertise in California's water issues and water policy has been recognized and utilized by many as he has served in numerous appointed and advisory capacities to Governors Deukmejian, Wilson and Davis. Currently, Steve serves on the Boards of Directors for the California Water Institute and the California Infrastructure Coalition, as a member of the UC Davis Land Air and Water Advisory Committee and the California Bay-Delta Public Advisory Committee, and is the co-chair of the Water Supply Sub-Committee for the California Bay-Delta Water Authority.

Mr. Speaker, on the occasion of Steve Hall's 55th birthday, it is with the utmost respect and appreciation that my colleague's and I acknowledge his enormous and lasting contributions to the future of California and America in his continued commitment to sustaining our most precious resource, water.

PAYING TRIBUTE TO BRIGADIER GENERAL ROBERT TAYLOR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Brigadier General Robert Taylor as he retires after nearly 40 years of service with the United States Army and the Michigan Army National Guard. I thank General Taylor on behalf of those individuals who have benefitted from his time, contributions, and leadership abilities.

Robert Taylor began his career in the Michigan Army National Guard in 1964, where he served 3 years as a Military Police enlisted soldier. Soon after, he was commissioned a Second Lieutenant, Military Police Corps in June of 1969. He has held command and staff assignments in the 146th Military Police Battalion, 1st Battalion 119th Field Artillery 38th Infantry Division, 72nd Rear Area Operations Center, and Commander, Recruiting Command, Michigan Army National Guard. During his over 40 years of service, he has been promoted to several, senior staff assignments. Some of these prestigious assignments included positions as Deputy Chief of Staff Operations, Chief of Staff, Michigan National Guard, and in October of 1993, he was promoted to General Officer as the Assistant Adjutant General, Army. General Taylor held the position of Commanding General, 46th Military Police Command for the Michigan National Guard from June 1, 2004 until June 29, 2006, at which time he reverted to sole duty as the Assistant Adjutant General for the Army. In this assignment, Taylor was responsible for the wartime readiness of over 8,300 soldiers of the Michigan Army National Guard. Brigadier General Taylor's dedication to upholding the principles of the United States Army, and his continued work on behalf of the people in his community, is a testament to his strength of character.

General Taylor's years of service in the Army and his dedicated work on behalf of his country are honorable. His decorated medals include the Federal Legion of Merit, the Federal Meritorious Service Medal, the Army Commendation Medal, the State of Michigan Distinguished Service Medal, and the State of Michigan Legion of Merit Medal. In addition, Taylor has been awarded the Department of the Army Staff Identification Badge and currently serves as the Chairman of the Board, National Guard Association of the United States. General Taylor's academic background includes a Bachelor's Degree in Management from Spring Arbor University. His military education includes the Military Police Office Basic Course, the Field Artillery Officer Basic and Career Course, the U.S. Army Command and General Staff College, and the Senior Reserve Component course at the Army War College.

Therefore, Mr. Speaker, I ask our colleagues to join me in honoring General Robert Taylor's exceptional service to America. May he know that his Nation is greatly appreciative for his tireless work.

TRIBUTE TO JEANNE OATES ANGULO

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. OXLEY. Mr. Speaker, it is my honor today to pay tribute to Jeanne Oates Angulo, President of the Capital Chapter of the National Multiple Sclerosis Society. After twelve years of outstanding service to this organization, Jeanne will be retiring at the end of the year.

Jeanne was tapped to serve as president in 1994 after a successful career in television and radio, including a stint as General Manager of WPGC AM/FM in Washington, D.C. During this time, she was honored with the Advertising Club of Washington's Silver Medal Award, and was recognized as a Woman of the Year by Washington Woman magazine.

Her tenure at the MS Society has been equally distinguished. Jeanne has presided over an explosion in contributions to the Capital Chapter from $2 million to more than $5 million annually. She has overseen such fundraising staples as the MS Walk, the MS Bike Tour, and the Women Against MS Annual Luncheon.

It has been my pleasure to work with Jeanne on the annual MS Ambassadors Ball, a salute to members of the diplomatic corps for their many contributions to humanitarian efforts. My wife, Pat, has co-chaired this event on two occasions, and joins me in praising Jeanne for her determination in soliciting in-kind donations to the Ball to keep overhead expenses low. Jeanne's enthusiasm and drive in this area has ensured that more funds are spent on the Society's mission: ending the devastating effects of MS, supporting MS research, and providing for MS advocacy efforts.

Jeanne has also dedicated her time to service on the boards of many community organizations, including the March of Dimes, the Metropolitan Police Boys and Girls Club, the USO, the Wolf Trap Farm Park for the Performing Arts, and the Women of Washington. Her tireless devotion to volunteerism is an outstanding model for others, and has been a tremendous asset to her as she works to get more people involved in charitable efforts.

Mr. Speaker, I know that the entire Board of Directors of the National MS Society, everyone at the Capital Chapter, and all whose lives she has touched join me in thanking Jeanne for her continued efforts to help find a cure for MS. We wish Jeanne and her husband, Al, the very best as they move on to a new chapter in their lives.

IN HONOR OF SUE BIERMAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Ms. PELOSI. Mr. Speaker, with great sorrow I rise to pay tribute to a beloved San Francisco political and civic leader, Sue Bierman, who died on August 7, 2006. I join my constituents in honoring five decades of tireless service to the people of San Francisco. Sue Bierman leaves a great legacy of compassion, courage and conviction. For those of us involved in San Francisco politics, her passing is a personal as well as a civic loss to our city.

Sue Bierman was a leader who challenged the conscience of our community every day. As a relentless advocate for poor people, for social and economic justice, and for protecting our neighborhoods and our environment, the affectionate name 'Susie' instilled fear and love at the same time. She brought wisdom and compassion to all the causes she undertook.

As a private citizen in the 1950's and 1960's, she became a neighborhood leader who fought to stop the central freeway from destroying her neighborhood—Haight Ashbury, the Pan Handle and Golden Gate Park. For the next forty years she continued to defend the rights, the character and the beauty of San Francisco's neighborhoods.

In 1980 Mayor George Moscone appointed her to the Planning Commission, where she was the sole voice opposing unrestricted downtown development and demanded that developers provide affordable housing, day care and parks.

In 1992 she was elected to the San Francisco Board of Supervisors where she served two terms. She earned the respect and affection of her colleagues. She became a leading advocate for San Francisco's tenants and continued to champion our neighborhoods. After being forced out of office by term limits, she became active in Senior Action Network and continued her participation in Democratic politics.

She took great pride in her family and great interest in the well being of all San Francisco families. Everyone who cares about our children's future is deeply in her debt.

I hope it is a comfort to her beautiful family, whom she loved so dearly, that so many people are mourning her passing and will hold her in their hearts forever.

TRIBUTE TO PHOEBE STROBEL

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to recognize Phoebe Strobel as an example of excellence for community service and to congratulate her on her retirement. Having contributed great services to her community in both Millcreek and Warren County, it is my hope that she will continue to share her talents and prosper in the years to come.

Strobel is a graduate of Lock Haven University and Edinboro University, where she earned a masters degree in elementary education. She has taught at both Asbury Elementary School in Millcreek and Pittsfield Elementary School in Warren. She has just retired in June 2006 after teaching third grade for thirty-six years at Asbury School, for which she received a citation from the Commonwealth of Pennsylvania House of Representatives sponsored by Representative Matthew Good and John Evans in congratulations. Her talents have distinguished her from among other teachers. This enabled her to receive the Pennsylvania Parent-Teacher Association Lifetime Achievement Award in 2000.

Throughout her career as a teacher, Strobel represented education's finest by serving in various associations and committees. She is dedicated to the Northwestern Region Pennsylvania Education Association (PSEA). Serving on the PACE team for 10 years, she has been the PACE Director for Northwestern Pennsylvania since 2002, the PSEA Legislative Committee Co-chair from 1998 to 2002, and a state delegate to the PSEA House of Delegates thirty-six times and eight times as a national delegate to the National Education Association Representative Assembly. Beside her state and national participation, she was also active within community boards, serving the Millcreek Education Association as Secretary and Executive Board member from 1996 to 2002 and as Asbury's Building Representative from 1986 to 2002. She was also a member of the Warren County Education Association Executive Board from 1980 to 1986.

Strobel represents the devotion of an individual to her community and to education. Her example demonstrates the importance of education and involvement that affects the lives of parents and students. For her accomplishments, she deserves congratulations.

Mr. Speaker, I hope my colleagues will join me at this time in recognizing the service of Phoebe Strobel and in congratulating her on her retirement with wishes of continued success in all her endeavors.

IN MEMORY OF ARMY STAFF SERGEANT KENNETH JENKINS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor Army Staff Sergeant Kenneth Jenkins of Fouke, Arkansas, who died on August 12, 2006, fighting for his country in Baghdad, Iraq, supporting Operation Iraqi Freedom. Kenneth Jenkins, just 25 years old, was killed during combat while conducting a checkpoint operation. Kenneth Jenkins was assigned to the Army's 3rd Battalion, 67th Armor Regiment, 4th Brigade Combat Team, 4th Infantry Division in Fort Hood, Texas.

Kenneth Jenkins enlisted in the Army in July of 1999, was on his second tour of duty in Iraq and was scheduled to return home in less than 90 days from his death. Kenneth Jenkins was a decorated soldier with a Bronze Star and a Purple Heart. He had previously completed tours to Bosnia, Kosovo, Macedonia and Cuba. While not serving our country, Kenneth Jenkins enjoyed working on his car and physical fitness, but his family and friends always came first.

I am deeply saddened by the tragic loss of soldiers from Arkansas, who have died while supporting Operation Iraqi Freedom. These brave Americans lost their lives while making the ultimate sacrifice to serve our country, and I will be forever grateful to them for their courageous spirit.

Kenneth Jenkins gave his life to serve our country and will forever be remembered as a hero, a son, and a husband. My deepest condolences go out to his wife Brandy; his mother Theresa; his sister Stephani Richard, and his brother, Mack. I know Army Staff Sergeant Jenkins was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him and counted him as a friend. I will continue to keep Kenneth Jenkins and his family in my thoughts and prayers.

RECOGNIZING THE ACHIEVEMENTS OF REV. DR. NELSON "FUZZY" THOMPSON

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Reverend Doctor Nelson "Fuzzy" Thompson, a minister, humanitarian, community activist, and a resident of the Fifth District of Missouri, which I am honored to represent. This week, Rev. Thompson is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

Rev. Thompson graduated from Lincoln University in Jefferson City, Missouri with a Bachelor of Science in Education, and received a Master of Divinity and Doctor of Ministry at St. Paul School of Theology.

Rev. Thompson's reputation as a community leader extends beyond the local or national level, but is inclusive of the international community. He was one of 22 U.S. ministers that traveled to South Africa on a fact finding educational exchange, at the request of Bishop Desmond Tutu, President Nelson Mandela, and the South African Council of Churches. "Fuzzy," as he is affectionately known, was one of three U.S. ministers to conduct Easter services for U.S. hostages held in Tehran, Iran in 1980. He was also one of 17 U.S. ministers and activists who served as official observers for the first election ever held in South Africa that allowed the right to vote to all races. He said it was a humbling experience seeing people lining up the night before and standing for blocks in order to exercise their right to vote for the first time.

"Fuzzy" is currently President of the Kansas City Chapter of the Southern Christian Leadership Conference. He has served on multiple boards, including as Chairman of the Nominating Committee for Freedom Incorporated and as a member for the Black Adoption Program and Services, and Human Rights Commission of Kansas City, Missouri.

For those reasons and more, it is indeed an honor and privilege to recognize "Rev. Fuzzy" at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative WM. LACY CLAY of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Reverend Dr. Nelson Thompson and his endless commitment to serving the residents of the State of Missouri. He is a true role model not just to the African-American community in Missouri, but to the entire community at large. May his success serve as a stepping stone for many other African-Americans eager to be just as successful in their endeavors. While it is but a small acknowledgement for all of the work he has done, it is a heartfelt gesture, taking strength from the many lives he has touched in our hometown.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 7, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 11

2 p.m.

Finance

International Trade Subcommittee

To hold hearings to examine NAFTA at year twelve.

SD–215

SEPTEMBER 12

9:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the next five years relating to homeland security.

SD–342

Judiciary

To hold hearings to examine the Thompson Memorandum's effect on the right to counsel in corporate investigations.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine Treasury's role in combating terrorist financing five years after 9/11.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine pending nominations.

SR–253

Energy and Natural Resources

To hold hearings to examine the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

SD–628

11 a.m.

Foreign Relations

To hold hearings to examine the nomination of James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

SD–419

2 p.m.

Judiciary

To hold hearings to examine judicial nominations.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine the continuing importance of Low Earth Orbit for space based research.

SR–253

SEPTEMBER 13

9:30 a.m.

Environment and Public Works

To hold hearings to examine the nominations of Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator, and Alex A. Beehler, of Maryland, to be Inspector General, both of the Environmental Protection Agency, and William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

SD–406

Judiciary

To hold hearings to examine intelligence information sharing.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

Economic Policy Subcommittee

To hold joint hearings to examine the housing bubble and its implications for the economy.

SD–538

11:30 a.m.

Energy and Natural Resources

Business meeting to consider the nominations of Mark Myers, of Alaska, to be Director of the United States Geological Survey, David Longly Bernhardt, of Colorado, to be Solicitor, and John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, all of the Department of the Interior.

SD–628

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine challenges facing today's federal prosecutors.

SD–226

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority, and Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia.

SD–342

SEPTEMBER 14

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine rural air service.

SR–253

SEPTEMBER 19

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Bantz J. Craddock, USA, for reappointment to be general and to be Commander, U.S. European Command, Vice Admiral James G. Stavridis, USN for appointment to be admiral and to be Commander, U.S. Southern Command, Nelson M. Ford, of Virginia, to be Assistant Secretary of the Army for Financial Management and Comptroller, and Ronald J. James, of Ohio, to be Assistant Secretary of the Army for Manpower and Reserve Affairs.

SH–216

SEPTEMBER 21

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine progress of the Capitol Visitor Center construction.

SD–138

HOUSE OF REPRESENTATIVES—*Thursday, September 7, 2006*

The House met at 10 a.m.

The Reverend William A. Watson, Jr., Pastor, St. John's Baptist Church, Westbury, New York, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the Earth. I thank You for this privilege to pray. Thank You for this occasion that brought us together. Thank You for all of Your loving kindness and tender mercy toward us. I ask Your favor in all our decisions.

Please, Lord, be with us as we make decisions for our future. Grant us clear minds as we serve Your people to the best of our abilities.

Thank You for all these favors, and we will be mindful that all glory and honor belong to You. This is Your servant's prayer. In the name of the Father, the Son, and the Holy Ghost, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MCCARTHY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND WILLIAM A. WATSON, JR.

(Mrs. MCCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY. Mr. Speaker, I rise to thank my friend, the Reverend William A. Watson of St. John's Baptist Church in Westbury, New York, for offering the opening prayer before the House this morning.

He is someone who is truly worthy of this honor. Reverend Watson is also the head of the Eastern Baptist Association. He is not only a leader in his congregation but an asset to all of Long Island and the entire New York region.

Whether it is keeping young people from joining gangs, helping people gain job skills or improving access to health care, Reverend Watson is a tireless advocate for those in need. Mr. Speaker, I salute Reverend Watson for his great work.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

"HEIGH-HO SILVER"—AND THE BORDER

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Congress is back in session, and our first major piece of legislation, to protect horses. You see, three or four places in America buy old horses and sell the meat to the French, for goodness sake, so we are going to protect American horses.

So we are going to protect American horses, the likes of Silver, Trigger and Buttercup, from the carnivorous French. This horse security bill will even provide a sanctuary or rest home for those old horses. Well, this Congress needs to be as concerned about border security as we are about horse security.

We need a border security bill with no add-ons that even the Senate will approve. Deal with border security before we talk about the contentious issues of immigration and illegals in this country. Why are we putting horse security at the forefront and not border security?

The American public expects and deserves better. Protecting America's borders should be our first priority. That needs to be our first duty. Stop the invasion at the border, then we can worry about the Europeans eating our horses, otherwise our country will ride off like the Lone Ranger and a "Heigh-Ho Silver" into the sunset of history.

And that's just the way it is.

FIVE YEARS LATE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, after 5 years the President who ignored the memo that bin Laden wanted to attack the United States is belatedly taking steps to bring to trial suspected terrorists. Why the sudden change of heart? Well, the public is fed up with the bungling, the secret prisons and torture. The Supreme Court has ruled that the administration's approach was unconstitutional. All of this has created a political tide that has forced the President's hand.

But now is the time for the Congress, which has been asleep at the switch allowing the administration's despicable excesses, to do its job. Instead of rubber stamping the administration's flawed and belated proposal, Congress should do what it should have done in the first place: Ensure that justice is done, the enemies of the United States are punished, and America's tarnished image of justice is restored.

A LETTER FROM IRAQ

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, from a second lieutenant platoon leader in Iraq: "If you watch the news, you know that the greater Baghdad area is in turmoil. We are on the outskirts of the city, controlling the rural area between Baghdad, Ramadi and Fallujah. We believe the area became hostile when terrorist cells fled here during the coalition invasion of the urban areas.

"Now our task is to control this area and give the enemy no safe haven. We are spread thin, but we are getting the job down. The television highlights every explosion and loss of life. But you miss what we do. You miss my soldiers giving water and food to local nationals. You miss my soldiers giving the little kids high-fives and soccer balls. You miss my soldiers replacing sewer systems and rebuilding roads. You miss my medic treating the locals for injuries.

"The news shows death, murder and violence, but daily I see smiles, hard work and hope. Is the area in turmoil? Yes. Is it lost? No, and every day American soldiers bring hope to these people. You won't see it in the morning paper or the evening news, but I am telling you it is here. I know it. I am seeing it, and I am doing it.

"I miss everyone and look forward to coming home. Know that your Army is making you proud to be an American. God bless America."

However, we spend our new found time planning and running missions into unoccupied territory, looking to bring the fight to an enemy who likes to stay hidden. I like the new tempo, because its aggressive and suits the guy's personality much more than a defensive campaign. I am positive that my guys would choose to air assault onto a hostile objective before they would want to defend a quiet base. They are good at their jobs, and love being challenged under pressure.

STUDENT ASSISTANCE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I want to follow my Texas colleague, in fact my neighbor in the Houston area, and say the House is spending more time today on this horse bill than we are on homeland security, and we need to deal with that. We need to protect our borders, ports and airports.

If you don't like the bill, I am a cosponsor of it, you can just vote "nay."

Mr. Speaker, the reason I am here today is because I recently learned that the U.S. Department of Education failed to award the LULAC National Education Service Centers a grant under the Talent Search Program.

The LULAC Talent Search program has been one of the largest talent search grantees since it was first awarded in 1979. This program serves over 12,000 students in some of the country's most disadvantaged areas. These cuts will severely impact the Hispanic community that I represent.

In my Houston area, the local LULAC Council 402 has been an integral part of serving students in our area for years. Just last year, LULAC Council 402 served students in our area and they raised $32,000 separately to match the Federal funds. This program nationwide serves thousands and serves our Nation, and now the Department of Education has decided to turn out the lights on these centers. I hope someone in the Department of Education is listening.

SECRETARY RUMSFELD SERVES NATION WITH DIGNITY AND HONOR

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today in strong objection to the blatant partisan move of the Senate Democrats and their partisan agenda to force a vote of no confidence in Donald Rumsfeld. It is transparent that the Democrats are making this a political issue and hope to polarize the American people and their views on the war on terror. They are attempting to overshadow and downplay our successes in Iraq and the Republican agenda for winning the war on terror.

A difference of opinion should not equal a vote of no confidence. In our democracy, there will always be room for debate and disagreement, but political posturing and defamation of character have no place in a civilized debate.

Secretary Rumsfeld has worked tirelessly with Iraqi government officials and its military to bring freedom and democracy to a formerly tyrannical regime while fighting against terrorists and insurgents who threaten Iraqis and Americans stationed there.

Mr. Speaker, I stand firm in my resolve to ensure victory not only in Iraq but also in the global war on terror. Secretary Rumsfeld is serving our Nation with dignity and honor and should be treated as such whether you agree with his actions or not.

STRUGGLING FAMILIES

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise to highlight the struggle of American working families. The Census Bureau reported that American families are living paycheck to paycheck, struggling to make ends meet and going deeper into debt, even as they are working harder and are more productive.

Housing costs and interest rates are skyrocketing. The income of American families continues to stagnate even as health care, energy and college costs keep going up. The number of Americans without health insurance has risen by 16 percent to 46 million people, equal to the population of 24 States and the District of Columbia.

This includes more than one-third of my constituents in east Los Angeles and the San Gabriel Valley, not to mention the 5 million more Americans living in poverty under this administration.

We need a new direction to help America's working families achieve the American dream, not more tax breaks for the wealthy oil corporations. I urge my colleagues to please reject the failed economic policies of the Republican Congress and instead honor hard work, fair wages and economic growth.

WINNING THE WAR ON TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, while traveling by bus through the 10 counties of South Carolina's Second Congressional District last month, I spoke with constituents about the resolve of America for victory in the global war on terrorism. I repeatedly heard that we must maintain our resolve for winning this war to protect American families.

As several recent successes prove, we are winning the war on terrorism. Nine men suspected of plotting a terrorist attack in Denmark have been arrested. British police detained 14 people suspected of operating terrorist training camps. Iraqi authorities arrested the number two al Qaeda murderer in Iraq. U.S. and British authorities stopped a plot to target U.S.-bound airplanes. Germany and India foiled terrorist attacks in their homelands.

Countries that were reluctant to join with us in the war on terrorism are learning they cannot escape its effects. This is not just a war against America; this is a war against all freedom-loving nations.

With four sons in the military, I am grateful for the dedication of American servicemembers symbolized by the heroism of CPL David Weimortz of Irmo.

In conclusion, God bless our troops, and we will never forget September 11.

PROBLEMS IN AMERICA

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Republicans went home for a month and listened to people and watched the decimation of Lebanon. They watched the continuing mess in Iraq. The President cancelled the return of 13,000 people, or Mr. Rumsfeld did, and they are keeping them in Baghdad because the place is in a shambles.

But what do we do when we come back, the first week we are back? Do we discuss those issues, or do we discuss the slaughter of human beings?

No, we are here to deal with horse slaughter. When I was in my district, I don't remember in the 18 years that I have been in my district that I have heard anybody come and say, why don't you stop the slaughter of horses?

What is the matter with the Republican Party? Have you nothing to do? Can't you pass anything on port security? Can't you pass anything on immigration? Can't you pass anything about helping the President get out of Iraq? Or about the economy? Gasoline is $3 a gallon. You cut the Pell Grants, and you come out worrying about the slaughter of horses. I vote "nay."

BORDER PROTECTION AND SECURITY NOW

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, during the August recess, my constituents saw very clearly the need to increase enforcement along our borders. In early August, an illegal immigrant wanted for murder in Texas was found working in a lumberyard near Elkins, West Virginia.

Last week, another illegal immigrant struck and killed 4-year-old Tyler Evans in a car accident in Boone County, West Virginia. The police report alleges that speed and alcohol were factors in the fatal crash. Both illegal immigrants had falsified immigration papers.

I held a roundtable with law enforcement officers and elected leaders and talked with many constituents throughout August to discuss the House border security bill and the Reid-Kennedy amnesty bill. The response was unanimous: No amnesty and increased enforcement along our borders.

We shouldn't stop there. It is critical that we provide employers the ability to check immigration status of employees and hold them accountable for their workers. Clearly, most people who enter illegally are not security threats, but it is critical to our homeland security that we are able to account for the people who enter this country. We need to pass tough immigration reform now. It is too late for Tyler Evans, but we need to act before it is too late for other Americans.

PEOPLE PROTECTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, nothing could illustrate more that this Republican Congress is a do-nothing Congress than the fact that, on the first full day back, the only thing we are dealing with is the Horse Protection Act. The previous speaker on the Republican side talked about immigration reform. When I was back in my district, people wanted to know when this Congress was going to address immigration reform, when we were going to address port security and the rising number of people that have no health insurance. But we not dealing with those issues today, we are dealing with the Horse Protection Act. What about people protection?

Osama bin Laden is still at large. The 9/11 Commission recommendations have not been implemented by this Congress. What about a people or American protection act?

The previous speaker talked about immigration reform. This Republican Congress is not even addressing immigration reform. They have decided they are not going to deal with the issue between now and the end of this congressional session. It is a disgrace. This Republican Congress is doing nothing. It is the biggest do-nothing Congress that we have ever seen. We come here to talk about horse protection. We have been out for 6 weeks. The American people want more.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 503, AMERICAN HORSE SLAUGHTER PREVENTION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 981 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 981

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour and twenty minutes equally divided and controlled by the Majority Leader and the Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule provides 1 hour and 20 minutes of general debate, equally divided and controlled by the majority leader and the minority leader. The rule also provides one motion to recommit, with or without instructions.

Horse meat is generally not consumed by people in the United States, but more than approximately 90,000 were slaughtered for human consumption in 2005. Virtually all of those horses were slaughtered for export and sent to the largest markets for that product, to countries such as France and Belgium, where it is commonly served to humans. Another 30,000 were transported from the United States to Canada and Mexico for slaughter. A number of States currently have laws that prohibit slaughter or facilitating the slaughter of horses for human consumption, but there is not a nationwide ban.

Last year during consideration of the fiscal 2006 agriculture appropriations bill, my good friends, distinguished Members Mr. SWEENEY and Mr. WHITFIELD, offered an amendment to that bill that would have prohibited the expenditure of taxpayer dollars for slaughter plant and horse meat inspections, effectively ending the practice. The amendment passed the House with bipartisan support by a strong 269–158 vote. A similar amendment also passed the Senate. However, horse slaughter plants petitioned the USDA to allow fee-for-service inspections whereby the plants pay for the inspections. The USDA granted the request. To get around the limitation amendment, horse slaughter plants made that petition to the USDA to allow for inspections.

The American Horse Slaughter Prevention Act would prohibit an individual from slaughtering a horse for human consumption in the United States and would also prevent the transportation of horses from the United States to Canada or Mexico for the purpose of slaughter for human food.

This legislation, H.R. 503, was introduced by Mr. SWEENEY and Mr. WHITFIELD. I commend both of them for their hard work on this issue, an issue that obviously is very important to them and their constituents.

I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank my good friend, the gentleman from Florida, for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, the rule before the House would make in order H.R. 503, the American Horse Slaughter Prevention Act. This bill has the support of 203 bipartisan co-sponsors, myself included. Passing this bill will end the cruel and barbaric practice of horse slaughter. It will ensure that horses are treated humanely up until their deaths, which is a goal that both supporters and opponents of the legislation can support. It will also improve conditions for living horses.

In my home State of California, for example, we have experienced no increase in cases of horse abuse or neglect since we banned their slaughter in 1998. Horse theft cases in California have declined by 35 percent since then as well.

Simply put, horses are an integral part of our country's culture and history. They do not deserve to be slaughtered in the brutal conditions which they must currently endure before death. American horses deserve better treatment.

But the American people deserve better treatment as well. Unfortunately, the Republican majority in Congress appears focused exclusively on issues which do little to improve the lives of Americans.

A few days ago, we celebrated Labor Day. Yet it is clear that people who work for a living have very little to celebrate. The minimum wage remains unchanged. Our constituents face ever-rising energy prices. Seniors continue to be burdened with high costs for prescription drugs. College graduates are saddled with debt. Other young people cannot afford to attend college at all. And nearly 5 years to the day after September 11, our Nation is still not secure.

These are some of the pressing and critical problems the American people deal with on a daily basis. Congress could easily devote an entire week to each issue, and yet we find ourselves procrastinating. Instead of addressing these challenges that confront our constituents, real issues that impact real people, the majority has chosen to authorize commemorative coins. This Congress cannot bring itself to allow a clean vote to help hardworking Americans by raising the minimum wage, though not for lack of Democratic proposals to do so. My colleague, Congressman GEORGE MILLER, has introduced a bill that will raise the minimum wage for the first time in nearly a decade, and Congressman HOYER's amendment to the Labor-HHS appropriations bill will do the same.

Unfortunately, these sensible proposals to give working families a boost have either been stalled by the Republican leadership or loaded with poison pills to ensure that Americans go yet another year without a minimum wage increase. We owe it to the hardworking voters who send us to Washington to increase the minimum wage before we adjourn. Instead, the leadership has turned our attention to horses.

The majority also refuses to take action to combat skyrocketing energy costs. Democrats have advocated for an innovative and strategic national energy policy, one which rolls back tax breaks for oil companies and invests the savings in alternative fuel sources. Not only will such action lower energy costs over the long term, but it will also help our Nation break our dependence on foreign oil.

The American people deserve an energy policy that is responsible, innovative, and independent. Dozens of promising proposals for such a policy have been introduced, proposals which could be brought to the floor today. However, the leadership has decided instead to use one of our few remaining legislative days to debate horses.

Even before this energy crisis, the steady rise in health costs threatened to drive many middle-class families out of our health care system altogether. Most of the 3 million people who have lost health coverage since 2002 make over $50,000 per year, and some make over $75,000 per year. This figure is frightening, for it indicates that high insurance costs are affecting more and more Americans. Additionally, seniors have already begun to hit the "doughnut hole" in the Medicare prescription drug program, which has forced them to bear thousands of dollars in unexpected costs.

The Democratic plan for the future gives the Federal Government the freedom to negotiate for lower prescription drug prices. It also provides millions of American families with urgently needed health insurance. We owe it to our constituents to reform the health care system to make it more affordable before we adjourn.

Mr. Speaker, it is clear that this Congress has done little to help American seniors. Sadly, younger Americans have not fared much better. The Republican leadership has left our Nation's students saddled with ever-growing amounts of student loan debt.

Democrats have offered a new direction for higher education, centered on expanding Pell grants and restoring the $12 billion in cuts to student aid which Republicans passed earlier this year. This will ease the debt burden for recent graduates and put the dream of a college education within reach for more young Americans. We owe it to our students and to the families who support them to increase tuition assistance before we adjourn. However, the leadership has ignored this opportunity to make higher education accessible and affordable. Instead, the majority has decided to take another long weekend, with no votes scheduled on Monday or Friday.

As we can see, the list of misplaced priorities in the 109th Congress is long. However, perhaps none is as disappointing or as dangerous as Congress's refusal to secure our homeland. The majority has refused to fully implement all the recommendations of the September 11 commission. In doing so, it has left unnecessary holes in national security and has failed to fulfill its primary responsibility to ensure America's safety.

Before we adjourn for the year, Congress must secure our borders, and we must do more to protect our ports and airports. Democrats have offered legislation to do so, legislation which will also provide our first responders with the resources they need to respond to a terrorist attack or other national emergency.

These proposals to protect American lives and families are on the table, and Democrats stand ready to pass them with the help of our Republican colleagues. And yet as we return from a month-long break, we have been presented with a paper-thin legislative agenda. This week's schedule illustrates how out of touch this Chamber's leadership is from American families and the problems they face every day.

As a result, on the floor of the House of Representatives this week, we will focus on improving the welfare of America's horses. What we should be doing is improving the welfare of America's people.

My Democratic colleagues and I have offered a new direction, a plan to raise the minimum wage, ease our reliance on foreign energy sources, lower prescription drug prices, make college more affordable, and strengthen our Nation's security to combat terrorists.

□ 1030

We will continue to fight to pass this package of urgent national legislation, and we await the cooperation of Republican colleagues to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a prime author of this legislation.

Mr. SWEENEY. Mr. Speaker, I rise today in strong support of the rule and its underlying bill. But I do want to respond to my friends on the other side and their comments about the appropriateness of this particular piece of legislation, which I believe they support being on the floor here.

Since 1979, there have been efforts and attempts and a struggle to bring this piece of legislation to the floor for open public debate so that we can flush out the fact from the fiction.

And while I know and I believe over the next month we will be debating a number of important issues, like border security, like protecting this Nation, and our war on terror, this is a piece of legislation that is long overdue and needs to be discussed and needs to be disposed of in an appropriate fashion.

As author of the legislation, I have worked tirelessly to bring it to the floor. What the bill does is it prohibits the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses or other equines for the slaughter for human consumption.

It makes it impossible to do so in the United States but also prohibits the transport to Canada and Mexico. And some might ask, why is that important? Well, it is important for a number of reasons. The first and foremost is that it is one of the most inhumane, brutal, shady practices going on today in this Nation.

It is important because more than 70 percent of the American people, at least every survey I have ever seen, support the notion that we ought to ban the slaughter of horses for human consumption. It is important because a substantial number of States have outlawed this practice, yet because of a Federal court case, an injunction has been obtained in which the court has essentially said, unless Congress acts, this practice can go on despite the will of the people and the States involved.

For years I had hoped for a fair and honest debate on this issue. We have been thwarted in that effort until now. Each year, 90,000 horses in the country are slaughtered and shipped overseas to Europe and Asia where they are served in restaurants as a delicacy, not as a necessity. I want this process stopped, and some of my colleagues in this chamber do not.

This rule gives us the opportunity for that fair and open debate. I want to thank the Rules Committee and its chairman, Mr. DREIER, for that opportunity. However, I must stress that I have real concerns over the seven amendments that are possibly going to be introduced in the course of today's debate.

I have concerns about it, because they are being introduced by people who have for a long time tried to stop this debate from happening in the first instance, and, therefore, then I would suggest that every one of these amendments are poison pills. Every one of these amendments are intended for one thing, that is to continue this practice, a practice that I do not want to tell you, Mr. Speaker, is subsidized by this Federal Government.

Now, last year, my good friend from Florida pointed out, last year we passed with 269 votes an amendment in the ag appropriation bill that said taxpayer dollars should not be used for something the American people do not support in the first instance; should not be used to subsidize and continue this process.

Despite passing that piece of legislation, the USDA and others thwarted our efforts to have the right thing happen.

I would suggest to my colleagues that today we send a strong message: We end this practice. And, yes, let's get on with the other business of this House. But after many, many years, three decades of attempts, it is about time we passed this legislation and ended this practice.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to my good friend, the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, with energy costs at an all-time high in the United States, climate change threatening the future prosperity of our country and our planet, the Taliban regaining control in Afghanistan, Iraq in meltdown, the U.S. saddled with the largest debt in the history of the world, the real wages of average Americans in decline, 42 million Americans without health care insurance, and most of the 9/11 Commission recommendations to make America safe still not implemented by this Congress, it is unbelievable to me that we are spending this day on the horse meat bill.

Now I commute 3,000 miles from California to Washington to serve the people, as we all do, to serve the people. And I am for the horsies, too. I will vote for it. We could have done it by consent. We could have done it on voice vote.

I cannot believe that we are here today using the very limited time left to this Congress to deal with horse meat. Now, I hope that we can come to our senses, that the Republican leadership in this House will get a grip about what the American public needs us to do to serve their interests, to make sure that they are secure, both from an economic point of view, from international terrorism and to deal with the terrible disaster that has become Iraq and the disaster that is growing in Afghanistan.

As I say, I am happy to vote for the horsie bill, but I am ashamed that that is all we are doing here today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Agriculture Committee, Mr. GOODLATTE.

Mr. GOODLATTE. Mr. Speaker, H.R. 503 has not received the support of any House committee and was, in fact, ordered to be reported unfavorably to the floor with the recommendation that it not pass by an overwhelming bipartisan majority of 37–3 of the Agriculture Committee. So, naturally, the Members of that committee are very sympathetic with those who do not want to hear this legislation today.

The committee rejected this legislation because it has real concerns that eliminating the option of humane euthanasia at horse-processing facilities will do undeniable harm to the welfare of the 90,000 unwanted horses per year that normally go this route. This rule makes in order several amendments that seek to correct some of the problems created by this bill.

Since H.R. 503 leaves so many questions unanswered, the amendments are the only means to provide solutions to the problems. What happens to those 90,000 horses? H.R. 503 provides no answer to that question. Will they be guaranteed a safe, healthy future by the passage of H.R. 503? Sadly, the answer is, no.

H.R. 503 provides no provisions for the welfare of these unwanted horses. Proponents suggest that these 90,000 horses will not all necessarily be absorbed by the rescue facilities but will instead be sold to new owners or kept longer by their current owners. Many of the horses received by these processing plants are traditionally unserviceable, vivacious or behaviorally unacceptable in today's equine community.

Holding on to a dangerous horse presents a potentially dangerous situation for the owner and his or her family. And selling the dangerous horse to an unwitting buyer is irresponsible. Obviously, the idea of sending a horse to a processing facility is not something any of us would like to think about. But for certain horses, these facilities, which are federally regulated with on-site U.S. Department of Agriculture veterinarians and humane euthanasia and processing conditions that are acceptable to the both the American Veterinary Medical Association and the American Association of Equine Practitioners provide a humane alternative to additional suffering or possibly dangerous situations.

In order to ensure the welfare of these animals while they are alive, it is imperative that all humane disposal options be available. A responsible horse owner has the right to choose, and although we may not agree, we need to respect that right.

H.R. 503 is a deceptive piece of legislation. Much of the misinformation that surrounds this bill has led many to believe it will accomplish things that it is not capable of achieving. Make no mistake about it: H.R. 503 will not prevent horses from dying. Proponents note that an alternative to sending the horses to processing facilities is to put the horse down on the farm. Apparently, the alternative to death is, well, death.

The euthanasia practices employed at the three U.S. processing facilities meet the humane euthanasia guidelines of the American Veterinary Medical Association, and the regulations established by the U.S. Department of Agriculture for humane euthanasia.

The proponents of H.R. 503 are not arguing to keep horses alive or maintain a standard of care to ensure the horse's welfare; they are arguing about what happens to the meat once the animal has been euthanized. Furthermore, the humane treatment of these horses is regulated from the moment the decision is made to send the horse to the processing facility.

The Commercial Transportation of Equine for Slaughter Act regulates the transportation of the horses to the facility, preventing the transport or euthanasia of injured horses. This bill raises many questions about the welfare of horses but provides no solutions. If you care about animal warfare, vote against H.R. 503. If you care about horses, vote against this bill.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, the rule governing the debate on H.R. 503 makes in order seven amendments, all but one of which were filed late, beyond the deadline for amendment submission with the Rules Committee.

What does this suggest? Normally, as we know, the Rules Committee is not enthused with late-filed amendments. As I recall, the majority on the Rules Committee has even used this as an excuse to not make certain amendments in order.

So I think those of us on both sides of the aisle are being sent a signal here. And that message is that there is a concerted effort among some in power in this body to torpedo the pending legislation, H.R. 503, by gaining the adoption of nefarious and ill-conceived amendments that would simply gut the legislation. This is the hand that we are being dealt. And it is apparently the one that we must play.

With that said, I rise in support of the rule. I urge my colleagues, especially on my side of the aisle, to vote for it, so at the very least, we can have an open debate on the issue of horse slaughter in the United States, so that we can strive to keep hope alive.

Americans do not eat horse flesh. The concept is repugnant to most Americans. Yet the merchants of slaughter will have us believe that it is fine and dandy to slaughter our horses for the sole purpose, the sole purpose, of sending their flesh overseas to support some warped demand among foreign diners for horse meat on their menus.

Hear me and hear me now: America, the land of the brave and true, we are sending over 90,000 horses a year to slaughter. Stunned in the head if lucky, throats slit. Explain this to your children. Try to defend this to your constituents.

I hope my colleague will vote for the rule, demonstrate that we will stand up to the likes of those who slaughter our horses for profit and slaughter our horses for power.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD), who has done so much to bring this legislation to the floor.

Mr. WHITFIELD. Mr. Speaker, I certainly want to thank the Rules Committee for bringing this rule to the floor on this important issue. I might say that the first legislation introduced in the U.S. Congress to try to curtail the slaughter of American horses for human consumption was back in the mid-1970s. And year after year after year after year, the Ag Committee refused to take any action. They never had a hearing. They did everything that they could do to defeat this bill and to make sure that it never saw the light of day.

Well, today we have the opportunity to vote on this bill to have a free and open discussion about the importance of this bill and to make the American people recognize and realize that there are only three slaughter plants in the U.S. operating where the horses are being slaughtered for human consumption. Every one of them is owned by foreign interests, by the Belgians, by the Dutch and by the French.

All of the meat is exported to Europe. Now, the Fort Worth newspaper today had an editorial opposed to this bill and what they said reflects the inaccuracy about this bill. They talked about how pet food is made from horse meat. The truth of the matter is, the pet food association has not used horse meat for 12 years.

☐ 1045

That is just one of the inaccuracies.

Horse slaughter is about a process. There are groups of killer buyers around America who will obtain horses by any means possible, by theft, by misrepresentation.

Skye Dutcher, a young girl from New York, came to Washington just yesterday to tell us the story about on her 12th birthday her horse was stolen from her family's farm. A fellow took it to a killer buyer, and he received $150. The killer buyer took it to the auction, and the horse was taken to slaughter.

Judy Taylor, in my State of Kentucky, had two Appaloosas, and she had cancer. She gave them to a friend who said, I will take care of them. That friend sold them to a killer buyer. The killer buyer took them to Beltex in Fort Worth, Texas, where they were slaughtered.

So the nasty part of this business is that so many horses are being obtained illegally, and I know of very few industries in America today where the products that they are using are obtained illegally.

We hear a lot about these unwanted horses and what are we going to do with 90,000 horses that have not been slaughtered. I would say to you that 12 years ago 300,000 horses were slaughtered each year. Today, that number is down to 87,000 because the demand is going down. With that kind of a drastic reduction, you would think there are a lot of unwanted horses running around the country. Yet there is not one study anywhere that indicates that there is an abundance of horses. In fact, as I said, most of the horses that are being slaughtered are wanted. The owners would love to have them back, but because of this process, this is what is happening.

The State of Texas had a law on its books that made it illegal to use horse meat for human consumption, to buy it or sell it or transport it. They tried to shut down the slaughterhouses in Texas. The prosecutors were getting ready to go to court, and the foreign owners filed a lawsuit in Federal court. They won that lawsuit because the Federal judge said this is about interstate commerce and the State of Texas will be impeding interstate commerce by trying to shut these slaughterhouses down.

So the only thing that we can do is if it is going to be changed, Congress has to do it. That is what this bill is about today. H.R. 503 is on the floor because Congress wants to take action.

Every poll that has been taken on this issue, the American people support the prohibition of slaughtering horses. Horses have never been a part of the food chain. They are not like cattle. They are not like pigs. They are not like goats. Those animals are raised for slaughter; and when you take it to auction, you know where it is going to end up. That is not the case with horses.

I think that this is going to be quite an interesting debate, a worthwhile debate; and I want to thank the Rules Committee for giving us this opportunity today.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would urge all Members to support the rule and the underlying bill. Congress should do the right thing for America's horses by ending the cruel practice of horse slaughter.

But, Mr. Speaker, there are a larger set of priorities which must be addressed. The American worker deserves an increase in the minimum wage, and our Nation's seniors deserve lower prescription drug prices. Almost 5 years after September 11, failing to secure America's ports and airports is unconscionable.

Democrats are committed to staying here until these priorities are accomplished. I would urge all my colleagues to join us in this effort.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SWEENEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 40, not voting 41, as follows:

[Roll No. 430]

YEAS—351

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn

Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Ortiz
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
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Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
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Baird
Baldwin
Barrow
Berry
Blumenauer
Boswell
Capuano
Castle
Chandler
Conyers
Costello
DeFazio
Ford
Herseth
Hinchey
Kanjorski
Kennedy (RI)
Lewis (GA)
McGovern
Melancon
Michaud
Moore (KS)
Moran (VA)
Oberstar
Obey
Olver
Peterson (MN)
Pomeroy
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Velázquez
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Becerra
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Cubin
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Harris
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Osborne
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Royce
Rush
Sánchez, Linda T.
Sessions
Strickland
Towns
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1114

Messrs. PETERSON of Minnesota, POMEROY, and KENNEDY of Rhode Island changed their vote from "yea" to "nay."

Mr. MEEHAN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, due to circumstances beyond my control on Thursday, September 7, 2006, I regrettably missed the vote on H. Res. 981, a bill providing for consideration of H.R. 503, the Horse Protection Act.

H. Res. 981 presents a reasonable rule that made several amendments in order, and allowed adequate time to have a full and fair debate on the underlying bill.

In turn, I would have voted "yea" on H. Res. 981, so that we could begin to consider the underlying provisions of H.R. 503.

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed one rollcall vote. Had I been present, I would have voted "yea" on rollcall vote No. 430.

Mr. MURPHY. Mr. Speaker, on rollcall No. 430, had I been present, I would have voted "yea."

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS IN THE HOUSE AND IN THE COMMITTEE OF THE WHOLE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. "SONNY" MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5122), to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Edwards moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5122 be instructed to agree to the provisions contained in section 721 of the Senate amendment (relating to treatment of TRICARE retail pharmacy network under Federal procurement of pharmaceuticals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. EDWARDS) and the gentleman from Colorado (Mr. HEFLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 2007 defense authorization bill passed the House on May 11 and the Senate on June 22. It is deeply disappointing that during a time of war it has taken the House and Senate Republican leadership over 2½ months to appoint conferees to write the final defense bill, which includes programs vital to our troops and to our Nation's defense. The fact that Speaker HASTERT could take time to campaign in over 40 House districts during the August recess, but could not find time to appoint final defense conferees, represents the kind of misplaced priorities that have Americans demanding that Congress change its way of business. Our troops in Afghanistan and Iraq should not have had to wait 2½ months to see Congress moving ahead on a bill that is vital to them, their mission and their families.

Now that conferees have finally been appointed, the House has a serious responsibility to support a bill that puts our troops and military retirees first. That is what this motion to instruct is all about.

Specifically, this motion would instruct House conferees on the defense bill to accept Senate language that would reduce the cost of prescription drugs for military retirees, including Iraqi war veterans, by hundreds of millions of dollars each year. It would do so by saying that pharmaceutical manufacturers should give the same drug discount at retail pharmacies that is already being given to military retirees who buy their drugs via mail order.

The Veterans Administration saves hundreds of millions of dollars every year by requiring drug manufacturers to offer veterans drug discounts, and applying the same commonsense principle to military retirees will result in huge savings. In fact, this motion, if accepted, would save taxpayers $251 million in fiscal year 2007 and help, even more importantly, up to 1.9 million military retirees by making it unnecessary to pass the unfair House provision, another provision, that would force a 100 percent increase in generic drug copays at local pharmacist for military retirees and a 77 percent increase in brand-name drug copays for military retirees.

The bottom line, Mr. Speaker, is that this motion is good for American taxpayers and good for our military retirees, who are men and women who have served their Nation for 20 or 30 or more years in uniform.

There is just one problem: the pharmaceutical manufacturers do not want military retirees on the TRICARE health plan to be able to buy discounted drugs at local pharmacies. Why? Because it would cut into their already rather substantial profits.

The choice is clear. The motion is a choice between helping our military retirees, including Iraqi war veterans, or helping the pharmaceutical companies make even higher profits. I am confident that the vast majority of Americans would say that the pocketbooks of those who have served our Nation for decades in uniform should take priority over higher profits for pharmaceutical manufacturers.

The real question is whether this House in voting on this motion will reflect the values of our constituents and our military retirees, or will we reflect the special interests of the pharmaceutical manufacturers and their lobbyists.

The choice should be an easy one. But it appears that the House leadership didn't want this provision included in this motion to help our military retirees, and they did not support this language, which the Senate adopted and put in the House bill. That is why we are here today facing this motion. I salute the other body for having put the discounted drug price language in their defense bill, which passed the Senate on an overwhelming bipartisan basis.

I urge support, Mr. Speaker, for this motion. I hope we will receive bipartisan support. Going along with the pharmaceutical manufacturers should not trump saving taxpayers hundreds of millions of dollars, keeping drug costs affordable for our military retirees, up to 1.9 million of them, and allowing our military retirees to have access to their local pharmacist.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), a senior member of the House Armed Services Committee and a great supporter of our servicemen and -women and our veterans and military retirees.

Mr. SPRATT. Mr. Speaker, let's make something clear: the Veterans Health Care Act of 1992 directs drug companies to grant discounts on all drugs that are supplied to the Department of Defense, the Department of Veterans Affairs, the Public Health Service, and the Coast Guard. These are significant discounts. On average they lower the cost to the government for pharmaceuticals provided to beneficiaries by 30 to 40 percent. The Department of Defense is able to take advantage of these discounts in its mail order program and in dispensing drugs in its military treatment facilities, hospitals and clinics.

But the pharmaceutical companies have been balking, refusing to grant these discounts to TRICARE beneficiaries. Those are the families of active duty members and families of reservists deployed. TRICARE beneficiaries, wanting to shop, understandably, with their local pharmacy, their local corner drugstore, they have not been able to obtain the advantages of these discounted drug prices.

The Senate has recognized the problem here and has acted to resolve it by simply providing that in the future, after this bill becomes law, the discounted drug provision will apply not just to military treatment facilities, not just to the mail order program, but to TRICARE beneficiaries going to private drugstores. And it should. Can anybody tell me a reason it should not? Can anybody tell me a reason that TRICARE beneficiaries, our military members, shouldn't be able to shop, when necessary, at their local pharmacy?

That is all we are doing here. The Senate approved this 92–0, and we are simply saying here, let us recede to the Senate provision, let us take a law adopted in 1992 and apply it to all aspects of military health care.

This has a couple of collateral benefits in addition to saving money. One is that the House provision, which raises copays for drugs purchased otherwise at military facilities, will not be necessary because we will save enough money here to make it unnecessary. Another is that the Senate provision, harsh I think, which requires mandatory mail order as opposed to local pharmacies, that provision too can be dispensed with because we will save enough money to do so.

This is a win-win-win proposition. There is no reason the House should not take up the logic and policy of the Senate bill and adopt this same provision. Every Member here should vote to instruct our conferees to recede to the Senate on this critical provision. It will save money and make life better for our TRICARE beneficiaries. There is no reason not to do it. There is every reason to do it. I urge its support.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I hope that the absence of speakers on the other side of the aisle is a reflection that there will be bipartisan support for this motion to instruct the House conferees on the defense bill. If so, then I think that is very good news for our military retirees.

I certainly want to express my respect to my friend and colleague, Mr. HEFLEY, who is a great champion for our military, both those on active duty and our retirees.

What is a little bit disconcerting, Mr. Speaker, is how we can have what at least at this moment might appear to be unanimous support for this provision to save hundreds of millions of dollars for taxpayers and military retirees by reducing the cost of military retiree prescription drugs at pharmacies and have the Senate adopt this provision as well, and yet mysteriously it didn't show up in the markup in the House Armed Services Committee.

I don't know what happened. I have heard some rumors suggesting that the House leadership opposed putting this provision, helping our military retirees and saving taxpayers money, into the bill. Perhaps someone could explain to the House and our colleagues and those listening, Mr. Speaker, why this provision wasn't put in the markup of the bill in the first place. But I am not sure anybody has an explanation that could withstand the light of day.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD), a distinguished veteran himself.

Mr. BOYD. Mr. Speaker, I thank my friend, the gentleman from Texas. I won't take 3 minutes. But I will say this, Mr. Speaker, that any time you have a provision, a legislative proposal that saves in performing our legislative duties and our executive duties, saves the taxpayers money and also enables us to better serve those that we are serving in our communities, that is a plus. That is a win-win, as some have said.

That is exactly what this provision we are discussing that is in the Senate bill does. In this case, obviously, it will save Federal taxpayer money. And we all know the issues that exist today in our budgeting process. We have red ink throughout our future budgeting process as far as the eye can see. There is a structural deficit built into the budgeting process, which has been extended by this administration and this Congress.

☐ 1130

So, in this case, we are helping those that are our military retirees, those who we have asked to put on the uniform and go into battle, and many of them come back wounded, injured, and then the taxpayer has responsibility for seeing that those folks are cared for the balance of their lives. This is not a new debate about military retirees and how we provide them medical services.

So if we can do a better job of that back home, and the Senate has a better idea in this case, then we should go to it. I think that is what we are asking the folks to do. We are saving money, and we are providing a better service, better quality services to the folks that we have asked to wear the uniform.

I thank the gentleman for bringing the motion to instruct.

Mr. HEFLEY. Mr. Speaker, there is an old saying in the gentleman from Texas' home State, when you have struck oil, stop drilling.

And you have struck oil here, and we are not objecting. Trying to take care of our veterans in the best way we possibly can is not a Democrat or a Republican thing. It is not a partisan thing. It is a thing that I think both sides of the aisle feel very, very strongly about.

With that, I don't think I have any further speakers. I reserve the balance of my time, unless you are ready to wind this up.

Mr. EDWARDS. Mr. Speaker, I have one more speaker, Mr. BERRY of Arkansas, whom I would like to recognize. I would like to say that Mr. BERRY led the charge to send a letter to the chairman and the ranking member of the Armed Services Committee urging the adoption of this language, and I salute him for his leadership on that effort.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas, and I thank him for his leadership in all matters pertaining to the military and certainly to our veterans in their care, and they are entitled to the best that this country has to offer. I appreciate him, and I also appreciate the gentleman from Colorado.

He is absolutely right. This is not a partisan issue. We should do everything within our power to see that the taxpayers get a good deal, but we have an obligation to our veterans and our retired military that should not be usurped by anyone, any time, any place. They should get the best that we have.

I am amazed that we have even got to deal with this on the House floor. This should have been taken care of a long time ago, and many of us felt like it was taken care of in the Veterans Health Care Act of 1992.

But the amazing thing to me is that we would even consider giving mail order, large corporation pharmacies a huge advantage over the local retail pharmacies, especially in rural America and in the neighborhoods. This is what is going to happen if we don't put this in this final defense authorization bill.

Our veterans should be able to go to any local pharmacy that is the front line health care provider for every community. They should be able to go to those local pharmacies and take advantage of generally free services by well-trained and accomplished professionals that know them and know their health needs and know what medicine they are taking, and those retail establishments should be able to get their pharmaceuticals at the same price that DOD gets them and the same price that the mail order companies get them and be able to provide this service to our veterans.

So I am delighted to hear the gentleman from Colorado say that they have no objections. I think that is a very wise thing.

Again, I thank my colleagues on both sides of the aisle for doing good work, and let us move this forward, and let us see that our veterans get the care that they deserve, and our retired military and their families get the care that they deserve, and let us move on to the other problems that we can solve in this same way, working together for the common good.

Mr. EDWARDS. Mr. Speaker, could I ask the gentleman from Colorado if he has any speakers on this?

Mr. HEFLEY. I may have one speaker who has just arrived.

Mr. EDWARDS. Okay. Since we have used more of our time, and since we may not have to use the entire time allotted, could I yield back, not my time, but to the gentleman from Colorado for the purposes of his speaker being recognized.

Mr. HEFLEY. I yield 6 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I am just now reading this. Mr. EDWARDS, this is a very bad idea. If you support increasing the cost of medications to veterans, then support this motion to instruct.

If you support increasing the cost to veterans to obtain access to their drugs, support this motion to instruct.

Over the years, those of us have guarded, guarded the Federal Supply Schedule. Now, why did Congress pass the Federal Supply Schedule? Because we said, you know, we have said to veterans out there, whom are disabled, we recognize that they are a precious part of our society, so we create the Federal Supply Schedule, which is really the government mandating a particular price, and then we jealously guard that. We jealously guard that. Why? Because everybody wants to gain access to the FSS, the Federal Supply Schedule.

I have to come to the floor, as chairman of the Veterans' Affairs Committee, appalled, appalled. I am just dumbfounded that we are, what, going to vote on a motion to instruct that we should accept what the Senate does?

It seems that some people in this body are possessed in their fight against drug companies. Oh, my gosh, these drug companies are trying to seek all kinds of profits. I like to beat up on drug companies, until you get sick yourself, and then you want to gain access to all these types of drugs whether it is for Medicare pricing or Medicaid pricing, DOD.

I created the retail TRICARE pharmacy program. It took me 3 years to do that. If I ever intended for FSS pricing to be included, I would have included it in the bill. It is a retail program. As a matter of fact, I created the out-of-network retail pharmacy network to give these veterans a choice, the military retirees, so that they can gain access to some new blockbuster drug and pay a little bit more money for it.

But, please, my colleagues, do not, just before an election, open up the Federal Supply Schedule. Do not do this. We do this to protect very important members of our society who have been injured, and the disabled.

Now, what has been challenging to us is that Congress then, subsequent to having passed this, the Federal Supply Schedule, to gain access to lower cost medications for these disabled veterans, we opened up access to the VA. You have individuals who have gained greater access into the VA.

That begins an erosion. I understand that. Now we say, oh, my gosh, if these veterans are gaining access to the Federal Supply Schedule, then what about members to DOD. Oh, by the way, let's do it for Medicare and let's do it for Medicaid.

As you increase the pool of people, you are increasing the price of the medications to the very same people that you originally sought to protect. This is one of those moments where you have to scratch your head and say, what are we doing?

I make an appeal. I come to the floor and appeal to your good conscience and to your senses: Do not support this motion to instruct.

Now, I warned the Department of Defense. I knew that if they didn't have authority to do what they wanted to do, they wanted to gain access to rebates. I understand what they sought to do. You see, I put it in the bill that asked them to go after best business practices.

Well, the best business practices, they then interpret that is that they get the same types of rebates that they get in the private sector. So they created something called a warehousing, a virtual warehouse. They had to create the virtual warehouse because we in Congress gave them no authority, no authority to warehouse to gain access to the rebates under the Federal Supply Schedule. It just blows my mind.

I warned DOD about this. I had my conversations with Dr. Winkenwerder. But, you know what, he felt like he was on solid ground. I believe he built a house of cards. It has all fallen around him. He bet on the budget. He is short. He turns to Congress. He asks all of you to try to help him out of the jam he has got himself in.

I knew a lawsuit was coming. I knew that a lawsuit was going to come because the DOD was doing this without any express authority of Congress.

So let me just include an appeal, once again, to the good senses of my colleagues: Do not extend FSS pricing to other departments or agencies of government. Protect the veterans; protect those who are disabled. I just appeal to you. Don't do this.

Actually, Mr. EDWARDS, I would ask you to withdraw the motion to instruct.

Mr. EDWARDS. Mr. Speaker, I yield myself 10 minutes.

I have great respect for my colleague, the Chairman of the Veterans' Affairs Committee. He and I have worked together for many years on veterans' programs. I have never questioned his motivations; I just question his judgment in this particular case.

But he asked a fair question: What are we doing? Let me answer that question. What this motion to instruct would do is allow military retirees, up to 1.9 million of them, to get the same discounted drug prices at a retail pharmacist that the law already ensures they receive if they buy those drugs via mail order or if they go into a dispensary at a DOD hospital somewhere.

What are we doing? We are saving, according to estimates, $251 million this year for taxpayers, lowering the cost of prescription drugs for these vast numbers of military retirees.

What are we doing? We are perhaps saving enough money so that the Defense conferees don't have to actually force a 100 percent increase in the copay for generic drugs to military retirees and a 77 percent increase in the copay for military retirees to buy name-brand drugs. That is what we are doing.

What we are doing is taking a law that was passed in 1992 that the Veterans Administration in 2002 said provides the authority to provide this discount to retail pharmacies and just clarifying that law.

Apparently, it wasn't the Department of Defense or Veterans' Administration that opposed the kind of language I am supporting; it was the drug companies who filed lawsuits in this matter, to prevent military retirees for getting cheaper prices. I don't find the pharmaceutical manufacturers filing lawsuits so that they could make less money.

Mr. BUYER. Would the gentleman yield?

Mr. EDWARDS. I would be happy to yield to you.

Mr. BUYER. The rebates go to the government, they do not go to the military retiree. Therefore, the price is not affected by the military.

Mr. EDWARDS. I appreciate the gentleman pointing that out. That is why I say this $251 million in savings in fiscal year 2007, that is projected to be over $300 million in savings in fiscal year 2009, can be used by the House-Senate conferees to reduce the copay that was put in the House bill that some may have felt was necessary for financial reasons.

But if we can find savings to the taxpayers in the Department of Defense, let's pass on those savings to our military retirees. I don't think Members of Congress are being asked during a time of war to pay 100 percent more copay for our prescription drugs. I don't think military retirees ought to be asked to pay 100 percent increase in their copays.

Mr. BUYER. Would the gentleman yield?

Mr. EDWARDS. I would be glad to yield.

Mr. BUYER. That is a valued argument from your position, given how you have drafted the motion to instruct. That is a valued argument.

I would just ask of the gentleman that when we extend price controls to a greater population, as we contend, whether it is military retirees as you are talking about or whether we go to Medicaid or Medicare, what happens is we begin, at some point, we begin to dull our efforts on research and development and going after whatever the new blockbuster drug is that presses the bounds of science that our society gets to enjoy, improves the quality of our lives.

□ 1145

Mr. EDWARDS. Mr. Speaker, I would say, at some point, if the drug companies are not making a reasonable profit, it could significantly impact the money they invest in research. But I don't think many in this country today would doubt that the drug companies are making very healthy profits. And I do salute them on the research that they put into coming up with new miracle drugs, but at the same time, I think it is a fact that they spend more on advertising on television on the drugs than they spend on research and development for their drugs.

So out of the multibillion-dollar profits that all of our drug companies make on their drugs, I have a hard time thinking that allowing us to save $251 million this coming year on the cost of retail drugs for military retirees is going to put a significant crimp in the ability of drug companies to invest in future drugs.

I agree with the gentleman, the drug companies ought to be able to make a reasonable profit. I think they are making a reasonable profit. Many Americans think that they are making more than a reasonable profit.

I don't consider what the Senate adopted and what I am recommending and what I hope will pass on maybe not a unanimous basis but on a bipartisan basis today, I don't see this as price controls. I see this as the Federal Government having a right to make a contract with drug companies, just like the VA does that every day, as the gentleman knows. It says to the drug companies, if you want to sell us drugs at the Veterans' Administration, we would like to buy them, but we are going to require a 30 to 40 percent discount on those drugs.

One might make the argument that doing that hurts the profits of the drug companies, and therefore, they cannot invest in new drugs. I don't think the present policy of the Veterans' Administration saving hundreds of millions of dollars by negotiating, not price controls, negotiating reasonably discounted prices for drugs when you are representing millions of consumers, in this case veterans, I don't think that has hurt the drug companies. In fact, it looks to me as if they welcome the opportunity to sell millions of dollars of drugs every year to the Veterans' Administration.

I am saying, we should apply that principle not to some other unrelated agency but rather to the Department of Defense. It is the Veterans Secretary, the VA Secretary, that has said in the past, in his judgment, the 1992 law, in the VA's opinion, allowed discounted drugs at pharmacies, but it is the pharmaceutical manufacturers who have filed the lawsuits to stop this from happening.

I respect the gentleman greatly. I don't challenge, not for a second, his motivations. We ought to be concerned about the formulary prices staying low for veterans. I just don't see helping military retirees who have served our country for 20 to 30 years, some of them for more than 30 years, letting them go to local pharmacists and get a discounted drug price rather than paying full retail value is really going to hurt veterans.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. BUYER. I follow the logic of your argument until you say it is going to help the military retirees because the military retirees don't get a specific benefit.

I concur with you when you say, Steve, let DOD gain access to FSS pricing, let them get their rebates. I get DOD savings, and with those savings, I can buy equipment and other things. That's your argument.

To say it is going to help the military retirees gain access through the formulary to lower drug prices is not true.

Mr. EDWARDS. Let me address why I respectfully disagree with the gentleman and why I think it is true.

I am the ranking member, as the gentleman knows, of the Military Quality of Life and Veterans' Affairs Appropriations Subcommittee in the House. Because of the budget limitations and the cost of Department of Defense and TRICARE programs this year, the House passed a bill that cuts about $730 million out of the President's request for DOD and TRICARE health care programs. We have to make up that hole somehow. By saving $250 million this year through this motion, if the House and Senate conferees agree to it, we help plug a large part of that huge hole. If we don't plug that hole, we are going to have to cut health care services for military retirees and possibly, I hope we would not, but possibly even active duty service men and women.

So this does help the military retirees. It helps us maintain the present level of health care services under TRICARE and gives them access to their local pharmacist, which many military retirees prefer. They trust their local pharmacist. They would prefer to go to that person and get advice and buy the discounted drugs under TRICARE.

It helps us have a chance to get rid of the 100 percent increase in copays for military retirees. I think this motion, if adopted into the bill, would help military retirees very significantly.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to Mr. BUYER.

Mr. BUYER. Mr. Speaker, I thank Mr. EDWARDS for yielding to me and having this conversation. This is important.

Members are going to be walking in here, Mr. EDWARDS, and they are not going to know completely what happened with this debate. It would not be right for Members to walk in here and think I will vote for Mr. EDWARDS' motion to instruct because I will help a military retiree lower his drug cost when he goes to the retail pharmacy. That is just not true. So I want the offices that are listening to this debate to understand that.

My greatest concern is opening up the Federal Supply Schedule. So I do not want to open up the Federal Supply Schedule to other departments or agencies of government, whether it is DOD, whether it is the Medicare or Medicaid program, and we can debate each of those. We might disagree on things. That is the only point I wanted to make.

The plausible arguments in defense of your motion, I disagree with what you are trying to do here today, and I just wanted to make sure that I made that point.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out something here today. I think we have seen something we rarely see on this floor with Mr. EDWARDS and Mr. BUYER; we have seen an actual discussion of the issue where we actually debate the issue, and on both sides, you have intelligent comments being made rather than people getting up and reading a statement and talking past each other. I just want to commend both of these gentlemen for the quality of debate that we have just heard on the floor of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Colorado (Mr. HEFLEY) for the comment about the debate. I think these are the kinds of issues we ought to debate. I welcome this kind of debate and honest differences of opinion. That is part of my criticism of the congressional process these days. It seems like so many times decisions get made behind closed doors, and the public does not know how those decisions are made. I think this is a healthy debate.

Despite my great respect for Mr. BUYER, I think this motion, if adopted into the final Defense bill for fiscal year 2007, would benefit hundreds and hundreds of thousands of our military retirees by letting them have access to low-priced prescription drugs at their local pharmacy by perhaps allowing us not to follow through with what I think is an unfair proposal from the House to double, to increase by 100 percent the copays that our military retirees pay for their drugs. We are not asking Members of Congress to double our copays for our prescription drugs this year during a time of war. I don't think we should ask our military retirees, many who have served 20 or 30 years in the military, to have an increase in copay for their drugs. We are not willing to ask ourselves to do that.

I think this is a beneficial motion. I believe it will be accepted with, not unanimous support, but with bipartisan support.

The only caution I want to urge, the good advice of my Texas colleague, mentioned by my friend from Colorado, when you have hit oil, you can stop drilling. I think the real test of whether we have hit oil or whether we have hit a dry hole is whether the language adopted already by the Senate, the language we will hopefully support on a bipartisan basis today on my motion, actually gets put in the final defense authorization bill.

I would issue a warning that oftentimes we pass motions to instruct conferees on an overwhelming basis if not unanimous basis in this House, and somehow, behind closed doors, the interest of those we care about, in this case the interest of military retirees, seems to somehow not be considered as carefully as the interest of other special interests.

I think this is a good motion. I know the pharmaceutical companies have filed lawsuits to stop the discount pricing of drugs at retail pharmacies. They have a right to do that. Congress has the right and the responsibility today to say that, in 1992, we made a decision saying that our retirees ought to have access to discounted drugs at pharmacists as well as via mail order.

I urge bipartisan support of this motion to instruct. Unless the gentleman from Indiana wants to continue an honest debate, I would yield back.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I only wanted to respond to Mr. EDWARDS' comments that he understands there is a lawsuit because the drug companies do not want to give discounts on their drugs to the retail pharmacies, paraphrasing what I believe you said. That is not what the lawsuit is. That is not what the lawsuit is about.

What the lawsuit is about, as I understand this, is that DOD created a virtual depot, and they created this virtual depot or warehouse because they had no authority under the statutes to do this. They needed to create a warehouse so they could obtain access to rebates that are being done out in the private sector. So it was clever. It was smart and clever, but they had no authority to do this.

I warned DOD, and I spoke to Dr. Winkenwerder. I said, please don't do this. If you do this, there are going to be lawsuits because you have no authority to do this at all. He felt that he did. That is what the lawsuit is about.

Mr. EDWARDS. I appreciate the gentleman's comments. Just to summarize, the Military Officers Association of America urges support for this change in the law. If the drug manufacturers would like to join with military retirees and the largest organization in America representing those retirees, I would welcome that support.

I urge bipartisan support for this motion to instruct conferees on the Defense authorization bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself the balance of my time.

I want to commend Mr. BUYER and Mr. EDWARDS on their sincere concern for the welfare of our veterans. They see things differently on this particular issue, but that doesn't take away from the concern that both have. They are good friends, and I know where their heart is on this, and it is in the right place.

As I said earlier, we have had the kind of debate I wish we could have more often here in the House of Representatives.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support the Motion to Instruct Conferees on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

The motion to instruct offered by my colleague, Representative CHET EDWARDS, would instruct House conferees to insist on Senate-passed language regarding the TRICARE retail pharmacy program. That language would allow TRICARE beneficiaries to purchase prescriptions from their local pharmacies at the same cost as through mail-order services, ensuring that our veterans and military retirees are not forced to pay more merely to visit their neighborhood drug store.

The Veterans Health Care Act of 1992 requires drug manufacturers to grant a Federal pricing discount on all drugs provided to the Department of Defense, Veterans' Administration, the Public Health Service and the Coast Guard. Unfortunately, not all drug manufacturers grant this discount on drugs provided to retail pharmacy stores, instead only applying the discount to mail-order prescriptions.

It is understandable that the Department of Defense would want to contain growing prescription drug costs. However, forcing TRICARE beneficiaries to obtain prescriptions by mail-order is not the solution—rather, we need to clarify that drug manufacturers must provide Federal pricing for all medications dispensed through the TRICARE retail pharmacy network. Section 721 of the Senate version of the Defense Authorization bill would do just this.

Representatives of the Department of Defense have acknowledged that Federal pricing for pharmaceuticals dispensed through the TRICARE retail pharmacy network would "significantly" contain growing prescription drug costs. It has been estimated that if the Senate provision is enacted, it could save taxpayers up to $251 million in fiscal year 2007, and more than $300 million annually by fiscal year 2009, by requiring Federal pricing discounts to be applied to these TRICARE retail pharmacies.

I have heard serious concerns expressed by veterans and military retirees in my district about this issue many times this summer. There are times when it is not possible to wait for a mail order to come before a person might need to begin taking their prescriptions. In those cases, for example, the men and women who have bravely served our country should not be punished for buying their prescriptions down the block. Our veterans, military retirees and their families deserve to have the option to use a pharmacy, and the services of a pharmacist, when they have questions regarding their prescriptions and their health. Passing this motion to instruct allows them that option.

We must ensure that our veterans and military retirees receive the benefits they have so courageously earned, and this motion to instruct will help guarantee they are not penalized for doing so. I support this motion to instruct, and strongly urge my colleagues to do as well.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2066. An act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 503, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMERICAN HORSE SLAUGHTER PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 981 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 503.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

As designees of the majority leader, the gentleman from Texas (Mr. BARTON), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Virginia (Mr. GOODLATTE), and the gentleman from New York (Mr. SWEENEY) each will control 10 minutes.

As designees of the minority leader, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that H.R. 503 is an emotional issue for many people. It is my hope that this debate will give us a chance to look beyond the emotion and actually explore the facts of the issue in this particular bill. It is important that this discussion be fair, that it be open; and to that end the committee that I chair, the Energy and Commerce Committee, held a hearing a month ago that included witnesses from both sides and was fair and balanced. We put together a completely balanced hearing; and at the end of that hearing, it was clear to me that the majority of the experts have spoken, and they have spoken that H.R. 503 is bad policy and that it is bad for horses.

It is not a secret that I am opposed to the bill in its current form. Despite what may have been said, it is not because I do not like horses. It is not because I had some bad experience when I was young. In fact, I had and continue to have very positive experiences with horses. My opposition to this bill stems from the simple fact that it comes with negative consequences that I believe are being overlooked.

Ever since the bill has been introduced, I have been bombarded by calls, letters, and meeting requests from people both in my district and all over the country on both sides of the issue. I have heard from ranchers and horse owners as well as the American Quarter Horse Association, the American Veterinary Medical Association, the American Association of Equine Practitioners, American Farm Bureau, National Cattlemen's Beef Association, the Texas and Southwestern Cattle Raisers Association. The list goes on and on. I have also been approached by proponents of the bill that are very supportive and very emotionally and strongly attached to this particular bill. Unfortunately for those folks, I must say that I am opposed to the bill because the majority of the evidence is that it is a bad bill. In fact, over 200 national organizations oppose the bill. Yesterday, even the United States Department of Agriculture came out in opposition to the bill. These are groups that, frankly, I consider to be representative of rural America, and they have all said the same thing: H.R. 503 will lead to a miserable existence for thousands of horses and is an outright attack at animal agriculture.

The care and the overall health of the animals, and notably the rights of their owners, should always be the primary concern when taking up legislation of this nature. Processing unmanageable and unwanted horses provides a humane alternative to continuing a life of discomfort, inadequate care, or possibly even abandonment for thousands of horses.

Mandatory United States Department of Agriculture inspection, which abides by strict laws monitoring the welfare of animals in the processing facility, assures that horses that are going to slaughter are treated humanely. It is also important to note that since last year's agriculture appropriations bill was enacted, the three American processing plants pay for those inspectors out of their own pockets. No expense to the taxpayer.

I might say on this note that the proponents of the bill have said repeatedly that the Cattlemen's Association gets $3 for every horse that is taken to slaughter. That is a true statement. But the reason that $3 is paid is because it is the Cattlemen's Association, at least in Texas, that is actually paying for the inspectors to inspect the horses that are brought to the slaughterhouse in Texas. So that is why you have the $3-per-horse fee. It is because in last year's agriculture appropriations bill, we said that those inspectors could not be paid for with Federal funds; therefore, an arrangement has been made between the slaughterhouses in Texas and the Cattlemen's Association that the inspectors will be paid for by providing this fee to the Cattlemen's Association that pays the inspectors.

H.R. 503 provides no alternative for thousands of horse owners for whom continued care of an animal is no longer economical or in some cases humane.

The other concern the bill raises for me is one of private property rights. While a majority of my constituents live in the Arlington/Fort Worth area down in Texas, the geography of the district that I represent is almost entirely rural. Animal agriculture is a large part of the economy for much of my district, and agriculture is already one of the most extensively regulated industries in the United States of America.

In the name of animal welfare, the United States Department of Agriculture right now tells owners how they can and cannot transport their animals. In the name of consumer safety, the United States Department of Agriculture right now tells them what they can and cannot feed their animals. This bill would tell producers to whom they can and cannot sell their horses. As a long-time proponent of limited government, I take issue with this last statement.

The horse owners in question have fed, housed, and cared for their animals, in some cases for decades, at great personal expense. When an animal reaches the point when he or she is no longer productive for the owner, who are we then to deny an owner the opportunity to recover some small portion of their costs that they have incurred in caring for the animal so far in its life? Why should they not be allowed to sell their animal to a legal, humane, and closely regulated processing facility?

Now, I understand that there are many groups that strongly support this particular bill and some of the thoroughbred associations are strongly in support of H.R. 503. If they have the money to pay for their horses, if they have the money to take care of their horses, that is fine. They do not have to take them to a slaughterhouse. That is freedom of choice. But for many ordinary Americans who do not have the resources that some of the more well-heeled thoroughbred associations and horse farms have, I think having a slaughterhouse option is a humane option.

Again, I understand that this is an emotional issue for many people. But I do not think Congress should vote purely on emotion. I think there should be common sense brought into the equation. And when you really look at the bill in that light, the obvious vote, at least for me, is a "no" vote.

Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. OTTER) and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. The gentleman from Idaho will control the remainder of the time at the designation of the majority leader.

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 503, the American Horse Slaughter Prevention Act, which would put an end to the deplorable practice of slaughtering American horses for consumption.

As a strong supporter of animal rights, a horse lover, a former horse owner, I have joined with 202 of my colleagues from both sides of the aisle as a cosponsor of H.R. 503. 550 national and State organizations also support H.R. 503, and I have received over 900 communications from constituents in support of the bill.

Congress has already expressed its desire to put an end to horse slaughter by voting to amend the fiscal year 2006 agriculture appropriations bill to ban the practice. That amendment passed by an overwhelming vote of 269–158 in the House, 69–28 in the Senate. However, the language that passed in both the House and Senate stating that no Federal dollars could be used to fund the inspection of horse slaughter plants, thus ending the practice, was stripped out. The Republican leadership, in an act of hubris, changed the language in conference to allow for flexibility in interpretation of that ban and allowed the plants to continue to operate. This is going against congressional intent and has been taken to the courts.

Congress voted to put an end to horse slaughter in this country because horses are some of the most beautiful and beloved domesticated animals on Earth. Earlier this year the story of Barbaro, the Kentucky Derby winner that shattered his leg at the start of the Preakness, transfixed millions of Americans. Since his injury, the thoroughbred has received an incredible outpouring of letters, flowers, apples, and carrots from Americans across the country. Fans have even made pilgrimages to Barbaro's care facility in Pennsylvania to wish him well in his long recovery. Americans are rooting for Barbaro because they have been inspired by his strength, his beauty, and his strong personality.

Americans have long appreciated horses for transport, on ranches, as police mounts, and as cherished companions. The American Horse Council reports that 1.9 million Americans currently own horses. Another 7.1 million Americans are involved in the industry as horse owners, service providers, employees, and volunteers, while tens of millions participate in horse events as spectators. These millions of Americans know that horses should be treated with dignity and respect in life and death. They are disgusted, as I am, that in 2005 over 90,000 horses were slaughtered at three American-based foreign-owned plants, and I stress foreign-owned plants, so that meat could be shipped to Europe and Asia for consumption as a delicacy.

Horses bound for slaughter must endure inhumane conditions on the way to and during slaughter. Horses are shipped frequently for long distances in terrible conditions. They are crammed together in trucks built for cattle and pigs. Because of the cramped transport, they are often trampled and some horses arrive at the slaughterhouse seriously injured or dead. Once at the slaughterhouse, horses are often not rendered unconscious before they are killed, as mandated by Federal law.

Most people assume that all or most of the horses bought for slaughter are old or injured. In fact, according to the USDA guidelines for handling and transporting equines for slaughter, 92.3 percent of horses that arrive at slaughter plants are in "good" condition, meaning they are not injured, lame, overweight, or underweight. Healthy animals, pets, and former race horses are all sent to slaughter.

We may hear today that it is likened to being humane to animals in order to oppose this legislation. It could not be further from the truth. The humane vote is to vote in favor of this legislation to ban the inhumane slaughter of horses.

Earlier I mentioned Barbaro, the Kentucky Derby winner. Ferdinand, the winner of the 1986 Derby, faced a very different fate. After his momentous Derby victory, Ferdinand was killed for food in a Japanese slaughterhouse in 2002. Just imagine if Barbaro faced the same end.

Not surprisingly, a recent poll conducted by public opinion strategists found that 65 percent of Americans do not support horse slaughter, and 64 percent of Americans believe that horses are companions like dogs and cats and killing a horse to eat is not different than killing a cat or dog to eat.

I am sure that other Members of this body have received hundreds of letters too from constituents who oppose horse slaughter and support H.R. 503. I think it is time to listen to the American public and finally end the barbaric practice of horse slaughter by passing H.R. 503. Let us not sign off on Barbaro burgers.

I urge my colleagues to support H.R. 503.

Mr. Chairman, I reserve the balance of my time.

Mr. OTTER. Mr. Chairman, I yield myself such time as I may consume.

I submit for the RECORD an editorial from the Dallas Morning News and also an editorial from the Star-Telegram.

A HUMANE END: SLAUGHTER PREVENTS WIDER SUFFERING

[From the Dallas Morning News, Sept. 7, 2006]

Few issues roil the emotions more than those involving the dependent and helpless. Hence, the turbulent debate over a proposal in Congress to end the legal slaughter of horses that feed overseas meat markets.

It's not right to dismiss or belittle the strongly held beliefs of animal advocates on the matter. They argue that the horse is a loyal service and companion animal that should not end up on someone's dinner table. Indeed, most Americans' sensibilities align with that view.

But the grisly alternative to humane slaughter is a slow, painful end for tens of thousands of castoff animals every year.

In a poignant irony, major veterinary groups are lined up against a slaughter ban. They argue persuasively that enough buyers or adoptive homes couldn't be found for all horses deemed too old, unfit or expensive by their owners.

Maintaining a horse for its natural life can exceed $25,000, even short of veterinary care.

The federal government, despite help from rescue organizations, already fails to find homes for thousands of wild horses culled each year from herds roaming national grasslands. Think of boosting the number of unwanted animals by the 60,000 to 100,000 horses that now go to slaughter annually. That would recklessly invite widespread abandonment and starvation.

Two of the nation's three horse slaughterhouses are in North Texas, the foreign-owned Dallas Crown in Kaufman and Beltex in Fort Worth. It's a closely regulated business aimed at humane treatment, from transport to euthanasia.

Some slaughter opponents say a better end for unwanted horses would be veterinarian-administered euthanasia. That position ignores the pivotal issue of added cost for rendering, incineration or burial.

Exported horse meat heads primarily to Europe and Asia, where no cultural taboo is attached to consumption. Top consumers are mostly developing nations with a need for added protein in the diet. Thus, the slaughtered horse makes a final contribution to the cycle of life.

In this country, at least, the law seeks to guarantee a humane end, in keeping with the horse's honored place in national lore. Congress should devote its energies toward keeping things that way, thus avoiding the unwanted consequence of needless suffering.

[From the Star-Telegram, Sept. 1, 2006]

SIRING PROBLEMS

The federal bill grabbing the attention of horse lovers and animal rights activists bans the "shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes."

The "other purposes" aren't outlined in HR 503, which is scheduled for a House vote on Thursday, but the result of this bill's passage would be to shut down an industry that provides a practical public service: disposal of the remains of dead horses.

It must be acknowledged up front that lots of Americans will never be convinced that allowing the slaughter of horses for sale as meat—for carnivores in zoos, canines at home or connoisseurs in Cannes—is a public service.

To some people, horses are more than "mere property," as Wayne Pacelle, president and CEO of the American Humane Society, wrote in an Aug. 23 guest column. But as horse breeder Jay Novacek rightly pointed out in the Aug. 21 column that triggered Pacelle's response, not all horses are pets, and not every horse owner has the financial resources to keep a horse until it dies of natural causes and then pay to bury or burn the carcass.

Maintaining a horse until its natural death averages $25,740 per animal, not including veterinary care for sickness or injury, according to a June report (commissioned by the Animal Welfare Council) about the consequences of a horse slaughter ban. The average lifespan of a horse is 20 to 25 years.

Pacelle is correct in that before Americans had trucks and cars to deliver the mail and packages, horses were the common mode of transportation. They were work animals. But romanticizing those relationships as something other than people appreciating the tools they needed to do their jobs is an attempt to play every emotional note possible.

Harkening back to a time when "almost everyone knew how to ride a horse" reveals a nostalgia for a day when people had few alternative forms of transportation other than their own two feet. Pardon us for saying that we aren't anxious to return to that chapter in history.

One can respect and be grateful for the horse's role in U.S. history without ignoring the pragmatic problems of what to do with a dead or unwanted one.

Shuttering the Beltex processing plant in Fort Worth won't put an end to "grim news" for the estimated 70,000 to 100,000 American horses that are slaughtered annually unless there's some way to cheat death for four-legged animals, or a pipeline to 70,000 to 100,000 people financially capable of caring for these animals.

No matter how much their owners appreciate them, horses get old and sick, and they die. Something has to be done with the carcass. And the affordable "something" for tens of thousands of people is the slaughterhouse. Incineration can cost as much as $2,000, and lots of areas have ordinances that make it illegal to bury Flicka in the back 40.

If public health, humane treatment or nuisance issues are discovered relating to the three horse processing plants operating in the United States (two of them in Texas), it's totally appropriate for government to address them. But U.S. history books are rife with examples of bad laws resulting from emotional appeals.

If passed, HR 503 will not save one horse's life, nor will it do anything to guarantee humane treatment for the animals.

Mr. OTTER. Mr. Chairman, the House of Representatives is voting today on an amendment to the Horse Protection Act that actually would irresponsibly endanger the welfare of the very animal that it purports to help. I oppose H.R. 503, which is driven by raw emotion and misinformation rather than by the facts. By eliminating the option of humane slaughter of the horses, the bill provides no directive as to what will happen to the 90,000 unwanted horses annually processed in our slaughter facilities. It increases the probability of unwanted horses becoming the victims of neglect, starvation, or abandonment. It criminalizes a legitimate and legal U.S. industry. It eliminates hundreds of U.S. jobs. It mandates costs estimated at $3 billion to $4 billion on private citizens. And it creates far more problems than it actually solves.

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It limits horse owners' choices for disposing of their animals, and it infringes on the owners' private property rights. Private property rights have long been held dear by the families and the land owners in the west, and for good reason. Their farms and ranches have been their livelihood and part of their national heritage since the frontier was closed and the west was settled.

Not many months ago, many of my colleagues, most of those who are on the opposition side of this bill, on a bipartisan basis, rose in indignation at the Kelo v. New London, Connecticut, the City of New London, Connecticut decision, because it was taking private property rights.

I have stood many times with many of those folks who are now proponents of this bill to protect intellectual private property rights. I see no difference. And like it or not, a horse is private property. They are not humans. They must be treated humanely and cared for appropriately. However, when a horse is no longer wanted or cannot be cared for, Congress should not be in the business of deciding how the animals can or cannot be disposed of.

We fight for the protection of personal property rights and intellectual property rights, everything from dirt to ideas, Mr. Chairman. This is no different. I strongly encourage Members to oppose this misguided effort and continue preserving a strong tradition of private personal property rights in the United States.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise today in opposition to this bill that is before us. When we all look at all of the important issues waiting for Congress to act on, I cannot understand why we are here wasting so much of our time on an issue that really has nothing to do with the pressing problems that are facing people in this country.

But here we are today considering a bill that would effectively shut down three horse-processing facilities and eliminate a reasonable option for horse owners who can no longer afford to care for their animals that are no longer productive.

I understand that this issue is an emotional one for many people. But what other options are there for people who own aging horses that are no longer productive? It costs anywhere from, people tell me, $1,200 to $1,800 a year, some people say $2,300 a year. That is a lot of money for most people to care for an animal that has outlived its productive years.

Some of these aging horses are sent to horse rescue facilities. While those facilities can provide a good home for aging horses, there are no Federal guarantees or standards of care that must be met. There is no guarantee that the horses at these facilities will be treated humanely. And this bill does not provide any money to help rescue facilities cover the additional costs that they will incur, and there is no way that we can accommodate all of the horses that will be abandoned if we pass this bill.

While H.R. 503 outlaws slaughter for human consumption, the bill does not prohibit horses from being killed. Some supporters of this bill support euthanasia as an alternative to processing. However, euthanizing a horse is not cheap: it can cost anywhere from $300 to $2,000 an animal depending on the local rules for carcass disposal.

Processing provides a cost effective and a humane alternative to neglect and abandonment when horse owners are unable to find another buyer. Caring for a horse properly is expensive, and it is time consuming. The real question of animal welfare lies in what will happen if the slaughter ban is imposed. These unwanted horses are often sick, unfit or problem animals. Many of them are already living in pain or discomfort, and tens of thousands more could be neglected, starved or abandoned if their owners no longer have processing available as an end-of-life option.

If we pass this bill, we will ignore the fate of these animals who find their lives extended but without the necessary standards of care that they need and deserve. So at the end of the day, this bill is not about protecting horses from an untimely death: all it will do is limit the option of horse owners and burden them with additional costs of care and disposal.

The House Agriculture Committee recognized the many weaknesses in this bill and voted to recommend that the House not pass this bill by a vote of 37-3.

The Members of our committee represent agricultural areas around the country, areas where people own and use horses every day. We passed several amendments to this bill during our committee mark-up, but they are not included in the bill that we are considering here today.

This shows a complete lack of respect for the expertise and the effort that the Agriculture Committee has contributed to this subject. At the end of the day, this debate is about defining what is humane when we are dealing with unwanted horses. Are we going to pass legislation that truly addresses the health and well being of animals, or are we going to pursue bills that amount to little more than window dressing in the name of animal welfare?

Mr. Chairman, I urge my colleagues to set aside this emotionally charged issue and oppose this legislation that will tie the hands of horse owners around this country.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WHITFIELD. Mr. Chairman, some of us were late coming to the floor. I would like an explanation of the division of the time on this debate.

The CHAIRMAN. Pursuant to House Resolution 981, as designees of the majority leader, the gentleman from Texas (Mr. BARTON), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. SWEENEY) each were allocated 10 minutes.

As designees of the minority leader, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

Mr. WHITFIELD. Mr. Chairman, what is the time remaining on this side of the aisle at this point?

The CHAIRMAN. The gentleman from Kentucky (Mr. WHITFIELD) has 10 minutes remaining. The gentleman from New York (Mr. SWEENEY) has 10 minutes remaining. The gentleman from Virginia (Mr. GOODLATTE) has 10½ minutes remaining.

Mr. WHITFIELD. He has 10½ minutes because time was yielded to him.

The CHAIRMAN. That is correct. The majority leader reallocated time.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are going to have a serious discussion that in my estimation is long overdue. Since 1979, Members of Congress, with the vast and substantial support of the American people, have tried to have this issue resolved.

What I speak of is H.R. 503, the American Horse Slaughter Prevention Act. Mr. PETERSON, my good friend, made what I think is one point I will agree with him on. This is a debate about what is humane. And despite the words and the rhetoric of the opponents of this legislation, the focus should be on the issue of what is humane and what the will of the people are, because what we are exposing today is a brutal, shadowy, shameful, predatory practice that borders on the perverse.

Public opinion, as I said, is substantially in support. Every poll .that I have seen, 70 percent of the American people want this practice banned and stopped, the practice of horse slaughter for human consumption, something culturally the United States has never accepted nor have any of the Indian territories within the United States.

Editorials were recited a bit earlier, but I will give you some editorials. Today the Washington Post, with a diametrically different view of the world than the Washington Times, both editorialized saying that this practice should end. It reflects on our culture. It reflects on our priorities inappropriately and improperly.

In California, a referendum was passed with 60 percent of the vote saying that that practice should be banned in California. And there is Texas law, and many other States have laws that ban the practice. What H.R. 503 does is it prohibits the shipping, the transporting, the moving, the delivering, the receiving, the purchasing, selling or donation of horses and other equines for slaughter for human consumption.

What I really want to emphasize though is what this practice is. The opponents have said this is a humane process. The opponents have said that this is going to limit individuals' rights and individuals' property rights, none of that being true.

What this is going to do is stop a practice that, first of all, is in violation of many State laws and, secondly, is not adhered to or supported by substantial populations, and it is brutal.

This picture here, this is a horse's head. This is a horse's head that was discovered in transport to one of the slaughter houses. What we have here are three slaughter house factories, two in Texas, one in Illinois, both operating with substantial local opposition and presenting substantial environmental and economic problems to those communities.

What we have are horses from all over the country, thousands of miles away, transported in cramped cattle or pig trailers or trucks. Not designed or built for horses, not designed to transport horses. They are often purchased in a predatory fashion by killer-buyers who do not disclose what the purpose of their purchase is going to be, who, as I said, operate in a shadowy way.

They bring these beautiful animals those thousands of miles in these cramped conditions with all different types of horses cramped in, despite USDA regulations that say you cannot transport them that way. The irony, Mr. Chairman, is on the day the Agriculture Committee marked up its bill, a bill which the amendments will be to the floor in a little while, all meant to continue that practice, to kill H.R. 503; on the very day they were marking up that bill, an arrest was made in Mississippi of one of those predatory killer-buyers who had 20-25 horses in his care. He stopped because he got a flat tire. And the owner of the service station he stopped at saw the condition, the condition of these animals, and called the police, thus allowing us to finally enforce the law.

Mr. Chairman, we need to pass this bill because USDA has not done their job. In fact, they have been on the other side of the issue consistently. They surreptitiously overturned Congressional action last year. Ms. SCHAKOWSKY pointed that out earlier. We need to bring an end to this practice because it says too much about us.

Mr. Chairman, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentlewoman has 15 minutes remaining.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I am an original cosponsor of this bill, along with Mr. WHITFIELD and Mr. SWEENEY. This bill is to prevent the violent practice of slaughtering horses for human consumption. Why are we offering it?

If you have grown up with horses, you know why we are offering it. They are as close to human as any animal you can get. Why are we offering it? Because there are three foreign-owned slaughter houses, just three, in the United States where these horses are slaughtered, various means, jacking them up by their hind legs, slitting their throats.

Why does this practice continue? So that these slaughter houses can keep a steady flow of horse meat to the dinner tables and meat markets, not in the United States, but of Asia and Europe where horse meat is still eaten. Americans do not even eat horse meat.

The Horse Slaughter Prevention Act before us today, if passed into law, will simply end this practice once and for all across the entire United States.

The opponents of this bill have come up with a number of objections, reasons they think it is a bad idea. First of all, they would have us believe that this is a first step down a slippery slope. That next will come cows and then hogs and then chickens and then other animals consumed by Americans.

But the Horse Slaughter Prevention Act does nothing of the kind, and it will not lead in that direction, because horses are unique and distinct. We all know that.

Second, the opponents claim that banning horse slaughter will result in an overpopulation of horses in this country. Once again, this is not true. There are currently three slaughter houses in the United States in two States. In five States, including California, a law banning horse slaughter has been in effect for 7 years. What has been the effect? There have been no effects. There have not been animals that are left derelict. There haven't been animals that are not buried. There have not been too few euthanasias.

Practically speaking, in all five States where this law is already the law of the land, there has been no effect whatsoever.

Each year, about 90,000 horses are slaughtered. So there is no real impact in a country as large as the United States in the disposing of those 90,000 horses by means other than horse meat slaughtering.

Third and finally, our opponents have touted letters from cattlemen and chicken farmers and all sorts of livestock raisers who say they oppose the bill.

We have and we will gladly display to anyone who wants to see it a seven-page memorandum, single spaced, of supporters all over the country who know horses, who love horses; they are horse raisers, horse racers, horse lovers, you name it. Everybody has signed on to this saying it is time we do something like this.

□ 1230

Last year, when it appeared that the Horse Slaughter Prevention Act would never get its day on the House floor, Mr. SWEENEY and Mr. WHITFIELD and I offered an amendment to the House ag appropriations bill to ban Federal funding to facilitate horse slaughter for 1 year. That amendment drew 269 votes in support; 269 Members passed it by a substantial majority. I hope that today my colleagues will remember the vote they cast last year and will see fit to end the brutal practice of killing horses and will vote not only for the bill but against all amendments because they would only debilitate and defeat the bill.

Mr. SWEENEY. Mr. Chairman, I yield 2 minutes to my good friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman and thank him for taking on this battle with others.

I rise in strong support of H.R. 503, the American Horse Slaughter Prevention Act. I oppose the cruel and senseless slaughter of American horses for human consumption in the United States or for foreign markets. I just think we should not be allowing this.

Last year, more than 90,000 American horses were either slaughtered in one of three foreign-owned slaughterhouses in the U.S. or shipped to Canada or Mexico for slaughter.

Horses have never been raised for human consumption in America. This slaughter is done for export.

Legislation is necessary because the Department of Agriculture is blatantly circumventing clear congressional intent on horse slaughter in last year's fiscal year 2006 Agriculture Appropriations Act.

This legislation would prohibit the transportation, possession and sale of horses to be slaughtered for human consumption in the U.S. It does not remove the rights of owners to do what they want with their horses.

Under H.R. 503, owners can humanely euthanize sick, dangerous, or old horses. Horses can continue to be kept by their owners, can be sold to a new home, or placed in one of the many horse sanctuaries located across the country.

The way a society treats its animals, particularly horses, speaks to the core values and priorities of its citizens. Horses are not just companions and recreational animals. They are a vital part of our Nation's culture and history.

I urge my colleagues to support this important piece of legislation and oppose all amendments aimed to weaken it.

I thank the gentleman for yielding me this time.

Mr. SWEENEY. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Colorado (Mr. SALAZAR), a real rancher, horse owner and outstanding member of the House Agriculture Committee.

Mr. SALAZAR. Mr. Chairman, I thank the gentleman from Minnesota.

I have been a farmer and rancher all of my life, still live on the original family farmstead that my great great grandfather settled back in 1860. Horses have been a real part of the way we do business on the Salazar ranch. As a matter of fact, we still use horses to round up cattle and move them from pasture to pasture.

I know that H.R. 503 is a well-intended act, but if it becomes law, it will have very poor results.

The act will seriously, in my opinion, compromise horse welfare. Under this bill, care must be potentially provided for the additional 90,000 horses that are going to be out there annually.

It will eliminate a humane end-of-life option for horse owners and force them to send their horses out to already overcrowded rescue centers or sentence them to live out their final years in suffering.

Processing provides a cost-effective alternative to neglect and abandonment when horse owners are unable to find another buyer. It is not such a problem out in rural areas, but it is a major problem in urban areas.

In 2005 alone, it saved owners and rescue facilities an estimated $220 million in total costs of caring for unwanted horses.

The Animal Welfare council estimated that cumulative annual maintenance costs of otherwise processed horses since the year 2000 would have exceeded more than $513 million in 2005. It would cost $1,900 per year to house each unwanted and abandoned horse, not including veterinary or farrier services. It will cost $127 million in the first year to properly care for these animals if this legislation is enacted.

Who will pay for this cost? You will pay for the cost in the end. These facilities do not receive public money at the moment; but I can assure you that if these horses become a nuisance, you, the taxpayer, will end up paying for their care.

H.R. 503 does not specify who will bear the costs of the ban if this ban is implemented. What will happen to the management tools the Bureau of Land Management has to manage the wildlife of wild horse bans out in the western United States? If this bill is enacted, none of these horses who are unwanted, and although BLM does try to auction them off or to give them to pet owners, what will happen to those horses? What will happen when I am out riding, rounding up my cattle and my horse falls into a prairie dog hole and breaks his leg? Will I then not be able to send him to some rendering facility? What will happen or what is the next step? Will people take away our right to be able to go out and hunt elk? Is that the next step?

I know that H.R. 503 is a well-intended act, but it will have very serious consequences on our agricultural community. I would urge my colleagues to oppose the ban of horse slaughter and to vote "no" on H.R. 503.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the words of my colleague and his sentiments, and I need to make a couple of points because there is a substantial skewing of the record here.

First of all, in 1989, 350-some-odd thousand horses were slaughtered. We have that number down to below 90,000. That is 1 percent of the horse population that is put down every year.

Secondly, the gentleman says that this will preclude an option for putting down his horse if his horse becomes lame. I would make two points. One is that 90-plus percent of the horses that are sent to slaughter facilities are rated by the USDA as being healthy and strong and fit animals.

So this is not about putting down animals, and if you have that problem, there still are humane procedures. You can go to a local vet and have your local vet for $50 to $250 oversee the process of putting your animal down.

Frankly, this bill does not stop an owner from putting a horse down themselves by any means.

This bill prohibits the public transportation of that. This bill prohibits the slaughter for human consumption at these three facilities.

Mr. SALAZAR. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Colorado.

Mr. SALAZAR. Mr. Chairman, I have been around horses all of my entire life. Do you consider the slaughtering of animals such as beef inhumane?

Mr. SWEENEY. This is not about that. This is about horses which are in a special place. This is about a practice that is profusely out of whack with the standards of America.

Reclaiming my time, I want to talk about the slaughter facilities themselves. These houses do not contribute to this economy. In his written testimony during the committee hearings on H.R. 503, Dick Koehler, vice president of Beltex Corp., a slaughter plant in Fort Worth, Texas, described the horse slaughter industry as a tax-paying legitimate business. Yet witnesses at that same hearing revealed tax returns showing that Dallas Crown, Inc., based in Kaufman, Texas, made $12 million in revenue 1 year and paid only $5 in U.S. taxes.

The U.S. exports 18,000 tons of horse meat, netting $65 million in 2005; and the profits went back to the countries of the owners of those plants. Two of them are from Belgium. One of them is from France.

There are costs to the local economies. It is a practice that is abhorrent and that is not supported.

Mr. Chairman, I reserve my time.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of H.R. 503; and like many of my colleagues, I have been around horses all my life. I am a former horse owner and my father had a farm. The humane vote is to vote "yes" on H.R. 503.

I thank my colleagues, Mr. SWEENEY and Mr. SPRATT and Ms. SCHAKOWSKY, for their really outstanding leadership and for clarifying the points that have been so made in this debate.

Over 90,000 horses were brutally slaughtered last year at three foreign-owned slaughterhouses in the United States, and their meat was then shipped to countries in Europe and Asia for human consumption. Americans do not eat horse meat. They love horses. They are cherished companions. They are sporting animals. They are not food.

If you look at the history of America, horses have played such an important part in our Nation's development, and I would say they are probably the most beloved animals native to the United States.

The American people strongly support banning horse slaughter. They recognize that it is a deplorable practice that needs to end.

Over 70 percent have expressed this opinion in opposition to slaughtering horses for human consumption. Again, no American would eat horse meat. This is to be shipped to a foreign country, and they are slaughtered in a gruesome manner, as my colleague pointed out on the floor.

While it is technically required that horses be unconscious prior to slaughter, the method used to render them unconscious is not effective due to a horse's instinctive flight response to stress. As a result, the horses are sometimes conscious while being slaughtered. This is unconscionable.

I call upon my colleagues for a humane vote and to vote "yes" on this bill.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are going to hear in a little while that there is substantial support in the ag community and other places, and I will grant that there is substantial opposition to this bill, as well as substantial support, within 500 horse organizations.

But what I find most sad and in a way ironic is that an organization like the American Veterinary Medical Association opposes this legislation when employees of a slaughter plant blatantly do not follow the AVMA procedure for slaughtering a horse.

Again, an important notion to understand is that slaughter is not the same as humane euthanasia by a qualified veterinarian. Euthanasia, according to AVMA, is an act of inducing humane death that is respectful and is painless and as distress free as possible.

Yet we saw in that picture, that was transport, that was not even slaughter. That was a horse in transport. Horses suffer horribly on the way to and during slaughter, where they often endure repeated blows to the head and upper body before being hoisted up for slaughter, sometimes still conscious. That is not euthanasia.

Slaughter is markedly different than acceptable forms of euthanasia. The AVMA requires that a captive bolt method must be administered by trained, skilled and monitored personnel and that the horse must be adequately restrained. These requirements are typically not met in equine slaughter plants, thus raising significant welfare concerns.

Let me say something about the plants, too. One of the issues raised is that you are going to shut these plants down and people are going to lose their jobs. We are talking about something in the range of 150 employees. To my friends on my side of the aisle who talk all the time about how we have got to be tough on immigration, I suggest to you that a substantial number of those workers are not in this country under legal means. They are low-level laborers. It is the only people they could find to do this.

I would also inform my colleagues that all three of these facilities, all three of these facilities operate and slaughter for other means, other livestock, and that they could simply go to that business. This is a practice that is not adhered to or supported.

The CHAIRMAN. The gentleman's time has expired.

□ 1245

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself 1 minute.

I would point out that the two largest horse associations in the United States, the American Quarter Horse Association and the American Paint Horse Association, are opposed to this bill, and they represent the biggest number of horse owners in the country. So people need to understand that.

I wondered if Mr. SWEENEY would yield on the points he was making. I wanted to ask him a question.

You know, you keep talking about the way they are treated as they are hauled to slaughter. As I understand it, in this bill, there are no requirements put on so that, if you are hauling these animals to a rescue facility, there is no regulation or any kind of requirements put on anybody to haul them to those rescue facilities. So what have you accomplished?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from New York.

Mr. SWEENEY. Well, there are requirements for the transport under USDA. The problem is USDA does not enforce those requirements.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself 1 more minute.

But, you know, nothing will change under this bill.

Mr. SWEENEY. I would suggest, Mr. PETERSON, that people who are rescuing horses have a different mindset and intent than those who are slaughtering for human consumption.

Mr. PETERSON of Minnesota. I am not sure that is the case, because you are going to have 90,000 horses, and you are going to have people rescuing them basically under duress because they are not going to know what to do with them.

In my part of the world, we already have people letting horses out, out in the country, just like dogs and cats, because we don't have a processing facility close enough to us. It is a huge problem.

Mr. SWEENEY. And 20 percent of the horse population, in reporting data out of California and everywhere else, suggests absolutely the opposite.

Mr. PETERSON of Minnesota. Well, they are hauling them to Texas because there is a processing facility.

The only point I am trying to make, Mr. Chairman, is that some of these issues they are claiming they are going to solve with this bill are not going to be solved. They are actually going to create more problems.

Mr. GOODLATTE. Mr. Chairman, at this time, I am pleased to yield 2¼ minutes to the gentleman from North Carolina (Mr. HAYES), the chairman of the Livestock Subcommittee of the Agriculture Committee.

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to H.R. 503. This is a bill that has tremendous shortcomings, will cause major negative disruptions throughout the horse industry and lacks any strategy of how to deal with the problems that it will undoubtedly create.

The bill is based on emotion. If you stop to think about what will happen to these 60,000 to 90,000 horses being diverted from processing each year, you will realize the bill does not provide a single answer to truly the problem.

I find it deeply troubling that the sponsors of H.R. 503 care more about what happens to the animal after it is euthanized than what happens when it is alive. If these animals are no longer able to be processed at federally regulated plants, where will these horses go? Yes, these animals will be alive, but if it is a life of negative abuse, abandonment and starvation, what good have we served? We want to make sure all these animals are cared for humanely throughout their life.

Owning a horse is a privilege that should be taken seriously. Horses are high maintenance animals that require feed, water, veterinary care and safekeeping. The care of horses is expensive. The Animal Welfare Council estimates it costs $2,340 per year per horse. Public animal rescue facilities and horse sanctuaries across the country are currently saturated with unwanted horses and in desperate need of funds. Even the proponents of this bill have acknowledged this fact. How does adding thousands more horses help this already dismal situation?

H.R. 503 does not provide a single answer to ensure the proper care of these animals. Where will these animals go? How will we fund their care? How do we ensure they are not starved and abandoned? Why should we burden our local communities with problems created by this bill?

More than 200 reputable horse organizations, animal health organizations and agricultural organizations oppose this legislation, and they represent some of the most respected and knowledgeable people who own and care for horses in the United States. In my home State, the North Carolina Horse Council, Quarter Horse Association, the North Carolina Department of Ag and Consumer Services, the North Carolina Farm Bureau, the North Carolina Pork Council and the North Carolina Cattlemen's Association all oppose this legislation and the precedent it would set for other livestock.

If you look at the facts and not the emotional hype, I believe the choice here is really quite simple. My stand against H.R. 503 is a stand for the humane treatment of these animals. I urge my colleagues to do the right things for horses and horse owners. Vote "no" on H.R. 503.

Ms. SCHAKOWSKY. I would like to yield 3 minutes to our distinguished whip, Mr. HOYER.

Mr. HOYER. I thank the gentlewoman. This is about politics not policy. The policy, I am going to support. This is about politics. It is about the election of one Member in a very hotly contested race in New York.

I hope the American public are tuned in. With all the pressing critical issues that confront our Nation, what is the one issue in the one-fifteenth of the session that we have left that we are according our time to? The Horse Slaughter Prevention Act. This is an important issue that should be considered. I do not mean to make light of the legislation. But is this the issue that the American people expect their elected representatives to be considering at this moment?

On Monday, we commemorate the fifth anniversary of the worst terrorist attack in our Nation's history. 9/11 is a day of remembrance and resolve, and it is also a time to recognize that we are not as safe as we should be. Apparently, horses aren't either. But people aren't as safe as they should be.

Just today, a former Republican Speaker of the House, Newt Gingrich, wrote, and I quote, "Five years have passed since the horrific attack on our homeland, and still there is one serious undeniable fact we have yet to confront. We are today," said the former Speaker, Newt Gingrich, "not where we wanted to be and nowhere near where we need to be."

Yet one-fifteenth of the time we have left before the election is spent on horses. Osama bin Laden is still on the loose. This Congress has failed to enact the 9/11 Commission's recommendations. The nuclear threat from North Korea and Iran has increased. Afghanistan is backsliding, and Iraq simmers in a low-grade civil war, yet we are focused on this act.

Last week, I joined more than 20 of my Democratic colleagues in visiting New Orleans and the gulf coast, areas devastated by Hurricane Katrina 1 year ago. We observed incredible courage and optimism on the part of the citizens there, but we all saw an area that is still a shell of its former self.

In New Orleans, nearly 60 percent of homes and businesses do not have electricity. Much of New Orleans lacks a dependable supply of potable water, and only $44 billion of the $110 billion appropriated for rebuilding assistance to victims has been spent. Yet what are we doing today? Focusing on horses.

This bill was defeated 37–3 in committee. The Patient's Bill of Rights, cosponsored by Mr. DINGELL, was supported by the majority of this House and the majority of the Senate, and it died in conference, for political reasons. This bill here is for political reasons.

While this body considers this legislation today, the Republican leadership refuses to allow an up-or-down vote on providing a long overdue increase for the minimum wage.

The CHAIRMAN. The gentleman's time has expired.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 1 minute to the gentleman from Maryland.

Mr. HOYER. I thank my friend, the chairman of the committee, soon to be, maybe. Who knows. Mr. GOODLATTE, I apologize for that.

The Republican leadership refuses to allow an up-or-down vote on the minimum wage. And that is not about horses; it is about 6.6 million Americans working every day and living in poverty. I have concern about these horses, but I have much, much more concern about 6.6 million Americans who are living in poverty while working 40-hour weeks.

We have still not passed legislation that moves our Nation towards energy independence, yet we focus on horses.

Reforms are broken in the immigration system, yet we focus on horses.

We have not addressed the fact that 46 million Americans do not have health insurance, yet we focus on horses.

We need fixes to the Republicans' flawed prescription drug program and reforms to our convoluted tax system, yet we focus on horses. I am concerned about horses, but I am much, much more concerned about the American people. That is what we ought to be focused on. That's where we ought to be paying attention.

That is why I call this the "do less than 'do-nothing Congress of 1948.'"

Mr. WHITFIELD. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would say on behalf of this Congress that we did pass an energy bill. We did pass a prescription drug bill. We did pass a bill to expedite refinery building in this country. We did pass an outer continental shelf exploration bill. And we would have had this bill on the floor 2, 3, 4 years ago if the Ag Committee had been willing to cooperate with us.

But to talk about this business of horse slaughter, I think the American people have every right to know what this business is really all about. It is a secretive, illicit and grossly inhumane business. Now, you listen to the members of the Ag Committee and the Department of Agriculture, and they talk about the transportation of these animals as regulated and that there is no ill will coming to these animals.

I have a picture here of a horse that was transported from Mississippi to Texas to Beltex on August 10, 2006. Now, if you look, I will show you that picture, and then I want to show you this picture. Now, the reason this happened is because a killer buyer by the name of Robbie Solomon from Belmont, Mississippi, put 17 stallions in one trailer.

Now, Mr. SALAZAR was here talking about his knowledge of horses, and I am sure he is quite knowledgeable, but anyone knows that you do not put stallions together. And the only way they were able to keep them from fighting was to beat these animals. This is going on all across the country because the USDA is not enforcing the transportation regulations.

And so when we talk about slaughter, we are not talking about the actual slaughter of the horse per se; we are talking about the horse theft involved. We are talking about the killer buyers getting animals any way they can get them. We are talking about them putting them in trailers like this and transporting horses.

I find it so interesting that the American Association of Equine Practitioners, the leadership, and the leadership of the American Quarter Horse Association talk about their concern for these horses. They are looking out for their welfare, yet they see nothing wrong with the method of transport, the double-deck trailers being used, where horses full grown cannot even stand up straight on the upper deck.

Just think, stallions put together. You never do that. And that is precisely what Mr. Robbie Solomon of Belmont, Mississippi, did. So I did want to point out exactly what is going on in this transportation of these animals to slaughter, and this is not something that is uncommon.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I thank the chairman. In Nebraska, we have a great many horses that are used for roping, cutting horses, riding horses and quarter horses. Not many racehorses. These horses are primarily for a function, and when a horse can no longer fulfill that function, something has to happen to the horse. Now, you can retire the horse and pay $2,000, $3,000 a year to house it, to feed it and to take care of it, but some people that own 15, 20, 30, 40, 50 horses simply cannot afford to do that.

So I have been hearing from a great many horse owners, and these are people who care about horses, who love horses and who are concerned about horses, who have working ranches, and they say this is a bill that they cannot live with because of the cost. So I think we have to look at that.

I certainly don't tolerate and don't condone any shipment that is, as has been mentioned, injurious. We don't want to see that. But we have to have some way, because this will decrease the value of the average horse about $300 simply because of the burial fees and the extra costs of taking care of horses.

So this is not a solution to the problem. The people in my area oppose it, and I would strongly urge we defeat the bill.

Mr. PETERSON of Minnesota. Mr. Chairman, I am pleased to yield 2 minutes to the Dean of the House, the ranking member of the Energy and Commerce Committee, my good friend, JOHN DINGELL.

Mr. DINGELL. I thank the gentleman for yielding me time.

I love the people who are pushing this bill, but it is a bad bill. It is triumph of emotion over common sense. We have before us a solution, a poor one, to a nonexistent problem.

We have many things that need to be addressed in this Congress, but here we are putting on the floor a piece of legislation poorly thought out, without having had proper hearings or proceedings, over the opposition of a committee, when we have many other things that need doing; health care for Americans, minimum wage, a budget deficit of terrifying proportions, and the appropriations bills and the budget have not yet been completed. While the Nation is at war, working families struggle to make ends meet, and government runs record deficits the leadership has put this curious piece of legislation on the floor.

The bill would eliminate humane slaughter of horses. If there is a complaint about how the horses are being slaughtered or transported, there is a way for this body to address that, and I am sure in good will this body would in the exercise of its oversight powers do exactly that.

The bill does not count for the high cost of caring for these unwanted animals, nor does it consider the impact that this legislation is going to have on the environment.

□ 1300

You know, we have a curious situation where we are going to have to wind up cremating every horse that dies in the country, or we are going to have to incinerate them. I have no idea how we are going to dispose of a huge number of 1,500 to 2,000 pounds of horse each time one of these events happens.

Now, basic care costs $1,800. There is no requirement here that a person sell or slaughter his horse. The owner of the horse can do what he wants with it. That makes eminent good sense to me.

But I don't think anyone has thought out the consequences of this legislation, what is going to happen with regard to the massive number of horses that are going to have to be incinerated or cremated and the consequences of that with regard to the environment.

This is a bad piece of legislation. It should be rejected.

Ms. SCHAKOWSKY. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Madam Chairman, I thank my colleague from Illinois for allowing me the 3 minutes on this particular issue.

I think much has been said, but I think if we look at it as legislators, our profession, our duties and our service to our constituents, what is it that we do? We pass laws that reflect the standards, the norms and the mores of American society.

It is already acknowledged, and I think even the opponents of this piece of legislation that I support here today would acknowledge we have already established a norm and a standard, and that is in this country we will not destroy a horse for human consumption. That is a done deal, that is recognized, and it is based on the historical significance of the horse in our society, which is very unique.

Now, this is the question that I pose: How can you prohibit the human consumption of a product, that is the law, that is the norm, that is the standard, that is the American value, without prohibiting the production of the product? And that is what this piece of legislation accomplishes. It is not a difficult legislative equation.

And there will be consequences, but consequences that can be dealt with responsibly by the horse owner. And I truly believe that. I am from the State of Texas, and we have a few horses in Texas. My brother owns horses. Now, does he agree with me on this particular piece of legislation, because it may prove to be inconvenient and pose some economic cost to him? I am not really sure. But this is in keeping with what we have already established, and that is how we treat horses in our society.

Now, we have individuals that will say this is about property rights. Members of Congress, please. We pass laws every day that regulate the manner that we conduct ourselves with pieces of property, personal and real. We have zoning laws. We have ordinances. And this is just another aspect of that, in keeping, though, with what has already been established as societal norms, and that is what we do here today.

People will simply say, but it is not about consumption of horse meat in the United States, that we are just simply going to cater to the culinary needs of the French. That is not the point. The point is that you still have everything that entails the entire process of how you prepare, how you slaughter the horse for human consumption. Whether it is domestic or internationally, it is not in keeping with the established norms and values as reflected in our laws, State and Federal, when it comes to the treatment of horses.

The bottom line is we have to sometimes tweak existing laws to make sure that they reflect those mores and that value, and that is what we are doing here today.

We cannot condone the slaughter of horses for human consumption.

Mr. WHITFIELD. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, I would like to address one issue that the distinguished gentleman from Michigan raised, and we all have great admiration and respect for the gentleman from Michigan. He raised the question about how are we going to take care of all these horses that are not slaughtered when they die and the impact of those animals on the environment.

I would remind the body that there are 133 million cows in America today. Every year many of them die out in the fields. Some of them are picked up by renderers and processed, but many of them are drug to the back 40 where they are decomposed, eaten by scavengers and whatever. The same thing would happen to horses that die out in the fields.

In my State of Kentucky, only about 40 percent of the animals that die in the fields are picked up by renderers. This bill would not affect what happens to natural death to animals in the field in any way whatsoever.

I would remind the body that only 1 percent of the entire horse population in America, which is about 9 million, is being slaughtered. Less than that. I also would like to reiterate, once again, we have heard so much about unwanted horses. I would say to you, many of these horses being slaughtered are not unwanted, there is not anything wrong with them. Many of them are stolen and obtained by misrepresentation. So to leave the impression that every horse slaughtered is old, decrepit, unwanted, is certainly not what the facts show.

Mr. GOODLATTE. Madam Chairman, I yield myself 15 seconds to say that that is 1 percent of the horses per year, 90,000 or 1 percent of the 9 million per year. The average life expectancy of a horse is over 25 years. So about 25 percent of the horses go through this process in this country, and we will have a huge problem if we don't resolve that, if we pass this bill.

Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Chairman, I thank the chairman for yielding and for leading this cause.

I rise in opposition to H.R. 503. H.R. 503, the Horse Protection Act, would ban the processing of horses for human consumption. There is no evidence that suggests that products derived from horses pose any food safety or public health risk. Because processing facilities process meat intended for interstate shipment, they must be inspected by USDA for compliance with the Horse Slaughter Act, the Federal Meat Inspection Act, and other Federal animal health and food safety regulations.

The people who want this bill passed claim that horses are not raised for meat. However, there are at least three breeds that are raised for meat: the Yili, the Altai and the Bashkir, among others, that are raised for dual purposes.

Every year, 80,000 to 100,000 of these horses are abandoned in the U.S., and this number is expected to double in just a few years. But there are no provisions to address disposal or care of the unwanted 100,000 horses.

When horses are euthanized on private lands, it is normally done with a heavy dose of barbiturates. Once that horse succumbs to the barbiturates, the carcass becomes an environmental concern. And if the horse is disposed of on private land, we have to be concerned about the issues that lead to contamination, human exposure to zoonotic disease and related problems.

The individuals who support H.R. 503 and argue unwanted horses can be moved to adoption facilities or resold are selling us short on the resources. The total take capacity for all these facilities is 6,000 head; 6,000 head. These facilities are already at overcapacity. Where would the additional 100,000 horses go? I would add that is a cumulative total of perhaps a 10-year rolling total of 100,000 a year. It may be 1 million horses. But these horses are eating our cellulose and costing us ethanol.

Mr. WHITFIELD. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to address this unwanted horse issue again. Everyone keeps talking about slaughter as the answer to unwanted horses. Has anyone ever thought about the responsibility of the breeders that are breeding these horses?

The one horse industry association that most advocates horse slaughter is the American Quarter Horse Association. That is because they are the most prolific breeders in the country. They are registering 144,000 foals a year, compared to 32,000 thoroughbreds, 12,000 standardbreds.

Has anyone ever asked the question, what is the responsibility of the breeder? And for them to have the audacity to come to the Congress and say you have to pay us if you pass this bill to take care of all these horses that we are breeding every year.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I just wanted to say, unless I don't know something here, I don't believe it is illegal to consume horse meat in the United States. If you want to shoot your horse and butcher it and eat it, you can do it. So people need to understand that, number one.

Number two, I am in receipt of a letter here from Ron DeHaven, who is the administrator of APHIS, and I would just like to make folks aware of this, that contrary to what has been said, they have enforcement going on in terms of the transport of horses.

There are 187 cases that have been opened since 2002. They have issued 69 warnings. Eighty-one cases remain open. Three of those are being investigated. Seventy-eight are on final review. Twenty-one cases included stipulations. There have been fines anywhere from several hundred dollars to $60,000 for violation of humane transport requirements. One case is currently being adjudicated by an administrative law judge requesting that the violator submit $85,000 in penalties.

APHIS says that they take very seriously their responsibility to ensure safe and humane transport of horses to slaughter. So they have been trying to enforce this law; and if there is problems going on, you ought to get a hold of APHIS and do what they should do.

Mr. GOODLATTE. Madam Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman for yielding.

Just to respond to the gentleman from Kentucky, who asks a very good question about the responsibility of horse owners and horse breeders, I guess my question to the gentleman is, why doesn't his bill contain any provisions to prevent the creation of unwanted horses? That is one of the principal objections that these respected national organizations have to this legislation, is that he does not address that in his bill.

Mr. WHITFIELD. Madam Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina, Mr. WALTER JONES.

Mr. JONES of North Carolina. Madam Chairman, I thank the gentleman from Kentucky.

Madam Chairman, I decided I wanted to come to the floor today and not share my thoughts on this issue, but the thoughts of an American citizen. This lady lives in Carlinville, Illinois. She wrote me a letter on Saturday, and I was so impressed with the letter that I called this lady yesterday, Mrs. Betty Scheldt. I asked permission that I might read two paragraphs from her letter that I think speaks to this issue.

First: "Horses are an integral part of the American culture and I am extremely distressed over the fact that our horses, icons of our culture, are being slaughtered in foreign-owned slaughterhouses to please the palates of wealthy gourmets in Belgium and France. Horse slaughter and human consumption of horse meat is not and never will be acceptable in American culture. Americans overwhelmingly agree that horse slaughter should be banned. Several national voter surveys reveal that 77 percent to 90 percent of Americans feel that horses in the United States are not bred, raised or produced as food stock, and as such should be afforded the same protection from commercial slaughter as are all other non-food producing animals.

The last paragraph: "Horses are our companions and partners. They carry our children in competition at the county 4-H fair, make our country proud in the Olympic games, win Kentucky Derbys and Triple Crowns, carried our soldiers into battle and helped our forefathers to settle this country. They deserve better than ending up served on the plates of fancy restaurants from Belgium and Paris."

Madam Chairman, I join my colleagues today who support H.R. 503, and I hope and pray that this Congress will pass this legislation because horses are part of the history of this Nation and the West would never have been settled if it had not been for the horses working with the American citizens to build America.

SEPTEMBER 1, 2006.

Subject: Please vote for H.R. 503 as originally introduced.

Hon. WALTER JONES, Jr.
U.S. Representative,
Greenville, NC.

DEAR REPRESENTATIVE JONES: I am writing to urge you to vote for H.R. 503, the American Horse Slaughter Prevention Act, as originally introduced by Representatives John Sweeney (R-NY), John Spratt (D-SC) and Ed Whitfield (R-KY). This bill would prohibit permanently the slaughter of horses for human consumption overseas, as well as the exportation of horseflesh and live horses intended for slaughter, making sure that no American horse is slaughtered abroad.

Over the past 20 years, due to ever increasing public awareness of the trade of horses for human consumption, the vast majority of plants that slaughter horses are no longer in operation. However, 3 foreign owned and operated horse slaughter plants still operate in our country today despite overwhelming objection by the majority of Americans. The meat produced in these plants is sent to certain European and Asian countries where it is considered a delicacy.

Horses are an integral part of the American culture and I am extremely distressed over the fact that our horses, icons of our culture, are being slaughtered in foreign-owned slaughterhouses to please the palates of wealthy gourmets in Belgium and France. Horse slaughter and human consumption of horse meat is not, and never will be, acceptable in American culture. Americans overwhelmingly agree that horse slaughter should be banned. Several national voter surveys reveal that 77%–94% of Americans feel that horses in the United States are not bred, raised or produced as food-stock, and as such should be afforded the same protection from commercial slaughter as are all other non-food producing animals.

The slaughter process is inhumane: Horses endure repeated blows to the head with stunning equipment that does not render the animals unconscious and many horses are still conscious during the remaining stages of the process. The transportation of these horses to the slaughter plants is also cruel and inhumane since they are hauled several thousand miles without water, food or rest in double-deck trailers, forcing them to travel in a bent position which can result in prolonged suffering and death.

Arguments from the AVMA and AAEP defending the "humanity' of horse slaughter are simply ludicrous. To suggest that a process in which horses endure repeated blows and are often slaughtered while conscious is somehow humane is not only absurd but also shows a total disregard towards the welfare of the animals these two organizations claim to protect.

I strongly disagree with the claims of the horse slaughter industry that it provides a way to dispose of old and ailing horses. This is simply not true: According to official data from the Department of Agriculture, 92.3% of the horses slaughtered are in good or excellent condition. Pictures of the slaughterhouses' pens showing healthy, young horses further corroborate this data.

It is also false that the horse slaughter industry is rooted on a presumed "unwanted horse" problem as the horse slaughter industry maintains, simply because these plants are importing thousands of Canadian horses each year in order to cover the increasing foreign demand of horse meat. If there are so many unwanted horses in the U.S. as they claim why do they have to import them from Canada? The truth is that the "unwanted horse" theory is a bald-faced lie.

Horse slaughter promotes theft and abuse. After California banned it in 1998 horse theft dropped by 34% while there were no reported increase on abuse as the foreign-owned industry maintains. In addition, there was no documented rise in Illinois following closure of the state's only horse slaughter plant in 2002.

Horses are our companions and partners, they carry our children in competition at the county 4–H fair, make our country proud in the Olympic games, win Kentucky Derbies and Triple Crowns, carried our soldiers into battle and helped our forefathers to settle this country. They deserve better than ending up served on the plates of fancy restaurants from Brussels and Paris.

Again, I urge you to vote for H.R. 503 as originally introduced by Reps. Sweeney, Spratt and Whitfield. I also please request a response from you stating your position on this issue. Thank you for your time and consideration of this letter.

Sincerely,

BETTY SCHELDT,
Carlinville, IL 62626.

Ms. SCHAKOWSKY. Madam Chairman, I yield 2 minutes to the ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL).

□ 1315

Mr. RAHALL. Madam Chairman, I thank the gentlewoman from Illinois for yielding me the time.

Madam Chairman, I rise in strong support of the American Horse Slaughter Prevention Act. The House has gone on the record three times now in strong opposition to horse slaughter.

I hope my colleagues will maintain that record, maintain their consistency and give overwhelming support of this bill. It is a sad state of affairs when we have to fight to prevent the slaughter of more than 90,000 American horses a year.

Horses are an integral part of the tapestry of this country, an American icon. The horse is a symbol, a promise of possibility. Most of all, the horse is a companion, as we just heard in the letter of Mr. JONES's constituent in North Carolina. The horse is tied to the spirit of the American frontier, the homesteaders in covered horse-drawn wagons, a cowboy and the wild mustangs. All symbols of America.

The horse is a promise of possibility. How often Americans have sat in anticipation, watching the pageantry of thoroughbreds racing for the roses in the annual Kentucky Derby, while fully hoping for the triumph of some deserving underdog, perchance to see a rare Triple Crown winner, a truly American story.

But most importantly, the horse is a companion for many Americans in a treasured childhood memory. Little boys and girls for generations have ridden a carousel pony dreaming that some day they will have a real horse to ride, a companion.

Horses are a part of our identity and our heritage, and in America they are not for human consumption. But, unfortunately, that is the fate of many of these animals.

Today, three foreign-owned slaughter houses operate in the U.S., serving an overseas market in horse meat. Thousands more horses are shipped annually out of the U.S., destined for other foreign slaughter houses. Horse slaughter is an export-driven market. Americans do not want it, and we should not be facilitating it.

The horse slaughter industry and its allies are going to extreme lengths to prevent this ghastly, but lucrative, practice.

I hope that the House will once again pass this much-needed legislation and not see the Department of Agriculture circumvent the intent of Congress.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the House Agriculture Committee.

Mr. CONAWAY. I want to thank Mr. PETERSON for allowing me to speak today.

To set the record straight, I love horses. I own a horse. In fact, my horse, Skychief Poco, and I won the 1997 SandHills Rodeo and quarter horse show team penning championship. I have got the wherewithal to let him live out his days in the pasture behind my house. But if you notice, I have used the possessive pronoun "my" each time I describe my horse.

At its core, this isn't about people who love horses. This isn't about the American icon. This isn't about the kid who rides a carousel and wants to own a pony. This is about personal property rights. I have personal property that is a horse. He is not a pet necessarily. He is never going to be eaten, but that is not the issue here.

The title of the bill on the other side makes constant reference to the Slaughter Prevention Act or Slaughter Protection Act. Nothing in the bill has anything to do with the actual slaughter of the horses, the euthanasia of the horse, not the methods. Because if we are talking about methods that need to do it better, let's do that.

But this is an attack on the personal property rights of all horse owners out there in America. At its core, this is also about what happens to the carcass of a dead horse, whether it is an affront to the icon of America to process that horse carcass into food or whether to chop that horse up and put it in a landfill, or chop that horse up and bury it in your back yard. However you treat the carcass of that horse, that is really what this is about.

This strips out the personal value, the personal property value of every horse owner that chooses to dispose of their horses in various ways and that we all should take great interest in how that is done. That is not what this bill does. This strips simply strips out my right, my personal property rights, to own that horse and dispose of him at the point when I want to.

I urge my colleagues to vote against this bill. It is an attack on personal property rights without due process and is unfortunate.

One other piece of this bill is that, which is added toward the end of it, is that if you have a horse that is sore, and you are at a competition or at an event, the Secretary of Agriculture is allowed to come take that horse from you. So I would urge my colleagues to vote against this bill. It is ill conceived and should not pass.

Mr. GOODLATTE. Madam Chairman, at this time I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chairman, I have been around and worked with horses all my life. I think I have as much appreciation and admiration for these creatures as anyone in this body; but I am very much opposed to this bill, first, because, contrary to, I am sure, the intentions of this authors, this bill will result in more abuse, more neglect and more inhumane treatment of horses.

I would just say that those who are so certain that horses are better off to die peacefully out in the field have never come across an old horse out in a field or a pasture who cannot get up and stand on its legs and continues to beat its head against the ground in an effort to get leverage to stand back up. Such people have never come across an older horse down in the pasture or field and begins to be eaten by predators and can do nothing about it because he can't get back on his feet.

The idea that it is more humane to let all horses die peacefully in a field, rather than dealt with in a regulated, inspected manner, is just wrong. So the bottom line is, this bill results in more neglect and more abuse, more mistreatment of horses, as owners cannot afford to take care of them, or they are left to, quote, die peacefully in a field.

Secondly, it is a tremendous blow to private property rights. If anyone thinks there is any reason for the Congress to stop with a regulation of how we govern horses and not go right ahead and say what owners ought to do to their pigs and their cattle or their dogs and their cats or their fish in the aquarium, then you haven't realized the consequences of this bill. It is a bad idea. It should be rejected.

Madam Chairman, I have been around and worked with horses all of my life, and I think that I have as much appreciation and respect for these magnificent creations of God as anyone in this body. And I am strongly opposed to this bill.

The motives behind this proposal are, I am sure, honorable. But the consequences of it in the real world will be so detrimental to what the authors say they hope to achieve, that I wonder if some are intentionally turning a blind eye to them.

If old horses cannot be dealt with humanely, many of them will be left to suffer. Those who are so certain that all horses are better off being allowed to die of old age have never seen a horse that has been unable to get up and continues to beat its head against the ground for leverage to try to stand. How is that better for the animal?

If older horses cannot be sold here, they will be sold in Mexico, without our standards and inspections. How is that better for the animal?

The bottom line is that more horses will starve, more horses will be abused or neglected, more horses will suffer unnecessarily if this bill were to become law.

In addition, the precedent this bill would set would be deeply disturbing to the basic American principle of private property rights. If the Federal Government can dictate what individuals may and may not do with personal property—to whom it may or may not be sold—the fundamental right to own property will suffer a terrible blow.

Of course, there is no reason for the Federal legislation to stop with horses. Federal law could regulate treatment of cattle and pigs, dogs and cats, or fish in the aquarium.

Criminal abuse of animals is a crime prosecuted by State and local authorities. A Federal law restricting the ability to sell private property based on some people's misguided idea of how that property should be treated is a dangerous thing, and this bill should be rejected.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. A parliamentary inquiry. Could you explain the remaining time that is available.

The Acting CHAIRMAN (Mrs. CAPITO). Yes. The gentleman from Kentucky has 2½ minutes remaining. The gentleman from Virginia has 4 minutes remaining. The gentleman from Minnesota has 4 minutes remaining, and the gentlewoman from Illinois has 2 minutes remaining.

Mr. WHITFIELD. Who has the right to close?

The Acting CHAIRMAN. The Chair will recognize the majority leader's designee, Mr. GOODLATTE, for the closing speech.

Mr. WHITFIELD. At this time I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, at this time I am pleased to yield 1 minute to the Chairman of the Energy and Commerce subcommittee that dealt with this issue, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my distinguished colleague. As the gentleman from Virginia pointed out, we had a hearing on July 25, 2006, on this same issue. My colleagues, I think it was a balanced hearing. I think Mr. WHITFIELD and Mr. SWEENEY were both there. Mr. SWEENEY testified, also Chairman GOODLATTE testified. I think it brought out the pros and cons of this.

Whatever is proposed, however, must have a full understanding of the ultimate effects on the American horse population and their caregivers, because arguments presented on both sides seem to paint a pretty bleak, bleak picture for a large number of horses. But I am concerned that H.R. 503 does not solve the problem of unwanted horses.

Unfortunately, it provides no solution to the unfortunate reality of the life of these horses. Horses are a beloved part of our American heritage and deserve more humane approaches at the end of their lives. I think we all agree.

But this bill, H.R. 503, does not solve the problem. In fact, as many point out, it is a property rights issue: and we should be concerned ultimately where these horses will finally graze and who will pay for it.

Ms. SCHAKOWSKY. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Madam Chairman and Members, I rise in support of this bill. I have been listening to this debate all day. I don't think most people have read it. The bill deals with the slaughter for humane consumption. Now, I represent California, the most populous State in the Union, which has the most horses.

Guess what, this has been the law in California for many years, and all of these naysayers and predictors of bad happening just doesn't happen in California. Change this debate; change this debate.

What if we were up here talking about slaughtering cats and dogs for profit for human consumption? You wouldn't have people up here saying, well, the cats and dogs population will ruin everything; it will stop the world. We take care. The slaughterers don't buy sick horses, injured horses. They buy fresh horses, and they buy them for human consumption. This bill says you can't do that.

Now this is the day and age in America when we ought to be not allowing people to for profit buy horses merely to slaughter them for human consumption. That is wrong. This bill is right.

I urge a rejection of the amendment and a passage of the bill.

Mr. WHITFIELD. I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Chairman, I rise in support of the bill as well, H.R. 503, the Horse Slaughter Prevention Act. As a cosponsor of this bill, I believe this legislation is necessary to prevent the inhumane disposal of beautiful animals.

Horses hold a special place in this country. They were vital during our settlement, allowing us to travel great distances quickly and providing the necessary strength for farming. Today, we are able to appreciate their grace and speed in a variety of different venues from racing to recreational horses. They are all part of America.

The fact, though, is important to underscore. We don't allow horse meat to be eaten in this country. To allow the shipment of meat overseas is a bit hypocritical. While some may have expressed concern about the cost of disposing of sick horses, the fact is, according to the USDA, 90 percent of horses arriving in slaughter are in good condition.

There are many alternatives other than horse slaughtering, and among those options are horse welfare associations and equine sanctuaries. The bill responds to a strong American concern about the treatment of horses, in addition to prohibiting the trade and transfer of live horses intended for human consumption

H.R. 503 lessens the USDA's workload by reducing the number of animals requiring inspection.

I urge my colleagues to vote in support of this bill.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself such time as I may consume.

As has been said very ably by the Dean of the House, Mr. DINGELL, this is a solution to a problem that doesn't exist. There have been a lot of assertions made out here that I think are a little bit suspect.

But one of the things that I want to point out, the previous speaker, Mr. FARR, my good friend from California, claims that they have done this, and there are no problems, well, there was a peer-reviewed article in the Journal of Agribusiness which highlights the lack of enforcement in California of their law, anecdotal evidence of increased horse abandonment, malnutrition, greater numbers of thin and crippled horses at auction in California. So this is a peer-reviewed article that refutes that assertion that was made by Mr. FARR.

This is a bill that on the merits is a bad bill. It was defeated in the Agriculture Committee by a vote of 37–3 because those of us on the Agriculture Committee represent rural America, represent the areas that have horses and use horses every day. The American Quarter Horse Association, the American Paint Horse Association, the biggest horse associations in the country oppose this bill.

There are a lot of good reasons; but the main reason, in my opinion, is that this is just absolutely the wrong way to do business in the House of Representatives. As has been pointed out by Mr. HOYER and by others, we have many more priorities that we ought to be working on in this Congress other than this bill. That is, you know, obvious.

But, you know, it really offends me to take the work of the committee, and this can be any issue, and overturn it and put a bill on the floor that is completely opposed to what the committee decided. I think it is absolutely the wrong way to run this institution and probably is the best reason for us not to pass this legislation.

I just have to say one other thing. I just was up in Hallock, Minnesota, the other day, and one of the main things that we ought to be doing in this Congress, that we haven't done, that we have been trying to do since last December, is get disaster legislation passed to help those people that got wiped out in 2005 and to help the people that have been wiped out here in 2006. That would be a much better use of the Agriculture Committee's time on the floor of the House of Representatives than dealing with this bill.

I urge my colleagues to vote "no" and send this bill where it belongs, that is, back to the committee.

□ 1330

Madam Chairman, I yield the balance of my time to the chairman of the committee.

Ms. SCHAKOWSKY. Madam Chairman, I yield myself the balance of my time.

I want to point out there is a book called, "Alternatives to Auction and Slaughter: A Guide for Equine Owners (A Better Way)," that lists all kinds of places that welcome animals that are at the end of their lives and are unwanted.

Quite frankly, I find really disingenuous those on the other side who oppose this legislation who say those of us who support ending horse slaughter are actually going to be hurting horses more, that we somehow don't get it. I think that is very disrespectful to the well over 500 organizations that support this bill, including the American Horse Defense Fund, the American Society for the Prevention of Cruelty to Animals, the Animal Protection Institute, the Humane Society of the United States. Clearly, I could go on and on. These are organizations that are in business for the sole purpose of making sure that animals are treated humanely. They are not mistaken in supporting this legislation.

Those of us who truly care about the welfare of horses should support this legislation.

Mr. WHITFIELD. Madam Chairman, I yield myself the balance of my time.

In closing, I would say this: The State of Texas tried to close these slaughter houses down for many years. Officials there did. A lawsuit was filed by the slaughter houses. Remember, they are foreign-owned, Belgian, Dutch and French. In that lawsuit, the slaughter houses owned by the foreign companies won that lawsuit because the Federal judge said that this is an interstate commerce issue; and there is Federal preemption involved; and if you are going to shut down slaughter houses in operation in interstate commerce, then the U.S. Congress has to act.

Now this bill came before the Energy and Commerce Committee because of the lack of action on the Ag Committee for many years. They never wanted it to see the light of day.

I would urge Members to vote for H.R. 503. As I have said before, the unwanted horse argument is not a real argument because horses being slaughtered are not unwanted. To think that we would have the responsibility of reimbursing owners who are overbreeding, who have the responsibility to take care of their own horses, they make it appear that the government has that responsibility. Owners have their own responsibility.

Private property rights, this bill protects private property rights. Because of the number of horses being stolen, we are protecting those private property rights.

This bill allows an owner, a rancher or farmer who owns a horse to do whatever he wants to with the horse. He can shoot it or slaughter it and eat it himself. We simply are shutting down an illicit, secretive business, and that is what this bill is all about.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

There is no doubt in anyone's mind that this is an emotionally charged issue. But passion when left unchecked can have negative consequences. That is exactly the situation we find ourselves in today.

I have asked my colleagues to consider the consequences of this legislation, as did I and the 36 bipartisan members of the House Committee on Agriculture. And the gentleman wonders why they have never dealt with it; the committee voted 37-3 to report this bill unfavorably with the recommendation that it not pass the House. And I thank the gentleman from Minnesota for his leadership on his side of the aisle and for yielding me some of his time.

Also, more than 200 reputable national and State organizations, including the American Veterinary Medical Association, the American Association of Equine Practitioners, the horse doctors who polled their members, 80 percent were opposed to this legislation. Also opposed are the American Farm Bureau Federation, the American Quarter Horse Association, the National Association of Counties, and every State horse council in the country that has taken a stand on this issue, including New York, Florida, Texas, Ohio, Illinois, Virginia, North Carolina, have all opposed this legislation.

The consequences of this legislation are far-reaching and stand to jeopardize the welfare of America's horse population and will potentially place a significant financial burden on horse owners across the Nation.

Instead of solving problems, H.R. 503 creates problems. It provides no directive as to what will happen to the 90,000 unwanted horses annually processed in slaughter facilities, and it increases the probability of unwanted horses becoming victims of neglect, starvation and abandonment. That is not just my opinion; that is the opinion of the American Veterinary Medical Association and the American Association of Equine Practitioners.

H.R. 503 provides no funding for alternatives and no instructions for the regulation of rescue or shelter facilities to ensure the welfare of these unwanted and unusable horses. The influx of unwanted horses would flood the already inadequate, overburdened, unregulated rescue-and-adoption facilities. There are roughly 6,000 slots in America's horse shelters and rescue facilities, 6,000. The majority of these shelters are operated by individuals who are able to take one, maybe two, horses at a time. These shelters and rescue facilities cannot possibility accommodate many, many times, 20, 30 times that number of horses that would be created by this bill.

It limits horse owners' availability of choice of how to dispose of their animals and infringes on owners' private property rights.

Horse owners have a variety of options when seeking to get rid of an unusable or unwanted horse, including rescue or retirement facilities, private sale, donation, euthanasia and processing facilities. Depending on the individual needs of the owner and the horse, some options may be more feasible than others. By eliminating this option, we are dictating what horse owners can and cannot do with their own private property. We must respect the right of responsible owners to choose the option best suited for their unique circumstances.

It mandates costs on private citizens. If the bill were enacted as written and the processing of horses for human consumption was no longer a legal option for owners to dispose of unwanted horses, estimates place the additional number of unwanted horses at 272,000 within the first 6 years.

Today we take care of 20,000 wild horses in corrals out west that cost us $50 million a year. Imagine having 10, 15, 20 times as many horses to take care of who are in that same situation. The cost to private horse owners of maintaining these horses has been conservatively estimated to be between $3 and $4 billion. By eliminating the option of horse processing facilities, thereby limiting the option of owners to dispose of their property, Congress would be forcing a $3 to $4 billion burden on private citizens and maybe perhaps to State and local governments, one of the reasons why the National Association of Counties is concerned about protecting private property rights.

The bottom line, H.R. 503 does not solve problems; it creates problems. I urge my colleagues to vote "no."

Mrs. CUBIN. Madam Chairman, I would like to make this very clear: if you believe in the humane treatment of animals, this bill takes us a step backwards. If you believe in preserving a balanced and natural ecosystem, this bill moves us in the wrong direction. If you believe in personal property rights, this bill represents an outright assault on that uniquely American ideal.

There are many who will come before the House today and will say that Americans are thoughtlessly slaughtering young, strong horses—symbols of the American West—and that there can be no good reason for this slaughter. I am here today to tell you that this is not the case.

In my home State of Wyoming, we proudly display a bucking bronco as a symbol of our Western heritage. In fact, one of the first memories of my life is sitting on the back of a horse. I love horses as much as anyone here, and just like the proponents of this bill, I do not want to see these animals suffer. But I rise today to say that if enacted, this legislation would create more suffering for both horse and human.

By opposing this bill, we are not striking out at symbols of the American West. In fact, we are making a responsible herd management decision that protects horses, humans, and the ecosystem. Many of these horses are old, ill, starving due to overpopulation, or they have otherwise ceased in their proper function.

But you don't need to take my word for it. As many have already stated, over 200 reputable horse organizations, animal health organizations, and agricultural organizations have voiced their strong opposition to this bill.

Most importantly, I have heard loud and clearly from folks who know and love horses more than anyone in this chamber—Wyoming's ranchers. These hard working ranching families breed their own horses, they help deliver them at birth, they train them, they feed and raise them, and they care for them when they are sick. Every day of their lives they are interacting with the horses that they love. Wyoming's ranchers depend on horses for their livelihood. They know all there is to know about caring for a horse, because in the harsh seasons on the high plains and in the Rocky Mountains, they have to know in order to survive.

These folks know their animals like they know themselves. And yet, today, we are considering a bill that will tie their hands, preventing them from making a humane choice for their horses. Today we are considering a bill that will sentence innumerable horses to a life of starvation and suffering. Today, we are considering passing a bill that will have untold disastrous effects on the ecosystem.

I sincerely admire the motivation of those in favor of this bill today. If only their love for these regal creatures was enough to care for the needs of the 90,000 unwanted horses this bill will create each year, then there would be no need for this debate. If only their zeal to defend these animals could somehow control the overpopulated wild horse herds roaming the plains of Wyoming, Montana, Idaho, Utah and Colorado, then we would have no need for humane population control. But the honest truth, Madam Chairman, is that this bill offers no solutions. We cannot absorb 90,000 horses a year. If we pass this bill, we will be putting rhetoric above the realities of ranch life; and we will be elevating a mistaken idea about Western symbols above the livelihood of Wyoming's ranchers. I cannot support such a measure.

I urge my colleagues to put their emotions aside, look past the surface, and into the real policy problems this bill will create. Vote "no" on H.R. 503.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I strongly oppose the slaughter of horses for human consumption.

For this reason I am a cosponsor of H.R. 503. This bill prohibits the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.

An overwhelming majority of my constituents from the Dallas, Texas, area are opposed to horse slaughter, and my vote reflects their will.

My office phone has been ringing off the hook with constituents opposed to horse slaughter. I have received more than 500 letters in the past few days. All are opposed to horse slaughter.

Horses are a symbol of American freedoms. They are a part of our history, our culture, and they deserve better.

Three slaughterhouses remain in the United States, and unfortunately two of them are in Texas. These meat factories kill about 100,000 American horses per year, sending the meat to countries overseas for fine dining.

Madam Chairman, I vigorously oppose this gruesome practice. And I don't agree with the argument that shutting down these slaughterhouses will hurt the local economies or be inhumane for horses.

In my opinion, this bill protects American horses from being raised—and slaughtered—for human consumption.

I support H.R. 503 and urge my colleagues to support it as well.

Mr. CONYERS. Madam Chairman, this week the census bureau released a report showing that for the first time since 1998, the number of uninsured children increased. Of the 8.3 million children without health insurance, minority children constitute a disproportionate share. The latest census figures also show that a record 46.6 Americans lack health insurance. With crucial issues facing the country such as the health care crisis, a broken immigration system, shortfalls in homeland security, and a stagnant minimum wage, I am baffled that the Republican leadership would spend precious time on horse slaughter legislation.

I do not want to minimize the importance of banning inhumane slaughter of horses for purposes of human consumption overseas. In fact, I am a cosponsor of H.R. 503, the American Horse Slaughter Prevention Act and support clean passage of that legislation. However, it is distressing that with only approximately 15 legislative days before the election, Republicans are ignoring the priorities of the American people.

I am troubled that the 109th Congress will be remembered in history as a "do-nothing" Congress. According to the Library of Congress, the House of Representatives in 2006 is on track to be in session for the fewest number of days since 1948. When the Congress has been in session, Republicans have pushed divisive and unproductive legislation such as constitutional amendments banning gay marriage and flag burning.

The time is long overdue to address the people's business. Several months ago, both the House and Senate passed immigration and boarder security bills. Instead of working out an agreement on illegal immigration, Republicans scheduled new field hearings in swing districts. With more talk and less action, the Republican led Congress and White House have failed to gain control over the border. They have failed to conduct workplace enforcement of immigration laws and have thus failed to protect American workers from declining low wages.

Republican inaction on homeland security is even more disconcerting. The bipartisan 9/11 Commission has given this Administration and the rubberstamp Republican congressional leaders poor grades for failing to implement the Commission's recommendations. We must take immediate steps to secure our borders, strengthen security around sensitive infrastructure, and give our first responders the necessary resources to protect the country.

Republican leadership has failed to improve the American people's economic security. As CEO compensation has soared, real family income is down since 2001. Since 1997, Republicans have repeatedly rejected a minimum wage increase for 6.6 million of the hardest working Americans. We must provide a livable wage so families can afford to make ends meet.

With the American people paying our salaries, we in the Congress have a duty to solve their problems. It is about time the Republican-led Congress earned its paycheck.

Mr. UDALL of Colorado. Madam Chairman, I cannot support this bill in its present form.

I understand and appreciate the views of its proponents, many of them in Colorado, who are distressed about the fact that three slaughterhouses in this country are in the business of preparing horse flesh for human consumption—primarily in other countries.

The bill's supporters do not think this is appropriate, and that Congress should exercise its authority over interstate commerce in order to put an end to this business. That is what this bill is intended to do.

I can understand the discomfort many Americans have about consumption of horse flesh, although of course it has been and remains an accepted practice in some places.

But emotional concerns cannot be the only guiding force in legislation regarding the way livestock is managed, and prohibiting slaughter of horses for human consumption—the main market for horse flesh at this time—would have unintended consequences this legislation fails to address.

The hearings held by the Agriculture Committee made it clear that there the current horse sanctuaries do not have the capacity to care for the additional unwanted horses—which otherwise would be handled by slaughterhouses that would result from the bill's enactment. That was one reason the committee, on a bipartisan basis reported the legislation unfavorably.

I voted for an amendment that would have delayed implementation of the bill until the Agriculture Department determined that adequate sanctuaries were ready. Unfortunately, that amendment was not adopted. Similarly, state and local governments—including the Colorado Department of Agriculture and the Commissioners of Adams County—are concerned that shutting off the slaughterhouse outlet will lead to an increased number of unwanted horses being abandoned and left to be dealt with by local authorities. I am attaching letters from the Colorado Commissioner on Agriculture and Adams County Commissioners who oppose this legislation. I voted for an amendment to provide federal reimbursement to local governments faced with such a problem. However, that amendment also was rejected.

Because of these problems, I cannot vote for the bill as it stands. Finally, I must note that with the nation at war in Iraq and Afghanistan, everyday Americans struggling with a mediocre economy and high energy costs, there are more pressing issues Congress needs to address than this one.

Mr. KUCINICH. Madam Chairman, I rise today in honor of our country's beloved horses. It is my hope that Congress will pass H.R. 503 unamended, the American Horse Slaughter Prevention Act. This bill will end horse slaughter for human consumption in the United States and the cruel practices associated with this inhumane industry.

When horses are sold to slaughter they are often transported in overcrowded trucks, deprived of food and water, exposed to the elements and made to stand in their own waste. The slaughter bound horse can be sick or injured but forced to suffer a lack of appropriate veterinary care. The stress that horses are subjected to, both during transportation and at the slaughterhouse, triggers horses' natural flight response. At the slaughterhouse a horse can be ineffectively stunned before dismemberment, meaning that a horse may remain conscious while being bound and then elevated by one leg prior to having its throat slit.

H.R. 503 encourages responsible horse ownership. For horse owners, who are no longer able or willing to care for a horse, H.R. 503 finds appropriate alternatives to slaughter that may range from finding a new home for the horse to humane euthanasia preformed by a licensed veterinarian.

Documentation from the three remaining equine slaughterhouses in the United States show that America's wild horses have been among their victims. Additional victims include stolen, as well as healthy horses. This legislation will stop the sale of wild, stolen or healthy horses to slaughter houses for human consumption at a profit.

The word humane is defined as being marked by compassion, sympathy and consideration for animals. The question we must ask ourselves is if subjecting horses to this kind of circumstance is indeed humane? Is horse slaughter marked by compassion, sympathy and consideration for the animal? The only realistic conclusion is no.

I urge my colleagues to support H.R. 503 and to oppose all amendments designed to weaken this important bill.

Mr. STARK. Madam Chairman, I am proud to have joined 202 of my colleagues in cosponsoring the American Horse Slaughter Prevention Act and I rise today in support of its passage. It is time to put a stop to a business that has been allowed to go on for far too long.

Many Americans have made their stance on this issue clear: a recent poll shows that almost 7 percent of Americans are in favor of banning horse slaughter. The slaughtering process is one that is shockingly inhumane—when transported to slaughtering houses, horses are crammed into trucks and may go unfed for as many as 28 hours. Animals that survive this ordeal often die by the captive bolt, an instrument meant to cause immediate trauma to the brain but is often used improperly, resulting in slow and painful deaths.

Those who oppose this law believe H.R. 503 will result in an overpopulation of horses. Yet the Department of Agriculture has found that 5,000 horses have been imported to slaughter plants since August 2004. As the Humane Society of the United States rightly observes, there would be no reason to import horses if we have an overpopulation.

Opponents of this bill have also warned that horses who would otherwise be slaughtered would not receive adequate care once they are transferred to alternate homes or rescue facilities. But horse rescue groups are required to abide by state and local animal welfare laws. California banned horse slaughter in 1998 and there has been no documented rise in cruelty and neglect cases. Similarly, there was no increase in brutality toward horses following the closing of Illinois' only slaughter plant in 2002.

There is no reason why the inhumane treatment of these animals should continue, particularly when our horses are being slaughtered solely for the purpose of pleasing foreign diners. I urge all my colleagues to join me in support of this bill.

Mr. KIRK. Madam Chairman, I rise today in strong support in H.R. 503, which would prohibit the slaughtering of horses for human consumption. Last year more than 90,000 American horses were slaughtered in this country by three foreign-owned plants. Horse meat is not eaten in the United States, but it has been exported to overseas markets, such as France, Belgium, Japan and Italy. Animals deserve to be treated humanely, and I do not support this industry.

This Congress made its opposition to horse slaughter clear in the Agriculture Appropriations Bill for fiscal year 2006. I supported an amendment introduced by Representative SWEENEY and Representative WHITFIELD that would have essentially tied the hands of the horse slaughter industry. Unfortunately the language approved by both the House and Senate, which had the clear intention of ending this industry, was altered in conference and allowed the slaughtering of horses to continue.

H.R. 503 would permanently shut down this inhumane practice. This legislation has wide bipartisan support in the House as well as extensive backing from the animal welfare community. I want to specifically thank Representative SWEENEY and Representative WHITFIELD for their hard work and leadership on this important issue.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of H.R. 503, the American Horse Slaughter Prevention Act.

Mr. Chairman, horses have served humans throughout history, carrying us on their backs to safety, tilling our fields, drawing wagons and carriages across the great plains and grand prairies, enriching our lives as friends and companions. But they have never served the people of the United States as a source of food. Yet today, American horses are being killed so their meat can satisfy the palates of overseas diners in Europe and Asia. Show horses, racehorses, wild horses, and family horses can all be destined for the slaughterhouse and exported as foodstuff to foreign lands.

This trade in horsemeat is hidden from most Americans and the industry wants to keep it that way. To quote the operations manager of a horse slaughterhouse located in Canada:

> Talking about horses is kind of a scary thing, especially in the West, where people think it's more of a pet than protein. When anybody starts writing about horses, everybody gets up in arms. Every time we say anything about horse in the paper, there's always an uproar, so I don't want to talk about it.

Madam Chairman, it has been reported that most of the horses that end up being slaughtered are brought in by jobbers who serve as middlemen for the slaughterhouses. These jobbers readily purchase as many horses as possible at livestock auctions around the country and haul them to the plants to be butchered. Many horses are sold at auction by irresponsible owners seeking an easy means to dispose of animals they no longer want. Others, however, are consigned by caring owners who simply have no idea of the fate awaiting the animals.

Additionally, hundreds—perhaps thousands—of horses are stolen each year. Horse thieves make fast money by unloading their stolen bounty to jobbers or slaughterhouses, which typically kill and process the animals within 24 hours, making it virtually impossible to trace and recover the stolen animals in time.

Currently, there are foreign-owned slaughterhouses operating in the United States that slaughter horses for human consumption. They are Beltex Corporation in Ft. Worth, Texas; Dallas Crown in Kaufman, Texas and Cavel International in DeKalb, Illinois. According to the U.S. Department of Agriculture, 65,976 horses were slaughtered in 2004, up from 50,564 the previous year. In addition, thousands more horses are transported under deplorable conditions across our borders to Canada and Mexico to face a similar fate.

Conditions of transport can be brutal. It is not unusual for horses to be hauled for more than 24 hours without rest, water or food in trailers that provide little protection from the elements. Many horses—sick, lame, pregnant or blind—are in distress even before being loaded.

Once at the slaughterhouse, the suffering gets worse. Horses are left for long periods in tightly packed trailers, subjected to further extremes of heat and cold. In hot weather, thirst is acute. Downed animals are unable to rise. All the horses are moved off forcibly when it's time to unload and hurried through the facility into the kill box. In the face of these deplorable conditions, including overcrowding, deafening noise, and the smell of blood, the horses typically become desperate, exhibiting fear typical of "flight" behavior—pacing in prance-like movements with their ears pinned back against their heads and eyes wide open.

Despite the Federal mandate that horses be rendered unconscious before being put to death, many horses are killed alive by repeated blows to the head with captive bolt pistols. While writhing in pain, the coupe de grace is administered by a slit of the throat. The dead animal is then processed for shipment overseas and destined for a foreign dining table.

Madam Chairman, I support this legislation because I do not wish to sanction the abuse of another noble creature of the American West. The magnificent buffaloes that at one time roamed the Great Plains were killed by too many settlers and pioneers for sport when they should have been used the way they were by Native Americans—for food and clothing and fuel. How ironic it is that horses—magnificent, powerful, graceful, and athletic—are being used for food instead of sport and husbandry.

Madam Chairman, I support H.R. 503 because it bans the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. This is not a fitting end to the animal that has played such an important role in defining American character and culture. I urge my colleagues to join me in protecting an enduring symbol of the West and the favorite animal of Americans everywhere. I urge my colleagues to support H.R. 503.

Mr. HENSARLING. Madam Chairman, sometimes in the House of Representatives, we debate and vote on emotional issues. H.R. 503 is certainly one of those issues, and I understand that those who support it hold strong opinions. Having grown up working on a farm and both owning and riding a horse, I do not relish the idea of them being processed for meat. It is something I personally do not care to do.

But this bill is not about whether we are a Nation of horse lovers. It is a bill about whether we are a Nation of freedom lovers. We are presented with a simple question of freedom, namely: will we grant the Federal Government the power to tell livestock owners and family farmers what they can do with their livestock?

Freedom in America often means having to tolerate actions to which we are personally opposed. To protect our freedoms we must first respect our neighbor's freedoms. For instance, I personally abhor smoking and wish every tobacco company in the country would find something else to do or cease to exist. But I will not support legislation outlawing the production and marketing of tobacco products, and I will not support legislation outlawing the use of tobacco products as long as such use does not infringe on my rights or those of my fellow citizens. I would vigorously fight efforts on this floor to regulate them out of business or prohibit them from operating in the United States. I believe there is an extremely high standard that must be met before we restrict the historic freedoms of our fellow citizens. This bill does not even come close to meeting that test.

Those in favor of this bill make a number of arguments as to why we must ban the processing of horses. Though on the surface some of these arguments may be compelling, noticeably absent from any of them is a scientific, health, or safety argument. In fact, the primary reason that proponents of H.R. 503 offer is that we should not process horses simply because, well, they are horses. Clearly, this argument is anything but scientific, and I suspect the cattle in America may be upset with the prejudice.

Some supporters of this bill argue that we must give special protection to the horse because of its prominent place in the heritage of the American West. Well, do not cattle have an even greater place in the heritage of the American West? Yet we use that animal to protect our feet with shoes and nourish us with beef. How is the horse different? Also, I note that those who we celebrate in the history of the West were known as cowboys, not horseboys. Again, how is the horse different? I further note the lobster has a prominent place in the heritage and history of Maine, but I doubt that people of that state would argue that we should stop harvesting it commercially because of its legacy.

Proponents of H.R. 503 will try to convince us that owners who sell their horses in auctions unknowingly sell them to representatives of the processing facilities, with no knowledge that the horse would be processed. Common sense tells me that if these sellers don't want their horses sold for processing, they would not sell them at high bidder auctions. But, if this is indeed a serious problem, Congress could simply pass legislation requiring that horse auctions make all sellers aware that their animals could potentially be bought for processing. Simple disclosure laws will render that argument moot.

Some will claim that horse processing needs to be banned because the horses suffer during transport and the slaughter process and others will claim that horse processing encourages horse thievery. The former is not based in fact. With respect to the latter, just because cattle rustling has been around since the birth of the Republic does not mean we should outlaw the processing of cattle. The same is true of horses. Current federal laws require that horses must be transported and processed humanely, just like cattle. Both of these arguments raise the issue of enforcement. Thus, the solution is to enforce current federal law, not pass a new, draconian one.

While proponents of H.R. 503 have many arguments about why this process needs to be banned, they remain silent about the unintended consequences of this bill. I believe chief among those unintended consequences is that horse owners will not have a humane option to dispose of a horse that is either unwanted or unable to be cared for. In 2005, around 90,000 horses were processed in the U.S. If there was another viable option for these horses, clearly they would not have been sent to the processing facility. This is particularly true for a number of struggling family farmers. If this bill were to become law, it would mean that when a working horse is at the end of its useful life, it will turn into a liability instead of an asset for the family farmer. No one should come to this floor bemoaning the plight of the family farmer and vote for this bill.

Another unintended consequence is the precedent that we set by prohibiting the processing of livestock for any compelling reason other than we don't think it should be processed. This is a slippery slope issue. As a Congressman who represents a district where—in some counties—the cattle overwhelmingly outnumber the people and more importantly provide a living for many of my constituents, I am particularly fearful that one day a similar movement will make the argument that cattle are no longer appropriate for processing for human consumption. While it may seem far fetched, with passage of H.R. 503, we will have set a precedent that it is permissible for Congress to ban the processing of livestock for non-scientific and non-health reasons, providing those who wish to ban the processing of cattle a legal leg to stand on with either Congress or the Courts.

However, my opposition to H.R. 503 does not mean that I am not mindful of the concerns of those who live near a horse processing plant. In fact, I am extremely mindful of these people because some of them are my constituents, as I have the privilege and honor of representing the people of the City of Kaufman in Congress, which is home to one of the three horse processing plants. I believe that most of my constituents in Kaufman who are in favor of H.R. 503 are in favor, not so much because they believe Congress should criminalize horse processing, but because it means a plant in their backyard that they do not like will be closed. Many believe it is a public nuisance and a strain on the city's infrastructure. I certainly understand those reasons for supporting H.R. 503 more than those offered by Members who do not have one of these plants in their district. However, those reasons fall under the purview of local government, not the federal government.

That is why I am respectful of the decision made by the City of Kaufman and its zoning commission to order the plant closed due to it being a public health hazard. However, I do not believe that Congress should be exercising its authority and infringing upon freedom by passing H.R. 503, simply because of the City of Kaufman's bad experience with the horse processing plant. There might be a community out there that would welcome a horse processing plant and the jobs it could bring, even with the potential negative aspects associated with such a facility. Passing H.R. 503 would take the decision as to whether or not to allow a horse processing facility away from local, elected officials, and keep a local community from welcoming a plant and its jobs.

There is no doubt that a horse is a wonderful animal. For those who do not wish to process a horse, no one is forcing them to do so. In the end, I believe that it is more important to protect the freedom of livestock owners to humanely decide the fate of their livestock than it is to surrender to emotion and ban the processing of horses. This is America. We should love horses but we should love freedom even more.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON SHIPPING, TRANSPORTING, MOVING, DELIVERING, RECEIVING, POSSESSING, PURCHASING, SELLING, OR DONATION OF HORSES AND OTHER EQUINES FOR SLAUGHTER FOR HUMAN CONSUMPTION.

(a) DEFINITIONS.—Section 2 of the Horse Protection Act (15 U.S.C. 1821) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'human consumption' means ingestion by people as a source of food."; and

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph:

"(4) The term 'slaughter' means the killing of one or more horses or other equines with the intent to sell or trade the flesh for human consumption.".

(b) FINDINGS.—Section 3 of the Horse Protection Act (15 U.S.C. 1822) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (6) through (10), respectively;

(2) by adding before paragraph (6), as so redesignated, the following new paragraphs:

"(1) horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion;

"(2) horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport;

"(3) unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption;

"(4) individuals selling horses or other equines at auctions are seldom aware that the animals may be bought for the purpose of being slaughtered for human consumption; and

"(5) the Animal and Plant Health Inspection Service of the Department of Agriculture has found that horses and other equines cannot be safely and humanely transported in double deck trailers;"; and

(3) by striking paragraph (8), as so redesignated, and inserting the following new paragraph:

"(8) the movement, showing, exhibition, or sale of sore horses in intrastate commerce, and the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation in intrastate commerce of horses and other equines to be slaughtered for human consumption, adversely affect and burden interstate and foreign commerce;".

(c) PROHIBITION.—Section 5 of the Horse Protection Act (15 U.S.C. 1824) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph:

"(8) As a pilot program to evaluate the feasibility and practicability of imposing such a prohibition nation-wide, the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine in the States of Kentucky or New York to be slaughtered for human consumption, unless the equine—

"(A) is owned or controlled by a State or local government or owned by an individual who purchased the equine from a State or local government;

"(B) will be slaughtered at a facility operating before the date of the enactment of this paragraph; or

"(C) will be slaughtered for human consumption for charitable or humanitarian purposes.".

(d) AUTHORITY TO DETAIN.—Section 6(e) of the Horse Protection Act (15 U.S.C. 1825(e)) is amended—

(1) by striking the first sentence of paragraph (1);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The Secretary may detain for examination, testing, or the taking of evidence—

"(A) any horse at any horse show, horse exhibition, or horse sale or auction which is sore or which the Secretary has probable cause to believe is sore; and

"(B) any horse or other equine which the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of section 5(8).".

(e) REIMBURSEMENT.—Section 11 of the Horse Protection Act (15 U.S.C. 1830) is amended to read as follows:

"SEC. 11. REIMBURSEMENT OF OWNERS FOR LOSS OF VALUE OF HORSES.

"The Secretary shall compensate the owner of an equine who disposes of such equine due to the prohibition under section 5(8). The Secretary shall compensate such owner for the total amount of—

"(1) the loss in value of the equine due to such prohibition; and

"(2) the costs incurred in the disposal of such equine.".

(f) RESPONSIBILITY FOR UNWANTED HORSES.—The Horse Protection Act is further amended by inserting after section 11 (15 U.S.C. 1830), as amended by subsection (e), the following new section:

"SEC. 11A. RESPONSIBILITY FOR UNWANTED HORSES.

"The Secretary shall assume responsibility for any equine that is unwanted by an owner.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Horse Protection Act (15 U.S.C. 1831) is amended by striking "$500,000" nad inserting "$5,000,000".

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–642. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chair has been notified that amendments No. 1 and 2 will not be offered.

AMENDMENT NO. 3 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–642.

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GOODLATTE:

In the paragraph (8) of section 5 of the Horse Protection Act, which is being added by subsection (c)(2) of section 1 of the bill, strike "consumption." and insert the following: "consumption, except that this prohibition shall not take effect until 30 days after the date on which the Secretary of Agriculture certifies to Congress that sufficient sanctuaries exist in the United States to care for any horses that may be unwanted as a result of this prohibition.".

The Acting CHAIRMAN. Pursuant to House Resolution 981, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I yield myself 3 minutes.

We have discussed many problems that the Sweeney-Whitfield bill will create with not a single solution in sight. While it is not possible to address all of those problems, we must address the fate of the horses affected by this bill.

I am joined by my ranking member, Mr. PETERSON, the gentleman from Florida (Mr. PUTNAM), the gentleman from Texas (Mr. CONAWAY), the gentleman from South Dakota (Ms. HERSETH), and the gentlewoman from North Carolina (Ms. FOXX) in offering an amendment to address this concern.

The amendment would very simply say that until the Secretary of Agriculture can certify that sufficient sanctuary space is available to accommodate the unwanted horses created by this bill, the drastic step of a Federal mandate will be delayed.

Everyone debating this issue today is dedicated to the best care possible for horses. We profoundly disagree on how to achieve that laudable goal. The cosponsors of this amendment believe it would be a tragedy to take the dramatic step of closing off a humane method of disposal of animals that the owners can no longer care for only to see them abandoned or killed wholesale at greater cost to their owners.

If we are to take this drastic step, we should at least ensure that the horses for whom it is being done continue to live out their lives in humane circumstances.

Nothing in this amendment would prevent the operation of H.R. 503 as long as there was assurance that a humane living alternative to the current system exists. It is impossible for me to believe that the supporters of H.R. 503 intend to replace the death of horses that they decry with abandonment or wholesale death at the hands of their owners.

The proponents of this bill have assured us there will be no flood of unwanted horses with no place to go as a result of this bill. If this is true, and reputable organizations like the American Veterinary Medical Association and the American Association of Equine Practitioners strongly dispute that, but if it is true, our amendment will be an easy procedural step to meet.

If, however, the Association of Equine Practitioners and major horse-owning groups who oppose H.R. 503 are correct that hundreds of thousands of unwanted horses with no place to go would be created in just a few years, this amendment can prevent a catastrophe for horses in this country.

I ask my colleagues to join us in passing this amendment that provides a solution for at least one of the problems created by this bill.

Mr. WHITFIELD. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY) to respond.

Mr. SWEENEY. Madam Chairman, I rise in strong opposition. Let's be very clear, all of these amendments have one intended purpose, and that is to destroy the bill. So if you are in favor of the ban of horse slaughter for human consumption, you need to vote against all of the amendments.

This number, this establishment of an arbitrary number, is false. It will not be obtained because there are so many other options for horse owners other than horse sanctuary, but let's understand the facts.

The current horse population is estimated at 9 million. As has been said, each year, roughly 900,000 horses die. About 90,000, or 1 percent, are actually slaughtered. Furthermore, in 1989, the U.S. slaughtered over 342 horses. In 2005, they slaughtered 90,000. Since then, the United States slaughtered approximately 200,000 fewer horses. So 90,000 horses can be easily absorbed into the population. And not all of these horses will need to be absorbed into rescue and sanctuary populations. Horses will die or become sick or dangerous to their owners. These horses will need to be replaced. These horses will become pets or workhorses or show horses.

Both the Bureau of Land Management and hundreds of private organizations and agencies provide adoption programs for people to replace these horses by adopting new ones. Additionally, thousands of these horses are humanely euthanized each year.

Madam Chairman, this amendment, this proposal, is simply meant to ensure that this bill is never enacted. We should vote it down, and we should vote it down very strongly.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Chairman, I want to thank the gentleman for yielding me this time.

I rise in support of this amendment. This bill displaces 90,000 horses a year, 90,000. In spite of what my good friend Mr. SWEENEY says, that is a lot of horses. Currently the horse facilities are already full. They can only take approximately 6,000 horses a year.

What do we do, Mr. SWEENEY, with those other 84,000 horses? This bill should not pass until the Secretary of Agriculture can certify to this Congress that there is enough space in these rescue facilities to accommodate all of these unwanted horses that have no place to go, no funds to care for them and no humane end-of-life option left for them.

So I support this amendment, and I encourage my colleagues to do the same.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Talking about an amendment to create a problem that is not there, this is a perfect example of that. We have all of these organizations around the country who are voluntarily spending their time and money to provide a safe haven for horses, and this amendment basically is a killer amendment to defeat H.R. 503.

☐ 1345

I would point out once again that each year the number of horses that have been slaughtered has been going down. We have gone from 300,000 down to 90,000. There is no evidence that society has had any problem in absorbing these horses. And I would also remind the gentleman many of these horses are stolen; so they are not unwanted horses. There is a need for them. So we know for a fact that the only purpose of any of these amendments is to make this bill ineffective, to kill this bill.

I am delighted that we are on the floor and have an opportunity to debate this, and I would urge every Member to oppose this amendment.

Mr. WHITFIELD. Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, may I ask how much time is remaining on each side and who has the right to close.

The Acting CHAIRMAN. The gentleman from Virginia has 1½ minutes remaining. The gentleman from Kentucky has 2½ minutes remaining, and the gentleman from Kentucky has the right to close.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

I will respond to the gentleman from Kentucky and the gentleman from New York, who called this a poison pill. This is no such thing whatsoever. They say there is no problem with unwanted horses. Then there will be no problem getting a certification that there is sufficient horse sanctuary facilities around the country to take care of them. I strongly dispute that.

I think the gentleman from New York and I, while we may disagree on numbers, can agree that 90,000 is 10 percent of 900,000, not 1 percent. But whatever that is, that is a substantial number of unwanted horses.

And, remember, the average life expectancy of a horse is 25 years. Many of these horses have many years of life expectancy left in them; so they are going to accumulate over a period of years. In fact, the American Veterinary Medical Association says over 6 years they will grow to 272,000 in number. That is far, far more than the capacity of all the horse sanctuaries around the country that exist today. And there is no sign of their growing rapidly to meet this need because they cannot even meet the current need to take care of the unwanted horses that exist in this country right now as we speak.

So I would urge my colleagues to support this very good amendment that will cure a very serious flaw in this legislation, and then we will have the opportunity to see who is correct about how many unwanted horses we are going to have in this country. Are the experts, the American Veterinary Medical Association, the horse doctors, the Horse Owners Associations around the country, who strongly support this amendment, correct, or are they correct?

I think this is a fair amendment, and I would urge my colleagues to adopt it.

Mr. WHITFIELD. Madam Chairman, I yield myself the balance of my time.

I must say I am shocked that the gentleman would want to get the government involved in this kind of an issue. These are private property rights people who are out there voluntarily providing their property, their money to take care of these unwanted horses.

And one of the reasons we opposed this amendment, you talk about sufficient horse sanctuaries. We know who would be defining "sufficient." The Department of Agriculture, who must work with your committee to get anything that they want on the farm bill or anything else; so you would be dictating what is sufficient, and we know that there would never be enough sanctuaries sufficient to meet your demands.

So I would say once again we do not have to speculate about unwanted horses in the future. We know for a fact that unwanted horses is not a problem, as we have gone from 300,000 to 90,000 a year. No one has complained about it. No study has shown it. UC Davis in their study in California indicated that there have not been any additional increases of unwanted horses.

So I would urge every Member to oppose this amendment, which is designed to defeat this bill.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GOODLATTE. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. GOODLATTE. Madam Chairman, the additional amendments that have been made in order under my name or my designee we do not intend to bring up.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109-642.

Mr. KING of Iowa. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KING of Iowa

In the paragraph (8) of section 5 of the Horse Protection Act, which is being added by subsection (c)(2) of section 1 of the bill, strike "consumption." and insert the following: "consumption, unless the horse or other equine will be slaughtered for human consumption by Native Americans or persons of cultures who have traditionally consumed the meat of horses or other equines, as determined by the Secretary.".

The Acting CHAIRMAN. Pursuant to House Resolution 981, the gentleman from Iowa (Mr. KING) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chairman, I am offering this amendment today that would allow a cultural exemption for Native Americans and people from cultures that consume equine meat.

Specifically, my amendment would permit equine to be shipped, transported, moved, delivered, received, possessed, purchased, sold, all of the list that is in the bill, Madam Chairman, by Native Americans or people from cultures who eat equine meat.

Horses have played, and continue to play, an important role in Native American culture. It is particularly true for the tribes of the Great Northern Plains, including the Great Sioux Nation. Many tribal members raise and sell horses. In addition, the Apache people and the Pueblo people from the Southwest have consumed horse meat. They were very skilled on horseback, but they valued and cherished the horse as food as well.

The Native American cultures are not the only people to eat or raise horses for meat. The people from the cultures of Japan, Belgium, France, Austria, Quebec, Chile, Germany, Iceland, Kazakhstan, including also the Netherlands, Slovenia, Spain, Sweden, and Italy, all eat horse meat today and all have recipes today.

People in support of this bill have a romantic view of the horse because it helped build America, and in their mind it is not in our culture to eat the horse for that reason. But they fail to understand that the oxen, bovine, was also a great assistance to us and maybe even a greater assistance in building America; but we do not have an aversion to beef, Madam Chairman.

So for these reasons, I would ask support for this cultural exemption amendment.

Madam Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY) in opposition.

Mr. SWEENEY. Madam Chairman, there are two giant loopholes created here, and I will submit for the RECORD statements by a number of Indian tribes, the Great Plains Tribal Chairman's Association, the Inter-Tribal Council of Nevada, and the National Congress of American Indians, in opposition to this amendment.

GREAT PLAINS
TRIBAL CHAIRMAN'S ASSOCIATION,
Eagle Butte, SD, September 6, 2006.

RESOLUTION OF THE GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

Whereas, the Great Plains (formerly Aberdeen Area) Tribal Chairman's Association (GPTCA) is composed of the elected Chairs and Presidents of the sovereign Indian Tribes and Nations recognized by Treaties with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

Whereas, the Great Plains Tribal Chairman's Association was formed to promote the common interests of the sovereign Tribes and Nations and their members of the Great Plains Region; and

Whereas, the United States has obligated itself both through Treaties entered into with the sovereign Tribes and Nations of the Great Plains Region and through its own federal statutes, the Snyder Act of 1921 as amended, the Indian Self-Determination Act of 1976 as amended, and the Indian Health Care Improvement Act of 1976 as amended; and

Whereas, the Tribes of the Great Plains have strong spiritual, cultural, and historical ties to wild horses; and

Whereas, the Tribes of the Great Plains are disheartened and alarmed by the new language in Appropriations Bill H.R. 4818 that would allow the slaughter of these sacred animals; and

Whereas, the Tribes of the Great Plains are concerned that wild horses are fast disappearing and that soon there will not be sufficient numbers to sustain healthy populations; and

Whereas, the Tribes of the Great Plains recognize wild horses as one of the last living symbols that represent our ancestral past; and

Whereas, the wild horses have no one to speak for them and the Tribes of the Great Plains are compelled to step forward on behalf of the last remaining wild horses in the United States; and: Now, therefore be it

Resolved; That the Great Plains Tribal Chairman's Association opposes the slaughter of wild horses and supports adoption of wild horses with the federal government waiving the adoption fee and providing funds for transportation in order to prevent their slaughter; and: Now, therefore be it further

Resolved; That the Great Plains Tribes support and encourage the reintroduction and reinstitution of protective legislation in the 109th United States Congress to prevent wild horses and burros from being slaughtered and maintain a viable number of animals on the public lands; and: Now, be it finally

Resolved; The Great Plains Tribal Chairman's Association call upon other Tribes and Indian Nations to join with us in all efforts to find solutions for the preservation of wild horses.

NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress. of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, the NCAI recognizes that many of the Tribes have strong spiritual, cultural, and historic ties to wild horses; and

Whereas, the Tribes oral history remembers wild horses from ancient times and concurs that wild horses evolved on the North American continent for eons of time; and

Whereas, the NCAI acknowledges wild horses as one of the last living symbols that represent our ancestral past when people and animals were free to live and roam in harmony with Mother Earth; and

Whereas, the Tribes are disheartened and alarmed by the passage of the Burn's amendment to PL 92-195 that allows for the slaughter of these sacred animals; and

Whereas, the Tribes are concerned that wild horses are fast disappearing and that soon there will not be sufficient numbers to sustain healthy populations; and

Whereas, the wild horses have no one to speak for them and the Tribes of the NCAI are compelled to step forward on behalf of the last remaining wild horses in the United States; and Now therefore be it

Resolved, That the NCAI opposes the slaughter of wild horses and supports the relocation of wild horses to Tribal lands with the Department of the Interior waiving the adoption fee and not charging more than $1.00 per animal and providing transportation of the animals at no charge to the accepting Tribes; and Now therefore be it

Resolved, That the Tribes of the NCAI support and encourage the reintroduction and reinstitution of protective legislation in the 109th United States Congress to prevent wild horses and burros from being slaughtered and to maintain a viable number of animals on public lands; and Now be it finally

Resolved, That the NCAI Tribes call upon other Tribes and Indian Nations to join us in all efforts to find solutions for the preservation of wild horses.

INTER-TRIBAL
COUNCIL OF NEVADA, INC.
Reno, NV, September 6, 2006.

RESOLUTION NO. 05-ITCN-02

Whereas, the Inter-Tribal Council of Nevada, Inc., is organized and operates in accordance with its Constitution and By-Laws, amended in November 1974; and

Whereas, the purposes of Inter-Tribal Council of Nevada, Inc. (ITCN), are stated in its Constitution, Preamble; and

Whereas, the Executive Board, a body comprised of the twenty-seven (27) elected representatives of the member tribes in the State of Nevada and whose charter is ratified by these same tribes; and

Whereas, the Inter-Tribal Council of Nevada has a continuing interest in the health, education and well-being of their Indian people; and

Whereas, the Nevada tribes are disheartened and alarmed by the new language in Appropriations Bill H.R. 4818 that would allow the slaughter of these sacred animals; Now therefore be it

Resolved, That the Inter-Tribal Council of Nevada opposes the slaughter of wild horses and supports adoption of wild horses with the federal government waiving the adoption fee and providing funds for transportation in order to prevent their slaughter; and Be it further

Resolved, That the Inter-Tribal Council of Nevada supports and encourages the reintroduction and reinstitution of protective legislation in the 109th United States Congress to prevent wild horses and burros from being slaughtered and utilized for food consumption and maintain a viable number of animals on the public lands: Now be it finally

Resolved, That the Inter-Tribal Council of Nevada call upon other Tribes and Indian Nations to join with us in all efforts to find solutions for the preservation of wild horses.

Madam Chairman, the two loopholes are simply this: first, it would encourage the slaughter facilities to simply relocate to reservations and simply export the meat from there. This would allow the practice of slaughter to continue.

Secondly, the amendment gives "persons of cultures who have traditionally consumed the meat of horses" an exemption. It is not defined in the bill, Madam Chairman. These persons of cultures are not specified. The amendment offered, I understand, has given us some definition, saying essentially this bill would say the French, the Belgians, whomever else may continue this practice simply because it is part of their culture. It is not defined. And, therefore, I think it is inappropriate to have it in the bill. It is a poison pill for this bill, and I strongly oppose it.

Mr. KING of Iowa. Madam Chairman, in response to the gentleman from New York, I would point out that I have a letter here from the United Sioux Tribes of South Dakota that I will introduce into the RECORD. And in this letter it says: "Horses have played, and continue to play, an important role in the Indian culture. That is particularly true for Tribes of the Great Northern Plains."

And it says: "Many tribal members raise and sell horses." This is currently, today. "Some of these horses are used for food and exported. It is inconceivable to think the Congress might extinguish our property rights and lessen our income even more."

And I would point out to the gentleman from New York that we have in this amendment language that says it would be determined by the Secretary as to which cultural exemptions. So it is not simply a blanket exemption. I did not list the Irish in that, and maybe I am remiss in that. But I do not intend to build a record here of all of the cultures that have traditionally eaten horse meat, but there are many of them that do. They do so today. They have recipes today. And this is something that infringes upon people's property rights and their cultural rights. And if we are going to say this to the Native American people that we are going to pull these assets out from underneath you and you can't do with a horse what you have done for hundreds of years, I think that is a message that we are not going to want to send across America.

UNITED SIOUX TRIBES
OF SOUTH DAKOTA,
Pierre, SD, August 22, 2006.

Hon. STEPHANIE HERSETH,
House of Representatives, Washington, DC.
Attention: Ryan Stroschein & Phil Assmus

DEAR STEPHANIE: We greatly appreciate your opposition to H.R. 503. This bill would, in short, prohibit the marketing of our horses to slaughter.

Horses have played, and continue to play, an important role in the Indian culture. That is particularly true for Tribes of the Northern Great Plains, including the Great Sioux Nation. The United States has taken our land and if this bill passes you will be taking our property without compensation.

Many tribal members raise and sell horses. Some of these horses are used for food and exported. It is inconceivable to think the Congress might extinguish our property rights and lessen our income even more. We urge you to ask your colleagues to follow your lead and oppose H.R. 503. Thank you.

Sincerely,

CLARENCE W. SKYE,
Executive Director.

Madam Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Madam Chairman, I rise to oppose the amendment.

I would also submit for the RECORD a letter that we have from Chief Arvol of the Lakota Nation, and he wrote a very long letter in opposition to this amendment. He says: "I am writing to ask for your support in co-sponsoring the American Horse Slaughter Prevention Act and for our tribe."

DEAR REPRESENTATIVE: My name is Chief Arvol Looking Horse of the Lakota, Dakota, Nakota Nation. I am also known as "Sung Wakan" (Horse Man). My position with my People is the 19th Generation Keeper of the Sacred White Buffalo Calf Bundle. I am the spiritual leader for our Nation.

It has been recorded in ancient petroglyphs and in our oral stories that the horse nation was around our people long before the Spaniards brought the other relative of the horse nation to this land. These ancient horses were much smaller in size and not so much in numbers, to a point of extinction.

With this ancient Bundle, almost 2,000 years old, existed a horse ceremony acknowledging the horse nation in respect to their wise and gentle spirit, as they offered a gift of healing for our own human spirit. My work has involved many efforts in bringing awareness to the importance to all life upon Mother Earth, including Mother Earth herself so that all life may live in Peace. I was raised with the understanding that all forms of life have their own meaning of importance and should not be taken for granted. To ignore and not to try to learn this precious truth of all living beings to live in Peace with us as humans of power and decisions, will affect the lives of our own children in their health of body mind and spirit. We need to teach all children to look at all life as sacred.

The Horse Nation is an important spirit being. The Nation deserves the protection and awareness of what we humans can offer. They have saved, assisted, and given of themselves for all humans throughout history. Whether it was being ridden in battles, or in traveling, and most recently discovered by therapists through friendship, they can give healing to our troubled spirits. The Native Nations always understood these gifts and that was why we had our horse dance ceremony.

This awareness of the horse's gifts to humans has transformed into a strong respect. This awareness has been gathering People across the country to protect this fine spirit from a very negative attack on their health and existence, by unconscious disrespectful humans in the name of greed. A horse can feel impending trauma in their environment. Yet, horses trust humans and so are being led to slaughter.

This is not a way of respecting life that children need to learn, as we adults having positions as role models and leaders in our communities. This energy, as we understand these actions to be, will indeed backfire, if people do not educate themselves about the importance of the different spiritual roles of all life forms. Some animal nations, indeed, give themselves for food. They actually know their purpose in the human's food chain, as long as humans understand this with respect. We should understand the Horse Nation has earned the right to live in Peace for what they have contributed to all our lives throughout history.

I am writing to ask for your support in co-sponsoring the American Horse Slaughter Prevention Act. The AHSPA (H.R. 857) has been introduced in the U.S. House of Representatives by Representative John Sweeney (R–NY) who is chair of the Congressional Horse Caucus and Congressman John Spratt (D–SC). A similar bill will soon be before the U.S. Senate.

Despite the passage of the Wild-Free Roaming Wild Horses and Burros Act of 1971 which was enacted to protect the wild horse from slaughter, hundreds, perhaps thousands, continue to be slaughtered each year. The Bureau of Land Management removed too many wild horses from their ranges resulting in ongoing sales to the slaughterhouses. If you wish to learn more about these activities, please contact Chris Heyde of the Society for Animal Protective Legislation.

In a Sacred Hoop of life, where there is no ending and no beginning!

Thank you for your attention to this effort.

Mitakuye Oyasin (All my relations),
Chief ARVOL LOOKING HORSE,
19th Generation Keeper of the Sacred White Buffalo Calf Pipe.

Madam Chairman, the purpose of H.R. 503 has never been to dictate to other cultures what they can and cannot eat. The purpose of H.R. 503 is simply to prohibit the French, the Belgians, the Dutch from offering slaughterhouses in America, taking our horses, many of which are stolen, obtained by misrepresentation, and shipping the meat to France, Belgium, and Japan.

So this amendment would do one thing. It would make the bill ineffective. It would defeat the bill in its entirety. And so I would urge the Members to oppose this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Madam Chairman, I yield myself 1 minute.

Madam Chairman, in this position that we are in today, to be objective in our perspective about how we deal with this issue, I don't know that there is a precedent in America that we have told an entire country no matter what your culture, no matter what your beliefs, no matter what your traditions, we do not want them here in this country. There are many other elements of other cultures that this civilization would be more healthy without, and yet there is not a single piece of legislation before this body that would define those components of another culture and rip them out and say, in our best judgment we think you ought to quit doing these things.

We accept all beliefs in America. That is part of who we are. Freedom of speech, religion, press, all of our cultural composition comes with all immigrants into this country and with the Native Americans too. And this amendment says to the Native Americans specifically and other cultures inclusively, if certified by the Secretary, we are going to accept your beliefs. We are going to accept your traditions. It is part of who we are as America to blend all those cultures and those civilizations together and come out with this robust nature of our great American culture, and that is what this amendment is about. It is about protecting our traditional values.

Madam Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Madam Chairman, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, I very much thank the distinguished gentleman from Kentucky for yielding.

I oppose this amendment because it is not about Native Americans. It is about creating one more loophole. And I oppose the other amendments because they would undermine the intent of this bill.

We cannot be a Nation or a society that reduces everything to dollars and cents, that commoditizes everything. When you see an eagle take wing and soar above the clouds, that is not a commodity. It is a source of inspiration. When you see a horse galloping gracefully across the plains, that is not a commodity. That is a source of inspiration.

Horses have been part of the strength of this country for 400 years. We depended upon the horse. We explored this continent. Our commerce was heavily dependent upon the horse. So many major battles where we prevailed were on horses.

Look at our monuments. Look at the monument in front of the Capitol. It is a horse. And when the horse has one leg up, it means that that person was wounded in battle. But there has been an intrinsic relationship.

Everything cannot be reduced to economics. We need to be inspired by some things, and these amendments would gut a bill that says there is no reason to be slaughtering horses. Three major slaughterhouses owned by foreign nations. Americans don't want to consume meat. Listen to the mayor of the city in Texas. It has ruined her economy. It is a stench. No one wants it. This is not about economics. This is about doing the right thing. And we have been tied to the horse, the eagle. These symbols of American strength, of American greatness, are sources of inspiration.

My very good friend Mr. WHITFIELD understands what this is really about. This is about preserving a symbol. We cannot allow the kind of slaughtering that takes place. More than 100,000 horses. Imagine. And the fact is they are slaughtering the healthy, fatter horses that have been well taken care of. They do not want the infirm, the old, the lame horses. That is not who they want to slaughter. So many of these arguments have been false arguments.

□ 1400

This amendment is doing the right thing. The Department of Agriculture circumvented the right thing that we have already passed. I support Mr. WHITFIELD. Let's pass this amendment.

Mr. KING of Iowa. Madam Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Madam Chairman, does he have the right to close or do I have the right to close?

The Acting CHAIRMAN (Mrs. CAPITO). The gentleman from Kentucky has the right to close.

Mr. KING of Iowa. Madam Chair, I yield myself the balance of the time.

Madam Chair, I would reiterate that this amendment is about the cultural exemption to horse slaughter and consumption for human purposes. And this is something that has gone on in this country for hundreds of years.

Since the Spaniards brought the horses here, there have been horses consumed for human consumption. It has been part of the plan, part of the breeding, part of the raising, part of the feeding and part of the strategy.

In fact, as I stand here today, this date here in September is almost very close to the date that, 200 years ago, Lewis and Clark returned, back down the Missouri River. It was in September of 1806. They bought horses from the Native Americans out west for the purposes of taking those horses as pack horses up into the mountains. They knew they would not need those horses when they got to the end of the line. And they bought those horses. Part of their strategy when they left St. Louis was, buy horses in that region and when you are finished working them, eat them. Louis and Clark ate horses. All of these ethnicities and countries that I have named all eat horses.

I do not think there is an ethnicity that has been exempt from having horses in their diet, but particularly Native Americans who, the Great Plains Native Americans, the Sioux Nation, and I represent Sioux County, and I represent two reservations in my district that I have had for over 10 years now, or almost 10 years now; all of those cultures are rooted in this. We need to provide a cultural exemption, Madam Chairman. If we send this message off to Native Americans, in particular, that we would not even let the Secretary of Agriculture designate an exemption for Native Americans no matter how long their tradition is, that will be an insult to Native Americans, an insult to multiculturalism in America. I urge the adoption of this amendment.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would just say that this bill certainly does not prevent individual owners from slaughtering a horse and eating the horse if they want to. I think that this amendment is unnecessary. It would defeat the purpose of the bill. All the correspondence we have had with Indian tribes indicates that they do not eat horse meat.

Horses have not been a part of the food chain in America. I would urge the defeat of the amendment and passage of H.R. 503.

Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to this amendment in my capacity as the Ranking Member of the Resources Committee which has legislative jurisdiction over Indian Affairs.

This amendment is an insult to Indian Country. It suggests that Native Americans consume horse flesh. And in doing so, it is derisive of their culture and their society.

The fact of the matter is that Indians do not eat horse flesh, and the three horse slaughter operations in this country do not sell horse flesh to Indians.

The meat of slaughtered horses is all exported by these slaughterhouses to foreign markets.

Indeed, I have before me resolution after resolution from Indian Country opposing the slaughter of horses, including from the National Congress of American Indians.

But to be clear, there is another purpose behind this amendment, because it seeks to also allow horses to be slaughtered for the consumption of people from cultures that eat equine meat. As a general matter.

The fact of the matter is that all of the meat from American slaughtered horses is consumed in European or Asian countries by people who traditionally eat horse flesh.

Adoption of this amendment would gut the pending legislation. It would render it null and void.

My colleagues, do not be fooled, do not be lulled into complacency by the attempt of this amendment to garner sympathy for Native Americans, when no such sympathy is required.

A vote for this amendment is the same as a vote against final passage of H.R. 503.

I urge the defeat of the pending amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. GOODLATTE of Virginia.

Amendment No. 4 by Mr. KING of Iowa.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 229, answered "present" 1, not voting 25, as follows:

[Roll No. 431]

AYES—177

Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp (MI)
Cannon
Cantor
Cardoza
Carter
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dingell
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
Etheridge
Everett
Feeney
Filner
Flake
Ford
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Holden
Honda
Hulshof
Jenkins
Kennedy (MN)
Kind
King (IA)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Oberstar
Ortiz
Osborne
Otter
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Putnam
Radanovich
Rehberg
Reyes
Rogers (AL)
Rohrabacher
Ross
Rush
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Udall (CO)
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)

NOES—229

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crenshaw
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dreier
Emanuel
Engel
English (PA)
Eshoo
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hayworth
Higgins
Hinchey
Hoekstra
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kline
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Ney
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pitts
Platts
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—25

Beauprez
Bilirakis
Cummings
Doyle
Evans
Gallegly
Green (WI)
Harris
Istook
Johnson, Sam
McKinney
Millender-McDonald
Miller (FL)
Miller, Gary
Murphy
Nadler
Nunes
Nussle
Oxley
Rangel
Sánchez, Linda T.
Strickland
Towns
Watt
Young (AK)

☐ 1432

Mrs. BIGGERT and Messrs. WYNN, PRICE of Georgia and CLEAVER changed their vote from "aye" to "no."

Messrs. McHUGH, FORD, OSBORNE, KUHL of New York, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. GOODE, and Mr. AKIN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MURPHY. Mr. Chairman, on rollcall No. 431, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 256, answered "present" 1, not voting 26, as follows:

[Roll No. 432]

AYES—149

Akin
Baca
Baker
Barrow
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown-Waite,
  Ginny
Butterfield
Buyer
Camp (MI)
Cannon
Cardoza
Carter
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Etheridge
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Hinojosa
Honda
Hulshof
Jenkins
Kennedy (MN)
Kind
King (IA)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
  Rodgers
Melancon
Mica
Miller (MI)
Moran (KS)
Musgrave
Neugebauer
Northup
Norwood
Oberstar
Ortiz
Osborne
Otter
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Putnam
Radanovich
Rehberg
Rogers (AL)
Rohrabacher
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)

NOES—256

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hayworth
Hensarling
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kline
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel
  E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Napolitano
Neal (MA)
Ney
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Pitts
Platts
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman
  Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—26

Beauprez
Bilirakis
Doyle
Evans
Gallegly
Gohmert
Green (WI)
Harris
Istook
Johnson, Sam
McKinney
Millender-
  McDonald
Miller (FL)
Miller, Gary
Murphy
Nadler
Nunes
Nussle
Oxley
Pelosi
Rangel
Sánchez, Linda
  T.
Strickland
Towns
Watt
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1440

Mr. TAYLOR of North Carolina and Mr. McINTYRE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MURPHY. Mr. Chairman, on rollcall No. 432, the King of Iowa amendment, had I been present, I would have voted "aye."

(By unanimous consent, Mr. THOMAS was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, BOB MATHIAS

Mr. THOMAS. Mr. Chairman, on behalf of Mr. COSTA, Mr. NUNES and myself, I would like to advise the House that this past week an individual passed away, a former Member of the House of Representatives.

Some of you didn't have the privilege of knowing him in person, but all of you knew of him. Bob Mathias as a 17-year-old high school student went to London and came home with a gold medal in the decathlon. Four years later, he went to Helsinki and came home with a gold medal in the decathlon. Bob Mathias was a member of this House from 1966 to 1974.

Bob Mathias thought of himself as an ordinary person. Could we please, in recognition of an extraordinary human being, offer a moment of silence?

The Acting CHAIRMAN. Members will rise and observe a moment of silence.

The Acting CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, pursuant to House Resolution 981, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SWEENEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on passage of H.R. 503 will be followed by 5-minute votes on the motion to instruct on H.R. 5122, and the motion to permit closed conference meetings on H.R. 5122.

The vote was taken by electronic device, and there were—ayes 263, noes 146, answered "present" 1, not voting 22, as follows:

[Roll No. 433]

AYES—263

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hinchey
Hobson
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Napolitano
Neal (MA)
Ney
Northup
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Pence
Pitts
Platts
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—146

Akin
Baker
Barrow
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown-Waite, Ginny
Butterfield
Buyer
Camp (MI)
Cannon
Cantor
Cardoza
Carter
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cubin
Cuellar
Culberson
Davis (TN)
Deal (GA)
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Feeney
Filner
Flake
Ford
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Honda
Hulshof
Jenkins
Kind
King (IA)
Kingston
Knollenberg
Kolbe
LaHood
Latham
Lucas
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Miller (MI)
Moran (KS)
Murphy
Musgrave
Neugebauer
Norwood
Oberstar
Osborne
Otter
Pastor
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (AL)
Rohrabacher
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Udall (CO)
Walden (OR)
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—22

Beauprez
Bilirakis
Doyle
Evans
Gallegly
Green (WI)
Harris
Istook
Johnson, Sam
Lewis (CA)
McKinney
Miller (FL)
Miller, Gary
Nadler
Nunes
Nussle
Oxley
Rangel
Sánchez, Linda T.
Strickland
Towns
Young (AK)

□ 1501

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ANDREWS. Mr. Speaker, I regret that, because I was taking my children to their first day of school, I missed one vote on September 7, 2006. Had I been present I would have voted "yes" on H. Res. 981 (Providing for the consideration of the bill H.R. 503 to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.).

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. "SONNY" MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

MOTION TO INSTRUCT OFFERED BY MR. EDWARDS

The SPEAKER pro tempore (Mr. ADERHOLT). The pending business is the vote on the motion to instruct on H.R. 5122 offered by the gentleman from Texas (Mr. EDWARDS) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 30, not voting 28, as follows:

[Roll No. 434]

YEAS—374

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.

Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—30

Baker
Brady (TX)
Buyer
Campbell (CA)
Cannon
Cantor
Feeney
Ferguson
Flake
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Hensarling
Hunter
King (IA)
Knollenberg
Linder
Mack
Marchant
McCrery
McHenry
McKeon
Neugebauer
Pence
Rogers (MI)
Sessions
Shadegg
Thomas
Thornberry

NOT VOTING—28

Beauprez
Bilirakis
Blunt
Boehner
Doyle
English (PA)
Evans
Gallegly
Green (WI)
Harris
Istook
Johnson, Sam
McKinney
Miller (FL)
Miller, Gary
Nadler
Nunes
Nussle
Oxley
Putnam
Rangel
Royce
Sánchez, Linda T.
Sherwood
Slaughter
Strickland
Towns
Young (AK)

☐ 1513

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated agains:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 434 I was unavoidably detained. Had I been present, I would have voted "nay."

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5122, G.V. "SONNY" MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mrs. DRAKE. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and Senate on H.R. 5122 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 25, as follows:

[Roll No. 435]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—10

Blumenauer
DeFazio
Honda
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Schakowsky
Stark

NOT VOTING—25

Beauprez
Bilirakis
Doyle
English (PA)
Evans
Gallegly
Green (WI)
Green, Gene
Harris
Istook
Johnson, Sam
McKinney
Miller (FL)
Miller, Gary
Nadler
Nunes
Nussle
Oxley
Payne
Rangel
Sánchez, Linda T.
Slaughter
Strickland
Towns
Young (AK)

□ 1522

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Thursday, September 7, 2006. As a result, I was not recorded for rollcall votes Nos. 430, 431, 432, 433, 434 and 435. Had I been present, I would have voted "aye" on rollcall Nos. 430, 433, 434, and 435. I would have voted "no" on rollcall Nos. 431 and 432.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, I was absent from votes on September 6 and 7, 2006, due to personal illness. As a result, I was not recorded for a series of votes. Had I been present, I would voted "yea" on rollcall votes 427, 428, 429, 430, 433, 434, and 435.

On rollcall votes 431 and 432, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. speaker, I was unable to be present for rollcall votes 434 and 435. Had I been present, I would have voted "yea" on rollcall vote 434 and "yea" on rollcall vote 435.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, and I yield to my friend, Mr. BOEHNER, the majority leader.

Mr. BOEHNER. I want to thank my colleague from Maryland for yielding.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business.

We will consider a number of measures under the suspension of the rules next Tuesday. We expect to have a final list of those measures to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider on Wednesday the 5-year anniversary of 9/11, and we will have a resolution on the floor, and we will also begin consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

On Thursday and Friday, we will complete consideration of the Federal Prison Industries bill, and we will consider a House resolution amending the House rules on earmark reform. I would also note that conference reports may be brought up at any time, and hope to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for fiscal year 2007 conference report and I hope to see it passed next week. At this point, Members should anticipate that we will have votes on Friday.

I also have an announcement in terms of the schedule. Members have a schedule through September. It is expected that the House will not be back in session until the week of November 13. I do want Members to know that the House will be in session that week. I expect we will have votes on Monday the 13th and through that week. Anything further on the schedule beyond that time, I wish I could tell Members, but I don't know.

Mr. HOYER. I thank the gentleman for bringing us up to date.

Am I to take it that when the gentleman indicated that the 29th would be the last day prior to the election, Members can still rely on that representation?

Mr. BOEHNER. That is correct.

Mr. HOYER. I thank the gentleman for that comment because there has been some discussion there may be another week, and we are glad to advise Members.

Mr. BOEHNER. Somebody else was having those discussions with themselves, not with me.

Mr. HOYER. That happens, I have noticed.

With respect to the schedule that you have just announced, would it be fair to conclude that if we do not have additional conference reports, and you indicate that you will take conference reports if they are available, which I understand, but if there were not additional conference reports beyond those which you have referenced in your announcement, that the probability of Friday is not as great as it otherwise would be? What I am saying, before you respond, is essentially it would appear to me that based upon what has been noticed, that that work would probably be accomplished within the Tuesday, Wednesday, Thursday period.

Mr. BOEHNER. If the gentleman will yield, it is possible that the House could complete its work by Thursday night. It is possible. But I don't want to mislead Members. At this point, I believe that Members should expect votes on Friday. If it becomes clear during the week that we will be able to complete our work, I will give Members as much notice as possible. But I don't want to promise something that we can't deliver.

Mr. HOYER. I understand.

On the following Friday, the 22nd, as the gentleman knows, Rosh Hashanah begins at sundown on that day. That is the first day of Rosh Hashanah. One of the problems, as you know, that we have is Members getting back to the West Coast in time to observe Rosh Hashanah appropriately. Friday the 22nd is currently on the schedule. Can you comment on that?

Mr. BOEHNER. I will work with you to accommodate our Members who want to observe this religious holiday. I do understand the problem for Members on the West Coast. We will work with you to come to some resolution. We don't want to put any Members in a difficult travel position when it comes to observance of their religious holidays.

Mr. HOYER. I thank the gentleman for that, and we look forward to discussing that with you.

You note in the announcement of the 9/11 resolution, and I was asked by the press, were we going to do something on issues that appear to be partisan, and I said no. On September 11th, we will not be here; we will be in our home districts, and it should be a day of remembrance and resolve; remembrance of the heroism of that day and remembrance of the loss of life on that day, and resolve to defeat terrorism and to defeat those who would put our country at risk and put our people in harm's way and at risk. I believe we are united on that.

I just saw the resolution, and I have not had a chance to read the resolution, nor as I understand it have we worked with your side on the resolution.

Mr. Leader, I would hope perhaps we could come together before the resolution is finally introduced. We passed last year's resolution with over 400 votes, very few "no" votes. I ask if we could work on this together to ensure that we have that kind of unanimity which I think is appropriate and would help to bring us together.

Mr. BOEHNER. I have not had a chance to read the resolution either, and you have not read the resolution. All I do know is that both Democrats and Republicans have worked closely together to develop the resolution. Again, I will be happy to take a look at it. And I would suggest to the gentleman, if you have any suggestions or concerns, let me know.

□ 1530

Mr. HOYER. I thank the leader for that. And I did not know whether our Democrats had worked with people on your side of the aisle. If that is the case, then when I read the resolution, I am sure I will be pleased. But if there are questions, I will bring them to the attention of the leader.

Mr. Leader, of course we have next week's schedule. Next week's schedule does not include the only appropriation bill that we have not yet passed. As you know, we have passed 10 out of the 11 appropriations bills. The Labor-Health bill was passed through the House Appropriations Committee and ready to report in June. So it has now been pending for approximately 60, 75 days.

Do you have any expectation that the Labor-Health bill will be brought to the floor within the foreseeable future?

I yield to my friend.

Mr. BOEHNER. The issue is under discussion. As the gentleman knows, there are a number of issues in that bill that have caused concern amongst Members. And while one of those appears to have been resolved, there are a number of other issues remaining there. There have been several discussions this week and I think there will be several more discussions next week about how to deal with that particular bill.

Mr. HOYER. I thank the gentleman for that observation. He refers to one or two of the issues in the bill. Obviously, one of the issues is the so-called Hoyer amendment, the Miller bill, which raises the minimum wage. We would hope that that would be brought to the floor. As you well know, we considered it with another bill. A number of items included in it. It went to the Senate. It didn't pass. We believe that the 6.6 million people on the minimum wage are hopeful that we will act before we leave here for the election.

I am very hopeful and I know our side is very hopeful that we could bring that bill to the floor with that amendment protected, voted up or down. If the Members think that we ought not to do it, fine. If the Members think we ought to do it, fine. And pass that bill to the Senate so we can complete the appropriations process.

Mr. BOEHNER. I think the gentleman is well aware that in July before the House went on its August district work period, the House voted to raise the minimum wage, and this bill is pending in the Senate and I am hopeful that the Senate will see fit to deal with it.

Mr. HOYER. Reclaiming my time, Mr. Leader, of course I appreciate your reiterating what we did and we all understand what we did. There are different perspectives on what we did. But I would reiterate this side's strong desire and hope that we would consider the issue of minimum wage on its own merits, as was done in the committee. As you know, it was passed in a bipartisan fashion in committee with one-fourth, I think, or maybe one-fifth of the Republicans in the committee voting for it.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. BOEHNER. We have rules in the House about legislating on an appropriations bill, and it is clear that the intent of the author was to legislate on an appropriations bill. I think the majority did the right thing by moving the authorizing language for the minimum wage through the Rules Committee and brought it to the House floor.

So, again, the House has dealt with this. I am hopeful that the Senate will deal with it soon

Mr. HOYER. I thank the gentleman for his comment. I understand what the rules are, and both sides have relatively regularly waived those rules when it wanted to do something. And if we want to raise the minimum wage for our workers, we can do it. That is our perspective. But I certainly appreciate the gentleman's further education on what the rules require.

Let me ask you this. It is not on the schedule for next week. Do you anticipate any additional legislation prior to the 29th of September which would further implement the recommendations of the 9/11 Commission? As you know, there are some 19 recommendations which Governor Kean and Congressman Hamilton have observed we have not acted on. Can you tell us whether there is any anticipation of scheduling action on those issues?

I yield to my friend.

Mr. BOEHNER. Over a year ago, the House worked to implement the recommendations of the bipartisan 9/11 Commission. And I believe that Members on both sides of the Capitol, on both sides of the aisle, decided to accept those recommendations that we thought would be helpful. Not all of the recommendations of the 9/11 Commission have, in fact, been adopted because, as I understand it, Members on both sides of the aisle and on both sides of the Capitol have rejected some of the ideas that they put forth.

As we all know, some of these independent commissions get established. They can make recommendations, but the real decisions about what we should enact into law should be left to the Members, and I think the Members have made their decisions very clear.

Mr. HOYER. I thank the gentleman for his observations, while I think we disagree on the substance of the reports and the merits of the recommendations that have not yet been passed. I know on our side, Mr. THOMPSON, who is our ranking member on the Homeland Security Committee, and others are very hopeful that we can move forward on those. But I understand what the gentleman has said.

I will not ask the gentleman further questions. But, Mr. Speaker, under my reservation I would say that we on this side of the aisle are very hopeful that we can consider legislation before we break on the 29th of September which would give the Secretary of Health and Human Services the authority to negotiate lower prescription drug prices for our seniors. We would hope that we would see legislation which would restore the deep cuts in college tuition assistance that were included in the deficit reduction bill that we passed some months ago and that we would reconsider the tax cuts that we gave, deep tax cuts, that we gave to oil companies apparently to spur further investment in exploration for new sources of oil. A worthy objective. But I think, happily or unhappily, depending upon your perspective, whether you are an oil company or whether you are a driver of automobiles and have to pay the gasoline prices, the companies are making great profits and could have great incentive because of those great profits to develop further sources of energy.

I would conclude by saying that we would hope the majority would seriously consider bringing to the floor all of those issues prior to the 29th.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I yield to my friend, the majority leader.

Mr. BOEHNER. Just so the gentleman understands, and I appreciate his yielding, I am happy to come here and have this colloquy with you about what is going to be on the floor and give you as much information as I can.

Now, I see that my friend from Maryland today has decided to employ a new tactic in bringing campaign themes to the floor during the colloquy. Now, I would be happy to engage in those, but it is not what the colloquy is for. And so I would be happy to engage the gentleman.

The Medicare drug bill has produced premiums for seniors far below, far below, any number that anyone ever expected. And what got us those low drug premium prices was the competition that was created in the creation of the program.

Secondly, when it comes to the college loan program that the gentleman referred to that there were cuts, if the gentleman would look at the bill, he will realize that we widened the ability of more students to get to college under this program than we have ever had. The fact is there are higher numbers for grant programs, higher numbers for what you can borrow from the program, and it could not be working any better. And as a result, the Deficit Reduction Act that we passed last year did, in fact, save $12.5 billion that came out of the hides of the lenders who were involved in the program.

So, again, I would be happy to engage you in this conversation, but we could probably do it under a Special Order rather than during the colloquy.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his observations, and perhaps I will take him up on that offer. That might be instructive for both of us and perhaps for the American people as well. I understand the gentleman's perspective. We differ. That is not surprising, I am sure, to the viewers.

But I will say this, Mr. Leader, if I can, that this is about discussing the schedule. We have a very short time frame. We have 14 days left that are scheduled in this session before the election, and we are coming back for a lame duck session. I understand that. But I was simply inquiring of you whether or not those matters which we believe are important might be on the schedule. I am not debating their merits or demerits at this point in time. I can do that and, as a matter of fact, look forward to discussing that in a Special Order with you. But we do believe it was in the realm of a discussion about what might be scheduled.

And I yield to my friend.

Mr. BOEHNER. I thank my colleague. And while we may differ on whether the glass is half full or half empty, I do have great respect for my colleague from Maryland.

Mr. HOYER. I thank the gentleman

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 8, 2006, TO TUESDAY, SEPTEMBER 12, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 12, 2006, for morning hour debate.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet the week of September 11 to grant a rule which could limit the amendment process for floor consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by noon on Tuesday, September 12, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on the Judiciary, which was filed with the House on July 21, 2006.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and they should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

APPOINTMENT OF CONFEREES ON H.R. 5122, G.V. "SONNY" MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT OF MARYLAND, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. DAVIS of Kentucky, SKELTON, SPRATT, ORTIZ, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, and Mr. ANDREWS.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. HOEKSTRA, Mr. LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 571 and 572 of the House bill, and sections 571, 572, 1081, and 1104 of the Senate amendment, and modifications committed to conference: Messrs. MCKEON, KLINE, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and sections 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Government Reform, for consideration of sections 343, 721, 811, 823, 824, 1103, 1104, and 3115 of the House bill, and sections 371, 619, 806, 823, 922, 1007, 1043, 1054, 1088, 1089, 1101, and 3115 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to conference: Messrs. KING of New York, REICHERT, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 1021–1023, 1201–1204, 1206, title XIII, sections 3113 and 3114 of the House bill, and sections 1014, 1021–1023, 1054, 1092, 1201–1208, 1210, 1214, title XIII, sections 3112 and 3113 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of section 1021 of the House bill, and sections 666, 1044, 1086, 1089, 1091, and 1094 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, and CONYERS.

From the Committee on Resources, for consideration of sections 601, 602, and 1036 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, WALDEN of Oregon, and GRIJALVA.

From the Committee on Science, for consideration of sections 312 and 911 of the House bill, and sections 333, 874, and 1082 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SODREL, and GORDON.

From the Committee on Small Business, for consideration of sections 874 and 1093 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 551, 601, 602, and 2845 of the House bill, and sections 333, 584, 601, 1042, 1095, 2842, 2851–2853, and 2855 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, and OBERSTAR.

From the Committee on Veterans' Affairs, for consideration of sections 666, 682, 683, 687, 721, and 923 of the Senate amendment, and modifications committed to conference: Messrs. BUYER, BOOZMAN, and Ms. HERSETH.

There was no objection.

☐ 1545

HONORING THE AHWATUKEE ALL-STARS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is a ritual of the school year where millions of American students return to class and offer an essay entitled, "What I Did on My Summer Vacation."

Mr. Speaker, for a special group of 11-, 12- and 13-year-olds from the Fifth Congressional District of Arizona, it is quite a daunting challenge, because, Mr. Speaker, that select group of young men, nicknamed The Dawgs, the all-stars of Ahwatukee's Little League advanced all the way to the Little League World Series in Williamsport, Pennsylvania.

This special team went out as winners. They won their final game but due to a rule for a tie-breaker had the unfortunate experience of not advancing. In fact, of the nine teams that won two games at Williamsport, sadly only the team from Ahwatukee did not advance. But they are more than exceptions, Mr. Speaker; they are true champions, not only the best in the west but a team that went out winners in Williamsport.

Mr. Speaker, I include in the RECORD the roster of this team and their championship season and would remark as I close, Mr. Speaker, with the observation that they have now entered the history of this House as well as the history of the Little League World Series.

ROSTER FOR AHWATUKEE DAWGS

#18 Michael Anderson, #16 Eric Camarillo, #3 Shaun Chase, #5 Max Harden, #9 Justin Hyden, #44 David Hulls, #11 Connor Kelly, #25 Sam Kingery, #17 Scott Kingery, #14 Chase Knox, #7 Ryan Modi, and #10 Hunter Rodriguez.

Overall Record: 4 Tournaments, 22–2.

Record in Williamsport: 2–1. Dawgs vs. Lemont, Illinois 1-0 (Win); Dawgs vs. Columbus, Georgia 4–1 (Loss); and Dawgs vs. Staten Island, New York 4–1 (Win).

TRUTH SQUAD ON WASTE, FRAUD AND ABUSE

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, the Truth Squad on Waste, Fraud and Abuse is charged with holding the Bush administration accountable for its mishandling of taxpayer dollars.

That is something that this Republican Congress has failed to do. On issue after issue, from Katrina to Iraq to border security, to health care, we have seen outrageous waste of American tax dollars. And this Congress has repeatedly failed to hold the administration accountable for it.

Today, the Truth Squad is unveiling the Golden Drain Award, which you see next to me in this picture. The Golden Drain is an award that will be displayed in my office, and it will be given each week to a recipient who has been most derelict in their duty as stewards of American taxpayer dollars. We will award this award next week for the first time.

All told, the Truth Squad has identified over $150 billion of American tax dollars that have gone down the drain of waste, fraud and abuse. Enough is enough, Mr. Speaker. It is time for accountability. It is time for a new direction. It is time to audit America's books.

NO AMNESTY FOR ILLEGAL ALIENS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, Americans are frustrated. Back in May, the Senate passed the "No Illegal Alien Left Behind" bill which hands rights and benefits to lawbreakers on a silver platter. Clearly we have a large hurdle to overcome in compromising with this very atrocious bill.

However, with each day that we fail to pass meaningful border security reform, Americans become anxious that we will do nothing or even worse that we may cave in to the Senate. I heard from more than 14,000 constituents over the last month who emphatically told me that they do not want amnesty for law breakers.

Listen up America: We must stand united behind the border security bill passed by the House, H.R. 4437, and to proclaim to Americans that we agree with them and we will never give amnesty to illegal aliens.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S. MILITARY'S READINESS PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, on July 5, 1950, near the city of Osan in South Korea, North Korean forces faced a battalion of American soldiers who had been sent to stop the Korean advance. This battalion of 406 soldiers was undermanned, under-trained and poorly equipped. These soldiers fought a 7-hour battle that ended in retreat, and with 150 American infantrymen killed, wounded or missing.

This battalion was known as Task Force Smith, and its failure was due to a lack of readiness on the part of our military after World War II. Today, Mr. Speaker, I am concerned that the low readiness levels of the Army and the Marine Corps are going to once again endanger our troops.

Mr. Speaker, I have spoken about readiness problems before. And it continues to concern me as this situation worsens. Let me be blunt. Our ground forces and their reserves face a crisis with manpower and equipment shortages and will be challenged to complete their missions should they be called to respond to an emergency.

Mr. Speaker, I have used the word "readiness" many times before. But I feel it necessary to clearly define its meaning. Readiness describes the condition of our military forces. It is a measure of how well they are manned, trained and equipped to complete the full range of missions necessary to defend our Nation.

This is why the falling readiness levels of our Army and our Marine Corps are so disturbing. They indicate that we may not be able to defend our Nation's interests wherever they may face challenges. The most striking example of this problem is with equipment. Over 40 percent of the Army and Marine Corps ground equipment is now deployed to Iraq or Afghanistan. It is wearing out as much as nine times faster than normal. Only 3 years in Iraq has placed as much as 27 years of wear on our equipment, forcing the Department of Defense to cannibalize the equipment of non-deployed units and the National Guard.

This cannibalization of equipment has left the Army without a single combat brigade in the Continental United States ready for all of their war-time missions.

Simply put, the war in Iraq is sapping our strategic base and leaving us with a broken Army. The Armed Services Committee is nearing agreement to add $20 billion to the Defense Authorization Act for next year to try to help fix this grave situation.

This will help, but the Department's readiness problems are too large to be fixed by a one-time investment. Together, the Army and Marine Corps need an astounding $29 billion in 2007 to repair or replace equipment damaged in Iraq and Afghanistan. The amount is only part of the overall bill that represents a snapshot in time of a problem that is large and continues to grow.

The problem has developed over time due to mismanagement and a failure on the part of the administration to adequately plan for Iraq. It cannot be solved overnight. Congress can continue to provide band-aids for readiness shortfalls by funding through supplementals, but the Army and Marine Corps are limping along. They cannot keep pace with falling readiness levels.

The only way to truly solve this problem is for the administration to commit to fully funding the needs of the Department of Defense. This country is at war. Americans have a right to expect the administration to realistically budget for national defense.

The stakes are high. Mr. Speaker, we cannot afford another Task Force Smith.

WAYZATA COMMUNITY CHURCH CELEBRATES 125 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to Wayzata Community Church of Wayzata, MN, on its 125th anniversary of ministry and mission.

Founded in 1881 by a dozen early settlers on Lake Minnetonka, Wayzata Congregational Church grew to 70 members within 2 years. In 1912, a new church was built, but it burned down 4 years later. Remarkably, it was rebuilt by a determined congregation in only 7 months.

Then, in 1948, the church officially became Wayzata Community Church, and ground was broken for a new building at Ferndale Road and Wayzata Boulevard in Wayzata, where this dynamic community of faith is located today.

With nearly 3,000 members, Wayzata Community Church is one of the five largest congregations of the United Church of Christ. My family and I are grateful members of this loving and nurturing congregation. Our church is a place of spiritual growth, compassionate support and committed service.

For 125 years, Wayzata Community Church has been a place of growth and renewal, fellowship, outreach, community service, music ministries, and children and youth ministries.

For 125 years, Wayzata Community Church has been there to help people in need, people suffering the ravages of poverty, homelessness, hunger, addiction, broken homes, disease and despair.

One hundred twenty-five years of providing food, shelter, clothing, transportation, counseling and support groups.

Wayzata Community Church, Mr. Speaker, is a key partner of Interfaith Outreach and Community Partners, a partnership of faith communities, other community organizations and individuals that serve low-income people in eight of our west suburban communities.

Wayzata Community Church's extensive commitment to doing the Lord's work here on Earth also includes programs such as Adopt a Family, Families Moving Forward, Hurricane Relief, Loaves and Fishes, Meals on Wheels, Salvation Army bell ringers, the legendary Women's Fellowship annual rummage sale, and the Sleep Out for the Homeless, to name but a few.

Wayzata Community Church, Mr. Speaker, is truly a church that lives out the biblical command to love God, love others and serve the least amongst us.

The church is also a lively hub of activity in the Lake Minnetonka area for seniors, children and their friends and people of all ages. From music performances, authors, workshops, scouting, support groups, basketball games, nursery schools, you name it, it is all there at Wayzata Community Church.

Wayzata Community Church has also been blessed with truly visionary and dedicated leadership over the past 125 years.

On this historic anniversary, we are especially grateful for our current senior minister, Reverend Dr. John Ross, and the entire pastoral staff, the Reverends Teresa Chamberlain, Kristen Jeide, Dr. James Newby and S. Linda Purdy.

We are also very thankful to all of the clergy who have served Wayzata Community Church during the past 125 years, as well as the other church staff, lay leaders, teachers, musicians, choir members, volunteers and other friends and members of Wayzata Community Church.

Mr. Speaker, on this special anniversary of Wayzata Community Church, let us pay tribute to 125 years of ministry and mission and pray that this wonderful community of faith will provide many more years of spiritual growth, support and service to the people of the Lake Minnetonka community.

☐ 1600

RESTORING DEMOCRACY TO AMERICA

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, you can always tell when the Republicans fear an upcoming election because they start apologizing for their past transgressions.

So it should come as no surprise that the President finally acknowledged the presence and use of secret CIA prisons. The American people happen to think that the U.S. Constitution is a document that was never intended to be shredded and discarded like last week's newspaper, but that is exactly what is happening by the President and his rubber-stamp Republican Congress.

We do not have to subvert the freedoms and principles that make us Americans so that the President can fumble his way through finding and fighting terrorists like bin Laden.

We still believe in the rule of law, the first amendment, the Constitution, and the Bill of Rights. We believe in the Geneva Convention, and the President undermines the American credibility, power and leadership around the world by dismissing a document so important that it is incorporated into the manuals of the U.S. Armed Forces.

America is not a democracy at your convenience, Mr. President. Without the protections provided by the first amendment, the American people might never have known about the abuses at Abu Ghraib; and without the first amendment, the American people would have never known about the unauthorized wiretaps of the American people, even when there is a secret court specifically set up to enable America to defend itself without destroying the Constitution and the Bill of Rights in the process.

The American people still believe in the rule of law, and they can see that the President suspended the Constitution, the Geneva Convention, and the Bill of Rights because he finds them inconvenient.

The policies of this administration and the Republican Congress have not made America safer, but America is in danger on a whole new front, Presidential indifference to the principles and ideals that we are fighting for.

The President was given the tools and the resources after 9/11, but he pulled out before the job was done. He diverted our soldiers and resolve from Afghanistan to Iraq. It was a bad decision then, and it has become disastrous now in both places.

But with an automatic rubber-stamp Congress in the House and the Senate, the President could tell them what to think, tell them how to vote and get whatever he wanted. There was no balance in our government to ask the tough questions and hold the President accountable. There still is no balance in our government that can protect the American people and our founding policies from the brute force of the Republican power machine.

The President finally admitted he authorized secret CIA prisons, and in the next breath, demands the Congress authorize him to keep doing whatever he wants. And if the Republicans remain in power, they will do exactly what the President wants. No debate, no balance, nothing short of outright misrepresentation of the American people.

The Republicans misrepresent the American people when they rubber-stamp everything the President wants. That is not how America works, and it is not how democracy works. America is all about balance, debating different points of view, coming together as one Nation, standing on common ground. But that fundamental approach requires accountability, and there has been none under the Republicans.

For goodness sake, the Republicans could not even swear in Big Oil CEOs when they were called to Capitol Hill over skyrocketing prices. Republicans could not require these people to swear to tell the truth. Maybe they did; maybe they did not. We will never know.

And that is what the midterm election is really all about. America is tilted not merely to the right, but off the map entirely. Neocons who no one elected are telling the President and the Vice President what they are expected to do and what the Republican Congress will pass.

The American people may not understand the rules of Congress; but know this, Republicans delay every vote on the floor of this House until they can twist enough arms to get what the neocons behind the curtain want. Debate is gone. Accountability is gone. And that is why the Republican control should be gone.

The Republicans have squandered their chance to govern. Republicans have shortchanged the American people for 12 long years. With free speech and free press, now the American people know it.

November is about restoring democracy to the Nation best able to protect it. November is about restoring balance to a Republican Congress that has forgotten that it works for the people, not for the neocons. No democracy can survive without a Congress that looks at the President's policies and asks questions and sometimes says no.

This President has had a free hand for far too long, and this election is a referendum on President Bush. If you want more, vote for a Republican. If you want to change it, vote for the Democrats

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THANK GOD FOR THIS DEMOCRACY AND THOSE PROTECTING IT

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent to speak out of turn for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized.

There was no objection.

Mr. GOHMERT. Mr. Speaker, we hear people across the aisle talk about, gee, a rubber-stamp Congress. Well, I can point to you, that is the reason there is no immigration or border bill right now is because this is not a rubber-stamp Congress. The President wants some things that we simply cannot provide.

But when we talk about the allegations about Republicans or the President shredding the Constitution, let me tell you, he does not shred the Constitution. He has sworn to protect it, and I am proud that people who want to destroy the way of life that we have in this country, people that believe that freedom and democracy and self-government is a terrible thing, they think that that leads to debauchery and degradation, and therefore, you need some holy ayatollah that tells you everything you can or cannot do, that sends women back to being chattels as they never should have been but still are in some areas of the world, that is what they want to do to this country. They want to destroy people. They want to kill us, and we have a President that understands that.

Now, across the aisle we have some folks who want to be part of the blame America first crowd. They want you to know, gee, we are so bad, we are so terrible, look at Abu Ghraib. I asked my good friend SAM JOHNSON that serves here in the Congress what he thought about if he had been given a choice between the absolute horror that he went through in the North Vietnam prison compared to what happened at Abu Ghraib. It was a no-brainer.

What happened there was abuse. The people have gone to prison. They have been punished. What happened to American prisoners in North Vietnam, North Korea, what happened to American prisoners among those killers, those just blood-sucking, killing democracy, wanting to destroy people, terrorists, jihadists, cutting our people's heads off with dull instruments on camera, and that is who you want to embrace? There are even some people here in Washington that before Saddam went down, he flew over there. Never mind that Saddam was a murdering, blood-sucking thief who killed thousands and thousands. We go over and embrace Saddam and then come back and call our President the one in the wrong? My goodness, the blame America first crowd.

Those who want to blame Bush and Rumsfeld for the terrorist acts have missed the whole point. Since 1979 there has been a war going on. We just did not know it. We had a President then who allowed an act of war under international law, the attack of our embassy in Iran, to go unpunished, and for over a year, all we did was beg them to please release our hostages. It sent a bad message.

We were hit again in 1983 with the barracks. We were hit all through the 1990s with acts of war, including the first attack on our own continent at the World Trade Center in 1993. What did the Democratic administration and Democratic Congress do? Well, they wanted to prosecute them in civil court here in America instead of treating it as an act of war.

This President understands we are in war. Now we have a Supreme Court that has expressed concerns about Guantanamo. I went to Guantanamo, and having been a judge and chief justice, I have toured a lot of prisons. That was the nicest prison I have ever visited where the prisoners are being kept. But you know what we noticed? We were told do not let the prisoners hear you because they will think you are with the Red Cross or somebody. One of the people with us, and they heard somebody there and they started all of sudden going from laughing and being giddy and funny between themselves to, oh, please help me, I am being tortured and all this baloney. Well, they are playing to the crowds. That was obvious.

I would submit if the Supreme Court is all that concerned, we need to put that hurricane fence back around the Supreme Court building that was there during construction recently and move those people from Abu Ghraib so they can watch them directly and they can look out their windows, maybe let them use their restroom facilities so they can supervise more closely what this administration is trying to protect us from.

You cannot blame President Bush and Rumsfeld for the current terrorist attacks unless you are squarely willing to put the blame for 9/11 on the Clinton administration because that is when it was planned, that was when it was prepared and almost completed, and then it carried over and was finished during this administration. This President saw it for what it was, an act of war that had to be addressed.

The price for liberty, as our forefathers said, is eternal vigilance. We cannot keep blaming America first, as our friends across the aisle want to do. We have to recognize, as this President and this Secretary of Defense has, we are in a war against us, and we finally have an administration that recognizes that and is out to protect us and protect the Constitution. Thank God for this democracy and those protecting it.

□ 1615

IRAQ POLICY

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, yesterday I had the honor to visit a group of folks gathered on the Mall as part of Camp Democracy, a nonpartisan camp for peace, for democracy and for the restoration of rule of law.

Those who gathered are relentlessly working to promote peace and justice. They bring great passion to our shared struggle. They have led one of the most important and powerful grassroots movements in recent memory, and because of the pressure they have applied and the eloquence with which they have made the case, the immorality of the Bush Iraq policy has been exposed.

Mr. Speaker, in a few months, our troops will have been in Iraq for as long as their grandfathers fought in World War II. But unlike the struggle against Nazism, this has been an unmitigated disaster, a national tragedy and a moral outrage. More than 2,650 soldiers of our own are dead, nearly 20,000 wounded by the Pentagon's own count and countless more psychologically traumatized. And for what? So we could make the world a more dangerous place and increase the terrorist threat? So we could create more jihadists and inspire more hatred for Americans among Muslim extremists? So we could foment a bloody civil war and rip a nation apart at its seams, killing tens of thousands of innocent civilians for the cause of their so-called liberation?

Like the people at Camp Democracy, I have been speaking out against this war and this occupation even before they began. I have held forums, forced votes on resolutions and joined demonstrators at rallies across the country. Most recently, I introduced a bill that would rescind the President's authority to use force in Iraq, authority that was granted in 2002 under what we now know are false pretenses. I will not give up this fight until every last American soldier has been returned home to his or her family.

But even after that, we will have plenty of work to do, because Iraq is only a part of the problem. The real problem is a foreign policy that uses too much brawn and not enough brains. The real problem is an approach to national security that says might is always right; that says, when it doubt, shoot first and ask questions later. What we need is to completely overhaul the way we handle global conflict and prevent wars from starting in the very first place.

Working with the Friends Committee, working with WAND and working with Physicians for Social Responsibility, I created the SMART Security plan, which was introduced in the House in 2005. SMART would do just what I was talking about. SMART stands for Sensible Multilateral American Response to Terrorism. It emphasizes peacekeeping and diplomacy instead of invasion and occupancy. It rejects war in all but the most extreme circumstances. It fights terrorism with stronger global partnerships and with sound diplomacy, with better intelligence, with tough weapons inspections but without violating our civil liberties and fundamental freedoms.

SMART would put more resources into securing loose nuclear material and ensuring the United States lives up to the commitments we have made in our Nation on nuclear nonproliferation. SMART would wean us off Middle Eastern oil. It would invest in renewable energy technologies instead of Cold War weapon systems that have outlived their usefulness. SMART would dramatically increase development aid and debt relief for the poorest countries in the world to combat the deprivation and despair that often gives rise to terrorism in the first place. It protects not by wreaking violent havoc around the world but by staying faithful to the most honorable American values.

Armed conflict around the world is destroying our bodies and our souls. I am particularly troubled by the devastating impact this war is having on our children. Our children are the war's most tragic victims. Children represent a disproportionate number of civilian deaths in conflicts worldwide. And for many who survive, their education is disrupted, their communities destroyed and their families separated.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2007 and for the 5-year period of fiscal years 2007 through 2011. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 401 and 501 of H. Con. Res. 376, which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 818. This status report is current through September 1, 2006.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 376. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2007 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 376 for fiscal year 2007 and fiscal years 2007 through 2011. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2007 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2008 of accounts identified for advance appropriations under section 401 of H. Con. Res. 376. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table provides the current level of the nondefense reserve fund for emergencies established by section 501 of H. Con. Res 376. The table is required by section 505 of the budget resolution, and is needed to determine whether an increase in the reserve fund, allocations and aggregates will be necessary for any pending legislation that contains emergency-designated discretionary budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2007 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONFERENCE RESOLUTION 376

[Reflecting Action Completed as of September 1, 2006—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2007	2007–2011
Appropriate Level:		
Budget Authority	2,283,029	(1)
Outlays	2,325,998	(1)
Revenues	1,780,666	10,039,909
Current Level:		
Budget Authority	1,376,976	(1)
Outlays	1,712,503	(1)
Revenues	1,787,468	10,182,129
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−906,053	(1)
Outlays	−613,495	(1)
Revenues	6,802	142,220

[1] Not applicable because annual appropriations Acts for fiscal years 2008 through 2011 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2007 in excess of $906,053,000,000 (if not already included in the current level estimate) would cause FY 2007 budget authority to exceed the appropriate level set by H. Con. Res. 376.

OUTLAYS

Enactment of measures providing new outlays for FY 2007 in excess of $613,495,000,000 (if not already included in the current level estimate) would cause FY 2007 outlays to exceed the appropriate level set by H. Con. Res. 376.

REVENUES

Enactment of measures that would reduce revenue for FY 2007 in excess of $6,802,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 376.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2007 through 2011 in excess of $142,220,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 376.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 1, 2006

[Fiscal years, in millions of dollars]

House Committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	45	45	45	45
Current Level	0	0	0	0
Difference	−45	−45	−45	−45
Education and the Workforce:				
Allocation	0	1	0	30
Current Level	16	119	178	−1,733
Difference	16	118	178	−1,763
Energy and Commerce:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Financial Services:				
Allocation	0	0	2	2
Current Level	0	0	−3	−3
Difference	0	0	−5	−5
Government Reform:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	1	1	5	5
Current Level	0	−5	0	−12
Difference	−1	−6	−5	−17
Judiciary:				
Allocation	19	16	116	113
Current Level	0	0	0	0
Difference	−19	−16	−116	−113
Resources:				
Allocation	0	0	6	6
Current Level	0	0	0	0
Difference	0	0	−6	−6
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	13	13	22	22
Current Level	0	−3	−4	−19
Difference	−13	−16	−26	−41
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	−3	−3	0	0
Difference	−3	−3	0	0
Ways and Means:				
Allocation	0	0	0	0
Current Level	0	1	−4	−3
Difference	0	1	−4	−3

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of June 6, 2006 (H. Rpt. 109–488)		Current level reflecting action completed as of September 1, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,812	19,497	7	5,827	−17,805	−13,670
Defense	377,357	393,165	42	142,855	−377,315	−250,310
Energy & Water Development	30,017	31,411	0	12,624	−30,017	−18,787
Foreign Operations	21,300	23,441	0	14,607	−21,300	−8,834
Homeland Security	32,080	38,711	0	19,234	−32,080	−19,477
Interior-Environment	25,889	26,902	0	10,660	−25,889	−16,242
Labor, HHS & Education	141,930	145,631	19,168	100,082	−122,762	−45,549
Legislative Branch	4,030	4,013	0	622	−4,030	−3,391
Military Quality of Life-Veterans Affairs	94,705	88,728	−2,329	18,768	−97,034	−69,960
Science-State-Justice-Commerce	59,839	62,143	0	23,536	−59,839	−38,607
Transportation-Treasury-HUD-Judiciary-DC	67,819	130,069	4,273	75,894	−63,546	−54,175
Unassigned	0	0	0	0	0	0
Total (Section 302(a) Allocation)	872,778	963,711	21,161	424,709	−851,617	−539,002

Statement of FY2008 advance appropriations under section 401 of House Concurrent Resolution 376, reflecting action completed as of September 1, 2006

	Budget Authority
Appropriate Level	23,565
Current Level:	
Elk Hills	0
Corporation for Public Broadcasting	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation (highway, transit, Farley Building)	0
Payment to Postal Service	0
Section 8 Renewals	0
Total	0
Current Level over (+) / under (-) Appropriate Level	−23,565

Statement of nondefense reserve fund for emergencies under section 501 of House Concurrent Resolution 376, discretionary budget authority for FY2007 reflecting action completed as of September 1, 2006

[In millions of dollars]

	Budget Authority
Appropriate Level	6,450
Current Level	0
Current Level over (+) / under (−) Appropriate Level	−6,450

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 7, 2006.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through September 1, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives. Although the House and the Senate have not reached agreement on a concurrent budget resolution for 2007, H. Con. Res. 376 has the force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress pursuant to House Resolution 818.

Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes the exempt amounts that affect 2007 spending (see footnote 2 of the report).

Since my last letter, dated June 28, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2007:

The Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241);

The Returned Americans Protection Act of 2006 (Public Law 109–250);

An act approving the renewal of import restrictions contained in the Burmese Freedom Democracy Act of 2003 (Public Law 109–251);

An act to provide funding authority to facilitate the evacuation of persons from Lebanon (Public Law 109–268); and

The Pension Protection Act of 2006 (Public Law 109–280).

In addition, corrections have been made to the final scoring for both the Native American Technical Corrections Act of 2006 (Public Law 109–221) and the Mine Improvement and New Emergency Response Act of 2006 (Public Law 109-236). These corrections resulted in an $11 million increase and a $4 million increase in revenues, respectively.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 1, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a	n.a	1,819,599
Permanents and other spending legislation	1,355,241	1,303,587	n.a.
Appropriation legislation	0	409,185	n.a.
Offsetting receipts	−549,710	−549,710	n.a.
Total, enacted in previous sessions:	805,531	1,163,062	1,819,599
Enacted this session:			
An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 (P.L. 109–204)	−1,000	−520	0
Native American Technical Corrections Act of 2006 (P.L. 109–221)	11	11	11
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−32,674
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−4
Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233)	−3	−3	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)[2]	0	388	168
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	1	0	5
Coast Guard and Maritime Transportation Act of 2006 (P.L. 109–241)	0	−3	0
Returned Americans Protection Act of 2006 (P.L. 109–250)	0	1	0
An act approving the renewal of import restrictions contained in the Burmese Freedom Democracy Act of 2003 (P.L. 109–251)	0	0	−1
An act to provide funding authority to facilitate the evacuation of persons from Lebanon (P.L. 109–268)	0	−5	0
Pension Protection Act of 2006 (P.L. 109–280)	15	119	363
Total, enacted this session:	−976	−12	−32,131
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted	572,421	549,453	n.a.
Total Current Level[2] [3]	1,376,976	1,712,503	1,787,468
Total Budget Resolution	2,283,029	2,325,998	1,780,666
Current Level Over Budget Resolution	n.a	n.a	6,802
Current Level Under Budget Resolution	906,053	613,495	n.a.
Memorandum:			
Revenues, 2007–2011:			
House Current Level	n.a	n.a	10,182,129
House Budget Resolution	n.a	n.a	10,039,909
Current Level Over Budget Resolution	n.a	n.a	142,220
Current Level Under Budget Resolution	n.a	n.a	n.a

1. The effects of the Deficit Reduction Act of 2005 (P.L. 109–171) and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (P.L. 109–173) are included in this section of the table, consistent with the budget resolution assumptions. In addition, the scoring for the Deficit Reduction Act of 2005 includes savings from corrections to two provisions (in sections 8006 and 10002) not yet enacted, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude $48 million in budget authority for 2007 and $39,461 million in outlays for 2007 from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a.=not applicable, P.L.=Public Law.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I rise this evening as we come to the floor again as part of what we have come to call our Iraq Watch, and I am grateful that we are joined by several colleagues this evening, Mr. BISHOP from New York, Mr. MCDERMOTT from Washington State, and others that will be joining us throughout this early part of the evening.

Now, let me start, as we always have, by recognizing the valiant service of the men and women who wear the uniform. And as our leader Ms. PELOSI often says, our men and women who wear the uniform deserve a leadership that is worthy of the sacrifice that they make on a daily basis. I am proud of this Congress, inasmuch as it has been able to distinguish the warriors from the war, and so we continue to honor those brave men and women who wear the uniform of this country and who sacrifice daily on our behalf.

And yet, as events unfold around the globe, but specifically in the Middle East as it relates to Iraq, what we find is even amongst those who initially favored the war, such as pundits like Thomas Friedman, who now have come to say that we have got to come to the realization that we are no longer midwifing democracy in Iraq but, in essence, babysitting an insurgent civil war. So this evening we come here to discuss Iraq from the context of the mistakes that have been made and the need for accountability, starting with the resignation of the Secretary of Defense.

At some point, somewhere along the line, there has got to be accountability for the actions that have transpired in Iraq. We were wrong about the information that led up to going into the war. In fact, the strongest critics against us going into the war were people such as Scowcroft, Eagleburger, Kissinger and Baker, hardly left-leaning liberals, but people who understood international policy and the severe consequences that would result if we ended up going into Iraq without the full support of the world. And so Americans everywhere kind of have to scratch their heads and say, how is it that we had the entire world with us when we invaded Afghanistan and end up virtually with no support in Iraq.

It is clear from discussions with policymakers and former generals that a series of mistakes have been made, not the least of which was going against our own national policy, the Weinberger Doctrine, which stated very clearly the United States should never go to war against another country unless its vital interests are threatened; and the Powell corollary to that, if we do go in, we should go in with overwhelming force.

In both cases, that doctrine and corollary were rejected in favor of the doctrine of preemption and unilateralism, which has left our allies looking at us as we twist slowly in the winds of Iraq, as Friedman says, babysitting an insurrection and civil war while our most precious of resources, our men and women who serve this country, are in harm's way.

We need a new direction. We ought to send a very clear signal to the world, to the people in this country that it is time for accountability; that it is time to say that mistakes were made and then move on. And we can start with Defense Secretary Rumsfeld stepping down, as he should.

The head of the 9/11 Commission has indicated to both Republicans and Democrats alike that we need to continue to adopt those resolutions and recommendations that they have found in their studies, 20 of which still aren't implemented, which is over half. And so in order to prosecute the war on terror, we have got to be able to accomplish those goals. But without a Congress that wants to hold the President accountable, that is not going to happen.

A gentleman that has been doing just that and speaking out in his district has been TIM BISHOP of New York, and at this time, I would like to yield to him.

Mr. BISHOP of New York. I thank my friend from Connecticut for yielding, and I also thank him for his ongoing leadership on this and so many other issues of importance here in our Congress.

Let me just pick up on a few comments that were made with respect to oversight and accountability. And I find it particularly ironic, when one studies the tragic history of our involvement in Iraq, and whether it begins with the misuse of prewar intelligence or whether it begins in effect with the reasons that we were given for going to war, none of which turned out to be accurate, all of which turned out really to be more about marketing a war than about a real threat that imperiled our safety and security, that we are now being told by these very same people that have led us so far astray, that have so weakened our Nation and so exposed us to a war on terror that we must fight much more vigilantly than we have thus far; we are now being told that these are the people that we must continue to keep in leadership positions in order to keep us free and safe. And, in fact, it is their very leadership, and I am speaking specifically about the Secretary of Defense and other civilian leaders in the Pentagon, that have led us so far astray.

When you chronicle the mistakes that were made in Iraq, we best-cased the result of our involvement in Iraq and we worst-cased the threat that was there. We invaded with too few troops. We have certainly sufficient troops to overthrow a regime that spent a fraction on defense relative to what we spend on defense, but we invaded with too few troops to secure the peace. We failed to secure the borders. We failed to secure ammo dumps. We failed to see to it that our troops were properly equipped and outfitted, and that was because the leadership of the Pentagon refused to accept the warnings that had been given by so many different experts in this area, that we weren't going to be welcomed with open arms, that we weren't going to be treated as conquering heroes and liberators, but in fact we were going to be viewed as occupiers and invaders.

But our troops arrived with insufficient body armor, with insufficiently armored vehicles because this insurgency was not recognized or anticipated. And yet we have these very same people telling us that they are the ones that are going to keep us safe.

☐ 1630

I will just say one other thing, and then yield back. I think this is an administration that specializes in giving us false choices. We are now being presented with the latest false choice, and that is that those of us who do not support the "stay the course" in Iraq can be accused of wanting to abandon the war on terror.

Nothing could be further from the truth. There is not a soul on our side of the aisle that would advocate abandoning the war on terror. Everyone on our side of the aisle would advocate continuing to wage that war, but to wage it with the full resources of this Nation and to wage it much more intelligently than we have thus far.

The sad truth about our involvement in Iraq is that it has stripped us of the resources that we need to wage the war on terror. It is why Osama bin Laden remains at large 5 years after September 11, and it is why al Qaeda remains as powerful as it is.

Mr. LARSON of Connecticut. If the gentleman will let me ask a question, knowing you are from New York and knowing specifically you are from Long Island, and, of course, with a solemn date approaching us of September 11, do most citizens in New York understand, in your estimation, the difference between the war on global terrorism and the war in Iraq and see them as different subject matters, or, as IKE SKELTON on the Armed Services Committee has been so nobly trying to demonstrate, the difference between the insurrection and civil war in Iraq and the war on terror? Or has the administration's attempts to blur the lines confused people? What is the sense of New Yorkers?

Mr. BISHOP of New York. My sense is that New Yorkers have not been fooled. My sense is that New Yorkers, and there is hardly a New Yorker who did not lose a loved one or did not lose a friend in the Twin Towers, most New Yorkers recognize that we are fighting two separate and distinct wars, despite, as you say, the administration's efforts to blur the distinction and to cojoin them in an effort to justify something that the vast majority of Americans now recognize was a tragic mistake.

When I go around my district, one of the questions I ask people is do they feel safer today, in August of 2006, than they did on September 12, 2001, and the answer overwhelmingly is no. The answer overwhelmingly is no.

I think most people recognize in my district, and I am grateful for this, that the war in Iraq, which was purportedly to make us safe, make us more safe, has in fact imperiled us beyond where we were the day we invaded.

I think that that is an important recognition and an important distinction for those of us who recognize the distinction needs to continue to be made.

Mr. LARSON of Connecticut. We have been joined by the gentleman from Massachusetts. I think for a number of our listeners, really the whole idea for coming to this floor came from BILL DELAHUNT. The idea really wasn't hatched here on the floor of the House of Representatives. It was an idea that was hatched in town hall meetings in Nantucket and on the Cape that BILL DELAHUNT held. He encouraged other Members, including myself, who had them in West Hartford and Manchester, Connecticut, and from there, because our voices were muffled. Or if you spoke out against the war, you were deemed unpatriotic. But it was because of his efforts in organizing an Iraq Watch that this has persisted and the truth has been able to continue to come out with regard to our involvement.

At this time I yield to the gentleman from Massachusetts, the founder of this great movement.

Mr. DELAHUNT. I thank the gentleman for yielding. I think, tragically, and I mean this sincerely, tragically those of us who spoke out early against the invasion in Iraq, because we believed that there was not significant evidence which established that Iraq was a clear and present danger to the United States and our allies, we have been proven to be correct.

TIM BISHOP, our colleague from New York, used the term "abandoned." Accusations have been made that some who have criticized the competence and the rationale of this administration regarding Iraq have "abandoned" the war on terror. That is patently false. That is untrue. There is no relationship between the war against terrorism and the war in Iraq.

Now, let me put forth a hypothesis: this administration abandoned the war against terror in a very real way when we were distracted by the neoconservative vision of invading Iraq, because the consequence of the invasion of Iraq was in a large degree the diversion of those assets and initiatives that were necessary to secure Afghanistan, where al Qaeda had been harbored, where al Qaeda thrived, and where there was an opportunity to apprehend Osama bin Laden.

But, no, we were more interested in Saddam Hussein, who was an arch-enemy of Osama bin Laden. Osama bin Laden considered Saddam Hussein an apostate, an infidel, an enemy of his version, his perverted version, of Islam. In fact, in 1994, it was Osama bin Laden who approached the Saudi royal family and suggested they combine forces and depose Saddam Hussein because he was an apostate; he was a defiler of Islam.

So what do we have today? We have a situation in Afghanistan where the headlines now read: "A Resurgence of the Taliban." That government that harbored and gave support to Osama bin Laden and al Qaeda, they are coming back. Another headline in the past 2 days, the British general who heads the NATO deployment in Afghanistan made this plea: "I need more troops or we will lose Afghanistan."

So who abandoned the war on terror? Who abandoned the war on terror? Do not confuse the war in Iraq and the war on terror. We all have an obligation to educate ourselves about the differences, the nuances, the realities on the ground. This is too important. This is about our future, and this is about the future of American generations far into the next decades.

I know my colleague from Maryland who has joined us, CHRIS VAN HOLLEN, has a specific interest in Afghanistan. What is happening today in Afghanistan is a disgraceful example of the incompetence and the legacy of this administration's policy by going into Iraq.

And what have we achieved? We have achieved a resurgence of the Taliban and other terrorist elements in Afghanistan. By the way, what else we have achieved is we have created a new superpower in the region, Iran. Because while we are standing here discussing among ourselves this region in the world, let it be very clear to the American people that there is an emerging warm relationship between Iran and the new government in Iraq. Do your homework, and you will discover that there is a bilateral military cooperation agreement that exists today between Iraq and Iran.

Mr. LARSON of Connecticut. I would like to ask the gentleman a question: What you are telling me and you are telling our viewing audience this evening, you voted, and I believe the vote was near unanimous in the House of Representatives and the Senate, to invade Afghanistan in Operation Enduring Freedom; is that correct?

Mr. DELAHUNT. I voted, and, again, with one exception out of 435 Members, there was a unanimous vote here in this Chamber, bipartisan, Republicans and Democrats and Independent, to go to Afghanistan and destroy al Qaeda and find Osama bin Laden and apprehend him.

Mr. LARSON of Connecticut. Was not the rest of the world united in that effort with the United States?

Mr. DELAHUNT. I have this vivid memory of the day after 9/11, a headline that appeared in the paper of record in France that said: "We Are All Americans Today." We had support in every corner of the world for what we were doing. We would have succeeded in the war on terror by now. But, no. But, no. We invaded Iraq, and clearly that has created implications for our national security.

If I may just for one moment, and I am not alone when I say this, it is interesting, today in the Wall Street Journal a former Republican Speaker of the House of Representatives, Newt Gingrich of Georgia, who succeeded in securing a majority for the Republican Party in this House in 1994, was quoted. Remember, this is a Republican, a leader. The speculation is that he is considering running for the Presidency in 2008.

This is what Newt Gingrich had to say. Just consider the following: "Osama bin Laden is still at large." I agree. "Afghanistan is still insecure." I would suggest that it is unraveling. "Iraq is still violent." 3,000 deaths a month. "North Korea and Iran are still building nuclear weapons and missiles. Terrorist recruiting is still occurring in the United States, Canada, Great Britain and across the planet."

Those are Newt Gingrich's words, today, in the Wall Street Journal.

Mr. LARSON of Connecticut. So how is it then, given all that you have said, that with the world behind us in support of Operation Enduring Freedom, that we would, if you will excuse the phrase, why did we "cut and run" in Afghanistan and then focus on Iraq?

As the gentleman from New York pointed out, people are able to distinguish between the enemy who actually knocked down the Twin Towers in New York, struck the Pentagon, and, as Tim Roemer pointed out yesterday, were it not for those brave souls on Flight 93, would have hit this Capitol. How did we go from the whole world being behind us, abandoning what has become, as Mr. VAN HOLLEN often points out, the forgotten front in Afghanistan, take our eye off the prize and expend the amount of money, and, most importantly, our most precious resource, our men and women who serve this country in Iraq?

□ 1645

Mr. DELAHUNT. Well, if one reviews the memoir of Paul O'Neill, former Republican Secretary of the Treasury, who served in this Bush administration for 2 years, and in that capacity was a member of the National Security Council, you will discover that he was as surprised as anyone when 10 days after this President was inaugurated at a National Security Council meeting, there was a discussion about Iraq and the need to remove Saddam Hussein who, about 6 weeks later on February 22 of 2001, months before 9/11, there was a meeting when Secretary Rumsfeld had a map of the oil fields in Iraq spread out on a table.

The discussion, it was prepared by the Defense Intelligence Agency, and there was a discussion about how those oil fields would be divvied up between nations and various big oil companies.

Mr. VAN HOLLEN. Thank you, Mr. DELAHUNT, and thank you, Mr. LARSON, and others who are gathered here to talk about these very important national security questions. As you pointed out, Mr. DELAHUNT and Mr. LARSON, we have taken our eye off the ball here. As we approach the terrible fifth anniversary of the tragic attacks of 2001, September 11, it is important to remember that the attacks upon our homeland were launched by al Qaeda from Afghanistan and had nothing to do with Iraq, nothing to do with Iraq.

Yet here, as we gather 5 years later, we have not finished the job in Afghanistan. We have not finished the job against al Qaeda. Indeed, the situation is now getting worse today than it was a year ago and even a year before that.

Now, the President has said in the last 10 days that he wants to have a national conversation about Iraq and national security, and he has delivered a number of speeches. But when you listen to what he has had to say, it is clear that unfortunately once again he is not interested in the national conversation. Conversation implies a give and take, a dialogue, an exchange of views.

But when you listen to the President, on the one hand he lays out his idea of what he wants to go forward and then engages in finger-pointing and name calling of anybody who disagrees with him. Secretary Rumsfeld and Vice President CHENEY have gone around this country engaging in name calling and finger-pointing against anyone who disagrees with them.

They got all the answers, they tell us. You know what? For years and years they have gotten away with that by the majority in this Congress. The Republican majority in this Congress has essentially said, yes, you two have all the answers, and we are going to write you a blank check, and we are not going to ask you the hard questions.

Well, I am glad the President wants to have a big national conversation. Let's make this a real conversation on national security. I say, let's have it, because I think when the American people look at the facts on the ground, and the fact that this administration has made our world and our country a much more dangerous place than it otherwise had to be, that people will ask questions about whose judgment is best in these matters.

Let us just think back to May 2003 aboard the aircraft carrier USS *Lincoln*. The President gave a speech with a big banner behind him, "mission accomplished," mission accomplished. That was May 2003, more than 3 years ago. We haven't finished the mission in Afghanistan, and we have got a mess on our hands in Iraq.

Let us just think back to more than a year ago. Vice President CHENEY said that the insurgency in Iraq was in its, quote, final throes, the last gasp.

Well, we just had a Pentagon report come out a few days ago. Here is what they had to say about that. In addition to a budding civil war or a civil war, they say the Sunni-based insurgency remains, quote, potent and viable.

For years now Secretary Rumsfeld has been giving us these sorts of rosy scenarios about what would happen in Iraq, and he has been proven wrong again and again and again.

So when the President and his people say to the American people, we have got all the answers, I think the American people get it now that they don't have all the answers. We need to have this debate and this discussion.

Let me just quickly go back to the issue of Afghanistan, because the world was with us. We were united as a Nation, we were united as a NATO alliance, and we were united as an international community. The United Nations unanimously passed a resolution saying they were with the United States in its war on terror and its war on al Qaeda.

Yet, today, al Qaeda is still active, they are still plotting, they are still trying to do harm to Americans and others around the world. Yet, if you look at what is happening in Afghanistan right now, we have got to be concerned. The United States is not doing all that it should in Afghanistan. The major resurgence has occurred in the southern part of Afghanistan. That has been the stronghold for the Taliban. Yet we have reduced, reduced, the number of U.S. forces in southern Afghanistan.

Second, we, the Bush administration, disbanded the only unit within the CIA whose specific mission was to go after al Qaeda. They said, we don't need it anymore. That's what they said about a month ago. That was before the President again quoted Osama bin Laden a few days ago in one of his speeches for why we still need to be concerned. Well, we should be concerned. That is why what we are doing in Afghanistan has not made sense.

Third, we just learned the other day that the opium production in Afghanistan is at an all-time record, all-time record. We know that the funds from those sales of those drugs are being used to fuel al Qaeda and the Taliban.

Finally, finally, we just learned yesterday of this agreement now between the Government of Pakistan, General Musharraf, has entered into this agreement with the pro-Taliban militia, and the agreement says we, the Pakistan military, will now take a hands-off posture along the northwest frontier, that was the Waziristan part of Pakistan where the Taliban have regrouped and where al Qaeda has regrouped and what they have used to launch attacks into Afghanistan.

Now Musharraf is saying, no, that is not what he meant. But it is very clear he has essentially said Pakistan military isn't coming after you anymore, you Taliban who are in that part of Pakistan. We have a hands-off policy. That is simply a signal to them that they can now more freely operate to try to step up their attacks in Afghanistan, that they can continue to collaborate with al Qaeda.

So here we are, here we are coming up on the fifth anniversary of those tragic attacks launched from Afghanistan by al Qaeda because they were given safe haven by the Taliban, and we haven't finished the job, and we have reduced the amount of resources that we are committing to completing the mission. Mission accomplished, nowhere near it

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from engaging in personalities toward the President and Vice President.

The gentleman from Connecticut may resume.

Mr. LARSON of Connecticut. Thank you, Mr. Speaker. The President has asked to engage, and the gentleman made several good points and one of them was about a new dialogue, long overdue, and I think welcomed by the American people. But as the gentleman from Maryland points out, a one-way street.

Certainly no one knows better than the gentleman from Washington State. No one was vilified more, both on this floor and in public, because of love of country and speaking out, than JIM MCDERMOTT.

I recognize the gentleman from Washington State.

Mr. MCDERMOTT. Thank you very much. As I sit here and I listen to this today, I think about the Katrina event. You saw the President go down and throw his arm around the guy who was fixing Katrina. He said, Good job, Brownie. I mean, that has become a laughingstock.

Well, this President has done the same thing with Rumsfeld. Beginning in 2004, when Abu Ghraib came out, the President showed up and said the Secretary is doing a great job, right? This will not change as long as the President keeps Rumsfeld in that job, because Rumsfeld is the controlling power behind it all.

As long as the President puts him out there and let's him run, you are going to continue to have this stuff. Rumsfeld went to Iraq in July while we were on vacation, right at the end, and they found the bodies of 20 kidnapped and murdered bus drivers the day he arrived. A bomber blew himself up and killed seven people. The Secretary of Defense made what I consider to be an interesting statement in response to that. He said, each time I come to Iraq, I see progress.

Now, no one who has any kind of realistic view of this could say that kind of thing. You could not be watching what is going on, when it is to our troops who are dying, or the wounded who are coming home, or the thousands of Iraqis who are being killed and say, I see progress. There is simply, you have got your military people talking about the fact that it is coming apart, you had Rumsfeld this week say to some National Guardsmen from California, no, you can't go home, I know your enlistment is up, but you have got to stay here for another 120 days.

We are going to send you into Baghdad to calm things down. It is a mess, and it has been a mess from the start because Rumsfeld would never listen. Like the President, he wouldn't listen. General Shinseki came in and said, you are going to need 300,000 troops. Rumsfeld said, you don't know what you are saying, you are out of here. Here is your retirement. Get out of here.

That is the response to anybody who comes into this administration and talks. Unless the President will dump Rumsfeld, you are not going to get any change in the policy. What is the alternative to the people of this country? The only alternative they have is on election day to take the gavel away from the Republican majority so that we can have hearings run by Democrats where some questions will be asked, where there will be some accountability so that things will begin to come up into the public view.

We have never found out what Halliburton's contracts are all about. We haven't found out who is responsible for Abu Ghraib. No, there isn't a soldier or a sailor or a marine or anyone near the military.

Mr. LARSON of Connecticut. Is the gentleman suggesting that the more than $9 billion that is unaccounted for, that this Congress actually ought to go and find out what happened with those no-bid contracts, $9 billion?

Mr. MCDERMOTT. Only if you care about taxpayer money. I mean, the examples are so bald and so bad that it is almost laughable if it wasn't what was going on today and it was taking us down the wrong trail.

What has been said here today is, I was reading the Middle Eastern papers today, everybody says that half of Afghanistan is now under control of the Taliban. That is universal in the press.

The British general there is saying we are losing this thing; he is worried. We will not get a change unless we get some hard questions asked. We are never going to get them from the Republicans because they are going to rubber-stamp what Mr. Bush and Mr. Rumsfeld and all the rest of that bunch put together. I personally think this election is the most important election we have had in my lifetime.

□ 1700

You say to yourself maybe I am getting old or something, but I went through Vietnam, and I went through a whole bunch of things. But this one, if we have 2 more years of "stay the course," God knows where we are going to be economically and militarily and politically and diplomatically in the world. We have got to get some change, and Rumsfeld would be a start. There are some other people that should go, but if the President can't see that Rumsfeld cannot handle it; he threw out Paul O'Neill as the Secretary of the Treasury, and he threw out some other people, Colin Powell and some others went down the road, but he keeps the guy who got us in the mess because it means he would have to admit that he made a huge mistake, and he can't do it. He can't do it, and that is the biggest problem he has.

As politicians, sometimes you have to say, "I was wrong. I made a mistake."

Mr. LARSON of Connecticut. The gentleman from Maine who has been to the floor several times to talk about this very subject recently traveled to New Orleans also where he traveled with the Army Corps of Engineers where he saw firsthand what was going on there. As the gentleman from Washington states, one of the many salient points he made is the lack of accountability and the corollary between what has happened here domestically with Hurricane Katrina and Iraq.

I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank you all for the opportunity to be here and discuss some of these important issues that we don't get to do during any debate on resolutions or legislation. These are among the most important issues we deal with.

I was down in New Orleans and in the gulf coast of Mississippi where the incompetence of this administration was on display for everyone to see. The same incompetence is on display with respect to the problems we have created in Iraq. And I say "created" because I do believe that in many ways this administration has created more problems in the Middle East than they have solved.

I agree with the gentleman from Washington that a good part of this has to do with the inadequate leadership at the Department of Defense, but we should never forget that this policy is driven by the President and the Vice President and there is a unanimity of thinking in this administration about the Middle East, the conviction that we could simply force our will on several hundred million people and bend them to become something that we want them to become, regardless of their own intentions.

But I wanted to speak for a minute tonight about how Congress, this Republican Congress, has aided and abetted the administration by giving up its constitutional role of exercising oversight over the executive branch. It is absolutely stunning to me how both the House and the Senate have done everything that they could to rubber stamp administration policies in Iraq and cover up for them.

A few examples, going back to when Democrats controlled the Congress in the 1980s, there was an Oversight Subcommittee on Armed Services, and that oversight subcommittee discovered those $500 hammers and $6,000 toilet seats and put an end to much of that kind of overcharging. But when Republicans took over, they eliminated the Oversight Subcommittee on Armed Services and billions of questionable Halliburton contracts have gone unexamined, unexamined by either Armed Services or by the Intelligence Committee or the Committee on Government Reform.

The minority staff on the Committee on Government Reform has identified over 200 specific misleading statements made by the administration in the runup to the Iraq war. Over on the Senate side, remember they had Phase II, the Senate Intelligence Committee was going to do a Phase II investigation. What they meant by that was instead of beating up on the intelligence agencies like the CIA themselves, they were going to look at the misuse of intelligence by the administration. That was Phase II of their study.

It hasn't happened. Years have gone by, and the chairman of the committee has said several times, "We are going to get to that later." But they are clearly not going to do it before any election.

In 2005, House Republicans voted down a resolution demanding an investigation of Iraq intelligence. When you look at the House and you look at the Senate, there is no question what this Republican Congress has been doing. Rather than gather information, evidence, that could clarify what has happened in the past and guide us to a better policy in the future, it is all politics all the time and that means protecting the President from being exposed, protecting the Vice President from being exposed, protecting Donald Rumsfeld from being exposed for having not spoken the truth.

So this entire Congress is complicit.

The Senate held a few hearings after Abu Ghraib, but no Senate committee has conducted a comprehensive public probe of the alleged abuses at Guantanamo Bay, Abu Ghraib, Bagram or the secret CIA facilities that the President just acknowledged yesterday.

In the House, the majorities on three House committees voted down resolutions seeking documents about detainee abuse. Democrats have been saying we need the information in order to do a better job in the future, and Republicans have circled the wagons around the administration and refused to basically allow oversight.

On Iraq reconstruction, you go back to 2003, Donald Rumsfeld's Pentagon awarded a $7 billion sole-source contract to Halliburton for reconstruction. And 3 years later, auditors identified more than $1 billion in questionable and unsupported costs under that contract. A billion dollars in Washington is still real money. If Congress was simply doing its constitutionally mandated function, we would be holding hearings on that. But no, the Republicans are not prepared to investigate Halliburton. Vice President CHENEY was once the CEO of Halliburton, and this is ground we dare not go into, apparently, and yet we have to, to fulfill our constitutional responsibility.

That is what we are basically saying here. This Republican Congress has failed the country. The administration has failed the country. And when Democrats control this chamber again, whether you have a Republican President or a Democratic President, we are going to make sure that this Congress acts like the Congress contemplated in the Constitution and do our jobs.

Mr. LARSON of Connecticut. The gentleman from New York started and began this conversation by talking about what has transpired, and the gentleman from Maryland talked about the President and his calling over the last several days, both he and the Secretary of Defense and the Vice President have been out there, along with the Secretary of State, talking about this new agenda, and I believe the gentleman from New York has some thoughts on that.

Mr. BISHOP of New York. It seems like we are being treated to a late summer/early fall offensive, I would say smoke screen on the part of this administration to convince the American people that we need to stay the course in order to be safe.

Basically what they are doing is they are engaged in defending the indefensible. The only way they can defend a war that the American people have clearly turned against is to present it in a context that makes it appear to be reasonable or defensible, but in fact quite the opposite is the case.

I think all of us as elected officials, we have no more solemn responsibility than to provide for the safety and security of those who have elected us to represent them. But I think a fair-minded person has to look at the record of where this administration has taken this Nation and where this Congress, complicit in the strategies and objectives of this administration, have taken this country.

Every single place you look, it reeks with failure. The 9/11 Commission presented to us 41 carefully crafted bipartisan recommendations. This Congress has only acted on 20 or 21 of them. The 9/11 Commission, again a bipartisan group, has given this administration and this Congress 14 Ds, 5 Fs and 2 incompletes on those recommendations.

Mr. LARSON of Connecticut. What is the Congress's report card again?

Mr. BISHOP of New York. Fourteen Ds, five Fs and two incompletes; and this is a leadership that is going to keep us safe and secure?

Mr. LARSON of Connecticut. And we are approaching the fifth anniversary.

Mr. BISHOP of New York. We are approaching the fifth anniversary, and we have outstanding work on the part of this commission, bipartisan work which is what we ought to be striving for. We ought to be approaching the safety and security of this Nation in a bipartisan way.

Mr. LARSON of Connecticut. Are any of those issues going to be brought to the floor? Those recommendations, those outstanding recommendations, will any of them be brought to the floor before we adjourn for elections?

Mr. BISHOP of Utah. I am not aware of anything on the calendar.

Mr. LARSON of Connecticut. I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. If I can just go back to a point made by Tom Allen. The lack of accountability, the abrogation, if you will, of this body's constitutional responsibility to conduct oversight.

We serve on different committees. I happen to be the senior Democrat, the ranking member, on a subcommittee of International Relations that is entitled Oversight and Investigations. We have not held one serious hearing relative to Iraq in the past 2 years. And I know that, prior to that, for the past 5 years, Iraq has been off the chart in terms of the committee's considerations. You don't talk about it unless there is good news.

What I wanted to do was to bring before the committee, not Secretary Rumsfeld because we have heard enough from him. He is an F. He flunked. But I wanted to bring before the committee the men that lead our military and have served in the course of their service to this country in roles implicating Iraq, in some cases very directly in Iraq.

Not one of these men have ever been invited to any committee in the Congress so that we would have an opportunity to hear what they had to say.

So one by one, they felt compelled to speak out themselves and educate us and the American people as to the truth and the reality of Iraq and the incompetence of this administration and most specifically Donald Rumsfeld.

Let me just review a few.

Lieutenant General Greg Newbold, he is the top operations officer for the Joint Chiefs of Staff. He was involved in the planning. He is Commanding General, First Marine Division, with Legion of Merit, Navy and Marine Corps Commendation Medals. He is a highly decorated, well-respected general. He did not seek a promotion because he felt compelled to leave. Here is what he had to say.

"What we are living with now are the consequences of successive policy failures." He said that this year.

Major General Paul Eaton, who was given the responsibility but not the resources to train Iraqi security forces, and we know what a joke that has been, here is what he had to say, "Two and a half more years of that leadership," he was referring to Donald Rumsfeld and the civilian leadership, "two and a half more years of that leadership was too long for my Nation, for my Army, and for my family." What an indictment. What an indictment.

Lieutenant General John Riggs, "They only need the military advice when it satisfies their agenda." When it satisfies their agenda, that is when they would call in a general and say, This is our agenda, what do you think, General?

And then General Wesley Clark, "They pressed for open warfare before the diplomacy was finished. It was a tragic mistake. It was a strategic blunder."

□ 1715

Mr. McDERMOTT. We could go on with this for a long time, but we have got Major General John Batiste. He was the commander of the 1st Division in Iraq, and he said: "Rumsfeld and his team have turned what should have been a deliberate victory in Iraq into a prolonged challenge." I mean, that is a guy who was on the ground, who was there when the war was going on.

General Zinni, who was the central command of the whole forces, he served in every level of command, and he said: "We are paying the price for a lack of credible planning, or the lack of a plan." Ten years' worth of planning was thrown away. That is why we are in the mess we are. Because Rumsfeld said we don't need these guys like Zinni, who is my number one guy in the U.S. Central Command. That means he headed everything in the whole area of the Middle East.

Major General Swannack said: "I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq." Now, he was commander of the 82nd Airborne. We all know about the Airborne. We know these are real soldiers. These are people who follow the leader. They do not speak out until they cannot stand it any longer.

And, finally, Lieutenant General Paul Riper said: "If I was President, I would have relieved him 3 years ago." And he said that in 2006.

Now, this man was wounded in action in Vietnam. He won the Silver Star medal with a gold star, the Legion of Merit, the Bronze Star. This man has been wounded, has stood up in the worst kind of war. And, remember, Rumsfeld never served. Bush never served. Cheney never served. Wolfowitz never served. You cannot find anybody who has ever been in a war. And the guys who know, who have done it, who sent people out to die and been right out there with them say things like, If I was President, I would have relieved him 3 years ago. That is 2003. That is when it started, when they started ill prepared without the battle armor, without the vehicle armor, without sufficient supplies. We are going to just run in and do it, and we are going to be out in 6 months. Remember when they told that lie? And all of us stood around and said, 6 months? Really? This is going to be a cakewalk.

They didn't tell the truth to the American people or to their own troops. And that is why guys like this say get them out of there if we are going to have any change.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlemen from Maine, New York, Maryland, Massachusetts, and Washington State for coming down here this evening.

We come down here out of love of country and the desire to fulfill our constitutional responsibility. There is no doubt in my mind that our colleagues on the other side of the aisle love their country as much as we do.

I cannot understand why an administration continues to attack those who, out of love of country, speak out and dare to speak truth to power, that are willing to ask the unimagined questions and perhaps give unwelcomed answers to the administration. But that is the work that is required of elected Members of the United States Congress under our Constitution. That is our sworn obligation to the people of this great country of ours and will continue to be our obligation.

It is our sincere hope that we can move this Nation in a new direction. And with a Democratic-controlled Congress, we believe that is the best hope for our colleagues on the other side to join with us in creating what is in the best interest of our troops, our families, and the very security of this Nation.

Thank you, gentlemen, each of you, for joining us this evening.

NATIONAL SECURITY AND ELECTROMAGNETIC PULSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, among many priorities that the country and the Congress face, our national security is probably preeminent today in the minds of many people and in the Congress and in our administration. And today I would like to talk about one aspect of national security that will probably be unknown to a great many Americans, and to those few who know about and have studied it, this will remind them of the potential for this threat to our country, indeed, to our whole society.

Our first glimpse of the possibility of this threat occurred in 1961. It was in the Pacific and we were then doing a series of nuclear tests, and this was our first and last high altitude test. It was over Johnston Island, and the weapon was detonated above the atmosphere the first time that we had done that. No one knew what was going to happen as a result of that test, and the consequences were unexpected and really quite striking.

Hawaii was about 800 miles away. If you think back to 1961, we did not have all of the electronics that we have today. We were more in an electrical infrastructure then than we were in an electronic infrastructure, and the electrical infrastructures are very much more robust than an electronic infrastructure because you are dealing with big structures and heavy wires and so forth. Even so, the effects of this detonation above the atmosphere resulted in the shutdown of electrical circuits. There were many disruptions in electrical and certainly in electronic equipment such as existed those days in Hawaii 800 miles away. The Soviets were also doing testing simultaneously with ours and they had more experience with this phenomenon. We now have a name for this phenomenon. We call it electromagnetic pulse, or EMP.

And here I have a chart which shows very schematically what is happening. We detonate the weapon above the atmosphere, and there is an immediate distribution of gamma rays that travel at the speed of light that will strike every object within line of sight. And when these gamma rays reach our atmosphere, they produce what is called Compton electrons, all of this essentially at the speed of light, and these Compton electrons then become a force which is very much like a nuclear storm magnified many, many times. And if you think, Mr. Speaker, of the disruptions that a robust solar storm can produce to our communications here, you can get some idea as to the potential impact of an EMP. It is sometimes called high altitude or HEMP.

We since have learned a great deal more about that than we knew then, but the feature that we learned then was that wide areas are affected. You can have very high field strengths, and here it says 50 kilovolts per meter. We have since learned, as reported by the Russian generals, and I will come to that report in a few moments, that the Soviets purportedly designed and built electromagnetic weapons that would produce 200 kilovolts per meter; so that is four times larger than the number which is given here in this chart. This was May of 1986. That was 20-some years after the explosion, but a long time before these Russian generals were interviewed. There is a very broad frequency band running from very, very short wavelengths to very long wavelengths. The pulse lasts more than 2 minutes, but it comes on with such abruptness that our surge protectors for your computer and other devices are useless because the pulse is through the surge protector before it sees it. So there is now nothing out there the equivalent of EMP.

The next chart shows on the right that just about everything is affected by EMP. It has a missile which is taking off there. We are not even sure that we can launch through a robust EMP laydown. What I am told is that we tested our missiles and we found some deficiencies and we corrected that and we have done that several times, and the last time we corrected the deficiencies, we intentionally did not test again, hoping that we had fixed all the deficiencies. But knowing that if we tested and found deficiencies that that intelligence would probably get out to our enemies and they would know that we were vulnerable, and rather than run that risk, we believe that we had corrected all the deficiencies; so we have not tested, and, hopefully, a potential enemy will also believe that we have corrected all the deficiencies. But that is not a certainty. We do not yet know for certain that we could launch our ballistic missiles through an EMP laydown. It shows effects on automobiles.

By the way, if you have a car or truck that has a coil and a distributor, you are probably immune to EMP. But all modern cars, as you know when you take your car for service, has a lot of computers. Indeed, a computer is required for servicing your car. So all of the new vehicles are vulnerable to EMP. Airplanes, only a few of our military airplanes are EMP hardened. All of the other planes are vulnerable to EMP effects.

Here on the left it shows the coverage with the height of blast 60 miles and how large an area. That is line of sight, with the simple geometry of the Earth and the height. If you are 200 miles up, you cover a bigger area. And if you are 300 miles high up with the center of that in Iowa, Nebraska, about in that area, it covers our whole country; or the margins of our country in south Florida, northwest Washington State, and Maine, all are covered with a blast of about 300 miles high above Nebraska or Iowa.

The next chart is a little more detailed presentation of the blast area. And it shows that it is not simple concentric rings because of the dynamics of the detonation of a nuclear weapon. You have a distribution of intensities; but generally speaking, out at the margins of the country with 480 kilometers, about 300 miles, with a detonation of that blast, you see from the purple here that you have got about 50 percent of maximum at the margins of our country.

The level to which we tested is classified, but if the Russian generals are correct that they developed weapons at 200 kilovolts per meter, that would mean 100 kilovolts per meter at the margins of our country. And there is concern that even when we test and harden that we may not have hardened it to an adequate level.

The next chart answers an important question that I am sure a lot of people ask at about this point, and that is if there is such enormous vulnerability to EMP, why would you be talking about that and giving our potential adversaries a heads up that we are vulnerable? To help understand that, most Americans may not know about it, but every one of our potential enemies knows about it. I have here just one little chart which, as you can see, is not in English. It is in Russian, as a matter of fact. And although I cannot read Russian, I certainly can look at the sketches here. And what we see is EMP.

□ 1730

Here is a weapon detonated above the atmosphere. And here you see the effect of that. This is the EMP pulse here lasting a long time. By the way, the fact that the wavelengths in that pulse go from extremely short to extremely long mean that they can couple with almost everything.

I am told that the smallest electronic parts on the warehouse shelf will couple with some of the shortest waves. And long, long lines like railroad tracks will couple with the longest waves. As a matter of fact, they will even couple with wires that are buried several feet underground.

Without technical knowledge, what we are talking about almost seems like Buck Rogers and science fiction. A blast of a single weapon up to 300 miles in the sky, and by the way, if it were in the daytime and you were looking away from it, you would not even know it happened. If you were looking at it, obviously, you would see it because it was very bright, and it was line of sight.

You are not hurt by it. It has no effect on our bodies. But if you have an electronic watch, that will stop. If you get in your car, that probably will not run. The phones will not work. There will be no power grid. There are literally tens of thousands of what are called SCADA, which are little control devices in our power grid. And they all contain chips, micro-electronics. And many of them were manufactured by organizations that do not even exist now because they have been in the field for a long time.

And all of those are gone. Signals traveling through fiber will get there. But if you have anything other than optical switching, if you have electronic switching, the switches will be gone. And so even if you are using fiber, you still cannot transmit your data if you are using other-than-optical switching.

So this chart demonstrates very clearly that our enemies know about EMP, because this is from a Russian publication, and it shows the effects of EMP. This is the power grid. They show the transformers going out.

By the way, if our big transformers go out, there are no replacements on the shelf. The biggest ones are not even manufactured in this country. We will need to go to Europe or Scandinavia, and you place your order, and in a year to 18 months, they will have the transformer for you.

I was concerned about EMP, and I called a friend of mine, Tom Clancy, who I knew had an EMP scenario in one of his books. And he lives on the Eastern Shore of Maryland. I knew him. So I called Tom and asked him for some information on EMP.

He said, if you have read my book, you know as much about EMP as I know, but let me refer you to, in his opinion, the smartest man hired by the U.S. Government. And he gave me the name of a Dr. Lowell Wood who worked for Lawrence Livermore Lab, one of our big nuclear labs out in California.

Well, this was back, oh, probably 12, 13 years ago, a while ago. And cell phones were not all that popular. You may remember that we were using pagers. If you wanted to communicate with someone, why you paged them. And that went up to a satellite and back down to their pager. And they got the little message, please call so and so. I did that with Lowell Wood. I thought he was in California. And he happened to be in Washington. And of course the same satellite that would have brought the signal down to California brought it down to Washington. Within an hour, he was sitting with me in my office.

Dr. Lowell Wood was indeed a font of knowledge on electromagnetic pulse. I was concerned that, because of cost considerations, that our military was waiving EMP hardening on essentially all of its new weapons systems and that that made us vulnerable to an EMP attack.

And so I got in legislation the establishment of an EMP commission. And the EMP commission was set up and functioned for 2 years. Normally our commissions work for a year. But because of the details of this legislation, they were able to work for 2 years. They brought forth a big report. This is the executive summary of that report. And this was issued in 2004.

This is the Executive Summary of the Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse EMP Attack.

And here are a number of PowerPoint presentations that they prepared, because they were going around the country briefing a large number of organizations, Federal and State and private, on the results of their study.

The next chart shows the commissioners. Here you will see Dr. Johnnie Foster is the developer of almost all of our new atomic weapons. Dr. Bill Graham, who was the chair of this, was Rumsfeld's co-chair when they did that very important study on the emerging ballistic missile threat that came out a few years ago.

It is interesting. I spent a couple of days in Moscow with Bill Graham and Rumsfeld when we were briefing members of the Russian Duma so that they would understand that our withdrawal from this treaty that prohibited us from protecting ourselves against intercontinental ballistic missiles had nothing to do with Russia because we cannot imagine that we could produce a robust enough protection system to protect us against the literally thousands of intercontinental ballistic missiles that Russia has. But there are some new players on the scene out there, like China and North Korea and Iran and who knows who may get in line.

And we could, we felt, with the development of a system, the successful test just a few days ago, be able to take out a few weapons from a country like this.

Another very important member of this commission was Dr. Joan Woodward, who is the deputy director of the Sandia Labs out in Albuquerque, New Mexico. I was out visiting my son there who works at the labs. And he brought me home some material from the lab that led me to believe that they might have some knowledge that would be helpful in this EMP study.

So I asked for a briefing. I had not looked at the list and remembered specifically who was on this list of commissioners. And I came in for a 5-hour classified briefing on the commission's work. And Dr. Joan Woodward had at her disposal all of the resources of the Sandia Labs. So they did a really magnificent job of studying the threat, not just to our military but to our national infrastructure.

The next chart shows something which alarmed them. This is from their commission report. We have redacted here the names of the Russian generals. But they interviewed two Russian generals who told them that Russia had designed and built a super EMP nuclear weapon capable of generating 200 kilovolts per meter. That is an enormously high pulse.

Russian, Chinese and Pakistani scientists are working in North Korea. Now, I am not saying this. I am taking this from the report of the EMP commission. Russian, Chinese and Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. Now, this is the assessment of the EMP commission.

The next chart just builds on the point that I made that most of our citizens may not know anything about EMP, because it is really a Buck Rogers Star Wars kind of a phenomena. It almost seems like science fiction.

The fact is that, although few of our people know about EMP, all of our potential enemies know about EMP.

And I just wanted to make that very clear, because I do not want anybody to have the notion that we are somehow informing a potential enemy of something that he does not know about.

This first quote here is a very interesting one. This is not exactly the quote as I remember, but it is a pretty good paraphrase, because I was there. It was May 2nd of 1999. And I was sitting in a hotel in Vienna, Austria, with ten other Members of our Congress and three members of the Russian Duma.

I can tell you exactly when we were there. We were there when the three prisoners, hostages, whatever you want to call them were released by Yugoslavia. You may remember that event. They were released to Jesse Jackson as you may remember.

For 2 days we sat in that hotel room hammering out a framework for an agreement. Five days later, that was voted by the G–8. Russia joined the G–7, because the only country that the Bosnians had enough respect for to be controlled by them was Russia. And when the G–7 joined with Russia, they used the framework agreement that we had developed. And that ended the hostilities there as you may remember.

Well, one of the three Russians there was Vladimir Lukin. He was the ambassador here at the end of Bush 1, the beginning of the Clinton administration. At the time we were there, he was the chair of their equivalent of our International Relations Committee in the Russian Duma.

He is a fairly short fellow with even shorter arms. And he was extremely angry. And he sat there for 2 days with his arms folded across his chest looking at the ceiling. And then he made this statement, and what he said was, as I remember it, "if we really wanted to hurt you with no threat of retaliation, we would launch an SLBM and we would detonate a nuclear weapon high above your country and shut down your power grid and your communications for 6 months or so."

That was Vladimir Lukin. Another Russian who was there, who was I think the third ranking Communist, and yes, there is still a big Communist Party in Russia, who was the third ranking Communist, Alexander Shurbanov. And he smiled and he said, "if one weapon would not do it, we have some spares, like I think at least 7,000 spares."

You see, the reason for no fear of retaliation was that if it was launched from the ocean, we would never know where it came from. Well, that was his comment.

Now, all of this is from the EMP commission. None of those are my statements. Chinese military writings describe EMP as the key to victory and describe scenarios where EMP is used against U.S. aircraft carriers in a conflict over Taiwan.

Again, a survey of worldwide military and scientific literature sponsored by the commission found widespread knowledge about EMP and its potential military utility, including in Taiwan, Israel, Egypt, India, Pakistan, Iran and North Korea.

This next bullet is kind of repeated in the next chart, so I will skip to this one. Iran has tested launching a Scud missile from a surface vessel, a launch mode that could support a national or transnational terrorist EMP attack against the United States.

□ 1745

It should be noted that you do not have to be very technically adroit or very competent to launch an EMP weapon, because if you miss by 100 miles that is just about as good as a direct hit because there is a large area that this covers.

A Scud missile can launch about 180 miles high. That will not blanket the whole United States, but a Scud missile launched from a ship off our coast could shut down all of New England and much of the mid-Atlantic area with an EMP blast. Now, if you thought recovery from Katrina was difficult, imagine an area many times that large with no remaining infrastructure in terms of communications or power. That is the problem we would have. If it blankets our Nation, of course, we have an essentially irresolvable problem.

The next chart continues with what our potential adversaries know about EMP, and again, all of this is from the EMP commission report. If the world's industrial countries fail to devise effective ways, and this is an interesting one from Iranian Journal in 1998, even before the present wild man who is there, if the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, then they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. It is probably more than that now, and if the enemy forces succeeded in infiltrating the information network, which an EMP would do if it shuts us down, then the whole organization would collapse, the American soldiers could not function, nor would they be able to fire a single shot. Now, I am not sure that is totally true, because I think our guns are pretty much immune to the EMP, but it is largely true.

We have now about 35,000 people in South Korea. We believe that with the technology we have that we are a match for the million-man North Korean Army, but if the North Koreans were to launch an EMP weapon, just fire straight up, if you will, and detonate a weapon above the atmosphere, our soldiers would, in effect, be no taller in terms of combat capability than the North Korean soldiers who probably are pretty EMP immune because they do not have very sophisticated equipment.

Terrorist information warfare includes using the technology of directed energy weapons or electromagnetic pulse. This is the Iranian Journal. Terrorists have attempted to acquire nonnuclear radio frequency weapons. This is a statement from the EMP Commission.

So you see that essentially all of our presently believed potential enemies are writing about EMP. It is not that they do not know about it, and my concern is that most Americans do not know about it, which is why we are talking about it.

Why would they be interested in EMP? Again, this is from the commission. States or terrorists may well calculate that using a nuclear weapon for EMP test offers the greatest utility. We talk about asymmetric warfare. An EMP weapon is the ultimate asymmetric weapon. One little country with a Scud launcher and a crude nuclear weapon and a transsteamer from which they could launch it, and by the way, we cannot see with our satellites through the thinnest canvas. If the Scud launcher is on the deck and covered by a canvas, we could not distinguish it from baled hay or crates of bananas.

In fact, there is one interesting story on an EMP attack in our country, and this may be kind of a look at the future. It has our country attacked from the sea, and after the weapon is launched, the ship is sunk. So now even if you find the ships there are no fingerprints. The ship is gone.

Well, these are the reasons they may use it. EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. There is no way that a nuclear weapon could be used to produce so much damage to our country as with an electromagnetic pulse detection by detonating it at high altitude.

If it took out all of Los Angeles or New York City, you would not have done anywhere near as much damage to our country as simply detonating it above the atmosphere and for using an EMP pulse which would shut down all of our communications and all of our power grids.

Mr. Speaker, think about a world, and it would not be quite this but nearly this, a world in which the only person you can talk to is the person next to you unless you happen to be a ham operator with a vacuum tube set, and then you could talk to another operator who had a vacuum tube set. By the way, the vacuum tubes are a million times less susceptible to EMPs than the microelectronics that we use now. And in this world, the only way pretty much you can go anywhere is to walk unless you happen to have a friend who has a car that has a coil and distributor, and that car probably will work.

The second bullet here is a very interesting one, for two reasons. The country that does this believes they are relatively immune to a massive retaliation with our nuclear weapons. Even if we knew who did it, are we justified in incinerating their grandmothers and their babies because they took out our computers? That is in effect, Mr. Speaker, all they would have done is take out our microelectronics. The consequences of that, of course, are devastating, but the second reason is that we probably would not know who did it.

I cannot imagine, except for Russia, any country that would launch a nuclear weapon from their soil. Our satellites are really good. We would certainly detect it. We would know where it came from, and we would retaliate. If they attack us, it is going to be from the sea. They cover three-fourths of the Earth's surface. They are very difficult to monitor. The north Atlantic shipping lanes are crowded with ships. It is essentially impossible to keep track of specific ships in that shipping lane.

EMP could, compared to a nuclear attack on the cities, kill many more Americans in the long run from indirect effects of collapsed infrastructure, power, communications, transportation, food and water.

I was given a prepublication copy of a novel which I hope comes out because I think Americans need to know what the potential is, and it was the story of a community in the hills of North Carolina after an EMP attack. It goes through the first year; and to give some emphasis to this statement, it could kill many more Americans. This is a novel, but they did a lot of research. They had reason to believe, I think, it was probably pretty close to the truth.

If you go to a country that has no communications and no power and will not have any communications or power and essentially no transportation because all of our transportation now except for these old cars and trucks are dependent on microelectronics, the story they told was that at the end of the first year 80 percent of the people in this North Carolina community were dead, most of them from lack of food.

The average city has 3 days' supply of food. If the trucks do not keep coming in over the superhighway, and by the way the serving of food on your plate tonight, the average serving traveled 1,500 miles to get there, to give you some idea of how vulnerable we are to transportation losses.

They were lucky, because the authors concluded in their book that probably 90 percent of our population would be dead by the end of the year, and in New York City with its millions of people, the novel at the end of the year had them with 25,000 people still alive.

These are unimaginable consequences. The effects could be just overwhelmingly devastating, and a little later I will give you some quotes from some very prominent Americans who understand, and you may be surprised of the source of these quotes when you see them.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strengths and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. Most of these rogue states have little microelectronics. If we retaliate with EMP laydown, they would be a little discomfited compared to the effect on us.

The next chart is an interesting one and far too complex to go through in the few moments we have to look at it here. But they spent a lot of time looking at our national infrastructure and the interdependency of the various aspects of our infrastructure.

Their study and conclusions reminded me of the counsel of a very prominent American. This was a number of years ago, Harrison Scott Brown, from CalTech, a geophysicist who I think held a number of seminars called "The Next Hundred Years," and in those seminars, he looked at where the world might be and the various scenarios for the next hundred years.

One of the scenarios way back in the 1960s and 1950s that had been looked at was a nuclear war. He cautioned that recovery from a nuclear war would be very difficult, and what he said then is true in spades today. He noted that our very complex infrastructure was developed through an evolutionary process, through the exploitation of high-quality, readily-available raw materials, iron ore in the Midwest, which was so good that you could almost literally have a backyard smelter. There is still one of those little smelters, by the way, not working of course, just a tourist site now up near Thurmont, Maryland, not very many miles from here.

He cautioned that since our infrastructure was built with these high-quality, readily-available materials like coal that was exposed by erosion of the soil from the coal, oil that was very shallow and very abundant in Pennsylvania, that if our infrastructure collapsed, that we probably could not reestablish it without heavy industry, and heavy industry would have collapsed.

I thought just in the last day or two how appropriate his concerns were when I thought of this recent big, and it is big but it is not going to save the day, oil find in the Gulf of Mexico. How could you ever drill through 7,000 feet of water and I think about 30,000 feet of soil without the products of heavy industry? You could not, of course, and what this chart shows is that all of our infrastructure, like a house of cards, is interrelated. Any one is pulled out and the rest collapse. Of course, the one essential to everything is power. When that is gone, all is gone. Nothing works.

They spent a great deal of time, and you can get a copy of this report, and you can read the concerns that they have.

One of the few high altitude nuclear detonations, to confuse the EMP, one 300 miles will cover the whole country. Unprecedented cascading failure of our electronics-dependent infrastructure could result. I think, Mr. Speaker, we probably ought to change that verb. It would result.

Power energy transport, telecom and financial systems are particularly vulnerable and interdependent. EMP disruption of these sectors could cause large scale infrastructure failures for all aspects of the national life. Both civilian and military capabilities depend on these infrastructures without adequate protection, and today, we have essentially none, Mr. Speaker. Without adequate protection, recovery could be prolonged months to years.

Mr. Speaker, you cannot hold your breath for months or years. Now, all of this is from the EMP Commission set up by Public Law 106-398, title XIV. These are not my words. These are the words of the people from the EMP Commission.

The next chart, again directly from the commission, says that EMP is one of a small number of threats that may, and, boy, are they capable of understatement. These are scientists primarily, and scientists are not preachers or politicians. They are given to understatement. EMP is one of a small number of threats that may hold at risk the continued existence of today's U.S. civil society. That is the way of saying, Mr. Speaker, that EMP could end our civil society. When they say "hold at risk the continued existence," that means discontinue the society, disrupt our military forces and disrupt our ability to project military power.

Far too many of our weapons systems are not hardened. At a series of hearings over the last several years, I have frequently asked, after a robust EMP laydown, how much of our war fighting capability remains? And the short answer is, usually not much.

□ 1800

Now, that is about to change, because I now understand that a memo is circulating in the Pentagon asking all of our departments there to make an assessment of their EMP vulnerabilities. Hopefully, that will result in a program to correct this deficiency.

The number of U.S. adversaries capable of EMP attack is greater than in the Cold War. Then there was one. Today, who knows how many there are. Any country that has a crude nuclear weapon that they might make or buy, a Scud launcher and a transsteamer they can put it on is capable; not of blanketing our whole country, but taking out the whole northeast and Mid-Atlantic area would be devastating. This would be orders of magnitude greater than Katrina, and we still really haven't recovered from that one.

Potential adversaries are aware of the EMP strategic attack option. I read earlier a number of quotes from the commission, from journals in these foreign countries noting that they really know about it, the threat not adequately addressed in U.S. national and homeland security programs. I said, Mr. Speaker, they were capable of gross understatement. We are paying essentially no attention to it.

You know, my house is probably not going to burn down, but I wouldn't sleep well tonight, I wouldn't sleep tonight if I knew that I didn't have fire insurance on my home. I would want to call the agent and get a binder. Now, what are the odds that my house is going to burn tonight? Very small. I would submit, Mr. Speaker, that in the reality of today's world, there is a bigger probability that there will be an EMP laydown than that any one house or building will burn. Now, if you are uncomfortable being unprotected by fire insurance, you really ought to be uncomfortable being unprotected from EMP.

The next chart shows the conclusions of the EMP Commission. The EMP threat is one of a few potentially catastrophic threats to the United States. As a matter of fact, there is almost no other single event that you can name, except the impact of a large meteor from space perhaps, that you could note that would have the devastating effects of an EMP laydown. By taking action, the EMP threat can be reduced to manageable levels. And they have a large number of pages and a lot of recommendations.

We just recently extended the life of the EMP Commission for 18 months after their first meeting, and their first meeting was just a few weeks ago. So the EMP Commission, unlike most commissions doing this kind of work, they produce a paper, and then the report just collects dusts, and they go away. But this one is not going away, and I hope we can keep it in existence for a long time.

The EMP Commission needs to be there watching our response to make sure that we are doing the right thing. They now have an extension of life of about 18 months. They are a few weeks into that, so they are going around educating people, sectors of government, private sector and so forth.

By taking action, this EMP threat could be reduced. It could be reduced to manageable levels. If you are building a device, and EMP hardened, it may increase the cost of the device only 5 or 10 percent, maybe even less. If you wait until after the device is built, it may cost you as much to harden the device as it did to build it. If you are building in the hardening, it is not all that expensive or not all that difficult.

The strategy to address the EMP threat should balance prevention, and that is telling other people you do this, you are going to pay for it; preparation, protection and recovery. We need to be looking at all of these.

A fascinating study is, what would you do if this happened? What resources do you have available? How would you mobilize those resources? What would you do to provide the most good for the most people with the resources you have available? These are fascinating studies, and essentially nobody is looking at them.

Critical military capabilities must be survivable; and they are not today, I hope we are moving to address that; and endurable to underwrite U.S. strategy.

The next chart shows a continuation of their conclusions, and this reflects that, in the 2006 Defense Authorization, we extended it for 18 months.

Terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of an attack.

Vulnerability invites attack. I really am a pacifist. I don't like war. That is why I am a big, big supporter of our military, because I really subscribe to the philosophy that the most certain path to peace is to prepare for war. If you are really prepared for war, you are probably not going to have a war. We are not prepared for this kind of an eventuality, and our very unpreparedness invites this kind of an asymmetric attack.

The Department of Homeland Security needs to identify critical infrastructure. And what do we do to protect it? And what do we do to recover? And it notes here that the power grid is a particularly vulnerable and essential one. Without power, you have essentially nothing. Everything goes down without power.

The Department of Homeland Security also needs to develop a plan to help citizens deal with such an attack should it occur. What do you do as a family to prepare? What do you do as a community to prepare? What do you do when it happens? Citizens need to become as self-sufficient as possible.

I am not telling you this; I am reading this from the report. If you are not as self-sufficient as possible, then you become a liability. You are no longer an asset to your country. You become a liability. So it should be the goal of every American to be as self-sufficient as possible, because then you become an asset and not a liability.

The next quote is a really interesting one, and I mentioned some really prominent Americans are concerned about this, and so this is from the Washington Post, "One Way We Could Lose the War on Terror" by U.S. Senator JON KYL from Arizona. "Last week, the Senate Judiciary Committee's Subcommittee on Terrorism, Technology and Homeland Security, which I chair," he says, "held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea. An electromagnetic pulse, an EMP attack, is one of only a few ways America could be essentially defeated by our enemies, terrorists or otherwise. Few, if any, people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few could conceive of a possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere, but this time, we've been warned, and we better be prepared to respond."

Thank you, Senator KYL. Thank you for your recognition that this is a problem. Thank you for your counsel that we ought to be doing something about it. But, you know, I still don't see us doing much about it.

Another article that appeared in the public, "The Impact of EMP is Asymmetric." This is by Major Franz Gayl. "The impact of EMP is asymmetric in relation to our adversaries. The less developed societies of North Korea, Iran and other potential EMP attack perpetrators are less electromagnetically dependent and less specialized and are more capable of continued functionality in the absence of modern conveniences."

If you don't have modern conveniences, you are not going to miss modern conveniences.

"Conversely, the United States would be subject to widespread paralysis and doubtful recovery," he says. That really is true, doubtful recovery, "following a surprise EMP attack. Therefore, terrorists and their coincidentally allied state sponsors may determine that, given just a few nuclear weapons and delivery vehicles, the subjection of the United States to a potentially nonattributable," from the sea, from above, "nonattributable EMP attack is more desirable than the destruction of selected cities." I would think so.

"Delayed mass lethality is assured over time through the cascade of EMPs indirect effects that would bring our highly specialized and urbanized society to a disorderly halt." That is a very euphemistic way, Mr. Speaker, of saying that most of us would die.

The next chart shows the capability, which we exercised and have now mothballed, where we could put a whole airplane and zap the airplane. Now, this is not quite a realistic simulation of an EMP attack, but it is the best we could do, because there are no long line effects here. You just can't simulate miles of wire and railroad tracks. But we used to have these facilities, and we have now mothballed them. We used to test our airplanes. And some of our most important airplanes are hardened. Indeed, those which are hardened are, obviously, classified. But it is not that we would not have an ability to respond. We would. But to whom? Who did it? And what would be our response?

Mr. Speaker, we have spent several minutes now talking about a threat which I suspect few listeners had any idea existed. I hope that quoting this report and high profile people like JON KYL has convinced the listener that this is not just science fiction, that this is a real possibility indeed.

If there is going to be a conflict, Mr. Speaker, with these powers, I think it is more than a possibility, I think it is a probability that any of these small adversaries that have a nuclear weapon could devastate us more with an EMP laydown than with any other use of that weapon. And the reason I am here in this time that we are talking about national security, Mr. Speaker, is because I believe that, although there are more urgent concerns about national security, like an open border through which 11, 12, 20, who knows how many million illegal immigrants could come, there could just as well have been that many terrorists. By the way, there is an old adage that talks about the tyranny of the urgent.

Iraq and what we are doing there is really urgent. Every day it is on the President's plate. The border and the outrage of American citizens that we haven't been able to close that border is really urgent. And it is just a truism for families, for businesses, for countries, the tyranny of the urgent. The urgent always sweeps the important off the table. And one of the really important things that we need to be about is preparing for the eventuality of an EMP laydown.

My last chart is a kind of a colorful one. This is a satellite photograph of the Ural Mountains, and it is labeled the Yamantau region in Russia. And this facility is ordinarily spoken of as Yamantau Mountain because it is in a mountain, and you can see from the figure down in the lower right there, it is about 600 miles almost due east of Moscow in the Ural Mountains.

Beginning with Brezhnev, in about 1980, the Soviets, and now the Russians, have a closed city there. In our liaison with the Russian Duma, we have become fairly friendly with a number of those Duma members, our counterparts there, and we asked them about closed cities. And they say, oh, yes, we have closed cities. When you draw a map of the region, the city is not even on the map. It is closed. People don't go there unless they are needed to work there, and they do not leave there unless they are no longer needed there.

Mezhgorye is the closed city. It happens to be in two little pockets in the mountains, because one valley wasn't big enough to house it, but there were at one time 60,000 people that we could estimate from our satellite living there. That would be about 20,000 workers that were working on Yamantau Mountain.

Yamantau Mountain is the largest nuclear secure facility in the world. We have had two defectors from that Yamantau Mountain. They each have told us what they know.

☐ 1815

What we know from what they told us is that it is enormously large, as large as inside our beltway; it has train tracks running in two directions, so they intend to move a lot of material; and it has enormous rooms carved out of soft rock beneath hard rock. It is an ideal geologic formation for producing this kind of a facility.

The number of people at Mezhgorye, since they are finished digging, has now shrunk to about 15,000, as our satellites indicate, which means there are about 5,000 working at Yamantau Mountain.

What are they doing there? By the way, this is so secret in Russia that the cost of this, which has to be enormous, does not show in the financial lines of any of the ministries. It is the equivalent of our black programs, for those of you who are familiar with black programs.

To give you some idea how important this is to the Russians, continuing work on Yamantau Mountain is more important than paying their military officers, because they have continued work there when they couldn't pay their military officers. It is more important to them than the $200 million for the service module on the International Space Station. That was embarrassing to them when they couldn't fund that and we had to fund the service module, which was their responsibility, on the International Space Station.

Now, there is no conceivable use of Yamantau Mountain except during or after a nuclear war. This kind of gives you a little opportunity to get into the heads of the Russian leaders. From their writings and from their actions, it is quite justified to draw the conclusion that they believe that nuclear war is inevitable and winnable.

Now, I have no idea, and I have had a number of classified briefings, I have no idea what they plan to do in Yamantau Mountain. But one thing is certain, it has no use except during or after a nuclear war.

I wanted to end with this, Mr. Speaker, to bring the message that nuclear war is not unthinkable and therefore it will not happen, because apparently the Russians do not believe that it is unthinkable.

By the way, they span 11 time zones. Their enormous country goes almost halfway around the world. They have less than half the people that we have and a geography that size, I think only six cities of more than 1 million people. And if wealth is determined by natural resources and raw materials, Russia is the wealthiest country on the globe. They have everything their heart could desire, except a rational government, their heart could desire for a robust economic system. They could close the door and with their resources live happily ever after.

Almost nobody else can do that. We cannot do that. We import about two-thirds of our oil, we have no diamonds, nickel, chromium, tungsten. You would not have these lights in the ceiling without importing things.

So I just wanted to end, Mr. Speaker, with this chart which shows that our potential enemies believe that there could be a nuclear war and they are preparing for it by spending money on Yamantau Mountain, scarce money.

They were doing this, by the way, when money was scarce. It is not scarce now. They are awash in cash because oil is $65, $70, $75 a barrel. But they were spending money on this before they were flush with money.

So my hope is, and I believe we should have time, that the American people in our society and in our military can plan, adapt, design, build, so that we will be immune.

We are much more likely to have this attack if we are vulnerable to the attack, and at the moment we are explicitly vulnerable. We don't need to be that way. The creativity and ingenuity of the American people can make us essentially immune to this, Mr. Speaker, and we need to be about it.

BIG-GOVERNMENT SOLUTIONS DON'T WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, politicians throughout history have tried to solve every problem conceivable to man, always failing to recognize that many of the problems we face result from previous so-called political solutions.

Government cannot be the answer to every human ill. Continuing to view more government as the solution to problems will only make matters worse.

Not long ago, I spoke on this floor about why I believe Americans are so angry in spite of rosy government economic reports. The majority of Americans are angry, disgusted, and frustrated that so little is being done in Congress to solve their problems. The fact is, a majority of American citizens expect the Federal Government to provide for every need without considering whether government causes many economic problems in the first place. This certainly is an incentive for politicians to embrace the role of omnipotent problem-solvers, since nobody asked first whether they, the politicians themselves, are at fault.

At home, I am frequently asked about my frustration with Congress since so many reform proposals go unheeded. I jokingly reply, No, I am never frustrated because I have such low expectations. But the American people have higher expectations, and without forthcoming solutions are beyond frustrated with their government.

If solutions to American problems won't be found in the frequent clamor for more government, it still is up to Congress to explain how our problems developed and how solutions can be found in an atmosphere of liberty, private property, and a free market order.

It is up to us to demand radical change from our failed policy of foreign military interventionism. Robotic responses to cliches of Big Government intervention in our lives are unbecoming to Members who are elected to offer ideas and solutions. We must challenge the status quo of our economic and political system.

Many things have contributed to the mess we are in. Bureaucratic management can never compete with the free market in solving problems.

Central economic planning doesn't work. Just look at the failed systems of the 20th century. Welfarism is an example of central economic planning. Paper money, money created out of thin air to accommodate welfarism and government deficits, is not only silly; it is unconstitutional. No matter how hard the big spenders try to convince us otherwise, deficits do matter. But lowering the deficit through higher taxes won't solve anything.

Nothing will change in Washington until it is recognized that the ultimate driving force behind most politicians is obtaining and holding power, and money from special interests drives the political process.

Money and power are important only because the government wields power not granted by the Constitution. A limited constitutional government would not tempt special interests to buy the politicians who wield power. The whole process feeds on itself. Everyone is rewarded by ignoring constitutional restraints while expanding and complicating the entire bureaucratic state.

Even when it is recognized that we are traveling down the wrong path, the lack of political courage and the desire for reelection results in ongoing support for the pork-barrel system that serves special interests.

A safe middle ground, a don't-rock-the-boat attitude, too often is rewarded in Washington, while meaningful solutions tend to offend those who are in charge of the gigantic PAC lobbyist empire that calls the shots in Washington.

Most Members are rewarded by reelection for accommodating and knowing how to work the system. Though there is little difference between the two parties, the partisan fights are real. Instead of debates about philosophy, though, the partisan battles are about who will wield the gavels. True political debates are rare. Power struggles are real and ruthless, and yet we all know that power corrupts.

Both parties agree on monetary, fiscal, foreign and entitlement policies. Unfortunately, neither party has much concern for civil liberties. Both parties are split over trade, with mixed debates between outright protections and those who endorse government-managed trade agreements that masquerade as free trade.

It is virtually impossible to find anyone who supports hands-off free trade defended by the moral right of all citizens to spend their money as they see fit without being subject to any special interest.

The Big Government nanny state is based on the assumption that free markets cannot provide the maximum good for the largest number of people. It assumes people are not smart or responsible enough to take care of themselves, and thus their needs must be filled through the government's forcible redistribution of wealth.

Our system of intervention assumes that politicians and bureaucrats have superior knowledge and are endowed with certain talents that produce efficiency. These assumptions don't seem to hold much water, of course, when we look at agencies like FEMA. Still, we expect the government to manage monetary and economic policy, the medical system and the educational system, and then wonder why we have problems with the cost and efficiency of all these programs.

On top of this, the daily operation of Congress reflects the power of special interests, not the will of the people, regardless of which party is in power. Critically important legislation comes up for votes late in the evening without much warning, leaving Members little chance to read or study the bills. Key changes are buried in conference reports, often containing new legislation not even mentioned in either the House or the Senate versions.

Conferences were meant to compromise two different positions in the House and Senate, not to slip in new material that had not been mentioned in either bill.

Congress spends hundreds of billions of dollars in emergency supplemental bills to avoid the budgetary rules meant to hold down the deficit. Wartime spending money is appropriated and attached to emergency relief funds, making it difficult for politicians to resist. The principle of the pork barrel is alive and well, and it shows how huge appropriations are passed easily with supporters of the system getting their share for their district.

Huge omnibus spending bills introduced at the end of legislative years are passed without scrutiny. No one individual knows exactly what is in the bill. In the process, legitimate needs and constitutional responsibilities are frequently ignored. Respect for private property rights is ignored. Confidence in the free market is lost or misunderstood. Our tradition of self-reliance is mocked as archaic.

Lack of real choice in economic and personal decisions is commonplace. It seems that too often the only choice we are given is between prohibitions and subsidies. Never is it said, let the people decide on things like stem cell research or alternative medical treatments.

Nearly everyone endorses exorbitant taxation. The only debate is about who should pay. Either tax the producers and the rich, or tax the workers and the poor through inflation and outsourcing jobs.

Both politicians and the media place blame on everything except bad policy authored by the Congress. Scapegoats are needed since there is so much blame to go around and so little understanding as to why we are in such a mess.

In the 1920s and the 1930s, Europe's financial system collapsed and inflation raged. It was commonplace to blame the Jews. Today, in America the blame is spread out: illegal immigrants, Muslims, big business, whether they got special deals from the government or not, price gouging oil companies, regardless of the circumstances, and labor unions. Ignorance of economics and denial of the political power system that prevails in the District of Columbia makes it possible for Congress to shift the blame.

Since we are not on the verge of mending our ways, the problems will worsen and the blame game will get much more vicious. Shortchanging a large segment of our society surely will breed conflict that could get out of control.

This is a good reason for us to cast aside politics as usual and start finding some reliable answers to our problems. Politics as usual is aided by the complicity of the media. Economic ignorance, bleeding heart emotionalism, and populist passion pervade our major networks and cable channels.

This is especially noticeable when the establishment seeks to unify the people behind an illegal, unwise war. The propaganda is well coordinated by the media, government and military-industrial complex. This collusion is worse than when state-owned media do the same thing.

In countries where everyone knows the media produces government propaganda, people remain wary of what they hear.

□ 1830

In the United States, the media are considered free and independent. Thus, the propaganda is accepted with less questioning.

One of the major reasons we have drifted from the Founders' vision of liberty in the Constitution was the division of the concept of freedom into two parts. Instead of freedom being applied equally to social and economic transactions, it has come to be thought of as two different concepts. Some in Congress now protect economic liberty and market choices but ignore personal liberty and private choices. Others defend personal liberty but concede the realm of property and economic transaction to government control.

There should be no distinction between commercial speech and political speech with no consistent moral defense of true liberty. The continued erosion of personal property rights is inevitable.

This careless disregard for liberty, our traditions and the Constitution, have brought us disaster with a foreign policy of military interventionism supported by the leadership of both parties. Hopefully, some day, this will be radically changed.

Everyone is aware of the law of unintended consequences. Most Members of Congress understand that government actions can have unintended consequences. Yet few quit voting for government solutions, always hoping there won't be any particular unintended consequences the next time.

They keep hoping there will be less harmful complications from the solution that they are currently supporting. Free market economics teaches us that for every government action to solve an economic problem, two new ones are created. The same unwanted results occur with foreign policy meddling. The law of opposites is just a variation of the law of unintended consequences. When we attempt to achieve a certain goal, like, say, make the world safe for democracy, a grandiose scheme of World War I, one can be sure the world will become less safe and less democratic regardless of the motivation. The First World War was sold to the American people as the war to end all wars.

Instead, history shows it was the war that caused the 20th Century to be the most war-torn century in all of history. Our entry into World War I helped lead us into World War II, the Cold War, the Korean War and the Vietnam War. Even our current crisis in the Middle East can be traced to the great wars of the 20th Century.

Though tens of millions of deaths are associated with these wars, it seems we haven't learned a thing. We went into Korea by direction of the United Nations, not a Congressional declaration of war, to unify Korea. Yet that war ensured that Korea remained divided to this day. Our troops are still there. South Korea today is much more willing to reconcile differences with North Korea, and yet we obstruct such efforts. It doesn't make much sense.

We went into Vietnam and involved ourselves unnecessarily in the civil war to bring peace and harmony to that country. We lost 60,000 troops and spent hundreds of billions of dollars, yet failed to achieve victory. Ironically, since losing in Vietnam, we now have a better relationship with them than ever. We now trade, invest, travel and communicate with a unified Western-leaning country that is catching on quickly to capitalist ways. This policy, not military confrontation, is exactly what the Constitution permits and the Founders encouraged in our relationship with others.

This policy should apply to both friends and perceived enemies. Diplomacy and trade can accomplish goals that military intervention cannot, and they certainly are a lot less costly.

In both instances, Korea and Vietnam, neither country attacked us, and neither country posed a threat to our national security.

In neither case did we declare war. All of the fighting and killing was based on lies, miscalculations and the failure to abide by constitutional restraint with regard to war.

When goals are couched in terms of humanitarianism, sincere or not, the results are inevitably bad. Foreign interventionism requires the use of force. First, the funds needed to pursue a particular policy required that taxes be forcibly imposed on the American people either directly or indirectly through inflation. Picking sides in foreign countries only increases the chances of antagonism toward us.

Too often, foreign economic and military support means impoverishing the poor in America and enhancing the rich ruling classes in poor countries. When sanctions are used against one undesirable regime, it squelches the resistance to the very regimes we are trying to undermine.

Forty years of sanctions against Castro have left him in power and fomented continued hatred and blame from the Cuban people directed at us. Trade with Cuba likely would have accomplished the opposite, as it has in Vietnam, China and even the Eastern Bloc nations of the old Soviet empire.

We spend billions of dollars in Afghanistan and Colombia to curtail drug production. No evidence exists that it helps. In fact, drug production and corruption have increased in both countries. We close our eyes to it because the reasons we are in Colombia and Afghanistan are denied.

Obviously, we are not putting forth the full effort required to capture Osama bin Laden. Instead, our occupation of Afghanistan further inflames the Muslim radicals that came of age with their fierce resistance to the Soviet occupation of a Muslim country. Our occupation merely serves as a recruiting device for al Qaeda, which has promised retaliation for our presence in their country.

We learn nothing, after first allying ourselves with Osama bin Laden when he applied the same logic towards the Soviets. The net result of our invasion and occupation in Afghanistan has been to miss capturing Osama bin Laden, assist al Qaeda's recruitment, stimulate more drug production and lose hundreds of American lives and allow spending of billions of American taxpayers dollars with no end in sight.

Bankruptcy seems to be the only way we will reconsider the foolishness of this type of occupation. It is time for us to wake up.

Our policy toward Iran for the past 50 years is every bit as disconcerting. It makes no sense, however, unless one concedes that our government is manipulated by those who seek physical control over the vast riches of the Middle East and egged on by Israel's desires. We have attacked the sovereignty of Iran on two occasions and are in the process of threatening her for the third time.

In 1953, the U.S. and British overthrew the democratically elected Mohammed Mossadegh and installed the Shah. His brutal regime lasted for over 25 years and ended with the Ayatollah taking power in 1979. Our support for the Shah incited the radicalization of the Shiite clerics in Iran, resulting in the hostage takeover.

In the 1980s, we provided weapons, including poisonous gas, to Saddam Hussein, as we supported his invasion of Iran. These events are not forgotten by the Iranians, who, once again, see us looking for another confrontation with them.

We insist that the U.N. ignore the guarantees under the Nuclear Nonproliferation Treaty that grants countries like Iran the right to enrich uranium. The pressure on the U.N. and the threats we cast toward Iran are quite harmful to the cause of peace. They are entirely unnecessary and serve no useful purpose. Our policy toward Iran is much more likely to result in her getting a nuclear weapon than preventing it.

Our own effort at democratizing Iran has resulted, instead, in radicalizing a population whose instincts are to like Americans and our economic system. Our meddling these past 50 years has only served to alienate and unify the entire country against us. Though our officials only see Iran as an enemy, as does Israel, our policies in the Middle East these past 5 years have done wonders to strengthen Iran's political and military position in the region. We have totally ignored serious overtures by the Iranians to negotiate with us before hostilities broke out in Iraq in 2003.

Both immediately after 9/11 and especially at the time of our invasion in Iraq in 2003. Iran particularly, partially out of fear and realism, honestly sought reconciliation and offered to help the U.S. in its battle against al Qaeda. They were rebuked outright.

Now, Iran is negotiating from a much stronger position, principally as a result of our overall Middle East policy.

We accommodated Iran by severely weakening the Taliban in Afghanistan on Iran's eastern borders. On Iran's western borders, we helped Iranians by eliminating their arch enemy, Saddam Hussein. Our invasion in Iraq and the resulting chaos have inadvertently delivered up a large portion of Iraq to the Iranians, as the majority Shiites in Iraq ally themselves with the Iranians.

The U.S.-Israel plan to hit Hezbollah in Lebanon before taking on Iran's military has totally backfired. Now Hezbollah, an ally of Iran, has been made stronger than ever with the military failure to route Hezbollah from southern Lebanon.

Before the U.S.-Israeli invasion of Lebanon, Hezbollah was supported by 20 percent of the population. Now its revered by 80 percent. A democratic election in Lebanon cannot now serve the interests of the U.S. or Israel; it would only support the cause of radical clerics in Iran.

Demanding an election in Palestinian Gaza resulted in enhancing the power of Hamas. The U.S. and Israel promptly rejected the results. So much for our support for democratically elected government. Our support for dictatorial Arab leaders remains a thorn in the side of the large Muslim population in the Middle East and one of the main reasons Osama bin Laden declared war against us.

We talk of democracy and self-determination, but the masses of people in the Middle East see through our hypocrisy when we support the Sunni secular dictators in Saudi Arabia, Egypt and Jordan and, at one time, Saddam Hussein.

In the late 1970s and the late 1980s, the CIA spent over $4 billion on a program called Operation Cyclone. This was our contribution to setting up training schools in Pakistan and elsewhere, including the U.S. itself, to teach sabotage skills. The purpose was to use these individuals in fighting our enemies in the Middle East, including the Soviets. But as one could predict, this effort has come back to haunt us as our radical ally, Osama bin Laden, turned his fury against us after routing the Soviets.

It is estimated that over 12,000 fighters were trained in the camps we set up in Afghanistan. They were taught how to make bombs, carry out sabotage and use guerrilla war tactics, and now we are on the receiving end of this U.S.-financed program, hardly a good investment. It is difficult to understand why our policymakers aren't more cautious in their effort to police the world once they realize how unsuccessful we have been. It seems they always hope that the next time our efforts won't come flying back in our face.

Our failed efforts in Iraq continue to drain our resources, costing us dearly both in lives lost and dollars spent, and there is no end in sight. No consideration is given for rejecting our obsession with a worldwide military presence which rarely, if ever, directly enhances our security.

A much stronger case can be made that our policy of protecting our worldwide interest actually does the opposite by making us weaker, alienating our allies, inciting more hatred and provoking our enemies. The more we have interfered in the Middle East the past 50 years, the greater the danger has become for an attack on us.

The notion that Arab Muslim radicals are motivated to attack us because of our freedoms and prosperity and not our unwelcome presence in their country is dangerous and silly.

We were told we needed to go into Iraq because our old ally, Saddam Hussein, had weapons of mass destruction. Yet no weapons of mass destruction were found. We were told we needed to occupy Iraq to remove al Qaeda, yet al Qaeda was nowhere to be found. And now it is admitted it had nothing to do with 9/11.

Yet, today, Iraq is infested with al Qaeda, achieving exactly the opposite of what we sought to do. We were told that we needed to secure our oil to protect our economy and to pay for our invasion and occupation. Instead, the opposite has resulted. Oil production is down. Oil prices are up, and no oil profits have been used to pay the bills. We were told that a regime change in Iraq would help us in our long-time fight with Iran, yet everything we have done in Iraq has served the interests of Iran.

☐ 1845

We are being told in a threatening and intimidating fashion that if America were to pull out before Iraq could defend itself, the consequences would be absolutely predictable and absolutely disastrous. I am convinced, though, that the law of opposites could well apply here. Going into Iraq we know produced exactly the opposite results of what was predicted. Leaving also likely will have results opposite of those we are being frightened with. Certainly leaving Vietnam at the height of the Cold War did not result in the disaster predicted by the advocates of the domino theory: an inevitable Communist takeover of the entire Far East.

We are constantly being told that we cannot abandon Iraq, and we are obligated to stay forever if necessary. This admonition is similar to a rallying cry from a determined religious missionary bent on proselytizing to the world with a particular religious message. Conceding that leaving may not be a panacea for Iraqi tranquillity, this assumption ignores two things: One, our preemptive war ignited the Iraqi civil war; and, two, abandoning the Iraqi people is not the question. The real question is whether or not we should abandon the American people by forcing them to pay for an undeclared war with huge economic and human costs while placing our national security in greater jeopardy by ignoring our borders and serious problems here at home.

In our attempt to make Iraq a better place, we did great harm to the Iraqi Christians. Before our invasion in 2003, there were approximately 1.2 million Christians living in Iraq. Since then, over half have been forced to leave due to persecution and violence. Many escaped to Syria. With the neocons wanting to attack Syria, how long will they be safe there? The answer to the question, aren't we better off without Saddam Hussein, is not an automatic "yes" for Iraqi Christians.

We have been told for decades that our policy of militarism and preemption in the Middle East is designed to provide security for Israel. Yet a strong case can be made that Israel is more vulnerable now than ever with moderate Muslims being challenged by a growing majority of Islamic radicals. As the invincibility of the American and Israeli military becomes common knowledge, Israel's security is diminished, and world opinion turns against her, especially after the failed efforts to remove Hezbollah from southern Lebanon.

We were told that attacking and eliminating Hezbollah was required to diminish the Iranian threat against Israel. The results again were the opposite. This failed effort has only emboldened Iran. The lack of success of conventional warfare, the U.S. in Vietnam, the Soviets in Afghanistan, the U.S. in Iraq and Afghanistan, Israel in Lebanon, should awaken our policymakers to our failure in war and diplomacy. Yet all we propose are bigger bombs and more military force for occupation rather than working to understand an entirely new generation of modern warfare.

Many reasons are given for our preemptive wars and military approach for spreading the American message of freedom and prosperity, which is an obvious impossibility. Our vital interests are always cited for justification, and it is inferred that those who do not support our militancy are unpatriotic. Yet the opposite is actually the case: Wise resistance to one's own government doing bad things requires a love of country, devotion to idealism and respect for the rule of law.

In attempting to build an artificial and unwelcome Iraqi military, the harder we try, the more money we spend and the more lives we lose, the stronger the real armies of Iraq become: The Sunni insurgency, the Badr Brigade, the Sadr Mahdi Army and the Kurdish Militia.

The Kurds have already taken a bold step in this direction by hoisting a Kurdish flag and removing the Iraqi flag, a virtual declaration of independence. Natural local forces are winning out over outside political forces.

We are looking in all of the wrong places for an Iraqi army to bring stability to that country. The people have spoken, and these troops that represent large segments of the population need no training. It is not a lack of training, weapons or money that hinders our efforts to create a new superior Iraqi military. It is the lack of inspiration and support for such an endeavor that is missing. Developing borders and separating the various factions, which our policy explicitly prohibits, is the basic flaw in our plan for a forced, unified Western-style democracy for Iraq. Allowing self-determination for different regions is the only way to erase the artificial nature of Iraq, an Iraq designed by Western outsiders nearly 80 years ago. It is our obsession with control of the oil in the region and imposing our will on the Middle East and accommodating the demands of Israel that is the problem. And the American people are finally getting sick and tired of all of their sacrifices. It is time to stop the bleeding.

Instead we continue to hear the constant agitation for us to confront the Iranians with military action. Reasons to attack Iran make no more sense than our foolish preemptive war against Iraq. Fictitious charges and imaginary dangers are used to frighten the American people into accepting an attack on Iran. First it may only be sanctions, but later it will be bombs and possible ground troops if the neocons have their way. Many of the chicken-hawk neoconservative advisors to the administration are highly critical of our current policy because it is not aggressive enough. They want more troops in Iraq. They want to attack Syria and Iran and escalate the conflict in Lebanon.

We have a troop shortage. Morale is low, and our military equipment is in bad shape, yet the neocons would not hesitate to spend, borrow, inflate and reinstate the draft to continue their grandiose schemes in remaking the entire Middle East. Obviously, a victory of this sort is not available no matter what effort is made or how much money is spent.

Logic would tell us there is no way we will contemplate taking on Iran at this time, but logic did not prevail with our Iraq policy and look at the mess we have there. Besides, both sides, the neoconservative extremists and the radical Islamists, are driven by religious fervor. Both are convinced that God is on their side, a strange assumption since theologically it is the same God.

Both sides of the war in the Middle East are driven by religious beliefs of omnipotence. Both sides endorse an eschatological theory regarding the forthcoming end of time. Both anticipate the return of God personified and as promised to each. Both sides are driven by a conviction of perfect knowledge regarding the Creator, and though we supposedly worship the same God, each sees the other side as completely wrong and blasphemous.

The religiously driven Middle East war condemns tolerance of the other's view. Advocates of restraint and the use of diplomacy are ridiculed as appeasers and equivalent to supporting Nazism and considered un-American and un-Christian.

I find it amazing that we in this country seem determined to completely separate religious expression and the state, even to the detriment of the first amendment, yet we can say little about how Christian and Jewish religious beliefs greatly influence our policies in the Middle East? It should be the other way around. Religious expression, according to the First Amendment, cannot be regulated anywhere by Congress or the Federal courts. But deeply held theological beliefs should never dictate our foreign policy. Being falsely accused of anti-Semitism and being a supporter of radical fascism is not an enviable position for any politician. Most realize it is best to be quiet and support our Middle East involvement.

Believing one can have perfect knowledge of God's will and believing government can manage our lives and world affairs have caused a great deal of problems for man over the ages. When these two elements are combined, they become especially dangerous. Liberty, by contrast, removes power from government and allows total freedom of choice in pursuing one's religious beliefs. The only solution to controlling political violence is to prohibit the use of force to pursue religious goals and reject government authority to mold the behavior of individuals.

Both sides in the Middle East are enamored with the so-called benefit that chaos offers to those promoting revolutionary changes. Both sides in situations like this always underestimate the determination of the opposition and ignore the law of unintended consequences. They never consider that these policies might backfire.

Declaring war against Islamic fascism or terrorism is vague and meaningless. The enemy that we are fighting at the expense of our own liberties is purposely indefinable. Therefore the government will exercise wartime powers indefinitely. We have been fully warned to expect a long, long war.

The Islamic fascists are almost impossible to identify and cannot be targeted by our conventional weapons. Those who threaten us essentially are unarmed and stateless. Comparing them to Nazi Germany, a huge military power, is ridiculous. Labeling them as a unified force is a mistake. It is critical that we figure out why a growing number of Muslims are radicalized to the point of committing suicide terrorism against us. Our presence in their countries represents a failed policy that makes us less safe, not more.

These guerilla warriors do not threaten us with tanks, gunboats, missiles or nuclear weapons, nor do they have a history of aggression against the United States. Our enemies' credibility depends instead on the popular goal of ending our occupation of their country.

We must not forget that the 9/11 terrorists came principally from Saudi Arabia, not Iraq, Iran, Lebanon or Syria. Iran has never in modern times invaded her neighbors, yet we worry obsessively that she may develop a nuclear weapon some day. Never mind that a radicalized Pakistan has nuclear weapons and our so-called friend Musharraf won't lift a finger against bin Laden who most likely is hiding in Pakistan. Our only defense against this emerging nuclear threat has been to use and threaten to use weapons that do not meet the needs of this new and different enemy.

Since resistance against the Iraq war is building here at home, hopefully it will not be too long before we abandon our grandiose scheme to rule the entire Middle East through intimidation and military confrontation.

But economic law eventually will prevail. Runaway military and entitlement spending cannot be sustained. We can tax the private economy only so much, and borrowing from foreigners is limited by the total foreign debt and our current account deficit. It will be difficult to continue this spending spree without significantly higher interest rates and further devaluation of the dollar. This all spells more trouble for our economy and certainly higher inflation. Our industry base is shattered, and our borders remain open to those who exploit our reeling entitlement system.

Economic realities will prevail regardless of the enthusiasm by most Members of Congress for a continued expansion of the welfare state and support for our dangerously aggressive foreign policy. The welfare/warfare state will come to an end when the dollar fails and the wealth simply runs out.

The overriding goal should then be to rescue our constitutional liberties which have been steadily eroded by those who claim that sacrificing liberties is required and legitimate in times of war, even the undeclared and vague war that we are currently fighting.

A real solution to our problems will require a better understanding of and a greater dedication to free markets and private property rights. It can't be done without restoring a sound asset-backed currency. If we hope to restore any measure of constitutional government, we must abandon the policy of policing the world and keeping troops in the four corners of the earth. Our liberties and our prosperity depend on it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McKINNEY (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DeFAZIO, for 5 minutes, today.

Mrs. McCARTHY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and September 14.

Mr. NUSSLE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 12, 13, 14, and 15.

Mr. GILCHREST, for 5 minutes, September 12, 13, 14, and 15.

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 8, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9190. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerance [EPA-HQ-OPP-2006-0327; FRL-8090-1] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ethofumesate; Pesticide Tolerance [EPA-HQ-OPP-2005-0537; FRL-8086-2] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-metolachlor; Pesticide Tolerance [EPA-HQ-OPP-2006-0292; FRL-8090-2] received August 25, 2006, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2005-0540; FRL-8086-9] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethenamid; Pesticide Tolerance [EPA-HQ-OPP-2006-0165; FRL-8079-3] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Triflumizole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0461; FRL-8078-1] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0366; FRL-8081-7] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Copper Sulfate Pentahydrate; Tolerance Exemption in or on Various Food and Feed Commodities [EPA-HQ-OPP-2005-0314; FRL-8085-3] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerances [EPA-HQ-OPP-2005-0542; FRL-8081-8] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lepidopteran Pheromones; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0529; FRL-8083-8] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Management and Disposal; Standards for Pesticide Containers and Containment [EPA-HQ-OPP-2005-0327; FRL-8076-2] (RIN: 2070-AB95) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Procedural Regulations for Registration Review [EPA-HQ-OPP-2004-0404; FRL-8080-4] (RIN: 2070-AD29) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sanitizers with No Food-Contact Uses in Registered Pesticide Products; Revocation of Tolerance Exemptions [EPA-HQ-OPP-2006-0495; FRL-8086-1] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9203. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inorganic Bromide; Tolerance Actions [EPA-HQ-OPP-2005-0123; FRL-8077-6] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9204. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the 57th Maintenance Groups performed by civilian personnel in the Department of the Air Force, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9205. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9206. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on how information is provided to potential recruits and to new entrants into the Armed Forces on "Stop Loss" authorities and initial periods of military service obligation, pursuant to Section 546 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

9207. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9208. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting a letter in response to Senate Report 109-141 requesting comparison of accession bonuses, salaries and other benefits offered by the Department of Defense and the Department of Veterans Affairs; to the Committee on Armed Services.

9209. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9210. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9211. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9212. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9213. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9214. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tribal Strategy; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005 [FRL-8208-4] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2006-0484; FRL-8213-9] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to Regulations for Heavy-Duty Diesel Engines [EPA-HQ-OAR-2005-0474; FRL-8214-9] (RIN: 2060-AN70) received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment; Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Allen County 8-hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R05-OAR-2006-0399; FRL-8214-5] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9219. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2006-0225; FRL-8207-9] received August 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Maintenance, Nonattainment, and Prevention of Significant Deterioration Areas [EPA-R03-OAR-2005-VA-0010; FRL-8211-2] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9221. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Definition of "Volatile Organic Compound" [EPA-R03-OAR-2006-0153; FRL-8211-1] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9222. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-046 7; FRL-8209-9] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9223. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2005-0055; FRL-7764-7] (RIN: 2070-AB11) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9224. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Preliminary Assessment Information Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2005-0014; FRL-7764-9] (RIN: 2070-AB08) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9225. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule -- Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178) [EPA-HQ-SFUND-2002-0010; EPA-HQ-SFUND-2002-0011; FRL-8210-5] (RIN: 2050-AE12) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9226. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota [EPA-R08-OAR-2006-0604; FRL-8208-8] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9227. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Montgomery County, Tennessee Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment; Correcting Amendment [EPA-R04-OAR-2005-TN-0007-200527(c) FRL-8208-9] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9228. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 15, 2006 — August 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105-338); to the Committee on International Relations.

9230. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2005 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on International Relations.

9231. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment to the Government of the Kingdom of Saudi Arabia (Transmittal No. DDTC 028-06); to the Committee on International Relations.

9232. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9233. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2007 Annual Performance Plan; to the Committee on Government Reform.

9234. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9235. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9236. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2005 and the preceding four fiscal years on the activities to ensure accountibility for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

9237. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2006 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

9238. A letter from the Chairman, National Labor Relations Board, transmitting the Inherently Governmental and Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

9239. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 2006 FAIR Act inventory; to the Committee on Government Reform.

9240. A letter from the Commissioner, Social Security Administration, transmitting the second annual report of the Administration's use of the category rating system; to the Committee on Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6039. A bill to expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941; to the Committee on Armed Services.

By Mr. CRENSHAW:

H.R. 6040. A bill to establish the Accountable Budgeting Commission; to the Committee on the Budget.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 6041. A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program; to the Committee on Small Business.

By Mrs. EMERSON:

H.R. 6042. A bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement and to require the Secretary to protect information obtained as part of any voluntary animal identification system; to the Committee on Agriculture.

By Mr. HASTINGS of Washington:

H.R. 6043. A bill to amend the Native American Graves Protection and Repatriation Act so that it will be interpreted in accordance with the original intent of Congress to require a significant relationship be found between remains discovered on federal lands and presently existing Native American tribes for those remains to be applicable under the Native American Graves Protection and Repatriation Act; to the Committee on Resources.

By Mr. HINOJOSA:

H.R. 6044. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. FOSSELLA, Mr. KING of New York, Mr. NADLER, Mr. RANGEL, Mr. HINCHEY, Mr. SERRANO, and Mr. ENGEL):

H.R. 6045. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. OWENS, Mr. ISRAEL, Mr. CROWLEY, Mr. SERRANO, Mr. HINCHEY, Mr. ENGEL, Mrs. MCCARTHY, Mr. BISHOP of New York, Mr. TOWNS, Mr. ACKERMAN, Mrs. LOWEY, and Mr. WEINER):

H.R. 6046. A bill to amend title XVIII of the Social Security Act to provide for comprehensive health benefits for the relief of individuals whose health was adversely affected by the 9/11 disaster; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ:

H.R. 6047. A bill to amend the Immigration and Nationality Act to waive inadmissibility based on a misrepresentation in the case of an immediate relative of an active duty or reserve member of the Armed Forces and to extent the V nonimmigrant visa program for spouses and children of such a member; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 6048. A bill to amend title XVIII of the Social Security Act to provide incentives to Medicare participating suppliers and providers of services that are outpatient physical therapy services (including outpatient speech-language pathology services) and occupational therapy services to report quality and efficiency measures and to provide for a value-based purchasing program for payments for such services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX:

H.J. Res. 94. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture.

By Mr. BERMAN (for himself and Mr. DELAHUNT):

H. Res. 985. A resolution directing the Secretary of State to provide to the House of Representatives certain documents in the possession of the Secretary of State relating to the report submitted to the Committee on International Relations of the House of Representatives on July 28, 2006, pursuant to the Iran and Syria Nonproliferation Act; to the Committee on International Relations.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. JACKSON-LEE of Texas, and Mr. WALSH):

H. Res. 986. A resolution recognizing youth court programs for the efforts of such programs in enhancing the quality of the juvenile justice system in the United States and encouraging the recognition of a National Youth Court Month; to the Committee on Education and the Workforce.

By Mr. DOGGETT:

H. Res. 987. A resolution providing for consideration of the bill (H.R. 147) to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Rules.

By Mr. POE:

H. Res. 988. A resolution honoring the life and accomplishments of Joe Rosenthal; to the Committee on Government Reform.

By Mr. POE:

H. Res. 989. A resolution commending the United Kingdom for its efforts in the War on Terror, and for other purposes; to the Committee on International Relations.

By Ms. WATERS:

H. Res. 990. A resolution expressing the sense of the House of Representatives that the original authorization for use of force against Iraq contained in Public Law 107-243 is outdated and Congress should vote on a new use of force resolution that reflects the current situation in Iraq; to the Committee on International Relations.

By Mr. WESTMORELAND (for himself, Mr. BISHOP of Georgia, Mr. GINGREY, Mr. KINGSTON, Mr. MARSHALL, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. BARROW, Mr. SCOTT of Georgia, Mr. PETERSON of Pennsylvania, and Mr. SHERWOOD):

H. Res. 991. A resolution congratulating the Columbus Northern Little League Baseball Team from Columbus, Georgia, on its victory in the 2006 Little League World Series Championship games; to the Committee on Government Reform.

By Mr. WOLF (for himself, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. CAPUANO, and Mr. TANCREDO):

H. Res. 992. A resolution urging the President to appoint a Presidential Special Envoy for Sudan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. WAMP.

H.R. 23: Mr. SABO, Mr. MOLLOHAN, and Mr. DENT.

H.R. 65: Mr. GOODE.

H.R. 111: Mr. PAUL.

H.R. 294: Mr. HIGGINS.

H.R. 303: Mrs. MALONEY.

H.R. 566: Mr. BISHOP of New York and Mr. ACKERMAN.

H.R. 615: Mr. MARCHANT.

H.R. 752: Ms. WATSON and Mr. KUCINICH.

H.R. 817: Mr. MARCHANT.

H.R. 823:. Mr. TERRY.

H.R. 896: Mr. FORTUÑO and Mr. LoBIONDO.

H.R. 941: Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. LaTOURETTE, Mr. GOHMERT, Mr. SOUDER, Mr. COLE of Oklahoma, Mr. LUCAS, and Mr. POMBO.

H.R. 1070: Mr. BONNER.

H.R. 1188: Mr. DOYLE.

H.R. 1243: Mr. ISTOOK, Mr. MOLLOHAN, Mr. RYUN of Kansas, and Mr. PITTS.

H.R. 1264: Ms. McCOLLUM of Minnesota, Mr. WYNN, Ms. WOOLSEY, and Mr. WEXLER.

H.R. 1288: Mr. DeFAZIO.

H.R. 1384: Mr. MARCHANT, Mr. GOHMERT, Mr. GRAVES, and Mr. CARDOZA.

H.R. 1405: Mr. DOYLE and Mr. MURPHY.

H.R. 1634: Mr. LEWIS of Kentucky and Mr. GINGREY.

H.R. 2047: Mr. SOUDER and Mr. WELDON of Pennsylvania.

H.R. 2088: Mr. GRAVES and Mr. CARDOZA.

H.R. 2343: Mr. GERLACH.

H.R. 2421: Mrs. KELLY, Mr. REICHERT, Mr. BAKER, Mr. JINDAL, Mr. McINTYRE, Mr. INSLEE, Mr. NADLER, Mr. DOOLITTLE, Mr. BONNER, Mr. WALSH, Mr. HOLT, Mr. LaTOURETTE, Mr. FERGUSON, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. YOUNG of Florida, Mr. DELAHUNT, Mr. BOUCHER, and Mr. KIRK.

H.R. 2567: Mr. EHLERS and Mrs. LOWEY.

H.R. 2671: Mr. GUTIERREZ and Mr. HIGGINS.

H.R. 2679: Mr. HAYES, Mr. KENNEDY of Minnesota, and Ms. HARRIS.

H.R. 2680: Mr. GERLACH.

H.R. 2694: Ms. MOORE of Wisconsin.

H.R. 2717: Mr. NADLER.

H.R. 2719: Ms. SCHWARTZ of Pennsylvania.

H.R. 2861: Mr. AL GREEN of Texas, Mr. EHLERS, and Mr. BILIRAKIS.

H.R. 2869: Mr. GERLACH.

H.R. 2945: Mr. NADLER.

H.R. 3005: Mr. CRENSHAW.

H.R. 3195: Mr. ANDREWS and Mr. OBERSTAR.

H.R. 3361: Mr. ALLEN.

H.R. 3436: Mr. PLATTS and Mr. McCAUL of Texas.

H.R. 3478: Mr. AL GREEN of Texas, Mr. HINCHEY, Mr. FORTUÑO, and Mr. ALEXANDER.

H.R. 3479: Mr. UDALL of Colorado.

H.R. 3559: Mr. BISHOP of Georgia, Mrs. MILLER of Michigan, Mr. CUMMINGS, Mr. HAYWORTH, Mr. JEFFERSON, Mr. SCOTT of Georgia, and Mr. WICKER.

H.R. 3584: Mr. ANDREWS and Ms. DeGETTE.

H.R. 3762: Mr. SMITH of New Jersey, Mr. YOUNG of Florida, and Mr. WEXLER.

H.R. 3850: Mr. TURNER.

H.R. 3931: Mr. HINCHEY.

H.R. 3954: Mr. PAUL.

H.R. 4098: Mr. BOUCHER.

H.R. 4156: Mr. CONYERS and Mr. BOYD.

H.R. 4222: Mr. BROWN of Ohio.

H.R. 4232: Mr. FARR.

H.R. 4264: Mr. GRIJALVA.

H.R. 4277: Mr. PEARCE.

H.R. 4293: Mr. GENE GREEN of Texas.

H.R. 4304: Mr. ACKERMAN.

H.R. 4341: Mr. KIND.

H.R. 4347: Mr. BROWN of Ohio and Mr. KILDEE.

H.R. 4366: Mr. GORDON, Mr. DOYLE, Mr. WELDON of Pennsylvania, and Mr. BOYD.

H.R. 4429: Mr. KUCINICH.

H.R. 4491: Mr. FORD and Mr. MURPHY.

H.R. 4547: Mr. GENE GREEN of Texas and Mr. MOLLOHAN.

H.R. 4560: Mr. MORAN of Virginia, Mr. GILCHREST, and Mr. LEACH.

H.R. 4597: Ms. WOOLSEY, Mr. MARCHANT, and Mr. BURTON of Indiana.

H.R. 4609: Mr. FORD.

H.R. 4623: Mr. McHUGH.

H.R. 4716: Mr. McCOTTER and Mrs. McMORRIS RODGERS.

H.R. 4747: Mr. BERMAN.

H.R. 4751: Mr. CUMMINGS, Mr. PLATTS, Mrs. MALONEY, and Mr. REHBERG.

H.R. 4771: Mr. McCOTTER.

H.R. 4800: Mr. HINCHEY and Ms. WOOLSEY.

H.R. 4823: Mr. ENGLISH of Pennsylvania.

H.R. 4856: Mr. LEWIS of Georgia.

H.R. 4925: Mr. CONYERS.

H.R. 4964: Mr. BILBRAY.

H.R. 5005: Mr. MARCHANT and Mr. GRAVES.

H.R. 5056: Mr. McCOTTER.

H.R. 5072: Ms. BORDALLO, Mr. NUSSLE, Mr. MICHAUD, and Mr. LaHOOD.

H.R. 5092: Mr. PETERSON of Minnesota, Mr. MARCHANT, and Mrs. GRAVES.

H.R. 5099: Mr. EDWARDS.

H.R. 5100: Mr. WALSH, Mr. HINCHEY, Mr. PAYNE, and Mr. RUSH.

H.R. 5139: Mrs. DAVIS of California and Mr. WEXLER.

H.R. 5148: Mr. WOLF.

H.R. 5150: Mr. WEINER.

H.R. 5161: Mr. KUCINICH.

H.R. 5167: Mr. PRICE of North Carolina, Mr. LEACH, and Ms. HOOLEY.

H.R. 5173: Mr. REHBERG and Mr. WOLF.

H.R. 5179: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PETERSON of Pennsylvania.

H.R. 5182: Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. UDALL of New Mexico, Mr. STUPAK, Ms. CORRINE BROWN of Florida, Mr. SALAZAR, Mr. HINCHEY, Mr. CUMMINGS, Mr. SMITH of Washington, and Mr. RYUN of Kansas.

H.R. 5185: Mr. BARROW and Ms. SCHAKOWSKY.

H.R. 5234: Mr. DOYLE and Ms. JACKSON-LEE of Texas.

H.R. 5236: Mr. CUMMINGS.

H.R. 5249: Mr. HALL, Mr. BARROW, Mr. SPRATT, Mr. SHIMKUS, and Mr. MURPHY.

H.R. 5255: Mr. McINTYRE.

H.R. 5280: Mrs. MYRICK.

H.R. 5388: Mr. MATHESON.

H.R. 5452: Mr. PEARCE and Mr. ROGERS of Kentucky.

H.R. 5460: Mr. RENZI.

H.R. 5465: Mr. PASTOR.

H.R. 5478: Mr. GOHMERT and Mr. KLINE.

H.R. 5550: Mr. ABERCROMBIE and Mr. KUCINICH.

H.R. 5555: Mr. BOUSTANY.

H.R. 5557: Mr. STARK.

H.R. 5558: Mr. PENCE, Mr. POE, and Mr. MICHAUD.

H.R. 5562: Mr. McINTYRE, Ms. ROS-LEHTINEN, and Mr. McGOVERN.

H.R. 5575: Mr. ROSS.

H.R. 5579: Mr. TIERNEY.

H.R. 5608: Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. RAMSTAD, Mr. GERLACH, and Mr. LATHAM.

H.R. 5624: Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. NEY, and Mr. PORTER.

H.R. 5630: Mr. UDALL of Colorado.

H.R. 5644: Mr. MCCOTTER and Mr. FORD.

H.R. 5650: Mr. MCCOTTER.

H.R. 5671: Mr. BOUSTANY.

H.R. 5680: Mrs. DAVIS of California and Ms. ZOE LOFGREN of California.

H.R. 5698: Mr. KENNEDY of Rhode Island and Mr. BOSWELL.

H.R. 5704: Mr. GERLACH and Mr. MCCAUL of Texas.

H.R. 5707: Mr. TERRY.

H.R. 5738: Mr. ALLEN.

H.R. 5743: Mr. RAMSTAD and Mr. PEARCE.

H.R. 5746: Ms. LEE, Mr. GEORGE MILLER of California, Mr. EHLERS, Ms. MATSUI, Ms. ESHOO, Mr. BEAUPREZ, Mr. FARR, Mr. BOUCHER, Ms. MCCOLLUM of Minnesota, and Mr. SALAZAR.

H.R. 5751: Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS, Mr. MARCHANT, and Mr. WESTMORELAND.

H.R. 5755: Mr. TERRY and Mr. MARCHANT.

H.R. 5758: Ms. JACKSON-LEE of Texas and Mr. FORTENBERRY.

H.R. 5769: Mr. CANNON and Mr. BISHOP of Utah.

H.R. 5772: Mr. GALLEGLY and Mr. LOBIONDO.

H.R. 5803: Mr. TERRY.

H.R. 5805: Mr. ENGLISH of Pennsylvania.

H.R. 5806: Mr. WEXLER, Mr. MEEKS of New York, Mr. HONDA, and Mr. GUTIERREZ.

H.R. 5818: Mr. ENGLISH of Pennsylvania.

H.R. 5837: Mr. CARNAHAN.

H.R. 5862: Mr. PEARCE.

H.R. 5866: Mr. SESSIONS, Mr. GERLACH, Mr. THORNBERRY, Ms. GRANGER, Mr. HEFLEY, Mr. CARTER, Mr. MANZULLO, Mr. HALL, and Mr. WELDON of Pennsylvania.

H.R. 5871: Mr. EHLERS, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. FORD, Mr. BOEHLERT, and Mr. RUPPERSBERGER.

H.R. 5890: Mr. KLINE and Mr. MCHUGH.

H.R. 5905: Mr. VAN HOLLEN and Mr. CASE.

H.R. 5948: Mr. LIPINSKI.

H.R. 5977: Ms. HARRIS.

H.R. 5986: Mr. SAM JOHNSON of Texas.

H.R. 6033: Mr. GILLMOR.

H. J. Res. 79: Ms. PELOSI.

H. Con. Res. 222: Mr. LEWIS of Kentucky.

H. Con. Res. 346: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 391: Mr. LEACH.

H. Con. Res. 424: Mr. MCCOTTER, Mr. PITTS, Mr. FORTUÑO, Mr. LIPINSKI, Mr. BRADLEY of New Hampshire, Mr. SANDERS, Mr. REHBERG, Mr. GILCHREST, Mr. MOORE of Kansas, Ms. JACKSON-LEE of Texas, and Mr. BERRY.

H. Con. Res. 465: Mr. PAUL, Ms. CORRINE BROWN of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. FILNER, Mr. PLATTS, Mr. GORDON, Mrs. MALONEY, and Mr. ROTHMAN.

H. Res. 20: Mr. DAVIS of Kentucky.

H. Res. 518: Mr. TERRY, Mr. MCHUGH, Mr. RUPPERSBERGER, Mr. CARDIN, and Mr. MORAN of Kansas.

H. Res. 622: Mr. ENGEL, Mr. ABERCROMBIE, Mr. LANTOS, Mr. LEACH, Mr. ROHRABACHER, Ms. MCCOLLUM of Minnesota, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. RUPPERSBERGER, and Mr. BURTON of Indiana.

H. Res. 745: Mr. BARRETT of South Carolina.

H. Res. 874: Mr. FOSSELLA.

H. Res. 938: Mr. GENE GREEN of Texas, Mr. PAYNE, and Ms. DEGETTE.

H. Res. 940: Mr. MCNULTY, Mr. BACA, Mr. BECERRA, Mrs. LOWEY, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. ORTIZ, Mr. HONDA, Ms. DELAURO, Mr. SMITH of Washington, Mr. HIGGINS, Mr. ACKERMAN, Mr. DOGGETT, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLEAVER, Ms. WATSON, Mr. WAXMAN, Mr. PENCE, Mr. WEXLER, Mr. ISSA, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KING of New York, Mr. MCCAUL of Texas, and Mr. SWEENEY.

H. Res. 943: Ms. KILPATRICK of Michigan.

H. Res. 971: Mr. SHAYS.

H. Res. 973: Mr. POMEROY, Mr. KUHL of New York, and Mr. KIND.

H. Res. 976: Mr. DINGELL and Mr. ROHRABACHER.

H. Res. 983: Mr. DENT.

SENATE—*Thursday, September 7, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Father Costa Christo of the Holy Trinity Greek Orthodox Church, Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us pray.

Be mindful, O Lord, of our civil authorities, of our Armed Forces by land, sea and air and of these God-crowned United States of America. Grant us peaceful times that we may lead a calm and tranquil life in all godliness and sanctity. Teach us to put away all bitterness and misunderstanding, all hatred and prejudice, that we may draw together as one family in Your caring embrace.

Bless and grant perfect health of mind and body to our esteemed Senators. Oversee them and protect them from every evil, adverse encounter, and distress. Direct their thoughts. Lord, in the way of truth, that they may enact, order, and enforce those things that are true, those things that are pure, those things that are just, tending toward all excellence and virtue. Grant unto them Your divine grace for their enlightenment to govern and lead the people of this Nation in the ways of righteousness.

Indeed, let them be Your instruments to bless our Nation and the entire world. For to You belong the kingdom, the power, and the glory, forever more. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 7, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the first 30 minutes of session will be devoted to a morning business period for Senators to make statements. Shortly after 10 a.m., we will resume our work on the Defense appropriations bill. We worked into the evening last night and voted on a couple of the pending amendments. Therefore, we will finish the bill during today's session. The two managers can update us when we return to the bill, but it is my hope we can finish the bill early today and move on to other business. I know I can speak for the chairman and say it is imperative we do not delay this defense funding bill any longer and we move toward passage quickly.

Several committees have been meeting on the issue of port security. We should be ready to begin that important Homeland Security bill next. We will have further updates during today's session as to the timing of finishing the Defense bill as well as the next order of business.

RESERVATION OF LEADER TIME

ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is now a period of 30 minutes for the transaction of morning business, with the first half of the time under the control of the minority leader or his designee and the second half of the time under the control of the majority leader or his designee.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

WELCOMING THE GUEST CHAPLAIN

Mr. BIDEN. Mr. President, I rise this morning as a point of personal privilege to welcome a friend and leader in our community in Wilmington, DE. Father Christo opened the Senate in prayer this morning. It may be the only time the entire Greek community in Wilmington, DE, was tuned in to C-SPAN as we opened up the morning session. I want this Senate to know and I hope my colleagues will get a chance to meet Father Christo.

Many who were raised with a parochial education got an opportunity to meet religious teachers. The kind of guy one always looked for was Father. Father is a guy whom everyone knew was much smarter than you. You knew he was probably a better athlete than you were. You knew he had thought through whatever you were thinking of before you thought it. And you also knew you could go to him whenever you needed help.

That is the role he continues to play with an adult parish in one of the most active communities in my State. The Greek-American community is small in our State, but it is extremely vibrant. Similar to many communities, the heart and soul of it is the church. The heart and soul of it is not only the spiritual center of the community, it is the political center of the community. I mean that in a nonpartisan way. It is the social center of the community. It is the community. It is the embodiment of community.

We have very important business this morning, and I will yield to my distinguished colleague, Senator CARPER.

I can say to Father, it is an honor to have him here this morning. I hope he has an even greater impression than I know he possessed when he came, of the majesty of this place. This is the people's Chamber. They talk about the people's House, this building, this Senate, all of the Capitol. Every time people come to visit, I remind them that this belongs to them. This is theirs. We are only here as hired hands for a while. I hope Father takes back to his parish the notion that there is an awful lot of good that can be done here.

I am delighted he took the time this morning to remind us of the relationship between temple, Government, and the spiritual leadership that comes directly and immediately from God. I thank him for that. I thank him for his generosity and leadership back home in our community beyond Holy Trinity. Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I add a couple of comments to the words of our colleague, Senator BIDEN, in welcoming

Father Christo to the Senate Chamber today.

We are proud of our Constitution. Delaware was the first State to ratify the Constitution of our country. The Constitution calls for separation of church and state. Some people may find, given that as our heritage, it is unusual we begin each of our sessions in the Senate with an opening prayer.

Today, we are honored for all in Delaware, for everybody in the Greek community in our State, and everyone in the country, to be able to welcome one of our own to open the Senate in prayer.

I am struck by the number of times I talk to people in my State and around the country who say: We pray for you—not just me as an individual but for us as a collective body, as we meet. I always say: We welcome your prayers; keep praying. We certainly need those prayers.

I asked my staff to give me a little bit of background on Father, to say a few words. I have 10 pages of accomplishments. What a remarkable tale of accomplishment—and still a young pup.

I am honored you are here. Thank you for coming and starting our day on the right foot.

I would say to those people from other States, in talking to the Presiding Officer before the session began, he was asking where the Greek Church is in our State. If you come through Delaware on I-95, and a lot of people do, in the early part of June, you get off on Pennsylvania Avenue and head north a couple of blocks, make a left turn on Broom Street, you will find the Greek Church. They hold a great festival there. It is not only a church where people go for their souls, but three nights in the early part of June you can go there and enjoy great Greek food, dance, and drink. It is a wonderful time of fellowship with people who are Greek their whole lives and people who are Greek for a night or two.

We are honored by your presence, Father, and thank you for embracing us and thank you for your warm and wonderful prayer.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent for 15 minutes to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CPL PHILLIP BAUCUS

Mr. BAUCUS. Mr. President, west of Baghdad in Iraq's Al Anbar Province, the 3rd Light Armored Reconnaissance Battalion of the 1st Marine Division rested for the night. On Saturday, June 29, a suicide bomber crashed his vehicle into a barrack. The structure collapsed. Four marines died. Among them was a 28-year-old corporal named Phillip Baucus. He is my nephew.

When I first took my wife Wanda to the family ranch many years ago, about 23, young Phillip, 5 or 6 years old, received Wanda. He walked up to Wanda and said: Wanda, welcome to the ranch. He had a wildflower in his hand and he gave it to Wanda. That is how he was.

Wanda and I had the sad duty at Dover Air Force Base to receive Phillip's casket. When we asked, they said, no, we could not touch his casket, but they reconsidered—the colonel did—and said, yes, it was all right for Wanda and let Wanda touch Phillip's casket. Beneath the flag that draped the casket, Wanda slipped a wildflower. That is how she is. North of Helena, in Montana's Lewis and Clark County, Phillip came to his final rest. On the afternoon of Sunday, August 6, more than 500 Montanans gathered under the willow trees of the family ranch to remember Phillip.

A Chinook helicopter flew overhead, a massive American flag draped below it. White doves were released into the sky. A bagpipe played "Amazing Grace," and the "Marine Corps Hymn." Bugles played "Taps." The funeral ended with a family tradition, a tradition that Phillip loved. We packed 2 pounds of black gunpowder, fired an anvil weighing about 60 pounds several hundred feet into the air. It fell to the ground with a heavy thud.

Marines folded the flag that had covered Phillip's casket into a triangle and handed it to his widow Katherine. Phillip and Katherine had been married at that very same place less than a year before. Phillip's Marine colleague, Sergeant Raymond Rios, spoke to Phillip saying: "Baucus, you will always be here with every shadow, the sun shining and the trees blowing."

My brother John and I planted two trees there a few weeks ago on the ranch in memory of Phillip. They will blow in the winds and grow in the sun there in his memory. It was at that ranch where he was laid to rest on the same mountain where my father lies.

In the days since, I have been moved by the hundreds of handwritten notes I have received from Montanans, friends, and colleagues. I have been moved by these many tributes. In the Native American culture there is no greater honor than dying for your community, being a warrior. American Indians have answered this country's call to service in numbers far greater than their fair share of the population. When injured or killed in war, Native American service men and women are honored as fallen warriors. Their praises are sung before every powwow and special occasion.

I visited several Indian tribes last August. Time after time, I was honored when the tribal leaders honored Phillip as a fallen warrior. Following one tribal council meeting, an elderly grandmother asked if she could honor Phillip. She told me she had two grandsons in Iraq. She wanted to express her condolences to my family. She had made a quilt with the American flags interspersed throughout the quilt for the fallen warrior. She asked me to turn around. And reaching on her tiptoes, she draped the quilt around my shoulders. Then she embraced me.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 3865 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. Mr. President, coincidentally, coming to the floor this morning, I signed two letters of condolences to families, one in northern Nevada—Silver Springs, NV—and one in Las Vegas, NV, to parents who lost young men in Iraq during the last week or so. I have signed lots of these letters for Nevadans, but signing one of these letters in the future will never be the same after listening to my friend from Montana.

When I first learned of Phillip's death, I said on the Senate floor: MAX BAUCUS has a son. I know him, a wonderful young man. But this nephew of Senator BAUCUS was like his second son. So in the future, when I sign these letters, I will think of MAX BAUCUS because it is easy, it is human nature, to feel sorrow when we sign these letters and see these names—approaching 2,700—but when you have actually experienced the loss, I know, having witnessed the distress my friend has gone through, I repeat, signing that letter to one of these families will never be the same.

So I say to Senator BAUCUS, who is part of the Senate family, one of the senior Members of the Senate, the thoughts of every Senator go out to you. MAX. And you did today what your heart said you should do. I wish we could convey to everyone in America, through you, what is going on in our country and what sacrifices families are making. We have to make their sacrifices stand for something.

Again, it is wonderful to have MAX BAUCUS as our friend. And more especially to me, on a personal note, it is important he is my friend.

Mr. BAUCUS. Mr. President, I thank my very good friend from Nevada. I thank you very much. And I thank all my colleagues very much. We are one big family here in the Senate and in the country, and we are a great country. We will see our way through all this.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have just heard a very powerful and moving statement from the senior Senator from Montana, and we all understand he has suffered a deep and personal loss. I heard about the very close relationship Senator BAUCUS had with the nephew he lost, and he should know that his friends and his colleagues share that loss, that we grieve with him and we grieve with the family, that we especially appreciate the very moving statement he made.

It is our obligation—it is our obligation—to make certain these losses mean something and that, in the end, our country is successful against this threat.

I think every Member of this Chamber recognizes there is a real threat to our Nation and that we owe a deep debt of gratitude to those who answer the country's call, who come forward and serve when they are asked. This Nation owes much to those who have sacrificed, and we should never forget it.

Senator BAUCUS, you should know that your friends and your colleagues—this is a family—mourn with you and grieve with you and your family.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business allotted to the minority has expired. The majority controls 15 minutes.

Who seeks time?

The Senator from Kentucky.

NATIONAL SECURITY

Mr. BUNNING. Mr. President, I rise today to discuss the issue of national security. Safety and security of the American people must be our Government's top priority, and we must not lose sight of the threat that faces our Nation. As we approach the anniversary of the attacks of September 11, 2001, I wish to remind all Americans that these were acts of war against the United States.

Since then, the United States and our coalition partners have fought back.

Despite what some might say, we have seen many successes. We have dismantled al-Qaida's terrorist network in Afghanistan and helped democracy rise in its place.

We are working with our allies to secure a united, stable, and democratic Iraq.

We have led an international campaign against terrorist financing, freezing over $1.5 billion in terrorist assets in the United States alone.

Since September 11, there have been no terrorist attacks or acts on American soil. Our intelligence system has prevented 15 major terrorist plots that we know of and likely many others that are undisclosed. We have convicted over 261 defendants in terrorism-related cases and charged more than 180 others.

While we are continually working to make America safer, we still face serious threats from our enemies both at home and abroad.

To win the war against the Islamic fascists, we need an effective intelligence system that is lawful but also provides us with the necessary information to prevent attacks before they occur.

Only last month we were once again reminded that there are people out there who want to kill us and what we stand for. Fortunately, with the help of our British allies, we were able to prevent the terrorists from killing innocent civilians. These threats are real, this war is real, and the outcome will be determined by the action of our Congress and our people, and it will determine the future of our Nation.

This war is unlike any other war we have ever fought. It is both a battle of arms and a battle of ideas. This war of ideology is not an easy one and requires an advancement of freedom.

I know it is often difficult to turn on the news and hear reports from Iraq and Afghanistan and question what type of effective democracy we have in place. Have we so quickly forgotten the image 9 months ago of Iraqis waving their blue fingers in the air after they had voted in the first free elections in their nation's history? Have we forgotten the images of women and children sitting in classrooms in Afghanistan, free to learn without the fear of persecution or execution?

These are images I will never forget. They are images of democracy at work.

Just this morning we saw democracy at work when coalition forces in Iraq handed over control of the Iraqi armed forces to the Iraqi Government.

Effective democracies do take time and hard work. They cannot be created overnight, but in the end they combat the ideology of Islamic fascists.

These terrorists recognize this and because of it are willing to kill innocent people to stop the spread of freedom.

I urge my colleagues not to let them succeed in their efforts and to join me in maintaining a united front against these terrorist nations and the terrorists across the world as we press ahead with important national security legislation in the coming weeks.

While we may disagree about different policies in our war against these terrorists, we must not lose sight of what is at stake for our country. We owe it to future generations—my 35 grandkids, 4 great-grandkids, 9 children, and their spouses—we owe it to all Americans because the cost of failure is too great.

I, for one, will not back down from the challenges and look forward to working with my colleagues on this matter.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to join my colleague from Kentucky in commenting this morning during morning business on our efforts to protect against the continuing threats to our Nation, specifically protecting ourselves against the continuing threat from terrorists.

I am pleased to see President Bush in recent days presenting to the American people and the world what the facts are, what we have achieved in our efforts to defend our country against the terrorist acts and to protect against those who would harm American citizens around the world.

I am pleased to see that we have the strong leadership of the President on this issue and those who are working with him in the administration to carry out his policies and the policies we have identified here to support through votes in the Senate and the House.

Secretary Rumsfeld has come under a lot of criticism recently. Many people have been making speeches, calling for his resignation. I think he has done a good job. I think he has been a solid performer to carry out the mission that we have to perform to succeed in the war on terror.

The Congress has approved appropriations bills, authorizations for the work that is being done in this very difficult and challenging area. We now have before us in the Senate another appropriations bill providing funds for the Department of Defense. We have a bill that has been approved by our Appropriations Committee funding the Department of Homeland Security. In both of these measures, we have outlined an aggressive effort that should be carried out by our Government to protect our country, and the efforts that we have made and the administration has made are working. They are doing a great job.

Recent events in England have shown us how difficult the challenge is for other countries and how sometimes preemptive and decisive action is needed in order to protect the citizens of England and our country as well. We applaud the close working relationship we have with them. We benefit from their efforts, and we are grateful to them for the courage and the skill they have shown in this war on terror.

The Congress should continue to support the administration, not take advantage of opportunities for political bickering, partisan nitpicking—whatever one might want to call it. I think we need to take a higher ground in this debate and discussion of what our options are for protecting our country and our people. We don't need the constant drumbeat of partisan criticism against the President and the Secretary of Defense.

I think we should consider instead the impressive success of our soldiers, their courage, and the courage of their leaders and the skill of their leaders in mobilizing the resources of our country to guarantee success in the war on terror.

Just consider what is going on in Iraq right now. Madam President, under the leadership of President Bush and Secretary of Defense Rumsfeld and GEN George Casey, our outstanding commander who is responsible for the multinational force that is in Iraq today, we are successfully helping Iraq organize, equip, and train their forces so they can take care of their own security interests.

Iraqi security forces are now in the lead and responsible for almost 75 percent of the military obligations and challenges that are faced today in Iraq.

There are currently 5 Iraqi divisions, 26 brigades, and 88 battalions that are in the lead in their areas of responsibility in Iraq.

More and more of the land area in Iraq is now under the control of Iraqi's own security forces, supported, of course, by coalition government troops who are there as well.

The other day, at a news conference in Baghdad, General Casey explained that he can see U.S. troop reductions in Iraq over the next 12 to 18 months because Iraqi security forces are progressing to a point where they can take on the security responsibilities of the country.

We have seen a significant step being taken when the Iraqi Ministry of Defense announced it is assuming direct operational control over the country's Armed Forces. That announcement was made today. The Iraqi joint headquarters, under the direction of the Ministry of Defense, will be fully responsible now for the Iraqi Air Force, the Iraqi naval force, and the Iraqi ground forces command.

These are facts, Madam President, which we ought to consider and applaud, and our Government and our Department of Defense and our soldiers deserve credit for the successes they have achieved and the strong leadership that has been provided to them.

The United States and coalition forces have gradually turned over other security operations in Afghanistan, for example, to NATO forces. This has been a very impressive feat of leadership to bring together the forces of NATO originally responsible for European defense and now enlarged to include areas of concern to other NATO countries in what had been previously considered out-of-area interests.

NATO forces have taken control of the International Security Assistance Force in the north, west, most recently in the south, and now are making progress in the east to achieve control and success in defending the security of the people of Afghanistan.

There are 37 nation states involved in this effort. We ought to applaud the President, and we ought to applaud the Secretary of Defense for the successes they have achieved in moving us to this point in our dealings with Afghanistan. We have liberated Afghanistan. The Russians had experiences there. We recall their failures and the dangers that continued under the Taliban—the deprivation of rights, particularly of women and children. No schools were available. Now we have moved into a new area of freedom and hope because of the work that these 37 nations have achieved under U.S. leadership and with the U.S. military very actively involved.

So today I am pleased to say to the administration and the Secretary of Defense and the President specifically: We are proud of the work you are doing. We are going to continue to support you by providing the funding you need to carry out your missions and protect our country against terrorists and the other threats that we have looming on the horizon.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, how much time is remaining in morning business on our side?

The PRESIDING OFFICER. There is only 15 seconds remaining.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak for up to 5 minutes as in morning business. I want to speak about the Iranian President who is going to be in Washington speaking today.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There is no objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. BROWNBACK. Madam President, I thank my colleagues for this opportunity to speak.

Later today, President Khatami of Iran will be speaking at the National Cathedral. I hope he is asked and he answers a number of questions about what happened during his reign of terror in Iran.

President Khatami was the President of Iran, the lead sponsor of terrorism around the world.

President Khatami was President of Iran, a country that seeks to have the United States bow down in front of Iran and to Iran.

President Khatami worsened the human rights record in Iran to its own people. As we speak right now, a press conference is going on at the National Press Club of Iranians who have somehow gotten out of that country who were tortured under President Khatami and President Ahmadi-Nejad, the current President of Iran.

I hope that as we deliberate the Department of Defense appropriations bill, we recognize this threat. This is a country, Iran, that seeks to destroy Israel, seeks to attack and destroy the West, seeks to have us bow down. I will read the quote from President Ahmadi-Nejad that he said in July. He called on America and the West to bow before Iran saying:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

Those are his words. We will not bow down. We are in a war on terrorism. We are in a war against Islamic fascism, which this is a statement of. I hope we recognize that. In the war on terrorism, terrorism is their tactic, and they use it through Hezbollah and Hamas, which Iran is supporting and operating. They direct it at us. We have to confront this and we have to confront this Islamic fascism. What they seek to establish is a militant dictatorship, an Islamic fascist dictatorship. This group has an object. They don't just wander around. Step 1 is to remove the United States from the Middle East. Step 2 is to establish an Islamic caliphate. This is an Islamic dictator over an entire region—a Shia crescent over an entire region of the world. These are his words. This is what they seek. They seek a nuclear weapon to be able to threaten the region, to be able to use in this region. Ayatollah Khamenei, the lead sponsor and organizer of the current Islamic Republic, in 1979, removing the Shah, came in and said if we destroy Israel, Allah will reward us. This is a governing theological philosophy that has not been walked away from by the current leadership in Iran. Let's listen to the words they say themselves.

Former President Khatami is going to be speaking in Washington, DC, tonight. He said in October 2000:

> If we abide by the Koran, all of us should mobilize to kill.

This is October 2000. He should be asked, does he still believe that statement or support that statement.

Today, I will be introducing the Iran Human Rights Act, legislation designed to focus our attention on the human rights abuses taking place in Iran today and support the efforts of the Iranian people to enact peaceful, democratic reforms.

While we have been focusing on the nuclear weapon development by the Iranians and on their support for terrorism, we should not forget about the plight of the Iranian people and their difficulties under this regime. The bill creates a special envoy to focus on human rights abuses in Iraq and to work with groups who support human rights and democracy in Iran.

The bill provides financial supports to these groups supporting human rights and that are working toward democracy in Iran. Finally, it ensures that the United States broadcast into

Iran emphasize U.S. support for the rights and well-being of the Iranian people. We need to focus on the nuclear weapons, and we also need to focus on the rights of the Iranian people being abused by this regime. It is also my hope that we will grant visas to this country to professors being kicked out of universities in Iran because they don't tow the line of the ruling clerics in that country. Currently, the universities are being purged in Iran of the dissident voices of these professors.

We stand with the Iranian people. We stand against this Iranian tyrannical regime. I hope we can move this legislation forward to show our support for the suffering people. I ask the people who go to the meetings where President Khatami is speaking to ask these questions:

Why did he support terrorism? Why did the human rights record get worse under his 8 years of leadership in Iran? Why do they persecute religious minorities and women? Why do they persecute those who have peaceful protests inside Iran? Why does Iran need to enrich uranium when they have plentiful oil and gas supplies? These are serious questions in serious times.

I hope that as we consider this Department of Defense bill, we will consider what the words of those who have vowed to destroy us are and that we take appropriate action against them.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will re- ne consideration of H.R. 5631, which he clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Rockefeller amendment No. 4906, to strike the section specifically authorizing intelligence and intelligence-related activities.

Mr. STEVENS. Madam President. what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from West Virginia, Mr. ROCKEFELLER.

Mr. STEVENS. I ask unanimous consent that that amendment be set aside in order to consider the amendment to be offered by the Senators from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota, Mr. CONRAD, is recognized.

AMENDMENT NO. 4907

Mr. CONRAD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. DORGAN, Mr. SALAZAR, and Mr. MENENDEZ, proposes an amendment numbered 4907.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection. it is so ordered.

The amendment is as follows:

(Purpose: To enhance intelligence community efforts to bring Osama bin Laden and other key leaders of al Qaeda to the justice they deserve)

On page 230, beginning on line 15, strike "$19,265,000" and all that follows through line 16 and insert the following: "$219,265,000, to remain available until September 30, 2008: *Provided*, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234."

Mr. CONRAD. The amendment is on behalf of myself and Senators DORGAN, SALAZAR, and MENENDEZ.

Five years ago, our Nation was viciously attacked by al-Qaida. We all remember the horrific images from that fateful day. I remember so well arriving at the Capitol building for early morning meetings and, as we entered, security personnel ordered an evacuation. Those of us who were evacuated from this building went back to our offices and were again evacuated there, as there was a belief that there was a potential threat to the Capitol complex. Later on, we saw the results of the attack. We saw people jumping from the World Trade Center. We saw the attack on the Pentagon. We did not know, in the early hours, who was responsible, but we knew the world had changed.

I remember very well that night, as Members of Congress stood on the steps of the Capitol showing that we were shoulder to shoulder in defense of America. That night, there were no Republicans, there were no Democrats; there were just proud Americans on the steps of this Capitol, men and women elected to represent our individual States here in this Capitol. In the 20 years I have been in this Chamber, I never saw such unity, such a sense of purpose that we would not let these acts stand and that those who were responsible would be held to account.

We need to renew that spirit. We need Democrats and Republicans standing together to bring to justice those who were responsible for these horrific acts. In this photo is the man who planned, financed, and organized those operations, Osama bin Laden, the head of al-Qaida. It has now been over 1,800 days since those attacks, and this man is still on the loose. This man has still not been brought to justice. I believe it is one of our Nation's highest priorities that he and the other top leadership of al-Qaida be brought to justice. I include Mr. al-Zawahiri. I think we also know that Mullah Omar, the leader of the Taliban in Afghanistan, has not been apprehended and brought to justice either.

To me, this is centrally important to the war on terrorism. We have to get the terrorist leaders who designed the attack on our country. I say to my colleagues that I graduated from high school from an American military base in Tripoli, Libya, North Africa, Willis Air Force Base. I had relatives who were in the intelligence service of the United States who served in that part of the world as well. One thing I learned when I was in that part of the world is that if a fight started, you better get the leaders and you better get them quick; otherwise, it mushroomed and escalated. My experience was very minor. It was on the basketball court, where we would have shepherds periodically come and start throwing stones. We found out early that you better get a stone and you better nail a couple of their guys or the thing got worse. I think all of us who have studied the Arab world know that in that culture, if somebody attacks and is not held to account, that person grows in stature in that culture.

We have to hold to account Osama bin Laden, al-Zawahiri, and all of the rest of the al-Qaida leadership. I think that is absolutely critical for success in the war on terror. Osama bin Laden continues to call for attacks on us. We are now seeing a Taliban resurgence in Afghanistan. Last month, we saw a plot that may have been orchestrated by al-Qaida to blow up airliners flying between Britain and the United States. Unfortunately, the latest intelligence—and this is not classified, so I am not disclosing any state secrets here—according to the National Institute for the Prevention of Terrorism, the number of al-Qaida operatives worldwide has grown from 20,000 in 2001 to 50,000 today.

Some of our colleagues have likened this to World War II. I don't believe that. This is not like World War II. This is fundamentally and profoundly different. In World War II, we had Hitler Germany attempting to achieve world dominance. In World War II, we had a state, the nation of Germany, attacking its neighbors, seeking hegemony throughout Europe and beyond. We had Germany attacking its neighbors. We had Germany on the move against Great Britain. We had Germany with its allies attacking the Soviet Union. That was profoundly different than a network of terrorists spread in over 70 countries around the world seeking to weaken our country. That is a profoundly different circumstance than we faced in World War II. In World War II, we faced the sneak attack by Japan on the United States, and Japan being allied with Germany in a move to achieve world dominance. That is a profoundly different circumstance than the one we face today. And if we don't adapt our methods and tactics and strategy, we will be less successful.

It is critical that we have this debate, and it should not be a partisan debate. To me, this is not a matter of Republicans and Democrats; this is a question of how does our country succeed in this battle against terrorism? How do we best succeed? My own conviction is, it starts with this man. It doesn't end there, but it starts here. Osama bin Laden has got to be brought to justice. Mr. Zawahiri has got to be brought to justice. Mullah Omar has got to be brought to justice. And I don't question—I don't question the intention of this administration to attempt to do that, but I do note that it has now been 5 years, and there has been a failure to get those who organized the attack on our country. That is a fact. And we need to deal with that fact and we need to adopt new methods, new strategies in order to achieve success. That is my conviction.

These are things that disturb me greatly. In March of 2004, USA Today reported:

> In 2002, troops from the fifth special forces group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Let's think about that a minute. After Osama bin Laden, who led the attacks, we put in special forces to find him who were experts in Arab culture and in Arab languages. But when we diverted our attention and moved to Iraq, we pulled those forces out of Afghanistan in the search for Osama bin Laden and replaced them, according to these news reports, with troops with expertise in Spanish culture. There aren't many Spanish speakers or much Spanish culture in Afghanistan. I think this was a profound mistake.

The article goes on to say:

> The CIA meanwhile was stretched badly in its capacity to collect, translate, and analyze information coming from Afghanistan.

When some say the center of the war on terrorism is Iraq, I think they have it wrong. The center is in Afghanistan where Osama bin Laden and Zawahiri have been located. I am not saying I know that they are located there now. We know they were located there; perhaps they are somewhere else at this point. But at the time we shifted our focus, I believe it was a mistake. I believe we ought to have focused like a laser on the leadership of al-Qaida. Al-Qaida attacked us; not Iraq. There wasn't a single Iraqi on those airplanes that crashed into the World Trade Center. There wasn't a single Iraqi on the plane that hit the Pentagon. There wasn't a single Iraqi on the plane that went down in Pennsylvania. They were al-Qaida operatives led by Osama bin Laden, not Iraqis led by Saddam Hussein.

I might add that once we took our eye off the ball in getting the terrorists and instead went to Iraq, we have now unfortunately freed up Iran for all kinds of troublemaking in the Middle East. Iran is behind the operations of Hezbollah in Lebanon. Is there any doubt that they are the financial muscle behind that operation? This is a battle. It is a battle that is critically important to our Nation's security, and we have to fight it in a smart and disciplined and focused way if we are to succeed. That is my belief.

Now we learn that the CIA has closed the unit that is focused on the capture of Osama bin Laden. This report from July of this year says:

> The Central Intelligence Agency has closed the unit that for a decade had the mission of hunting Osama bin Laden and his top lieutenants. The unit, known as Alec Station, was disbanded late last year and its analysts reassigned within the CIA Counter-Terrorist Center.

The article goes on to say:

> In recent years, the war in Iraq has stretched the resources of the intelligence agencies and the Pentagon, generating new priorities for American officials.

I believe the priority remains getting those who attacked us. It wasn't Iraq that attacked us; it was al-Qaida that attacked us, and it is critically important we hold them to account.

On August 21, the President said this:

> The terrorists attacked us and killed 3,000 of our citizens before we started the freedom agenda in the Middle East.

He was then interrupted by a reporter who asked:

> What did Iraq have to do with that?

The President:

> What did Iraq have to do with what?

The reporter:

> The attacks upon the World Trade Center.

The President:

> Nothing.

That is correct, nothing. We know from the 9/11 Commission Iraq was not involved in the attacks of 9/11. It was al-Qaida—al-Qaida led by Osama bin Laden. That is where we have to focus. And this, to me, is not a political debate. This is a question of the strategic policy of the United States. How do we best defend America against those who have already attacked us and intend to attack us again? I would submit the first thing we have to do is get the leadership of the organization that is worldwide in scope, that seeks to take us down. Make no mistake, this is a battle with real consequences, and we have got to fight it in the smartest, most effective way.

It has now been 1,823 days since Osama bin Laden attacked us. Madam President, 1,823 days; that is a long time. That is nearly 5 years. The President just issued a new intelligence estimate and analysis. There is only one mention of Osama bin Laden in that document, and it is a reference in passing.

I don't think it should be a matter that is mentioned in passing. I deeply believe we have to refocus and we have to go after, in a disciplined and dedicated way, the leadership of al-Qaida, starting with Osama bin Laden, going to Zawahiri, and right down the list. I applaud those successes that we have had in getting Zarqawi and others. Thank God for that. But we have got to get those at the top.

This amendment adds $200 million to the intelligence budget for a unit explicitly dedicated to bringing Osama bin Laden and other top al-Qaida leadership to justice. The second part of this amendment requires a classified report every 90 days on activities of our Government related to bringing Osama bin Laden to justice. A classified report because, obviously, we don't want to signal the game plan.

This is the amendment that I offer, and I thank my colleagues who have cosponsored it with me: Senator DORGAN, my colleague from North Dakota; Senator SALAZAR from Colorado; Senator MENENDEZ from New Jersey; and now I am informed that additional Senators have asked to join, including Senator LINCOLN of Arkansas, Senator KERRY of Massachusetts, and Senator OBAMA of Illinois.

I ask unanimous consent to add them as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I yield the floor.

Mr. DORGAN. Madam President, Senator CONRAD and I have, over the last 2 days, talked about the need for an amendment of this type to be offered to the Defense appropriations bill. We have talked about several different ways of offering this amendment and the circumstances that require us to come here and draft an amendment and offer it to our colleagues. This amendment represents some discussions, as well, with colleagues. I want to say that almost all of that which persuaded us to do this has now been described by my colleague, Senator CONRAD.

He talked about 9/11 2001. I recall going to Ground Zero in New York as the fire was still burning, smoke coming out of the wreckage of the World Trade Center from the bombing of the trade center by the terrorists and the murder of 3,000 innocent Americans. And as we toured just several days after those terrorists had hit the World Trade Center in New York, and the smoke was still billowing out of that twisted steel wreckage, one of the grizzled firefighters who had not shaved for several days, obviously had not slept, had bloodshot eyes, came up to me as we were touring—a group of Senators—and he said to me: "Get 'em. Ya'll have to get 'em. If you don't get 'em, they are going to do it to us again."

Having worked in this wreckage of the World Trade Center and having seen the carnage and the bodies, what he meant was that if we don't get those who did this, they will repeat it. That firefighter was speaking with a real passion, a passion that I think is shared by the American people. That passion was shared on that day and it is now, today.

That attack on 9/11—my colleague showed a picture of it—was with commercial airplanes loaded with fuel used as weapons. The New York Times ran a piece on August 11, 2004, by Nicholas Christoff, about a book by Harvard professor Graham Allison called "Nuclear Terrorism." Allison told a story in this book that exactly 1 month after 9/11, on October 11 in 2001, aides told President Bush that a CIA source named Dragon Fire had reported that al-Qaida had obtained a 10-kiloton nuclear weapon, apparently stolen from Russian stockpiles, and had smuggled it into New York City, and al-Qaida terrorists were now prepared to detonate it. This is described in some detail in the book.

The CIA apparently found this report plausible. They knew that apparently Russia had small 10-kiloton nuclear weapons. Russia was reported to have lost some nuclear materials. Al-Qaida had made a determined effort to acquire them. The CIA had apparently picked up al-Qaida chatter about an "American Hiroshima." This issue was taken very seriously in October of 2001. Later it was determined the lead by the agent named Dragon Fire was a false lead. But in retrospect of this issue, all of those who evaluated it determined it could well have been true.

It is not implausible that a nuclear weapon could be stolen. After all, there are some 30,000 nuclear weapons on this Earth. It is not implausible that having a nuclear weapon stolen by a terrorist group, it could be detonated. And it is certainly likely they would attempt to detonate a nuclear weapon in the center of a major city, especially a city in the United States.

I describe that only to say these issues are critically important. Yes, 9/11 breaks our heart—all of the innocent Americans killed by acts of terrorism. But that will be an event that will be small by comparison if, in fact, a nuclear weapon is acquired by a terrorist group like al-Qaida and detonated in an American city in the future.

There are responsible people who have said they believe there is a very substantial likelihood such an event could or will happen in the next 10 years, unless this country provides the leadership to stop the spread of nuclear weapons, stops the proliferation of nuclear weapons and does everything necessary to keep nuclear weapons out of the hands of terrorists.

The evil of terrorism requires and demands a unified American resolve. As my colleague has previously said, when it comes to fighting terrorism, there are no D's or R's, there are no Republicans or Democrats, conservatives or liberals, there are only Americans resolved to confront this evil.

We are determined to confront and defeat those who are intent on murdering innocent people in the name of terrorism. We fight terrorism to preserve freedom, but we betray rather than serve our freedom if we turn a blind eye to the actions which will diminish the very freedoms we cherish, even as we confront the actions of terrorists. As we wage this fight against terrorism, we do not serve the interests of our country by labeling others who may disagree with strategies as appeasers, of the type who appeased Nazism. That does not serve America's interests either.

I have heard colleagues today come to the floor to lament that there have been some criticisms of Administration strategies. Let's all understand no one is perfect. Big mistakes have been made. Mistakes, and big mistakes, have been made, both with respect to Iraq and also with respect to the war against terrorism.

In Iraq, we discovered later there were no weapons of mass destruction. There was no yellow cake from Niger. The aluminum tubes were not for the purpose of building a nuclear capability. There were no mobile chemical weapons labs. Would we be treated as liberators as was suggested? No. It turns out that was not the case.

Were mistakes made? Two days ago, a young fellow who left law school after 9/11 to enlist in the Army to go to Iraq told me that when he got to Iraq his mother, an elementary schoolteacher, had to go on the Internet to buy body armor to send it to him. Were mistakes made? You darned right mistakes were made. Mistakes were made. Let's understand that. Recognizing and understanding that and admitting it allows us to decide not to make those mistakes again.

All of us are here to support our soldiers in their fight against terrorism, in their mission in Iraq. Let me say, as an aside as well, that the violence and terrorism in Iraq does have an al-Qaida component; it does. But by far the bulk and the majority of the violence and terrorism in Iraq is Iraqi upon Iraqi, Sunni upon Shia, Shia upon Sunni. There was not an Iraq connection with al-Qaida prior to the war in Iraq.

Having said all of that, with respect to the broader war on terror, when we open the newspaper this morning and we see the front page of the Washington Post—and I suspect every other daily paper in this country—and we see the pictures of terrorists who will now be transferred to Guantanamo and be brought to justice, all of us say to the President it is the right thing to do. We support that. Yes, this is progress. We understand that progress and we salute it.

My colleague and I believe there is more to do, however. When we talk about the war against terrorism and we talk about al-Qaida and those who have orchestrated the vicious terrorist attacks that have murdered so many innocent people in this country and around the world, the point is there is one person who is the head of that organization, who has admitted ordering the attacks against this country. That is Osama bin Laden. It is 5 long years since 9/11, 2001, and Osama bin Laden is still here.

The President, day before yesterday, mentioned Osama bin Laden 17 times in his speech of 45 minutes. That is appropriate to do, although I might observe Osama bin Laden has not been mentioned at all with respect to the war on terror by anyone in the Administration for some long while until a couple of days ago. But I want to describe why I think there is an urgency here and why my colleague, Senator CONRAD, and I put together an amendment and are offering it to this bill.

I have a record here going back to December 13, 2001—it is about eight pages of Osama bin Laden talking to us, in America, talking to people in the rest of the world, and talking to al-Qaida, his organization. It is December 13, 2001; November 2, 2002; February 11, 2003; February 13, 2003; April 7, 2003; September 10, 2003. I shall not go through the rest of it. But I want to talk about this year. Just this year we have heard from Osama bin Laden on 5 occasions. This chart shows January 19 this year. This is from the news report that evening, Osama bin Laden speaking to the people of the United States and the people of the world. That is the first message this year.

Here is the second message, Osama bin Laden speaks again, the head of al-Qaida, 5 years after 9/11. On April 23, he issues his second tape of the year.

May 23, this year, once again the news reports:

> Bin Laden boasts of masterminding the 9/11 attacks.
>
> I was responsible for entrusting the 19 brothers. Those 19 who attacked this country.

June 29 of this year, another news report, the fourth tape of the year by Osama bin Laden.

July 1, this year, the fifth tape of the year by Osama bin Laden.

We are talking a lot about the war on terrorism. We are talking a lot about al-Qaida. This is the head of al-Qaida. This is the leader of that terrorist group. This is the person who says he masterminded the attack against this country, and 5 years after that attack he is still sending us messages—five of them in this year alone. My colleague and I do not question anyone's commitment to doing the right thing. That is not the purpose of our amendment. My colleague, Senator CONRAD, and I believe, however, that it is important as we put together a piece of legislation providing funding for the Department of Defense, for the war against terrorism, that we decide on focus and priority with respect to one issue and that is bringing to justice the head of an organization that attacked this country and is determined to attack this country again.

The amendment we have offered is not a particularly complex amendment. It simply does two things. It asks that the unit in the CIA, our intelligence community, that used to exist but was closed be reconstituted. Let me describe that unit. I will describe it by a New York Times, July 4, story. The lead of the story is:

> The Central Intelligence Agency has closed the unit that for a decade had the mission of hunting Osama bin Laden and his top lieutenants, intelligence officials confirmed on Monday. Agency officials said that tracking Mr. bin Laden and his deputies remained a high priority and that the decision to disband the unit was not a sign that the effort had slackened. Instead, the official said, it reflected a belief the agency could better deal with high level threats by focusing on regional trends rather than on specific organizations or individuals.

Let me quote the former senior CIA official who is quoted by name, Mr. Michael Scheuer, a former senior CIA official, who was the first head of this unit at the CIA. He said the move "reflected a view within the agency that Mr. Bin Laden was no longer the threat he once was." Mr. Scheuer says, "That view is mistaken."

Madam President, our amendment would provide the funds to reconstitute that unit, to provide focus, clarity and a specific set of goals. And, second, to require a quarterly classified report to the Congress that would describe, from the standpoint of those in the intelligence community and the defense community who are involved, what they have done with respect to apprehending and bringing to justice those who head the organization called al-Qaida.

My hope and expectation would be that upon passage of this amendment my colleague and I will have provided some more clarity and some more focus and even perhaps some more determination that a significant goal of ours is the apprehension of the head of the organization that attacked our country. I do not think that apprehension will occur by accident. I think it will occur if it is in fact a significant goal and one that we pursue with the resources and the vigor that is necessary.

I understand that there will be some who say that we have other priorities; this remains a priority but there are many other things to do. Let me go back to the position that I started with and that is this. We live in a very dangerous world, a very uncertain world. The President is dead right when he talks about the war on terrorism being a war in which we must prevail. He is absolutely right that we have to work together and have to be as one as we confront this evil that exists around the world.

But I also want to point out that we live in a world, now, where, as I indicated before, there are almost 30,000 strategic and tactical nuclear weapons that exist in this world. Going back to October 11 of 2001, the threatened loss of one of those nuclear weapons, because of a rumor that it had been stolen from the Russian stockpile, caused an apoplectic seizure in parts of the government because everyone, at that point, in the intelligence community, who had heard of this rumor, knew it was plausible and that the detonation of a nuclear weapon in a major American city by al-Qaida would be devastating. The consequences of that are impossible to describe. The next terrorist act may render the attack of 9/11/2001, a much less significant attack in terms of casualties. Let's hope that is not the case.

That is why it is so urgent for us to determine that we are going to apprehend and bring to justice those who head the al-Qaida organization and who masterminded the attack against this country on 9/11/2001. That is what our amendment seeks to do, to provide the resources and the assistance to make that possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that Senator PRYOR be added as an original cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask the Senator from Massachusetts if he seeks time on this amendment.

Mr. STEVENS. Madam President, we have time on the floor. I seek recognition.

Mr. CONRAD. Madam President, I have not relinquished my right to the floor. I simply asked a question.

Mr. STEVENS. He is right.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment is an urgent matter. I hope very much our colleagues would support this amendment on a bipartisan basis so that we send the clear message that this country intends to hold to account those who organized the attack on America. I think that is absolutely essential.

I also say to my colleague, if the Senator from Alaska seeks recognition, I will be happy to yield the floor so he can do that.

I ask him at this point if he would have an interest in a time agreement on the amendment? We were approached earlier with a request on that matter. I would be happy to explore that, if the Senator from Alaska has any interest.

Mr. STEVENS. If that is an inquiry to me, I am interested in a time agreement, without any question. I am happy to set a time to vote, at noon or at any time.

Mr. CONRAD. We would be happy to agree to a time. Would noon be an acceptable time?

Mr. STEVENS. We are checking.

Mr. CONRAD. Perhaps later on in this discussion we can reach an agreement. We would certainly be willing to agree to that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would welcome the opportunity to make some brief comments on this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts has been recognized.

Mr. KENNEDY. Mr. President, I commend my colleagues from North Dakota and Colorado and others who are supporting this amendment. In many respects, this gives real focus to what I think is part of the dilemma that we are facing in our battles with al-Qaida and the issues of security. A number of us opposed the resolution to go to war in Iraq. I did. I said it was the best vote that I cast in the U.S. Senate. And I did it primarily as a result of listening to military commanders in the Armed Services Committee.

We had testimony—although he didn't testify personally—from General Zinni. We listened to General Hoar of the U.S. Marine Corps, actually from my own State of Massachusetts. We listened to General Wesley Clark and General Nash—a number who have been combat commanders. If you look back in terms of the history and the testimony of those military commanders, virtually all of them were saying to the Armed Services Committee that we ought to keep our focus on what was really the challenge: Osama bin Laden, al-Qaida, and Afghanistan. That was the testimony before the Armed Services Committee.

I will not take the time now to repeat the series of statements and comments that were made by the President and the Secretary of Defense. I remember the testimony of the Secretary of Defense before the Armed Services Committee when he talked about weapons of mass destruction. He was asked at that time by the ranking minority member, Senator LEVIN. His response was they were north, south, east, and west of Baghdad. That was where the weapons of mass destruction were. That is the testimony of the Secretary of Defense.

We remember all of those comments. We saw the Nation move and shift thinking that there were weapons of mass destruction, and al-Qaida was the primary force in bringing about 9/11. Of course, there wasn't adequate intelligence to justify that. Even the President admitted that there were no weapons of mass destruction. Even the bipartisan 9/11 Commission's thorough examination shows very clearly that those were the representations made by the Vice President of the United States.

During that period of time, the combat commanders who testified understood where we were going—the real challenge was finding Osama bin Laden. We saw the extraordinary efforts that were made by the military, all of which had this Nation focused on trying to get al-Qaida. The world was supporting the United States. The world understood that the United States had been assaulted and attacked. The world intelligence community was coming together and saying we are going to help the United States of America find the person who perpetrated the 9/11 attack in the United States. All of that was happening all over the world.

Then what happened? The judgment and the decision was made in the White House: Well, we have the role of going over there to Afghanistan, so we are going into Iraq. The rest is history.

In spite of the fact that Osama bin Laden was on the run, despite the fact that the intelligence reports showed that he was just within hours of almost getting captured, the diversion of both troops and diversion of focus, the diversion of intelligence went to Iraq.

Now we have an amendment to try to get us back in focus on the primary individual who was the organizer of 9/11.

I share the concerns that have been stated by both Senators and the frustration when the judgment and decision was made by the Pentagon that they no longer had the priority of going after bin Laden.

We all understand the complexities of trying to find him in the mountainous areas around Afghanistan's border and into Pakistan. We all understand those complexities and those difficulties and the political problems and all the rest. But, nonetheless, we had the world combined to find him and bring him to account. We have failed to do so.

I think this amendment brings the Senate, in hopefully a bipartisan way, to say we want to give focus and attention to finding and bringing to justice Osama bin Laden.

Listening to Senators, I am mindful that at the end of this year we will have been fighting the war in Iraq longer than we fought in World War II. Understand that we took on the Germans in western Europe, north Africa, the Japanese in the Far East, mobilizing 12 million to 14 million people over this period of time. And we will have by the end of the year—we are now in September—we have been fighting in Iraq longer than we fought in World War II—28 million people. We virtually occupied with air supremacy over the whole country—the top third of it and the lower third of it was a heavy embargo, violations of embargoes. But the amount was $14 billion a year in terms of the military, and we now have servicemen still weighted down over there.

I agree with those who said the service men and women have done their job. The politicians haven't done theirs with regard to Iraq.

That doesn't get away from the point that our focus has been diverted to Iraq.

We have seen the number of al-Qaida grow. According to the National Security Project, in 2001 it was 20,000. In 2006, it is 50,000. The number of al-Qaida terrorist attacks 5 years before 1991 was 3. But now the number 5 years since 9/11 is 30. We have the growth happening all over the world and no accounting for Osama bin Laden.

This is what has happened with al-Qaida. The number of significant global terrorist attacks reported by the U.S. State Department in 2003 was 175. The number exceeded 3,000 in 2004, and 11,000 in 2005.

Look at the growth. We are weighted down in Iraq, and Osama bin Laden is out there someplace.

This amendment makes a great deal of sense. I thank both my colleagues for doing something. This is a small amount of resources which are asked for. Look at what we are spending, more than $200 million a day in Iraq. I believe this is $20 million—$200 million a day we are spending in Iraq.

Do we realize that if we weren't spending $200 million a day—and over $350 billion has been expended—what we could have done with regard to homeland security? How could we have protected Americans with those resources more effectively? How could we have gone after al-Qaida more effectively? How could we have enhanced the security of the American people more effectively?

This has been a catastrophic miscalculation on the part of the administration, and the amendment of the Senators is trying to give focus and attention and priority to where we ought to give focus and attention and priority.

I commend them for doing something.

I hope this amendment will be accepted and embraced and passed overwhelmingly.

Mr. STEVENS. Mr. President, it has been cleared on this side by Senator INOUYE and myself.

I ask unanimous consent that the Senate proceed to a vote in relation to the pending Conrad amendment at 12 noon, with no second-degree amendments in order prior to the vote, and with the time equally divided between the two managers or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There is no objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am, as are the Senators from North Dakota, quite worried about this amendment. It is my intention to ask the Senate to vote. It is my understanding that they want a vote on this amendment. It is my intention to ask every Senator to vote for the amendment.

It is a political season. I understand that. I consider this amendment to be a slam at the intelligence community.

I can tell the Senate that there is more money than this available. If I tried to discuss the amount of money which is available, I would be violating my oath as far as confidential and classified material. For reasons of national security, I cannot elaborate on that.

I arranged for the two Senators from North Dakota to be briefed about the programs which Senator INOUYE and I know about. We urged them not to offer this amendment. There are many funds dedicated in our bill for the global war on terrorism. There are funds in our bill to continue the search for Osama bin Laden. That has never lapsed. It does not need this amendment.

The classified annex accompanying this bill provides details of classified programs in this bill, and they are available to every Senator in room 405 if they want to question my view. Those were offered to the Senators from North Dakota. I do not know whether they took advantage of that or not.

We cannot discuss those programs here. We would jeopardize the lives of many people if we did so.

I know of no way to handle this amendment except, as I said. I ask all Senators to join and vote for this amendment and to trust Senator INOUYE and myself to find a way to deal with it in conference. Maybe the Senate will listen to us when we come back.

I remember once, years ago when I offered an amendment to provide funds to deal with Osama bin Laden, offering a reward of dead or alive. That was objected to by a Member on the other side of the aisle.

I note that this amendment says to bring Osama bin Laden to justice. To bring him to justice—does that mean dead or alive? Must we keep him alive if we find him?

There are a lot of things we could discuss on the floor of the Senate about this issue.

I am going to sit down in a minute and I am not going to answer any questions. I am not going to discuss it any more because I consider it to be an irresponsible amendment that should never have been brought before the Senate.

With all of these pictures, it is a campaign period. But to imply to the American public that we have not been looking for Osama bin Laden for years—I can tell you, I am not going to press my friend from Hawaii, but we have spent hours and hours and hours with the intelligence community seeing how we can better devise methods to find this man.

I can assure the Senate that without any question the search for Osama bin Laden has not been hampered by a lack of funds. It has not been hampered by a lack of funds in this bill. If I tried to tell you where the funds are, I would violate my oath.

It is time for us to come to some understanding about what led to this amendment. It was the President's statement the other day. I was there. The conversation on this floor misses the point. It was not Hitler during World War II he was talking about; it was Hitler before World War II. Let me quote what he said on September 5. I listened to it. He said:

> In the 1920's, a failed Austrian painter published a book in which he explained his intention to build an Aryan super-state in Germany and take revenge in Europe and eradicate the Jews. The world ignored Hitler's words, and paid a terrible price. His Nazi regime killed millions in gas chambers, and set the world aflame in war, before it was finally defeated at a terrible cost in lives.
>
> Bin Laden and his terrorist allies have made their intention as clear as Lenin and Hitler before them. The question is: Will we listen? Will we pay attention to what these evil men say?

The world can tell I am close to losing my famous temper. I do have one. As I said, I arranged for these Members to be briefed on information that is in this classified annex. I don't understand this amendment.

I intend to let the Senators have their half of the time. The balance of the time will be spent in a quorum.

I yield to my friend from Hawaii.

Mr. INOUYE. Mr. President, the record should show that there are significant amounts of money allocated in this bill to several agencies. But to go beyond that and discuss in greater detail would be, as the chairman indicated, a violation of the rules of classification. I will cease at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague that it is a curious conclusion to suggest that adding more resources to the intelligence community for the purpose of bringing to justice Osama bin Laden is a slap in the face to the intelligence community. It is no slap in the face to the intelligence community. If anything, it is a vote of confidence in the intelligence community.

We owe the country this debate and this discussion. I believed when we went to Iraq we were making a mistake. I said on the floor of the Senate right before that vote that I thought we were diverting our attention from those who attacked us. It was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. The simple fact is we have not brought them to justice.

The Senator wonders, what does it mean to bring to justice? We all know what it means to bring someone to justice. Osama bin Laden deserves to be brought to justice. There is no one in this Chamber who doesn't know what that means.

The Senator says this amendment is irresponsible. I think it would be irresponsible not to have this amendment.

The Senator indicated that he asked us to be further briefed yesterday. We did that. There is not one thing I heard in that room that doesn't tell me that what we are seeking to do here is not the right thing, the responsible thing. We cannot talk about those briefings, and we will not talk about them.

Finally, I say to my colleague, this is not political with me. I don't need a political amendment. Anyone who has analyzed my race knows that what I am saying is true. I don't need a political amendment. I have a responsibility to my constituents and to the future of our country. I believe deeply we have not done the job of protecting America when we have failed for 5 years to get the man and the leadership cadre of al-Qaida that organized the attack on this country. I don't choose to make this political.

I made very clear in my statement that I don't question for one moment the commitment of this administration to protect America. I don't question for one moment the intention of every Member on both sides of this aisle to protect our country. I don't question that. I did not make this a political matter; I make this a matter of policy—what is the right thing to do for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, there are areas of classified information that are not discussed in the Senate. Senator CONRAD has just described that we both have had access to that information. It is the information to which my colleagues allude. There is nothing—I repeat, nothing—that we are doing here that does anything to injure anything else that was being done anywhere, at any time. There is nothing here that does injury to anything I know about.

Frankly, it is far too easy to jump up from a chair in the Senate and allege that the amendment you do not like is somehow borne of politics. Yes, there is a barrel full of politics around these days, a barrel full of politics in this Chamber and downtown. We know it when we see it. But I think it ill serves this discussion to talk about irresponsibility, to talk about politics on the issue of what the role of this country is, the determination and the resolve of this country, to decide to provide more focus, more clarity, and more energy to apprehending the head of al-Qaida, Osama bin Laden, the person who masterminded the attack against this country. Again, there is never a circumstance where anyone would find myself or my colleague, Senator CONRAD, coming to the Senate to do injury to anything else we are doing in this country together.

I indicated when I started that I don't think the fight against terrorism is about Democrats or Republicans. It is certainly not about politics, or shouldn't be. However, it is almost unbelievable to me that this amendment is described as "political season" campaign period-motivated and, even more, a slam at our national security. Nothing could be further from the truth than that. This is not slamming anyone. This is trying to provide additional resources, additional focus, additional energy toward a goal that I hope every single American shares. In fact, I bet we would be hard pressed to find an American citizen who says this is not a worthy goal for our country.

My colleague has said that there has been a continuing, unwavering effort to apprehend the top of the terrorist groups, including the leaders of al-

Qaida. Let me read, from 2002, the President's response when asked about Osama bin Laden:

> I don't know where he is. I know I just don't spend much time on him, to be honest. I am not truly that concerned about him. I know he's on the run.

The fact is, there have been times when we have been diverted to other areas. Does anyone here believe Iraq has not detracted substantially from what is happening in Afghanistan? Does anyone here believe that? Most of us have been over those mountains. I have flown over those mountains and looked down at the mountains between Afghanistan and Pakistan. That is where most believe Osama bin Laden is hiding, among supporters. I understand how difficult it is to apprehend someone hiding in that region. I don't diminish the difficulty and the complexity of accomplishing that mission.

My colleague and I offered an amendment which is relatively simple which tries to provide more focus and more clarity on the goal, which tries to provide resources. These resources are not dramatic or substantial resources relative to the amount of money we have been spending, for example, in Iraq.

A Member brings an amendment to the floor and someone says: This is political, this is campaign season. That is too easy. I don't think that treats serious issues seriously enough. This is an issue which is serious. It is an issue that deserves attention by this Congress, deserves a statement by this Congress, which I expect we will make unanimously, I hope we will make unanimously. It is a statement that almost every American, I believe, would say they agree with, a statement that says to the American people: Here is a priority, a very substantial priority for which we will dedicate the resources and rededicate ourselves to address these issues.

My understanding is the Senator from Alaska will seek a quorum call, which is just fine.

Mr. KENNEDY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. KENNEDY. I listened with great interest to both of my friends and colleagues in their comments.

As I understand, the amount included in the Senator's amendment is $200 million to be expended over a 2-year period?

Mr. DORGAN. The Senator is correct.

Mr. KENNEDY. And the Senator mentioned a figure, and it is my understanding we are spending $200 million a day, virtually, in Iraq at the present time. I think that gives some proportion as to requested resources—$200 million a day in Iraq and $200 million over a 2-year period for this effort.

I thank the Senator.

Mr. DORGAN. I think the Senator puts in perspective the amount of money that is being described.

Let me finally say that I noticed yesterday—I was not in the Senate, but I had the television on—noticed the same issue developing yesterday on an amendment my colleague offered. There was a suggestion that this is all political, all politics, every time someone offers an amendment that someone disagrees with. That is total nonsense. This issue deserves much more serious treatment and much more serious debate than that.

I am pleased that apparently there will be a unanimous vote.

I yield the floor, and I reserve the remainder of time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will discuss a bit more fully what led me to this amendment. It is not the President's comments of several days ago. That was not the genesis of this amendment. I have believed since we went to war in Iraq—anyone can look at the record and what I said in this Senate the night of the vote—I said then that I believed going to Iraq was a distraction. I believe it diverted our attention and resources from going after the al-Qaida leadership that organized the attack on America. I said that then. I believed it then. I believe it now.

I have a bit of a different background from many of my colleagues. I went to high school at an American military base in Tripoli, Libya, North Africa. I lived in the Arab culture. One of the ironies was the Senator from Alaska suggested this is a slap in the face at the intelligence community. My family served in the intelligence services of our country in that part of the world. I am precluded from going further than that because of classification issues. I have great respect for those who serve in the clandestine and the intelligence services of our country. I have consulted many of them in writing this amendment.

I believe deeply this is the right approach to operationalize, to more fully fund the efforts, not only to get Osama bin Laden—although I believe he is at the top of the list—I also believe it is critically important to get Zawahiri. I believe it is critically important to get Mullah Omar. I regret deeply that resources were transferred from Afghanistan to Iraq, that we had forces that were experts in Arab culture and Arab language and we shifted them to Iraq.

The hard reality is, while there have been successes, which I acknowledged in my opening remarks—I would say to the Senator from Alaska, there have been very excellent successes. Getting Zarqawi, thank God, we got him. Thank goodness for each of those who have been captured and taken out of operational involvement in planning additional attacks on the country.

But the job is not done. We know that. I believe very strongly that we made a strategic error in going to Iraq. I said it then, I say it now. I believe the focus and the energy and the attention ought to have gone—the priority ought to have been al-Qaida, its leadership, and its worldwide network.

I believe this is fundamentally different than World War II. I believe this is a long and difficult struggle. I believe this is a dangerous world. I believe there are people who are plotting right now to again attack our country. And I want to be part of an effort to do everything we can to stop them. That is why I offer this amendment, and for no other reason.

Mr. President, I ask unanimous consent that Senator DAYTON be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 8 minutes 49 seconds remaining.

Mr. DORGAN. Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me read one additional piece I did not describe in my earlier presentation. Let me read from the State Department's latest report on terrorism because I think it is important for all of us to understand.

This is, again, from the U.S. State Department's latest report on terrorism:

> Al-Qaida's top leaders continue to plot and direct terror attacks worldwide. . . . Over the past four years, al-Qaida, its affiliates and those inspired by the group were also involved in many anti-U.S. or anti-coalition attacks in Africa, Europe, the Middle East, Afghanistan, Pakistan, and Iraq, including suicide bombings and vehicle-borne 'improvised explosive devices.

Again, the first sentence:

> Al-Qaida's top leaders continue to plot and direct terror attacks worldwide. . . .

"Direct terror attacks worldwide"—it is why I think there is no more important goal for this country than to add additional resources, provide additional focus to this question of bringing to justice the head of the organization that has attacked this country and that now organizes and expands and continues to attack around the rest of the world.

I previously described that just in this year alone we have been the recipients of five messages from Osama bin Laden—five just this year. It has been dozens since 2001. I think all of us share a goal and the view that we need to apprehend and bring to justice those who head the organization that attacked this country.

Fighting terrorism is difficult and dangerous and complex. We understand all that. All of us salute our troops. All of us want to work together. As I have indicated, this is not about Republicans and Democrats. It is about Americans sharing and aspiring to achieve a goal. And that goal is to defeat terrorism.

I think the most effective and important way to defeat terrorism, however, is to try to dismantle the organization, and especially dismantle the organization by apprehending the head of that organization and bringing the head and top officials of that organization to justice.

That has not been done, and we are not blaming anybody. I join my colleague, Senator CONRAD, in saluting those in our intelligence service and our military who risk their lives every day. But I believe it is very important for us, as we put together a piece of legislation with substantial resources, to provide greater clarity and focus on this goal. That is why Senator CONRAD and I have written this amendment and offer it today.

I understand there are some who do not want it offered, do not want to have this discussion. I respectfully believe they are wrong. I do not allege that they have political motives. I just believe they are wrong. My hope is, when the Senate speaks to this, it will have accomplished something that is productive and substantial in its comments on this issue.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there are other Members who are on their way who wish to speak on this matter. I do not know if they will make it.

Senator MENENDEZ has arrived.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. CONRAD. I say to Senator MENENDEZ, we could give you 2 minutes.

Mr. MENENDEZ. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to strongly support Senator CONRAD's and Senator DORGAN's amendment and to join with them in it.

It seems to me, as someone who on the anniversary of September 11 is reminded of the 700 New Jersey lives that were lost on that fateful day, as well as all of those other Americans who lost their lives on that fateful day, that the central figure, the individual who was the mastermind of their deaths, who struck on that fateful day, is Osama bin Laden. It is very clear to me that we must either catch or kill Osama bin Laden, the mastermind of those attacks.

I know many Americans were as shocked as I was when they heard the news reports that the administration had allegedly closed down or realigned the Osama bin Laden unit at the CIA. And while there is a very difficult process to publicly confirm these reports, I believe the Senate must make it very clear that the United States can in no way reduce or dilute our efforts to kill or capture Osama bin Laden.

With this amendment, we ensure that not only is that unit not disbanded and not merged and not diluted, but, in fact, we ensure that we increase our efforts.

To anyone who would like to argue that we do not need to focus on al-Qaida or bin Laden, I would remind them that just because there has not been another terrorist attack on U.S. soil that does not mean al-Qaida has been eliminated or that bin Laden has been rendered ineffective.

So I am in incredibly strong support of Senator CONRAD's amendment. Perhaps the face of Islamic terrorism has evolved, but he still is our central focus.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota has 1 minute remaining.

Mr. CONRAD. Mr. President, I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from North Dakota. And I thank both of my colleagues from North Dakota for offering this outstanding amendment.

If there were ever a metaphor for what is wrong with the war on terror, it is the fact that Osama bin Laden is alive. He continues to taunt us on al Jazeera broadcasts that we have not found him.

Now, if we said we were doing everything we could to find him, that would be one thing. But the unit to get him was disbanded. Many report that the number of troops in Afghanistan is not adequate. They have just asked for more today. And he is our No. 1 danger.

So I hope my colleagues on both sides of the aisle will support this amendment. The fact that 5 years after 9/11 we have not yet found bin Laden shows we can do a whole lot better in the war on terror than we are doing.

This amendment will help bring us there. I urge full bipartisan support of it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I announce to the Senate that the next vote will be Senator DOMENICI's 13,000th vote.

I also announce to the Senate that my younger brother, from Hawaii, Senator INOUYE, has a birthday today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I hope every Senator will vote for the amendment. I don't know any Senator who will vote against providing money to continue the search for Osama bin Laden. If I could disclose to you how much money is in this bill otherwise for a classified program, you would understand why this is a superfluous amendment.

Understanding that nobody would want to vote against something like this, if this amendment becomes law, the freedom of information provisions would mean all of the activities would be available to anybody. This is not a classified $200 million to search for bin Laden. Again, it is irresponsible, but I would not vote against the amendment. I don't want to be known for voting against additional money to search for Osama bin Laden.

Mr. President, I ask for the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER (Mr. GRAHAM). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4907 offered by the Senator from North Dakota. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

[Rollcall Vote No. 235 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint

DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Chambliss
Isakson
Lieberman
Santorum

The amendment (No. 4907) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATING SENATOR PETE DOMENICI ON HIS 13,000TH VOTE

Mr. FRIST. Mr. President, on this last rollcall vote, No. 235, the distinguished Senator from New Mexico, the current chairman of the Energy and Natural Resources Committee, and the former long-serving chairman of the Budget Committee, Senator Pete Domenici, cast his 13,000th vote in this Chamber—13,000 votes. Senator Domenici now joins a very historic and select club of Senators who can claim this distinction. Senators now cast more votes than ever in each Congress, so while historical records are not perfect, the Senate Librarian says that we are safe to conclude that among all Senators who have served since the beginning of the Republic, Senator Domenici is in a class of only eight. Since the beginning of the Republic, only seven other Senators have similarly cast more than 13,000 votes in their careers in the Senate, and four of them are serving today. The club of seven now becomes the club of eight with Senator Domenici's last vote here today.

Those other seven Senators are Senator Clayburn Pell, the current President pro tempore, Senator Ted Stevens, Senator Ted Kennedy, Senator Daniel Inouye, Senator Ernest Hollings, the late Senator Strom Thurmond, and with over 17,733 votes, the all-time record, Senator Robert C. Byrd.

Senator Domenici, I know I speak for all of your fellow Senators when I say congratulations on this achievement. But more importantly, thank you for your tremendous service over the years to New Mexico, to your country, and importantly to the U.S. Senate.

(Applause, Senators rising.)

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, why would I, the Democratic leader of the Senate, stand to offer effusive praise for my Republican colleague, the Senator from New Mexico, Pete Domenici? The reason is, I know him. He is my friend. Pete Domenici and I have worked on a subcommittee that is so important to this country, Energy and Water. My entire tenure in the Senate has been with him. The last many years Senator Domenici and I have worked as ranking member and chair. Whoever controls the Senate, Democrat or Republican, the person whose party is controlling becomes the chairman, the member of the other party becomes the ranking member of that committee. It doesn't matter to Pete Domenici or Harry Reid, as it relates to that subcommittee, which is the party in power because we have worked as partners on that subcommittee. We have done some tremendously important things for this country, not only in funding important projects but changing policy.

I like Pete Domenici for a number of reasons. I admire Pete Domenici for a number of reasons. As a boy, I wanted more than anything else to be a baseball player. I wanted to be a good baseball player. In my child's mind, I figured I could be. But as I got older, I didn't run very fast. I wasn't as strong as I thought I was, so my baseball career was not much to write home about. Pete Domenici's is. Pete Domenici was a pitcher. Pete Domenici pitched for a farm club of one of my favorite baseball teams, the Dodgers, where my good, close friend, Hall of Famer Greg Maddux, now pitches.

Pete Domenici will not make the Hall of Fame for baseball, but he will for U.S. Senator. He is a wonderful man.

One reason he is as good as he is is because of the woman he married in 1958 by the name of Nancy Burke. They are a wonderful team. I admire and respect them both very much. They have a wonderful family, a large family—two sons and six daughters.

I congratulate Pete Domenici, a U.S. Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to add my congratulations to Senator Domenici on this great achievement, achieving this milestone of becoming one of eight Senators in the history of our country to have cast this many votes.

I have had the good fortune in the 24 years I have been here in the Senate to serve with Senator Domenici, and also, of course more recently, to serve with him on the Energy Committee as the ranking member. I have seen the leadership he has provided to deal with our energy issues.

He is the longest serving Senator to have served from the State of New Mexico. Of course, he has cast more votes on behalf of the people of the State of New Mexico than anyone in the history of this country. For that he deserves great recognition.

The people of the State I represent recognize his great contribution and appreciate it greatly. I congratulate him today on reaching this milestone.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, let me say thank you to each Senator who commented on my many years of voting, which has yielded 13,000 today. I thank you very much and, in particular, I thank the majority leader for doing what he has done, by setting aside these few moments. I greatly appreciate it.

I guess it is pretty easy to get to 13,000. You just stick around long enough and come and vote and you will get there. I don't know how many more I will get but certainly a lot more because there are a lot of years left to come. I don't know how many we will be celebrating, but this is a very special one because of the special people who are here, indicating to me in their own gracious way their appreciation for what I do or don't do in the Senate. I thank all of them for that.

Frankly, I don't feel as if I have cast 13,000 votes, so I don't know what that means. Maybe it means I have a lot more to come. I hope so. Maybe it means we are voting a lot more in the Senate than we used to.

In any event, it is a proud day because you all have made it one. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, before I speak to an amendment, let me join in the commendations to our colleague, Senator Domenici. I am privileged to serve on the Energy Committee which Senator Domenici chairs. I appreciate his leadership, as well as his commitment to our country. I am pleased to join the many voices that have spoken about his service.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4909

Mr. MENENDEZ. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. Menendez] proposes an amendment numbered 4909.

Mr. MENENDEZ. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq)

At the end of title VIII, add the following:

SEC. 8019. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN PUBLIC RELATIONS ACTIVITIES.—None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq.

(b) SCOPE.—The prohibition in subsection (a) shall not apply to programs and activities of the Department of Defense directed at collecting or analyzing information in the news media.

Mr. MENENDEZ. Mr. President, I rise today to offer an amendment that would limit funds for any future public relations campaign being commissioned by the Pentagon to promote positive coverage of the war in Iraq. We first learned about this $20 million PR campaign to improve the image of President Bush's Iraq policy in the Washington Post last week. In my mind, this proposal is not just irresponsible, it is an insult to the thousands of Iraqi citizens and coalition forces who have died in this war. At a time when this violent insurgency continues to expand and American troops are putting their lives on the line day in and day out, what is the administration's focus? A better public relations campaign? The Bush administration doesn't need a new PR campaign in Iraq. They need a new policy in Iraq.

We must change the course in Iraq, not waste time or money for public relations efforts. We must work to reduce the insurgency, not suppress news reports of its existence. We must strive to improve the situation on the ground in Iraq, not focus on changing the spin. That is why I am offering this amendment that would prohibit funds being used for this type of public relations campaign.

Let me be clear. This amendment prohibits the use of funds for a public relations campaign and a database of news stories that is designed to promote positive coverage of the war. But the amendment specifically does not prohibit the normal work of the Department of Defense for collecting or analyzing information in the news media. The fact is, we do not need more propaganda. We need a new policy. I can certainly understand why the Bush administration would want to sugarcoat the news coming out of Iraq. The facts and the figures about the reality on the ground tell a somber story.

When more than 250 Iraqis were killed last week alone, and the killings continue today; when kidnapping by those wearing Iraqi security force uniforms becomes commonplace, and average Iraqis now flee from Iraqis in uniform; when the U.S. Special Inspector General for Iraq Reconstruction comes out with a report that paints a picture of incompetence, fraud, and failure, and USAID, the agency in charge of over $1.4 billion in reconstruction, has been hiding millions of dollars in construction overruns and failing to report the true costs and problems to the Congress; when some Iraqis are now too afraid to go to the morgue to retrieve the bodies of their loved ones for fear of being killed or kidnapped themselves; and when instead of reducing troops, thousands of troops have been ordered to go to Baghdad, and an Army brigade had its tours extended, it is time to change the course in Iraq.

It is certainly easy to see why the Bush administration is afraid of the truth, and it is no surprise that a CNN poll released on Monday showed that 61 percent of Americans said they oppose the war as it is in Iraq, the highest opposition shown in any CNN poll since the war began.

For those in the Bush administration who complain that the media only reports bad news coming out of Iraq, I invite them to look at the facts and figures offered by the Pentagon itself last week. In its latest report to Congress, the Pentagon found that Iraqi casualties are up by more than 50 percent in recent months. Violence in Iraq continues to rise, and innocent Iraqi civilians are paying the price. The casualty rate is now almost 120 a day, compared to 30 a day 2 years ago.

The President continues to speak of progress, but the numbers tell a different story. From the time the new Iraqi Government was established on May 20, until August 11, the number of attacks were almost 800 per week. That is a huge increase from the beginning of the year and almost double from the beginning of 2004. So it is clear that the Bush policy in Iraq simply is not working, and it is time for a new direction.

The President needs to realize that we do not need a new propaganda campaign, we need a new policy. Frankly, I personally never believed the administration's false arguments about why we should go to war in Iraq, and I believe this administration never had a strategy for success in Iraq, and that is why I voted against the war in Iraq even when that vote was unpopular. That is why I am standing up for a new direction in Iraq today.

The President led us into this war based on false premises and false promises. President Bush went into the war without a plan to win the peace.

Unfortunately, this administration still doesn't have a real plan for success in Iraq. Our soldiers have performed bravely under the most difficult of circumstances. But as Iraq moves closer and closer to an all-out civil war, as even the commander, General Abizaid, admitted was possible, it is time to change policy.

The fact is that the war in Iraq has hurt us along the way in terms of our national security. By changing course in Iraq, we can make our own country more secure.

I look back at Hurricane Katrina just a year ago. I see the terrible price the people of the gulf paid when their National Guard troops were away in Iraq and unable to protect their neighbors here at home. Our homeland is simply less secure when our National Guard and Reserves are being kept in permanent rotation in Iraq.

This war has also distracted us from the great international security threats to the United States. While the administration is focused on the war in Iraq, North Korea has only become more defiant because they know we are bogged down in Iraq and have lost credibility with the international community.

Under this administration, North Korea has conducted launched missile tests and has likely increased the size of its nuclear arsenal. They have withdrawn from the Non-proliferation Treaty. The Congressional Research Service has estimated that the number of simple, fission-type weapons produced by the North Koreans prior to 2001 was between zero and two. Now this defiant regime has an estimated three to nine nuclear weapons.

While the administration has been distracted in Iraq, Iran has also become more defiant and has started enriching uranium, flaunting an international package designed to help end their nuclear weapons program, and is supporting Hezbollah's attacks against Israel.

It is in Afghanistan that we have paid one of the heaviest security costs for the war in Iraq. The bottom line is the administration never finished the job in Afghanistan. Afghanistan—not Iraq—was the right place to pursue the national security of the United States. It was in Afghanistan—not Iraq—that the murderers of September 11 were located. Our lack of attention and resources in Afghanistan has allowed the country to once again become a land of increased turmoil.

Many of us have been horrified as we have watched the resurgence of Taliban and strong anti-American sentiment in Afghanistan. In the past 3 years, there have been 284 attacks by the Taliban, and the number of suicide attacks continues to rise sharply. We have also seen poppy cultivation more than double since 1999. That ultimately is what emanates the opium on the streets of our cities and across the world.

I believe it is long past time for the United States to focus attention on Afghanistan and on the current threats from Iran and North Korea.

Let me simply say that the war in Iraq has not helped quell terrorism. In fact, it has fueled the proliferation of terrorist organizations and has increased instability in Iraq at the expense of our Nation's economy and the lives of our service men and women. The Iraq war has drained our Treasury of $320 billion. Well over 2,600 of our bravest men and women have lost their lives, and nearly 20,000 have been injured. That is the most fundamental issue facing our country today.

Three and a half years into the war and the administration's overhyped spin has become unwound. Predictions that we would be greeted as liberators have proven false, and the President's partisan attacks on anyone who dares criticize his failed policy have led to the hollow truth behind both the original decision to go to war and the propaganda he and his supporters still spew forth every day. The facts are as clear as the day, and a majority of Americans know the decision to invade Iraq was the wrong one.

In light of this knowledge, it is time to tell the President that we don't need a new propaganda campaign; we need a new policy. It is time to make clear that the Defense bill should be about flak jackets for our troops, not PR flak for the Bush administration. That is why I have offered this amendment which tells the administration to forget about the spin and concentrate on the mission at hand.

I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object. What is this? I thought we would dispose of the Menendez amendment first. Are there further speakers on the amendment? I would like to see the amendment. Will the Senator agree to a time agreement for a vote on the Menendez amendment? Will Senator MENENDEZ agree to vote at a time certain on his amendment?

Mr. MENENDEZ. Sure. I would consider such an agreement.

Mr. SCHUMER. Mr. President, will my colleague from Alaska yield?

Mr. STEVENS. I would be happy to yield.

Mr. SCHUMER. I don't believe my amendment will take much time. It might be good to dispose of both of them together.

Mr. STEVENS. Very well. I hope we can get a time agreement for a vote.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 4897

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4897.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4897) is as follows:

(Purpose: To make available up to an additional $700,000,000 for Drug Interdiction and Counter-Drug Activities to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere, and to designate the additional amount as emergency spending)

At the end of title VIII, add the following:

SEC. 8109. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES" is hereby increased by $700,000,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES", as increased by subsection (a), up to an additional $700,000,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose set forth in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. SCHUMER. Mr. President, I will be brief.

I rise to offer an amendment to the DOD appropriations bill to address what is literally a growing problem in the fight on the war on terror. We are not really doing enough to counteract an ever-increasing production of opium in Afghanistan, a problem that is threatening the ever fragile Government. Not only does opium production fuel its heroin trade around the globe, but the heroin funds terrorists who aim to attack America and our allies around the world.

We all note the deterioration of the situation in Afghanistan. One of the main reasons that situation is deteriorating is the opium production is increasing dramatically. It will increase by a huge 50 percent over last year. A large portion of the opium trade is controlled by the Taliban, the very people who provide the "warm" reception.

I say that with sarcasm. It is due to bin Laden and al-Qaida. And yet the Taliban is increasing their reach, their strength, their hold on the country, and their wealth through opium.

As I mentioned, there has been a surge by over 50 percent over the last year's harvest, a surge in production largely in the southern part of the country where the Taliban has reasserted control. It is in part because we have abandoned Afghanistan and the country is steadily descending into chaos as we have less and less to say over it. We have abandoned large parts, and opium rules.

I hope my colleagues will listen to the fact. Afghanistan now supplies more than 90 percent of the world's opium. In this year alone, there were over 400,000 acres of poppies planted, compared to 250,000 acres in 2005—a 50-percent increase. Why is this happening? It is happening in Afghanistan because the administration failed to finish the job when we changed our focus to Iraq, and now the country is swarming with corrupt warlords and the Taliban is once again taking control over a large portion of the country. Our soldiers fought long and hard to rid Afghanistan of terrorists and the Taliban; however, if the drug trade continues to surge and consume the nation, their heroic efforts may be undone.

The Taliban draws its strength from the drug trade, and in order to prevent them from reclaiming the country, we need to crack down on the drugs that fuel its regime. The Taliban generates an amazing 70 percent of its income through the production and sale of opium. Those poppies generate a whole lot of money. This year's opium harvest is worth roughly $4 billion.

In addition, the Taliban is fueling the production of opium from behind the scenes and using the profits to fund its brutal and oppressive regime. Every night, the Taliban drops off "night letters" encouraging poor Afghan farmers to grow poppies in exchange for "protection." Unfortunately, just like in "The Godfather," that is an offer they cannot refuse.

Now Afghanistan's narcotrade is spreading outside its borders and funding insurgents and foreign terrorists in Iraq. Money from the sale of Afghan-produced heroin is being used by terrorists to buy weapons and equipment, to create improvised explosive devices, and to pay ordinary Iraqi citizens to attack U.S. soldiers in Iraq. If foreign terrorists are using Afghanistan's opium production to fund their deadly activities in Iraq, what is to stop them from using the same funds to attack the United States? On 9/11, it is estimated that the horrible acts by al-Qaida cost only $500,000 to carry out. Can you imagine how many more attacks they could carry out given how huge the profits are from Afghanistan's opium?

Given the magnitude of this problem, a total of $350 million to the Departments of State and Defense to fight opium in this part of the world is not enough. Those funds weren't enough—it is proven fact—when the production has doubled in a year's time. I am not saying the funds are not being used effectively. They may well be. They are clearly not enough. Fighting Afghanistan's drug production and trade is elemental to our success in fighting global terrorism. It is essential to protect our troops in Iraq, keep Afghanistan from descending into chaos, and save American lives here at home.

My amendment will increase counternarcotics funding in Afghanistan by $700 million. With additional funds, the Department of Defense can work to ensure that the Taliban and other foreign terrorists don't use Afghanistan's opium crop against the United States.

Last year, the U.S. Government spent less than $350 million fighting the drug trade. Afghanistan produced its largest poppy crop in recorded history and raised billions of dollars to fund terrorism.

For people who say this significant amount of money is not useful, it sure is. On a cost-effective basis, it is. It costs a lot more to fight terrorists who use the money from the poppy trade than to fight the poppy trade itself.

Some may suggest the money is not useful to DOD, but I would argue that DOD clearly doesn't have enough resources just on the basis ipso facto that the crop doubled last year. We have to make sure the Department of Defense and the State Department have all the available resources to combat this threat.

Others may say this issue is not a priority to DOD and we should let other agencies take the lead on this issue. The problem clearly is not a priority to DOD, but it absolutely should be, and this amendment will make clear that is our intent.

The growing insecurity in Afghanistan clearly requires that DOD take a more active role in combating the rise in the Taliban and corresponding rise in production of opium. To show that we are serious about combating cultivation of poppies and the production and trade of opium and heroin, we must put additional resources into the fight. If we don't, Afghanistan's drug trade will come back to haunt us.

I urge my colleagues to support this amendment when we have a vote on it later today. I thank the President and my colleagues from Alaska and Hawaii.

I ask unanimous consent that Senator FEINSTEIN be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4909

Mr. STEVENS. Mr. President I ask unanimous consent that the Menendez amendment be put before the Senate again. I ask unanimous consent that it be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to be as courteous as possible. It is not a very good word to use, but it seems to me the Menendez amendment places a gag order on the Department of Defense. It says that the gains made by our military people and by the Iraqi forces cannot be reported to our people or to the Iraqi people.

It is a strange amendment, if you want to look at it, because it just says no funds may be expended for a public relations program to monitor news media in the United States and Middle East and create a database of news stories to promote a positive image of the war in Iraq.

The Department's press office normally reports day-to-day activities and is doing just that—getting the stories around and making sure we at home and the people in Iraq and our people in uniform know the positive side of this engagement.

I can tell you that at home we see the negative side all the time. It seems to me that answering questions with positive stories would be considered a PR effort. I do think it would have unintended consequences potentially impacting intelligence activities. I don't want to go into that too much, but the world knows about this information and the activities that have been going on for years. They have been going on for years.

We should not allow the Senate to take the position that prevents the Department of Defense to report on favorable news and to create a program to do that. To me, it constitutes a gag order.

I move to table the Senator's amendment.

AMENDMENT NO. 4897

It is my intention now to ask the Senate to make the Schumer amendment the pending business. I ask unanimous consent that is the pending business.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, funding in this current year for activities in Afghanistan is $116.5 million.

That money is being used to build border crossing points and police headquarters and to train and equip Afghan national police and other security forces in drug detection and eradication.

A significant portion of those funds is still being programmed to be spent. There was a delay in getting that bill ready for expenditures for 2006 so there will be some carryover into 2007. We don't know how much that will be.

The President asked for an additional $18.5 million for this year in this bill, and the committee supported that request.

In addition to the funding in the Department of Defense appropriations bill before the Senate, the fiscal year 2007 Foreign Operations bill as reported to the Senate has $297 million for counterdrug activities in Afghanistan. The Commerce Science Justice bill includes $30.5 million for counterdrug activities in Afghanistan. This means in the current bills pending for approval, there is already $346 million for counterdrug activities in Afghanistan for 2007, notwithstanding the carryover money that is available. This means there is approximately $400 million that will be available in 2007 already and the Senator wants to add $700 million to that. That is an enormous amount of money.

The British Government actually takes the lead in counterdrug operations in Afghanistan. As we all know, NATO is in there now. The United States should not offer to take the entire financial burden of this operation. It is a multinational effort.

The Senator is right in his premise that poppy production sales are a funding mechanism for terrorist activities in Afghanistan. We do support poppy eradication efforts. However, we do not need to throw money at that problem. Four-tenths of a billion dollars ought to be enough for one year.

We have reviewed the counterdrug budgets for DOD and other agencies, and we believe they are sufficiently budgeted not only for this current year but for the 2007 year. If the Department needs additional funds for 2007, we will have a supplemental in the spring. I would be the first to support it if the Department came in and said they needed more money. However, in view of the fact that we are working with NATO and working with the British Government, which has the lead on this program, I do not think doubling the amount available for this program is prudent.

As a matter of fact, obviously from the experience in the current year, it would not be spent.

That should not be voted upon by the Senate. I move to table Senator SCHUMER's amendment.

I ask unanimous consent at 2 p.m. today the Senate proceed to a vote in relation to the pending Menendez amendment, to be followed by a vote in relation to the Schumer amendment—I have always made the motions to table—that no second-degree amendments be in order prior to the vote, and there be 2 minutes equally divided prior to the vote on each amendment. I believe this has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I don't wish to seem preemptory about this. I thank the Senators for their courtesy in bringing the amendments to the Senate.

Can we make the second vote 10 minutes? I ask unanimous consent the vote on the Menendez amendment be a 15-minute vote and the Schumer amendment be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent it be in order for me to ask for the yeas and nays on both amendments at the same time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4911

Mr. REED. Mr. President, I also ask unanimous consent to lay aside the pending amendment and send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. BAYH, proposes an amendment numbered 4911.

The amendment is as follows:

(Purpose: To make available an additional $65,400,000 for additional appropriations for Aircraft Procurement, Air Force, for the procurement of Predators for Special Operations forces, and to designate the amount as an emergency requirement)

At the end of title IX, add the following:

SEC. 9012. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109-234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. REED. Mr. President, I rise to offer an amendment along with my colleague from Indiana, Senator EVAN BAYH, which would provide an additional $65.4 million for the procurement of Predators for our special operations forces. The Predator is an unmanned aerial vehicle—or UAV, for short—used for armed reconnaissance, airborne surveillance, and target acquisition. It has become a critical asset in the war on terror. It is a small, remotely piloted aircraft that brings the battlefront to the military.

Through the use of cameras and other sensors, the Predator monitors, in real time, buildings or people. Because it is unmanned, it is ideal for use in areas that are inaccessible to the U.S. military such as areas where the airspace is unsecure, the terrain is unpassable, or the environment is contaminated by chemical or biological weapons. The Predator system's hardware consists of a small monoplane with sensors, a ground control station, and data communications system.

The special operations forces—the front line in our war on terror—rely on Predator surveillance as part of their work to capture and kill the terrorists targeting our troops and the Governments of Iraq and Afghanistan.

There has been a lot of discussion recently about the war on terror. This is actually one of the systems which has been most decisive in killing the terrorists. That is why I think we have to support additional funding for this antiterrorist system.

Right now, special operations forces depend upon Air Force assets, which are already in high demand, for Predator support. With more Predators, we can be more effective in going after and taking out the terrorists. According to the Defense News article entitled "Inside the Zarqawi Takedown: Persistent Surveillance Helps End 3-Year Manhunt," the capture of the terrorist Abu Mus'Ab al-Zarqawi—the leader of al-Qaida in Iraq, notorious for his despicable conduct—was facilitated decisively by Predator surveillance provided to special operations forces.

The Quadrennial Defense Review recognized that special operators need dedicated UAV support and called for the establishment of a UAV squadron organic to special operations forces.

The QDR reads:

> To achieve the future force characteristics for SOF—special operations forces—and to build on progress to date, the Department will: . . . establish a SOF unmanned aerial vehicle squadron to provide organic capabilities to locate and target enemy capabilities in denied or contested areas.

This special operations squadron would eventually provide coverage 24 hours a day, 7 days a week, to assist the forces working to capture and kill terrorists in Iraq and Afghanistan. The objective, according to GEN Doug Brown, Commander of the Special Operations Command, SOCOM, is to establish an "unblinking eye," which would help special operators targeting terrorists.

The President's budget request for fiscal year 2007 included funding sufficient to begin to build the squadron, including the purchase of eight UAVs.

On April 6, VADM Eric Olson, Deputy Commander of SOCOM, testified to the Armed Services Committee that the command did not have sufficient surveillance platforms. On April 27, Senator BAYH sent a letter to the Armed Services Committee expressing his intent to address this issue via legislation. Subsequently, the Appropriations Committee took action in the fiscal year 2006 supplemental and accelerated funding for this purpose. This funding would have allowed the initial operating capability to be achieved in 2007, rather than 2008, and for the squadron to be fully operational with 24 UAVs in 2010 instead of 2011.

I believe this acceleration would have been significantly contributing to the capability of our Special Operations Command. However, the acceleration was reversed by the Appropriations Committee just a few months later when it cut the funding for the UAV procurement for SOCOM—a cut to the Air Force aircraft procurement line.

According to the Special Operations Command, this cut "would negate the effect of the FY2006 Supplemental, . . . causing Full Operation Capability to revert back to the original timeline. This delay will adversely affect AFSOC's urgent ongoing requirement to conduct persistent intelligence, surveillance, reconnaissance, and targeting missions."

The amendment Senator BAYH and I are offering would put the acceleration back on track by adding $65.4 million for six UAVs and associated equipment.

Just 2 weeks ago, during a trip to Afghanistan and Iraq, the Armed Services Committee staff was told by the special operations forces in both countries, who are working hard to track the terrorists targeting our troops and the Governments of Iraq and Afghanistan, that their No. 1 need is for Predator coverage. They need dedicated UAV support.

We have not captured Osama bin Laden yet, and unfortunately there are many more targets for the special operators to conduct reconnaissance, surveillance, and, we hope, preemption. There is no rationale for not accelerating the establishment of the UAV squadron.

SOCOM wants this, and they have stated such. They can execute this in the timeframe they have given the Congress. We need to increase the pressure on al-Qaida operatives in Iraq and Afghanistan as well as other terrorists attacking U.S. and coalition troops. These terrorists are threatening, each day, the success of our operations in Iraq and Afghanistan and the safety of our personnel.

If we really want to carry the fight to the terrorists, if we really want to individually and collectively go after and take out these terrorists, the Predator, according to our special operations forces, is a key ingredient in this effort. Rather than rhetoric about fighting the war on terrorism, let's give these special operators the tools to effectively fight and destroy terrorists wherever they may be.

Mr. BAYH. Mr. President, I rise to speak on behalf of my amendment to the fiscal year 2007 Defense appropriations bill, S.A. 4911 to H.R., 5631, with Senator REED to restore full funding for Predator unmanned aerial vehicles, UAVs, for the U.S. Special Operations Command, SOCOM. This amendment will allow SOCOM to receive its full complement of Predators by 2010 by adding $64.4 million to the fiscal year 2007 Defense appropriations bill.

Our brave troops and intelligence collectors must have the tools they need to find, fix and eliminate terrorists intended to do our Nation harm. The Predator, which comes in armed and unarmed modes and has advanced sensors and cameras, is one of the most important systems we have to monitor terrorist activity in hostile environments. The Predator also is a critical intelligence gathering platform in fighting insurgents in Iraq and the Taliban in Afghanistan. According to Defense News, the Predator was central to the detection and killing of Abu Musab al-Zarqawi in Iraq this past June.

I have been pleased to fight for putting more Predators in the hands of our Special Operations Command ever since U.S. Special Operations Command Deputy Commander Eric Olson responded to my question about whether he had all the tools he needs to win the war on terror in an April 6, 2006, hearing of the Senate Armed Services Committee's Emerging Threats and Capabilities Subcommittee. Admiral Olson said his command did not have enough Predators, and was not slated to have adequate numbers of Predators for several years. This is unacceptable, and I expressed my concern to Chairman WARNER and Ranking Member LEVIN in an April 27, 2006, letter urging committee action on this shortcoming.

I was equally pleased that the Senate Armed Services Committee adopted my amendment calling for full funding of the Predators for the Special Operations Command during mark-up of the fiscal year 2007 Defense authorization bill.

Unfortunately, defense appropriators cut back funding for Predators in its mark-up of the fiscal year 2007 Defense appropriations bill. My amendment restores full funding for a second squad of Predators for our Special Operations Forces' war-fighters and intelligence collectors by 2010. Giving our military and our intelligence personnel the best tools, as quickly as possible, to win the war on terror is something we must do.

Mr. REED. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I was off the floor, but I was informed of the amendment offered by Senators REED and BAYH. It is my understanding—the Senator from Hawaii concurs—we would be willing to accept this amendment.

Does the Senator want a vote on it? We would be happy to take it by voice vote if he is ready to let us accept it.

Mr. REED. Mr. President, I say to the Senator, my preference would be for a recorded vote, if possible. I think this is an important point about providing adequate resources to our special operators. Also, I would like to at least confer with Senator BAYH.

Mr. STEVENS. Very well. I have no objection. This money, if nothing else, would be available to replace some of the Predators that have been lost. So we are willing to accept it, but if the Senator wishes a vote, I would ask that—Mr. President, I ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for voting on this amendment be delayed until we can confer with the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4909

Mr. LAUTENBERG. Mr. President, I rise to talk about the amendment offered by my friend and colleague from New Jersey, Senator MENENDEZ. As has been his tradition, as has been his experience, he brings forth an issue that I think is of special importance at this moment because while we discussed in these last few days the honesty with which we get information and data, we have recognized that there is often an attempt to obscure the truth from the American people about the war we are in at the moment.

We see it in different ways. We see it in the fact that, for instance, flag-draped coffins are not permitted to be photographed when the remains of our most courageous people fighting the battle in Iraq are returned home. They come to a base in the State of Delaware, and it is prohibited to take pictures of those flag-draped coffins. That testimonial the country gives to these fallen soldiers is denied public view, as is the fact that there is another American, or more, lost in this quest to bring democracy to a country in which there is considerable doubt about whether they want our form of democracy. This amendment would make certain that no Department of Defense funds are used for propaganda.

Last week, we learned that the Defense Department wants to pay a company $20 million to monitor and analyze American and Middle East media to help improve the image of the U.S. Government and the military. I fully agree with him on the importance of limiting these funds for a propaganda campaign. I will not support the use of these funds in that manner.

The contractor being hired is expected to put together a database of news stories and assess their tone to come up with ways to get more glowing news coverage for the administration to try to convince the American people that things are going pretty much to plan and it just needs more time.

We don't talk about the fact that it needs, very often, more troops to do this assignment, without regard to whether we ought to be there at this time or whether they deserve the protections and equipment that is often missing. But we are not just talking about the Middle East press. This is Department of Defense money provided by U.S. taxpayers to comb American newspapers to track and evaluate their stories.

I can't say I am surprised by this development. After all, this administration has mastered the art of propaganda, and after I asked for investigations of the administration's propaganda activity, the Government Accountability Office, GAO, ruled that the administration violated law in several cases. Propaganda efforts by the Department of Health and Human Services and the Department of Education were ruled illegal by GAO.

So what did the administration do? Did it agree to abide by the law? Of course not. That is not their customary action, not this administration. The administration announced that it would ignore the GAO rulings. The administration sees the rule of law as kind of a speed bump, not a roadblock. That is why Congress has to cut off these funds for these propaganda efforts.

This isn't the Soviet Union. We promote a free press in this country. It is essential to our democratic functioning. Learn the truth, pleasant or unpleasant, and deal with it as we should—honestly. We should not be manipulating the news media in our country.

I want the news about Iraq to be better, too. We all have great respect and affection for those who are on the front line who are doing their duty in spite of questions about what the purpose is or when the return to their homes begins. But maybe if we made some changes in our leadership and in our strategy we wouldn't need a PR campaign to improve our image here or abroad. Instead of trying to make the current situation look better, we ought to focus on actually making it better.

If we have any money to spare, let's spend it on our troops making sure that everybody has body armor, the latest there is, to protect them, or that the humvees and other vehicles are appropriately armored to see if we can defend ourselves better against these roadside bombs and these attacks on our troops, or on developing better strategies to fight terrorism and to defend our country.

We are on the eve of the commemoration of 9/11. It was one of the events in American history that still shocks our psyche. The fact that in a single day almost 3,000 Americans were killed on our soil by foreign intervention still astounds even the grimaced imagination. The fact that these two tall towers fell—I had an office in one of those towers when I was a commissioner of the Port Authority of New York and New Jersey before I came to the Senate. They stood like cities, with 50,000 people going in and out, moving to their jobs, to their assignments, to their responsibilities, to their families, not only to their companies, not only to the services they provided. And we are still in search of the perpetrators.

We all want to see victory come out of this war. The problem is I am not sure we can define victory. It is too late for us to resume our lives as we used to live them without constantly having to show an ID, without constantly having to be in lines waiting, interfered with in our normal routine. The last thing we need is to cover up reality. That is what is taking place. This is an attempt to further cover up the reality, cover up the losses we are enduring, cover up the expense it is costing us. The financial costs are secondary to the loss of life, but, nevertheless, that is reality.

I commend my colleague from New Jersey, Senator MENENDEZ. He has brought thoughtful discourse to this body, and we welcome his attempt to clear the air, to make sure we are not spending money to color the issues, to give it a rosy tone, but to tell the truth and to not spend $20 million of taxpayer money on glossing over what is a very painful reality.

I hope our colleagues will fully support this amendment.

I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Menendez amendment. Who yields time? The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I urge my colleagues to vote no on the motion to table the amendment. With all due respect, this isn't about any gag order. It is not about promoting whatever gains are made. We are happy to see whatever gains are made in the Defense Department, in the White House, and all of the Republican administration. They can roll out all of the good news they have. But what we don't need and what I hope the Senate will not vote for is $20 million of taxpayer funds for the purpose of having a public relations firm ultimately generate "good press out of Iraq." That is not what we need. We need a change in policy, not a $20 million public relations contract.

Our amendment specifically allows the Department of Defense to continue to collect or analyze information in the news media, as they do now, but we do not need a $20 million public relations program. If my colleagues vote for the motion to table, they are voting to have that $20 million public relations program that the taxpayers will fund.

We can generate whatever good news may exist, but what we need is a change in policy. We don't need a PR program. This bill should be about flack jackets for our soldiers, not for the administration.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator's amendment will prohibit spending monies for a program to create a database for news stories that are positive. I do think there is an exception to that which says it does not apply to collecting and analyzing information in the news media. So they can spend money to analyze all the negative aspects of our news media, but they cannot spend money to collect the data that is necessary to provide the positive side of what our people are doing and what the Iraqi people are doing in Iraq in this terrible situation over there. I really think it is a gag order. I don't see why they should be able to collect all the news stories, but they can't collect the information that is positive and make it available.

So I move to table this, and I believe we will have a vote here fairly soon. The 2 minutes equally divided will be after this amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct. Yes.

Mr. STEVENS. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—5

Chafee
Chambliss
Isakson
Lieberman
Santorum

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4897

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the motion to table the Schumer amendment. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is very simple. The Taliban is gaining huge parts of Afghanistan, southern Afghanistan. The Taliban is all over the place. How do they fund themselves? How do they spread their hegemony? It is through opium. Opium production has doubled in a year. While we are making some efforts to fight it, we are not doing close to enough. If we want to stop the Taliban from going back to where they were before 9/11, we must stop the way they prosper, survive, and fund themselves. It is opium production. They make 90 percent of the world's heroin.

This amendment, very simply, adds money to the DOD budget so we can fight the scourge of opium and the scourge of terrorism to which it is interlinked in Afghanistan.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, NATO is in charge, now, of Afghanistan. The British Government is the lead agency in counterdrug operations. Notwithstanding that, in this budget we have $346 million for counterdrug efforts in Afghanistan. In addition to that, there is a carryover available from 2007. It will be almost $400 million already, and the Senator wishes to add another $700 million. It is not our function. The lead agency is NATO, now, in Afghanistan.

I have made a motion to table. I urge the Senators to vote to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays were ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—45

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich

NAYS—51

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Talent
Warner
Wyden

NOT VOTING—4

Chafee
Chambliss
Isakson
Lieberman

The motion was rejected.

The PRESIDING OFFICER. The amendment remains pending. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 4897) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

AMENDMENT NO. 4857

Mr. KENNEDY. Mr. President, I had filed an amendment on behalf of myself and the Senator from Utah, Mr. HATCH, amendment No. 4857, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. HATCH, proposes an amendment numbered 4857.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated by this Act may be available for the conversion to contractor performance of certain activities or functions of the Department of Defense in cases where the contractor receives a competitive advantage by offering inferior retirement benefits to workers who are going to be employed in the performance of such activities or functions than those offered by the Department to comparable civilian employees)

On page 160, line 7, strike "; or" and insert a semicolon.

On page 160, line 14, strike the period at the end and insert the following: "; or

(C) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Department of Defense civilian employees under chapter 84 of title 5, United States Code.

Mr. KENNEDY. Mr. President, we know that vast numbers of Americans are increasingly concerned about their economic future. More than half of all workers describe themselves as "worried" or "stressed" about the state of the economy, and growing numbers of workers fear they will not be able to meet, much less surpass, the standard of living of their parents.

One of the primary factors contributing to these fears is the worsening crisis in the Nation's retirement system. The cornerstones of retirement security—private pensions, private savings, and Social Security—are increasingly at risk. Far too many working Americans will face retirement with little in their pocket—and with nothing to show for their long years of loyal service and hard work.

The pension reform legislation enacted this year will help companies keep the pension promises they have already made to workers, but we need to do much more to encourage employers to provide adequate retirement benefits to their hardworking employees. Today, less than half of all private-sector employees have any retirement plan at all at work, and the number of workers with a secure defined-benefit pension plan has been cut in half since 1980.

Employer-provided retirement plans are essential for retirement security for working families. Workers are far more likely to save money for retirement through an employer-offered pension than if they are left to save on their own.

Unfortunately, instead of encouraging more companies to provide good retirement benefits to their employees, current Federal contracting rules actually discourage many private companies from helping their employees save for retirement. The competitive bidding process for contracts favors private employers who shortchange their workers on retirement benefits. Firms that provide no retirement benefits or only meager benefits often win bid to perform Government work even when the cost savings from their bid are attributable solely to the lack of retirement benefits they provide.

This unfair policy creates a dangerous race to the bottom in which private sector companies compete against each other to see who can provide the fewest benefits to their workers. As a result, the bidding process is actually increasing the number of Americans whose retirement security is in jeopardy. That is both illogical and unconscionable.

In addition, this skewed privatization policy is fundamentally unfair to Federal workers who lose contracts simply because they receive decent benefits. Valued Federal employees are losing their jobs because they cannot compete on an unfair playing field with employers who are shortchanging their workers.

Defense workers are particularly at risk. Now, this year alone, the Department of Defense is putting more than

10,000 civilian employees at risk of unfair termination—more than any other Federal agency—and it has announced plans to increase this number in the future.

Thirty-five percent—35 percent—of civilian Defense employees are veterans. Hundreds more are active reservists currently serving in the Iraq war. The least we can do for these dedicated and patriotic Americans is to let them compete on a level playing field to save the jobs they come home to after their service to their country.

The amendment Senator HATCH and I are offering will protect these workers by preventing contractors from winning bids for Government work solely because they provide inadequate retirement benefits to their employees or no retirement benefits at all. Our goal is obvious: to protect hard-working Federal employees from unfair competition. They should not lose their jobs because they cannot compete with private contractors on an unlevel playing field.

The amendment does not dictate the retirement benefits that employers must provide or require contractors to change their existing benefits. It simply levels the playing field for Federal employees and contract employees by excluding costs related to retirement from a privatization review. All the amendment does is prevent contractors from winning bids solely because they offer inferior retirement benefits.

The underlying bill already includes provisions to level the playing field for health care benefits. We need to do the same for retirement benefits.

Our bipartisan amendment is an issue of basic fairness. It is fair to private sector workers who will otherwise lose their retirement benefits in a "race to the bottom." And it is fair to Federal employees who will otherwise lose their jobs to unfair competition.

I strongly urge my colleagues to support our amendment.

Mr. President, just a few additional comments. The question that is raised is, is this going to add complicated accounting procedures? The answer is, quite clearly, no. We have seen, for example, that when we eliminated the current health issues out of the contracting, that worked out very easily and worked out in a way to ensure a greater fairness. As I mentioned, a great percentage of these workers are both men and women who have been in the military; a great percentage of them are both in the Reserve and the Guard. It is an unusually high percentage of them because we know that preference is given, and legitimately so, when there is an opening in the contracting for veterans.

So there is a particularly and disproportionately high number of these workers who have served their country in the service, in the Reserves, and in the National Guard.

This is really what we are doing. I have the good opportunity to be with my chairman, Senator ENZI, chairman of our conference on pensions. We worked very closely with the members of the Finance Committee, Senators GRASSLEY and BAUCUS, in an often tedious conference. We spent a great deal of the time on retirement benefits and on what is happening to those benefits for workers. We have seen the results. Savings are way down. We are going to have to give focus and attention to the issues on Social Security. Pensions are the third part of that stool, which is absolutely essential in terms of a secure retirement.

In so many instances, those pension rights, as we read in the newspapers every day, are increasingly threatened, and increasingly at risk, and increasingly lost. I agree with Senator HATCH and others that it would be poor policy for us to have as a matter of Federal preference competitions. These Federal employees have certain kinds of retirement benefits, and that is being held against them in a competition in which they otherwise would be successful. That will obviously result in companies that want to do business with the Federal Government getting rid of their pension plans, and it will disadvantage those who are working in the Federal employment system.

Mr. President, I commended our colleagues previously for taking into consideration the current health issues and comparisons. We are talking about retirement benefits. I think the case is strong and, hopefully, we can take this to conference and have the opportunity to explore it. I have talked to both the chairman and the ranking minority member over the last few days. I believe the staffs are familiar with the issue. Hopefully, we can accept this and take it to conference. Senator HATCH and I would be glad to respond to additional questions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4913, AS MODIFIED

Mrs. BOXER. Mr. President, I call up amendment No. 4913 and ask unanimous consent to send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4913, as modified.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To require a report on procedures and guidelines in the event of further sectarian violence)

At the end of title IX, add the following:

SEC. 9012. (a) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures and guidelines of the Department of Defense to protect United States military and civilian personnel (should sectarian violence further increase in Iraq.)

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED. In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

Mrs. BOXER. Mr. President, my amendment simply requires the Secretary of Defense to submit a report on the procedures and guidelines necessary to protect U.S. military and civilian personnel in the event of a further increase in sectarian violence in Iraq.

Right off the top, I thank Senator STEVENS and his staff and Senator INOUYE and his staff. They really helped me in getting this amendment accepted. It means a lot to me because I worry deeply about this situation.

The reason I worry is, as we look at this war, we just have not seen plans. We have not seen that we have been ready for the contingencies we face. We never seem to plan for the worst-case scenario. Frankly, I think we need to do that in this case because we have not been right in predicting what would happen. We have seen, over time, that we have not had enough body armor, we have not had enough up-armored HMMWVs or countermeasures against roadside bombs.

Frankly, the American people are losing confidence that we are prepared to protect our troops in the case of a full-scale sectarian conflict.

There was a quote in the paper recently from the commander of day-to-day operations in Iraq. This is the quote:

> Quite frankly, in 33 years in the United States Army, I never trained to stop a sectarian fight.

Let me repeat that. This is from the commander on the ground in Iraq:

> Quite frankly, in 33 years in the United States Army, I never trained to stop a sectarian fight.

Now, for 6 months I have been asking Secretary Rumsfeld for a plan for our troops in the event there is a full-blown civil war in Iraq. And I have not received any kind of answer on it. After I sent my first letter to the Secretary asking for such a plan, I got a letter back from Under Secretary of Defense Eric Edelman. And he said:

> Recent acts of violence intended to spark civil war have failed.

That is the answer to my letter. When I asked: What is your plan in case civil war breaks out, he said: Well, there isn't a civil war. Obviously, that is not good enough.

My second letter to Secretary Rumsfeld was answered by Deputy Secretary Gordon England. He told me:

> Iraq's enemies are intent on provoking widespread intercommunal conflict but they are not succeeding.

So, again, a lot of reassurances but no plan.

So, once again, I did not receive any type of answer that gave me any solace that there is some planning to protect our troops and our civilian personnel if things get worse over there.

Now, we know the number of monthly incidents of sectarian violence increased from 5 per month in 2003 to 250 per month in 2006. Let me say that again. Monthly incidents of sectarian violence increased from 5 per month in 2003 to 250 per month in 2006.

Well, why do we need a plan now? I think the facts speak for themselves. The Pentagon's latest report that we received on conditions in Iraq, which was dated August 2006, said:

> Concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months.

And this is what they said:

> Conditions that could lead to civil war exist in Iraq.

So if the Pentagon is telling us conditions that could lead to civil war exist in Iraq, the least we can expect from our Pentagon leadership is for them to provide some kind of contingency plan to protect our troops and civilian workers we have over there.

July saw the highest level of weekly attacks since military operations in Iraq began. Since last spring, the number of daily casualties, both military and civilian, reached nearly 120 per day, up from approximately 80 per day.

According to the United Nations—and I believe this is also quoted in this report, so this is the Pentagon quoting the United Nations—an estimated 22,977 families—or 137,862 individuals—have been displaced in Iraq due to sectarian strife since the February 22, 2006, Samarra Mosque bombing.

So for those people who put their head in the sand and say, this sectarian strife, it is going to go away, the people really do not want it, the facts belie that. I would say to my colleagues, think of one of your towns. And 137,862 would be one of your very large towns. If everyone in that town left that town, that is how many people have been displaced in Iraq due to sectarian strife.

General Peter Pace, Chairman of the Joint Chiefs, acknowledged to one of our committees there is a possibility of the situation in Iraq evolving into civil war. And he did not anticipate such a situation a year ago.

So when I heard about that, I sent a third letter—a third letter—to Secretary Rumsfeld asking: What is the plan in case of civil war? That letter remains unanswered.

Now, there is no reason the Secretary of Defense cannot provide the relevant committees in the House and the Senate a plan in case of civil war. My amendment will allow for this plan to be submitted in a classified form. I think that is very important because we certainly do not want that published. But we want to know that it exists and that there is a plan to protect our troops and civilians. Congress has the responsibility to provide oversight of the executive branch. Congress failed to ensure that the administration had a plan to win the peace in Iraq. We all know that. I saw Senator BIDEN just briefly on the Senate floor, and he was one of those voices, along with Senator LUGAR—bipartisan—way early asking: Where is the plan? Where is the plan? Where is the plan? We never had it.

Now the President says: We will be in Iraq. As long as I am President, we will stay in Iraq.

That is not a plan. That is an admission of no plan, no exit strategy. So at least let us have a plan, a contingency plan, that if the sectarian violence escalates, we know that our people will be protected.

I again thank Senator INOUYE, Senator STEVENS, and their staffs because I have to say without their help—this was a bit contentious, but we worked on it until we got it so that it could be accepted on both sides. I am very grateful.

At this time, I yield the floor and ask, at the appropriate time, we have a voice vote on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that Senator DORGAN and I be added as cosponsors to amendment No. 4914.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the pending business is the Boxer amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for the adoption of the Boxer amendment at this time with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4193, as modified.

The amendment (No. 4193), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Kennedy amendment No. 4857 be agreed to, with the motion to reconsider laid upon the table. I further ask unanimous consent that the Rockefeller amendment No. 4906 be withdrawn, and further, that the managers' amendment, which has been cleared by both managers, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table. I ask unanimous consent that following this action, the Senate proceed to vote in relation to the Reed amendment No. 4911, with no second-degree amendment in order to the amendment prior to the vote and that there be 4 minutes for debate equally divided prior to that vote. I ask unanimous consent that following disposition of that amendment, the only other amendment in order to the bill be the Bingaman-Domenici-Burns-Dorgan amendment relating to firefighters, and that following disposition of that amendment, the bill be read a third time and the Senate proceed to vote on final passage of the bill, the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4857) was agreed to.

The amendment (No. 4906) was withdrawn.

The amendments were agreed to, as follows:

AMENDMENT NO. 4900

(Purpose: To make available up to $2,000,000 for infrastructure for the Afghanistan military legal system)

At the end of title VIII, add the following:

SEC. 8109. Of the amounts appropriated or otherwise made available by this Act, up to $2,000,000 may be available for infrastructure for the Afghanistan military legal system.

AMENDMENT NO. 4894

(Purpose: To make available from Other Procurement, Army, up to $1,500,000 for a Convoy Training Simulator for the Montana Army National Guard)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to $1,500,000 may be available for a Convoy Training Simulator for the Montana Army National Guard.

AMENDMENT NO. 4916

(Purpose: To make available from Research, Development, Test and Evaluation, Navy, up to $300,000 for independent testing of the Joint Improvised Explosive Device Neutralizer III)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by the title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

AMENDMENT NO. 4901

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,500,000 for the development of a field-deployable hydrogen fueling station)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $1,500,000 may be available for the development of a field-deployable hydrogen fueling station.

AMENDMENT NO. 4903

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $6,000,000 for research and development on bioterrorism threats to troops)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $6,000,000 may be available for bioterrorism protection research (PE #0601384BP).

AMENDMENT NO. 4917

(Purpose: To provide the Secretary of the Army the ability to reimburse servicemembers and their families for financial hardships due to extended deployment overseas)

At the end of title VIII, add the following:

SEC. 8109. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law:

Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders:

Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States:

Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

AMENDMENT NO. 4912

(Purpose: To increase by $20,000,000 the amount made available by chapter 2 of title IX for Operation and Maintenance, Defense-Wide for the purpose of assisting the African Union force in Sudan)

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE DEFENSE-WIDE" is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 4502 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

AMENDMENT NO. 4918

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,000,000 for research and development on the heavy fuel diesel engine)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "Research, Development, Test and Evaluation, Defense-Wide" for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

Mr. STEVENS. Mr. President, that now means the floor is open for consideration of the Bingaman-Domenici-Burns-Dorgan amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4915

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Ms. CANTWELL, proposes an amendment numbered 4915.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate funds for emergency wildfire suppression)

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

DEPARTMENT OF AGRICULTURE

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is the one that the floor manager, the chairman, indicated was to be considered now. It relates to wildfire management and is one that has strong support on both sides of the aisle. I urge my colleagues to support the amendment.

I know Senator BURNS wishes to speak as well.

I yield the floor.

Mr. STEVENS. Mr. President, it is my understanding this is a modified amendment, modified from the original form. I ask the Senator from New Mexico if that is the case.

Mr. BINGAMAN. Mr. President, that is correct. This is in modified form from what was earlier filed as an amendment. I believe the concerns earlier raised have been resolved.

Mr. STEVENS. Mr. President, I thank the Senator and ask for adoption of the amendment.

Does Senator BURNS wish to comment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Alaska. I thank Senator BINGAMAN for his work on this amendment. We heartily approve the amendment. It has strong support on this side of the aisle.

Ms. CANTWELL. Thank you, Mr. President. Before I make my statement, I want to take a moment to thank Chairman STEVENS and Senator INOUYE for their leadership in getting this vitally important defense appropriations bill to the Senate floor. I know that that the chairman and ranking member believe, as I do, that ensuring sufficient funding for our brave fighting men and women during this incredibly challenging Iraq war is an urgent national priority. I appreciate their hard work and look forward to making sure we complete work on this legislation before the end of the fiscal year.

Today, I am here to speak on another issue critical to Washington State, and many States throughout the Nation: the threat of wildfires. To date, we are in the midst of the most active fire year of the decade. That may surprise many of my colleagues who remember the devastating fires a few years ago. But as of today, more than 8.4 million acres have burned as a result of 84,000 fires across the Nation this year. To put this year into perspective—compared to the 10-year national average, this year 73 percent more acres have already burned. Already, this is the third worst fire year since 1960.

As we speak, our brave wildland firefighters across the Nation are fighting 62 wildfires that have burned more than 1 million acres and continue to burn in 11 States. Idaho, Montana, Nevada, Oregon, and Wyoming all have active fires that have burned at least 25,000 acres.

In my State, Washington, an area nearly half the size of Rhode Island is ablaze. More than 309,000 acres have burned in Washington State as a result of 13 active fires. The largest fire in Washington, the Tripod Complex Fire, has burned 163,000 thousand acres. In Southeastern Washington, residents and farmers alike have been dealing with and fighting the Columbia Complex Fire. That fire has burned more than 90,000 acres—including some homes and valuable wheat crops—forcing the evacuation of hundreds of Columbia County residents in and around the city of Dayton during the last month.

Fighting these fires has truly been a national priority and I want to thank all of the firefighters, soldiers, local and State officials, and many others who have worked so hard to protect our citizens and property. Last week, when my office called the Incident Command Center for the Columbia Complex Fire in Waitsburg, Washington, a firefighter from Louisiana picked up the phone. Louisiana joined firefighting personnel from the State of Washington, Oregon, Arizona and New Mexico, the Confederated Tribes of the Umatilla Indian Reservation, Australia, Canada, and New Zealand.

This year the Department of Defense has been involved for the first time since 2003. "Task Force Blaze," a 550-soldier battalion was mobilized from Fort Lewis to assist with firefighting activities on the Tripod Fire last month. Air National Guard Units in Wyoming, Colorado, Oregon, and California have been mobilized as part of the firefighting effort.

This situation is all too familiar to this part of the Pacific Northwest. Citizens in Columbia County were forced to deal with the School Fire last year that raged for 13 days, burning 52,000 acres and destroying 215 homes and other structures. Unfortunately, we are facing another all too familiar situation, running out of money to fight these fires.

While Congress is aware of this perennial problem, and has wisely boosted wildland fire fighting money the last few years, this season's unusually high fire activity in Washington State and across the Nation has strained us further still. In Washington State for example, more than 3,300 firefighting personnel are bravely fighting these stubborn blazes. That is why I am a cosponsor of Mr. BINGAMAN's critical amendment.

Any day now, the Federal Government will have spent all of its available funding for wildland firefighting for this fiscal year. This will leave our primary firefighting agencies—the Forest Service and the Department of Interior—stuck with the choice of either cutting back firefighting efforts from the more than 1 million acres burning today, or cutting back from other necessary activities. Without these emergency funds, national forests throughout the country would likely have to cut back on vital maintenance or services to the public. And if we are forced to tap into the land and water conservation fund, we might have to forgo preserving pristine or unique lands.

In these extraordinary circumstances with thousands of people affected by wildfires from Montana to Washington to Wyoming—I believe that providing Federal wildland firefighting agencies with the adequate resources should be a top priority. That's why I support the Bingaman amendment to provide an additional $275 million in emergency funding for wildfire suppression activities. Specifically, based on the resource projections provided to us by the administration, $175 million would be made available for the Forest Service and $100 million to the Department of Interior. These funds will help assure the thousands of our citizens in communities across the Nation that the Federal Government will have the adequate resources to continue fire suppression activities without borrowing from other important programs.

When we run out of funding, we will have depleted available appropriations for fire suppression and a nearly $500 million reserve fund to deal with these emergencies. I recognize that we will probably need to do a lot more for firefighting and I look forward to supporting those efforts. However, based on available projections from the Federal Government providing $275 million now will help provide some immediate relief.

While this is an extraordinary fire year, this is not a new issue for Congress to deal with. Over the last few years, Congress has added emergency appropriations and reserve accounts in response to wildfire suppression activities and other fire-related activities. As recently as 2004, we added $500 million in emergency funding to the fiscal year 2005 Defense appropriations bill for wildfire suppression activities.

With a million acres burning across the Nation in 11 States—American citizens deserve to know that the Federal Government is doing everything it can to protect them, their property, and their communities. I think it is critical to provide these additional funds and I urge adoption of the Bingaman amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4915.

The amendment (No. 4915) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, are there any other pending amendments not taken care of by the unanimous consent agreement? It is my understanding from the unanimous consent agreement that the only other amendment to be considered on this bill was the Bingaman amendment, and we now have a vote on the Reed amendment.

The PRESIDING OFFICER. The Senator is correct. The Reed amendment is the only remaining amendment under the unanimous consent agreement.

Mr. STEVENS. There is 4 minutes equally divided. I suggest the absence of a quorum, awaiting the arrival of the Senator from Rhode Island.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4911

Mr. STEVENS. Mr. President, I understand the pending business is the Reed amendment with 4 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, I ask unanimous consent that Senator CONRAD be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, this amendment that is offered by myself and Senator BAYH would add $64.7 million to continue an accelerated acquisition of Predator. These are unmanned aerial vehicles that are critical to our war on terror. They were instrumental in the detection and the ultimate destruction of Zarqawi and other terrorists. They are the chief tool of our special operations forces in terms of going after, seeking, finding, and destroying terrorists and terrorist networks.

There was a plan to accelerate the deployment of these UAVs. That plan was disrupted, if you will, because of decisions previously made. But I think today we can send a uniform and unanimous message that we need to acquire these six additional UAVs to create ultimately a squadron of UAVs for our special operations command. With these weapons systems, we can continue to deal effective and decisive blows against terrorists. I urge unanimous passage of this legislation adding $64.5 million. I commend Senator BAYH because he really was a leader in this effort in terms of drawing the attention of the committee to this shortfall in funding and requesting that it be added with this amendment.

I reserve the balance of any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, we were willing to accept this amendment when the Senator first brought the Predator to the attention of this Congress. I am delighted to see more Predators being bought. This is sort of a premature type of advance. These monies would have been requested anyway for 2007, but we checked with the Department and they are willing to proceed with it now.

I urge the adoption of the amendment, and I yield back the remainder of my time.

Mr. REED. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to amendment No. 4911.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Chafee
Lieberman

The amendment (No. 4911) was agreed to.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FUNDING TRAUMATIC BRAIN INJURY

Mrs. HUTCHISON. Mr. President, as the Senate prepares for final passage of H.R. 5631, the fiscal year 2007 Defense appropriations bill, I would like to thank my colleagues for accepting an amendment that I cosponsored which addresses the growing concern of a number of veterans returning from combat operations overseas that may have traumatic brain injury, TBI.

According to reports, preliminary research by the center shows that about 10 percent of all service personnel, and up to 20 percent of frontline personnel, suffer concussions during combat tours. Like any medical condition, early diagnosis is the key to successful intervention and treatment.

Unfortunately, many are not being properly screened for this serious and debilitating condition. TBI clinically presents many of the same signs and symptoms of post traumatic stress disorder, PTSD. These two serious but very different medical conditions require separate and distinct treatment programs.

Because it is so important that our veteran care facilities have the proper training to distinguish between these two illnesses, I included language in the fiscal year 2007 Military Construction and Veterans Affairs appropriations bill requesting the Department of Veterans Affairs to establish a separate education program to better diagnose TBI.

With final passage of this bill, we have another opportunity to further strengthen our efforts to better understand and treat TBI. I am proud to cosponsor this amendment which will add an additional $12 million in funding for the Defense and Veterans Brain Injury Center, DVBIC. The DVBIC is a collaboration between the Defense Department and the VA to deliver care to patients with TBI.

During testimony earlier this year, leaders of the DVBIC testified that the center needed $19 million in funding for fiscal year 2007. This amendment brings the total funding from the $7 million requested to a total of $19 million. This funding level is important because it will ensure our combat veterans receive the quality care they deserve.

Mr. ALLEN. I thank my good friend from Texas for her support by cosponsoring my amendment. I have enjoyed a wonderful working relationship with Senator HUTCHISON on a number of issues, especially veterans issues. We have worked together to increase veterans health care funding as well as veterans research funding. We just recently worked together on an amendment to provide credit monitoring services to Veterans and active duty servicemembers at no cost in response to the theft of a Veterans Administration laptop computer.

Senator HUTCHISON and I, as well as other Senators from both sides of the aisle, are here today in an effort to give our veterans the health care they so rightfully deserve. Those returning servicemembers who suffered a traumatic brain injury need the best quality care available and this amendment is a long step in that direction. I thank the Senior Senator from Texas for her support and her leadership as chairman of the Veterans Affairs Appropriations Committee on this issue.

OPERATION AND MAINTENANCE

Mr. KOHL. Mr. President, I rise today to ask the chairman and ranking member of the Defense Appropriations Subcommittee for clarification of language that appears in title IX, on page

238 of the committee's report. Under the heading "Operation and Maintenance" there is a writeup entitled "Pre-Deployment and Post-Deployment Training." The committee states in part "The Committee believes that costs accrued at home station for the aforementioned activities are allowable costs for the use of title IX funding. To the extent that such training, maintenance and reset activities displace normal peacetime training events, the amounts provided to the Department in title IX operation and maintenance accounts should be used to ensure full support of pre-deployment and post-deployment operations, as well as for continuing combat and security operations in support of the global war on terror."

Senator INOUYE and Senator STEVENS, is it the committee's intent that funds provided in this title for national and field level reset repair be available for the reset of equipment used for predeployment and post training but not otherwise deployed?

Mr. STEVENS. Yes, that is the committee's intent.

Mr. INOUYE. I concur with the Senator from Alaska in regards to the committee's intended purpose of funds provided for Army reset programs.

Mr. KOHL. Given this interpretation, I urge the committee to work with the Army to ensure that funds provided in this title and elsewhere in this bill should be used for upgrading equipment to current production type, model, and series, where determined by the Army Acquisition Executive to be required and cost effective, to include equipment used for predeployment training but not otherwise deployed.

Mr. STEVENS. The committee will encourage the Army to do so and thanks the Gentleman from Wisconsin for raising this important issue.

Mr. INOUYE. Yes, thank you.

Ms. MIKULSKI. Mr. President, next week we will be commemorating an event that none of us can forget and none of us wants to relive.

We mark September 11, 2001, as a day of national tragedy. But out of the ashes rose a determination to bring the sponsors of this terrorism to justice and to reform the intelligence system that that we depend on to prevent such predatory attacks in the future.

In those first weeks and months after the attacks, we were united as a nation and enjoyed the sympathy and support of the world. We went after Osama bin Ladin and the government that hosted him, with some of America's best and bravest. We assembled some of our wisest and most experienced leaders to investigate the events leading up to the attack and to recommend a path of reform.

Since 2001 when I joined the Senate Intelligence Committee, I have worked to bring about intelligence reform. The Intelligence Reform and Terrorism Prevention Act of 2004 was an important milestone on this journey. Important structural changes were made to our intelligence community and barriers removed to information sharing between agencies.

But where are we now?

The operational failure of 9/11 was followed by an analytical failure in Iraq. The hidden agenda of the White House and the President's lack of interest in objective analysis compounded the consequences of flawed intelligence. The President did not level with the public before the war. He did not keep his eye on hunting down al-Qaida. Instead, he led us into an unnecessary and disastrous war in Iraq.

Instead of providing oversight of the executive branch, congressional leadership has provided a rubberstamp. Instead of providing an independent voice, it has offered an echo chamber. Instead of helping the Senate Intelligence Committee investigate the Iraq intelligence failure, it has helped the White House push roadblocks in our path. And instead of taking care to safeguard liberty as we enhance security, it has closed its eyes on violations of the law and betrayal of our values.

In spite of some strong disagreements on specific issues, the Senate Intelligence Committee has come together on a bipartisan basis to implement the reforms already adopted and advance additional reform measures.

But last year, the leadership in the Senate did not allow the committee's authorization bill to be debated and voted on by the full Senate. For the first time in 28 years, the committee was blocked from carrying out its most basic function—the authorization of U.S. intelligence programs.

This month, we have learned that the majority leader does not intend to bring the fiscal year 2007 intelligence authorization bill to the floor before the Senate's fall recess. Again we face the prospect of the leadership preventing the Intelligence Committee from doing its job.

This is irresponsible and unacceptable. The authorizing committee should be the congressional vehicle for intelligence reform. The members of the committee spend the time needed to understand the issues. And we operate under special rules to keep our Nation's most sensitive secrets.

As a member of the Senate Appropriations Committee, I will do my best to make sure the intelligence community is adequately and appropriately funded. But providing direction and guidance for intelligence activities is the job of the Intelligence Committee.

Senator ROCKEFELLER, the distinguished vice chairman of the Intelligence Committee, elaborated from the floor this week about what is at stake. The fiscal year 2007 intelligence authorization bill, passed unanimously by the committee, included provisions: to enhance or clarify the authority of the Director of National Intelligence; to encourage information sharing and access; to establish a statutory inspector general of the intelligence community; to elevate the heads of the technical intelligence agencies by requiring them to be appointed by the President with Senate advice and consent; to improve the timeliness and completeness of information provided to the committee, and; to streamline the security clearance process for National Geospatial-Intelligence Agency employees and contractors.

These measures are not trivial. If enacted, they will save lives and they will save money. They will help restore congressional oversight where it is lacking. They will help prevent abuses in intelligence operations, which bring dishonor to our nation.

In short, these measures are critical to our national security. They should not be casually discarded.

Senator ROCKEFELLER has repeatedly raised his concerns with the lack of congressional oversight of the warrantless surveillance program conducted by the National Security Agency. I join him in expressing those concerns from the perspective of a member whose state proudly hosts the headquarters of that invaluable agency.

After a long struggle against White House foot-dragging, members of congressional intelligence committees are finally being briefed on this 5-year-old program.

But as Senator ROCKEFELLER points out, we have still not received the information necessary to adequately understand and evaluate the program. Nor have we been allowed to use the Intelligence Committee's specialized staff—such as the minority counsel and the NSA monitor—who are best qualified to help us with this task.

Under these conditions, the Senate cannot evaluate the need for the warrantless surveillance program and cannot propose legislative remedies for the alleged deficiencies of the current law. These circumstances must change.

Mr. President, intelligence is at the forefront in our fight against terrorism, just as it was in our long Cold War struggle against communism. Congress has a duty under the Constitution to be a critical and coequal partner in this fight. I join Senator ROCKEFELLER in urging the leadership of the Senate to let us get on with it.

Mr. McCAIN. Mr. President, I want to discuss the Defense Appropriations Act for fiscal year 2007, which is one of the most important of the appropriations measures that we consider annually. This legislation will provide critical funding for the men and women in our armed forces who, at this very moment, are in harm's way. We must support them, and, for that reason, I will vote in favor of its passage. But I have serious concerns over the earmarks contained in the committee report accompanying this bill.

The bill reported out of committee appropriates over $453 billion. This is more than $9 billion below the President's request and I am discouraged that it required a $13 billion amendment designated as emergency funding to get back to the President's requested funding level. Also, as is the case with so many of the appropriations bills that come to the floor, the report accompanying it contains hundreds of earmarks that were neither requested nor authorized—to the tune of over $4 billion. During a time of war we should be making every effort to support the President's budget request instead of slashing it and then adding earmarks for favored projects.

Every day we ask the brave men and women who fight for freedom on behalf of our great nation to make sacrifices. They sacrifice in Iraq and Afghanistan as well as several other places around the globe. Our soldiers have sacrificed and their families have sacrificed. And so, we in the Congress should exercise some degree of self-restraint and sacrifice as well.

Let me mention a few of the add-ons that were included in the bill's accompanying report that were not requested in the President's budget and were not on any of the armed services unfunded priority lists—some of which have next to nothing to do with the Department of Defense or its mission:

$2 million for automotive research;

$2 million for Precision Polishing of Large Objects;

$3 million for improved shelf-life for Vegetables;

$2 million for Brown Tree Snakes;

$117 million for an Oceanographic Survey Ship;

$75 million for the Allegany Ballistics Lab in West Virginia;

$18.5 million for a Air Force C–17 Maintenance Training System in Hawaii;

$8 million for the Allen Army Airfield in Alaska;

$1.5 million for Fort Detrick in Maryland;

$4 million for disposable dental masks; and

$3.5 million for Hibernation Genomics.

Once again, there are also many earmarks that may be for worthy causes, such as ovarian cancer research, but there is no compelling national defense reason for these items to be funded through this legislation. These earmarks include:

$115 million for Breast Cancer Research;

$80 million for Prostate Cancer Research;

$6 million for Integrated Translational Prostate Disease Research;

$34 million for the Hawaii Federal Health Care Network; and

$15 million for Ovarian Cancer Research.

Mr. President, as we are engaged fully in the global war on terror, it is imperative that we get the most of each and every defense dollar. The money that is being diverted to projects like the ones I have mentioned could instead be used for body armor or other critical needs to protect our troops and help win the war on terror. The earmarks I have mentioned are just a small sampling of the many, unrequested earmarks that fill the accompanying report. These earmarks are draining our precious resources and are not vital to our long term national security. I strongly encourage the Federal agencies affected to use their judgement to ensure they are not allocating resources to projects that are not legislatively mandated or authorized, but rather, are merely the wish lists of the committee.

Beyond the earmarks contained in the Senate report, this bill contains numerous authorizing provisions, some of which are outside of the scope of defense policy. Some of these provisions include:

Authorizing medical services at Army medical facilities located in Hawaii for civilian patients;

Authorizing the use of up to $50 million for operational ranges managed by the Air Force in Alaska; and

A provision that protects jobs in Hawaii and Alaska.

Mr. President, I have no doubt that some of these provisions may be important while others are questionable at best. What is important is that we follow the authorization process and restrain ourselves from using appropriations bills to authorize projects on this bill that have not been requested by the Department of Defense, nor approved by the authorizing committee.

I would also like to discuss the Buy America restrictions that cost the Department of Defense and the American taxpayers. Like in previous appropriations bills, this year's bill imposes a number of Buy America restrictions.

For example, the bill would prevent the purchase of ball bearings unless domestically produced. It requires that welded shipboard anchor and mooring chain be manufactured in the United States. Another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to "Buy European" but it also raises the costs of procurement for DOD and cuts off access to potential state-of-the-art technologies. DOD should have the ability to make purchases from a second source in an allied country covered by a defense cooperation memorandum of understanding when only one domestic source exists. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces with which we are increasingly likely to operate in coalition warfare or peacekeeping missions. They increase our influence over recipient country actions, and in a worse case scenario, allow the U.S. to terminate support for equipment. Exports lower the unit costs of systems to the U.S. military. In recent years they have kept mature lines open while the U.S. has developed new systems that will go into production around the turn of the century. Finally, these exports provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters.

Mr. President, I would prefer not to criticize this legislation. It is very important to the ultimate success of our ongoing war on terror. Yet I believe it is important to point out to the American taxpayer where some of their money is going. And some of it is not going to projects that have anything to do with our defense.

Mr. FEINGOLD. Mr. President, as the Senate prepares to vote on the Department of Defense appropriations bill for fiscal year 2007, I want to thank all of our brave soldiers, sailors, airmen, and marines for their hard work in the ongoing fight against terrorism, in Iraq, in response to natural disasters here at home, and in the many other missions to which they have been assigned around the world. These dedicated men and women, along with their families, are making great sacrifices in service to our country. We owe a tremendous debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that the Senate is about to pass the Defense Department appropriations bill. While I continue to have grave concerns about the misguided strategy this administration is pursuing in Iraq, the Senate bill includes funds for many important programs and priorities for our servicemen and women. In particular, the bill includes a well-deserved, although modest, 2.2 percent across-the-board pay raise for our military personnel. It also increases funding for vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. I am also pleased to support a number of good provisions in this bill that seek to ensure that our troops have the equipment they need to perform their duties on the ground, including increased funding for body armor and personal protection equipment, as well as additional funding for up-armored humvees.

I am also pleased to support increased funds for the National Guard and Reserve, including an additional $340 million for force protection equipment. This bill includes critical funding that will help the National Guard repair its equipment and reinstate a superior readiness level so that it is capable of defending our country and responding to natural disasters within the continental United States.

While I strongly support increased funding for the National Guard, and for border security, I opposed Senator SESSIONS' amendment to appropriate nearly $2 billion to the Army National Guard solely to build hundreds of miles of fencing along the southern border. I did so because it is difficult to justify pouring massive Federal dollars into efforts that have not been shown to be effective. We must improve border security but we simply do not have the data to show that border fences are an effective deterrent to illegal immigration. For that reason, I opposed the authorization of this fencing when it was proposed as an amendment to S. 2611, the Comprehensive Immigration Reform Act of 2006, and I opposed appropriating the funds for it in this appropriations bill.

The better approach would be to first implement another provision of S. 2611 that directs the Attorney General, in cooperation with other executive branch officials, to conduct a study on this question. The study would analyze the construction of a system of physical barriers along the southern international land and maritime border, including the necessity, feasibility, and impact of such barriers on the surrounding area. It is estimated that construction costs for these border fences is more than $1 million per mile. And that doesn't include the cost of maintaining these structures. Furthermore, there are very serious concerns about the environmental impact this type of massive construction project would have. Before we commit to pouring precious Federal dollars into a massive fencing system, at the very least we should do a thorough analysis of the most effective and fiscally responsible means of securing our borders against illegal transit.

While I support much of the funding for intelligence activities contained in the bill, I am deeply concerned at the failure of this Congress to pass an intelligence authorization bill. Congressional oversight of intelligence has never been more important. Strengthening our Nation's intelligence capabilities after the attacks of September 11 requires the involvement of Congress, which is why the 9/11 Commission described strengthened oversight as one of its most important recommendations. The disastrous failures of intelligence related to Iraq, both by the intelligence community and by the administration, further highlight the importance of thorough congressional scrutiny. Recently revealed programs such as the NSA's illegal warrantless wiretapping and secret CIA detention facilities, are among the intelligence activities that the congressional intelligence committees must examine. Thirty years after the Senate Intelligence Committee was created in the aftermath of well-documented abuses, we need to ensure that Congress does not abdicate its important oversight responsibilities.

While I do support many of the provisions in this bill, I am deeply disappointed that the bill fails to put our Iraq policy on a better footing. My vote for this bill in no way signals support for that policy, which is hurting our national security. The war in Iraq is having a negative—and dramatic—effect on our military's capability and readiness levels. Because of the heavy usage of military equipment in Iraq, the Army National Guard's 34 brigades are not combat-ready, and it will be no easy task getting our physical capacity back up to full strength. The costs we are incurring in Iraq are devastating and they are not advancing our national interests particularly when they are undermining our military's capacity to defeat the terrorist networks that attacked us on 9/11. I will continue to call for the redeployment of our forces from Iraq so that our military remains strong and so that our country can refocus on fighting the terrorist networks that attacked us on 9/11.

Unfortunately this spending bill contains many unnecessary items. The administration continues to request large amounts for Iraq and Afghanistan through "additional" or "emergency supplemental" appropriations not subject to limits on total discretionary Federal spending and not subject to the full congressional authorization and appropriations review process. I continue to be deeply concerned about this administration's priorities and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I voice every year at this time. However, on balance, this legislation contains many good provisions for our men and women in uniform who serve our country selflessly around the world. That is why I support it.

Mr. SANTORUM. Mr. President, in the course of attending a funeral today, I missed two votes. On the Conrad amendment No. 4907, I ask that the record reflect that, had I been here, I would have voted "aye." And on the motion to table the Menendez amendment No. 4909 I ask that the record reflect that I would have voted "aye."

Mr. President, I rise today to offer my support for Department of Defense funding for the National Drug Intelligence Center in Johnstown, PA.

The National Drug Intelligence Center, NDIC, established in 1993, is a component of the U.S. Department of Justice and a member of the intelligence community. The General Counterdrug Intelligence Plan, implemented in February 2000, designated NDIC as the Nation's principal center for strategic domestic counterdrug intelligence. NDIC's mission is to provide strategic drug-related intelligence and assistance to the drug control, public health, and national security authorities of the United States in order to reduce the adverse impact of drug trafficking, drug abuse, and related harms in this country.

Since September 11, 2001, we have become gravely aware of the importance of intelligence to all aspects of our national defense. This lesson is certainly applicable when assessing the resources generated by drug trafficking among terrorist groups and their sympathizers. I have been told that, since January 2005, NDIC has provided support to the Department of Treasury's Office of Terrorism and Financial Intelligence to produce the Nation's first National Money Laundering Threat Assessment. For this effort, NDIC received a letter of commendation from the Treasury Department for its "extraordinary contribution" to this effort. This is but one example of the fine work that is provided by those who serve this country at NDIC. The center is also actively contributing to the Department of Homeland Security's Office of Counter Narcotics Enforcement on an ongoing drug/terror nexus project. Further, NDIC personnel support the Drug Enforcement Administration's Special Operations Division which targets the convergence of terrorism and traditional drug trafficking networks. These contributions go along with the center's Document Exploitation Division which, I am told, is second to none in extracting useful information from lawfully-seized evidence.

NDIC is providing a valuable service to this country. It is the only agency with the independence to provide the National Drug Threat Assessment while still maintaining the versatility to assist in the ongoing operations and assessments conducted by the organizations that I have mentioned. The people of Johnstown who staff this facility are of the highest professional capabilities. It is important that we maintain these capabilities as we fight the war on Islamic fascism on many different fronts.

The House Defense appropriations bill provides $39 million for the center.

I look forward to working with the chairman and ranking member to ensure that this funding is included in the final conference report with the House. I firmly believe that the National Drug Intelligence Center is an important instrument in providing for our Nation's security. I believe that the administration should include it in its budget in future fiscal years. I will be writing President Bush in the coming days to make this case. At a time when the nexus between drug traffic and terrorist groups is becoming more acute, we need to make funding for our intelligence capabilities one of our highest priorities.

Mr. FRIST. Mr. President, the next vote will be on passage of the Defense appropriations bill. I congratulate the managers. It has been a job well done.

We are going to be on the port security bill tomorrow and on Monday. The managers are here, and they are ready to debate and take up amendments. We will not be voting tomorrow.

I remind my colleagues that we have scheduled an event on Monday at 6 o'clock to commemorate the fifth anniversary of the 9/11 attacks. We invite all Members to participate.

There will be no more votes tonight. We will not be voting tomorrow. We want to have all opening statements tonight and tomorrow on the port security bill.

We will have announcements tomorrow morning as to whether we will be voting on Monday. The Democratic leader and I will make that announcement.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read for the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Chafee
Lieberman

The bill (H.R. 5631), as amended, was passed.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees: Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. McCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I take this opportunity to thank my staff for all their hard work on this bill, especially my clerk, Sid Ashworth. As always, she has done the work on this bill and a multitude of amendments, along with the staff. And Charlie Houy, on Senator INOUYE's staff, has given good advice and leadership.

I also thank my colleague and partner, Senator INOUYE. It is a nice birthday present to pass a bill of this size, I say to the Senator.

As I said, Charlie Houy, Betsy Schmid, Nicole Di Resta, and Kate Fitzpatrick for their support on this bill.

There is a large staff that works on this bill. We do not often name them all, but I will do it this time. This was a tough bill. I give credit to Kate Kaufer, Brian Wilson, Brian Potts, Alycia Farrell, Mark Haaland, Ellen Maldonado, Michael Pollock, Alison Garfield, Bridget Zarate, Jennifer Chartrand, and Janelle Treon. Miss Treon is not with us. She recently left the committee, but she was a vital partner in the creation of the bill. We wish her good luck in her new life in North Carolina. She can learn to dodge the hurricanes.

Thank you very much.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, just for the purpose of our colleagues' schedules, we will not be voting Monday evening. Monday is September 11. As we said, there will be an event here at 6 o'clock, and I encourage all our colleagues to participate. But a number of our colleagues did ask whether we will be voting Monday evening, and we will not. So there will be no rollcall votes on Monday.

We are going to turn to the port security bill, a bill that has been the subject of a whole lot of work by a number of our colleagues by both sides of the aisle. We have three committees that have parts of jurisdiction here. It is a very important bill. As we work to secure this country and secure the safety of the American people, we absolutely must address the issue of port security. So I am very pleased we are bringing that bill to the floor. We will address it tonight and tomorrow and Monday, and hopefully we can finish it shortly thereafter. I talked to the Democratic leader, and the managers on both sides of the aisle will be working to gather the amendments. We will be discussing and talking about those at the appropriate time.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 432, H.R. 4954, the port security bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4919

(Purpose: To provide a complete substitute)

Mr. FRIST. Mr. President, I ask unanimous consent that the substitute amendment at the desk be considered and agreed to and further that it be considered as original text for the purpose of additional amendments and for debate only this evening.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4919) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to present the Port Security Improvement Act of 2006. This bill will help to close dangerous gaps in our ability to protect our shipping lanes and seaports from attack.

A number of our colleagues have worked very hard on this bill. This bill reflects not only bipartisan consultation and support but coordination among the Senate Homeland Security Committee, the Commerce Committee, and the Finance Committee. I thank our leader, Senator FRIST, for encouraging and facilitating those discussions.

I particularly wish to thank my colleague, Senator MURRAY, who joined me in sponsoring the GreenLane cargo security bill in November of 2005, which has served as the basis for the legislation we debate tonight. Senator MURRAY has been steadfast in her commitment to enhancing port security. She has been working on it since the attacks on our country 5 years ago. She has been a terrific partner.

Senator STEVENS, Senator INOUYE, Senator GRASSLEY, Senator LIEBERMAN, Senator BAUCUS, Senator COLEMAN, and Senator ALLEN have also played critical roles on this important legislation. Their support and involvement have been invaluable in crafting a measure that I believe is going to make a real difference and that will improve our protection against terrorist threats without crippling the operations of our ports. This is very important. We need to strengthen security at our ports, but we need to do so in a way that does not cripple our system of trade, that does not place barriers in the way of moving legitimate goods.

This legislation will provide the structure and the resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

Our legislation, our joint legislation, which is the product of so many weeks, months, and years of study and compromise, is a comprehensive approach that addresses all major aspects of maritime cargo security. It would require the Department of Homeland Security to develop a comprehensive strategic plan for all transportation modes by which cargo moves into, within, and out of American ports. It creates an Office of Cargo Security Policy to coordinate departmental activities and to be a central contact point for interagency, private sector, and international partners in cargo security. It requires the Department of Homeland Security to develop protocols for the resumption of trade at seaports after an incident. That is necessary to minimize economic losses. It authorizes risk-based grants, training, and exercises for port security. It improves and expands several security programs, such as the Container Security Initiative, known as CSI, and the Customs-Trade Partnership Against Terrorism, or C-TPAT, and establishes deadlines for DHS action on these programs. And it provides incentives for shippers and importers who meet the highest levels of cargo security standards.

Before commenting further on these provisions, let me offer a few facts that illustrate the importance of strengthening the security of our seaports.

America's 361 seaports are vital elements of our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2005 alone, U.S. ports logged 53,000 calls by foreign-flagged vessels, including 16,000 container ship calls that brought 11 million shipping containers to our shores.

The largest 22 ports, ranging from Los Angeles to Boston, handle 98 percent of the container traffic. Nearly half of all container ship calls are made in just three States—California, New York, and Virginia—but traffic arrives at many ports, from Maine to Hawaii, including a port in my State. Portland, the largest port by tonnage in new England. Coming from a State with three international cargo ports, I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

In addition to our ports' economic significance, the link between maritime security and our national security is obvious and the vulnerabilities of our ports worrisome. Shipping containers are a special source of concern. When we look at shipping containers, we know, in most cases, they contain useful consumer goods. But shipping containers could also be used to convey a squad of terrorists or a dirty bomb. In some sense, containers could be the 21st century "Trojan horse."

The vulnerabilities of containers are evident when one considers a recent incident that occurred in Seattle. In May, several Chinese nationalists illegally smuggled themselves within a shipping container that made its way to Seattle. Now, they were discovered, fortunately, but think if that container had, instead of including illegal Chinese immigrants seeking a better way of life, included individuals, terrorists, who were dedicated to destroying our way of life.

The container has also been called "the poor man's missile" because a low-budget terrorist could ship one across the Atlantic or the Pacific to a U.S. port for just a few thousands dollars. And the contents of a container do not have to be as complex as a nuclear or chemical or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told the New York Times last year, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce 10 times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on an American port could cause great loss of life, damage our energy supplies and infrastructure, cripple retailers and manufacturers dependent on just-in-time inventory, prevent farmers from exporting their crops, and hamper our ability to move and supply American military forces.

Earlier this year, I visited the ports in L.A. and Long Beach and Seattle. At the invitation of Senator MURRAY, I examined the Seattle port. When one looks at the busy harbor in Seattle, one sees ferries bringing thousands of passengers—a large urban population—in sight of the port and two stadiums nearby. You realize immediately the depth and destruction that a ship carrying a container with a weapon of mass destruction could inflict at a single port.

Moreover, a successful port attack would likely trigger a security lockdown of all of our ports, just as the attacks 5 years ago grounded all commercial aircraft. So the economic damage would swiftly spread across the entire country. The Pacific Coast has already given us a glimpse of the economic damage that an attack on a port would cause. The west coast dock strike of 2002 was peaceful and anticipated, unlike any terror attack would be, but it cost an estimated $1 billion a day in economic losses for each of the 10 days it lasted.

Of course, a port could also be a conduit for an attack as well as being a target itself. A container with dangerous cargo could be loaded on a truck or a railcar or have its contents unpacked at a port and distributed to support an attack elsewhere—perhaps in the heartland of this country.

For these reasons, and many others, including the risks of container tampering or false documentation, the 9/11 Commission concluded that "Opportunities to do harm are as great, or greater, in maritime and surface transportation" as in commercial aviation.

Some actions have been taken to improve security at our seaports. The 9/11 terror attacks prompted some useful moves toward better security for vessel shipping lanes and the ports themselves. But, unfortunately, many of these initiatives have not proceeded under a comprehensive, strategic security plan. Some of them have lagged, and some of them have not been effectively implemented.

The Senate Homeland Security Committee has conducted five hearings on port security and the failures of DHS's cargo security programs. The first hearing we held back in March of 2003 when the committee heard testimony from several experts that cargo containers could well be the next target of terrorists. Three of these hearings have been conducted by the Permanent Subcommittee on Investigations, chaired by Senator COLEMAN, and I thank him and Senator LEVIN for their efforts in this area. Indeed, several provisions in our bill address concerns that were identified through that joint investigative work.

Mr. LOTT. Mr. President, will the distinguished Senator from Maine yield for just a brief comment or question or two?

Ms. COLLINS. I am happy to.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me just take a moment to thank Senator COLLINS for her leadership and the work of her committee in this area. I say to the Senator, I have been listening to her remarks. I think it is very important we outline the risks that are involved here and the importance of our ports to the economy of America.

Like the Senator from Maine, I myself recently went around looking at large and small ports, from the gulf all the way to Seattle and Tacoma. I must say, I was somewhat pleased with the amount of effort that has been put in place in those ports.

But it also dramatizes how much more we need to do. We do need the macro legislation to deal with this. One of the great concerns is, as the Senator outlined, what would happen if we did have an event in one of those West Coast ports? It would lock them all down. What would be the process to restart them? I am also very much impressed with the appearance of those ports and the volume of the training activities. It is a critical area.

While a lot of work has been done and money has gone to our ports, big and small, we need this legislation. There is a lot more to it than just the restart protocols. It hasn't been easy because we have three committees with interest and jurisdiction, including Commerce and Finance. The Senator worked with the leadership of our Commerce Committee and of the Finance Committee, and I thank the Senator for that.

I urge my colleagues in the Senate that we move expeditiously on this legislation and that we not play games with it in any way because this is serious business. I feel for the person who would oppose this kind of legislation, or delay it, if some incident occurs. We need to move on it. This is the time to do it. It has been a real yeoman's task to bring it to this point. I wanted to be on record early commending the Senator from Maine, and I hope I will have an opportunity to talk later about some of the substantive parts of this legislation, which is critical for our country. I thank the Senator for yielding.

Ms. COLLINS. Mr. President, I thank the junior Senator from Mississippi for his kind comments. He has been so helpful as a member of the Commerce Committee and the Finance Committee in helping us weave our way through a very difficult maze. Without his advice and support, I doubt that we would be here tonight. I express my personal appreciation to Senator LOTT for his guidance and his assistance and for keeping us all focused on the goal. We could never let turf battles or jurisdictional disputes block us from accomplishing such a needed and important task. He helped us keep our eye on the ball. I thank the Senator very much for his comments.

Mr. President, I was talking about the hearings we were having. Our most recent hearing was in April on the GreenLane Maritime Cargo Security Act, which I mentioned Senator MURRAY and I had introduced. We heard also from the House leaders on port security, including Representative DAN LUNGREN and Representative JANE HARMAN, as well as other experts on our Nation's ports. The following month, that bill was reported out of the Homeland Security Committee.

The Port Security Improvement Act will clarify the roles, responsibilities, and authorities of Government agencies at all levels and of private sector stakeholders. It will establish clear and measurable goals for better security of commercial operations from the point of origin to the destination. It will also establish mandatory baseline security standards and provide incentives for additional voluntary measures.

Perhaps most importantly, the Secretary of Homeland Security would be required to develop protocols for the resumption of trade in the wake of an attack. Five years after the 9/11 attacks, the Federal Government still has not established adequate protocols for resuming port operations and setting cargo release priorities after an attack. I will tell you, when I talk to port authority directors, every single one of them brings this up as a major issue. If we don't have a plan for restarting our ports and for releasing cargo, then our ports will be closed far longer than they would need to be and economic losses would multiply.

This legislation would also establish priorities for critical DHS programs necessary to improve maritime cargo security and would set clear timelines to ensure steady progress on their development and expansion. Let me give another example of where DHS has languished in some areas. They have made progress in others but languished in some.

For example, the Department has been working on a minimum standard for mechanical seals on containers for more than 2 years but has yet to issue it. Under our bill, the Department would have 6 months to establish minimum standards for securing containers in transit to the United States. All containers bound for U.S. ports of entry would have to meet those standards no later than 2 years after they are established.

The bill also provides guidance and deadlines for essential improvements in the Automated Targeting System, the Radiation Portal Monitor Program, the CSI and C–TPAT.

The Automated Targeting System, ATS, is a screening mechanism that the Federal Government uses to help it determine which of the 11 million containers entering this country should receive further scrutiny. The GAO has criticized ATS for utilizing inadequate information to accurately assess the risk of cargo, and our legislation will ensure that the DHS improves that program.

Another notable provision of the bill is the requirement that radiation scanning be applied to 100 percent of the containers entering the 22 largest U.S. ports by December 31, 2007. Now, the result of that is that 98 percent of all cargo containers coming into U.S. ports will be screened for radiation. That is in addition to the radiation scanning that is done at foreign ports through the CSI and the Megaports Programs.

The legislation also expands and enhances the C–TPAT program to ensue the security of cargo from point of origin to destination. It creates a GreenLane, a third tier of C–TPAT, offering additional benefits to participants that voluntarily meet the highest level of security standards. The cooperation of private industry is vital to securing supply chains, and C–TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

Another security measure that has languished for years is the vital Transportation Workers Identification Card, or the TWIC Program. Again, we would require DHS to publish a final rule on the implementation of this program by the end of this year.

Finally, this comprehensive legislation would authorize the competitive, risk-based Port Security Grants Program. It would have stable, consistent funding set at $400 million each year for the next 5 years. This is a significant commitment of resources, and it will allow our ports to plan and to undertake multiyear projects that require a sustained investment.

The Port Security Improvement Act of 2006 will help us construct an effective, layered, coordinated system that extends from the point of origin to the point of destination. It will cover the people, the vessels, the cargo, and the facilities involved in our maritime commerce. And it addresses a major vulnerability identified time and again by terrorism experts.

Mr. President, I do hope that we can proceed with all due haste to enact this important legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise to speak in support of the Port Security Improvement Act of 2006. It reflects a bipartisan compromise between the three committees that have jurisdiction over the security of our Nation's ports, international intermodal supply chain and the administration of the Department of Homeland Security.

This bill strikes the right balance between security and facilitating the trade that is so important to our economy.

Our national economy depends on port security, yet amazingly, the administration has not made it the priority that it needs to be. It has consistently submitted inadequate funding requests and has routinely missed critical security deadlines that were required by law. It was not until the Dubai Ports World controversy hit the front pages of local newspapers that many members of the Congress began to take port security seriously.

I hope that Members of this body will give this important piece of legislation the consideration it deserves. Lastly, we all know that you cannot have a successful security policy without adequate funding. Today is a good first step, but the administration and this Congress must take the next step after we pass this legislation and fund these initiatives as proposed here.

There are more than 360 ports in our Nation that serve as a gatekeeper for our Nation's trade and commerce, bringing into the country most of the merchandise and raw materials our businesses rely upon. If an incident forced the shutdown of ports across the Nation, the impact on our national economy would be devastating and have long-term consequences.

The Coast Guard, through the National Maritime Transportation Act, has taken important steps to create a plan to guarantee trade resumes quickly after an attack. However, more needs to be done to enhance the Coast Guard's plan and ensure effective implementation. Our economic health depends on it.

Given the role our ports play in the economy, we cannot underestimate the importance of ensuring that the containerized cargo that comes into our country is safe and that the ships entering our borders do not carry enemies of our Nation. Yet less than 6 percent of the cargo coming into this country is inspected, a level that is unacceptable if we are to take security seriously.

Making the current situation worse is the fact that current State inspection and radiation scanning technologies are woefully inadequate.

The measure before us today addresses the shortfalls of the past 5 years. First, it enhances the examination of cargo domestically and before it reaches our shores. Second, the bill improves interagency cooperation. Third, it improves the sharing of intelligence information with the creation of interagency port security command centers. Fourth, it provides an additional director within to improve communication and cooperation between the public and private sectors to quickly resume trade should an incident occur. And fifth, the bill offers assistance and technical training to our partners in the war on terror. These are all simple fixes but fixes that have significant consequence in our efforts to protect our ports.

As we consider this piece of legislation, we must not forget the security needs of our other transportation systems. Amendments will be offered to this bill that relate to securing other modes of transportation and it is my intent to support those amendments as well so that we have a comprehensive approach to securing our infrastructure.

I am hopeful that the Senate will pass this bill as soon as possible. Our approach has broad bipartisan support. The Senate Commerce, Science and Transportation Committee has focused on the issues of transportation security long before the events of September 11, 2001.

We have dedicated substantial time and resources to oversee and investigate the security and safety of our Nation's systems of transportation and this bill will mark the fourth landmark transportation security related bill that has been brought before the Senate. The time is right to pass these needed security improvements, and I am hopeful that we can make it happen.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, it has been 5 years since September 11, and our country is still dangerously vulnerable. We have huge loopholes at our ports and in our cargo container system, and none of us should sleep well at night until we close those security holes and protect our country.

That is why I am on the Senate floor once again pushing for us to pass the bipartisan GreenLane bill. I am excited that after working for a number of years, we are now on the verge of making our country more secure.

The full House of Representatives passed our bill. The Senate Homeland Security Committee passed our bill. We have worked with the Commerce and Finance Committees to address the issues in the bill they have raised. Now it is up to us, the full Senate, to finally pass this bill.

Today I wish to explain why our ports are so vulnerable, how an attack would affect our people and our economy, and finally, how this bill will make us more secure and keep trade flowing.

To understand why our ports are so vulnerable, one just has to look at something that happened in my home State of Washington 3 weeks ago.

On August 16, there was a big scare at the Port of Seattle. Two containers that originated in Pakistan were offloaded at terminal 18. They were targeted for inspection. They were first scanned by a gamma-imaging machine, which is essentially a giant x-ray machine for cargo containers. The initial images suggested what was supposed to be in the container was different than what that x-ray scan showed. Next, the port officials brought in two security dogs, and both dogs detected what they thought were explosives in that cargo container at terminal 18.

To understand why that is such a scary incident in Seattle, one just has to look at the Port of Seattle and what surrounds it.

This photograph shows the Port of Seattle. We can see the port very clearly in the foreground. That is Seattle in the background. My colleague, Senator COLLINS, was out there and remarked, tonight and while she was out there, about the incredible closeness to where our containers are brought into the Port of Seattle, to where our downtown area is, where there are two sports stadiums that can have thousands and thousands of people at one time sitting in them, and I-5 is over here. That is the main highway that goes through the State of Washington, right through downtown Seattle. As one can see, these cargo containers sitting on these docks are within feet and yards of mass people, infrastructure, our community, our railroads, our transportation system, sports stadiums, and where people live and work.

During the scare I just mentioned, officials had to close the terminal and establish a 500-yard safety zone surrounding the terminal, and they had to create a 300-yard safety zone around the entire Seattle waterfront. Fortunately, that day, after having the port closed down for some time, further testing showed that what was in that container was just a false alarm.

I wish to take a second to commend everyone on the ground for doing an excellent job of immediately responding to a possibly very dangerous incident.

Here is the problem: We did not know what was in that container. We did not know. It could have posed a problem, and it was sitting right on the dock, right within our sports stadiums, within all of downtown Seattle, within our transportation systems, and where people live and work.

That is why we are presenting this bill tonight. The main idea of this bill is to push our country's borders out, to do the screening and testing for these cargo containers overseas so that the container never gets close to our shores if we think it is dangerous. But today, too often we wait until that container is sitting on American soil, dangerously close to our cities, before we find out whether it could pose a danger.

Fortunately, that Seattle incident ended well, but that very same week, we got a very stark warning about how it could have ended differently.

In August around the same time, the RAND Center for Terrorism and Risk Management Policy issued a very troubling report that showed what could happen if there is a nuclear device in a cargo container.

The RAND Corporation looked at the following scenario: terrorists put a 10-kiloton nuclear bomb inside a cargo container and detonated it at the port of Long Beach, CA. The researchers chose that scenario because, as they put it, "analysts consider it feasible, it is highly likely to have a catastrophic effect, and the target is both a key part of the U.S. economic structure and a critical global shipping center."

Here is what they said would have happened: Up to 60,000 people would be killed instantly from the blast or from radiation poisoning; 150,000 people would be injured by radiation exposure; up to 6 million people would flee Los Angeles; 2 to 3 million people would need to be relocated because their land would be contaminated by radiation. And finally, the economic loss simply would be about $1 trillion. That is 10 times worse than September 11. Those costs would include medical care, insurance claims, workers' compensation, evacuation, construction. Imagine that—the economic damage would be 10 times worse than what happened on September 11.

How many more reports such as that is it going to take? How many port evacuations and scares is it going to take before we get serious about port security? Time is not on our side. Each year, 6 million cargo containers enter our U.S. seaports, and that number is expected to quadruple in the next 20 years. These cargo containers carry the building blocks of our economy, but without adequate security, they can also provide an opportunity for terrorists to deliver a deadly one-two punch to our country. The first punch would create untold number of American casualties. The second punch would bring our economy to a halt. Today we are not doing enough to keep America safe.

Standing in this Chamber, it can feel as if the dangers at our ports are a distant concern, but given that our ports are connected to our Nation's transportation system and are close to our major population centers, the threat is never far away.

I want to share a very disturbing photo that shows us what a terrorist attack could look like. On March 21, a container ship called the Hyundai Fortune was traveling off the coast of Yemen when an explosion occurred in the rear of the ship. This is a photo of what happened. This is a container ship close to Yemen with an explosion at the rear of the ship. Remember the picture I just showed of the port of Seattle and where we are and imagine this happening in the Port of Seattle.

What happened when this ship exploded was that 90 containers were blown off the side of this ship and it created a debris field 5 miles long. Thankfully, amazingly, there were no fatalities and the crew was rescued.

This incident, by the way, did not appear to be terrorist related, but it gives us an idea of what it would look like if a terrorist incident occurred on a container ship in one of our seaports.

I want my colleagues to imagine the same burning ship sitting just a few feet off our shores in New York Harbor or Puget Sound, off the coast of Los Angeles or Charleston, Miami, Portland, Hampton Roads, the Delaware Bay, or the Gulf of Mexico. Now imagine we are not dealing with just a conventional explosion; we are dealing with a dirty bomb. I want to walk through what would happen next.

Of course, there would be the immediate horrible loss of life. Many of our ports, as I said, are located near major cities. If this were a chemical weapon exploding in Seattle, the chemical plume could contaminate the rail system, Interstate 5, SeaTac Airport, not to mention, as I showed my colleagues, the downtown business and residential areas. At the port, there would immediately be tremendous confusion. People would try to contain the fire, but it is unclear today who would be in charge. Then when word spread and chaos ensued, panic would set in and there would be chaos as our first responders tried to react and people who lived nearby would try to flee.

Next, what would happen is our Government would shut down every single port in America to make sure there were no other bombs on any other containers in any other city. That shutdown would be the equivalent of driving our economy into a brick wall and, in fact, it could spark a global recession. Day by day, we would feel the painful economic impact of the attack. American factories in the middle of our country would not be able to get the supplies they need. They would have to shut their doors and lay off workers. Stores around our country would not be able to get the products they need to put on their shelves. Prices would spike, demand would outweigh supply, and consumers would not be able to afford the simple items they rely on every single day.

In 2002, we saw what the closure of just a few ports on the west coast could do. It cost our economy $1 billion a day. Imagine if we shut down all of our ports. One study, in fact, concluded that if U.S. ports were shut down for just 9 days, it would cost our economy $58 billion.

The RAND report I mentioned earlier found the economic damage could easily top more than $1 trillion. Of course, we would soon realize we have no plan for resuming trade after an attack. We have no plan today for how we would resume trade, no protocol for what would be searched. We wouldn't know what would be allowed in or even who was in charge, and there would be a mass scramble to create a new system in a crisis atmosphere. Eventually, we would begin the slow process of manually inspecting all the cargo waiting to enter the United States. One report found it could take as long as 4 months to get all the cargo inspected and moving again.

Finally, we would have to set up a new regime for port security. You can bet that any kind of rushed plan we put together in this kind of scenario would not balance strong security with efficient trade.

This is a realistic portrayal of events that could happen tomorrow. Five years after September 11, we have not closed a major loophole that threatens our lives and our economy. Time is not on our side. We have to act, and we need to act now.

I approach this as someone who really understands the importance of both improving our security and maintaining the flow of commerce. My home State of Washington is the most trade-dependent State in the entire country. We know what is at stake if there is an incident at one of our ports. That is why I wrote and funded Operation Safe Commerce to help us find where we are vulnerable and to evaluate the best security practices. It is why I worked hard to boost funding for the Coast Guard, and I fought to keep the Port Security Grant Program from being eliminated year after year.

Right after September 11, 5 years ago, I started talking with security and trade experts to find out what we needed to be doing to both improve security and keep our commerce going. Last year, I sought out Senator COLLINS as a partner in this effort. I approached Senator COLLINS because I knew she cared about this issue. I knew she had done a lot of work on it already, and I knew she was someone who could get things done. Since that day, she and I have worked hand in hand to develop this bill and to move it forward.

The reason we worked so hard on this bill is because we know how vulnerable we are. Terrorists have a lot of opportunities to introduce deadly cargo into a container. It can be tampered with at any time from when it leaves a foreign factory overseas to when it arrives at a consolidation warehouse and moves to a foreign port. It could even be tampered with while it is en route to the

United States. There are several dangers. I outlined what would happen if terrorists exploded a container, but they could just as easily use cargo containers to transport weapons or personnel into the United States to launch an attack anywhere on American soil. In fact, in April, 22 Chinese stowaways were found at the Port of Seattle. They reached the United States inside a cargo container. In that case, they were stowaways, but they could easily have been terrorists sneaking into this country.

The programs we have in place today are totally inadequate. Last year, thanks to the insistence of Senator COLLINS and Senator COLEMAN, the Government Accountability Office found its C-TPAT was not even checking to see if companies were doing what they promised they would in their security plans. Even when U.S. Customs inspectors do find something suspicious today at a foreign port, they can't force a container to be inspected. So we have a clear and deadly threat, and we know that current programs are inadequate. So what are we going to do about it? We could manually inspect every container coming into our ports, but that would cripple our economy.

The real challenge we face is how to make our trade more secure without slowing it to a crawl. That is why the Homeland Security, Commerce, and Finance Committees, through the leadership of Senators COLLINS and LIEBERMAN, Senators STEVENS and INOUYE, and Senators GRASSLEY and BAUCUS and I, have worked with stakeholders and experts to strike the right balance. The result is the bill that we are now considering. It provides a comprehensive blueprint for how we improve security while keeping our trade efficient. At its heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade, which is the potential for terrorists to use our engines of commerce.

The GreenLane bill does five things. First of all, it creates tough new standards for all cargo. Today, we don't have any standards for cargo security.

Second, it creates a GreenLane option which provides for an even higher level of security. Companies have the option to follow the higher standards of the GreenLane. Their cargo will be tracked and monitored from the moment it leaves the factory floor overseas until it reaches the United States. We will know everywhere their cargo has been. We will know every person who has touched it, and we will know whether it has been tampered with. The GreenLane pushes our borders out by conducting inspections overseas before cargo is even loaded into a ship bound for the United States, and we will provide incentives for the companies that use this highest standard of GreenLane.

Third, our bill sets up a plan to resume trade quickly and safely, to minimize the impact of a terrorist attack on our economy.

Fourth, our bill will secure our ports here at home by authorizing and funding port security grants. This funding will help our ports and port operators to develop and implement security plans. They could use this funding to strengthen their perimeter security, which would help prevent a number of security lapses that were highlighted in a recent Seattle Times article in which a reporter was able to enter a port and walk around the containers without anybody stopping him.

Finally, our bill will hold DHS accountable for improving cargo security. DHS is long overdue in establishing cargo security standards and transportation worker credentials. We need to hold DHS accountable, and our bill provides the infrastructure to ensure accountability and coordination.

Let me take a few minutes to share a few ways that our bill does make America safer. First of all, we close the loopholes that leave us vulnerable today. Senator COLLINS and I have studied the 9/11 Commission Report and the various GAO reports and we worked very hard to put their recommendations into this bill. The 9/11 Commission examined what went wrong 5 years ago and how we can prevent another terrorist attack. We listened to the 9/11 Commission and we worked very hard to incorporate their recommendations and to close the loopholes that the Commission identified. The 9/11 Commission said we needed a layered security system. Our bill adopts that layered approach.

Here is what we envision as the Secretary of Homeland Security implements this bill. Each step in the GreenLane system will have multiple and redundant security layers. Cargo would be monitored and secured starting at a foreign factory overseas. In addition, containers will be sealed with high-tech container security devices, such as e-seals, to protect against their being tampered with or compromised. Then, before that container is ever loaded onto a ship, its manifest is reviewed and the container is inspected for radiation, seal tampering, and x-rayed. Finally, the cargo will be secured with access controls, ensuring anyone with access to GreenLane cargo has undergone a background check and possesses verifiable identification. Those multiple layers provide the type of layered security that the 9/11 Commission called for.

Now, the 9/11 Commission also said we have to centralize authority and responsibility so that there is finally someone accountable in our Government. Our bill does that. It centralizes authority by establishing the Office of Cargo Security Policy within the Department of Homeland Security to coordinate Federal cargo security programs and to advance security research and development.

The 9/11 Commission also said we need to do a better job sharing information throughout our Government. Our bill promotes coordination by establishing regional interagency operational centers to enhance cooperation between our Federal agencies. So our bill is responsive to the problems and the loopholes that the 9/11 Commission identified.

Our bill gives us new tools so we can approach cargo security in new ways. It gives U.S. officials in foreign ports the authority to inspect suspicious containers before they are loaded for departure into the United States. Our bill makes the haystack of containers smaller. It allows the Government to focus on suspicious cargo that enters our ports, and it ensures that we are inspecting and stopping cargo that poses a threat. And it cuts down on the smuggling of weapons, people, drugs, and other illegal cargo.

This bill will also protect America's economy in the event of a terror attack, and that is because it provides a secure, organized way to quickly resume cargo operations after any emergency shutdown because any shutdown of our ports has the potential to cost the U.S. economy billions of dollars a day. Our bill would minimize the economic impact of a terrorist attack.

So I am very proud of this bill, and I thank all of our partners and all of our supporters. I especially thank Senator COLLINS for her tremendous leadership and work on this very complex issue, and I commend her for the job she has done. I thank Senator COLEMAN for his work as chairman of the Permanent Subcommittee on Investigations. I thank Senator LIEBERMAN and all of our cosponsors, and I thank the Commerce and Finance Committees, especially Senator STEVENS and Senator INOUYE, Senator GRASSLEY and Senator BAUCUS.

We have also seen tremendous progress on the House side with the Safe Port Act, and I want to thank Representatives DAN LUNDGREN and JANE HARMAN for their leadership. Finally, I especially tonight thank the numerous Federal, State and local officials and all of the industry representatives for their tremendous assistance in helping us craft this legislation. They truly are at the front lines of securing our Nation's ports, and I have been very proud to work with all of them and to get to know them and see their dedication and commitment to making our country more secure.

Today, we have a choice in how we deal with the cargo security challenges that face us, but if we wait for a disaster, our choices are going to be pretty stark. So I think we have to make the changes now, on our terms, before there is a deadly incident. Let's protect

America before an image like this appears on our television screens. Let's not wait until a terrorist incident strikes again to protect our people and to protect our economy.

Earlier this year, the American people woke up, and they spoke out when they heard that a foreign government-owned company could be running our ports. That sparked a very critical debate. Now we need to set up a security regime that will actually make us safer. Until we do so, none of us should sleep well at night. A terrible image like this of a burning container ship with a dirty bomb in one of America's harbors could be on our TV screens tomorrow. So this Congress needs to act today. We only have a few days to get this right, and I hope that all of our colleagues will work with all of us to move this bill quickly and expeditiously and pass a GreenLane bill before it is too late.

Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I again thank the Senator for her excellent statement, for her leadership, and for getting us to where we are today. It has been a long journey, but with her leadership we were able to craft this bill, work out the many compromises, and come to the floor. I hope we can do this bill relatively quickly. It has been the subject of an awful lot of discussion and review, and it would be terrific if we can show the American people that we can act in a bipartisan way on an issue that really matters to their security.

It is appropriate that the Presiding Officer tonight is the Senator from Virginia, Senator ALLEN. I know that port security has been a major priority of his. Earlier in my statement, I mentioned that California, New York, and Virginia are the three States that receive the greatest number of containers, although actually I would think that Washington State has to be in there, too, given the size of Seattle and Tacoma's ports as well. So I know they should be in there as well. But Virginia is a major player in port security, and I want to commend the Senator from Virginia for his leadership on this issue. I know that this has been of great concern to him. He has talked to me as this bill has been making its way through the process, and I publicly thank him for caring about this issue and making it a priority as well.

Mr. President, I am not aware of further Members who are seeking to speak on my side, and I see no indication of further Members on the other side. I am going to, very briefly, put in a quorum call so that we can check, but I believe we are very close to concluding our business for tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

HONORING OUR ARMED FORCES

ARMY FIRST SERGEANT AARON JAGGER

Ms. STABENOW. Mr. President, I rise today to pay tribute to the men and women in uniform serving the United States around the world, and observe a somber milestone in Michigan's contribution to Operation Iraqi Freedom.

In August, the 100th member of the U.S. Armed Forces from Michigan made the ultimate sacrifice while serving in Iraq. U.S. Army 1SG Aaron Jagger of Hillsdale died when a roadside bomb detonated near his vehicle in Ramadi, Iraq. Sergeant Jagger was serving his second tour in Iraq. I offer my heartfelt condolences to Sergeant Jagger's family.

As of the first week of September, 104 members of the U.S. Armed forces with ties to Michigan have lost their lives while serving in Iraq. I will ask that a list of their names be printed in the RECORD at the end of my statement.

No words can express our country's gratitude for the dedicated service and ultimate sacrifice of Sergeant Jagger or the other Americans who have lost their lives. I am also thankful for the sacrifice all the men and women in the U.S. military have made for their country while serving in Iraq. They are selfless patriots that give their time and too often their lives to preserve the freedoms we hold so dear.

I know that condolences offered to these brave families and words spoken on the floor of the Senate cannot possibly make up for their loss. But it is important that they know we remember them and that our prayers and thoughts are with those that have lost loved ones, and those that still have family and friends serving in harm's way.

I will remain committed to honoring their memory and ensuring that their families and their comrades who return from battle receive the support and respect they deserve.

Mr. President, I ask unanimous consent that the list to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Major Kevin Nave, Union Lake; Private Brandon Sloan, Fraser; Sergeant Todd Robbins, Pentwater; Sergeant Michael Pedersen, Flint; Private First Class Juan Garza, Jr., Temperance; Private First Class Jason Meyer, Howell; Staff Sergeant Scott Sather, Clio; Specialist Richard Goward, Midland; Sergeant Sean Reynolds, East Lansing; Master Sergeant William Payne, Otsego; Staff Sergeant Brett Petriken, Flint; Specialist Corey Hubbell, Holly; Captain Paul Cassidy, Laingsburg; Sergeant Trevor Blumberg, Canton; Specialist Donald Wheeler, Concord; Specialist Artimus Brassfield, Flint; Staff Sergeant Paul Johnson, Calumet; Staff Sergeant Mark Vasquez, Port Huron; Staff Sergeant Paul Neff, II, West Branch; Private First Class Damian Bushart, Waterford.

Private First Class Jason Wright, Luzerne; Staff Sergeant Thomas Christensen, Atlantic Mine; Staff Sergeant Stephen Hattamer, Gwinn; Private First Class Holly J. McGeogh, Taylor; Specialist Richard Trevithick, Gaines; Sergeant First Class Bradley Fox, Adrian; Private First Class Richard Rosas, St. Louis; Sergeant Aaron Elandt, Lowell; Sergeant David Hartman, Fairgrove; Specialist Craig Frank, Lincoln Park; Private First Class Nicholas Blodgett, Wyoming; Specialist Dana Wilson, Hudsonville; Specialist Donald McCune, Ypsilanti; Staff Sergeant Donald Davis, Saginaw; Sergeant Carl Thomas, Inkster; Private First Class Mark Barbret, Shelby Twp.; Specialist Don Clary, Flint; Private First Class Dennis Miller, Jr., La Salle; Lance Corporal Justin Reppuhn, Hemlock; Lance Corporal Justin Ellsworth, Mt. Pleasant.

Lance Corporal Michael Hanks, Gregory; Corporal Gentian Marku, Sterling Heights; Corporal In Kim, Warren; Staff Sergeant Jason Lehto, Warren; Lance Corporal Allan Klein, Clinton Township; Lieutenant Commander Edward Jack, Detroit; First Lieutenant Adam Malson, Rochester Hills; Captain Sean Grimes, Southfield; Staff Sergeant Ricky Kieffer, Ovid; Corporal Michael Lindemuth, Pellston; Specialist Randy Stevens, Swartz Creek; Captain Stephen Frank, Farmington Hills; Captain Ralph Harting, III, West Bloomfield; Sergeant Brad Wentz, Gladwin; Specialist Joshua Brazee, Sand Creek; Sergeant Charles Drier, Unionville; Specialist Eric Burri, Wyoming; Corporal Andrew Kilpela, Fowlerville; Specialist Adrian Butler, Detroit; Specialist Brian Derks, White Cloud.

Staff Sergeant Brian Morris, Centreville; Major Gregory Fester, Ada; Captain Lowell Miller, II, Flint; Sergeant First Class Casey Howe, Kimball; Corporal Nicholas Cherava, Ontonagon; Private First Class Nicholas Greer, Monroe; Staff Sergeant Vincent Summers, Bangor; Staff Sergeant Lewis Gentry, Detroit; Sergeant First Class Michael Hodshire, North Adams; Major Gerald Bloomfield, II, Ypsilanti; Specialist Timothy Brown, Cedar Springs; First Lieutenant Justin Smith, Lansing; Master Sergeant Anthony Yost, Millington; Private First Class John Dearing, Hazel Park; Lance Corporal Craig Watson, Union City; Lance Corporal David Huhn, Portland; Sergeant Spencer Akers, Traverse City; Specialist Anthony Cardinal, Muskegon; Specialist Dane Carver, Freeport; Lance Corporal Jason Little, Climax; Specialist Walter Howard, II, Rochester; Corporal Ross Smith, Wyoming.

Sergeant Curtis Howard, II, Ann Arbor; Private First Class Allan Morr, Byron; Sergeant Joshua Youmans, Flushing; Private

Joshua Powers, Kentwood; Corporal Nyle Yates, III, Eagle; Specialist Andrew Waits, Waterford; Sergeant First Class Richard Herrema, Hudsonville; Sergeant Matthew Webber, Stanwood; Corporal Alexander Kolasa, White Lake Twp; Corporal Brock Bucklin, Caledonia; Lance Corporal Brandon Webb, Swartz Creek; Staff Sergeant Raymond Plouhar, Lake Orion; Specialist Joseph Micks, Rapid River; Sergeant Duane Dreasky, Novi; Sergeant Al'Kaila Floyd, Grand Rapids; Staff Sergeant Michael Dickinson, II, Battle Creek; Specialist Dennis Smason, Jr., Hesperia; First Sergeant Aaron Jagger, Hillsdale; Sergeant Gabriel DeRoo, Paw Paw; Chief Petty Officer Paul J. Darga, Alpena; Staff Sergeant Eugene Alex, Bay City; Sergeant Ralph Porras, Merrill.

FAMILY HUMANITARIAN RELIEF

Mr. BROWNBACK. Mr. President, next week marks the fifth anniversary of the attacks of September 11. On this solemn occasion, we reflect upon the lives of those who were lost and the families they left behind. Images of the planes hitting the two massive towers filled with innocent Americans are emblazoned in our minds and stir our conscience. Heroic tales of firefighters, police officers and first responders falling in the line of duty evoke deep pangs of sadness yet fill our hearts with great pride for our country.

It is important that during this time we remember the families of these victims of terror. They have suffered greatly, and we continue to mourn for their loved ones and honor their memories. But there are some families whose grief is also mixed with fear. The victims for whom they grieve were immigrants working in the World Trade Center, and the families that are left behind face potential deportation. Thus, in addition to the already incalculable loss inflicted upon them by the terrorists, these relatives face yet another hardship.

It is in the context of this situation that I wish to recognize the work of Debra Brown Steinberg. For the past 5 years, Ms. Steinberg has tirelessly sought to undo this injustice and allow these relatives to grieve alongside the thousands of other victims' families without fear of arrest and removal. Ms. Steinberg has dedicated her time—pro bono—to this cause and has been recognized time and again for her efforts.

My colleagues and I introduced legislation, known as the September 11 Family Humanitarian Relief and Patriotism Act, which would provide the necessary relief for these families. Now that a year has passed since the bill's introduction, and as we approach the fifth anniversary of 9/11, it is time to bring closure for the sake of the families and for the sake of honoring the memories of those killed.

Our tradition teaches us to have compassion for the widow, the orphan, and the stranger among us. Debra Steinberg's action on behalf of the immigrant victims' families exemplifies such compassion. We have much to learn from her on this day, and I am proud to honor her achievements.

COWBOY ARTILLERY

Mr. THOMAS. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to the men of the 300th Armored Field Artillery Battalion, Wyoming Army National Guard. On Friday, September 9, 2006, the 300th AFA Battalion will gather for a reunion 56 years after the Battle at Soyang during the Korean war.

In 1951, the members of the battalion put down their plowshares and picked up their rifles and arrived in Korea to push back three corps of the Chinese People's Volunteers that launched a major offensive against the 2d Infantry Division, to which the 300th was attached. In his memoir, a Wyoming National Guardsman, William W. Day IV, described his early days in combat:

> The guns are hot and ammo can't be uncrated fast enough. The motor pool is using every truck to haul ammo. The cooks, clerks and everyone available are preparing ammo while the gun crews stay at their posts and continue to pour a withering fire on the enemy.

The 300th provided devastating artillery fire support that pounded enemy positions for 7 days inflicting thousands of enemy casualties. During the morning of May 18, 1951, the battalion was given the mission of destroying an enemy roadblock allowing retreating U.N. forces to fall back to more secure positions. The heroic and determined stand of the 2d Division and its attached units allowed the Eighth Army to regroup and outflank the enemy.

Among many others, the battalion has been awarded the Presidential Unit Citation for its valiant efforts in the struggle for the freedom we all enjoy. Today, the Wyoming Army National Guard carries on the courageous traditions of the Cowboy Artillery.

Mr. President, the 300th AFA Battalion epitomized the ethos of the Citizen Soldier. It is because of folks like the members of the 300th that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they are willingly bare. They put everything on the line every day, and as a result, our Nation remains free and strong.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S WORLD CHAMPIONS

• Mr. AKAKA. Mr. President, I wish to congratulate the Hilo All-Stars, the 2006 Cal Ripken Baseball World Champions. This is the second consecutive year that a team from Hawaii captured the 12-and-under title. Last year, a Honolulu squad defeated Mexico, by a score of 1 to nothing, to win the championship game.

On Sunday, August 20, Hilo won the Ripken World Series in Aberdeen, MD against international champions Mexico, by the score of 5 to 2. Ridge Hoopii-Haslam hit a two-run homer, and Kawika Pruett added a two-run single to rally Hilo against Mexico's powerful pitching staff that allowed only three runs in the tournament. Mexico threatened in the third inning, but Kean Wong came in to pitch out of a bases loaded jam, holding Mexico to just one run.

The Hilo All-Star team members are Anson Arruda, Ridge Hoopii-Haslam, Dean Hosaka, Jordan Jinbo, Chayce Kaaua, Kian Kurokawa, Rylan Malakaua, Ekolu Martins, Cody Ray Okabayashi, Kawika Pruett, Kean Wong, and Kiani Wong. Kaha Wong manages the All-Stars and Wardell "Baba" Lancaster and Jason Jinbo are team coaches.

I am proud of Hilo's impressive wins and the humility and sportsmanship they displayed as they won with aloha. Hilo represented the State of Hawaii and the United States very well. Many family members and friends made sacrifices to support the team. I applaud these efforts and wish all the players and their families the best in future endeavors.

I look forward to hearing more about the success of our players as they continue to pursue their education and baseball ambitions in the future, and I extend the same congratulations and best wishes to all players and coaches who participated in this year's Cal Ripken Baseball World Series.•

TRIBUTE TO EAGLE-PICHER TECHNOLOGIES

• Mr. BOND. Mr. President, it is with great pleasure that I rise to celebrate Eagle-Picher Technologies, LLC, on the company's "One Billionth Hour" in space as represented by the superior batteries the firm designs and builds and that power U.S. satellites.

Recognizing the need for custom designed and built batteries, the technologies division at Eagle-Picher works on a variety of batteries for aerospace and military use, which the company calls special use batteries. The company's technology division, based in Joplin, MO., continues a tradition that stretches back to the 1960s when Eagle-Picher provided power systems for the first United States satellites and the manned Mercury program.

Today, EaglePicher nickel-hydrogen cells are powering spacecraft orbiting Earth and beyond. I commend Eagle Picher, its leadership and its dedicated employees in Missouri on their commitment to maintaining the highest standards while breaking new ground for power systems and advanced electrical power system applications. I am pleased to join with the Joplin community and the State of Missouri in congratulating the company and wishing the firm's valued employees with continued growth and success.●

COMMENDING KAUAI'S FILIPINO CENTENNIAL AWARDEES

● Mr. AKAKA. Mr. President, it is with great pleasure that I extend my warmest aloha and congratulations to the individuals being recognized and honored by the Kauai Filipino Centennial Celebration Committee as Kauai Filipino Centennial Awardees in commemoration of the 100th anniversary of the arrival of the first migrant workers from the Philippines to Hawaii. I was pleased that the Senate last year accepted by unanimous consent my resolution, S. Res. 333, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of the Filipino-American community to our country over the last century—including members of the Kauai community.

It is an honor earned and richly deserved and a privilege for me to share in the spirit of this very personal and historical celebration with family and many friends in recognizing commitment and service to the Filipino community. This prestigious award tells of the important place these men and women hold in our community. It recognizes their extraordinary contributions and service to Hawaii. These individuals include leaders in all walks of life: journalists. educators. artists and entertainers, athletes. doctors. attorneys, clergy, public servants, and businessmen.

The honorees are: Leonora Albayalde. Jose Alvarez, Connie Aquino, Rosalina Arzadon, Greg Bakiano, Elena Barbasa. Guadalupe L. Bulatao, Jose E. Bulatao, Jose E. Bulatao, Jr., Juanito Buza, Hilda Cannon, Clemente Ceballos, Marie Ceballos, Les Ceballos, Catalino C. Cortezan, Josefina A. Cortezan, Consuelo O. Cuaresma. Consuelo Dela Cruz, Gerald Dela Cruz, Dr. Arnulfo Dias, Emil Diaz, Steven M. Domingo, Josephine C. Duvauchelle, Marcelino Francisco, R. Barbara Bulatao Franklin, Vil Galiza, Eugene Jiminez, Martha Sialana Kruse, Esperanza Labez. Ricardo Laabez, Inocencio Lapenia, Alfredo Lardizabal, Ben Largusa. Alfredo Laureta, Jesus "Gene" Layosa. Rhoda Libre, Domingo Los Banos, Jr., Eduardo Malapit. Vicky Masuoka. George Menor, Mable Jean Odo, Emilio "Spud" Olivas, Paul Parongao, Dr. Ramon Dela Pena, Cesar Portugal. Rick Rasay, Sister Florence Remata, Dr. William Renti-Cruz. Robert Riola. Frances Sagadraca, Eddie Sarita. Rudy Sina. Catalino Suero, Jimmy Tejada, Amadeo Timbol, Dr. Mariano Torres, Liza Trinidad, Maria B. Valenciano, Placido Valenciano, Randal Valenciano. Adelino Valentin, Floro Villabrille, Alfredo Villanueva, Millie Wellington, and Rodney Yadao.

These individuals stand out among their peers having truly made a positive difference. I extend my congratulations and best wishes to our honorees and their families.

TRIBUTE TO SAN BERNARDINO VALLEY COLLEGE

● Mrs. BOXER. Mr. President, I rise today to recognize San Bernardino Valley College. This academic year, the campus celebrates its 80th anniversary.

San Bernardino Valley College was founded in 1926, when 140 students met at San Bernardino or Colton High Schools for classes. Later that year, construction began in the city of San Bernardino on a campus that would come to educate 700,000 students and play a central role in the growth of Inland southern California.

San Bernardino Valley College has educated generations of the region's future leaders and workforce. Over the years, San Bernardino Valley College has anticipated and planned for the changes that took place in California and our Nation. During World War II, the campus played an instrumental role in assisting with the war effort. In the years following the war, a number of celebrities visited the campus, and in 1947 the campus hosted the Bob Hope show that featured Desi Arnaz, his orchestra, and others. In 1950, the campus played a central role in the race for U.S. Senate, hosting senatorial candidates Richard Nixon and Helen Gahagan Douglas.

San Bernardino Valley College also has worked to meet the ever-changing needs of a diverse population. The civil rights era brought forth increased cultural awareness, and the campus responded by hosting diversity programs. Today the campus has an enrollment of over 12,000 students, three quarters of which are non-White students. The campus is recognized as a Hispanic Serving Institution by the Hispanic Association of Colleges and Universities, HACU, and continues to receive title V funding for its pursuit of ethnic diversity.

In the past 80 years, technology has also impacted education. Faculty and staff have worked to help San Bernardino Valley College grow and adapt to this ever-growing need. College classes and degree programs are now offered not only on campus but at alternative community sites and on television and the Internet. The campus has also responded to today's need for quality science education and important student services.

San Bernardino Valley College has produced influential leaders in California and abroad, with prestigious alumni emerging each year. Dr. Charles Young attended Valley College before and after serving in the Korean war and went on to become the youngest chancellor of a University of California campus at age 36, taking charge of UCLA from 1968 until 1997, completing the longest tenure of any University of California chancellor. Judith Valles, former mayor of the city of San Bernardino, attended Valley College and served as both faculty and staff on campus. Graduating in 1966, Dr. Yolanda Moses went on to serve as the president of the City College of New York and was named the 74th president of the American Anthropological Association. And graduating as a business administration major in 1959, Jack Brown went on to become the president and CEO of Stater Bros. Markets, one of the Nation's largest supermarket chains.

Today San Bernardino Valley College can look back on a proud history of growth and change in the San Bernardino Valley and California. I applaud the service and dedication of the faculty, staff, and students of San Bernardino Valley College as they celebrate 80 years of improving lives and education to the people of the Inland Empire and southern California.

IN MEMORIAM: MARY BOURDETTE

● Mrs. CLINTON. Mr. President, on Tuesday, September 5, our Nation lost a great American and our Nation's children lost a great friend and advocate in Mary Bourdette.

Mary Bourdette was a woman who dedicated her working life to improving the lives of children and families. As a public interest advocate and public servant, she played critical roles in the enactment of the Act for Better Child Care, the Family and Medical Leave Act, the Adoption and Safe Families Act, the expansions of the earned-income tax credit, and the child care and development block grant. She worked to improve the Head Start Program by increasing funds dedicated to strengthening its quality and maintaining its comprehensive approach to helping our poorest children and families. Most recently, I had the pleasure of partnering with Mary in her capacity as director of government relations for Parents Action for Children to highlight the dangers to children of exposure to violent and explicit video games.

Those of us fortunate enough to have worked closely with Mary Bourdette and to have enjoyed her friendship will dearly miss her keen understanding of policy. her gentle manner and humor. Mary seemed to wake up every day believing that it held an opportunity to make the world better for children.

For her passion, commitment, and service, our country owes Mary

Bourdette a great debt of gratitude. We have lost a caring, creative, and effective ally in our work to protect children and empower their families.

ROLLA NOLTING McCLANAHAN

• Mr. DEWINE. Mr. President, today I pay tribute to a wonderful Ohioan who has recently been ill. Rolla Nolting McClanahan never asked for anything special, but she deserves to be recognized today for the years she has spent generously serving others. Throughout her life, Rolla has been a productive, giving member of her community who quietly contributed a great deal both to her hometown of Cincinnati, and to her home county, Hamilton County. Rolla is the kind of American who makes up the backbone of our country.

Rolla is the beloved wife of Donald E. McClanahan, mother of Michele L. McClanahan, and sister of John A. Nolting.

As a student, Rolla was very bright. She graduated with honors from both Withrow High School and the University of Cincinnati, where she was active in Mortar Board, Delta Delta Delta, the Cincinnatus Society, and the Union Committee.

After graduation, Rolla became involved in her community as a member of Kindervelt, a volunteer organization that serves as the largest auxiliary of Cincinnati Children's Hospital Medical Center. She was also Chairman of the Board of Directors of Deaconesses of the Mt. Washington Presbyterian Church and Chairman of the Board of Directors of Tri Deltas House Board Corporation.

Since 1973, Rolla has been a Salvation Army volunteer for the Salvation Army Federation of Women's Auxiliaries, where she served in several official positions, including President of the Board and President of the Toy Shop Auxiliary. In 1987, she was a featured speaker at the Salvation Army's National Advisory Organization Conference in Dallas. In May of 1993, she was presented with the William Booth Award, bestowed by the Salvation Army for commitment and dedication.

Mr. President, Rolla Nolting McClanahan is a wonderful person who has spent a great deal of her life working to improve the lives of those less fortunate. Today, I want to thank Rolla for her selflessness and commitment to others, and wish her well.•

TRIBUTE TO JOHN PARRY

• Mr. LUGAR. Mr. President, today I congratulate my friend John Parry on his retirement after 16 years as director of athletics at Butler University.

Since joining Butler in 1990, John has overseen a remarkable period of growth and success, adding three varsity athletic teams and winning the Horizon League James J. McCafferty Trophy for all-sports excellence for the first time and on five subsequent occasions. During this time, Butler also witnessed extraordinary success in the classroom, leading the Horizon League in the number of student-athletes named to the academic honor roll 9 out of the last 10 years. In 2003 he was recognized as National Association of Collegiate Directors of Athletics I-AA/I-AAA Athletic Director of the Year for the Central Region.

John's leadership has extended beyond Butler University. He is a past president of the Pioneer Football League and past chair of the NCAA Division I Men's Lacrosse Committee. Especially important in the Indianapolis community, he served as a cochairman of the Local Organizing Committee for the 1997, 2000, and 2006 NCAA Men's Final Four and the 2005 NCAA Women's Final Four.

Personally, I have enjoyed working closely with John each year as Butler hosts the annual Dick Lugar Run and Walk. John's enthusiasm has ensured the success of this special tradition as so many from all over central Indiana come together to enjoy a day of competition and fitness.

I appreciate this opportunity to congratulate John, and I look forward to many more opportunities to work closely with him as he pursues new challenges and adventures.

ANGELS OF ADOPTION

• Mr. ROCKEFELLER. Mr. President, later this month, the Congressional Coalition on Adoption will host a gala to honor individuals from across the country that have contributed greatly to programs that strive to keep our most vulnerable children safe and healthy in permanent homes.

I am proud to be a member of the Congressional Coalition and this event marks a true celebration for individuals we call Angels of Adoption. The Angel of Adoption awards recognize individuals who are dedicated to the welfare of children. It should be noted that our "Angels" often forgo lucrative positions in law firms and other private sector work because of their commitment to provide legal protection for thousands of children.

This year I am delighted to honor Mary Ellen Griffith as our West Virginia Angel of Adoption. Mary Ellen Griffith is the founder and past director of ChildLaw Services in Princeton, WV. Ms. Griffith has earnestly provided policy and legal advocacy for West Virginia children during her tenure as a legal service lawyer. Her direct representation of children has been complimented by faculty appointments to university programs where she has lectured on topics such as family law, guardianship, and custody issues. She certainly is well prepared for her recent appointment as a family law judge. Her work on the bench will offer the court the high level knowledge, experience and sensitivity required to safeguard the well-being of children.

I am well aware that the essential efforts of the courts can go unrecognized. But I maintain a very high regard for the courts because they regularly play a vital role in adoption and child protection. That is why I introduced the We Care Kids Act with Senator MIKE DEWINE of Ohio last year, and was proud when it was incorporated into the law earlier this year. This act now gives our local courts the necessary resources and training through Federal grants issued by the Department of Health and Human Services.

Dedicated judges like Mary Ellen Griffith will play a pivotal role in prompting adoptions and working to ensure that our most vulnerable children are safe, healthy and have a permanent home.•

MAYOR BOB O'CONNOR

• Mr. SANTORUM. Mr. President, today in sadness I acknowledge the passing of a fine man, a great Pennsylvanian, a life-long Pittsburgher, Robert E. O'Connor, Jr, mayor of Pittsburgh.

Bob O'Connor loved Pittsburgh. He was born in Pittsburgh, graduated from the city's Taylor Allderdice High School in 1962, and lived, with his wife Judy, in Squirrel Hill for 41 years. Like so many Pittsburgh sons, Bob began his working life in the steel mills, where he worked for 5 years before moving on, entering the family restaurant business. After 29 years in the private sector, Bob decided to enter the public square, and was elected to Pittsburgh's City Council in 1991.

In a testament to both his effectiveness as a city legislator and the professional manner in which he always conducted himself, Bob became City Council President 7 years after he first joined the Council. For 5 years, he served Pittsburgh as its highest ranking legislative official, resigning only when Pennsylvania Governor Ed Rendell tapped Bob to serve, as the face of his administration in the southwestern Pennsylvania. Two years later, in November of 2005, Bob was elected the 58th mayor of Pittsburgh.

There was much he sought to do as mayor, much he had planned for our proud city. Tragically, he never got the chance. Merely 7 months after he took office, Bob O'Connor was diagnosed with brain cancer. He immediately began to undergo aggressive treatment, working to get healthy enough to return to serving his city. Sadly, his illness progressed, and on September 1, Mayor O'Connor passed away.

Today, September 7, Mayor Bob O'Connor was laid to rest in Pittsburgh, the city he served for 15 years, the city he loved his whole life. I joined his family, his friends, and many others at his funeral service, paying our last respects to a man taken from us far too soon.

Robert E. O'Connor, Jr., survived by his wife, Judy, and three children, will be sorely missed. May God bless the entire O'Connor family during this difficult time.●

CONSTITUTION WEEK

● Mr. VITTER. Mr. President, today I wish to acknowledge the Fort Miro Chapter of the Daughters of the American Revolution in Monroe, LA. Beginning September 17 and ending September 23, this great organization will observe its annual Constitution Week. Today, I'd like to spend a few moments highlighting the importance of their efforts.

The Daughters of the American Revolution petitioned Congress in 1955 to set aside a week to celebrate the Constitution. Thanks to their petition, Congress through a joint resolution on August 2, 1956, requested that the president declare September 17 to 23 as Constitution Week.

This week sets out to emphasize citizens' responsibilities for protecting and defending the Constitution, inform people that the Constitution is the basis for America's great heritage, and encourage the study of the historical events surrounding its framing in September 1787.

This year on September 17 at 3:00 pm, this long-time chapter of the Daughters of the American Revolution will participate in "Bells Across America" to commemorate the signing of the Constitution and to recognize all citizens of the United States of America.

I applaud the Daughters of the American Revolution for their continued dedication to celebrating the importance of the Constitution through education and activism. Moreover, I commend the Fort Miro Chapter of the Daughters of the American Revolution in Monroe, LA, for doing this fine work on behalf of the State of Louisiana.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2491. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

The message further announced that pursuant to 20 U.S.C. 2103(b), and the order of the House of December 18, 2005, the Speaker on August 15, 2006, appointed the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House of Representatives for a term of 6 years: Mr. C. Kurt Dewhurst of Michigan.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2491. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3873. A bill to protect private property rights.

S. 3874. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

S. 3876. A bill entitled the National Security Surveillance Act.

S. 3877. A bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8095. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation addressing abatement of criminal convictions; to the Committee on the Judiciary.

EC–8096. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended" (22 CFR Part 41) received on September 5, 2006; to the Committee on the Judiciary.

EC–8097. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a copy of the audit report for the Garden for the period from January 1, 2005 through December 31, 2005; to the Committee on the Judiciary.

EC–8098. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Controlled Substances and List I Chemical Registration and Reregistration Application Fees" (RIN1117–AA96) received on September 5, 2006; to the Committee on the Judiciary.

EC–8099. A communication from the Administrator, General Services Administration, transmitting, a report relative to prospectuses that support the Administration's fiscal year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–8100. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the advantages and disadvantages of employing intermittent escalators in the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–8101. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8102. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–8103. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8104. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Standards of Ethical Conduct for Employees of the Executive Branch; Amendments to Clarify the Coverages of Detailees to an Agency Under the Intergovernmental Personnel Act" (RIN3209–AA04) received on August 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8105. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave" (RIN3206–AK61) received on August 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8106. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–473, "Targeted Historic Preservation Assistance Amendment Act of 2006" received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8107. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–474, "Emerging Technology Opportunity Development Task Force Act of 2006" received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8108. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–476, "Fiscal Year 2007 Budget Support Act of 2006" received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8109. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–475, "Technical Amendments Act of 2006" received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8110. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions on Byzantine Ecclesiastical and Ritual Ethnological Material for Cyprus" (RIN1505–AB72) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8111. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination to fill the vacant position of Commissioner; to the Committee on Homeland Security and Governmental Affairs.

EC–8112. A communication from the Director, Office of the General Counsel, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "OPM Employee Responsibilities and Conduct" (RIN3206–AJ74) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8113. A communication from the Director, Office of the General Counsel, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Personnel Management in Agencies—Employee Surveys" (RIN3206–AK77) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8114. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Belgium; to the Committee on Foreign Relations.

EC–8115. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Norway and Spain; to the Committee on Foreign Relations.

EC–8116. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to human trafficking in post-conflict and humanitarian emergencies; to the Committee on Foreign Relations.

EC–8117. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extent and disposition of United States contributions to international organizations; to the Committee on Foreign Relations.

EC–8118. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's determination with regard to a prohibition on military assistance; to the Committee on Foreign Relations.

EC–8119. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to requirements and benchmarks designed to reduce fraud, misuse, and abuse of government purchase cards; to the Committee on Homeland Security and Governmental Affairs.

EC–8120. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of major defense equipment sold commercially under contract in the amount of $14,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–8121. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, proposed legislation to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol distinctive emblem; to the Committee on Foreign Relations.

EC–8122. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on September 5, 2006; to the Committee on Foreign Relations.

EC–8123. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the quarterly report of obligations and outlays for fiscal years 2004, 2005, and 2006 funds under the President's Emergency Plan for AIDS Relief through December 31, 2005; to the Committee on Foreign Relations.

EC–8124. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements other than treaties by the United States; to the Committee on Foreign Relations.

EC–8125. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report containing descriptions of all programs or projects of the International Atomic Energy Agency in certain countries; to the Committee on Foreign Relations.

EC–8126. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, reports relative to matters relating to post-liberation Iraq; to the Committee on Foreign Relations.

EC–8127. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Eucalyptus Oil; Exemption from the Requirement of a Tolerance" (FRL No. 8089–7) received on September 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8128. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Epoxiconazole; Pesticide Tolerance" (FRL No. 8080–9) received on September 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8129. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenazate; Pesticide Tolerance" (FRL No. 8090–1) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8130. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethofumesate; Pesticide Tolerance" (FRL No. 8086–2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8131. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-metolachlor; Pesticide Tolerance" (FRL No. 8090–2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8132. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benthiavalicarb-Isopropyl; Pesticide Tolerance" (FRL No. 8084–6) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8133. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Paraquat Dichloride" (FRL No. 8089–3) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8134. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propoxycarbazone; Pesticide Tolerance" (FRL No. 8091–4) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8135. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Kresoxim-methyl; Pesticide Tolerance" (FRL No. 8088–1) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8136. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpyroximate; Pesticide Tolerance" (FRL No. 8087–6) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8137. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phosphorous Acid; Exemption from the Requirement of a Tolerance" (FRL No. 8084–3) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8138. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinoxyfen; Pesticide Tolerance" (FRL No. 8088-8) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8139. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to improve the Food Stamp Program by amending the Food Stamp Act of 1977 and the Social Security Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8140. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to amend the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8141. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "State Administrative Expense Funds" (RIN0584-AD53) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8142. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Tomatoes from Certain Central American Countries" (Docket No. APHIS-2006-0009) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8143. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for Agricultural Quarantine and Inspection Services" (Docket No. 04-042-2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8144. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Untreated Oranges, Tangerines, and Grapefruit from Mexico Transiting the United States to Foreign Countries" (Docket No. 00-086-2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8145. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interstate Movement of Garbage from Hawaii; Municipal Solid Waste" (Docket No. 05-002-4) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8146. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Inspection and AQI User Fees Along the U.S./Canada Border" (Docket No. APHIS-2006-0096) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8147. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cooperative Marketing Associations" (RIN0560-AH42) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8148. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Blueberry Promotion, Research, and Information Order; Amendment No. 2 to Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership" (Docket No. FV-03-701-FR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8149. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Temporary Relaxation of the Minimum Grade Requirement" (Docket No. FV06-922-2 IFR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8150. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Beef Promotion and Research Program: Amend the Order to Reduce Assessment Levels for Imported Beef and Beef Products" (Docket No. LS-01-06 FR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8151. A communication from the Administrator, Cotton Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2006 Crop Cotton Classification Services to Growers" ((RIN0581-AC58)(Docket No. CN-06-001)) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

H.R. 866. A bill to make technical corrections to the United States Code.

H.R. 1442. A bill to complete the codification of title 46, United States Code, "Shipping", as positive law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps.

*John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

*Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Nominee: Richard Eugene Hoagland.

Post: Ambassador to Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, N/A.
4. Parents: Robert Hoagland, deceased; Thelma Hoagland, none.
5. Grandparents: Earl Hoagland, deceased; Nellie Hoagland, deceased. Charles Van Scoik, deceased; Faustina Van Scoik, deceased.
6. Brothers and spouses: Donald Hoagland, none; Helen Hoagland, none. David Hoagland, none; Kathy Hoagland, none. Daniel Hoagland, none; Karen Hoagland, none.

Sisters and spouses: Deborah Hoagland, none.

*Cesar Benito Cabrera, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Nominee: Cesar B. Cabrera

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $2,000, 11/5/03, Bush-Cheney '04 Inc.; $4,200, 9/2/05, Friends of George Allen; $1,000, 11/09/03, Pete's PAC; $2,000, 10/20/04, Martinez for Senate; $1,000, 9/10/04, Fortuño 2004, Inc.; $2,000, 9/15/04, Dan Burton for Congress; $250, 10/2/02, Weldon Victory Committee; $500, 9/18/02, Dan Burton for Congress; $1,500, 5/6/03, Dan Burton for Congress; $500, 4/29/02, Weldon Victory Committee; $250, 10/18/02, Weldon Victory Committee; $25,000, 9/9/04, RNC Presidential Trust; $15,000, 10/29/03, RNC Presidential Trust.
2. Spouse, $2,000, 11/5/03, Bush-Cheney '04 Inc.; $4,200, 9/2/05, Friends of George Allen; $2,000, 10/20/04, Martinez for Senate; $1,000, 9/10/04, Fortuño 2004, Inc.; 1,000, 10/11/02, Talent for U.S. Senate; $1,000, 10/11/02, Chamblis for U.S. Senate; $1,000, 10/11/02, Forrester for U.S. Senate; $1,500, 5/6/03, Dan Burton for Congress.
3. Children and spouses: Cristina Cabrera, $2,000, 12/5/03, Bush-Cheney '04 Inc.; $2,000, 3/7/04, Roberto Pratts for Congress. Jose L. Benitez, $2,000, 12/5/03, Bush-Cheney '04 Inc.; $2,000, 3/7/04, Roberto Pratts for Congress; $1,000, 12/2005, Bob Menendez for Congress.
4. Parents: Benito Cabrera, deceased; Teresa Morales, $2,000, 2/9/04, Bush-Cheney '04 Inc.; $1,000, 9/20/05, Friends of George Allen.
5. Grandparents: Jullio Cabrera, deceased; Gregoria Morales, deceased. Tomas Morales, deceased; Eufemia Morales, deceased.

6. Brothers and spouses: Leonardo Cabrera, none; Joan Gamble, none. Jorge Luis Cabrera: $2,000, 12/11/03, Bush-Cheney '04 Inc.; Mildred Camacho: none.

7. Sisters and spouses: none.

*Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: Donald Crandall Johnson.

Post: Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contribtutions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Nelda Sabillon Johnson, none.

3. Children and spouses: Robert E. Johnson, none; Stephen C. Johnson, none; Melodie Johnson, none.

4. Parents: Edson Johnson, Jr., $5, CY2005 Democratic Party, Senator Clinton; Sidney L. Johnson, none.

5. Grandparents: Edson Johnson, deceased, none; Ethel Johnson, deceased, none; Hovey Crandall, deceased, none; Opal Brandt, deceased, none.

6. Brothers and Spouses: a. Robert C. Johnson, deceased, none. b. Thomas C. Johnson, none; Rosalinda Johnson, none. c. James C. Johnson, none; Julie Johnson, none. d. David C. Johnson, none; Bonfilia Johnson, none. e. Paul C. Johnson, none; Angie Johnson, none.

7. Sisters and Spouses: Melinda B. Johnson, none; A.H. Najmi, none.

*Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador Extraordinary and Plenipotentiary.

Nominee: Cindy L. Courville.

Post: Ambassador to the African Union.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, not applicable.

3. Children and spouses: not applicable.

4. Parents: Earnest and Mar Courville, deceased.

5. Grandparents: Albert and Albertine Guidry, deceased; Sostain and Alice Courville, deceased.

6. Brothers and spouses: Earnest Ronald Courville/spouse, deceased.

7. Sisters and spouses: Mary Ann Norwood/Edward Norwood, none.

*Mary Martin Ourisman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Nominee: Mary Martin Ourisman.

Post: Ambassador to Barbados.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

(My husband and I have reviewed our personal records, and I have reviewed the records available through the FEC website regarding our contributions, and it is my belief that the list below is complete for federal contributions for the years 2002 through 2006.)

1. Self: 2006—$25,000, 1/11/2006, Republican National Committee.

2005—None.

2004—$25,000, 3/30/2004, Republican National Committee; $2,000, 10/20/2004, Bush-Cheney '04 Compliance Committee Inc.; $1,000, 8/16/2004, Fed Political Action Committee (aka Fed Pac); (It appears that the contributions individually listed below were distributed as part of a contribution to a joint fundraiser: $25,000, 9/22/2004, 2004 Joint Candidate Committee II; $25,000, 9/22/2004, 2004 Joint State Victory Committee); $575, 11/2/2004, Jon Porter for Congress; $4,017, 9/22/2004, Republican Party of Florida; $595, 10/6/2004, Maine Republican Party; $575, 10/22/2004, Louie Gohmert for Congress Committee; $575, 11/1/2004, Jim Gerlach for Congress Committee; $595, 10/6/2004, New Hampshire Republican State Committee; $575, 11/22/2004, Larry Diedrich for Congress; $575, 10/15/2004, Michael Fitzpatrick for Congress; $575, 9/22/2004, Kris Kobach for Congress; $1,487, 10/4/2004, Republican Party of Wisconsin; $817, 10/4/2004, Washington State Republican Party; $1,916, 11/1/2004, Thomas Coburn for Senate Committee; $1,916, 11/1/2004, Thomas Coburn for Senate Committee; $575, 10/15/2004, Jeff Fortenberry for Congress; $745, 10/7/2004, Nevada Republican State Central Committee; $3,125, 9/30/2004, Republican Federal Committee of Pennsylvania; $1,916, 10/31/2004, John Thune for U.S. Senate; $1,916, 9/22/2004, David Vitter for U.S. Senate; $575, 11/2/2004, Arlene Wohlgemuth for Congress; $1,638, 10/1/2004, Missouri Republican State Committee—Federal; $1,042, 10/5/2004, Oregon Republican Party; $575, 9/22/2004, Friends of Dave Reichert; $4,017, 9/22/2004, Republican Party of Florida; $575, 10/18/2004, Geoff Davis for Congress; $2,530, 10/4/2004, Michigan Republican Party; $575, 10/20/2004, Gregory Walcher for Congress; $575, 10/29/2004, Nancy Naples for Congress; $1,916, 11/2/2004, George Nethercutt for Senate; $575, 9/22/2004, Wilbert Tauzin for Congress; $575, 9/22/2004, Charles Boustany Jr MD for Congress Inc; $2,975, 10/4/2004, Ohio Republican Party; State Central & Exec. Comm.; $745, 10/4/2004, WV Republican State Exec Committee; $893, 10/4/2004, Arkansas Leadership Committee 2004 FCRC; $575, 9/22/2004, John Swallow for Congress Inc.; $1,265, 10/1/2004, Republican Party of Minnesota; $575, 10/29/2004, Roy Ashburn for Congress Committee; $575, 9/22/2004, LA 07 Congressional Victory Comm. (Charles Boustany); $575, 9/22/2004, Rick Renzi for Congress; $575, 9/22/2004, LA 03 Congressional Victory Comm. (Wilbert Tauzin).

2003—$1,000, 5/5/2003, Friends of Mark Foley.

2002—None.

2. Spouse: Mandell J. Ourisman, 2006—$25,000, 1/11/2006, Republican National Committee.

2005—$1,000, 5/12/2005, Friends of George Allen; $2,100, 10/24/2005, Friends of Roy Blunt; $1,000, 8/24/2005, Friends of George Allen.

2004—$2,000, 5/12/2004, John Thune for U.S. Senate; $25,000, 2/26/2004, National Republican Senatorial Committee; $2,000, 10/20/2004, Bush-Cheney '04 Compliance Committee Inc.; $7,500, 9/22/2004, Republican National Committee; $30,000,[1] 9/22/2004, 2004 Joint Candidate Committee II; $800, 11/22/2004, Larry Diedrich for Congress; $800, 11/1/2004, Jim Gerlach for Congress Committee; $800, 10/22/2004, Louie Gohmert for Congress Committee; $800, 10/15/2004, Michael Fitzpatrick for Congress; $800, 11/2/2004, Jon Porter for Congress; $2,000, 11/1/2004, Thomas Coburn for Senate Committee; $800, 10/15/2004, Jeff Fortenberry for Congress; $800, 9/22/2004, Kris Kobach for Congress; $800, 9/22/2004, Friends of Dave Reichert; $2,000, 9/22/2004, David Vitter for U.S. Senate; $800, 9/22/2004, Gregory Walcher for Congress; $800, 11/2/2004 , Arlene Wohlgemuth for Congress; $800, 10/18/2004, Geoff Davis for Congress; $800, 9/22/2004, Charles Boustany Jr., MD for Congress Inc.; $800, 9/22/2004, Wilbert Tauzin for Congress; $800, 9/22/2004, John Swallow for Congress Inc.; $800, 10/29/2004, Roy Ashburn Congress Committee; $800, 9/22/2004, LA 07 Congressional Victory Comm. (Charles Boustany); $800, 9/22/2004, Rick Renzi for Congress; $800, 9/22/2004, LA 03 Congressional Victory Comm. (Wilbert Tauzin).

2003—$25,000, 4/16/2003, Republican National Committee.

2002—$25,000, 7/25/2002, RNC Republican National State Elections Committee; $1,000, 10/14/2002, Elizabeth Dole Committee Inc.; $10,000, 5/20/2002, National Republican Senatorial Committee; $200, 10/7/2002, Connie Morella for Congress Committee; $500, 3/4/2002, Larry Pressler for Congress.

3. Children and spouses: Colbert Martin Johnson, none; Jennifer Schull Johnson, none.

4. Parents: My parents, Aleen and Herbert Martin, are deceased.

5. Grandparents: All four of my grandparents, John William Martin, Frances Ann (Basden) Martin, Ernest Lynwood Hardin, and Mary (Bell) Hardin are deceased.

6. Brothers and spouses: My brother, John H. Martin, is deceased.

7. Sisters and spouses: Judith Aleen Bowden, none; Edward Jay Bowden, none.

By Mr. SPECTER for the Committee on the Judiciary.

George E.B. Holding, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TALENT:

S. 3862. A bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Mr. OBAMA):

S. 3863. A bill to amend part A of title IV of the Social Security Act to require a State to promote economic and financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow economic and financial education to count as work activity under that program; to the Committee on Finance.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3864. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3865. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mr. SARBANES, and Mr. BAUCUS):

S. 3866. A bill to establish a grant program to enhance the economic and financial literacy of midlife and older Americans so as to enhance their retirement security and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself and Mr. TALENT):

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 3868. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3869. A bill to improve the quality of, and access to, supplemental educational services in effort to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 3870. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

By Mr. THUNE (for himself and Mr. JEFFORDS):

S. 3871. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. LEAHY):

S. 3872. A bill to prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3873. A bill to protect private property rights; read the first time.

By Mr. DEWINE:

S. 3874. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes; read the first time.

By Mr. REID (for himself and Mr. DURBIN):

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes; read the first time.

By Mr. SPECTER:

S. 3876. A bill entitled the National Security Surveillance Act; read the first time.

By Mrs. FEINSTEIN:

S. 3877. A bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006"; read the first time.

By Mr. ALLEN (for himself and Mr. MENENDEZ):

S. 3878. A bill to provide compensation for United States citizens taken hostage by terrorists or State sponsors of terrorism; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. DEWINE, Mr. LUGAR, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. DODD, Mr. NELSON of Florida, Mr. LEVIN, Mr. FEINGOLD, Mr. DURBIN, Mrs. BOXER, Mr. VOINOVICH, Mr. SPECTER, Mr. CHAFEE, Mr. SUNUNU, Mr. MCCAIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SALAZAR, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. INOUYE, Mr. HAGEL, Mr. FRIST, and Mr. SMITH):

S. Res. 559. A resolution calling on the President to take immediate steps to help stop the violence in Darfur; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. CARPER, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH):

S. Res. 560. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; considered and agreed to.

By Mr. REID (for himself, Mrs. LINCOLN, Mr. FRIST, Mr. BURNS, Mr. BYRD, Mr. SALAZAR, Mr. SCHUMER, Mrs. CLINTON, Mr. PRYOR, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. BINGAMAN, Mr. DORGAN, Mr. NELSON of Florida, Mr. DAYTON, and Mr. DURBIN):

S. Res. 561. A resolution designating the month of September 2006, as "Rural America Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1840

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1948

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2590

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

At the request of Mr. COBURN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2590, supra.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2642

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2642, a bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 3695

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3695, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

S. 3739

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3739, a bill to establish a Consortium on the Impact of Technology in Aging Health Services.

S. 3747

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3747, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes.

S. 3788

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3788, a bill to clarify Federal law to prohibit the dispensing, distribution, or administration of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 3795

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3801

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3801, a bill to support the implementation of the Darfur Peace Agreement and to protect the lives and address the humanitarian needs of the people of Darfur, and for other purposes.

S. 3827

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3827, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 3828

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3828, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 3837

At the request of Mr. AKAKA, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 3848

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3848, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. CON. RES. 106

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan.

S. CON. RES. 110

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

AMENDMENT NO. 4194

At the request of Mr. CARPER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 8, a bill to make the repeal of the estate tax permanent.

AMENDMENT NO. 4857

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4857 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4897

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4897 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4904

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 4904 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. INHOFE):

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes; read the first time.

Mr. FRIST. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bringing Terrorists to Justice Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For more than 10 years, the al Qaeda terrorist organization has waged an unlawful war of violence and terror against the United States and its allies. Al Qaeda was involved in the bombing of the World Trade Center in New York City in 1993, the bombing of the United States Embassies in Kenya and Tanzania in 1998, and the attack on the U.S.S. Cole in Yemen in 2000. On September 11, 2001, al Qaeda launched the most deadly foreign attack on United States soil in history. Nineteen al Qaeda operatives hijacked four commercial aircraft and piloted them into the World Trade Center Towers in New York City and the headquarters of the United States Department of Defense at the Pentagon, and downed United Airlines Flight 93. The attack destroyed the Towers, severely damaged the Pentagon, and resulted in the deaths of approximately 3,000 innocent people.

(2) Following the attacks on the United States on September 11th, Congress recognized the existing hostilities with al Qaeda and affiliated terrorist organizations and, by the Authorization for the Use of Military Force Joint Resolution (Public Law 107–40), recognized that "the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States" and authorized the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001 . . . in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

(3) The President's authority to convene military commissions arises from the Constitution's vesting in the President of the executive power and the power of Commander in Chief of the Armed Forces. As the Supreme Court of the United States recognized in Madsen v. Kinsella, 343 U.S. 341, 346–48 (1952), "[s]ince our nation's earliest days, such commissions have been constitutionally recognized agencies for meeting many urgent governmental responsibilities related to war. . . . They have taken many forms and borne many names. Neither their procedure nor their jurisdiction has been prescribed by statute. It has been adapted in each instance to the need that called it forth."

(4) In exercising the authority vested in the President by the Constitution and laws of the United States, including the Authorization for Use of Military Force Joint Resolution, and in accordance with the law of war, the President has detained enemy combatants in the course of this armed conflict and issued the Military Order of November 13, 2001, to govern the "Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism." This Order authorized the Secretary of Defense to establish military commissions to try individuals subject to the Order for any offenses triable by military commission that such individuals are alleged to have committed.

(5) The Supreme Court in *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006), held that the military commissions established by the Department of Defense under the President's Military Order of November 13, 2001, were not consistent with certain aspects of United States domestic law. The Congress may by law, and does by enactment of this statute, eliminate any deficiency of statutory authority to facilitate bringing terrorists with whom the United States is engaged in armed conflict to justice for violations of the law of war and other offenses triable by military commissions. The prosecution of such individuals by military commissions established and conducted consistent with this Act fully complies with the Constitution, the laws of the United States, treaties to which the United States is a party, and the law of war.

(6) The use of military commissions is particularly important in this context because other alternatives, such as the use of courts-martial, generally are impracticable. The terrorists with whom the United States is engaged in armed conflict have demonstrated a commitment to the destruction of the United States and its people, to the violation of the law of war, and to the abuse of American legal processes. In a time of ongoing armed conflict, it generally is neither practicable nor appropriate for combatants like al Qaeda terrorists to be tried before tribunals that include all of the procedures associated with courts-martial.

(7) Many procedures for courts-martial would not be practicable in trying the unlawful enemy combatants for whom this Act provides for trial by military commission. For instance, court martial proceedings would in certain circumstances—

(A) compel the Government to share classified information with the accused, even though members of al Qaeda cannot be trusted with our Nation's secrets and it would not be consistent with the national security of the United States to provide them with access to classified information;

(B) exclude the use of hearsay evidence even though such evidence often will be the best and most reliable evidence that the accused has committed a war crime. For example, many witnesses in military commission trials are likely to be foreign nationals who are not amenable to process or may be precluded for national security reasons from entering the United States or Guantanamo Bay to testify. Other witnesses may be unavailable because of military necessity, incarceration, injury, or death. In short, applying the hearsay rules from the Manual for Courts-Martial or from the Federal Rules of Evidence would make it virtually impossible to bring terrorists to justice for their violations of the law of war;

(C) specify speedy trials and technical rules for sworn and authenticated statements when, due to the exigencies of wartime, the United States cannot safely require members of the armed forces to gather evidence on the battlefield, including civilian eyewitness testimony, as though they were police officers. Nor can the United States divert members from the front lines and their duty stations to attend military commission proceedings. Therefore, strict compliance with such rules for evidence gathered on the battlefield would be impracticable, given the preeminent focus on military operations and the chaotic nature of combat.

(8) The exclusive judicial review for which this Act, and the Detainee Treatment Act of 2005, provides is without precedent in the history of armed conflicts involving the United States, exceeds the scope of judicial review historically provided for by military commissions, and is channeled in a manner appropriately tailored to—

(A) the circumstances of the conflicts between the United States and international terrorist organizations; and

(B) the need to ensure fair treatment of those detained as enemy combatants, to minimize the diversion of members of the armed forces from other wartime duties, and to protect the national security of the United States.

(9) In early 2002, as memorialized in a memorandum dated February 7, 2002, the President determined that common Article 3 of the Geneva Conventions did not apply with respect to the United States conflict with al Qaeda because al Qaeda was not a party to those treaties and the conflict with al Qaeda was an armed conflict of an international character. That was the interpretation of the United States prior to the Supreme Court's decision in Hamdan on June 29, 2006. Hamdan's statement to the contrary makes it appropriate to clarify the standards imposed by common Article 3. This Act makes clear that the prohibitions against cruel, inhuman, and degrading treatment found in the Detainee Treatment Act of 2005 fully satisfy the obligations of the United States with respect to the standards for detention and treatment established by section 1 of common Article 3, except for those obligations arising under paragraphs (b) and (d). In addition, the Act makes clear that the Geneva Conventions are not a source of judicially enforceable individual rights, thereby reaffirming that enforcement of the obligations imposed by the Conventions is a matter between the nations that are parties to them.

SEC. 3. AUTHORIZATION FOR MILITARY COMMISSIONS.

(a) IN GENERAL.—The President is authorized to establish military commissions for violations of the law of war and other offenses triable by military commissions as provided in section 4 of this Act (chapter 47A of title 10).

(b) CONSTRUCTION.—The authority granted in subsection (a) shall not be construed to limit the authority of the President under the Constitution of the United States or the laws thereof to establish military commissions on the battlefield, in occupied territories, or in other armed conflicts should circumstances so require.

(c) SCOPE OF PUNISHMENT AUTHORITY.—A military commission established pursuant to subsection (a) shall have authority to impose upon any person found guilty after a proceeding under this Act a sentence that is appropriate to the offense or offenses for which there was a finding of guilt, which sentence may include death where authorized by this Act, imprisonment for life or a term of years, payment of a fine or restitution, or such other lawful punishment or condition of punishment as the commission shall determine to be proper.

(d) EXECUTION OF PUNISHMENT.—The Secretary of Defense shall be authorized to carry out a sentence of punishment decreed by a military commission pursuant to subsection (a) in accordance with such procedures as the Secretary may prescribe.

(e) ANNUAL REPORT ON TRIALS BY MILITARY COMMISSION.—

(1) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Armed Services Committees of the House of Representatives and the Senate an annual report on the conduct of trials by military commissions established pursuant to sub-section (a) during such year.

(2) FORM.—Each such report shall be submitted in unclassified form, with classified annex, if necessary and consistent with national security.

SEC. 4. MILITRY COMMISSIONS

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.

"§ 948a. Definitions

"In this chapter:

"(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

"(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following—

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(3) COMMISSION.—The term 'commission' means a military commission established pursuant to chapter 47A of title 10, United States Code.

"(4) CONVENING AUTHORITY.—The term 'convening authority' shall be the Secretary of Defense or his designee.

"(5) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means an individual determined by or under the authority of the President or Secretary of Defense (whether on an individualized or collective basis) to be: (i) a member of the regular forces of a State party engaged in hostilities against the United States or its co-belligerents; (ii) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or (iii) a member of a regular armed forces who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Defense.

"(7) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual determined by or under the authority of the President or the Secretary of Defense—

"(A) to be part of or affiliated with a force or organization—including but not limited to al Qaeda, the Taliban, any international terrorist organization, or associated forces—engaged in hostilities against the United States or its co-belligerents; in violation of the law of war;

"(B) to have committed a hostile act in aid of such a force or organization so engaged; or

"(C) to have supported hostilities in aid of such a force or organization so engaged.

"This definition includes any individual determined by a Combatant Status Review Tribunal, before the effective date of this Act, to have been properly detained as an enemy combatant, but excludes any alien determined by the President or the Secretary of Defense (whether on an individualized or collective basis), or by any competent tribunal established under their authority, to be (i) a lawful enemy combatant (including a prisoner of war), or (ii) a protected person whose trial by these military commissions would be inconsistent with Articles 64-76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. For purposes of this section, the term "protected person" refers to the category of persons described in Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

"(6) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949, including common Article 3.

"§ 948b. Military commissions generally

"(a) PURPOSE.—This chapter codifies and establishes procedures governing the use of military commissions to try unlawful enemy combatants for violations of the law of war and other offenses triable by military commissions. Although military commissions traditionally have been constituted by order of the President, the decision of the Supreme Court in *Hamdan v. Rumsfeld* makes it both necessary and appropriate to codify procedures for military commissions as set forth herein.

"(b) RULE OF CONSTRUCTION.—The procedures for military commissions set forth in this chapter are modeled after the procedures established for courts-martial in the Uniform Code of Military Justice. However, it would be neither desirable nor practicable to try unlawful enemy combatants by court-martial procedures. The trial of such persons by military commission presents new challenges that require that interpretations of this Act not be unduly influenced by the rules and procedures developed for courts-martial. Therefore, no construction or application of chapter 47 of this title shall be binding in the construction or application of this chapter.

"(c) Alien unlawful enemy combatants may be tried for violations of the law of war and other offenses triable by military commissions committed against the United States or its co-belligerents before, on, or after September 11, 2001.

"(d) A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"§ 948c. Persons subject to military commissions

"Alien unlawful enemy combatants, as defined in section 948a of this title, shall be subject to trial by military commissions as set forth in this chapter.

"§ 948d. Jurisdiction of military commissions

"(a) Military commissions shall have jurisdiction to try any offense made punishable under this chapter, when committed by an alien unlawful enemy combatant. Military commissions shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of Title 10, United States Code. Courts-martial established under chapter 47 shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

"(b) Military commissions shall not have jurisdiction over any individual determined by the President or the Secretary of Defense (whether on an individualized or collective basis), or by any competent tribunal established under their authority, to be a "protected person" whose trial by these military commissions would be inconsistent with Articles 64–76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. Such persons shall be tried in courts-martial or other tribunals consistent with their status under the Geneva Conventions. For purposes of this section, the term "protected person" refers to the category of persons described in Article 4 of the Geneva Convention Relative to the Protected of Civilian Persons in Time of War of August 12, 1949.

"(c) Military commissions may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death where authorized by this chapter.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.
"948h. Who may convene military commissions.
"948i. Who may serve on military commissions.
"948j. Military judge of a military commission.
"948k. Detail of trial counsel and defense counsel.
"948l. Detail or employment of reporters and interpreters.
"948m. Number of members; excuse of members; absent and additional members.

"§ 948h. Who may convene military commissions

"(a) The Secretary may issue orders convening military commissions to try individuals under this chapter.

"(b) The Secretary may delegate his authority to convene military commissions or to promulgate any regulations under this chapter.

"§ 948i. Who may serve on military commissions

"(a) IN GENERAL.—Any commissioned officer of the United States armed forces on active duty is eligible to serve on a military commission. Eligible commissioned officers shall include, without limitation, reserve personnel on active duty, National Guard personnel on active duty in Federal service, and retired personnel recalled to active duty.

"(b) DETAIL OF MEMBERS.—When convening a commission, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are fully qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force shall be eligible to serve as a member of a commission when he is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a commission is assembled for the trial of a case, the convening authority may excuse a member of the commission from participating in the case.

"§ 948j. Military judge of a military commission

"(a) DETAIL OF A MILITARY JUDGE.—A military judge shall be detailed to each commission. The Secretary shall prescribe regulations providing for the manner in which military judges are detailed to such commissions. The military judge shall preside over each commission to which he has been detailed. The convening authority shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed relating to his performance duty as a military judge.

"(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State, and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member. A commissioned officer who is certified to be qualified for duty as a military judge of a commission may perform such other duties as are assigned to him by or with the approval of that Judge Advocate General or his designee.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in any case in which he is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—Except as provided in section 949d of this title, the military judge detailed to the commission may not consult with the members of the commission except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the commission.

"§ 948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—

"(1) Trial counsel and military defense counsel shall be detailed for each commission.

"(2) Assistant trial counsel and assistant and associate military defense counsel may be detailed for each commission.

"(3) Military defense counsel shall be detailed as soon as practicable after the swearing of charges against the person accused.

"(4) The Secretary shall prescribe regulations providing for the manner in which counsel are detailed for military commissions and for the persons who are authorized to detail counsel for such military commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (d), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title) who is—

"(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who is—

"(A) a member of the bar of a Federal court or of the highest court of a State; and

"(B) otherwise qualified to practice before the commission pursuant to regulations prescribed by the Secretary.

"(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (d), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

"(d) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter may act later as trial counselor or defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

"§ 948l. Detail or employment of reporters and interpreters

"(a) COURT REPORTERS.—Under such regulations as the Secretary may prescribe, the convening authority of a military commission shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that commission.

"(b) INTERPRETERS.—Under like regulations the convening authority may detail or employ interpreters who shall interpret for the commission, and, as necessary, for trial counsel and defense counsel.

"(c) TRANSCRIPT; RECORD.—The transcript shall be under the control of the convening authority, which is responsible for preparing the record of the proceedings.

"§ 948m. Number of members; excuse of members; absent and additional members

"(a) NUMBER OF MEMBERS.—A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the death penalty is sought, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) EXCUSE OF MEMBERS.—No member of a military commission may be absent or excused after the commission has been assembled for the trial of the accused unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission is reduced below the requisite number of members, the trial may not proceed unless the convening authority details new members sufficient to provide not less than the requisite number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the commission has been read to the commission in the presence of the military judge, the accused (except as provided by section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.

"948q. Charges and specifications.

"948r. Compulsory self-incrimination prohibited; statements obtained by torture.

"948s. Service of charges.

"§ 948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of his knowledge and belief.

"(b) NOTICE TO ACCUSED.— Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

§ 948r. Compulsory self-incrimination prohibited; statements obtained by torture

"(a) IN GENERAL.—No person shall be required to testify against himself at a commission proceeding.

"(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture, as defined in 18 U.S.C. § 2340, whether or not under color of law, shall not be admissible against the accused, except against a person accused of torture as evidence the statement was made.

"(c) STATEMENTS NOT OBTAINED BY TORTURE.—No otherwise admissible statement may be received in evidence, including statements allegedly obtained by coercion, if the military judge finds that the circumstances under which the statement was made render it unreliable or lacking in probative value.

"§ 948s. Service of charges

"The trial counsel assigned to the case shall cause to be served upon the accused and counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.

"949a. Rules.

"949b. Unlawfully influencing action of military commission.

"949c. Duties of trial counsel and defense counsel.

"949d. Sessions.

"949e. Continuances.

"949f. Challenges.

"949g. Oaths.

"949h. Former jeopardy.

"949i. Pleas of the accused.

"949j. Opportunity to obtain witnesses and other evidence.

"949k. Defense of lack of mental responsibility.

"949l. Voting and rulings.

"949m. Number of votes required.

"949n. Military commission to announce action.

"949o. Record of trial.

"§ 949a. Rules

"(a) PROCEDURES.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter shall be prescribed by the Secretary, but may not be contrary to or inconsistent with this chapter.

"(b) RULES OF EVIDENCE.—Subject to such exceptions and limitations as the Secretary may provide by regulation, evidence in a military commission shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

"(c) HEARSAY EVIDENCE.—Hearsay evidence is admissible, unless the military judge finds that the circumstances render it unreliable or lacking in probative value, provided that the proponent of the evidence makes the evidence known to the adverse party in advance of trial or hearing.

"The military judge shall exclude any evidence the probative value of which is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the members of the commission, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"§ 949b. Unlawfully influencing action of military commission

"(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the commission or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence the action of a commission or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

"(3) The foregoing provisions of this subsection shall not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by the military judge or counsel.

"(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of any such officer or in determining whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) TRIAL COUNSEL.—The trial counsel of a military commission shall prosecute in the name of the United States.

"(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission as provided in this subsection.

"(2) The accused shall be represented by military counsel detailed under section 948k of this title.

"(3) The accused may be represented by civilian counsel if retained by him, provided that civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, territory, or possession of the United States, or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"Civilian defense counsel shall protect any classified information received during the course of their representation of the accused in accordance with all applicable law governing the protection of classified information, and shall not divulge such information to any person not authorized to receive it.

"(4) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

"(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel in his sole discretion may detail additional military counsel.

"(6) Defense counsel may cross-examine each witness for the prosecution who testifies before the commission.

"§ 949d. Sessions

"(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission, the military judge may call the commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the commission;

"(C) if permitted by regulations of the Secretary, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members of the commission.

"(2) Except as provided in subsection (e), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

"(b) PROCEEDINGS IN PRESENCE OF ACCUSED.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter shall be in the presence of the accused, defense counsel, and trial counsel, and shall be made a part of the record.

"(c) DELIBERATIONS OR VOTE OF MEMBERS.—When the members of the commission deliberate or vote, only the members may be present.

"(d) PUBLIC PROCEEDINGS.—(1) The military commission shall hold open and public proceedings.

"(2) The military judge may close to the public all or a part of the proceedings of a military commission under this chapter only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause identifiable damage to the public interest or the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(e) LIMITED EXCLUSION OF THE ACCUSED FOR THE PROTECTION OF CLASSIFIED INFORMATION.—(1) The military judge may, subject to the provisions of this subsection, permit the admission in a military commission under this chapter of classified information outside the presence of the accused.

"(2) The military judge shall not exclude the accused from any portion of the proceeding except upon a specific finding that extraordinary circumstances exist such that—

"(A) the exclusion of the accused—

"(i) is necessary to protect classified information the disclosure of which to the accused could reasonably be expected to cause identifiable damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(ii) is necessary to ensure the physical safety of individuals; or

"(iii) is necessary to prevent disruption of the proceedings by the accused; and

"(B) the exclusion of the accused—

"(i) is no broader than necessary; and

"(ii) will not deprive the accused of a full and fair trial.

"(3)(A) A finding under paragraph (2) may be based upon a presentation, including an ex parte or in camera presentation, by either trial counselor defense counsel.

"(B) Before trial counsel may make a presentation described in subparagraph (A) requesting the admission of classified evidence outside the presence of the accused, the head of the executive or military department or governmental agency which has control over the matter (after personal consideration by that officer) shall certify in writing to the military judge that—

"(i) the disclosure of such classified information to the accused could reasonably be expected to prejudice the national security; and

"(ii) such evidence has been declassified to the maximum extent possible, consistent with the requirements of national security.

"(4)(A) No evidence shall be admitted if the accused is not present for its admission or the evidence is not otherwise provided to the accused, unless the evidence is classified information and the military judge makes a specific finding that—

"(i) consideration of the evidence by the commission, without the presence of the accused, is warranted; and

"(ii) admission of an unclassified summary or redacted version of that evidence would not be an adequate substitute and, in the case of testimony, alternative methods to obscure the identity of the witness are not adequate; and

"(iii) admission of the evidence would not deprive the accused of a full and fair trial.

"(B) If the accused is excluded from a portion of the proceeding, the accused shall be provided with a redacted transcript of the proceeding and, to the extent practicable, an unclassified summary of any evidence introduced. Under no circumstances shall such a summary or redacted transcript compromise the interests warranting the exclusion of the accused under this subsection.

"(5)(A) Military defense counsel shall be present and able to participate in all trial proceedings, and shall be given access to all evidence admitted under subparagraph (4).

"(B) Civilian defense counsel shall be permitted to be present and to participate in all trial proceedings, and shall be given access to evidence admitted under sub-paragraph (4), provided that civilian defense counsel has obtained the necessary security clearances and that such presence and access are consistent with regulations that the Secretary may prescribe to protect classified information.

"(C) Notwithstanding any other provision of law, any defense counsel who receives classified information admitted pursuant to subparagraph (4) shall not be obligated to, and may not, disclose that evidence to the accused.

"(f) ADMISSION OF STATEMENTS OF ACCUSED.—(1) Notwithstanding any other provision in this chapter, no statement made by the accused during an interrogation, even if otherwise classified, may be admitted into evidence in a military commission under this chapter unless the accused is present for its admission or the evidence is otherwise provided to the accused.

“(2) For purposes of this subsection, a ‘statement’ is a statement communicated knowingly and directly by the accused in response to questioning by foreign or United States military, intelligence, or criminal investigative personnel. This paragraph shall not be construed to prevent the redaction of intelligence sources or methods, which do not constitute statements of the accused, from any document provided to the accused or admitted into evidence.

“§ 949e. Continuances

“The military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

“§ 949f. Challenges

“(a) Challenges Authorized.—The military judge and members of the commission may be challenged by the accused or the trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of the challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

“(b) Peremptory Challenges.—Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

“(c) Challenges Against Additional Members.—Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

“§ 949g. Oaths

“(a) In General.—(1) Before performing their respective duties, military judges, members of commissions, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

“(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary. These regulations may provide that—

“(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel, may be taken at any time by any judge advocate or other person certified to be qualified or competent for duty; and

“(B) if such an oath is taken it need not again be taken at the time the judge advocate, or other person is detailed to that duty.

“(b) Witnesses.—Each witness before a military commission under this chapter shall be examined on oath.

“(c) Oath Defined.—As used in this section, “oath” includes an affirmation.

“§ 949h. Former jeopardy

“(a) In General.—No person may, without his consent, be tried by a commission a second time for the same offense.

“(b) Scope of Trial.—No proceeding in which the accused has been found guilty by military commission upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

“§ 949i. Pleas of the accused

“(a) Plea of Not Guilty.—If an accused after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the commission shall proceed as though he had pleaded not guilty.

“(b) Finding of Guilt After Guilty Plea.—With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. This finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

“§ 949j. Opportunity to obtain witnesses and other evidence

“(a) In General.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence, including evidence in the possession of the United States, as specified in regulations prescribed by the Secretary.

“(2) Process issued in military commissions to compel witnesses to appear and testify and to compel the production of other evidence—

“(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

“(B) shall run to any place where the United States shall have jurisdiction thereof.

“(b) Treatment of Certain Items.—The military judge in a military commission under this chapter may, upon a sufficient showing, authorize trial counsel in making documents available to the defense through discovery conducted pursuant to such rules as the Secretary shall prescribe—

“(1) to delete specified items of classified information from such documents;

“(2) to substitute an unclassified summary of the information for such classified documents; or

“(3) to substitute an unclassified statement admitting relevant facts that classified information would tend to prove.

“(c) Disclosure of Exculpatory Evidence.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused.

“(2) Exculpatory evidence that is classified may be provided solely to defense counsel, and not the accused, after in camera review by the military judge.

“(3) Before classified evidence may be withheld from the accused under this subsection, the executive or military department or governmental agency which has control over the matter shall ensure and shall certify in writing to the military judge that the disclosure of such evidence to the accused could reasonably be expected to prejudice the national security and that such evidence has been declassified to the maximum extent possible, consistent with the requirements of national security.

“(4) Any classified exculpatory evidence that is not disclosed to the accused under this subsection—

“(A) shall be provided to military defense counsel; and

“(B) shall be provided to civilian defense counsel, provided that civilian defense counsel has obtained the necessary security clearances and access to such evidence is consistent with regulations that the Secretary may prescribe to protect classified information; and

“(C) shall be provided to the accused in a redacted or summary form, if it is possible to do so without compromising intelligence sources, methods, or activities, or other national security interests.

“(5) Notwithstanding any other provision of law, any defense counsel who receives evidence under this subsection shall not be obligated to, and may not, disclose that evidence to the accused.

“§ 949k. Defense of lack of mental responsibility

“(a) Affirmative Defense.—It is an affirmative defense in a trial by military commission that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

“(b) Burden of Proof.—The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

“(c) Findings Following Assertion of Defense.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

“(1) guilty;

“(2) not guilty; or

“(3) not guilty only by reason of lack of mental responsibility.

“(d) Majority Vote Required for Finding.—The accused shall be found not guilty only by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members of the commission at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

“§ 949l. Voting and rulings

“(a) Vote by Secret Written Ballot.—Voting by members of a military commission on the findings and on the sentence shall be by secret written ballot.

“(b) Rulings.—(1) The military judge shall rule upon all questions of law, including the admissibility of evidence, and all interlocutory questions arising during the proceedings.

“(2) Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is conclusive and constitutes the ruling of the commission. However, the military judge may change his ruling at any time during the trial.

“(C) Instructions Prior to Vote.—Before a vote is taken of the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the commission as to the elements of the offense and charge them—

“(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

“(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

‘‘(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

‘‘(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

“§949m. Number of votes required

‘‘(a) CONVICTION.—No person may be convicted of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

‘‘(b) SENTENCES.—(1) Except, as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

‘‘(2) No person may be sentenced to suffer death, except insofar as—

‘‘(A) death has been expressly authorized under this Act for an offense of which the accused has been found guilty;

‘‘(B) the charges referred to the commission expressly sought the penalty of death;

‘‘(C) the accused was convicted of the offense by the concurrence of all the members of the military commission present at the time the vote is taken; and

‘‘(D) all members of the military commission present at the time the vote was taken concurred in the sentence of death.

‘‘(3) No person may be sentenced to life imprisonment or to confinement for more than 10 years, except by the concurrence of three-fourths of the members at the time the vote is taken.

‘‘(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members shall be not less than 12.

‘‘(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled and the trial held with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

“§949n. Military commission to announce action

‘‘A military commission shall announce its findings and sentence to the parties as soon as determined.

“§949o. Record of trial

‘‘(a) RECORD; AUTHENTICATION.—Each military commission shall keep a separate, substantially verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided by regulation, the record of the military commission may contain a classified annex.

‘‘(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission established under this chapter.

‘‘(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of each military commission shall be given to the accused as soon as it is authenticated. Where the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record. The appropriate defense counsel shall have access to the unredacted record, as provided by regulation.

‘‘SUBCHAPTER V—SENTENCES

‘‘Sec.
‘‘949s. Cruel or unusual punishments prohibited.
‘‘949t. Maximum limits.
‘‘949u. Execution of confinement.

“§949s. Cruel or unusual punishments prohibited

‘‘Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

“§949t. Maximum limits

‘‘The punishment which a military commission may direct for an offense may not exceed such limits as the President or Secretary may prescribe for that offense.

“§949u. Execution of confinement

‘‘(a) IN GENERAL.—Under such regulations as the Secretary may prescribe, a sentence of confinement adjudged by a military commission may be carried into execution by confinement—

‘‘(1) in any place of confinement under the control of any of the armed forces; or

‘‘(2) in any penal or correctional institution under the control of the United States or its allies or which the United States may be allowed to use.

‘‘(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of one of the armed forces are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District of Columbia, or place in which the institution is situated.

‘‘SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

‘‘Sec.
‘‘950a. Error of law; lesser included offense.
‘‘950b. Review by the convening authority.
‘‘950c. Waiver or withdrawal of appeal.
‘‘950d. Appeal by the United States.
‘‘950e. Rehearings.
‘‘950f. Review by Court of Military Commission Review.
‘‘950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States.
‘‘950h. Appellate counsel.
‘‘950i. Execution of sentence; suspension of sentence.
‘‘950j. Finality or proceedings, findings, and sentences.

“950a. Error of law; lesser included offense

‘‘(a) ERROR OF LAW.—A finding or sentence of a military commission may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

‘‘(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

“§950b. Review by the convening authority

‘‘(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

‘‘(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

‘‘(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

‘‘(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority, for good cause, may extend the applicable period under subparagraph (A) for not more than an additional 20 days.

‘‘(3) The accused may waive his right to make a submission to the convening authority under paragraph (1). Such a waiver must be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submission under this subsection shall be deemed to have expired upon the submission of such a waiver to the convening authority.

‘‘(c) ACTION BY THE CONVENING AUTHORITY.—(1) The authority under this section to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

‘‘(3)(A) Action on the sentence of a military commission shall be taken by the convening authority.

‘‘(B) Subject to regulations of the Secretary, such action may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

‘‘(C) In taking action under this paragraph, the convening authority, in his sole discretion, may approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase the sentence beyond that which is found by the commission.

‘‘(3) Action on the findings of a military commission by the convening authority is not required. However, the convening authority, in his sole discretion, may—

‘‘(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

‘‘(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

‘‘(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

‘‘(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority, in his sole discretion, may order a proceeding in revision or a rehearing.

‘‘(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered if—

‘‘(i) there is an apparent error or omission in the record; or

‘‘(ii) the record shows improper or inconsistent action by a military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

“(B) In no case may a proceeding in revision—

“(i) reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;

“(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation;

“(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

“(3) A rehearing may be ordered by the convening authority if he disapproves the findings and sentence and states the reasons for disapproval of the findings. If such a person disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges. A rehearing as to the findings may not be ordered where there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered if the convening authority disapproves the sentence.

“§ 950c. Waiver or withdrawal of appeal

“(a) Waiver of Right of Review.—(1) In each case subject to appellate review under section 950f and 950g of this title, except a case in which the sentence as approved under section 950b of this title includes death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

“(2) A waiver under paragraph (1) shall be signed by both the accused and by a defense counsel.

“(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

“(b) Withdrawal of Appeal.—Except in a case in which the sentence as approved under section 950b of this title includes death, the accused may withdraw an appeal at any time.

“(c) Effect of Waiver or Withdrawal.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f or 950g of this title.

“§ 950d. Appeal by the United States

“(a) Interlocutory appeal.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

“(A) terminates commission proceedings with respect to a charge or specification;

“(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

“(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title.

“(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the commission with respect to the charge or specification.

“(b) Notice of Appeal.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

“(c) Appeal.—An appeal under this section shall be forwarded by means prescribed under regulations of the Secretary directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court of Military Commission Review may act only with respect to matters of law.

“(d) Court of Appeals.—The United States may appeal an adverse ruling under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

“950e. Rehearings

“(a) Composition of Military Commission for Rehearing.—Each rehearing under this chapter shall take place before a military commission composed of members not members of the commission which first heard the case.

“(b) Scope of Rehearing.—(1) Upon a rehearing—

“(A) the accused may not be tried for any offense of which he was found not guilty by the first commission; and

“(B) no sentence in excess of or more than the original sentence may be imposed unless—

“(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

“(ii) unless the sentence prescribed for the offense is mandatory.

“(2) Upon a rehearing, if the sentence approved after the first commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first commission.

“§ 950f. Review by Court of Military Commission Review

“(a) Court Established.—(1) The Secretary shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges.

“(2) For the purpose of reviewing military commission decisions, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

“(b) Composition of the Court.—(1) The Secretary shall assign appellate military judges to a Court of Military Commission Review.

“(2) Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this Act or shall be a civilian with comparable qualifications.

“(3) No person may be appointed to serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

“(c) Right of Appeal.—The accused may appeal from the final decision of a military commission, and the United States may appeal as provided in section 950d of this title, to the Court of Military Commission Review in accordance with procedures prescribed under regulations of the Secretary.

“(d) Scope of Review.—In ruling on an appeal under this section, the Court of Military Commission Review may act only with respect to matters of law.

“§ 950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States

“(a) In General.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission, pursuant to Section 1005(e)(3) of the Detainee Treatment Act of 2005.

“(B) The Court of Appeals shall not review the final judgment until all other appeals under this chapter have been waived or exhausted.

“(2) A petition for review must be filed by the accused in the Court of Appeals by no longer than 20 days from the earlier of when—

“(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

“(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving his right to appeal under section 950f of this title.

“(b) Review by Supreme Court.—The Supreme Court of the United States may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28, United States Code.

“§ 950h. Appellate counsel

“(a) Appointment.—The Secretary shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for appearing before military commissions under this chapter.

“(b) Representation of United States.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.

“(c) Representation of Accused.—The accused shall be represented by appellate military counsel before the Court of Military Commission Review, the United State Court of Appeals for the District of Columbia Circuit, or the Supreme Court, or by civilian counsel if retained by him.

“§ 950i. Execution of sentence; suspension of sentence

“(a) Execution of Sentence of Death Only Upon Approval by the President.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

“(b) Execution of Sentence of Death Only Upon Final Judgment of Legality of Proceedings.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

“(2) A judgment as to legality of the proceedings is final for purposes of paragraph (1) when—

“(A) review is completed by the Court of Military Commission Review and—

“(i) the time for the accused to file a petition for review by the Court of Appeals for the D.C. Circuit has expired; and

“(ii) the accused has not filed a timely petition for such review; and

“(iii) the case is not otherwise under review by that Court; or

“(B) review is completed in accordance with judgment of the Court of Appeals for the D.C. Circuit and—

"(i) a petition for a writ of certiorari is not timely filed;

"(ii) such a petition is denied by the Supreme Court; or

"(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(c) Suspension of Sentence.—The Secretary, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

"§ 950j. Finality of proceedings, findings, and sentences

"(a) Finality.—The appellate review of records of trial provided by this chapter, the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions are binding upon all departments, courts, agencies, and officers of the United States, subject only to authority of the President.

"(b) Provisions of Chapter Sole Basis for Review of Military Commission Procedures and Actions.—Except as otherwise provided in this chapter, and notwithstanding any other law (including section 2241 of title 28, United States Code, or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of enactment of this chapter, relating to the prosecution, trial, or judgment of a military commission convened under this section, including challenges to the lawfulness of the procedures of military commissions under this chapter.

"SUBCHAPTER VII—PUNITIVE MATTERS

"Sec.
"950p. Substantive offenses.
"950q. Principals.
"950r. Accessory after the fact.
"950s. Conviction of lesser offenses.
"950t. Attempts.
"950u. Solicitation.
"950v. Crimes triable by military commission.
"950w. Perjury and obstruction of justice.
"950x. Contempt.

"§ 950p. Substantive offenses generally

"(a) Purpose.—The following provisions codify offenses that have traditionally been triable by military commissions. This Act does not establish new crimes that did not exist before its establishment, but rather codifies those crimes for trial by military commission.

"(b) Effect.—Because these provisions are declarative of existing law, they do not preclude trial for crimes that occurred prior to their effective date.

"§ 950q. Principals

"Any person is punishable as a principal under this chapter who—

"(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission; or

"(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

"(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

"§ 950r. Accessory after the fact

"Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission may direct.

"§ 950s. Conviction of lesser offenses

"An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

"§ 950t. Attempts

"(a) In General.—Any person subject to this chapter who attempts to commit any offense punishable by this Act shall be punished as a military commission may direct.

"(b) Scope of Offense.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

"(c) Effect of Consummation.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

"§ 950u. Solicitation

"Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission may direct.

"§ 950v. Crimes triable by military commission

"(a) Definitions and Construction.—(1) For purposes of this chapter, the term 'military objective' refers to combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

"(2) For purposes of this section only, 'protected person' refers to any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed *hors de combat* by sickness, wounds, or detention, and military medical or religious personnel.

"(3) For purposes of this chapter, the term 'protected property' refers to property specifically protected by the law of war such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected, provided they are not being used for military purposes or are not otherwise military objectives. Such property would include objects properly identified by one of the distinctive emblems of the Geneva Conventions but does not include all civilian property.

"(4) The intent required for offenses (1), (2), (3), (4) and (12) under subsection (b) precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(b) Offenses.—The following enumerated offenses, when committed in the context of and associated with armed conflict, shall be triable by military commission under this chapter at any time without limitation—

"(1) Murder of Protected Persons.—Any person who intentionally kills one or more protected persons is guilty of the offense of intentionally killing protected persons and shall be subject to whatever punishment the commission may direct, including the penalty of death.

"(2) Attacking civilians.—Any person who intentionally engages in an attack upon a civilian population as such or individual civilians not taking active part in hostilities is guilty of the offense of attacking civilians and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"(3) Attacking civilian objects.—Any person who intentionally engages in an attack upon civilian objects (property that is not a military objective) shall be guilty of the offense of attacking civilian objects and shall be subject to whatever punishment the commission may direct.

"(4) Attacking Protected Property.—Any person who intentionally engages in an attack upon protected property shall be guilty of the offense of attacking protected property and shall be subject to whatever punishment the commission may direct.

"(5) Pillaging.—Any person who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be guilty of the offense of pillaging and shall be subject to whatever punishment the commission may direct.

"(6) Denying quarter.—Any person who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those forces that there shall be no survivors or surrender accepted, with the intent therefore to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be guilty of denying quarter and shall be subject to whatever punishment the commission may direct.

"(7) Taking hostages.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of the offense of taking hostages and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"(8) Employing poison or analogous weapons.—Any person who intentionally, as a method of warfare, employs a substance or a weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be guilty of employing poison or analogous weapons and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"(9) Using protected persons as shields.—Any person who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack or to shield, favor, or impede military operations, shall be guilty of the offense of using protected persons as shields and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"(10) USING PROTECTED PROPERTY AS SHIELDS.—Any person who positions, or otherwise takes advantage of the location of, protected property under the law of war with the intent to shield a military objective from attack or to shield, favor, or impede military operations, shall be guilty of the offense of using protected property as shields and shall be subject to whatever punishment the commission may direct.

"(11) TORTURE.—Any person who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of torture and subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

"(12) CRUEL OR INHUMAN TREATMENT.—Any person who commits an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of cruel or inhuman treatment and subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

"(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—Any person who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be guilty of the offense of causing serious bodily injury and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

"(14) MUTILATING OR MAIMING.—Any person who intentionally injures one or more protected persons, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose, shall be guilty of the offense of mutilation or maiming and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be guilty of the offense of murder in violation of the law of war and shall be subject to whatever punishment the commission may direct, including the penalty of death.

"(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person who intentionally destroys property belonging to another person in violation of the law of war shall be guilty of the offense of destruction of property in violation of the law of war and shall be subject to whatever punishment the commission may direct.

"(17) USING TREACHERY OR PERFIDY.—Any person who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons, shall be guilty of using treachery or perfidy and shall be subject to whatever punishment the commission may direct.

"(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise to suspend hostilities when there is no such intention, shall be guilty of improperly using a flag of truce and shall be subject to whatever punishment the commission may direct.

"(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person who intentilly uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of waf shall be guilty of improperly using a distinctive emblem and shall be subject to whatever punishment the commission may direct.

(20) POTENTIONALLY MISTREATING A DEAD BODY.—Any person who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be guilty of the offense of mistreating a dead body and shall be subject to whatever punishment the commission may direct.

(21) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of the offense of rape and shall be subject to whatever punishment the commission may direct.

"(22) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of, a vessel or aircraft that was not a legitimate military target is guilty of the offense of hijacking or hazarding a vessel or aircraft and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"(23) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be guilty of the offense of terrorism and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, penalty of death.

"(24) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—Any person who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as defined in subsection (b)(23) of this section), or who intentionally provides material support or resources to an international terrorist organization engage in hostilities against the United States, knowing that such organization has engaged or engages in terrorism as defined in subsection (b)(23) of this section), shall be guilty of the offense of providing material support for terrorism and shall be subject to whatever punishment the commission may direct. The term 'material support or resources' has the meaning provided in 18 U.S.C. 2339A(b).

"(25) WRONGFULLY AIDING THE ENEMY.—Any person who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States or one its cobelligerents shall be guilty of the offense of wrongfully aiding the enemy and shall be subject to whatever phmthe commission may direct.

"(26) SPYING.—Any person who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign-power, collects or attempts to collect certain information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States or one of its co-belligerents, shall be guilty of the offense of spying and shall be subject to whatever punishment the commission may direct, including the penalty of death.

"(27) CONSPIRACY.—Any person who conspires to commit one or more substantive offenses triable under this section, and who knowingly does any overt act to effect the object of the conspiracy, shall be guilty of conspiracy and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

"§ 950w. Perjury and obstruction of justice

"The military commissions also may try offenses and impose punishments for perjury, false testimony, or obstruction of justice related to military commissions.

"§ 950x. Contempt

"A military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.".

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A and part II of subtitle A of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

"CHAPTER 47A—MILITARY COMMISIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"SUBCHAPTER II—COMPOSITION OF COURTS-MARTIAL

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"SUBCHAPTER IV—TRIAL PROCEDURE

"SUBCHAPTER V—SENTENCES

"SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"SUBCHAPTER VII—PUNITIVE MATTERS

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—

(1) SUBMITTAL OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under Chapter 47A of title 10, United States Code (as added by subsection (a)).

(2) SUBMITTAL OF MODIFICATIONS.—Not later than 60 days before the date on which any proposed modification of the procedures described in paragraph (1) shall go into effect, the Secretary shall submit to the committees of Congress referred to in that paragraph a report describing such modifications.

SEC. 5. JUDICIAL REVIEW.

Section 2241 of title 28, United States Code, is amended by replacing subsection (e) with the following:

"(e) Except as provided for in this subsection, and notwithstanding any other law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action, including an application for a writ of habeas corpus, pending on or filed after the date of enactment of this Act, against the United States or its agents, brought by or on behalf of any alien detained by the United States as an unlawful enemy combatant, relating to any aspect of the alien's detention, transfer, treatment, or conditions of confinement:

"(1) COMBATANT STATUS REVIEW TRIBUNALS. The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

"(2) MILITARY COMMISSIONS.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

"(3) INFORMATION CONSIDERED.—The court may consider classified information submitted *in camera* and *ex parte* in making any determination under this section.".

SEC. 6. SATISFACTION OF TREATY OBLIGATIONS.

(a) IN GENERAL.—Satisfaction of the prohibitions against cruel, inhuman, and degrading treatment set forth in Section 1003 of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2739; 42 U.S.C. 2000dd) shall fully satisfy United States obligations with respect to the standards for detention and treatment established by section 1 of common Article 3 of the Geneva Conventions, with the exception of the obligations imposed by subsections 1 (b) and 1 (d) of such Article.

(b) RIGHTS NOT JUDICIALLY ENFORCEABLE.—

(1) IN GENERAL. No person in any habeas action or any other action may invoke the Geneva Conventions or any protocols thereto as a source of rights; whether directly or indirectly, for any purpose in any court of the United States or its States or territories.

(2) CONSTRUCTION.—Paragraph (1) may not be construed to affect the obligations of the United States under the Geneva Conventions.

(c) GENEVA CONVENTIONS DEFINED. In this section, the term "Geneva Conventions" means the international conventions signed at Geneva on August 12, 1949, including common Article 3.

SEC. 7. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

"(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character—

"(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. §2340(2).

"(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. §2340(2).

"(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection

"(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious, bodily injury to one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. §113(b)(2).

"(7) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

"(8) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. §2246(3).

"(9) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection.".

SEC. 8. CONFORMING AMENDMENTS.

(a) Section 1004(b) of the Detainee Treatment Act of 2005 (10 U.S.C. §801 note), is amended to conform with this Act as follows—

(1) by replacing "may provide" with "shall provide"; and

(2) by adding "or investigation" after "criminal prosecution"; and

(3) by adding "whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies," after "described in that subsection";

(b) Section 1005 of the Detainee Treatment Act of 2005 (10 U.S.C. §801 note) is amended to conform with this Act as follows—

(1) by striking subsection (e)(3)(B) and renumbering subsections (e)(3)(C) and (e)(3)(D) as subsections (e)(3)(B) and (e)(3)(C), respectively; and

(2) in subsection (e)(3)(A), by striking "pursuant to Military Commission Order No. 1, August 31, 2005 (or any successor military order)" and inserting "by a military commission under chapter 47a of title 10"; and

(3) in former subsection (e)(3)(C)(i), by striking "pursuant to the military order" and inserting "by a military commission"; and

(4) in former subsection (e)(3)(C)(ii), by striking "pursuant to such military order" and inserting "by such a military commission"; and

(5) in former subsection (e)(3)(D)(i) by striking "specified in the military order" and inserting "specified for a military commission"; and

(6) and in former subsection (e)(3)(C)(i), by striking "at Guantanamo Bay, Cuba"; and

(7) in former subsection (e)(2)(b)(i) by replacing "the Department of Defense at Guantanamo Bay, Cuba" with "United States".

(c) Section 802 of title 10, United States Code, is amended to conform with this Act by adding, "(a)(13) Lawful enemy combatants who violate the law of war."

(d) Section 821 of title 10, United States Code, is amended to conform with this Act by striking the phrase "by statute or the law of war".

(e) Section 836 of title 10, United States Code, is amended to conform with this Act as follows—in subsection (a), by replacing "military commissions and other military tribunals" with "and other military tribunals (excluding military commissions)".

SEC. 9. RETROACTIVE APPLICATION.

This Act shall take effect on the date of the enactment of this Act and shall apply retroactively, including to any aspect of the detention, treatment, or trial of any person detained at any time since September 11, 2001, and to any claim or cause of action pending on or after the date of the enactment of this Act.

SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any other person or circumstance, shall not be affected thereby.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Mr. OBAMA):

S. 3863. A bill to amend part A of title IV of the Social Security Act to require a State to promote economic and financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow economic and financial education to count as work activity under that program; to the Committee on Finance.

Mr. AKAKA. Mr. President, today, I am introducing the TANF Economic and Financial Education Promotion Act of 2006, with my colleagues Senators LAUTENBERG, STABENOW, and OBAMA. I appreciate the work of our former colleague, Senator Corzine, for initiating this important financial and economic literacy bill, of which I had been an original cosponsor. This bill is a product of revisions suggested by the Jump$tart Coalition for Personal Financial Literacy and the American Savings and Education Council, as well as consultation with other community groups such as the National Association of Securities Dealers and National Council on Economic Education.

As noted in the bill's findings, high levels of personal debt and bankruptcy filings combined with a negative personal savings rate in 2005 have put more and more individuals on the edge of financial insolvency. Individuals who are already living with less-than-ideal financial circumstances—such as most Temporary Assistance for Needy Families, TANF, recipients and others who are not financially self-sufficient and live outside the financial mainstream—apply to predatory lenders for short-term loans with comparatively high interest rates or fees, or are able to save little or nothing for emergencies or future events. A lack of basic consumer finance education, including lack of familiarity with how a checking or savings account works, has been cited as a major reason millions of Americans do not set up mainstream accounts and, thus, put themselves into greater financial peril.

Economic and financial education can help individuals and families meet short-term obligations and maximize their well-being in the long-term, particularly in populations traditionally underserved by mainstream financial systems. Such education can provide access to the tools needed to create household budgets, initiate savings plans, and build assets, as well as keep vulnerable individuals from unknowingly entering or being forced into financially devastating credit arrangements. Core goals of economic and financial literacy activities complement TANF's aims to reduce welfare dependency, helping people achieve self-sufficiency.

For families transitioning from welfare into work, challenges continue to abound, including obtaining child care and transportation. Another challenge that is often overlooked, however, is the difficulty of transitioning from a benefits- to a wage-based income. Financial and economic literacy programs that educate families through this transition about taxes and tax benefits that they may be eligible for, such as the Dependent Care Tax Credit and the Earned Income Tax Credit, can help to ensure that they have access to these important work benefits.

The bill we are introducing today would tackle this problem for a targeted group of Americans by making economic and financial education an allowable use of federal TANF funds and a qualified work activity under the law. The bill would also require States, through collaborations with local banks, community-based organizations, business entities, and members of the Federal Financial Literacy and Education Commission, to promote financial education in their state TANF plans. States must ensure that such activities are accessible to the target population by way of appropriately-geared curriculum, provide relevant and practical information to participants, include a direct delivery component, and, to the extent practicable, work with an asset building program conducted in that state. This bill aims to make a big difference for one of our country's most vulnerable populations and provide them access to tools that can allow them to stand on their own feet, for themselves and their families.

I thank my cosponsors for joining me in introducing this bill, and I urge other colleagues to support this meaningful legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TANF Economic and Financial Education Promotion Act of 2006".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Most recipients of assistance under the Temporary Assistance for Needy Families (TANF) Program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. In 2005, the savings rate was negative. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Economic and financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Economic and financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Economic and financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Economic and financial education speaks to the broader purpose of the TANF Program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To promote economic and financial literacy among individuals receiving assistance under Temporary Assistance for Needy Families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) by permitting States to include economic and financial literacy education that is provided directly to individuals as a work activity under such programs.

(2) To provide individuals receiving assistance under Temporary Assistance for Needy Families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with the skills and knowledge needed to effectively address personal financial matters and to make financial choices that will lead such individuals toward becoming financially self-sufficient.

SEC. 3. REQUIREMENT TO PROMOTE ECONOMIC AND FINANCIAL EDUCATION UNDER TANF.

(a) STATE PLAN REQUIREMENT.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following new clause:

"(vii) Establish goals and take action to promote economic and financial education in accordance with a program established under section 404(l) among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, business entities, the Financial Literacy and Education Commission established under section 513 of the Fair and Accurate Credit Transactions Act of 2003 (20 U.S.C. 9702) and departments and agencies that are members of such Commission, including the Department of Agriculture, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System.".

(b) PROGRAM REQUIREMENTS.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following new subsection:

"(l) ECONOMIC AND FINANCIAL EDUCATION.—

"(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection, a State to which a grant is made under section 403—

"(A) shall use the grant or State funds that are qualified State expenditures (as defined in section 409(a)(7)(B)(i)) to establish a program to provide economic and financial education directly for parents and caretakers receiving assistance under the State program funded under this part; and

"(B) may count a parent's or caretaker's hours of participation in such program as being engaged in work for purposes of determining monthly participation rates under section 407(b)(1)(B)(i).

"(2) REQUIREMENTS.—A State shall ensure that the economic and financial literacy activities conducted under the program established under this subsection—

"(A) are accessible to the target population through curriculum geared to the general literacy level of the participants;

"(B) provide relevant and practical information to participants;

"(C) include a direct delivery component; and

"(D) to the extent practicable, are conducted in conjunction with an asset building program conducted in the State.

"(3) COLLABORATION WITH NONGOVERNMENTAL OR NONPROFIT ORGANIZATIONS ENCOURAGED.—In carrying out economic and financial education activities under a program established under this subsection, a State is encouraged to collaborate with nongovernmental or nonprofit organizations with a proven record of educating the public, especially at-risk populations, regarding economic and financial literacy.

"(4) EVALUATION.—A State shall conduct an evaluation of the economic and financial literacy program established under this subsection not less than once every 3 years for the purpose of—

"(A) monitoring the number of parents and caretakers served under the program;

"(B) improving program administration;

"(C) facilitating replication and expansion of best practices;

"(D) assessing behavioral changes of participants; and

"(E) assessing asset accumulation of participants.

"(5) DEFINITION OF ECONOMIC AND FINANCIAL EDUCATION.—In this subsection, the term 'economic and financial education' means education that—

"(A) promotes an understanding of consumer, economic, and personal finance concepts, including basic economic concepts such as supply and demand and opportunity cost, as well as basic financial literacy concepts such as budgeting and money management, saving, retirement planning, maintaining good credit, and the avoidance of predatory lending and financial abuse schemes; and

"(B) is based on recognized standards for economic and financial education.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph(2), the amendments made by this section take effect on October 1, 2006.

(2) EXCEPTION.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3864. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, today I rise to discuss a topic that will always have incredible meaning to American families: educating our children. We all want what is best for our children, and we all want to make sure that we provide them with the tools that they need to succeed in tomorrow's workforce.

While there are many different components to our education system here in America, today I want to concentrate on a particular point of concern, an area where, with some improvement, can be a key tool ensuring that our children are meeting their educational goals.

Today, along with Senator JOHN CORNYN of Texas, I rise to introduce the Raising Achievement through Improving Supplemental Education Act of 2006—or the RAISE Act for short.

The RAISE Act seeks to improve the Supplemental Educational Services, SES, program and clears the way for this program to become well-known, widely available, and easily accessible to eligible students.

It seeks to broaden eligibility requirements and prioritization of the program, and to target all low-performing students regardless of income status.

Let me take a step back and talk about the Supplemental Education Service program, or SES program, for those who might not be familiar with it.

SES was implemented as part of No Child Left Behind and designed to be an innovative tool to help meet the academic needs of low-income students attending continuously failing schools.

The No Child Left Behind Act requires school districts to utilize 20 percent of their Federal funds for after-school tutoring programs at consistently failing schools.

Under this program, low-income parents can choose free private tutoring from the provider of their choice. School districts then use their 20 percent allocation to pay the providers for their tutoring services. Any part of these funds that are not used for tutoring can be transferred into other district programs.

By providing direct tutoring after school, the SES program can help students who are behind catch up with their peers. This in turn also improves the overall school performance.

While the intent of the SES program has been pure, there have been numerous shortfalls nationwide—these shortfalls have much to do with a lack of implementation which the RAISE Act would seek to correct.

For example, in the 2003-2004 school year, only 17 percent of the eligible 1.4 million students participated in SES programs. That means that hundreds of thousands of children are not being provided with tutoring help where funding has already been set aside for that purpose.

Some parents reported that they did not sign up because they lacked the transportation to get their students to the providers, the providers were not tutoring on-site at the schools. Also, there were some conflicts with other, better established after-school programs.

States have reported that many school districts with low turnout have failed to communicate with parents or implement the program in a way that ensures its success. The reports further indicate that some of the districts have openly undermined the program in letters to parents.

In my own State of Florida for instance, one county sent a letter home to parents this past April about the SES services that would be provided for the current school year that sent quite a mixed signal.

The letter stated that although parents might be able to secure SES program assistance for their children, the district believed that the funds could be better spent elsewhere and went as far to, quote unquote, "strongly urge parents" not to utilize their SES and school choice options under No Child Left Behind.

So, what we are seeing is that with all the good intentions behind the SES program, we are having some problems with implementation.

In Florida, we have already implemented SES improvements. As a result, Florida will see a higher SES program success rate, stronger guidelines, and better State oversight.

Many of the provisions of the RAISE Act are modeled after the successes already occurring in my home State.

In our school districts where SES programs are thriving, good communication with both parents and providers has been emphasized, as well as access to on-site tutoring at school facilities.

One prominent Florida-based example is the SES program in Marion County, located in central Florida. Schools there have utilized all their funds to maximize student enrollment, which also increases the program's chances of greater overall success.

Other good examples of SES program progress include Escambia County, Florida, where the city of Pensacola is located—to best utilize their SES dollars, they hosted a successful summer tutoring program.

School Districts in the Palm Beach and Miami-Dade areas have SES programs that bode well on a national level for the strong parental outreach efforts they have instituted, which enable all eligible students the ability to enroll in SES.

In Hillsborough County, FL—where Tampa is located—their success with SES enrollment brought the U.S. Department of Education to grant the district a special provision, whereby they can provide SES tutoring in addition to the private providers that most of the money is allocated for.

This will allow Hillsborough County to make SES available to more students, and I look forward to seeing what their efforts bring.

The RAISE Act will help make possible nationwide the kind of SES program success we have experienced in Florida. This success will come about because of stricter implementation standards and program overview.

Another important component of the RAISE Act is eligibility for SES. Currently, SES targets low-income, low-performing students.

I think we should be targeting all low-performing students, regardless of income status.

By overlooking many middle-class families who do not have the money to put their children into private tutoring or after-school programs, many of those children are falling through the cracks.

This bill is meant to ensure that all of our low-performing students have an opportunity to succeed academically.

We are going to help out those in need such as Ms. Carla Garcia of Gibsonton, FL—a part of Hillsborough County. She is a single mother struggling to provide her family with the basics.

She does not qualify for the low-income programs at her school, so her son is not currently eligible for SES services even though he is falling behind academically.

Ms. Garcia strongly believes that if her son was able to receive tutoring under SES, he would be better able to excel and perform at grade level.

Under the RAISE Act, Ms. Garcia would be able to receive SES services for her son—as would many other parents for their children—because my bill would make SES tutoring available to all students who are struggling to meet grade level proficiency.

The RAISE Act aims to make sure that every child in the school yard has an equal opportunity at scholastic growth and advancement.

So, to summarize: The RAISE Act will require better parental notification of eligibility and program availability; we streamline the application and registration process; and we level the playing field—making school facilities as available for tutoring as they are for other after-school activities.

The RAISE Act will broaden eligibility requirements and prioritization. Right now SES targets low-income, low-performing students; I think we ought to target all low-performing students, regardless of income status.

In Florida, we have already implemented SES improvements. As a result, Florida's SES program has stronger guidelines and better State oversight. Many of the provisions of the RAISE Act are modeled after the successes already occurring in the state of Florida.

The RAISE Act will provide the guidance and tools states and school districts need to increase participation and produce results. Stronger coordination, communication, and guidance will make SES programs more effective.

The RAISE Act will help raise the success of all students, in turn raising the academic achievement of our schools. The Act was developed in consultation with school administrators, state education officials, and non-profit and research groups. This is a nationwide imperative and I urge my colleagues to support this innovative set of reforms.

Let us continue to make improvements to the success that is No Child Left Behind, by providing the necessary funding, regulation, and implementation of Supplemental Educational Services across this great land.

Together, we can make the RAISE Act a reality and improve the academic lives of countless American schoolchildren.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Raising Achievement through Improving Supplemental Education Act of 2006" or the "RAISE Act".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. SUPPLEMENTAL EDUCATIONAL SERVICES AFTER THE FIRST YEAR OF IDENTIFICATION FOR SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6316) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following:

"(G) Supplemental Educational Services.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall make supplemental educational services available consistent with subsection (e)(1)."; and

(B) in paragraph (5)(B), by inserting "continue to" after "shall"; and

(2) in subsection (e)(1), by inserting "(1)," after "in paragraph".

SEC. 4. PRIORITIZING FUNDS.

Section 1116(b)(10)(C) (20 U.S.C. 6316(b)(10)(C)) is amended—

(1) by striking "funds.—If" and inserting "funds.—

"(i) Priority.—Subject to clause (ii), if";

(2) by striking "local educational agency shall give priority" and all that follows through the period at the end and inserting "local educational agency shall give priority—

"(I) first, to eligible children who are low-income and low-performing, as described in clauses (i) and (ii) of subsection (e)(13)(A);

"(II) second, to low-performing eligible children; and

"(III) third, to low-income eligible children."; and

(3) by adding at the end the following:

"(ii) Documentation.—A local educational agency may only prioritize in accordance with clause (i) after the local educational agency makes available to the State educational agency documentation providing clear and convincing evidence that the funds available to provide supplemental educational services under subsection (e) are insufficient to meet the actual demand by parents of eligible children for the services, as demonstrated by satisfying the requirements of paragraph (2).".

SEC. 5. LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.

Section 1116(e)(2) (20 U.S.C. 6316(e)(2)) is amended—

(1) in subparagraph (A), by striking "at a minimum, annual" and inserting "at a minimum, at the times specified under subparagraph (B)(i),";

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (E), (F), and (H), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) establish a streamlined opportunity for eligible children to acquire supplemental educational services under this subsection, which shall include—

"(i) notifying eligible children served by the local educational agency and their parents of the child's eligibility for supplemental educational services—

"(I) not later than 30 days after the local educational agency obtains data from the State educational agency indicating that the school serving the child is identified for school improvement under section 1116(b)(1);

"(II) not later than 30 days after the first day of classes at the school for a school year; and

"(III) not later than 30 days before requesting the reallocation of unused funds reserved for supplemental educational services under subsection (b)(10)(A);

"(ii) holding not less than 2 opportunities for parents of eligible children to register and select a provider simultaneously through the one-step process described in subparagraph (C); and

"(iii) using, as the application for supplemental educational services under this section, the State application developed under paragraph (4)(F);

"(C) create a streamlined, one-step parent registration and provider selection process that—

"(i) does not place an undue burden on parents that may result in the decreased participation of eligible children in supplemental educational services under this subsection;

"(ii) provides notice to the parents of the process for receiving supplemental educational services under this subsection;

"(iii) obtains the parent's permission to release assessment data regarding the eligible child to the provider selected by the parent;

"(iv) is as simple as possible and is in the parent's native language, where possible; and

"(v) provides each provider with the names and contact information of the eligible children whose parents have selected the provider for such services in a timely manner;

"(D) make every effort, in carrying out the duties of the local educational agency under this paragraph—

"(i) to increase the participation of eligible children in supplemental educational services under this subsection; and

"(ii) to fully utilize the funds available under subsection (b)(10)(A)(ii) for providing such services to eligible children;";

(4) in subparagraph (F) (as redesignated by paragraph (2)), by striking "; and" and inserting ", based on the priorities described in subsection (b)(10)(C)(i);"; and

(5) by inserting after subparagraph (F) (as redesignated by paragraph (2)) the following:

"(G) provide approved providers with access to school facilities on the same basis as other after-school and extra-curricular programs (including programs operated or overseen by the local educational agency) seeking access to the school facility; and".

SEC. 6. PROVIDER AND LEA AGREEMENT.

Section 1116(e)(3) (20 U.S.C. 6316(e)(3)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(2) in the matter preceding subparagraph (B) (as redesignated by paragraph (1)), by striking "In the case" and all that follows through "Such agreement shall—" and inserting "In the case of an approved provider selected by a parent, the local educational agency shall enter into a written agreement with such provider, not later than 45 days after the first day of the school year or 45 days after the selection by the parent, whichever occurs later. Such agreement shall—

"(A) require that the provider be available to begin providing supplemental educational services under this subsection not later than 20 days after both parties receive the names and contact information described in paragraph (2)(C)(v);"; and

(3) in subparagraph (B) (as redesignated by paragraph (1))—

(A) by striking "local educational agency" and inserting "provider"; and

(B) by striking "the provider chosen by the parents" and inserting "the local educational agency".

SEC. 7. STATE EDUCATIONAL AGENCY RESPONSIBILITIES.

Section 1116(e)(4) (20 U.S.C. 6316(e)(4)) is amended—

(1) in subparagraph (E)—

(A) by striking the period and inserting a semicolon; and

(B) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D)—

(A) by striking "and" after the semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (G) and moving the subparagraph so that the subparagraph follows subparagraph (F) (as redesignated by paragraph (1)(B));

(3) by inserting after subparagraph (C) the following:

"(D) notify each local educational agency within the State that is required to provide supplemental educational services under this subsection for a school year not later than the June 1st preceding the commencement of the school year, or if the June 1st deadline is not possible, with as much advance notice before the first day of the school year as possible;

"(E) include on the State educational agency's Internet website a standard, downloadable application form for local educational agencies and parents to utilize in applying for and providing supplemental educational services under this subsection;"; and

(4) by adding at the end the following:

"(H) provide a valid and reliable evaluation of providers that—

"(i) is consistent with relevant, nationally-recognized professional and technical standards;

"(ii) records the gains of individual students by showing improvement attributable per hour of supplemental educational services instruction under this subsection (especially for students whose academic achievement level is several grades below grade level);

"(iii) isolates the effects of supplemental educational services under this subsection from other possible variables that might affect a student's academic achievement;

"(iv) coordinates the collection of qualitative data on parental satisfaction with the supplemental educational services of the provider under this subsection, and the reasons for such level of satisfaction; and

"(v) may exclude from the evaluation those students who attend less than 80 percent of the total hours of supplemental educational services scheduled for the student;

"(I) establish safeguards against potential conflicts of interest when a local educational agency applies to be, or becomes, a provider of supplemental educational services under this subsection, and provide monitoring and evaluation of the local educational agency's performance as a provider; and

"(J) prohibit local educational agencies from reprogramming any portion of the supplemental educational services funds described in subsection (b)(10)(A)(ii) for a fiscal year for other purposes, unless the local educational agency provides to the State educational agency clear and convincing evidence, as determined by the State educational agency, that—

"(i) the parents of all eligible children in schools served by the local educational agency have been notified in good faith of the availability of supplemental educational services under this subsection;

"(ii) the local educational agency is meeting all actual demand from parents for supplemental educational services under this subsection, as determined by whether the local educational agency has opened enrollment for supplemental educational services under this section, on a monthly basis, after the initial enrollment, to parents of all eligible children without restriction until all funds available to provide supplemental educational services under subsection (b)(10)(A)(ii) are expended; and

"(iii) the local educational agency is able to meet any likely future demand for supplemental educational services for the school year for which the determination is made.".

SEC. 8. CRITERIA FOR PROVIDERS.

Section 1116(e)(5) (20 U.S.C. 6316(e)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) Offer no incentives for the purpose of enticing eligible children or their parents to select the provider for supplemental educational services under this subsection.

"(D) Offer an incentive to an eligible child only if—

"(i) the purpose of the incentive is to encourage the eligible child's performance or attendance; and

"(ii) the value of the incentive is not more than 5 percent of the per-pupil amount for supplemental educational services described in paragraph (6)(A), as calculated for the local educational agency serving the student.".

SEC. 9. SPECIAL RULE FOR INEFFECTIVE LEA'S.

Section 1116(e)(11) (20 U.S.C. 6316(e)(11)) is amended—

(1) by striking "RULE.—If" and inserting "RULES.—

"(A) STATE EDUCATIONAL AGENCY ROLE.—If"; and

(2) by adding at the end the following:

"(B) LOCAL EDUCATIONAL AGENCY ROLE.—

"(i) IN GENERAL.—If a State educational agency determines that the local educational agency is not able, or is too unreliable, to carry out the local educational agency's responsibilities under paragraph (2), or if there is a conflict of interest due to the local educational agency becoming a provider, the State educational agency may, from amounts described in clause (ii), enter into a contract or cooperative agreement with a nonprofit organization to enable the nonprofit organization to carry out such responsibilities with respect to the eligible children served by the local educational agency.

"(ii) REALLOCATION OF FUNDS.—

"(I) IN GENERAL.—In order to carry out clause (i) with respect to a local educational agency, the State educational agency shall reserve and utilize, from the funds allocated to the local educational agency under subpart 2, an amount equal to fifteen percent of such funds.

"(II) ADMINISTRATIVE COSTS.—A total of not more than 5 percent of the reserved amount described in subclause (I) may be used for the administrative costs of the State educational agency and the nonprofit organization.

"(III) INTERACTION WITH RESERVED FUNDS.—In calculating the amount spent by a local educational agency for the purposes of subsection (b)(10), the amounts spent on behalf of a local educational agency under this subparagraph shall be included.".

SEC. 10. DEFINITION OF ELIGIBLE CHILD.

Section 1116(e)(12)(A) (20 U.S.C. 6316(e)(12)(A)) is amended to read as follows:

"(A) the term 'eligible child' means a child—

"(i) from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1); or

"(ii) who is low-performing, as demonstrated by a score of below proficient in a required subject on the State student academic assessment, as described in section 1111(b)(3)(A), for the previous school year.".

SEC. 11. COORDINATION OF SUPPLEMENTAL EDUCATIONAL SERVICES WITH AFTER-SCHOOL CARE.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is further amended—

(1) by redesignating paragraph (12) (as amended by section 10) as paragraph (13); and

(2) by inserting after paragraph (11) the following:

"(12) COORDINATION WITH AFTER-SCHOOL PROGRAMS.—The Secretary shall develop, and provide guidance on the implementation of, a model program for coordinating the provision of supplemental educational services under this subsection with the 21st century learning centers assisted under part B of title IV.".

By Mr. BAUCUS:

S. 3865. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I wish to talk about one tribute we can make to the brave men and women who have put their lives on the line and returned home wounded. We need to ensure that those who have sacrificed for our country receive their due benefits. We need to see that they are taken care of when they return home.

As of July 2006, nearly 20,000 members of our Armed Forces have been wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these soldiers are now permanently disabled. Of these brave soldiers who have been wounded, nearly 5,000 are members of the National Guard and Reserves. Our National Guard and Reserves are carrying a huge burden in our current conflicts abroad.

Ninety-five percent of America's National Guard combat battalions and special operations have been mobilized since September 11, 2001.

Many of these wounded soldiers come from rural States such as my home State of Montana. In Montana, we have the highest proportion of veterans per capita of any State. According to the most recent census, veterans account for nearly one out of every six people in Montana. And veterans and families of veterans constitute a significant portion of the population in rural States throughout the country.

When not deployed, many National Guardsmen and reservists in my home State support their families with second and even third jobs. At any time, they can be deployed overseas, to our borders, or even to aid with national disasters such as hurricanes or forest fires. If they are injured or disabled, however, many become unable to perform the jobs they did before deployment. They will need to transition into a new job or career. It is our duty to provide the proper means for soldiers to make that transition. It is our duty to help them to live as independent citizens. It seems that the opposite is true.

Since August 2002, the share of veterans collecting unemployment insurance has nearly doubled. During any given year, half a million veterans across the Nation experience homelessness. We are not providing enough resources for veterans looking for work. We are too often failing our injured and our disabled veterans.

Many seriously injured and disabled veterans simply do not know what they are going to do once they return home. We need to help these young men and women. That is why today I offer a special tribute.

Today I am introducing the Help Our Patriots Employment Act of 2006, and I call it the HOPE Act. The HOPE Act would provide a tax incentive to employers to hire service-connected disabled veterans, and the HOPE Act would increase funding for job training transition services for injured and disabled veterans.

The work opportunity and the welfare-to-work tax credits expired at the end of 2005. We all hope these credits can be extended soon. They have gone without extension for too long now. In addition, I introduced legislation that would permanently extend and improve upon the work opportunity and welfare-to-work tax credits.

My HOPE Act provides employers with a graduated tax credit equal to 25 percent of wages for disabled veterans working between 120 hours and 399 hours, and a 40-percent tax credit on wages for disabled veterans working more than 400 hours, on up to $12,000 in wages per employee. In addition to this tax credit for businesses, my bill would increase funding for the Veterans' Employment and Training Service Program, the VETS Program, under the Department of Labor.

In my home State of Montana, the VETS Program has two staff members to cover the entire State. Montana covers more than 145,000 square miles. It is simply not possible for this essential program to reach every veteran who needs career help—not with two people.

For many injured veterans, it will be a long journey simply to get back on their feet. My legislation will not address all their needs, but it will help. One thing is clear: This problem is not going away. It is getting worse. That is why we need to make sure we are doing everything we can to help injured and disabled veterans.

These heroes have given so much for our country—so much. They have sacrificed so much on the battlefield. They return to a life much different from the one they left. We need to ensure they are given the resources to transition and succeed in life when they return home.

Mr. President, let me close where I began. Let me honor those who have made the ultimate sacrifice for our country. I close by reading the names of those from Montana who have died fighting for our country since September 11:

PVT Krostofor Stonesifer, SGT Michael Bews, LT Edward Saltz, PVT Owen Witt, LTC Benjamin Watson, CPL Dean Pratt, CPL Kane Funke, SGT Aaron Holleyman, CPL Nathan Wood, SGT Robbie McNary, CPL Bill Ellingham, CPL Josh Timmerman, SGT Jack Tankersly, CPL Steve Slavik, CPL Nicholas Bloem, LT Josh Hyland, SGT Travis Arndt, PVT Andrew Bedard, CPT Michael MacKinnon, CPL Raleigh Smith, and CPL Phillip Baucus.

May their memory be a blessing in the lives of all of our families. May our Nation never forget their sacrifice. And may we always honor those who have fought to defend our freedom.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mr. SARBANES, and Mr. BAUCUS):

S. 3866. A bill to establish a grant program to enhance the economic and financial literacy of midlife and older Americans so as to enhance their retirement security and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today, I am introducing the Education for Retirement Security Act of 2006, with my colleagues Senators LAUTENBERG, STABENOW, SARBANES and BAUCUS. I thank our former colleague, Senator Corzine, for initiating this important financial and economic literacy bill, of which I had been an original cosponsor. This bill is a product of revisions suggested by the Jump$tart Coalition for Personal Financial Literacy and the American Savings and Education Council, as well as consultation with other community groups such as the National Association of Securities Dealers and National Council on Economic Education.

Americans are not saving enough for retirement. Longer life spans, combined with low savings and high consumer debt, are putting many mid-life and older Americans on the path to entering retirement years with a lower quality of life, delaying their retirement to catch up with inadequate savings, or becoming a significant financial burden on their loved ones. In 2005, only 42 percent of workers or their spouses calculated the amount they needed to save for retirement a major decrease from 53 percent in 2000. Only about half of working Americans are covered by a pension plan.

Inadequacy of retirement nest eggs and other preparation for retirement will certainly impact the U.S. economy and government services, as we know that the number of older individuals in the U.S. is projected to more than double over the next 30 years, from 35 million to 75 million people. We will inevitably see serious increases in long-term care and other health costs.

Furthermore, individuals of questionable moral character are determined to erode older Americans' lifetime savings through fraud or aggressive marketing tactics selling unnecessary products or those with exorbitant and hidden fees. The Federal Trade Commission Identity Theft Data Clearinghouse reported that incidents of identity theft targeting individuals age 60 and older increase from 1,821 victims in 2000 to a startling 21,084 victims in 2004. More people in the U.S. should have basic competency in money management to avoid becoming victims of financial fraud and abuse.

The Education for Retirement Security Act is intended to address both the lagging savings rate and increases in fraud and abuse by establishing a grant program to arm midlife and older individuals with critical information and knowledge. It would do this by authorizing a grant program similar in structure to one which has proven successful in the Excellence in Economic Education Act, which awards a grant to a national entity that provides subgrants to community organizations to carry out programs that enhance economic, financial, and retirement literacy, and reduce financial abuse and fraud among the target population. The national entity would evaluate subgrantees on the performance and effectiveness of their programs, identify best practices and programs for replication, and assess any behavioral change, including asset accumulation, made by program participants. The bill would also create a national training and technical assistance grant program toward creating and making available instructional materials and information promoting economic and financial education, and providing training and other related assistance to subgrantees.

Economic and financial education can lead individuals to avoid scams and bad decisions about investments, mortgages, and pension plans, and ensure that they have access to tools they need to make sound financial decisions and prepare adequately for retirement. The limited timeframe that midlife and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and benefit from more informed financial practices, makes critical the type of education that this bill would support.

I thank my cosponsors for joining me in introducing this bill, and I urge other colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education for Retirement Security Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving economic and financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Historically, Americans are living longer than ever before. However, most Americans are retiring before the age of 65.

(4) Research suggests that many Americans are not prepared to plan for their retirement and may have to work far longer than they expect in order to be financially secure in retirement.

(5) In 2005, only 42 percent of workers or their spouses calculated the amount they needed to save for retirement, down from 53 percent in 2000.

(6) Only 53 percent of working Americans have any form of pension coverage. Three out of 4 women aged 65 or older receive no income from employer-provided pensions.

(7) The limited timeframe that midlife and older individuals and families have to assess the realities of their individual circumstances, to recover from counterproductive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near-term consequences for Americans nearing or of retirement age.

(8) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's retirement years.

(9) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(10) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(11) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals older than the age of 60 increased from 1,821 victims in 2000 to 21,084 victims in 2004, an increase of more than 11 times in number.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" has the same meaning as the term "Native Corporation" under section 3 of the Alaska Native Claim Settlement Act (43 U.S.C. 1602).

(2) ECONOMIC AND FINANCIAL EDUCATION.—The term "economic and financial education" means education that—

(A) promotes an understanding of consumer, economic, and personal finance concepts, including—

(i) basic economic concepts such as supply and demand and opportunity cost; and

(ii) basic financial literacy concepts such as the importance of budgeting and money management, saving, retirement planning, and maintaining good credit;

(B) includes information regarding predatory lending and financial abuse schemes; and

(C) is based on recognized economic and financial education standards.

(3) ELIGIBLE AREA ENTITY.—The term "eligible area entity" means an entity that is—

(A) a State agency, area agency on aging, Indian tribal organization, Alaska Native Corporation, or Native Hawaiian organization;

(B) a nonprofit organization with a proven record of providing—

(i) services to midlife and older individuals;

(ii) consumer awareness programs; or

(iii) supportive services to low-income families; or

(C) a partnership comprised of 2 or more entities described in subparagraph (A) or (B).

(4) ELIGIBLE ENTITY.—The term "eligible entity" means a national organization with substantial experience in the field of economic and financial education.

(5) MIDLIFE.—The term "midlife", when used with respect to an individual, means an individual aged 45 to 64 years.

(6) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose the provision of services to Native Hawaiians.

(7) OLDER.—The term "older", when used with respect to an individual, means an individual aged 65 or older.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. PURPOSE AND GOALS.

(a) PURPOSE.—The purpose of this Act is to promote economic and financial literacy among midlife and older individuals, and to reduce financial abuse and fraud among such individuals, through providing assistance to organizations for economic and financial education programs.

(b) GOALS.—The goals of this Act are—

(1) to increase the knowledge of economic and financial literacy among midlife and older individuals to enable the individuals to make informed financial decisions; and

(2) to reduce the amount of financial abuse and fraud among midlife and older individuals.

SEC. 5. GRANT PROGRAM TO ENHANCE ECONOMIC, FINANCIAL, AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MIDLIFE AND OLDER AMERICANS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 8, the Secretary is authorized to award a grant to a national entity to enable the national entity to carry out the subgrant program for economic and financial education under section 6.

(b) APPLICATION.—A national entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including a plan for continuing to carry out the program under this section after the grant expires.

(c) LIMITATION ON ADMINISTRATIVE COSTS.—A national entity receiving a grant under this section may not use more than 5 percent of the total amount of the grant for each fiscal year for the administrative costs of carrying out the program under this section.

(d) EVALUATION.—The Secretary shall evaluate the programs that receive grant funds under this section in order to judge the performance of such programs.

(e) REPORT.—For each fiscal year for which grants are awarded under this section, the Secretary shall prepare and submit to Congress a report on the program under this section, which report shall include information from the evaluation under subsection (d) and the evaluations under section 6(e).

SEC. 6. SUBGRANT PROGRAM TO ENHANCE ECONOMIC, FINANCIAL, AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MIDLIFE AND OLDER AMERICANS.

(a) SUBGRANTS AUTHORIZED.—A national entity that receives a grant under section 5 shall use grant funds to award subgrants to eligible area entities to enable the eligible area entities to deliver economic and financial education programs to midlife and older individuals who reside in local communities, in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, and identity theft among such individuals.

(b) APPLICATION.—An eligible area entity desiring a subgrant under this section shall submit an application to the national entity awarding the subgrants at such time, in such form, and containing such information as the national entity may require, including a plan for continuing the programs assisted with subgrant funds under this section after the subgrant expires.

(c) AWARD BASIS.—In awarding subgrants under this section, a national entity shall—

(1) give special consideration to eligible area entities that are partnerships described in section 3(3)(C); and

(2) give priority to programs previously funded by a subgrant under this section that the Secretary judges effective under the evaluation described in subsection (e)(2)(A).

(d) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible area entity receiving a subgrant under this section may not use more than 5 percent of the total amount of the subgrant in each fiscal year for the administrative costs of carrying out the program under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—A national entity awarding subgrants under this section shall develop measures to evaluate the programs that receive subgrant funds.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), a national entity awarding subgrants under this section shall evaluate the programs that receive subgrant funds in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for midlife and older individuals;

(C) identify which programs may be replicated; and

(D) assess any behavioral change, as well as asset accumulation, made by program participants.

(3) SUBMISSION TO CONGRESS.—For each fiscal year for which a national entity awards subgrants under this section, the national entity shall submit to the Secretary a report containing—

(A) a description of the status of the subgrant program under this section;

(B) a description of the programs provided with subgrant funds under this section; and

(C) the results of the evaluation of such programs under paragraph (2).

SEC. 7. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote economic and financial education; and

(2) provide training and other related assistance regarding the establishment of economic and financial education programs to eligible area entities awarded a subgrant under section 6.

(b) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(c) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 3 years.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2007 through 2010.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $500,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 6(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of the amounts appropriated under subsection (a) for each fiscal year to carry out section 7.

By Mr. BOND (for himself and Mr. TALENT):

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse"; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce legislation designating the new Federal Courthouse in Cape Girardeau, MO, as the Rush H. Limbaugh, Sr., Federal Courthouse.

When people talk about the American Dream, the "Spirit of America" and the people who helped make this country great, all one really has to do is mention the name of the late Rush Hudson Limbaugh, Sr.

Mr. Limbaugh led an extraordinary life in which he practiced law for almost 80 years until his death at age 104 in 1996. At the time of his death, Mr. Limbaugh was the Nation's oldest practicing lawyer and still came into work about twice a week at the law firm he founded over 50 years before in Cape Girardeau, MO.

Known by his peers as a superb trial lawyer with impeccable character and integrity, he was a beloved icon of the Missouri legal community, especially in southeast Missouri where he lived all his life.

Born in 1891, on a small farm in rural Bollinger County, he was the youngest of eight children and attended school in a one room primary school house. It is said that a passion for the law first developed in Rush as a 10-year-old boy when a Daniel Webster oration that he memorized inspired him to become a lawyer. Fourteen years later, he began a legal career that lasted eight decades. Throughout those 80 years, his interest in the law and his dedication to his clients never wavered.

Rush paid his way through college at the University of Missouri at Columbia by working on the university farm and doing odd jobs such as carpentry, firing up furnaces, caring for animals and waiting tables. While in college, his oratory skills won him awards which he later utilized with great success in the courtroom.

In 1914, he entered law school, and after two years, he skipped the third year and passed the Missouri Bar examination. In 1916, he was admitted into the Missouri Bar and his long distinguished legal career began in Cape Girardeau.

Over his career, Rush argued more than 60 cases in front of the Missouri Supreme Court along with many prominent civil cases. He was a specialist in probate law and helped draft the 1955 Probate Code of Missouri. He also tried cases before the Interstate Commerce Commission, the U.S. Labor Board and the Internal Revenue Appellate Division.

From 1955 through 1956, he was president of the Missouri Bar and later served as president of the State Historical Society of Missouri. In addition to this, Mr. Limbaugh was a leading member of numerous legal and civic organizations including the American Bar Association, the Missouri Bar Foundation, the Missouri Human Rights Commission, the Cape Girardeau Board of Education and the Salvation Army Advisory Board

However, Rush's contributions were not just limited to Missouri. In the late 1950s, Rush served as a U.S. State Department special envoy to India where he promoted American jurisprudence and constitutional government among lawyers, judges and university students in that newly formed country. And in the 1960s, he served as chairman of the American Bar Association's special committee on the Bill of Rights.

Rush was truly an inspiration and mentor to many aspiring lawyers, especially the ones in his own family. His two sons, Rush, Jr., and Steven, both practiced law with him for many years. His son, Steven N. Limbaugh, currently serves as a Senior Federal Judge in St. Louis. Four of his grandsons followed in his footsteps and pursued legal careers including his grandson Steven, Jr., who is now a Missouri Supreme Court Justice.

Perhaps the best measure of Rush Hudson Limbaugh's legacy as a lawyer and as a human being comes from the praise and admiration of his peers in the legal community. "A top notch allaround lawyer; the epitome of what a lawyer ought to be," said one colleague. "A legend in his time," said another.

However, his grandson Steven may have offered the best possible description of this great citizen: "He was an extraordinary man, exemplary in every way, yet very humble. He was a lawyer's lawyer, a community servant and a gentle and kind man whose family was the very center of his life."

It is only fitting that the new Federal courthouse in Cape Girardeau, MO, be named after this great hero of American Jurisprudence.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the "Rush H. Limbaugh, Sr., Federal Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Rush H. Limbaugh, Sr., Federal Courthouse.

By Mr. INHOFE:

S. 3868. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Clean Air Attainment Enforcement Act be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Air Attainment Enforcement Act".

SEC. 2. IMPOSITION OF SANCTIONS.

Section 179 of the Clean Air Act (42 U.S.C. 7509) is amended—

(1) in subsection (a), by striking "For any implementation" and inserting "Except as provided in subsection (e), for any implementation"; and

(2) by adding at the end the following:

"(e) SANCTIONS FOR COVERED AREAS.—

"(1) DEFINITION OF COVERED AREA.—In this subsection, the term 'covered area' means any area that is classified as—

"(A) a $PM_{2.5}$ nonattainment area under—

"(i) the final rule entitled 'Air Quality Designations and Classifications for the Fine Particles ($PM_{2.5}$) National Ambient Air Quality Standards' (70 Fed. Reg. 944 (January 5, 2005)); or

"(ii) any final nonattainment designation promulgated pursuant to the final version of the proposed rule entitled 'National Ambient Air Quality Standards for Particulate Matter, Part II' (71 Fed. Reg. 2620 (January 17, 2006)); and

"(B) a Serious, Severe, or Extreme Area for ozone nonattainment under the final rule entitled 'Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates' (69 Fed. Reg. 23858 (April 30, 2004)).

"(2) SANCTIONS APPLICABLE TO COVERED AREAS.—If a State in which a covered area is located does not submit an implementation plan in accordance with, or otherwise fails to comply with, subsection (a)—

"(A) the Administrator shall not have the discretion to select whether sanctions under paragraph (1) or (2) of subsection (b) will be imposed on the covered area; and

"(B) the Administrator shall impose on the covered area the highway and emission offset sanctions described in paragraphs (1) and (2), respectively, of subsection (b), except that, with respect to the emission offset requirements described in subsection (b)(2), the ratio of emission reductions to increased emissions applicable to the covered area shall be 5 to 1.".

SEC. 3. ENFORCEMENT FOR SELECT AREAS FOR FAILURE TO ATTAIN.

(a) OZONE.—Section 185 of the Clean Air Act (42 U.S.C. 7511d) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 185. ENFORCEMENT FOR SELECT AREAS FOR FAILURE TO ATTAIN.";

(2) in the first sentence of subsection (a), by striking "Each implementation" and inserting "Except as provided in subsection (f), each implementation"; and

(3) by adding at the end the following:

"(f) OZONE ATTAINMENT IN COVERED AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ATTAINMENT YEAR.—The term 'attainment year', with respect to a covered area, means the calendar year during which the covered area is required to attain the standard for ozone described in the final rule.

"(B) BASELINE QUANTITY.—The term 'baseline quantity' means, for any attainment year, the lesser of—

"(i) the quantity of actual VOC or NO_X emissions of a stationary source; or

"(ii)(I) the quantity of VOC or NO_X emissions allowed under a permit applicable to a stationary source; or

"(II) if no such permit has been issued for the attainment year, the quantity of those emissions allowed under the applicable State implementation plan during the attainment year.

"(C) COVERED AREA.—The term 'covered area' has the meaning given the term in section 179(e).

"(D) FINAL RULE.—The term 'final rule' means the final rule entitled 'Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates' (69 Fed. Reg. 23858 (April 30, 2004)).

"(2) IMPLEMENTATION PLAN REVISION.—

"(A) IN GENERAL.—Each implementation plan revision required under subsection (c), (d), or (e) of section 182 (relating to the attainment plans for Serious, Severe, and Extreme Areas, respectively) shall—

"(i) provide that, if the area to which the plan revision applies is a covered area, each major stationary source that emits VOCs or NO, and that is located in the covered area shall pay to the Administrator a fee in an amount calculated under subparagraph (B) as a penalty for the failure to attain the standard for ozone by the applicable attainment date specified in the final rule; and

"(ii) include procedures for the assessment and collection of those fees.

"(B) AMOUNT OF FEE.—The amount of a fee paid under this subsection for each ton of VOCs or NO_X emitted by a major stationary source in a covered area in nonattainment during a calendar year in excess of 70 percent of the baseline quantity shall be (based on classifications of Serious, Severe, and Extreme Areas in effect as of December 31, 2006, and as adjusted annually in accordance with section 502(b)(3)(B)(v)) (relating to inflation adjustment)—

"(i) with respect to a ton of VOCs—

"(I) in a Serious Area, $10,000;

"(II) in a Severe Area, $20,000; and

"(III) in an Extreme Area, $30,000; and

"(ii) with respect to a ton of NO_X, $5,000, regardless of whether the NO_X is emitted in a Serious, Severe, or Extreme Area.

"(3) PENALTIES FOR FAILURE TO MAKE PROGRESS TOWARD ATTAINMENT IN COVERED AREAS.—

"(A) IN GENERAL.—Upon approval of a State implementation plan that covers a covered area, and annually thereafter until the applicable deadline by which the covered area is required to achieve attainment, as specified in section 181(a) and as updated by the final rule, the Administrator shall determine, in accordance with subparagraph (B), whether the covered area is making progress that is sufficient to enable the covered area to achieve attainment by that deadline.

"(B) DETERMINATION OF PROGRESS.—The Administrator shall not determine under subparagraph (A) that a covered area is making sufficient progress toward achieving attainment for any calendar year unless the Administrator determines, at a minimum, that the covered area has achieved a reduction in the aggregate quantity of VOCs or NO_X emitted in the covered area for the calendar year that is equal to or greater than the product obtained by multiplying—

"(i) the aggregate quantity, in tons, of the VOC or NO_X emission reductions, respectively, that are required, during the period beginning on the date of the determination by the Administrator and ending on the applicable date referred to in subparagraph (A), to achieve attainment; by

"(ii) the quotient obtained by dividing—

"(I) the number of months, rounded to the nearest month, between the date of submission of the State implementation plan applicable to the covered area and the date of the determination by the Administrator; by

"(II) the number of months, rounded to the nearest month, between the date of submission of that State implementation plan and the applicable attainment date referred to in subparagraph (A).

"(C) IMPOSITION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area is not making sufficient progress to enable the covered area to achieve attainment by the applicable deadline referred to in subparagraph (A), the Administrator shall—

"(i) for the first calendar year for which the determination is made, impose on each major stationary source located in the covered area a penalty in an amount that is equal to 10 percent of the amount of the fee that, based on whether the major stationary source is located in a Serious, Severe, or Extreme Area, would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for ozone by the deadline referred to in subparagraph (A); and

"(ii) for each subsequent calendar year until the deadline referred to in subparagraph (A)—

"(I) reevaluate the progress being made by the covered area toward achieving attainment by the deadline referred to in subparagraph (A); and

"(II) if the Administrator determines that the covered area is not making sufficient progress, impose on each major stationary source located in the covered area a penalty in an amount that is equal to the sum of the penalty imposed on the same class (with respect to location in a Serious, Severe, or Extreme Area) of major stationary source under clause (i) and the product obtained by multiplying—

"(aa) 5 percent of the fee that, based on whether the major stationary source is located in a Serious, Severe, or Extreme Area, would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for ozone by the deadline referred to in subparagraph (A); and

"(bb) the number of calendar years for which the covered area has been previously determined not to have made sufficient progress under this paragraph as of the date of the determination by the Administrator (excluding the determination for the current calendar year).

"(D) SUSPENSION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area that was determined not to be making sufficient progress toward attainment under this paragraph for a preceding calendar year is making sufficient progress toward attainment for the current calendar year, the Administrator shall suspend the imposition of penalties on major stationary sources located in the covered area for the current calendar year.".

(b) PARTICULATE MATTER.—Section 188 of the Clean Air Act (42 U.S.C. 7513) is amended by adding at the end the following:

"(g) PARTICULATE MATTER ATTAINMENT IN COVERED AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ATTAINMENT YEAR.—The term 'attainment year', with respect to a covered area, means the calendar year during which the covered area is required to attain the standard for $PM_{2.5}$ described in the final rules.

"(B) BASELINE QUANTITY.—The term 'baseline quantity' means, for any attainment year, the lesser of—

"(i) the quantity of actual $PM_{2.5}$ emissions of a stationary source; or

"(ii)(I) the quantity of $PM_{2.5}$ emissions allowed under a permit applicable to a stationary source; or

"(II) if no such permit has been issued for the attainment year, the quantity of those emissions allowed under the applicable State implementation plan during the attainment year.

"(C) COVERED AREA.—The term 'covered area' has the meaning given the term in section 179(e).

"(D) FINAL RULES.—The term 'final rules' means—

"(i) the final rule entitled 'Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards' (70 Fed. Reg. 944 (January 5, 2005)); and

"(ii) the final version of the proposed rule entitled 'National Ambient Air Quality Standards for Particulate Matter, Part II' (71 Fed. Reg. 2620 (January 17, 2006)).

"(E) $PM_{2.5}$.—The term '$PM_{2.5}$' means particulate matter the aerodynamic diameter of which is less than or equal to 2.5 micrometers.

"(2) IMPLEMENTATION PLAN REVISION.—

"(A) IN GENERAL.—Each implementation plan revision required under section 110 shall—

"(i) provide that, if the area to which the plan revision applies is a covered area, each major stationary source that emits $PM_{2.5}$ and that is located in the covered area shall pay to the Administrator a fee in an amount calculated under subparagraph (B) as a penalty for the failure to attain the standard for $PM_{2.5}$ in the final rules by the applicable attainment date specified in the final rules; and

"(ii) include procedures for the assessment and collection of those fees.

"(B) AMOUNT OF FEE.—The amount of a fee paid under this subsection for each ton of $PM_{2.5}$ emitted by a major stationary source in a covered area in nonattainment during a calendar year in excess of 70 percent of the baseline quantity shall be, as adjusted annually in accordance with section 502(b)(3)(B)(v) (relating to inflation adjustment), $50,000.

"(3) PENALTIES FOR FAILURE TO MAKE PROGRESS TOWARD ATTAINMENT IN COVERED AREAS.—

"(A) IN GENERAL.—Upon approval of a State implementation plan that covers a covered area, and annually thereafter until the applicable deadline by which the covered area is required to achieve attainment, as specified in the final rules, the Administrator shall determine, in accordance with subparagraph (B), whether the covered area is making progress that is sufficient to enable the covered area to achieve attainment by that deadline.

"(B) DETERMINATION OF PROGRESS.—The Administrator shall not determine under subparagraph (A) that a covered area is making sufficient progress toward achieving attainment for any calendar year unless the Administrator determines, at a minimum, that the covered area has achieved a reduction in the aggregate quantity of $PM_{2.5}$ emitted in the covered area for the calendar year that is equal to or greater than the product obtained by multiplying—

"(i) the aggregate quantity, in tons, of the $PM_{2.5}$ emission reductions that are required, during the period beginning on the date of the determination by the Administrator and ending on the applicable date referred to in subparagraph (A), to achieve attainment; by

"(ii) the quotient obtained by dividing—

"(I) the number of months, rounded to the nearest month, between the date of submission of the State implementation plan applicable to the covered area and the date of the determination by the Administrator; by

"(II) the number of months, rounded to the nearest month, between the date of submission of that State implementation plan and the applicable attainment date referred to in subparagraph (A).

"(C) IMPOSITION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area is not making sufficient progress to enable the covered area to achieve attainment by the applicable deadline referred to in subparagraph (A), the Administrator shall—

"(i) for the first calendar year for which the determination is made, impose on each major stationary source located in the covered area a penalty in an amount that is equal to 10 percent of the amount of the fee that would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for $PM_{2.5}$ by the deadline referred to in subparagraph (A); and

"(ii) for each subsequent calendar year until the deadline referred to in subparagraph (A)—

"(I) reevaluate the progress being made by the covered area toward achieving attainment by the deadline referred to in subparagraph (A); and

"(II) if the Administrator determines that the covered area is not making sufficient progress, impose on each major stationary source located in the covered area a penalty in an amount that is equal to the sum of the penalty imposed on the same class of major stationary source under clause (i) and the product obtained by multiplying—

"(aa) 5 percent of the fee that would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for $PM_{2.5}$ by the deadline referred to in subparagraph (A); and

"(bb) the number of calendar years for which the covered area has been previously determined not to have made sufficient progress under this paragraph as of the date of the determination by the Administrator (excluding the determination for the current calendar year).

"(D) SUSPENSION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area that was determined not to be making sufficient progress toward attainment under this paragraph for a preceding calendar year is making sufficient progress toward attainment for the current calendar year, the Administrator shall suspend the imposition of penalties on major stationary sources located in the covered area for the current calendar year.".

By Mrs. CLINTON:

S. 3869. A bill to improve the quality of, and access to, supplemental educational services in effort to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to help ensure students attending low-performing schools have access to high quality tutoring programs. If enacted, The Improving Quality of and Access to Supplemental Educational Services, the IQ Act, would ensure that supplemental educational services, free tutoring offered through the No Child Left Behind Act, NCLB, are effective in and accountable for increasing student academic achievement.

One of the many ways that NCLB aims to close the achievement gap is through the provision that allows low-income children attending poorly performing school to enroll in supplemental educational services, SES. These programs hold the promise of helping schools to increase student achievement by offering additional academic support for students in underperforming schools. Unfortunately, the scope of the impact of SES remains to be seen due to low student participation rates and lack of evaluation of supplemental educational services.

Improving the quality of and access to these programs should be a shared responsibility between the Department of Education, State and local educational agencies, as well as the SES providers themselves. By working together we can create tutoring programs that truly supplement the instruction that students receive during regular school hours and allow for more time to master the educational standards set by the state.

Unfortunately, few States have assessed SES providers on the basis of improving student achievement. A recent study by the GAO found that not a single State has produced a report that provides a conclusive assessment of providers' effect on student achievement. Without these State evaluations, students, parents and policymakers are blind as to which programs are effective in raising academic achievement and are therefore unable to replicate their success.

I strongly believe that if NCLB holds our teachers and schools accountable for increasing student achievement, then we must also hold SES providers to similar accountability standards. That is why The IQ Act requires States to use their current standardized test to evaluate provider performance. This legislation also provides States with additional funding to improve their data systems to manage these evaluations with no additional cost to the taxpayer.

Maximizing the full potential of SES will not only require consistent evaluation of provider performance to ensure quality, but also increasing the number of students participating in these services. Unfortunately, only 19 percent of eligible students participated in SES in the 2004–2005, an abysmally low turnout for programs that offer free after school tutoring. Many districts find challenges in providing services for students in rural schools and students with limited English proficiency or disabilities.

Although there are many other factors that determine why parents and students are not participating in these services, The IQ Act will provide additional opportunities for more students to participate in these tutoring programs that fit the needs of all children. This legislation requires districts to supply a choice of providers for students with limited English proficiency, students with disabilities, and students in rural districts. If enacted, this bill would help States and school districts build capacity to effectively implement supplemental educational services.

The Improving the Quality of and Access to Supplemental Educational Services Act is a positive step forward in providing more opportunities for students to participate in quality after school tutoring programs. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. LEAHY):

S. 3872. A bill to prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce and discuss my bill, the "Truth in Cigarette Labeling Act." I wish to thank my colleagues, Senators CLINTON, HARKIN, MENENDEZ, REED, DURBIN, KENNEDY and LEAHY for co-sponsoring this important legislation.

My bill bans the tobacco industry from using deceptive cigarette marketing terms such as "light" and "low tar" to imply health benefits and it prohibits cigarette manufacturers from making any claims based on the cigarette testing method established by the Federal Trade Commission called the "FTC Method," which measures tar and nicotine yields.

My legislation is consistent with the recent court ruling issued by U.S. District Judge Gladys Kessler. Kessler's ruling says cigarette manufacturers must stop labeling cigarettes as "low tar" or "light" or "natural" or with other "deceptive brand descriptors which implicitly or explicitly convey to the smoker and potential smoker that they are less hazardous to health than full-flavor cigarettes."

The tobacco companies are appealing that ruling, which will likely tie it up in the courts for a while. This makes it necessary for Congress to act now and pass my bill.

Many smokers switch to cigarette brands advertised as "low tar" or "light" out of concern for their health, believing that such cigarettes are less risky or a step toward quitting. These claims are based on the FTC tar ratings, which are now known to be inaccurate in assessing the behavior of actual smokers. Some 85 percent of all smokers today smoke these so-called safer cigarettes.

FTC officials admit the agency's test is flawed. Former FTC Commissioner Timothy Muris testified at a Senate Commerce Committee hearing on June 11, 2003, that the tar rating system is "broken." The FTC has also published a warning to consumers called "Up In Smoke: The Truth About Tar and Nicotine Ratings." This alert concludes that "cigarette tar and nicotine ratings can't predict the amount of tar and nicotine you get from any particular cigarette." It is absurd that the FTC permits a testing method that FTC officials admit is flawed.

According to the National Cancer Institute, cigarette tar and nicotine yields as measured by the FTC Method don't give smokers a meaningful measure with regard to how much tar and nicotine they are likely to inhale from smoking a cigarette, and that marketing cigarettes as delivering lower amounts of tar using the FTC Method is deceptive to consumers.

Not surprisingly, the tobacco companies have known since 1975 that this test doesn't work. The tobacco companies' internal documents show that people actually get more tar and the same amount of nicotine when they smoke light cigarettes than from smoking regular cigarettes. That's because smokers will inhale more deeply and/or frequently to draw out the nicotine they're addicted to.

So, the FTC, the National Cancer Institute and the tobacco companies all agree that the FTC testing method doesn't work.

And all the while, the tobacco companies have been taking advantage of this fact and using it to spike the nicotine yield in cigarettes and make them more addictive.

A recently released report by the Massachusetts Department of Public Health shows that from 1998 through 2004 cigarette manufacturers increased the amount of addictive nicotine delivered to the average smoker by 10 percent. Of 179 cigarette brands tested in 2004, an astonishing 166 brands fell into the State's highest nicotine yield range, including 59 brands that the manufacturers had labeled "light" and 14 described as "ultra-light."

The increase in nicotine levels went unnoticed because the standard government test—the flawed FTC Method—uses a smoking machine that fails to mimic real-life smoking behavior. A manufacturer, for example, can design a cigarette that will score low in nicotine delivery to the machine by placing tiny ventilation holes in the filter to dilute the smoke. But in real life, a smoker will often cover the vents with his or her lips or fingers, thereby inhaling a higher dose of nicotine.

Everyone knows nicotine is a highly addictive drug. For tobacco companies to spike the amount nicotine at a time when States and the Federal Government are creating public health campaigns to curb smoking is absolutely deplorable.

I used to smoke—a lot. Fortunately, my daughter, when she was a young girl, convinced me to quit. She said, "Daddy, they told me at school that if you smoke, they will have to put a black box in your throat. I don't want you to get a black box in your throat."

From that day forward I quit.

Across America, smokers—men, women, and kids—have their own reasons for quitting. I know it's tough to quit. But I want Americans to be healthy.

"Big Tobacco" doesn't. They make their money off an addictive product that kills people. They have known for decades that their product is lethal. They need our kids sick and addicted to make a dime.

When I came to the Senate, I was determined to do everything I could to protect Americans—especially our youth—from the dangers of tobacco. I'm proud to say that my work on tobacco control started long before it became a mainstream issue.

I've been protecting Americans from Big Tobacco's lies since 1987, when I wrote the bill that banned smoking on planes. In 1989, I wrote the requirement that all federally-funded programs for children provide a smoke-free environment.

Those laws changed our culture. Today, we'll try and change it again. I urge my colleagues to support my legislation and stop cigarette manufacturers from lying to the public.

My legislation can help America's smokers kick the habit by putting out more of big tobacco's big lies. Tobacco-related illnesses kill over 400,000 Americans every year. My bill can help save America $89 billion a year in health care costs. Most important, it can save people's lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Cigarette Labeling Act of 2006".

SEC. 2. PROHIBITION ON CLAIMS REGARDING TAR OR NICOTINE YIELD LEVELS OF CIGARETTES.

(a) FINDINGS.—Congress finds the following:

(1) Cigarette manufacturers (through use of words, graphics, and color) have sold, distributed, and falsely marketed brands of cigarettes to consumers as "light", "low-tar", "ultra light", "mild", "natural", and "low-nicotine" cigarettes, implying that the cigarettes are less harmful than other brands of cigarettes.

(2) The National Cancer Institute has found that many smokers mistakenly believe that cigarettes with the labels described in paragraph (1) cause fewer health problems than other cigarettes, and this belief misleads smokers who may choose these cigarettes as an alternative to not smoking.

(3) The Federal Trade Commission has concluded that "cigarette tar and nicotine ratings cannot predict the amount of tar and nicotine [a person] get[s] from any particular cigarette.".

(4) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from the cigarettes described in paragraph (1), and such cigarettes may actually increase the risk of tobacco use.

(5) The dangers of marketing one brand of cigarettes as less harmful than another brand of cigarettes when in fact there are no reduced risks, is a compelling reason for the Government to ensure statements, claims, or other representations about cigarettes are truthful and not deceptive.

(b) DEFINITIONS.—In this section:

(1) HEALTH DESCRIPTOR.—The term "health descriptor" includes the words "light", "low", "low tar", "ultralight", "mild", "natural", or any other word, or any graphic or color, which reasonably could be expected to result in a consumer believing that smoking such brand may result in a lower risk of disease or be less hazardous to health than smoking another brand of cigarette.

(2) BRAND.—The term "brand" means a variety of tobacco product distinguished by the type of tobacco used, tar content, nicotine content, the flavoring used, size, filtration, packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination thereof.

(3) CIGARETTE.—The term "cigarette" has the meaning given such term in section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)), but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

(4) ROLL-YOUR-OWN TOBACCO.—The term "roll-your-own tobacco" means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(c) PROHIBITION ON USE OF HEALTH DESCRIPTORS AND FEDERAL TRADE COMMISSION TESTING METHOD.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective 120 days after the date of the enactment of this Act, a cigarette manufacturer may not use a health descriptor on the label or the advertising of any brand of cigarette.

(2) PROHIBITION ON USE OF FEDERAL TRADE COMMISSION TESTING METHOD.—Notwithstanding any other provision of law, effective 120 days after the date of the enactment of this Act, a cigarette manufacturer may not make any claims or any other representations based on data derived from the cigarette testing method established by the Federal Trade Commission in effect on the day before the date of the enactment of this Act.

(3) ENFORCEMENT.—

(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of the prohibition described in paragraphs (1) or (2) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

By Mr. INHOFE:

S. 3873. A bill to protect private property rights; read the first time.

Mr. INHOFE: Mr. President, Alexander Hamilton declared:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by moral power.

I believe, and I speak on behalf of the people of Oklahoma, in the right to own private property, and I believe in the right to enjoy it and not be harassed, especially by the government.

There are three issues that the Private Property Protection Act of 2006 that I am introducing today addresses: it protects the right to own and enjoy private property, one of our Government's core purposes; it directly confronts the Supreme Court's decision in Kelo v. City of New London, Connecticut, which allows local governments to take private property for economic reasons, by forcing the Court to reign in its incessant judicial activism and return to the true intent of the fifth amendment; it limits government intervention into the private market.

However, my bill does not attempt to encroach on a State's right to conduct business and levy taxes; it simply makes clear that the National Government will not fund these blatant abuses of private property. There is no violation of State sovereignty.

The Constitution is not really an allocation of Government-determined rights to the people as much as it is a limitation on the Government from interfering with our inherent rights. The presumption is that people are "endowed by their Creator with certain unalienable rights" and that the Government's fundamental role is to protect those rights.

Sometimes a person's rights do have to be limited in order to protect the rights of everyone else. But there must be a strong reason to restrict or limit those rights, and even when this is done, the rights are still there, they do not just disappear.

Ask any elementary school child what the main reason for the Revolutionary War was and they will probably respond, "Taxation without Representation!" Consider the spirit of the Declaration of Independence, and then see what is going on with eminent domain today. It does not go together. I can only imagine what the Founding Fathers and colonists would think if they read the Supreme Court's Kelo decision. There is a huge rift in the intention of eminent domain at our Nation's founding and today. Taking away rights, especially property rights, is a serious matter, but what is worse, thanks to Kelo, is that a city can now seize a person's land solely for financial gain.

In Kelo, the Supreme Court gave the legal mandate that the "broad reading" of the takings clause of the fifth amendment includes taking from one private citizen and giving it to another as long as the city claims an economic benefit. Changing the definition of the fifth amendment to mean "more tax dollars for the city," is not only incongruous, it is outrageous.

This philosophy comes out of a socialistic presumption that all property really belongs to the State, that the State is the true landlord, and that people are allowed to use the land until the State gets a better offer. The Supreme Court is opening up the gate of opportunity to these cities essentially saying: "Hey, if you need money, just condemn some property . . . bulldoze the houses and sell the land to a giant retail store or factory that will generate lots of tax dollars."

Once again, the courts have taken the Constitution and twisted it, actively and willfully pursuing their own radical and elitist policy, usurping the will of the people, and their elected representatives. The Supreme Court's

Kelo decision is the pinnacle of a mutation of its takings clause jurisprudence, and essentially extends a government's condemnation power to include taking private property and giving it to another private party who will raise revenue for a city or town.

Justice Thomas, in his dissent, quoted renowned legal scholar William Blackstone whose "Commentaries on the Laws of England" eloquently described the authority of the law at the time the fifth amendment was drafted: "The law of the land . . . postpone[s] even public necessity to the sacred and inviolable rights of private property." Justice Thomas continued, agreeing with Justice Sandra Day O'Connor's well-stated warning taken from her dissenting opinion:

> If such "economic development" takings are for a "public use," any taking is, and the Court has erased the Public Use Clause from our Constitution.

Justice O'Connor also explained that historically, the "Government may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person. This requirement promotes fairness as well as security."

Professor Bradley Jacob, a constitutional law professor at Regent University School of Law, is gravely concerned by the Court's decision in Kelo. He observed:

> What the Court ruled in Kelo is not consistent with the Constitution, it is not consistent with the Declaration of Independence, and it is not consistent with the principles of liberty that underlie free Republican government. It was valid only in the eyes of those who accept the idea that the Supreme Court is our national super-legislature, imposing its views of wise social policy on an unwilling nation.

The Court calls this kind of taking "economic development." I call it robbery and wealth redistribution. If the cities are suffering from failed economies because of poor decisionmaking, inefficient zoning, and financial irresponsibility, that is unfortunate; however, unchecked eiminent domain power is not the answer.

According to economic greats, such as Adam Smith and John Locke, there are two types of property: private and public. Property is private when others are prevented from using or benefiting from it. It is exclusive to the owner. He or she is entitled to the fruits it bears. Examples of this are homes, farms, and stores. Conversely, public property is property that is opened up and common to the public, from which all have equal access to its fruits, and equal access to use it and benefit from it. Examples of this are roads, power lines, and waterways.

The fifth amendment recognizes the Government's power to take private property when necessary, and open it up to the public, for true public use. The idea of interpreting the fifth amendment in a "broad" manner to allow, and thus, encourage taking private property from one and giving it to another private owner is foreign and hostile to the principles that make this nation great.

I believe that economic development belongs to the private market. Condemnation power for economic development will have devastating and paralyzing effects on the market. This is extreme artificial interference in the market that will only encourage more irresponsible decisionmaking by cities.

When a private citizen steals a person's private property, the victim has a cause of action against the culprit to try to right the wrong and the State has an interest in prosecuting that wrong as well, as stealing is against the law. But what is so dangerous here is that it is the State that is facilitating the wrong. My bill will ensure a private cause of action for the citizen whose property is taken away from him or her by the State for economic development.

Recognition and protections of the right to own private property is the driving force of our Nation and the fuel of the free market. The Government should be the staunchest defender of private property, not the thief that steals it. My legislation will prevent States that allow their cities or other municipal bodies to carry out this type of eminent domain, that is, the kind based solely on economic development, from receiving Federal economic development funds. I simply do not think that we should be funding economic development for those States that are willing to steal private property from their citizens.

As Alexis de Tocqueville predicted, the unique private property rights in America would set it apart from and above the nations of the world, mainly by facilitating a thriving, land-owning middle class, the backbone of a successful free market. The Kelo decision is a crippling blow to our middle class, and our Constitutional Republic as a whole, and must be dealt with immediately.

I ask my colleagues in this body to stand with me and protect the private property rights of Americans across this great land. We owe it to the citizens of our States; we owe it to the Constitution and our liberty.

By Mr. REID (for himself and Mr. DURBIN):

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes; read the first time.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Security Act of 2006".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

Sec. 101. Short title.
Sec. 102. Definition of 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

Sec. 101. Adequate radio spectrum for first responders.
Sec. 102. Report on establishing a unified incident command system.
Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
Sec. 104. Private sector preparedness.
Sec. 105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Faster and Smarter Funding for First Responders.
Sec. 114. Superseded provision.
Sec. 115. Oversight.
Sec. 116. GAO report on an inventory and status of Homeland Security first responder training.
Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

Sec. 121. Report on national strategy for transportation security.
Sec. 122. Report on airline passenger prescreening.
Sec. 123. Report on detection of explosives at airline screening checkpoints.
Sec. 124. Report on comprehensive screening program.
Sec. 125. Relevant congressional committees defined.

Subtitle C—Border Security

Sec. 131. Counterterrorist travel intelligence.
Sec. 132. Comprehensive screening system.
Sec. 133. Biometric entry and exit data system.
Sec. 134. International collaboration on border and document security.

Sec. 135. Standardization of secure identification.
Sec. 136. Security enhancements for social security cards.

Subtitle D—Homeland Security Appropriations

Sec. 141. Homeland security appropriations.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

Sec. 201. Report on director of national intelligence.
Sec. 202. Report on national counterterrorism center.
Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
Sec. 205. Report on incentives for information sharing.
Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
Sec. 207. Homeland airspace defense.
Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
Sec. 209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

Sec. 211. Report on the balance between security and civil liberties.
Sec. 212. Privacy and Civil Liberties Oversight Board.
Sec. 213. Set privacy guidelines for Government sharing of personal information.
Sec. 214. Relevant congressional committees defined.

Subtitle C—Intelligence Oversight Reform in the Senate

Sec. 231. Subcommittee related to intelligence oversight.
Sec. 232. Subcommittee related to intelligence appropriations.
Sec. 233. Effective date.

Subtitle D—Standardize Security Clearances

Sec. 241. Standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
Sec. 302. Actions to support Pakistan against extremists.
Sec. 303. Actions to support reform in Saudi Arabia.
Sec. 304. Elimination of terrorist sanctuaries.
Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
Sec. 306. Standards for the detention and humane treatment of captured terrorists.
Sec. 307. Use of economic policies to combat terrorism.
Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

Subtitle B—Public Diplomacy

Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.
Sec. 312. International broadcasting.
Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
Sec. 314. International Youth Opportunity Fund.

Subtitle C—Nonproliferation

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.
Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.
Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.
Sec. 329. Presidential report on impediments to certain nonproliferation activities.
Sec. 330. Enhancement of Global Threat Reduction Initiative.
Sec. 331. Expansion of Proliferation Security Initiative.
Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials.
Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
Sec. 335. Research and development involving alternative use of weapons of mass destruction expertise.
Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.
Sec. 337. Definitions.

DIVISION B—COMBATTING TERRORISM.

Sec. 1001. Short title.

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

Sec. 1101. Sense of Congress on Special Operations forces and related matters.
Sec. 1102. Foreign language expertise.
Sec. 1103. Curtailing terrorist financing.
Sec. 1104. Prohibition on transactions with countries that support terrorism.
Sec. 1105. Comptroller General report on United Kingdom and United States anti-terrorism policies and practices.
Sec. 1106. Enhancement of intelligence community efforts to bring Osama bin Laden and other al Qaeda leaders to justice.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

Sec. 1201. Findings, policy, and definition.
Sec. 1202. Annual report to Congress.
Sec. 1203. Authorization of appropriations.

Subtitle B—Democracy and Development in the Muslim World

Sec. 1211. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 1212. Middle East Foundation.

Subtitle C—Restoring American Moral Leadership

Sec. 1221. Advancing United States interests through public diplomacy.
Sec. 1222. Department of State public diplomacy programs.
Sec. 1223. Treatment of detainees.
Sec. 1224. National Commission To Review Policy Regarding the Treatment of Detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

Sec. 1231. Afghanistan.
Sec. 1232. Pakistan.
Sec. 1233. Saudi Arabia.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

Sec. 1301. Repeal of limitations to threat reduction assistance.
Sec. 1302. Russian tactical nuclear weapons.
Sec. 1303. Additional assistance to accelerate Non-Proliferation programs.
Sec. 1304. Additional assistance to the International Atomic Energy Agency.

Subtitle B—Border Protection

Sec. 1311. Findings.
Sec. 1312. Hiring and training of border security personnel.

Subtitle C—First Responders

Sec. 1321. Findings.
Sec. 1322. Restoration of justice assistance funding.
Sec. 1323. Providing reliable officers, technology, education, community prosecutors, and training in Our Neighborhood Initiative.

TITLE XIV—PROTECTING TAXPAYERS

Sec. 1401. Reports on metrics for measuring success in Global War on Terrorism.
Sec. 1402. Prohibition on war profiteering.

TITLE XV—OTHER MATTERS

Sec. 1501. Sense of Congress on military commissions for the trial of persons detained in the Global War on Terrorism.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—INTELLIGENCE ACTIVITIES

Sec. 2101. Authorization of appropriations.
Sec. 2102. Classified schedule of authorizations.
Sec. 2103. Incorporation of classified annex.
Sec. 2104. Personnel ceiling adjustments.
Sec. 2105. Intelligence Community Management Account.
Sec. 2106. Incorporation of reporting requirements.
Sec. 2107. Availability to public of certain intelligence funding information.
Sec. 2108. Response of intelligence community to requests from Congress for intelligence documents and information.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 2201. Authorization of appropriations.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 2301. Increase in employee compensation and benefits authorized by law.
Sec. 2302. Restriction on conduct of intelligence activities.
Sec. 2303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 2304. Improvement of notification of Congress regarding intelligence activities of the United States Government.
Sec. 2305. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 2306. Modification of availability of funds for different intelligence activities.
Sec. 2307. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 2308. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 2309. Retention and use of amounts paid as debts to elements of the intelligence community.
Sec. 2310. Pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities.
Sec. 2311. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 2312. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 2313. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
Sec. 2314. Report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.
Sec. 2315. Sense of Congress on electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 2401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 2402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 2403. Authority of the Director of National Intelligence to manage access to human intelligence information.
Sec. 2404. Additional administrative authority of the Director of National Intelligence.
Sec. 2405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 2406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 2407. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 2408. Inspector General of the Intelligence Community.
Sec. 2409. Leadership and location of certain offices and officials.
Sec. 2410. National Space Intelligence Center.
Sec. 2411. Operational files in the Office of the Director of National Intelligence.
Sec. 2412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 2413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 2414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 2415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 2416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 2421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 2422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 2423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 2424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 2425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 2431. Enhancements of National Security Agency training program.
Sec. 2432. Codification of authorities of National Security Agency protective personnel.
Sec. 2433. Inspector general matters.
Sec. 2434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 2435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 2436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 2441. Foreign language incentive for certain non-special agent employees of the Federal Bureau of Investigation.
Sec. 2442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
Sec. 2443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 2444. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for fiscal year 2004.

TITLE XXV—OTHER MATTERS

Sec. 2501. Technical amendments to the National Security Act of 1947.
Sec. 2502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 2503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 2504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 2505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 2506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 2507. Technical amendments to the Executive Schedule.
Sec. 2508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

DIVISION D—TRANSPORTATION SECURITY

TITLE XXXI—MARITIME SECURITY

Sec. 3101. Short title; Definitions.
Sec. 3102. Interagency operational command centers for port security.
Sec. 3103. Salvage response plan.
Sec. 3104. Vessel and facility security plans.
Sec. 3105. Assistance for foreign ports.
Sec. 3106. Port security grants.
Sec. 3107. Operation safe commerce.
Sec. 3108. Port security training program.
Sec. 3109. Port security exercise program.
Sec. 3110. Inspection of car ferries entering from Canada.
Sec. 3111. Deadline for transportation worker identification credential security cards.
Sec. 3112. Port security user fee study.
Sec. 3113. Unannounced inspections of maritime facilities.
Sec. 3114. Foreign port assessments.
Sec. 3115. Pilot program to improve the security of empty containers.
Sec. 3116. Domestic radiation detection and imaging.
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Sec. 3118. Authorization for customs and border protection personnel.
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In this division, the term "9/11 Commission" means the National Commission on Terrorist Attacks Upon the United States.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RESPONDERS.

(a) SHORT TITLE.—This chapter may be cited as the "Homeland Emergency Response Operations Act" or the "HERO Act".

(b) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following new subparagraph:

"(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, pursuant to section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing no later than January 1, 2007.".

SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to establishing a unified incident command system. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 103. REPORT ON COMPLETING A NATIONAL CRITICAL INFRASTRUCTURE RISK AND VULNERABILITIES ASSESSMENT.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to completing a national critical infrastructure risk and vulnerabilities assessment. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 104. PRIVATE SECTOR PREPAREDNESS.

The Comptroller General of the United States shall submit to Congress by not later than 90 days after the date of the enactment of this Act—

(1) a determination of what has been done to enhance private sector preparedness for terrorist attack; and

(2) recommendations of any additional congressional action or administrative action that is necessary to enhance such preparedness.

SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this chapter, the term "relevant congressional committees" means the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

SEC. 111. SHORT TITLE.

This chapter may be cited as the "Faster and Smarter Funding for First Responders Act of 2006".

SEC. 112. FINDINGS.

Congress makes the following findings:

(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security

must play a leading role in assisting communities to reach the level of preparedness they need to prevent and respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"Sec. 1801. Definitions.
"Sec. 1802. Faster and Smarter Funding for First Responders.
"Sec. 1803. Covered grant eligibility and criteria.
"Sec. 1804. Risk-based evaluation and prioritization.
"Sec. 1805. Task Force on Terrorism Preparedness for First Responders.
"Sec. 1806. Use of funds and accountability requirements.
"Sec. 1807. National standards for first responder equipment and training."; and

(2) by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"SEC. 1801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

"(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

"(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

"(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(9) REGION.—The term 'region' means—

"(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

"(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this title with the consent of—

"(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

"(ii) the incorporated municipalities, counties, and parishes that they encompass.

"(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

"(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

"SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

"(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

"(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

"(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

"(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

"(c) STATE HOMELAND SECURITY PLANS.—

"(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

"(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

"(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(E) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

"(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

"(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

"(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

"(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

"(e) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

"(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

"(iii) a designation of a specific individual to serve as regional liaison;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

"(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. However in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) Regional liaisons.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) Tribal applications.—

"(A) Submission to the state or states.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) Opportunity for state comment.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) Final authority.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) Tribal liaison.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) Limitation on the number of direct grants.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) Tribes not receiving direct grants.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

"(7) Equipment standards.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

"(a) First Responder Grants Board.—

"(1) Establishment of board.—The Secretary shall establish a First Responder Grants Board, consisting of—

"(A) the Secretary;

"(B) the Under Secretary for Emergency Preparedness and Response;

"(C) the Under Secretary for Border and Transportation Security;

"(D) the Under Secretary for Information Analysis and Infrastructure Protection;

"(E) the Under Secretary for Science and Technology;

"(F) the Director of the Office for Domestic Preparedness;

"(G) the Administrator of the United States Fire Administration; and

"(H) the Administrator of the Animal and Plant Health Inspection Service.

"(2) Chairman.—

"(A) In general.—The Secretary shall be the Chairman of the Board.

"(B) Exercise of authorities by deputy secretary.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

"(b) Functions of Under Secretaries.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

"(c) Prioritization of Grant Applications.—

"(1) Factors to be considered.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

"(2) Critical infrastructure sectors.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

"(A) Agriculture and food.

"(B) Banking and finance.

"(C) Chemical industries.

"(D) The defense industrial base.

"(E) Emergency services.

"(F) Energy.

"(G) Government facilities.

"(H) Postal and shipping.

"(I) Public health and health care.

"(J) Information technology.

"(K) Telecommunications.

"(L) Transportation systems.

"(M) Water.

"(N) Dams.

"(O) Commercial facilities.

"(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

"(3) Types of threat.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

"(A) Biological threats.

"(B) Nuclear threats.

"(C) Radiological threats.

"(D) Incendiary threats.

"(E) Chemical threats.

"(F) Explosives.

"(G) Suicide bombers.

"(H) Cyber threats.

"(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

"(4) Consideration of additional factors.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

"(5) Minimum amounts.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

"(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

"(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

"(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

"(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

“(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

“(A) having a significant international land border; or

“(B) adjoining a body of water within North America through which an international boundary line extends.

“(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

“SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

“(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

“(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

“(c) REPORT.—

“(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

“(2) CONTENTS.—Each report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

“(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

“(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

“(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

“(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

“(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

“(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

“(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

“SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) IN GENERAL.—A covered grant may be used for—

“(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

“(2) exercises to strengthen terrorism preparedness;

“(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

“(5) establishing or enhancing mechanisms for sharing terrorism threat information;

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

“(A) $1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

“(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

“(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

“(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

“(15) other appropriate activities as determined by the Secretary.

“(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds;

“(2) to construct buildings or other physical facilities;

“(3) to acquire land; or

“(4) for any State or local government cost sharing contribution.

“(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude

State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

"(d) Reimbursement of Costs.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

"(e) Assistance Requirement.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

"(f) Flexibility in Unspent Homeland Security Grant Funds.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

"(g) State, Regional, and Tribal Responsibilities.—

"(1) Pass-through.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

"(2) Cost sharing.—

"(A) In general.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

"(B) Interim rule.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

"(C) In-kind matching.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

"(3) Certifications regarding distribution of grant funds to local governments.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

"(4) Quarterly report on homeland security spending.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

"(A) the amount obligated to that recipient in that quarter;

"(B) the amount expended by that recipient in that quarter; and

"(C) a summary description of the items purchased by such recipient with such amount.

"(5) Annual report on homeland security spending.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

"(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

"(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

"(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

"(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

"(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

"(6) Inclusion of restricted annexes.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

"(7) Provision of reports.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

"(h) Incentives to Efficient Administration of Homeland Security Grants.—

"(1) Penalties for delay in passing through local share.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

"(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

"(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

"(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

"(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

"(2) Extension of period.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

"(3) Provision of non-local share to local government.—

"(A) In general.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

"(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

"(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

"(iii) the local government complies with subparagraphs (B) and (C).

"(B) Showing required.—To receive a payment under this paragraph, a local government must demonstrate that—

"(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

"(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

"(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

"(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

"(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

"(i) shall not affect any payment to another local government under this paragraph; and

"(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

"(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

"(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

"(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

"(2) containing information on the use of such grant funds by grantees; and

"(3) describing—

"(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

"(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

"SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

"(a) EQUIPMENT STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of the enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

"(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) shall cover all appropriate uses of the equipment.

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

"(A) Thermal imaging equipment.

"(B) Radiation detection and analysis equipment.

"(C) Biological detection and analysis equipment.

"(D) Chemical detection and analysis equipment.

"(E) Decontamination and sterilization equipment.

"(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

"(G) Respiratory protection equipment.

"(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

"(I) Explosive mitigation devices and explosive detection and analysis equipment.

"(J) Containment vessels.

"(K) Contaminant-resistant vehicles.

"(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

"(b) TRAINING STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

"(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

"(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

"(A) Regional planning.

"(B) Joint exercises.

"(C) Intelligence collection, analysis, and sharing.

"(D) Emergency notification of affected populations.

"(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

"(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

"(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

"(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the National Association of County and City Health Officials;

"(4) the Association of State and Territorial Health Officials;

"(5) the American National Standards Institute;

"(6) the National Institute of Justice;

"(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

"(8) the National Public Health Performance Standards Program;

"(9) the National Institute for Occupational Safety and Health;

"(10) ASTM International;

"(11) the International Safety Equipment Association;

"(12) the Emergency Management Accreditation Program; and

"(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.".

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

SEC. 114. SUPERSEDED PROVISION.

This chapter supersedes section 1014(c)(3) of Public Law 107–56.

SEC. 115. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term "person" includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

Subtitle B—Transportation Security

SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to completion of a national strategy for transportation security. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in such subsection (e) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 122. REPORT ON AIRLINE PASSENGER PRE-SCREENING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to improving airline passenger pre-screening. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIRLINE SCREENING CHECKPOINTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the improvement of airline screening checkpoints to detect explosives. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 124. REPORT ON COMPREHENSIVE SCREENING PROGRAM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to implementation of a comprehensive screening program. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "relevant congressional committees" means—

(1) the Committee on Homeland Security of the House of Representatives;

(2) the Committee on Government Reform of the House of Representatives;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Committee on Homeland Security and Government Affairs of the Senate; and

(5) the Committee on Environment and Public Works of the Senate.

Subtitle C—Border Security

SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to improving collection and analysis of intelligence on terrorist travel. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the National Counterterrorism Center is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty of the Director of the National Counterterrorism Center to submit a report under subsection (a) shall terminate when the Secretary submits a certification pursuant to subsection (a)(1). The duty of the Director of National Intelligence to submit a report under subsection (a) shall terminate when the Director submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Director of the National Counterterrorism submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Select Committee on Intelligence of the Senate.

(7) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 132. COMPREHENSIVE SCREENING SYSTEM.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Transportation shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the establishment of the comprehensive screening system described in Presidential Homeland Security Directive 11 (dated August 27, 2004). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of Transportation to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of Homeland Security and the Secretary of Transportation both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the completion of a biometric entry and exit data system. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on the Judiciary of the Senate.

SEC. 134. INTERNATIONAL COLLABORATION ON BORDER AND DOCUMENT SECURITY.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of State shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to international collaboration on border and document security. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of State to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of State both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) WATCH LIST.—The Comptroller General shall submit to the relevant congressional committees a report assessing the sharing of the consolidated and integrated terrorist watch list maintained by the Federal Government with countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(e) FINGERPRINTING IN DOMESTIC AND FOREIGN PASSPORTS.—

(1) USE IN UNITED STATES PASSPORTS.—

(A) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting after "passport" the following: "that contains the fingerprints of the citizen involved".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to passports issued on or after the date that is 90 days after the date of the enactment of this Act.

(2) USE IN FOREIGN PASSPORTS.—

(A) IN GENERAL.—Section 212(a)(7) of such Act (8 U.S.C. 1182(a)(7)) is amended by adding at the end the following new subparagraph:

"(C) REQUIREMENT FOR FINGERPRINTS ON PASSPORTS.—No passport of an alien shall be considered valid for purposes of subparagraph (A) or (B) unless the passport contains the fingerprints of the alien.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to aliens applying for admission to the United States on or after the date that is 90 days after the date of the enactment of this Act.

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the International Relations of the House of Representatives.

(4) The Committee on the Judiciary of the House of Representatives.

(5) The Committee on Homeland Security and Governmental Affairs of the Senate.

(6) The Committee on the Judiciary of the Senate.

(7) The Committee on Foreign Relations of the Senate.

SEC. 135. STANDARDIZATION OF SECURE IDENTIFICATION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of standardization of secure identification. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Health and Human Services is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate—

(1) for the Secretary of Homeland Security, when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1); and

(2) for the Secretary of Health and Human Services, when the Secretary of Health and Human Services submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Health and Human Services submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECURITY CARDS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Commissioner of Social Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security enhancements for social security cards and the implementation of section 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Commissioner of Social Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Commissioner considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Commissioner of Social Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Commissioner of Social Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

Subtitle D—Homeland Security Appropriations

SEC. 141. HOMELAND SECURITY APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION.

For an additional amount for "Salaries and Expenses", $571,000,000 for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles, construction, and radiation portal monitors.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.

For an additional amount for citizenship and immigration services, $87,000,000 for necessary expenses, including for business transformation and fraud detection.

TRANSPORTATION SECURITY ADMINISTRATION.

For an additional amount for "Aviation Security", $305,000,000 for necessary expenses, of which—

(1) $250,000,000 shall be made available for aviation security, including the procurement of explosives monitoring equipment; and

(2) $55,000,000 shall be made available for air cargo security, including cargo canine teams and inspectors.

UNITED STATES COAST GUARD.

For an additional amount for "Acquisition, Construction, and Improvements", $184,000,000 for necessary expenses for the Integrated Deepwater Systems Program for the purchase of ships, planes, and helicopters.

For an additional amount for "Operating Expenses", $23,000,000 for necessary expenses for additional inspectors at foreign and domestic ports.

OFFICE FOR DOMESTIC PREPAREDNESS.

For an additional amount for "State and Local Programs", $2,880,000,000 for necessary expenses, of which—

(1) $790,000,000 shall be made available for first responder grants;

(2) $500,000,000 shall be made available for interoperability grants;

(3) $100,000,000 shall be made available for chemical security grants;

(4) $1,200,000,000 shall be made available for rail security grants;

(5) $190,000,000 shall be made available for port security grants; and

(6) $100,000,000 shall be made available for emergency management performance grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY.

For an additional amount for "Readiness, Mitigation, Response, and Recovery", $50,000,000 for necessary expenses.

For an additional amount for "National Pre-Disaster Mitigation Fund", $100,000,000 for necessary expenses.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DNI EXERCISE OF AUTHORITY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) the Director of National Intelligence has been able to properly exercise the authority of the Office of the Director of National Intelligence, including budget and personnel authority; and

(B) information sharing among the intelligence community is a high priority.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence have been achieved.

SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM CENTER.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of a National Counterterrorism Center. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce. Such report shall include—

(1) a certification by the Director of the Federal Bureau of Investigation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Federal Bureau of Investigation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Federal Bureau of Investigation expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director of the Federal Bureau of Investigation considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON CREATION OF FBI NATIONAL SECURITY WORKFORCE.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) there is a sense of urgency within the Federal Bureau of Investigation to create a national security workforce to carry out the domestic counterterrorism mission of the Federal Bureau of Investigation;

(B) the Federal Bureau of Investigation is on track to create such a workforce; and

(C) the culture of the Federal Bureau of Investigation allows the Federal Bureau of Investigation to meet its new challenges and succeed in its counterterrorism role.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce have been achieved.

SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Report; Certification.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the new mission of the Director of the Central Intelligence Agency. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO Report on Director of the Central Intelligence Agency.—

(1) Annual report.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the Director of the Central Intelligence Agency has strong, determined leadership committed to accelerating the pace of the reforms underway.

(2) Termination.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the Director of the Central Intelligence Agency have been achieved.

(e) Sense of Congress.—It is the sense of Congress that Congress and the leadership of the Central Intelligence Agency should—

(1) regularly evaluate the effectiveness of the national clandestine service structure to determine if it improves coordination of human intelligence collection operations and produces better intelligence results; and

(2) address morale and personnel issues at the Central Intelligence Agency to ensure the Central Intelligence Agency remains an effective arm of national power.

SEC. 205. REPORT ON INCENTIVES FOR INFORMATION SHARING.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the provision of affirmative incentives for information sharing, and for reducing disincentives to information sharing, across the Federal Government and with State and local authorities. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence and the Program Manager for the Information Sharing Environment expect such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NATIONAL SECURITY INSTITUTIONS IN THE INFORMATION REVOLUTION.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the leadership of the President of national security institutions into the information revolution. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Management and Budget expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO Report on Information Systems.—

(1) Annual report.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the departments and agencies of the Federal Government have the resources and Presidential support to change information systems to enable information sharing, policies and procedures that compel sharing, and systems of performance evaluation to inform personnel on how well they carry out information sharing.

(2) Termination.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the leadership of the President of national security institutions into the information revolution have been achieved.

SEC. 207. HOMELAND AIRSPACE DEFENSE.

(a) Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Defense shall each submit to the specified congressional committees a certification as to whether the Federal Government has implemented the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) and the recommendations of the National Commission on Terrorist Attacks Upon the United States regarding homeland and airspace defense. Each Secretary shall include with such certification recommendations if further congressional action is necessary. If a Secretary is unable to certify the goal in the first sentence, the Secretary shall report to the specified committees what steps have been taken towards implementation, when implementation can reasonably be expected to be completed, and whether additional resources or actions from the Congress are required for implementation.

(b) Comptroller General Report.—Within 30 days of the submission of both certifications under subsection (a), the Comptroller General of the United States shall submit to the specified congressional committees a report verifying that the policy referred to in that subsection has in fact been implemented and recommendations of any additional congressional action necessary to implement the goals referred to in that subsection.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "specified congressional committees" means—

(1) the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATEGIES OF UNITED STATES NORTHERN COMMAND FOR DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the 9/11 Commission, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the two departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command, which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of those plans and strategies.

(c) SEMIANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the plans and strategies of the United States Northern Command to defend the United States against military and paramilitary threats within the United States.

SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform, of the House of Representatives.

(3) The Permanent Select Committee on Intelligence of the House of Representatives.

(4) The Committee on Homeland Security and Government Affairs of the Senate.

(5) The Select Committee on Intelligence of the Senate.

Subtitle B—Civil Liberties and Executive Power

SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the balance between security and civil liberties. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) SHORT TITLE.—This section may be cited as the "9/11 Commission Civil Liberties Board Act".

(b) FINDINGS.—Congress makes the following findings:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: "At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.".

(3) The report also states that "the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.".

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

(5) The establishment and adequate funding of a Privacy and Civil Liberties Oversight Board was a crucial recommendation made by the 9/11 Commission.

(6) In its Final Report on 9/11 Commission Recommendations, the Commission noted "very little urgency" and "insufficient" funding as it relates to the establishment of the Privacy and Civil Liberties Oversight Board.

(7) While the President's budget submission for fiscal year 2006 included $750,000 for the Privacy and Civil Liberties Oversight Board, the President's budget submission for fiscal year 2007 does not contain a funding line for the Board.

(c) MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by striking "within the Executive Office of the President" and inserting "as an independent agency within the Executive branch".

(d) REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.—Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

"(e) MEMBERSHIP.—

"(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

"(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

"(4) TERM.—Each member of the Board shall serve a term of six years, except that—

"(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

"(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

"(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

"(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

"(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

"(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.".

(e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

“(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.”; and

(2) so that paragraph (2) reads as follows:

“(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.”.

(f) REPORTING REQUIREMENTS.—

(1) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

“(4) REPORTS.—

“(A) RECEIPT, REVIEW, AND SUBMISSION.—

“(i) IN GENERAL.—The Board shall—

“(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

“(II) periodically submit, not less than semiannually, reports to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

“(I) a description of the major activities of the Board during the preceding period;

“(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

“(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

“(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

“(B) INFORMING THE PUBLIC.—The Board shall—

“(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.”.

(2) PRIVACY AND CIVIL LIBERTIES OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

“SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

“(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

“(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

“(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

“(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

“(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

“(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

“(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

“(C) that there are adequate guidelines and oversight to properly confine its use.

“(b) EXCEPTION TO DESIGNATION AUTHORITY.—

“(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

“(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

“(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

“(1) report directly to the head of the department, agency, or element concerned; and

“(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

“(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

“(1) has the information, material, and resources necessary to fulfill the functions of such officer;

“(2) is advised of proposed policy changes;

“(3) is consulted by decisionmakers; and

“(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

“(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(f) PERIODIC REPORTS.—

“(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

“(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

“(ii) to the head of such department, agency, or element; and

“(iii) to the Privacy and Civil Liberties Oversight Board; and

“(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

“(A) information on the number and types of reviews undertaken;

“(B) the type of advice provided and the response given to such advice;

“(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

“(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

“(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

“(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

“(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

“(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of

Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.".

(g) Inclusion in President's Budget Submission to Congress.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(36) a separate statement of the amount of appropriations requested for the Privacy and Civil Liberties Oversight Board.".

(h) Report; Certification.—

(1) Report.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108-458 and the recommendations of the 9/11 Commission regarding the implementation of the Privacy and Civil Liberties Oversight Board. Such report shall include—

(A) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(B) if the Attorney General is unable to make the certification described in subparagraph (A), a description of—

(i) the steps taken to implement such recommendations and achieve such policy goals;

(ii) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved: and

(iii) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(2) Termination of duty to report.—The duty to submit a report under paragraph (1) shall terminate when the Attorney General submits a certification pursuant to paragraph (1)(A).

(3) GAO review of certification.—If the Attorney General submits a certification pursuant to paragraph (1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in paragraph (1) have been achieved.

SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.

(a) Report.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108-458 and the recommendations of the 9/11 Commission regarding the privacy guidelines for government sharing of personal information. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Attorney General submits a certification pursuant to subsection (a), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in subsection (A) have been achieved.

SEC. 214. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "relevant congressional committees" means the Committee on Homeland Security of the House of Representatives, the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Intelligence Oversight Reform in the Senate

SEC. 231. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) Establishment.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) Responsibility.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 232. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) Establishment.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

(b) Jurisdiction.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

SEC. 233. EFFECTIVE DATE.

This subtitle shall take effect on the convening of the 110th Congress.

Subtitle D—Standardize Security Clearances

SEC. 241. STANDARDIZATION OF SECURITY CLEARANCES.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to security clearances, including with respect to uniform policies and procedures for the completion of security clearances and reciprocal recognition of such security clearances among agencies of the United States Government. Such report shall include—

(1) a certification by the Director of the Office of Personnel Management that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Personnel Management is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Personnel Management expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMITMENT TO AFGHANISTAN.

(a) Sense of Congress.—It is the sense of Congress that the Government of the United States—

(1) should give priority to providing assistance to Afghanistan to establish a substantial economic infrastructure and a sound economy; and

(2) should continue to provide economic and development assistance to Afghanistan, including assistance to the Afghan National Army and the police forces and border police of Afghanistan.

(b) Report; Certification.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) (as added by section 7104(e)(4)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458)) for ensuring a long-term commitment to Afghanistan. Such report shall include—

(1) a certification by the President that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the President is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the President expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the President considers necessary to implement such recommendations and achieve such policy goals.

(c) Termination of Duty to Report.—The duty to submit a report under subsection (b) shall terminate when the President submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the President submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) has been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EXTREMISTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the commitment of the President to provide $3,000,000,000 in assistance over the next five years to Pakistan should be commended;

(2) the Government of the United States should provide assistance to Pakistan to improve Pakistan's failing basic education system and to emphasize development;

(3) the Government of the United States should strongly urge the Government of Pakistan to close Taliban-linked schools known as "madrassas", close terrorist training camps, and prevent Taliban forces from operating across the border between Pakistan and Afghanistan; and

(4) the Government of the United States and the Government of Pakistan must redouble their efforts to kill or capture Osama bin Laden and other high-ranking al Qaeda suspects that may be hiding in or around Pakistan.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts by the Government of Pakistan take the actions described in subsection (a)(3).

SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States and the Government of Saudi Arabia should accelerate efforts to improve strategic dialogue between the two countries, increase exchange programs, and promote pragmatic reforms in Saudi Arabia; and

(2) the Government of Saudi Arabia should take additional steps to regulate charities and promote tolerance and moderation.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7105 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for improving dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the two countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.

(a) NATIONAL COUNTERTERRORISM CENTER IDENTIFICATION OF TERRORIST SANCTUARIES.—Subsection (d) of section 119 of National Security Act of 1947 (50 U.S.C. 404o) is amended by adding at the end the following new paragraph:

"(7) To identify each country whose territory is being used as a sanctuary for terrorists or terrorist organizations and each country whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations and to develop a comprehensive strategy to eliminate terrorist sanctuaries.".

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

"(k) REPORT ON TERRORIST SANCTUARIES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the National Counterterrorism Center shall submit to the Committee on International Relations, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Government Reform of the House of Representatives and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on terrorist sanctuaries, including a description of the—

"(1) countries whose territory is being used as a sanctuary for terrorists or terrorist organizations;

"(2) countries whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations;

"(3) strategy to eliminate each such sanctuary; and

"(4) progress that has been made in accomplishing such strategy.".

SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should continue to engage other countries in developing a comprehensive coalition strategy against Islamist terrorism; and

(2) should use a broader approach to target the roots of terrorism, including developing strategies with other countries to encourage reform efforts in Saudi Arabia and Pakistan, improving educational and economic opportunities in Muslim countries, identifying and eliminating terrorist sanctuaries, and making progress in the Arab-Israeli peace process.

(b) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7117 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for engaging other countries in developing a comprehensive coalition strategy for combating terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach toward the detention and humane treatment of captured terrorists and the policy goals of sections

1002, 1003, and 1005 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148). Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations, the Committee on Armed Services, and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7115 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) for developing economic policies to combat terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved, including a description of the extent to which the policy goals of paragraphs (1) through (4) of section 7115(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS AGAINST TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 each year, the Secretary of the Treasury shall submit to the relevant congressional committees a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (b). Such information shall be made available to financial institutions without cost.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term "financial institution" has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Financial Services, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

Subtitle B—Public Diplomacy

SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND PUBLIC DIPLOMACY TRAINING OF MEMBERS OF THE FOREIGN SERVICE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7109 and 7110 the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), and the amendments made by such sections, regarding the public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 312. INTERNATIONAL BROADCASTING.

(a) Report.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report on—

(1) the activities of Radio Sawa and Radio Al-Hurra; and

(2) the extent to which the activities of Radio Sawa and Radio Al-Hurra have been successful, including an analysis of impact of the activities on the audience and audience demographics and whether or not funding is adequate to carry out the activities.

(b) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN THE ISLAMIC WORLD.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) for expanding United States scholarship, exchange, and library programs in the Islamic world. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the Middle East Partnership Initiative (MEPI) and the United States Agency for International Development should be commended for initiating programs in predominantly Muslim countries to support secular education improvements and the teaching of English, including programs that focus on the education of women;

(2) the secular education programs of MEPI and the United States Agency for International Development are a constructive start to answering the challenge of secular education in predominantly Muslim countries;

(3) the secular education programs of MEPI and the United States Agency for International Development should be components of an overall strategy for educational assistance—itself one component of an overall United States strategy for counterterrorism—targeted where the need and the benefit to the national security of the United States are greatest; and

(4) upon formation of a broader strategy for international educational assistance targeted toward the Middle East, a significant increase in funding for these initiatives should be provided.

(b) International Youth Opportunity Fund.—There are authorized to be appropriated to the Secretary of State $50,000,000 for each of fiscal years 2007 and 2008 to support the establishment of an International Youth Opportunity Fund pursuant to section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

Subtitle C—Nonproliferation

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2006".

SEC. 322. FINDINGS.

Congress makes the following findings:

(1) Loose nuclear weapons and materials in the former Soviet Union.—

(A) There are in the world today enormous stockpiles of nuclear weapons and the materials required to make them. Counting materials both in assembled warheads and in other forms, worldwide totals are estimated to encompass some 1,900 tons of highly enriched uranium (enough for 143,000 nuclear weapons) and 1,855 tons of plutonium (enough for 330,000 nuclear weapons).

(B) The Russian Federation alone is estimated to have over 1,000 tons of highly enriched uranium (enough for over 80,000 nuclear weapons) and 140 tons of plutonium (enough for over 30,000 nuclear weapons).

(C) The United States has been working for over a decade to eliminate stockpiles of loose nuclear weapons and materials in the former Soviet Union, but the Department of Energy acknowledges that there is still a need to properly secure about 460 tons of weapons-usable Russian nuclear material (outside of warheads), enough for more than 35,000 nuclear weapons.

(D) A recent report by the Central Intelligence Agency faulted the security of nuclear arsenal facilities in the Russian Federation and assessed that "undetected smuggling has occurred."

(E) There are at least 18 documented incidents of "proliferation significant" fissile material trafficking from facilities in the former Soviet Union between 1991 and 2001. In one incident in 1998, an inside conspiracy at a Russian nuclear weapons facility attempted to steal 18.5 kilograms of highly enriched uranium. In another incident, 2 kilograms of highly enriched uranium taken from a research facility in Sukhumi, Georgia, has never been recovered.

(F) In May 1994, German police found a small but worrisome quantity of supergrade plutonium in the garage of Adolf Jackle. Extremely expensive to produce, this rare item was likely stolen from one of Russia's two premier nuclear weapons laboratories.

(G) Comprehensive security upgrades are not yet completed at 90 percent of Russian nuclear warhead bunkers for Russia's Strategic Rocket Forces.

(H) Border security in the former Soviet Union is inconsistent at best. Existing infrastructure helps at the outer borders of the former Soviet Union but many borders internal to the former Soviet Union, such as the border between Kazakhstan and the Russian Federation, exist only on a map.

(2) Loose nuclear materials around the globe.—

(A) Dangerous caches of weapons-usable nuclear materials, much of it poorly secured and vulnerable to theft, exist in a multitude of facilities around the world. For example, there are over 130 research reactors in over 40 countries that house highly enriched uranium, some with enough to manufacture an atomic bomb. In total, about 40 tons of highly enriched uranium, enough for over 1,000 nuclear weapons, is estimated to remain in civilian research reactors.

(B) Over the last 50 years, the United States is known to have exported about 27.5 tons of highly enriched uranium to 43 countries to help develop nuclear power production or bolster scientific initiatives. In 1996, the United States began an effort to recover the more than 17.5 tons of the nuclear material that was still overseas, but has recovered only about 1 ton, according to the Department of Energy and the Government Accountability Office.

(C) It is especially important to keep highly enriched uranium out of terrorists' hands because, with minimal expertise, they could use it to make the simplest, gun-type nuclear weapon—a device in which a high explosive is used to blow one subcritical piece of highly enriched uranium from one end of a tube into another subcritical piece held at the opposite end of the tube.

(D) To Osama bin Laden, acquiring weapons of mass destruction is a "religious duty". Al Qaeda and more than two dozen other terrorist groups are pursuing capability to use weapons of mass destruction.

(E) Osama bin Laden's press spokesman, Sulaiman Abu Ghaith, has announced that the group aspires "to kill 4 million Americans, including 1 million children," in response to casualties supposedly inflicted on Muslims by the United States and Israel.

(F) Al Qaeda documents recovered in Afghanistan reveal a determined research effort focused on nuclear weapons.

(3) Security standards for all nuclear weapons and materials.—

(A) There are no international binding standards for the secure handling and storage of nuclear weapons and materials.

(B) Making a nuclear weapon requires only 4 to 5 kilograms of plutonium or 12 to 15 kilograms of highly enriched uranium.

(C) In October 2001, the United States Government became very concerned that Al Qaeda may have smuggled a 10-kiloton Russian nuclear warhead into New York City. If placed in lower Manhattan, such a device would probably kill 100,000 people instantly, seriously injure tens of thousands more, and render the entire area uninhabitable for decades to come.

(4) Russia's nuclear expertise.—

(A) Employment at the large nuclear facilities in the Russian Federation's 10 closed nuclear cities is estimated to be in the range of 120,000 to 130,000 people, of whom approximately 75,000 were employed on nuclear weapons-related work.

(B) Poor wages and living conditions in Russian "nuclear cities" have inspired protests and strikes among the employees working in them.

(C) Insiders have been caught attempting to smuggle nuclear materials out of these facilities, presumably to sell on the lucrative black market.

SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERATION PROGRAMS IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President an Office of Nonproliferation Programs (in this section referred to as the "Office").

(b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(c) PRIMARY FUNCTIONS OF DIRECTOR.—

(1) IN GENERAL.—The primary function of the Director is to coordinate and lead—

(A) efforts by the United States to curb terrorist access to nuclear technology, materials, or expertise; and

(B) other United States nonproliferation activities, including nuclear nonproliferation activities and activities to counter other weapons of mass destruction.

(2) SPECIFIC FUNCTIONS.—In addition to such other functions and activities as the President may assign, the Director shall—

(A) advise the President, and others within the Executive Office of the President, on the role and effect of such nonproliferation activities on national security and international relations;

(B) lead the development and implementation of a plan (including appropriate budgets, other resources, goals, and metrics for assessing progress) to ensure that all the highest-priority actions to prevent terrorists from getting and using nuclear weapons are taken in the shortest possible time, including but not limited to a fast-paced global effort to ensure that every nuclear warhead and every kilogram of weapons-usable nuclear material worldwide is secured and accounted for, to standards sufficient to defeat demonstrated terrorist and criminal threats, as rapidly as that objective can be accomplished;

(C) identify obstacles to accelerating and strengthening efforts to prevent terrorists from getting and using nuclear weapons, and raise approaches to overcoming these obstacles for action by the President or other appropriate officials;

(D) lead an effort, to be carried out jointly by the various Federal agencies responsible for carrying out such nonproliferation activities, to establish priorities among those activities and to develop and implement strategies and budgets that reflect those priorities;

(E) build strong partnerships with respect to such nonproliferation activities among Federal, State, and local governments, foreign governments, international organizations, and nongovernmental organizations; and

(F) evaluate the scale, quality, and effectiveness of the Federal effort with respect to such nonproliferation activities and advise on appropriate actions.

SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPEAL OF RESTRICTIONS.—

(1) RESTRICTIONS ON ASSISTANCE IN DESTROYING FORMER SOVIET WEAPONS.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) is repealed.

(2) RESTRICTIONS ON AUTHORITY TO CARRY OUT CTR PROGRAMS.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is repealed.

(b) EXEMPTION FROM LIMITATIONS.—Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS.

Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking "President" each place it appears and inserting "Secretary of Defense";

(2) in subsection (a), by striking "each of the following" and all that follows through the period at the end and inserting the following: "that such project or activity will—

"(1) assist the United States in the resolution of a critical emerging proliferation threat; or

"(2) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(1) by striking "President" each place it appears and inserting "Secretary of Energy";

(2) in subsection (a), by striking "each of the following" and all that follows through the period at the end and inserting the following: "that such project or activity will—

"(1) assist the United States in the resolution of a critical emerging proliferation threat; or

"(2) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NONPROLIFERATION COMMITMENTS.

(a) REPORTS REQUIRED.—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country's commitments to—

(1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

(2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

(3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

(4) complying with all relevant arms control agreements;

(5) adopting and enforcing national and international export controls over munitions and dual-use items; and

(6) facilitating the verification by the United States and international community of that country's compliance with such commitments.

(b) FORM.—The report required under subsection (a) may be submitted with the report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CERTAIN NONPROLIFERATION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying impediments (including liability concerns, taxation issues, access rights, and other impediments) to—

(1) the ongoing renegotiation of the umbrella agreement relating to Cooperative Threat Reduction; and

(2) the ongoing negotiations for the implementation of the Plutonium Disposition Program, the Nuclear Cities Initiative, and other defense nuclear nonproliferation programs.

SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "PROGRAM AUTHORIZED" and inserting "PROGRAM REQUIRED"; and

(B) by striking "The Secretary of Energy may" and inserting "The President, acting through the Secretary of Energy, shall"; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

"(N) Take such other actions as may be necessary to effectively implement the Global Threat Reduction Initiative.".

SEC. 331. EXPANSION OF PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS RELATING TO PROLIFERATION SECURITY INITIATIVE.—It is the sense of Congress that—

(1) the President should strive to expand and strengthen the Proliferation Security Initiative announced by the President on May 31, 2003, placing particular emphasis on including countries outside of NATO; and

(2) the United States should engage the United Nations to develop a Security Council Resolution to authorize the Proliferation Security Initiative under international law, including by providing legal authority to stop shipments of weapons of mass destruction, their delivery systems, and related materials.

(b) AUTHORIZATION OF APPROPRIATIONS RELATING TO PROLIFERATION SECURITY INITIATIVE.—There are authorized to be appropriated for fiscal year 2007, $50,000,000 to conduct joint training exercises regarding interdiction of weapons of mass destruction under the Proliferation Security Initiative. Particular emphasis should be given to allocating funds from such amount—

(1) to invite other countries that do not participate in the Proliferation Security Initiative to observe the joint training exercises; and

(2) to conduct training exercises with countries that openly join the Proliferation Security Initiative after the date of the enactment of this Act.

SEC. 332. SENSE OF CONGRESS RELATING TO INTERNATIONAL SECURITY STANDARDS FOR NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of performance-based standards for the security of nuclear weapons and weapons;

(2) negotiating with those nations an agreement to adopt the standards and implement appropriate verification measures to assure ongoing compliance; and

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other states to adopt and verifiably implement the standards.

SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING TO INVENTORY OF RUSSIAN TACTICAL NUCLEAR WARHEADS AND DATA EXCHANGES.

In addition to any other amounts authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for Nuclear Security for fiscal year 2007, $5,000,000 for assistance to Russia to facilitate the conduct of a comprehensive inventory of the stockpile of Russia of—

(1) non-strategic nuclear weapons; and

(2) nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means.

SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF RUSSIA'S NON-STRATEGIC NUCLEAR WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on Russia's non-strategic nuclear weapons. The report shall—

(1) detail past and current efforts of the United States to encourage a proper accounting for and securing of Russia's non-strategic nuclear weapons and Russia's nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means;

(2) detail the actions that are most likely to lead to progress in improving the accounting for and securing or dismantlement of such weapons; and

(3) detail the feasibility of enhancing the national security of the United States by developing increased transparency between the United States and Russia with respect to the numbers, locations, and descriptions of such weapons and of the corresponding weapons of the United States.

SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING ALTERNATIVE USE OF WEAPONS OF MASS DESTRUCTION EXPERTISE.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), any funds available to a department or agency of the Federal Government may be used to conduct non-defense research and development in Russia and the states of the former Soviet Union on technologies specified in subsection (b) utilizing scientists in Russia and the states of the former Soviet Union who have expertise in—

(1) nuclear weapons; or

(2) chemical or biological weapons, but only if such scientists no longer engage, or have never engaged, in activities supporting prohibited chemical or biological capabilities.

(b) TECHNOLOGIES.—The technologies specified in this subsection are technologies on the following:

(1) Environmental restoration and monitoring.

(2) Proliferation detection.

(3) Health and medicine, including research.

(4) Energy.

(c) LIMITATION.—Funds may not be used under subsection (a) for research and development if the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, determines that such research and development will—

(1) pose a threat to the security interests of the United States; or

(2) further materially any defense technology.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $20,000,000 for fiscal year 2007 for the following purposes:

(A) To make determinations under subsection (c).

(B) To defray any increase in costs incurred by the Department of State, or any other department or agency of the Federal Government, for research and development, or demonstration, as a result of research and development conducted under this section.

(2) AVAILABILITY.—(A) Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

(B) Any amount transferred to a department or agency of the Federal Government pursuant to paragraph (1)(B) shall be merged with amounts available to such department or agency to cover costs concerned, and shall be available for the same purposes, and for the same period, as amounts with which merged.

SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the Nuclear Nonproliferation Treaty or NPT) (21 UST 483) states that countries that are parties to the treaty have the "inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.".

(2) The rights outlined under article IV include all fuel cycle activities, despite the fact that uranium enrichment and plutonium production potentially put a country in a position to produce weapons usable material.

(3) David Bergmann, former chairman of the Israeli Atomic Energy Commission, stated: ". . . by developing atomic energy for peaceful uses, you reach the nuclear weapon option. There are not two atomic energies".

(4) The wording of article IV has made it possible for countries that are parties to the NPT treaty to use peaceful nuclear programs as a cover for weapons programs. In particular, the misuse by North Korea and Iran of these provisions threatens to undercut the viability of the nuclear nonproliferation regime and the entire system of international nuclear commerce.

(5) If the international community fails to devise effective measures to deal with the "loophole" in article IV, then there is a great likelihood that the ranks of countries possessing nuclear weapons will increase markedly in the next decade.

(b) PRESIDENTIAL REPORT ON CONTROL OF NUCLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying ways to more effectively control nuclear fuel cycle technologies and material, including ways that the United States can mobilize the international community to close the "loophole" of article IV of the NPT, without undermining the treaty itself.

SEC. 337. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(2) COOPERATIVE THREAT REDUCTION PROGRAMS.—The term "Cooperative Threat Reduction programs" means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

DIVISION B—COMBATTING TERRORISM

SEC. 1001. SHORT TITLE.

This division may be cited as the "Targeting Terrorists More Effectively Act of 2006".

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

SEC. 1101. SENSE OF CONGRESS ON SPECIAL OPERATIONS FORCES AND RELATED MATTERS.

It is the sense of Congress that—

(1) the number of active-duty Army Special Forces-qualified personnel should be increased during the four years after the date of the enactment of this Act so that on the date that is four years after the date of such enactment such number is 9,290;

(2) an additional 16 Predator aircraft should be acquired for the Air Force Special

Operations Command by the end of fiscal year 2008;

(3) an additional Special Operations squadron should be established not later than fiscal year 2009; and

(4) the increase in the number of regular and reserve component personnel who are assigned civil affairs duty should be accelerated.

SEC. 1102. FOREIGN LANGUAGE EXPERTISE.

(a) FINDINGS.—Congress makes the following findings:

(1) Success in the global war on terrorism will require a dramatic increase in institutional and personal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to "develop a stronger language program, with high standards and sufficient financial incentives".

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SECURITY EDUCATION TRUST FUND.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2007.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2007.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.".

(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(A) IN GENERAL.—Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking "there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000" and inserting "there are authorized to be appropriated to the Secretary for each fiscal year 2003 through 2006, $10,000,000, and for each fiscal year after fiscal year 2006, $20,000,000,".

(B) AVAILABILITY OF FUNDS.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting "for fiscal years 2003 through 2006" after "this section".

(3) DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary for each of fiscal years 2007, 2008, and 2009 in order to carry out the demonstration program established under subsection (c).

SEC. 1103. CURTAILING TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts".

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that "currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States".

(3) The report of the Independent Task Force contained the conclusion that "[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem".

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) AUTHORIZATION OF APPROPRIATIONS TO PROVIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING OF TERRORISTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the "Economic Support Fund" to provide technical assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2007, $300,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

SEC. 1104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, and the government of that foreign country is determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) DEFINITIONS.—In this section:

(1) CONTROLLED IN FACT.—The term "is controlled in fact" includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) UNITED STATES PERSON.—The term "United States person" includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act

and such action is in effect on the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of the enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.".

SEC. 1105. COMPTROLLER GENERAL REPORT ON UNITED KINGDOM AND UNITED STATES ANTI-TERRORISM POLICIES AND PRACTICES.

(a) REPORT REQUIRED.—Not later than July 1, 2007, the Comptroller General of the United States shall submit to Congress a report setting forth a comparative analysis of the anti-terrorism policies and practices of the United Kingdom and the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include a comparative analysis of the following:

(1) The counter-intelligence laws and methods of the United Kingdom and the United States.

(2) The structure of the intelligence and law enforcement agencies of the United Kingdom Government and the United States Government.

(3) The compliance by the executive agencies of the United Kingdom and the United States with the laws of such country applicable to terrorism.

(4) The constitutional and legal considerations that enter into the development of anti-terrorism policies in the United Kingdom and the United States.

SEC. 1106. ENHANCEMENT OF INTELLIGENCE COMMUNITY EFFORTS TO BRING OSAMA BIN LADEN AND OTHER AL QAEDA LEADERS TO JUSTICE.

(a) ADDITIONAL APPROPRIATION FOR INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There is hereby appropriated for the fiscal year ending September 30, 2007, for the Intelligence Community Management Account $200,000,000 which amount shall be available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda.

(b) REPORTS ON EFFORTS.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with other appropriate officials, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in subsection (a), including—

(1) an assessment of the likely current location of terrorist leaders (including Osama bin Laden and other key leaders of al Qaeda);

(2) a description of ongoing efforts to bring to justice such terrorists;

(3) a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries;

(4) a description of diplomatic efforts currently being made to improve the cooperation of any governments described in paragraph (3); and

(5) a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 1201. FINDINGS, POLICY, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism".

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government "should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education".

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108-458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subtitle, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL EDUCATION PROGRAMS.—There are authorized to be appropriated to the President for "Development Assistance" for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

(1) for fiscal year 2007, $1,000,000,000; and

(2) for fiscal years 2008 and 2009, such sums as may be necessary.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the President for fiscal years 2007, 2008, and 2009 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108-458) for international education programs.

(c) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 1211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) Strategy.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the President for the "Economic Support Fund" for activities carried out under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2007, $500,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) Sense of congress on use of funds.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to build and support democratic institutions, democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) Additional funds.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 1212. MIDDLE EAST FOUNDATION.

(a) Purposes.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) Middle East Foundation.—

(1) Designation.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the "Foundation").

(2) Funding.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) Notification to congressional committees.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) Grants for Projects.—

(1) Foundation to make grants.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) Center for public policy.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) Applications for grants.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) Private Character of the Foundation.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) Limitation on Payments to Foundation Personnel.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) Retention of Interest.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) Financial Accountability.—

(1) Independent private audits of the foundation.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO audits.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) Audits of grant recipients.—

(A) In general.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) Recordkeeping.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) Annual Reports.—Not later than January 31, 2007, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 1221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) Findings.—Congress makes the following findings:

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, "Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.".

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) Special Authority for Surge Capacity.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

"SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

"(a) Emergency Authority.—

"(1) In general.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

"(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

"(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

"(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.".

(c) REPORT.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), and this division, and to carry out other authorities in law consistent with such purposes:

(A) INTERNATIONAL BROADCASTING OPERATIONS.—For "International Broadcasting Operations", $500,000,000 for the fiscal year 2007.

(B) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements", $70,000,000 for the fiscal year 2007.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 1222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.—There are authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for "Educational and Cultural Exchange Programs", $500,000,000 for the fiscal year 2007.

(b) ADMINISTRATION OF FOREIGN AFFAIRS.—There are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law for "Diplomatic and Consular Programs", $500,000,000 for the fiscal year 2007, which shall only be available for public diplomacy international information programs.

SEC. 1223. TREATMENT OF DETAINEES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(3) The Commission on Terrorist Attacks Upon the United States urged to the United States to engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. The 9/11 Public Discourse Project went on to give the Administration a ranking of "unfulfilled" in this area, commenting that "[d]issession either at home or abroad on how the United States treats captured terrorists only makes it harder to build the diplomatic, political and military alliance necessary to fight the war on terror effectively".

(b) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter "detainees") humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture, the Geneva Conventions, and the Detainee Treatment Act of 2005.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States, as reiterated by the Supreme Court in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)).

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190-8, Section 1-6.

(4) It is the policy of the United States to expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including detainees in custody at Guantanamo Bay, Cuba.

(c) REPORTING.—The Secretary shall submit to the appropriate congressional committees the following:

(1) Not later than 180 days after the date of the enactment of this Act, a report setting forth the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(2) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the standards of the Detainee Treatment Act of 2005 and Common Article 3 of the Geneva Conventions by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(e) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of, or prosecution on account of, a possible violation of the standards specified in subsection (d)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the standards specified in subsection (d)(1).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term "Convention Against Torture" means

the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) Director.—The term "Director" means the Director of National Intelligence.

(4) Geneva conventions.—The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) Secretary.—The term "Secretary" means the Secretary of Defense.

(6) Torture.—The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 1224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) Establishment of Commission.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) Purposes.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the interrogation and detention policies related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the causes of the alleged mistreatment of detainees by United States personnel and the impact of such mistreatment on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) Composition of the Commission.—

(1) Members.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) Chairperson; vice chairperson.—

(A) In general.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) Political party affiliation.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) Initial meeting.—Once 10 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) Quorum; vacancies.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) Sense of congress on qualifications of commission members.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) Functions of the Commission.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development and implementation of policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines the causes and factors contributing to the alleged abuse of detainees, and whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals;

(E) assesses the responsibility of leaders for policies and actions, or failures to act, that may have contributed to the mistreatment of detainees; and

(F) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) Powers of the Commission.—

(1) In general.—

(A) Hearings and evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) Subpoenas.—

(i) Issuance.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) Enforcement.—

(I) In general.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) Additional enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) Closed meetings.—

(A) In general.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) Additional authority.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) Information from federal agencies.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(5) Assistance from federal agencies.—

(A) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) Other departments and agencies.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) STAFF OF THE COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) REPORT OF THE COMMISSION.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) TERMINATION.—

(1) TERMINATION.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1231. AFGHANISTAN.

(a) AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking "such sums as may be necessary for each of the fiscal years 2005 and 2006" and inserting "$2,400,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009".

(b) OTHER AUTHORIZATIONS OF APPROPRIATIONS FOR FOREIGN RELATIONS ACTIVITIES.—

(1) FISCAL YEAR 2007.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2007—

(A) for "International Military Education and Training", $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for "Foreign Military Financing Program" grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for "Peacekeeping Operations", $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) FISCAL YEARS 2008 AND 2009.—

(A) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2008 and 2009.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2008 and 2009 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—There are authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, for Defense-wide activities, $20,000,000 for support to provisional reconstruction teams in Afghanistan.

(d) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1232. PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY ON PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(d) NUCLEAR PROLIFERATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(2) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a

fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2007—

(A) for "Development Assistance", $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d);

(B) for the "Child Survival and Health Programs Fund", $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the "Economic Support Fund", $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for "International Narcotics and Law Enforcement", $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", $10,000,000;

(F) for "International Military Education and Training", $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for "Foreign Military Financing Program", $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1233. SAUDI ARABIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing antiterrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 1301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the Nunn-Lugar Cooperative Threat Reduction Act of 2004), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 1302. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) PROGRAM.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEPARTMENT OF DEFENSE.—There are authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 1303. ADDITIONAL ASSISTANCE TO ACCELERATE NON-PROLIFERATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.—There are authorized to be appropriated to the Department of Defense $105,000,000 for fiscal year 2007 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at nuclear warhead storage sites located in Russia or another country of the former Soviet Union, $15,000,000.

(2) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekistan, $15,000,000.

(3) To accelerate destruction of Libyan chemical weapons, materials, and related equipment, $75,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2007 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at nuclear warhead storage sites located in Russia or in another country, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2007 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical and biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the Soviet biological weapons research and production facilities to commercial enterprises through the Bio-Industry Initiative, $10,000,000.

(2) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 1304. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There are authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 1311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks "were potentially vulnerable to interception by border authorities".

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 1312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—First Responders

SEC. 1321. FINDINGS.

Congress makes the following findings:

(1) In a report entitled "Emergency First Responders: Drastically Underfunded, Dangerously Unprepared", an independent task force sponsored by the Council on Foreign Relations found that "America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.".

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 1322. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108-447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2007, $1,250,000,000;

(2) for fiscal year 2008, $1,400,000,000; and

(3) for fiscal year 2009, $1,600,000,000.

SEC. 1323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting "and prosecutor" after "increase police"; and

(2) by inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C)—

(i) by striking "or pay overtime"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2), by striking all that follows "SUPPORT SYSTEMS.—" and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7), by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10), by striking "and" at the end;

(5) in paragraph (11), by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may"; and

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2), by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

"(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

“(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

“(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

“(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

“(f) Community-Based Prosecution Program.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

“(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

“(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

“(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.”.

(f) Retention Grants.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

“(d) Retention Grants.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).”.

(g) Definitions.—

(1) Career law enforcement officer.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after “criminal laws” the following: “including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.”.

(2) School resource officer.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;”;

(B) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;”; and

(C) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”.

(h) Authorization of Appropriations.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

“(i) $1,150,000,000 for fiscal year 2007;

“(ii) $1,150,000,000 for fiscal year 2008;

“(iii) $1,150,000,000 for fiscal year 2009;

“(iv) $1,150,000,000 for fiscal year 2010;

“(v) $1,150,000,000 for fiscal year 2011; and

“(vi) $1,150,000,000 for fiscal year 2012.”; and

(2) in subparagraph (B)—

(A) by striking “3 percent” and inserting “5 percent”;

(B) by striking “1701(f)” and inserting “1701(g)”;

(C) by striking the second sentence and inserting “Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.”;

(D) by striking “85 percent” and inserting “$600,000,000”; and

(E) by striking “1701(b),” and all that follows through “of part Q” and inserting the following: “1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).”.

TITLE XIV—PROTECTING TAXPAYERS

SEC. 1401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) Requirement for Reports.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(1) Counting and categorizing acts of international terrorism.

(2) Monitoring counterterrorism efforts of foreign governments.

(3) Monitoring financial support provided to terrorist groups.

(4) Assessing the success of United States counterterrorism policies and practices.

(b) Schedule of Reports.—The Comptroller General shall submit to Congress an initial report under subsection (a) not later than 1 year after the date of the enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 1402. PROHIBITION ON PROFITEERING.

(a) Prohibition.—

(1) In general.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

“(a) Prohibition.—

“(1) In general.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

“(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

“(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

“(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

“(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

"(2) Fine.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) Venue.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) Table of sections.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.".

(b) Civil Forfeiture.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(c) Criminal Forfeiture.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)" after "liquidating agent of financial institution),".

TITLE XV—OTHER MATTERS

SEC. 1501. SENSE OF CONGRESS ON MILITARY COMMISSIONS FOR THE TRIAL OF PERSONS DETAINED IN THE GLOBAL WAR ON TERRORISM.

(a) Findings.—Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power "To define and punish . . . Offenses against the Law of Nations", as well as the power "To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy.".

(2) On November 13, 2001, the President issued a military order establishing military commissions to try individuals detained in the global war on terrorism.

(3) On June 29, 2006, the Supreme Court held in *Hamdan v. Rumsfeld* (126 S. Ct. 2749 (2006)) that—

(A) the authority to establish military commissions "can derive only from the powers granted jointly to the President and Congress in time of war";

(B) the military commission established by the President to try Hamdan "lacks the power to proceed" because the procedures governing the commission departed impermissibly from the procedures governing courts martial and the requirements of Common Article 3 of the Geneva Conventions; and

(C) procedures governing military commissions may depart from the procedures governing courts martial "only if some practical need explains deviations from court-martial practice".

(b) Sense of Congress.—It is the sense of Congress that—

(1) aliens detained by the United States who are alleged to have violated the law of war should be tried for their offenses;

(2) it is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish offenders against the law of war;

(3) procedures established by Congress for the use of military commissions should be consistent with the decision of the Supreme Court in *Hamdan v. Rumsfeld*;

(4) in drafting legislation for the use of military commissions, the Committees on Armed Services of the Senate and the House of Representatives should take into account the views of professional military lawyers who have experience in prosecuting, defending, and judging cases under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(5) the Committee on Armed Services of the Senate is drafting a bipartisan proposal on military commissions that reflects the views of senior military lawyers, and this process must be allowed to move forward; and

(6) as the Judge Advocate General of the Navy explained in testimony before the Committee on Armed Services of the Senate on July 13, 2006, "[w]e need to think in terms of the long view, and to always put our own sailors, soldiers, Marines, and airmen in the place of an accused when we're drafting these rules to ensure that these rules are acceptable when we have someone in a future war who faces similar rules".

DIVISION C—INTELLIGENCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

TITLE XXI—INTELLIGENCE ACTIVITIES

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 2102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 2101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this division under section 2103.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 2103. INCORPORATION OF CLASSIFIED ANNEX.

(a) Status of Classified Annex.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this division.

(b) Construction With Other Provisions of Division.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this division.

(c) Limitation on Use of Funds.—Funds appropriated pursuant to an authorization contained in this division that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 2104. PERSONNEL CEILING ADJUSTMENTS.

(a) Authority for Adjustments.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 2102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) Notice to Intelligence Committees.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 2105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 2102(a) for advanced research and development shall remain available until September 30, 2008.

(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 2106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill ______ of the One Hundred Ninth Congress, or in the classified annex to this division, is hereby incorporated into this division, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

SEC. 2108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.".

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 2301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 2302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 2303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 2304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Notice on Information Not Disclosed.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

"(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

"(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) Conforming amendment.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) Reports and Notice on Covert Actions.—

(1) Form and content of certain reports.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) Notice on information not disclosed.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

"(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

"(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.".

(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 2305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) Delegation of Authority.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) Submittal of Guidelines to Congress.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 2307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SEC. 2308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) Disclosure of Agent After Access to Information Identifying Agent.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) Disclosure of Agent After Access to Classified Information.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 2309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

"RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

"Sec. 1103. (a) Authority To Retain Amounts Paid.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) Crediting of Amounts Retained.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) Availability of Amounts.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) Debt Owed to an Element of the Intelligence Community Defined.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

"Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.".

SEC. 2310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking "or" at the end;

(2) in paragraph (12), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

"(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activity conducted by the receiving element of the intelligence community and pertains to an identifiable individual or, upon the authorization of the Director of National Intelligence (or a designee of the Director in a position not lower than Deputy Director of National Intelligence), other than an identifiable individual; or

"(B) by any other agency that maintains the record, if—

"(i) the head of the element of the intelligence community makes a written request to that agency specifying the particular portion of the record that is relevant to a lawful and authorized activity of the element of the intelligence community to protect against international terrorism or the proliferation of weapons of mass destruction; or

"(ii) the head of that agency determines that—

"(I) the record, or particular portion thereof, constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)) or information concerning the proliferation of weapons of mass destruction; and

"(II) the disclosure of the record, or particular portion thereof, will be to an element of the intelligence community authorized to collect and analyze foreign intelligence or counterintelligence information related to international terrorism or the proliferation of weapons of mass destruction.".

(b) EXEMPTION FROM CERTAIN PRIVACY ACT REQUIREMENTS FOR RECORD ACCESS AND ACCOUNTING FOR DISCLOSURES.—Elements of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) receiving a disclosure under subsection (b)(13) of section 552a of title 5, United States Code, shall not be required to comply with subsection (c)(3), (c)(4), or (d) of such section 552a with respect to such disclosure, or the records, or portions thereof, disclosed under subsection (b)(13) of such section 552a.

(c) CONSULTATION ON DETERMINATIONS OF INFORMATION TYPE.—Such section is further amended by adding at the end the following new subsection:

"(w) AUTHORITY TO CONSULT ON DETERMINATIONS OF INFORMATION TYPE.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.".

(d) CONSTRUCTION.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) RECORDKEEPING REQUIREMENTS.—

(1) RETENTION OF REQUESTS.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) ACCESS TO RETAINED REQUESTS.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying explanation, is consistent with the protection of intelligence sources and methods;

(ii) such official is appropriately cleared for access to such request, and any accompanying explanation; and

(iii) the access of such official to such request, and any accompanying explanation, is necessary for the performance of the duties of such official.

(B) The Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Inspector General of any element of the intelligence community having jurisdiction over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through the termination of this section and the amendments made by this section under subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on the administration of this section and the amendments made by this section.

(2) FINAL REPORT.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) REVIEW AND REPORT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) FORM OF REPORTS.—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) ELEMENTS.—The guidelines prescribed under paragraph (1) shall—

(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be submitted to the Select Committee on Intelligence of the Senate

and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) Effective Date.—

(1) In general.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the issuance of the guidelines required by subsection (g).

(2) Certain requirements.—Subsections (f) and (g) shall take effect on the date of the enactment of this Act.

(i) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(j) Termination.—This section and the amendments made by this section shall cease to have effect on the date that is three years after the date of the issuance of the guidelines required by subsection (g).

SEC. 2311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 2312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) Funds of Office of Director of National Intelligence.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) Funds of Central Intelligence Agency.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) Travel and Transportation Expenses Defined.—In this section, the term "travel and transportation expenses" means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 2313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) Form.—The report required by subsection (a) shall be submitted in classified form.

(d) Definitions.—In this section:

(1) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term "intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 2314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) In General.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) Director of National Intelligence Report.—

(1) Report required.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) Elements.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) Form of report.—The report required by paragraph (1) shall be submitted in classified form.

SEC. 2315. SENSE OF CONGRESS ON ELECTRONIC SURVEILLANCE.

(a) Findings.—Congress makes the following findings:

(1) United States government authorities should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization.

(2) Absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law abiding Americans with no ties to terrorism.

(3) The Foreign Intelligence Surveillance Act of 1978 (FISA) authorizes the President to obtain a warrant for the electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization. That Act also establishes procedures for engaging in electronic surveillance without a warrant on a temporary basis when emergency circumstances make obtaining a warrant impractical.

(4) During the quarter century since the enactment of the Foreign Intelligence Surveillance Act of 1978, the Foreign Intelligence Surveillance Court has issued a warrant for electronic surveillance in response to all but 5 of the approximately 19,000 applications for such a warrant.

(5) Congress has amended the Foreign Intelligence Surveillance Act of 1978 numerous times, including six times since September

11, 2001, to streamline the procedures for obtaining a warrant from the Foreign Intelligence Surveillance Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives must be fully briefed on the history, operation, and usefulness of the warrantless wiretapping program carried out by the National Security Agency;

(2) Congress should modify the Foreign Intelligence Surveillance Act of 1978 as needed to ensure that the government may engage in electronic surveillance of telephone conversations in which one party is reasonably believed to be a member or agent of a terrorist organization;

(3) the requirement that the government must, absent emergency or other appropriate circumstances, obtain a judicial warrant prior to engaging in electronic surveillance of a United States person should remain in place to protect the privacy of law abiding Americans with no ties to terrorism; and

(4) the President is not above the law and must abide by congressionally-enacted procedures for engaging in electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 2401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

"(G) in carrying out this subsection, have the authority—

"(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

SEC. 2402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 2403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting "(1)" before "Unless"; and

(2) by adding at the end the following new paragraph:

"(2) The Director of National Intelligence shall—

"(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

"(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

"(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.".

SEC. 2404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

"(A) the Director may authorize the use of interagency financing for—

"(i) national intelligence centers established by the Director under section 119B; and

"(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

"(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

"(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 2405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking "**WITH**" and inserting "**OF HEADQUARTERS WITH HEADQUARTERS OF**";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 2406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 2407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended by striking "the President, by and with the advice and consent of the Senate" and inserting "the Director of National Intelligence".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 2408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

“(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

“(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

“(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

“(3) In the event that—

“(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 2409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 2410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE CENTER

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Center.".

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 2411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

"OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

"(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

"(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

"(2) Information and records described in this paragraph are the following:

"(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

"(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

"(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

"(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

"Sec. 700. Operational files in the Office of the Director of National Intelligence.".

SEC. 2412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e-1) is amended to read as follows:

"(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

"(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.".

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking "to the Central Intelligence Agency or to the Intelligence Community Staff" and inserting "to the Office of the Director of National Intelligence or to the Central Intelligence Agency"; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or Director of the Central Intelligence Agency".

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting "PERSONNEL ELIGIBLE FOR AWARDS.—" after "(b)";

(B) by striking "subsection (a) of this section" and inserting "subsection (a)"; and

(C) by striking "a date five years before the date of enactment of this section" and inserting "December 9, 1978"; and

(2) in subsection (c), as so redesignated, by inserting "PAYMENT AND ACCEPTANCE OF AWARDS.—" after "(c)".

SEC. 2413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 2414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or”;

(2) in paragraph (2), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) the Office of the Director of National Intelligence.”.

SEC. 2415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director's designee.”.

SEC. 2416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 2421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting “from civilian life” after “who shall be appointed”.

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

“(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.”.

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking “subsection (d)” and inserting “subsection (e)”.

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Deputy Director of the Central Intelligence Agency.”.

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

“(C) The Deputy Director of the Central Intelligence Agency.”.

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 2422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and”.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking “section 102A(i)” and all that follows through “unauthorized disclosure” and inserting “sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))”.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking “OF DCI”;

(2) by striking “section 102A(i)” and inserting “sections 102A(i) and 104A(e)(4)”;

(3) by striking “of National Intelligence”; and

(4) by inserting “of the Central Intelligence Agency” after “methods”.

SEC. 2423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(2) in paragraph (2), by striking “position or category of positions” each place it appears and inserting “individual, individuals, position, or category of positions”; and

(3) by adding at the end the following new paragraph:

“(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the

Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.".

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: "The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007."; and

(2) in the second sentence—

(A) by striking "section 104A(g)(2), as so added" and inserting "subsection (h)(2) of section 104A, as so added and redesignated"; and

(B) by striking "position or category of positions" and inserting "individual, individuals, position, or category of positions".

SEC. 2424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 2425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 2431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 2432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 2433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 2434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) Director of National Security Agency.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"Sec. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) Director of National Geospatial-Intelligence Agency.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) Director of National Reconnaissance Office.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Positions of Importance and Responsibility.—

(1) Designation of positions.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) Covered positions.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) Effective Date and Applicability.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 2435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 2436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 2441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) Authority To Pay Incentive.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) Covered Employees.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 2442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

"SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

"Sec. 23A. (a) Authority To Enter Into Contracts.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

"(1) the services to be procured are urgent or unique; and

"(2) it would not be practicable for the Department to obtain such services by other means.

"(b) Treatment as Employees of the United States Government.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

"(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

"(c) Contract To Be Appropriate Means of Securing Services.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.".

SEC. 2443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 2444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE XXV—OTHER MATTERS

SEC. 2501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 2502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 2503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 2504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 441(c).

(9) Section 441(d).

(10) Section 443(d).

(11) Section 2273(b)(1).

(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in a provision as follows and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(1) Section 441(c).

(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 2505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)" and inserting "authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).".

SEC. 2506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "FOREIGN"; and

(2) by striking "foreign" each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 2507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 2508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)(XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

“§ 1336. National Geospatial-Intelligence Agency: special publications”.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

“1336. National Geospatial-Intelligence Agency: special publications.”.

(c) Homeland Security Act of 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

(d) Inspector General Act of 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “National Imagery and Mapping Agency” each place it appears and inserting “National Geospatial-Intelligence Agency”.

(e) Ethics in Government Act of 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

(f) Other Acts.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

DIVISION D—TRANSPORTATION SECURITY

TITLE XXXI—MARITIME SECURITY

SEC. 3101. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This title may be cited as the “Maritime Transportation Security Act of 2006”.

(b) Definitions.—In this title:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(2) Commissioner.—The term “Commissioner” means the Commissioner of Customs.

(3) Department.—The term “Department” means the Department of Homeland Security.

(4) Secretary.—The term “Secretary” means the Security of Homeland Security.

SEC. 3102. INTERAGENCY OPERATIONAL COMMAND CENTERS FOR PORT SECURITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70103 the following new section:

“§ 70103A. Interagency operational command centers for port security

“(a) In General.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary, shall establish interagency operational command centers for port security at all high priority ports.

“(b) Characteristics.—The interagency operational centers shall—

“(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California and the virtual operation center at the port of New York/New Jersey;

“(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each center is operating;

“(3) provide for participation by—

“(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, the Department of Justice, and other Federal agencies, determined to be appropriate by the Secretary of Homeland Security;

“(B) representatives of State and local law enforcement or port security personnel; and

“(C) members of the area maritime security committee, as deemed appropriate by the Coast Guard Captain of the Port;

“(4) be incorporated in the implementation and administration of—

“(A) maritime transportation security plans developed under section 70103 of this title;

“(B) maritime intelligence activities under section 70113 of this title;

“(C) short and long range vessel tracking under sections 70114 and 70115 of this title;

“(D) secure transportation systems under section 70119 of this title;

“(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs;

“(F) the transportation security incident response plans required by section 70104 of this title; and

“(G) the execution of the protocols established under sections 3119 and 3120 of the Maritime Transportation Security Act of 2006 and the amendments made by such sections.

“(c) Report Requirement.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed for the report required by such section 807 in carrying out the requirements of this section.

“(d) Security Clearance Assistance.—The Secretary may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in maintaining their security clearances.

“(e) Security Incidents.—During a transportation security incident (as defined in section 70101(6) of this title) involving a port, the Coast Guard Captain of the Port, designated by the Commandant of the Coast Guard, in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of this title or by the President.”.

(b) Clerical Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70103 the following new item:

“70103A. Interagency operational command centers for port security.”.

(c) Budget and Cost-Sharing Analysis.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security of the House of Representatives, a proposed budget analysis for implementing subsection (a) of section 70103A of title 46, United States Code (as added by subsection (a) of this section), including cost-sharing arrangements with other departments and agencies of the Federal Government involved in the interagency operation of the centers established under such section 70101A.

SEC. 3103. SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) include a salvage response plan—

“(i) to identify salvage equipment capable of restoring operational trade capacity; and

“(ii) to ensure that the flow of cargo through United States ports is reestablished as efficiently and quickly as possible after a transportation security incident.”.

SEC. 3104. VESSEL AND FACILITY SECURITY PLANS.

Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking the “training, periodic unannounced drills and”;

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

“(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;”.

SEC. 3105. ASSISTANCE FOR FOREIGN PORTS.

(a) In General.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 70109. International cooperation and coordination”; and

(2) by adding at the end the following:

“(c) Foreign Assistance Programs.—

“(1) In general.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a strategic plan to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

“(2) Caribbean basin.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

“(A) the strategic location of such ports between South America and United States;

“(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

"(3) International cargo security standards.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

"(A) to promote standards for the security of containers and other cargo moving within the international supply chain;

"(B) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under the Maritime Transportation Security Act of 2006;

"(C) to implement the requirements of the container security initiative under section 70117; and

"(D) to implement standards and procedures established under section 70119.".

(b) Report on Security at Ports in the Caribbean Basin.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by July 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) Conforming Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

"70901. International cooperation and coordination".

SEC. 3106. PORT SECURITY GRANTS.

(a) Basis for Grants.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) Letters of Intent.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) Letters of intent.—The Secretary may execute letters of intent to commit funding for eligible costs. Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.".

SEC. 3107. OPERATION SAFE COMMERCE.

Section 70107 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(j) Operation Safe Commerce.—

"(1) In general.—Not later than 1 year after the date of the enactment of the Maritime Transportation Security Act of 2006, the Secretary shall initiate grant projects that—

"(A) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

"(B) test physical access control protocols and technologies;

"(C) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

"(D) otherwise further maritime and cargo security, as determined by the Secretary.

"(2) Supply chain security for special container and noncontainerized cargo.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

"(3) Annual report.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

"(A) the Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Committee on Homeland Security and Government Affairs of the Senate;

"(C) the Committee on Homeland Security of the House of Representatives;

"(D) the Committee on Appropriations of the Senate; and

"(E) the Committee on Appropriations of the House of Representatives.".

SEC. 3108. PORT SECURITY TRAINING PROGRAM.

(a) In General.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall establish a Port Security Training Program (in this section referred to as the "Program") for the purpose of enhancing the capabilities of each commercial seaports in the United States to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) Requirements.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods, including—

(A) direct delivery;

(B) train-the-trainer;

(C) computer-based training;

(D) web-based training; and

(E) video teleconferencing;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a "citizen corps", if necessary.

(c) National Voluntary Consensus Standards.—The Secretary shall—

(1) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training; and

(2) ensure that the training provided under this section is consistent with such standards.

(d) Training Partners.—In developing and delivering training under the Program, the Secretary shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

(e) Consultation.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with commercial seaport personnel and management.

(f) Commercial Seaport Personnel Defined.—For purposes of this section, the term "commercial seaport personnel" means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3109. PORT SECURITY EXERCISE PROGRAM.

(a) In General.—The Secretary shall establish a Port Security Exercise Program (in this section referred to as the "Program") for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall ensure that the Program—

(1) consolidates all existing port security exercise programs administered by the Department;

(2) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(3) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) REMEDIAL ACTION MANAGEMENT SYSTEM.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

(d) GRANT PROGRAM FACTOR.—In evaluating and prioritizing applications for the port security grant program under section 70107 of title 46, United States Code, the Secretary shall give additional consideration to those applicants that have conducted port security exercises under this section.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with—

(1) governmental and nongovernmental emergency response providers; and

(2) commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term "commercial seaport personnel" means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3110. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SEC. 3111. DEADLINE FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARDS.

Section 70105(a) of title 46, United States Code, is amended by adding at the end the following:

"(3) The Secretary shall—

"(A) promulgate a final rule to implement this section not later than January 1, 2007;

"(B) conduct a complete review of the biometric card readers not later than 90 days after the promulgation of such rule; and

"(C) implement this section not later than July 1, 2007.".

SEC. 3112. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security, in consultation with the Secretary of the Treasury and the United States Trade Representative, shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Not later than 1 year after date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate) regarding implementation of user fees;

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improving and maintaining security;

(3) includes an assessment of the impact of the fees, charges, and standards on the competitiveness of United States ports and port terminal operators; and

(4) includes recommendations for addressing any negative impact the fees, charges, and standards have on the competitiveness of United States ports and port terminal operators.

SEC. 3113. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

"(D) verify the effectiveness of each such facility security plan periodically, not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.".

SEC. 3114. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

"(d) PERIODIC REASSESSMENT.—The Secretary shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.".

SEC. 3115. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Customs, shall conduct a 1-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 3116. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed time line of when radiation detection equipment will be deployed at each of the ports of entry identified under paragraph (1);

(3) the type of equipment to be used at each of the ports of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking and communications and response protocols;

(5) operator training plans;

(6) the Department policy for the use of nonintrusive inspection equipment; and

(7) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry used under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to appropriate congressional committees.

(d) OTHER WMD THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the deployment of equipment to detect chemical, biological, and other weapons at all ports of entry into the United States to appropriate congressional committees.

(e) IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 3117. EVALUATION OF THE ENVIRONMENTAL HEALTH AND SAFETY IMPACTS OF NONINTRUSIVE INSPECTION TECHNOLOGY.

(a) RADIATION SAFETY.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Institutes of Health, in conjunction with the Director of the Domestic Nuclear Detection Office and the Commissioner of Customs, shall—

(1) conduct an evaluation of the health and safety impacts of non-intrusive inspection technology; and

(2) identify appropriate operational protocols for the use of United States Customs and Border Protection non-intrusive inspection equipment.

(b) Submission to Congress.—The final evaluation conducted under subsection (a) shall be transmitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

SEC. 3118. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

The Act of February 13, 1911 (36 Stat. 901, chapter 46; 19 U.S.C. 267) is amended by inserting after section 5 the following new section:

“SEC. 5A. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

“(a) In General.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection of the Department of Homeland Security, there are authorized to be appropriated for the purpose of increasing the number of Customs and Border Protection personnel, to remain available until expended, the following:

“(1) $88,000,000 in fiscal year 2007.

“(2) $176,000,000 in fiscal year 2008.

“(3) $189,000,000 in fiscal year 2009.

“(b) Additional Personnel.—The additional personnel authorized under subsection (a) shall include:

“(1) 1,000 additional Customs and Border Protection Officers at United States ports of entry, of which the Commissioner of Customs shall assign—

“(A) at least 1 additional officer at each port of entry in the United States; and

“(B) the balance of the additional officers authorized by this subsection among ports of entry in the United States based upon the volume of trade.

“(2) 100 nonsupervisory import specialists for the purpose of performing trade facilitation and enforcement functions.

“(c) Resource Allocation Model.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner of Customs shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of the United States Customs and Border Protection, including inspection and cargo clearance and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

“(1) performing revenue functions;

“(2) enforcing antidumping and countervailing laws;

“(3) protecting intellectual property rights;

“(4) enforcing provisions of law relating to textiles;

“(5) conducting agricultural inspections; and

“(6) enforcing penalties.”.

SEC. 3119. STRATEGIC PLAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies, public port authorities, and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall submit, to appropriate congressional committees, a comprehensive strategic plan to enhance international supply chain.

(b) Content.—The strategic plan submitted under subsection (a) shall—

(1) clarify and delineate the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private sector stakeholders that relate to the security of the movement of containers arriving in, departing from, or moving through seaports of the United States;

(2) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(3) build on available resources and consider costs and benefits;

(4) identify mandatory, baseline security goals, and the minimum container security standards and procedures;

(5) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

(6) identify a framework for prudent and measured response in the event of a transportation security incident (as defined in section 70101 of title 46, United States Code,) in a United States seaport;

(7) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with the amendments made by section 3120 of this Act;

(8) focus on the secure movement of containerized cargo:

(9) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorist financing programs;

(10) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the National Maritime Transportation Security Plan; and

(11) ensure that supply chain security mandates and voluntary programs, to the extent practicable, provide even-handed treatment for affected parties of the same type, regardless of the size of the particular business.

(c) Update.—Not less than 3 years after the strategic plan is submitted under subsection (a), the Secretary shall submit an update of the strategic plan to appropriate congressional committees.

(d) Consultations.—Consultations described in subsection (a) shall focus on—

(1) designing measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of the international supply chain;

(2) identifying and addressing gaps in capabilities, responsibilities, resources, or authorities;

(3) identifying and streamlining unnecessary overlaps in capabilities, responsibilities, or authorities; and

(4) identifying and making recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain.

(e) Utilization of Advisory Committees.—As part of the consultative process, the Secretary shall utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review the draft strategic plan and any subsequent update to that plan.

(f) International Standards and Practices.—In furtherance of the strategic plan, the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including, as appropriate, the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization to establish standards and best practices for the security of containers moving through the international supply chain.

SEC. 3120. RESUMPTION OF TRADE.

(a) Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after the end period: “The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

“(i) vessels that have a vessel security plan approved under subsection (c) or vessels that have a valid international ship security certificate; and

“(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105.”.

(b) Title III of the Tariff Act of 1930 is amended by inserting after section 318 the following new section:

“SEC. 318A. TRADE RESUMPTION PLAN.

“(a) Definitions.—In this section:

“(1) Inspection.—The term ‘inspection’ means the comprehensive process used by the personnel of the United States Customs and Border Protection to assess goods entering the United States for duty purposes, to detect the presence of restricted or prohibited items, or to ensure compliance with applicable laws. The process may include screening, conducting an examination, or conducting a search.

“(2) Targeting.—The term ‘targeting’ means the process used by the personnel of the United States Customs and Border Protection to determine the risk of security or trade violations associated with cargo bound for the United States.

“(3) Transportation disruption.—The term ‘transportation disruption’ means any significant delay, interruption, or stoppage in the flow of international trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 1572.3 of title 49, Code of Federal Regulations.

“(b) Trade Resumption Plan.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop a Trade Resumption Plan to provide for the resumption of trade in the event of a transportation disruption. The Plan shall include—

“(1) a program to redeploy resources and personnel, as necessary, to reestablish the flow of international trade in the event of a transportation disruption;

“(2) a training program to periodically instruct personnel of the United States Customs and Border Protection in trade resumption functions in the event of a transportation disruption;

“(3) a plan to revise cargo targeting and inspection protocols to meet the security and trade facilitation needs of the United States following a transportation disruption, including, to the extent practicable, giving priority to—

“(A) cargo originating from a designated port described in section 629(j);

“(B) cargo that has been handled, stored, shipped, and imported by, or otherwise processed by, a tier 3 participant in the Customs-Trade Partnership Against Terrorism (C-TPAT);

“(C) cargo that has undergone nuclear or radiological detection scan, x-ray or density scan, and optical character recognition scan, at the last port of departure prior to arrival in the United States;

“(D) cargo transported in containers with tamper-proof seals;

“(E) perishable cargo; and

“(F) any other cargo the Commissioner considers appropriate;

“(4) a plan to communicate any revised procedures or instructions to the private sector following a transportation disruption; and

“(5) a plan to coordinate trade facilitation efforts among affected ports of entry following a transportation disruption.

“(c) CONSULTATIONS.—

“(1) IN GENERAL.—The Commissioner of Customs shall consult with appropriate government agencies, port authorities, terminal operators, and the Customs Commercial Operations Advisory Committee (COAC) in the development of the Trade Resumption Plan.

“(2) PUBLIC COMMENT.—The Commissioner of Customs shall afford port authorities, terminal operators, and the COAC 60 days in which to comment on a draft Trade Resumption Plan before finalizing such plan.

“(d) EXERCISES.—The Commissioner of Customs shall coordinate annual exercises with appropriate Federal, State, and local agencies, port authorities, terminal operators, and tier 3 participants in the C-TPAT to practice and prepare for implementation of the Trade Resumption Plan. Such exercises shall be coordinated with the Coast Guard's area maritime security plan exercises.

“(e) REPORT AND CONSULTATION.—Not later than 180 days after the date that the annual exercises described in subsection (d) are completed, the Commissioner of Customs shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the status of the Trade Resumption Plan required by subsection (b) and the result of exercises required by subsection (d), and shall consult with the committees regarding any proposals to revise the Plan.”.

SEC. 3121. AUTOMATED TARGETING SYSTEM.

Title III of the Tariff Act of 1930, as added by section 3120 of this Act, is amended by inserting after section 318A the following:

“SEC. 318B. AUTOMATED TARGETING SYSTEM.

“(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of Customs, shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports that pose a high risk of containing contraband.

“(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the Automated Targeting System, the Commissioner shall require importers shipping goods to the United States via cargo container to supply advanced trade data or a subset thereof not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2). The requirement shall apply to goods entered on or after July 1, 2007.

“(c) NEW OR EXPANDED INFORMATION SUBMISSIONS.—

“(1) IN GENERAL.—Any additional information submissions allowable within the Commissioner's existing authority or submitted voluntarily by supply chain participants shall be transmitted in a secure fashion, as determined by the Commissioner and in accordance with this subsection, to protect the information from unauthorized access.

“(2) CONFIDENTIALITY OF INFORMATION.—Information that is required of, or voluntarily submitted by, supply chain participants to the United States Customs and Border Protection for purposes of this section—

“(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

“(B) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

“(C) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

“(i) in furtherance of an investigation or other prosecution of a criminal act; or

“(ii) when disclosure of the information would be—

“(I) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or

“(II) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

“(3) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this subsection shall be construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

“(4) PENALTIES.—Any person who is an officer or employee of the United States and knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected in this section from disclosure, shall be—

“(A) fined under title 18, United States Code, imprisoned not more than 1 year, or both; and

“(B) removed from office or employment.

“(5) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning under this paragraph, the Secretary shall take appropriate actions to protect from disclosure—

“(A) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

“(B) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

“(6) SYSTEM IMPROVEMENTS.—The Automated Targeting System used by the United States Customs and Border Protection to identify cargo for increased inspection prior to the clearance of such cargo into the United States shall include a component to permit—

“(A) the electronic comparison of similar manifest and available entry data for cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption; and

“(B) the electronic isolation of select data elements relating to cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the Automated Targeting System to identify high-risk oceanborne container cargo for inspection—

“(A) $30,700,000 for fiscal year 2007;

“(B) $33,200,000 for fiscal year 2008; and

“(C) $35,700,000 for fiscal year 2009.

“(2) SUPPLEMENT.—The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that the Automated Targeting System.”.

SEC. 3122. CONTAINER SECURITY INITIATIVE.

(a) AUTHORIZATION.—The Secretary, acting through the Commissioner of Customs, is authorized to establish and implement a program (to be known as the “Container Security Initiative” or “CSI”) to identify and examine maritime containers that pose a security risk at foreign ports before the containers are shipped to the United States.

(b) ASSESSMENT.—Before the Secretary designates any foreign port under CSI, the Secretary, in coordination with other Federal officials, as appropriate, shall conduct an assessment of the port to evaluate the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists or terrorist weapons;

(2) the smuggling of narcotics;

(3) large scale violations of united States trade laws, including intellectual property rights and textile transshipment;

(4) the economic impact of cargo traveling from the foreign port to the United States in terms of trade value and volume;

(5) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(6) the capabilities and level of cooperation expected of the government of the intended host country;

(7) the willingness of the government of the intended host country to permit validation of security practices within the country in which the foreign port is located, for the purposes of C-TPAT or similar programs; and

(8) the potential for C-TPAT cargo traveling through the foreign port.

(c) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under CSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under CSI, to appropriate congressional committees.

(d) CURRENT CSI PORTS.—The report under subsection (c) shall include an annual assessment justifying the continuance of each port designated under CSI as of the date of enactment of this Act.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port under CSI unless the Secretary has completed the assessment required in subsection (b) for that port and submitted a report under subsection (c) that includes that port.

(f) NEGOTIATIONS.—The Secretary may request that the Secretary of State, in conjunction with the United States Trade Representative, enter into trade negotiations with the government of each foreign country with a port designated under CSI, as appropriate, to ensure full compliance with the requirements under CSI.

(g) INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

(A) establish technical capability requirements and standard operating procedures for the use of nonintrusive inspection and radiation detection equipment in conjunction with CSI;

(B) require that the equipment operated at each port designated under CSI be operated in accordance with the requirements and procedures established under subparagraph (A); and

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI.

(2) CONSIDERATIONS.—

(A) CONSISTENCY OF STANDARDS AND PROCEDURES.—In establishing the technical capability requirements and standard operating procedures under paragraph (1)(A), the Secretary shall take into account any such relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies.

(B) APPLICABILITY.—The technical capability requirements and standard operating procedures established pursuant to paragraph (1)(A) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy.

(3) FOREIGN ASSISTANCE.—

(A) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

(B) ACQUISITION.—The Secretary may—

(i) lease, loan, provide, or otherwise assist in the deployment of non-intrusive inspection and handheld radiation detection equipment at foreign seaports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(ii) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(C) TRAINING.—The Secretary may provide training on the use of inspection equipment, or other training that the Secretary determines to be appropriate to secure the international supply chain, to foreign personnel at each port designated under CSI.

(h) PERSONNEL.—The Secretary shall—

(1) annually assess the personnel needs at each port designated under CSI; and

(2) deploy personnel in accordance with the assessment under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $142,000,000 for fiscal year 2007;

(2) $144,000,000 for fiscal year 2008; and

(3) $146,000,000 for fiscal year 2009.

SEC. 3123. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM VALIDATION PROGRAM.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary program (to be known as the "Customs-Trade Partnership Against Terrorism" or "C-TPAT") to strengthen and improve the overall security of the international supply chain and United States border security.

(2) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

(b) ELIGIBLE ENTITIES.—Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

(c) MINIMUM REQUIREMENTS.—An applicant seeking to participate in C-TPAT shall—

(1) demonstrate a history of moving commerce in the international supply chain;

(2) conduct an assessment of its supply chains based upon security criteria established by the Secretary, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria; and

(4) meet all other requirements established by the Secretary.

(d) TIER ONE PARTICIPANTS.—

(1) BENEFITS.—The Secretary may offer limited benefits to C-TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (c).

(2) GUIDELINES.—The Secretary shall update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section.

(e) TIER TWO PARTICIPANTS.—

(1) IN GENERAL.—Not later than 1 year after a C-TPAT participant has been certified under subsection (d), the Secretary shall validate the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by the participant as part of the supply chain.

(2) CONSEQUENCES FOR FAILED VALIDATION.—If a C-TPAT participant's security measures and supply chain security practices fail to meet the validation requirements under this section, the Commissioner of Customs may—

(A) deny the participant benefits under C-TPAT on a temporary or permanent basis; or

(B) suspend or expel the participant from C-TPAT.

(3) RIGHT OF APPEAL.—A C-TPAT participant described in this subsection may file an appeal with the Secretary of the Commissioner's decision under paragraph (2) to deny benefits under C-TPAT or under paragraph (2) to suspend or expel the participant from C-TPAT.

(4) BENEFITS.—The Secretary shall extend benefits to each C-TPAT participant that has been validated under this section, which may include—

(A) reduced examinations; and

(B) priority processing for searches.

(f) TIER THREE PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall establish a third tier of C-TPAT that offers additional benefits to C-TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C-TPAT.

(2) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C-TPAT participants under this section that may include criteria to ensure—

(A) cargo is loaded on a vessel with a vessel security plan approved under section 70103(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

(B) container security devices, policies, or practices that exceed the standards and procedures established by the Secretary are utilized; and

(C) cargo complies with any other requirements determined by the Secretary.

(3) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee (COAC) and the National Maritime Security Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

(A) the expedited release of tier three cargo into destination ports within the United States during all threat levels designated by the Secretary;

(B) preference to vessels;

(C) further reduced examinations;

(D) priority processing for examinations; and,

(E) further reduced scores in the Automated Targeting System.

(4) DEFINITION.—In this section, the term "container security device" means a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.

(g) CONSEQUENCES FOR LACK OF COMPLIANCE.—

(1) IN GENERAL.—If a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this title, the Commissioner may deny the participant benefits in whole or in part under this section.

(2) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant intentionally provides false or misleading information during the validation process of the participant under this section, the Commissioner of Customs shall suspend or expel the participant from C-TPAT for a period of not less than 5 years.

(3) RIGHT OF APPEAL.—A C-TPAT participant may file an appeal with the Secretary of the Commissioner's decision under this subsection to deny benefits or suspend or expel the participant from C-TPAT.

(h) REVALIDATION.—The Secretary shall establish a process for revalidating C-TPAT participants under this title. Such revalidation shall occur not less frequently than once during every 4-year period following the initial validation.

(i) NON-CONTAINERIZED CARGO.—The Secretary may consider the potential for participation in C-TPAT by importers of non-containerized cargoes that otherwise meet the requirements under this section.

(j) STRATEGIC PLAN.—A 5-year Strategic Plan to identify outcome-based goals and performance measures of the Program.

(1) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(2) RESOURCE MANAGEMENT STAFFING PLAN.—The Commissioner shall—

(A) develop a staffing plan to recruit, train, and retain staff (including a formalized training program) to meet the objectives identified in the strategic plan;

(B) conduct a study of the Program's training needs and develop a comprehensive training program to support the certification, validation, and revalidation processes of the Program; and

(C) provide cross-training in post-incident trade resumption for personnel engaged in the Program.

(k) ADDITIONAL PERSONNEL.—In each of the fiscal years 2007 through 2009, the Secretary shall increase by not less than 50 (over the previous fiscal year) the number of positions for validation and revalidation activities of the C-TPAT, and shall provide appropriate training and support for the positions.

(l) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with COAC, the Commissioner shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, validation, or revalidation. The procedures shall include—

(1) measures for protecting data shared with any government agency;

(2) measures for providing a secure system for document storage accessible only to the appropriate personnel;

(3) measures for storing all electronic files in a manner that prevents theft, copying, or deletion; and

(4) measures for labeling all records to clearly mark what is considered confidential or a trade secret.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 3124. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Domestic Nuclear Detection Office, in consultation with the Director of the National Institute of Science and Technology and the Commissioner of Customs, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Director of the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies.

(c) FINAL RULE DEADLINE.—The Director of the Domestic Nuclear Detection Office shall issue a final rule under subsection (a) not later than 1 year after the rulemaking proceeding is initiated.

SEC. 3125. RANDOM INSPECTION OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. 3126. INTERNATIONAL TRADE DATA SYSTEM.

(a) IN GENERAL.—Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following new subsections:

"(d) INTERNATIONAL TRADE DATA SYSTEM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

"(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all Federal agencies.

"(C) PARTICIPATION.—

"(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

"(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on national security.

"(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

"(2) DATA ELEMENTS.—

"(A) IN GENERAL.—The Interagency Steering Committee established under paragraph (3) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Steering Committee shall periodically review the data elements in order to update the data elements, as necessary.

"(B) HARMONIZATION.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments or obligations established by the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry of cargo.

"(C) COORDINATION.—The Secretary of the Treasury shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

"(3) STEERING COMMITTEE.—There is established an Interagency Steering Committee. The members of the committee shall include the Secretary of the Treasury (who shall serve as the chairperson of the committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Steering Committee shall assist the Secretary of the Treasury in overseeing the implementation of, and participation in, the ITDS.

"(4) REPORT.—The Steering Committee shall submit a report annually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

"(A) the status of the ITDS implementation;

"(B) the extent of participation in the ITDS by Federal agencies;

"(C) the remaining barriers to any agency's participation;

"(D) the extent to which the ITDS is consistent with applicable standards established by the World Customs Organization and the World Trade Organization;

"(E) recommendations for technological and other improvements to the ITDS; and

"(F) the status of the Bureau's development, implementation, and management of the Automated Commercial Environment.

"(e) TREASURY OVERSIGHT.—The Secretary of the Treasury shall ensure that no fewer than 5 full-time equivalents in the Office of Tax, Trade, and Tariff Policy are available—

"(1) to carry out oversight of the customs revenue functions delegated to the Secretary of Homeland Security pursuant to section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212); and

"(2) to carry out oversight of the International Trade Data System established under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2007, 2008, and 2009, $750,000 for salaries and expenses required to carry out subsection (e).".

TITLE XXXII—RAIL SECURITY

SEC. 3201. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 3202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, consisting of representatives of the Transportation Security Administration, the Department of Transportation, and other appropriate Federal agencies, which shall complete a vulnerability and risk assessment of freight and passenger rail transportation (including railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Secretary of Homeland Security will work with the entities describe in subsection (b) and make use of existing expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate Federal agencies;

(B) the identification and evaluation of critical assets and infrastructures;

(C) the identification of vulnerabilities and risks to those assets and infrastructures;

(D) the identification of vulnerabilities and risks that are specific to the transportation of hazardous materials by railroad;

(E) the identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the

Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required under subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads and State and local governments, for the Federal Government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives. The report shall contain the assessment, prioritized recommendations, and plans required under subsection (a) and an estimate of the cost to implement such recommendations. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—From the funds appropriated for fiscal year 2007, pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)). $5,000,000 shall be made available to the Secretary of Homeland Security to carry out this section.

SEC. 3203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, may award grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds provided to Amtrak under subsection (a) for projects contained in an Amtrak systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary of Homeland Security shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 3202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration to carry out this section—

(A) $63,500,000 for fiscal year 2007;

(B) $30,000,000 for fiscal year 2008; and

(C) $30,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, may award grants to Amtrak for fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, Baltimore, and Washington, D.C.

(b) FUNDING.—From the funds appropriated pursuant to section 3217(b), there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a)—

(1) $190,000,000 for each of the fiscal years 2007, 2008, and 2009 for the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers;

(2) $19,000,000 for each of the fiscal years 2007, 2008, and 2009 for the Baltimore & Potomac and Union tunnels, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades; and

(3) $13,333,000 for each of the fiscal years 2007, 2008, and 2009 for the Union Station tunnels in Washington, D.C., to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—From the funds appropriated for fiscal year 2007, pursuant to section 3217(b), $3,000,000 shall be made available to the Secretary of Transportation for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) INITIAL REVIEW.—Not later than 45 days after the date on which a plan required by paragraphs (1) and (2) of subsection (e) is submitted by Amtrak, the Secretary of Transportation shall complete a review of the plan and approve or disapprove the plan. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies.

(2) SUBMISSION OF MODIFIED PLAN.—Not later than 30 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLAN.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that describes the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan; and

(iii) obligate the funds associated with those other portions.

(4) AGREEMENT.—Not later than 15 days after the partial approval of a modified plan under paragraph (3), the Secretary shall execute an agreement with Amtrak that describes a process for resolving the remaining portions of the modified plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 3205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) Security Improvement Grants.—The Secretary of Homeland Security, through the Assistant Secretary of the Transportation Security Administration and other appropriate Federal agencies, may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges, research centers, and State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 3202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the international border between the United States and Mexico, the international border between the United States and Canada, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 3202, including infrastructure, facilities, and equipment upgrades.

(b) Grants to Amtrak.—The Secretary of Homeland Security, through the Secretary of Transportation, may award grants to Amtrak for the purposes described in subsection (a).

(c) Accountability.—The Secretary of Homeland Security shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Secretary.

(d) Allocation.—The Secretary of Homeland Security shall distribute the funds made available under this section based on risk and vulnerability as determined under section 3202. The Secretary shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(e) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (b) unless Amtrak meets the conditions set forth in section 3203(b).

(f) Allocation Between Railroads and Others.—Unless the Secretary of Homeland Security determines, based on the assessment required under section 3202, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) to Amtrak in an amount in excess of $45,000,000; or

(2) for the purposes described in paragraph (3) or (5) of subsection (a) in an amount in excess of $80,000,000.

(g) Funding.—

(1) In general.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $100,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) Availability.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) High Hazard Materials Defined.—In this title, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 3206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, in consultation with the Secretary of Transportation shall carry out a research and development program to improve freight and intercity passenger rail security. The program may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 3202.

(b) Coordination With Other Research Initiatives.—The Secretary of Homeland Security shall ensure that the research and development program established under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is sponsoring a research and development project in a similar area as of the date of the enactment of this Act; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) Grants and Accountability.—In carrying out the research and development program established under this section, the Secretary of Homeland Security—

(1) may award grants to the entities described in subsections (a) and (b) of section 3205; and

(2) shall adopt necessary procedures, including audits, to ensure that grant funds disbursed under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) Funding.—

(1) In general.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $35,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) Availability.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3207. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security may expend not more than 0.5 percent of the amounts made available for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans;

(2) to oversee construction of such projects; and

(3) to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) Procedures for Grant Award.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including—

(A) application and qualification procedures (including a requirement that the applicant have a security plan);

(B) a record of decision on applicant eligibility; and

(C) the execution of a grant agreement between the grant recipient and the Secretary.

(2) Consistency.—The procedures prescribed under this subsection shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 3208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by inserting after section 24313 the following:

"§ 24314. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit a plan to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security that addresses the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan submitted by Amtrak under subsection (a) shall include the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number not later than 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which—

"(A) the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control;

"(B) any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and

"(C) any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for not less than 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Funding.—From the funds appropriated for fiscal year 2007 pursuant to section 3217(b) of the Rail Security Act of 2006, $500,000 shall be made available to the Secretary of Transportation for the use of Amtrak to carry out this section. Amounts made available under this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by inserting after the item relating to section 24313 the following:

"24314. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 3209. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal agencies, and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 3210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address—

(1) the determination of the seriousness of any occurrence;

(2) crew communication and coordination;

(3) appropriate responses to defend or protect oneself;

(4) use of protective devices;

(5) evacuation procedures;

(6) psychology of terrorists to cope with hijacker behavior and passenger responses;

(7) situational training exercises regarding various threat conditions; and

(8) any other subject the Secretary considers to be appropriate.

(c) Railroad Carrier Security Training Programs.—

(1) In general.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review.

(2) Program review.—Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(3) Railroad carrier response.—A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments.

(d) Training.—

(1) Implementation.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program.

(2) Report.—The Secretary shall review implementation of the training program of a representative sample of railroad carriers and submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b), as appropriate.

SEC. 3211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—

"(1) IN GENERAL.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 of such Act to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed.

"(2) DAMAGES.—If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"20116. Whistleblower protection for rail security matters.".

SEC. 3212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration and the Secretary of Transportation, shall require rail carriers transporting a high hazard material and of a quantity equal or exceeding the quantities of such material listed in section 172.800, title 49, Code of Federal Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier described in subsection (a) shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security not later than 60 days after the date of the enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary not later than 180 days after the rail carrier receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary not later than 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall review each plan developed under this section and submit comments to the railroad carrier concerning any revisions that the Secretary considers to be necessary. A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments. Each rail carrier shall update and resubmit its plan for review not less than once every 2 years.

(d) DEFINITIONS.—In this section:

(1) HIGH-CONSEQUENCE TARGET.—The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) CATASTROPHIC IMPACT ZONE.—The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) RAIL CARRIER.—The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 3213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the Department of Transportation and the Department of Homeland Security signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the each department in addressing railroad transportation security matters, including the processes each department will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 3214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(A) IN GENERAL" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration, shall review the rail regulations of the Department of Transportation in existence as of the date of the enactment of this Act to identify areas in which such regulations need to be revised to improve rail security.

SEC. 3215. PUBLIC AWARENESS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness.

(b) CONTENTS.—The plan developed under this section shall—

(1) be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security; and

(2) provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security.

(c) IMPLEMENTATION.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 3216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 3206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, shall develop a program that will encourage the equipping of rail cars transporting high hazard materials in quantities equal to or greater than the quantities listed in section 172.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $3,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

SEC. 3217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

"(1) $206,500,000 for fiscal year 2007;

"(2) $168,000,000 for fiscal year 2008; and

"(3) $168,000,000 for fiscal year 2009.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20116 and 24314 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE XXXIII—MASS TRANSIT SECURITY

SEC. 3301. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

SEC. 3302. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 3303. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 3304, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 3304.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 3304. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 3303(a)(4); and

(F) other appropriate security improvements identified under section 3303(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3305. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public Transportation Agency Participation.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 3306. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) Grants Authorized.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) Use of Funds.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) Reporting Requirement.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3307. REPORTING REQUIREMENTS.

(a) Semi-Annual Report to Congress.—

(1) In general.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 3303 through 3306;

(B) the amount of funds appropriated to carry out the provisions of each of sections 3303 through 3306 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) Annual Report to Governors.—

(1) In general.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) Contents.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 3304(a), which shall remain available until expended.

(b) Operational Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section 3304(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) Intelligence.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3305.

(d) Research.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 3306, which shall remain available until expended.

SEC. 3309. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE XXXIV—AVIATION SECURITY

SEC. 3401. INAPPLICABILITY OF LIMITATION ON EMPLOYMENT OF PERSONNEL WITHIN TRANSPORTATION SECURITY ADMINISTRATION TO ACHIEVE AVIATION SECURITY.

(a) In General.—Notwithstanding any other provision of law, if the conditions set forth in subsection (b) are met, the Secretary of Homeland Security is not required to—

(1) comply with any statutory limitation on the number of employees in the Transportation Security Administration (referred to in this section as the "TSA"), whether before or after the transfer of the TSA from the Department of Transportation to the Department of Homeland Security; or

(2) comply with any administrative rule or regulation imposing a limitation on the recruitment or employment of personnel in the TSA to a maximum number of permanent positions.

(b) Conditions.—The conditions set forth in this subsection are met if the enforcement or compliance with a limitation, rule, or regulation described in subsection (a) would prevent the Secretary of Homeland Security from recruiting and employing in the TSA such personnel as may be necessary—

(1) to provide the highest levels of aviation security; and

(2) to accomplish the objective specified in paragraph (1) in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to less than 10 minutes.

SEC. 3402. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) Advanced Explosives Detection Systems.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) Availability.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 3403. AVIATION REPAIR STATION SECURITY.

(a) Certification of Foreign Repair Stations Suspension.—Beginning on the date that is 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, unless the Under Secretary for Border and Transportation Security has issued final regulations, pursuant to section 44924(f) of title 49, United States Code, to ensure the security of foreign and domestic aircraft repair stations.

(b) 6-Month Deadline for Security Review and Audit.—Section 44924 of title 49, United States Code, is amended by striking "18 months" each place it appears and inserting "6 months".

DIVISION E—A NEW DIRECTION IN IRAQ

TITLE XLI—UNITED STATES POLICY ON IRAQ

SEC. 4001. UNITED STATES POLICY ON IRAQ.

(a) Short Title.—This section may be cited as the "United States Policy on Iraq Act of 2006".

(b) Findings.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 129,000 Iraqi soldiers, sailors, and airmen, and more than 165,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 106 operational Iraqi Army combat battalions, 85 are either in the lead or operating independently, according to the August 2006 report of the Administration to Congress entitled "Measuring Stability and Security in Iraq";

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that "calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq".

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

SEC. 4002. SENSE OF SENATE ON NEED FOR A NEW DIRECTION IN IRAQ POLICY AND IN THE CIVILIAN LEADERSHIP OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Armed Forces of the United States have served honorably and courageously in Iraq, with more than 2,600 brave Americans having made the ultimate sacrifice and more than 20,000 wounded.

(2) The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with more than $300,000,000,000 in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) our troops deserve, and the American people expect, the George W. Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq; and

(2) President George W. Bush needs to change course in Iraq to provide a strategy for success, and one indication of such a change of course would be to replace the current Secretary of Defense.

TITLE XLII—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 4102. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. 4103. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 4104. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 4105. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this subtitle, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 4106. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 4107. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 4103 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 4103.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 4108. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 4109. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 4110. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 559—CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP STOP THE VIOLENCE IN DARFUR

Mr. BIDEN. (for himself, Mr. DEWINE, Mr. LUGAR, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. DODD, Mr. NELSON of Florida, Mr. LEVIN, Mr. FEINGOLD, Mr. DURBIN, Mrs. BOXER, Mr. VOINOVICH, Mr. SPECTER, Mr. CHAFEE, Mr. SUNUNU, Mr. MCCAIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SALAZAR, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. INOUYE, Mr. HAGEL, Mr. FRIST, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations.

Whereas the Darfur Peace Agreement, signed on May 5, 2006, between the Government of Sudan and rebels in Darfur has not resulted in a cessation of hostilities in Darfur;

Whereas, although the United Nations Security Council approved Security Council Resolution 1706 (2006), which provides for a United Nations peacekeeping presence in Darfur to replace the African Union Mission in Sudan (AMIS), the Government of Sudan has rejected the deployment of United Nations peacekeepers;

Whereas the Government of Sudan is engaged in a major offensive in Darfur, in direct violation of the Darfur Peace Agreement;

Whereas violence in the Darfur region has increased since the signing of the Darfur Peace Agreement;

Whereas Jan Egeland, the United Nations Under-Secretary General for Humanitarian Affairs, has stated that the coming weeks may result in a "man-made catastrophe of an unprecedented scale" in Darfur;

Whereas the African Union has decided to terminate the African Union Mission in Sudan (AMIS) at the end of September 2006;

Whereas it is unlikely that the United Nations will have the logistical means or capability to deploy peacekeepers to Sudan until the end of 2006;

Whereas the people of Darfur cannot wait that long for security to be re-established; and

Whereas the international community must renew its efforts to stop genocide, war crimes, and crimes against humanity in Darfur:

Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the current military offensive of the Government of Sudan in Darfur in violation of the terms of the May 5, 2006, Darfur Peace Agreement and the April 8, 2004, N'Djamena cease-fire accord; and

(B) the rejection by the Government of Sudan of United Nations Security Council Resolution 1706 (2006);

(2) commends the African Union Mission in Sudan (AMIS) for its actions to date in monitoring the April 8, 2004, N'Djamena cease-fire agreement in Darfur and encourages the African Union to leave the AMIS force in place until a United Nations peacekeeping mission is deployed to Darfur;

(3) calls upon the Government of Sudan to immediately—

(A) cease its military offensive in Darfur; and

(B) comply with the deployment of United Nations peacekeepers to Darfurt called for by the United Nations Security Council;

(4) calls upon the United Nations—

(A) to deploy as quickly as practicable peacekeeping troops as authorized by United Nations Security Council Resolution 1706 (2006) that are well trained and equipped: and

(B) to begin considerations of sanctions as called for by paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004);

(5) urges the President to take urgent steps to help improve the security situation in Darfur, including by—

(A) pursuing the imposition of a "no-fly zone" in Darfur in cooperation with the United Nations, NATO, or NATO allies;

(B) garnering support for NATO assistance with the handover by the African Union of the AMIS mission to the United Nations;

(C) working through diplomatic channels to obtain the support of China, Russia, and United States allies in the Arab League in securing the compliance of the Government of Sudan with the deployment of United Nations peacekeepers as provided by United Nations Security Council Resolution 1706 (2006);

(D) supporting full funding for the United Nations Peacekeeping Mission in Sudan;

(E) securing the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council; and

(F) appointing a Special Envoy to Sudan to head the Office of the Presidential Special Envoy established pursuant to chapter 6 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 439); and

(6) urges the international community—

(A) to support the deployment of United Nations peacekeepers to Darfur financially, with logistical and equipment support, or through troop contributions;

(B) to fulfill financial obligations to United Nations and international humanitarian aid agencies for responding to thepiis in Darfur or addressing humanitarian needs throughout Sudan;

(C) to impose targeted sanctions against members of the National Congress Party determined to be responsible for human rights violations, war crimes, and crimes against humanity; and

(D) to impose sanctions consistent with paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004)

Mr. BIDEN. Mr. President, today I am introducing a resolution along with my colleague Senator DEWINE urging the President to take immediate action to avert a looming tragedy in Darfur, Sudan. The government of Sudan has launched an all-out military offensive in Darfur that could result in hundreds of thousands of additional deaths. The United States must lead the international community to save those lives. It is urgent that we act.

How did we arrive at such a situation? And what must we do to stop it?

Over the past two years the situation in Sudan has remained dire. As many as 400,000 people may be dead. Two million people have been displaced from their homes, over 200,000 are refugees in Chad, and three million rely on international aid. Those numbers haven't diminished over time, they have gotten worse. And now, they may be on the brink of becoming even more catastrophic.

In May of this year, the government of Sudan and rebels in Darfur—specifically the Minni Minnawi faction of the Sudan Liberation Army, SLA,—signed a peace agreement. Rather than improving the security situation, the Darfur Peace Agreement has made things worse. The agreement never had the support of the entire SLA, or the other major rebel movement in Darfur, the Justice and Equality Movement. Nor did it have the support of people living in displaced camps in Darfur. In the days and weeks after news of the agreement spread, violence in camps increased either because people misunderstood what was in the agreement, or they felt the agreement was flawed. And violence on the ground became worse, as the rebel factions split and fighting erupted between those who had signed the Darfur Peace Agreement and those who had not.

Tens of thousands of people have been displaced in fighting since May—fifty thousand in the last two months alone. Many of them have taken refuge in camps for the internally displaced. Attacks on humanitarian aid convoys have increased by a factor of more than ten compared to this time last year. Twelve humanitarian workers have been killed in the past four months—more than during the previous year. Two hundred internally displaced women have been raped and another two hundred violently assaulted in over the course of the past five weeks.

The United Nations, after months of delay, finally extended the mandate of the U.N. Mission in Sudan (UNMIS) to Darfur at the end of August. U.N. Security Council Resolution 1706 authorizes the deployment of over 17,000 peace keepers and 3000 civilian police to Darfur. Regrettably, however, the government of Sudan has rejected the deployment of the U.N. force, instead launching a military offensive in Darfur. African Union officials have stated that they will not extend the mission in Sudan past the end of this month. And even if the aforementioned impediments did not exist, it would be months before a U.N. mission could fully deploy.

Just to make absolutely sure a peacekeeping force is never deployed, the government of Khartoum has gone on the offensive. If it scorches enough earth—and people—there will be no need for the peacekeeping force because there will be no one left to protect and no peace to keep.

We are at a pivotal moment. Hundreds of thousands of Sudanese are in camps, vulnerable to aerial and ground attacks from government forces. We cannot stand by and do nothing.

This resolution is straightforward. It calls on the President to undertake three key actions, some of which the Senate has asked him to do before: First, it once again calls on him to pursue the imposition of a no-fly zone through the U.N., NATO or NATO allies. The Senate asked the President to propose that NATO consider how to implement and enforce such a no-fly zone in March of this year. If anything, the need to enforce a no-fly zone has increased.

Second, it asks that the President secure the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council. The international community must speak out on the atrocities which continue to unfold in Sudan—and it must act.

Third, it asks the President to appoint a Special Envoy to Sudan to head the office that Senator DEWINE and I established at the State Department through a provision in the supplemental appropriations bill that was signed into law in June. The administration has avoided doing so for years, and our diplomatic efforts have suffered as a result.

I'm under no illusion that these actions alone will stop the Sudanese government. The international community must put a credible force on the ground as soon as possible. NATO should be prepared to help the AMIS hand-off to the United Nations. It is imperative that the President pick up the phone and talk to our NATO allies about how to do that. He should also call the president of the African Union and the U.N. Secretary General about going to Khartoum to talk to President Bashir about his government's rejection of the U.N. Security Council resolution. And the Secretary of State must get involved in diplomatic efforts to convince the Sudanese to cooperate with the implementation of Security Council resolution. I understand that Assistant Secretary of State Frazer was sent to Khartoum over the Labor Day weekend. She met with President Bashir, but according to all reports, the meeting did not result in any change in Khartoum's posture towards the deployment of U.N. troops. I applaud the administration for sending Dr. Frazer. But with all due respect I think we need to be engaged at higher levels.

It has been 12 years since the international community watched nearly a million people get killed in Rwanda, and 11 years since the world stood by as the massacres in Srebrenica occurred. Since then, President Clinton took decisive action to stop ethnic cleansing act in Bosnia, and then in Kosovo. Both missions were controversial—even unpopular. But the cost of inaction was too high. The cost of inaction in Darfur is too high as well.

SENATE RESOLUTION 560—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. COLEMAN (for himself, Mr. Allen, Mr. Bayh, Mr. Brownback, Mr. Carper, Mr. Chafee, Mr. Cochran, Ms. Collins, Mr. Cornyn, Mrs. Feinstein, Mr. Graham, Mr. Hatch, Mr. Isakson, Mr. Johnson, Mr. Kerry, Mr. Lieberman, Mrs. Lincoln, Mr. Menendez, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Reed, Mr. Salazar, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Ms. Stabenow, Mr. Talent, and Mr. Voinovich) submitted the following resolution; which was considered and agreed to:

S. Res. 560

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of funding opportunities for childhood cancer research still remain;

Whereas increasing the focus on childhood cancer research requires the recruitment of additional investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) medical trainees and investigators in the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

SENATE RESOLUTION 561—DESIGNATING THE MONTH OF SEPTEMBER 2006, AS "RURAL AMERICA MONTH"

Mr. REID (for himself, Mrs. Lincoln, Mr. Frist, Mr. Burns, Mr. Byrd, Mr. Salazar, Mr. Schumer, Mrs. Clinton, Mr. Pryor, Mr. Baucus, Mr. Lieberman, Mrs. Boxer, Mr. Bingaman, Mr. Dorgan, Mr. Nelson of Florida, Mr. Dayton, and Mr. Durbin) submitted the following resolution; which was considered and agreed to:

S. Res. 561

Whereas more than 55 million people live in rural areas of the country;

Whereas rural areas make up eighty percent of the United States landscape;

Whereas our rural communities are diverse, dynamic engines for growth in America;

Whereas the contribution of rural Americans to the national economy is invaluable;

Whereas rural America's natural renewable resources can help our nation break its dangerous reliance on foreign oil;

Whereas rural America's farmers and ranchers feed families across the country and around the globe while being stewards of our land and natural resources;

Whereas rural Americans look to their local police officers, firefighters, EMTs and National Guard to keep them safe in times of national emergencies;

Whereas the highest concentrations of veterans are found in rural counties;

Whereas rural Americans deserve access to affordable health care;

Whereas rural Americans deserve the finest education we can offer;

Whereas rural America is a key part of our growing information highway;

Whereas Americans in rural areas reflect values that make America great—community, service, hard work, family, and responsibility—their contributions should be recognized and commended: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2006, as 'Rural America Month' and

(2) encourages the people of the United States to observe 'Rural America Month' with appropriate ceremonies and activities during the month of September.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4907. Mr. CONRAD (for himself, Mr. Dorgan, Mr. Salazar, Mr. Menendez, Mrs. Lincoln, Mr. Kerry, Mr. Obama, Mr. Pryor, Mr. Bingaman, Mr. Dayton, Mr. Kennedy, and Mr. Leahy) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

SA 4908. Mr. SCHUMER (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4909. Mr. MENENDEZ proposed an amendment to the bill H.R. 5631, supra.

SA 4910. Mr. REID (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4911. Mr. REED (for himself, Mr. Bayh, and Mr. Dorgan) proposed an amendment to the bill H.R. 5631, supra.

SA 4912. Mr. REID (for himself, Mr. Obama, Mrs. Clinton, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra.

SA 4913. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5631, supra.

SA 4914. Mr. BINGAMAN (for himself, Mr. Domenici, Mr. Burns, Mr. Dorgan, and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4915. Mr. BINGAMAN (for himself, Mr. Domenici, Mr. Burns, Mr. Dorgan, Ms. Cantwell, Mr. Reid, and Mr. Salazar) proposed an amendment to the bill H.R. 5631, supra.

SA 4916. Mr. STEVENS (for Mr. Cochran) proposed an amendment to the bill H.R. 5631, supra.

SA 4917. Mr. STEVENS proposed an amendment to the bill H.R. 5631, supra.

SA 4918. Mr. STEVENS proposed an amendment to the bill H.R. 5631, supra.

SA 4919. Mr. FRIST (for himself, Mr. Reid, Ms. Collins, Mr. Stevens, Mr. Grassley, Mrs. Murray, Mr. Inouye, Mr. Baucus, Mr. Lieberman, Mr. Coleman, and Mr. Allen) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 4920. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes: which was ordered to lie on the table.

SA 4921. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4907. Mr. CONRAD (for himself, Mr. DORGAN, Mr. SALAZAR, Mr. MENENDEZ, Mrs. LINCOLN, Mr. KERRY, Mr. OBAMA, Mr. PRYOR, Mr. BINGAMAN, Mr. DAYTON, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 230, beginning on line 15, strike "$19,265,000" and all that follows through line 16 and insert the following: "$219,265,000, to remain available until September 30, 2008: *Provided*, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234."

SA 4908. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "Research, Development, Test and Evaluation, Air Force", up to $1,000,000 may be available for the Environment Systems, Management, Analysis, and Reporting Network (E–SMART) threat analysis program.

SA 4909. Mr. MENENDEZ proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8019. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN PUBLIC RELATIONS ACTIVITIES.—None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq.

(b) SCOPE.—The prohibition in subsection (a) shall not apply to programs and activities of the Department of Defense directed at collecting or analyzing information in the news media.

SA 4910. Mr. REID (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The Secretary of Defense may transfer funds made available under subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SA 4911. Mr. REED (for himself, Mr. BAYH, and Mr. DORGAN) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading "Aircraft Procurement, Air Force" is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109–234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading "Aircraft Procurement, Air Force" as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 4912. Mr. REID (for himself, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

SA 4913. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) REPORT ON CONTINGENCY PLANNING IN THE EVENT OF CIVIL WAR IN IRAQ.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the contingency plans of the Department of Defense to protect United States military and civilian personnel in the event of a civil war in Iraq.

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—IN THIS SECTION, THE TERM "APPROPRIATE COMMITTEES OF CONGRESS" MEANS—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 4914. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

DEPARTMENT OF AGRICULTURE

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4915. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior. *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4916. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and underequipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", AS INCREASED BY SUBSECTION (B), $20,000,000 MAY BE AVAILABLE—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SA 4917. Mr. STEVENS proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law:

Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders:

Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States:

Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

SA 4918. Mr. STEVENS proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

SA 4919. Mr. FRIST (for himself, Mr. REID, Ms. COLLINS, Mr. STEVENS, Mr. GRASSLEY, Mrs. MURRAY, Mr. INOUYE, Mr. BAUCUS, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. ALLEN) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Port Security Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Area Maritime Transportation Security Plan to include salvage response plan.
Sec. 102. Requirements relating to maritime facility security plans.
Sec. 103. Unannounced inspections of maritime facilities.
Sec. 104. Transportation security card.
Sec. 105. Long-range vessel tracking.
Sec. 106. Establishment of interagency operational centers for port security.

Subtitle B—Port Security Grants; Training and Exercise Programs

Sec. 111. Port security grants.
Sec. 112. Port Security Training Program.
Sec. 113. Port Security Exercise Program.

Subtitle C—Port Operations

Sec. 121. Domestic radiation detection and imaging.
Sec. 122. Port security user fee study.
Sec. 123. Inspection of car ferries entering from Canada.
Sec. 124. Random searches of containers.
Sec. 125. Work stoppages and employee-employer disputes.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

Sec. 201. Strategic plan to enhance the security of the international supply chain.
Sec. 202. Post incident resumption of trade.
Sec. 203. Automated Targeting System.
Sec. 204. Container security standards and procedures.
Sec. 205. Container Security Initiative.

Subtitle B—Customs-Trade Partnership Against Terrorism

Sec. 211. Establishment.
Sec. 212. Eligible entities.
Sec. 213. Minimum requirements.
Sec. 214. Tier 1 participants in C–TPAT.
Sec. 215. Tier 2 participants in C–TPAT.
Sec. 216. Tier 3 participants in C–TPAT.
Sec. 217. Consequences for lack of compliance.
Sec. 218. Revalidation.
Sec. 219. Noncontainerized cargo.
Sec. 220. C–TPAT Program management.
Sec. 221. Resource management staffing plan.
Sec. 222. Additional personnel.
Sec. 223. Authorization of appropriations.
Sec. 224. Report to Congress.

Subtitle C—Miscellaneous Provisions

Sec. 231. Pilot integrated scanning system.
Sec. 232. International cooperation and coordination.

TITLE III—ADMINISTRATION

Sec. 301. Office of Cargo Security Policy.
Sec. 302. Reauthorization of Homeland Security Science and Technology Advisory Committee.
Sec. 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

Sec. 401. Office of International Trade.
Sec. 402. Resources.
Sec. 403. Negotiations.
Sec. 404. International Trade Data System.
Sec. 405. In-bond cargo.
Sec. 406. Sense of the Senate.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise defined, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Transportation and Infrastructure of the House of Representatives; and

(H) the Committee on Ways and Means of the House of Representatives.

(2) COMMERCIAL SEAPORT PERSONNEL.—The term "commercial seaport personnel" means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters of the United States.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

(4) CONTAINER.—The term "container" has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

(5) CONTAINER SECURITY DEVICE.—The term "container security device" means a device or system designed, at a minimum, to detect the unauthorized intrusion of a container and secure containers against tampering or compromise throughout the international supply chain.

(6) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(7) EXAMINATION.—The term "examination" means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(8) INSPECTION.—The term "inspection" means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(9) INTERNATIONAL SUPPLY CHAIN.—The term "international supply chain" means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(10) RADIATION DETECTION EQUIPMENT.—The term "radiation detection equipment" means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(11) SCAN.—The term "scan" means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(12) SCREENING.—The term "screening" means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(13) SEARCH.—The term "search" means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(14) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(15) TRANSPORTATION DISRUPTION.—The term "transportation disruption" means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(16) TRANSPORTATION SECURITY INCIDENT.—The term "transportation security incident" has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident.".

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking "facility" and inserting "facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility";

(B) in subparagraph (F), by striking "and" at the end;

(C) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility."; and

(2) by adding at the end the following:

“(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

“(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.”.

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

“(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.”.

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) In General.—Section 70105 of title 46, United States, Code is amended by adding at the end the following:

“(g) Applications for Merchant Mariner's Documents.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

“(h) Fees.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

“(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

“(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

“(i) Implementation Schedule.—In implementing the transportation security card program under this section, the Secretary shall—

“(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

“(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

“(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

“(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

“(C) all other United States ports not later than January 1, 2009.

“(j) Transportation Security Card Processing Deadline.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

“(k) Vessel and Facility Card Reader Assessments.—

“(1) Pilot programs.—

“(A) Vessel pilot program.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA–2006–24191; USCG–2006–24196).

“(B) Facilities pilot program.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

“(C) Coordination with transportation security cards.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section to ensure card and card reader interoperability.

“(2) Duration.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

“(3) Report.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)) that includes—

“(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

“(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

“(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

“(l) Progress Reports.—Not later than 6 months after the date of the enactment of the Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).”.

(b) Clarification of Eligibility for Transportation Security Cards.—Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by striking “and” after the semicolon in subparagraph (E);

(2) by striking “Secretary.” in subparagraph (F) and inserting “Secretary; and”; and

(3) by adding at the end the following:

“(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.”.

(c) Deadline for Section 70105 Regulations.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. 105. LONG-RANGE VESSEL TRACKING.

(a) Regulations.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking “The Secretary” and inserting “Not later than April 1, 2007, the Secretary”.

(b) Voluntary Program.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 106. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

“§ 70107A. Interagency operational centers for port security

“(a) In General.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

“(b) Characteristics.—The interagency operational centers established under this section shall—

“(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

“(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

“(B) the virtual operation center of the Port of New York and New Jersey;

“(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

“(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, and State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders; and

“(4) be incorporated in the implementation and administration of—

“(A) maritime transportation security plans developed under section 70103;

“(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

“(C) short and long range vessel tracking under sections 70114 and 70115;

“(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

“(E) the transportation security incident response plans required by section 70104; and

“(F) other activities, as determined by the Secretary.

“(c) Security Clearances.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.”.

(b) 2005 Act Report Requirement.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

"70107A. Interagency operational centers for port security.".

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "for the allocation of funds based on risk".

(b) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

"(e) MULTIPLE-YEAR PROJECTS.—

"(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

"(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

"(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

"(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

"(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

"(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (l) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.".

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Training Program (referred to in this section as the "Program") for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a "citizen corps", if necessary.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the "Program") for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imagining equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of ocean-borne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through ocean-borne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State, and in cooperation with appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

SEC. 124. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute.".

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) VESSELS.—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) CARGO.—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C-TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) COORDINATION.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) COMMUNICATION.—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) DETERMINATION.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of non-manifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk ocean-borne container cargo for inspection—

(A) $33,200,000 for fiscal year 2008;

(B) $35,700,000 for fiscal year 2009; and

(C) $37,485,000 for fiscal year 2010.

(2) SUPPLEMENT FOR OTHER FUNDS.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) INTERIM RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) MISSED DEADLINE.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the "Container Security Initiative") to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) ASSESSMENT.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) NEGOTIATIONS.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) OVERSEAS INSPECTIONS.—The Secretary shall establish minimum technical capability criteria and standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in conjunction with the Container Security Initiative and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located; and

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2).

(f) Savings Provision.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

(g) Coordination.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(h) Staffing.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) Annual Discussions.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) Lesser Risk Port.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) Report.—

(1) In general.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) Updated report.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(l) Authorization of Appropriations.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) Establishment.—The Secretary, acting through the Commissioner is authorized to establish a voluntary government-private sector program (to be known as the "Customs-Trade Partnership Against Terrorism" or "C-TPAT") to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) Minimum Security Requirements.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C-TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C–TPAT.

(a) Benefits.—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) Guidelines.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C–TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) Time Frame.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C–TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C–TPAT.

(a) Validation.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) Benefits.—The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and

(3) priority searches of cargo.

(c) Guidelines.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C–TPAT.

(a) In General.—The Secretary, acting through the Commissioner, shall establish a third tier of C–TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C–TPAT under section 215 of this Act.

(b) Criteria.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C–TPAT participant as a tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to

section 215 of this Act for validating a C–TPAT participant as a tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) BENEFITS.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C–TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If at any time a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) FALSE OR MISLEADING INFORMATION.—If a C–TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C–TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C–TPAT pursuant to this subsection, and may make such list available to C–TPAT participants.

(c) RIGHT OF APPEAL.—

(1) IN GENERAL.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) APPEALS OF OTHER DECISIONS.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 219. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C–TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 220. C–TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C–TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C–TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C–TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C–TPAT program.

SEC. 222. ADDITIONAL PERSONNEL.

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C–TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C–TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;

(2) $72,000,000 for fiscal year 2009; and

(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2007;

(2) $17,600,000 for fiscal year 2008;

(3) $27,300,000 for fiscal year 2009;

(4) $28,300,000 for fiscal year 2010; and

(5) $29,200,000 for fiscal year 2011.

SEC. 224. REPORT TO CONGRESS.

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C–TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. The equipment may be provided by the Megaports Initiative of the Department of Energy. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant

programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SEC. 232. INTERNATIONAL COOPERATION AND COORDINATION.

(a) INSPECTION TECHNOLOGY AND TRAINING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative and at other foreign ports, as appropriate.

(2) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and handheld radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(b) ACTIONS AND ASSISTANCE FOR FOREIGN PORTS.—Section 70110 of title 46, United States Code, is amended—

(1) by striking the section header and inserting the following:

"§ 70110. Actions and assistance for foreign ports"

; and

(2) by adding at the end the following:

"(e) ASSISTANCE FOR FOREIGN PORTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

"(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and the United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.".

(c) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the security of ports in the Caribbean Basin.

(2) CONTENTS.—The report submitted under paragraph (1)—

(A) shall include—

(i) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(ii) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007;

(iii) an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(iv) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(B) may be submitted in both classified and redacted formats.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

"70110. Actions and assistance for foreign ports.".

TITLE III—ADMINISTRATION

SEC. 301. OFFICE OF CARGO SECURITY POLICY.

(a) ESTABLISHMENT.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

"SEC. 431. OFFICE OF CARGO SECURITY POLICY.

"(a) ESTABLISHMENT.—There is established within the Department an Office of Cargo Security Policy (referred to in this section as the 'Office').

"(b) PURPOSE.—The Office shall—

"(1) coordinate all Department policies relating to cargo security; and

"(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

"(c) DIRECTOR.—

"(1) APPOINTMENT.—The Office shall be headed by a Director, who shall—

"(A) be appointed by the Secretary; and

"(B) report to the Assistant Secretary for Policy.

"(2) RESPONSIBILITIES.—The Director shall—

"(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

"(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

"(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.".

(b) DESIGNATION OF LIAISON OFFICE OF DEPARTMENT OF STATE.—The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security related international agreements.

(c) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 430 the following:

"Sec. 431. Office of cargo security policy.".

SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 311(j) of the Homeland Security Act of 2002 (6 U.S.C. 191(j)) is amended by striking "3 years after the effective date of this Act" and inserting "on December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if enacted on the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

(c) ADVISORY COMMITTEE.—The Assistant Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) IN GENERAL.—The Secretary shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) COORDINATION.—The Secretary, in coordination with the Undersecretary for Science and Technology, the Assistant Secretary for Policy, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

SEC. 401. OFFICE OF INTERNATIONAL TRADE.

Section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), is amended by adding at the end the following:

"(d) OFFICE OF INTERNATIONAL TRADE.—

"(1) ESTABLISHMENT.—There is established within the United States Customs and Border Protection an Office of International Trade that shall be headed by an Assistant Commissioner.

"(2) TRANSFER OF ASSETS, FUNCTIONS, AND PERSONNEL; ELIMINATION OF OFFICES.—

"(A) OFFICE OF STRATEGIC TRADE.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Strategic Trade to the Office of International Trade established pursuant to paragraph (1) and the Office of Strategic Trade shall be abolished.

"(B) OFFICE OF REGULATIONS AND RULINGS.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Regulations and Rulings to the Office of International Trade established pursuant to paragraph (1) and the Office of Regulations and Rulings shall be abolished.

"(C) OTHER TRANSFERS.—The Commissioner is authorized to transfer any other assets, functions, or personnel within the United States Customs and Border Protection to the Office of International Trade established pursuant to paragraph (1). Not later than 30 days after each such transfer, the Commissioner shall notify the Committee on Appropriations, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel, that were transferred, and the reason for such transfer.

"(e) INTERNATIONAL TRADE POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Policy Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

"(2) RESPONSIBILITIES.—The International Trade Policy Committee shall—

"(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection; and

"(B) assist the Commissioner in coordinating with the Assistant Secretary for Policy regarding commercial customs and trade facilitation functions.

"(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the International Trade Policy Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

"(A) detail the activities of the International Trade Policy Committee during the preceding fiscal year; and

"(B) identify the priorities of the International Trade Policy Committee for the current fiscal year.

"(f) INTERNATIONAL TRADE FINANCE COMMITTEE.—

"(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Finance Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

"(2) RESPONSIBILITIES.—The Trade Finance Committee shall be responsible for overseeing the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the collection of antidumping and countervailing duties.

"(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the Trade Finance Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

"(A) detail the activities and findings of the Trade Finance Committee during the preceding fiscal year; and

"(B) identify the priorities of the Trade Finance Committee for the current fiscal year.

"(g) DEFINITION.—In this section, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 402. RESOURCES.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended by adding at the end the following:

"(h) RESOURCE ALLOCATION MODEL.—

"(1) RESOURCE ALLOCATION MODEL.—Not later than June 30, 2007, and every 2 years thereafter, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of United States Customs and Border Protection, including commercial inspection and release of cargo and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

"(A) performing revenue functions;

"(B) enforcing antidumping and countervailing laws;

"(C) protecting intellectual property rights;

"(D) enforcing provisions of law relating to trade in textiles and apparel;

"(E) conducting agricultural inspections;

"(F) enforcing fines, penalties and forfeitures; and

"(G) facilitating trade.

"(2) PERSONNEL.—

"(A) IN GENERAL.—Not later than September 30, 2007, the Commissioner shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of this subparagraph.

"(B) CUSTOMS AND BORDER PROTECTION OFFICERS.—The initial Resource Allocation Model required pursuant to paragraph (1) shall provide for the hiring of a minimum of 725 additional Customs and Border Protection Officers. The Commissioner shall hire such additional officers, subject to the appropriation of funds to pay for the salaries and expenses of such officers, of which the Commissioner shall assign—

"(i) 1 additional officer at each port of entry in the United States; and

"(ii) the balance of the additional officers authorized by this subsection among ports of entry in the United States.

"(C) ASSIGNMENT.—In assigning such officers pursuant to subparagraph (B), the Commissioner shall consider the volume of trade and the incidence of nonvoluntarily disclosed customs and trade law violations in addition to security priorities among such ports of entry.

"(D) REDISTRIBUTION.—Not later than September 30, 2008, the Director of Field Operations in each Field Office may, at the request of the Director of a Service Port reporting to such Field Office, direct the redistribution of the additional personnel provided for pursuant to subparagraph (B) among the ports of entry reporting to such Field Office. The Commissioner shall promptly report any redistribution of personnel pursuant to subparagraph (B) to the Committee on Homeland Security and Governmental Affairs and Committee on Finance of the Senate, and the Committee on Homeland Security and Committee on Ways and Means of the House of Representatives.

"(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any monies hereafter appropriated to United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the requirements of paragraph (2)(B), to remain available until expended—

"(A) $85,000,000 for fiscal year 2008.

"(B) $132,000,000 for fiscal year 2009.

"(C) $137,000,000 for fiscal year 2010.

"(D) $142,000,000 for fiscal year 2011.

"(E) $147,000,000 for fiscal year 2012.

"(4) REPORT.—Not later than 30 days after the end of each fiscal year, the Commissioner shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources directed to commercial and trade facilitation functions within the Office of Field Operations for the preceding fiscal year. Such information shall be reported for each category of personnel within the Office of Field Operations.

"(5) REGULATIONS TO IMPLEMENT TRADE AGREEMENTS.—Not later than 30 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall designate and maintain not less than 5 attorneys within the Office of International Trade established pursuant to section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072) with primary responsibility for the prompt development and promulgation of regulations necessary to implement any trade agreement entered into by the United States.

"(6) DEFINITION.—As used in this subsection, the term 'Commissioner' means the Commissioner responsible for United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 403. NEGOTIATIONS.

Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended by adding at the end the following:

“(h) Customs Procedures and Commitments.—

“(1) In general.—The Secretary of Homeland Security, the United States Trade Representative, and other appropriate Federal officials, shall work through appropriate international organizations including the World Customs Organization (WCO), the World Trade Organization (WTO), the International Maritime Organization, and the Asia-Pacific Economic Cooperation, to align, to the extent practicable, customs procedures, standards, requirements, and commitments in order to facilitate the efficient flow of international trade.

“(2) United States Trade Representative.—

“(A) In general.—The United States Trade Representative shall seek commitments in negotiations in the WTO regarding the articles of GATT 1994 that are described in subparagraph (B) that make progress in achieving—

“(i) harmonization of import and export data collected by WTO members for customs purposes, to the extent practicable;

“(ii) enhanced procedural fairness and transparency with respect to the regulation of imports and exports by WTO members;

“(iii) transparent standards for the efficient release of cargo by WTO members, to the extent practicable; and

“(iv) the protection of confidential commercial data.

“(B) Articles described.—The articles of the GATT 1994 described in this subparagraph are the following:

“(i) Article V (relating to transit).

“(ii) Article VIII (relating to fees and formalities associated with importation and exportation).

“(iii) Article X (relating to publication and administration of trade regulations).

“(C) GATT 1994.—The term ‘GATT 1994’ means the General Agreement on Tariff and Trade annexed to the WTO Agreement.

“(3) Customs.—The Secretary of Homeland Security, acting through the Commissioner and in consultation with the United States Trade Representative, shall work with the WCO to facilitate the efficient flow of international trade, taking into account existing international agreements and the negotiating objectives of the WTO. The Commissioner shall work to—

“(A) harmonize, to the extent practicable, import data collected by WCO members for customs purposes;

“(B) automate and harmonize, to the extent practicable, the collection and storage of commercial data by WCO members;

“(C) develop, to the extent practicable, transparent standards for the release of cargo by WCO members;

“(D) develop and harmonize, to the extent practicable, standards, technologies, and protocols for physical or nonintrusive examinations that will facilitate the efficient flow of international trade; and

“(E) ensure the protection of confidential commercial data.

“(4) Definition.—In this subsection, the term ‘Commissioner’ means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.”.

SEC. 404. INTERNATIONAL TRADE DATA SYSTEM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

“(d) International Trade Data System.—

“(1) Establishment.—

“(A) In general.—The Secretary of the Treasury (in this section, referred to as the ‘Secretary’) shall oversee the establishment of an electronic trade data interchange system to be known as the ‘International Trade Data System’ (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as ‘ACE’) is implemented.

“(B) Purpose.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

“(C) Participation.—

“(i) In general.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

“(ii) Waiver.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on the national security interests of the United States.

“(D) Consultation.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

“(2) Data elements.—

“(A) In general.—The Interagency Steering Committee (established under paragraph (3)) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Interagency Steering Committee shall periodically review the data elements in order to update the standard set of data elements, as necessary.

“(B) Commitments and obligations.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments and obligations of the United States as a member of the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry and movement of cargo.

“(C) Coordination.—The Secretary shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

“(3) Interagency steering committee.—There is established an Interagency Steering Committee (in this section, referred to as the ‘Committee’). The members of the Committee shall include the Secretary (who shall serve as the chairperson of the Committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Committee shall assist the Secretary in overseeing the implementation of, and participation in, the ITDS.

“(4) Report.—The Committee shall submit a report before the end of each fiscal year to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

“(A) the status of the ITDS implementation;

“(B) the extent of participation in the ITDS by Federal agencies;

“(C) the remaining barriers to any agency's participation;

“(D) the consistency of the ITDS with applicable standards established by the World Customs Organization and the World Trade Organization;

“(E) recommendations for technological and other improvements to the ITDS; and

“(F) the status of the development, implementation, and management of the Automated Commercial Environment within the United States Customs and Border Protection..”.

SEC. 405. IN-BOND CARGO.

Title IV of the Tariff Act of 1930 is amended by inserting after section 553 the following:

“SEC. 553A. REPORT ON IN-BOND CARGO.

“(a) Report.—Not later than June 30, 2007, the Commissioner shall submit a report to the Committees on Commerce, Science, and Transportation, Finance, and Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security, Transportation and Infrastructure, and Ways and Means of the House of Representatives that includes—

“(1) a plan for closing in-bond entries at the port of arrival;

“(2) an assessment of the personnel required to ensure 100 percent reconciliation of in-bond entries between the port of arrival and the port of destination or exportation;

“(3) an assessment of the status of investigations of overdue in-bond shipments and an evaluation of the resources required to ensure adequate investigation of overdue in-bond shipments;

“(4) a plan for tracking in-bond cargo within the Automated Commercial Environment (ACE);

“(5) an assessment of whether any particular technologies should be required in the transport of in-bond cargo;

“(6) an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo;

“(7) an evaluation of the criteria for targeting and examining in-bond cargo; and

“(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade.

“(b) Definition.—The term ‘Commissioner’ means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.”.

SEC. 406. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in sections 2, 106, 111 through 113, and 201 through 232 of this Act shall be construed to affect the jurisdiction of any Standing Committee of the Senate.

SA 4920. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for “Wildland Fire Management” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations

Act, 2006 (Public Law 109–54), $125,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4921. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NATIONAL ALERT SYSTEM

SECTION —100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. —100. Table of contents.
TITLE —NATIONAL ALERT SYSTEM
Sec. —101. Short title.
Sec. —102. National Alert System.
Sec. —103. Implementation and use.
Sec. —104. Coordination with existing public alert systems and authority.
Sec. —105. National Alert Office.
Sec. —106. National Alert System Working Group.
Sec. —107. Research and development.
Sec. —108. Grant program for remote community alert systems.
Sec. —109. Public familiarization, outreach, and response instructions.
Sec. —110. Essential services disaster assistance.
Sec. —111. Definitions.
Sec. —112. Existing interagency activities.
Sec. —113. Funding.

SEC. —101. SHORT TITLE.

This title may be cited as the "Warning, Alert, and Response Network Act".

SEC. —102. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section —103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) may not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and shall incorporate existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section —108(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. —103. IMPLEMENTATION AND USE.

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System. The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) EVENT ELIGIBILITY REGULATIONS.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) OPT-IN PROCEDURES FOR OPTIONAL ALERTS.—The director of the Office may establish a procedure under which licensees who elect to participate in the National Alert System as described in paragraph (d), may transmit localized traffic, weather, community, or other non-emergency alerts via the National Alert System in a manner that enables them to be received only by individuals who take appropriate action to receive such alerts.

(c) ACCESS POINTS.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) ELECTION TO CARRY SERVICE.—

(1) AMENDMENT OF LICENSE.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) ELECTION TO CARRY SERVICE.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) PARTICIPATION.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) ADVERTISING.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

(1) RETRANSMISSION CAPABILITY.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) COMPENSATION.—The National Alert Office established by section —105 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC REGULATION OF COMPLIANCE.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) LIMITATION OF LIABILITY.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user;

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert; or

(3) the licensee's or provider's withdrawal from or election not to participate in the National Alert System.

(h) TESTING.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. —104. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

(a) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) EXISTING ALERT AUTHORITY.—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section —103; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. —105. NATIONAL ALERT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing, with or without reimbursement, of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section —106 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section —103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. —106. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS..—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GIFTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. —107. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. —108. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. —109. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. —110. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

"(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

"(1) provides—

"(A) telecommunications service;

"(B) electrical power;

"(C) natural gas;

"(D) water and sewer services; or

"(E) any other essential service, as determined by the President;

"(2) is—

"(A) a municipal entity;

"(B) a nonprofit entity; or

"(C) a private, for-profit entity; and

"(3) is contributing to efforts to respond to an emergency or major disaster.

"(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

"(2) CRITERIA.—The mechanism established under paragraph (1)—

"(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

"(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

"(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

"(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.".

SEC. —111. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "director" means the director of the National Alert Office.

(2) OFFICE.—The term "Office" means the National Alert Office established by section —105.

(3) NATIONAL ALERT SYSTEM.—The term "National Alert System" means the National Alert System established by section —102.

(4) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(5) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term "Non-Commercial Sustaining Announcement Program" means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) WORKING GROUP.—The term "Working Group" means the National Alert System Working Group on the established under section —106.

SEC. —112. EXISTING INTERAGENCY ACTIVITIES.

Nothing in this title shall be construed to require the termination of existing interagency programs or activities, or cooperative or consultative arrangements, related to the provision of notice or information to the public about emergency situations that may require a public response.

SEC. —113. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 14, 2006 at 10 a.m., in room SD–628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior, vice Rebecca W. Watson, resigned; Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, vice John W. Keys, III, resigned.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 7, 2006, at 9:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 7, 2006, to hold a hearing titled "'Wounded Warrior' Insurance: A First Look at a New Benefit for Traumatically Injured Servicemembers".

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2006, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 7, 2006 from 10 a.m. to 12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 7, 2006, at 9:30 a.m. for a hearing regarding "IT Projects at Risk: Is It Too Late To Save $12 Billion?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Keeping Terrorists Off the Plane" on Thursday, September 7, 2006, at 2 p.m. in Dirksen 226.

Witness List

Paul Rosenzweig, Counselor to the Assistant Secretary for Policy, Planning and International Affairs, United States Department of Homeland Security, Washington, DC; Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, United States Customs of Border Protection, Washington, DC; Jess Ford, Director of International Affairs and Trade, Government Accountability Office, Washington, DC; and Leon J. Laylagian, Executive Vice President, Passenger-Cargo Security Group, Concord, NH.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

On Wednesday, September 6, 2006, the Senate passed H.R. 2066, as follows:

H.R. 2066

Resolved, That the bill from the House of Representatives (H.R. 2066) entitled "An Act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.", do pass with the following amendments:

(1) Page 2, line 25, strike out [up to five]

(2) Page 10, line 7, strike out [or] and all that follows through the end of line 9, and insert:

"(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

"(C) a temporary emergency hiring need,

(3) Page 10, line 20, strike out [December 31, 2011.] and insert: *December 31, 2011.*".

(4) Page 10, strike out line 21 and all that follows through page 13, line 8, and insert the following new section and renumber subsequent section:

SEC. 5. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.".

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 576, S. 2590.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2590) to require full disclosure of all entities and organizations receiving Federal funds.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Homeland Security and Governmental Affairs Committee with an amendment to strike out all after the enacting clause and insert the part printed in italic.

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Federal Funding Accountability and Transparency Act of 2006".

[SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

[(a) IN GENERAL.—

[(1) WEBSITE.—Effective beginning January 1, 2007 and subject to paragraphs (2) and (3), the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

[(A) the name of the entity;

[(B) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

[(C) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

[(D) the location of the entity and primary location of performance, including the city, State, congressional district, and country;

[(E) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

[(F) any other relevant information.

[(2) INITIAL DATA.—Effective January 1, 2007, the website shall include data for fiscal years 2006 and 2007.

[(3) PREVIOUS FISCAL YEARS.—Not later than January 1, 2009, information required by this section shall be posted on the website for fiscal years 1999 through 2005.

[(b) DEFINITIONS.—In this section:

[(1) ENTITY.—The term "entity"—

[(A) includes—

[(i) a corporation;

[(ii) an association;

[(iii) a partnership;

[(iv) a limited liability company;

[(v) a limited liability partnership;

[(vi) any other legal business entity;

[(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

[(viii) any State or locality; and

[(B) does not include—

[(i) an individual recipient of Federal assistance;

[(ii) a Federal employee; or

[(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

[(2) FEDERAL FUNDING.—The term "federal funding"—

[(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

[(B) does not include credit card transactions or minor purchases.

[(3) SEARCHABLE DATABASE WEBSITE.—The term "searchable database website" means a website that allows the public to—

[(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

[(B) download data included in subparagraph (A) including outcomes from searches.

[(c) WEBSITE.—The database website established by this section—

[(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

[(2) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

[(3) shall be updated not later than 30 days after the award of any assistance requiring a posting.

[(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

[(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Funding Accountability and Transparency Act of 2006".

SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity"—

(A) includes, whether for profit or nonprofit—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) a sole proprietorship;

(vii) any other legal business entity;

(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

(ix) any State or locality;

(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and

(C) does not include—

(i) an individual recipient of Federal assistance; or

(ii) a Federal employee.

(2) FEDERAL AWARD.—The term "Federal award"—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards, cooperative agreements, purchase orders, task orders, delivery orders, and other forms of financial assistance;

(B) does not include individual transactions below $25,000; and

(C) before October 1, 2008, does not include credit card transactions.

(3) SEARCHABLE WEBSITE.—The term "searchable website" means a website that allows the public to—

(A) search Federal funding by any element required by subsection (b)(1);

(B) ascertain through a single search the total amount of Federal funding awarded to an entity, by fiscal year; and

(C) download data included in subparagraph (A) included in the outcome from searches.

(b) IN GENERAL.—

(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

(A) the name of the entity receiving the award;

(B) the amount of the award;

(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and

(F) any other relevant information specified by the Office of Management and Budget.

(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

(3) DESIGNATION OF AGENCIES.—The Director of the Office of Management and Budget is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director of the Office of Management and Budget under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

(c) WEBSITE.—The website established under this section—

(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a single search;

(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required in subsection (b)(1) cannot be searched electronically by field in a single search;

(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting.

(d) SUBAWARD DATA.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—Not later than July 1, 2007, the Director of the Office of Management and Budget shall commence a pilot program to—

(i) test the collection and accession of data about subgrants and subcontracts; and

(ii) determine how to implement a subaward reporting program across the Federal Government, including—

(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

(2) REPORTING OF SUBAWARDS.—

(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director of the Office of Management and Budget—

(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director of the Office of Management and Budget may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

(e) EXCEPTION.—Any entity that demonstrates to the Director of the Office of Management and Budget that the gross income, from all sources, for such entity did not exceed $300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

(g) REPORT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives an annual report regarding the implementation of the website established under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make each report submitted under paragraph (1) publicly available on the website established under this section.

SEC. 3. CLASSIFIED INFORMATION.

Nothing in this Act shall require the disclosure of classified information.

Mr. FRIST. Mr. President, I am proud to be an original cosponsor of the Federal Funding Accountability and Transparency Act, S. 2590, that I have brought before the Senate this evening. This is a simple bill, yet a profound bill, designed to simply shine more sunlight, shine that light that we all know is so necessary, on Federal spending. I am absolutely convinced that this bill will go a long way in ultimately reflecting greater fiscal discipline and greater accountability.

This is a simple bill but profound, profound in the sense of what it requires. One way to think of the bill is that it will create, for the very first time in the Executive Office of the President, the Office of Management and Budget, the equivalent of a Google search engine for all Americans to see how their Federal tax dollars are being expended. That is the simplicity of it all.

I congratulate my colleagues, Senators COBURN and OBAMA—I just talked to Senator COBURN on the phone—who are the original sponsors of this very important, commonsense piece of legislation. I do congratulate the chairman and ranking member of the Homeland Security and Governmental Affairs Committee, Senators COLLINS and LIEBERMAN, for their expeditious consideration and reporting of this legislation.

Once this bill is enacted, taxpayers will have the ability to know exactly how their money is being spent and, with that greater transparency, will come greater accountability.

The bill expands upon E-Government management tools that were enacted in 2002 by making all Federal funding awards, grants, contracts and loans, easily searchable on a public Web site. Only transactions under $25,000 would be exempt from this reporting requirement, as well as awards that are classified for national security purposes.

This new tool will be a valuable asset in the continuing effort to spend the taxpayers' dollars wisely, without waste and without misuse.

Again, congratulations to Senators COBURN and OBAMA for their untiring work on this bill. It is my honor to join them as an original cosponsor of this simple, commonsense but important piece of legislation.

Mr. LAUTENBERG. Mr. President, I am proud to support S. 2590, the Federal Funding Accountability and Transparency Act. This important legislation requires the Office of Management and Budget to create an online searchable Web site to allow Americans to understand who is getting Federal money.

This legislation has broad support from across the political spectrum. Whether we believe we spend too much or we should be doing more to help people in need, we can all agree that we ought to get value from the dollars we spend. Transparency is the first step in that process.

I believe that S. 2590 is only the first step. I am excited that Senators COBURN and OBAMA have endorsed the concept of creating a similar database for targeted tax benefits that go to companies or industries who are adept enough at Washington politics to get them enacted.

Like the spending to be disclosed in S. 2590, many targeted tax breaks are good policy. But the American people deserve to know who is paying less in taxes and causing them to pay more. They have a right to know who is getting benefits from Congress.

I look forward to working with my colleagues to have a bill, hold hearings, bring the bill to the floor, and make information on tax benefits public and easily accessible.

Mr. COBURN. Mr. President, Senators BARACK OBAMA, TOM CARPER, JOHN MCCAIN, and I earlier this year introduced S. 2590, the Federal Funding Accountability and Transparency Act of 2006, to bring increased transparency to the way the Federal Government spends taxpayer money. Transparency means allowing citizens to access accurate information on Federal spending decisions in a timely fashion for the purpose of keeping their elected officials accountable. Outside of protecting national security and individual privacy, there is no reason why the operations of all Federal agencies should not be widely known by as many as would like to know. It is because this belief is widely shared by the American people as well as many in this body that S. 2590 has gained the cosponsorship of dozens of Senators.

I believe, though, that transparency in Government decisionmaking should not be limited simply to spending, but should also be extended to the decisions Congress makes about the Tax Code. The Tax Code is currently tens of thousands of pages in length and far too confusing for even IRS customer service agents to understand, let alone the average citizen with far less expertise. Because I believe that transparency is one of the best tools we have to curb wasteful behavior, I look forward working with Senator FRANK LAUTENBERG to develop bipartisan legislation like S. 2590 that will bring increased transparency to the Tax Code by allowing the American public to understand the real world effects of the Tax Code. Tax Code matters are extremely complex and the American public has a right to know how the Tax Code affects them. American taxpayers also deserve to know if they are paying higher taxes in order to offset the loss of revenue due to special treatment for special interest groups. This is a complex issue that will require careful study. It is my intention to address this issue in a future hearing of the Subcommittee on Federal Financial Management, Government Information, and International Security. I believe that a hearing addressing this issue will help us all to better understand the ultimate effects of targeted tax expenditures. Further study will also help to inform us on how to fully address the issue of greater transparency.

I thank Senator LAUTENBERG for his attention to this issue and I look forward to working with him and Senator OBAMA to promote increased Government transparency. As Thomas Jefferson wrote back in 1802, "We might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every member of Congress and every man of any mind in the Union should be able to comprehend them, to investigate abuses, and consequently to control them."

Mr. OBAMA. Mr. President, I thank my distinguished colleagues from New Jersey and Oklahoma. It has been a pleasure to work with them on important legislation to improve Federal financial transparency and accountability. The American people have a right to know how Federal resources are being used. Congress and the President should make it as easy as possible for taxpayers to see how well we are doing our jobs as stewards of Federal revenues and administrators of Federal spending. All of us should have adequate tools to monitor and evaluate how departments and agencies are performing their important functions. The Web site our legislation calls for will be an important tool in reducing wasteful earmarks and unjustified pork barrel spending. Transparency of spending is an important step in improving accountability and performance.

I agree with Senators LAUTENBERG and COBURN that we also need transparency in Federal tax policy. The same way taxpayers should be able to see which companies and organizations receive Federal grants or contracts or other forms of financial assistance, Americans should be able to see which companies and organizations are receiving narrowly targeted tax credits and deductions. A tax break for one taxpayer often means higher taxes for everybody else. It is our duty to make sure that tax breaks that only benefit a few taxpayers at the expense of everybody else are legitimate and appropriate. I have no doubt that greater transparency of targeted tax benefits can help us simplify and improve the fairness of the Federal Tax Code.

I look forward to the opportunity to develop bipartisan legislation to address this issue, and I thank my colleagues for their wonderful leadership.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2590), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT AND RESEARCH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 560 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 560) supporting efforts to increase childhood cancer awareness, treatment and research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 560) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 560

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of funding opportunities for childhood cancer research still remain;

Whereas increasing the focus on childhood cancer research requires the recruitment of additional investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) medical trainees and investigators in the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

RURAL AMERICA MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 561 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 561) to designate the month of September 2006 as "Rural America Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas more than 55 million people live in rural areas of the country;

Whereas rural areas make up eighty percent of the United States landscape;

Whereas our rural communities are diverse, dynamic engines for growth in America;

Whereas the contribution of rural Americans to the national economy is invaluable;

Whereas rural America's natural renewable resources can help our nation break its dangerous reliance on foreign oil;

Whereas rural America's farmers and ranchers feed families across the country and around the globe while being stewards of our land and natural resources;

Whereas rural Americans look to their local police officers, firefighters, EMTs and National Guard to keep them safe in times of national emergencies;

Whereas the highest concentrations of veterans are found in rural counties;

Whereas rural Americans deserve access to affordable health care;

Whereas rural Americans deserve the finest education we can offer;

Whereas rural America is a key part of our growing information highway;

Whereas Americans in rural areas reflect values that make America great—community, service, hard work, family, and responsibility—their contributions should be recognized and commended: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2006, as 'Rural America Month' and

(2) encourages the people of the United States to observe 'Rural America Month' with appropriate ceremonies and activities during the month of September.

HONORING THE LIVES AND MEMORY OF THE VICTIMS OF THE CRASH OF COMAIR FLIGHT 5191

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 558 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

A resolution (S. Res. 558) honoring the lives and memory of the victims of the crash of Comair Flight 5191, and extending the most sincere condolences of the citizens of the United States to the families and friends of those individuals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 558

Whereas, on August 27, 2006, the Commonwealth of Kentucky suffered a tragic loss when Comair Flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington, Kentucky;

Whereas 49 individuals perished in that tragic accident;

Whereas that event brought grief not only into the communities of Kentucky, such as Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond, but also to homes throughout the United States, Canada, and Japan; and

Whereas local volunteers and government officials responded quickly to rescue a survivor, James Polehinke, investigate the accident, and provide relief and recovery to the families and friends of the victims: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the victims of the crash of Comair Flight 5191, including—

Rebecca Adams;
Christina Anderson;
Lyle Anderson;
Arnold Andrews;
Anne Marie Bailey;
Bobbie Benton;
Jesse Clark Benton;
Carole Bizzack;
George Brunacini;
Brian Byrd;
Jeffrey Clay;
Diane Combs;
Homer Combs;
Fenton Dawson;
Thomas Fahey;
Mike Finley;
Clarence Wayne ("C.W.") Fortney II;
Wade Bartley ("Bart") Frederick;
Hollie Gilbert;
Erik Harris;
Kelly Heyer;
Jonathan Walton Hooker;
Scarlett Parsley Hooker;
Priscilla Johnson;
Nahoko Kono;
Tetsuya Kono;
Charles Lykins;
Dan Mallory;
Steve McElravy;
Lynda McKee;
Bobby Meaux;
Kaye Craig Morris;
Leslie Morris II;
Cecile Moscoe;
Judy Ann Rains;
Michael N. Ryan;
Mary Jane Silas;
Pat Smith;
Timothy K. Snoddy;
Marcie Thomason;
Greg Threet;
Randy Towles;
Larry Turner;
Victoria Washington;
Jeff Williams;
Paige Winters;
Bryan Woodward;
JoAnn Wright; and
Betty Young;

(2) conveys the most sincere condolences of the citizens of the United States to the families, friends, and communities of the victims;

(3) recognizes the rescue and safety workers, medical personnel, and Federal, State, and local officials who—

(A) responded to the tragedy; and

(B) are working—

(i) to uncover the causes of that tragedy; and

(ii) to prevent future accidents; and

(4) commends the volunteers, counselors, and clergy who provided support to families during the difficult days that followed August 27, 2006.

UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 455, S. 2200.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2200) to establish a United States-Poland Parliamentary Youth Exchange Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Poland Parliamentary Youth Exchange Program Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The **[**President, acting through the Secretary of State and**]** *Secretary of State*, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the "United States-Poland Parliamentary Youth Exchange Program".

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the **[**President**]** *Secretary of State* may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

[(f) RELATIONSHIP TO OTHER AUTHORITIES.—The President may utilize the authorities and procedures set out in title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471 et seq.) to establish and carry out the youth exchange program.**]**

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to **[**Congress**]** *the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year;

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2007 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2200), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Poland Parliamentary Youth Exchange Program Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The Secretary of State, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the "United States-Poland Parliamentary Youth Exchange Program".

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the Secretary of State may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year;

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2007 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

UNITED STATES AMBASSADOR FOR ASEAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 2697.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2697) to establish the position of the United States Ambassador for ASEAN.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

S. 2697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Ambassador for ASEAN *Affairs* Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Association of Southeast Asian Nations (referred to in this Act as "ASEAN") was established in 1967, with an initial membership of Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

(2) ASEAN is committed to accelerating economic growth, social progress, cultural development and regional peace and stability.

(3) The membership of ASEAN has expanded to 10 countries since its establishment in 1967.

(4) The United States seeks to maintain and further develop a constructive and cordial relationship with ASEAN.

(5) The countries comprising ASEAN—

(A) constitute the 3rd largest export market for United States products;

(B) have received nearly $90,000,000,000 in direct investment from United States sources; and

(C) are developing an integrated free trade area.

(6) Trade between the United States and the countries comprising ASEAN totals approximately $130,000,000,000.

(7) ASEAN continues to contribute to regional stability in East Asia and has partnered with the United States to combat global terror.

(8) In 2006, approximately 38,000 students from the countries comprising ASEAN were studying in the United States.

(9) The countries comprising ASEAN share a common concern with the United States regarding—

(A) the spread of avian influenza and other diseases; and

(B) environmental issues, such as the preservation of biodiversity and the prevention of illegal logging.

(10) It is in the long-term interest of the United States to maintain and expand a relationship with ASEAN.

(11) The United States does not have an Ambassador to ASEAN, which limits the ability of the United States and ASEAN to respond quickly and appropriately to events of mutual interest.

SEC. 3. UNITED STATES AMBASSADOR FOR ASEAN.

(a) APPOINTMENT.—There is established in the Department of State the position of United States Ambassador for ASEAN *Affairs*, who shall be appointed by the President, subject to the advice and consent of the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Deputy Assistant Secretary of State for East Asia and the Pacific should be designated as the Ambassador for ASEAN *Affairs*.

Amend the title so as to read: "To establish the position of the United States Ambassador for ASEAN Affairs.".

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2697), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 2697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Ambassador for ASEAN Affairs Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Association of Southeast Asian Nations (referred to in this Act as "ASEAN") was established in 1967, with an initial membership of Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

(2) ASEAN is committed to accelerating economic growth, social progress, cultural development and regional peace and stability.

(3) The membership of ASEAN has expanded to 10 countries since its establishment in 1967.

(4) The United States seeks to maintain and further develop a constructive and cordial relationship with ASEAN.

(5) The countries comprising ASEAN—

(A) constitute the 3rd largest export market for United States products;

(B) have received nearly $90,000,000,000 in direct investment from United States sources; and

(C) are developing an integrated free trade area.

(6) Trade between the United States and the countries comprising ASEAN totals approximately $130,000,000,000.

(7) ASEAN continues to contribute to regional stability in East Asia and has partnered with the United States to combat global terror.

(8) In 2006, approximately 38,000 students from the countries comprising ASEAN were studying in the United States.

(9) The countries comprising ASEAN share a common concern with the United States regarding—

(A) the spread of avian influenza and other diseases; and

(B) environmental issues, such as the preservation of biodiversity and the prevention of illegal logging.

(10) It is in the long-term interest of the United States to maintain and expand a relationship with ASEAN.

(11) The United States does not have an Ambassador to ASEAN, which limits the ability of the United States and ASEAN to respond quickly and appropriately to events of mutual interest.

SEC. 3. UNITED STATES AMBASSADOR FOR ASEAN.

(a) APPOINTMENT.—There is established in the Department of State the position of United States Ambassador for ASEAN Affairs, who shall be appointed by the President, subject to the advice and consent of the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Deputy Assistant Secretary of State for East Asia and the Pacific should be designated as the Ambassador for ASEAN Affairs.

NAVAL VESSELS TRANSFER ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 564, S. 3722.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3722) to authorize the transfer of naval vessels to certain foreign recipients.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3722) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naval Vessels Transfer Act of 2006".

SEC. 2. TRANSFERS BY GRANT.

The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships KINGFISHER (MHC–56) and CORMORANT (MHC–57).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14).

(3) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship BLACK HAWK (MHC–58).

SEC. 3. TRANSFERS BY SALE.

The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the authorities in Taiwan, the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(3) MEXICO.—To the Government of Mexico, the AUSTIN class amphibious transport dock ships OGDEN (LPD–5) and CLEVELAND (LPD–7).

SEC. 4. GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of a vessel transferred to another country on a grant basis pursuant to authority provided by section 2 shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

SEC. 5. COSTS OF CERTAIN TRANSFERS.

Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized under section 2 shall be charged to the recipient.

SEC. 6. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 7. APPROVAL OF TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BY VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended by inserting "or vessels of that class" after "that vessel".

SEC. 8. EXPIRATION OF AUTHORITY.

The authority to transfer a vessel under this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

STOLEN VALOR ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1998 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1998) to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stolen Valor Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.

SEC. 3. ENHANCED PROTECTION OF MEANING OF MILITARY DECORATIONS AND MEDALS.

(a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—Subsection (a) of section 704 of title 18, United States Code, is amended by striking "manufactures, or sells" and inserting "purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value".

(b) ESTABLISHMENT OF CRIMINAL OFFENSE RELATING TO FALSE CLAIMS ABOUT RECEIPT OF DECORATIONS AND MEDALS.—Such section 704 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

"(b) FALSE CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both."; and

(3) in paragraph (1) of subsection (c), as redesignated by paragraph (1) of this subsection, by inserting "or (b)" after "subsection (a)".

(c) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—Such section 704 is further amended by adding at the end the following:

"(d) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—If a decoration or medal involved in an offense described in subsection (a) or (b) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of section 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.".

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section 704, as so redesignated, is further amended—

(1) by inserting "ENHANCED PENALTY FOR OFFENSES INVOLVING" before "CONGRESSIONAL MEDAL OF HONOR"; and

(2) by striking paragraph (2) and inserting the following:

"(2) CONGRESSIONAL MEDAL OF HONOR DEFINED.—In this subsection, the term 'Congressional Medal of Honor' means—

"(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

"(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

"(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.".

MEASURES READ THE FIRST TIME—S. 3873, S. 3874, S. 3875, S. 3876, S. 3877

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will please report the titles of the bills en bloc.

The legislative clerk read as follows:

A bill (S. 3873) to protect private property rights.

A bill (S. 3874) to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

A bill (S. 3875) to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

A bill (S. 3876) entitled the "National Security Surveillance Act."

A bill (S. 3877) entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006."

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 8, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 8. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 4954, the port security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will continue to work on the port security bill, which we began tonight. As I announced earlier in the evening, there will not be any rollcall votes tomorrow or on Monday. That being said, the managers will be here and we do hope to move forward with this bill and have amendments offered. Opening statements on the port security bill have begun tonight and will continue in the morning and over the course of the morning and maybe afternoon. I do encourage Senators with amendments to this bill to begin working with the managers in order to get these amendments in the queue.

Today, a very important bill was passed 98 to 0, the Department of Defense appropriations bill. As we have done on the floor previously, I thank the chairman and ranking member, Senator STEVENS and Senator INOUYE, for their perseverance in passing this critical spending bill, a bill we completed today but we began prior to the August recess.

We, earlier today, recognized Senator DOMENICI for passing a very significant milestone with 13,000 votes. As we reviewed the records, there have been only seven other Senators who have met that milestone. He is No. 8. As we said, there are four other Senators currently serving who have met that milestone, so we have a lot of competition here in the U.S. Senate.

As I said earlier, and as was spoken in the tributes to him, he has been a steadfast leader, a bold leader here in the U.S. Senate, somebody who—I did not say earlier today—has offered me counsel from day one over the last 12 years since I have been in the U.S. Senate, counsel that I respect. And I have tremendous admiration for him.

Several of my colleagues did mention Nancy, his wife. She has been right at his side throughout each of his endeavors and, as he has told me so many times, does provide the anchor for everything he accomplishes. They are a great couple, a great pair, and are great friends to Karyn and myself.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Friday, September 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 7, 2006:

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE SECRETARY OF TRANSPORTATION, VICE NORMAN Y. MINETA, RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015, VICE JENNIFER ANNE HILLMAN, TERM EXPIRING.

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011, VICE STEPHEN KOPLAN, TERM EXPIRED.

DEPARTMENT OF STATE

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

LAUREN M. MADDOX, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE KEVIN F. SULLIVAN, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR, II, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SMALL BUSINESS ADMINISTRATION

JOVITA CARRANZA, OF ILLINOIS, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE MELANIE SABELHAUS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

CAPT. THOMAS F. ATKIN, 5472
CAPT. CHRISTOPHER C. COLVIN, 1968
CAPT. CYNTHIA A. COOGAN, 3505
CAPT. DAVID T. GLENN, 2270
CAPT. MARY E. LANDRY, 3917
CAPT. RONALD J. RABAGO, 0666
CAPT. PAUL F. ZUKUNFT, 7122

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

TINA J. URBAN, 8545

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LOYD S. UTTERBACK, 9704

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT WILSON, 1235

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEPHEN J. HINES, 1897

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD S. COLEMAN, 3216

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK P. FITZGERALD, 2694

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES J. GALLAGHER, 8204

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NORMAN S. WEST, 1234

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID P. COLLETTE, 8486

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL M. ROBERTS, 7923

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LISA D. MIHORA, 3073

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID E. EDWARDS, 3569

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL D. BACKMAN, 8761
STAN G. COLE, 4137

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KEVIN BRACKIN, 7154

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

AMY K. BACHELOR, 0522
DEBRA L. DOTY, 8583
DOROTHY A. HOGG, 7010
ROBERT G. HONTZ, 0409
DOUGLAS C. HOWARD, JR., 1195
DAWN G. JACKSON, 3751
LORI A. MACIAS, 4196
ROBERT J. MARKS, 5588
AMY K. MCDANIELS, 6619
MARGARET M. MCNEILL, 5082
NIMA D. REAVIS, 2193
THOMAS F. ROSHETKO, 5285
JANET T. TAYLOR, 2146
JANICE D. WALLACE, 3465
ANITA R. WOLFE, 0352

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN G. BULICK, JR., 8538
RICKY L. CAMPISE, 4160
JANET M. DELTUVA, 6114
THOMAS L. DUQUETTE, 2430
JAMES V. FAVRET, 6077
JAMES F. FORREST, 8978
JOHN A. KILDEW, 6860
EVERETT B. MCALLISTER, 7507
PATRICK H. MURRAY, 4123
HOWARD A. REID, 9230
LINDA STEELGOODWIN, 3249
JAMES W. WEISSMANN, 2073
TIMOTHY S. WELLS, 6512
DONALD J. WHITE, 6144

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TIMOTHY A. ADAM, 5405
MARCELLA F. ADAMS, 8554
EDWARD J. ADELMAN, 4084
CHERYL D. ALLEN, 8527
MICHAEL J. ALLSHOUSE, 7563
JUAN ALVAREZ, 3312
KENNETH E. ANDERSEN, 3715
RICHARD D. ANDERSON, 4258
MELISSA J. APPLEGATE, 4185
STUART K. ARCHER, 8739
MARK R. ARLINGHAUS, 5171
NINA M. ARMAGNO, 3926
CHARLES P. ARMENTROUT, 7340
DENNIS M. ARMSTRONG, 2155
JANET C. AUGUSTINE, 0349
LONNY P. BAKER, 7337
RONALD L. BANKS, 2558
DONALD J. BARNES, 0496
SHAWN J. BARNES, 4363
SAM C. BARRETT, 4813
MATTHEW R. BARTLETT, 5113
STEVEN L. BASHAM, 2045
JEFFERY S. BATEMAN, 0815
ERIC J. BATWAY, 2935
CHARLES R. BAUMGARDNER, 1143
DEBRA F. BEAN, 9653
DAVID B. BEEN, 1167
ARTHUR T. BEISNER II, 7092
BRIAN C. BELLACICCO, 8533
ERNESTO V. BENAVIDES, 4866
ROBERT P. BENDER, JR., 4130
RODNEY K. BERK, 1728
CRAIG A. BERLETTE, 4340
MICHAEL B. BLACK, 6266
BRENDA J. BLACKMAN, 9435
JODY L. BLANCHFIELD, 8976
CLIFTON D. BLANKS, 3603
STEPHEN M. BLIZZARD, 3157
MARK A. BLUME, 1561
TODD A. BOYD, 3661
SETH P. BRETSCHER, 8425
ROBERT B. BROWN, 4871
THOMAS J. BROWNING, 7084
HERALDO B. BRUAL, 1102
RONALD D. BUCKLEY, 0518
EMILY A. BUCKMAN, 0011
WILLIAM J. BUECHEL, 8022
BRIAN D. BUELL, 4846
JOHN M. BUKOWINSKI, 1295
HEIDI H. BULLOCK, 8866
ROBYN M. BURK, 9200
KELLY D. BURNS, 6838
LESLIE C. BURNS, 2906
MITCHEL H. BUTIKOFER, 8291
ANTHONY M. BUTTERS, 3209
BRADLEY G. BUTZ, 9114
THOMAS A. BYRGE, JR., 6576
GORDON S. CAMPBELL, 9784
JAMES L. CARDOSO, 7195
KENNETH D. CARLSON, 7045
JEFFREY A. CARROTHERS, 9856
PAUL L. CARTER III, 4696
TED E. CARTER, JR., 6132
LYLE W. CARY, 9869
CHARLES E. CATOE, 2541
DAVID B. CHANDLER, 9639
MICHAEL J. CHANDLER, 6212
STEVEN R. CHARBONNEAU, 1729
JOHN A. CHERREY, 9090
GARY D. CHESLEY, 8246
ROBERT D. CLAMPITT, 8021
MURRAY R. CLARK, 8866
CHEVALIER P. CLEAVES, 4992
MARK E. CLINE, 6714
KEVIN J. COLE, 0511
JAMES L. COMFORT, 4267
KIMERLEE L. CONNER, 7248
MICHAEL P. CONNOLLY, 1293
KATHLEEN A. COOK, 2735
WILLIAM T. COOLEY, 6085
CHRISTOPHER M. COOMBS, 4725
DAVID B. COOMER, 3731
MARK A. COOTER, 2491
RICKY J. CORNELIO, 7099
JOHN A. COTE, 7589
CHRISTOPHER D. COTTS, 9107
ROBERT J. CRAVEN, 9149
JAMES W. CROWHURST, 8649
ROBERT J. CULHANE, 6132
HAROLD J. CUNNINGHAM, JR., 7424
THOMAS F. CURRAN, JR., 0829
TOM P. CURRIE, JR., 7361
ANDRE K. CURRY, 1178
MARGARET J. CZAPIEWSKI, 9468
DARREN R. DANIELS, 7355
WILLIAM B. DANSKINE, 1412
ALAN D. DAVIS, 9172
HOWARD C. DAVIS, 9175
ANTHONY K. DECKARD, 2590
CORDELL A. DELAPENA, JR., 9848
WILLIAM C. DEMASO, 3871
MICHAEL R. DEMBROSKI, 2144
STEPHEN R. DEMERS, 5690
DONALD T. R. DERRY, 3492
BRUCE T. DESAUTELS, 4219
JOSEPH E. DIANA, 5842
STEPHEN A. DIFONZO, 1244
LAURENCE A. DOBROT, 7551
JOHN L. DOLAN, 5803
RAMONA L. DOLSON, 3382
EDWIN F. DONALDSON III, 0263
ROBERT C. DOOLEY, 8401
RODERICK E. DORSEY, JR., 2684
CLIFTON DOUGLAS, JR., 4959
SUZANNE L. DUBOSE, 0534
VALENTINE J. DUGIE, 5927
CHARLES A. DUNN II, 3390
CHARLES W. EASTMAN, 1235
STEPHEN M. ELLIOTT, 3578
DAVID F. ELLIS, 4864
CHRISTOPHER T. EMMERT, 4505
SCOTT J. ERICKSON, 6895
ROYCE E. EVES, 6425
JAMES E. FAIRCHILD, 1288
MICHAEL A. FANTINI, 0711
PAUL E. FEATHER, 9206
GLENN A. FERGUSON, 5389
SUZANNE FILION, 9057
EDWARD M. FINCKE, 9061
SCOTT A. FISCHER, 0570
THOMAS A. FITCH, 1753
JAY S. FITZGERALD, 2303
JAMES M. FOLEY, 7372
SCOTT A. FOREST, 5522
LESLIE A. FORMOLO, 8229
KEVIN L. FOX, 7476
BRIAN E. FREDRIKSSON, 8581
THOMAS A. F. FREESE, 5730
DAVID B. FRYE, 2697
JAMES M. GALLAGHER, 8996
MICHAEL E. GANTT, 7003
JOHN W. GARDNER, 5174
STEVEN D. GARLAND, 3523
THOMAS L. GIBSON, 0824
JOHN E. GILMOUR, 3291
KEITH M. GIVENS, 2149
CARL C. GOODISON, 8228
REID M. GOODWYN, 7931
JOHN R. GORDY II, 4036
CARL S. GRAMLICK, 0140
LAWRENCE C. GRAY II, 0748
GARRY M. GREEN, 9206
SCOTT B. GREENE, 9170
KENNETH G. GRIFFIN, 3050
DARRYLE J. GRIMES, 6175
PAUL H. GUEMMER, 4554
ERIC G. GUNZELMAN, 8377
JEFFREY H. GUSTAFSON, 3225
GREGORY M. GUTTERMAN, 8864
ROBERT D. HACKETT III, 6760
LANCE C. HAFELI, 7914
CRAIG W. HALL, 7162
JAMES R. HALL, 4791
KURT D. HALL, 4842
JAMES D. HAMILTON, 1826
WILLIAM S. HANDY, 7206
PAUL R. HARDY, 0331
DARREN E. HARTFORD, 9634
QUINTIN H. HARTT, JR., 2205
JOSEPH M. HASTINGS, 0302
JEFFREY A. HAUSMANN, 6136
JEFFREY E. HAYMOND, 8972
MARK S. HAYS, 4695
MICHAEL T. HEALY, 3178
RICHARD L. HEDGPETH, 3894
FRANK R. HEINSOHN, 0609
JEFFREY A. HERD, 0119
GREGORY A. HERMSMEYER, 6872
MARK E. HESS, 7290
KENNETH P. HESSION, 1069
DANIEL K. HICKS, 0357
SCOTT W. HILL, 9311
LAWRENCE W. HINKIN, 9958
ELLWOOD P. HINMAN IV, 1587
MARK A. HOBSON, 3107
WILLIAM R. HODGKISS, 3114
SUSAN M. HOGG, 5267
BLAINE D. HOLT, 6217
MARK D. HORN, 2898
MICHAEL J. HORNITSCHEK, 7457
PAUL R. HORST, JR., 6288
SCOTT A. HOWELL, 8759
JOHN T. HRUBY, 6611
ROBERT B. HUBER, 1448
PAUL E. HUFFMAN, 6467
ARLEY J. HUGGHINS, 4228
ERIC N. HUMMER, 4283
RONALD L. HUNTLEY, 4491
JEFFREY L. HUPY, 4165
TIMOTHY D. HUTCHISON, 9733
JEFFREY A. JACKSON, 6142
RICHARD S. JARVIS, 5461
VINCENT B. JEFFERSON, 1644
CHARLES D. JOHNSON, 2663
DAVID C. JOHNSON, 8227
LEWIS E. JORDAN, JR., 4893
MICHAEL J. JORDAN, 7872
VINCENT T. JOVENE, JR., 7079
WARD F. JUEDEMAN, 8867
THOMAS Z. JUNYSZEK, 6402
JOHN H. KAFER, 0064
HANS R. KASPAR, 3906
RICKY L. KEELING, 2749
STANFORD K. KEKAUOHA, 2800
BRIAN T. KELLY, 3880
PATRICK M. KELLY, 7461
RANDALL T. KERSEY, 8930
MOHAMMED A. KHAN, JR., 3620
HARRY R. KIMBERLY III, 8558
DONALD F. KIMMINAU, 4192
DONALD E. KIRKLAND, 8446
SCOTT A. KISER, 9275
STEVEN V. KNUTSON, 6441
LAURA J. KOCH, 9261
DONALD J. KOCHANSKI, 0512
STEPHEN W. KORNS, 8940
EDWARD A. KOSTELNIK, JR., 8111
MARILYN H. KOTT, 7719
MICHAEL V. KRUEGER, 3912
JAMES D. LABOMBARD, 1805
ALAN T. LAKE, 3755
STEVEN K. LAMBERT, 3742
STEPHEN A. LANGFORD, 7388
SCOTT C. LARRIMORE, 1760
WAYNE A. LARSEN, 0520
JAMES R. LASCHE, 4496
EUGENE K. LEE II, 9015
KEVIN L. LEEK, 2365
RONALD F. LEWANDOWSKI, 3755
JAMES A. LEWIS III, 4989
WALTER J. LINDSLEY, 0406
STEPHEN T. LING, 2074
ANTHONY S. LOMBARDO, 8648

JOHN W. LONG, 2129
STEVEN R. LOOTENS, 7134
ERIC C. LORRAINE, 7983
PHILIP E. LOUDEN, JR., 3095
MICHAEL T. LUFT, 8717
JAMES P. LUKE, 3379
RUSSELL L. MACK, 9538
PATRICK C. MALACKOWSKI, 3918
SCOTT E. MANNING, 3674
RICHARD S. MARKS, 9501
RONALD L. MARSELLE, 2966
JOSEPH D. MARTIN, 1116
MARK D. MATTISON, 0503
MARY E. MATUSIEWICZ, 2462
GARY A. MAUSOLF, 3474
JEFFREY W. MAXWELL, 0799
PATRICK A. MCCLELLAND, 6686
PATRICK J. MCCREA, 4535
KEVIN J. MCELROY, 4854
PATRICIA I. MCGINNIS, 5573
JAMES J. MCGOVERN, 2902
MICHAEL J. MCINERNEY, 1167
PAUL S. MCINTYRE, 0300
EDWARD L. MCKINZIE, 0557
MARK A. MCLEAN, 0924
DARREN D. MEDLIN, 4124
MARCIA R. MEEKSEURE, 7451
JAMES J. MEERSMAN, 8678
JEFFREY T. MIKESELL, 1587
DAVID A. MILLER, 4772
EVAN M. MILLER, 4111
PATRICK J. S. MILLER, 1337
STEVEN L. MILLER, 7527
MICHAEL A. MINIHAN, 3251
JEFFREY G. MINTZLAFF, 3149
MARK H. MOL, 0994
CHRISTOPHER P. MONAHAN, 3324
WAYNE R. MONTEITH, 5629
KEVIN R. MOORE, 4919
PATRICK X. MORDENTE, 7087
JAMES A. MORGAN, 0891
MARYDARLENE MORGAN, 1903
MICHAEL B. MORGAN, 2214
JOHN C. MORLEY, 3962
MARSHALL T. MORRISON, 5270
WILLIAM J. MORROW, JR., 2870
STEPHEN K. MOULTON, 4627
KEVIN M. MULVIHILL, 4955
MONTE J. MURPHY, 2327
PAUL R. MURPHY, 4739
JAMES E. MURRAY, 3172
MARK K. NAKANISHI, 3419
JUAN C. NARVID, 6769
SCOTT A. NEUMANN, 9657
WILLIAM K. NUGENT, JR., 9402
PERRY R. OAKS, 0949
JAMES W. OBRIEN, 8132
MARY F. OBRIEN, 6916
MICHAEL G. OBRIEN, 1772
TIMOTHY J. OBRIEN, 2862
LISA A. H. ONAGA, 7800
BRIAN P. OREAR, 1812
STEPHEN E. OREAR, 9271
JONATHAN M. OWENS, 4081
SCOTT A. OWENS, 9920
LAMAR D. PARKER, 5412
TERRY W. PARROTT, 5481
GREGORY D. PARSONS, 2768
TERRY A. PARSONS, 2404
ANDREW H. PEARS, 4746
CHRISTOPHER J. PEHRSON, 1752
MICHAEL E. PELLETIER, 5398
THOMAS PEPPARD, 1287
CARMEN F. PERONE, JR., 1915
CATHERINE M. PERRO, 1176
GREGORY J. PETREQUIN, 8881
HERBERT PHILLIPS, JR., 8553
JAMES A. PICKLE, 3560
MICHAEL A. PIPAN, 1410
PHILIP A. PLATT, 0510
PRESTON M. PLOUS, 4838
HENRY W. POLCZER, 7928
TONY POUNDS, 7609
JEFFREY W. PRICHARD, 8349
JOHN W. PROBST, 8617
RAFAEL D. L. QUEZADA, 8787
RUSSELL J. QUINN, 8577
ROSE A. RAMIREZ, 2374
JOHN T. RAUCH, JR., 4156
JAMES C. REAVIS, 0214
JEFFREY S. RENNER, 9625
STELLA R. RENNER, 1985
DAVID A. RETH, 2370
ROBERT B. RICARTE, 1254
GEORGE E. RIEBLING, 2528
JAMES G. RIEMENSVANLAARE, 3357
DARRELL L. RIGGS, 3341
GEORGE A. RISSE, 3735
JOSE A. RIVERAGAUD, 5351
JAMES C. RIX, 5057
MICHAEL G. ROBBINS, 5776
RICHARD F. ROBEL, JR., 2123
PETER C. ROBICHAUX, 4488
EVAN G. ROELOFS, 5924
JOSEPH L. ROMANO III, 4683
GEORGE H. ROSS III, 8170
FRANK J. ROSSI, 2912
GLENN G. ROUSSEAU, 8672
RONALD C. ROUX, 2855
DAVID B. ROYAL, 1665
JOHN A. RUTKOWSKI, 0189
RAYMOND A. SABLE, 4622
RONALD J. SANDERS, 8691
MICHAEL D. SARCHET, 9230
VINCENT SAVINO, 1467
GEORGE P. SCHAUB, 7384
JOSEPH V. SCHMIDT, 6168
ERIC W. SCHNAIBLE, 3033
KEVIN B. SCHNEIDER, 2361
THOMAS A. SCHNEIDER, 6225
RICHARD L. SCHOONMAKER, 6074
PATRICIA K. F. SEARCY, 4385
DANIEL J. SETTERGREN, 3947
THOMAS J. SEXTON, 4789
DONALD L. SHAFFER, 7372
JOHN S. SHAPLAND, 7996
ANDRE G. SHAPPELL, 9677
STUART J. SHAW, 1570
STEVEN C. SHEPARD, 8929
BRIAN D. SHIMEL, 7250
HENRY H. SHIN, 0357
EDWARD F. SHOCK, 4228
JAMES K. SIKES, 7686
DOROTHY A. SILVANIC, 7975
DENNIS J. SIMPSON, 1571
ROBERT W. SINGLETON, 8636
TRACEY S. SKELTON, 4567
TRACY A. SMIEDENDORF, 3667
MICHAEL S. SMITH, 8628
PAUL L. SMITH, 1261
STEVEN A. SMITH, 0733
FRANK T. SMOLINSKY, 9431
JAMES A. SPAULDING, 6471
MICHAEL W. SPENCER, 7669
WILLIAM J. SPENDLEY, JR., 9509
MARK S. SPILLMAN, 8338
MICHAEL P. STAPLETON, 6919
MARCY A. STEINKEFIKE, 2497
MICHAEL H. STICKNEY, 7100
FERDINAND B. STOSS, 9490
JEFFREY N. STOUT, 8440
TYRONE A. STRACHAN, 3559
JOHN J. SULLIVAN, 9353
DAVID B. SUMRELL, 0240
JON M. SUTTERFIELD, 2082
KEITH A. SWENSEN, 9696
JEFFREY B. TALIAFERRO, 5342
WILLIAM L. THOMAS, JR., 0434
BRADLEY P. THOMPSON, 8543
CHARLES F. THOMPSON, 1567
JULIAN H. TOLBERT, 8791
HARRY A. TRUHN, 3582
CAREY F. TUCKER, 4345
STEPHEN G. UYEHATA, 0638
CHRISTOPHER R. VALLE, 2669
ROLAND K. VANDEVENTER, 3707
ROBIN P. VANDERBERRY, 1504
DAVID G. VANDERVEER, JR., 9840
PETER L. VANDEUSEN, 0613
DEBORAH L. VANDEVEN, 0615
GLEN D. VANHERCK, 8276
JOSEPH A. VENEZIANO, 9165
TERRY W. VIRTS, 0355
JEAN N. VITE, 5589
ROBERT M. WALKER, 6218
CHRISTOPHER A. WARACK, 3367
WARREN G. WARD, 6021
BARBARA K. WATKINS, 4606
TERRY WATKINS, 7272
ALISON M. WEIR, 4032
REBECCA E. WEIRICK, 9889
BARTHOLOMEW W. WEISS, 6141
JERRY K. WELDON II, 0128
JOSEPH D. WERCINSKI, 2154
PHILIP V. WESTERFIELD, 6298
SCOTT G. WIERSCHKE, 3976
CALVIN WILLIAMS, 1850
RICHARD K. WILLIAMS, 2985
STEVEN P. WINKLMANN, 6344
MICHAEL F. WINTERS, 6288
JOHN M. WOOD, 9928
CHRISTOPHER F. WRENN, 3044
RICHARD N. WRIGHT, 3173
MICHAEL V. YUILL, 7688
SARAH E. ZABEL, 6883
TODD M. ZACHARY, 0591
JOSEPH A. ZAHN, 2048
NOEL ZAMOT, 4158
DANIEL C. ZOOK, 5325
DAVID R. ZORZI, 2719
LOUIS V. ZUCCARELLO, 2680

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WADE B. ADAIR, 3011
TRACY L. ALLEN, 0981
DALE F. ALWARD, 0144
DELORES A. ANDERSON, 3215
SUSAN G. ANGUS, 1032
CHRISTOPHER J. ARRICALE, 4756
WILLIAM B. BARKLEY, 0802
JOYCE C. BEATY, 6179
PAMELA BELLGARVIN, 3866
KENNETH BOND, 8542
JACQUELINE L. BOWERS, 2317
WILLIAM C. BREEDLOVE, 3579
DAVID B. BROWN, 0031
TERA Y. CARTER, 2646
ANADIS COLLADOVALENTIN, 8207
JEFFREY N. COOK, 2541
SARAH A. COORSDAVIDSON, 3440
MANUEL DOMINGUEZ, 9683
ALBERT E. DUFFIELD, JR., 6820
STEPHANIE K. DUSZA, 4888
DEREK S. ECKLEY, 4093
GREGORY S. FELTENBERGER, 3040
SEAN P. FRANCIS, 5409
TOMMY D. FRANKLIN, JR., 5812
TERRELL G. FREEMAN, 2241
SHUREE J. GILLESPIE, 1192
RONALD J. GREENAWAY, 8125
RODNEY A. GUMBISH, 2925
EUGENE HARRIS II, 2419
JOHN J. ISTVAN, 5821
RANDALL G. IVALL, 8934
MILTON O. JOHNSON, JR., 7828
BRIAN K. JONES, 5118
CHRISTOPHER R. JOSEPH, 8828
VICKY M. KRAMER, 4529
MATTHEW S. KRAUCHUNAS, 7575
STANTON A. LESIEUR, 6564
TED C. LEMON, 8115
JAY T. LUDESCHER, 1449
SABRINA R. J. LUTTRELL, 4879
ROGER E. LYNCH, 6744
JOSEPH G. LYONS, 1190
WENDY L. MACK, 5956
KATHLEEN M. MACKEY, 8187
MARYANN I. MARQUEZ, 1699
ANN M. MCCAIN, 3829
NORA MERRITT, 2565
PATRICK R. MISNICK, 4648
ROYCE F. MOORE, 5232
JAMES F. MULLEN, 1498
GEORGE I. ONYENYEONWU, 9559
ROBERT D. PELTZER, 8617
KENNETH C. PERRY, 8349
KEVIN J. PINETTE, 9784
LYDIA A. RADFORD, 6149
JOSE C. RAZO, JR., 9642
GREGORY J. READY, 7438
EDWARD E. RHODES III, 7267
JONATHAN E. RICHARDS, 8511
JENNIFER E. RIGGINS, 8901
KIMBERLY J. ROBERTS, 5563
MARK W. ROGERS, 8134
AMY E. RUSSO, 3443
ANDREA N. RYAN, 4161
ALVIN SCOTT, JR., 6580
ALTAN A. SHAFFER, 3301
BRYAN K. SIMPSON, SR., 1120
KRISTEN M. SORRELLS, 1178
JOSE A. SORTO, 2579
BETH A. SPOON, 1928
KEVIN D. STAPLES, 1646
MARK E. STEPHENS, 8341
LISAMARIE C. TAPIA, 9984
MARIA D. VASSAR, 7371
JAY W. VEEDER, 3372
ELIJIO J. VENEGAS, JR., 9511
RAUL P. VIRAY, 4852
RANDALL WEBB, 7753

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES W. BARBER, 0277
DANNY L. BLAKE, 0412
DUANE M. BRAGG, 3514
JOHN R. BROOKS, 8724
JOHN H. DANIELS, 2008
JAMES D. DARDEN, 7971
GREGORY B. DEWOLF, 6486
BRENT A. EPLING, 5157
MATTHEW B. ESCHER, 5682
LOUIS A. FERRUCCI, JR., 0110
KEVIN M. FRANKE, 5234
DAVID V. GILL, 9792
MATTHEW A. GRINSTAFF, 4208
SEAN A. HOLLOWAY, 4108
KARL D. HUTH, 0005
RONALD L. JOHNSON, 3642
DANIEL E. LEE, 4439
CHRISTOPHER P. MARCUS, 8979
ERICH P. MURRELL, 5279
CHRISTOPHER A. PHILLIPS, 5476
MICHAEL J. REUSS, 8395
MICHAEL C. SUMNER, 4647
STEVEN P. VANDEWALLE, 0010

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAGE S. ALBRO, 3735
PATRICK MCANDREW, 8367
JANET L. PROSSER, 6048

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MICHAEL C. DOHERTY, 5106
JAY M. WEBB, 3594

To be lieutenant colonel

MICHAEL L. ADAMS, 0453

MARILYN GEORGES, 4101
JOSEPH F. MILLER, 1605
GARY L. WILKERSON, 3393

To be major

HRISTOPHER W. DAVIS C. 1, 483
EDWIN A. DEAGLE, 2724
INGRID LIM, 9375
JEFFREY T. NEWHARD, 2524
NESTOR SOTO, 2245

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

HEIDI P. TERRIO, 1244

To be major

ERIC M. BLUMAN, 4652
SUSAN M. DAY, 1701
JOHN W. ERVIN, 4192
DEAN R. FOCHT, 4749
NELSON A. FRANCO, 1450
DION L. FRANGA, 8267
LINDA G. JACKSON, 0553
JASON M. JOHNSON, 2026
ERIC J. LESCAULT, 9049
RICHARD S. LUCIDI, 8695
MICHAEL F. MACDONALD, 0554
DONNY M. MELTON, 6763
CHANG W. MOON, 4256
DZUNG Y. NGUYEN, 9756
THOMAS P. POEPPING, 4592
BRUCE A. RIVERS, 5300
BRETT A. SCHLIFKA, 4199
ROSS D. SEGAN, 5963
BENJAMIN SOLOMON, 3680
JOHN H. WU, 7505

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL T. ABATE, 4252
COURTNEY L. ABRAHAM, 5650
FREDDY L. ADAMS II, 9555
JEFFREY W. ADAMS, 3139
ROBERT S. ADCOCK, 2672
ANDREW J. AIELLO III, 0135
VORNHOLT A. AKERS, 7560
ERIC M. ALA, 5675
EVERARDO ALANIS, 4226
MARCOS U. ALANIZ, 7028
JOSE O. ALATORRE, JR., 9366
JOSEPH H. ALBRECHT, 3442
DAVID A. ALBRIGHT, 4381
JOSEPH M. ALBRIGHT, 2703
JAMES G. ALDEN, 3429
CHRISTOPHER G. ALESHIRE, 9434
JORDAN A. ALEXANDER, 7932
PAMELA S. ALEXANDER, 8993
TROY V. ALEXANDER, 0182
YUSHA A. ALI, 5842
ERIC E. ALLEYNE, 2581
MATTHEW S. ALLISON, 9820
CHRISTOPHER T. ALTAVILLA, 8881
LUIS G. ALVARADOCOLON, 4210
EDGAR J. ALVAREZ, 3785
LUIS M. ALVAREZ, 9770
JASON M. ALVIS, 8790
RICHARD F. AMADON, 6992
STEPHEN C. AMATO, 9315
MATTHEW K. ANASTASI, 1396
MICHAEL T. ANDERS, 0870
CHRISTIAN O. ANDERSON, 5096
ERIC A. ANDERSON, 6546
MICHAEL C. ANDERSON, 1894
MITCHELL E. ANDERSON, 0691
MARK C. ANDRES, 0706
BRANDY M. ANDREWS, 4202
AARON ANGELL, 6686
GREG W. ANK, 0223
LORI E. ANKABRANDT, 6328
DAVID A. ANTHONY, 8504
DERRICK G. ANTHONY, 4079
JUDY C. ANTHONY, 7641
VALERO R. AQUINO, 2941
MATTHEW T. ARCHAMBAULT, 8644
AUGUST A. ARDUSSI, 9269
STEVEN N. ARNE, 5867
ALEXANDER D. ARNOLD, 3865
DAVID M. ARNOLD, 0393
JASON E. ARNOLD, 1996
JOHNPAUL H. ARNOLD, 5248
WILLIAM C. ARNOLD, 8277
CHE T. AROSEMENA, 9913
LUIS R. ARZUAGAMALAVE, 0083
JAMES M. ASHBURN, 1069
DAVID C. ASHCRAFT II, 2703
CARLA N. ASHLEY, 9876
CHARLES L. ASSADOURIAN, 9419
ROBERT L. ATIENZA, 8446
CARLA J. AUGUSTINE, 6184
ARIEYEH J. AUSTIN, 9036
THOMAS E. AUSTIN, 6260
CARMEN M. AVILESECHEVARRIA, 0565
MICHELLE R. BABAUTA, 7320
BRYAN L. BABICH, 0287
CHRISTOPHER A. BACHL, 8406
DAVID J. BAER, 8043
STEPHANIE A. BAGLEY, 3566
DEWAYNE K. BAILEY, 4120
MICHAEL T. BAILEY, 4691
TAMIKA B. BAILEY, 6830
YOLANDA M. BAILEY, 1982
TERRIE L. BAISLEY, 8288
ELLIS R. BAKER, 9015
JAMES W. BAKER, 4747
MICHAEL A. BAKER, 7357
PATRICIA G. BAKER, 1241
ROBERT E. BAKER, 2475
RODNEY S. BAKER, 4167
IRA S. BALDWIN, 5792
MATTHEW S. BALINT, 6298
CLYDE S. BALL, 3070
CHRISTOPHER L. BALLARD, 6740
JULIE A. BALTEN, 1416
BRAD A. BANE, 0525
RAYMOND T. BANKS, 9812
ERIK S. BARKEI, 6167
ELLIS H. BARNES IV, 1143
DALE E. BARNETT, JR., 4321
LUIS E. BARRAZA, 0068
CARL F. BARTLE, 2407
STEPHANIE A. BARTON, 9468
MARCUS L. BATES, 9793
SAMUEL L. BATTAGLIA, 5521
LISA A. BATTLE, 3702
ROBERT T. BAUGHMAN, 9923
JASON D. BAVLNKA, 8763
DELBERT B. BAYASEN, 8973
KEITH O. BAYLOR, 8865
LOYD BEAL III, 0783
DAVID C. BEAMAN, 0433
TIMOTHY S. BEAN, 8288
GARY W. BEARD, JR., 2526
JEFFREY W. BEAUCHAMP, 5507
MARC P. BECKAGE, 5564
CALMER R. BEESON, 4536
BRIAN D. BEINER, 8428
KURT W. BELAWSKE, 6881
MARK D. BELINSKY, 1831
SUNSET R. BELINSKY, 5238
HONRE L. BELL, 7679
JEREMY D. BELL, 8187
LAWSON F. BELL, 0098
RAMONA L. BELLARD, 3985
ANDREW T. BELLOCCHIO, 0765
DEREK J. BELLOWS, 4986
AMOS R. BENNETT, 9900
BENJAMIN A. BENNETT, 3489
CHICO D. BENNETT, 7975
MATTHEW J. BERBERIAN, 4465
MICHAEL A. BERDY, 3878
JONATHAN A. BERGERON, 9666
LARRY J. BERGERON, JR., 0338
AUGUSTO J. BERNARDO, 5056
STEPHEN M. BESINAIZ, 8359
LUKE BESS, 9676
TEERAPHAN BEVILL, 7944
MEKOLA BIDANEC, 9934
CLAYTON R. BIDDLE, 9897
DAVID F. BIGELOW, 0493
MARK J. BIGELOW, 6369
BRIAN J. BIGHAM, 1896
DEREK A. BIRD, 6085
JAMES B. BIRD, 0363
ALEX W. BISHOP, 6101
JAMES K. BJERKAAS, 6470
ERIC R. BJORKLUND, 9440
CATHERINE M. BLACK, 4975
JEREMY N. BLACK, 9849
DANIEL D. BLACKMON, 9939
JAMES N. BLAIN, JR., 2432
REX L. BLAIR, JR., 3890
SETH T. BLAKEMAN, 9513
CRAIG M. BLANDO, 3619
JOSEPH R. BLANTON, 3436
WILLIAM A. BLISS, 1930
MATTHEW L. BLOME, 2060
MATTHEW R. BOCKHOLT, 0857
RYAN K. BOCOCK, 0079
JUSTIN H. BOGUE, 5285
LEE E. BOKMA, 8947
ROY L. BOLAR, 2720
JENNIFER B. BOLLINGER, 2357
DOUGLAS S. BOND, 9766
JAMES E. BONO, 5216
MICHAEL A. BONURA, 8309
ALICIA M. BOOKER, 0440
KENYA M. BOOKER, 7119
MARIA C. BORBON, 1537
PATRICK E. BOSS, 5559
RANDY BOUCHER, 1578
KEVIN D. BOUREN, 2604
KENRIC F. BOURNE, 9174
DAVID D. BOWLING, 0855
SILAS R. BOWMAN, 1870
LINDA M. BOZADA, 8061
JEFFREY A. BRACCO, 5973
DANIEL A. BRACE, 9193
TERRANCE L. BRADFORD, 5087
JAMES A. BRADY, 6002
DENA M. BRAEGER, 3511
KENNETH J. BRAEGER, 6480
JEFFERY J. BRAGG, 8429
KARST K. BRANDSMA, 1923
TERRY D. BRANNAN, 2125
ALEXANDER BRASZKO, JR., 8620
SEAN M. BRATTON, 9744
BRUCE A. BREDLOW, 6847
MATTHEW S. BRESKO, 3009
DAVID O. BRETNEY, 1736
MATTHEW P. BREWSTER, 6543
CHRISTOPHER T. BRIDGES, 8434
CHRISTOPHER D. BRINGER, 3727
LEE A. BRINKER, 4360
WENDY E. BRINSON, 8595
BRIAN D. BROBECK, 4087
JOHN A. BROCK, 2545
KASE H. BROCK, 5060
MICHELLE B. BRONELL, 6962
DERYCK J. BROOKHOUSE, 2358
CARL R. BROOKS, 4610
COLIN N. BROOKS, 7459
GEORGE L. BROOKS III, 6292
MERVIN G. BROTT, 5861
ALAN S. BROWN, 5577
CLARENCE T. BROWN IV, 8867
EDWARD A. BROWN II, 3674
JAMES D. BROWN, JR., 9076
JEFFERY D. BROWN, 5315
MATTHEW W. BROWN, 3964
SLADE C. BROWN, 5832
WADE D. BROWN, 1012
ELDRIDGE D. BROWNE, 4959
STEPHEN C. BROWNE, 5987
COREY A. BRUNKOW, 6677
LAHAVIE J. BRUNSON, 1845
JOHN T. BRYAN, 5661
JON M. BRYAN, 4982
LAMONT F. BRYANT, 1602
MATTHEW W. BRYANT, 4282
PAUL J. BRYSON, JR., 5553
FRANK M. BUCHHEIT, 3984
THOMAS A. BUCHHOLZ, 1528
TERRENCE H. BUCKEYE, 6858
CHRIS A. BUCKNER, 5446
ZACHARY J. BUETTNER, 1860
LINWOOD BUFORD, JR., 9218
MICHAEL E. BUGAJ, 4648
ALEXANDER L. BULLOCK, 0665
MATHEW F. BUNCH, 1779
WILLIAM D. BUNDY, 7125
MICHELLE M. BUNKERS, 8089
JAMES M. BUNYAK, JR., 9198
JASON T. BURGESS, 0298
JEFFREY T. BURGOYNE, 3477
MICHAEL C. BURGOYNE, 8514
PETER Q. BURKE, 0389
JONATHAN D. BURNETT, 3779
CURTIS R. BURNS, 0453
KIMBERLYN BURNSBROWN, 1387
AMY L. BURROWS, 5031
SHAWN R. BURTON, 6815
JOHN M. BUSHMAN, 9687
DARREN W. BUSS, 2804
DAVID M. BUTLER, 7485
ERIC D. BUTLER, 4179
JEFFREY S. BUTLER, 0993
KAREL A. BUTLER, 1956
PETER C. BYLONE, JR., 6054
CHRISTOPHER J. BYRD, 0089
WILLIAM T. BYRNS, 1086
TODD S. BZDAFKA, 3304
KEVIN G. CAHILL, 6763
WOODWARD H. CALDWELL, 4684
LAWRENCE F. CAMACHO, 2710
CANDY A. CAMPBELL, 4922
CONNI C. CAMPBELL, 2252
OBERT G. CANTAVE, 6220
TYLER G. CANTER, 0645
DAVID A. CARLILE, 2441
BRIAN F. CARLIN, 0743
BRIAN J. CARLSON, 2363
CHAD M. CARLSON, 6281
MELANIE I. CARLSON, 4719
MICHAEL J. CARNEY, 2225
JASON A. CARR, 8961
NAOMI CARRINGTON, 5548
BRYAN E. CARROLL, 0317
LORA M. CARROLL, 2611
ROGER D. CARROLL, JR., 2705
ADISA O. CARTER, 5064
BRUCE J. CARTER, 0242
CARL T. CARTER, JR., 7583
JON D. CASEY, 9922
MATTHEW P. CASHDOLLAR, 7497
JOSE J. CASILLASGONZALEZ, 2302
ANTHONY J. CASSINO, 9924
BRIAN D. CASTELLANI, 2346
FERNANDO CASTILLO, 2878
DANIEL A. CASTRO, 0456
GLOVER H. CASTRO, 1116
KEVIN J. CASTRO, 5487
GARY R. CATLIN, JR., 7408
WILLIAM C. CAVIN, 6838
JOHN D. CAZIER, 0701
DOUGLAS R. CHADWICK, 8826
ADAM M. CHALMERS, 8693
CHRISTOPHER B. CHAMBLISS, 5512
JOHN F. CHAMPY, JR., 8345
SEAN A. CHANDLER, 6136
VERNON A. CHANDLER, 8457
DAVID J. CHANG, 9190
DON M. CHANG, 7172
STEVEN J. CHANG, 4505
CHRISTOPHER N. CHAPMAN, 6615
DOUGLAS L. CHAPMAN, 9802
REGINA F. CHARLES, 3440
CARL A. CHASTEEN, 8072
ANIL CHAUDHRY, 2454
SANDRA L. CHAVEZ, 6293

FRITZ CHERILUS, 7389
DANIEL V. CHERRY, 6078
JOSEPH B. CHESTNUT II, 6103
CRAIG S. CHILDS, 6334
EDWIN L. CHILTON II, 6501
JOHN A. CHISOLM, 6391
LYCHELLE L. CHISOLM, 9310
KYUNGHO CHO, 0611
LEIF E. CHRISTENSEN, 4751
MICHAEL J. CHRISTIANSEN, 1587
JOHN G. CHUNG, 6965
JONATHAN M. CHUNG, 2743
ERIC B. CHURCH, 4757
DOMINIC J. CIARAMITARO, 9199
MARCO M. CILIBERTI, 0648
ARI A. CLAIBORNE, 0730
JAMES J. CLANCY, JR., 6094
DAVID P. CLAPHAM, 3909
CARL E. CLARK, 3699
JASON P. CLARK, 7897
STEVEN M. CLARK, 8276
WILLIAM C. CLARK, JR., 0765
TOMMY J. CLEMENT, 0006
BRENT A. CLEMMER, 2674
NILE L. CLIFTON, JR., 7645
KEVIN R. CLINE, 8643
DARRIN W. CLINTON, 3123
SEAN M. CLOUGHERTY, 0513
SCOTT T. CLUTTER, 9264
MICHAEL W. COBB, 7366
PATRICK L. COBB, 4631
RONALD H. COHEN, 2895
AQUILLER E. COLE, 1864
KACI H. COLE, 3757
MICHAEL K. COLE, 6503
PAUL B. COLE IV, 2908
BRIAN B. COLEMAN, 3096
JOEL L. COLEMAN, 0550
OCTAVIA T. COLEMAN, 3363
JULIE R. COLLIE, 7851
ASHLEY D. COMBS, 7941
JASON R. CONDE, 1899
MICHAEL R. CONDE, 9968
JASON W. CONDREY, 5481
RICHARD D. CONKLE, 1895
SCOTT E. CONLEY, 1405
TRENTON J. CONNER, 4621
LEVIE J. CONWAY, 7315
BRENNAN F. COOK, 4813
JAY R. COOK, 1994
KURT J. COOK, 6429
STEPHEN D. COOK, 8897
WILLIAM E. COOK, 4970
AARON K. COOMBS, 8655
EDWARD C. COONEY, 5485
DOUGLAS W. COPELAND, 1769
KENNETH COPELAND, 3280
BRIAN A. CORAM, 6186
GEORGE I. CORBARI, 9585
ALEXANDER D. CORBIN, 3425
ELVIS CORONADO, 0337
RENE CORONADO, 6144
JACULYN R. COSEY, 5422
WILLIAM A. COSTICE, 0429
JEFFREY A. COULON, 7569
SEAN D. COULTER, 4377
ERIC E. COUNSIL, 1316
JUSTIN Z. COVEY, 6345
DAVID F. COY, 0282
WILLIAM N. CRAIG III, 1081
JAMES R. CRANE, 7885
MICHAEL P. CRANE, 9316
TIMOTHY A. CRANE, 5544
JOSEPH R. CRANFIELD II, 3936
JESSICA L. CRANFORD, 3168
CHRISTOPHER W. CRARY, 1279
KENNETH T. CRAWFORD, 8471
KEVIN A. CRAWFORD, 9678
ALLEN CRENSHAW, JR., 2295
MYRTA I. CRESPO, 6898
ERIC D. CRISPINO, 9917
HUGH E. CRONIN IV, 0573
LARRY J. CROUCHER, 4185
FRANKIE J. CRUZ, 5358
HERMINIO N. CRUZ, 9014
JEFFREY L. CSOKA, 3224
SHANE R. CUELLAR, 5685
BRADLEY T. CULLIGAN, 9619
MICHAEL P. CULLINANE, 7547
BRIAN H. CUNNINGHAM, 6910
JOEL J. CUNNINGHAM II, 2372
WILLIAM M. CUNNINGHAM, 2092
HOBY F. CUPP, 1283
NICOLE H. CURTIS, 3586
JOHN R. CUVA, 4914
ANDREW J. CYCKOWSKI, 6854
LAN T. DALAT, 8833
MATTHEW W. DALTON, 3814
WILLIAM R. DANIEL II, 3699
MARC D. DANIELS, 6283
BRANDON J. DARBY, 6353
CLEVELAND J. DARGAN, 5338
MATTHEW N. DAVENPORT, 7106
MICHAEL J. DAVIDSON, 7265
ANNA M. DAVIS, 0943
BRIAN M. DAVIS, 7630
GELONZO DAVIS, 5016
JASON W. DAVIS, 3314
KENNY L. DAVIS, 9036
MICHAEL E. DAVIS, 8636
SHELTON T. DAVIS, 8296
BENJAMIN A. DAWSON, 9291
WAYNE T. DAWSON, 9757
ARLEIGH DEAN, 2413
ANDREW J. DEATON, 4259
BRIAN E. DECKER, 5680
TONY L. DEDMOND, JR., 0427
ROBERT L. DEGAND, JR., 2696
KEITH W. DEGREGORY, 8958
JOHN S. DEJESUS, 7639
ROBERT G. DELANEY, 4333
LUIS E. DELGADO, 5985
CHONG H. DELISI, 7046
SCOTT M. DELLINGER, 5378
MATTHEW A. DELOIA, 8154
BENJAMIN K. DENNARD, 2762
EDWARD J. DENNIS, 1057
JOHN G. DEPEW, 6767
MARK J. DEROCCHI, 7162
MICHAEL F. DEROSIER, 8879
LINN K. DESAULNIERS, 8940
THOMAS M. DEVEANS, 4817
GARRETT S. DEWITT, 5737
JERRY W. DIAMOND, JR., 8615
FRANK J. DIAS, 7136
JASON W. DICKERMAN, 2179
RYAN C. DICKERSON, 9704
HANNON A. DIDIER, 3620
JOHN D. DIDIO, 0444
TIMOTHY J. DILEY, 1859
PATRICK J. DILLINGER, 6261
JOEL L. DILLON, 0941
JOEL M. DINGLE, 2828
PATRICK A. DISNEY, 8380
NATHAN T. DIVELBESS, 4907
KEVIN S. DIXON, 6244
ROBERT T. DIXON, 0841
CARLOS T. DO, 5781
JEREMY R. DOBOS, 8195
JAMES L. DOBRINSKA II, 0762
JAMES B. DOBSON, 6531
JAYSON B. DODGE, 6147
ERIC L. DOLAN, 5828
LUKE R. DONOHUE, 5550
DANIEL K. DORADO, 8004
JARRET L. DORENBUSH, 6027
NICHOLAS R. DOTTI, 4130
STEVEN M. DOWGIELEWICZ, JR., 3806
ALYSSA G. DREW, 2697
ROBERT J. DUCHAINE, 8829
JONATHAN L. DUE, 2518
ROBERT F. DUFFY, JR., 2093
CORI J. DUFORD, 0149
BRIAN E. DUGAN, 7101
AARON K. DUNCAN, 2816
TODD S. DUNCAN, 7581
MARGARITA DUNLAP, 6261
ANTWAN L. DUNMYER, 7363
JONATHAN S. DUNN, 8426
JAMES R. DUNWOODY, 6332
RAFAEL A. DURANMARIOT, 0917
JAMES S. DURHAM, 9578
REGINAL K. DYKES, 0702
FELICIA R. EADDY, 2879
RYAN A. EBEL, 7462
JEFFREY J. EBERHART, 8618
ERIC J. EBERLINE, 4392
MICHAEL D. EBY, 9205
JASON A. EDDY, 8436
PHILLIP F. EDENFIELD, 9622
BRENDAN G. EDERLE, 2808
LEE J. EDMONDS, 3278
GARY P. EDWARDS, 3711
JAMES S. EDWARDS, 6569
REBECCA L. EGGERS, 3613
THOMAS P. EHRHART, 9772
RYAN R. EHRLER, 5405
JAMES T. ELDRIDGE, 1884
ROBERT C. ELDRIDGE, 3596
WILLIAM E. ELDRIDGE, 1912
DANIELLE L. ELEY, 1370
KIMBERLY A. ELNIFF, 6227
ADIL B. ELNOUR, 3801
JAMES R. EMBRY, 3777
JIBRAUN A. EMERSON, 6131
LUKE E. EMERSON, 7788
DAVID N. EMMONS, 8262
CHRISTOPHER ENDERTON, 3780
MICHAEL A. ENGLISH, 0524
JASON S. ENYART, 4480
SCOTT K. EPLER, 4218
FRAZIER L. EPPERSON, 8808
LEONARD J. ERAZOSLOAT, 5359
BRYAN R. ERICKSON, 8015
BRIT K. ERSLEV, 2440
ALETA ESCOTO, 4937
MELISSA R. ESLINGER, 1651
JOSHUA A. ETZEL, 2839
JAIME M. EVANS, 9108
AARON G. EVEN, 8971
GEORGE S. EYSTER, 4971
BENTON J. FABER, 2861
STEPHEN A. FABIANO, 7580
JEANPAUL FABRIS, 0693
DONALD A. FAGNAN, 4936
CHRISTOPHER T. FAHRENBACH, 1617
JEFFREY J. FAIR, 0847
STEPHEN A. FAIRLESS, 9685
MICHAEL D. FARJELLAH, 7152
SHAWN E. FAST, 0541
TYLER K. FAULK, 6723
BRIAN K. FEDDELER, 2226
MARK D. FEDEROVICH, 5240
MICHAEL E. FELLURE, 6620
RICHARD T. FELTZER, 8881
JOHN F. FENNELL, JR., 6871
LEE S. FENNEMA, 8521
ROGER G. FENSTERMACHER, 1098
MATTHEW M. FERGUSON, 8712
CARLOS K. FERNANDEZ, 1335
EFRAIN FERNANDEZANAYA, 0963
MARCUS M. FERRARA, 3320
LAWRENCE G. FIELDS, JR., 3792
GUY L. FILIPPELLI, 9194
RICHARD M. FINFERA, 4252
DEREK S. FINISON, 0918
CHARLES A. FISHER, JR., 6807
MICHAEL P. FITZGERALD, 9760
CLYDE L. FLEMING, 1592
ERIC D. FLEMING, 5445
MICHAEL J. FLENTIE, 4941
DOUGLAS M. FLETCHER, 0627
JOSEPH T. FLOOD, 3822
TEVINA M. FLOOD, 8496
THOMAS A. FORTUNATO, 2136
CHAD R. FOSTER, 1708
RUSSELL J. FOSTER, 9905
LAWRENCE E. FOULKS II, 2398
PAUL A. FOWLER, 3511
RYAN R. FOXWORTH, 1862
MICHAEL F. FRAIZER, 1556
EVELYN D. FRALEY, 7795
MARC J. FRANCISZKOWICZ, 6602
ERNEST M. FRANKS, 3512
MICHAEL D. FRAZIER, 3751
ADAM B. FREDERICK, 5176
STEVEN C. FREDERICKS II, 0992
WILL B. FREDS, 4375
JACOB H. FREEMAN, 4295
ROELENE E. FREEMAN, 1874
SEAN P. FRENCH, 4812
DANIEL P. FRESH, 9205
JACOB R. FROEHLE, 5077
LUIS G. FUCHU, 7851
ALEXANDER S. FUERST, 5024
ADAM J. FULLER, 7973
JOHN A. GAGAN, 4743
JOSEPH R. GALLAHER, 8971
CHRISTOPHER T. GALLOWAY, 1968
ROBERT M. GAMBRELL, JR., 5418
JAMES E. GANNON, 8889
CHRISTOPHER P. GARBARINO, 6030
JAMIE GARCIA, 1093
MANUEL R. GARCIA, 0537
SARAH R. GARCIA, 6803
SHAWN M. GARCIA, 5521
ARTHUR J. GARFFER, JR., 1245
WILLIE R. GARFIELD, 3275
RICHARD E. GARNER, JR., 8209
RICHARD C. GARRISON, 3519
ALEXIS J. GARTNER, 6947
KIRSTEN M. GAW, 5764
SAFIYYA GAYTON, 6458
JOEL A. GEGATO, JR., 8945
JOSEPH C. GELINEAU II, 9132
THOMAS M. GENTER, 2305
ANDY B. GENTRY, 5096
MICHAEL E. GEPHART, 2093
JOSEPH C. GERACI III, 5189
MARK T. GERMANO, 9495
ANTHONY R. GIBBS, 3015
ANTHONY C. GIBSON, 6808
DOUGLAS F. GIBSON, 3333
ELIZABETH A. GIERTZ, 5552
STEPHANIE S. GILBERT, 1916
MARC W. GILBERTSON, 3148
JEREMY A. GILKES, 3702
MICHELLE E. GILL, 2551
RANDY J. GILLESPIE, 1837
JUDSON B. GILLETT, 3595
RYAN R. GILLOGLY, 0574
KELVIN L. GLASS, 8306
PETER C. GLASS, 0605
JEREMY T. GLAUBER, 3098
JAMES V. GLOVER, 4929
PETER F. GODFRIN, JR., 9577
TIMOTHY A. GODWIN, 3224
THOMAS E. GOERLING, 5930
BRIAN C. GOINGS, 4287
STANTON K. GOINGS, 8683
JESSE N. GOLDMAN, 2121
TIMOTHY E. GOLOVERSIC, 9915
JAIME GONZALEZCUEVAS, 2906
JASON D. GOOD, 0177
MICHAEL J. GOOD, 6111
ALLAN K. GOODE, 0543
JOHN F. GOVAN III, 0214
ANDREW R. GRAHAM, 7876
ERIC GRAHAM, 5229
MATTHEW L. GRAHAM, 1931
GENO L. GRANDINETTE, 8495
BEVERLY R. GRANDISON, 3393
SONJA GRANGER, 3551
CHARLES B. GRAY, 6314
JEREMY J. GRAY, 6308
JOSEPH E. GRAY, 1059
ROBERT E. GRAY, 1339
DEMETRIUS A. GREEN, 2836
MATTHEW A. GREEN, JR., 9764
RONNARD GREEN, 3683
MARK A. GREENE, 7373
JOSEPH W. GREENLEE, 9102
STUART C. GREER, 9820
ROBERT J. GREGOR III, 7039
GYLES E. GREGORY III, 0605
JASON P. GRESH, 4567

STEVEN J. GRIBSCHAW, 7962
DAVID E. GRIFFIN, 7549
JOSHUA J. GRIFFIN, 9975
WILLIAM J. GRIFFIN, 6462
JEREL R. GRIMES, 1053
MARCUS W. GRIMES, 4323
MICHAEL E. GRISWOLD, 7694
JEANMICHEL T. GUERIN, 4621
EDDIE J. GUERRERO, 4322
MICHAEL A. GUICE, 4560
JACQUELINE A. GUILLORY, 7395
STEVEN D. GUNTER, 5086
CHRISTINE M. GUPTON, 4581
RAED D. GYEKIS, 5156
TRAVIS M. HABHAB, 2733
CHRISTIAN A. HAFFEY, 1663
CHRISTINE A. HAFFEY, 5484
MICHAEL L. HALL, 3359
PHILLIP E. HALL, 9287
MICHAEL J. HALLEY, 3330
JERRY D. HALLMAN, 2986
LACHIANA A. HAMILTON, 7195
ROBERT E. HAMILTON, 2739
STEPHEN S. HAMILTON, 2690
JEFFERY C. HAMMOND, 9748
KURT A. HAMMOND, 6530
SHEPHERD N. HAN, 1375
TODD W. HANDY, 5033
ERIC R. HANES, 7179
JASON J. HANIFIN, 3884
WILLIAM C. HANNAN, JR., 9235
JOSEPH D. HANSEN, 5680
MICHAEL A. HARDING, 1928
MATTHEW J. HARDMAN, 6268
DAVID E. HARGITT, 2853
MATTHEW F. HARMON, 3737
CURTIS N. HARPER, 2559
REGINALD R. HARPER, 6559
ALFRED L. HARRIS, JR., 7906
DAMON K. HARRIS, 6639
FREDERICKA R. HARRIS, 6177
JOSEPH A. HARRIS, JR., 8630
MICHAEL G. HARRIS, 7454
ROBERT G. HARRIS, 7822
THOMAS E. HARRIS, 2995
DANIEL C. HART, 1937
THOMAS M. HART, 7582
CHRISTOPHER W. HARTLINE, 5265
HEATH D. HARTSOCK, 5107
MATTHEW B. HASH, 3753
DAVID J. HASKELL, 6244
JON C. HAVERON, 5031
IRVIN R. HAWKINS, 7367
CHRISTOPHER W. HAYES, 3690
JAMES A. HAYES, 1238
TIMOTHY W. HAYLETT, 9284
DAVID L. HAYNES, 6406
PRESTON J. HAYWARD, 8333
JASON H. HEARN, 4030
BRADLEY A. HEATH, 5299
CHRISTOPHER J. HEATHERLY, 6214
SHAWN M. HEBERT, 7095
ROBERT M. HEFFINGTON, 0461
ROY E. HEFFNER, 9372
RAPHAEL S. HEFLIN, 2695
RALPH R. HEIDEL, JR., 7855
SHAWN C. HEINGARTEN, 1177
TODD W. HEINTZELMAN, 8337
RYAN C. HELLERSTEDT, 7535
ROBERT J. HELLNER III, 8393
AUGUSTA Z. HEMANN, 9689
BRIAN J. HENDERSON, 3730
COURTNEY L. HENDERSON, 8620
MARK P. HENDERSON, 4827
OTIS HENDERSON, JR., 5485
GLENN A. HENKE, 1677
CARL L. HENNEMANN, 6125
HEATHER A. HENNESSY, 5984
CECIL M. HENRY, 7794
CORA D. HENRY, 0983
JUSTIN S. HERBERMANN, 8935
STEVEN J. HERMAN, 4794
ERNESTO J. HERNANDEZ, 7926
MARK E. HEROLD, 1329
BRIAN L. HERZIK, 5689
WAYNE F. HIATT, 9708
RANDAL E. HICKMAN, 2000
WILLIAM O. HICKOK, 7268
JASON B. HICKS, 0753
KEVIN J. HIGGINS, 7329
AARON T. HILL, JR., 2861
HARRY HILL, JR., 4450
JOHN E. HILL, 6027
TIMOTHY M. HILL, 3208
TREVOR W. HILL, 6849
RALPH G. HILLMER III, 8520
JEFFREY J. HILT, 8680
MARK R. HIMES, 1858
CHRISTOPH P. HIMMELSBACH, 4933
AUBREY S. HINDS, 1953
GREGORY J. HIRSCHEY, 2901
JOSEPH E. HISSIM, 0565
KAREN E. HOBART, 7440
RUSSELL V. HOFF, 8521
WILLIAM H. HOGE III, 3533
CARSON S. HOKE, 7849
SCOTT E. HOLDEN, 8494
JASON M. HOLDER, 1773
JEFFREY S. HOLMES, 6676
JOEL R. HOLMSTROM, 1800
STEPHEN G. HOLT, 7727
JUNICEDAWN G. HOOKS, 5041
CHRISTOPHER L. HORMANN, 1073
BARRY L. HORSEY, 2463
DONALD L. HOUGHTON III, 3628
ROBERT R. HOUSTON, 1068
BRIAN C. HOWARD, 1350
JAMES C. HOWARD, SR., 4253
OSCAR L. HOWARD, JR., 6804
MATTHEW R. HOWELL, 8780
RYAN A. HOWELL, 9116
JAMES D. HOYMAN, 8799
BLUE HUBER, 9689
ANTHONY W. HUDSON, 1201
FRANK M. HUFFMAN, 8065
JOSEPH A. HUGH III, 4561
JONATHAN W. HUGHES, 6644
IAN W. HUMPHREY, 7535
HARRY D. HUNG, 0579
CAROLYN E. HUNT, 9468
DAVINA L. HUNT, 6533
EARL J. HUNTER, 1824
JARRETT A. HUNTER, 0939
TERENCE M. HUNTER, 2312
GUY C. HUNTSINGER, 8579
WAYNE S. HYMAN, 6823
AMANDA L. IDEN, 2834
GEORGE H. IMORDE III, 7891
JASON B. IRWIN, 6505
DANIEL L. ISABELL, 2385
PAUL A. ISLAND, 8681
BRIAN E. JACKSON, 9334
JAMES D. JACKSON, 1656
JOEL S. JACKSON, 9981
JOSEPH A. JACKSON, 9551
LAURENCE H. JACKSON, 4947
MARY M. JACKSON, 2342
RATASHA L. JACKSON, 9558
TODD P. JACKSON, 2399
TODD D. JAKUSZ, 3837
PETER W. JENKINS, 0588
ROBERT G. JENKINS, JR., 5947
ROBERT L. JENKINS, 0990
ROBERT M. JENKINS, 1856
SHELIA D. JENKINS, 4163
REGINA M. JENKS, 9610
MICHAEL C. JENSIK, 5626
KEE Y. JEONG, 4693
ALTON J. JOHNSON, 9064
CURTIS L. JOHNSON, 0395
JENEEN G. JOHNSON, 3595
LEE M. JOHNSON, 3065
LUTHER R. JOHNSON, 9359
MARK H. JOHNSON, 8912
MATTHEW K. JOHNSON, 7872
MICHAEL E. JOHNSON, 2167
MICHAEL S. JOHNSON, 1457
AARON G. JOHNSTON, 9909
MICHAEL A. JOHNSTON, 4906
JOHN J. JONES II, 2295
MARSHA L. JONES, 4938
MELISSA A. JONES, 1836
RAYMOND L. JONES, 2516
ROBERT L. JONES III, 3542
RODNEY A. JONES, 4726
TONJA A. JONES, 9769
TROY W. JONES, 1497
DEITRICH M. JORDAN, 7605
LARRY R. JORDAN, JR., 7259
LATONYA N. JORDAN, 1261
MELVIN D. JUAN, 5271
PAUL C. JUDGE, 6784
MACPIN J. JULATON, 2244
DEBRA L. JUNGERS, 9618
MATTHEW R. JUNKO, 2711
JACKIE K. KAINA, 1178
THEODORE J. KAISER, 5118
CHERNOR S. KAKAY, 2764
ROBERT M. KAM, 6023
LOUIS J. KARNES, 0425
JENNIFER J. KASKER, 9950
SUNG K. KATO, 8269
CARLOS J. KAVETSKY, 1356
DARREN F. KEAHTIGH, 4832
CHARLES W. KEAN, 9084
JOSEPH M. KEARNEY, JR., 5614
WILLIAM R. KEATING, 0224
JACK L. KEEN, 6687
CHRISTOPHER E. KEESHAN, 6456
RICHARD E. KEFFER, 4909
GLEN P. KEITH, 0946
DEXTER J. KELLY, 3177
JAMES D. KEMTER, 4119
CHRISTOPHER S. KENNEDY, 0400
JOSHUA C. KENNEDY, 4643
MATTHEW W. KENNEDY, 1486
WALTER E. KENT III, 7832
GARY A. KERR, 5096
TOMMY G. KERR, 9802
ROSS C. KESTER, 9316
DANIEL W. KIDD, 6572
GREGORY A. KIENZLE, 1275
ANTHONY D. KILLA, 9608
GREGORY A. KILLEEN, 9976
YON C. KIMBLE, 7909
ADAM J. KIMMICH, 7462
SCOTT B. KINDBERG, 5019
KERRY K. KING, 1917
MARVIN L. KING III, 0507
RYAN R. KING, 5869
SHAUN B. KING, 8264
CHAD D. KINNEAR, 5608
TROY T. KIRBY, 8872
BRYAN G. KIRK, 9662
SPRING A. KIVETT, 9790
RUSSELL W. KLAUMAN, 1772
THUY T. KLEA, 0641
JAMES S. KLEAGER, 9133
THEODORE W. KLEISNER, 0344
JOSEPH A. KLING, 9053
MICHAEL F. KLOEPPER, 3893
VANCE J. KLOSINSKI, 6222
ROBERT C. KNAPP, 8026
JASON M. KNIFFEN, 6174
TIMOTHY G. KNOTH, 3224
SIDNEY A. KNOX, 1625
ERIK K. KOBER, 3855
EDWIN F. KOBESKI, JR., 8154
STEPHEN J. KOLOUCH, 7620
HOMPENG KOMTHIRATH, 6257
CAROL A. KOTLOWSKI, 2876
MARK P. KOVALCIK, 7113
NED A. KRAFCHICK, 3775
JACOB M. KRAMER, 1858
KEITH A. KRAMER, 2590
PETER S. KRANENBURG III, 6364
BENJAMIN W. KRATZ, 8263
JOHN W. KREDO, 4468
KELVIN K. KREITMAN, 6560
PETER N. KREMZAR, 9220
ADAM M. KUHN, 7776
BRIAN D. KUHN, 4710
MICHAEL R. KUHN, 5989
MARK G. KUROWSKI, 7174
GEORGE D. KURPE II, 1634
RYAN KUYPERS, 4203
TIMOTHY D. LABAHN, 1451
WAYNE R. LACEY, 2220
ROBERT B. LACKEY, 5457
DONALD J. LAGRANGE, 8768
RICHARD E. LAKE, JR., 0485
MARTIN T. LALLY, 2361
DAVID C. LAMBERT, JR., 6624
LOUIS D. LANCON, 0846
GORDON LANDALE, 8238
GARRETT L. LANDERS, 0091
CHRISTOPHER V. LANE, 3665
CHRISTOPHER D. LANGE, 4067
DAVID M. LANGE, 8138
JASON D. LANGE, 7240
KEIRYA R. LANGKAMP, 3351
JACOB J. LARKOWICH, 7216
DEVIN R. LARSON, 1614
KEVIN D. LASATER, 2267
MARK A. LASTORIA, 1715
DAVID LAW, 6425
GERALD S. LAW, 6163
AYODELE O. LAWSON, 1001
CLINTON L. LEE, JR., 2967
JUNG J. LEE, 7325
MICHAEL E. LEE, 4201
RANCE A. LEE, 2544
SANG B. LEE, 6761
SHANE E. LEE, 2907
STACEY L. LEE, 5914
KURTIS A. LEFFLER, 6206
DOUGLAS M. LEGAN, 1599
DANIEL L. LEGEREIT, 8975
BRENT L. LEGREID, 2654
ROBERT L. LEIATO, 1300
JAMES A. LEISE, 4345
JOHN C. LEMAY, 1161
RICHARD D. LENCZ, 8508
DENNIS S. LENE, 2864
DENE R. LEONARD III, 4966
JAIMIE E. LEONARD, 9705
RYAN G. LEONARD, 8331
MITCHELL J. LESTER, 7505
BARRETT L. LEVEL, 7338
RYAN S. LEVIER, 8215
HEATHER A. LEVY, 9456
JT LEWIS, JR., 0247
KIRK M. LIDDLE, 4900
MATTHEW P. LILLIBRIDGE, 3587
RAFAEL E. LINERARIVERA, 8424
JORIN C. LINTZENICH, 2550
CHRISTOPHER A. LINZ, 3283
BENJAMIN M. LIPARI, 3192
TODD R. LITTLE, 0947
STEVEN S. LITVIN, 0564
STEVEN B. LIVELY, 4113
GARY L. LLOYD, 8361
CLEMENT D. LOCHNER, 9036
JUNIUS S. LOFTON, 5291
BRYAN L. LOGAN, 8743
ELIZABETH H. LOMAN, 0684
JEFFREY S. LONG, 4879
JONATHAN E. LONG, 6658
JOSEPH E. LONG, 1359
THOMAS C. LONG, 7311
MICHAEL S. LONGACRE, 2843
CHRISTOPHER J. LONGO, 6410
ERIC D. LOPEZ, 3488
GERALDO E. LOPEZ, 9736
JEFFREY T. LOPEZ, 5541
VILMARIE LOPEZ, 1717
DIANA C. LOUCKS, 4173
GARY A. LOUCKS, 7367
BRIAN F. LOVE, 1188
CRAIG R. LOVE, 1956
GARY A. LOVE, 3679
CHRISTOPHER T. LOWMAN, 2926
JOHN W. LUBAS, 4669
SETH T. LUCENTE, 7869
RYAN P. LUEDERS, 1890
LUIS M. LUGO, 5734

KAREN LUGODEAN, 3440
FERNANDO M. LUJAN, 3778
HOLAND P. LUJAN, 2207
KURT W. LUMBERT, 8798
RODOLFO U. LUNASIN, 4236
CARL E. LUNDELL, 7467
MATTHEW W. LUZZATTO, 8245
JOHN D. LYBARGER, 8665
GARY M. LYKE, 8384
LARRY J. LYLE, JR., 0991
DOUGLAS LYNCH, 7865
JEFFREY B. LYONS, 9914
JUDAH LYONS, 5009
JASON J. MACDONALD, 0276
KIRK E. MACDONALD, 5426
KATINA L. MADDOX, 6603
SCOTT A. MADDRY, 4347
SCOTT J. MADORE, 5125
CHRISTOPHER S. MAHAFFEY, 0498
JOHN J. MAHER, 9268
HEATHER L. MAKI, 9760
RICHARD A. MALAGA, 3939
RICHARD W. MALTBIE, JR., 5348
SUSAN E. MANION, 7096
DANIEL E. MANLEY, 1760
BRIGHAM J. MANN, 9219
MARK A. MANNO, 3799
DANIEL R. MANRIQUE, 1874
WINSTON M. MARBELLA, 4644
JOSEPH M. MARGOLIES, 6380
KEVIN P. MARKS, 1217
PHILIP J. MARQUEZ, 5586
JASON L. MARQUISS, 7631
JOHN P. MARSHALL, 0179
CRAIG A. MARTIN, 1900
JOHN S. MARTIN, 3393
MICHAEL W. MARTIN, 8328
PHILLIP W. MARTIN, 9828
RODOLFO MARTINEZ, JR., 6695
ANGEL M. MARTINEZRODRIGUEZ, 7067
TRAHON T. MASHACK, 1149
WARREN E. MASSEY, 5806
FRANK D. MATSUZAKI, 0397
KIRK A. MAYFIELD, 5714
JONATHAN B. MAYHEW, 5255
VINCENT J. MAYKOVICH, 8523
DAVID N. MAYO, JR., 0242
PHILLIP W. MAZINGO, 6894
PETER P. MAZZELLA III, 0726
AMBROSE U. MBONU, 2252
AARON R. MCADOW, 9551
RYAN D. MCAFEE, 6991
CHRISTINA E. MCATEER, 3625
MICHAEL D. MCBRIDE, 7031
MICHAEL R. MCBRIDE, 7064
THOMAS J. MCCARTHY, 0668
JEFFREY A. MCCARTNEY, 7156
RANDALL D. MCCAULEY, 7028
DEREK I. MCCLAIN, 3915
MICHAEL P. MCCLEISH, 3622
PATRICK J. MCCLELLAND, 2191
BRIAN D. MCCLUSKIE, 7954
WADE M. MCCOLLIN, 5228
RYAN E. MCCORMACK, 7263
HEATH L. MCCORMICK, 2880
ERIC A. MCCOY, 7317
MICHAEL D. MCCOY, 6760
CHRISTOPHER M. MCCREERY, 7929
JAMES S. MCCULLAR, 1434
JAMES T. MCDONALD, 6040
RAY D. MCDONALD III, 8515
RICHARD M. MCDONALD, 9490
TIMOTHY D. MCDONALD, 6843
BEN P. MCFALL III, 3078
KYLE A. MCFARLAND, 1744
KERNAA D. MCFARLIN III, 0959
MATTHEW A. MCGREW, 5103
PATRICK H. MCGUIRE III, 2501
KEVIN E. MCHUGH, 3727
WILLIAM B. MCKANNAY, 1431
KEVIN M. MCKIERNAN, 0635
SHAWANA J. MCKNIGHTBRAZZLE, 9597
JOSEPH P. MCLAINE, 6574
MARY J. MCLAINE, 2356
BRIAN K. MCLAUGHLIN, 0266
JOHN A. MCLAUGHLIN, 8205
DEXTER Y. MCLENDON, SR., 0808
SHAWN A. MCMANAMY, 8385
MATTHEW L. MCMILLEN, 8637
WILLIAM S. MCNICOL, 2836
CHARLES W. MCPHAIL, 7987
IVAN K. MCPHERSON, 7667
PATRICIA E. MCPHILLIPS, 8581
THOMAS J. MECCIA, 4074
DONALD R. MEEKS, JR., 4820
ROBB A. MEERT, 7623
TROY A. MEISSEL, 9574
JUSTIN T. MEISSNER, 9547
GEORGE J. MEKIS III, 2805
ADAM MELNITSKY, 6559
ALEXANDER S. MENTIS, 2918
MATTHEW P. MERCADANTE, 9212
BILLY MEREDITH, JR., 3739
SHAWN E. MERGES, 0796
BRIAN M. MESCALL, 1270
MICHAEL K. MESSER, 3704
MATTHEW S. METCALF, 6086
LUKE J. MEYERS, 3779
LINO MIANI, 2732
THOMAS R. MIERS, 5053
LANNY R. MIHELICH, 0331
JOHN D. MILLAY, 2651
BRYAN M. MILLER, 7065
BURR H. MILLER, 6698
DANIEL G. MILLER, 3539
DANIEL R. MILLER, 6782
DOUGLAS M. MILLER, 7897
GREGORY W. MILLER, 0593
HAROLD E. MILLER, 2026
HENDRIK J. MILLER, 0697
JABARI M. MILLER, 8622
JEFFREY S. MILLER, 5244
JOHN T. MILLER, 0404
MARCI D. MILLER, 3113
ROBERT T. MILLER, 4869
SAMUEL S. MILLER, 2400
WILLIAM J. MILLER, 0984
YVONNE C. MILLER, 2190
ZACHARY L. MILLER, 2635
BRADLEY W. MILLS II, 3839
TAMI R. MILLS, 0708
MICHAEL F. MINAUDO, 6944
ROGER MIRANDA, 5765
KENNETH D. MITCHELL, 7193
JARRETT S. MOFFITT, 7236
ERIC J. MOLFINO, 2228
MAYRA G. MOLINARY, 4252
JACOB A. MONG, 4864
JAMES F. MONTGOMERY, 6533
JASON G. MONTGOMERY, 0621
ROBIN W. MONTGOMERY, 3718
GORDON R. MOON, 2216
ALLEN T. MOORE, JR., 1543
DANIEL C. MOORE, 6520
JENNIFER A. MOORE, 7953
SHON R. MOORE, 4737
LYNNE A. MOREHOUSE, 7352
JARROD P. MORELAND, 3657
JAMES C. MORENO, 1540
CLAY A. MORGAN, 0423
CORNELIUS L. MORGAN, 4561
JAMES J. MORGAN, 6391
MATTHEW T. MORGAN, 3700
RODNEY L. MORGAN, 0837
RYAN J. MORGAN, 3916
JOHN C. MORNING, 3369
GREGORY MORRIS, 7388
STEVEN D. MOSELEY, 8266
COLETTE M. MOSES, 6861
JAMERSON W. MOSES, 1885
JARRETT R. MOSES, 7886
SHANE A. MOYER, 6537
JAMES A. MOYES, 5195
JEFFREY A. MUIR, 0622
DAVID J. MULACK, 9273
MATTHEW W. MULARONI, 4295
CHRISTOPHER J. MULLIGAN, 7611
JOSEPH D. MUNGER, 2568
TIMOTHY R. MUNGIE, 1510
ROBYN L. MUNSON, 5711
AARON J. MUNZ, 5458
STEPHEN F. MURPHY, 7287
ALEXANDER C. MURRAY, 0245
CHAD T. MURRAY, 1414
JEREMY S. MUSHTARE, 4302
DARREN E. MUSICO, 8983
JOHN J. MYERS, 7872
JON P. MYERS, 7415
NEIL D. MYERS, 0596
EUGENE MYLES, 6675
THOMAS J. NAGLE, JR., 2933
JOSHUA R. NAGTZAAM, 3459
JOHN B. NALLS, 9756
CHAD M. NANGLE, 3803
TODD A. NAPIER, 8766
GEORGE G. NASIF, 7150
NICHOLAS NAZARKO II, 8074
ERIC P. NEBEKER, 4037
ANTHONY W. NELSON, 2811
DAVID L. NELSON, JR., 5162
WILLIAM B. NELSON, 7751
JEFFERY J. NERONE, 2457
ROBERT P. NESBIT, 4105
KEVIN M. NEUMANN, 2948
GERALD A. NEW, 9190
TERRANCE R. NEWMAN, 8443
JONATHAN A. NEWSOM, 0256
ANTHONY J. NEWTSON, 2338
CHI K. NGUYEN, 3993
THO D. NGUYEN, 3539
DARNELL M. NICHOLAS, 9344
JASON B. NICHOLSON, 5521
MICHAEL C. NICHOLSON, 7579
PATRICK NIESTZCHE, 8601
FRANK L. NIETO, 3732
ALTHERIA M. NILES, JR., 5473
CHRISTOPHER E. NIX, 8730
KEVIN R. NIX, 1574
DAVID W. NOBLE, 6784
JOSHUA P. NORBURY, 5464
SEAN C. NOWLAN, 5145
DONNIE NOWLIN, 3664
MICHAEL T. NUCKOWSKI, 8285
CHRISTOPHER G. NUELS, 2524
DARIN M. NUNN, 7345
DENNIS E. NUTT, 6978
DOMINICK E. NUTTER, 4489
HANS W. NYHUS, 7172
CHRISTY L. NYLAND, 4607
SEAN D. OBERRY, 8546
CANDICE E. OBRIEN, 3386
WILLIAM J. OBRIEN, 7162
RYAN P. OCONNOR, 7501
CHRISTOPHER T. ODACHOWSKI, 5031
CHRISTOPHER J. ODONNELL, 5221
JEREMY J. ODONNELL, 6065
PAUL S. OH, 6806
RICHARD N. OJEDA II, 3751
SHERIFF A. OLALEKAN, 0585
JONATHAN L. OLSON, 3369
RICHARD B. ONDERKO, 2877
KELLY M. ONEAL, 2244
RYAN P. OQUINN, 3227
ALAN J. ORAM, 9847
NATHANIEL J. ORLOWSKI, 7999
GREGORY G. ORRELL, 6202
DENNIS J. ORTIZ, 3380
LESLEY G. ORTIZ, 5280
SCOTT M. OSTERLING, 4490
TIMOTHY R. OSULLIVAN, 5438
CHRISTOPHER D. OTERO, 4165
DARRELL J. OTTO, 2077
JONATHAN A. OTTO, 6756
ROBERT M. OVERGAARD, JR., 0150
CHRISTOPHER T. OWEN, 6126
DAVID P. OWEN, 4194
SETH A. OWEN, 5752
STEPHEN W. OWEN, 8273
JACK W. OWENS, 7080
MICHAEL D. OWENS, 9985
ADALBERTO PAGANFIGUEROA, 0315
THOMAS B. PAGEL, 9382
IVAN A. PALACIOS, 3531
ALI W. PALMER, 5564
DANIEL L. PALMER, 8199
IAN C. PALMER, 9216
JAMES S. PALMER, 8928
JEFFREY M. PAPALEO, 8768
BENJAMIN J. PARDIECK, 1712
MICHAEL N. PARENT, 9605
LUIS A. PARILLI, 7074
RONNIE PARK, 4103
JOSEPH H. PARKER, 1734
MICHAEL D. PARKER, 8227
CATINA S. PARKS, 5788
NEIL T. PARKS, 2260
STEPHEN M. PARRISH, SR., 7135
GITTIPONG PARUCHABUTR, 4253
SEBASTIAN A. PASTOR, 7982
RYAN W. PATNODE, 3104
TORAIN J. PATRICK, 9094
STACEY D. PATTERSON, 7502
TAMIKA D. PATTILO, 3470
ROBERT J. PAWLAK, 8235
CHRISTOPHER D. PAYANT, 7922
CHRISTOPHER A. PAYEUR, 0687
BRANDON Y. PAYNE, 2927
LIVIA A. PAYNE, 0503
MIKE L. PEARCE, 2826
ARNYM Y. PEDRAZAGONZALEZ, 2803
JEREMY L. PEIFER, 2382
ANDREW F. PEKALA, 3529
JASON D. PEREZ, 7184
LUIS G. PEREZ, 4970
LETSY A. PEREZFOLCH, 1667
JASON B. PERIATT, 4388
ROBERT L. PERRY, 2260
ROBERT S. PERRY, 5300
STEPHEN J. PETERS, 6375
BRIAN E. PETERSON, 6266
STEPHEN T. PETERSON, 1488
MATHIEU N. PETRAITIS, 1368
RICHARD H. PFEIFFER, JR., 0453
MICHAEL T. PHILIPAK, 2445
DOUGLAS S. PHILIPPONE, 2644
DARRELL O. PHILLIPS, 0456
DWIGHT E. PHILLIPS, JR., 3646
REX L. PHILLIPS, 3402
SANTOS G. PICACIO, JR., 0628
SHAW S. PICK, 7422
SAMUEL R. PICKANDS, 1592
WAYNE N. PICKETT, 8241
JASON D. PIKE, 8226
GARY L. PINA, 5721
MARIO L. PIPKIN, 4116
VICTOR A. PIRAK, 2237
JOHN S. PIRES, 6793
REGINA PISTONE, 4266
RANDALL S. PITCHER, 8584
WILLIAM L. PLATTE, 9827
DANIEL J. PLOURD, 0182
CAASIA A. PLUMMER, 4316
JAMES J. POCHOPIEN, 1131
MICHAEL G. POIRIER, 1674
SARA E. POLLAK, 9391
ANTHONY F. POLLIO, JR., 2828
GOERGE POLOVCHIK III, 1552
MICHAEL J. PONCHAK, 5335
WILLIAM J. PONTES, 9635
JOHN M. POOLE, 5897
WILLIAM H. POOLE IV, 2406
KENNETH J. POPLICK, 2038
CRAIG A. PORTER, 4812
MICHAEL P. POST, 3050
DALLAS A. POWELL, JR., 9879
SANTEL H. POWELL II, 4855
BRIAN J. PRATT, 4606
JOHN W. PRATT, 8844
WILLIAM R. PRAYNER, JR., 9634
LEONARD J. PRESCOTT, 3141
CHRISTOPHER D. PRESNELL, 1106
JEFFREY M. PREVETT, 3250
CHARLES E. PRICE, 7199
JOHN E. PRICE, 0187
SEAN P. PRICE, 3239
CLYDELLIA S. PRICHARDALLEN, 3212

CLYDEA M. PRICHARDBROWN, 3774
JOSEPH F. PRIDGEN, 4564
MATTHEW K. PROHM, 0470
GARY J. PRUIETT, JR., 6855
THOMAS S. PUGSLEY, 3937
JOSEPH L. PULLEN, 0017
DOUGLAS M. PULLEY, 8246
JORN A. PUNG, 5376
JAYSON H. PUTNAM, 1061
STEVEN E. PUTTHOFF, 7391
JAE S. PYON, 6530
CHAD B. QUAYLE, 4502
MANJO C. QUINTANILLA, 8400
RALPH W. RADKA, 2750
MICHAEL S. RAINEY, 0157
CASEY M. RANDALL, 2516
DYLAN T. RANDAZZO, 5656
FRANCISCO J. RANEROGUZMAN, 6859
CHRISTOPHER C. RANKIN, 7242
BRIAN R. RAUEN, 1465
LYNN W. RAY, 4434
WILLIAM A. RAY, 8373
RYAN L. RAYMOND, 6387
MARK D. REA II, 8181
JAMES V. RECTOR, 1104
KENNETH T. REDMAN, 1729
KENNETH J. REED, 9270
SCOTT M. REED, 9815
STANLEY M. REED, SR., 4820
ERIN D. REEDER, 6138
ADAM T. REESE, 9667
JAMES C. REESE, 3313
JUSTIN Y. REESE, 0378
GREG C. REESON, 9661
MICHAEL A. REEVE, 7966
BRIAN J. REGAN, 7524
CHRISTOPHER G. REID, 4099
JARED A. REID, 4873
MONICA M. REID, 0399
RYAN L. REID, 1118
DARIN S. REILING, 1596
NICOLE U. REINHARDT, 9469
JACQUELINE M. REINI, 1800
ANDREW W. REITER, 4710
CHRISTOPHER L. REITSMA, 6568
DANIEL T. REMPFER, 4631
TODD P. RETCHLESS, 2724
MARIO A. REYNA, 4362
SANDRA REYNA, 5187
JOANNA L. REYNOLDS, 7074
PHILIP W. REYNOLDS, 4225
VERONIKA REYNOLDS, 8673
CHRIS A. RICE, 8415
CHRISTINE H. RICE, 3611
KIMANI J. RICE, 0275
TRINA RICE, 5558
MARK J. RICHARDS, 0230
ROBERT E. RICKS III, 2488
JASON R. RIDGEWAY, 2711
BRIAN G. RIDLEY, 8239
BRADLEY A. RILEY, 6067
DIRK D. RINGGENBERG, 5151
MICHAEL L. RITTER, 8435
KURT D. RITTERPUSCH, 1903
BENJAMIN RIVERAOTERO, 6557
VINCENT E. RIVERS, 2497
SHANE M. ROBB, 5553
JOANNA G. ROBERTSON, 9460
BILLY A. ROBINSON, JR., 4739
DANNY L. ROBINSON, 7667
ELIZABETH M. ROBINSON, 1697
PERNELL A. ROBINSON, 2007
ROBERT A. ROBINSON II, 1779
CHRISTOPHER J. ROCHELEAU, 1496
ROBERT B. ROCHON, 5565
RANDALL L. ROCKROHR, 9478
WILLIAM A. RODGERS, 2798
RAFAEL A. RODRIGUEZ, 8467
RIDER RODRIGUEZ, JR., 0297
MICHAEL A. ROE, 3802
CHAD M. ROEHRMAN, 6714
ELLIOTT L. ROGERS, 2551
JAMES J. ROGERS, JR., 4299
MATTHEW B. ROGERS, 7251
HECTOR ROMAN, 1158
RAUL ROMERO, 1699
CHRISTINE D. RONEY, 8956
AARON K. ROOF, 6022
ROBERT C. ROOT, 2570
SARA M. ROOT, 5437
CHARLES C. ROSE, 5803
MICHAEL D. ROSE, 6380
EVANGELINE G. ROSEL, 8756
SIDNEY D. ROSENQUIST, 0942
MATTHEW A. ROSS, 0028
ROBERT K. ROSS, 2023
DANIEL T. ROSSI, 8388
ROBERT L. ROSSI, 7546
JOHN C. ROTANTE, 0635
PHILIP G. ROTTENBORN, 5277
JOHN P. ROUB, 4219
TYNICE L. ROUNDTREE, 1339
DAVIDMICHAEL P. ROUX, 8995
CURTIS L. ROWLAND, JR., 4950
ADAM A. RUDY, 1779
DANIEL W. RUECKING, 4773
BRADFORD A. RUFF, 4048
CHRISTOPHER J. RUGA, 0263
ERIC L. RUNNINGEN, 2901
MICHAEL S. RUPPERT, 4177
BRANDON L. RUSSELL, 0664
CHADDRICK L. RUSSELL, 2560
ROY C. SABALBORO, JR., 8428
KATRINA R. SABAN, 9004
JASON M. SABAT, 0776
SCOTT M. SAFER, 7784
DARCY R. SAINTAMANT, 0744
MARILYN SAINTELIN, 7830
ROBIN F. SAIZ, 4681
NATHAN T. SAMMON, 6610
CHRISTOPHER A. SAMPLES, 1896
SCOTT M. SANFORD, 0340
JOHN W. SANNES, 7875
KAREN R. SARAVIA, 4981
ANDREW O. SASLAV, 4659
REGINALD H. SATTERWHITE, 8699
JAY C. SAWYER, 3205
JOHN C. SAWYER II, 1226
DEAN S. SCALETTA, 3990
JAMES N. SCHAFER, 3927
TANYA L. SCHILLING, 7765
BRIAN J. SCHMANSKI, 6906
GLEN E. SCHMELING, 6257
JEFFREY S. SCHMIDT, 1525
RODNEY P. SCHMUCKER, 1715
STEPHEN G. SCHNELL, 8144
BRYAN D. SCHOTT, 4706
JOE M. SCHOTZKO, 8766
CHRISTOPHER L. SCHREINER, 2380
KEVIN J. SCHROCK, 8721
BRADD A. SCHULTZ, 3803
BRYANT L. SCHUMACHER, 6035
ELIZABETH A. SCIOLETTI, 0981
MICHAEL S. SCIOLETTI, 5674
DAVID J. SCOOLER, 6019
DUAYNE M. SCOTT, 3928
JOHN E. SCOTT, 0704
SEAN A. SCOTT, 1677
THOMAS A. SCOTT, 9082
JAMES D. SCROGIN, 6658
RYAN D. SEAGREAVES, 9899
ROBERT C. SEAL, 2758
JOHN R. SEGO, 2748
JOSHUA P. SEGRAVES, 4313
SCOTT B. SEIDEL, 8402
JOHNNY D. SELLERS, JR., 8234
MICHAEL L. SELLERS, JR., 5125
LANCE I. SELLS, 5154
AUBREY D. SEMIEN II, 0979
KEVIN A. SERFASS, 1185
SILAS J. SESSION, 7629
JESSE T. SESSOMS, 3106
DARON L. SETTLES, 5715
MICHAEL G. SHANDS, 1026
MICHAEL S. SHANNON, 7307
BOYD S. SHARP, 7012
MARGARET J. SHARPNACK, 7071
CECILIA P. SHAW, 8865
MICHAEL T. SHAW, 4866
COREY N. SHEA, 5797
BENJAMIN M. SHEEHAN, 5818
JEFFREY A. SHEEHAN, 6020
MICHAEL P. SHEEHAN, 8236
MATTHEW J. SHEIFFER, 1724
WILLIAM C. SHEPHERD, JR., 1216
CHADWICK W. SHIELDS, 1180
JONATHAN A. SHINE, 7356
RICHARD K. SHOWALTER, 4081
BENJAMIN F. SIEBOLD, 9049
THOMAS J. SIEBOLD, 4798
GUZMAN R. SIERRA, 3491
JEFFREY M. SIINO, 4254
BRIAN T. SIMMS, 2526
MICHAEL S. SIMS, 9597
MICHAEL R. SINGLETON, 5854
PETER M. SITTENAUER, 0735
MATTHEW J. SKAGGS, 6824
ROBERT L. SKETCH, 9446
WILLIAM L. SKIMMYHORN, 3285
BRENT O. SKINNER, 1662
RICHARD F. SKULTETY, 7622
ROBERT W. SLEASMAN, 1548
JONATHAN P. SLOAN, 8733
WILLIAM J. SLOCUM, 8372
JOSEPH J. SMAIL, 6292
ACETRION L. SMALLWOOD, 3702
BRIAN L. SMITH, 7438
BRIAN S. SMITH, 9268
CHARLES D. SMITH, 7681
CHRISTOPHER D. SMITH, 4039
CHRISTOPHER M. SMITH, 2083
DALE M. SMITH, JR., 2342
DENNIS A. SMITH, 8298
DONALD P. SMITH, 0069
EDGAR I. SMITH III, 3870
JACQUELINE A. SMITH, 8533
JAY B. SMITH, 5286
JEREMY R. SMITH, 9439
JOHN S. SMITH, 4077
KENNETH E. SMITH, 2537
MARK A. SMITH, 4282
MELVIN K. SMITH, 3769
MICHAEL J. SMITH, 0617
MICHAEL L. SMITH, 3301
NIEL A. SMITH, 7091
RANDALL M. SMITH, 6996
SHAWN D. SMITH, 5947
STEVEN R. SMITH, 4409
THOMAS B. SMITH, 1538
TRACEY E. SMITH, 4738
TRAVIS A. SMITH, 8386
WALLACE N. SMITH, 4166
WILLIAM T. SMITH, 0758
JENNIFER J. SMITHHEYS, 9043
CHRISTOPHER W. SNIPES, 5758
RICHARD D. SNOWDALL, 9657
NEIL N. SNYDER IV, 1615
PAUL H. SNYDER, 0188
BRIAN N. SORENSEN, 1976
BRIAN E. SOUHAN, 1618
GREGORY S. SOULE, 3015
TRAVIS C. SOUTHWICK, 0588
NIKETTE S. SOWELL, 5438
THOMAS W. SPAHR, 0416
PATRICK J. SPAULDING, 4319
BRIAN L. SPEARS, 2663
LYNNA M. SPEIER, 1948
GREGORY D. SPENCER, 6872
GARY J. SPIVEY, 2498
CHRISTOPHER J. SPRINGER, 3602
MARK D. SPUNGIN, 3918
JONATHAN W. SPURLOCK, 3301
MICHAEL T. SQUIRES, 4437
PAUL W. STAEHELI, 4182
JAMES J. STANTON, 2160
BRIAN P. STEELE, 6689
KELLY K. STEELE, 5970
DANIEL J. STEIGER, 0873
SANDRA J. STEINKE, 9060
AVERY E. STEMMONS, 1956
KURT N. STEPHAN, 5410
HUBERT L. STEPHENS, 2507
SHARON STEPHENS, 1361
TONEY R. STEPHENSON, 2233
CECIL A. STEWART, 9404
DAVID J. STEWART, 8273
DONALD E. STEWART, 1156
JAYSON L. STEWART, 5547
RUSSELL C. STEWART, 3366
TYLER J. STEWART, 8777
KEVIN C. STEYER, 1968
SEAN F. STINCHON, 3335
KIM A. STONE, 8136
ROBERT D. STORY, 0818
ALLEN C. STOTTS, 2630
BRADY L. STOUT, 0315
CHAD A. STOVER, 7414
CHERYL L. STRANGE, 5917
JOSHUA U. STRINGER, 9636
SALAMASINALEILANI T. STROKIN, 7490
ERIC N. STROM, 5735
BRIAN K. STUJENSKE, 2739
JOHN D. SUGGS, JR., 0723
STEPHEN A. SUHR, 3947
BRIAN T. SULLIVAN, 1396
JOSEPH A. SULLIVAN, 2240
DARREN A. SUNDYS, 9298
MARK W. SUSNIS, 3602
ANTHONY A. SUZZI, 1867
ROBERT SVOBODA, 6164
JAMES M. SWARTZ, 2849
ERIC R. SWENSON, 6926
MICHAEL J. SWIENTON, 5820
LARRY A. SWINTON, 0658
CHRISTOPHER R. SYBERT, 0799
PATRICK D. SYLVESTRE, 2458
WINSTON A. SYMMES, 4576
ANDREW S. TACKABERRY, 2004
FRED W. TANNER, 2576
JEAN P. TARMAN, 4957
SHANE L. TARRANT, 7229
MATTHEW D. TATMAN, 7680
STEPHEN R. TAUTKUS, 2003
MOMOEVI S. TAWAKE, 6469
JASON L. TAYLOR, 0350
JONATHAN C. TAYLOR, 6527
MARK R. TAYLOR, 8333
RHETT A. TAYLOR, 1643
BRANDON S. TEAGUE, 6561
MATTHEW A. TEMPLEMAN, 7402
SHAWN J. TENACE, 4525
CHERYL A. TENNANT, 8544
TIMOTHY A. TERESE, 2169
CHRISTIAN G. TEUTSCH, 4406
CHERRY S. THAPITH, 5986
JOHN M. THARPE, 8868
CHESLEY D. THIGPEN, 4646
GINA A. THOMAS, 1984
PHILLIP W. THOMAS, 9923
CHARLES R. THOMPSON, 7521
CLETUS R. THOMPSON, 7392
DOUGLAS C. THOMPSON, 7177
HERB L. THOMPSON, 8199
RHETT D. THOMPSON, 4611
SAMUEL C. THOMPSON II, 2547
TODD G. THORNBURG, 2817
JUSTIN L. TICKNOR, 5352
BRIAN P. TIERNEY, 8585
JEFFREY A. TIERNEY, 1111
AARON M. TITKO, 4329
FRANCIS P. TOBIN, 6564
ANTONIO O. TOLBERT, 4160
JAHAN TOLLIVER, 2956
KEVIN R. TONER, 4116
BOBBY R. TOON, 8515
MICHELLE G. TOPE, 4649
ERNEST TORNABELL IV, 3823
STEVEN J. TOTH, 6683
CYNTHIA A. TOVAR, 6839
MAGNO D. TRANSFIGURACION, JR., 6757
JOHN S. TRANSUE, JR., 2170
MICHAEL J. TRIPLETT, 2133
ANNA C. TRUESDALE, 3885
JOHN J. TRYLCH, 1084
JASON A. TUCKER, 7515
RONALD E. TURNAGE, 6192

ANDREW L. TURNER, 6442
DUANE A. TURNER, JR., 9319
STEVEN A. TURNER, 7358
KEVIN L. TURPIN, 1500
EDWARD S. TWADDELL III, 4853
ANTHONY E. TYLER, 0900
MICHAEL K. TYLER, 2964
ANSEL M. TYNDALL II, 5143
JERROLD J. TYQUIENGCO, 5422
THEODORE O. UNBEHAGEN, 1824
SHAWN P. UNDERWOOD, 3505
LAURA C. UPDEGRAFF, 9196
RYAN J. USSERY, 1555
JUAN E. VALLESCARABALLO, 6033
JEFFREY A. VANANTWERP, 9159
ERIC J. VANDEHEY, 5902
ERIC D. VANDEWEG, 2751
JENNIFER R. VANDEWEG, 1294
ERIC A. VANEK, 2517
MARK D. VANGEMERT, 2894
JOHANNAS C. VANLIEROP III, 7434
ZACHARY A. VANN, 6008
JOSE M. VASQUEZ, 7261
JONATHAN M. VELISHKA, 2522
STEPHEN F. VENSOR, 7442
BENEFSHEH D. VERELL, 3914
TONY K. VERENNA, 8300
BRETT J. VERNETTI, 9537
JAMES T. VIBBERT, 5766
ANDREW A. VINCENT, 8339
GREGORY S. VINCIGUERRA, 1873
DEREK M. VINSON, 9325
SCOTT M. VIRGIL, 9009
JOHN F. VOLKMAR, 4940
WAYNE A. VORNHOLT, 5452
JOSH L. WADDY, 7039
TRACY L. WADLE, 4644
IRA A. WAGNER, 9965
MICHAEL P. WAGNER, 4902
MARK P. WAGONER, 4506
JOSEPH C. WALCHKO, 0139
RONALD D. WALCK, 3175
FOY S. WALDEN, 0055
EUGENE M. WALDENFELS, 9500
LELAND W. WALDRUP II, 3249
ANGELA Y. WALKER, 3482
GREGORY H. WALL, 1539
AMY J. WALLACE, 7762
BRIAN L. WALLACE, 4492
EDWARD J. WALLACE, 2177
THANH V. WALLACE, 0075
KURT E. WALLING, 2732
CHRISTOPHER L. WALLS, 7006
MARILYN WALLS, 2372
LISA K. WALSH, 0074
ANTHONY T. WALTERS, 5341
ERIC M. WALTHALL, 4110
EDWARD S. WALTON, 1041
JASON B. WAMSLEY, 8541
BRIAN K. WARD, 0840
SHANNON P. WARD, 2365
SHAWN P. WARD, 2927
WILLIAM J. WARD, 0469
MATTHEW S. WARNER, 4620
BRIAN P. WARNOCK, 9546
CHRISTOPHER A. WASHINGTON, 2055
CHRISTOPHER D. WASHINGTON, 5283
DAVID G. WATSON, 2605
WILLIAM J. WATSON, 0336
LEO J. WAUGH, 9951
MATTHEW W. WEBER, 7905
GARY M. WEHRLE, 9637
JASON WEHRMAN, 8522
JANE J. WEI, 0551
RICHARD E. WEIXELBAUM, 8156
AARON S. WELCH, 0301
BRIAN K. WELCH, 3645
RYAN K. WELCH, 9734
STEVEN B. WELIVER, 8346
RICHARD D. WELLMAN, JR., 0324
GABRIEL D. WELLS, 7962
RANDALL D. WENNER, 0017
EDWIN B. WERKHEISER II, 9011
CHRISTIAN L. WERNER, 9053
MICHAEL R. WEST, 3873
THEODORE S. WEST IV, 7168
JOHN T. WETTACK, 8539
BRIAN L. WEYENBERG, 2284
CHRISTINE G. WHIPKEY, 2459
GARY J. WHIPPLE II, 9315
JOSHUA D. WHITE, 0976
DELRICK C. WHITEHORN, 9547
MARCUS R. WHITFIELD, 9724
CHRISTINE M. WHITMER, 9505
GEOFFREY A. WHITTENBERG, 6261
SCOTT R. WHITTENBURG, 8013
ROBERT S. WHITTINHAM, 3922
BRIAN A. WICKENS, 7110
ANNE M. WIERSGALLA, 4800
JAMES R. WILEY, 5279
ANDREW G. WILHELM, 3916
DAVID C. WILLETTE, 6871
ALFORD A. WILLIAMS, 9087
ANTHONY D. WILLIAMS, 9483
ARCHIE L. WILLIAMS, JR., 0104
DAVID E. WILLIAMS, 2285
DAVID M. WILLIAMS, JR., 6067
EDWIN A. WILLIAMS IV, 7926
GREGORY B. WILLIAMS, 5488
HURCHEL L. WILLIAMS, 1008
JASON T. WILLIAMS, 0266
JAY J. WILLIAMS, 6590
JOHN D. WILLIAMS, 9558
JOHN M. WILLIAMS, 3772
KAREEM M. WILLIAMS, 4611
MARIUS L. WILLIAMS, 6801
ONEAL A. WILLIAMS, JR., 4865
RONALD D. WILLIAMS, JR., 4423
SCOTT L. WILLIAMS, 7603
SEAN P. WILLIAMS, 5673
STEVEN M. WILLIAMS, 2576
THERIL W. WILLIAMS, 9217
TROY A. WILLIAMS, 0016
DEMITRA L. WILLIAMSON, 7831
LETITIA N. WILLIAMSON, 2035
JAMES WILLS, 1850
JAMES T. WILSON, 4803
JOHN M. WILSON, 4615
KEITH W. WILSON, 1704
KIM C. WILSON, 1874
LORI S. WILSON, 2048
DOUGLAS E. WIMER, 6510
JEFFERY E. WINEGAR, 7707
JAMES E. WINLAND, 8244
NATHAN N. WINN, 0892
MATTHEW H. WINTERS, 8102
CHAD D. WISE, 4667
MARIA R. WISE, 6950
BRIAN N. WITCHER, 1238
JEFFREY L. WITHERS II, 7187
CHAD R. WITT, 5559
ADAM N. WOJACK, 1232
PATRICK J. WOLF, 0372
AARON M. WOLFE, 2596
BRIAN P. WOLFORD, 9828
AUDREY S. WOO, 0716
ADLAI B. WOOD, 5948
MICHAEL L. WOOD, 5872
STEVEN A. WOOD, 3652
THOMAS W. WOOD, JR., 8847
JAMES A. WOODS III, 0999
KENNETH E. WOODS, 0900
PAUL M. WOODS, 9420
PATRICK E. WORKMAN, 3691
EARL D. WRIGHT, JR., 4996
JASON P. WRIGHT, 1646
SAFIYYAH S. WRIGHTSIL, 9905
RYAN B. WYLIE, 3574
LEO J. WYSZYNSKI, 6884
JAY D. YANCEY, 2222
JASON A. YANDA, 5886
JAMES R. YASTRZEMSKY, 6553
MICHAEL J. YEAGER, 5591
MATTHEW J. YOST, 9548
CHRISTOPHER M. YOUNG, 3071
PHILIP A. YOUNG, 6071
JENNIFER YUENGER, 4289
WALTER D. ZACHERL, 3126
MARK M. ZAIS, 0112
TIMOTHY M. ZAMORA, 6587
JUAN C. ZAPATA, 5085
TIMOTHY R. ZETTERWALL, 5283
CHARLES W. ZIEGENFUSS, 5087
MARK C. ZIMMERMAN, 1476
SEAN L. ZINN, 2485
GABRIEL J. ZINNI, JR., 2954
STEPHEN H. ZINSER, 5195
MICHAEL A. ZOPFI, 0510
LORI L. ZUBIETA, 5176
ANTHONY E. ZUPANCIC, 0426
X0699
X3953
X6585
X4648
X5292
X3541

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RAUL RIZZO, 9179

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DENNIS K. ANDREWS, 1110
MICHAEL A. BIGELOW, 8985
JEFFREY R. BORNEMANN, 3854
MAURICE A. BUFORD, 2605
STEPHEN S. DUESENBERRY, 6217
WAYNE M. HADDAD, 0449
TIMOTHY R. HALL, 9149
DIANA A. LANTZ, 2464
CHARLES L. LUFF, 9868
GREGORY J. MCCRIMMON, 0789
TIMOTHY R. MOORE, 0950
JOSEPH R. PRIMEAUX, JR., 8544
SAMUEL E. RAVELO, 2461
ROBERT A. SPENCER, 4518
THOMAS J. STATLER, 6132
RAYMOND M. SUMMERLIN, 6537

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES S. BROWN, 8380
ROBERT L. BROWN II, 6416
KAREN R. DALLAS, 8471
DAVID GLOVER, 0184
JIMMY D. HOLLAND, 1184
RAFAELDIONIS MEDINA, 8178
ANTONIO C. TING, 2896
HEATHER J. WALTON, 9351
WINFRED L. WILSON, 4281

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LILLIAN A. ABUAN, 5714
JASON W. ADAMS, 9076
MONICA AGARWAL, 6244
GERALD G. ALFORD, 3621
JOHN M. ARMSTRONG, 8422
GREGORY BALLENGER, 4604
DEBORAH P. BARNES, 9474
STERLEN D. BARNES, 9288
ROMEO O. BAUTISTA, 8410
GREGORY BENARD, 0769
PAUL R. BENISHEK, 0300
BRYAN J. BOUDREAUX, SR., 1511
STEVEN E. BOYCOURT, 0673
MICHAEL S. CARL, 6040
TRAVIS P. COLLERAN, 3053
DAVID B. COOK, 7693
JAYSON L. CRAMER, 8464
MICHAEL W. DAVIDSON, 5920
JEFFREY P. DAVIS, 5536
PHILLIP L. DEBOE, 9537
ARCANGELO P. DELLANNO, 3160
PAUL W. DEMEYER, 7744
PHILIP A. DIANA, 7900
MARTIN L. EDMONDS, 2067
MATTHEW R. ELLIS, 4860
JASON W. ENDRESS, 4684
DAVID P. FRIEDLER, 6288
ROBERT C. GIBBS, 9778
CARLOS A. GOMEZ, JR., 3968
EUGENE E. GRIFFITH, 1023
MICHAEL S. GUILFORD, 9978
JOHN H. HAMILTON IV, 0638
GEORFFREY D. HOLLY, 9337
BRIAN M. JOHNSON, 6648
FRANK JOHNSON, 2261
SEBRINA C. JOHNSON, 7594
MARY E. KESSLER, 7431
RYAN S. KIGHT, 3407
CHRISTOPHER T. KOVACK, 0917
ANDREW G. KREMER, 0158
MICHAEL D. KRISMAN, 7097
ANDREW J. LEWIS, 9902
RYAN LOOKABILL, 5024
MICHAEL A. MARQUEZ, 8206
BRIAN W. MAXWELL, 1602
JEFFREY S. MILLS, 7017
ERNUEL MIRANDAROSARIO, 1833
GREGORY P. MITCHELL, 1947
JOHN G. MONTINOLA, 1194
WALTER B. MOWERY, 0921
ERIK R. NALEY, 8243
ERNAN S. OBELLOS, 6243
VICTOR D. OLIVER, 2519
JAMES D. OSBORNE, 0269
ROBERT B. OVERTURF, 5156
JEREMY C. POWELL, 3966
ANDRE T. SADOWSKI, 8444
BRETT E. SANDMAN, 4419
GLENN A. SOUTHERN, 9274
JOSEPH B. SYMMES, JR., 9014
MARTIN C. THOMAS, 5931
SHAWN M. TRIGGS, 0626
ROGELIO P. VALENCIA II, 2481
JAMES E. WALTERS, JR., 4097
JASON C. WARNER, 9349
MICHELLE M. WILLIAMS, 5225
KEVIN T. WRIGHT, 8797

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANDREAS C. ALFER, 3606
NICOLAS ARRETCHE, 4277
RANDY E. ASHMAN, 0295
VICTOR H. AULD, JR., 2889
LUCELINA L. BADURA, 5600
ARNEL J. BARBA, 4931
ROBERT S. BARRETT, 5723
STACY L. BARTON, 1236
HARRIETT S. BATES, 5772
JESSICA D. BEARD, 8803
SHELLY A. BECK, 7969
KIMBERLY L. BELL, 2266
DENNIS A. BENFIELD, JR., 0483
LAURA A. BENNETT, 7856
RHONDA L. BENNETT, 9334
CHERIE L. BLANK, 4645
SUSANNE E. BLANKENBAKER, 3101
ERNEST S. BOST, 3869
VINCENT BOURGEOIS, 9794
CHRISTOPHER L. BOYD, 7588
DEBORAH L. BOYLAN, 0621
JOHANNA M. BRENNER, 0574
WILLIAM H. BROOKS, 6537
CHAWN T. BROWN, 3412
KATHERINE J. BROWN, 3813

MARK J. BROWNFIELD, 5627
CLARENCE A. BURKETT, JR., 4468
JENNY S. BURKETT, 5109
WILLIAM S. BYERS, 2350
SANTIAGO B. CAMANO, 5623
RAYMOND L. CAMP, 4540
BRIAN R. CARION, 6029
BRIAN E. CARMAN, 0686
MICHELLE N. CARR, 9453
CHARLES L. CATHER, 0674
ANNA M. CHRISTENSEN, 1712
JASEN P. CHRISTENSEN, 2942
DANIEL W. CLARK, 6736
NICHLAS W. COLLINGWOOD, 5422
JULIE A. CONRARDY, 0837
SEAN P. CONVOY, 5439
LORIE A. T. CONZA, 6478
WENDY A. COOK, 6308
PATRICIA L. CRELLER, 8375
CHRISTOPHER R. CRERAR, 1160
DANIEL A. DAURORA, 1187
MARK D. DAY, 5094
BRYAN K. DEHNER, 1988
LUPO V. P. DELACRUZ, 2183
JOSEPH L. DESAMERO, 9577
ANDREA M. DESANTO, 7541
VICTOR M. DIAZ, 5687
BARBARA F. DITTRICH, 9894
MELISSA M. DOOLEY, 9948
AMY L. DRAYTON, 6341
JASON B. ELLIS, 7542
ROZETHA L. ELLIS, 7051
EDESSA V. ELOMINA, 6920
TRACY L. FAHEY, 2192
RONALD A. FANCHER, 7074
MARGARITA D. FARIAS, 0108
EARL D. FILLMORE, 0711
MIKE T. FINCKBONE, 6965
JEFFREY M. FOXX, 4453
LELAND J. FRATACCIA, 6368
MICHELLE A. FRENCH, 5781
MARIA P. FUENTEBELLA, 4711
ELIZABETH W. FURAY, 7919
TONIE E. GASKIN, 0368
JUSTINE GILBERT, 2977
BRADLEE E. GOECKNER, 5610
JOSEPH A. GOMEZ, 9949
MARC S. GOOD, 2762
WALDEMAR M. GOULET, JR., 5467
MATTHEW J. GRASER, 2426
KAREN M. GRAY, 4194
ERIC C. GRYN, 5236
KEVIN J. GUE, 4677
STEPHEN L. GUIDRY, 6586
MARSHA A. HANLY, 7356
MELINDA K. HENDERSON, 4459
PAMELA L. HERBIG, 6388
GERALDINE M. HOLDEN, 3908
KENNETH L. HOPKINS, 5257
SHARON L. HOUSE, 8641
KIMBERLY K. HOWARD, 5117
MICHAEL D. HOWE, 7534
BOBBY J. HURT, 1961
TAMMY K. JANSEN, 2968
MARIA C. JOHNSON, 8873
SARA J. JOHNSON, 0146
LEANNA M. KARG, 0507
SHAWN B. KASE, 8005
MARIE J. KELLEY, 0387
JOHN A. KING, 0241
SHAUNA R. KINGANDERSON, 1617
CAMELLIA G. KOZLOSKI, 4534
ANTHONY E. KUCIA, 1300
CHRISTA L. KUEHLER, 0544
KATHRYN J. LACHER, 0746
SHERRI L. LANEJOHNSON, 0158
MARK R. LANG, 0877
KIM P. LAVELLE, 1127
RICHARD B. LAWRENCE, 7844
JASON D. LAYTON, 9589
RACHEL M. LEWIS, 7464
CHARLOTTE M. LISSL, 2787
ANGELO P. LUCERO, 6829
NOEL B. LYNN, 4205
ABIGAIL E. MARTER, 2198
FRANCES A. MARTIN, 8655
RONALD MATA, 1179
JANE E. MCCOLLUM, 9207
JASON M. MCGUIRE, 8750
JENNIFER K. MCKINNEY, 6136
LAURA L. MCMULLEN, 3073
FREDORA A. MCRAE, 5498
JENNIFER A. MILLS, 5764
MARIA C. MILLSAP, 0392
EDNA E. MOORE, 6264
ESTHER G. MORRIS, 4046
KELLY J. MURRAY, 4763
MICHAEL P. MURRAY, 7724
GINO S. NARTE, 2861
RYAN L. NATIONS, 5327
CHRISTOPHER P. NILES, 8118
DAVID W. NOLAND, 5154
AMY L. NOYES, 3437
SALEE J. P. OBOZA, 5713
PAUL B. OFCHARIK, 9885
RONNIE G. OKIALDA, 8970
LEONARD Q. OLIVER, 6075
THOMAS OLIVERO, 2160
CHRISTINE C. PALARCA, 5461
ERIC H. PALMER, 3284
MARY K. PARKER, 0931
ZOE A. PEEK, 8089
ANTHONY W. PRIDEMORE, 9815
ROBERT B. PROPES, 7993
LARA A. RHODES, 4347
DESIREE RICHARDSON, 2210
JAMES M. ROBERTSON, 0789
LISA M. SAAR, 4807
RICHARD SALSBURY, 6205
LADONNA M. SAMPSON, 1125
ANDREW SANDERS, 5650
SONDRA M. SANTANA, 2151
APRIL SCHEUNEMANN, 0174
ROBERT K. SEIGEL, 1088
SARA E. SHAFFER, 3577
PATRICK S. SHUSTER, 5545
PATTI SKINNER, 8431
LISA M. SNYDER, 6915
MICHELLE SNYDER, 9717
DARRYL B. SOL, 9808
TIMOTHY K. STACKS, 0325
ANGELA Y. STANLEY, 5075
ROBERT A. STROBL, 5375
BROOKIE C. TARTAGLIA, 6301
LAURA A. TAYLOR, 0561
JOANNE B. VANHORN, 0675
CRAIG T. VASS, 8773
LYNN D. VAUGHN, JR., 7338
PAUL S. VILLAIRE, 6812
DANTE J. VILLECCO, 3536
ELIZABETH G. VOGELROGERS, 6221
PHILIP D. VOYER, 7194
MICHELE A. WAARA, 4342
JEANETTE C. WALKER, 4439
PHYLLIS C. WALLS, 4138
WENDY E. WALSH, 6267
TOMMY L. WARD, 4232
GERARD J. WHITE, 8644
KENNETH A. WOFFORD, 3676
FRANCISCO I. WONPAT, 3888
HEATHER G. WYCKOFF, 0916
ZARADHE M. S. YACH, 9656
ALISON E. YERKEY, 3605

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. ADAMS, 2359
KELLY J. ARMSTRONG, 5756
AUBREY I. BOBBSEMPLE, JR., 8442
HUGH BURKE, 0721
JAMES H. BURNS, 6470
BOYD A. ELLIS, 6518
NEIL O. EVANS, 3463
JOHN E. FRAJMAN II, 5895
KEVIN B. GERRITY, 3144
HEATHER M. GHIRARDI, 4120
VANESSA C. HOPGOOD, 3844
THOMAS J. JONES, 3891
JOSEPH B. JUDKINS, 8845
COLIN A. KISOR, 9905
AMY K. LARSON, 6933
JAMES L. MARSH, 9112
DAVID A. NORKIN, 2759
DAVID L. ODOWD, 2465
JESSICA M. PYBURN, 6361
KRISTINA B. REEVES, 7556
DAVIN E. RIEKE, 1903
MARC S. ROSEN, 3731
KENNETH R. SHOOK, 5054
JONATHAN T. STEPHENS, 3572
JEFFREY A. SUTTON, 4253
PAUL A. WALKER, 3264
HEATHER A. WATTS, 4405

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EMILY Z. ALLEN, 7089
ROBERTO M. ALVARADO, 5828
JEFFREY L. BENJAMIN, 4150
OSCAR BERNAL, 5364
JAY A. BIESZKE, 0177
THOMAS S. BLANCHARD, 1540
JEFFREY D. BRANCHEAU, 8416
JAMES E. BROWN, 0476
BRIAN L. BROWNING, 3064
JAMES R. CAPPELMANN, 9234
LENN E. CARON, 9184
JAY M. CAVNAR, 5328
PAUL C. CHAN, 9865
JAMES J. H. CHO, 2326
MICHAEL W. CHUCRAN, 2093
MICHAEL A. COMSTOCK, 0942
JAMES T. CORDIA, 7348
JAMES P. CROWE, 2990
KENNETH L. CULBREATH, 0670
SEAN P. DALTON, 5683
ANTHONY J. DAPP, 5950
MIGUEL DIEGUEZ, 8214
GARY W. DOSS, 5384
JAMES D. EKBERG, 8283
RICHARD A. FICARELLI, 0025
LANCE M. FLOOD, 9394
ANA I. FRANCO, 1138
RANDALL E. HARMEYER, 8333
JULIE A. HRDLICKA, 3847
ALEXANDER K. HUTCHISON, 0294
RONALD J. JENKINS, 6863
CHAD C. KOSTER, 8208
JASON G. KRANZ, 8740
PHILLIP M. LAVALLEE, 0073
CHAD O. LORENZANA, 1042
GERALD C. LOWE, 2510
THOMAS J. LYONS III, 2302
THOMAS B. MCLEMORE, 9830
RAFAEL A. MIRANDA, 1806
MICHAEL P. ODONNELL, 3151
JOSEPH C. POPE, 0802
JEFFREY W. SHERWOOD, 8625
FRANCIS J. STAVISH, 1694
KAREN A. STRANGE, 1146
JENNIFER L. TETATZIN, 7809
ROBERT G. TETREAULT, 1993
MARK I. TIPTON, 9653
DUDE L. UNDERWOOD, 3499
JOEL W. VANESSEN, 3497
TIMOTHY A. WALLACE, 1215
NEIL E. WEST, 8338
JOSEPH W. YATES, 4320

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KAREN L. ALEXANDER, 6904
ALAN J. ALFONSO, 5678
JEFFREY D. ALTON, 6161
MARIA D. ALVAREZ, 0792
ROBERT AMBACH, 3604
DARRYL P. ARFSTEN, 0470
LUIS ASQUERI, 6999
JAMES A. BALCIUS, 2656
ERIC H. BARNES, 0931
MICHAEL R. BENSCH, 8239
AMBER D. BILES, 5477
RANDY K. BILLS, JR., 0866
KATHLEEN M. BLAKEY, 1112
GORDON R. BLIGHTON, 3847
ANDREW J. BOBB, 0526
LISA K. BOGAN, 1902
BRIAN L. BOHRER, 7883
MATTHEW F. BOUMA, 3728
TAYLOR BOWLES, JR., 0740
JONATHAN J. BRADSHAW, 8812
JORI S. BRAJER, 2601
DAVID B. BRENNER, 8850
KENDRICK J. BROWN, 4798
SHAWN J. BRUNELLE, 1996
ROGER L. BUNCH, 8246
THOMAS F. BURKE III, 9009
JAMES P. BURRILL, 8534
STEPHEN A. CHAPMAN, 9234
BONNIE R. CHAVEZ, 5880
SERGIO CHAVEZ, 0342
ALAN B. CHRISTIAN, 1887
ELIZABETH N. COLINA, 2475
JEFFREY H. COOK, 4851
SCOTT D. COON, 1293
JAMES E. COWAN, 3414
JASON B. DARBY, 6819
PHILIP J. DAUERNHEIM, 6025
PHILLIP D. DAVIS, 8865
TODD P. DAVIS, 2809
THOMAS J. DERNBACH, 3290
NICK A. DIMASO, 0713
SCOTT E. DUNN, 9659
DOUGLAS L. FAISON, 3916
ELIZABETH J. FIORINI, 4344
DANIEL R. FLORES, 3014
ROBERT E. FRANKS, 4465
ANDREA FULLER, 8043
BONNIE S. S. GARBUTT, 6448
CLARO V. GARCIA, 1763
SHANNA L. GARCIA, 0709
ELLIS C. GAYLES, JR., 7397
BRIAN E. GODINES, 1281
SARAH B. GOLDMAN, 8793
MARY C. GRAVESHAREWOOD, 8891
SCOTT L. GREENSTEIN, 6913
KIMBERLY K. GULLICKSON, 3202
PETER J. GUNTHER, 4287
DAVID K. HAN, 3179
DAWN M. HARDIN, 6953
AARON J. HARDING, 3105
JEFFREY A. HAYWORTH, 8402
ROBERT P. HIGGINS, 7338
GENAIA T. HILL, 8407
ROBERT J. HINES, 8336
ANDREW C. HOBURG, 2117
KRISTIN R. HODAPP, 9138
PETER O. IM, 6934
JOHN W. INGERSOLL, 8982
CARY J. ISAACSON, 5122
BRIAN D. IVESON, 5427
DAVID M. JACKSON, 2416
COREY R. JENKINS, 4177
LESLIE A. KINDLING, 1077
JEFFREY J. KLINGER, 6721
BRADLEY C. KLUEGEL, 2570
CAINE M. KRAS, 2844
ERIC D. LACROSS, 2261
JOSEPH E. LAMOUREUX, JR., 3384
ALLEN A. LEE, 7316
PERRY J. LEONARD, 2218
JAMES C. LINHOFF, 5819
COREY J. LITTEL, 1720
SHELTON L. LYONS II, 1705
LORENA N. MARSHALL, 7271
ANDREW L. MARTIN, 6512
GREGORY T. MARTY, 9414

ALVIN D. MCCUISTON, 2921
JASON D. MCMILLEN, 9755
AARON R. MOORE, 9698
ROSLYN B. NIEVES, 5277
SCOTT W. NORTON, 0524
PETER J. OBENAUER, 6607
OLAITAN F. OJO, 5247
JOSEPH P. PALUMBO II, 7413
ANTHONY D. PAPP, 6756
MARIE I. PARRY, 7580
DARON K. PATTON, 2486
INGRID L. B. PAULI, 2019
BRIAN L. PETRY, 1913
HENRY L. PHILLIPS IV, 7739
JOSEPH E. PIANSAY, 7255
MATTHEW R. PICERNO, 5637
THOMAS J. PINER, 5141
GINO L. RICE, 2430
ROSE E. RICE, 6173
VERNON R. RICHMOND, 8302
CHERYL C. RINGER, 4503
MICHAEL J. ROTH, 7836
JAMES L. RUEFF III, 1418
ARLENE R. SAITZYK, 3538
PAUL S. SCHIERMEIER, 6439
SPENCER T. SCHOEN, 1332
BENJAMIN J. SCHWARTZ, 3305
GAIL M. SEAMAN, 7022
KATHARINE K. SHOBE, 6663
KARLA M. SLATER, 6151
JEFFREY D. STANCIL, 2771
MICHAEL E. STEVENS, JR., 9965
MICHAEL G. STOCKELMAN, 8120
CRAIG A. STOOPS, 9697
MICHAEL L. SUNMAN, 2970
TODD J. TETREAULT, 2690
TIMOTHY T. THOMPSON, 6185
CAYETANO S. THORNTON, 4814
ROMEO T. TIZON, JR., 7559
SHERRY W. WANGWHITE, 7462
ERIC R. WELSH, 3594
PHILIP K. WESSEL, 5600
FRANCINE M. WORTHINGTON, 3951
MICHAEL A. YONKERS, 9331
SHONEE L. K. YONKERS, 6944
DEBRA R. ZEVALLOS, 8542
JOHN W. ZUMWALT, 0125

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALEXANDER T. ABESS, 1314
MARY A. AIKEN, 4684
MAKINI S. AINSWORTH, 2740
ZACHARY M. ALEXANDER, 9621
ABIGAIL H. ALLARD, 9674
GLENN S. ANDREWS, 8964
RAMY F. AYAD, 6972
TIMOTHY F. AYERS, 6684
THOMAS M. BALDWIN, 6895
DAVID A. BARROWS, 4586
MATTHEW C. BAYES, 6487
ADAR T. BERGHOFF, 0379
ALEXANDER S. BERK, 8608
REBECCA G. BERKE, 6995
STEVEN D. BERNAL, 4073
DAVID A. BESACHIO, 0631
JONATHAN BESCHLOSS, 3328
KENNETH O. BONAPARTE, 2505
JASON J. BOSCO, 0434
TARA L. BRANTON, 2463
JASON D. BRAYLEY, 2095
SEAN P. BREEN, 7024
JILL E. BROWN, 0626
KAREN E. BULLOCK, 3076
JENNIFER K. BURKE, 9885
NATALIE J. BURMAN, 7106
JENNIFER F. CAMPENOT, 2499
JOSEPH R. CARNEY, 8911
LEO A. CARNEY, 8335
CASSANDRA L. CARR, 1877
GIOVANNI CATALANO, 4370
CHRISTOPHER D. CHANDLER, 3611
JERRY W. CHANDLER II, 3195
JEFFREY C. CHAO, 2614
KENNY K. CHOI, 2791
PEARL E. CHRISTIE, 6391
ANDREW W. CHUNG, 8741
THOMAS L. CHUNG, 5891
LOUIS C. CIMORELLI, 0429
RICHARD T. CLARK, 0565
HUGH F. COLVIN, JR., 6292
JOHN M. COREY, 4714
CYNTHIA R. CORONA, 4054
CHRISTIAN H. CORWIN, 9211
KAREN R. CRAIG, 8237
MEGHAN J. CREGAN, 7525
KENDALL A. CRUTCHER, 1611
DAVID M. CUNNINGHAM, 1762
JANINE R. DANKO, 8638
WILLIAM J. DAVILA, 0424
TIMOTHY J. DEVINE, 5860
PAUL J. DIBBLE, 7201
BRIAN S. DRUMMOND, 4877
JOHN D. DUERDEN, 0704
ERIN E. DUFFY, 8485
DAVID A. DUNCAN, 6287
JOSEPH J. EHLE, 4103
CHRISTOPHER S. ENNEN, 9218
JULIANNE FALLERONI, 3019
TIMOTHY J. FORTUNA, 8074
JEFFREY L. GAFNER, 7497
THOMAS Q. GALLAGHER, 1746
HAROLD J. GELFAND, 5465
JOSEPHINE S. GENESE, 7535
JON C. GIACOMAN, 5231
CHRISTOPHER E. GIBB, 9965
ELISA M. GIRARD, 9117
JASON L. GLASS, 9752
DAVID J. GOLDSTEIN, 7290
ISAAC GOODING, 8800
GEORGIA A. GRAY, 9238
JOY A. GREER, 3013
JULIA J. GRIGGS, 0909
ERICA S. GROGAN, 8138
MIGUEL A. GUTIERREZ, 5044
ROBERT J. HACKWORTH, 3627
CARRIE A. H. HALL, 9174
TROY J. HANDOJO, 9011
BRENNAN R. HARDING, 7780
RYAN J. HARRIS, 8194
JOSHUA M. HARRISON, 7353
NATHAN C. HAWKES, 2478
BRADLEY W. HEFFNER, 2628
HASAN A. HOBBS, 7923
SCOTT D. HODGE, 8284
ARLENE J. HUDSON, 6665
JESSE J. IRWIN, 6332
DAVID C. JANNOTTA, 6264
CHRISTOPHER S. JOAS, 5571
AHMIK L. JONES, 9187
CHARLENE V. KAKIMOTO, 2960
MICHEL J. KEARNS, 9509
JOANNE P. KEENAN, 9811
ANTHONY W. KELLER, 5281
ROLAND S. KENT, 3794
TONYA T. KOLKOW, 5450
AVERY L. KONG, 8132
ERIK J. KOPPANG, 4595
LEO T. KROONEN, 8849
CORRY J. KUCIK, 1759
ELIZABETH A. KUHLS, 9608
RYAN D. LAMOND, 0837
DANIEL L. LANDRY, 3405
GREGORY W. LAU, 2105
VICKY L. LAZANSKY, 1478
FERNANDO F. LEYVA, 0097
BRENT D. LIBBY, 3218
ROBERT A. LIOTTA, 6875
MOLLY A. LIPKE, 6256
MICHELLE F. LIU, 5673
STEVEN R. MAIER, 2129
SANDEEP S. MANGALMURTI, 4376
DEBRA A. MANNING, 4940
STEPHEN J. MANNINO, 4802
CHAD Y. MAO, 6252
CHRISTOPHER J. MAPLES, 0149
MATTHEW J. MARCUSON, 4759
JEFFREY S. MARTENS, 9240
JOSEPH S. MCMONAGLE, 9869
GREGORY S. MCNABB, 5643
VANESSA W. MCNAIR, 4156
MARK R. MIKOLS, 0146
DOUG R. MILLER, 3385
ALEX R. MINTER, 6734
CHRISTOPHER J. NEAL, 3152
STEVEN A. NEWMAN, 5744
JOSEPH R. NICOLINI, 9793
JAMES T. NORRIS, JR., 5068
BRIAN G. NORWOOD, 4923
PATTY D. B. NULL, 2280
ERIC J. OLSON, 6590
MICHAEL J. ORAS, 7660
TAWAKALITU O. OSENI, 1061
PHILIP D. PARKS II, 1374
JOHN D. PASZEK, 5997
GREGORY A. PATE, 7326
TIMOTHY W. PATTISON, 9088
JOSEPH R. PAYNE, 6830
JOHN A. PAYTON, 5888
WILLIAM S. PETERSON, 8648
JULIO PETILON, 8569
LEONARD E. PHILO, 8737
GERALD W. PLATT, 8677
TRAVIS M. POLK, 4165
ROBERT D. POST, 9102
BRYAN D. PROPES, 8684
GREGORY A. RACZNIAK, 2271
MARK D. RASMUSSEN, 6167
TIMOTHY J. REDDEN, 4996
CAROLYN A. REIMANN, 1114
WILLIAM D. RICHARDSON, 7391
KRISTIE A. ROBSON, 4643
CORBY D. ROPP, 9934
LESLEY S. ROSS, 1891
SHERRI L. RUDINSKY, 5982
VICTOR L. RUTERBUSCH, 5889
STEPHEN G. SALZBRENNER, 6721
DOMENIC SCALAMOGNA, 6334
JOEL M. SCHOFER, 6832
WENDY E. SCHOFER, 0733
JASON W. SCHROEDER, 3984
HEATHER H. SCHULZ, 1891
CHRISTOPHER B. SCUDERI, 1504
BRIAN C. SCULL, 1449
PETER J. SEBENY, 5822
JOHN H. SEOK, 9553
BRADLEY A. SERWER, 3913
DAVID K. SHELLINGTON, 6371
WILLIAM W. SHIELDS, 2539
MARK C. SHOEMAKER, 5798
AMY C. SHORT, 5316
JESSICA M. SHORT, 7444
JEFFREY W. SINGLEY, 5057
HAROLD A. SLOAS, 5183
OLGA M. SMITH, 4219
ROBERT L. SMITS, 7403
CARLA L. SOLER, 2622
LEAH K. SOLEY, 3755
ANNA M. SOLUM, 4261
JESSICA C. SOUTHER, 9918
SCOTT A. SPARKS, 7022
SAMUEL L. STEELE, 4408
STEPHAN L. STEFFENSEN II, 1345
TROY R. STILES, 2243
GERALD R. STROUD, 8980
SEAN P. STROUP, 7549
MICHAEL A. SULLIVAN, 2166
ROZALES A. SWANSON, 0009
WILLIAM T. SWART, 8931
MATTHEW J. SWIBER, 1437
STEPHEN S. TANTAMA, 4683
JAYSON T. TAPPAN, 5674
CHRISTOPHER R. TATRO, 2177
WINSTON D. TAVEE, 3475
JESSICA A. TAYLOR, 0237
ELIZABETH K. THOMAS, 3661
SCOTT S. THOMPSON, 6698
DRAKE H. TILLEY, 3714
STEPHEN A. TSCHINKEL, 5315
MATTHEW R. TULIS, 0957
SAMUEL D. TURNER, 9386
DON N. UDALL, 2010
SARAH L. VANDERPOL, 0327
RAJAT VARMA, 5175
ANTHONY L. VELASQUEZ, 0336
ERIC J. VENN, 7247
JOHN C. VENTURA, 8263
ERIK P. VOOGD, 0707
LEIAH T. WALROD, 1078
RUSTIN C. WALTERS, 5113
NANCY M. WARNER, 1061
DIRK A. WARREN, 5788
MICHAEL J. WATSON, 9927
JOHN B. WEATHERWAX, 0756
BRUCE J. WEBB, 8015
SCOTT J. WENGER, 6062
SHARESE M. WHITE, 5195
MICHAEL E. WILLIAMS, 5390
WENDY S. WONG, 7953
MARK L. WOODBRIDGE, 1954
KAREN L. WU, 1486
KEITH J. YABLONICKY, 6793
WESLEY O. YEACKLE, 5509
LAURETTA A. ZIAJKO, 6094

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHAD E. BETZ, 9169
DEBORAH R. BLANCHARD, 0109
ROBERT P. BOLTON, 9539
TROY W. BROOKS, 6475
HARRY R. COLE, JR., 7226
BASSIL S. CUFFY, 4211
ANGELA M. DELLISANTI, 6965
BRIAN L. EVANS, 3265
BRADLEY M. FARROW, 9744
CHRISTOPHER M. HAMLIN, 4934
RASHA HANNA, 9293
JOHN B. HOYOS, 9254
QIZHI HU, 2778
BRIAN K. HUTTO, 9500
RYAN M. JACK, 4276
GERALD F. JOHNSON, 6395
JAMES H. MACDOWELL, 0225
JUDITH A. MCDONNELL, 1867
MATTHEW B. B. MILLER, 4287
ROBERT H. MINER, 3023
JOSEPH E. MORNEAU, 9927
ANGELA J. MUMM, 4408
JORGE PELAEZ, 2238
DEMETRIOS PETROPOULOS, 2591
ALEXANDER ROYZENBLAT, 6736
MICHAEL E. RUDMANN, 1441
NICHOLAS SHUMAKER, 6754
SENNAY M. STEFANOS, 5137
JAMES M. THOMPSON, JR., 1130
NESS H. VAN, 3530
HOI S. WONG, 4681
SABINA S. YUN, 3375
TRACIE M. ZIELINSKI, 2573

EXTENSIONS OF REMARKS

CELEBRATING MRS. ANNA WALLACE'S 100TH BIRTHDAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, today I would like to recognize Mrs. Anna Wallace who will celebrate her 100th birthday on September 12, 2006. Mrs. Wallace is a lifelong resident of South Buffalo and lives in an apartment at 36 Columbus Avenue and her grandson lives upstairs. Anna is the daughter of Cecelia and Daniel Hurley, and was raised in the family home on Woodside Avenue with two siblings, Cecelia Duggan and Daniel Hurley.

On June 9, 1926, Anna was married to Francis Wallace by the revered Reverend John Nash in Holy Family Roman Catholic Church on South Park Avenue. She and Francis were married for 71 years until he passed away in 1997.

The Wallaces were always a very social couple and remained active well into their eighties. To this day, Anna is a member of the Catholic Daughters at Holy Family Church. She and her husband were instrumental in starting the second chapter of the Muscular Dystrophy Society in the nation and they were involved in raising money for the Muscular Dystrophy Society, the disease that afflicted their son, Paul. For many years Anna was a school aide in the City of Buffalo working with handicapped children.

Anna and Francis had four children, Mary Katherine Jordan (deceased), Janet Ann (deceased), Frances Carol Konter, and Paul Francis (deceased). She will be celebrating this momentous occasion with her daughter, 10 grandchildren, 27 great grandchildren and 8 great great grandchildren.

Mr. Speaker, thank you for allowing me to pay tribute to Mrs. Anna Wallace, a strong and inspirational woman. I am pleased to extend my best wishes to Mrs. Wallace upon this very special birthday and further wish her health and happiness in the years to come. I ask my colleagues to join me in wishing Mrs. Wallace a very happy 100th birthday.

HONORING THE NOVATO YOUTH CENTER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Novato Youth Center, which is commemorating 30 years of community service to the children, youth and families of Novato, California.

In response to the need for a safe and nurturing environment for children, parents and community leaders launched an energetic grassroots effort to establish the Novato Youth Center in 1976. Now, 30 years later, the Youth Center provides a safe and caring home away from home while responding to ever changing community needs. Serving children, infants through 18 years, the Youth Center offers childcare and recreational activities, as well as teen pregnancy prevention programs, tutoring, family counseling, and Parent Project workshops. Youth serve in many positions, and are involved as program volunteers, sports coaches, event planners, and as full voting members on the board of directors.

Through advocacy and outreach, Novato Youth Center's mission is to increase the community's investment in its youth, and to nurture and encourage youth to realize their potential for growth and personal development. The founding parents and Board Members were an ideal match for this mission. Honorary Board Members include: Robert Busher, Tommie Whitener, Steve Rempe, Peter E. Haas, Jr., David Kenyon, Dennis DeSousa, Alan Dunham, Ed Lathrop, Vicki McDill, Dave Milano, and Paul Scheller.

Over the years Novato Youth Center grew steadily, developing successful collaborations with Novato Unified School District, the City of Novato, the County of Marin, Novato Community Hospital, and other local youth service and childcare providers. Providing strong community leadership, the Youth Center played a key role in starting the Novato Youth Wellness Collaborative, also serving as its fiscal agent. As a result, the Novato Wellness Center will open soon, offering health education, teen pregnancy counseling, substance abuse prevention, mental health services, and a health clinic devoted to teens.

Collaborative and inclusive in philosophy, the Youth Center is committed to serving youth across ethnicities, economic levels, age groups, social and educational levels. To that end, the Youth Center champions respect and diversity, recruiting and hiring bicultural and bilingual staff to ensure the full spectrum of needs and interests of all communities are met.

Mr. Speaker, Novato Youth Center provides an invaluable role in preparing our youth for the challenges of the future as well as instilling the values of community involvement and education. I am proud to honor the Novato Youth Center on this memorable occasion.

IN HONOR OF MR. EUTIQUIO CHAPA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Eutiquio Chapa upon his receipt of the National Hispanic Heritage Youth Award in the category of Education. This prestigious award is given each year to Latino high school graduates who have excelled in academic achievement, community service, and writing. The Hispanic Heritage Foundation, a Washington-based non-profit organization which commemorates ethnic dignity and education, specifically tasks each applicant to express the influence of their heritage on their personal success. Looking at Mr. Chapa's accomplishments and goals, it is evident why he was chosen.

Mr. Chapa was a top student at Palma High School, where he graduated with a 4.4 GPA and was named a National Hispanic Scholar. Furthermore, Mr. Chapa was chosen for a special summer program at M.I.T. in 2005. All of this success was in the face of criticism he endured from his own peer group for changing schools midway through high school. Eutiquio Chapa has been accepted to Stanford University for the fall and will no doubt have much success there.

A second-generation Mexican-American from King City, CA, Eutiquio Chapa is interested in furthering his knowledge of the human brain. He plans to develop manners of instruction in order to improve the education process for low-income elementary grade level students learning English as a second language. He is obviously determined to equip others with educational possibilities.

Mr. Speaker, my heartfelt congratulations go to Eutiquio Chapa. It is a true pleasure to have him as a member of my constituency.

HISPANIC HERITAGE FOUNDATION HONORING DR. JULIET GARCIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize a patriotic American honored this month by the—Hispanic Heritage Foundation—Dr. Juliet Garcia of Brownsville, Texas.

Dr. Garcia has been a groundbreaker for higher education, becoming the first Mexican American woman in the nation to ascend to the presidency of a university, the University of Texas at Brownsville (UTB).

She has provided improved higher education opportunities for the people in the Lower Rio Grande Valley of South Texas.

She has led UTB through a phenomenal period of growth and success. The campus has grown from 49 acres to 382 acres, enrollment has increased by 27 percent, and student performance has improved dramatically.

The Hispanic Heritage Foundation promotes and celebrates Hispanic culture, education, and accomplishment through year-round national and regional inspirational leadership programs by sponsoring a number of educational

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and cultural programs, including the Hispanic Heritage Awards, Youth Awards, and the LOFT (Latinos on Fast Track) Initiative.

The Hispanic Heritage Awards and Ceremony began as a small White House ceremony in 1987 honoring the creation of Hispanic Heritage Month, September 15 thru October 15. The award is a prestigious honor for Dr. Garcia and is a culmination of the Foundation's year-round efforts.

In an evening filled with cultural pride and celebration, the Foundation and the audience honor notable Hispanics who have distinguished themselves as role models in the Hispanic community while making a positive impact in our country.

This year marks the 20th anniversary of the Hispanic Heritage Awards and the theme of the 2006 ceremony will be "Looking Back, Moving Forward," representing the Hispanic community as part of the history of this Nation and our presence in the Nation's future.

I ask the House of Representatives to join me today in commending our Texas pioneer, Dr. Garcia, for her recognition as an outstanding educator that inspires our community, increases individual excellence among young Hispanics, and raises the standard of excellence at UTB.

A GREAT POINT-OF-LIGHT FOR ALL AMERICANS: REGINALD WEAVER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. OWENS. Mr. Speaker, I rise to salute a dynamic trailblazer who continues to set a productive pace for positive change within the ranks of the Nation's education leaders. Reginald Weaver is a magnificent Great Point-of-Light. He is both profound and practical in his pursuit of school improvement across the Nation for all children. In addition to protecting the interests of the largest organization of teachers, he is a tireless spokesman for education policy-making and the need to increase expenditures for the basics which support opportunities to learn: improved and new school facilities; teacher training and compensation; adequate school libraries; science laboratories; computer instruction; and other necessities.

As a strong advocate for public education, Reginald Weaver was elected president of the 2.7 million-member National Education Association. He has traveled across the country as an ambassador for public education, stressing the association's mission to ensure that every child in America can attend a great public school right in his or her own neighborhood. In order to have great public schools, Mr. Weaver has outlined six areas that need to be addressed: parental involvement, high-quality school employees, high-quality classroom instruction, educators who give their best to every child, a high-quality teacher in every classroom, and fixing and funding the No Child Left Behind law. His NEA career started as a local president in Harvey, IL and eventually he became the president of the Illinois Education Association from 1981 to 1987; served on the NEA Executive Committee from 1989 to 1995 and as NEA vice president from 1996 to 2002. In addition, he serves on the executive board of the National Council for the Accreditation of Teacher Education and on the board of governors of the Joint Center for Political and Economic Studies. Among his many accomplishments, he was named to the Ebony 2004 100+ Most Influential Black Americans list and was featured in Who's Who, as well as in Who's Who in Black America.

For his continuing leadership on the frontlines in the crusade for excellence in education, we salute Reginald Weaver as a Great Point-of-Light for all Americans.

HONORING SESQUICENTENNIAL OF ATASCOSA COUNTY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the sesquicentennial of Atascosa County, which resides within the 28th District of Texas. This year marks the 150th anniversary of the founding of Atascosa County.

Atascosa County had its beginnings after the Texas Revolution, when several land grants were given out to notable Texans such as Jose Antonio Navarro that marked extensive colonization in the area in 1853. The first county seat, Navatasco, was established in 1857 on land donated by Navarro. Many of the new settlers were recent immigrants from Mexico, Germany, and England. The early years of the twentieth century brought many changes to Atascosa County. Several railroads were built that helped connect the towns of Leming, Pleasanton, McCoy, Charlotte, and Hindes. In 1910, the residents of Atascosa County voted to officially make Jourdanton the county seat.

Agriculture is a vital part of Atascosa County with a wide variety of agricultural products ranging from livestock to strawberries. In 2002, there were over 1,539 farms and ranches covering 669,890 acres, 52% of which were devoted to pasture, 33% to crops, and 12% to woodlands. In that year alone, local farmers and ranchers earned $51,808,000, with livestock sales accounting for $34,534,000 of that total. Oil and gas also continue to be a leading industry in the county, with over 1,236,387 barrels of oil produced in 1990. By the end of 2004, over 149,778,538 barrels of oil have been produced in Atascosa County. The largest communities in the county are Jourdanton, Pleasanton, Campbelton, Poteet, Lytle, Charlotte, Christine, Leming, McCoy, and Peggy. Some of the county's wonderful attractions include the famous Poteet Strawberry Festival, the Jourdanton Days Celebration, and the Cowboy Homecoming and Rodeo in Pleasanton. As we look back on the past 150 years with pride, we also look forward to a very promising future for Atascosa County.

Mr. Speaker, I am honored to have had this time to honor Atascosa County on their 150th anniversary, and I thank you for this time.

RECOGNIZING ARMY SPECIALIST GARY PITTS OF INVERNESS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I Rise today to honor Gary Pitts of Inverness, Florida, an Army Specialist who served in Iraq and is currently based at Fort Carson, Colorado.

Born in Inverness, Florida, Specialist Pitts graduated from Citrus High School in 1993. Following the events of September 11, he felt a strong need to do his part to fight the global war on terror and joined the Army at the age of 26. Completing basic training in May 2002 at Fort Knox, Kentucky, he went on to advanced training at Fort Bliss, Texas.

Deployed to Iraq in February 2003 for a 5-month tour as a Patriot missile operator, Specialist Pitts returned to Fort Bliss following the completion of his duties. Having completed his initial commitment, on April 6, 2004, Specialist Pitts re-enlisted for another 3 years. Once again deployed to Iraq in March 2005, he served for a year in the 3rd Armored Cavalry Regiment as a radar operator and a turret gunner. While serving in Iraq, Specialist Pitts' missions included convoy security and elections security during Iraq's first elections.

Specialist Pitts received the Combat Action Badge for engaging the enemy in action following an IED explosion next to his vehicle. Currently based at Fort Carson, Specialist Pitts has approximately 8 more months to complete his 6 years of enlistment.

In addition to his military service, Specialist Pitts has a natural talent for art and creativity, winning numerous blue ribbons for his pastel artwork. He is now married and living in Colorado Springs and enjoys his visits home to see his parents, Mike and Anne, and brothers, Steven and Mike. He also visits his sister Michele and niece Tiffany who live in Colorado.

Mr. Speaker, it is soldiers like Gary Pitts who volunteer to protect the freedoms that all Americans hold dear to their hearts. He is to be commended for his service to our Nation and for his commitment to his family and loved ones. This Congress will never forget his sacrifices in battle.

JIM WESTFALL—JOHNS FELLOWSHIP AWARDEE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FILNER. Mr. Speaker, I stand here today to honor James M. Westfall as the Johns Fellowship Award Winner for 2006. After graduating from high school, "Jim" Westfall completed the San Diego Electrical Joint Apprenticeship 4-year program in 1973.

In 1976, he began working for the Bechtel Power Corp., at the San Onofre Nuclear Generating Station and advanced to General Foreman in the Electrical Department. In 1980, Jim was elected Business Representative for I.B.E.W. Local 569 and served for 7 years.

For the past 19 years, Jim has been employed with the San Diego Electrical Training Trust as Administrative Manager/Director of Training. During his tenure, Jim was instrumental in building the Apprenticeship from 300 students with 12 instructors to 13 full-time staff, 1250 students and 75 instructors.

During his 30-year career, Jim has served on the National Electrical Training Directors Association, California Apprenticeship Coordinators Association and the Apprenticeship Coordinators Association of San Diego. He has also been awarded the Electrical Industry Progress Award for Leadership and Exemplary Service and the Founder's Trophy for Extraordinary Leadership and Service to the Electrical Industry by the National Electrical Contractors Association, San Diego Chapter.

Jim is currently the Director of Training for San Diego Electrical Training and has been inducted into the California apprenticeship Hall of Fame on May 4, 2006.

James M. Westfall is very deserving of this award as he has been a driving force in the organized labor movement for the past 30 years.

CONGRATULATING MAGEE RIETER AUTOMOTIVE SYSTEMS OF BLOOMSBURG, PENNSYLVANIA ON BEING NAMED SUPPLIER OF THE YEAR TO GENERAL MOTORS FOR THE 14TH CONSECUTIVE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Magee Rieter Automotive Systems of Bloomsburg, Pennsylvania, on the occasion of their being named worldwide "Supplier of the Year" to General Motors for the 14th consecutive year.

Of GM's 30,000 suppliers, Magee Rieter Automotive Systems is the only company in North America to achieve this remarkable record, a fact that should make its nearly 800 employees exceedingly proud.

Magee Rieter is the leading supplier of carpets to General Motors in America. The company has been in business in Bloomsburg since 1889 and has been supplying General Motors for more than 90 years, first with hand draped tapestries for Fisher Body carriages and, today, with fully molded carpet floors and integrated acoustical systems.

For more than a century, the company has endured and overcome numerous challenges including floods, fires and the rapidly changing business environment. After World War II, the company received the Army/Navy "E" award for excellence in recognition of its production of high quality materials for the war effort.

Magee Rieter records annual sales in excess of $175 million and has an annual payroll of more than $37 million that provides its employees with family sustaining incomes that average about $39,000 annually. Overall, Magee Rieter is responsible for a $168 million annual impact to the local economy.

The current employees of Magee Rieter are carrying on traditions of pride and success handed down by their parents, grandparents and great grandparents who worked at this remarkable company.

Mr. Speaker, please join me in congratulating Magee Rieter for demonstrating superior performance and for serving as a shining example for other businesses to emulate.

AIDS IN 2006—MOVING TOWARD ONE WORLD, ONE HOPE?

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. SCHAKOWSKY. Mr. Speaker, the International AIDS Society meeting in Toronto last month focused the world's attention on ways to deal with the ongoing AIDS pandemic. Global health experts and advocates came together to discuss effective tactics and comprehensive strategies for improved prevention and therapies and, ultimately, a cure. I am particularly glad that the meeting highlighted the need for microbicides development, treatments that will allow vulnerable women to protect themselves and their families from infection.

As we consider the recommendations made in Toronto, I want to draw my colleagues' attention to a recent article, "AIDS in 2006—Moving toward One World, One Hope?," published in the August 17 edition of The New England Journal of Medicine. Written by Dr. Paul Farmer and Dr. Jim Yong Kim, leading medical experts with years of front-line experience through their work at Partners in Health, they offer us important lessons that will help translate the optimism expressed in Toronto into the reality of improved global health.

As they point out, an effective approach to the global AIDS epidemic (and to the global TB and malaria epidemics as well) will require strategies that address the global epidemic of poverty and the inequitable distribution of health care resources. Affordable drugs, viable public health systems, access to trained health care personnel, and the provision of nutrition and other "wrap-around" services that make the difference between life and death are all essential components for success. As Partners in Health has proven in Haiti and Rwanda, this comprehensive approach is not a pie-in-the-sky notion. It is completely achievable given a commitment to make and sustain the necessary investments.

The work of nongovernmental organizations like Partners in Health, the Bill and Melinda Gates Foundation and the Clinton Foundations HIV/AIDS Initiative has allowed us to make incredible strides, but they cannot solve these problems alone. As Dr. Farmer and Dr. Kim caution us, "Only the public sector, not nongovernmental organizations, can offer health care as a right." The U.S. government can and must take the lead in expanding our commitment to defeating the twin dangers of global pandemics and global poverty. By doing so, we will not only make the world healthier, we will make it safer.

[From the New England Journal of Medicine, Aug. 17, 2006]

AIDS IN 2006—MOVING TOWARD ONE WORLD, ONE HOPE?

(By Jim Yong Kim and Paul Farmer)

For the past two decades, AIDS experts—clinicians, epidemiologists, policymakers, activists, and scientists—have gathered every two years to confer about what is now the world's leading infectious cause of death among young adults. This year, the International AIDS Society is hosting the meeting in Toronto from August 13 through 18. The last time the conference was held in Canada, in 1996, its theme was "One World, One Hope." But it was evident to conferees from the poorer reaches of the world that the price tag of the era's great hope—combination antiretroviral therapy—rendered it out of their reach. Indeed, some African participants that year made a banner reading "One World, No Hope."

Today, the global picture is quite different. The claims that have been made for the efficacy of antiretroviral therapy have proved to be well founded: in the United States, such therapy has prolonged life by an estimated 13 years—a success rate that would compare favorably with that of almost any treatment for cancer or complications of coronary artery disease. In addition, a number of lessons, with implications for policy and action, have emerged from efforts that are well under way in the developing world. During the past decade, we have gleaned these lessons from our work in setting global AIDS policies at the World Health Organization in Geneva and in implementing integrated programs for AIDS prevention and care in places such as rural Haiti and Rwanda. As vastly different as these places may be, they are part of one world, and we believe that ambitious policy goals, adequate funding, and knowledge about implementation can move us toward the elusive goal of shared hope.

The first lesson is that charging for AIDS prevention and care will pose insurmountable problems for people living in poverty, since there will always be those unable to pay even modest amounts for services or medications, whether generic or branded. Like efforts to battle airborne tuberculosis, such services should be seen as a public good for public health. Policymakers and public health officials, especially in heavily burdened regions, should adopt universal-access plans and waive fees for HIV care. Initially, this approach will require sustained donor contributions, but many African countries have recently set targets for increased national investments in health, a pledge that could render ambitious programs sustainable in the long run.

As local investments increase, the price of AIDS care is decreasing. The development of generic medications means that antiretroviral therapy can now cost less than 50 cents per day, and costs continue to decrease to affordable levels for public health officials in developing countries. All antiretroviral medications—first-line, second-line, and third-line—must be made available at such prices. Manufacturers of generic drugs in China, India, and other developing countries stand ready to provide the full range of drugs. Whether through negotiated agreements or use of the full flexibilities of the Agreement on Trade-Related Aspects of Intellectual Property Rights, full access to all available antiretroviral drugs must quickly become the standard in all countries.

Second, the effective scale-up of pilot projects will require the strengthening and even rebuilding of health care systems, including those charged with delivering primary care. In the past, the lack of a health care infrastructure has been a barrier to antiretroviral therapy; we must now marshal AIDS resources, which are at last considerable, to rebuild public health systems in sub-Saharan Africa and other HIV-burdened regions. These efforts will not weaken efforts to address other problems—malaria and other diseases of poverty, maternal mortality, and insufficient vaccination coverage—if they are planned deliberately with the public sector in mind. Only the public sector, not nongovernmental organizations, can offer health care as a right.

Third, a lack of trained health care personnel, most notably doctors, is invoked as a reason for the failure to treat AIDS in poor countries. The lack is real, and the brain drain continues. But one reason doctors flee Africa is that they lack the tools of their trade. AIDS funding offers us a chance not only to recruit physicians and nurses to underserved regions, but also to train community health care workers to supervise care, for AIDS and many other diseases, within their home villages and neighborhoods. Such training should be undertaken even in places where physicians are abundant, since community-based, closely supervised care represents the highest standard of care for chronic disease, whether in the First World or the Third. And community health care workers must be compensated for their labor if these programs are to be sustainable.

Fourth, extreme poverty makes it difficult for many patients to comply with antiretroviral therapy. Indeed, poverty is far and away the greatest barrier to the scale-up of treatment and prevention programs. Our experience in Haiti and Rwanda has shown us that it is possible to remove many of the social and economic barriers to adherence but only with what are sometimes termed "wrap-around services": food supplements for the hungry, help with transportation to clinics, child care, and housing. In many rural regions of Africa, hunger is the major coexisting condition in patients with AIDS or tuberculosis, and these consumptive diseases cannot be treated effectively without food supplementation. Coordination among initiatives such as the President's Emergency Plan for AIDS Relief, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the World Food Program of the United Nations can help in the short term; fair-trade agreements and support of African farmers will help in the long run.

Fifth, investments in efforts to combat the global epidemics of AIDS and tuberculosis are much more generous than they were five years ago, but funding must be increased and sustained if we are to slow these increasingly complex epidemics. One of the most ominous recent developments is the advent of highly drug-resistant strains of both causative pathogens. "Extensively drug-resistant tuberculosis" has been reported in the United States, Eastern Europe, Asia, South Africa, and elsewhere; in each of these settings, the copresence of HIV has amplified local epidemics of these almost untreatable strains. Drug-resistant malaria is now common worldwide, extensively drug-resistant HIV disease will surely follow, and massive efforts to diagnose and treat these diseases ethically and effectively will be needed. We have already learned a great deal about how best to expand access to second-line antituberculous drugs while increasing control over their use; these lessons must be applied in the struggles against AIDS, malaria, and other infectious pathogens.

Finally, there is a need for a renewed basic-science commitment to vaccine development, more reliable diagnostics (the 100-year-old tests widely used to diagnose tuberculosis are neither specific nor sensitive), and new classes of therapeutics. The research-based pharmaceutical industry has a critical role to play in drug development, even if the overall goal is a segmented market, with higher prices in developed countries and generic production with affordable prices in developing countries.

There has been a heartening increase in basic-science investments for tuberculosis and malaria; funding for HIV research at the National Institutes of Health remains robust. Yet the fruits of such research will not arrive in time for those now living with, and dying from, AIDS and tuberculosis. New tools to prevent, diagnose, and treat the diseases of poverty will be added to the stockpile of other potentially lifesaving products that do not reach the poorest people, unless we develop an equity plan to provide them. Right now, our focus must be on improving access to the therapies that are available in high-income countries. The past few years have shown us that we can make these services available to millions, even in the poorest reaches of the world.

The unglamorous and difficult process of increasing access to prevention and care needs to be our primary focus if we are to move toward the lofty goal of equitably distributed medical services in a world riven by inequality. Without such goals, the slogan "One World, One Hope" will remain nothing more than a dream.

AMERICA'S OLDEST MAIL ORDER CATALOGUE COMPANY CELEBRATES ITS 150TH ANNIVERSARY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SANDERS. Mr. Speaker, Charles F. Orvis founded the Orvis Company in 1856 to sell high quality fly-fishing equipment.

The Orvis Company has been doing exactly that—selling the best in fishing equipment throughout the entire world—ever since. The reel that Charles Orvis developed, a ventilated fly reel, is still the basis of most modern fly reels. In fact, the Orvis Company is the oldest fishing rod manufacturer in the world, selling rods made in Vermont all over the globe. And its catalogue business is older than that of Sears or L.L. Bean, for it has been in existence for over a 100 years. Currently its 26 annual catalogues—Orvis mails out over 50 million catalogues a year—help generate the company's remarkable sales of over $250 million annually.

Orvis has deep, deep roots in Vermont, but it has shown the flexibility to adapt to a growing international market. It has distributors in 25 countries, and sells widely in both England and Japan. Although Orvis has its headquarters in Manchester, Vermont, where its flagship store of 23,000 square feet is also located, Orvis has 30 retail stores across the United States and in England. Its network of dealers is truly global, with dealers in not only North and South America, but Europe, Asia, Africa, and Australia.

But Orvis is not just about success in retailing. The company has a deep commitment to preserving the natural environment. Each year Orvis puts 5 percent of its pre-tax profits into conservation projects and, works to multiply its commitments—and the commitments of its customers—by matching donations from customers to its forest/wetland and biodiversity projects.

With 150 years of success behind them, we wish the owners and employees at Orvis many more years of success ahead, both in retailing and in working to conserve and preserve our precious natural heritage.

TRIBUTE TO JOHN BASILONE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to ask my colleagues to join with me in paying tribute to a man who dedicated his life to the United States Armed Forces. John Basilone, born in 1916, served in the United States Army from 1934 until 1937 and in the United States Marines from 1942 until his death in 1945. Each year, since 1981, the good citizens of the Borough of Raritan, Somerset County, a vibrant community I am proud to represent, sponsor a parade in memory of John Basilone. The 25th Annual John Basilone Parade will take place on Sunday, September 25, 2006.

John Basilone, native of Raritan, New Jersey, served an honorable career in defense of our country. For heroics performed on the invasion of Guadalcanal in August of 1942, Mr. Basilone was awarded The Congressional Medal of Honor. Without fear for his life, he unabashedly commanded his fellow troops and sought to bring the United States to victory.

After returning from duty in Guadalcanal, John went home to Raritan to be honored by his friends and family for his courage and bravery. However, it was not long before Basilone sought another mission on behalf of his country. The Marines granted his wish to be sent back overseas in December of 1943.

On February 19th of 1945 the Marines, including John, landed on the island of Iwo Jima. After giving the Marines a chance to wade ashore, the Japanese opened fire on defenseless United States soldiers. Brave men with leadership ability were needed to rally the troops. John Basilone rose to the occasion. Many survivors of the battle recall that in the midst of fighting there was one Marine out in the open, directing and rallying the men. It was John Basilone.

Mr. Basilone was hit with a mortar shell and died of his wounds shortly thereafter on the island of Iwo Jima. For his actions that day, John Basilone was awarded The Navy Cross. According to his official biography, John Basilone remains the only soldier, non-officer, in United States history to be awarded both The Congressional Medal of honor and The Navy Cross.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the citizens of Raritan and the John Basilone Parade participants for celebrating the life of a fine man and true American hero.

RECOGNIZING CHRISTOPHER MARTELL OF LAKEWOOD, COLORADO

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Christopher Martell of Lakewood, Colorado, an Army 2nd Lieutenant currently serving in Iraq.

Lieutenant Martell served in the ROTC while at Gonzaga University, stating that his ROTC service was the most rewarding part of his entire college experience. Following his graduation with a bachelors degree in Communications, Lieutenant Martell reported to the Army's 82nd Airborne Division where he was assigned to military intelligence.

Lieutenant Martell has remarked that he has found a strong sense of patriotism and brotherhood in the Army. The history and camaraderie among his fellow soldiers is truly a sight to behold and has made his experience a rewarding one.

Coming from a proud family history of military service, Lieutenant Martell's grandmother, Florence McCann, served in the U.S. Navy WAVES, or Women Accepted for Volunteer Emergency Service, during World War II. Mrs. McCann currently resides in Inverness, Florida.

Mr. Speaker, it is soldiers like Christopher Martell who volunteered to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Christopher serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

IN MEMORY OF DR. STERLING SMITH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Dr. Sterling Smith, of Denton, Texas, for his lifelong commitment and contributions to his community and to education.

A native of Denton, Texas, Dr. Smith received his undergraduate degree from the University of North Texas in 1963. He also received a Master of Secondary Education degree from the University of Arizona and a Ph.D. in Science and Mathematics Education from the University of Texas at Austin. A 40-year veteran of public education and an avid mountain-climber, Dr. Smith died August 21 as the result of a fall while descending South Maroon Peak near Aspen, Colorado.

Dr. Smith began as a product of the Denton public school system and spent 30 of his 40 years as an educator teaching at the Texas Women's University in Denton. He worked closely for years with science teachers in North Texas and served for 2 years as president of the Denton High School Band Booster Club. He was active in the Boy Scouts for more than 40 years and volunteered as a teacher in the men's Sunday school class at First Baptist Church.

Most recently, Dr. Smith had been elected as the newest member of the Denton school board, his first elected office, and fellow members said he was already hard at work getting caught up on the complex issues associated with a modern public school system.

Dr. Smith was a lifelong champion of education and service to his community. I join in mourning the loss of Dr. Smith and extend my deepest sympathies to his friends and family. He will be deeply missed and his service and dedication will always be greatly appreciated.

APPOINTMENT OF ROGER GODELL AS COMMISSIONER OF THE NATIONAL FOOTBALL LEAGUE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, I would like to congratulate Roger Godell on his appointment as the new Commissioner of the National Football League (NFL). Godell's longtime dedication to the league and his genuine love for the game will assure him a long and successful tenure as league commissioner.

I was especially excited to see a Western New York native succeed Commissioner Tagliabue. As a lifelong Western New York resident and Representative from the 27th District of New York, I am pleased to know that as the new commissioner, Godell can relate to the small-market environment in his hometown region and to the great impact the presence of the Buffalo Bills has on our community.

The Buffalo Bills are one of the most respected franchises in the NFL, and our fans are extremely loyal. However, I am concerned that under the current collective bargaining agreement, the existence of the Bills in Buffalo may be in danger. The departure of the Bills would have a devastating impact in the area.

Without consideration of the unique economic situation concerning this storied franchise, and the great city that has enthusiastically supported the Bills for almost 50 years, the loss of this team to this city would, in effect, rip the heart and soul out of the NFL, and out of this great American city.

Provisions in the CBA that greatly affect Buffalo include stipulations regarding ticket sales falling below a certain level before revenue sharing participation kicks in. While the Bills have great community support, ticket prices are low because we are not a wealthy community; but under the stipulations, the Bills could sell-out all home games and still lose money and not be eligible for revenue sharing.

Additionally, including state and county monetary support in establishing franchise revenue would be extremely detrimental to the Bills and similar teams. For example, in Buffalo all game day stadium expenses are picked up by Erie County—the County reimburses the Bills for the cost of security, ticket takers, ushers, among other services—counting these contributions against the team could mean that the CBA is a de facto plan to annihilate small market franchises.

Finally, I am also highly concerned about the possibility that new team ownership would not be eligible for revenue sharing. The Bills have been lucky enough to remain under the stewardship of their owner, Ralph C. Wilson, but should Mr. Wilson pass, or should he ever decide to sell the team, a new owner would have no alternative but to look to move the team.

I appreciate the hard work of former Commissioner Tagliabue in helping resolve some of these issues by placing Mr. Wilson and other small-market owners on the Qualifier Committee responsible for final interpretation of these and other issues. With Godell's help, I am hopeful that the league can resolve the revenue sharing issue and help its small-market teams remain in their respective cities.

I wish Commissioner Godell the best of luck and success in his new position and I look forward to working with him in the future.

IN HONOR OF WILLIAM OSKAR GROGGINS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. WOOLSEY. Mr. Speaker, I rise today to honor William Oskar Goggins for the kindness and influence he showed the world during his 43 years here.

Billy was born at St. Mary's Hospital in San Francisco, CA on Sunday, May 10, 1963—on Mother's Day. He was the first child of Patrick and Ute Goggins, both very well-known and respected individuals in the Bay Area and beyond.

From the hospital he was carried right into a civil rights demonstration in Golden Gate Park. Billy took his first trip to Ireland at 4 years old to meet his family relatives in the west of Ireland in County Mayo. Annual family trips by car to Montana and Dakota included reunions in the Bear's Paw Mountains, hi-balling on the Iron Road, the old Great Northern Railway and running brave with Chippewa, Cree, Blackfoot and Sioux Indian friends. The Goggins' adventured on 2-month road trips to Baja and the Pacific Coast of Mexico where mother Ute painted, and sisters Cathy and Aimee followed in Bill's energetic footsteps. Billy toiled in family vineyards in Germany with equally embracing relatives. These things were the soul of his education.

Over the years Bill played soccer, drew cartoons, tutored younger students from Mill Valley and Marin City, played volleyball at Stinson Beach, surfed in Bolinas, and much much more. He graduated from Tamalpais High School as a National Merit Scholar and Salutatorian.

Summer jobs were at Bancroft-Whitney legal publishers, San Francisco and Wausau

Paper Mill, Wisconsin. He worked at numerous restaurants including the Book Depot Café; and Avenue Grill in Mill Valley, and Embarko in San Francisco. He also volunteered at St. Anthony Dining Room in the Tenderloin, providing free meals for the homeless.

Bill attended Georgetown University School of Foreign Service and San Francisco State University, Departments of Communication and Philosophy. He began his vital journalism career with Frisko Kids, KALW radio, and then moved on to the old SF Weekly.

Former SF Weekly editor and colleague Andrew O'Hehir remembers, "Of course he worked harder than anyone and became essential, and in 3 years moved from all-purpose intern to copy editor to rulming the Arts and Entertainment section. I can't remember exactly when he became the go-to guy for headline copy, but I'd say that by the time he'd been there a year, he was writing half the heads in the paper."

Bill thrived at Wired for 10 years. He started as a freelance copy editor and rose to become deputy editor. Bill served as a special link between the digital industry's pace-setting magazine in the center of San Francisco's media gulch and an eager, educated national and international readership. His colleagues admired him tremendously.

"Bill was that rarest of things: a true original," says Chris Anderson, the magazine's editor in chief. "He was brilliant, witty and culturally omnivorous, all of which combined in his signature headlines. They usually worked on at least three levels of meaning, from some remixed cultural reference to at least one pun. In many ways his winking style and clever turns of phrase became Wired house style for nearly a decade, and to look at our covers and headlines over those years is to hear Bill's voice again."

Bill's voice also made its mark through the alternative dot-com generation's website Suck.com where he wrote under the name 'Bartelby'. Bill recently enjoyed writing and editing with the new magazine Todo, and they remember him not just as a logophile, a wordsmith, a gifted editor, a true friend; but also as "one who tirelessly pursues perfection, fraternity and goodness."

A real linguist (German, Spanish and Bill-English) and traveler—Bill visited Tunisia, the Philippines, Bahamas, Mexico, Canada, and all over the United States and Europe. He was a dual citizen of the U.S. and Ireland. Bill was a citizen of the world.

Bill was a San Franciscan through and through. He openly embraced and explored all of the city's neighborhoods. He was an avid supporter of the arts, with active memberships to many museums and regular attendance at the symphony, opera, ballet, varied theatres and clubs.

Bill participated with his family and compatriots in the antiwar demonstrations from the Vietnam era to Iraq of today.

My daughter, Amy Critchett, had the good fortune to be a friend with and to work with Bill at Wired for many years. "Bill Goggins made work seem like work—because it was and he was so incredibly good at what he did—but with him around there was always a twist of irony and a splash of curly-haired, smiling-cheeked sunshine not far away," according to Amy. "Get ready to laugh all you up there."

Bill inexplicably collapsed and passed away suddenly during mile 24 of the San Francisco Marathon Benefit for Cancer on Sunday, July 30, 2006. He was in fit condition and many knew him as a wonderful, companionable runner, reconciled, strong and happy.

An outpouring of hundreds from around the globe, representing family, friends, colleagues, public officials on local, state and national levels, ambassadors, the Irish and British governments, the Democratic party, and diverse cultural non-profit organizations attended a memorial mass held at our Lady of Mount Carmel Church and a life celebration at the Outdoor Art Club in Mill Valley on August 4, 2006.

Billy was a deeply loved member of a very close family. He supported all of them individually and together—helping hang his mother Ute's art shows, assisting his father Pat with community outreach via organizations such as the Irish Forum, Irish Mexican Association, and Irish Literary and Historical Society to name a few, being the proud uncle to sister Cathy's two children, Lina Rose & Dominic Chester, and showing up for sister Aimee's various work events or helping edit her writing.

Bill believed in justice, peace and humanity. He connected with people everywhere he went. No one and nothing escaped his keen eye and warm words. His sense of community was broad and all-encompassing. Bill was a man of grace. He chipped in for everyone.

He had old-fashioned manners, was a staunch listener and he gave of himself enormously. His roughish grin, sparkle in his eye and love of discussion and opinion will live on with us forever.

Mr. Speaker, Bill had enormous integrity and loyalty, and taught us all how to be total human beings. To be fearless, to be bold, to be true to yourself. To be both gracious and outspoken. To pursue what matters in life and cherish each other. Bill knew all of these things and helped us be them too. Bill lived his life and made all of us proud. He will be deeply missed by many.

COMMEMORATING THE 40TH ANNIVERSARY OF THE MOSS LANDING MARINE LABORATORIES, MOSS LANDING, CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FARR. Mr. Speaker, I rise today to celebrate a national treasure located in my district and commemorate an auspicious occasion: the 40th anniversary of the California State University's Moss Landing Marine Laboratories at the heart of Monterey Bay.

Founded in 1966, Moss Landing Marine Laboratories (MLML) is the second oldest marine lab on the Monterey Bay: The founders were a small group of strong-minded faculty and forward-thinking administrators at California State University (CSU) who were dedicated to the pursuit of marine science, research and education at the highest possible level. Currently, MLML is operated by a consortium of seven CSU campuses (Fresno, East Bay, Monterey Bay, Sacramento, San Francisco, San Jose, and Stanislaus), with undergraduate and graduate students pursuing their Masters of Science degrees in marine biology and oceanography. From its grass roots conception and its humble beginnings in an old cannery building, MLML has grown into an institution of international reputation for excellence and has trained generations of students.

The current director, Dr. Kenneth Coale, 9 full-time faculty and a complement of adjunct professors and affiliated researchers dutifully cultivate the mission, which is to "Provision the Pioneers of the Future in Marine Sciences" through a hands-on, field-oriented approach to their curriculum, placing their students at the frontiers of marine science where discoveries are being made. Since MLML is associated with the California State University system, the primary responsibility of the faculty is teaching. Despite their emphasis on well-taught courses and mentoring of graduate students, the MLML faculty and associated researchers are regional leaders within their research disciplines. Their research has been critical to the creation of the Monterey Bay National Marine Sanctuary and the Elkhorn Slough National Estuarine Research Reserve, and has shaped the development of new. programs throughout CSU. Findings by the faculty have been acknowledged as some of the most significant in the field of oceanography over the last 50 years by the National Research Council, and MLML has received the Environmental Heroes Award bestowed by the head of NOAA and former Vice President Al Gore.

The Moss Landing Marine Laboratories are a testament to the power of academic freedom and the commitment to Science-Based Earth Stewardship. MLML has educated over 1000 marine scientists who now hold positions in the federal government, the most prestigious academic and research institutions nationwide, regulatory and resource agencies, and teaching institutions throughout the country. The great wealth of nearby marine resources, the faculty emphasis on mentoring and teaching with integrated research, and the excellent facilities, staff, and marine operations contribute to making this one of the best programs for a Master of Science in Marine Science in the United States. I celebrate the pioneers that founded this institution and those who continue to lead the way in maintaining excellence.

HISPANIC HERITAGE FOUNDATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize an outstanding non-profit organization: the Hispanic Heritage Foundation.

The Hispanic Heritage Foundation promotes and celebrates Hispanic culture, education, and accomplishment through year-round national and regional inspirational leadership programs by sponsoring a number of educational and cultural programs including the Hispanic Heritage Awards, Youth Awards, and the LOFT (Latinos on Fast Track) Initiative.

The Hispanic Heritage Awards and Ceremony began as a small White House ceremony in 1987 honoring the creation of Hispanic Heritage Month, September 15 through October 15. The award is a prestigious honor, and is a culmination of the Foundation's year-round efforts.

In an evening filled with cultural pride and celebration, the Foundation and the audience honor notable Hispanics who have distinguished themselves as role models in the Hispanic community while making a positive impact in our country.

This year marks the 20th anniversary of the Hispanic Heritage Awards and the theme of the 2006 ceremony will be "Looking Back, Moving Forward," representing the Hispanic community as part of the history of this Nation, and our presence in the Nation's future.

The event will be held September 7, 2006 on the Eisenhower Stage at the Kennedy Center for the Performing Arts.

I ask the House of Representatives to join me today in recognizing such an outstanding organization that strives to inspire education in our community, individual excellence among young Hispanics, and prosperity within our communities.

A GREAT POINT-OF-LIGHT FOR ALL AMERICANS, ROGER TOUSSAINT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. OWENS. Mr. Speaker, I rise to salute a premium leader for both the middle class and working families. Roger Toussaint is a truly unique Great Point-of-Light. In December 2005 he led New York City's first transit strike in 25 years in order to safeguard the pensions and healthcare for transit workers and future retirees. When all of the negotiations had been completed, the Governor of New York attempted to set a precedent by placing a cut in future pension benefits for new hires. It was the opening salvo for a campaign to cut pension benefits for all state and city employees. In an act of monumental significance for future workers Roger Toussaint rejected this deal with the words: "I will not sell out the unborn."

TWU Local 100 President Roger Toussaint was born in Trinidad in 1956. As a youth in Trinidad, he took part in the 1970 rebellion that targeted the vestiges of British colonial rule and challenged the oppressive conditions of workers, soldiers and small farmers. At the age of 17, Toussaint was arrested and expelled from school for writing slogans on school walls, including "Free Education Means Free Books." In 1974 he came to New York. After a brief enrollment at Brooklyn College, during which he took part in the anticutbacks movement, he worked for several years as a welder prior to the closing of the Brooklyn Naval Yard. Toussaint was hired by the Transit Authority as a cleaner in 1984 and became a track worker in 1985.

Toussaint became active on the job, joining with other track workers to publish "On Track" and to pursue a series of struggles against managerial arrogance and safety hazards. He did not seek a formal union position until 1994, when he was elected Chair of the 1,800-member Track Division. Already a thorn in the side of management and the incumbent union administration, Toussaint used the newly gained position to step up the struggle. In July of 1998, he was fired on the pretext of having been in an unauthorized vehicle during working hours, when the car in which he was a passenger was hit in an intersection and he suffered neck and back injuries. In fact, Toussaint was on official union business at the time, riding in a union car operated by a union official. A routine appeal of the firing was dismissed as untimely—the first such ruling in 60 years of Transit Authority (TA) discipline.

The TA had Toussaint shadowed by private investigators who followed him to union meetings, to his son's nursery school, and even to disciplinary hearings where he defended fellow union members. Toussaint's firing became a rallying cry for union members who demanded his reinstatement. In the union election of 2000, Toussaint became the presidential candidate of New Directions, an umbrella group embracing the opposition to the incumbent regime.

On taking office, Toussaint immediately took measures to reform the finances of the nearly bankrupt Local, including cutting his own salary by 25 percent. In March 2001 he led a successful strike at a Westchester bus company, obtaining landmark increases in wages and benefits for 700 union members. In 2002 he led the union through a difficult strike at three bus companies in Queens operating under city franchise, securing the failing health benefits for 1,500 members. At the end of that year, he led the union in winning a contract settlement that guaranteed threatened health benefits for 34,000 transit workers and their families and opened an array of new initiatives on such fronts as discipline, safety, training and childcare.

In December 2003 he was reelected to a second term as President of TWU Local 100. As well as his duties at Local 100, Roger Toussaint is President of the Coalition of Metropolitan Transit Authority Unions and a New York City Employees' Retirement System Board Member. He has served on the NYC Central Labor Council and the Municipal Labor Committee. The father of five, Roger Toussaint lives in Crown Heights with his wife, Donna.

For his exceptional vision and leadership courage we salute Roger Toussaint as a Great Point-of-Light for all Americans.

RESOLUTION HONORING CONGRESSMAN ELIGIO "KIKA" DE LA GARZA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. CUELLAR. Mr. Speaker, Whereas, Eligio "Kika" de la Garza was born in Mercedes, a small town in Hidalgo County, Texas, on September 22nd, 1927, beginning what would be the start of a long, and illustrious life in representing the Rio Grande Valley.

Whereas, at 17 years of age, he enlisted in the United States Army and served until 1946, continuing his education at Edinburg Junior College and the United States Army Artillery School in Oklahoma. Soon thereafter, he earned a law degree from St. Mary's University in San Antonio.

Whereas, in 1952, Eligio "Kika" de la Garza was elected to the Texas House of Representatives in 1952, serving the Rio Grande Valley. He accomplished many goals such as the creation of the Texas Water Commission and sponsoring a bill that allowed the border cities and counties along the Rio Grande river to build their own international bridges, helping to foster the spirit of trade and cooperation that still exists to this day.

Whereas, after serving honorably in the Texas House of Representatives, Congressman de la Garza was elected in 1964 to the United States House of Representatives to represent the 15th Congressional District of Texas. In his 32 years of congressional service, he was Chairman of the Committee on Agriculture, the first Hispanic to serve in the seat since 1917.

Whereas, during his leadership as Chairman of the Agriculture Committee for the next 13 years, he oversaw major agricultural legislation such as the Agriculture and Food Act of 1981, the Temporary Emergency Food Assistance Act, the Food Security Act, the Agricultural Credit Act of 1987, and the Disaster Assistance Acts of 1988 and 1989.

Whereas, in 1976, Congressman de la Garza became one of the founding members of the Congressional Hispanic Caucus, which he chaired from 1989 to 1991 as a strong supporter of civil rights for minorities and free trade along the border. He was highly involved in the passage of the North American Free Trade Agreement (NAFTA) which has greatly benefited the Texas-Mexico border region in South Texas: be it hereby

Resolved, That Congressman Henry Cuellar commends Congressman "Kika" de la Garza for having served the Rio Grande Valley with the utmost distinction and courage.

RECOGNIZING ANTHONY MUSSELMAN OF SUFFOLK, VIRGINIA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Anthony Musselman of Suffolk, Virginia, a Quartermaster 1st class sailor currently serving in Iraq in the Global War on Terror.

Originally joining the Navy for an opportunity to see the world and learn some new skills, Quartermaster Musselman has accomplished his dream and has literally traveled the world over. A dedicated student of the naval profession, he was always looking at the stars. Quartermaster Musselman was happy to strike for quartermaster, learning to "shoot" the stars with a sextant rather than use GPS satellites.

One of his favorite memories during his 9 years of service was following September 11th when a German destroyer asked permission to pass by his amphibious assault ship. As they passed, the whole German crew was standing at attention with large sheets hung from all parts of the ship saying "We Stand With You".

Quartermaster Musselman is married to Misti Musselman from Chino, California. The couple currently lives in Suffolk, Virginia and is expecting their first child while he is deployed in Iraq. He is currently deployed with the Iraqi coastal patrol squadron guarding coastal oil fields. Quartermaster Musselman's parents currently reside in Citrus Hills, Florida.

Mr. Speaker, it is soldiers like Anthony Musselman who volunteered to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Anthony serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

JIM SANTANGELO—LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FILNER. Mr. Speaker, I rise to recognize Jim Santangelo who is being honored as San Diego's Labor Leader of the Year. Jim is a New Jersey native who began his career as a truck driver in his home state following an honorable discharge from the Navy in 1959. This was also the time when Jim joined his first Teamsters Union Local. Shortly thereafter, he moved to Southern California and began his rapid rise in Teamsters Local 848.

Widely known throughout Southern California by thousands of rank- and-file Teamsters over the decades because of his communication skills, he served the Western Conference of Teamsters in 13 states as food and warehouse division director. In that post, he expanded working strategies for industry Union members to prosper under new collective bargaining agreements.

For years he served as the Union's political affairs chairman. His long tenure as the director of Joint Council 42's political screening committee prompted a return of pro-worker and pro-labor elected representatives at all levels of public life in Southern California.

His dedication to Union members and working families and advocacy of training and education for all propelled him to the leadership of the largest Teamsters Joint Council in 1998. This was followed by his election to Western Region Vice President of the International Brotherhood of Teamsters. He was re-elected IBT Vice President in June, 2006.

More recently, Jim spearheaded the region's massive donation, mobilization and transportation of foodstuffs and necessities to the families of San Diego-based United States Marines deployed to Iraq and Afghanistan when it became known that welfare and food stamps were keeping families afloat.

Under his leadership, Teamster's Joint Council 42 inaugurated an annual scholarship program, created a computerized phone center for Union-to-member communications, and secured the award-winning Teamsters Joint Council 42 truck and trailer, which traverses the country for organizing and charity relief purposes.

He has also recently overseen the creation of the Teamsters Training Academy, a comprehensive training and upgrading facility to license commercial drivers.

Jim's commitment to the community has also led him to train for and join the city of El Monte Police Department as a reserve officer where he serves as a sergeant. In addition, Jim is a Los Angeles County Sheriff's Department reserve officer.

Jim Santangelo has been an inspiration to working families throughout Southern California—and truly deserves the honor as "Labor Leader of the Year."

CONGRATULATING PENNSYLVANIA SENATOR CHARLES D. LEMMOND AND MRS. BARBARA LEMMOND FOR RECOGNITION RECEIVED FROM THE SALVATION ARMY FOR THEIR COMMUNITY SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my personal friends Senator Charles D. Lemmond and his wife, Barbara, who have been honored by the Salvation Army of the greater Wilkes-Barre area for their many years of community service.

Senator Lemmond has represented the 20th senatorial district in the Pennsylvania Senate since 1985 and is retiring at the end of this year. He is chairman of the Senate State Government Committee, Vice Chairman of the Senate Judiciary Committee and a member of the Senate Committees on Rules and Executive Nominations, Finance, and Military and Veterans Services.

A former Common Pleas Court judge in Luzerne County, Senator Lemmond is currently chairman of the Executive Committee of the Pennsylvania Higher Education Assistance Agency and he serves on the Joint Legislative Budget and Finance Committee and the Joint State Government Commission's Task Force on Decedent's Estates. Senator Lemmond is also a member of the Reapportionment Task Force, the Elections Reform Task Force and the Criminal Justice Committee of the National Conference of State Legislatures.

Legislatively, Senator Lemmond was the prime sponsor of a law providing judicial access to juvenile crime reports, a major antidrug law aimed at imposing tougher punishments for repeat drug offenders, a law providing for the housing of state prisoners in federal prisons, and a law providing sentencing procedures for first-degree murder.

Senator Lemmond has also been instrumental in the passage of voter registration and election reform laws and, most recently, a law requiring hearing screening for all infants born in the Commonwealth. He has also sponsored numerous initiatives relating to government ethics, charitable organizations, tourist promotion, agriculture preservation, natural resource conservation and industrial site clean up.

A past potentate of Irem Temple, he is a 33rd degree Mason, a trustee of the Wyoming Conference of the United Methodist Church, an advisory board member of the Salvation Army, a life member of the board of trustee of Wyoming Seminary Preparatory School and an advisory board member of the Penn State Wilkes-Barre campus.

Senator Lemmond is a graduate of Harvard College and the University of Pennsylvania Law School. He also served overseas in the U.S. Army of Occupation.

Barbara Northrup Lemmond is a graduate of Wyoming Seminary and she attended Skidmore and Elmira Colleges. During a career spanning 37 years, she served as secretary to the Luzerne County Register of Wills, was a nursery school teacher for B'nai B'rith, co-owned Project 40, a handcraft and antique shop, served as office manager to a local physician as well as secretary for the Penn State University, Wilkes-Barre campus.

Mrs. Lemmond's dedication to the enhancement and well-being of the northeastern Pennsylvania community extends beyond her business acumen. She serves as a member of the board of directors for Wesley Village and the Anthracite Scenic Trails Association. She is an active volunteer for the Back Mountain Memorial Library and has been a driver for Meals on Wheels for more than 30 years, which is still a part of her weekly routine.

Mrs. Lemmond has served as past secretary, vice president, and board member for the Back Mountain Memorial Library, as well as a board member and president of Meals on Wheels. She has also served as a board member and president of the Luzerne County Library Systems, and a teacher at First United Methodist Church School in Wilkes-Barre. Mrs. Lemmond has also been a volunteer for Wilkes-Barre General Hospital, Planned Parenthood of Luzerne County, the Swetland Home, and a member of the Junior League of Wilkes-Barre.

On a personal note, my wife Nancy and I have known Charlie and Barbara for many, many years, since Charlie and I were young lawyers in the Luzerne County bar. Although we are members of different political parties, Charlie and I have always been friends and have been able to work together to serve Northeastern Pennsylvania. His thoughtful and dedicated service to our region and the Commonwealth will be greatly missed, and I wish him and Barbara all the best in their well-deserved retirement.

Mr. Speaker, please join me in congratulating Senator and Mrs. Lemmond on this joyous occasion. Together, they have contributed greatly to improving the quality of life in northeastern Pennsylvania through their selflessness and love of community.

MARY A. BAIN: A NATIONAL TREASURE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. SCHAKOWSKY. Mr. Speaker, last month, the 9th Congressional District of Illinois mourned the loss of a dedicated and extraordinary public servant. Mary Anderson Bain brought her many talents, a firmly-rooted commitment to the New Deal principles of expanding opportunities to all, and a deep love of the arts to a career that has enriched our Nation.

Mary Bain is known by many of us from her long service with Representative Sid Yates, and she was one of the first women chiefs of staff when she accepted that position in 1975. Mrs. Bain was gracious and charming, but she was also politically-savvy and focused when it came to contributing to the well-being of the 9th Congressional District of Illinois and promoting the interests that she and Representative Yates shared. The two of them were a finely-tuned team who, together, were able to do great things.

In 2003, Mary Bain received the Heritage Defender Award, an award that recognized her many achievements: helping to create a cultural heritage grants program for the National Park Service and a conservation program at the Institute of Library and Museum Services and to ensure funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Smithsonian Institute, the National Gallery, and the Kennedy Center.

At the awards ceremony, Democratic Leader NANCY PELOSI said, "Not only did Mary Bain save national treasures, she is a national treasure."

Mrs. Bain served the Nation but she started her public service in Illinois, first as a junior high school English teacher and later as the Illinois administrator of the National Youth Administration, a depression-era New Deal initiative. She was one of the youngest and one of the few women leaders. Part of the Works Progress Administration, the NYA provided young men and women with small work study payments so that they could afford to get an education. It provided an opportunity for a generation of young people who would otherwise have lost hope and their chance for a better future.

Mary Bain followed two guiding principles throughout her life. One was the belief that publicly-accountable government could make a positive difference in people's lives, whether it is in preserving the environment, providing education opportunities and financial security or expanding our cultural life. She was proud to be a liberal and made no bones about it.

The second was her commitment to sharing what she had learned from her decades of public service with others. There are many people in Washington and Illinois who were mentored by Mary Bain—staff, House members, activists and advocates. I will always be grateful for her generosity in helping me when I was elected to succeed Representative Yates.

And, like so many others, I will always be grateful for her lifetime of accomplishments.

A VERMONT LESSON IN HOW TO EXPORT TO THE WORLD

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SANDERS. Mr. Speaker, this year the Small Business Administration selected Robert Johnson of Omega Optical, in Brattleboro, Vermont, as Vermont's Small Business Exporter of the Year. His story, and the company's story, has much to tell us about how the United States can remain competitive in a global economy, and how we can create new manufacturing jobs through innovation and foresight.

Omega Optical began in 1968—in a garage. Since then, it has grown into a $13 million company that employs over 140 employees. Omega Optical makes, and has always made, filters for optical instruments.

Robert Johnson did not set out to make a less costly filter, or a slight improvement on a previous filter. Instead, he committed himself and Omega Optical to doing research in optical thin-films, which can be used to control the flow of light. In particular, their research focused on fluorescence, the light emitted from objects illuminated by a very energetic light.

The filters that Omega Optical developed have played a major role in the burgeoning of biological science in our day. Let me cite a passage from Vermont: An Illustrated History by John Duffy and Vincent Feeney: "The sciences of fluorescence microscopy and flow cytometry, which allow for the visualization of cellular structures and the sorting and analysis of cells, were made possible by design and manufacturing developments invented at Omega. These advances set the state-of-the-art and allowed Omega not only to define the science, but for many years capture the entire market worldwide."

Omega's filters are used in not only cellular biology, but also in astronomy and in clinical medicine. Whether scientists look at the enormous spatial universe around us, or the microscopic secrets of genetics and bodily functioning, they use filters not just made, but developed, by Omega Optical.

What has made Omega so successful, in both manufacturing and the export of manufactured products? A stress on research and long-range development, not just the immediate pursuit of profit; a commitment to moving into new areas and inventing new products; and a dedicated workforce. For clearly Omega Optical shows that American workers, just like American product developers, are the best in the world, and can and do make the best and most competitive products. And by creating a 'green' production facility, their 'Delta Campus,' the company has shown that safeguarding the environment can be a major piece of a business agenda.

If we as a Nation think about research and the long-term, as Omega Optical has done, and if we boldly build on our strengths and the capability of our workers, we can move confidently into our future.

RECOGNIZING RYAN SEADER OF WEST PALM BEACH, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Ryan Seader of West Palm Beach, Florida, an Army Private First Class soldier currently serving in Iraq.

Following his education at community college and prior to enlisting in the National Guard, Private Seader used his natural ability to fix things to start a profession in the construction field, specializing in restoring old homes.

Enlisting in the National Guard in January 2004 as a mechanic in the construction field, Private Seader was trained to work with water pumps. Following his activation, he was sent to Fort Dix, New Jersey and cross trained to serve as a prison guard.

Private Seader is currently serving in company 652 while deployed in Iraq. his Company is stationed at the Abu Ghraib Prison where he is a part of the team working to demolish the facility.

While on a recent leave, Private Seader was presented with an American flag that had been flown in his honor. Ryan is a proud soldier-demonstrating his dedication to his country and the war on terror.

Private Seader's parents are also committed to helping fight the global war on terror. Mary and Rick Seader live in inverness and work to educate their local community on the need to defend the American ideal and to never give into cowardly acts by terrorists like the September 11, 2001 attack on our homeland.

Mr. Speaker, it is soldiers like Ryan Seader who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Ryan serve in the name of freedom and liberty, his Family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

TRIBUTE TO BOONTON FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Boonton Fire Department, in the Town of Boonton, Morris County, New Jersey, a patriotic community that I am proud to represent. On Saturday, September 2, 2006 the good people of the Town of Boonton celebrated the Fire Company's 115th Anniversary with their annual parade and carnival.

For 115 years, the Boonton Fire Department has been protecting and serving the residents of their community and nearby towns. Featuring five companies, each with their own unique and vibrant history, this Fire Department embodies the ideas of brotherly love and teamwork for the betterment of their communities.

Currently, the fire department, led by Fire Chief Pete Herbert, is made up entirely of volunteers, who live in or around the Town of Boonton. They are men and women who "volunteer their time to protect and educate the residents of Boonton."

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Boonton Fire Department on celebrating 115 years of a rich history in the protection of one of New Jersey's finest municipalities.

IN RECOGNITION OF RISING STAR BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Rising Star Baptist Church of Fort Worth, Texas on its 75th Anniversary.

The church's modest beginning began on September 13, 1931 in a local diner, when Reverend Smith Cary and a small number of members organized Rising Star Church. The church has seen the leadership of many dynamic ministers including, Reverend Smith Cary, Reverend T.H. Davis, and its present pastor, Reverend Ralph W. Emerson, Jr.

The stated vision of the Church is to be "the Worship Center that seeks to reclaim lost souls, reshape lives, rejoice in love, react to the Holy Spirit while responding to God's call". Rising Star Baptist church has exemplified their vision through growth to a congregation of over 2,500 members and progressing into a multi-ministry church. Rising Star Baptist Church continues to be an influential presence and respected contributor to the Fort Worth community and greater Tarrant County citizenry.

I extend my sincere congratulations to the Rising Star Baptist Church on their 75th anniversary and praise their dedication and service to the people of Fort Worth, Texas.

RECOGNIZING THE MINORITY BAR ASSOCIATION OF WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the Minority Bar Association of Western New York, not only for furthering the work of the National Bar Association, providing social and professional interaction among minority attorneys but also for their work improving the protection of political and civil rights of all citizens.

Since its inception the Association has played a role in the community providing opportunities to students in its administration on scholarships, and has also awarded and recognized local leaders in the area for their hard work and diligent efforts.

The MBA is an organization that has grown to over one hundred members from diverse ethnic backgrounds and practices across Western New York. With each member aiming to be effective advocates and advisors for Western New York clients and for the Western New York Community.

In 2004, the MBA, enlarging its commitment to promote education and scholarship in the field of law, organized the Minority Bar Association of Western New York Foundation, Inc., a not-for-profit organization providing financial assistance to individuals interested in pursuing a career in law. The Foundation is committed to ensuring continued minority representation in the legal community.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize the Minority Bar Association, for its continuing efforts in the community, its ongoing work for the furthering of the cause, and its promotion of minorities in the legal profession.

IN RECOGNITION OF FREE CLINIC OF SIMI VALLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GALLEGLY. Mr. Speaker, I rise in recognition of 35 years of continuous community service by the Free Clinic of Simi Valley.

The Free Clinic is a non-profit, volunteer-based community organization that provides medical care, counseling, dental, and legal assistance to individuals and families, regardless of their ability to pay. Throughout its history, it has enjoyed widespread support from the medical and legal communities, service groups, and elected officials.

Funding for the Free Clinic is provided primarily by private foundations, corporations, local service organizations, and individual donors.

All services offered at the clinic's fully licensed facilities are provided by volunteers, which include doctors, nurses, nurse practitioners, medical assistants, dentists, dental assistants, lawyers, paralegals, marriage and family therapists, MFT trainees, and interns.

Last year alone, more than 8,000 patients received services through the clinic, including general medical care, immunizations, smoking cessation programs, and counseling. The dental clinic, which just opened in May 2005, served 79 patients before the year was out. Over its 35-year history, the clinic has served an estimated 70,000 children and adults.

Despite the impressive number of patients served, the Board of Directors and staff practice frugality, with operating costs of less than $225,000 in 2005. That speaks highly of the caliber of professionals who volunteer their services for the betterment of their community.

Mr. Speaker, I know my colleagues will join me in recognizing the Free Clinic of Simi Valley, its board members over the years, its staff, and its volunteers for 35 years of service to our community.

"CONGRATULATING OFF-ROAD MOTORSPORTS HALL OF FAME INDUCTEES"

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FILNER. Mr. Speaker, I rise to acknowledge two extraordinary men who have been recognized for their contributions to Off-Road Motorsports. Bob Ham and the late "Corky" McMillin were inducted into the Off-Road Motorsports Hall of Fame on August 26th of this year.

Bob Ham has been a long time advocate for "off-roaders". In 1969, he co-founded the California Off-Road Vehicle Association (CORVA) and went on to create the Off-Road Vehicle Legislative Coalition in 1983. Bob worked with President Reagan's Interior Secretary, James Watt, to successfully re-establish the "Barstow to Vegas Motorcycle Race". He has worked diligently to preserve designated funds for off-highway vehicles and created a trust fund to stop California legislators from taking allocated money from off-highway vehicle programs. Bob later forced the state to return 30 million dollars to off-highway vehicle programs. His efforts have made it possible for many of my constituents to enjoy the California wilderness in their off-road vehicles.

Unfortunately, the off-road motorsports industry lost one of their most adamant supporters last year after Corky McMillin passed away last September. Corky was posthumously inducted to the Hall of Fame after supporting the industry for more than 29 years. He was a champion off-road racer, winning many competitions multiple times. Corky never wavered from his commitment to the sport and gave generously to various off-road events. He sponsored numerous races, and he was the title sponsor of the Superstition Championship Series, held in Plaster City, California. He was a true statesman to off-road racing and will be greatly missed.

I am pleased to recognize these men on their induction to the Off-Road Motorsports Hall of Fame.

SUPPORT FOR A SPECIAL ENVOY FOR SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. WOLF. Mr. Speaker, I introduce this resolution to again call for the immediate appointment of a Presidential Special Envoy for Sudan. In calling for this I would like to commend the President for the leadership he has shown toward Sudan; Secretary of State Condoleezza Rice, who has traveled there and cares deeply about this issue; the work of former Secretary of State Colin Powell, who was the first leader to call the conflict genocide; and former Deputy Secretary Robert Zoellick, for his efforts on behalf of the people of Sudan.

I also want to specifically recognize Roger Winter who has dedicated his life to the people of Sudan. He has been a true hero to the suffering Sudanese.

While we were all hopeful that the signing last May of the Darfur Peace Agreement would bring needed stability to Darfur, I am extremely alarmed that in recent weeks the fighting in Sudan has intensified. The targeting of civilians and humanitarian workers must end. Sudan is at a critical moment and the appointment of a special envoy could not be more timely.

The appointment of a special envoy will send a clear message to Khartoum that the United States will not stand by while genocide is taking place and will send a message to the people suffering in the camps that the United States has been and will continue to be actively involved in ending their nightmare.

I urge the administration to move quickly to bring hope to the people of Sudan.

RECOGNIZING RANDY HATCHER OF BRANDON, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Randy Hatcher of Brandon, Florida, an Army Staff Sergeant killed in 1991 during the first Persian Gulf War.

Born in Tallahassee, Florida, Sgt. Hatcher was active on his high school wrestling team while living in Birmingham, Alabama. The son of an Air Force veteran, Randy made the decision to enter the military following high school.

Following 6 years of Army service in Germany, Sgt. Hatcher was deployed to Iraq as part of the 197th Army Infantry Brigade. During his seven months serving in the Persian Gulf, Sgt. Hatcher wrote many upbeat letters to his family and loved ones, speaking of his love of fishing and how he worried for his family back home.

Three days following victory in the Persian Gulf, Sgt. Hatcher was killed when an ammunition trailer in his convoy exploded. Up until his death, Sgt. Hatcher remained positive about his mission and his service in the Army. He believed in what the United States was doing in the Persian Gulf and did not complain about the work or the conditions he served in while overseas. He left behind his wife Florlita and a two and a half year old son Randy. Sgt. Hatcher's parents, Carol and Joseph Jones, still reside in Citrus County, Florida.

Mr. Speaker, it is soldiers like Randy Hatcher who volunteered to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Randy have perished in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

RECOGNIZING THE ACCOMPLISHMENTS OF STEPHEN BARROUK AS HE LEAVES THE WILKES-BARRE CHAMBER OF BUSINESS AND INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Stephen Barrouk, of Wilkes-Barre, Pennsylvania, who has served as president and chief executive officer of the Wilkes-Barre Chamber of Business and Industry from 1989 until earlier this month.

Mr. Barrouk's extraordinary leadership has helped guide and forge the beginning of a truly remarkable revitalization of the City of Wilkes-Barre.

Since 1989, Mr. Barrouk has led the growth of the Chamber from 500 members to 1,338 members in 2005. He has been at the forefront of a litany of catalytic projects that have transformed the region. Those projects include the Wachovia Arena, an entertainment venue that has spawned tens of millions of dollars of commercial expansion and created hundreds of new jobs. An innovation center was carved out of a vacant department store complex in central city to nurture fledgling businesses. Public Square Commons, formerly the Pomeroy's Department Store, was completely renovated to provide first class office space. Also during his tenure, Mr. Barrouk secured an American Hockey League franchise and recruited the Penguins as an anchor tenant for the Wachovia Arena.

In addition, Mr. Barrouk helped launch a 14-screen downtown theater complex as well as studies for the Susquehanna Riverfront Convention Center and Hotel and the Riverfront Museum.

Mr. Barrouk also led the way for the development of two business parks, Hanover Crossings and the East Mountain Corporate Center, both of which have major tenants responsible for creating hundreds of jobs.

During his tenure he managed three capital campaigns that raised over $10 million to support 15 years of economic development marketing that attracted over 125 new companies to the region. He also led the effort to create Penn's Northeast, Inc., a regional marketing organization; the Diamond City Partnership and Downtown Business Association, the Great Valley Technology Alliance and the Luzern County Convention Center Authority which manages the Arena.

Mr. Barrouk has been the worthy recipient of numerous service awards, among them the Distinguished Citizen Award from the Boy Scouts of America; the Distinguished Leader Award from Leadership Wilkes-Barre; a 25 Year Leadership Star Award from Leadership Wilkes-Barre, a Special Achievement Award from the Pennsylvania Ben Franklin Partnership and, in 2001, he received the Chamber of the Year award from the Pennsylvania Chamber of Business and Industry and the Pennsylvania Chamber of Commerce executives in 2001.

Mr. Barrouk serves on the boards of directors of numerous organizations including 10,000 Friends of Pennsylvania, Chairman of Steering Committee for the Renew Pennsylvania effort; NEPA Alliance; Luzerne-Schuylkill Counties Work Force Investment Board; Great Valley Technology Alliance; Joint Urban Studies Center, Earth Conservancy, United Way of Wyoming Valley, Catholic Social Services and the Diamond City Partnership.

On a personal note, I have worked closely with Steve on many projects over the last 17 years. There is no economic development official who is more dedicated to improving the quality of life in our area. His perseverance, hard work and integrity made him one of the most effective leaders in our area. I am proud to call him a friend and look forward to continuing working with him to help northeastern Pennsylvania for many years to come.

Mr. Speaker, please join me in congratulating Mr. Barrouk for the exemplary community service he has contributed over the past 17 years. His commitment to revitalizing the Wilkes-Barre area has been responsible for a wealth of community improvements that have greatly enhanced the quality of life in northeastern Pennsylvania.

IN RECOGNITION OF CAPTAIN MICHAEL R. WOMACK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Captain Michael R. Womack, of North Richland Hills, Texas on his years of dedicated service and commitment to law enforcement.

Captain Womack joined the North Richland Hills Police Department as a police office in September of 1976. During his thirty years of service to North Richland Hills, Captain Womack has been awarded the Patrolman of the Year Award, the Supervisor of the Year award, as well as three Meritorious Service Awards and a Life Saving Award.

On Wednesday, January 31, 2007, Captain Womack will be retiring from law enforcement. Having worked in the Patrol Division, the Administrative Services Division, as well as the Technical Services Division and Investigative Services Division, Captain Womack's tenure, skills, and experience will surely be difficult to replace.

Mr. Speaker, I commend Captain Womack on his devotion to the service and protection to his community. His contributions and commitment to North Richland Hills should inspire us all. I wish him the best of luck in his retirement and all of his future endeavors.

IN RECOGNITION OF BROOKLYN CENTER JUNIOR/SENIOR HIGH SCHOOL IN BROOKLYN CENTER, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, last evening I had the great pleasure to join in a celebration in honor of our Nation's high schools that have made an outstanding commitment to music education. As a strong supporter of the arts and music education, it was a pleasure to sit among music industry supporters, arts advocates, individuals in the private sector, and corporate sponsors such as 7UP, who work every day to ensure that young people have access to strong music education programs.

It was an even greater privilege to be part of a celebration where a Minnesota high school headlined the event. Brooklyn Center Junior/Senior High School, located in Brooklyn Center, Minnesota, received one of the Foundation's highest honors—the GRAMMY Foundation's Signature Schools Enterprise Award, which honors those schools that make great efforts to bring music to economically underserved students. I'd like to extend a warm congratulations to Ms. Chris Porter, Brooklyn Center High School's music teacher and all of her students, including Chanel Chatham, who both traveled to DC to participate in last evening's special event.

As budgets for the arts and arts education continues to dramatically decline, I applaud the efforts of the thousands of teachers and students across the country who are working to piece together the critical funding needed to strengthen, and sometimes simply sustain, their music education programs. It is my hope that the federal government will recommit its resources to the arts and arts education—especially since we know that there are strong correlations between arts education and achievement in math and science. Our nation's ability to compete in an increasingly competitive world will depend on not only strong math and science preparation—but also on an emphasis in the arts and in music education. As a member of the House Education and the Workforce Committee, I will continue to fight for a well-rounded education for all students.

I commend the hard work and dedication of the students and staff at Brooklyn Center Junior/Senior High School. Thank you for the opportunity to join you in your celebration. I look forward to hearing more about your continued success in bringing the joys and benefits of music to students!

RECOGNIZING DIALOGUE ON DIVERSITY'S 2006 HEALTH CARE SYMPOSIUM

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. SOLIS. Mr. Speaker, as Democratic Co-Chair of the Congressional Caucus for Women's Issues, I rise today to congratulate Dialogue on Diversity for its 2006 Health Care Symposium. I am proud to recognize the Dialogue's effort to inform and educate the public about the importance of an effective preventive health care system.

Dialogue on Diversity, founded in 1989, is committed to improving the economic and social condition of women in the U.S. and around the world. Its programs bring together multi-ethnic women for a worldwide interchange on concerns of vital importance to the world's women and their families.

Today, our health care system is not meeting the needs of all people, particularly in racial and ethnic minority communities where health disparities continue to grow. Discussions and symposiums like Dialogue on Diversity's 2006 Health Care Symposium will help to address these important issues.

Again, I want to commend the Dialogue on Diversity for its 2006 health care event and wish them the best of luck in the future.

IN RECOGNITION OF ED TEMPLETON, NEWLY ELECTED BOARD MEMBER OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. NORWOOD. Mr. Speaker, it is with great pleasure that I rise today to recognize Ed Templeton, the President of SRP Federal Credit Union, on his recent election to the Board of Directors of the National Association of Federal Credit Unions, NAFCU.

For the past 34 years, Ed has dedicated his life on behalf of improving financial institutions in America and currently serves on the South Carolina Credit Union League Board of Directors. His illustrious experience further includes service as President of the Columbia Chapter of Credit Unions, member of NAFCU's Education Committee, and member of the Better Business Bureau of Augusta, Georgia.

As the President of SRP Federal Credit Union, Ed has focused on ensuring his members receive helpful, personal service. Through his credit union, Ed is continuously educating his members on how to prevent identity theft. He also understands that today's youth must be armed with the knowledge to be financially savvy. SRP Federal Credit Union established the "Teaching Kids How to Handle Money Responsibly" program which was designed to help children at an early age develop the decision making skills for sound future financial decisions.

Ed's involvement to improve the lives of others can be further illustrated through his involvement as a Member of the Board of Directors for the Shepard Blood Center in Augusta, and in his past service as Elected Commissioner for the City of Hephzibah.

It is because of the good work of Ed and others like him that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I wish Ed the best of luck in his new role as a member of the NAFCU Board of Directors.

THE YOUTHBUILD TRANSFER ACT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. WATERS. Mr. Speaker. I rise in strong support of the YouthBuild Transfer Act, S. 3534. The bill amends the Workforce Investment Act of 1998 provides for the transfer of the YouthBuild program from HUD to the Department of Labor. I would like to acknowledge Mr. CASTLE, Mr. GEORGE MILLER, Mr. WILLIAM LACY CLAY and Mr. DALE KILDEE who supported this bill. I also want to thank Mr. FRANK, Ranking Member of the Committee on Financial Services for sponsoring the bill.

The YouthBuild Transfer Act will do four important things. It will:

(1) Enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;

(2) Provide disadvantaged youth with opportunities for meaningful work and service to their communities;

(3) Foster the development of employment and leadership skills and commitment to community development among youth in low income communities; and

(4) Expand the supply of permanent affordable housing for low-income families by utilizing the energies and talents of disadvantaged youth.

The education, employment, and housing needs of our nation's most vulnerable youth must be one of our highest priorities. Since 1994, the YouthBuild program has awarded $485 million in grants, enabling 47,000 youth to obtain education, training and trade skills related to the building and rehabilitation of affordable housing for low-income families and the homeless. The program has a long track record of proven success, although for the past two years funding has been down 23 percent from $65 million to $50 million. YouthBuild would be extended for five years consistent with other Work Investment Act programs, and would provide for greater flexibility in the use of funds. This program is being extended just as the U.S. Bureau of Census released the most recent data on youth and poverty in the United States.

In August 2006, the U.S. Bureau of the Census reported that the poverty rate for children in the U.S was higher than the rates for people 18 to 64 years and older. Children represent 34.9 percent of the people living in poverty and 25 percent of the total population of the United States. The poverty rate for young children under the age of 6 living in families were 20.0 percent and 4.8 million. Even more astounding is that for those children living in households headed by females 52.9 percent were in poverty, over five times the rate of their counterparts in married families 9.9 percent. For children under 18 living in families headed by females, 42.8 percent were in poverty, compared with 8.5 percent for married couples. Many of us know that these youth are most at risk, and that any public policy or program that is designed to assist these young people as they prepare to enter the workforce is an investment in our future.

So why YouthBuild? The poverty data paints a very vivid picture of what is going on in America. Too many American youth live in poverty, and are robbed of opportunities to take full advantage of all their God-given talents. Even Alan Greenspan, the former Chairman of the Federal Reserve System, pointed to the fact that the historic causes of poverty and disenfranchisement detrimentally impact our entire nation. When the least among us do well, we know the entire nation benefits. In effect, these youth, who are vital to the economic well-being of this country, are handicapped by poverty, poor education and the lack of strong viable communities with housing that is livable, affordable and safe. YouthBuild is one program that acknowledges the experience of millions of American youth by making real investments in their education, employment skills and leadership development. It also provides housing for the homeless and low-income families that represents another approach to address what is an overlooked group.

The Secretary of Labor is authorized to fund YouthBuild activities through grants for which public and nonprofit entities can compete. In addition, there are provisions in the bill to ensure the orderly transition of the program from HUD to the Department of Labor. In 2005, 14,000 youth were turned away from the YouthBuild program for lack of funding. Over 1000 communities would like to participate in YouthBuild, and this bill will make that happen for many of them.

Mr. Speaker I am convinced that the YouthBuild program represents a major step to refocusing our national resources toward a well-established vehicle that can provide hope and opportunity for disadvantaged youth in America. These young people deserve every chance, and we must continue to provide opportunities for them to succeed. By better preparing our disadvantaged youth to be competitive and to function in the ever changing global economy we will continue to reduce poverty and strengthen American households. YouthBuild will improve our youth and increase housing opportunity for the homeless. I urge my Colleagues to support the bill.

CELEBRATING THE LIFE OF BRIDGET MASIELLO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, it is my distinct honor to remember the life of a proud Buffaloian. Bridget Masiello passed away August 5, 2006 of this year, but she left behind a legacy for all of Buffalo to be proud of.

Born of Seventh Street and raised on Busti Avenue, Mrs. Masiello was a lifelong resident of Buffalo's Westside.

It was here that she made her home with her husband, the late Daniel J. Masiello, and her seven children, including the former mayor of Buffalo, Anthony M. Masiello.

Remembered as a warm and affectionate lady, by her son, Mrs. Masiello was a devout Catholic and enjoyed bingo and playing cards. She was also active in the many social, political and athletic endeavors of her children and grandchildren.

Mrs. Masiello is survived by her five sons, two daughters; her sister, Carmella Leib; 14 grandchildren; and six great-grandchildren.

Mr. Speaker, I would like to take this opportunity to remember and celebrate the life of Mrs. Masiello for her contributions to the social and political fabric of the City of Buffalo. I ask my colleagues to join me in honoring her spirit here today.

ACQUITTAL OF MIDSHIPMAN 1ST CLASS LAMAR OWENS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I'm sure many people followed the case against Lamar Owens, as well as the not guilty verdict that followed. Because the impact of this case does not end with the verdict, I am submitting two opinion articles for the RECORD. I believe these articles highlight some important things to consider regarding the lasting impact these charges will have on this young man, his accuser, and so many others. I submit the following opinion articles for the RECORD: "Owens absolved, but Navy case has no winners," by Rick Maese from the Baltimore Sun and "Academy can help dispel cloud from rape case," which appeared in the Capital on August 1, 2006.

[From the Capital, Aug. 1, 2006]

ACADEMY CAN HELP DISPEL CLOUD FROM RAPE CASE

Whatever conduct Midshipman 1st Class Lamar Owens admitted to when he was court-martialed on rape charges, much of the second guessing following his acquittal on those charges hasn't focused on him. It has focused on the Naval Academy, which relied on noncredible testimony in a case that showcased the superintendent's crackdown on sexual harassment.

A military jury recently acquitted Midshipman Owens of raping a female midshipman. It found insufficient evidence to disregard Midshipman Owens' version of events. He contended all along that the sexual intercourse was consensual.

The female midshipman, who had a history of alcohol abuse, had returned to her dorm drunk on the night of the incident. Midshipman Owens testified that she invited him to her room and that she fell asleep during sexual intercourse.

It was her word against his—and the verdict surprised no one who followed the trial. The jury did convict Midshipman Owens of the lesser charge of conduct unbecoming of an officer, but declined to impose any punishment for it.

The case was deeply flawed. Not only did the accuser's history cast doubt on her testimony, but she didn't even cry for help from a roommate asleep just a few feet away. All the prosecutors really had solid evidence for was a sexual encounter—something that violated the institution's honor code, but is not unheard-of at the academy.

There are no winners here, but right now the biggest loser seems to be Midshipman Owens. His reputation can't be restored and the suffering for himself and his family can't be erased. The superintendent should drop any further action against him.

It is less clear what to do with his accuser. She and her friends were granted immunity for their testimony, so she faces only minor disciplinary action. Perjury trumps immunity—so if prosecutors believe she perjured herself, would they pursue those charges with equal determination?

Just what is the penalty for making a false accusation? Graduation and a commission? The accuser's name wasn't paraded before the public. Her family didn't have to face public speculation and ridicule. She was shielded. But given the problems she admitted to at the trial, is she the kind of officer we'd want to lead troops into combat?

The superintendent, Vice Adm. Rodney Rempt, inherited a school with a history of sexual misconduct. We applaud his determination to purge the academy of sexual harassment. But in the process of demonstrating their resolve, he and his staff appear to have chosen the wrong case.

We don't know if the superintendent got bad advice from the attorneys or if he decided to make an example of Midshipman Owens, the former quarterback of the Navy football team. But now that Midshipman Owens has been acquitted of rape, we believe he has suffered enough. If his accuser ends up with the commission that he deserves, then the worst miscarriage of justice is yet to come.

[From the Baltimore Sun, July 23, 2006]

OWENS ABSOLVED, BUT NAVY CASE HAS NO WINNERS

(By Rick Maese)

Forget the campus fame, the media coverage, the proud alums and the smiling boosters. There's no real meaning behind any of that.

The game clock only hints at this possibility, but there's a point for everybody when you realize that the game is over. When you step off the playing field, your role changes.

One minute: a star quarterback, the team's most valuable player, playing in a bowl game. The next: a worried defendant, the accused, marooned far away from the football field.

One minute: a successful coach, the father figure, a leader of men. The next: a character witness, the supporter, taking a stand in a courtroom.

There's no scoreboard that will tell you this, but there wasn't a single winner when Lamar Owens, the Naval Academy's quarterback last season, was cleared of rape charges last week.

On Friday, a military jury recommended no punishment for Owens in connection with two lesser charges.

Navy coach Paul Johnson was at home when he heard the news. He picked up the phone and called Owens. It went to voice mail, and the coach said that he was happy for Owens, happy for his family, and that he hoped they could all move forward.

As tough as the past six months have been, moving forward is no easy challenge. Not for Owens and not for his accuser. Not for the academy and not for Johnson's football team.

"Lamar and his family, for them this has been a tremendous pressure," Johnson said.

"I wasn't really worried about the program. The program stands on its own. I can see where for some people, though, the verdict does vindicate Lamar and maybe it does vindicate the program a little bit."

Johnson has remained mostly tightlipped about the case. He spoke with reporters during the team's spring practice but has said little else. Even after the verdict, Johnson was careful with his words when I spoke with him Friday evening.

But you could tell how highly Johnson regards Owens. The two met six years ago when the coach recruited Owens to play for him at Division I-AA powerhouse Georgia Southern. Then, when Johnson accepted the Navy job five years ago, he persuaded Owens to follow him to Annapolis.

There's a reason that Owens' defense attorneys called on Johnson as a character witness. The coach took the stand and said Owens had always been "above reproach," but the judge, Navy Cmdr. John Maksym, barred Johnson from sharing any opinions on the charges brought against Owens.

"What they were saying Lamar did, well, it was just totally out of character," Johnson told me on Friday. "The accusations weren't the Lamar I knew."

That's why it was so easy for Johnson to tell everyone to just allow the case to play out. Johnson says he was confident that if Owens was not guilty, the evidence and testimony would reveal it.

"I think some people are quick to jump to conclusions," he said. "But my take all along was: Let's wait and see what happens. People want to rush to judgment, but that's not fair to anybody. You have to give a guy a chance to defend himself."

The charges never made sense to anyone who knew Owens. He was from a good home—his father works for the power company, his mother is a prenatal nurse. He attended a military school before coming to the Naval Academy. He recited Scripture to friends and attended Bible study sessions every Thursday.

In fact, after the accuser went to academy officials with her allegations, several of Owens' teammates wanted to confront her en masse. Owens pleaded with them not to. He even went to Johnson and asked the coach to also discourage his teammates.

They all love Owens. It's why the players voted him Most Valuable Player of last season's 8-4 team. It's why they were in court for 10 straight days, sitting together in the gallery as a show of support.

They all breathed a sigh of relief Friday. What they knew about their friend, now everyone knew.

But no one thinks this is completely over. When someone levies a serious charge, such as rape, the pounding of a gavel doesn't make everything disappear.

Owens has completed his classwork but isn't certain he'll be allowed to graduate. There's also the possibility that he could be expelled from the academy and forced to repay costs for his taxpayer-funded schooling: $140,000.

"He's been remarkably upbeat," Johnson said of Owens. "I think he's handling stuff very well."

Owens won, but so much has been lost. In sports, victory is supposed to be the ultimate reward, but that doesn't always translate neatly to the real world.

There's so often a gray area—between consent and force, between innocence and guilt, between winning and losing.

"Nobody wins in these situations," Johnson said.

Owens is a free man now. The Midshipmen begin practice next week. And life at the academy is back to normal.

But not really.

There are lessons in this for everyone—surely, for Owens and his accuser, but also for team officials and school administrators. It's just unfortunate that this is how lessons are learned.

Ownes led his team in rushing and passing and touchdowns last season. He took the Midshipmen to the Poinsettia Bowl, a 51-30 win over Colorado State. It was a great senior season, one most Navy fans won't soon forget.

Time will pass and Owens' place in school lore will be cemented. When that happens, it'd be nice if Owens is remembered for all that he did at the academy and not for something he didn't.

FREEDOM FOR FÉLIX GERARDO VEGA RUÍZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Félix Gerardo Vega Ruiz, a political prisoner in totalitarian Cuba.

Mr. Vega Ruíz is a member of the Cuban Democratic Workers Union and the Pro Human Rights party. As a courageous member of the opposition, he has steadfastly demanded freedom, democracy, and human rights for the Cuban people. He has bravely denounced the cruel policies of the tyrant and demanded that the people of Cuba be allowed their inalienable rights.

According to The Assembly to Promote Civil Society, Mr. Vega Ruíz was arrested by the dictatorship in 2003 and, after a sham trial, thrown into the totalitarian gulag. According to multiple sources, Mr. Vega Ruíz was sentenced to 7 years in the gulag. Let me be very clear, Mr. Vega Ruíz has been incarcerated in the gulag for daring to dream of and to work on behalf of a democratic Cuba.

According to NetforCuba, Mr. Vega Ruíz has continued to oppose the tyrannical regime while locked in the gulag. He has conducted hunger strikes, including one that lasted 83 days and nearly killed him, to call attention to the horrific abuses of the dictatorship. He has also been stabbed while in the gulag. Let me say that again, Mr. Vega Ruíz has been stabbed while he languishes in the abhorrent gulag, and yet he continues to steadfastly oppose the gangster regime in Havana.

Mr. Vega Ruíz is a brilliant example of the heroism of the Cuban people. Mr. Vega Ruíz knows the violence, abuse, and repression that will be used to try to break him. Yet he stands strong in the strength of his conviction that the people of Cuba should be and will be free. Mr. Vega Ruíz is one of the many heroes of the Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered with respect and admiration when freedom reigns again in Cuba.

Mr. Speaker, this courageous man is locked in the tyrant's gulag for failing to keep silent about the nightmare that is the Castro regime. It is unacceptable that, while the world stands by in silence and acquiescence, pro democracy activists like Mr. Vega Ruíz are systematically tortured. My Colleagues, we must never forget those who are locked in gulags because of their desire for freedom for their countries. We must demand the immediate and unconditional release of Felix Gerardo Vega Ruíz and every prisoner of conscience in totalitarian Cuba.

RECOGNIZING NIKITA RODRIGUES FOR HER INSPIRING SPEECH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, we need not worry about America's future if all our up and coming leaders believe in her as does a high school student in my District who delivered the following "Message for America" to an audience of young people.

Nikita Rodrigues lives in my hometown of Somerset, Kentucky and is an outstanding person, as you can tell.

"MY MESSAGE FOR AMERICA"

Ladies and Gentlemen, I speak to you today as a young American. Let that serve as sufficient warning that what I have to say contains equal proportions of young Hope and American Pride. These are the priceless ingredients of my Message for America, which is, "America: Be, all that you can be."

As a young American I am sick and tired of the naysayers that predict the end of the American dream. I am sick of reading about the differences between the red and the blue states and how those insurmountable differences will suffocate our future as Americans. I am sick of hearing about Americans being described as consumers, not producers. And I am sick of people taking pot shots at my country as being past her glory years. To all these naysayers, divisionists, and pessimists I have only one thing to say, "Your mistake lies in under-estimating the youth of America."

It was our past-President Bill Clinton who once said, "There is nothing wrong with America that cannot be cured by what is right with America"! America's most priceless asset lies not in her immense natural resources, not in her huge factories, not in her stores of gold, not her natural beauty nor her system of incredible highways. America's greatest assets still are the character of her people and the optimism of her youth.

We the youth of America must believe that we can make a difference. We must participate in the political process and hold our leaders accountable when partisan politics stymies our progress. If American highschoolers are lagging behind the rest of the world, it is time to demand that our schools foster excellence and competitiveness rather than comfortable mediocrity. In the flat world of today, American youth must step up and compete. Yes, we are more diverse than we ever were, but that diversity can and must be our strength.

In his book, "What's so Great About America" Dinesh D'Sousa had this to say about our country. "America is the greatest, freest and most decent society in existence. It is an oasis of goodness in a desert of cynicism and barbarism. This country, once an experiment unique in the world, is now the last best hope for the world."

That hope and responsibility rests firmly on our young American shoulders. We can either shrug it off or bear down and accept the daunting challenge to each do our part to make America--All That She Can Be!

Nikita Rodrigues, Somerset, Kentucky

TRIBUTE TO LEO SHERLOCK HOLMES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life, dedication and contributions of Mr. Leo Sherlock Holmes, who passed away on July 21, 2006.

Mr. Holmes served the U.S. Army as a member of the 99th Fighter Squadron of the Tuskegee Airmen during World War II, and in November 1965 he became the first African American to be elected to Chester City Council. Mr. Holmes served as an inspiration for many people. Because of his trail blazing, the impossible became possible and a reality.

Aside from his career on City Council, Mr. Holmes was also a City Treasurer, a math teacher at Frederick Douglass Junior High School, and a deacon at Bethany Baptist and, later, Calvary Baptist Church. It could never be said that Leo was not an active person. He loved people and lived under the motto that he would be a better person when he reached out to help others.

Mr. Holmes served as a Councilman for the City of Chester for 14 years. He then served as Personnel Director before retiring as City Treasurer on January 10, 1986. Believing and accepting that the people of Chester entrusted him in this position, Leo worked hard to address the issues and answer to the call of the people to the best of his ability. In September of 1990, Leo was appointed to the Board of Directors of the Chester Water Authority and served for 12 years before retiring due to increasing health problems.

Mr. Holmes was dedicated and devoted to the Masonic Order. His journey there started on December 3, 1955 until he his failing health forced him to leave his Masonic office in October of 1990. Upon his resignation the Grand Lodge unanimously voted that he be recognized as the Right Worshipful Grand Secretary Emeritus of the Most Worshipful Prince Hall Grand Lodge, Free and Accepted Masons of Pennsylvania.

Throughout his career, Mr. Holmes has led by example and we all have benefited from his leadership, intellect and integrity. Mr. Holmes' passing represents the loss of a powerful and committed voice, and it is for these reasons I ask that you and my other distinguished colleagues rise to honor him.

RECOGNIZING KEVIN JUSTICE OF CITRUS COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Kevin Justice of Citrus County, Florida, an Army Chief Warrant Officer with More than twenty-four years of service.

Chief Warrant Officer Justice is a graduate of Hernando High School and the Florida Military Academy, where he attended Officer Candidate School. When he is not deployed overseas, Kevin attends the First United Methodist Church and tries to find time for a round of golf. During his many missions abroad, he sets up a web cam to keep in touch with his wife Shannan, his two children, Nickolus and Hillery and his parents Jay and Mary Justice.

One of the benefits of being in service for Kevin is the opportunity to travel to many countries, including the United Arab Emirates, England, Afghanistan, and the Netherlands. While serving in Operation Enduring Freedom, Kevin was awarded the Bronze Star for justifying the need for additional troops and rotating soldiers in the field.

As a member of the Florida National Guard, Kevin has been deployed for many of the hurricanes that have struck Florida's shores, including Andrew, Charlie, Jeanne and Ivan. Kevin served primarily as a liaison for military assistance and was the go to person to acquire supplies. He went to Oakley Fruit Company to request the use of their tankers to provide purified water to dialysis patients.

One of Kevin's highest honors is his membership in the Royal Order of Saint Barbara, an honorary military society of the United States Field Artillery. Both U.S. Marine and Army field artillery, along with their military and civilian supporters, are eligible for membership. The order links field artillerymen of the past and present in a brotherhood of professionalism, selfless service and sacrifice symbolized by Saint Barbara.

Mr. Speaker, it is soldiers like Kevin Justice who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Kevin serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

HONORING ENVIRONMENTAL ACTIVIST DAVID HAHN-BAKER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, It is my distinct honor to recognize David Hahn-Baker as the 2006 recipient of the Paul MacClennan Environmental Citizen of the Year Award as presented by Eire County Environmental Education Institute. ECEEI has chosen to acknowledge Mr. Hahn-Baker's lifelong commitment to environmental causes, which are deserving of acknowledgement before this chamber.

Mr. Hahn-Baker is the Founder and President of Inside/Out Political Consultants. An independent national consulting firm based in Buffalo, NY, Inside/Out works with national and local organizations across the country to address the intensifying environmental crisis.

Mr. Hahn-Baker's organization has worked with numerous local and national environmental organizations, including: Community Action Organization of Erie County; Earth Day Network; Buffalo Foundation; Tides Foundation; National Religious Partnership for the Environment; American Resources Information Network; EarthShare; League of Conservation Voters; National Wildlife Foundation; Lawyer's Committee for Civil Rights Under Law; Greenpeace USA; Southern Organizing Committee.

Mr. Hahn-Baker has also taught graduate and undergraduate classes at the University of Michigan and George Washington University. Additionally, Mr. Hahn-Baker was instrumental in the development of the Environment Health Advisory Network at the State University of New York at Buffalo.

Mr. Speaker, I would like to take this opportunity to publicly thank Mr. Hahn-Baker who has dedicated his professional career to environmental preservation. I ask my colleagues to join me in recognizing Mr. David Hahn Baker whom is so richly deserving of this honor.

HONORING MR. ALEX TRUJILLO, REGIONAL ADMINISTRATOR FOR THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Mr. Alex Trujillo, who has served for 35 years in the federal government, most recently as the Region VIII Administrator for the Centers for Medicare and Medicaid Services. A personable, thoughtful and caring individual, Mr. Trujillo has worked closely with my office on numerous occasions to ensure that beneficiaries of Medicare, Medicaid and Children's Health Programs are receiving reliable information from which to base their healthcare decisions.

Under Mr. Trujillo's direction, nearly 92 percent of beneficiaries in Region VIII now have prescription drug coverage. This is a remarkable number of people receiving much needed healthcare coverage, especially in a time of rising prescription drug costs.

Over the past four decades, Medicare has grown to become a critical provider of healthcare services for millions of Americans. More often than not, recipients of Medicare are not fully aware of all of the advantages and health benefits to which they are entitled. Consequently, many beneficiaries pay a higher premium for their healthcare or do not understand where and how they can make savings. One of Alex Trujillo's accomplishments has been his leadership in improving public education about Medicare. During his tenure, Region VIII has measured an increase in responsible healthcare decision-making by beneficiaries that not only provides better quality healthcare, but also utilizes services more efficiently. This is an important accomplishment considering that Region VIII provides services for 3.2 percent of the U.S. population. It is also one of the biggest regions geographically, with a coverage area that stretches from Colorado to Montana, Wyoming, Utah, North Dakota and South Dakota. Mr. Trujillo's attention to rural communities has also been noteworthy.

Following his graduation from college in 1971, Mr. Trujillo entered public service at the U.S. Department of Health and Human Services. For the last 20 years he has worked for the Center for Medicare and Medicaid Services (CMS). He gained valuable experience in the Divisions of Medicare and Health Standards and Quality, and also served as the Assistant Regional Inspector General for the Office of Investigations and Office of the Inspector General. In short, he knows the landscape of these agencies and developed a reputation for exceptional service.

Mr. Speaker, I ask my colleagues to join me in expressing our appreciation to Alex Trujillo for his record of service in the federal government.

IN RECOGNITION OF DAVID LAWRENCE, JR.

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, David Lawrence, Jr. is a 20-year veteran of the newspaper business, serving in many capacities including positions as the editor of the Charlotte Observer, the publisher and executive editor of the Detroit Free Press, and the publisher of the Miami Herald which, under his leadership, won five Pulitzer Prizes for investigative reporting, meritorious public service, editorial cartooning and local news reporting.

David Lawrence, Jr. has been awarded eleven honorary doctoral degrees and has received numerous awards for his writing, including the First Amendment Award from the Scripps Howard Foundation and the Inter American Press Association Commentary Award.

After his retirement from The Miami Herald in 1999, David Lawrence, Jr. left the newspaper business entirely and focused his attention on child advocacy and early childhood education initiatives. His service in support of these efforts include his roles as Chairman of the Children's Trust, President of The Early Childhood Initiative, Chairman of the Florida Partnership for School Readiness, Chairman of the Governor's Blue Ribbon Panel on Child Protection, and member of the High/Scope Educational Research Foundation and the Foundation for Child Development.

His legacy of education and service to the community will continue at the David Lawrence, Jr. K–8 Center, a Miami-Dade County Public School for 1,600 students across from the north campus of Florida International University in North Miami, Florida. Mr. Lawrence, Jr.'s work exemplifies the contributions of so many South Floridians who work tirelessly to strengthen our community. My sincerest gratitude to a great journalist, philanthropist and my constituent, David Lawrence, Jr.

RECOGNITION OF DR. DENNIS SPELLMANN

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. AKIN. Mr. Speaker, I rise today to state for the record how deeply saddened I am by the recent death of Dr. Dennis Spellmann.

As President of Lindenwood University in St. Charles Missouri since 1989, Dr. Spellmann leaves a legacy of success. His unique leadership style resulted in the tremendous growth of Lindenwood from a small struggling college, to the beautiful sprawling campus of almost 3,500 students (living on campus) that it is today as Lindenwood University.

In my many conversations with Dr. Spellmann over the past five and a half years, I was keenly aware of his convictions. He was a man of deep faith and commitment. He was a patriot and a proud American who made his life a reflection of what our forefathers intended in "life, liberty and the pursuit of happiness". His love and concern for the students and faculty under his charge was evident in the vigor and passion with which he approached every issue and hurdle he navigated.

As the Congressman for Missouri's second district, I know I speak for many, especially those in St. Charles County who are the most direct beneficiaries of the many successes of Lindenwood University during Dr. Spellmann's tenure, when I say, he will be greatly missed.

IN MEMORY OF ARMY SERGEANT FIRST CLASS RICHARD HENKES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to Army Sergeant First Class Richard Henkes, who died on September 3, 2006, fighting for our country in Mosul, Iraq, supporting Operation Iraqi Freedom. Richard Henkes, 32 years old, was killed during combat when a roadside bomb struck his military vehicle. Richard Henkes was assigned to the U.S. Army's C Company, 2nd Battalion, 3rd Infantry Regiment, 2nd Infantry Division in Fort Lewis, Washington.

Following a family tradition of service in U.S. Armed Forces, Richard Henkes enlisted in the U.S. Army in 1992 and had been serving in Mosul for the past two months. His father served in the Air Force, both grandfathers were in the Army and fought in World War II and a great grandfather fought in World War I. While not serving our country, Richard Henkes enjoyed spending time with his five year-old daughter and had a passion for snowboarding.

I am deeply saddened by the tragic loss of soldiers who have died while supporting Operation Iraqi Freedom. These brave Americans lost their lives while making the ultimate sacrifice to serve our country, and I will be forever grateful to them for their courageous spirit.

Richard Henkes gave his life to serve our country and will forever be remembered as a hero, a son, and a father. My deepest condolences go out to his daughter Isabel; his parents Chris and Jim Stanton and Richard and Karen Henkes; his sisters Tamara Henkes Bass, Dana Harmel and Karen Henkes; and his brothers, Mark Holmgren and Paul Stanton. I know Army Sergeant First Class Henkes was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him and counted him as a friend. I will continue to keep Richard Henkes and his family in my thoughts and prayers.

TRIBUTE TO THE LATE B.D. KANAN, FORMER KANSAS STATE SENATOR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to note the passing, on August 7, of former Kansas State Senator B.D. Kanan, of Kansas City, Kansas.

Senator Kanan was born Nov. 26, 1924 to John Walter and Hattie Pearl (Evans) Kanan in Cameron, Missouri. He was a Kansas State Senator from 1988 to 1992 and was the founder and owner of TRAFTEC in Kansas City, Kansas, since 1972. Previously, he had worked as a truck driver for Auto Transport for 19 years. Senator Kanan was a member of Christ the King Catholic Church and the Knights of Columbus. He was a Teamster and a member of ATSSA for over 32 years. He was preceded in death by his parents, two brothers and one sister as well as a granddaughter, Heather Lorance.

Survivors include his wife of 62 years, Betty Jo; their sons: Bernard, Jr., of Basehor, Kansas, and Walter of Kansas City, Kansas; and their daughters: Donna "Pug" Uzzell of Kansas City, Kansas, Elizabeth "Suzie" Lorance of Kansas City, Kansas, Mary Michelle Chapman of Seffner, Florida, Karen Martin of Kansas City, Kansas, Jamie Doolittle of Shawnee, Kansas, and Roseanne Smallwood of Fairmont, Kansas, as well as 17 grandchildren and 10 great-grandchildren.

Mr. Speaker, B.D. Kanan was an active, concerned citizen who did much to improve conditions in his home community of Kansas City, Kansas, and Wyandotte County, particularly with regard to improving the local transportation infrastructure. He served his constituents with honor and integrity as a member of the Kansas State Senate, and I am pleased to have this opportunity to publicly note his passing and to honor his record of public service. I include in the CONGRESSIONAL RECORD an article about Senator Kanan's legacy that appeared in the Kansas City Kansan.

[From the Kansas City Kansan]

FORMER STATE SENATOR, BUSINESSMAN B.D. KANAN, 81, DIES

(By Adam Torres)

Kansas City, Kan., lost a prominent citizen and former state senator this week. Bernard "B.D." Kanan, 81, passed away at his KCK home Monday. Kanan had a heart condition that had been troubling him in recent weeks, according to one of his daughters, Donna "Pug" Uzzell.

For 18 years, Kanan worked as a truck driver. When driving once, he noticed how inconvenient the barricades and construction signs were, Uzzell said. Kanan designed a barricade that was easier to use.

"He got a patent for it and started his company, TRAFFTEC," Uzzell said.

In the 1980s, Kanan started to feel that KCK was not facing certain issues that it should, Uzzell said. He decided to use his own funds to represent the people of KCK and started a "Fight Back" initiative. Through the initiative, Kanan purchased advertising space in The Kansas City Kansan.

"Concerned citizens would write to him about certain issues and he would address them in a 'fight back' ad that he would personally buy," Uzzell said. "He lived his whole life in KCK and he really cared about the community. It seemed like no one was addressing the citizens." Thus began Kanan's political career, although it wasn't his original intention.

"He really didn't mean for it to get into politics," Uzzell said. Kanan ran for state senate, with the help of his wife of 62 years, Betty Jo, and eight children, and won the election. He served for one term, from 1988 to 1992.

"That was enough for him," Uzzell said. Kanan, a Democrat, ran for the seat against David Haley, who currently holds the seat as a Democrat after losing to Kanan as a Republican. Despite being on opposite sides of the political aisle for a time, Haley said he had a great deal of respect for Kanan.

"I was always impressed with how cordial he was to me," Haley said, "and that was a relationship we shared even after I switched parties." Uzzell said her dad was fair politician who was concerned about the citizens he represented.

"He wasn't bought by lobbyists," Uzzell said. "He didn't go to their cocktail hours."

Former Kansas state representative and current Edwardsville, Kan., City Administrator Doug Spangler said Kanan worked on legislation that improved the highway system throughout the county. "B.D. was instrumental in the passage of the original transportation bill that funded so many improvements in Wyandotte County and the entire state of Kansas," Spangler said.

"He's going to be remembered for his concern for highway safety and for being an advocate for the Kansas highway system," Haley said. "Because of that, we have what is now one of the finest highway systems in this part of the U.S."

Spangler also said Kanan cared about the disadvantaged in Wyandotte County. "Senator Kanan was a very caring and wonderful person who always kept Wyandotte County residents in mind when he voted in the Kansas Senate," Spangler said. "He was always for the underdog and would reach out to help the less fortunate. He had a big heart and to know him was to love him."

Kanan, a member of Christ the King Church and the Knights of Columbus, once bought hundreds of fans to give to those who needed them during a heat wave, Spangler said. He also worked and supported homeless shelters and helped people financially, Uzzell said. "He was quite the person in the community," Uzzell said.

Kanan enjoyed seeing the development in western Wyandotte County over the last few years. He was proud of is happening in the community, Uzzell said. "He really wanted to take our mother (Kanan's wife of 62 years, Betty Jo) to the Legends (at Village West). He wasn't able to but we promised to do it for him."

TRIBUTE TO RICHARD TODD RHODES

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Richard Todd Rhodes of Wilmington, North Carolina, who sacrificed his life on August 17, 2006 while valiantly serving his country as a private contractor with Cochise Company in Iraq. Our heartfelt thanks and prayers are for his family and friends in this time of grief.

For 8 years, Todd served his country honorably as a member of the United States Marine Corps. After serving in Desert Shield/Desert Storm, he was employed as a security specialist with United States Protection Investigation while in Afghanistan, and most recently, with Cochise Company working in Iraq. For 12 years, Todd and his wife, Terry, owned and operated Best Video and Audio in Jacksonville, N.C.

Todd was a loving husband to Terry and a dedicated father to two sons, Shaun Rhodes and Ryan Rhodes, all of Wilmington, with whom he spent many hours teaching them life lessons and individual skills, such as construction and diving. Todd loved life and enjoyed such activities as dancing, diving, tennis and sailing. His memory will be forever cherished by his family and the friends and co-workers whose lives he touched in life's journey.

As a member of the U.S. Marine Corps and a contractor in Iraq, Todd dedicated his career to defending the values this Nation holds dear. By risking his life to ensure the safety of others, he made the ultimate sacrifice. His valiant actions and steadfast service remind us of the gratitude we feel toward him and all the other servicemen and women and civilians who have given their lives serving as guardians of this great country. Todd was indeed a man of courage and integrity.

Mr. Speaker, may the memory of Richard Todd Rhodes live on in our hearts, and may God's strength and peace be with his family.

TRIBUTE TO SERGEANT FIRST CLASS MELVIN HILL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MORAN of Virginia. Mr. Speaker, today I take the time to honor a distinguished veteran from the Commonwealth of Virginia, SFC Melvin Hill. A true patriot for his heroic service to our country, Hill was born on March 26, 1939 in Brooklyn. In 1955 he enlisted in the U.S. Army and was assigned to the 18th Regimental Combat Team (Airborne) at Fort Campbell, Kentucky. There he was selected to be an instructor at the Airborne School. He was later assigned to Germany, where he was responsible for conducting convoys from Helmstdat, Germany to insure U.S. access to Berlin. On each tour of duty, he also served as a guard at Spandau Prison, which at that time housed Rudolph Hess, Albert Speer, and Baldur von Schirach. In 1964 Hill was accepted for Special Forces training and assignment at Fort Bragg, North Carolina. After completing this training, he was assigned to the Military Advisory Command in Vietnam.

It was in this capacity that Sergeant Hill was awarded a Silver Star on January 18, 1971 for his fearless actions while serving as Leader of a Combined Reconnaissance Team in November of 1970. In this role, Sergeant Hill courageously led his team from the tailgate of a C–130 aircraft at an altitude of 17,000 feet on the first combat high altitude free fall into hostile territory in the history of the United States Army. His team landed in rugged and dangerous terrain in enemy territory where, despite equipment malfunctions, Sergeant Hill refused to abandon his team. They remained behind enemy lines in the harshest conditions for 5 days where, led by Sergeant Hill, the team gathered sufficient hard intelligence to mark the mission a success. When his transmit voice radio malfunctioned, Sergeant Hill used another device to transmit instructions to his team via Morse code and in this manner triangulated multiple targets for the Air Force. During the extraction from enemy territory, Sergeant Hill was wounded by a bullet to the leg, but due to his courage and leadership, his team was recovered with no losses and no other injuries.

After leading this successful mission, Hill extended his tour of duty to teach high altitude Military Free Fall techniques to other Reconnaissance teams. After retirement from the military, Hill continued to serve his country through a position in the U.S. General Services Administration in Washington, D.C., where he worked for 14 years and was recognized for his innovative approach to Contract Support, winning the Administrator's Meritorious Service Award and a citation from the Governor of Maryland.

Mr. Speaker, I am grateful today to recognize the achievements of SFC Melvin Hill that are so long overdue. His leadership and courage in combat during our nation's time of war require our sincere appreciation. I wish him the best in his future endeavors.

TRIBUTE TO BISHOP ARTHUR GEORGE BURRELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. KILDEE. Mr. Speaker, I rise today to honor the memory of Bishop Arthur George Burrell. St. George Beth El Church of God in

Christ will hold a remembrance dinner in his honor on September 16 in my hometown of Flint, Michigan.

Bishop Burrell began his service to the church in 1947. He worked as a Deacon, Sunday School Teacher, Church Secretary and Broadcast Announcer until 1962. On April 14, 1962 Bishop C.J. Johnson ordained him and almost a year later he became the pastor of Gospel Temple Church of God in Christ. Under his leadership, the church negotiated the purchase of a new building in 1972 and changed the name to St. George Beth El Church of God in Christ.

During his ministry Bishop Burrell served as the State Sunday School Superintendent from 1975 to 1980 for the Northeast Michigan Jurisdiction, Administrative Assistant to the Bishop, and Chairman of the Commission of Budget and Finance. He served as the District Superintendent of the Progressive District and in 2002 he celebrated the Progressive District's Golden Jubilee. Bishop Burrell also served as the National Financier of the International Sunday School Department and in April 1998 he received the Outstanding Service Award to the Church of God in Christ from the Association of Church of God in Christ Business Owners.

Bishop Brooks, with the concurrence of the Presiding Bishop and the General Board of the Church of God in Christ, appointed Bishop Burrell to Assistant Jurisdictional Bishop at the 81st Annual Holy Convocation of the Northeast Michigan (Historic First) Jurisdiction.

In addition to his work for the church, Bishop Burrell retired from General Motors after 35 years of employment. He was married to Norma Burrell for 46 years and they had three sons. Bishop Burrell passed away in 2002.

Mr. Speaker, I ask the House of Representatives to join me in honoring the memory of Bishop Arthur George Burrell and St. George Beth El Church of God in Christ as they celebrate his ministry and life.

HONORING NYS POLICE TROOPER JOSEPH A. LONGOBARDO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HIGGINS. Mr. Speaker, it is with much sadness that I rise and respectfully request the members of this honorable chamber to join me in commemorating the life of Joseph A. Longobardo, a respected member of the New York State Police, who was killed while serving his State.

A native of Amsterdam, New York, residing in Ballston Spa, Saratoga County, Trooper Longobardo, 32, is survived by his wife and 1-year-old son.

Trooper Longobardo, an 8-year veteran of the State Police, was a 1998 graduate of the New York State Police Academy, where he distinguished himself through his commitment of service to the Citizens of the State of New York.

Trooper Longobardo's commitment and dedication to protecting and serving the citizens of New York State was evidenced by his service in the elite Mobile Response Team. We recognize and thank Trooper Longobardo for his desire and dedication to the New York State Police Force.

Trooper Longobardo desire to serve his fellow Americans extended beyond his Police work, as he was also a Technical Sergeant in the New York Air National Guard, based out of Scotia, Schenectady County.

With great sadness, I, along with the Great State of New York and the United States at large, celebrate Trooper Joseph A. Longobardo achievements in life as we mourn his tragic passing in the line of duty. I thank you, Mr. Speaker, for offering me an opportunity to share with the House Trooper Longobardo's accomplishments and for allowing the chamber this chance to join the State of New York in honoring his life.

RECOGNIZES JEREMY REIS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Jeremy Reis, a Private in the Marine Corps.

Private Reis attended Lovejoy High School in Jonesboro, Georgia, transferring his senior year to Newton County High, graduating earlier this year in May. His original post-graduate plans were to study art and photography, but following the events of September 11, Private Reis felt the call to duty and enlisted in the Marine Corps. When his tour of duty is complete he hopes to attend art school and fulfill his dream.

Entering basic training in August 2006 at Parris Island, South Carolina, Private Reis is training to be a computer programming specialist.

Raised as part of a close-knit family, Private Reis is a member of his Church Youth group and enjoys hunting with his father and brothers. He also enjoys visiting his grandparents at their home in Citrus County, Florida. Private Reis has five dogs, including a pug named Mojo and a boxer named Jordan.

Mr. Speaker, it is soldiers like Jeremy Reis who volunteer to protect the freedoms that all Americans hold dear to their hearts. He is to be commended for his service to our Nation and for his commitment to his family and loved ones.

RECOGNIZING MR. LEO McHALE AND MARYLAND'S FIRST PRIVATE 9/11 MEMORIAL

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to recognize the efforts of one of my constituents, Mr. Leo McHale, of Walkersville, Maryland, to honor the heroes of 9/11.

With community support, Mr. McHale created Maryland's first private memorial to remember and honor the heroes who responded to the terrorist attacks and those who perished on September 11, 2001. It was dedicated on May 10, 2003.

I personally would like to thank Mr. McHale and the Walkersville residents whose joint efforts and hard work are responsible for the completion of this commemorative project. In spite of the terrible losses on that cataclysmic day, it is important to recognize the astounding community efforts and cooperative response that symbolize the character, pride and unity of the American people.

With 9/11's 5th anniversary approaching, it is essential that the American people continue to remember the events that occurred when America was attacked on September 11, 2001. Through the efforts of Mr. Leo McHale—and so many others—we continue to keep the memory alive by honoring the heroes who responded and the men, women and children whose lives were mercilessly and cruelly taken on 9/11.

PAYING TRIBUTE TO RANDOLPH C. ROBINSON, M.D., D.D.S

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to recognize the dedicated and inspiring career of Dr. Randolph Robinson. Dr. Robinson, along with his wife, Ginger, founded Face the Challenge. This charitable organization has provided thousands of free surgeries to the world's poorest children in order to correct facial deformities.

Dr. Robinson has used his medical knowledge and surgical skills to better the lives of many impoverished people around the world. Face the Challenge has traveled to many countries in South America, Eastern Europe and Asia with the goal of treating the indigent and most affected.

Dr. Robinson, who practices in Lone Tree, Colorado, has performed 836 free facial surgeries since 1993. His selfless contributions should be commended and his dedication to public service deserves our highest regard. I wish to thank Dr. Robinson for his tireless efforts to bring medical advances to the world's poor.

IN MEMORY OF SERGEANT JEFFREY SCOTT BROWN, UNITED STATES ARMY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the memory of Army Sergeant Jeffrey Scott Brown, an American hero who gave his life in defense of liberty and freedom. He made the ultimate sacrifice so that others might know freedom, and I am humbled by his bravery and selflessness.

Sergeant Brown lost his life on August 10, 2006 due to injuries sustained when his UH-

60 Blackhawk helicopter crashed in Rutbah, Iraq during combat operations in support of Operation Iraqi Freedom. He was 25 years old. Sergeant Brown was assigned to the 82nd Medical Company at Fort Riley, Kansas.

Sergeant Brown came from a family dedicated to American ideals and serving this great Nation. His father is a Vietnam veteran and his brother, Timothy, currently serves as a crew chief on an Apache helicopter in Germany. Sergeant Brown is survived by his wife, Ashley, of Carrollton, Texas; his parents, Ed and Diane Brown of Trinity Center, California; his brothers, Timothy and Michael; and his sister, Kathryn.

I extend my sincerest condolences to the family and friends of Sergeant Brown. He leaves behind a legacy marked by courage, integrity and character. May God bless all those he loved, and may they know the gratitude of the American people.

HONORING KATHRYN SWANSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Kathryn Swanson, a dedicated public servant whose passionate commitment to highway safety has guided her throughout her career.

Kathy has been a leading, influential figure in highway safety for more than 25 years, working tirelessly to save lives and prevent injuries on our Nation's roads.

Since 1998, Kathy has served as director of Minnesota's Office of Traffic Safety in the state's Department of Public Safety. Prior to being director, she served as deputy director, safety program coordinator, and as a research analyst.

As one of the longest tenured members of the state highway safety community, Kathy's counsel is frequently sought by other states and organizations around the country.

In her role as director, Kathy administers the state and community highway safety grant programs in Minnesota. During her tenure, the state has achieved significant progress including an 83.9 percent seat belt usage rate, which is above the national average. The state also achieved its lowest fatality rate ever during Kathy's tenure.

Kathy has also worked tirelessly with her counterparts in the Minnesota Department of Transportation in a true partnership aimed at significantly reducing traffic fatalities in Minnesota. Today the Towards Zero Death program is the keystone of Minnesota's safety agenda, affecting the work of various state and local agencies and private sector partners.

Kathy's success in Minnesota, her strong commitment to highway safety and the respect and support of her state peers led to her election as Vice Chair of the Governors Highway Safety Association (GHSA) in September 2002. GHSA is the nonprofit association representing the highway safety program managers of the states and the territories.

Following a leadership change in March of 2003, Kathy was elevated to Chair of GHSA, a position in which she served until the fall of 2004. Under Kathy's leadership, GHSA developed its positions on the reauthorization of our nation's surface transportation bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA–LU).

As Immediate Past Chair, Kathy continues her involvement in GHSA. In 2005, she represented the Association at a listening session for the White House Conference on Aging where she discussed the role of the state highway safety offices in enhancing the safety of older drivers. She also represented GHSA at the 2005 launch of the Ford/GHSA Driving Skills for Life teen driving safety program.

Kathy's work has no doubt prevented countless traffic fatalities and injuries in Minnesota and across the Nation. I am proud and honored to share with my colleagues this deserved tribute to Kathy Swanson, who gives so much of herself to enrich the lives of others and to serve her community and her country.

HONORING LANCE CORPORAL PATRICK T. HOWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to wish a full and healthy recovery to Lance Corporal Patrick T. Howard, who suffered extensive injuries while on guard duty in Iraq on July 18.

Lance Corporal Howard was born and raised in Miami, and enlisted in the Marines directly after graduating from high school. In March of 2006, he was deployed to Ramadi, Iraq, and was meritoriously promoted to the rank of Lance Corporal.

I am deeply saddened about the grave nature of the injuries inflicted upon such a selfless young man from South Florida. The entire community is grateful to Lance Corporal Howard for his contributions in the struggle to spread liberty to Iraq, and values the sacrifices of all those currently defending our Nation overseas.

I ask that you please keep Lance Corporal Howard and his family in your thoughts and prayers as he completes the recovery process.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to vote on the following bills on September 6, 2006:

H.R. 2808, the Abraham Lincoln Commemorative Coin Act (Rollcall No. 427). Had I been present I would have voted "aye."

H. Res. 605, a resolution recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States (Rollcall No. 428). Had I been present I would have voted "aye."

H. Res. 875, a resolution congratulating Spelman College on the occasion of its 125th anniversary (Rollcall No. 396). Had I been present I would have voted "aye."

TRIBUTE TO JOYCE ROBINSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mrs. CAPITO. Mr. Speaker, I rise today to commend Joyce Robinson of her service to the Social Security Administration and to congratulate her on her upcoming retirement.

Mrs. Robinson began her career in 1975 as a Claims Clerk in the Martinsburg, West Virginia Social Security Office. She has held 7 different positions, reaching the level of Special Disability Workload Cadre Manger in the Charleston, West Virginia Social Security Office.

Mrs. Robinson has been recognized numerous times for her outstanding leadership qualities. Her immense knowledge of programs and great interpersonal communication skills led her to gain the distinction of being a liaison to her peers, as well as, to Congressional Staffs and entities outside the SSA office. She will be greatly missed as a helpful resource to me and my staff.

For her dedication and willingness to serve my constituents, the State of West Virginia, and surrounding states, I offer Mrs. Robinson my most sincere congratulations and best wishes for a well-deserved retirement.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I was attending a National Policy Conference in Los Angeles, and I could not be present, subsequently missing rollcall votes numbered 427, 428, and 429. Had I been present, I would have voted:

"Aye" on rollcall No. 427, H.R. 2808, the "Abraham Lincoln Commemorative Coin Act,"

"Aye" on rollcall No. 428, H. Res. 605, "Recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States," and

"Aye"—on rollcall No. 429, H. Res. 875, "Congratulating Spelman College on the Occasion of its 125th anniversary."

IN HONOR OF MARY BOURDETTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, with a heavy heart, I rise to honor the life of Mary Bourdette.

On September 5th, America lost one of its great champions for children and families. Mary Bourdette was a passionate and dedicated advocate and had an extraordinary 30-year career. Mary's tireless efforts improved the lives of countless children and families across the country.

I will personally miss her friendship, and the Nation will miss her devotion to children's welfare.

I first met Mary in California when she was working on improving education in the state. Mary and I then worked closely together when I chaired the House Select Committee on Children Youth and Families in the 1980s here in the House.

She was a skilled advocate and negotiator and her vision and persistence were critical to my efforts on child welfare policy and numerous other issues. Mary advocated for children and families in many capacities here in Washington, D.C. over the past 30 years. She worked for the Legal Services Corporation to help ensure that our poorest citizens have access to the legal system that our Constitution promises. She later worked tirelessly at the Children Defense Fund on the first major expansion of the Earned Income Tax Credit and the original enactment of the Child Care and Development Block Grant—programs that have made an enormous difference for America's poorest families.

Her work with the Child Welfare League of America as Director of Public Policy also proved vital for the well-being of America's children and families. And her 8 years with the Clinton Administration allowed Mary to play a central and critical role in the many federal policies that affect children.

Her untimely death is a tragedy. Her colleagues will miss her and her family and closest friends will mourn her loss. To them, I extend my profound condolences and empathy. But in honor of Mary, let not one of us ever forget the meaning of her life's work. Mary Bourdette believed that every child and family, no matter how poor or meager their existence, deserved the chance to live a better life. She was a model for those who wish to dedicate themselves to improving the lives of others. And for that I am grateful. Our nation is indebted to her for what she believed in and what she tried so hard to accomplish.

TRIBUTE TO NANCY KERR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. DUNCAN. Mr. Speaker, Nancy Kerr, the founder of the first hospice program in Tennessee, was killed in a tragic accident on May 1.

I knew Nancy Kerr for a big part of my life. She was a staunch conservative and a strong supporter of both my late father and me.

She did not just talk about compassionate conservatism; she lived it.

She comforted more than 500 patients as they neared death and was doing this right up to the day of her death at age 80.

She was a wonderful woman, and this Nation is a better place today because of the love and kindness she gave to so many.

Sam Brown, a friend of mine, wrote a great article about Nancy Kerr for the August 27 edition of The Knoxville News-Sentinel.

I would like to call this article to the attention of my colleagues and other readers of the RECORD.

NURSES'S WORLD WAR II WORK LAID FOUNDATION FOR FUTURE HOSPICE CARE

(By Sam Brown)

It could have been a Hollywood movie.

She was a young, stunningly beautiful English nurse who cared for wounded British and American troops in World War II. Several dying soldiers called her an angle. Some said she looked like Katharine Hepburn. She was 18 and a student nurse when Allied forces stormed the beaches of Normandy, France. She remembers D–Day well, comforting many wounded and dying soldiers who were brought back from the front lines. After the war, she married Jim Kerr of Knoxville after saying she would never marry an American. She became the first hospice nurse in the state of Tennessee.

This is not a Hollywood script. It is the story of Nancy Wilkie Kerr.

She was born near Kuala Lumpur, Malaysia, where she spoke Malay and Chinese before she learned English. Kerr was 13 in Southhampton, England, when World War II started. She lived through German bombing raids and recalled when three British Spitfires flew up to meet 20 German bombers. The air raid sirens and the screams of the wounded were etched in her memory. She wanted to help, so she became a nurse. During the war, she worked 12-hour shifts for six weeks and got two days off. Kerr once said, "I look in the face of death every day."

It was invaluable experience for what was ahead in her life.

In 1979, Kerr helped establish the first hospice program at Fort Sanders Hospital. It was also the first program of its kind in Tennessee.

I was anchoring television news for Channel 6 in 1979 and heard about the hospice program. It intrigued me. I had never heard of Elisabeth Kubler-Ross, who founded the concept in England. Hospice is a medieval term meaning a stopping-off point for weary travelers.

In 1969, Kubler-Ross wrote the book "On Death and Dying." She presented the premise that the terminally ill go through various stages from denial to acceptance as death closes in. Hospice allows them to face death with dignity. Hospice tries first and foremost to relieve pain with medication, to prepare the patient for death both mentally and physically and, if possible, to let the patient die peacefully at home.

Kerr felt the terminally ill should not die in a sterile hospital room. In a span of 25 years, she comforted more than 500 families as their loved ones went through the stages of death with dignity. Shortly after the Knoxville program started, I did a two-part TV series on hospice with Kerr.

She told me, "You become a definite part of each family with which you work. Of course you get emotionally involved, but we try to aim for what we call a 'good death' where they are tranquil and accepting. Not joyous or euphoric but rather accepting."

Kerr died in May at the age of 80, just before her death, she was still doing what she did best—nursing the sick and terminally ill. And comforting their families. The tributes poured in at her funeral.

Patty Loveday wrote in the guest book, "She helped us through two long months of Mother's illness. We could never have brought Mother home without her. She was truly a wonderful nurse. We felt like she was part of the family."

Nancy's number three son, Chris and his wife, Karen, carry on her legacy with their company, Tender Hearts Support Services, which provides companionship for the elderly with a hospice approach. "We are trying to keep Mother's mission alive. She was truly a remarkable woman," Chris Kerr said.

Ironically, Nancy Kerr did not die in a hospice environment. On the afternoon of May 1, 2006, she was killed instantly in an auto accident on Alcoa Highway.

A friend at her funeral perhaps said it best. "Heaven has gained a new angel."

175TH ANNIVERSARY OF SARCOXIE, MISSOURI

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BLUNT. Mr. Speaker, I rise today to recognize the 175th anniversary of the City of Sarcoxie, located in Jasper County, Missouri.

The region where Sarcoxie is located was acquired by the United States as part of the Louisiana Purchase in 1803. One of the first known inhabitants of the area was Chief Sarcoxie, head of the Turtle Band of the Delaware Tribe of Indians. Thackery Vivion became the first permanent settler to Jasper County when he built a log cabin and began farming near Sarcoxie Spring in 1831, and Sarcoxie soon became the first town in Jasper County. Gene Taylor, who served in the United States House of Representatives from 1973 until 1989, was born near Sarcoxie, and the Gene Taylor Library and Museum is located on the town square.

I am proud to congratulate the City of Sarcoxie and its citizens on the 175th anniversary of this historic city.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Wednesday, September 6, 2006. As a result, I was not recorded for rollcall votes Nos. 427, 428, and 429. Had I been present, I would have voted "yea" on rollcall Nos. 427, 428, and 429.

HONORING ALAN BROCKMAN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize a distinguished American and constituent, Mr. Alan Brockman, for a successful career and a lifetime of public service exemplified by unwavering dedication to the Fire Island community along the south shore of Long Island.

Throughout his legal career, Alan has been a respected attorney and partner of the New York City law firm, Blank Rome, located in the Chrysler Building. With equal diligence and commitment, he has served Long Island residents as president of the Fire Island Pines Property Owners Association for the past 24 years, following 6 years as treasurer.

Alan's impeccable reputation and strong ties with local, state and federally elected officials have contributed to a record of exemplary representation of the Pines and effective leadership on behalf of the interests of its residents. For over forty years, Alan has opened his home to residents and friends of the Pines. Today, he enjoys traveling the world but continues to call the Pines home, where he will always be affectionately known as "the mayor," a title he has earned for dramatically improving the quality of life on Fire Island, where property values have nearly doubled as a result of his advocacy and hard work.

Alan's commitment to Long Island and the Fire Island Pines is also made evident by his numerous responsibilities, affiliations, friends, and titles, including 16 years directing the Fire Island Association. His efforts have always been focused toward making the Pines a better place to call home, and that is exactly where Alan's loyalty and his heart remain.

Mr. Speaker, it is an honor to represent constituents and civic leaders like Alan who work tirelessly to make our communities more livable and enjoyable. I am proud to congratulate Alan Brockman for a long and distinguished career, and on behalf of New York's First Congressional District and indeed all of Long Island, I wish him continued success in his future endeavors.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Wednesday, September 6, 2006, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 427 "yea" (H.R. 2808).

(2) Rollcall No. 428 "yea" (H. Res. 605).

(3) Rollcall No. 429 "yea" (H. Res. 875).

HONORING JUKE VAN OSS ON 55 YEARS OF BROADCASTING ON WHTC 1450

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. HOEKSTRA. Mr. Speaker, today I rise in honor of Juke Van Oss for 55 years of broadcasting on WHTC 1450 in Holland, Mich. On Aug. 12, Juke celebrated 55 years of service to the station and his community.

Juke began his career in radio during World War II on the Pacific, Front, transporting a radio for his infantry troop and transmitting codes. When the war ended, he returned home and continued to foster his interest in radio, obtaining his amateur license and later securing a job as a radio engineer for WHTC at 27 years old.

It was not until one morning that the announcer failed to arrive on time that Juke was able to sit at the microphone. An instant favorite of listeners, Van Oss began hosting his own morning show, and for the past 45 years he has hosted "Talk of the Town." Juke has become a household name and a local celebrity in the Holland area through his years behind the mic at WHTC.

When Juke started broadcasting in 1951, the United Nations headquarters officially opened in New York, "I Love Lucy" debuted on CBS and Bobby Thomson of the New York Giants hit the "Shot Heard 'Round the World" game-winning home run against the Brooklyn Dodgers to win the National League pennant.

Mr. Van Oss is not only a radio personality, but a community servant. He has served as a member of the Saugatuck Schools Board of Education and Village Council, including three years as Mayor, as well as President of the Chamber of Commerce and a seat on the Region 8 Criminal Justice Planning Council.

Mr. Speaker, please let it be known that on this Sept. 7, 2006, that the U.S. House of Representatives acknowledges the achievements of Mr. Van Oss and wishes him the best in his upcoming years of broadcast.

BEAM ME UP

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. TANCREDO. Mr. Speaker, let me get this straight: The Bush administration won't let the democratically elected President of Taiwan, a staunch aly and longtime friend of the United States, so much as stop to fill his airplane with gas in Alaska.

Yet they didn't hesitate to issue a visa to Muhammad Khatami, the former President of Iran—a country the U.S. has classified as a state sponsor of terrorism for nearly the last 30 years.

What can we expect next from the Rocket Scientists at State Department, Mr. Speaker?

Fidel Castro throwing out the first pitch at the next Yankee game?

Kim Jong Il spending the weekend at Disneyland?

Sudanese President Omar Al-Bashir giving a guest lecture on human rights at Cal-Berkley?

Hugo Chavez playing a round of golf at Army Navy?

As our old friend used to say, Mr. Speaker—Beam Me Up.

IMMIGRATION REFORM

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. PENCE. Mr. Speaker, in my lifetime, no issue has so disturbed our domestic tranquility than immigration reform.

Thanks to the leadership of this House, the American people are convinced we have a serious problem with illegal immigration and the American people know the Senate bill granting amnesty to 12M illegal immigrants is not the answer.

There are many ideas of how we can move forward. Senator KAY BAILEY HUTCHISON of Texas and I have proposed a compromise that would:

—put border security first and reject amnesty;

—after 2 years of border security only, our plan would set up a new guest worker program using American employment firms outside the United States;

—illegal immigrants would be required to leave the country and apply at these Ellis Island Centers by submitting to a background check and health screening before being issued a 2-year guest worker visa. They also would have to pass an English course to renew it; and

—tough employer sanctions would drive companies and employees into this new system.

Pence-Hutchison puts border security first, and once that is accomplished, it creates a new guest worker program outside the United States without amnesty and without creating a new federal bureaucracy.

Some in Congress think we have done enough. I believe we must do more. Even in this contentious election year, the American people expect us to "be strong, courageous and do the work" they elected this Congress to do.

A TRIBUTE TO THE BRAVERY OF NORTHAMPTON COUNTY SHERIFF DEPUTIES JOE MAGEE AND COREY JACKSON

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. BUTTERFIELD. Mr. Speaker, on Wednesday, July 12, 2006, the swift, determined and heroic actions of Northampton County Sheriff's Deputy Joe Magee and Northampton County Sheriff's Deputy Corey Jackson preserved the peace and protected the citizens of our community in eastern North Carolina.

During the incident, Deputy Joe Magee, a 28-year law enforcement veteran, and Deputy Corey Jackson, a 3½-year veteran of the sheriff's department, bravely took control of an enraged, armed suspect in the courtroom of the Northampton County Courthouse.

Facing a charge of murder, the suspect flew into a rage when Superior Court Judge Alma L. Hinton rejected a request to dismiss his lawyer. Despite being shackled, the suspect managed to wrestle a gun from a nearby state correction officer and fired shots.

Deputy Corey Jackson forced the suspect's arms toward the ceiling after a corrections officer was struck by a bullet in the shoulder and Deputy Joe Magee shot the inmate in the abdomen, ending the threat.

These decisive, heroic and selfless actions preserved the lives of those present and met the highest call of duty. It is my privilege today to commend the officers for their outstanding efforts and for acts of courage and quick thinking that saved the lives of the people they are sworn to protect.

Mr. Speaker, on behalf of the citizens of Northampton County, North Carolina, whom it is my privilege to represent, and on behalf of the United States Congress, it is my honor to recognize and thank Deputy Joe Magee and Deputy Corey Jackson. Their tireless dedication and exceptional bravery serve our community and our Nation well.

IN RECOGNITION OF JOHN TIPPETS, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise today to recognize John Tippets, the president and CEO of American Airlines Federal Credit Union, located in Dallas-Fort Worth on his election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). John has been an advocate for federal credit unions for over 15 years at the state and local level.

I know John will serve with distinction in his new post, as this is just one more in a long list of accomplishments. In addition to serving as President and CEO at AAFCU, he previously served on the Board of Directors as well. John previously served on the Filene Institute Advisory Council, the Federal Reserve's Thrift Institutions Advisory Council and Fannie Mae's National Advisory Council. Further, John currently serves on the Aspen Institute's Advisory Board for the "Initiative on Financial Security" and on NAFCU's Legislative Committee.

Under John's leadership, AAFCU has continued to grow, serving over 200,000 employees of the air transportation industry. During his time at AAFCU, John has worked hard to ensure that the credit union continue to reflect the original goals of the credit union movement; promoting thrift, encouraging volunteer leadership and cooperative ownership. AAFCU provides helpful, timely, personal service that caters to the needs and financial goals of individual members. It is that service that is the hallmark of AAFCU and the credit union movement.

Again, I wish John good luck in his new position as a member of NAFCU's Board of Directors.

REMEMBERING THE HEROES OF SEPTEMBER 11, 2001

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. BORDALLO. Mr. Speaker, I rise today upon the 5th anniversary of September 11, 2001, in solemn remembrance of those who lost their lives as a result of the terrorist attacks that befell our beloved country on that tragic day. Americans awoke that day to witness sudden, deliberate, unconventional and planned attacks on our country and on the ideals of freedom and democracy that we cherish and hold dear to our hearts. On Guam, we were ending our day due to the time zone difference. We tuned to the live television news coverage of the attacks and watched in disbelief as the events unfolded.

The scenes from the attacks on the World Trade Center in New York City and on the Pentagon in Arlington, Virginia, and the crash of United Airlines Flight 93 in the fields of Shanksville, Pennsylvania, are etched into our memories. Many of us remember where we were that day when we first learned of the attacks, who we were with, where we first sought refuge and consolation, and where we turned in the days that followed to offer our support to those that lost loved ones, to donate blood, or to simply lend a helping hand in a remembrance project.

On this anniversary we recall the 3,031 innocent individuals whose lives were lost as a result of these terrorist attacks. We remember the valor of those who came face-to-face with the terrorists on the hijacked commercial airplanes, the courage of those trapped inside the targeted buildings, and the bravery of the first responders who came to their rescue. We remember the dedication of the personnel from the Port Authority of New York and the Federal Aviation Administration who worked under extreme pressure that day to safeguard our transportation networks and to protect the lives of passengers, pilots, and flight crews en route and in the air. Their professionalism brought control and command in an environment threatened with chaos and distress.

On Monday, September 11, 2006, the people of Guam will join the rest of the country in remembering and mourning the innocent victims of the terrorist attacks, as well as the brave men and women who gave of their lives trying to save others in the aftermath.

The events of September 11, 2001, have helped strengthen our country. Today, we are more resilient, stronger, and especially proud of our first responders and law enforcement community. Our commercial aviation industry has rebounded and commercial flight today inside the United States is safe as a result of the professionalism and dedication of airport and airline employees.

We must continue to denounce those who would do evil against our country, and to our allies around the world, and we must continue to support our men and women, sons and daughters, brothers and sisters, who fight terror abroad today.

God Bless the families who lost loved ones to the heinous attacks on our country on September 11, 2001, God Bless those who lost their lives fighting terror on foreign shores and those who continue to fight, and God Bless Guam, and God Bless our great country, the United States of America.

ACCOUNTABLE BUDGETING COMMISSION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. CRENSHAW. Mr. Speaker, in 1967 the Federal Government spent just over $157 billion and operated with a deficit that was under $9 billion. Today, almost 40 years later, the Federal Government spends approximately $2.7 trillion and has a $260 billion deficit.

The Federal Government's total spending and oversight has vastly changed from the 1960s, yet it still operates under the basic accounting rules established 40 years ago by President Lyndon Johnson's Commission on Budget Concepts.

Just as an engine of a 1967 Cheverolet Impala would be an automotive disaster in a 2006 Toyota Prius, our economic policies suffer today because we are using outdated concepts and antiquated accounting practices.

Today, I am introducing the Accountable Budgeting Commission. This needed legislation will provide the long overdue review of the underlying concepts that are impairing our ability to properly and effectively analyze and understand the issues we face in the 21st century.

This Commission will provide the necessary oversight and make recommendations on ways to modernize our basic budgetary principles as Congress brings more accountability and transparency to the budget process.

I look forward to working with my colleagues on this important and long overdue legislation.

HONORING MR. RAY L. PERETTI OF KENT, WASHINGTON

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. SMITH of Washington. Mr. Speaker, I rise today to highlight and commend the service of Ray L. Peretti of the Ninth Congressional District of Washington, for his service to his community and the Nation as a member of the National Association of Insurance Agents.

Mr. Peretti recently completed his term as the president of the National Association of Professional Insurance Agents, and has also served in many positions of responsibility in the association. Mr. Peretti has been a member of the board of directors of PIA National since 1995. He was also a member of the board of directors of PIA of Washington/Alaska, which is now part of the PIA Western Alliance, serving as vice president, president-elect and president and on various committees.

Mr. Peretti has served on the State of Washington Property and Casualty Advisory Committee. He was named Agent of the Year by PIA of Washington/Alaska in 1995, received the Hartford/Jonathan Trumball Council's Chairman's Award. Mr. Peretti was also honored by the Insurance Fire Mark Society of the Pacific Northwest with its Presidential Award, and is the recipient of a public relations award from the Insurance Women of South King County.

Active in his community, Mr. Peretti is the owner of the Hub Insurance Agency of Renton, Washington. A lifelong member of the Renton Lions Club, he is also a member of the Renton Chamber of Commerce, serving 6 years as a member of its board of directors, and has been a member of the Renton Arts Commission and the Renton Ethics Board.

As a professional insurance agent, Mr. Peretti's dedication to the highest standards of his profession has earned him the respect of his friends, associates, business colleagues, and of the insurance industry as a whole.

Mr. Speaker, I appreciate the opportunity to rise today to recognize the good work that Ray L. Peretti has done throughout his career as a member of the insurance community, and to again congratulate him on the completion of his term as the president of the National Association of Professional Insurance Agents.

RECOGNIZING THE LIFE AND ACHIEVEMENTS OF ERNESTO MERCADER ESPALDON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the achievements of Dr. Ernesto Mercader Espaldon who passed away on August 4, 2006. Dr. Espaldon was a devoted husband and father, an accomplished physician, a dedicated public servant, and community leader.

Born on November 11, 1926, to Cipriano Acuna Espaldon and Claudia Cadag Mercader in Simunul, Sulu Province, Philippines, young Ernesto Espaldon, established himself as a true Filipino and American patriot. Joining the Sulu Guerrilla Organization as a freedom fighter, the 16-year-old soldier quickly proved his abilities as a soldier and leader. On January 12, 1945, Ernesto and two fellow soldiers fended off a contingent of Imperial Japanese soldiers attempting to take the village of Banaran, Tawi-Tawi. For their heroism, the grateful people of Banaran erected a monument memorializing the battle and the three soldiers.

Spoken in his own words, Dr. Espaldon was a humanitarian who firmly believed that "God gives us gifts that we might share them, not hold them for our own." For 36 years, Dr. Espaldon fulfilled those very words, having made biennial medical relief missions to islands throughout Micronesia. He founded the Guam Balikbayan Medical Mission and pioneered teams of local and national experts on journeys to isolated provinces in the Philippines. Committed to meeting the medical needs of others, in particular children and young adults, his efforts were entirely voluntary. These medical missions set an example of community service for others.

He served six terms in the Guam Legislature. Dr. Espaldon was a dedicated public servant of the people of Guam. His political career was one marked by courage. He sponsored and steered to passage the island's first smoking ban legislation and he did so under the threat of losing his bid for re-election. He was a man who worked hard for the good of the people and the island of Guam.

Having served with Dr. Espaldon in the Guam Legislature, I recall that he was a model citizen-senator. His service was marked by dedication and advocacy for health issues. His devotion to his family and to the people of Guam is an inspiration to our island. His keen attention to detail and thoroughness was a reflection of his medical training. I will always remember Ernie for his spirit, his community involvement, his humanitarianism and his compassion to the condition of those less fortunate.

I am deeply saddened by this loss and know that many people on Guam, in the Philippines, and throughout the Pacific are mourning as well. My thoughts and prayers are with his wife Leticia Virata Espaldon, M.D., and their six children: Arlene, Vivian, James Albert, Diane Marie, Karl Patrick, and Ernesto Jr. Although he will be missed by his family and friends throughout the Pacific, his legacy of service will live on in our community.

HONORING THE 9/11 FLIGHT CREW MEMBERS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise today in order to honor the flight crew members that lost their lives in the terrorist attacks on the United States on September 11, 2001.

During the horrific attacks that took place on that fateful date, thousands of innocent people lost their lives at the hands of these terrorists. Among them, 25 flight attendants, 5 captains and 4 first officers were lost on American Airlines flights 11 and 77 and United Airlines flights 93 and 175. Everyone of them acted heroically in the face of the terrorist attacks, the magnitude of which is unparalleled in American history.

In addition, on December 22, 2001, the flight crew members of American Airlines flight 63 responded with courage, determination, and skill, saving the lives of 185 passengers, 12 crew members, and countless people on the ground, by helping to restrain Richard Reid, who was attempting to detonate a bomb in his shoe.

This Monday, September 11, 2006, on the 5th anniversary of the terrorist attacks, the 9/11 Flight Crew Memorial Foundation will hold a candle light vigil and dedication of a new memorial to honor these American heroes in Grapevine, TX.

It is my honor for this memorial to be located in my district. It will serve not only as an inspiration to every American because of the courage and fortitude the flight crew members showed in the face of danger on 9/11, but also as a stark reminder of the continuing danger that we all face and the vigilance we must maintain.

RECOGNITION OF PETE HOSKINS, PRESIDENT AND CEO OF THE PHILADELPHIA ZOO

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. FATTAH. Mr. Speaker, I rise today to honor Alexander L. (Pete) Hoskins, who has diligently served as President and CEO of the Philadelphia Zoo for the past 12 years. Pete is the Zoo's 12th president and the fourth-longest serving leader since it opened in 1874. America's first zoo and one of the region's foremost conservation organizations, the Philadelphia Zoo is home to more than 1,500 animals, many of which are rare and endangered. The Zoo, fulfilling its mission of conservation, science, education and recreation, supports and engages in conservation efforts to protect endangered species around the world.

I am proud to have known Pete, not only as head of the Zoo, but also during his tenure at the Fairmount Park Commission and the City of Philadelphia. Pete has been serving the citizens of Greater Philadelphia for over 30 years. His vision and cultural destination advocacy reaches beyond the Zoo. He championed a plan to promote a network of family-friendly attractions in Fairmount Park, revitalizing the Park and positioning it as a family destination with the Zoo as anchor. The relocated Please Touch Museum will be a key step in making the "Centennial District" a reality. I am pleased that Pete, farmer chair of the Greater Philadelphia Cultural Alliance, will continue to work on behalf of the arts and culture community in the Philadelphia region.

During his tenure at the Zoo, Pete led an unprecedented, $100 million capital investment, including the Zoo's spectacular, $20 million Bank of America Big Cat Falls exhibit that recently opened. The list of new facilities and other Hoskins-led initiatives includes: New Animal Health Center, PECO Primate Reserve, Reptile House Renovation, Dodge Rare Animal Conservation Center, Lorikeet Landing, Monkey Junction, and Channel 6 Zooballoon.

Pete also has laid the foundation to raise capital for three more master plan projects, including a series of new bird exhibits, a new elephant habitat, and a new children's zoo. In 1997, he guided the Zoo's Board and staff through the development of "Vision 2020" and the Zoo's master plan as the Zoo renewed and strengthened its mission to educate visitors and inspire them to take action in their own lives to protect animals and their natural habitats. All of the Zoo's new exhibits now include key conservation messages and opportunities to engage in conservation outreach.

Mr. Speaker, I am proud to pay tribute to Pete Hoskins. His knowledge, dedication and vision for Philadelphia are truly an asset. I would like to thank him for his Zoo leadership and sincerely look forward to working with him for the betterment of Philadelphia into the future.

IN MEMORY OF IMOGENE HARRIS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. TANNER. Mr. Speaker, today I rise to honor the memory of Mrs. Imogene Harris, an important community leader in Tennessee, a tireless political activist and my dear friend. Imogene died Saturday in an automobile accident.

Imogene had been active in the Gibson County Democratic Party and the Tennessee Democratic Party for nearly 50 years, during which she was an important part of hundreds of local, state and national campaigns. I was fortunate to have Imogene working in my congressional office. She also worked closely with my predecessor, the late Congressman Ed Jones, former Governor Ned McWherter and Vice President Al Gore, and served as a delegate to four Democratic National Conventions.

She was just as involved locally. A board member at the Carl Perkins Center for the Prevention of Child Abuse and former chair of the Milan Housing Authority, Imogene was also to be sworn in next week as a Gibson County Commissioner.

The driving force behind her work was an attempt to help those around her and make our community stronger. Imogene was known in Tennessee for her take-charge attitude. She knew her opinions, shared them often and acted on them enthusiastically.

Imogene and her late husband, Tom "Skinny" Harris, have two daughters, Jan Anderson of Milan and Pam McAlpin of Trezevant, and four grandchildren, Jake and Clay Anderson, and Jason and Adam McAlpin.

Mr. Speaker, I am saddened that you and most of our colleagues in the House of Representatives never got to meet my friend, Imogene Harris. The way she lived her life, the passion with which she acted on her beliefs, and the dedication with which she worked to improve our world, make her the perfect example of effective leadership. She will be sorely missed.

IN TRIBUTE TO THE LATE MAYOR RITA AFLLEJE TAINATONGO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the life and achievements of Mayor Rita Aflleje Tainatongo who passed away on August 13, 2006. Mayor Tainatongo was a caring and devoted public servant who was dedicated to her family and loved by her village of Malesso and all the people of Guam.

Rita was born on January 7, 1949 to Antonio Taitano Afleje and Rosa Tedpahago-Champaco in the village of Malesso. She was raised in a loving and caring home that included her parents, her brother John, and two sisters, Rosita and Regina. Rita credits Felipe Duenas and Josefina Acfalle Candaso as important role models during her formative teen years who helped her develop the character and poise that she was known for as a young adult.

Rita attended Mount Carmel School, in Agat, and graduated from the Academy of Our Lady of Guam in 1967. Her public service career began in 1985 when she was appointed as a Municipal Clerk in the Malesso's Mayor's Office. She later became the Administrative Assistant to the Mayor. Her reputation as a "can-do" person and her experience led to her own successful run for the Mayor's Office in 2000. She was reelected to a second term in 2004.

During her two terms she re-invigorated the sister village relationship between the Coast Guard and Malesso, improved services for senior citizens and successfully organized the Malesso Fiestan Tasi annual celebrations.

A lifelong Democrat, Rita was a village leader for the party in the gubernatorial campaigns of 1982, 1986 and 1990. Her politics were motivated by a deep sense of purpose and a vision of what government can do to make lives better.

Throughout her public life, Rita gave back to the community through her support of the American Cancer Society and American Red Cross and other civic organizations.

The island of Guam has lost a leader, a humanitarian, and a friend. Our thoughts and prayers are with Rita's husband, Ramon Baza Tainatongo, her children, and grandchildren. We are saddened and at the same time we are inspired by how much one person can accomplish for her community. She has touched many lives and made the island a better place to live for many people, most especially her beloved people of Malesso.

HONORING SOUTHLAKE, TEXAS UPON 50 YEARS OF INCORPORATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. MARCHANT. Mr. Speaker, I rise today to recognize the city of Southlake, Texas for it's 50th Anniversary of Incorporation.

In 1956, Southlake was born on the North Texas Prairie as 1.62 square miles of land with less than 1000 inhabitants and now boasts 22 square miles with a population of more than 25,000 Texans.

During the past 50 years, businesses and families alike have migrated to Southlake to plant roots in the stable and warm community. With the growth of the city's size in land and residents, Southlake has worked hard and succeeded at maintaining a comfortable and safe hometown atmosphere.

The American family is thriving in Southlake, Texas with just over 60 percent of families having kids under the age of 18. Whether a faculty member in the accomplished local school system, or a participant in the storied high school athletic programs, these families take great pride in preparing their children for the future. Within these families are hard working employees at locally owned businesses or large corporations who strive for the betterment of the community in which they live.

I commend Southlake's city officials of past and present for their dedication during challenging periods of growth and laud their accomplishments of making Southlake a premier North Texas community for families and businesses.

I give my congratulations to the city officials and private residents of Southlake on their Golden Anniversary of Incorporation. I honor Southlake, Texas upon this milestone and look forward to the future as the city continues to be a shining example in North Texas.

It is with pride that I serve such a distinguished city in my Congressional District and give my sincere congratulations upon this Golden Anniversary.

THE REOPENING OF THE SAN MATEO LIBRARY—A 21ST CENTURY MARVEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2006

Mr. LANTOS. Mr. Speaker, every now and then there are events in the life of a city that are so monumental they alter the very core of the city and its people. Today, the city of San Mateo, California, which is in my Congressional District, is proudly reopening its public library and I am certain that this new library, a true modern marvel, will change San Mateo for the better.

Today's event is the culmination of seven years of hard work, including close to 50 community meetings, years of fund-raising, and two years of construction. However, I can say with complete confidence that it was all worth it.

Mr. Speaker, this new library is the monument to learning that the citizens of San Mateo desire and deserve. This 90,000 square foot modern marvel is three times larger than the old library, contains 75,000 additional books, 10 times the number of computers, and a wireless internet connection throughout the building. Despite its towering size, the building was designed in an environmentally friendly manner. In fact 98% of the original building was recycled during the demolition process. The new library utilizes natural light and the latest technologies; including automated window shades that rise and close based on room temperature to create a "green building" that is expected to save the city 40% in energy costs.

Mr. Speaker, while the library of the past was mainly used to borrow reading material, today's 21st century library is intended to be a focal hub of the community and the new San Mateo library has been expertly designed in that fashion. The library will boast a teen lounge, a multi-media collection, a story time amphitheater in the children's section with stories told in English, Spanish and Chinese languages, as well as a café operated by a local vendor. In addition because the Bay Area is the pinnacle of our nation's biotech industry the library will include a Biotechnology Learning Center, which will be staffed by its own biotech librarian and will include seminar rooms and specialized reference materials. Of course the library will also continue to provide more traditional offerings, such as adult literacy programs, research training for elementary school age students, and Internet classes for the general public.

The roots of the San Mateo library were planted in 1883 when members of the Ladies Guild of St. Matthew's Episcopal Church decided to create "a reading room or place of resort where people could pass their leisure time socializing and improving their minds by reading good books and periodicals". Today, more than 100 years later the citizens of San Mateo have once again shown incredible foresight to create a citadel of culture and a place where its residents can ensconce themselves in an educational environment.

HOUSE OF REPRESENTATIVES—*Friday, September 8, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CAMPBELL of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 8, 2006.

I hereby appoint the Honorable JOHN CAMPBELL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, shower Your blessings of welcome and peace upon all the new pages, interns and other staff who begin their work here in the U.S. House of Representatives for this session of Congress.

You are the God of light. With each dawning day, You provide Your people with new assurances of Your love.

Bless the continuing work of the 109th Congress, that the common good and protection of this Nation be secured and that, by working together, all may give You praise and glory, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, September 8, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 8, 2006, at 10 a.m.

That the Senate passed S. 2200.
That the Senate passed S. 2697.
That the Senate passed S. 3722.
That the Senate passed S. 1998.
That the Senate passed S. 2590.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes; to the Committee on the Judiciary.

S. 2200. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on International Relations.

S. 2697. An act to establish the position of the United States Ambassador for ASEAN; to the Committee on International Relations.

S. 3722. An act to authorize the transfer of naval vessels to certain foreign recipients; to the Committee on International Relations.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debate.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 12, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9241. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2, 6-Diisopropylnaphthalene; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2006-0373; FRL-8081-9] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Benthiavalicarb-Isopropyl; Pesticide Tolerance [EPA-HQ-OPP-2005-0035; FRL-8084-6] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9243. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Paraquat Dichloride; Pesticide Tolerance [EPA-HQ-OPP-2006-0664; FRL-8089-3] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9244. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propoxycarbazone; Pesticide Tolerance [EPA-HQ-OPP-2006-0504; FRL-8091-4] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9245. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredient; Revocation of the Tetrahydrofurfuryl Alcohol (THFA) Tolerance Exemption [EPA-HQ-OPP-2006-0251; FRL-8082-2] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9246. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Revocation of Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2006-0230; FRL-8084-1] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9247. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredient; Revocation of the Tolerance Exemption for Mono- and Bis- (1H, 2H, 2H-perfluoralkyl) Phosphates Where the Alkyl Group is Even Numbered and in the C6-C12 Range [EPA-HQ-OPP-2006-0253; FRL-8082-3] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9248. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Isophorone; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0582; FRL-8082-1] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9249. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC Regulations and One-hour Ozone Attainment Demonstration Shortfall [EPA-R01-OAR-2005-CT-0001; A-1-FRL-8209-6] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

9250. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Ford Motor Company Adjusted Standard [EPA-R05-OAR-2006-0436; FRL-8214-2] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9251. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Kentucky: Air Permit Regulations [EPA-R04-OAR-2006-0337-200613(f); FRL-8216-7] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9252. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Texas; Discrete Emission Credit Banking and Trading Program [EPA-R06-OAR-2005-TX-0029; FRL-8216-5] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9253. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Texas; Emission Credit Banking and Trading Program [EPA-R06-OAR-2005-TX-0006; FRL-8216-3] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9254. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Texas; Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program for the Houston/Galveston/Brazoria Ozone Nonattainment Area [EPA-R06-OAR-2005-TX-0033; FRL-8216-6] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9255. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Texas; Revisions for the Mass Emissions Cap and Trade Program for the Houston/Galveston/Brazoria Ozone Nonattainment Area [EPA-R06-OAR-2005-TX-0023; FRL-8216-4] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9256. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Ozone Attainment Plan for the Houston/Galveston/Brazoria Nonattainment Area [EPA-R06-OAR-2005-TX-0018; FRL-8216-1] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9257. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Rules for the Control of Highly Reactive Volatile Organic Compounds in the Houston/Galveston/Brazoria Ozone Nonattainment Area [EPA-R06-OAR-2004-TX-0014; FRL-8216-2] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9258. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementation Plan [EPA-R09-OAR-2006-0464; FRL-8210-2] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9259. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Nitrogen Oxides Budget and Allowance Trading Program, Phase II; Correcting Amendment [EPA-R04-OAR-2005-AL-0001-200520c; FRL-8205-2] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9260. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Finding of Attainment for Rillito Particulate Matter of 10 Microns of Less (PM10) Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction [EPA-R09-OAR-2006-AZ-0388; FRL-8206-4] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9261. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Las Vegas Valley Carbon Monoxide Attainment Plan [EPA-R09-OAR-2006-0322; FRL-8190-2] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9262. A letter from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to expand foreign policy-based export controls on certain items to Iraq under the authority of Section 6 of the Export Administration Act of 1979; to the Committee on International Relations.

9263. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period June 1, 2006 through July 31, 2006; to the Committee on International Relations.

9264. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Planning for U.S. Fusion Community Participation in the ITER Program," in accordance with Section 972(c)(5)(D) of the Energy Policy Act of 2005; to the Committee on Science.

9265. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2005 Findings on the Worst Forms of Child Labor," pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

9266. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the July 2006 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375; jointly to the Committees on International Relations and Appropriations.

9267. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "The Medicare Quality Improvement Organization (QIO) Program — Response to IOM Study," as required by Section 109(d)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

9268. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Evaluation of the Quality Improvement Organization (QIO) Program for Medicare Beneficiaries for Fiscal Year 2005," as required by Section 1161 of the Social Security Act; jointly to the Committees on Ways and Means and Energy and Commerce.

9269. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2005"; jointly to the Committees on Ways and Means and Energy and Commerce.

9270. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a draft bill, "To amend the R.M.S. Titanic Maritime Memorial Act of 1986 to implement the International Agreement Concerning the Shipwrecked Vessel RMS Titanic"; jointly to the Committees on Resources, International Relations, Ways and Means, the Judiciary, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 5815. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2006 and 2007, and for other purposes; with amendments (Rept. 109–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4583. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; with an amendment (Rept. 109–644). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5503. A bill to amend the National Housing Act to increase the mortgage amount limits applicable to FHA mortgage insurance for multifamily housing located in high-cost areas (Rept. 109–645). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LATOURETTE:

H.R. 6049. A bill to amend section 1729 of title 38, United States Code, to eliminate the authorization for the United States to recover or collect from health plans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICHAUD:

H.R. 6050. A bill to amend the Trade Act of 1974 to require the President to make a determination that a fundamental international payments problem exists and to proclaim a temporary import surcharge whenever the United States current account deficit exceeds 2 percent of the United States Gross Domestic Product; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. REGULA, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. HOBSON, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. STRICKLAND, Mr. OBEY, Mr. LAHOOD, Mr. WELDON of Pennsylvania, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. RAHALL, and Mr. UDALL of Colorado):

H.R. 6051. A bill to designate the Federal building located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building"; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

436. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 48 requesting that the federal government allow national guard members and military reservists with twenty or more years of service to retire with full retirement benefits at age fifty-five; to the Committee on Armed Services.

437. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 47 urging the Congress of the United States to support improving the quality of the Nation's public schools by substantially increasing education funding; to the Committee on Education and the Workforce.

438. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. AR55 memorializing the Congress of the United States and the President of the United States to enact "Lyme and Tick — Borne Disease Prevention Education, and Research Act of 2005"; to the Committee on Energy and Commerce.

439. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 62 urging the United States Office of Personnel Management to treat Hawaii Federal Employees with regard to pay and retirement benefits the same as federal employees who reside in the forty-eight continuous United States; to the Committee on Government Reform.

440. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 151 memorializing the United States Postal Service and the Congress of the United States to keep open the Gaylord, Michigan Mail Processing Center; to the Committee on Government Reform.

441. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 69 urging the United States Postal Service and the Citizens' Stamp Advisory Committee to issue a stamp honoring the United States Army's canine corps; to the Committee on Government Reform.

442. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 80 requesting the President of the United States and the Congress of the United States to adopt changes to the Medicare Part D Program; jointly to the Committees on Energy and Commerce and Ways and Means.

443. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 67 supporting International Women's Day and requesting the United States Senate to ratify the convention on the elimination of all forms of discrimination against women; jointly to the Committees on International Relations and Energy and Commerce.

444. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 120 urging the President of the United States and the Congress of the United States to support H.R. No. 3468 to control the introduction and spread of invasive species and diseases in Hawaii; jointly to the Committees on Resources and Agriculture.

445. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 138 expressing the sense that President Bush should reconsider decision to outsource port operation to a company controlled by a foreign government; jointly to the Committees on Financial Services, Energy and Commerce, and International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 941: Mr. FORTUÑO.

H.R. 1384: Mr. ISSA.

H.R. 1418: Mr. STUPAK.

H.R. 2568: Mr. STUPAK.

H.R. 2635: Ms. WATSON.

H.R. 4198: Ms. LEE.

H.R. 4992: Mr. LOBIONDO.

H.R. 5200: Mr. ROSS, Mr. MCGOVERN, Mr. PRICE of North Carolina, and Ms. SCHWARTZ of Pennsylvania.

H.R. 5862: Mr. BURTON of Indiana and Mr. HAYWORTH.

H. Res. 943: Mr. SCHWARZ of Michigan.

PETITIONS, ETC.

Under clause 3 of rule XII,

153. The SPEAKER presented a petition of Mr. Sherwood Theodore Rodrigues, a Citizen of Bremerton, Washington, relative to petitioning the Congress of the United States for redress of grievances; which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 14 by Mr. FILNER on House Resolution 917: Ted Strickland and Michael H. Michaud.

SENATE—*Friday, September 8, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, ruler of our nature, hallowed be Your Name. Today, we pray for those in the forefront of world events: for Government leaders, as well as all those whose words and insights influence the course of human history. Give them the courage not to tolerate injustice or resort to violence as a first option. Remind them that You bless peacemakers and call them Your children.

Guide our Senators as they use the immense resources of this land to bring relief to the oppressed. Make them good stewards of your manifold grace and may their lives magnify Your name. Today, use them to establish peace and justice in our land.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we return to session for the consideration of the port security bill. Last night we were able to complete work on the Defense appropriations bill, with a final vote of 98 to 0 on passage.

Following that vote, we began consideration of port security, with opening statements which began last night and continue this morning.

I stated last night that we will not be voting on amendments today, but we do anticipate Members will come forward and offer and debate amendments over the course of business today and Monday. The two leaders will then work with the managers and begin stacked votes on those pending amendments for Tuesday morning.

Having said that, I ask Senators to make themselves available today and Monday to debate their amendments.

I again remind my colleagues of the joint leadership event on Monday which will observe the fifth anniversary of the terrorist attacks on September 11. We will have a brief ceremony beginning at 6 p.m. on Monday on the east front of the Capitol. All Senators are invited to participate.

Mr. President, I turn to my colleague from Missouri. I have a short statement on port security, but I know the Senator has other scheduling issues today. I will defer to him and then make my statement on port security following his remarks.

The PRESIDENT pro tempore. The Senator from Missouri is recognized.

ANNIVERSARY OF SEPTEMBER 11, 2001

Mr. BOND. I thank the Chair. I thank the majority leader.

Mr. President, 5 years ago Monday, we witnessed the murder of 3,000 Americans in the largest terrorist attack on American soil in the Nation's history.

September 11 was a day of loss but also a day of lessons. On September 11, 2001, the American people learned there exists a group of killers, fueled by a twisted version of Islam, who want to destroy America. But we also witnessed how a group of passengers in one hijacked plane, United flight 93, banded together, fought back, and saved countless lives in a simple, selfless act of heroism.

Today, we continue to fight the same group of killers not on an airplane over America but in a country in their own neighborhood, Iraq, and elsewhere in the Middle East and around the world.

It is the same enemy, the same determination, the same goal. But today we are fighting the radical Islamists on their own turf because we have a President who knows if America doesn't fight back, another September 11 is inevitable.

Although the central front on the war in terror is Iraq, we have taken the fight to every corner of the globe. We have improved our intelligence capabilities. We have programs in place to help watch what the bad guys are doing, gather intelligence and disrupt their plans.

We have made progress. We passed the PATRIOT Act, developed effective terrorist surveillance programs, created the Department of Homeland Security, established the Director of National Intelligence, and tore down the wall built by previous administrations which blocked critical communications between agencies.

That work has paid off. There has been no attack in the United States since September 11. Afghanistan and Iraq are now free. They have held elections. They are taking control of their own security forces.

Yet while the threat level remains high, some in this country, and regrettably in this Senate, want to let our guard down. Some talk of giving up the fight in Iraq. Let's not talk of "troop redeployment" and other such euphemisms. If America pulls out of Iraq now, it signals to our enemies we have given up.

On that day, the United States and the world will embark on a future of fear and violence unlike what we have ever seen. It will be a black day for freedom and democracy. It would embolden and encourage every religious extremist and other enemies of the United States.

Letting our guard down is not a choice. It is an invitation to disaster. The alternative to naysayers is to continue our efforts. America must support the democratic governments in Iraq and elsewhere in their efforts to disarm militias and deter regional countries from undermining security there. We can't allow a minority of criminal extremists to intimidate Iraqi citizens.

While some talk of giving up the fight in the central front on the war on terror, others leak sensitive details of legal classified intelligence programs to the media to further their political agendas. We have seen our most important intelligence-gathering methods splashed across the front pages of our newspapers for the world, including our enemies, to see. Leaks expose our methods of apprehending the enemy and erode the confidence of our allies.

Over the past year, there has arisen an apparent absence of fear of punishment in regard to the arbitrary divulging of highly classified information. That needs to change. Each of these leaks gravely threatens our national security and makes it easier for our enemies to achieve their murderous and destructive plans.

The critics of this administration and our efforts to go after the enemies fail to understand the nature of our enemies, but they understand politics. I am afraid politics is what is driving some of our friends on the other side.

In the Intelligence Committee, the Democrats decided in 2003 they could

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

prove that the administration misled the people of America, misused intelligence, and pressured the intelligence-gathering activities. We had 2 years of discussion and debate and thorough review. We concluded, the Intelligence Committee, as did the Silverman-Robb Commission and others that there was no pressure, that there was no misuse of intelligence. In fact, the intelligence was bad. But some continue to hold that view, even though the facts do not support those conclusions.

This is a long, hard battle. The people are being challenged and tested. Many are weary of war. My Democratic colleagues want to play on the weary public, trying to convince them if the United States withdraws from the rest of the world, our enemies will leave us alone. They are tougher on our Secretary of Defense than they are on the enemy. They spent a whole lot of time on Wednesday talking not about how to defeat terrorists in Iraq and elsewhere, rather, how to bring down the Secretary of Defense. Thankfully, the President and the Secretary know the truth; that is, that our enemy will not stop, and any sign of weakness on America's part will be exploited fully.

Throwing in the towel on the war on terror is not an option. But the Democrats—some—would have us believe that. Iraq's Ambassador to the United States said recently:

> Plan B—abandoning the region to the religious fanatics and Baathist terrorists—is nothing but a definition of defeat dressed up to look like a vision for the future.

He continues:

> A retreat on Iraq would encourage all the enemies of the United States—and they are many—to be bolder and more ready to challenge its interests everywhere. A radicalized, totalitarian, fragmented Iraq, sitting on a lake of oil, would become the center of a new and dangerous bloc threatening the United States and world peace.
>
> Not only would abandoning Iraq to its fate now be irresponsible, it would almost certainly lead to disintegration and dictatorship, with a high risk of a wide regional conflict—a catastrophe for not just Iraq but also for the United States and for world peace.

The Iraqis understand what is at stake. The administration understands what is at stake. Those on this side of the aisle do, but, unfortunately, some in the minority do not. For political reasons, they will not acknowledge the reality.

So we may expect to see they will continue to play the war on terror as a political game. This is not the first time, for sure. They have long argued for a cut-and-run strategy and have blocked our efforts time and again to fight this war. The minority voiced opposition to the NSA surveillance program. They blocked reauthorization of the PATRIOT Act for months, with the minority leader proudly boasting, "We killed the PATRIOT Act."

Sadly, the political games will continue at least until November. But the war on terror against radical Islam will last for generations. The choices we make today will shape the world we live in, the world our children live in.

Republicans have worked to make America safer. Action by the President and the Republican Congress, through the use of military intelligence and law enforcement resources, has led to the capture of many of al-Qaida's top leaders and degraded the capabilities of a terror network.

More needs to be done, both here at home and abroad. Accomplishment will take resolve and determination and a long-term commitment, not abandoning our efforts at the first sign of hardship.

As I said at the beginning, the passengers of United Flight 93 banded together, fought back, and died to save countless lives in a simple, selfless act of determination. It is that kind of determination that will serve us well as we confront the challenges ahead.

I ask unanimous consent that the statement of Iraqi Ambassador Samir Sumaidaie be printed in the RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT IRAQ NEEDS

(By Samir Sumaidaie)

AUGUST 28, 2006.—As the debate on Iraq rages on, more and more American voices call for throwing in the towel and leaving the mess to the Iraqis to sort out.

The controversy over the decision by the United States to remove the Saddam Hussein regime should not prevent an honest assessment of the situation in Iraq today. That the post-Hussein period was not well managed is now widely acknowledged. But we are where we are, and there is a future for all our children to secure. Plan B—abandoning the region to religious fanatics and Baathist terrorists—is nothing but a declaration of defeat dressed up to look like a vision for the future.

Our enemies' strategy has never changed: creating mayhem and making Iraq ungovernable, thereby driving the Americans and their allies out, and installing a Saddam Hussein look-alike to "make peace." In pursuing this strategy, they have forged many alliances and changed course and tactics many times.

Just as they have kept to their strategy and adapted, we should do the same. In this context, staying the course must mean adapting our approach while still standing firm for democracy and for a new vision for the country and the region. If we abandon our effort, our enemies win by default.

Those in the new government and leaders of civil society in Iraq are putting their lives on the line every day to advance a democratic society. And it is this that our enemies are most afraid of—not U.S. forces but a real democracy in the Middle East that would showcase human rights, women in politics and the rule of law. And they fear that this worst-case scenario could prove to be contagious.

What has made the last three years hugely more difficult and complicated is the fact that we all underestimated the determination of our opponents—and some of our neighbors—to undermine this new project. In the context of a global confrontation, this has pitched our fledgling democracy onto the front line of a monumental struggle. It is these outside forces, allied with Saddamists, other terrorists and regular criminals, that threaten to overwhelm us.

A retreat on Iraq would encourage all the enemies of the United States—and they are many—to be bolder and readier to challenge its interests everywhere. A radicalized, totalitarian, fragmented Iraq, sitting on a lake of oil, would become the center of a new and dangerous bloc threatening the United States and world peace.

Some argue that the very presence of the foreign forces is a source of tension and that their departure would remove a prime source of violence. This claim is without merit. Consider precisely who is ready to fight to drive foreign forces out: It is only the Saddamists and the religious extremists (al Qaeda and the like). If U.S. forces are in fact withdrawn, these people will consider it a victory and go on fighting even harder to achieve control over the country.

The majority of Iraqis may be irritated by the presence of foreign forces, but most realize that a premature withdrawal would create hideous problems for the country. This majority includes Sunnis as well as Shiites and Kurds.

The real question is: What to do now in the face of the combined onslaught of insurgents, terrorists, criminal gangs and sectarian militias.

A policy for success should include:

* Developing, with the Iraqi government, workable measures for reforming the security forces and making available the necessary resources to implement them.

* Supporting the government of Prime Minister Nouri al-Maliki in its efforts to disarm the militias. What is needed is a detailed, multifaceted approach that encompasses political, economic and public-information considerations as well as conventional force.

* Applying maximum pressure on regional powers to stop undermining security in Iraq and start helping to stabilize it.

* Mobilizing the Iraqi people to oppose the extremists in their midst.

Those who say that Iraqis are at each other's throats and should be left to fight it out are wrong. A minority of sectarian extremists and Saddamists is causing and promoting sectarian violence. These resisters have been successful in intimidating the rest of the population, which abhors them. When they are challenged, as they should be, the great majority of Iraqi men and women will be very supportive.

* Taking the initiative from our enemies by acting boldly and aggressively. Our posture should not be defensive. That is a recipe for defeat.

* Working out a bipartisan U.S. domestic consensus in favor of winning this war for America, Iraq and democracy. (This item is for American leaders to achieve; the others are collaborative U.S.-Iraqi endeavors.)

All this is achievable. Iraqis are resilient. They thirst for normality and a chance to build a future in freedom and dignity. They are fighting and dying for it every day. Witness the numbers enlisting in the security forces despite horrific losses. Witness the support Iraqi women are providing for the political process and the potential of their emancipation.

The United States cannot escape responsibility for the current situation in Iraq. Not only would abandoning Iraq to its fate now be irresponsible, it would almost certainly lead to disintegration and dictatorship, with a high risk of a wide regional conflict—a catastrophe for not just Iraq but also for the United States and for world peace and stability for decades to come. On the other hand, winning this war would be one of the best gifts the United States could make to the world and to its own people.

Mr. BOND. I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

SECURITY

Mr. FRIST. Mr. President, with passage of the Department of Defense appropriations yesterday, we took another major step forward making America safer and more secure. We hit a few bumps and distractions along the way, but the end result was passing the Defense appropriations bill. Under the tremendous leadership of the President pro tempore, who is occupying the chair, we passed a bill that makes America, and continues to make America, safer and more secure. We helped to bring to our troops the cutting-edge technologies and resources that they need and will continue to need in fighting the war against terror.

It is important to share with our colleagues and the American people that in these appropriations bills, pending bills that are coming to the Senate, we are addressing a lot of issues that are not the principal focus of the bill but are very important issues to address, issues of concern and focus of the American people. I refer to an element of border security.

Most Members, as we traveled around the country and through our States over the last several weeks and during August, heard again and again that the American people expect us to focus on security at our perimeter, at our border, and at our ports. We are on the port security bill today.

In addition, it is important to note, for border security interests, over the past 2 years we have made huge progress in funding initiatives along our border, as reflected in the bills, the Homeland Security appropriations bill and the bill we passed yesterday, the Department of Defense appropriations bill. If we examine the last 2 years, we see how much progress, indeed, has been made for the border. We have added 3,736 new Border Patrol agents, for a total of 14,555. We have added in these bills 9,150 new detention beds, for a total of 27,500.

We have added, in these bills, 370 miles of border security fencing and added 461 miles of vehicle barriers along that Southwest border. We have added $682 million for border tactical infrastructure and facilities construction.

As for detention personnel, we have added 1,373 detention personnel, for a total of over 5,500. People ask about Customs and Border Protection officers. Indeed, we have added 460 new Customs and Border Protection officers for seaport inspections, for a total of 18,321 officers at ports of entry.

For the Coast Guard, in these bills, we have added $7.5 billion for the Coast Guard maritime border security, including $4 billion for Coast Guard port security and $2.1 billion for deepwater assets.

I mention these figures and this data because that is what we have done over the last 2 years in the supplemental bill, the Homeland Security bill, and the Department of Defense appropriations bill.

In fact, spending on border and immigration enforcement has increased from less than $4 billion prior to 9/11 to over $16 billion today—a fourfold increase. Catch and release has been ended. Apprehensions are up along the border by 45 percent. We are acting. We are funding. We are controlling the borders. We have a long way to go, but we are delivering on border security.

Security and safety are not static states. They are dynamic, which means we must constantly take steps, which we are doing on the floor to bolster them.

Earlier this year, I took a trip to the west coast and toured the Long Beach Port in southern California. It was amazing. I took an aerial tour, talked to all of the people there from security to the people handling the containers. Over 13,000—13,000—containers come through that one port every day. It is the largest port in the country. It is the third largest in the world.

It is not far from Los Angeles or LAX where 62 million passengers pass through annually. To say the least, this part of the country is a major front on the battle to protect our ports from terrorist attacks.

I am delighted we did turn to the port security bill last night. We have much to do over the next several days—with opening statements made last night and over the course of the day.

The bill before us now will provide the structure and resources necessary to strengthen our seaport vulnerabilities and better protect the American people from attack that might occur through those ports. It addresses security throughout the international cargo supply chain—from factory gate in a foreign country to screening in the U.S. port of final destination.

The U.S. maritime system includes more than 300 sea and river ports, with more than 3,700 cargo and passenger terminals. More than 95 percent of all U.S. overseas trade, excluding trade with Mexico and Canada, arrives by ship. The top 50 ports in the United States account for about 90 percent of all cargo tonnage, and 25 U.S. ports account for 98 percent of all container shipments.

Most of the 60,000 U.S. port calls made each year are foreign owned and crewed. Less than 3 percent of U.S. overseas trade is carried on U.S.-flagged vessels.

What all this means is that ports are a significant choke point for an enormous amount of economic activity for this country. In and of themselves, they, therefore, represent an attractive target for terrorists.

Equally significant is that ports clearly facilitate the transportation of something from one place to another. Goods arrive at and depart through these ports—by ship, by rail, by truck—so it is not inconceivable that terrorists could use ports as a conduit to smuggle into this country.

Just imagine the damage if a terrorist smuggled a dirty bomb in a cargo container off a ship calling on a U.S. port. Once unloaded, it could be transferred to a waiting tractor-trailer or train and from there target anywhere in this country.

Just imagine if terrorists seized control of a large commercial cargo ship and used it as a collision weapon for destroying a bridge or refinery on the waterfront.

Imagine the damage if terrorists sank a large commercial cargo ship in a major shipping channel, thereby blocking all traffic to and from that port.

These are not pipedreams. They are legitimate threats. Remember when the USS *Cole* was attacked by a bomb-laden boat during a refueling stop in Yemen? Had that occurred in a U.S. port, not only would the port of calling be shut down but very likely officials would halt the entire U.S. maritime transportation system, as they did in the days immediately following 9/11. Studies suggest that such a disruption in trade would reverberate throughout the country, costing billions of dollars.

The 9/11 Commission—if we look back at their recommendations—concluded that "opportunities to do harm are as great, or greater, in maritime and surface transportation" as in commercial aviation. That is why we have elected to bring this bill to the floor of the Senate. That is why the bill before us is so very important. It provides the Department of Homeland Security with the additional authorities and vital tools necessary to improve maritime security and to foil plots to injure or destroy our ports, to the detriment of our people and to the detriment of our economy.

Effective port security is a critical component of national security. And the bill before us now is a critical component of effective port security.

I look forward to a thoughtful and engaging debate over the next several days and do hope my colleagues will join me in supporting this very important piece of legislation.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Maine.

Ms. COLLINS. Mr. President, for the information of our colleagues, I thought I would describe how we are going to be proceeding today. Shortly, the President pro tempore, who is the comanager of the bill, will be making his opening statement. It is my understanding he will then move to lay down an amendment offered by Senator DEMINT and a substitute amendment offered by Senator INOUYE relating to the WARN Act, which is a Commerce Committee bill. We will not be voting on that amendment today, it is my understanding, under the agreement that has been previously reached.

We are open for business on other amendments for Members who may come to the floor or Members who wish to speak on this bill.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, as we all know, Monday marks the fifth anniversary of September 11 and the terrorist attacks against this country. Shortly after those attacks, during the 107th Congress, the President signed into law the Maritime Transportation Security Act of 2002, which was developed by our Commerce Committee to enhance our country's maritime security. Since then, our Commerce Committee has worked as hard as possible to pass and implement a number of initiatives which have made our ports and borders more secure.

Today we take up the Port Security Improvement Act of 2006. This bill marks the first time three Senate committees have merged their collective expertise and crafted a truly comprehensive approach to port security. A bipartisan group of members from the Commerce Committee, the Finance Committee, and the Homeland Security and Governmental Affairs Committee have worked together for several months on this bill.

As I know the Senate will realize, these three committees each have tremendous knowledge about our ports and programs which protect and secure our international supply chain. I believe it is a credit to the Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and reach a consensus on this bill.

When enacted, this bill will strengthen our land and sea ports, improve our maritime transportation security strategy, and enhance communication between the Department of Homeland Security and transportation security stakeholders.

It includes a plan to get our trade activities up and running again in the event of a transportation security incident. And it creates a pilot program which will study the feasibility of scanning each of the containers—100 percent of the containers—entering our ports.

Mr. President, I spent considerable time in the last couple of years examining our ports, and particularly the west coast; which is really sort of the domain I know best. When I was a boy, the Port of Los Angeles was three separate Ports of San Pedro, Long Beach, and Los Angeles. The Port of Los Angeles is now an enormous area. Forty percent of the seaborne trade of the U.S. comes through the Port of Los Angeles, the Port of San Francisco, and of course, the Port of Seattle, which is the home of our colleague, Senator MURRAY, but also is sort of the stepping stone into my State of Alaska. It is a dynamic port and one that has been experimenting to a great extent on how to bring about container inspection, container scanning.

I personally went through each of the ports to see what was being done. There are still a great many problems. I must say that the people operating the ports, including those who are really the working people, have gone out of their way to try to make certain that those ports are safe and secure and that the containers are, in fact, scanned to the best extent possible now. But we want to do this pilot program to see if it is possible to tell our people that 100 percent of the containers coming into the country are scanned.

This legislation will enhance the collection and analysis of information about cargo destined for our ports. Those in the shipping industry are our eyes and ears with respect to security, and this bill aims to increase awareness of the operations at domestic and foreign ports. Once those in industry share important information about cargo in the international supply chain, we must analyze it quickly. This legislation expedites that process and ensures it begins earlier in the supply chain—before containers even reach our shores. This act requires information about cargo be provided and analyzed before the cargo is loaded on a vessel in a foreign port and shipped here. That will be a significant change.

This bill also expands several initiatives with a proven track record of success. There are currently five interagency operations centers up and running throughout our country. These centers bring together Federal, state, and local security enforcement officials to ensure communication among them. This act expands this effort to each of the major seaports, and places the Coast Guard in charge of these centers.

This act also builds upon the Department of Homeland Security's past cooperation with foreign governments. The Container Security Initiative, CSI, contained within this bill enables the department, working in partnership with host government customs services, to examine high-risk containerized cargo at foreign seaports before it is loaded on vessels destined for the United States.

The Customs-Trade Partnership Against Terrorism, C–TPAT, a voluntary public-private partnership, is also strengthened in this bill. The Commissioner of Customs and Border Protection will now be able to certify that a business's supply chain is secure from the point of manufacture to the product's final U.S. destination. Under this legislation, whether cargo crosses our border at Laredo or arrives on a ship from Hong Kong, participating companies' supply chains will undergo a thorough security check. This will add another layer of security to the C–TPAT initiative. Since this is a voluntary system, we have also included provisions which encourage those in industry to go above and beyond the security requirements already in place. These new incentives include expedited clearance of cargo.

Mr. President, while I was disappointed earlier this year by the negative public reaction to foreign investment in our Nation's port terminals, we learned a great deal from hearings held by the Commerce Committee on this matter. As a result of those hearings, this bill requires DHS to conduct background checks on all port personnel. Current law only requires the Transportation Security Administration to perform checks on those workers directly tied to transportation at the port, or involved in its security. From the Commerce Committee hearings, it was evident that a more stringent requirement was needed, and it is in the bill.

The events of September 11, 2001, forever altered the course of our Nation. Senator INOUYE and I traveled to ground zero shortly after the attacks. It was a sad and terrible sight. It was also a stark reminder that we must do everything possible to prevent those who wish to harm Americans from carrying out their missions.

To prevent future attacks, we must secure our ports, and this bill is a major step forward in this effort. Senator INOUYE, my co-chairman on the Commerce Committee, and I thank Senators GRASSLEY, BAUCUS, COLEMAN, COLLINS and LIEBERMAN for their leadership in drafting this bill. I would also like to thank the staff members on each of the committees; they have worked tirelessly on this bill.

Each of the committees involved in this bill has jurisdiction over an area vital to the safety of our ports. The Commerce Committee oversees issues related to the shipping industry, transportation security, and the Coast Guard. The Finance Committee oversees international trade and customs. And greater security of our ports and borders is central to the Homeland Security Committee's mission. Working together, our three committees have developed a comprehensive bill which will help shield our Nation from future terrorist attacks. It is my hope our colleagues will support this act and move quickly to pass this bill.

I ask unanimous consent to have printed in the RECORD following my statement a summary of the bill prepared by Ken Nahigian, who sits next to me and is counsel for our Commerce Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILL: PORT SECURITY IMPROVEMENT ACT OF 2006

TITLE I: SECURITY OF UNITED STATES SEAPORTS

Subtitle A: General Provisions

Section 101: Area maritime transportation security plan to include salvage response plan. Ensures that following a maritime transportation security incident waterways are cleared, salvage equipment is identified, and the flow of commerce is reestablished.

Section 102: Requirements relating to maritime facility security plans. Authorizes qualified individuals to implement Department of Homeland Security (DHS) approved security plans for a maritime facility.

Section 103: Unannounced inspections of maritime facilities. Verifies the effectiveness of facility security plans on a periodic basis, including at least one unannounced inspection annually.

Section 104: Transportation security card deadline. Establishes a timeframe for Transportation Worker Identification Credential (TWIC) implementation at all U.S. seaports. Requires DHS to process applications simultaneously for individuals needing both TWIC and merchant mariner documents.

Section 105: Long-range vessel tracking. Encourages DHS to issue regulations to establish a voluntary long-range automated vessel tracking system for select vessels.

Section 106: Establishment of interagency operational centers for port security. Expands existing interagency operational/fusion centers to all high-priority ports within three years to facilitate coordination and communication among Federal, State, local and private sector stakeholders. Requires DHS to submit a budget and cost-sharing analysis to Congress within 180 days of this Act.

Subtitle B: Grant and Training Programs

Section 111: Port security grants. Requires DHS to allocate grants based on risk to port authorities, facility operators, and State and local government agencies to enhance port security activities. Authorizes appropriations of $400 million.

Section 112: Port security training program. Allows establishment of a training program for seaports' prevention of, preparation for, response to, and recovery from threats, including terrorism, natural disasters and other emergencies. The program would be coordinated with the Coast Guard.

Section 113: Port security exercise program. Allows creation of an exercise program to test and evaluate the capabilities of Federal, State, local and other relevant stakeholders to coordinate appropriate response and recovery from threats at commercial seaports. The program would be coordinated with the Coast Guard.

Subtitle C: Port Operations

Section 121: Domestic radiation detection and imaging. Requires the Secretary to develop a strategy for deployment of radiation detection capabilities and ensures that by December 2007, all containers entering the U.S., through the busiest 22 seaports, shall be examined for radiation. Requires DHS to submit a report of the strategic plan developed and to implement the strategy nationwide within three years. Requires DHS to submit a separate plan for the development of equipment to detect WMD threats at all U.S. ports of entry.

Section 122: Port security user fee study. Requires DHS to study the need for and feasibility of oceanborne and port-related transportation security user fees to be collected for funding port security improvements. Requires DHS to submit a report detailing the results of the study, analysis of current customs fees and duties collected that are dedicated to security, comparison of comparable fees imposed in ports of Canada and Mexico, assessment of the impact on competitiveness of U.S. ports, and recommendations based on findings.

Section 123: Inspection of car ferries entering from Canada: Requires DHS, in coordination with Department of State, to develop a plan for the inspection of passengers and vehicles before loading onto ferries bound for a U.S. port.

Section 124: Random searches of containers. Requires DHS to develop and implement a plan, within one year after enactment, for random physical inspection of shipping containers. Random searches would not preclude additional container searches.

Section 125: Work stoppages and employee-employer disputes. Defines the term economic disruption, which does not include a work stoppage or nonviolent employee related action not related to terrorism and resulting from an employee-employer dispute.

TITLE II: SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A: General Provisions

Section 201: Strategic plan to enhance the security of the international supply chain. Requires DHS to develop, implement and update a strategic plan to improve the security of the international cargo supply chain. The plan would be required to identify and address gaps, provide improvements and goals, establish protocols for the resumptions of trade including identification of the initial incident commander, consider international standards for container security, and allow for communication with stakeholders.

Section 202: Post incident resumption of trade. Establishes that following a maritime transportation security incident, the initial incident commander and lead department carry out the protocols of the international supply chain security strategic plan. The Coast Guard would ensure the safe and secure transit of vessels to U.S. ports. Preference would be given to certain vessels and cargo (CSI/C-TPAT) in the resumption of trade. The Secretary would ensure that there is appropriate coordination among federal officials and communication of revised procedures, not inconsistent with security interests, to the private sector to provide for the resumption of trade.

Section 203: Automated targeting system (ATS). Requires DHS to identify, and allows it to request the submission of, additional data (non-manifest and entry data elements) of container cargo moving through the international supply chain. Data would be analyzed to identify high-risk cargo for inspection. Authorization of appropriations to fund ATS for FY 2007–2009.

Section 204: Container security standards and procedures. Requires DHS to promulgate a rule to establish minimum standards and procedures for securing containers in transit to the U.S. If the rulemaking deadline is not met, DHS would have to provide a letter of explanatory rationale to Congress. DHS and other federal agencies are encouraged to promote international cargo security standards.

Section 205: Container security initiative (CSI). Authorizes CSI program to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. Designates foreign ports as part of the CSI program based upon select criteria including risk, trade volume and value of cargo, Coast Guard assessments, and the commitment of the host nation to comply with data sharing requirements. DHS would establish standards for the use of nonintrusive imaging and radiation detection equipment at CSI ports. DHS would also develop a plan to ensure adequate staffing at CSI ports. Requires DHS to submit a report to Congress on the effectiveness of, and need for improvements to, CSI. Authorizes appropriations for FY 2008–2010.

Subtitle B: Customs-Trade Partnership Against Terrorism (C–TPAT)

Section 211: Establishment. Authorizes DHS to establish a voluntary program (C–TPAT) to strengthen international supply chain and border security, facilitate the movement of secure cargo and provide benefits to eligible participants.

Section 212: Eligible entities. Allows importers, customs brokers, forwarders, air, sea, and land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system to apply for this voluntary program.

Section 213: Minimum requirements. Establishes minimum security and other requirements that applicants must meet to be eligible for C–TPAT.

Section 214: Tier 1 participants in C–TPAT. Allows for limited benefits for participants, which may include a reduction of the ATS risk score, to those C–TPAT participants that meet the minimum guidelines established. To the extent practicable, DHS would complete the Tier 1 certification process within 90 days of receipt of a candidate's application.

Section 215: Tier 2 participants in C–TPAT. Allows for an additional level of benefits—reduced cargo examinations and priority processing—to those participants who meet a higher level of C–TPAT security requirements. DHS would be required to validate the security measures and supply chain practices of C–TPAT participants, including on-site assessments, within one year of certification.

Section 216: Tier 3 participants in C-TPAT. Establishes a third-tier of C-TPAT offering increased benefits to participants that demonstrate a sustained commitment to security based on certain criteria. Benefits may include, among others, expedited release of cargo, further reduced examinations, reduced bonding requirements, and notification of specific alerts and post-incident procedures as well as inclusion in joint incident management exercises, as appropriate.

Section 217: Consequences for lack of compliance. Allows DHS to deny benefits in part or in whole, including suspension or elimination for at least five years, of any participant that fails to meet C-TPAT requirements or knowingly provides false or misleading information: said entities may appeal this decision.

Section 218: Revalidation. Establishes a process for revalidating C-TPAT participants in tiers 2 and 3 and requires an annual plan for revalidation, detailing performance measures and necessary personnel requirements.

Section 219: Non-containerized cargo. Allows DHS to consider including importers of noncontainerized cargo as participants in C-TPAT, provided program requirements are met.

Section 220: C-TPAT program management. Requires DHS to establish sufficient internal quality controls and record management of C-TPAT including development of a strategic plan to identify goals, annual plans to match resources with workload, a standardized work program to monitor progress, a record management system, and a data protection program.

Section 221: Resource management staffing plan. Requires development of a staffing plan to recruit, train and cross-train C-TPAT personnel.

Section 222: Additional Personnel. Obliges DHS to increase, by at least 50 positions annually for fiscal years 2007 through 2009, the number of personnel to validate and revalidate C-TPAT members.

Section 223: Authorization of appropriations. Authorizes appropriations to Customs and Border Protection in DHS to carry out the C-TPAT provisions of sections 211 through 221. In addition to any monies appropriated to Customs and Border Protection, there are authorized to be appropriated funds for the purpose of meeting the staffing requirement provided in section 222.

Section 224: Report to Congress. Stipulates that DHS must report on the progress of C-TPAT certifications, validations and revalidations in conjunction with the President's annual budget submission.

Subtitle C: Miscellaneous Provisions

Section 231: Pilot integrated scanning system. Develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using nonintrusive inspection and radiation detection equipment. Requires full-scale pilot implementation within one year after enactment. An evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot.

Section 232: International cooperation and coordination. Allows DHS to provide assistance, equipment and training to facilitate the implementation of supply chain security measures at CSI designated ports. Requires DHS to identify foreign assistance programs to encourage implementation of port security antiterrorism measures at foreign ports, with particular emphasis on foreign ports in the Caribbean Basin. Requires GAO to submit a report on the security of Caribbean ports within 180 days.

TITLE III: ADMINISTRATION

Section 301: Office of Cargo Security Policy. Establishes an office within DHS to coordinate all cargo security policy within the Department, coordinate DHS cargo security policies with policies of other executive agencies, consult with stakeholders, establish standards, and promote best practices.

Section 302: Reauthorization of Homeland Security Science and Technology Advisory Committee. Authorizes the Assistant Secretary for Science and Technology to utilize the Homeland Security Science and Technology Advisory Committee to provide outside expertise in advancing cargo security technology.

Section 303: Research, development, test, and evaluation efforts in furtherance of maritime and cargo security. Assures coordination within DHS and with other public and private sector entities for research and development of maritime and cargo security innovations.

TITLE IV: AGENCY RESOURCES AND OVERSIGHT

Section 401: Office of International Trade. Creates within the Bureau of Customs and Border Protection (CBP), an Office of International Trade. Establishes an International Trade Policy Committee to assist in coordinating with the DHS Assistant Secretary for Policy regarding commercial customs and trade facilitation functions. Establishes an International Trade Finance Committee to coordinate and oversee the implementation of programs involved in the assessment and collection of duties on U.S. imported and exported cargo.

Section 402: Resources. Requires CBP to complete a resource allocation model, by June 2007 and every 2 years thereafter, to determine optimal staffing for commercial and revenue functions. Requires submission of models of Congress. Authorizes appropriations to increase the number of CBP personnel to perform commercial operations and customs revenue functions: new hires would be based upon aforementioned models and additional authorized 725 CBP officers.

Section 403: Negotiations. Requires DHS to work with appropriate Federal officials and international organizations to harmonize customs procedures, standards, requirements and commitments to facilitate the efficient flow of international trade.

Section 404: International Trade Data System (ITDS). Requires the Secretary of the Treasury to oversee the establishment of an electronic trade data interchange system to eliminate redundant information requirements, to efficiently regulate the flow of commerce and enforce regulations relating to international trade. All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS, unless based on national security interests, the Office of Management and Budget (OMB) waives the participation requirement. Establishes an Interagency Steering Committee to define the standard set of data elements to be collected, stored and shared in the ITDS: said committee would submit a report to Congress before the end of each fiscal year.

Section 405: In-bond cargo. Requires DHS to submit a report to Congress including analysis of various aspects of in-bond cargo, such as tracking, technologies, evaluation criteria for targeting and examining in-bond cargo and the feasibility of reducing the transit time for in-bond shipments.

Section 406: Sense of the Senate. Delineates elements of the bill that shall not affect the jurisdiction of standing Senate committees.

Mr. STEVENS. Mr. President, I thank Senator COLLINS and Senator GRASSLEY for their cooperation, and our counterparts on the other side of the aisle, my colleagues Senator INOUYE, Senator MURRAY, and Senator BAUCUS, those who are working with us to move this bill as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I understand that there was a negotiation going on concerning an amendment that is before the Senate now. I have been asked to call up Senator DEMINT's amendment. There is a negotiation going on concerning a possible modification of it. He called and asked that this be placed before the Senate. I wish to comply with his request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS], for Mr. DEMINT, proposes an amendment numbered 4921.

(The amendment is printed in the RECORD of Thursday, September 7, 2006, under "Text of Amendments.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand there is a pending amendment. I ask unanimous consent that amendment be laid aside and that I be allowed to speak for 7 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLARD are printed in today's RECORD under "Morning Business.")

Mr. ALLARD. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that a summary of the Port Security Improvement Act of

2006 prepared by my staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PORT SECURITY IMPROVEMENT ACT OF 2006—SUMMARY

This legislation will provide the structure and the resources needed to better protect the American people from attack through our seaports that are both vulnerable points of entry and vital centers of economic activity. Each year, more than 11 million containers pass through the ports and 53,000 foreign-flagged vessels call at U.S. ports. This bill is a comprehensive approach that addresses all major aspects of maritime cargo security. The bill reflects not only bipartisan consultation and support, but coordination among the Senate Homeland Security, Commerce, and Finance Committees.

DEPARTMENT OF HOMELAND SECURITY (DHS) MUST ESTABLISH STRATEGIES AND STANDARDS

Strategic Plan. The Secretary of Homeland Security must develop a strategic plan to enhance international supply chain security for all modes of transportation by which containers arrive in, depart from or move through seaports of the United States. The Secretary must clarify roles, responsibilities, and authorities of all government agencies at all levels and private sector stakeholders. The plan must provide measurable goals for furthering the security of commercial operations from point of origin to point of destination, build on available resources and consider costs and benefits; and identify response and recovery methods.

Container Security Standards. Because container security standards have languished at the Department of Homeland Security (DHS), the legislation requires the Secretary to establish minimum standards for the movement and storage of containers within 180 days of the enactment of the bill. It can base these regulations on its experience with the cargo security programs that it currently operates. In addition, the Secretary is directed to seek to establish international standards through multilateral agreements or international bodies.

Resumption of Operations at Seaports. The Secretary shall develop protocols for the resumption of trade in the event of a security incident or a disruption to trade at seaports. To handle the immediate response to an incident, the Secretary must establish protocols that make clear who is the initial incident commander and the lead agency that will execute and coordinate the response so that there will be no confusion. In reestablishing the flow of trade through U.S. ports, preference shall be given to vessels with a valid security plan that are manned with individuals who have undergone background checks and are operated by validated C-TPAT participants. Preference should be given to cargo that is entering a U.S. port from a CSI port and handled by a validated participant in C-TPAT.

CARGO SECURITY PROGRAMS

Improved Automated Targeting System. A critical component of the targeting of cargo for inspection is the Automated Targeting System. This computer-based system helps DHS to determine which cargo presents a high security risk. The legislation requires the Secretary to identify and seek the submission of data related to the importation of cargo in order to improve the targeting of high-risk cargo. It also requires the Secretary to establish an independent review of the system.

Container Security Initiative (CSI). The bill establishes CSI to identify and examine maritime containers that pose a risk for terrorism at foreign ports in order to keep potential threats far from America's shores. In CSI, U.S. Customs and Border Protection (CBP) personnel work closely with foreign government officials to target and inspect cargo headed to the U.S. at foreign ports. Before the Secretary may designate a foreign port under CSI, the Secretary must conduct a full assessment of the risk of terrorists compromising containers; the capabilities and level of cooperation of the intended host country; and the potential for validation of security practices by the Department.

Customs-Trade Partnership Against Terrorism (C–TPAT). This legislation establishes the C–TPAT program to strengthen and improve the overall security of the international supply chain. This voluntary program encourages participants to take steps to ensure that their supply chains are secure. Based on a participant's efforts in the program, they are placed on one of three tiers. The legislation requires the Secretary to validate the supply chain security practices of each participant and offer benefits to participants based on their levels of certification and validation.

C–TPAT Top Tier. The top tier (Tier 3) or GreenLane status for C–TPAT participants provides the highest level of benefits, which may include the following: reduced examinations, priority examinations and searches, and the expedited release of cargo during all threat levels.

Uniform Data for Government-Wide Usage. To simplify the filing of documentation needed to import cargo and facilitate the compilation of data, the Secretary of Treasury shall complete the implementation of the International Trade Data System, a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information.

Radiation Detection and Radiation Safety. Radiation detection equipment is critical to ensuring that no radiological device leaves a U.S. port. The bill directs the Secretary of DHS to install radiation portal monitors at the 22 largest U.S. ports by the end of 2007. This will cover 98 percent of incoming container traffic.

100 Percent Scanning Pilot Program. The Secretary shall establish a pilot program at three foreign ports to test the practicality and effectiveness of systems designed to scan 100 percent of cargo. The scanning systems must couple non-intrusive imaging and radiation detection equipment.

In-Bond Cargo. Cargo that travels in-bond through the U.S. from the ports is a major vulnerability because the final destination of the cargo is not known. The bill requires a report on in-bond cargo that would include whether additional information should be required for in-bond cargo, a plan for tracking in-bond cargo in the to-be-developed ACE system, and an assessment of how to ensure 100 percent reconciliation between the port of arrival and destination.

RESOURCES AND COORDINATION FOR PORT SECURITY

Port Security Grants and Training. The bill establishes risk-based grants, training, and exercises for port security. The legislation authorizes $400 million in appropriations for port security grants.

Office of Cargo Security Policy. This legislation establishes within the Department of Homeland Security an Office of Cargo Security Policy to coordinate department-wide efforts regarding cargo security policies and programs.

Interagency Operations Centers. The bill directs the Secretary to establish Interagency Operation Centers for Maritime and Cargo Security at all high-priority ports to enhance information sharing and facilitate day-to-day operational coordination, and incident management and response between agencies. The agencies at the operations centers include the Coast Guard, CBP, the FBI, Department of Defense, state and local law enforcement or port security personnel, and private sector stakeholders, as the Secretary determines is appropriate.

Research, Development, Test and Evaluation (RDT&E). The Secretary must direct RDT&E efforts in furtherance of maritime and cargo security, encourage the ingenuity of the private sector in developing and testing such technologies, and evaluate such technologies. The Secretary shall ensure all Department RDT&E efforts are coordinated to avoid duplicative efforts and share results.

Ms. COLLINS. Mr. President, one of the issues that will undoubtedly come up during the debate on the port security bill has to do with the scanning of containers. Some people have asked: Why don't we scan 100 percent of the 11 million containers coming into this country? And the answer is simply that it is not practical with the current technology. The bill that is before us authorizes three pilot projects in three foreign ports where we would take a look at the feasibility and practicality and the implications of 100 percent scanning.

There is 100 percent screening. There is a difference between screening a container, which means gathering information on each and every container and doing a sophisticated computer analysis to determine which are of higher risk, versus scanning each container with an x-ray-type machine or some other method or a physical inspection.

The problem of trying to scan 100 percent of all containers is best summed up by a letter that we recently received from the Supply Chain Security Coalition. This is a coalition of some of the largest and most knowledgeable stakeholders in the supply chain's system, including the Retail Industry Leaders Association.

The letter says:

> One hundred percent scanning proposals and amendments advocating such a proposal could potentially actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering, and would divert resources away from the current risk assessment approach. In addition—

And this is the key point—

> such a mandate has the potential to significantly impede the flow of commerce and damage the U.S. and global economy.

Mr. President, I ask unanimous consent that the full text of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Retail Industry Leaders Association, I am writing to urge you to support strong and carefully crafted port security legislation that builds on the current multilayered, risk assessment approach that has effectively protected our nation's seaports over the last several years. I also urge you, in the strongest terms possible, to oppose any legislation that would require all U.S. bound cargo containers to be "scanned" for radiation and density, so called 100% scanning legislation. While we strongly support improving the security of our nation's seaports, 100% scanning proposals have the potential to do more harm than good.

The Retail Industry Leaders Association (RILA) is the trade association of the largest and fastest growing companies in the retail industry. Its members include retailers, product manufacturers, and service suppliers, which together account for more than $1.5 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

We understand that key committees in the Senate has come to an agreement on a port security bill that may be taken up as soon as tomorrow, September 8th, 2006, and that the legislation is based on provisions from earlier bills drafted in the Homeland Security & Government Affairs Committee, the Commerce, Transportation and Infrastructure Committee and the Finance Committee. Each of those bills contain important provisions that will help improve our nation's port security laws by building upon and recognizing the effectiveness of the well-established security measures our government currently has in place. RILA supports legislation that builds upon this proven approach, which is why we worked to help pass port security legislation in the House, H.R. 4954, The SAFE Ports Act. It is our hope that the Senate bill will closely mirror the House legislation, which received overwhelming bipartisan support.

However, I also strongly urge you to oppose any legislation that would require that all U.S. bound cargo containers be scanned for radiation and density, so called "100% scanning" amendments. Such proposals may at first glance appear to improve security, but in reality, they would impose immense costs on our economy and foreign relations without improving the security of our international trading systems.

First, a 100% scanning mandate is unrealistic since the technology does not yet exist to do this efficiently and with a high degree of accuracy. We are not aware of any credible technology to actually analyze the millions of density images that would be taken of outbound cargo containers, meaning such images would have to be reviewed one by one by a port official or Customs officer. Second, this mandate could actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering.

In addition, forcing all containers to be scanned—including the vast majority of those that pose no risk—would divert scarce security resources away from the successful risk assessment approach currently utilized by the government. This approach uses sophisticated risk-analysis tools to determine which containers pose a risk and ensures those containers are handled appropriately. It is important for Senators to remember that the Department of Homeland Security currently uses a risk-based targeting approach to inspect inbound cargo. All cargo manifests are submitted at least 24 hours prior to loading on a vessel and the Automated Targeting System (ATS) uses complex, rule-based formulas to assign a numerical score and identify at-risk containers. CBP then inspects 100% of all containers deemed high-risk.

Finally, a 100% scanning mandate has the potential to significantly impede the flow of commerce and do damage to the economy. According a June 2006 study conducted by the RAND Corporation, 100% scanning would delay the movement cargo containers by 5.5 hours per container. With 11 to 12 million containers entering the U.S. every year, it is obvious that of 100% scanning mandate would bring global commerce and the flow goods to a virtual standstill. This would severely damage the U.S. economy, not only by denying consumers access to thousands of products they need, but also by preventing the delivery of material and other inputs that U.S. manufactures need.

Rather than mandating 100% scanning, port security legislation should authorize additional testing and evaluation of scanning technology. Several of the relevant port security bills address this issue by calling for pilot projects and other evaluations to test the effectiveness and operational capability to conduct increased container scanning, including the "GreenLane Maritime Cargo Security Act" passed by the Senate Homeland Security Committee and the House SAFE Ports Act. These provisions represent the best way to address this issue and answer important operational and economic questions critical to understanding how to effectively implement container scanning.

Retail companies are among the largest and most knowledgeable stakeholders in the supply chain system and administer the most extensive and efficient logistics operations in the world. The industry has worked hand-in-hand with the Department of Homeland Security (DHS), and specifically with the Coast Guard and Customs and Border Protection to ensure that our customers, employees, and the nation's seaports remain safe and that the nation's economy remains strong. We take a back seat to no industry in our support for strong and carefully crafted port security legislation, and we urge the Senate to move quickly to pass such a bill as soon as possible.

Thank you for your consideration of our views. We look forward to working with you on this critically important issue. Should you have any questions, please contact Paul T. Kelly, Senior Vice President for Government Affairs or Allen Thompson, Vice President for Global Supply Chain Policy.

Sincerely,

SANDY KENNEDY,
President.

Ms. COLLINS. Mr. President, what we have tried to do with this bill is very carefully balance the need for effective, improved security with the need to ensure that we are not crippling our international trading system. We now have 11 million shipping containers coming into this country each year. This is a number that has grown substantially in recent years. We know each one has the potential to be the Trojan horse of the 21st century, to include not consumer goods but perhaps terrorists themselves, the makings of a dirty bomb, a chemical, biological, or even nuclear weapon.

That is why the legislation that we have authored proposes a strong, effective, layered system of security. It focuses on the ports of origin. It focuses on each container to make sure that it is effectively evaluated, and it has a system for securing the entire supply chain that is called the C–TPAT system.

The highest system of C–TPAT would be the GreenLane system, of which Senator MURRAY is the author.

At that level, shippers would take steps to completely certify the security of their supply chain from the factory where the good is manufactured, all the way to the delivery to the retail store. Each step of the supply chain would be certified as secure. In return, those shippers or retailers that reach that highest level, the GreenLane, would be given certain benefits. Their cargo would be expedited. Their cargo would be subjected to fewer inspections. Their cargo would be released more quickly in the event of an attack on our ports.

Our proposal addresses the people who work at our ports. It addresses the shipping containers. It addresses the ports themselves and other facilities. It takes the layered approach to security that is recommended by the 9/11 Commission.

So I hope those of our colleagues who may be tempted to think that the answer to port security is to do an x-ray of each and every shipping container will take a closer look at the systems and the security that would be provided by our legislation and would consider the points that have been raised by the experts who point out the dangers in delaying the transit of shipping containers. It might actually decrease security rather than enhance it. And, also, that we have to strike that right balance so we do not significantly impede the flow of commerce and damage the U.S. and global economy.

Just think how many farmers rely on our ports to ship their crops overseas. Think of how many factories and stores in our country rely on just-in-time inventory. If you are reliant on just-in-time inventory and your containers are delayed just 3 days, it can make a big difference to your operations. So we need to make sure that we strike the right balance.

I think the bill before us, which has been carefully worked out by three committees, which has been in progress for years, does strike the right balance.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4922

Mr. MCCAIN. I call up amendment No. 4922 and ask for its immediate consideration. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN, proposes an amendment numbered 4922.

Mr. McCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCAIN. Mr. President, I congratulate the distinguished chairman of the committee for the outstanding work that she and the ranking member, Senator LIEBERMAN, have done in bringing forth this very important legislation. I believe the work that is done by these two Members of the Senate, in a bipartisan fashion, in order to better secure the safety of our citizens, is laudable and important. I congratulate them on this legislation that we are considering today.

This amendment would ensure that in addition to our efforts to improve port security, we also address another critical transportation mode—rail transportation. I am pleased to be joined in this effort by Senators DEWINE, SNOWE, and BIDEN.

Again, I want to say I am pleased the Senate has chosen to take up the Port Security Act of 2006 to protect our Nation's ports and waterways. I just listened carefully to the statement by the distinguished chairwoman of the committee, outlining both the threat and the way that this legislation will address these very important aspects of our Nation's security at our ports.

I would also like to point out that the bill implements several recommendations from the 9/11 Commission's final report, including allocating security grants based on risk and comprehensive cargo screening. Additionally, the bill would establish an office within the Department of Homeland Security to coordinate all cargo security policy, develop a strategy for deployment of radiation detection capabilities in all ports, and establish a process to facilitate the movement of secure cargo from international ports to our ports without interrupting the international supply chain and delaying goods to consumers in the United States.

Securing our ports is a crucial part of our efforts to protect Americans at home. The amendment I am offering today would complement the underlying legislation by providing essential funding and additional tools to strengthen our Nation's rail system.

Two years ago the Senate passed by unanimous consent the Rail Security Act of 2004, legislation that was almost identical to the amendment I am offering today. Unfortunately, that bill died in the House of Representatives. Last year I reintroduced the legislation shortly after the London bombings of July 7 and language that is similar to the provisions of the Rail Security Act is in a title of the Transportation Security Bill that was reported by the Commerce Committee in February. I sincerely hope that we will once again pass this important legislation. Rail security must be made a top priority of this Congress.

Look at the recent threats of attacks. We were all deeply saddened by the tragic loss of lives caused by the 2004 terrorist attacks in Madrid, the 2005 London attacks, and the terrorist attacks on commuter trains in Mumbai this summer. Those incidents are a painful reminder of the cruel nature of our enemies in our global war on terror and what we must do to fight and win against those who wish to eradicate our way of life. On many occasions we have said we cannot play just defense in this war; that, instead, we must take the fight to the enemy. Still, we must do what is possible and prudent to protect Americans at home.

The numerous attacks on rail systems abroad demonstrate all too vividly the continuing need for this legislation.

There is little doubt that we have increased dramatically our security capabilities over the past 5 years. However, there is just as little doubt that we have much more to do. Since the attacks of 9/11, only relatively modest resources have been dedicated to rail security. In fact, I would be very curious if the distinguished chairman of the committee knows the relative amounts of money that we have spent on rail security as compared with airport security. I think you will find it is minuscule.

Our Nation's transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist threats. This lack of funding exists despite the fact that the Department of Homeland Security has identified as potential terrorist targets the freight and passenger rail networks which are critical to the Nation's transportation system and national defense.

The 9/11 Commission, too, in its report on the facts and circumstances surrounding the 9/11 attacks called for improved security in all modes of transportation, noting that " . . . terrorists may turn their attention to other modes."

This amendment would authorize a total of almost $1.2 billion for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Pennsylvania station, which is used by over 500,000 transit, commuter, and intercity passengers each workday.

I want to repeat that fact. Penn Station in New York City is used by over 500,000 transit, commuter, and intercity passengers each workday. Look at the amount of money we have spent to try to protect that vulnerable target as opposed to literally every major airport in America. This funding is all the more urgent given this summer's arrest by the FBI of eight suspects tied to al-Qaida who were plotting attacks on train tunnels connecting New York and New Jersey.

The legislation would also establish a grant program authorized at $350 million to help increase security by the freight railroads, Amtrak, shippers of hazardous materials, and local governments with security responsibility for passenger stations not owned by Amtrak. Further, DHS would be required to complete a vulnerability assessment of the rail network to terrorist attack and make recommendations to Congress for addressing security weaknesses. Importantly, to protect the taxpayers' interests, all Amtrak authorizations would be managed by the Department of Transportation through formal grant agreements.

We all know that we face a dedicated, focused, and intelligent foe in the war on terrorism. This enemy will probe to find our weaknesses and move against them. We have seen the vulnerabilities of rail to terrorism in other countries and the devastating consequences of such an attack. It is essential that we move expeditiously to protect all the modes of transportation from potential attack.

I also note that this amendment is cosponsored by Senators DEWINE, SNOWE, and BIDEN. I thank the Senators for their cosponsorship of this critical measure.

I trust the Senate will once again pass this essential legislation. We owe at least that much to the American people as we continue our struggle against an enemy that wants nothing less than to destroy everything we stand for and believe in.

I would like to mention to the distinguished manager of the bill that I don't think this is probably the best away to address this issue. Obviously, the bill should have stood on its own and been addressed separately with amendments to the bill. But I think there is a compelling case that can be made that, if port security is vital and must be acted on, so must rail security. I do not diminish the importance of this legislation. But, again, I would like to point out railway stations all over America have received very little attention and very little funding. Are we going to wait until there is an attack, such as where we arrested eight subjects this summer who were planning attacks on rail connections between New York and New Jersey or are we going to get ahead of this?

I come from a State where very few of our passengers use rail. But I think it is very important to point out that in places in the Northeast this is a primary form of transportation. Just a couple of blocks from here, if you did a rough assessment, you would find at Union Station there are significant vulnerabilities.

By the way, I would like to mention that Senator STEVENS has played a key role in this effort on this legislation. We have worked together. His leadership has been vital. I know his efforts have been very important, and I want to express my appreciation.

Again, I say to the distinguished managers of the bill, if changes need to be made to this legislation in conference we would certainly welcome improvements. But I hope we can include this as part of this legislation so we can begin making serious efforts to ensure rail safety in America.

My thanks to the managers and my thanks to the distinguished chairman of the Commerce Committee for all of his efforts on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his comments. I might say on the visit that I made to Los Angeles Harbor, it is very clear that rail is essential for the 40 percent of the cargo that comes into the United States. The majority moves out of the Los Angeles Harbor by rail, and currently that is very sensitive because there is only one rail coming out of there and there should be multiple rails.

Senator McCAIN has offered S. 1052, which our committee reported in November of 2005. That bill contained sections of aviation, rail, trucking, and port security.

In addition, Senator McCAIN's bill passed the Senate in 2004. It is not controversial. I will urge the Senate to let us pass it again without amendment so we can take it to conference, and I do believe it will become law.

It is very clear it is as essential as the port security section, and I thank him for bringing it to the floor. I intend to support it completely because I hope we can get back to both the aviation and trucking portions of S. 1052 sometime. I don't think it will be in this Congress, however, because it has become too controversial. But we intend to take them up again. I believe, early next year whether there is change of management or not in terms of the Commerce Committee. I do hope we can realize the aviation and trucking areas need to change, as far as security considerations are concerned, in terms of their basic law. But I am here to urge the Senate very favorably to approve this, and I am certainly urging the Senate to adopt the McCain amendment when we start voting on this bill next Tuesday.

Is there anyone else who wishes to comment at this time?

AMENDMENT NO. 4922, AS MODIFIED

Mr. McCAIN. Mr. President, if I may just make one additional comment, I ask unanimous consent the amendment be modified with the changes at the desk. They add the Homeland Security Committee as recipient of the reporting requirements in the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is as follows;

At the appropriate place in the bill, insert the following:

TITLE ___—RAIL SECURITY ACT OF 2006

SEC. 01. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the "Under Secretary"), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations;

(B) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(C) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $5,000,000 for fiscal year 2007 to carry out this section.

SEC. 03. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. ___04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) Report.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) Requirement for Study and Report.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of the study and any recommendations that the Under Secretary may have for implementing a rail security screening program to—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Pilot Program.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Under Secretary to carry out this section $5,000,000 for fiscal year 2007.

SEC. ___06. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. ___07. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels, to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2007;

(B) $100,000,000 for fiscal year 2008;

(C) $100,000,000 for fiscal year 2009; and

(D) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2007;

(B) $10,000,000 for fiscal year 2008;

(C) $10,000,000 for fiscal year 2009; and

(D) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2007;

(B) $8,000,000 for fiscal year 2008;

(C) $8,000,000 for fiscal year 2009; and

(D) $8,000,000 for fiscal year 2010.

(c) Infrastructure Upgrades.—There are authorized to be appropriated to the Secretary of Transportation $3,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;

(B) construction schedule;

(C) recipient staff organization;

(D) document control and record keeping;

(E) change order procedure;

(F) quality control and assurance;

(G) periodic plan updates;

(H) periodic status reports; and

(I) such other matters the Secretary determines to be appropriate.

(f) Review of Plans.—

(1) Completion.—The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.

(2) Incomplete plans.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) Review of modified plans.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. 08. MEMORANDUM OF AGREEMENT.

(a) Memorandum of Agreement.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 20103(a) of title 49, United States Code, is amended by striking “railroad safety” and inserting “railroad safety, including security,”.

SEC. 09. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

“(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.".

SEC. ___10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units; and

(7) to expand emergency preparedness efforts.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

(2) capital projects meet the requirements under section 407(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary $63,500,000 for fiscal year 2007 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. ___11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the international border between the United States and Mexico or the international border between the United States and Canada;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required under section 402(c), including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 410(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary determines, as a result of the assessment required by section 402, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $350,000,000 for fiscal year 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. ___12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of the enactment of this Act.

SEC. ___13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 411(g));

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required under section 402.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall ensure that the research and development program under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through a reimbursable agreement with the Secretary of Transportation if the Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $50,000,000 in each of fiscal years 2007 and 2008 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. ___14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures to improve the identification of cracks in rail joint bars in the procedures filed with the Administration under section 213.119 of title 49, Code of Federal Regulations;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

(A) periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors; and

(B) require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail, if the Administrator determines that such increase or improvement is necessary or appropriate.

(b) TANK CAR STANDARDS.—The Administrator of the Federal Railroad Administration shall—

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. ___15. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security.

SEC. ___16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. ___17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section without the written consent of the employee.

"(2) ENFORCEMENT.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"Sec. 20116. Whistleblower protection for rail security matters.".

Mr. McCAIN. I also ask unanimous consent to add Senator LIEBERMAN as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to associate myself with the remarks of Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, commend the Senator from Arizona for bringing this measure to the Senate floor. As Senator STEVENS has pointed out, it is directly relevant to port security because many of the containers that come into our ports by ship are then deployed throughout the country by rail. So I would argue this is directly relevant to the goal of the legislation before us.

This is a Commerce Committee matter that Senator McCAIN has brought up, but I did just want to let my colleagues know that it is very relevant to our goal of securing our ports. I strongly support the amendment and commend the Senator for his initiative.

Mr. GRASSLEY. Mr. President, I rise in strong support of the amendment before the Senate that's been offered as a complete substitute to H.R. 4954. This legislation could not be more timely. The anniversary of September 11 is imminent, a stark reminder that our Nation must remain vigilant in the global war on terror.

This amendment, the Port Security Improvement Act of 2006, is critically important legislation. It strengthens port security operations, both in the United States and abroad so we can prevent threats from reaching our shores in the first place.

This legislation improves existing programs for targeting and inspecting cargo containers so that a dangerous shipment doesn't enter or threaten the Nation. It provides direction for further strengthening of these programs as technological advances permit. And, it calls for greater coordination and cooperation among Federal agencies in contingency planning in the event there is a security breach.

This legislation represents a thoughtful reevaluation of how best to meet the Nation's security interests at United States seaports. We have taken a look at what has been done since 9/11. This legislation builds upon that. Terrorists have proven that they will change their ways to exploit perceived weaknesses in our defenses. We need to stay ahead of them. This legislation empowers our personnel in the Department of Homeland Security and United States Border and Customs Protection to do just that.

At the same time, this legislation includes provisions to strengthen the economic security of our Nation. It's important to remember that in addition to killing innocent Americans, the 9/11 attacks were intended to wreak economic havoc and injury upon our Nation. This legislation includes provisions that realign resources to ensure better efficiency in the administration of customs laws within the United States Customs and Border Protection. It authorizes the International Trade Data System, a forward-looking program to better utilize technology in order to increase efficiency and facilitate trade. And, it provides for added resources to better meet all of our economic and trade security interests that are overseen by the U.S. Customs and Border Protection.

In sum, this legislation is the culmination of months of hard and thoughtful work. I thank my ranking member on the Finance Committee, Senator BAUCUS, my colleagues on the Commerce Committee, Senator STEVENS and Senator INOUYE, and my colleagues on the Homeland Security Committee, Senator COLLINS and Senator LIEBERMAN, with whom I have worked so closely to bring this legislation to the floor. I urge all of my colleagues to join me in advancing this essential legislation through the Senate in a timely manner.

Ms. COLLINS. Mr. President, I want to comment on the tremendous efforts of the ranking member of the Homeland Security Committee, Senator LIEBERMAN, and the chairmen and ranking members of the Commerce and Finance Committees, Senators STEVENS, INOUYE, GRASSLEY and BAUCUS. They along with their committee staffs have worked together for months to develop the bill that is before us today.

Each of the committees has its own jurisdictional interests in this bill. The Homeland Security Committee has jurisdiction over the Department of Homeland Security with its primary mission of preventing terrorist attacks against the United States and reducing vulnerabilities to such attacks. Many of the programs in this bill, including the Automated Targeting System, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism, serve the purpose of reducing vulnerabilities to terrorist attacks and are operated by the U.S. Customs and Border Protection within the Department of Homeland Security—squarely within the Homeland Security Committee's jurisdiction. Moreover, it was the committee's jurisdictional authority to study the effectiveness of government agency programs that began the evaluation of the DHS' cargo security initiatives that are improved by this bill.

The Commerce and Finance Committees also have significant jurisdictional interests. The Commerce Committee has jurisdiction over shipping and the Coast Guard. And the Finance Committee has jurisdiction over the assessment of customs duties and compliance with customs laws.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that there is no one else who wishes to speak on the bill or the McCain amendment at this time.

MORNING BUSINESS

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ENERGY INDEPENDENCE

Mr. ALLEN. Mr. President, I rise today to offer a new vision for American independence, a mission that is vital for Americans and for America's homeland and national security.

We Americans have always been freedom seekers. We have been risk takers for liberty, daring to cross oceans and blaze trails across our continent, and at the same time we are reaching skyward to charter our own course into the future. We are always trying to provide a beacon to light the way for others around the world. Now is the time for us to be bold and chart our own course once again.

In this time of expanding promise and unparalleled danger in the world, we are called to come together with a clear vision and a unity of purpose worthy of a great people and a great nation.

We declared our independence from colonial masters more than two centuries ago. We declared our independence from fascism, from imperial communism, and from every other form of totalitarian oppression and brutality in the 20th century. And America belatedly strode forward to become a more perfect union with justice and opportunity for all.

In each of these challenges to our self-determination and our freedom, we not only declared our independence, we also mustered the resolve and the resources to achieve it. It is time for America to declare its independence again.

Nearly 5 years ago, on September 11, 2001, we awoke on a bright, blue-sky morning to the dark realization that a great evil still stalks our world. Out of the shocking smoke and devastation of September 11 came the realization that we are at war—at war with an extraordinarily violent ideology that seeks to pervert a great religion and murder thousands of innocent people to satisfy its thirst for power in a new caliphate from Europe to Indonesia.

Today, we find ourselves engaged in a global war against vile, maniacal terrorists—a war against many foes—including Hezbollah, al-Qaida, the Islamic Jihad, and others, but with its primary theaters being the breeding ground of radicalism and terrorism in the Middle East.

My colleagues, in this war we have our differences over the means and methods, tactics and timetables. We do not have the same conviction about the importance of every theater or every engagement. We do not all see the same causes and effects, nor do we all give credit or cast blame in the same direction.

But there comes a time where we have to set aside such differences and act not as Republicans or Democrats determined to win an election but as Americans determined to win a war, and in so doing preserve our freedom, our values, and our way of life.

Rather than petty political bickering and partisan posturing, let all of us stand together—those of us who understand the reality of the mortal danger that our irreconcilable, fanatical enemy and its hateful ideology represent. Let's stand apart from those who would still deny or diminish the magnitude of the danger that we face, even as we mourn our thousands dead and foil new plots to kill thousands more.

Let those of us who want to fight this war to win stand together, and let's stand against those who counsel appeasement at the point of a gun, negotiations as missiles rain dawn, and retreat in the face of adversity.

My colleagues, if that is the new dividing line, I am convinced that the majority in the Senate and in this Congress, and most importantly, all Americans, regardless of political persuasion, are capable of coming together behind a new declaration of independence to secure America's future.

Today, as we combat the powerful forces of terrorism and their state sponsors, we and our allies find ourselves continually dependent on and compromised by Middle Eastern and other hostile sources of foreign oil.

This war is unlike other great wars. In the past, the financial sacrifice of free citizens fueled the engines of industry and military output. But today, many of our gasoline dollars now go to finance the war effort of our enemies, and, if those dollars do not go directly to our enemies now, then they go into bank accounts of some friendly but fragile states—bank accounts that are the envy and object of radical ideologues.

When a nation like Iran has an advanced program to develop nuclear weapons—and when that nation is committed to the destruction of Israel and others—when that nation uses oil as blackmail to keep the international community from confronting its nuclear threat, as the leaders of Iran have done, then we know this: Our peace, freedom, and national security depend on making that oil weapon irrelevant.

Because we rely so heavily on Middle Eastern oil in our economies, our foreign policy options are limited for addressing the terrorism, tyranny, and related geopolitical issues. For America to be free and independent—for Americans to remain the masters of our own destiny—we must declare our independence from Middle Eastern and other hostile sources of oil. We must commit every effort and resource to the achievement of this national purpose.

I strongly believe that a comprehensive, enduring, sustained, and strategic plan for independence from Middle Eastern and other hostile sources of foreign oil must include five essential elements.

They are, first, the strategic use of our global economic power and international relationships to remove oil-based leverage that hostile states currently enjoy; second, the accelerated exploration and development of American energy supplies, including American oil, American natural gas, American clean coal, and American nuclear power; third, the accelerated research, development, and deployment of every economically viable alternative and renewable source of energy; fourth, a bold new national commitment to innovation and entrepreneurship, investing in the next generation of leading-edge, creative scientists, researchers, and engineers of advanced technology; and, fifth, an unequivocal declaration of our national security commitment to energy independence.

Let me highlight some of these key initiatives that I believe are needed in each of those five areas.

First, we must use our global economic power and international relationships strategically to undercut the oil-based leverage that hostile nations enjoy now and in the future.

We all recognize that America's dependence on Middle Eastern and other hostile sources of foreign oil leaves America and our allies, mainly in Europe and Asia, vulnerable to blackmail from radicals in the Middle East, and even in our own hemisphere, such as the avowed Marxist, Hugo Chavez.

Meanwhile, China is aggressively making oil alliances with Sudan, Cuba, Venezuela, and Indonesia to reduce its dependence on Middle Eastern oil. It is not in the interest of the United States to let Africa and Latin America become dominated by oil trade with China.

As a member of the Foreign Relations Committee, I will be introducing a bill for the establishment of America's Energy Security Initiative.

The plan will require the President to establish a permanent energy security working group consisting of representatives of the Department of State, Department of Energy, Department of Commerce, Department of Defense, and intelligence agencies. Our allies will be asked to join us in developing this plan.

We will develop an inventory of all energy reserves worldwide so we can prioritize potential alliances and recognize when strategically important countries come under the influence of others. And we will establish a strategic plan for identifying and forming energy alliances, including bilateral and multilateral arrangements.

The second essential element in our comprehensive plan for achieving independence from the Middle East and other hostile sources of foreign oil is accelerated exploration and development of American energy supplies. We need to adopt a flexible, diverse portfolio of energy options. First and foremost, that must include increased domestic energy production from American oil, more American natural gas, more American clean coal, and more American advanced nuclear energy.

The bottom line is we need more energy explored, produced, grown, and manufactured in America so that hundreds of billions of energy dollars stay here in America and are reinvested in America's economy for American jobs, American competitiveness, and American national security rather than having to worry about the whims of some dictator in a hostile part of the world.

Last month, the Senate passed a Gulf of Mexico Energy Security Act, a good action by the Senate, and a good first step toward reducing natural gas prices at home and making America less dependent on foreign sources of energy.

This was commonsense, bipartisan legislation that would permit deepwater exploration for oil and natural gas in the eastern Gulf of Mexico. This bill will free up enough natural gas to heat the homes of 6 million American families for 15 years. And there is more oil and natural gas even further into the Gulf of Mexico.

We also need to allow Virginia and other Atlantic coast States to move toward deepwater oil and/or natural gas exploration far off their coasts. According to the Department of Interior, there are roughly 86 billion unexplored barrels of oil and 420 trillion unutilized cubic feet of natural gas under deep water on our Outer Continental Shelf.

The fact is, we have the resources in America and the deep water of our coasts—and also in shale on our land—to reduce the leverage that hostile dictators now enjoy.

We also need to explore for oil and natural gas on the North Slope of Alaska. Critics will say it will hurt the pristine environment. I have been up there. It is a flat, barren, treeless plain. In the summer it is filled with mosquitos, and in the winter it is like the dark side of the Moon.

According to our Department of Energy, the estimated daily oil in ANWR 1.37 million barrels—would be roughly the equivalent of current daily oil imports from Saudi Arabia—1.52 million barrels. That is a lot of oil.

When it comes to natural gas, natural gas is a wonderful, clean-burning fuel. It is needed for heating our homes, and it is also vital for manufacturing, particularly in plastics, chemicals, and fertilizers. We need to make sure that price is reduced at home so those manufacturing jobs stay in America. A lot of the new electric powerplants in this country which have been permitted in recent decades have to use natural gas.

Using natural gas to generate electricity would be like using bottled water to wash your dishes. It will do the job, but why would you want to use a resource as good as that for generating electricity when there are alternatives for generating electricity such as coal?

In fact, the United States is the Saudi Arabia of the world in coal, with 500 billion tons of coal, which is the equivalent of 750,000 billion barrels of oil. We have 27 percent of the world's supply of coal. This is why we should be using clean coal technology for electricity generation.

I recently visited a clean coal facility in King George County, VA, where the smokestacks run so clean you can't even see the emissions from it. If you didn't hear the whirling, you would think it was closed.

We ought to be using innovative technology to gasify or use coal as a fuel.

Today, I am announcing my strong support for a comprehensive bill directed at advancing domestic coal-to-liquids technologies. Senator BUNNING is the lead sponsor of this Coal-to-Liquids Promotion Act of 2006, authorizing the Department of Energy to administer loan guarantees to the first coal-to-liquids plants and promulgating rules to allow BRAC sites and military bases to be considered as sites for commercial coal-to-liquids plants.

This bill also expands 20 percent tax credits for coal-to-liquids plants and provides a similar provision for expensing these investments, and it also extends the fuel tax credit for coal-to-liquids products from 2009 to the year 2020.

Our comprehensive plan for energy independence must also include using American advanced nuclear power for electricity generation. The Energy Policy Act that we passed last year was a significant step in rekindling the domestic nuclear industry in the United States which has not seen a new nuclear reactor built in the last 20 years. It provides meaningful incentives and protections and it strengthens security for nuclear facilities.

Going forward, as far as nuclear power is concerned, the big impediment for nuclear power is the disposal of spent fuel. This is why we need a comprehensive solution such as the Global Nuclear Energy Partnership that develops a viable long-term solution to the problem of nuclear spent fuel through chemical separation and reprocessing, which is much more efficient and much less dangerous than our current methods of using nuclear power and dealing with spent fuel.

We also need to increase our Nation's refinery capacity. There hasn't been a new oil refinery built in the United States in almost 30 years. In response, I have introduced a bill called The Bolster Our Energy Security for Tomorrow Act, which directs the President to designate three BRAC sites for possible refinery development, with at least one of these refineries producing biofuels, and to appoint a Federal refinery coordinator to negotiate with willing States to streamline the permitting process without changing existing environmental laws.

I have also joined with my colleague and friend from North Carolina, Senator BURR, in introducing the Affordable and Reliable Gas Act. This legislation will help increase refinery capacity and prevent these dramatic spikes in gas prices that we see in this country, usually in the spring, as they shift from a winter blend to a summer blend.

We have 104 "boutique" fuels that strain our refinery capacity, as well as pipeline capacity. Our measure would reduce the number of boutique fuels from 104 to 1 clean-burning diesel fuel and 4 clean-burning gasoline fuel blends by the end of 2008. That will help reduce gas prices.

We also need, as Americans, to conserve. We need to conserve. We need to look at ways of being less wasteful, more efficient and smart in the use of our energy, particularly in energy used by large computer servers. It is not widely known, but one large computer data center can use as much electricity in 1 day as it takes to power a city the size of Petersburg, VA, with its approximately 34,000 residents. That is so much energy that I want to make sure the Federal Government and companies that use such mega computer servers and data centers are doing so wisely and efficiently.

I have introduced legislation that directs the Environmental Protection Agency, through its Energy Star Program, to study the rapid growth in energy consumption of computer data centers by both the Federal Government and the private sector, analyze how effectively the computer industry is migrating to more energy efficient microchips and servers, reduce the costs associated with building and operating large-scale data centers, and make recommendations for positive incentives to advance adoption of energy-efficient data centers.

The third essential element of our comprehensive plan for achieving independence from Middle Eastern and hostile sources of foreign oil is the accelerated research, development, and deployment of every economically viable alternative source of energy. We need to adopt a flexible, diverse portfolio of energy options. Diversity of supply is security of supply. We ought to be using alternative fuels, such as biofuels, including soy diesel and ethanol, cellulose fuels, and innovative ideas, whether it's hybrids, hydrogen, solar power, or nanotech-enabled lithium ion batteries.

We must take further action to create an economic climate that encourages investment in new energy and alternative fuels. That is why I am reviewing, and I urge my colleagues to consider, legislation that allows 100 percent first-year expensing for all plant and equipment investments to help spur development of domestic and alternative sources of energy.

Expensing is a high-performance tax reform of vital national importance from an energy-specific perspective. According to economists such as Gary Robbins with Fiscal Associates, 100 percent expensing would reduce the capital costs in key segments of the energy industry by up to approximately 10 percent. It would also be important to environmentally friendly "green" technologies, where first-year expensing for the green technologies can often tip the balance between feasible and unfeasible.

In fact, many financial and industry experts believe that expensing is the cheapest, most effective and most growth-oriented tax change that the Congress can actually make. It has been estimated that replacing the old-fashioned tax depreciation with immediate first-year expensing would add more than $200 billion to our GDP and upwards of 750,000 new jobs.

The fourth major area in which we must act for energy independence is one that is often overlooked in the usual discussions of national energy policy. We need a bold new national commitment to innovation and entrepreneurship, investing in the next generation of leading-edge scientists, researchers, and engineers.

We should all want America to be the world capital of innovation. To achieve that mission we need scientists, we need engineers, we need technologists. They will be the ones who will be designing and developing the new inventions, the new innovations, and the new intellectual property of the future.

However, America's education system is not graduating sufficient talent in science, technology, and engineering.

Last year, the United States matriculated approximately 70,000 engineers compared to 300,000 engineers in India and 500,000 in China.

In America, we must do a much better job in motivating, inspiring, and incenting our young people to study science, engineering, technology, and medicine at a much earlier age. That is why I have worked, as many have worked, in a bipartisan fashion, with Senators LIEBERMAN, ENSIGN, ALEXANDER, DOMENICI, BINGAMAN, and others on the National Innovation Act, which implements the recommendations of the National Innovation Initiative Report and provides tangible action items, including scholarships, to increase America's science and technology talent.

I am also a strong supporter of the Protecting America's Competitive Edge through Energy Act of 2006, which would boost science and math education programs in the United States by providing early career research grants that support young, promising scientists and engineers at the beginning of their careers.

I have led with a good partner, Senator Ron Wyden, on the other side of the aisle, on our Nanotech Initiative. Nanotechnology is the next transformative economic development for our country and the world. Nanotechnology is a very diverse field. It is going to have a positive impact on life and health sciences. It will have a major impact on microelectronics and materials engineering. Nanotechnology will allow us to build wider and stronger materials that will need less energy for propulsion. There is a company called NanoChemonics, in southwest Virginia, that is teaming up with coal companies to get the impurities out of coal, to make it into a fuel, as is Sasol in South Africa. Nanotechnology will be helpful in environmental cleanups.

All together, the Nanotechnology Initiative, the National Innovation Act, and the PACE Energy Act will go a long way toward meeting America's rising demand for highly skilled men and women in all fields of innovation, and it will strengthen America's security through energy independence.

Fifth, and finally, I conclude where we must begin, with a clear, unequivocal expression of national commitment, a new Declaration of Independence, if you will, matched with the discipline to keep us on track, according to an agreed-upon timetable. For those who say we cannot come together for such a national purpose, I say you underestimate the character and the resolve of the American people and the power of the American idea.

Look at what we have done in the past when confronted with great challenges to our freedom and our way of life. Half a century ago, the Soviet Union launched the space satellite Sputnik. Our scientific edge in missile technology and the space race was in serious doubt. Our national security was at great risk of falling behind. But America's ingenuity was dramatically and urgently mobilized by President Eisenhower, who passed the National Defense Education Act, providing massive investment in science, technology, and engineering.

We need that same kind of commitment and leadership to keep America the world capital of innovation now and in the future.

September 11 awakened our Nation to a monumental new challenge: fighting and winning this global war against hate-filled terrorists. This war on terror, similar to all wars, will require clarity of vision and unity of purpose. America's long-term national security depends on securing our independence from the Middle East and other hostile sources of oil. We have the resources to do it, the resources underneath our land and water, and the best resource of all, the ingenuity of our free, creative minds. Now we just need the willpower to use it.

Mr. President, 230 years ago our forebears pledged their lives, their fortune, and their sacred honor to the cause of independence. We are more fortunate. We need only do what we have already sworn to do—set aside our differences and act in the public interest. This Congress must adopt a clear "Declaration of Independence" from the Middle East and other hostile sources of oil, and it must act urgently, decisively, and with a unity that rises above partisan differences to make that Declaration of Independence a reality.

Let us begin right now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be allowed to speak for about 20 or 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE COMMITTEE PHASE II REPORT

Mr. ROCKEFELLER. Mr. President, today the Senate Select Committee on Intelligence has released to the public two of the five sections of our long-promised report on how intelligence was used by policymakers in the lead-up to the war in Iraq. This phase II report builds on the committee's July 2003 phase I report on the intelligence community's very substantial mistakes regarding weapons of mass destruction in Iraq. Fundamentally, these reports are about accountability. They are about identifying the mistakes that led us to war and making sure those mistakes never happen again, so far as we can do so.

Let me share some important excerpts from the report which reflect both my own views and the views of all of my Democratic colleagues on the committee.

The committee's investigation into prewar intelligence on Iraq has revealed that the Bush administration's case for war in Iraq was fundamentally misleading.

Prior to the war, administration officials repeatedly characterized Iraq's weapons of mass destruction programs in more conclusive and threatening terms than were substantiated by the underlying intelligence assessments. Analytical assessments of the intelligence community that were not in line with the more strident administration view on alleged Iraqi links to al-Qaida and the 9/11 plot were ignored and were denigrated by senior policymakers. Most disturbingly, the administration, in its zeal to promote public opinion in the United States before toppling Saddam Hussein, pursued a deceptive strategy prior to the war of using intelligence reporting that the intelligence community warned was uncorroborated, unreliable, and, in critical instances, fabricated.

The committee has uncovered information in its investigation which shows that the administration ignored warnings prior to the war about the veracity of the intelligence trumpeted publicly to support its case that Iraq was an imminent threat to the security of the United States.

Some of the false information used to support the invasion of Iraq was provided by the Iraqi National Congress, the INC, an organization which our intelligence agencies had cautioned repeatedly was penetrated by hostile intelligence services and would use its relationship with the United States to promote its own agenda to overthrow Saddam Hussein. The committee's investigation concluded that the INC attempted to influence U.S. policy on Iraq by providing false information through Iraqi defectors directed at convincing the United States that Iraq possessed weapons of mass destruction and had links to terrorists.

The committee also found the July 2002 decision by the National Security Council directing that the renewed funding of the INC contract—the Iraqi National Congress, the Chalabi operation—be put under Pentagon management was ill advised given the counterintelligence concerns of the CIA and warnings of financial mismanagement from the State Department.

Repeated prewar statements by administration officials sought to connect Iraq and al-Qaida in ways the underlying intelligence simply did not support.

The administration's—this is key—the administration's repeated allegations of the past, present, and future relationship between al-Qaida and Iraq exploited the deep sense of insecurity among Americans in the immediate aftermath of the September 11 attacks, leading a large majority of Americans to believe, contrary to the intelligence assessments at the time, that Iraq had a role in the 9/11 terrorist attacks.

The administration sought and succeeded in creating the impression that al-Qaida and Iraq worked in concert and presented a single unified threat to the United States of America. The committee's investigation revealed something completely different.

The committee found that there was no credible information that Iraq was complicit or had foreknowledge of the September 11 attacks or any other al-Qaida strike anywhere. The committee also found that Iraq did not provide chemical or biological weapons training or any material or operational support to al-Qaida prior to the war.

Furthermore, no evidence was found of any meeting between al-Qaida and the Iraq regime before the war, other than a single meeting that took place years earlier in 1995, in fact, in the Sudan. That meeting was at a fairly low level, and that meeting did not lead to any operational cooperation at all. Osama was there, but the Iraqi representative was at a low level.

Key pieces of evidence used by the administration asserting links between Iraq and al-Qaida were a report of a meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer and a claim that Iraq provided chemical and biological weapons training to al-Qaida in the late 1990s. The committee report demonstrates that the prewar statements of the Vice President of the United States that the Prague meeting had been "pretty well confirmed" and that the 9/11 hijacker Mohamed Atta—again the Vice President's words—"in fact" met with Iraqi intelligence services in 2001 were not substantiated by the intelligence assessment at the time the statements were made by the Vice President. Likewise, the statement by National Security Adviser Rice that "there are a lot of tantalizing meetings" between Iraq and "people who were involved in 9/11" was clearly false based upon what was known prior to the war.

The committee's investigation revealed no postwar information indicating that Iraq considered using al-Qaida or any other terrorist group to attack the United States. The committee investigation concluded that, in fact, Saddam Hussein was distrustful of al-Qaida and viewed Islamic extremists as a threat to his regime and to him personally, refusing all requests from al-Qaida to provide material or any kind of operational support. Postwar findings indicate that Saddam Hussein refused all al-Qaida overtures for material or operational support and, in fact, issued a general order that Iraq should not deal with al-Qaida. In addition, Saddam viewed al-Zarqawi, who was present in Baghdad only from May to November of 2002, as an outlaw. Saddam regarded Zarqawi as an outlaw and attempted unsuccessfully to locate him and capture him. Again, he failed.

During the buildup to war, the intelligence community was placed under pressure to support the administration's position that there was a link between Iraq and al-Qaida. This is particularly distressing. This pressure took the form of policymakers repetitively tasking analysts to review, to reconsider, to revise their analytical judgments, or simply asking the same question again and again.

Many participants involved with the preparation of prewar intelligence felt at the time that the decision had been made to go to war by the administration early on—in fact, many months before Congress was asked to authorize the use of force. The committee investigation revealed evidence that this prewar pressure to conform to administration policy demands may have led to the co-option of the intelligence community.

The committee's two-phased investigation has been significantly limited, I must say, by the majority's refusal to examine issues and documents relative to our inquiry when the issues and documents came close to the White House.

While a quarter of the committee's INC report is devoted to a lengthy examination of the CIA's relationship with the INC in the early and mid-1990s, the committee majority voted down requests by the minority to investigate the flow of intelligence information from the INC that circumvented the intelligence community and went directly to the White House and to Pentagon policy officials in the lead-up to the war.

Finally, the committee's inquiry has been hampered by the decision to deal with five phase II tasks as separate inquiries, which they are not, and complete the report on a piecemeal basis rather than a unified whole. This has been distressing to those of us in the minority.

The chairman suspended the committee investigation into the Pentagon policy office—we associate the name Doug Fife with that—over 2 years ago, rejected any investigation, oversight—whatever you will—into the Pentagon policy office despite evidence presented in the committee's phase I report that the office attempted to shape the CIA's terrorism analysis, and when it failed, prepared an alternative intelligence analysis for policy officials designed to denigrate the CIA's analysis for not embracing a link between Iraq and al-Qaida and the 9/11 terrorist attacks. It is my belief that the committee can complete its remaining work on phase II of its Iraq inquiry in a manner that is complete, objective, and expeditious. It should not have taken nearly 3 years to reach the point where we are now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for 25 minutes.

The PRESIDING OFFICER. We are in morning business. Without objection, it is so ordered.

Mr. LEVIN. I understand it is for 10 minutes unless we get unanimous consent for more time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 25 minutes.

Mr. LEVIN. Mr. President, let me begin by thanking the Senator from West Virginia for the leadership he has shown on this matter and so many other matters—on every matter he has touched on, in fact, on intelligence and in his other work in this body.

Today the Senate Intelligence Committee is releasing two of five parts of phase II of the committee's inquiry into prewar intelligence. One of the two reports released today looks at what we learned after the attack on Iraq about the accuracy of prewar intelligence regarding links between Saddam Hussein and al-Qaida. Today's report is a devastating indictment of the Bush administration's unrelenting, misleading, and deceptive attempts to convince the American people that Saddam Hussein was linked with al-

Qaida, the perpetrators of the 9/11 attack.

The President said Wednesday, just this week, that:

> One of the hardest parts of my job is to connect Iraq to the war on terror.

Well, that shouldn't surprise anybody. The President's decision to ignore intelligence community assessments prior to the Iraq war and to make repeated public statements that gave the misleading impression that Saddam Hussein's regime was connected to the terrorists who attacked us on 9/11 cost him any credibility he may have had on this issue.

President Bush said Saddam and al-Qaida were allies—his words. And that:

> You can't distinguish between al-Qaida and Saddam when you talk about the war on terror.

The bipartisan report released today directly contradicts that linkage which the President has consistently made in his effort to build public support for his Iraq policy.

The bipartisan committee report finds that the prewar intelligence assessments were right when the intelligence community said Saddam and al-Qaida were independent actors who were far from being natural partners. The report finds that prewar intelligence assessments were right when they expressed consistent doubts that a meeting occurred between 9/11 hijacker Mohamed Atta and a senior Iraqi intelligence official in Prague prior to September 11. Our report finds that prewar intelligence assessments were right when they said there was no credible reporting on al-Qaida operatives being trained in Iraq. Those were the two principal arguments which were used prior to the war to support the alleged linkage between al-Qaida and Saddam Hussein.

The accurate prewar intelligence assessments didn't stop the administration from making many false and misleading statements trying to link Saddam Hussein with al-Qaida. In his September 5 presentation to the United Nations, Secretary Powell said:

> Iraq today harbors a deadly terrorist network headed by Abu Musab al-Zarqawi, an associate and collaborator of Osama bin Laden, and his al-Qaida lieutenant.

After the war, in June of 2004, the President said that al-Zarqawi, the terrorist leader recently killed in Iraq, was the best evidence of a connection between Iraq and al-Qaida. And to this day—to this day—these statements have not stopped.

Just 2 weeks ago, the President said in a press conference that Saddam Hussein "had relations with Zarqawi." Our Intelligence Committee report demonstrates that statement made 2 weeks ago by the President was false. The committee report discloses, for the first time, the CIA's October 2005 assessment that Saddam's regime:

> Did not have a relationship, harbor, or turn a blind eye towards Zarqawi and his associates.

The President's statement made just 2 weeks ago is flatout false.

The drumbeat of misleading administration statements alleging Saddam's links to al-Qaida was unrelenting in the lead-up to the Iraq war which began in March of 2003.

On September 25, 2002, the President said:

> Al-Qaida hides. Saddam doesn't, but the danger is that they work in concert. The danger is that al-Qaida becomes an extension of Saddam's madness and his hatred and his capacity to extend weapons of mass destruction around the world.

And then he said:

> You can't distinguish between al-Qaida and Saddam when you talk about the war on terror.

The next day, in September of 2002, Secretary Rumsfeld said:

> We have what we consider to be credible evidence that al-Qaida's leaders have sought contacts in Iraq who would help them acquire weapons of mass destruction capabilities.

On October 14, 2002, the President said:

> This is a man—Saddam is a man that we know has had connections with al-Qaida. This is a man who, in my judgment, would like to use al-Qaida as a forward army.

On January 30, 2003, Vice President CHENEY said:

> Saddam's regime aids and protects terrorists, including members of al-Qaida. He could decide secretly to provide weapons of mass destruction to terrorists for use against us. And as the President said on Tuesday it would just take one vial, one canister, one crate to bring a day of horror to our Nation unlike any we have ever known.

On February 6, 2003, Deputy Secretary of Defense Wolfowitz said:

> And, worst of all, his connections with terrorists which go back decades and which started some 10 years ago with al-Qaida are growing every day.

What the administration and the President and other administration officials did not say was what the intelligence community was saying about this crucial issue because it would have undermined their march to war and it would have refuted their main argument for attacking Iraq: that Iraq was linked to the terrorists who attacked us on 9/11.

What was the CIA saying? What was the intelligence community saying before the war? In June of 2002, the CIA said that:

> Our assessment of al-Qaida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability.

That same report of the CIA said:

> The ties between Saddam and bin Laden appear much like those between rival intelligence services.

And the Defense Intelligence Agency stated in a July 2002 assessment, being declassified for this first time in this report:

> Compelling evidence demonstrating direct cooperation between the government of Iraq and al-Qaida has not been established.

So these two then-classified assessments preceded the President's statements that "You can't distinguish between Iraq and al-Qaida" and that, in his view, Saddam would love to use al-Qaida as a "forward army."

Then the CIA assessed in January 2003, still before the war, that "Saddam Hussein and Osama bin Laden are far from being natural partners" and that Saddam has "viewed Islamic extremists operating inside Iraq as a threat."

The CIA assessed in January of 2003 that Saddam viewed al-Qaida with "deep suspicion" and stated that:

> The relationship between Saddam and bin Laden appears to more closely resemble that of two independent actors trying to exploit each other.

That 2003 classified report was issued 1 day before the Vice President stated to the American public that Saddam's regime:

> Aids and protects terrorists, including members of al-Qaida.

The misleading statements by administration officials didn't stop there. The Intelligence Committee report recounts the story of the alleged meeting between Mohamed Atta and the Iraqi intelligence officer in Prague. In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that Atta met with an Iraqi intelligence officer in Prague in April of 2001.

On December 9, 2001, Vice President CHENEY was asked about the report on "Meet the Press." The Vice President said:

> It has been pretty well confirmed that he—

The 9/11 hijacker Mohamed Atta—

> did go to Prague and he did meet with a senior official with the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.

On March 24, 2002, the Vice President told "Meet the Press":

> We discovered, and it has since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague.

But the Intelligence Committee report released today cites a June 2002 CIA paper that said:

> Reporting is contradictory on hijacker Mohammed Atta's alleged trip to Prague and meeting with an Iraqi intelligence officer and we have not verified his travels.

The Intelligence Committee report released today declassifies, for the first time, a July 2002 Defense Intelligence Agency paper that said:

> Mohammed Atta reportedly was identified by an asset, not an officer, of a Czech service, only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred.

And that:

> There is no photographic, immigration, or other documentary evidence indicating that

> Atta was in the Czech Republic during the time frame of the meeting.

Two months later, in September 2002, the CIA published its assessment that "evidence casts doubt" on the possibility that the meeting had occurred and that:

> The CIA and FBI have reviewed the reporting available so far and they are unable to confirm that Atta met al-Ani in Prague.

None of those assessments stopped the Vice President from continuing to suggest that the report of the meeting was evidence that Saddam's regime was linked to the 9/11 attack.

On September 8, 2002, in a "Meet the Press" interview, the Vice President said that the CIA considered the report of the meeting credible, although again, that same month, the CIA said there was evidence that cast doubt on it having occurred.

In January 2003, the CIA published an assessment stating that:

> A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani.

The January 2003 paper stated that the CIA was "increasingly skeptical"—increasingly skeptical—"that Atta traveled to Prague in 2001 or met with the IIS officer, al-Ani," and that "the most reliable reporting to date casts doubt on this possibility."

But the Vice President was undeterred by the CIA's skepticism. On September 14, 2003, 8 months after the CIA said that the most reliable reporting cast doubt on the possibility of a meeting between Atta and the Iraqi intelligence officer, Vice President CHENEY was still citing as this having possibly occurred.

On January 14, 2004, a full year after the CIA expressed serious doubts about the meeting and the fact that not a shred of evidence had been found to support the claim of a meeting, the Vice President told the Rocky Mountain News that the Atta meeting was "the one that possibly tied the two together to 9/11."

Six months later, on June 17, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said, "We don't know. . . . We had one report, this was the famous report on the Czech intelligence service, and we've never been able to confirm it or knock it down. We just don't know."

The Vice President may not have "known," but the intelligence community sure as heck did not believe, and did not believe for a long time before the Vice President's statement, that the meeting took place.

The intelligence assessments contained in the Intelligence Committee's unclassified report are an indictment of the administration's unrelenting and misleading attempts to link Saddam Hussein to 9/11. But portions of the report which the intelligence community leaders have determined to keep from public view provide some of the most damaging evidence of this administration's falsehoods and distortions.

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from the public report does not jeopardize any intelligence source or method but serves effectively to cover up certain highly offensive activities. Even the partially released picture is plenty bleak, about the administration's use of falsehoods and distortions to build public support for the war. But the public is entitled to the full picture. Unless this report is further declassified, they won't get it. While the battle is waged to declassify those covered-up portions of the report—unless, of course, those portions truly disclose intelligence sources or methods, every Senator should read the classified version of this report. It is available to every Senator, and I urge every Senator to read the classified version of this report and reach his own conclusion about what I and Senator ROCKEFELLER have said about the portions of this report that remain classified and unavailable to the public.

In addition to trying to create the impression that Iraq was connected to the 9/11 attackers, the administration also claimed that Iraq had provided al-Qaida with training in poisons and gases. For instance, in a speech on October 2002, the President said, "We've learned that Iraq has trained al-Qaida members in bomb making and poisons and deadly gases."

In February, 2003, the President said, "Iraq has also provided al-Qaida with chemical and biological weapons training."

In March of 2003, National Security Advisor Condoleezza Rice said there was a "very strong link to training al-Qaida in chemical and biological weapons techniques, we know from a detainee that—the head of training for al-Qaida, that they sought help in developing chemical and biological weapons because they weren't doing very well on their own. They sought it in Iraq. They received the help."

Those statements were based on representations of Ibn al Shaykh al-Libi, a detained senior al-Qaida operative. But what the administration hid was the fact that the Defense Intelligence Agency did not believe al-Libi's statement. In February 2002, a year before the President claimed that Iraq "provided al-Qaida with chemical and biological weapons training," the DIA assessed that al-Libi "is more likely . . . intentionally misleading the debriefers."

Nor did the administration disclose a second DIA assessment in February of 2002 that said, "Iraq is unlikely to have provided bin Ladin any useful CB knowledge or assistance," or DIA's April 2000 assessment that there was no credible reporting on al-Qaida training "anywhere" in Iraq.

The administration's statements also flew in the face of the CIA's January 2003 assessment that al-Libi was not in a position to know whether training had taken place.

So here is what we have. The President still says that Saddam had a relationship with Zarqawi. The Senate Intelligence Committee found that the intelligence community, in 2005, concluded that "the regime did not have a relationship with, harbor, or turn a blind eye towards Zarqawi."

The President said that Saddam and al Qaida were "allies." The intelligence community found that intelligence shows that Saddam Hussein "viewed Islamic extremists as a threat to his regime," and, indeed, as postwar intelligence shows, he, Saddam, "refused all requests from al-Qaida to provide material or operational support."

The Vice President called the claim that lead hijacker Mohammed Atta met with the Iraqi intelligence officer "credible" and "pretty much confirmed," but the Intelligence Committee report finds that the intelligence shows "no such meeting occurred."

The President said that Iraq provided training in poisons and gases to al-Qaida, but the Intelligence Committee finds that postwar intelligence supports prewar assessments that there was no credible reporting on al-Qaida training "anywhere" in Iraq and that the terrorist who made the claim of training was "likely intentionally misleading his debriefers" when he said that Iraq had provided poisons and gases training.

But the administration's efforts to create the false impression that Iraq and al-Qaida were linked didn't stop with just statements. One of the most significant disclosures of the Intelligence Committee report is the account of the administration's successful efforts to obtain the support of CIA Director George Tenet to help them make that false case. The events were of major significance. They go to the heart of the administration's case for war on the eve of a congressional vote on whether to authorize that war. Here is what happened.

On October 7, 2002, in a speech in Cincinnati, the President represented that linkage existed between Saddam and terrorist groups. He said that "Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or an individual terrorist."

But on that very day, October 7, 2002, in a letter to Intelligence Committee Chairman Bob Graham, the CIA declassified at the request of the committee the CIA assessment that it would be an "extreme step" for Saddam Hussein to assist Islamic terrorists in conducting a weapons-of-mass-destruction attack against the United States and that the likelihood of Saddam Hussein using weapons of mass destruction if he did not feel threatened by an attack was "low."

When made public, the CIA assessment would have undercut the President's case. Something had to be done. So on October 8, 2002, the Director of Central Intelligence, George Tenet, issued a statement that "there is no inconsistency between our view of Saddam's growing threat and the view expressed by the President in his speech."

The Tenet statement was aimed at damage control and it undercut the CIA's own crucial assessment at a critical moment. The New York Times quoted Tenet prominently in a major story on October 9.

We called Tenet before the Intelligence Committee a month and a half ago, on July 26, 2006. In his testimony, quoted in the Intelligence Committee's report, Mr. Tenet admitted that perhaps there was an inconsistency between the President's statement and the CIA's assessment. Mr. Tenet said he issued his statement denying the inconsistency after policymakers expressed concern about the CIA's assessment, as expressed in the declassified October 7 letter. Again, that letter saying that it would be an extreme step for Saddam to assist Islamic terrorists in conducting a weapons-of-mass destruction attack.

I ask for an additional 3 minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Tenet admitted to the intelligence subcommittee that the policymakers wanted him to "say something about not being inconsistent with what the President had said." Tenet complied.

Tenet acknowledged to the committee, in his July 26, 2006, testimony, that issuing the statement was "the wrong thing to do."

It was much more than that. It was a shocking abdication of a CIA Director's duty not to act as a shill for any administration or its policies. Director Tenet issued that statement at the behest of the administration on the eve of the Congress's debate on the resolution authorizing the use of force in Iraq. The use of the Director of Central Intelligence by the administration to contradict his own agency's assessment in order to support a policy goal of the administration is reprehensible, and it seriously damaged the credibility of the CIA.

Mr. President, I thank the Chair for its indulgence and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent we stand in recess subject to the call of the Chair.

There being no objection, at 12:42 p.m., the Senate recessed subject to the call of the Chair and reassembled at 1:14 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Thank you very much, Mr. President. I apologize for keeping you and the staff longer than you should have been, but I was unable to be here until just now. So thank you all very much for waiting for me.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. REID. Mr. President, at noon today, the Senate Intelligence Committee released a report that proved evidence of two things: first, the Bush administration's case for war in Iraq was fundamentally misleading and deceptive and not supported by the underlying intelligence; second, the Republican-controlled Senate Intelligence Committee continues to put the political interests of the Bush White House ahead of the security of the American people.

According to today's report, the Bush administration desperately sought to prove a link between Saddam Hussein and Osama bin Laden in order to shore up public assertions being made by the President, the Vice President, the Secretary of Defense, and other senior administration officials. But from this report which was made public today, at noon, we know these assertions directly contradicted the best assessments of our intelligence experts. In short, the facts were not there to show any connection between Osama bin Laden and Saddam Hussein.

It is clear: The administration knew or should have known it was misleading America in its effort to make the case for a war in Iraq.

Just as significant, today's report shows America what you get with a Republican-led Congress. What do you get? You get the White House refusing to declassify information. And you find that in this report. You find that the White House refuses to declassify information that would embarrass them 2 months before a midterm election. And you get a Republican-led committee that is perfectly willing to bow down to the White House and keep the American people in the dark about its mistakes and its distortions.

Nearly 4 years since the war started in Iraq, 2½ years after the Republican chairman of the Intelligence Committee was pressured into starting this investigation, and nearly a year after Democrats sent the Senate into closed session to discuss the Republicans' stonewalling, 60 percent of the Intelligence Committee's investigation still is unfinished, and questions as to how and why the administration exaggerated and cherry-picked intelligence to sell its case for war remain unanswered.

These are critically, crucially important questions for our troops and our security. Authorizing the use of force and placing our citizens in harm's way is the most significant vote a Member of Congress can make, and it is essential we understand how this administration skewed that decision in the runup to the war in Iraq so we can take the steps necessary to ensure these abuses are never repeated. That is why you have to complete the work of the Intelligence Committee.

With 140,000 American troops serving bravely in the middle of a civil war in Iraq, bin Laden still at large, and a growing threat posed by North Korea and Iran, it is long past time this rubberstamping Republican Congress stood up to the Bush administration and did its job, did its job of being a separate and equal branch of Government.

The problem during the 6 years of President Bush's administration is that the Constitution has not been what it should be, not the checks and balances, not three separate, equal branches of Government. It is no mystery why there have been no vetoes—because the President has gotten everything he has wanted, with the exception of stem cell. Other than that, the Republican Congress has given him everything he has wanted.

We have had no congressional oversight. We have had committees not doing their work, as indicated by the Intelligence Committee today.

I do extend my congratulations to the entire committee. They do very valuable work for this country in dealing with the most sensitive issues America has to deal with: that is, intelligence operations of this country. I am glad we have gotten 40 percent of the work that has been so long overdue. I look forward, in the weeks ahead, to getting the remaining 60 percent. I doubt it will happen before the elections, but it should.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SPECIALIST STEPHEN P. DOWNING II

Mr. McCONNELL. Mr. President, I rise today to honor the life of a father, son, uncle, and brother from the Commonwealth of Kentucky who was lost in the line of duty as a member of America's Armed Forces. I ask the Senate to pause today in memory of SPC Stephen P. Downing II of Burkesville, KY. He was 30 years old.

On October 28, 2004, Specialist Downing and his squad were on patrol securing one of the busiest intersections in Ramadi, Iraq. As a key route for vital U.S. convoys, this crossroads had become a focal point of terrorist attacks. The threat to vulnerable U.S. vehicles meant soldiers like Stephen Downing were needed to stand guard against would-be bombers.

As his squad waited to be relieved at noon, Stephen, whose duty was simply to drive the armored humvee, volunteered to give his gunner a break from the intense heat. He climbed out of the relative safety of the driver's seat to man the .50 caliber machinegun mounted on top of the roof. Then, just a few minutes before his squad was to be replaced, he was fatally wounded by a lone sniper's bullet.

For his actions as a soldier, Specialist Downing earned numerous medals and awards, including the Bronze Star Medal and the Purple Heart.

Stephen Downing was a man of action, with a keen sense of right and wrong. He was more comfortable working on an engine or being outdoors than sitting inside. He was quick-witted, with a knack for pulling practical jokes. This quality endeared him to his family, friends, and fellow soldiers.

Stephen loved his family. As SPC Robert Gonzales, who served with Stephen Downing in both Korea and Iraq, recalls—using Stephen's nickname with the unit—

> Stevey D. was very proud of his kids. He always talked about how proud they made him. . . . I can't remember how many times he showed me a picture of his son and his daughter swimming in a pool, wearing floaties. He kept it with him all the time.

Stephen's fatherly tenderness extended beyond his daughter, Taylor, and his son, Stephen, to include his niece, Chelsea. As Stephen's sister, Danica, says:

> Stephen was like a father to my daughter . . . and Chelsea always looked up to Stephen.

When Stephen himself was a child, his appetite for adventure could not be satisfied. His sister recalls that her brother loved to go diving, swimming, skiing—if it was to be done outside, Stephen was eager to pursue the challenge.

When he was not taking things apart, he was putting them back together. Stephen loved modifying his BMX bikes, even if his modifications did not always turn out to be an improvement.

According to his stepfather, Jim Maynard, Stephen seemed blessed with a constant smile on his face.

And nothing could make Stephen smile more than pulling a prank on his sister. As the older sibling by almost 2 years, Danica was a constant presence for her brother growing up, helping him if older bullies tried to pick on him. But this didn't stop Stephen from having a good-natured laugh at her expense.

One morning, Stephen rushed out to catch the schoolbus and told the driver to go ahead because his sister was not going to school that day. About 3 miles down the road, the bus driver and everyone else on the bus learned the truth when Stephen's mother flagged down the schoolbus and Danica jumped on.

Another time, Danica was babysitting for a neighbor, and she and a girlfriend decided to take the baby for an evening stroll. Along their path they passed an abandoned old farm house, an infamously spooky local attraction.

As you might have guessed, Mr. President, what better way to scare your sister than to hide in the weeds by a house such as this and at the right time, jump out yelling. As Danica recounts, "Stephen scared [us] half to death . . . we both were so scared, we just took off screaming. It took us a minute to realize neither of us had brought the stroller."

Stephen enlisted in the Army in 1992. He joined the National Guard in 1994, and left the service in 2000. In 2002, however, Stephen felt compelled to reenlist in the Army. He was sent to Korea, where he was stationed with the Second Infantry Division.

After a year-long stint, his unit was ordered to prepare for deployment to Iraq. Given the choice between staying with the unit or being transferred to Fort Carson, CO, Stephen elected to go to war with the men he had come to know and depend on.

Shortly before Stephen deployed to Iraq with the 2nd I.D., he returned home for 2 weeks to be with his family. During that time, his mother, Stella Maynard, fixed all of Stephen's favorite foods, including her famous cherry delight cake. Each family member let Stephen know how proud they were of him, while also quietly airing their greatest fears.

Stephen told his daughter, who pleaded with him not to go, that he was needed in Iraq. Putting her on his knee, Stephen told her that he was going to Iraq to help the children there—to keep them safe, so that they could have a chance at a better life.

Danica also pulled her brother aside and told him to be careful. "I told him to keep his head down," she says. "Not to be a hero, not to do more than what he had to do to get by." Stephen understood his sister's motivations, but as his actions would demonstrate, and as his fellow soldiers would later recall, Stephen did anything but the bare minimum.

SP Phillip Pilcher, who was on patrol with Stephen that fateful day, recalls "Stephen was one of the hardest working guys over there; he would work two to three hours later than everyone else just to make sure that everything was where it needed to be."

Specialist Gonzales, who credits Stephen with being instrumental in making him a better soldier, strikes a similar chord. "Stephen was the heart and soul of our squad and our regiment," he says. "Even though he didn't have the stripes on his arm, he was still a great leader."

Many of the friends Stephen made over his 30 years came to say goodbye when he was laid to rest. BG Dan Bolger, who helped command the Second Infantry Division in Korea and asked to be the survivor-assistance officer for Stephen's family, was astounded by what he saw that day: For a 22-mile stretch along the path of the funeral procession, people, some holding signs, others flags, stood in silent tribute to their fallen hero.

A few months before his death, Stephen wrote a letter to his mother, to be sent in the event he did not return. He wrote, "Different people will remember me for different reasons, but I would hope that everyone would think that I was over here for them."

The devotion to honor and sacrifice expressed in those words tells us how Specialist Downing was able to touch so many people, and why so many people paid their final respects to his memory. As his mother recalls, "Stephen didn't have friends—he had family."

I thank Stephen's mother, Stella Maynard, and his niece, Chelsea Downing, who have traveled to our Nation's capital to—meet with me today, for sharing Stephen's story. His children, Taylor and Stephen, his sister, Danica, his step-father, Jim Maynard, and other beloved family members are in our thoughts today as well.

We can never repay Specialist Downing's family for their loss. But we can, and we must, honor the sacrifice of their beloved father, son, uncle and brother, and recognize that without his courage and the courage of the men and women of our Armed Forces, America could not lead the world in the defense of freedom.

Mr. President, Stephen's mother, Stella, put it just right, and we are all blessed to have had SP Stephen Downing in our family.

MISSILE DEFENSE

Mr. ALLARD. Mr. President, I rise today to talk about the recent successes of the Missile Defense Agency. Last Friday, a week ago from today, the Missile Defense Agency conducted a test of the ground-based midcourse system and scored an intercept. This exercise was designed to evaluate the performance of several elements of the ballistic missile defense system, and it appears that all elements worked remarkably well. Although it was not a primary objective for the data collection flight test, an intercept of the target warhead was achieved.

The test marked the first time an operational interceptor was launched from Vandenberg Air Force Base while the target flew from Alaska. It was conducted by crews who were manning operational fire control systems in Colorado Springs. It also marked the first use of the early warning radar at Beale Air Force Base in California.

I congratulate the head of the Missile Defense Agency, General Obering, and especially all the dedicated men and women of the MDA who helped make this test a success.

General Obering stated that the test is about as close as we can come to an end-to-end test of our long-range missile defense system. This success only builds upon a long record of missile defense intercepts and, more importantly, it is the fourth intercept in the last 90 days that used hit-to-kill technology.

In June, we launched a sea-based AEGIS interceptor that was successful in intercepting a separating warhead. In July, we launched a land-based terminal-phase interceptor, Terminal High Altitude Air Defense—or the THAAD—interceptor, successfully intercepting the target. Very recently, we had a successful Patriot-3 intercept that was conducted by the U.S. Army in collaboration with the Missile Defense Agency.

There have been many naysayers and doubters on missile defense, but I am proud to have supported the Missile Defense Agency over the past several years as it has grappled in an intensive effort to track down and eliminate or minimize risks that have contributed to setbacks in the past. There is an emphasis on quality that is paying off, as witnessed by our most recent tests. We learn from our mistakes, and we now see the fruit of the combined efforts of a wide range of dedicated military, civilian, and contractor personnel.

Testing will continue. We will encounter difficulties, but the program will move forward. We are succeeding in building an integrated and layered ballistic missile defense system. Our defenses will continue to improve, and our citizens will be increasingly protected and grateful.

While I am pleased that we have a limited missile defense capability, I believe our missile defense system needs to be challenged even further. We need more testing so that we can better understand the task at hand and discover the errors that must be corrected. I am confident that the Missile Defense Agency is on the right path. I look forward to supporting the Agency testing plan in the future. I do not expect perfection. In fact, I expect some failures. But in the context of several missile defense intercept tests per year, one or two failures only means that we are pushing to find out the real capabilities of the system.

We all know hit-to-kill technology works. We now need to further develop the midcourse system and introduce greater capability to that system. I look forward to assisting the Missile Defense Agency in its future programs so our Nation can rest assured that we are protected from rogue nations that wish to do us harm.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me dated September 8, 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 8, 2006.

Hon. TED STEVENS,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the Select Conmnttee on Intelligence, we submit the following unclassified reports, together with additional and minority views, for filing with the Senate: (1) Postwar Findings about Iraq's WMD Programs and Links to Terrorism, and How they Compare with Prewar Assessments and (2) The Use by the Intelligence Community of Information Provided by the Iraqi National Congress.

Senate Resolution 400 of the 94th Congress (1976) charges the Committee with the duty to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to report to the Senate concerning those activities and programs. Pursuant to its responsibilities under Senate Resolution 400, the Committee has undertaken an in-depth examination of the matters described in the reports.

Both reports have been approved by the Committee in both classified and unclassified form. The classified reports are available to Members for reading at the Committee. The classified reports will also be provided to appropriately cleared officials of the Executive branch.

The unclassified versions of the reports, which are hereby transmitted for printing, are intended to provide the Senate, and through it, the American public, a substantial factual record upon which to consider the issues covered by the reports.

Sincerely,

PAT ROBERTS,
Chairman.
JOHN D. ROCKEFELLER IV,
Vice Chairman.

COMBATING GUN TRAFFICKING

Mr. LEVIN. Mr. President, I have long supported law enforcement's efforts to combat gun trafficking. Earlier this summer, 11 people were charged with purchasing firearms in gun shops in Virginia and illegally dumping them on the streets of New York City between 2004 and 2005. These arrests bring attention to the need to vigorously enforce our gun laws in order to stem the flow of guns to the black market.

These individuals have been charged with making straw purchases of handguns at various gun shops in Norfolk and Portsmouth, VA, and transporting them to New York City, where they were allegedly sold on the streets at a significant markup. Straw purchases are transactions that violate Federal law in which one individual submits to the required Federal background check for a gun that is clearly intended for use by someone else. Such purchasers play a crucial role in the illegal trafficking of guns by purchasing with the intention of reselling them to prohibited buyers. The alleged conspiracy, which took place from September 2004 through June 2005, was first uncovered in 2004 when New York City police officers began making undercover purchases of firearms from this organization on the streets. The guns were traced back to gun shops in Virginia where the original straw purchases are said to have taken place. More than 50 guns were involved.

Gun trafficking has also been a problem in my home State of Michigan. According to an Americans for Gun Safety analysis of ATF trace data from 1996—1999, over 40 percent of the guns traced to crimes committed in Michigan in 1998 and 1999 originated in other States, a much higher rate than the national average. The largest number of out of State suppliers of guns to Michigan during that period were in Ohio, Kentucky, Georgia, and Alabama.

These statistics demonstrate the length to which criminals are willing to go to circumvent our gun laws. This kind of activity can be stopped by vigorously enforcing our gun laws, providing law enforcement with stronger tools to crack down on gun trafficking, on corrupt gun dealers and other armed criminals, and by passing sensible gun safety legislation.

I commend the hard work of the Bureau of Alcohol, Tobacco, Firearms and Explosives and other Federal, State and local law enforcement officers. Vigorous law enforcement is an integral part of reducing gun violence.

IN MEMORIAM OF CONGRESSMAN BOB MATHIAS

Mrs. BOXER. Mr. President, today I rise to honor the life of Congressman Robert "Bob" Mathias, Olympian, Congressman, and San Joaquin Valley son. Congressman Bob Mathias passed away on September 2, 2006.

Bob Mathias was born in Tulare, CA, on November 17, 1930. Mr. Mathias attended and graduated from Tulare Union High School in 1948. In 1953, he graduated with his bachelor of arts degree from Stanford University, and in 1954 he enlisted in the U.S. Marine Corps, where he rose to the rank of second lieutenant. In 1966, he was elected to the U.S. House of Representatives for the 18th Congressional District that also included his hometown of Tulare, and continued his service until 1974.

By all accounts such impressive accomplishments would be considered aspects of a fruitful life. However, Mr. Mathias was also a gifted athlete. Mr. Mathias' athletic career was laden with accomplishments, including consecutive gold medals in the Olympic decathlons, four national Amateur Athletic Union—AAU—championships, and three world records in the decathlon. Seventeen-year-old Bob Mathias first competed in the 1948 London Summer Olympics, only months after picking up the sport. He became the youngest Olympic gold medalist, winning the decathlon. His meteoritic rise in 1948 led to his depiction on the cover of LIFE magazine and the Sullivan Award for Athlete of the Year from the AAU. At the 1952 Helsinki games, Mr. Mathias again won the gold medal in the decathlon, and continued to make history as the first person to ever win consecutive Olympic decathlons. That same year Bob Mathias was named the Associated Press Male Athlete of the Year recognition of his feats on the track and on the football field. Mr. Mathias was also a member of the 1952 Stanford football team, playing an integral part of that team that went on to the 1952 Rose Bowl.

His athleticism and accomplishments earned him a place in the U.S. Olympic Hall of Fame, as well as the National Track and Field Hall of Fame. He also went on to guide younger generations of athletes as the Director of the U.S. Olympic Training Center in Colorado Springs, the National Fitness Foundation, and the American Kids Sports Association.

Throughout his life, Congressman Mathias remained a humble man, true to his roots, dedicated to his family and his country, unfazed by fame. As a young child, Mr. Mathias battled anemia and other illnesses. His perseverance in athletics and academics despite these problems no doubt prepared him for his work later in life. After his athletic career and service in the Marine Corps, Bob Mathias served as a goodwill ambassador for youth programs on behalf of the U.S. Department of State. His service to his country continued in his dedication to the constituents of the 18th Congressional District.

Congressman Mathias is survived by his wife Gwen; his 4 daughters, Romel, Megan, Marissa, and Alyse; his son Reiner; his 10 grandchildren; his sister Patricia; and his two brothers, Jim and Eugene. I extend my deepest sympathies to his family.

Congressman Mathias will be missed by his family, his friends, his fans and all those whose lives he touched. May his kindness, humility and hard work remain an inspiration to us all.

FASD AWARENESS DAY

Ms. MURKOWSKI. Mr. President, tomorrow is the ninth day of the ninth month, a day designated as International Fetal Alcohol Spectrum Awareness Day. I rise today to state that it is imperative that we continue to spread the word that no amount of alcohol is safe to consume during the 9 months of pregnancy. By continuing to raise awareness, we can hopefully minimize the harm that drinking during pregnancy causes our most vulnerable population—our children.

In February of 1999, a small group of parents, raising children afflicted with fetal alcohol spectrum disorders, set out to change the world. That small group started a support group which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. This year, for the eighth consecutive year, events are occurring in cities and towns not just across the country but around the world.

In my State of Alaska, I am proud that events are occurring in Juneau, Anchorage, and Fairbanks. Citizens from my State are raising awareness about the dangers of drinking during pregnancy though a variety of events, such as passing out brochures with preventative messages to physicians' offices, delivering cocktail napkins to area bars with a message stamped on them that reminds pregnant women to not drink, and conducting high school assemblies which teach students about the dangers of alcohol on the developing fetus.

As we all know, FASD is 100 percent preventable, yet it remains a leading cause of nonhereditary mental retardation in the United States. Many children affected by maternal drinking during pregnancy have irreversible conditions—including severe brain damage—that cause permanent, lifelong disability.

Every year in America, an estimated 1 in every 100 babies is born with FASD—that is 40,000 infants. FASD affects more children than Down syndrome, cerebral palsy, spina bifida and muscular dystrophy combined.

In Alaska, we sadly continue to have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our Native communities, the rate of FASD can be 15 times higher than non-Native areas in the State.

Despite these troubling figures, FASD is still widely under diagnosed, misdiagnosed, or not diagnosed at all. Diagnosis is critical because many persons with FASD can overcome learning and behavioral problems and succeed but only with appropriate health, social, and educational resources.

The cost of FASD is high—more than $3 billion each year in direct health care costs. The indirect financial and social costs are also great—including the cost of specialized health care, education, job training, and general support services.

That is why prevention is so imperative. Prevention of FASD is seven times more cost effective than treating the disorder. But more importantly, abstaining from alcohol during pregnancy will save a family a lifetime of heartache and will prevent the greatest loss of all that of human potential.

Senator TIM JOHNSON and I have introduced the Advancing FASD Research, Prevention, and Services Act. Our bill will develop targeted State and community-based outreach programs and will improve current support services for families who are living with FASD. It will also improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs. Lastly, it will strengthen educational outreach efforts to doctors, teachers, judges, and others whose work puts them in contact with people with FASD. I ask my colleagues to support the Advancing FASD. Research, Prevention and Services Act.

Mr. President, tomorrow, on Fetal Alcohol Awareness Day, let us pause to remember the innocent babies inflicted with this disorder and then let us imagine the potential that these babies could have attained but for the damage done by alcohol.

CONGRESS MUST STRENGTHEN WHISTLEBLOWER PROTECTIONS

Mr. AKAKA. Mr. President, as a conferee to the fiscal year 2007 National Defense Authorization Act, I urge my fellow conferees to retain the Senate's strong whistleblower protections for federal employees. The Senate bill includes an amendment I offered with Senator COLLINS that mirrors our bipartisan measure, S. 494, the Federal Employee Protection of Disclosures Act. S. 494 and the amendment have strong bipartisan support in the Senate. In the House, Representatives TOM DAVIS and HENRY WAXMAN, the chairman and ranking member of the House Government Reform Committee, and Representative TODD PLATTS, the sponsor of companion legislation to S. 494, have asked Representative DUNCAN HUNTER, chairman of the House Armed Services Committee, to include strong whistleblower protections in the final defense authorization bill.

The Senate action was a significant step forward for Federal whistleblowers and the American taxpayer. Congress must assert its original intent of the Whistleblower Protection Act, WPA, which protects Federal employees who disclose any waste, fraud, and abuse. Congress encourages such disclosures, which save lives and taxpayer dollars, and has repeatedly said that the courts should not erect barriers to disclosures which limit the flow of information from Federal employees who may have knowledge of government wrongdoing.

We have all heard of the brave men and women who have come forward at great personal risk to report cases of waste and threats to public safety. Examples include: Mr. Richard Foster, Medicare's chief actuary, who disclosed to Congress that the actual cost of the Medicare reform bill was $156 billion more than what the Bush administration told us. He was prohibited by his supervisors from alerting Congress to this huge discrepancy prior to the bill's enactment and was threatened with firing if he did so; U.S. Border Patrol Agents Mark Hall and Bob Lindemann, who disclosed security lapses along our northern border, including a lack of staff, equipment, and detention facilities. As a result, their supervisors proposed 90-day suspensions and demotions for 1 year; and Mr. Donald Van Winkle, an air-monitoring technician at the Bluegrass Army Depot in Kentucky, who revealed serious operational failures with monitors used to detect leaks of chemical warfare agents. As a result of this disclosure, Mr. Van Winkle lost his security clearance, thus denying him the ability to continue his job. Unfortunately, current law does not provide any independent review for this type of retaliation.

This spring, the Supreme Court ruled that the first amendment does not protect public sector employees, including Federal workers, from retaliation when disclosing government wrongdoing as a part of their official duties. Instead, the Court held that protection is left to State and Federal whistleblower laws. Unfortunately, Federal whistleblower protections have been watered-down by repeated decisions by the Federal Circuit Court of Appeals which ignore clear congressional intent that disclosures are protected without restriction to time, place, form, motive, or context, including disclosures made during the ordinary course of an employee's job.

As a result of various court decisions, honest employees have been denied protection from retaliatory practices. In fact, only one federal whistleblower has won on the merits of their claim before the Federal Circuit in the past 12 years. This egregious lack of employee protection has a serious chilling effect on good faith whistleblowing. Although President Bush issued a memo in 2001 requiring Federal employees to disclose waste, fraud, and abuse, the decisions of the Supreme Court and the Federal Circuit Court of Appeals have eroded protections for disclosures and placed Federal workers in a no-win situation. Congress must take action now to restore the protections granted by the WPA.

My amendment will: clarify congressional intent that Federal employees are protected for any disclosure of waste, fraud, or abuse—including those made as part of an employee's job duties; provide an independent determination as to whether the loss or denial of a security clearance is retaliation against a whistleblower; and suspend the Federal Circuit's sole jurisdiction over Federal employee whistleblower cases for 5 years.

Congress has the responsibility to guarantee strong and meaningful protections for Federal whistleblowers. Federal employees must know they will not face retaliation when disclosing information that protects our national security, safeguards the health of our children, or saves taxpayer dollars.

If Congress is serious about eliminating waste, fraud, and abuse, and ensuring that the government for the people and by the people actually is working in the best interests of the people, then we must protect those who wish to disclose illegal or unethical activities. Whistleblowers should not be restrained because they fear retaliation for doing what is right.

Again, I thank my Senate colleagues for supporting this important measure, and I urge our House counterparts to join with us in strengthening whistleblower protections.

ADDITIONAL STATEMENTS

HONORING POLICE CHIEF GARY MARTIN

• Mr. BAYH. Mr. President, today I pay tribute to retired Lake County Sheriff's Department police chief Gary Martin for his decades of dedicated service to the people of northwest Indiana and his extraordinary kindness toward the families of fallen Hoosier police officers. It is with a heavy heart and a deep sense of gratitude that I honor the life of Chief Martin, who was killed on August 22 on Indiana 63 when he was struck by an automobile while participating in a charity bike ride to benefit the families of fellow officers who have died in the line of duty. Gary's dedication to the families of our State kept him involved in public service up until his death, doing his part to comfort and support Hoosiers as they confront the loss of a loved one. I know that he will be greatly missed.

Gary was a good and decent man who dedicated his life to serving others. From his work with the sheriff's department to his involvement in the community, his career and retirement were filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives, and he will be sorely missed.

Gary was a 25-year veteran of the Gary Police Department, where he attained the rank of assistant chief. He was appointed chief of the Lake County Sheriff's Department in 2002. And for the past three decades, Gary taught criminal justice at Indiana University Northwest. He devoted all of his energy to protecting and serving his community and to caring for his colleagues and their families in their time of need. He is survived by his wife Olga and two children, Greg and Jennifer.

Like all of his colleagues in law enforcement, Chief Martin made daily sacrifices to ensure the safety of our streets, our neighborhoods, and our families. In an increasingly dangerous world, we depend on our brave men and women like Gary to protect us from violence and other threats to our communities.

A lifelong Hoosier, he was also involved in numerous other public safety projects, including working to create a pilot program with Gary schools that sought to assure parents that their children would get to school, attend school, and return home safely. Lake County sheriff Rogelio "Roy" Domiguez recalled Martin's leadership and warmth, saying "Gary was a friend and a mentor to everyone in law enforcement and our entire community. He will be greatly missed by the thousands of students, police officers and others who simply call him 'friend'." It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Gary as a friend, a community leader, and a tireless public servant.

It is my sad duty to enter the name of Gary Martin in the official RECORD of the U.S. Senate for his service to the State of Indiana.•

HONORING INDIANA STATE POLICE LIEUTENANT GARY DUDLEY

• Mr. BAYH. Mr. President, I today pay tribute to Indiana State Police Lieutenant Gary Dudley for his decades of dedicated service to the people of Indiana and his extraordinary kindness toward the families of fallen Hoosier police officers. It is with a heavy heart and a deep sense of gratitude that I honor the life of Lieutenant Dudley, who was killed on August 22 when he was struck by an automobile while participating in a charity bike ride to benefit the families of his fellow officers who have died in the line of duty. Gary's dedication to the families of our State kept him involved in public service up until his death, doing his part to comfort and support Hoosiers as they confront the loss of a loved one. I know he will be greatly missed.

Gary was a good and decent man who dedicated his life to serving others. From his work at the Indiana Law Enforcement Academy to his involvement in the community, his career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives.

Lieutenant Dudley started his State police career as a trooper in 1979 and was promoted to sergeant in 1991, when he transferred to the training division. He was appointed commander of the Indiana State Police Recruit Academy in 1993. He devoted all of his energy to protecting and serving his community and to caring for his colleagues and their families in their time of need. He is survived by his wife Carolyn, his father Orsel Dudley, and a brother, Danny Dudley.

Like all of his colleagues in law enforcement, Lieutenant Dudley made daily sacrifices to ensure the safety of our streets, our neighborhoods, and our families. In an increasingly dangerous world, we depend on brave men like Gary to protect us from violence and other threats to our communities.

A lifelong Hoosier, he used his passion for cycling to help families of police officers who died in the line of duty. The COPS charity ride, which he started, was in its third year. Longtime friend Sergeant Dave Bursten recalled Dudley's selfless commitment to friends and strangers alike, saying "Gary was very unique, beyond the proverbial 'give you the shirt off his back.' He'd give you his pants, he'd give you his shoes, he'd give you his next to last dollar if you genuinely needed it. He was always there to help people." It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Gary as a friend, a community leader, and a tireless public servant.

It is my sad duty to enter the name of Gary Dudley in the official RECORD of the U.S. Senate for his service to the State of Indiana.•

THIS 45TH ANNIVERSARY CELEBRATION

• Mr. LEAHY. Mr. President, I would like to congratulate The Hospitality and Information Service, THIS, of Washington, DC, on its 45th anniversary. Since 1961 THIS volunteers have welcomed diplomats and their families to Washington, providing friendship, assistance and an understanding of Washington and the United States.

THIS is a nonprofit organization that was established in 1961 at the suggestion of Angie Biddle, then Chief of Protocol, to help the hundreds of newly arrived diplomats and their families adjust to Washington. In 1961 there were 101 Embassies with 1,200 diplomatic families. Today embassies total more than 170 with 4,000 diplomats and families in Washington. THIS' 400 volunteers provide a variety of services and programs to help diplomats and their families learn about Washington through English and seven foreign language conversation groups and a book club. Programs include forums for discussion of issues that are world-wide in scope, such as health, human rights and education. They also conduct programs on government affairs, performing arts, architecture and American history.

THIS plays an important role in welcoming foreign diplomats to Washington and has made a difference in the lives of diplomats from many countries. As just a few have said:

"I would like to thank THIS for the wonderful work that you do and for your warm and friendly attention." Miriam Barak—Israel

"I express both my pleasure and my gratitude to the THIS organization as a whole. THIS is a wonderful vehicle by which the best of America is portrayed. Such an organization can only be an influential force for good." Ann Robinson—Great Britain

"THIS is a fantastic organization. It makes me feel very welcomed and comfortable . . . THIS has given me better understanding of the U.S. life and society and also given me some new good American friends." Ingela Beiming—Sweden

"THIS is a window that opens Washington for us and lets us experience and know it. It opens opportunities to meet different people." Marilia Bulhoes—Brazil

Congratulations to THIS and its volunteers on 45 years of service to the diplomatic community.•

RECOGNIZING BIG BROTHERS BIG SISTERS OF NORTHEAST INDIANA

• Mr. BAYH. Mr. President, today I wish to pay tribute to the remarkable achievement of Big Brothers Big Sisters of Northeast Indiana, which was named "National 2006 Agency of the Year" by Big Brothers Big Sisters of America this summer.

This honor was achieved through the hard work and persistence of the entire staff, board of directors, Bigs, Littles, donors and other stakeholders. Headquartered in Fort Wayne, IN, the agency was established in August 1972 and continues to assist young adolescents who lack guidance and support by creating positive and enduring relationships between youth and adults and by supporting those relationships with appropriate screening, training and supervision. Presently, more than 1,100 area youth participate in Big Brothers Big Sisters programs in 10 Indiana counties and 2 Michigan counties.

Several factors contributed to the agency receiving this year's award. During the past 5 years, it has grown exponentially in many areas, from expanding the region it helps to increasing the length of the matches it provides, which grew by almost 120 percent between 2001 and 2005. The number of participating adult volunteers has increased by 90 percent since 2003, and the time taken to enroll those volunteers has been decreased by 60 days over the course of last 2 years, allowing more Bigs to be matched with more Littles, thereby fulfilling the Big Brothers Big Sisters mission of helping children to reach their potential through professionally supported one-to-one relationships with measurable impact.

In addition to being recognized as the National 2006 Agency of the Year, Big Brothers Big Sisters of Northeast Indiana was also a finalist in the categories of Board of the Year and Chief Executive Officer of the Year—the only agency to achieve this distinction. It should also be noted that all of these nominations were in the "Large" category, yet the Fort Wayne agency was considered mid-sized only a few years ago. Since that time, the organization's growth in programs and quality have bolstered it to the top among BBBS agencies in large metropolitan markets.

I have supported Federal funding for agency programs like the Amachi program, which pairs faith-based mentors in one-to-one matches with children of incarcerated parents, as well as its Lunch Buddies program, which pairs elementary school students with caring adult mentors for weekly lunch visits at the children's schools.

Big Brothers Big Sisters of Northeast Indiana makes a visible impact in the lives of Hoosier youths, and it is deserving of the recognition that it has received. I offer my sincere congratulations today and look forward to continuing to support to this exemplary organization in the future.•

MESSAGE FROM THE HOUSE

At 11:34 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, McHUGH, EVERETT, BARTLETT of Maryland, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. DAVIS of Kentucky, SKELTON, SPRATT, ORTIZ, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, and ANDREWS.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. HOEKSTRA, LaHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 571 and 572 of the House bill, and sections 571, 572, 1081, and 1104 of the Senate amendment, and modifications committed to conference: Messrs. McKEON, KLINE, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and sections 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Government Reform, for consideration of sections 343, 721, 811, 823, 824, 1103, 1104, and 3115 of the House bill, and sections 371, 619, 806, 823, 922, 1007, 1043, 1054, 1088, 1089, 1101, and 3115 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to conference: Messrs. KING of New York, REICHERT, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 1021–1023, 1201–1204, 1206, title XIII, sections 3113 and 3114 of the House bill, and sections 1014, 1021–1023, 1054, 1092, 1201–1208, 1210, 1214, title XIII, sections 3112 and 3113 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of section 1021 of the House bill, and sections 666, 1044, 1086, 1089, 1091, and 1094 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, and CONYERS.

From the Committee on Resources, for consideration of sections 601, 602, and 1036 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, WALDEN of Oregon, and GRIJALVA.

From the Committee on Science, for consideration of sections 312 and 911 of the House bill, and sections 333, 874, and 1082 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SODREL, and GORDON.

From the Committee on Small Business, for consideration of sections 874 and 1093 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 551, 601, 602, and 2845 of the House bill, and sections 333, 584, 601, 1042, 1095, 2842, 2851–2853, and 2855 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LoBIONDO, and OBERSTAR.

From the Committee on Veterans Affairs, for consideration of sections 666, 682, 683, 687, 721, and 923 of the Senate amendment, and modifications committed to conference: Messrs. BUYER, BOOZMAN, and Ms. HERSETH.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

S. 3873. A bill to protect private property rights.

S. 3874. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

S. 3876. A bill entitled the National Security Surveillance Act.

S. 3877. A bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 3882. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds (Rept. No. 109–329).

By Mr. ROBERTS, from the Select Committee on Intelligence:

Special Report entitled "The Use by the Intelligence Community of Information Provided by the Iraqi National Congress." (Rept. No. 109–330). Additional and Minority views filed.

By Mr. ROBERTS, from the Select Committee on Intelligence:

Special Report entitled "Postwar Findings About Iraq's WMD Programs and Links to Terrorism and How They Compare with Prewar Assessments" (Rept. No. 109–331). Additional and Minority views filed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 3879. A bill to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mrs. FEINSTEIN, Mr. THUNE, and Mr. ISAKSON):

S. 3880. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself and Mr. LAUTENBERG):

S. 3881. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Finance.

By Mr. KYL (for himself, Mr. DeWINE, Mr. CORNYN, and Mr. SANTORUM):

S. 3882. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. Res. 562. A resolution paying tribute to the Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust; considered and agreed to.

By Mr. INHOFE (for himself and Mr. NELSON of Nebraska):

S. Res. 563. A resolution designating September 13, 2006, as "National Celiac Disease Awareness Day"; considered and agreed to.

By Mr. DeWINE (for himself and Mr. KOHL):

S. Res. 564. A resolution designating September 10 through September 16, 2006, as

"National Polycystic Kidney Disease Awareness Week" and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of the impact polycystic kidney disease has on patients and future generations of their families; considered and agreed to.

ADDITIONAL COSPONSORS

S. 666

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 1934

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2010

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2592

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2592, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 2643

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 3239

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3239, a bill to require full disclosure of insurance coverage and noncoverage by insurance companies and provide for Federal Trade Commission enforcement.

S. 3456

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3456, a bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

S. 3496

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 3496, a bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

S. 3696

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. HAGEL) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3774

At the request of Mr. BOND, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Virginia (Mr. ALLEN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 3774, a bill to amend title 18, United States Code, to prohibit the unauthorized disclosure of classified information.

S. 3788

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3788, a bill to clarify Federal law to prohibit the dispensing, distribution, or administration of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 3807

At the request of Mr. ENZI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3807, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, and for other purposes.

S. 3871

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3871, a bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

S. RES. 537

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 537, a resolution supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers.

AMENDMENT NO. 4915

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4915 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mrs. FEINSTEIN, Mr. THUNE, and Mr. ISAKSON):

S. 3880. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today along with Senator INHOFE, I am pleased to introduce the Animal Enterprise Terrorism Act. This legislation is crucial to respond to the expanded scope of terrorist activity that has threatened to impede important medical research and scientific innovation.

The legislation we introduce today would: clarify that it is a crime to damage or interfere with an "animal enterprise"—which includes legitimate companies and non-profit organizations that use animals for education, research or testing; expand Federal law to also make it illegal to harm or cause property loss to anyone connected with an animal enterprise;

Criminalize threats, harassment, and other illegal activity that uses interstate commerce to intentionally cause fear of death or injury to anyone connected with an animal enterprise;

Establish graded penalties of up to 20 years depending on the financial damage or level of bodily injury caused by such illegal conduct, and up to life imprisonment if death results; establish that a convicted animal enterprise terrorist can also be ordered as restitution to pay the animal enterprise's cost of repeating experiments and other losses resulting from the criminal conduct; and clarify that all legitimate protest activities protected by the First Amendment are exempted out from any prosecution under the bill.

The need for this bill is obvious.

On June 30 of this year, extremist activists, acting in the name of animal rights, attempted to firebomb a Los Angeles home thought to belong to a prominent UCLA primate researcher.

The home actually belonged to a 70-year-old woman, and thankfully, the device did not ignite. But the desired impact was nonetheless achieved.

Just weeks later, a colleague of the targeted researcher announced that he will discontinue his important research at UCLA. He had two words for the terrorists who orchestrated the failed bombing: "You win."

While I recognize that reasonable people might disagree about animal research, and believe in the right to legitimate protest, it is outrageous that violent acts, threats and extortion have ended a legitimate medical research career.

Unfortunately, similar incidents have occurred throughout the State of California for several years, including the two bombs placed at the Emeryville offices of Chiron Corporation, a pharmaceutical company in the Bay area, that employs 4400 employees as our Nation's 2nd largest manufacturer of flu vaccines.

Agents believe the second bomb was timed to go off as first-responders arrived.

Yet extremist organizations, such as the Animal Liberation Front, defend these actions around the country as morally justifiable, and shamelessly take credit for these heinous acts.

Their tactics have evolved in the face of our current laws, and consequently, the scope of their terror is widening.

In recent years, animal rights extremists have expanded their campaigns to include secondary and tertiary targets, such that businesses and associates who maintain even highly-attenuated relationships with animal research facilities have found themselves the targets of terror and harassment.

These targets include banks, insurance companies, stockbrokers, customers, construction services, food services, Internet service providers, telecom companies, and even janitorial services.

No matter how remote the relationship, anyone who does business with an organization engaged in animal research is at risk.

But these indirect attacks are outside the scope of our current laws, and threaten to slow the progress of one of our Nation's largest and most valuable industries.

We must recognize that scientific research is not only a legitimate career, but also an invaluable facet of medical advancement, conducted by respectable professionals deserving of our support.

The deplorable actions of these terrorists threaten to impede important medical progress toward lifesaving cures and medical innovation.

They threaten to dishearten noble researchers, and to discourage promising young scientists and graduate students from ever entering these important fields of research.

It is in light of these dangerous threats that Senator INHOFE and I today introduce the Animal Enterprise Terrorism Act.

This legislation addresses the changing tactics of these terrorists, and provides law enforcement officials with the tools necessary to protect our Nation's researchers more effectively.

This new legislation will expressly outlaw the targeting of secondary and tertiary targets, by including within the scope of prosecution terrorists who act against any "person or entity having a connection to, relationship with, or transactions with an animal enterprise."

This is an important step toward combating the modern tactics of animal rights extremists and eco-terrorists, and toward protecting vital business relationships that foster and support the research industry.

At the same time, however, this legislation confronts these terrorist threats in manner that gives due protections under the First Amendment.

I fully recognize that peaceful picketing and public demonstrations against animal testing should be recognized as part of our valuable and sacred right to free expression.

For this reason, all conduct protected by the First Amendment is expressly excluded from the scope of this legislation. This law effectively protects the actions of the law-abiding protestor while carefully distinguishing the criminal activity of extremists.

The bill is also mindful and respectful of State efforts to address these problems. For this reason, the bill makes clear that it does not preempt State or local laws that address such conduct.

We are keenly aware of our responsibility to protect legitimate businesses and educational institutions from the damaging effects of this new breed of domestic terrorism. It is with this goal in mind that we introduce this bill today.

Biomedical research is a multi-billion dollar industry, but more importantly, it is a lifesaving industry. With the passage of this legislation, we can help to ensure both the productivity of this important field, and the protection of our scientists and their associates.

I would like to express my thanks to Senator INHOFE for his hard work and support on this important issue. I would also like to thank Senator HATCH for his early initiative and continued support for this goal.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 562—PAYING TRIBUTE TO THE REVEREND WAITSTILL SHARP AND MARTHA SHARP FOR THEIR RECOGNITION BY THE YAD VASHEM HOLOCAUST MARTYRS' AND HEROES' REMEMBRANCE AUTHORITY AS RIGHTEOUS AMONG THE NATIONS FOR THEIR HEROIC EFFORTS TO SAVE JEWS DURING HOLOCAUST

Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 562

Whereas on June 13, 2006, the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, an organization dedicated to preserving the memory of Holocaust victims, honored the Reverend Waitstill Sharp, and his wife, Martha Sharp, posthumously as "Righteous Among the Nations" for risking their lives to save Jews during the Holocaust;

Whereas the Sharps had to leave their 2-year-old daughter and 6-year-old son in the care of family and congregants in Wellesley, Massachusetts to answer a call from leaders of the American Unitarian Association to go to Czechoslovakia in February 1939 to provide humanitarian assistance for the tens of thousands of refugees crowding into Prague;

Whereas Martha Sharp was a social worker trained at the Jane Addams Hull House, a community service organization in Chicago, Illinois, and the Reverend Waitstill Sharp was a Harvard-educated lawyer and a Sunday school teacher who was inspired to become a Unitarian minister;

Whereas after their arrival in Czechoslovakia the Sharps immediately grasped that they needed not only to help feed refugees, but also to assist Jews and opponents of the Nazi regime escape to safety elsewhere in Europe;

Whereas the Sharps refused to leave Prague when, in March 1939, a month after the Sharps' arrival, the Nazis occupied Czechoslovakia, making the Sharps' work more urgent, more complicated, and more dangerous;

Whereas the Sharps insisted on continuing their life-saving mission by working out of private residences even after April 1939, when the Nazis ransacked the office of the Unitarian mission in Prague and threw the furniture into the street;

Whereas the Sharps repeatedly risked their own safety to exit and re-enter Nazi-occupied Czechoslovakia, crisscrossed Europe to obtain the travel documents necessary to help Jews and opponents of the Nazi regime escape Czechoslovakia, and even escorted some refugees by train through Germany to the United Kingdom;

Whereas the Sharps were determined to complete their 6-month mission, even after warnings that the Gestapo was searching for them;

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before Gestapo agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel;

Whereas upon the Sharps' return in 1940 to their family and the Wellesley Hills Unitarian Church in Massachusetts, their report to the American Unitarian Association about the imminent danger posed by the Nazis to refugees across Europe led to the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

Whereas the Sharps returned to Europe in 1940 fully aware of the Nazi terror they would face;

Whereas the Sharps had a special interest in saving refugee children, as well as artists, intellectuals, and political dissidents, and the Sharps and the Unitarian colleagues who followed in their footsteps set up systems and escape routes that functioned throughout World War II to assist approximately 2,000 men, women, and children to gain freedom;

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to have his citizenship revoked after Hitler came to power and whose name topped the Gestapo's "Surrender on Demand" list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

Whereas Eva Rosemarie Feigl, who was 14 in December 1940 when Martha Sharp helped her and 28 other children reach safety in the United States, provided eye-witness testimony that enabled the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Jerusalem, Israel, to honor the Sharps as Righteous Among the Nations;

Whereas when the Sharps' plans to set up the first office of the newly formed Unitarian Service Committee in Paris, France failed as a result of the Nazi occupation of France, the Sharps instead established an operation in neutral Portugal, where throughout World War II Lisbon remained the last hope for refugees seeking safe passage out of Nazi-occupied territory;

Whereas the Sharps recognized that they were dependent upon a much larger circle of friends and colleagues who made their heroism possible, such as the people who cared for the Sharps' children, the members of the congregation in Wellesley, Massachusetts who maintained the Wellesley Hills Unitarian Church in the Sharps' absence, ordinary Unitarians who financed their cause, ministers across the United States who urged their congregations to become sponsors for refugees, and secretaries who volunteered in Europe and the United States to maintain thousands of case files for refugees;

Whereas the Sharps' efforts resulted not only in the rescue of thousands of people, but in the creation of what is now known as the Unitarian Universalist Service Committee, an institution that multiplied the number of rescues a thousand-fold in the years that followed;

Whereas at the Yad Vashem ceremony that honored the Sharps as Righteous Among the Nations on June 13, 2006, in Israel, officials specifically recognized the Sharps' courage in going into the heart of Europe when World War II was unfolding and many people were fleeing;

Whereas Martha Sharp was the first American woman to be named Righteous Among the Nations, and the Reverend Waitstill Sharp and Martha Sharp were only the second and third individuals named Righteous Among the Nations who were United States citizens at the time they performed the deeds for which they were honored;

Whereas the Sharps' daughter, Martha Sharp Joukowsky, accepted the Yad Vashem honor on behalf of her parents and remarked that they were "modest and ordinary people, who responded to the suffering and needs around them . . . as they would have expected everyone to do in a similar situation";

Whereas Martha Sharp Joukowsky added that the honor given to her parents is also about "the unseen efforts of a much wider circle of people who made their work possible" and that it "is the kind of network that is needed again today to stop the slow genocide in Darfur";

Whereas Martha Sharp Joukowsky concluded her remarks by saying, "Let this celebration about my parents stand as a call to action";

Whereas September 9, 2006, marks the second anniversary of the United States Government declaring the violence in Darfur, Sudan to be genocide; and

Whereas the Sharps deserve honor for their example and for helping to found an institution, the Unitarian Universalist Service Committee, that today carries on their work in distant corners of the world and asks for the Righteous Among the Nations to help save Darfur now: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Reverend Waitstill Sharp and Martha Sharp as genuine American heroes;

(2) pays tribute to the Reverend Waitstill Sharp and Martha Sharp as their names are added to the Wall of Rescuers in the permanent exhibition of the United States Holocaust Memorial Museum on September 14, 2006;

(3) commends the organization founded to support the Sharps' work, the Unitarian Universalist Service Committee, for its efforts to rescue Jews and opponents of the Nazi regime in Europe from 1939 to 1945 and for carrying on the Sharps' legacy by working to save the lives of the people of Darfur, Sudan and to protect human rights worldwide; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Joukowsky family of Providence, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp, and to the Unitarian Universalist Service Committee of Cambridge, Massachusetts.

SENATE RESOLUTION 563—DESIGNATING SEPTEMBER 13, 2006, AS "NATIONAL CELIAC DISEASE AWARENESS DAY"

Mr. INHOFE (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 563

Whereas celiac disease affects 2,200,000 people in the United States, including 1 in 133 healthy people;

Whereas celiac disease is an intolerance to gluten, a protein found in wheat, rye, oats, and barley, as well as some medicines and vitamins;

Whereas exposure to gluten damages the villi of the small intestine, interfering with the absorption of nutrients in food;

Whereas celiac disease is an autoimmune disorder and a malabsorption disease;

Whereas celiac disease is a genetic disease, with 1 in 22 people having a first-degree relative with celiac disease;

Whereas the average length of time it takes for a symptomatic person to be diagnosed with celiac disease is 11 years;

Whereas celiac disease is often misdiagnosed and underdiagnosed due to the fact that symptoms can be attributed to other conditions and many doctors are not very knowledgeable about the disease;

Whereas, according to a study, 60 percent of children and 41 percent of adults diagnosed with celiac disease were asymptomatic;

Whereas celiac disease is diagnosed through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease is treated by following a gluten-free diet;

Whereas damage to the small intestine leads to an increased risk for malnutrition, anemia, lymphoma and adenocarcinoma, osteoporosis, miscarriage and congenital malformation, and short stature;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjögren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who was born on September 13, 1839;

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2006, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group.

SENATE RESOLUTION 564—DESIGNATING SEPTEMBER 10 THROUGH SEPTEMBER 16, 2006, AS "NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK" AND SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTICK KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. DEWINE (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 564

Whereas polycystic kidney disease (known as "PKD") is the most prevalent life-threatening genetic disease in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents called polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no cure, is 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the "baby boomers", continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease causes many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression (7 times the national average) and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 10 through September 16, 2006, as "National Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease (known as "PKD");

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Awareness Week through appropriate ceremonies and activities to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4922. Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 4923. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4922. Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

TITLE ___—RAIL SECURITY ACT OF 2006

SEC. 01. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the "Under Secretary"), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations;

(B) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(C) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(2) Format.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-Year Updates.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Under Secretary $5,000,000 for fiscal year 2007 to carry out this section.

SEC. 03. RAIL SECURITY.

(a) Rail Police Officers.—Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) Review of Rail Regulations.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) Requirement for Study.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) Purpose.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) Report.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) Requirement for Study and Report.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of the study and any recommendations that the Under Secretary may have for implementing a rail security screening program to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Pilot Program.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Under Secretary to carry out this section $5,000,000 for fiscal year 2007.

SEC. 06. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 07. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels, to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2007;

(B) $100,000,000 for fiscal year 2008;

(C) $100,000,000 for fiscal year 2009; and

(D) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2007;

(B) $10,000,000 for fiscal year 2008;

(C) $10,000,000 for fiscal year 2009; and

(D) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2007;

(B) $8,000,000 for fiscal year 2008;

(C) $8,000,000 for fiscal year 2009; and

(D) $8,000,000 for fiscal year 2010.

(c) Infrastructure Upgrades.—There are authorized to be appropriated to the Secretary of Transportation $3,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;

(B) construction schedule;

(C) recipient staff organization;

(D) document control and record keeping;

(E) change order procedure;

(F) quality control and assurance;

(G) periodic plan updates;

(H) periodic status reports; and

(I) such other matters the Secretary determines to be appropriate.

(f) Review of Plans.—

(1) Completion.—The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.

(2) Incomplete Plans.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) Review of Modified Plans.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. ___08. MEMORANDUM OF AGREEMENT.

(a) Memorandum of Agreement.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 20103(a) of title 49, United States Code, is amended by striking "railroad safety" and inserting "railroad safety, including security,".

SEC. 09. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.".

SEC. 10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units; and

(7) to expand emergency preparedness efforts.

(b) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

(2) capital projects meet the requirements under section 407(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) Equitable Geographic Allocation.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) Availability of Funds.—There are authorized to be appropriated to the Under Secretary $63,500,000 for fiscal year 2007 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) Security Improvement Grants.—The Under Secretary may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the international border between the United States and Mexico or the international border between the United States and Canada;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required under section 402(c), including infrastructure, facilities, and equipment upgrades.

(b) Accountability.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) Equitable Allocation.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(d) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 410(b).

(e) Allocation Between Railroads and Others.—Unless the Under Secretary determines, as a result of the assessment required by section 402, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $350,000,000 for fiscal year 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of the enactment of this Act.

SEC. ___13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 411(g));

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required under section 402.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall ensure that the research and development program under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through a reimbursable agreement with the Secretary of Transportation if the Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $50,000,000 in each of fiscal years 2007 and 2008 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. ___14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures to improve the identification of cracks in rail joint bars in the procedures filed with the Administration under section 213.119 of title 49, Code of Federal Regulations;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

(A) periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors; and

(B) require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail, if the Administrator determines that such increase or improvement is necessary or appropriate.

(b) TANK CAR STANDARDS.—The Administrator of the Federal Railroad Administration shall—

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. ___15. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security.

SEC. ___16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section without the written consent of the employee.

"(2) ENFORCEMENT.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"Sec. 20116. Whistleblower protection for rail security matters.".

SA 4923. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was orderd to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—The Secretary of Homeland Security shall make every effort to protect maritime workers and the general public by reducing exposure to ionizing and non-ionizing radiation to the lowest levels feasible while conducting cargo screening activities.

(b) GOVERNMENT RESPONSIBILITY.—

(1) INDEMNIFICATION.—Any person who is injured by ionizing or non-ionizing radiation resulting from cargo screening conducted pursuant to Federal law may not bring a claim for such injury against the employer of such person under Federal or State law if the employer was not the operator of the cargo screening equipment.

(2) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit the liability of, or create liability for, any third party other than employers.

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Pamela Friedmann, who is a fellow from the Transportation Security Administration, be granted privileges of the floor during the consideration of H.R. 4954.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

On Thursday, September 7, 2006, the Senate passed H.R. 5631, as follows:

H.R. 5631

Resolved, That the bill from the House of Representatives (H.R. 5631) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $29,080,473,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,186,011,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $9,246,696,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,940,686,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,304,247,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,760,676,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United

States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $535,438,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,329,278,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,258,080,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,369,255,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $23,980,180,000.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $30,779,084,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,739,862,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $30,053,427,000.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $19,919,175,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $27,037,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,158,278,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,275,764,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $208,811,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,624,300,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,655,565,000.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,008,392,000.

United States Court of Appeals for the Armed Forces

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

Environmental Restoration, Army

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $413,794,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred:

Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Navy

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,409,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $423,871,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $18,431,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Formerly Used Defense Sites

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $282,790,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Overseas Humanitarian, Disaster, and Civic Aid

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $63,204,000, to remain available until September 30, 2008.

Former Soviet Union Threat Reduction Account

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $372,128,000, to remain available until September 30, 2009: Provided, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,354,729,000, to remain available for obligation until September 30, 2009.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,266,967,000, to remain available for obligation until September 30, 2009.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,092,297,000, to remain available for obligation until September 30, 2009.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,948,489,000, to remain available for obligation until September 30, 2009.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,724,873,000, to remain available for obligation until September 30, 2009.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,135,249,000, to remain available for obligation until September 30, 2009.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve *plant and Government and contractor-owned equipment layaway, $2,558,020,000, to remain available for obligation until September 30, 2009.*

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $799,943,000, to remain available for obligation until September 30, 2009.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $784,143,000;
NSSN, $1,775,472,000;
NSSN (AP), $676,582,000;
CVN Refuelings, $954,495,000;
CVN Refuelings (AP), $117,139,000;
SSBN Submarine Refuelings, $189,022,000;
SSBN Submarine Refuelings (AP), $37,154,000;
DD(X), $2,568,111,000;
DDG–51 Destroyer, $355,849,000;
LCS, $300,670,000;
LPD–17 (AP), $297,492,000;
LHA–R, $1,135,917,000;
T–AGS Oceanographic Survey Ship, $117,000,000;
LCAC Landing Craft Air Cushion, $110,692,000;
Prior year shipbuilding costs, $557,849,000;
Service Craft, $45,245,000; and

For outfitting, post delivery, conversions, and first destination transportation, $370,643,000.

In all: $10,393,475,000, to remain available for obligation until September 30, 2011: Provided, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,731,831,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,151,318,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,096,406,000, to remain available for obligation until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,975,407,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,046,802,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,510,286,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,763,071,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $340,000,000, to remain available for obligation until September 30, 2009: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $68,884,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,245,040,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, *lease, and operation of facilities and equipment, $17,048,238,000, to remain available for obligation until September 30, 2008: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.*

Research, Development, Test and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $23,974,081,000, to remain available for obligation until September 30, 2008.

Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,543,393,000, to remain available for obligation until September 30, 2008.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $187,520,000, to remain available for obligation until September 30, 2008.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds, $1,345,998,000.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $616,932,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

Pentagon Reservation Maintenance Revolving Fund

For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $21,409,863,000, of which $20,544,605,000 shall be for Operation and maintenance, and of which up to $10,887,784,000 may be available for contracts entered into under the TRICARE program; of which $397,355,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $467,903,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,277,304,000, of which $1,046,290,000 shall be for Operation and maintenance; $231,014,000 shall be for Research, development, test and evaluation, of which $215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $111,283,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $41,074,000 shall be for activities on military installations and of which $70,209,000, to remain available until September 30, 2008, shall be to assist State and local governments.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $978,212,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $216,297,000, of which $214,897,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2009, shall be for Procurement.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $256,400,000.

Intelligence Community Management Account

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $597,011,000, of which $36,268,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: Provided, That the Director of National Intelligence shall, utilizing amounts appropriated by this heading, prepare as soon as practicable but not later than 90 days after the date of enactment of this Act, a new National Intelligence Estimate on prospects for security and stability in Iraq, which shall address such matters as the Director of National Intelligence considers appropriate, including (1) an assessment of whether Iraq is succeeding in creating a stable and effective unity government, and the likelihood that government will address the concerns of the Sunni community, (2) the prospects for Iraq's ethnic, religious and tribal divisions, (3) the prospects for controlling severe sectarian violence that could lead to civil war, (4) an assessment whether Iraq is succeeding in standing up effective security forces, including an assessment of (A) the extent to which militias are providing security in Iraq, and (B) the extent to which the Government of Iraq has developed and implemented a credible plan to disarm and demobilize and reintegrate militias into government security forces and is working to obtain a political commitment from political parties to ban militias, and (5) the prospects for economic reconstruction and the impact that will have on security and stability: Provided further, That the Director of National Intelligence shall submit to Congress the National Intelligence Estimate prepared under the preceding proviso and this document shall be submitted in classified form, except that, consistent with the protection of intelligence sources and methods, an unclassified summary of key judgments of the National Intelligence Estimate should be submitted: Provided further, That if the Director of National Intelligence is unable to submit the National Intelligence Estimate by the date specified in the preceding proviso, the Director shall submit to Congress, not later than that date, a report setting forth the reasons for being unable to do so and the date on which such National Intelligence Estimate will be provided.

TITLE VIII

GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of *title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.*

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2007: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

C-17 Globemaster;
F-22A;
MH-60R Helicopters;
MH-60R Helicopter mission equipment; and
V-22 Osprey.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2007, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2008.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

(C) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Department of Defense civilian employees under chapter 84 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federalemployee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8021. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8022. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8023. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8024. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8025. (a) Of the funds made available in this Act, not less than $35,975,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $25,087,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,193,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $695,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed

travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,200,000.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8028. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives. In addition, for any matter pertaining to basic allowance for housing, facilities sustainment, restoration and modernization, environmental restoration and the Defense Health Program, "congressional defense committees" also means the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2007. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8031. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8032. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8033. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8034. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8035. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8036. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2008: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2008.

SEC. 8037. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8038. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8039. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8040. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8041. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8042. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act.

(RESCISSIONS)

SEC. 8043. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2006/2008", $20,000,000;

"Aircraft Procurement, Navy, 2006/2008", $40,700,000;

"Shipbuilding and Conversion, Navy, 2006/2010", $220,000,000;

"Aircraft Procurement, Air Force, 2006/2008", $141,100,000;

"Missile Procurement, Air Force, 2006/2008", $100,000,000;

"Other Procurement, Air Force, 2006/2008", $125,000,000;

"Research, Development, Test and Evaluation, Navy, 2006/2007", $27,282,000;

"Research, Development, Test and Evaluation, Air Force, 2006/2007", $92,800,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2006/2007", $100,000,000;

"Aircraft Procurement, Air Force, 2005/2007", $107,200,000; and

"Shipbuilding and Conversion Navy, 2005/2009", $11,245,000.

SEC. 8044. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8045. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8046. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8047. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8048. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8049. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8050. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year and hereafter for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8053. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on

Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8055. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8057. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8059. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8062. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8063. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8064. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8065. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8066. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8067. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days *after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.*

Sec. 8068. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees. Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

Sec. 8069. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

Sec. 8070. (a) Registering Financial Management Information Technology Systems With DOD Chief Information Officer.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) Certifications as to Compliance With Financial Management Modernization Plan.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) Certifications as to Compliance With Clinger-Cohen Act.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) Definitions.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

Sec. 8071. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8072. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

Sec. 8073. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Sec. 8074. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

Sec. 8075. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8076. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8077. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $78,300,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Sec. 8078. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2007.

Sec. 8079. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

Sec. 8080. Amounts appropriated in title II of this Act are hereby reduced by $92,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army", $5,000,000.

(2) From "Operation and Maintenance, Air Force", $87,000,000.

SEC. 8081. The total amount appropriated or otherwise made available in this Act is hereby reduced by $71,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Army", $32,000,000.

"Operation and Maintenance, Navy", $34,000,000.

"Operation and Maintenance, Marine Corps", $5,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $152,494,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $63,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and $25,000,000 shall be available for the purpose of the initiation of a joint feasibility study designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $557,849,000 shall be available until September 30, 2007, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 1999/2007":

New SSN, $25,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2000/2007":

LPD-17 Amphibious Transport Dock Ship Program, $66,049,000;

Under the heading "Shipbuilding and Conversion, Navy, 2001/2007":

New SSN, $41,000,000;

Carrier Replacement Program, $338,400,000;

Under the heading "Shipbuilding and Conversion, Navy, 2002/2007":

New SSN, $43,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2003/2007":

New SSN, $22,000,000; and

Under the heading "Shipbuilding and Conversion, Navy, 2005/2009":

LPD-17 Amphibious Transport Dock Ship Program, $22,400,000.

SEC. 8084. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8085. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8086. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 8087. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8089. Up to $2,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8090. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8091. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8092. Of the amounts provided in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8093. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8094. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8095. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8096. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(TRANSFER OF FUNDS)

SEC. 8097. The Secretary of Defense may transfer funds from any currently available Department of the Navy appropriation to any available Navy shipbuilding and conversion appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8098. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $85,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8099. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8100. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed $50,000,000.

SEC. 8101. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8102. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8103. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8104. The authority to conduct a cooperative program in the proviso in title II of Public Law 102–368 under the heading "Research, Development, Test and Evaluation, Defense Agencies" (106 Stat. 1121) shall be extended through September 30, 2008.

SEC. 8105. Up to $10,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8106. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8107. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $520,300,000, the total amount appropriated in title III of this Act is hereby reduced by $331,600,000, the total amount appropriated in title IV of this Act is hereby reduced by $317,000,000, the total amount appropriated in title V of this Act is hereby reduced by $9,700,000, and the total amount appropriated in title VI of this Act is hereby reduced by $93,700,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8108. (a) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—No funds appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the congressional defense committees a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The plan of the Air Force for the modernization of the B–52H bomber aircraft fleet.

(2) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(3) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(4) An analysis and justification of the cost and projected savings of any reductions to the B–52H bomber fleet as a result of the retirement or dismantlement of the B–52H bomber aircraft covered by the report.

(5) The current assessments for the useful life of each of the bomber aircraft in the Air Force inventory under the Aircraft Structural Integrity Program, any flight restrictions against each of the bomber aircraft in the Air Force inventory, and an analysis of any funding required for modifications designed to correct a problem that threatens grounding all or a portion of that aircraft fleet.

(6) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(7) An assessment of the likelihood that the development of a new bomber aircraft will meet the current schedule of reaching initial operational capability by 2018.

(8) An assessment of the risk to national security of retiring a substantial portion of our bomber fleet, including a consideration of the additional risk if the development of a new bomber aircraft does not meet the current schedule of reaching initial operational capability by 2018.

(c) PREPARATION OF REPORT.—A report under this section shall be prepared and submitted by the Institute of Defense Analysis to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

(d) FORM.—The report under subsection (a) shall be in unclassified form, but may include a classified annex.

SEC. 8109. Not later than December 31, 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary regarding the Depleted Uranium Sensing and Treatment for Removal program of the Department of Defense.

SEC. 8110. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to $2,600,000 may be available for the Virtual Interactive Combat Environment for the New Jersey National Guard.

SEC. 8111. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, NAVY", up to $3,000,000 may be available for the Man Overboard Identification System (MOBI) program.

SEC. 8112. PROHIBITION ON PAYMENT OF AWARD FEES TO DEFENSE CONTRACTORS IN CASES OF CONTRACT NON-PERFORMANCE.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 8113. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $10,000,000 may be available to provide the United States Northern Command with an interoperable mobile wireless communications capability to effectively communicate with Federal, State, and local authorities.

SEC. 8114. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $2,000,000 may be available for the Advanced Airship Flying Laboratory.

SEC. 8115. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $2,000,000 may be available for support of design enhancements and continued testing of the Para foil Joint Precision Air Drop System (JPADS) design parachute system for the drop of 5-ton and 15-ton loads to precise locations from high altitude and greater offset distance.

SEC. 8116. Of the amount appropriated or otherwise made available by title IV under the *heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $6,000,000 may be available for Military-Standard-1760 (MIL-STD 1760) integration for the internal weapons bays of B–52 aircraft.*

SEC. 8117. Notwithstanding the first section of Public Law 85–804 (50 U.S.C. 1431), in the event a notice on the modification of a contract described in that section is submitted to the Committees on Armed Services of the Senate and the House of Representatives by the Army Contract Adjustment Board during the period beginning on July 28, 2006, and ending on the date of the adjournment of the 109th Congress sine die, such contract may be modified in accordance with such notice commencing on the earlier of—

(1) the date that is 60 calendar days after the date of such notice; or

(2) the date of the adjournment of the 109th Congress sine die.

SEC. 8118. From funds available in this Act, an additional $6,700,000,000 may be available to fund equipment reset requirements resulting from continuing combat operations, including repair, depot, and procurement activities.

SEC. 8119. (a) INTERIM REPORT ON MANAGEMENT OF BIOMETRICS PROGRAM.—Not later than September 8, 2006, the Secretary of Defense shall submit to the congressional defense committees an interim report on the management of the biometrics program of the Department of Defense.

(b) FINAL REPORT.—Not later than October 15, 2006, the Secretary shall submit to the congressional defense committees a final report on the management of the biometrics program of the Department of Defense.

(c) REPORT ELEMENTS.—Each report under this section shall include, current as of the date of such report, the following:

(1) A detailed description of the recommendations of the Defense Science Board regarding the management of the biometrics program of the Department of Defense.

(2) Such recommendations as the Defense Science Board considers appropriate regarding changes of mission for the existing biometrics support officers.

SEC. 8120. (a) JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.—Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $7,500,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the program referred to in that subsection is in addition to any other amounts available in this Act for that program.

SEC. 8121. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $500,000 may be available for the United States Army Center of Military History to support a traveling exhibit on military experience in World War II.

SEC. 8122. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,000,000 may be available for environmental management and compliance information.

SEC. 8123. The Secretary of Defense shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a report setting forth the following:

(1) A plan to procure medical countermeasures for purposes of treating forward deployed members of the Armed Forces against the lethal effects of acute radiation syndrome, including neutropenia and thrombocytopenia.

(2) An identification of the countermeasures required to protect members of the Armed Forces in the event of a nuclear or bioterrorist attack.

(3) A plan for the forward deployment of the countermeasures identified under paragraph (2), including an assessment of the costs associated with implementing such plan.

SEC. 8124. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $1,500,000 may be available for Commercialization and Industrialization of Adaptive Optics (PE #0602890F).

SEC. 8125. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" up to $1,000,000 may be available for an integrated, low-cost, low-power Multibeam Side Scan Sonar System for Unmanned Underwater Vehicles (UUVs).

SEC. 8126. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT OF AMMUNITION, AIR FORCE", up to $5,000,000 may be available for the procurement of Radiation Hardened Microelectronics (HX5000).

SEC. 8127. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $4,000,000 may be available for the Transportable Transponder Landing System.

SEC. 8128. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, MARINE CORPS RESERVE", up to $3,500,000 may be available for the Individual First Aid Kit (IFAK).

SEC. 8129. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $8,000,000 may be available for the Advanced Tank Armament System.

SEC. 8130. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,000,000 may be available for the development of a Lightweight All Terrain Vehicle (LATV).

SEC. 8131. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", up to $500,000 may be available for a pilot program on troops to nurse teachers.

SEC. 8132. The aggregate amount available in this Act for expenses of the Department of Defense relating to conferences in fiscal year 2007, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed $70,000,000.

SEC. 8133. (a) POSTING OF CERTAIN REPORTS ON DEPARTMENT OF DEFENSE INTERNET WEBSITE.—Each report described in subsection (b) shall be posted on the Internet website of the Department of Defense for the public not later than 48 hours after the submittal of such report to Congress.

(b) COVERED REPORTS.—The reports described in this subsection are the reports as follows:

Each report required by a provision of this Act to be submitted by the Department of Defense to the Committees on Appropriations of the Senate and the House of Representatives.

(c) REDACTION OF CERTAIN INFORMATION.—In posting a report on the Internet website of the Department under subsection (a), the Secretary of Defense may redact any information whose release to the public would, as determined by the Secretary, compromise the national security of the United States.

SEC. 8134. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall with regard to payments made with funds provided by this Act submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

(1) describing risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note);

(2) including an estimate, using statistically valid methods, of improper payments for travel that have been processed by the Defense Finance and Accounting Service (DFAS); and

(3) including an explanation that the methods used to perform risk assessments are statistically valid in accordance with Office of Management and Budget Memorandum 30–13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note).

SEC. 8135. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $2,500,000 may be available for the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy.

SEC. 8136. Of the amount appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $5,000,000 may be made available for the Virtual Training and Airspace Management Simulation for Unmanned Aerial Vehicles.

SEC. 8137. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $3,000,000 may be available for Small and Medium Caliber Recoil Mitigation Technologies (PE #1160402BB).

SEC. 8138. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,000,000 may be available for the Automated Communications Support System for WARFIGHTERS, Intelligence Community, Linguists, and Analysts.

SEC. 8139. No funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 8140. (a) REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, information as follows:

(1) A description of each earmark of funds made available to the Department of Defense by this Act, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

SEC. 8141. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,000,000 may be available for Program Element 0602787A for blast protection research.

SEC. 8142. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $10,000,000 may be available for the Combat Support Hospital-Mobile Support Hospital.

SEC. 8143. Of the amounts available for the activity described on pages 149 through 159 of Volume VI, Book I of the Fiscal Year 2007 Congressional Budget Justification Book of the Intelligence Community, up to $8,000,000 may be available for personnel for that activity.

SEC. 8144. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 8145. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $10,000,000 may be available for experimentation and refinement of tactics and doctrine in the use of the Class IV unmanned aerial vehicles and ground stations associated with such vehicles.

SEC. 8146. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $10,000,000 may be available for Combat Vehicle and Automotive Technology.

SEC. 8147. Of the amount appropriated or otherwise made available by title III under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to $10,000,000 may be available for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment.

SEC. 8148. (a) Except as provided in subsection (b), the Secretary of the Air Force shall, not later than March 31, 2007, submit to the congressional defense committees a cost-benefit analysis of significant proposed realignments or closures of research and development or test and evaluation installations, activities, facilities, laboratories, units, functions, or capabilities of the Air Force. The analysis shall include an evaluation of missions served and alternatives considered and of the benefits, costs, risks, and other considerations associated with each such proposed realignment or closure.

(b) The requirement under subsection (a) does not apply to realignment and closure activities carried out in accordance with the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

SEC. 8149. (a) Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $2,000,000 may be available for the Office of Economic Adjustment of the Department of Defense to conduct a traffic study on the improvements that are required to be carried out to the transportation infrastructure around Fort Belvoir, Virginia, to accommodate the increase in the workforce located on and around Fort Belvoir resulting from decisions implemented under the 2005 round of defense base closure and realignment. The study shall incorporate the input of the Virginia Department of Transportation and other State and local governments and agencies.

(b) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under subsection (a), including a cost estimate for such improvements and the funding sources, including the Defense Access Road Program, proposed for such improvements.

SEC. 8150. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to $12,600,000 may be available for the completion of the final phase of the activity described on pages 337 through 339 of Volume II of Book 1 of the Fiscal Year 2007 Congressional Budget Justification Book of a component of the intelligence community.

SEC. 8151. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", $1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project for the purpose of developing a field-portable oxygen generation device to enable the quick administration of oxygen to members of the Armed Forces wounded in action.

SEC. 8152. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $1,000,000 may be available for Energy Regeneration and Conversion Fuel Cell Systems to address Navy Unmanned Underwater Vehicle requirements.

SEC. 8153. ROYALTY RELIEF FOR PRODUCTION OF OIL AND GAS.—(a) PRICE THRESHOLDS.—Notwithstanding any other provision of law, the Secretary of the Interior shall place limitations based on market price on the royalty relief granted under any lease for the production of oil, or natural gas on Federal land (including submerged land) entered into by the Secretary of the Interior on or after the date of enactment of this Act.

(b) CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.—Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104–58; 43 U.S.C. 1337 note).

SEC. 8154. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,000,000 may be available for Program Element 0602105A for Thermoplastic Composite Body Armor research.

SEC. 8155. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio.

SEC. 8156. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $3,000,000 may be available for Weapons and Munitions Advanced Technology (PE #603004A) for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications.

SEC. 8157. Of the amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $5,000,000 may be used for community-based programs that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

SEC. 8158. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to $3,000,000 may be available to the Navy to fund improvements to physical security at Navy recruiting stations and to improve data security.

SEC. 8159. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", $19,000,000 shall be available for the Defense and Veterans Brain Injury Center.

SEC. 8160. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES" is hereby increased by $700,000,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES", as increased by subsection (a), up to an additional $700,000,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose set forth in that subsection is in addition to any other amounts available in this Act for that purpose.

SEC. 8161. Of the amounts appropriated or otherwise made available by this Act, up to $2,000,000 may be available for infrastructure for the Afghanistan military legal system.

SEC. 8162. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to $1,500,000 may be available for a Convoy Training Simulator for the Montana Army National Guard.

SEC. 8163. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

SEC. 8164. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $1,500,000 may be available for the development of a field-deployable hydrogen fueling station.

SEC. 8165. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $6,000,000 may be available for bioterrorism protection research (PE #0601384BP).

SEC. 8166. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States: Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

SEC. 8167. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

TITLE IX

ADDITIONAL APPROPRIATIONS

CHAPTER 1

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $5,054,502,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $114,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $142,320,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $129,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $90,910,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $15,420,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $214,100,000.

CHAPTER 2

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $24,037,232,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,284,172,000: Provided, That up to $90,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,809,466,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $1,940,553,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,383,189,000 of which up to $760,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $211,600,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $8,036,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $65,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $2,033,100,000, which shall be designated as an emergency pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $200,000,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,200,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,400,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used *for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.*

Joint Improvised Explosive Device Defeat Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

CHAPTER 3

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $556,000,000, to remain available until September 30, 2009.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,048,280,000, to remain available until September 30, 2009.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $1,817,527,000, to remain available until September 30, 2009.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $153,700,000, to remain available until September 30, 2009.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $99,930,000, to remain available until September 30, 2009.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $276,500,000, to remain available until September 30, 2009.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $1,281,068,000, to remain available until September 30, 2009.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $720,100,000, to remain available until September 30, 2009.

Missile Procurement, Air Force

For an additional amount for "Missile Procurement, Air Force", $25,400,000, to remain available until September 30, 2009.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $1,220,293,000, to remain available until September 30, 2009.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $56,255,000, to remain available until September 30, 2009.

CHAPTER 4

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $110,000,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $33,064,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $155,144,000, to remain available until September 30, 2008.

CHAPTER 5

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $373,474,000.

CHAPTER 6

RELATED AGENCIES

Intelligence Community Management Account

For an additional amount for "Intelligence Community Management Account", $219,265,000, to remain available until September 30, 2008: Provided, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: Provided further, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: Provided further, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: Provided further, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF THE INTERIOR

For an additional amount for "Wildland Fire Management" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for "Wildland Fire Management" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

GENERAL PROVISIONS, THIS TITLE

Sec. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

Sec. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

Sec. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9007. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2007, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2007.

SEC. 9011. Amounts provided in chapters 1 and 2 of this title are designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234: Provided, That the amounts provided in chapters 3, 4, 5, and 6 of this title are available immediately upon enactment of this Act.

SEC. 9012. (a) ADDITIONAL AMOUNT FOR ARMY AND MARINE CORPS FOR EQUIPMENT RESET.—In addition to amounts provided by other provisions of this title, $7,800,000,000 is provided to the Army, and $5,300,000,000 is provided to the Marine Corps, to fund equipment reset requirements resulting from continuing combat operations.

(b) DESIGNATION AS EMERGENCY REQUIREMENTS.—The amounts provided under subsection (a) are designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress), and are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SEC. 9013. Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $6,700,000 may be available for the pilot program of the Army National Guard on the reintegration of members of the National Guard into civilian life after deployment.

SEC. 9014. (a) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY", up to $9,000,000 may be made available for the procurement of hemostatic agents, including blood clotting bandages and invasive hemostatic agents, for use by members of the Armed Forces in the field.

(b) Of the amount appropriated or otherwise made available by such chapter under the heading "OPERATION AND MAINTENANCE, MARINE CORPS", up to $2,000,000 may be made available for the procurement of hemostatic agents and invasive hemostatic agents, including blood clotting bandages, for use by members of the Armed Forces in the field.

SEC. 9015. Of the amount appropriated or otherwise made available by this Act by reason of the adoption of Senate Amendment 4751 (referred to as the "Stevens amendment"), $2,440,000,000 is available for the National Guard for National Guard and Reserve equipment. Such amount is in addition to any other *amounts available in this title, or under title III under the heading "OTHER PROCUREMENT, ARMY", for National Guard and Reserve equipment.*

SEC. 9016. (a) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures and guidelines of the Department of Defense to protect United States military and civilian personnel should sectarian violence further increase in Iraq.

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 9017. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and underequipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SEC. 9018. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109–234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

This Act may be cited as the "Department of Defense Appropriations Act, 2007".

MEASURES READ FIRST TIME—S. 3882 and H.R. 503

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3882) to amend Title 18, United States Code, to support the war on terrorism, and for other purposes.

A bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. McCONNELL. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURES PLACED ON CALENDAR—S. 3861, S. 3873, S. 3874, S. 3875, S. 3876, and S. 3877

Mr. McCONNELL. Mr. President, I understand there are six bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3861) to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

A bill (S. 3873) to protect private property rights.

A bill (S. 3874) to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

A bill (S. 3875) to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

A bill (S. 3876) entitled the "National Security Surveillance Act."

A bill (S. 3877) entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006."

Mr. McCONNELL. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

PAYING TRIBUTE TO REVEREND WAITSTILL SHARP AND MARTHA SHARP

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 562, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 562) paying tribute to Reverend Waitstill Sharp and Martha Sharp for their recognition by Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 562) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 562

Whereas on June 13, 2006, the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, an organization dedicated to preserving the memory of Holocaust victims, honored the Reverend Waitstill Sharp, and his wife, Martha Sharp, posthumously as "Righteous Among the Nations" for risking their lives to save Jews during the Holocaust;

Whereas the Sharps had to leave their 2-year-old daughter and 6-year-old son in the care of family and congregants in Wellesley, Massachusetts to answer a call from leaders of the American Unitarian Association to go to Czechoslovakia in February 1939 to provide humanitarian assistance for the tens of thousands of refugees crowding into Prague;

Whereas Martha Sharp was a social worker trained at the Jane Addams Hull House, a community service organization in Chicago, Illinois, and the Reverend Waitstill Sharp was a Harvard-educated lawyer and a Sunday school teacher who was inspired to become a Unitarian minister;

Whereas after their arrival in Czechoslovakia the Sharps immediately grasped that they needed not only to help feed refugees, but also to assist Jews and opponents of the Nazi regime escape to safety elsewhere in Europe;

Whereas the Sharps refused to leave Prague when, in March 1939, a month after the Sharps' arrival, the Nazis occupied Czechoslovakia, making the Sharps' work more urgent, more complicated, and more dangerous;

Whereas the Sharps insisted on continuing their life-saving mission by working out of private residences even after April 1939, when the Nazis ransacked the office of the Unitarian mission in Prague and threw the furniture into the street;

Whereas the Sharps repeatedly risked their own safety to exit and re-enter Nazi-occupied Czechoslovakia, crisscrossed Europe to obtain the travel documents necessary to help Jews and opponents of the Nazi regime escape Czechoslovakia, and even escorted some refugees by train through Germany to the United Kingdom;

Whereas the Sharps were determined to complete their 6-month mission, even after warnings that the Gestapo was searching for them;

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before Gestapo agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel;

Whereas upon the Sharps' return in 1940 to their family and the Wellesley Hills Unitarian Church in Massachusetts, their report to the American Unitarian Association about the imminent danger posed by the Nazis to refugees across Europe led to the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

Whereas the Sharps returned to Europe in 1940 fully aware of the Nazi terror they would face;

Whereas the Sharps had a special interest in saving refugee children, as well as artists, intellectuals, and political dissidents, and the Sharps and the Unitarian colleagues who followed in their footsteps set up systems and escape routes that functioned throughout World War II to assist approximately 2,000 men, women, and children to gain freedom;

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to have his citizenship revoked after Hitler came to power and whose name topped the Gestapo's "Surrender on Demand" list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

Whereas Eva Rosemarie Feigl, who was 14 in December 1940 when Martha Sharp helped her and 28 other children reach safety in the United States, provided eye-witness testimony that enabled the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Jerusalem, Israel, to honor the Sharps as Righteous Among the Nations;

Whereas when the Sharps' plans to set up the first office of the newly formed Unitarian Service Committee in Paris, France failed as a result of the Nazi occupation of France, the Sharps instead established an operation in neutral Portugal, where throughout World War II Lisbon remained the last hope for refugees seeking safe passage out of Nazi-occupied territory;

Whereas the Sharps recognized that they were dependent upon a much larger circle of friends and colleagues who made their heroism possible, such as the people who cared for the Sharps' children, the members of the congregation in Wellesley, Massachusetts who maintained the Wellesley Hills Unitarian Church in the Sharps' absence, ordinary Unitarians who financed their cause, ministers across the United States who urged their congregations to become sponsors for refugees, and secretaries who volunteered in Europe and the United States to maintain thousands of case files for refugees;

Whereas the Sharps' efforts resulted not only in the rescue of thousands of people, but in the creation of what is now known as the Unitarian Universalist Service Committee, an institution that multiplied the number of rescues a thousand-fold in the years that followed;

Whereas at the Yad Vashem ceremony that honored the Sharps as Righteous Among the Nations on June 13, 2006, in Israel, officials specifically recognized the Sharps' courage in going into the heart of Europe when World War II was unfolding and many people were fleeing;

Whereas Martha Sharp was the first American woman to be named Righteous Among the Nations, and the Reverend Waitstill Sharp and Martha Sharp were only the second and third individuals named Righteous Among the Nations who were United States citizens at the time they performed the deeds for which they were honored;

Whereas the Sharps' daughter, Martha Sharp Joukowsky, accepted the Yad Vashem honor on behalf of her parents and remarked that they were "modest and ordinary people, who responded to the suffering and needs around them ... as they would have expected everyone to do in a similar situation";

Whereas Martha Sharp Joukowsky added that the honor given to her parents is also about "the unseen efforts of a much wider circle of people who made their work possible" and that it "is the kind of network that is needed again today to stop the slow genocide in Darfur";

Whereas Martha Sharp Joukowsky concluded her remarks by saying, "Let this celebration about my parents stand as a call to action";

Whereas September 9, 2006, marks the second anniversary of the United States Government declaring the violence in Darfur, Sudan to be genocide; and

Whereas the Sharps deserve honor for their example and for helping to found an institution, the Unitarian Universalist Service Committee, that today carries on their work in distant corners of the world and asks for the Righteous Among the Nations to help save Darfur now: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Reverend Waitstill Sharp and Martha Sharp as genuine American heroes;

(2) pays tribute to the Reverend Waitstill Sharp and Martha Sharp as their names are added to the Wall of Rescuers in the permanent exhibition of the United States Holocaust Memorial Museum on September 14, 2006;

(3) commends the organization founded to support the Sharps' work, the Unitarian Universalist Service Committee, for its efforts to rescue Jews and opponents of the Nazi regime in Europe from 1939 to 1945 and for carrying on the Sharps' legacy by working to save the lives of the people of Darfur, Sudan and to protect human rights worldwide; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Joukowsky family of Providence, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp, and to the Unitarian Universalist Service Committee of Cambridge, Massachusetts.

NATIONAL CELIAC DISEASE AWARENESS DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 563, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 563) designating September 13, 2006, as "National Celiac Disease Awareness Day".

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I rise today, along with my colleague, BEN NELSON, to urge support for resolution designating September 13, 2006, as National Celiac Disease Awareness Day. We come before the Senate today to seek your help in raising awareness of celiac disease. Celiac disease hits very close to home for me as I have a staffer with the disease and an Oklahoma Celiac Support Group working to promote awareness in my great State. There are many groups and organizations working to promote celiac disease, and we applaud all their efforts. We would like to give special thanks to Heather Cline, President, with the Oklahoma Celiac Support Group, and Tom Sullivan, President, and Mary Schluckebier, Executive Director, with the Celiac Sprue Association, located in Nebraska, for their help with this resolution and great work promoting awareness.

Celiac disease is an autoimmune disorder and a malabsorption disease that affects an estimated 2.2 million Americans which could mean as many as 22,000 in the State of Oklahoma. Celiac disease is, essentially, intolerance to gluten, a protein found in wheat, rye, oats and barley, as well as some medicines and vitamins. When exposed to gluten, the villi of the small intestine are damaged, interfering with the absorption of nutrients. Other problems can occur as a result of damage to the small intestine, including malnutrition, anemia, lymphoma, and adenocarcinoma, osteoporosis, miscarriage and congenital malformation, and short stature. Celiac disease is also linked other autoimmune disorders such as thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis and Sjögren's syndrome.

Celiac disease has been widely underdiagnosed and misdiagnosed until recently thanks to an increase in research regarding the disease. It is easily detectable through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase and IgA anti-endomysium antibodies. Of the 2.2 million Americans who have celiac disease, 97 percent are currently undiagnosed, according to the University of Chicago Celiac Disease Program. Often the symptoms are attributed to other conditions as many doctors lack sufficient knowledge about the disease. In a study published by the American Journal of Gastroenterology, the average length of time for a symptomatic person to be diagnosed with celiac disease is eleven years, dramatically increasing an individual's risk of developing more serious conditions. To compound the situation, according to a study by Dr. Allesio Fasano, published in the Archives of Internal Medicine, sixty percent of children and forty-one percent of adults diagnosed with celiac disease are asymptomatic, showing no symptoms of the disease.

Treatment for celiac disease involves following a gluten-free diet. The good news is that the treatment for celiac disease is highly effective. In most sufferers, the small intestines heal completely. However, failure to properly diagnose celiac disease could lead to some of the issues mentioned earlier, and most often malnutrition.

Awareness can go a long way toward diagnosing and treating the millions of suffers of celiac disease both in my home state of Oklahoma and across the nation. Therefore, we ask you to join us in this effort to raise awareness of celiac disease.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 563) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 563

Whereas celiac disease affects 2,200,000 people in the United States, including 1 in 133 healthy people;

Whereas celiac disease is an intolerance to gluten, a protein found in wheat, rye, oats, and barley, as well as some medicines and vitamins;

Whereas exposure to gluten damages the villi of the small intestine, interfering with the absorption of nutrients in food;

Whereas celiac disease is an autoimmune disorder and a malabsorption disease;

Whereas celiac disease is a genetic disease, with 1 in 22 people having a first-degree relative with celiac disease;

Whereas the average length of time it takes for a symptomatic person to be diagnosed with celiac disease is 11 years;

Whereas celiac disease is often misdiagnosed and underdiagnosed due to the fact that symptoms can be attributed to other conditions and many doctors are not very knowledgeable about the disease;

Whereas, according to a study, 60 percent of children and 41 percent of adults diagnosed with celiac disease were asymptomatic;

Whereas celiac disease is diagnosed through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease is treated by following a gluten-free diet;

Whereas damage to the small intestine leads to an increased risk for malnutrition, anemia, lymphoma and adenocarcinoma, osteoporosis, miscarriage and congenital malformation, and short stature;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjögren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who was born on September 13, 1839;

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2006, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 564 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 564) designating September 10 through September 16, 2006, as "National Polycystic Kidney Disease Awareness Week" and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 564) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 564

Whereas polycystic kidney disease (known as "PKD") is the most prevalent life-threatening genetic disease in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents called polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no cure, is 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the "baby boomers", continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease causes many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression (7 times the national average) and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 10 through September 16, 2006, as "National Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease (known as "PKD");

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Awareness Week through appropriate ceremonies and activities to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

SUPPORTING AND COMMENDING THE NATIONAL SEXUAL ASSAULT HOTLINE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 537, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537), supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD as if read without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 537

Whereas it is estimated that a sexual assault occurs every 2.5 minutes in the United States and more than 200,000 people in the United States each year are victims of sexual assault;

Whereas 1 of every 6 women and 1 of every 33 men in the United States have been victims of rape or attempted rape, according to the Department of Justice;

Whereas the Uniform Crime Reports of the Federal Bureau of Investigation rank rape second only to murder in the hierarchy of violent crimes;

Whereas research suggests that sexual assault victims who receive counseling are more likely to report the assault to the police and to participate in the prosecution of the offender;

Whereas, in June 2006, the National Sexual Assault Hotline (referred to in this preamble as "Hotline") helped its 1,000,000th caller;

Whereas the Hotline operates 24 hours per day, 365 days per year, offering important, free, and confidential crisis intervention, support, information, and referrals for victims of sexual assault and their friends and families;

Whereas the Hotline was created by the Rape, Abuse & Incest National Network (referred to in this preamble as "RAINN"), a non-profit corporation, the headquarters of which are located in Washington, D.C.;

Whereas the Hotline answered its first call on July 27, 1994, and operated solely with private funds for the first 10 years the Hotline was in existence;

Whereas RAINN continues to operate the Hotline today, in partnership with 1,100 local rape crisis centers in the 50 States and the District of Columbia and with over 10,000 trained volunteers and staff, and in collaboration with coalitions against sexual assault in each of the 50 States;

Whereas the Hotline helps an average of 11,000 people each month and in 2005 helped 137,039 women, men, and children across the Nation;

Whereas the public education and outreach undertaken by RAINN and local rape crisis centers have increased public awareness of sexual violence and contributed to a 58-percent decline in crimes of sexual violence since 1993;

Whereas the Hotline has experienced a significant increase in call volume as public awareness of sexual violence has grown, with calls to the Hotline increasing by 43 percent since 2003;

Whereas millions of Americans have learned of the services available through the Hotline, thanks to the public service promotion contributed by every national broadcast television network, a dozen cable networks, and more than 1,000 radio stations, newspapers, and magazines; and

Whereas the Hotline serves as an outstanding example of a successful partnership between the Federal Government, the private sector, and individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the National Sexual Assault Hotline; and

(2) commends the National Sexual Assault Hotline for counseling and supporting more than 1,000,000 callers.

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2808, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2808) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2808) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, SEPTEMBER 11, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, September 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business until 4 p.m; further, that at 4 p.m. the Senate resume consideration of H.R. 4954, the port security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Today we continued debate on the port security bill. Two amendments are pending and we anticipate additional amendments to be offered on Monday, for a series of votes on Tuesday. Senators should be consulting with the bill managers in order to get their amendments in the queue and to finish this bill, we hope, in short order. While the leader has indicated that we will not have any rollcall votes until Tuesday, we need to continue to move forward on this bill, and Senators are encouraged to offer and debate their amendments on Monday next and early in the week.

Everyone should also remember that Monday will mark the fifth anniversary of the terrorist attack known as 9/11. We will have a bipartisan, bicameral ceremony at 6 p.m. On Monday evening on the East Front of the Capitol at exactly the same time we all joined on the Capitol steps on the evening of 9/11.

All Members obviously are urged to join us and to participate in remembrance of that event on the steps of the Capitol at 6 p.m., September 11, 2001.

ORDER FOR RECORD TO REMAIN OPEN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 11, 2006, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:43 p.m., adjourned until Monday, September 11, 2006, at 2 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. SAMUEL J. PRISK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 8, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the distinguished career of Dr. Samuel J. Prisk, upon attaining the Boy Scouts of America's prestigious 2006 Silver Buffalo Award.

For nearly six decades, Dr. Prisk has dedicated his life to improving the communities in which he lived. On March 1, 1948, he began his career as a dentist in Livonia, Michigan. From October 1960 until June 30, 1987, he served with distinction as a member and officer of the Clarenceville School Board in Clarenceville, Michigan. To commemorate his commitment to exceptional community service, the Board created the Dr. Samuel J. Prisk Scholarship, an award given to high school students who have excelled in academics, community involvement, school spirit, and attendance.

Since 1986, Dr. Prisk has proudly served on the board of directors of the Methodist Children's Home Society, a non-profit volunteer-driven agency, which provides foster care, residential care, adoption, and literacy programs for children. During March 2006, he was recognized by the Michigan High School Football Coaches Association with an honorary membership for supporting high school sports for 43 years by providing medical services during games, and gathering the resources necessary to assist aspiring athletes.

For his extraordinary loyalty and invaluable contributions to youth, the Boy Scouts have bestowed upon Dr. Prisk the 2006 Silver Buffalo Award, Scouting's highest commendation. He has held positions at the national and region level and served the Boy Scouts Detroit Area Council as council vice president, council commissioner, council activities chair, council executive committee, district training chair, Scoutmaster, and Webelos leader.

Mr. Speaker, during Dr. Samuel J. Prisk's laudable career, he has demonstrated exemplary leadership and involvement in local schools, sports teams, and youth agencies. His legendary benevolence has improved the lives of countless children across Michigan. Today, I ask my colleagues to join me in honoring his many years of loyal and dedicated service to our community and our country.

IN RECOGNITION OF MR. MARC C. SAPERSTEIN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 8, 2006

Mr. ROTHMAN. Mr. Speaker, I rise to recognize Mr. Marc C. Saperstein, who was elected this past summer as president of the New Jersey Association of Trial Lawyers of America (ATLA–NJ). Mr. Saperstein is more than qualified for this distinguished position. He currently practices law at Davis, Saperstein & Salomon, P.C. in Teaneck, New Jersey, which is located in my district.

Mr. Saperstein grew up in New York City. He received his Bachelor of Arts in Economics from Rutgers University in New Bnmswick, New Jersey and then completed a Juris Doctorate at Emory University School of Law in 1978. Mr. Saperstein has been admitted to the Bar of New York, New Jersey, Georgia in addition to the U.S. District Court, U.S. Court of Appeals, Second, Third and Fifth Circuits and the United States Supreme Court. He has been admitted as Pro Hac Vice Counsel in various complex litigation matters in the States of Califomia, Florida, Louisiana and West Virginia. More importantly, Marc is a devoted husband to his wife, Shelly, and a caring father to his wonderful children, Gregory and Allison. I am proud to have such an excellent attorney and a fine man representing the New Jersey branch of ATLA.

Mr. Speaker, today I would like to congratulate Mr. Saperstein on his impressive accomplishments and wish him the best of luck in his new position as president of the New Jersey Association of Trial Lawyers of America.

TRIBUTE TO JIM PADILLA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 8, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Jim Padilla, president and chief operating officer of Ford Motor Company, upon his retirement.

Since Jim first joined Ford in 1966 as a quality-control engineer, he has worked tirelessly to maintain the company's position as a global leader in automotive quality. In 1976, Jim was promoted to the first of several management roles he would hold in product engineering and manufacturing. He served in a number of senior manufacturing, engineering, and management positions from 1992 to 1996, before being named president of Ford South America operations until 1998.

Jim became group vice president of global manufacturing in 1999. He then served as Ford president of the Americas from 2001 to 2002, which is responsible for all operations in the United States, Canada, Mexico, and South America. In April of 2005, Jim was promoted to chief operating officer of Ford Motor Company and chairman of Ford automotive operations. On February 1, 2005, Jim was named president of Ford Motor Company and elected to its board of directors.

For 40 years, Jim's commitment to quality, environmental consciousness, and innovation has helped keep Ford a premier automotive manufacturer. He is credited with revamping failing sectors of the company, such as the Jaguar automotive line, and with successfully restructuring operations after the breakup of Autolina. A graduate of the University of Detroit-Mercy, he now serves on the university's board of trustees and has been named a fellow of the National Academy of Engineering.

Mr. Speaker, Jim's tireless leadership and vision of excellence has revolutionized Ford's automotive operations for four decades. As he enters the next phase of his life, I ask my colleagues to join me in applauding his achievements and honoring him for his legendary service to our community and our country.

TRIBUTE TO DICK AND GINI BRITTON

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 8, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Dick and Gini Britton as they celebrate their 30th wedding anniversary, September 4, 2006.

Dick and Gini are a loving couple committed to improving the lives of Michigan citizens.

Over the years, their friends and family have watched as their friendship blossomed into a relationship of mutual respect, love, and fulfillment. It began during the mid-1970s, when their friends Mike and Mary Sedlak arranged a dinner date for the couple-to-be. Soon, a relationship ensued, Dick and Gini fell in love, and they married on September 4, 1976.

Their first home was in Dearborn, Michigan, where they lived with their dog, Erin. By the end of the decade, the couple had moved to Commerce Township and bore their first child, Michelle, in 1980. In 1985, their second daughter, Bridget, was born and the family moved to Northville Township a year later.

Dissatisfied with the Northville Township Board of Trustees, Gini decided to make a difference by entering public service; she was elected to the Board in the early 1990s, where we initially met. Her dedication to the citizens of Northville continued even after moving to Oxford, Michigan, during the spring of 1999. For several years after they moved, Gini still ordered the local newspaper, the Northville

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Record, to maintain her awareness of Northville current events. Currently, Gini serves as a political consultant for the Oxford Rotary and member of the Oxford Women's Club. In addition, Dick is a member of the Knights of Columbus and has loyally worked at the manufacturing representative firm, Terry Barr Sales, for 30 years. Last year, as Gini battled breast cancer, Dick supportively stood by her side through chemotherapy and at every major consultation or procedure until she defeated the disease.

Mr. Speaker, this loving family has touched the lives of so many individuals across Michigan. Gini Britton's legendary commitment to promoting effective governance is a testament to her moral and compassionate character. For three decades, Dick and Gina have shown an unwavering and selfless dedication to their family, their friends, and to each other. Today, I ask my colleagues to join me in celebrating their 30th wedding anniversary and in honoring them for their years of unfaltering service to our community and our country.

SENATE—*Monday, September 11, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who maintains our world and directs it toward the future, we thank You for Your promise that justice, righteousness, and truth will be stronger than injustice, evil, and falsehood.

Today, we remember all those who lost their lives on September 11, 2001. Comfort those who still grieve, and teach each of us the wisdom of remembering that life is fragile and precious. May we never think of You as absent from our world or disinterested in it.

Today, bless the Members of this legislative body as they labor for liberty. Strengthen them to work with calm reality, glowing enthusiasm, vibrant faith, and personal integrity.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Thank you, Mr. President.

FIFTH ANNIVERSARY OF THE ATTACKS ON SEPTEMBER 11, 2001

Mr. REID. Five years and a day ago, we rarely saw flags flying at every door. Five years and a day ago, men in suits rarely wore flag pins. Today, 5 years after September 11, from sea to sea, flags fly proudly in our front yards, on our suit lapels, and in our hearts.

The acts of terrorism that September morn lit for all Americans a lamp blazing through the smoke and pain and tears and flames. Even as our hearts ached, our hopes soared, inspired by the selfless courage and devotion of ordinary people performing extraordinary feats of courage and devotion.

Men and women—good, kind, loving moms and dads, sons and daughters, brothers and sisters—died that day. For that, we can never cease to grieve. But the light that shone on September 11 cannot die. It cannot be dimmed. It cannot fail. It cannot fail because it is the light of their spirit and of ours. It is the light of a great republic, of a free and democratic people.

September 11 will always be our burden. Our minds, our souls, our hearts cannot forget. We must not forget. But we must also always remember that our fallen children in those fallen towers relit a lamp that outshines the evil done to us. In their loss, and in ours, they remind us, as could nothing else, of that for which we stand—that liberty is our central value, that freedom is our cardinal virtue, that we love our country and our flag and our people for the light we shine, on ourselves, to the world, and for the future of humanity.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will have a period of morning business until 4 p.m. this afternoon. This period was set aside to give Senators an opportunity to give statements on the fifth anniversary of September 11.

At 4 o'clock today, the Senate will continue to debate H.R. 4954, the port security bill. Several Senators were in the Chamber on Friday to offer amendments, and the managers are here again today to make more progress. We hope to finish this bill midweek, and those Senators who have amendments should be talking with the bill managers today. There are no rollcall votes today, and we will announce the voting schedule for tomorrow before we adjourn this evening.

I also wish to remind everyone that this evening Senators should meet in the Chamber at 5:40 p.m. so we can proceed as a group to the east front for an event to mark the anniversary of the September 11 attacks.

FIFTH ANNIVERSARY OF THE ATTACKS OF SEPTEMBER 11, 2001

Mr. McCONNELL. Mr. President, 5 years ago today, al-Qaida terrorists launched a brutal sneak attack on American soil. It was their deadliest attack ever and a day America will never forget.

Today, we remember and honor the innocent victims of that attack and stand in support of their families and communities.

We honor the heroic police officers, firefighters, and emergency medical personnel who rushed into burning buildings when everyone else was rushing out.

We honor the valiant passengers of United Airlines Flight 93, who gave their lives to save thousands of others—including, quite possibly, many in the building in which we stand.

We honor millions of good-hearted volunteers who lined up to help their fellow Americans and donated time, money, blood, and literally everything they could.

We honor the families who opened their homes, the houses of worship that opened their doors, and the schoolchildren who saw evil for the first time but were not afraid to open their hearts.

We honor the military and law enforcement personnel whose vigilance has kept us from attack since that day. It is because of their service we have not been attacked at home in the 5 years since.

Some have made the ultimate sacrifice, and we honor their families, while realizing the debt can never be repaid.

As the country reflects on what happened that tragic day, we must remember this: Two skyscrapers may be gone, but 5 years after 9/11, America stands taller than ever.

America is on the offense against terrorists, and America is winning the war on terror. And thanks to hard and dangerous work over the last 5 years, today, America is safer. To make us safer still, we continue to wage war against terrorists who would harm America here and around the world. Of the senior terrorist leaders whom our Government has been tracking, many have been apprehended or killed, and we are disrupting the flow of money, supplies, people, and information to the terrorists.

But we must stay on the offensive. This Congress must ensure that the brave men and women fighting under our flag have everything they need to complete their mission. War is horror, and none of us want these heroes torn away from their homes and families. But we must confront the fundamental reality of 9/11. The enemy was at war with us for years prior to that attack. It was only on that day that we began

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to fight back with the effort necessary to beat this warped and virulent strain of radical Islam. And we will prevail over the toxic death wish that preaches indiscriminate killing of men, women, and children in the Name of the Almighty.

Most importantly, all of us must do what we can to sustain the faith of our fellow citizens through this long and difficult war. When we began the fight after 9/11, we knew it would not be short, and we knew it would not be easy. In fact, this struggle will last years, perhaps decades. We cannot be sure when we will win, but we can be sure that we will win. We must sustain our faith because as long as we maintain our will to win, we will prevail.

Once before, America was the target of a surprise deadly attack. Two days after that attack, on December 9, 1941, President Franklin Roosevelt addressed the Nation. Here is what he had to say:

> When we resort to force, as now we must, we are determined that this force shall be directed toward ultimate good as well as against immediate evil. We Americans are not destroyers, we are builders. . . . We are going to win the war and we are going to win the peace that follows.

What was true then is truer today. We do not fight for death and destruction, as the terrorists do. We fight for liberty. That is America's greatest strength. And no terrorist attack will ever diminish it.

Five years ago today, Members of Congress from both parties and both Chambers stood united on the Capitol steps and sang "God Bless America." In the days that followed, our Nation witnessed a resurgence in unity and in purpose.

Voluntarism soared. American flags sold out of stores overnight. Just as we stood united here, the country stood united against a growing threat.

This evening, Members of Congress will return to the steps and join together to remember that day of resolve. And as we once again "swear allegiances to a land that's free," it is my sincere hope that we will reignite our united purpose.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 4 p.m. today.

The Senator from Montana.

PORT SECURITY IMPROVEMENT ACT

Mr. BAUCUS. Mr. President, I rise to take a moment to recognize that today is the fifth anniversary of the September 11 attacks. That day 5 years ago changed the way we all think about the world. The consequences were profound. We learned that we must be prepared for threats we cannot even imagine.

That is why our work here today on the Port Security Improvement Act is so important. I was pleased to help write the Port Security Improvement Act of 2006, the amendment before the Senate today. I am proud of our work. Working together, we have crafted legislation to help keep our ports safe and our economy strong. The legislation strikes a balance. It protects Americans, and it preserves the free flow of commerce upon which our prosperity depends.

Last year, nearly 11 million containers came into our country. That is more than 30,000 containers every day. They arrive at more than 300 ports all across our borders. That number of containers is expected to double over the next 3 years. The U.S. Customs and Border Protection Agency is responsible for ensuring that not one of those millions of containers—not one—carries with it anything that could harm us. It is a daunting task. It would be tempting to say we should slow this torrent of containers to a trickle. It would be tempting to say we should allow Customs and Border Protection unlimited time to do its job to protect us from harm, but slowing trade to a trickle would also cause America great harm. It would cripple our economy.

Ensuring security is only half of the work of Customs and Border Protection. The agency is also charged with carrying on the centuries-old responsibility of its predecessor, the U.S. Customs Service, to facilitate the commerce so critical to keeping our economy strong.

Cross-border trade accounts for fully a quarter of the American economy—one-quarter. How, then, do we keep this flow of trade both safe and smooth? I believe this legislation tries to do just that. We have given Customs and Border Protection more tools and resources to accomplish both of its missions.

We authorize $1.2 billion in port security grant assistance, and we authorize another $750 million for key programs such as the Container Security Initiative and the automated targeting system.

We also authorize funds to fulfill the promise of the Customs Trade Partnership Against Terrorism. We provide the personnel to validate supply chain security for the thousands of American importers eager to participate in the program and keep their cargo moving.

I also strongly support testing and deployment of fully integrated container scanning systems capable of increasing the security of containers in foreign ports while maintaining or improving the processing time of just-in-time cargoes. The more we can know about a container before it gets to America, the safer we all will be.

But technology is not a panacea. We need people at our land and seaports to detect and deter contraband or unlawful persons from entering our country. My State of Montana is a border State. In Montana, we have new cargo examination equipment, but we don't have new personnel to run it.

We need people to ensure the robust enforcement of our trade laws and trade agreements upon which American companies and workers rely. That is why, in the 2002 Homeland Security Act, Congress prohibited any diminution in Customs trade facilitation and enforcement functions. And we prohibited any reduction or consolidation of the personnel performing those functions.

In violation of that act, personnel dedicated to revenue collection and trade enforcement are increasingly being asked to assist with port security-related functions for which they are neither trained nor equipped. Since 2003, trade personnel numbers decreased by as much as 15 percent.

This legislation reverses this damaging trend by requiring Customs and Border Protection to restore personnel vital to its commercial mission. At the same time, we ensure sufficient numbers of security-focused personnel by adding uniformed officers at every one of our Nation's ports. We can do both, and we need to do both.

The legislation also creates an Office of International Trade within Customs and Border Protection. The new office would be headed by an Assistant Commissioner for International Trade, reporting directly to the Commissioner.

This office is responsible for supervising and giving policy direction to employees before the agency's commercial and revenue functions. This structural change is designed to give voice to the concerns of commerce. It will guarantee that the concerns of commerce receive due consideration.

And an International Trade Policy Committee within Customs and Border Protection will assist the Commissioner in coordinating with the Assistant Secretary for Policy. The committee will help them implement policies related to the commercial customs and trade facilitation functions within the Agency.

Mr. President, if security at our ports is compromised, then the international trade that drives our Nation's economy could grind to a halt. But if security at our ports does not protect the overall health of the international commerce system, then that would not provide Americans real security. We need to do both.

I am very pleased with the legislation before us. We still need to address other critical transportation security issues, such as rail and transit security, which this legislation doesn't do. But the pending amendment is a critical component of a national strategy on homeland and economic security.

This legislation would not have been completed without the tireless efforts of my colleagues. I thank and commend Senator INOUYE, Senator STEVENS especially for his very helpful work, MURRAY, COLLINS, LIEBERMAN, COLEMAN, and my dear friend, the chairman of the Finance Committee, Senator GRASSLEY.

Too many staff to name have worked countless hours to get this legislation ready, and I thank them.

Working together, I believe we have created something that both safeguards our Nation's ports and protects American prosperity. America needs us to do both. That is why America needs us to pass this important legislation.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Maine is recognized.

REMEMBERING SEPTEMBER 11 ATTACKS

Ms. COLLINS. Mr. President, 5 years ago, our Nation experienced one of its darkest days and finest hours. With shocking suddenness, an act of unparalleled cruelty transformed the late-summer morning of uncommon brilliance into one of unfathomable horror. On that awful morning, September 11 was transformed from a mere point on the calendar into an eternal monument to the deepest human emotions of loss, of sacrifice, and of resolve.

We pause today to remember those whose lives were taken that terrible morning—2,996 innocent men, women, and children, workers doing their jobs, travelers embarking on trips. Men and women like Robert and Jacqueline Norton of Lubec, ME boarded Flight 11 to celebrate a son's wedding in California. In the days just before the trip, the Nortons planted new raspberry bushes in their garden and Robert, at age 85, helped repair the concrete steps at their church.

At age 85, Robert Norton was the oldest to perish that day. At age 2, Christine Hanson of Groton, MA, was the youngest. She was traveling with her parents to that place of childhood dreams, Disneyland. The aircraft that was to take the Hanson family on their dream vacation instead was driven into the North Tower. There, on the 92nd floor, were John and Sylvia Resta of Queens, NY. They worked together and on September 11th they died together. Resta was seven months pregnant.

The Pentagon that morning was filled with men and women who had dedicated their lives to serving their country. Among them was Commander Robert Schlegel. After his 1981 graduation from Gray-New Gloucester High School in Maine, he went to college, married his high-school sweetheart, Dawn, and followed a tradition set by his father and two brothers by joining the United States Navy. His 15-year Naval career was one of achievement and courage. Among his many commendations were the Meritorious Service Medal, four Navy and Marine Corps Commendation Medals, and the Purple Heart. Shortly before September 11, he had been promoted to the rank of Commander. His new office, on the second floor of the Pentagon, believed to be the point of impact of Flight 77.

Each of these names, and the names of so many more, represent lives of accomplishment, contribution, and promise. Each loss leaves a wound in the hearts of families and friends that can never be fully healed.

But September 11 was not just a day of personal tragedy. It was an attack on the United States, an attack on freedom, an attack on civilization. We must never forget what was lost, and what remains at stake.

We also pause today to remember the heroes whose courage saved countless lives then, and who continue to inspire us. Yamel Merino, of Yonkers, NY, was described by colleagues as the perfect EMT. She gave her life while helping the injured near the World Trade Center when the first tower collapsed.

After an outstanding career with the FBI, John O'Neill became head of security for the World Trade Center. He exited the building safely after the first of the two hijacked planes hit, but re-entered when he saw the extent of the damage and the danger to others. He saved lives, but could not save himself.

After his safe exit from the Pentagon, Staff Sergeant Christopher Braman rushed back into the burning building, returning again and again to find survivors and to carry them to safety. He stayed on the scene for the next 3 days, working past exhaustion, saving lives with the search and rescue skills the U.S. Army had taught him.

In the days and weeks immediately following the attacks, we were moved by the selfless courage of the men and women—passengers and crew—aboard Flight 93. By wresting control of that aircraft from the terrorists, they knowingly gave their lives so that others might live. Todd Beamer's Let's Roll! became our Nation's rallying cry.

Last month, additional recordings of emergency calls made that terrible morning were released. One contains a statement that describes with eloquent simplicity the spirit of September 11. Amid the suffocating smoke, searing flames, and falling debris of the South Tower, the last words Fire Captain Patrick Brown spoke from the 35th floor to the outside world were these: "We're still heading up."

We may never know where the courage to keep heading up into such danger comes from. We must always honor it. We must never forget.

As we pledge to never forget what was lost and what was given on September 11, we must in the same breath pledge to do all that we can to prevent future attacks. We can offer no guarantee, but that must be our goal.

The fundamental obligation of Government is to protect its people. Since September 11, we have done much to meet that obligation. Immediately after the attacks, we passed legislation to close the gap between law enforcement and intelligence that the terrorists exploited. The reauthorization signed into law earlier this year makes permanent many provisions from the original law that are important to protect Americans from terrorists. Equally important, it contains significant new safeguards that protect the civil liberties we cherish but that the terrorists despise.

We created the Department of Homeland Security to provide a unifying core to the vast effort of detecting and preventing terrorist attacks, assessing and protecting our vulnerabilities, and improving our response to disasters of all types. We have made great investments in training and equipping first responders throughout the nation. We have strengthened our borders with additional personnel, better coordination with State and local authorities, and cutting-edge technology so that they remain open to our friends but increasingly closed to our enemies.

We passed the Intelligence Reform and Terrorism Prevention Act of 2004, which Senator LIEBERMAN and I authored. This legislation, based on the recommendations of the 9/11 Commission, brought about the most comprehensive reforms of our intelligence community in more than a half century so that the trail of dots terrorists leave behind as they plan, train, and organize will never again be left unconnected. This newly restructured intelligence community has uncovered terrorist plots, cells, and financing operations, and it played an important role in thwarting the scheme to blow up transatlantic airliners that was exposed in Britain last month.

Today we are on the brink of passing the GreenLane Maritime Security Act. America's seaports are vital to our economy, but at the same time they offer a port of entry for those who would do us harm, or for devastating weapons. This bipartisan legislation will help build a coordinated approach to maritime and port security across all levels of government with our overseas trading partners. I urge my colleagues to take this major step toward protecting these valuable and vulnerable facilities.

We have taken many such steps. None was easily taken. All were accompanied by controversy, conflict, and reasonable differences of opinion. Yet, working together, we found a way.

Each, however, remains a work in progress. DHS has yet to develop the cohesion, the common culture, that is needed for its complex mission. First responder grants to the States still lack the accountability and effective measures of progress needed to prevent the waste of taxpayer dollars. Ongoing shortages of detention space and personnel still leave our borders at risk, despite the many improvements that have been made.

Other gaps remain. Ten million Americans live and work in proximity to plants that produce, use, or store large quantities of hazardous chemicals and, indeed, if one talks to the experts, over and over again you will hear them identify the security of our ports and our chemical facilities as major vulnerabilities. We are about to complete action this week on port security legislation. I hope we will turn to chemical security legislation as well. There is no question that attacking these facilities fits squarely within the terrorist strategy of causing maximum harm to our people and to our prosperity.

Yet 5 years after 9/11, America is left vulnerable by an incomplete and inadequate patchwork of laws and voluntary industry standards that too many facilities fail to observe. The Homeland Security Committee approved our bipartisan Chemical Facility Anti-Terrorism Act more than 3 months ago by a unanimous vote. For the first time, our legislation would ensure that high-risk chemical facilities are covered by Federal standards that would not only help to deter terrorist attacks but also to mitigate the consequences of an attack.

Our legislation would give the Department of Homeland Security the strongest possible remedy to ensure compliance: the authority to shut down any chemical facility that does not adequately address the risks of a terrorist attack. Unless this legislation moves forward, these highly attractive terrorist communities, large and small, will remain without the protection they require.

The heroes of 9/11 faced grave danger and made great sacrifices in order to save others. They performed magnificently despite being hampered by obsolete and incompatible communications equipment that placed them in needless peril and resulted in needless loss of life. That should be a major national priority for our country to solve once and for all the issue of first responders being able to communicate with one another in the midst of a disaster, whether it is a terrorist attack or another hurricane, such as Hurricane Katrina.

The Post-Katrina Emergency Reform Act, which Senator LIEBERMAN and I introduced, contains strong provisions to establish a comprehensive national emergency communications strategy and provide State grants for interoperable communications. It is time to act on this legislation—we must never again send our first responders into harm's way with a deficiency that has been so thoroughly revealed.

Perhaps our greatest challenge, however, is to recognize that terrorism continually evolves. As the devastating attacks in Madrid, Bali, Istanbul, Beslan, London, and Israel prove, terrorists will strike wherever opportunity allows and wherever innocent people are the most vulnerable. The terrorists' resourcefulness, cunning, and patience are exceeded only by their cruelty.

Indeed, one of the most striking findings of the 9/11 Commission was that the September 11 attacks were made possible by a failure of imagination. Commercial airliners had long been a target of terrorists. The conventional wisdom was that they would be targeted in two ways: to hijack for the purpose of taking hostages or to blow up in midair. To envision airliners being hijacked to use as missiles would have taken some imagination, but it was not unimaginable.

We all remember one of the striking findings of the 9/11 Commission that the September 11 attacks represented a failure of imagination. How different things might be today if 5 years prior to September 11, 2001, our imagination had been fully engaged.

Mr. President, 1996 was the year that Ramzi Yousef, while awaiting trial for the 1993 World Trade Center bombing, was convicted of a conspiracy to plant bombs on a number of U.S. airliners operating in East Asia, and of placing the bomb that exploded on a Philippine airliner the previous year.

Mr. President, 1996 was the year of the truck bomb attack on Khobar Towers that specifically targeted U.S. military personnel.

And 1996 was the year that Osama bin Laden relocated from the Sudan to Afghanistan, established a new base of operations under the protection of the Taliban, and declared war on the United States.

The terrorist strategy was evolving 5 years prior to 2001 to direct massive attacks on high-profile American targets, but we failed to see that these seemingly isolated events were, in fact, tied together.

In the aftermath of 9/11, we learned that although the terrorists targeted high-profile targets in major cities, they did much of their planning, training, and transiting in smaller communities—communities such as Stone Mountain, GA, Norman, OK, and Portland, ME. It may be that they believed these locations shielded their activities from the scrutiny they would have been subjected to in their larger, more terrorism-savvy target locations.

Today there is no question that the tactics of terrorists have evolved. As the recent arrests in Canada and Miami, the attacks on the London subway of a year ago, and the thwarted airliner plot in Britain have made clear, terrorist masterminds no longer have to rely on operatives imported from abroad to infiltrate target nations and carry out attacks. The emerging threat is from home-grown terrorists. They are far harder to detect, and increased border security will not protect us from them.

Whether the target we seek to protect is a cargo port, a chemical plant, a public water supply, the electric grid, or the information technology networks critical to our economy, it does not take a stretch of imagination to see that an attack can come from within just as easily, perhaps more easily, than from overseas.

From John Walker Lindh, we already know the most extreme ideology can take root even among those who enjoy the most privileged circumstances our society can offer. As the details of the British airliner plot emerge, it becomes evident that home-grown terrorists, working in conjunction with masterminds overseas, can be every bit as sophisticated as the imported terrorists who attacked us on 9/11.

What is particularly alarming is the evidence that this infection is being spread within our State and Federal prisons, and this is an area that the Homeland Security Committee will hold a hearing on next week.

Richard Reid—the infamous shoebomber—and Jose Padilla both were indoctrinated into Islamic extremism while in prison. Less well known, but equally lethal, is Kevin James, a self-styled Imam who, while a California State prison inmate, founded an organization based upon his radical interpretation of Islam. James recruited among his fellow inmates, allegedly instructing them that it was their duty to kill his perceived enemies of Islam—in particular U.S. military personnel and supporters of Israel. Upon their release, his followers reportedly conducted surveillance on military installations, the Israeli Consulate, and synagogues. It is alleged that they sought firearms with silencers and also explosives and that they financed their operations through a string of armed robberies in the Los Angeles area. These operatives have been arrested and they face trial next month.

The new face of terrorism—born and raised in America, in Great Britain—has been exposed. This new face of terrorism will challenge us, perhaps as much or even more as Osama bin Laden has challenged us. But this is the reality that we must confront. We must not allow our imagination to fail us again.

Five years ago, in what seemed like a moment, September 11 was transformed from a day like any other day into one that for as long as our Nation stands will stand alone. The loss that we relive this day reminds us of the value of all that we must protect. The heroism reminds us of the unconquerable spirit of the American people. Our accomplishments remind us that we can meet any challenge with decisive action and a sense of unity. As long as we keep the meaning of this day of remembrance in our hearts, I am confident that we can meet any challenge that lies ahead.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. INOUYE. Mr. President, what is the pending business?

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Stevens (for DeMint) amendment No. 4921, to establish a unified national hazard alert system.

McCain modified amendment No. 4922, to provide increased rail transportation security.

Mr. INOUYE. Mr. President, we are ready to proceed, but other Members are not here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4926 TO AMENDMENT NO. 4922

(Purpose: To provide improved rail security)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be considered to the pending bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. LAUTENBERG, proposes an amendment numbered 4926 to amendment No. 4922.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. Mr. President, this second-degree amendment offered by Senator INOUYE and myself, with Senators MCCAIN and LAUTENBERG as cosponsors, simply adds the additional rail security provisions of S. 1052, the Commerce Committee's Transportation Security Improvement Act of 2005, to the McCain amendment. The provisions in the second-degree amendment address rail worker security training, rail security public awareness, hazardous materials threat mitigation, railcar tracking, and update a few of the provisions that are in Senator MCCAIN's provisions.

Taken together with Senator MCCAIN's Rail Security Act of 2005, which Senator MCCAIN offered to this bill, this amendment and Senator MCCAIN's bill will form the rail security title of S. 1052 that was unanimously supported by the Commerce Committee. It is supported by both the railroads and the rail workers, and I urge its adoption.

I again say it is an amendment cosponsored by Senator INOUYE, myself, Senator MCCAIN, and Senator LAUTENBERG.

Mr. INOUYE. Mr. President, I associate myself with the remarks of the Senator from Alaska, our chairman.

Mr. STEVENS. I urge the adoption of the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4926.

The amendment (No. 4926) was agreed to.

Mr. STEVENS. I now ask for approval of Senator MCCAIN's amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4922, as amended.

The amendment (No. 4922), as amended, was agreed to.

Mr. STEVENS. I ask unanimous consent to reconsider both those actions at the same time. I ask that they be reconsidered and the motions be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent Senator CLINTON be added as a cosponsor to the Stevens second-degree amendment to Senator MCCAIN's amendment No. 4922.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4927 TO AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I send to the desk an amendment proposed by Senator DEMINT for Senator INOUYE and myself, to the amendment numbered 4921, proposed by Senator DEMINT. I ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEMINT, for himself, Mr. STEVENS, and Mr. INOUYE, proposes an amendment numbered 4927 to amendment No. 4921.

Mr. STEVENS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments."

Mr. STEVENS. I ask unanimous consent this be considered a complete substitute for the DeMint amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I am pleased to offer this amendment on behalf of Senator DEMINT. The second-degree amendment clarifies some issues in the legislation and improves this important legislation. It has been agreed to now by Senator INOUYE and myself and by Senator DEMINT. I think we are closer to passing the WARN Act. We have been working for 3 years through the Homeland Security and appropriations bill to move DHS to improve the national alerting system. This amendment is a large step forward.

If the worst happens and there is a successful attack on one of our ports, we need a tool to effectively alert communities surrounding the port. The purpose of this amendment is to do just that: to move the emergency alert system out of the area of broadcast radio and television into the wireless era. We need to give the Nation an alerting system that harnesses all the capabilities of the digital age.

When disaster strikes, we know not everyone will be listening to the radio or television, but almost all Americans will be carrying a mobile phone, a Blackberry, or a PDA. There are over 200 million wireless subscribers in the United States.

This is crucial because regardless of when or where disaster strikes, be it American seaports, a rail terminal, or an airport, minutes save lives.

This amendment will provide a tool for emergency managers at all levels of Government—Federal, State, or local—so they can quickly and effectively reach all affected individuals with specific lifesaving instructions. In addition to the threat posed by terrorist attacks, this system, the system created by this amendment, will give our managers the ability to alert communities of other hazards such as natural disasters or manmade accidents.

It is already funded. I worked during last year's budget reconciliation bill to provide $106 million for this program.

I urge our colleagues to vote for the amendment and move the Nation one step forward to having a modern public safety alerting system.

I urge the adoption of this second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4927) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we will shortly have a request for a vote on this amendment, as amended. Hopefully, it will take place around noon tomorrow.

I know of no other business we have to come before us tonight. We will await the wrapup statement to be sent to us by the leader's office.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, it is my understanding that either shortly this evening or tomorrow the Senator from South Carolina will be coming to the floor to speak on the agreement that has been worked out among all the players, which is based on legislation he introduced, S. 1753, the Warning Alert and Response Network Act, the so-called WARN Act. This amendment would create the national alert system which will contribute to a strengthened emergency management system for our country. The amendment will create a national alert office within the Department of Homeland Security and will ensure that the office will work closely with the National Oceanic and Atmospheric Administration, NOAA, to bring together the wealth of expertise in both of these agencies to create an alert system that will transmit alerts in response to all threats to public safety, whether they are a terrorist attack, a natural disaster or a manmade accident.

The amendment directs this new office to develop a 21st century alert system that takes advantage of new technologies, including technologies to better alert underserved communities.

Five years ago, all of us remember the frustration of trying to get accurate information. Most of us found that our cell phones were no longer functioning. At that point, we did not have Blackberries, and we had a very difficult time communicating.

The legislation that Senator DEMINT has authored helps to respond to that need to disseminate information quickly and accurately to the public using a variety of tools. The new system would use multiple modes of communication, providing alerts not only by television and radio but also cell phones, Blackberries, and other wireless devices such as the Internet, satellite television, and other means of communication.

The DeMint proposal builds on the recommendations of the White House Katrina Report to employ all available 21st century technologies both to update and utilize the National Emergency Alert System in order to provide the general public with advanced notification of, as well as instructions during, a disaster or other emergencies.

We need a warning and alert system in this country that keeps pace with new technologies and an increasingly mobile society. No longer is it adequate to depend on television and radios to disseminate absolutely critical public safety information.

I believe that the approach in this amendment will save lives by creating a system with the capability to alert individuals to dangers, whether they are watching television, driving in their cars or sitting on the beach with a cell phone and a Blackberry. Yes, some of us take the Blackberry and the cell phone even when we are on the beach.

I thank Senator DEMINT for his work on this important amendment. I thank the Commerce Committee, which has worked very closely with the Homeland Security Committee to work out some issues, and I am pleased to support its passage as amended by the amendment of Senator INOUYE and Senator STEVENS.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4921

Mr. DEMINT. Mr. President, I will speak on my amendment, which is based on legislation I introduced last year called the WARN Act.

First, I thank the managers of this legislation for their tireless work, particularly Senator COLLINS and Senator STEVENS, who have helped bring this amendment up for consideration.

America needs the world's best port security. This legislation we are debating will help America get it.

While our Nation has come a long way in preparing for the threat posed by natural disasters and terrorist attack since the creation of the Department of Homeland Security, there are still areas where we can and must do better.

If, God forbid, there is a successful attack at one of our ports, minutes will make the difference between life and death for many citizens in the surrounding communities. To save lives, our first responders will need the tools to immediately communicate with people in harm's way.

For decades, the emergency broadcast system has largely been the only available tool. As people are increasingly on the move, getting word out via television and radio alone is not effective. We need to do more.

This amendment does that by building on the foundation of the emergency broadcast system and bringing it into the 21st century. Over 200 million Americans subscribe to wireless services, Blackberrys, cell phones or other PDAs. This amendment leverages these new mobile capabilities, in addition to television and radio, to provide alerts that will save lives during disasters.

Wireless networks have enthusiastically endorsed the WARN Act and look forward to competing with each other to create the best system.

The need for this system is obvious. Whether it is the foiled London airline bombing plots or the train attacks in India, we are constantly reminded we must be vigilant in our efforts to secure America's homeland. One year ago, terrorists brutally attacked the London subway system, killing dozens. We have since discovered that terrorists were targeting commuter lines running under the New York Harbor. In July, we saw terrorists in India kill 300 innocent men, women and children and injure over 700.

If the unthinkable happens and we are attacked with a chemical, biological or radiological weapon, we must be prepared to respond. The WARN Act does this, establishing a system that represents a major advance in emergency management. One of the most effective ways to save lives is to keep people out of the impacted areas and efficiently evacuate those who are already affected. Under this new system, we will be able to tell some people to stay where they are if it is safe; others can be given instructions to evacuate in certain directions depending on their location and the direction of the wind or they could be told how to avoid the impacted area all together, preventing first responders from being forced to manage new victims.

While the system would be a crucial tool in saving lives in the event that there was an attack at one of our ports, the uses of this new national alerting system extend well beyond terrorists attacks, to manmade or natural disasters. A year and a half ago, a town in my State of South Carolina was exposed to a massive chlorine gas release. The train crash that caused the release occurred at 2:39 in the morning. Beeping television or radio is not much help when the owner is sleeping and the TV and radio are silent. What could have been helpful would have been if emergency managers in the area could have run the cell phones that were designed to turn on in emergencies so the individuals in the affected area could have been instructed to evacuate away from the path of the chlorine cloud and get to safer ground.

Finally, the new system set up by the WARN Act will have significant impact for the response to natural disasters. For example, in the Midwest, tornadoes pose a grave threat. Tornado sirens have a limited reach and can save some, but by leveraging the capabilities of cell phones, we can effectively direct individuals who are in the path of a tornado to take cover or get out of the way.

The applications are promising, as well, along the gulf and Atlantic coasts, where hurricanes often make landfall. This year could still be a strong hurricane season, with predictions of three or four major hurricanes category 3 or above. If one of one of these makes landfall, it will trigger a massive evacuation.

The system created by the WARN Act will provide crucial information to aid in evacuation and recovery. It will alert evacuees to the closest shelter with beds and where water and food is being distributed after the storm and what roads are not usable as evacuation routes.

We all hope and pray disasters—natural, manmade or terrorist—never happen, but we must be prepared. Today, I ask my colleagues to join in supporting this amendment.

Again, I thank Senator COLLINS and all those who have worked to bring up this amendment. This way we give first responders one of the more crucial tools they need to save lives and secure our homeland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I spoke earlier in favor of the amendment of the Senator from South Carolina. While he is here, I again commend him for his effort, his leadership in this area, and for working with both the Homeland Security and the Commerce Committees to work out some technical issues. His amendment is going to make a big difference. All of us remember 5 years ago on this day how difficult it was to get information—our cell phones were not working; we did not have Blackberrys then. The Senator's approach will ensure that we use every possible means to inform the public when there is an incident that is a threat to public safety.

I salute the Senator for his leadership. This is an excellent proposal. I am pleased to support it.

PUBLIC SAFETY PROMOTION

Mr. INOUYE. I appreciate the efforts of my colleagues, Senator STEVENS, Senator DEMINT, and Senator BEN NELSON, in working to build consensus on the pending amendment, which will improve our Nation's ability to transmit critical emergency information to the public in times of crisis. As we consider this amendment, however, I believe it is important for us to clarify that provisions in this act do not affect or in any way limit or impair the Federal Communications Commission's existing authority under the Communications Act to promote public safety. As my colleagues well know, one of the most fundamental and significant statutory mandates of the FCC is the promotion of safety of life and property through the use of wire and radio communication.

As a result, while section 103(f) of the amendment makes clear that no new regulatory authority is granted to the FCC, other than to regulate compliance with its provisions and as specified in subsection 103(d) and (e), I would ask my colleague, Senator DEMINT, to confirm my understanding that the amendment will have no impact on the FCC's existing regulatory authority under the Communications Act to promote public safety through the use of communications technologies.

Mr. DEMINT. Mr. President, I agree with the interpretation and understanding of my colleague, Senator INOUYE, and thank him for his assistance and support in working on this amendment.

Mr. STEVENS. I concur with Senator INOUYE and Senator DEMINT.

The PRESIDING OFFICER. The Senate majority leader.

Mr. FRIST. Mr. President, I ask consent at 12 noon tomorrow the Senate proceed to a vote in relation to the DeMint amendment No. 4921, as amended; further, that notwithstanding the adoption of the amendment 4927, the second-degree amendment be modified to reflect a perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SEPTEMBER 11, 2001

Mr. STEVENS. Mr. President, there are moments in every lifetime which defy words. For me, those moments are the attack on Pearl Harbor, the day President Kennedy was assassinated, the Good Friday earthquake in Alaska, my own airplane crash in 1978, and the day I viewed the Exxon Valdez oilspill. My most recent and most vivid memory is the helicopter trip I took over Ground Zero with my good friend, Senator INOUYE, on September 13, 2001.

The total impact of what Senator INOUYE and I saw just shocked the two of us. We both went through World War II and saw a lot of trauma, a lot of destruction. But nothing was more stark in terms of our memories, particularly mine, than what I saw that day in New York. Embedded in my mind then were the questions: Who would do something like this? And why? We would soon learn the answers, and those answers changed our Nation forever.

September 11, 2001, was one of our country's darkest days, but the worst in our enemies brought out the best in our citizens. Their efforts reflected the words of the author Henry James:

> We work in the dark, we do what we can, we give what we have.

Following those attacks, Americans did everything they could to help those directly affected. Those of us in Congress almost immediately made $40 billion available to initiate recovery.

Since then, our country has been fortunate. We have met the terrorists abroad rather than here on our soil, and we have accomplished this in a way consistent with our ideals.

Democracy is harder to move than a dictatorship. It moves slowly, but it moves surely. There is much more work left to do, but so far, we have been able to prevent another massive terrorist attack on our country.

The terrorists who attacked us 5 years ago thought they could defeat us. They questioned our resolve and our dedication to our principles. They were wrong. Our resolve is strong, and it has brought about a different response than the terrorists anticipated. The past 5 years have been a proving ground for our country's courage and commitment.

Today I am reminded of the words once spoken by President Reagan. He said this:

> Perhaps you and I have lived with this miracle too long to be properly appreciative. Freedom is a fragile thing and is never more than one generation from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people. Those who have known freedom, and then lost it, have never known it again.

Today we pause to remember those we have lost over the past 5 years, men and women who sacrificed everything so that this miracle, the great American experiment, could continue. Our thoughts and prayers are with them and with their families. And we will remember forever September 11.

Mr. FEINGOLD. Mr. President, today, our Nation honors the memory of those who were killed in the terrorist attacks of September 11, 2001. We also pay tribute to the heroism of the first responders who selflessly risked, and even gave, their lives in the rescue and recovery missions that followed those horrific attacks. Five years after that tragic day, we still remember their tremendous bravery, and we remember the simple acts of kindness that Americans all over the country displayed as they donated equipment for the first responders, observed moments of silence, or flew the flag in a show of patriotism and unity. Each of these acts, however large or small, contributed to our Nation's recovery. Let us not forget the great strength of spirit that guided Americans through that difficult time as we move forward, bound together by our faith in this great and free Nation.

As we mark this solemn day, let us also rededicate ourselves to defeating the terrorists who continue to threaten us. This should not be a partisan issue every Senator wants to protect our country and every American wants to defeat the terrorists who attacked us. This must be our top priority, and we must strive to regain the unity and resolve that bound us together after 9/11 as we show the terrorists how badly they have underestimated the strength and resilience of the American people.

Mr. ALLARD. Mr. President, I rise today to speak on the approaching fifth anniversary of the terrorist attacks against our Nation.

I still vividly remember that morning. When my chief of staff came to tell me about the attacks on the World Trade Center, I was in a meeting on how to improve our 911 emergency response system to better suit the needs of our first responders in rural areas. Even then we knew right away that our country would be forever changed.

The events of September 11 undoubtedly remain etched into the memory of every American. Five years later we are reminded daily of the profound impact that fateful morning had on our great Nation. Although deliberation and debate continues all across the county and in this body to determine the best way to keep our Nation safe, as we approach the anniversary of 9/11 we must commemorate and pray for those who lost their lives, for their surviving loved ones, and for the brave men and women serving in our Armed Forces around the world protecting our freedoms.

I said it the day after the tragedy here on the floor of the Senate, and I still believe it: America is strong. No terrorist strike will undermine our country to a point that would make us lose our fundamental purpose as a nation and a people.

We as a nation have adjusted to a new way of life since that day. We understand that these measures have changed our lives slightly but not our way of life. Increased security at airports, a transformed homeland security position, and a new national intelligence apparatus are but a few of the changes we have made in combating the new war of the 21st century.

After that day in 2001, many of us in elected service had to answer "what happens next?" We knew then that the phrase "war on terror" had been used lightly before and that this war had been ongoing before September 11. But our eyes were opened that day, and our strategic outlook was dramatically altered. President Bush has called it the long war, and I agree with him. We are in a struggle for survival against a faceless enemy who uses terror as a weapon against civilians anywhere, anytime.

It is this reality that has driven our foreign policy for the last 5 years and will continue to define how we fight against terror abroad. This is a different kind of war than what we have confronted before. Not only will we have to fight terrorists on the battlefield but also in urban areas, cyberspace, and over the airwaves. Not only are we fighting with bullets but also with ideas. Our greatest export continues to be freedom and democracy, and it will be these tools, not force, that will eventually lead us to victory.

But any victory we have will be hard fought. Our enemy is a radical network of terrorists that can flourish anywhere in the world. The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military and civilians, including women and children.

It is with this knowledge that we approach the global war on terror. After September 11, we could not sit back and wait for the terrorists to strike again. On the contrary, our President, with congressional backing, ordered our Government to go on the offensive. We have shut down sanctuaries of terror in Iraq and Afghanistan. We have cut off the terror financing, and we have worked with our friends and allies to track down and apprehend terror operatives wherever they may be. We have had many such successes against terrorism since 9/11.

In the past, we would combat terrorism mostly using law enforcement mechanisms. We now combat these terrorists by taking the fight to them with our international partners using every available resource.

Some of these resources come from our intelligence community. Prior to September 11, our intelligence and law enforcement communities were restricted from sharing certain information with one another. Thankfully, today our counterterrorism efforts are more comprehensive, and these barriers no longer exist.

Al-Qaida used to train thousands of terrorists in Afghanistan under the nose of the international community without any repercussions to the organization or the Taliban. Thankfully, no longer is Afghanistan a safe haven for those brewing plots against our Nation. The Afghan people have been freed from the oppressive Taliban and fight with us side-by-side in the war on terror.

Additionally, Iraq was governed by a mass-murderer and a state sponsor of terror and now boasts for the first time a democratically elected government.

Of course, none of this could have been attained without the men and women of the armed services. Many of these servicemen have sacrificed everything to protect our freedoms abroad. Yet while the cost has been high, the cost of doing nothing would be even greater. Our country continues to mourn for the men and women who have lost their lives while on duty in Iraq, Afghanistan, and other parts of the globe.

Despite the many difficulties in this war, our Armed Forces have not retreated nor walked away in the face of adversity. They continue to seek out terrorists to disrupt their plans of horror both in the Middle East and elsewhere. They also continue to provide support and guidance to the Iraqi and Afghani people in their newborn democracies. Our citizens in uniform have taken the battle to the enemy and achieved success.

As we mourn the victims lost on September 11 and the Americans who have lost their lives since that day protecting us, let us remember that we are all Americans and must continue to remain committed to protecting what we hold dear. We will never forget the events of September 11. It will forever be a harsh reminder of the intentions of our enemies who detest freedom and democracy.

That said, we must also never forget what we witnessed in the days following this tragedy as America came together for the greater good. From that experience we learned that we as Americans are much more united than not. Much has changed since that fateful day of September 11, but our country has emerged prepared for the new challengers of the 21st century. Let us remember those who lost their lives that day and never forget why we fight abroad today.

Mr. SALAZAR. Mr. President, I wish to take a few minutes to reflect upon one of our Nation's most trying hours. Five years ago, our Nation embarked on the greatest test of its courage and mettle since the "greatest generation" rose to the challenge of defending freedom in World War II from the forces of hatred and fascism.

As the 9/11 Commission observed, the morning of Tuesday, September 11, 2001, was a beautiful morning in New York and here in Washington, DC, before the peace was shattered. None of us will forget those hours that morning, hours which saw our Nation face unimaginable tragedy. This defining moment awoke within every American the grim knowledge that we are a nation at war with hatred and fear and that we must rise to the challenge. Each of us will remember where we were, what we were doing, when America turned to face this new challenge with sorrow and resolve.

In the morning hours of September 11, starting at 8:46 a.m., we experienced the 21st century's "Pearl Harbor" moment. Americans stood transfixed by the images we saw unfolding before us: the brutal violence of intolerance and the unimaginable courage of our heroes on the ground and in the air striving valiantly to prevent it. By 10:38 a.m., America began to truly understand the scope of what had happened: the thousands of innocent Americans lost, the destruction of the Twin Towers and damage to the Pentagon, the dawning of a new age in our Nation's proud history.

Each American grappled to understand this moment in history as it unfolded before us, trying to make sense of senselessness. As a nation, we continue to struggle with it each day. Like all Americans, I have spent many hours seeking meaning from and understanding of the events of September 11, 2001. It has not been an easy task, nor will it ever be completed.

But we know the importance of remembering those who are not here with us now—the innocent passengers aboard those four planes and in the Towers and the Pentagon; the courageous first responders who charged into the chaos to try to save their fellow man; the brave servicemembers who have given their lives around the world to protect the freedoms we continue to enjoy, to engage our enemies wherever they may run and hide.

The people who perished during the September 11 attacks were not simply victims: they were mothers and fathers, brothers and sisters, sons and daughters, husbands and wives, and friends and neighbors. We remember them for the shared jokes and laughter, the debates and challenges, the quarrels and sometimes heart-wrenching disagreements, the fellowship and love of family that bind us together.

Mr. President, 9/11 represented a crossroads for our Nation: we had the choice between fear and hope, between appealing to our higher angels and succumbing to our darkest demons. A year from now, children starting kindergarten will never have known a world before 9/11. It is my greatest hope that a century from now, when schoolchildren look back on 9/11, it will be viewed not as the beginning of a time of darkness over our democracy but as the clarion call for us to protect and defend the fundamental rights and liberties we enjoy, a rallying to the fundamental beliefs that we as Americans hold so dear. It is the least we can do, out of respect for those who left us that day.

Those lost to us on September 11 and the struggles afterwards shall never be forgotten. They remain in our hearts, the source of our resolve. As we have in the past, America shall meet this challenge with honor, wisdom, and an unbreakable spirit. As a nation, we recommit ourselves to never giving in to those who would misrepresent faith to spread hate, fear, and violence. We know that the gifts bestowed upon us are the gifts of faith, hope, and love. We shall eschew the politicking of fear and instead choose the unity of purpose that our times require.

Five years after that day, our Nation recommits itself to remembering the tremendous loss we suffered as a country. We seek to honor the sacrifices made on September 11 by renewing our faith in America itself. I stand here as sure today as I was when I went to sleep on the night of September 10, 2001, that it is the promise of our common goals of hope and progress, not fear and violence, that deliver freedom and security both at home and across the globe, for all people.

Ms. SNOWE. Mr. President, today, across my great State of Maine and throughout America, in countless ceremonies—public and private, in testaments—planned and spontaneous, and in towns of every size and stripe, we commemorate with mutual solemnity the fifth anniversary of a day born out of inconsolable and unimaginable loss as well as unconquerable spirit and ennobling service September 11, 2001.

As we pause to mourn those who have passed from us and as we confront once again unspeakable acts of barbarism and horror, we cannot help but find abundant comfort, solace, inspiration, and pride in the eternal images and remembrances of heroism and sacrifice on that terrible day.

Through what President Lincoln once eloquently phrased as the "mystic chords of memory," we share in reverent and heart-wrenching moments of silence and find a unifying kinship with those who convene at Ground Zero in lower Manhattan, at the Pentagon, and in Shanksville, PA. And regardless of our circumstance, location, and occupation, we cast aside our differences, agendas, and personal and individual pursuits, to place into action and live out the immortal words of our Founding Fathers that reverberate throughout the halls of Congress as well as the annals of our history: E Pluribus Unum, or "Out of Many, One." Out of the ashes of destruction, we become one Nation, indivisible.

At the same time, we are not immune to feeling a panoply of emotions—patriotism, pride, anger—as well as a persistent, gnawing disbelief that such calculated savagery could exist in the world and could be perpetrated so brutally and ruthlessly against innocent people. And those feelings intensify when we put faces and names with the long line of those who perished. It becomes especially personal when we reflect upon the Mainers whom we have lost. We grieved then—and we feel a deep, inescapable sorrow now for the tragedy that befell Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Our thoughts and prayers remain—as they have for the last 5 years and as they will always—with their families and loved ones.

While we forever honor their memory, we also understand that the greatest memorial is to embrace all that we have retained as a nation—our strength, our sense of purpose, and our veneration of the principles of liberty and justice—even and especially in tumultuous times.

Let us remember how that one day in September not only changed America and the world but also reminded us of what really matters—of the tenets and people we should value and what true heroes really look like. I recall those passengers who, when faced with the horrible certainty of their circumstances, brought down United Airlines flight 93 to save the lives of others—not to mention the very symbols of our democracy, the Capitol and the White House.

On this poignant occasion, we celebrate those heroes who walk among us today while the legacy of those who perished on 9/11 echoes throughout New York, Washington DC, Pennsylvania, and every town and city in this land. And we revere the indelible and exemplary contributions of all first responders on 9/11 and those made daily throughout our Nation by firefighters, police officers, rescue workers, and Americans who are ever-capable of performing extraordinary deeds.

We are also mindful of our military men and women who protect and defend our way of life. Whether on American shores and soil or around the globe, their steadfast sense of duty is an inspiration to us all. As we herald the supreme actions of the past, we must remain unrelenting in our focus on the trials and tribulations of the present and the future. The plot foiled by British authorities this past summer was a chilling reminder that underscores the lurking and merciless threat we face—and that we cannot afford to yield to the call of complacency. Just as our enemies have proved they are ever-patient, so must we prove we are ever-vigilant.

We come together on days of remembrance such as 9/11 to draw strength from those who are with us and from the memories of those who are not. We recognize the remarkable and munificent valor of fallen friends, family, and fellow countrymen whose valiant example binds us to them and their noble heritage—and binds us to each other today—and into a future more illumined by their selfless deeds on our behalf.

That sentiment brings to mind a great son of Maine, GEN Joshua Chamberlain, who, in 1889, said the following upon dedicating the Monument to the 20th Maine that he so nobly commanded at the Battle of Gettysburg:

> In great deeds something abides. On great fields something stays. Forms change and pass. Bodies disappear. But spirits linger to consecrate ground for the vision-place of souls. And reverent men and women from afar, and generations that know us not and that we know not of, heart-drawn to see where and by whom great things were suffered and done for them . . . And lo! the shadow of a mighty presence shall wrap them in its bosom, and the power of the vision pass into their souls.

It is that power of vision that we have in common that draws us together today. From that it surely follows the outpouring of respect and admiration that testifies to a solitary and solemn truth—that time will never, ever, dim the glorious deeds that were done in the face of heinous evil.

The morning of September 11, 2001, began with such beautiful blue skies but ended with a nation in grief-stricken desolation and stunned shock. In Washington, DC, I watched the images along with the rest of the world.

Later, as the sun set over the National Mall—still capped by smoke billowing from the wound in the side of the Pentagon—I will never forget joining with my colleagues in the House and Senate on the Capitol steps to sing "God Bless America." We sang to send a message to the country and to the world that we would never be deterred—that freedom is forged by something much more resolute than any act of terror.

Recalling all that September 11 represents—the tragedies and the triumphs—how it revealed the better angels of our nature for the world to see in our hour of calamitous attack, despair, and fear, we must unequivocally resolve on this day—and every day—that we will bring the fight to the enemy, will not falter in our unwavering commitment, we will persevere, and most of all, we will and must prevail.

Mr. MARTINEZ. Mr. President, today is a day of remembrance, a day of remembrance here in America and around the globe. Five years ago today, on a clear September morning, serenity was broken by death and destruction.

What happened in New York, in Washington, and in Pennsylvania that day we will never forget.

We will never forget the nearly 3,000 people whose lives were lost on that day; we will never forget their families; and we will continue to honor their lives by defending our freedom and fighting against all those who wish our Nation harm.

Much has happened in the last 5 years since September 11, 2001. Our Government has responded in a variety of ways.

So that we could better "connect the dots" in the future, the Department of Homeland Security was established, and later, a Director of National Intelligence was put into place so that our intelligence community could work together more seamlessly.

Numerous security upgrades have been put into place across our country, new technologies have been developed and implemented to curb the advances of terrorists, and we are safer now than we were then.

Over the last 5 years, we have waged an unprecedented and global campaign against terrorism. America is safer because we have had the PATRIOT Act. Our families are safer because we have had the surveillance necessary to make sure that those who are speaking on telephones with al-Qaida operatives overseas are being monitored.

Our Nation is safer because we have pursued, captured, and interrogated terrorists and used that information to capture other, high-ranking al-Qaida leaders. We are safer because we have had the leadership, tenacity, and the opportunity to pursue terrorists wherever they may go.

Our campaign against terrorism has been done in a comprehensive way with cooperation from other countries and it has been done utilizing all the power that the State has, not only militarily but through the surveillance of terrorist training camps, a strong diplomatic front working with our allies, and through financial means watching and seizing the bank accounts from where terrorists draw their resources.

Our comprehensive efforts are about keeping America safe. As we remember those who died on 9/11, we also must remember that we are not safe yet.

We are safer. We have been kept safe, but we must continue the vigilance, we must continue the determined campaign against terrorists and the states that sponsor terrorism.

Thanks to the faithful leadership and resolve of all those that serve to protect us, especially our Armed Forces who give so much, no other attacks have occurred on American soil to date. We must continue to defend freedom here at home and abroad. As a Member of the Senate, I will continue to work with my colleagues on both sides of the aisle and in both Houses of Congress to make sure that we continue to devote the necessary resources to this continuing mission.

As our President said on that mournful day 5 years ago, "A great people has been moved to defend a great nation. Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shattered steel, but they cannot dent the steel of American resolve."

Our Nation will never forget those lost on September 11, 2001, and we can demonstrate our continued commitment to their lives and memories through our unending defense of Democracy and our blessed and beloved United States of America.

Mr. ENZI. Mr. President, 5 years ago we saw the face of evil cross our shores as a band of terrorists took control of four planes and used our own technology against us to kill thousands of our fellow citizens. Plotting in secrecy and under the cover of darkness, in caves in the remote hills of Afghanistan, these terrorists planned to kill as many Americans as they could, destroying some carefully selected buildings that, to them, symbolized our Nation and our unique way of life.

We all remember that day with great clarity and we will never forget where we were and what we were doing when we heard the news—a plane had crashed into one of the Trade Towers in what appeared to be a tragic accident. Then, a second plane struck the other tower. It was then clear that this was no accident. We were under attack.

In the moments that followed a nation looked on in horror as we saw the face of bravery and courage under fire as the men and women of New York's police and fire departments responded to the attack in New York. They battled long and hard, against the odds, to come to the aid of those who were trapped in the towers. Sadly, in the effort to save those who were in desperate trouble, many of those first responders were also trapped in the towers as they weakened, and ultimately collapsed.

As we watched events continue to unfold in New York, we heard reports that another plane had hit the Pentagon and caused a considerable amount of damage to the building and claimed the lives of many of those who were working there. Then came the news that a fourth plane had crashed in a lonely field in Pennsylvania. Suddenly the attack took on massive proportions as we looked with fear and trepidation to the skies and wondered if there were more planes headed for additional targets throughout the country.

In the days that followed, the story behind the events became clear. The attack was orchestrated by a terrorist group that was led by Osama bin Laden. Three planes had hit their targets. The passengers on the fourth, made aware of the fate of the other three planes by friends and loved ones on their cell phones, had launched their own attack on the hijackers and they were able to take control of the plane and stop the hijackers from using it to destroy another landmark and kill more Americans in a crowded city. The brave men and women on that flight had sacrificed their own lives so that others might be spared.

Those are the bare details, a brief outline of some of what happened that day. It was a day that had a great impact on every American—and it hit us all on a deeply personal level. Ask anyone and you will see that we all have our own story, our own recollection of what happened on September 11 and what it meant to us. We aren't unique in that. The Trade Center was a global marketplace, so people from all over the world also have their own story to tell about that day, especially those who lost friends and loved ones in the attacks on the Trade Center and the Pentagon.

When it is written, history will make it clear that September 11 was more than an American tragedy. It was the beginning of a global nightmare.

It has now been 5 years since the day the towers fell and with the passage of time has come study after study, investigations, and other attempts to make some sense of everything that happened that day. There were failures of some systems to work at their peak efficiency, and there were warnings that, with hindsight, should have been handled differently. The important thing now is not to place blame and point fingers, but to ensure we are fully and adequately protected so we don't have to experience another September 11.

As I prepared my remarks for this day, I thought about my young grandson, now 3 years old. He is a wonderful addition to my life and he continues to give me an added perspective to the events I see on the news every night. I know someday he will ask me about that day. When he does, I hope I am able to find the right words to explain to him about the courage and the bravery of all those who worked so hard to try to save the lives of those who were in danger that day. I hope I can help him understand the reasons why our brave service men and women are fighting on the front lines of the war on terror to keep him safe. It won't be easy for his is a world of peace and innocence and far removed from the hatred that drove the events of that day.

Still, no matter what I tell him, I know he will ask me why these things happen. His grampa will tell him that this is a world full of so many good things—like his parents who love him so very dearly, and the things he loves to do, like go fishing with his grampa. Unfortunately, it is also a world where people preach anger and hatred and try to harm people they don't even know.

If it is a hard lesson for us to learn, you can imagine how difficult it will be for a small child. How to talk to our children about September 11 was a problem when it happened, and it will continue to be so as we work to put an end to terrorism around the globe, wherever it exists.

Ultimately, that will be the legacy of September 11. We were cruelly attacked on that day, by a group that underestimated our resolve as a nation and our will as individuals to right the great wrong that had been done to us. Today, 5 years later, we stand united, still strongly committed to putting an end to the threat of terrorism, wherever it appears. We didn't start this battle, but our Armed Forces will, once again, put an end to it.

Five years ago the world stood still, and it was changed forever. The ripples begun on September 11 continue to have repercussions that draw us back to that day almost constantly. As we remember the events of that dark, sad day, we pause to remember all those who lost their lives, especially their families and their loved ones. Our thoughts and prayers are constantly with you. We remember the fireman, police and rescue squads who responded to the sites of the attacks and performed with great bravery. The concern they showed for others and the sacrifices they made to try to save anyone they could will never be forgotten. And, we remember our servicemen and women who stand guard around the world, defending our precious freedoms and our way of life. We owe them all a debt we will never be able to repay for the sacrifices they continue to make on our behalf.

Today we rededicate ourselves to the work that must be done to make our Nation stronger, safer and more secure so that our world will be a better place for us all to live. It will be difficult and it will require us all to play a part in the effort to rid the world of the threat of terror. It will ultimately be the legacy we will leave to those who will follow us—a world in which everyone is able to live in peace and freedom and without fear.

Ms. CANTWELL. Mr. President, five years after the terrorist attacks of September 11, we still feel the pain and loss of that terrible day. We will always honor the memory and spirit of those who lost their lives and those who gave their lives for others.

Our Nation's most enduring values were attacked on that day. We have a responsibility to those who died, to their families, and to the first responders who answered the call of duty without hesitation, to never forget and to never let this tragedy be repeated. Together we have a responsibility to all Americans to keep our Nation secure and our citizens safe.

Yet, 5 years after our cities were attacked, America is still not as secure as it should be. We must take the hard lessons from that devastating attack and confront the new challenges of a changing world. We must continue fighting for the tough, smart policies that will make our communities safer.

We have a lot of work ahead of us. Our vast transportation systems remain vulnerable. Our borders are porous.

To protect America, we must secure our ports, improve intelligence oversight, share information effectively, and allocate resources based on risk. We must fully implement the 9/11 Commission recommendations, improve nuclear material tracking, and strengthen our diplomacy around the world. We must deliver better support to our first responders to help them do their jobs.

In the aftermath of September 11, our Nation came together. Five years later, we must remember those we have lost, their courage and brave spirits, and once again, move forward together to better protect our communities and defend the freedom we cherish.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the innocent Americans who were killed in the terrorist attacks of September 11, 2001. I ask that we commemorate the emergency responders who provided relief in the aftermath of the attacks. I finally ask that we salute our brave men and women in uniform who have volunteered to serve their country in this time of need.

I offer my condolences to the family of Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on this horrific day. Since that day, many New Mexicans have volunteered to serve their country by entering the ranks of our Armed Forces. Some lost their lives in this war to protect our way of life. I will ask that the attached Associated Press article containing the names of these proud soldiers be printed into the CONGRESSIONAL RECORD. I also will pay tribute to LTC Marshall A. Gutierrez and LCpl Shane P. Harris, the two most recent casualties from New Mexico in the ongoing global war on terror.

Five years have passed since al-Qaida terrorists struck our homeland. The images and shock of that day are still with me. To this day, I am saddened by our losses, but I am also heartened by all the heroic acts of our citizens in what was the most shocking attack on our homeland. In the months following the attacks, our brave soldiers toppled the regime in Afghanistan that provided a base of operations for the terrorists who carried out the 2001 attacks. We helped that country establish a democratic government and are working with allies in NATO to bring peace and stability to a country that has spent much of its recent history in the strife of civil war.

One of the important lessons political and military leaders learned from the 2001 terrorist attacks was that America cannot stand by idly as threats to its security develop far from our shores. This required our intelligence and law enforcement agencies to work with friends and allies around the world and with each other to gather actionable intelligence that would help us disrupt terrorist plots at home and abroad. To help consolidate our domestic defense system, the Congress created the Department of Homeland Security. The Department of Homeland Security was organized to prevent attacks within the United States, reduce America's vulnerability to terrorism, and to minimize the damage and assist in the recovery from terrorists attacks in America. The Congress also followed the recommendations of the National Commission on Terrorist Attacks Upon the United States, the 9/11 Commission, and passed historic legislation that reformed the agencies that make up our intelligence community. While these reforms were important and necessary, the disruption of a recent plot to hijack planes flying from London to the United States shows us that our enemies are still bent on bringing terror into our cities.

Many of my fellow citizens from the State of New Mexico have contributed to strengthening our defenses in the global war on terror. An urban rescue team traveled from New Mexico to Virginia to help recover survivors from the ruins at the Pentagon. Sandia and Los Alamos National Laboratories helped identify the strains of anthrax that were found in Government office buildings shortly after the terrorist attacks. They helped develop a biological threat detection system that was deployed at the 2002 Winter Olympics, the 2004 Summer Olympics, and in locations around our Nation's Capital. The national labs have also been at the forefront in developing tools to detect and dispose of materials that can be used as a "dirty bomb" or other weapon of mass destruction. Finally, the National Infrastructure and Analysis Center—NISAC—is being used to develop response strategies for government officials and first responders for large and complex crises.

Over the past 5 years, we have learned a good deal more about how the attack was planned and executed, and we have spent countless man hours and resources to make our Nation safer. We can be proud of the fact that we have worked to implement most of the 9/11 Commission recommendations. We are more prepared as a Nation for these types of dangers than we were prior to September 11, 2001. But this is a struggle that will not end with the same clarity and decisiveness of battles past. So as we continue to adjust to the new sense of normal, I hope all Americans take time to reflect on the events of September 11, 2001, honor those who have fallen, and rededicate themselves for the struggle ahead.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press State & Local Wire, August 8, 2006]

NEW MEXICANS KILLED IN IRAQ AND AFGHANISTAN

(By the Associated Press)

A list of New Mexico soldiers and Marines killed in Iraq and Afghanistan:

Killed in Iraq:

Army Spc. Jose Zamora, 24, of Sunland Park, killed Aug. 6, 2006 when a roadside bomb exploded near the Humvee he was riding in during combat operations in Baghdad. Zamora was a combat engineer assigned to the 2nd Brigade Troop Battalion, 2nd Brigade Combat Team, 101st Airborne Division from Fort Campbell, Ky.

Army Sgt. Leroy Segura Jr., 23, of Clovis, killed Aug. 4, 2006 from injuries suffered in a Humvee accident in Habbaniyah, Iraq. Segura, a 2001 graduate of Clovis High School, was assigned to the 362nd Engineer Company, 54th Engineer Battalion.

Army Pfc. Rick Salas Jr., 21, of Roswell, killed March 7, 2006 when the vehicle he was in was hit by an improvised explosive devise and overturned in Mosul, Iraq. He was assigned to the Army's 37th Armored Regiment, C Company.

Army Cpl. Jesse Zamora, 22, of Las Cruces, killed Feb. 3, 2006 during his second tour of duty when he was hit by a piece of shrapnel from a roadside bomb near his Humvee in Beiji, Iraq. Zamora, a 2002 graduate of Mayfield High School, was assigned to Company B, 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team, stationed at Fort Campbell, Ky.

Army Sgt. Clifton Yazzie, 23, of Fruitland, killed Jan. 20, 2006 during his second tour of duty when a roadside bomb exploded near his Humvee in Al Huwijah. Yazzie, a 2001 graduate of Kirtland Central High School, was a member of the 101st Airborne Division.

Army Spc. Vernon R. Widner, 34, of Truth or Consequences, killed Nov. 17, 2005, near Beiji, Iraq, when the Humvee he was in was struck by an Iraqi-driven vehicle. Widner, on his second tour of Iraq, was a member of the 101st Airborne Division, 3rd Special Troop Battalion 3rd Brigade Combat Team, stationed at Fort Campbell, Ky.

Army Pfc. Mario A. Reyes, 19, of Las Cruces, killed Nov. 7, 2005, near Baghdad when a car bomb blew up while he was on patrol. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment from Fort Carson, Colo.

Marine Lance Cpl. Chad Robert Hildebrandt, 22, of Springer, a 2003 graduate of Maxwell High School, killed Oct. 17, 2005, in Rutba, Iraq, after being shot in the head during his second tour in Iraq.

New Mexico National Guard Sgt. Marshall A. Westbrook, 43, of Farmington, a member of the Albuquerque-based 126th Military Police Company, killed Oct. 1, 2005, in Baghdad after being struck in the head by shrapnel from an explosive device.

Army Cpl. Lyle Cambridge, 23, of Shiprock, a 2000 graduate of Aztec High School, killed July 5, 2005, in Baghdad when an improvised explosive device detonated near the vehicle in which he was riding. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment based at Fort Carson, Colo.

Air Force Special Forces 1st Lt. Jeremy Fresques, 26, a 1997 graduate of Farmington High School, killed May 30, 2005, when an Iraqi single-engine plane crashed near Jalula, about 80 miles northeast of Baghdad.

Reserve Marine Lance Cpl. Jonathan Grant, 23, of Pojoaque, killed May 11, 2005, when the amphibious assault vehicle he was in was hit by an explosive device.

Army Staff Sergeant Joseph Rodriguez, 25, Las Cruces, killed Jan. 28, 2005, when an improvised explosive struck his vehicle in south Baghdad.

Marine Lance Cpl. Christopher S. Adlesperger, 20, Albuquerque, a rifleman killed Dec. 9, 2004, during fighting in the Anbar province.

Army Spc. Jeremy E. Christensen, 27, Albuquerque, killed Nov. 27, 2004, when a homemade bomb was detonated near his patrol vehicle in Ad Duilayah, Iraq.

Army Spc. Christopher A. Merville, 26, Albuquerque, killed Oct. 12, 2004, when his unit came under fire during combat operations in Baghdad.

Marine Sgt. Moses D. Rocha, 33, Roswell, shot Aug. 5, 2004, during fighting in Najaf on his second tour of duty.

Army Sgt. Tommy L. Gray, 34, Roswell, a tank mechanic killed Aug. 3, 2004, when he was caught between two vehicles in his motor pool in Taji.

Marine Lance Cpl. Aaron Austin, 21, Lovington, killed April 26, 2004, in Fallujah during his second tour in Iraq.

Marine Lance Cpl. Christopher Ramos, 26, Albuquerque, killed April 5, 2004, from hostile fire in Anbar province during his second tour of duty.

Army Spc. James "Heath" Pirtle, 27, La Mesa, a graduate of Carlsbad High School, killed Oct. 4, 2003, when the Bradley fighting vehicle he was in was hit by a rocket-propelled grenade in Assadah.

Killed in Afghanistan:

Army Sgt. Robert P. Kassin, 29, who moved to Clovis as a teenager, died July 16, 2006, near Larzab, Afghanistan, when his platoon came under fire. He was with the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, Fort Polk, La.

Air Force Maj. Steven Plumhoff, 33, stationed with Kirtland Air Force Base's 58th Special Operations Wing, killed Nov. 23, 2003, when his MH–53J Pave Low helicopter crashed near Bagram, Afghanistan.

Air Force 1st Lt. Tamara Long Archuleta, 23, of Belen, co-pilot of an HH–60G Pave Hawk helicopter, killed when the helicopter crashed in Afghanistan on a mercy mission on March 23, 2003.

Army Sgt. 1st Class Christopher James Speer, 28, of Albuquerque, died Aug. 7, 2002, after being wounded in an ambush on July 27 in the east of Afghanistan.

Senior Airman Jason Cunningham, 26, a Carlsbad native who also lived in Farmington and Gallup, killed March 4, 2002, while rescuing wounded troops in Marzak, Afghanistan.

Mr. KOHL. Mr. President, 5 years ago, the Nation woke up to a crisp and sunny fall day and went to bed in a world forever changed. We lost so much that day—3000 lives, a skyline, a sense of safety in our homes, our comforting ignorance of the stark face of evil. Since 9/11, we have tried to heal, to remember with honor those we lost. And we have tried to make real the false security we felt that crisp September morning before the first plane hit.

We have—and will continue to—debate what America has become since 9/11. We need to figure out if we are safer, if we have sacrificed too much freedom for security, if we have paid too little to bolster the first responders, if we have fought the wrong war in Iraq, if we haven't done the right work in Afghanistan. These questions should and must be answered.

But today, we need to put aside our considerable differences and recall the common, deep wound every American suffered on 9/11. Our sorrow, anger, and shock were not partisan; we were united in our outrage and unified in our resolve. As we remember today who and what we lost on 9/11, we must also remember the love we share for who and what we are in America. That is what was attacked that September morning—and that is what can bring us together to build a more secure America.

Mr. KENNEDY. Mr. President, today marks the fifth anniversary of the vicious attack on America by al-Qaida terrorists. Despite the passage of time, Americans still vividly recall with enormous pain and sorrow that dark and somber day.

We honor the nearly 3,000 innocent Americans who lost their lives that day. We recall the brave firefighters and first responders who sacrificed their lives so that others could live.

We vividly remember the images on television of the Twin Towers crumbling before our eyes. We could see from our office windows the plume of smoke rising from the Pentagon, and we realized that but for the grace of God and courage of the passengers on flight 93, the Capitol buildings and many of us could have met that same fate.

We recall the pledge by all Americans that this type of attack will never, ever occur again. We recall how all of us in Congress came together in common purpose.

And we recall the enormous outpouring of support from the entire world, which stood by us and reassured us, saying so eloquently, "Today, we are all Americans."

More than 200 sons and daughters of Massachusetts perished in that tragedy. I will ask that their names be printed in the Record. Today, more than ever, our thoughts and prayers are with them and their families and friends whose lives were changed forever on that tragic day.

Although their loved ones will never be brought back, I hope the words of Abraham Lincoln will provide a measure of solace on this anniversary—"We here highly resolve that those dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth."

Mr. President, I ask unanimous consent that the list of names to which I referred to be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Stephen G. Adams
Gertrude "Trudi" Alagero
Anna S. W. Allison
Barbara Arestegui
Myra Aronson
Japhet Aryee
Garnet "Ace" Bailey
Christine Johnna Barbuto
Mark Lawrence Bavis
Graham Berkeley
David W. Bernard
Mark Bingham
Jeffrey D. Bittner
Susan Leigh Blair
Kelly Booms
Carol Bouchard
John B. Cahill
Michael R. Canty
Christoffer M. Carstanjen
Neilie Anne Heffernan Casey
William Caspar
Swarna Chalasani
Stephen Cherry
Geoffrey William Cloud
Jeffrey D. Collman
Kevin P. Connors
Jeffrey William Coombs
John "Jay" Corcoran
Fredrick John Cox Jr.
Tara Kathleen Creamer
Thelma Cuccinello
Patrick J. Currivan
Dorothy deAraujo
Gerald F. DeConto
Manuel Del Valle Jr.
Gerard P.Dewan
Simon Dhanani
David DiMeglio
Donald A. DiTullio
Alberto Dominguez
Jamie Lynn Fallon
Lisa Fenn Gordenstein
Alexander M. Filipov
John R. Fisher
RichardFitzsimons
Carol Flyzik
Alan Friedlander
Paul J. Friedman
Karleton Douglas Beye Fyfe
Thomas Edward Galvin
Douglas Gardner
Peter A. Gay
Linda George
Edmund Glazer
Lynn Catherine Goodchild
Peter M. Goodrich
Douglas A. Gowell
Andrew Curry Green
Francis Grogan
Philip Guza
Paige Farley Hackel
Maile Hale
Carl Hammond
Peter Burton Hanson
Sue Kim Hanson
Christine Lee Hanson
Gerald Hardacre
Melissa Harrington Hughes
Eric Hartono
John C. Hartz
Peter P. Hashem
James E. Hayden
Robert J. Hayes
Roberta Bernstein Heber
Edward R. Hennessy, Jr.
Noberto Hernandez
Todd R. Hill
Cora Hildalgo Holland
Herbert Wilson Homer
John Nicholas Humber
William Christopher Hunt
Waleed Joseph Iskandar
Jason K. Jacobs
Ariel L. Jacobs
Aaron J. Jacobs
Robert A. Jalbert
Amy Nicole Jarrett
John Jenkins
Joseph Jenkins Jr.
Charles E. Jones
Jennifer Lynn Kane
Robin L. Kaplan
Robert M. Kaulfers
Richard Keane Jr.
Barbara A. Keating
Ralph F. Kershaw
Brian Kevin Kinney
David P. Kovalcin
Kathryn L. LaBorie
Judy Larocque
Janis Lasden
Robert G. LeBlanc
Dong Lee
Joseph A. Lenihan
Jeffrey LeVeen
Daniel Lewin
Sara Low
Sean P. Lynch
Marianne MacFarlane
Susan McAleney Mackay
L. "Neil" Mariani
Karen Martin
Joseph Mathai
Margaret Mattic
Kevin M. McCarthy
Ruth McCourt
Juliana Valentine McCourt
Michael Gregory McGinty
Thomas F. McGuinness Jr.
Gavin McMahon
Deborah Medwig
Christopher Daniel Mello
Stuart Todd Meltzer
Raymond Joseph Metz III
Martin P. Michelstein
Craig J. Miller
Antonio Montoya
Carlos "Beto" Montoya
Laura Lee Defazio Morabito
Christopher M. Morrison
Brian Joseph Murphy
Mildred Rose Naiman
Shawn M. Nassaney
Laurie Olsen Neira
Renee Tetreault Newell
Kathleen Ann Nicosia
Robert Norton
Jacqueline Norton
John Ogonowski
Leah E. Oliver
Seamus O'Neal
Betty Ann Ong
Jane M. Orth
Marie Pappalardo
Robert "Bob" Pattison
Nicholas Thomas Pecorelli
Todd D. Pelino
Berinthia Berenson Perkins
Jean Peterson
Dennis J. Pierce
Everett "Marty" Proctor III
Carrie Beth Progen
Sonia Puopolo
Patrick J. Quigley IV
David E. Retik
Venesha Richards
Fred Rimmele, M.D.
Waleska Martinez Rivera
Isaias Rivera
Stephen L. Roach
Raymond J. Rocha
Laura Rockefeller
Jean D. Rogér
Philip "Phil" Rosenzweig
Richard Barry Ross
Michael Craig Rothberg
James M. Roux
Jessica Leigh Sachs

Rahma Salie
Jesus "JR"-Sanchez
Matthew Carmen Sellitto
Robert M. Shearer
Kathleen Shearer
Antoinette Sherman
Jane Louise Simpkin
Heather Smith
Diane Bullis Snyder
Timothy C. Stout
Edward W. Straub
Madeline Amy Sweeney
Brian David Sweeney
Kevin T. Szocik
Leonard (Lenny) Taylor
Michael Theodoridis
Eric "Rick" Thorpe
Alicia N. Titus
Amy E. Toyen
Daniel Trant
Mary Trentini
Jim Trentini
Tyler Ugolyn
Michael Augustine Uliano
Kenneth E. Waldie
Meta Fuller Waller
Stephen Ward
William Michael Weems
John J. Wenckus
Peter M. West
Maudlyn A. White
Candace Lee Williams
Christopher R. Zarba Jr.

CELEBRATING HISPANIC HERITAGE MONTH

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my many friends from the Hispanic community in Indiana and across the country as we celebrate Hispanic Heritage Month.

From September 15 through October 15, all Americans will take time to reflect upon and celebrate the many contributions that Americans of Hispanic and Latino descent have made to our Nation. Millions of Hispanic Americans have worked tirelessly to provide for their families, strengthen their communities, and enrich our national culture.

I also wish to recognize the approaching 196th anniversary of Mexican Independence. I am hopeful that, as we commemorate this important milestone, we can also celebrate the remarkable friendship between our two nations as neighbors and partners for peace and justice in the world.

HONORING OUR ARMED FORCES

SERGEANT GERMAINE L. DEBRO

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nebraska Army National Guard Sergeant Germaine Debro of Omaha, NE. Sergeant Debro died when an improvised explosive device detonated near his vehicle near Balad, Iraq on September 4. He was 33 years old.

The son of a retired U.S. Air Force technical sergeant, Sergeant Debro and his family moved frequently around the country. Sergeant Debro attended Omaha Benson High School for 1 year and then moved to Arkansas where he graduated from high school in 1991.

In October 1994, Sergeant Debro enlisted in the U.S. Army. Following his service in the Army, Sergeant Debro enlisted in the Nebraska Army National Guard in October 1997. He was assigned to Detachment 1, Troop B, 1-167th Cavalry Squadron based in Wahoo, NE. Sergeant Debro remained in Wahoo until being reassigned to the Fremont, Nebraska-based Troop B, 1-167th Cavalry Squadron in January 2001. While serving with the 1–167th Cavalry Squadron, Sergeant Debro was mobilized for several overseas deployment including service in Kuwait in 2001 and in Bosnia-Herzegovina from 2002–2003. Sergeant Debro will be remembered as a loyal soldier who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Sergeant Debro are currently serving in Iraq.

Sergeant Debro is survived by his parents, Alvin and Priscilla Debro; and brothers, Alvin Jr., who served in the U.S. Army, and Maurice, all of Omaha. Our thoughts and prayers are with them at this difficult time. America is proud of Sergeant Debro's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SGT Germaine L. Debro.

DARFUR

Mr. FEINGOLD. Mr. President, we are at a crossroads in the 3-year-old conflict raging in Sudan's Darfur region. Last week's Security Council Resolution 1706, authorizing a United Nations peacekeeping force for Darfur, represents the culmination of persistent advocacy for a robust international intervention and offers the resources and mandate necessary to bring an end to violence which has already taken more than 200,000 lives and forced an estimated 2.5 million Darfurians from their homes.

Unfortunately, the Government of Sudan has rejected the U.N.'s plan and is actively undermining peace efforts while exacerbating the humanitarian situation. The Sudanese Government's behavior increasingly violates both international law and the terms of the Peace Agreement it signed in May.

If the Sudanese Government remains on its current trajectory, disaster—perhaps on the scale of the 1994 Rwandan genocide—is imminent. The current 7,000-member African Union Mission in Sudan, which has been struggling valiantly to protect innocent civilians for 2 years, is set to withdraw at the end of this month. If it is not replaced by a U.N. force at that time or given an extended and expanded mandate, a power vacuum will result that many agree would lead to a resurgence in violence from all sides.

Already, the future of the peace process is at risk and increasing insecurity are leading humanitarian aid organizations to retreat from the areas where their services are needed most. More than a dozen aid workers have been murdered since the Darfur Peace Agreement was signed in May.

It is time for the United States and the international community to use all means of influence at their disposal to ensure that U.N. Resolution 1706 is implemented. In contrast to the small African Union contingent, which is severely limited in both what it is able and allowed to do, the recently-authorized United Nations force would include up to 22,500 U.N. troops and police officers and an immediate injection of air, engineering, and communication support for the African Union force. The resolution, passed unanimously by the Security Council on August 31, also gives the U.N. peacekeepers power to take all necessary measures to protect humanitarian aid workers and civilian populations.

In an affront to international law and the international community, Sudan's envoys refused to attend last week's United Nations meetings and the Government has rejected the introduction of a U.N. peacekeeping force, likening it to "western colonization." Most recently, the Government has issued an ultimatum to the African Union, demanding that it refrain from incorporating U.N. reinforcements or withdraw its peacekeepers from the country. The Sudanese Government insists that it will defeat rebel groups in Darfur on its own and has announced intentions to move more than 10,000 troops to the region. In effect, this amounts to sending the same soldiers who displaced Darfur's refugees to protect them.

Over the past week, there has been a military buildup in Darfur, with witnesses reporting an influx of Sudanese military equipment and troops, which is in direct violation of May's Darfur Peace Agreement. In fact, while the Security Council was debating how to end the violence in Darfur, the Sudanese military was indiscriminately bombing rebel-held villages. Firsthand sources report flight crews rolling bombs off plane ramps, a tactic often practiced by Government forces in their 21-year civil war to devastate whole areas of southern Sudan, with nightmarish consequences for civilians.

Meanwhile, the situation on the ground is deteriorating rapidly. The more than 2 million refugees in Darfur and neighboring Chad—two thirds of them children—are particularly susceptible to malaria, diarrhea, and other health problems and live in fear of forced recruitment by rebel fighters or bomb attacks by the military. This current escalation in instability seriously impedes the mobility of humanitarian organizations, preventing them from reaching civilians in Sudan's most dangerous areas. The World Food Program reports that its existing food rations—upon which some 6 million Sudanese rely—will run out in January, adding another dimension of desperation.

In unanimously passing Resolution 1706, the international community has delivered a clear message to the Government in Khartoum that it needs to abide by international law and its own commitments. Last-minute changes the recent resolution included a reaffirmation of the sovereignty and "territorial integrity of Sudan" and the first paragraph of the resolution invites the Sudanese Government to consent to the deployment of a U.N. force, but such consent is not required by international law or the text of the resolution. Additionally, the U.N. Resolution threatens sanctions for any individual or group that violates human rights or the Darfur Peace Agreement.

At this critical juncture, the Government of Sudan must fulfill its obligation to relieve the suffering of its citizens by working with the United Nations to agree upon a robust, coordinated force to end the violence in Darfur. It is essential that the international community displays steadfast solidarity in insisting upon the implementation of United Nations Resolution 1706 and provides the troops and resources necessary to follow through on its commitment. The implications of allowing another genocide to take place in Africa could lead to a complete collapse in the U.N.'s authority and the deterioration of international law.

In conclusion, I am deeply troubled by recent developments regarding Sudan. The international community has asserted its determination to bring an end to the violence in Darfur. Now we need to act upon these intentions and pressure the Government of Sudan to cooperate in efforts to improve prospects for peace throughout Sudan and the greater east Africa region.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

Mr. OBAMA. Mr. President, I rise today to speak about the Federal Funding Accountability and Transparency Act, which passed the Senate last week.

This is an important bill that will bring badly needed transparency to Federal spending. The bill creates a user-friendly website to search all Government contracts, grants, earmarks, and loans, opening up Federal financial transactions to public scrutiny. By helping to lift the veil of secrecy in Washington, this website will help make us all better legislators. It will help make reporters better journalists. And it will help make all Americans more informed voters and more active citizens.

I am heartened to see that Government transparency can be a bipartisan issue. This bill has been cosponsored by more than 40 of our colleagues and has the support of more than 100 outside groups from all parts of the political spectrum. It has been endorsed by dozens of editorial boards across the country from the Wall Street Journal, to the Chicago Sun-Times and The Oklahoman. Most people I speak to in Illinois or here in Washington or anywhere else wonder why a public website of all Federal spending does not already exist. To them, this is just common sense.

Whether you believe the Government ought to spend more money or spend less, you should certainly be able to agree that the Government ought to spend every penny efficiently and transparently. Transparency is the first step to holding Government accountable for its actions and is a prerequisite to oversight and financial control. We can't reduce waste, fraud, and abuse without knowing how, where, and why Federal money is flowing out the door. This bill will provide that transparency, and not just to Members of Congress. Anybody with access to the Internet will be able to see how Federal funds are being spent. If Government spending can't withstand public scrutiny, then the money shouldn't be spent. The American people deserve no less.

I want to express my appreciation for the hard work that went into getting S. 2590 passed. I would like to thank the majority leader and minority leader, as well as the chairman and ranking member of the Homeland Security and Governmental Affairs Committee, for their assistance in moving this important legislation forward.

I would also like to thank the organizations that helped create a grassroots movement in support of Government transparency and in support of this bill. Without the hard work of OMB Watch, the Project on Government Oversight, and Citizens Against Government Waste, to name just a few supporters, this bill would not have been considered and passed so quickly.

And most importantly, I would like to thank my colleague, Senator COBURN, and his outstanding staff for their diligence and dedication. Since Senator COBURN and I first met during freshman orientation, we have developed a close personal bond that has translated into a close working relationship to bring more transparency and accountability into the way that Government spends taxpayer money. I have been impressed by the commitment and tenacity with which he stands up for his principles and beliefs, and it is these qualities that enabled this bill to get passed.

The House of Representatives is expected to vote on this bill later this week, and I am confident that our bipartisan and bicameral collaboration will quickly become law. It is not often that two Senators from different parties are able to bridge the partisan divide in this town and get something accomplished. But the American people demand greater transparency and accountability, and it is our honor and privilege—indeed, it is our duty—to provide the tools to help make that possible.

TRIBUTE TO SORIN DUCARU

Mr.BROWNBACK. I commend the Romanian Ambassador to the United States for his service as a diplomat, a civil leader, a transatlantic thinker, and a friend of the United States.

Sorin Ducaru has served as Romania's principal diplomatic spokesman for the last 5 years. He played a key role in the Romanian Ministry of Foreign Affairs as the first head of the Division for NATO and Strategic Issues and was deeply involved in events leading to Romania's membership in NATO—ratified with the unanimous support of the U.S. Senate.

Once Romania joined NATO, Ambassador Ducaru was a part of the Romanian team that helped pave the way for the establishment of U.S. military facilities in Romania. The agreement was signed in 2005, ratified this past summer, and is currently in its implementation phase.

On this fifth anniversary of the 9/11 attacks in particular, it is important to recall our partners in the war on terrorism. In 2001, just days after 9/11 terrorist attacks, Ambassador Ducaru helped facilitate Romanian-American political dialogue that resulted in Romania's offer to put its military and logistical facilities, air corridors, and troops at the disposal of the United States in the war on terrorism. Even before Romania was a NATO member, it participated with troops and logistical support in the war on terrorism. Now, Romania is the fifth largest contributor of troops in Afghanistan and Iraq.

Ambassador Ducaru has been a strong supporter of Romania's participation in the process of democratic and economic reconstruction of Afghanistan and Iraq, pointing to the lessons learned of his own country's dramatic and sometimes painful transformations in the last 16 years. He has been a constant advocate of cooperation between American businesses and the business potential of coalition countries.

His support for democracy in Afghanistan and Iraq is not surprising because Ambassador Ducaru is a long-time advocate of democratic values. He is a member of the new generation of leaders that transformed Romania to an open free society following the revolution of 1989. He has been at the forefront of a new generation of Central European leaders whose countries have evolved from nondemocratic and closed societies to countries that preserve freedom, security, and economic opportunity.

As he departs his current post to become the Romanian Ambassador to the North Atlantic Treaty Organization, I express my gratitude for his efforts to build a strong and vibrant relationship between Romania and the United States. I look forward to working with him to continue efforts to expand political, diplomatic, economic, and military cooperation and stability through NATO. Ambassador Ducaru is a true friend of the United States, and I wish him well in his new capacity.

REDUCING FOREIGN ENERGY RELIANCE

Mr. LUGAR. Mr. President. I rise today to request that my remarks, delivered in the keynote address to the Richard G. Lugar-Purdue University Summit on Energy Security, at Purdue University, West Lafayette, IN, on August 29, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am honored to address this assembly, which will explore an aggressive agenda to reduce our nation's dependence on foreign energy sources. I appreciate the opening words of my good friend, Governor Mitch Daniels. He and his administration have given priority to energy issues in Indiana. They are attempting to maximize the opportunities that our state has to become a leader in a broad gamut of energy technologies. I also want to thank our host, Purdue University, and President Martin Jischke for promoting this energy summit. President Jischke has provided brilliant direction to this university. His advice on energy, agriculture, education, and many other topics has been of great benefit to me personally. I will deeply miss his leadership at Purdue when he steps down as President next June, but I look forward to a very productive year immediately ahead and many mutual endeavors in years to come. I am also delighted that Congressman Pete Visclosky, will address the summit conference this noon. Pete has been a great partner on numerous issues, ranging from local projects of special importance to Hoosiers, to the global search for an AIDS vaccine.

It is exciting to be surrounded by so many talented individuals who are committed to the objective of greater energy independence for the United States. I believe that in the future, the United States can be energy self sufficient or nearly so. Over the long term, we have the resources and the ingenuity to achieve this goal.

The crucial question is what happens between now and then. Will we achieve this goal rapidly through a coherent and resolute national policy that takes advantage of America's natural assets to create new economic opportunities, a cleaner environment, and improved national security? Or will we achieve our objective only after many years of widespread economic pain and national vulnerability caused by scarcity, terrorist attacks, market shocks, and foreign manipulation of our energy supplies?

We must move now to address our energy vulnerability because sufficient investment cannot happen overnight, and it will take years to build supporting infrastructure and to change behavior. In other words, by the time a sustained energy crisis fully motivates market forces, we are likely to be well past the point where we can save ourselves from extensive suffering. Our motivation will come too late and the resulting investment will come too slowly to prevent the severe economic and national security consequences of our oil dependence. This is the very essence of a problem requiring citizen, business, and governmental action.

I will describe our energy dilemma as a six-pronged threat to national security. First, oil supplies are vulnerable to natural disasters, wars, and terrorist attacks that can disrupt the lifeblood of the international economy. Within the last year, the international flow of oil has been disrupted by hurricanes, unrest in Nigeria, and continued sabotage in Iraq. In late February of this year, terrorists penetrated the outer defenses of Saudi Arabia's largest oil processing facility with car bombs before being repulsed. Al-Qaeda and other terrorist organizations have openly declared their intent to attack oil facilities to inflict pain on Western economies.

Second, as large industrializing nations such as China and India seek new energy supplies, oil and natural gas will become more expensive. In the long run we will face the prospect that the world's supply of oil may not be abundant and accessible enough to support continued economic growth in both the industrialized West and in large rapidly growing economies. As we approach the point where the world's oil-hungry economies are competing for insufficient supplies of energy, oil will become an even stronger magnet for conflict.

Third, adversarial regimes from Venezuela, to Iran, to Russia are using energy supplies as leverage against their neighbors. We are used to thinking in terms of conventional warfare between nations, but energy is becoming a weapon of choice for those who possess it. Nations experiencing a cutoff of energy supplies, or even the threat of a cutoff, may become desperate, increasing the chances of armed conflict, terrorism, and economic collapse.

Fourth, the revenues flowing to authoritarian regimes often increase corruption in those countries and allow them to insulate themselves from international pressure and the democratic aspirations of their own peoples. We are transferring hundreds of billions of dollars each year to some of the least accountable regimes in the world. Some are using this money to invest abroad in terrorism, instability, or demagogic appeals to populism.

Fifth, the threat of climate change has been made worse by inefficient and unclean use of non-renewable energy. In the long run this could bring drought, famine, disease, and mass migration, all of which could lead to conflict and instability.

Sixth, much of the developing world is being hit hard by rising energy costs, which often cancel the benefits of our foreign assistance. Without a diversification of energy supplies that emphasizes environmentally friendly energy sources that are abundant in most developing countries, the national incomes of energy poor nations will remain depressed, with negative consequences for stability, development, disease eradication, and terrorism.

Each of these six threats from energy dependence is becoming more acute as time passes. Any of them could be a source of catastrophe for the United States and the world.

The vulnerability of the United States rests on some basic factors. With less than 5 percent of the world's population, our nation consumes 25 percent of its oil. World demand for oil and other forms of energy is rapidly increasing. Within 25 years, the world will need 50 percent more energy than it does now. If oil prices average $60 a barrel through 2006—a figure that we are currently well above—we will spend about $320 billion on oil imports this year. This is roughly the same amount that the United States has spent on the war and reconstruction effort in Iraq during the first three years of conflict.

These conditions might be negotiable in the short and medium terms if oil resided with responsible, secure producers who maximize production during periods of elevated demand. But just the opposite is true. According to PFC Energy, about 79 percent of the world's oil supply is controlled by state-run oil companies. These governments profoundly affect prices through politicized investment and production decisions. The vast majority of these oil assets are afflicted by at least one of three problems: lack of investment, political manipulation, or the threat of instability and terrorism.

As recently as four years ago, spare production capacity exceeded world oil consumption by about ten percent. As world demand for oil has rapidly increased in the last few years, spare capacity has declined to less than two percent. Thus, even minor disruptions of oil can drive up prices. Earlier this month, a routine inspection found corrosion in a section of BP's Prudhoe Bay oil pipeline that shut down 8 percent of U.S. oil output, causing a $2 spike in oil prices. That the oil market is this vulnerable to something as mundane as corrosion in a pipeline is evidence of the precarious conditions in which we live.

Our current dependence on imported oil has put the United States in a position that no great power should tolerate. Our economic health is subject to forces far beyond our control, including the decisions of hostile countries. We maintain a massive military presence overseas, partly to preserve our oil lifeline. One conservative estimate puts U.S. oil-dedicated military expenditures in the Middle East at $50 billion per year. But there is no guarantee that even our unrivaled military forces can prevent an energy disaster. We have lost leverage on the international stage and are daily exacerbating the problem by participating in an enormous wealth transfer to authoritarian nations that happen to possess the commodity that our economy can least do without.

Rising energy prices, news reports of hostile oil producers, and the energy shocks experienced after the Katrina and Rita hurricanes, have awakened Americans to our energy vulnerability.

Almost six months ago, I delivered an address at the Brookings Institution in which I described "a shifting balance of realism" from those who believe in the immutability of oil domination of our economy and a laissez faire approach to energy policy to those who recognize that our nation has no choice but to seek a major reorientation in the way we get our energy. With oil at $72 a barrel and multiple crises flaring in the Middle East, fewer pro-oil commentators still assert that dependence on oil is simply a choice of the marketplace and government can and should do little to change it.

I believe that there is a growing consensus behind the new energy realism. There are clear signs that policy makers and a majority of the public recognize that our oil dependence is dangerously unsustainable.

The media is filled with examples of enterprising individuals who are making ethanol or biodiesel, erecting windmills, installing solar panels, or otherwise establishing personal control over their energy resources. A review of the nation's five largest newspapers revealed that twice as many energy-related stories appeared in July 2006 as appeared in July 2003.

Gasoline prices are beginning to have some effect on the automobile choices of American consumers. Sales of SUV's were down fifteen percent in the first half of 2006 compared with the same period in 2005. Sales of compact cars, by comparison, rose eight percent. These statistics were reinforced by a May 2006 Consumer Reports survey, which found that 37 percent of Americans were considering trading in their current cars for more fuel efficient cars. Almost half of these consumers were considering the purchase of a hybrid car or another alternative to traditional gasoline powered cars.

Progress is also appearing in the investment world. The entrepreneurial vanguard that brought us the internet and transformed telecommunications is turning its attention to alternative energy. According to data compiled by VentureOne, venture capital targeted at alternative energy projects more than tripled to $315 million in the first half of 2006 compared to the first half of 2005. Alternative energy investment is no longer just a niche area for environmental idealists and companies trying to improve their public image.

As a political issue, energy has been elevated to a status that is roughly equivalent to health care or education. A check of all one hundred Senators' websites in early August found that at least 85 of them had either issued a press release on energy this summer or had an energy section prominently displayed on their homepage. No politician on the national scene can afford to ignore energy.

Unfortunately, although many Americans are embracing the idea of changing our energy destiny, they have not committed themselves to the action steps required to achieve an alternative future. This is an important distinction, because although national acceptance that there is a problem is a necessary condition for solving the problem, it does not guarantee that the problem will be solved.

In fact, advancements in American energy security have been painfully slow during 2006, and political leadership has been defensive, rather than pro-active. One can point with appreciation to a few positive trends, as I have just done, but these are small steps forward in the context of our larger vulnerability. If our economy is crippled by an oil embargo, if terrorists succeed in disrupting our oil lifeline, or if we slide into a war because oil wealth has emboldened anti-American regimes, it will not matter that before disaster struck, the American public and its leaders gained a new sense of realism about our vulnerability. It will not matter that we were producing marginally more ethanol than before or that consumers are more willing to consider hybrids and other alternative vehicles.

Not all indices and measures of energy progress are even moving in the right direction. The American people are angered by $3.00 gasoline, but they are still buying it in record quantities. In a recent Business Week article, writer Peter Coy points out that gasoline consumption during the 2006 July 4th holiday was up 2 percent from a year earlier and consumers bought ten percent more gasoline in the first half of 2006 than they did in the first half of 2000, even though the price of gasoline was 75 percent higher.

Neither American oil companies, nor American car companies have shown an inclination to dramatically transform their businesses in ways that will achieve the degree of change we need to address a national security emergency. In fact, a number of the major oil companies have written to me to explain why they are not enthusiastic about installing pumps that can accommodate E85—a blend of gasoline and up to 85 percent ethanol. Some are distinctly hostile to any such idea.

General Motors launched a new "Live Green, Go Yellow" ad campaign to promote the purchase of flexible fuel vehicles. But its strategy for overall corporate recovery appears to depend on the sale of pickup trucks. Earlier this month, General Motors CEO Richard Wagoner called a new redesigned line of pickup trucks "the most important part of our North American turnaround plan." According to the New York Times, to counter GM's new line, Ford Motors plans to cut the price of its 2007 F-Series pickups, add two more body styles, and increase towing capacity. Moreover, earlier in the summer, GM attempted to tap into consumer worries about gasoline costs by offering to subsidize gasoline for purchasers of certain gas guzzlers in Florida and California. Under the deal, GM would cap the price of gasoline at $1.99 per gallon for one year for buyers of Hummers, Yukons, Tahoes, and other large vehicles.

Within State governments, dropping speed limits or raising gas taxes are non-starters almost everywhere. In fact, speed limits are rising in some states. Recently, Texas raised speed limits on some sections of rural interstate highways to 80 miles per hour, effectively ensuring that many motorists will be traveling closer to 90 miles per hour on those stretches and using more gasoline per mile.

Most importantly, the Federal Government is not treating energy vulnerability as a crisis, despite an increase in energy related proposals. Consider that the only major energy legislation taken up by Congress so far this year was legislation to encourage offshore oil and gas production in the Gulf of Mexico. I supported passage of the bill, but it was offered in a format that did not allow for amendments, and no bill has emerged from a House-Senate conference. If the bill passes, we would be addressing only a small corner of the energy picture. Issues such as energy efficiency, renewable fuels, and alternative energy technology had no chance to be discussed.

Even when the Congress and the President establish programs that would produce meaningful results, bureaucratic inertia and turf-consciousness within the Federal agencies have added delays. Groundbreaking for the first commercial-scale cellulosic ethanol plant has been on hold for a year while investors wait for the Federal government to establish the regulations and application procedure for a loan guarantee program that was passed last summer. The program was meant to jump start the commercialization of cellulosic ethanol—a key goal of President Bush and Congress. But despite the urgency of this mission, the Energy Department's glacial implementation of the program has frustrated potential investors and those of us who are urging the transition to gasoline alternatives. In fairness, Secretary Bodman announced in early August that the Energy Department will accept proposals this fall for cellulosic plant pilot projects, even before regulations are complete. The Department estimates that construction of the first plants could begin early next year.

We could all take our time if this were merely a matter of accomplishing an industrial conversion to more cost effective technologies. Unfortunately, in the absence of far-reaching changes in energy policy, we are risking multiple disasters for our country.

The energy debate is afflicted with what writer Jonathan Rauch has called "Demosclerosis"—the phenomenon of competing interest groups protecting their perceived interests so effectively that policy can achieve only least common denominator outcomes that do not solve the problem threatening the whole nation. Rauch used the concept of demosclerosis to describe the gridlock afflicting efforts to cut the federal budget and restructure entitlement programs. But it is also applicable to the energy debate. The competing interests of oil companies, car companies, environmentalists, truckers, farmers, consumers, and governmental agencies cancel out initiatives or compromises that serve the broader public interest.

Even in California, where voters tend to be environmentally sensitive and where pollution provides a strong extra impetus to cut gasoline use, entrenched business interests have succeeded in discouraging alternative fuels and transportation technologies. Since 1979, California lawmakers have tried a variety of approaches, only to be frustrated by the oil and auto industries that resisted change. A proposal there to cut oil use 15 percent by 2020 is supported by Governor Schwarzenegger, but opposed by the major oil companies, and has not made it through the legislature. California consumes more gasoline than any other state. Yet the number of E85 stations open to the public, after all the conflicting cross-currents, is exactly one.

Overlaying these elements of gridlock are memories of President Jimmy Carter's unpopular energy program from the 1970s. His dour calls for sacrifice remain a cautionary example for many office holders, editorial writers, and political strategists. Conventional political wisdom holds that the American public will punish anyone who forces significant energy sacrifices on them. This is a major oversimplification, but it is true that Americans are not eager to pay higher prices for energy, wait in gas lines, or see their driving or horsepower curtailed. A recent Bloomberg/Los Angeles Times poll asked about 1,500 people which of five options were "the best way to reduce U.S. reliance on foreign oil." Two percent chose increasing the gas tax. Building new nuclear plants or enforcing stricter mileage standards fared little better at 6 and 8 percent respectively. Respondents gravitated toward general trends that were unlikely to affect them personally, with 52 percent endorsing increased government investments in alternative energy sources and 20 percent choosing to relax environmental standards for oil and gas drilling.

Breaking through a political logjam often requires a crisis that focuses the nation in a way that achieves a consensus. But consider that the combination of September 11, 2001, the war in Iraq, the conflict on the Israeli-Lebanese border, the nuclear standoffs with Iran and North Korea, the Katrina and Rita hurricanes, sustained $3.00 per gallon gasoline, and several other severe problems have not created a consensus on energy policy. This leads one to the sobering conclusion that a disaster capable of sufficiently energizing public opinion and our political structures will have to be something worse than the collective maladies I just mentioned—perhaps extreme enough to push the price of oil to triple digits and set in motion a worldwide economic downturn. None of us want to experience this or any of the nightmare scenarios that await us. It is time to summon the political will to overcome the energy stalemate.

In most areas of national policy we are concerned far more with trends than with a discernable national goal. For example, we watch the effects of President Bush's "No Child Left Behind Act" and debate whether more American school children are reading at grade level than before. Despite the name of that bill, we realize that not every school or every child will succeed. We measure success or failure in trends and those trends have meaning because they can be translated into progress for real individuals. The same is true for most aspects of health care policy, environmental protection, job creation, highway construction, and numerous other policy areas. Even when goals aren't met completely, we are rarely disappointed if we achieve measurable improvements.

Our energy dilemma is different. Although every gallon of ethanol, every E-85 pump, every flex fuel vehicle that comes on line moves us closer to safety, they do not necessarily make us safer right now. Marginally reducing our reliance on imported oil over the course of the next few decades will be welcome, but we will still be vulnerable to disaster at any time, and our national security and economic policy options will be constrained accordingly.

Our energy vulnerability is analogous to rowing a boat to shore in rough seas. Each stroke moves us closer to safety, but until we reach the shore, we can be capsized. We have to measure progress not against where we have been, but against the distance to our goals. Achieving a positive trend line is almost inevitable as long as energy costs remain high, because these costs will lead to some improvements in investment and conservation. We need to have the discipline to understand that a modestly positive trend line is not enough. With the storm bearing down on them, the occupants of a threatened boat do not put up their oars and relax because the current has caused them to drift a little closer to shore.

To bolster public motivation and to connect our efforts to rational outcomes, we must work much harder to establish meaningful goals. Americans need to know exactly what the plan is and how we will achieve it. We not only must understand how to bring alternatives to the market, we must establish what degree of change would improve our national security situation, then tailor national policy to achieve that goal.

Although the energy debate is multifaceted, the heart of our geostrategic problem is reliance on imported oil in a market that is dominated by volatile and hostile governments. This is where we must devote our national effort, because it is our most intense short term vulnerability. It also could bring the most collateral benefits, including reinvigorating the American automobile and agricultural industries and helping to reduce carbon emissions. This is not to minimize the challenges facing our electricity grid or other energy problems, but as we marshal our political capital for a difficult task, this should be our first focus.

To this end, the United States should adopt a national program that would make virtually every new car sold in America a flexible fuel vehicle. We should ensure that at least one quarter of filling stations in America have E85 pumps. We should expand ethanol production to 100 billion gallons a year by 2025, a figure that could be achieved by doubling output every five years. We should also create an approximate $45 per barrel price floor on oil through a variable ethanol tax credit to ensure that investments keep flowing to alternatives. And we should enact stricter vehicle mileage standards to point automobile innovation toward conservation. The plan I am proposing today would achieve the replacement of 6.5 million barrels of oil per day by volume—the rough equivalent of one third of the oil used in America and one half of our current oil imports.

I am aware that these are ambitious goals, and that achieving them will take political breakthroughs and intensive government oversight. But if we have the political will, America can end its oil addiction through technology, the new economics of energy, and targeted government incentives and regulations to focus market forces on the problem.

As former Federal Reserve Chairman Alan Greenspan told the Senate Foreign Relations Committee earlier this year, almost one out of every seven barrels of oil produced in the world is consumed on American highways. To break oil's monopoly on American roads, some experts favor a giant leap in technology to hydrogen. But that will require new engines, new distribution systems, new production technologies, and is decades away from commercialization. Instead, we can start to break petroleum's grip right now. The key is making ethanol as important as gasoline in our transportation fuel mix.

To start with, every new car can be easily fitted with proven technology that enables it to burn E85. Millions of these cars are on the road today, and the factory cost of making each vehicle capable of burning E85 is probably less than $150. Because these flex-fuel cars can run on either gasoline or E85, or any combination, the driver can fill up with E85 when it is available, and with regular gasoline when it is not. So the first step should be to require that all new cars sold in America be flex-fuel vehicles.

We applaud the efforts of American automakers to increase their flexible fuel offerings. On June 28, Daimler-Chrysler, Ford, and General Motors issued a statement announcing that they will double their production of flexible fuel vehicles by 2010. This pledge is significant within the context of the auto company's business objectives, but it is inadequate in the context of pursuing the national security benefits of replacing a large share of gasoline with ethanol. The Federal government should work with both foreign and domestic car companies on a plan to rapidly achieve the goal of equipping all new vehicles sold in America with flex-fuel technology. The Federal government should be willing to offer incentives to help make a voluntary plan work. But if car manufacturers do not respond with a sufficient plan in a short time period, Congress should mandate that all new autos sold in the United States have flex-fuel capability.

I do not suggest this lightly. But my observations of the post-Katrina response by car companies, oil companies, and consumers is that in the short run, the evolution of market forces won't be capable of producing the progress that we need to achieve our national security goals, particularly since the car fleet turns over slowly.

Next, we need to make E85 more widely available. Major oil companies have resisted installing E85 pumps. Indeed, most of the 897 E85 fuel stations in the country are independently-owned. As the profits of oil companies have increased with the price of oil, members of Congress have discussed increasing taxes on oil companies or requiring that a certain percentage of profits be devoted to research, exploration, or alternative energy sources.

Some of these ideas may have merit. I would suggest, however, that our first requirement of oil companies should be to use some of their recent profits to install E85 pumps in at least 25 percent of the nation's fuel stations within ten years. Unfortunately, this may also require an outright mandate. The majors have, thus far, shown little willingness to take this step.

The oil companies have argued that installing these pumps is too expensive and should wait until sufficient supplies of ethanol and flex-fuel vehicles are available. It does cost money to turn a gas pump into an E85 pump, primarily to replace the underground storage tank. But the cost is generally far less than the oil companies have portrayed. A recent Wall Street Journal article cited Chevron as estimating that installing an E85 pump costs $200,000. In fact, last year I helped inaugurate an E85 outlet in Terre Haute, and the owner said it cost her less than five thousand dollars to retrofit her station. Moreover, according to oil industry sources, installing a new E85 pump costs only about $5,000 more than installing a new gasoline pump. This suggests that stations on the drawing board would be low-cost candidates for E85 pumps. Conversion of some pumps will be much more expensive, and there are numerous price variables to consider. But by making use of retrofits and by devoting one pump to E85 at newly constructed fuel stations, the average conversion cost nationwide would be a fraction of what oil companies have implied.

In addition, gasoline companies can take advantage of an existing tax credit for the installation of renewable fuel pumps. I would support increasing this tax credit if a mandate were enacted. Gasoline companies also would be able to hold costs down by selecting the least expensive locations for adding E85 pumps, as long as they met geographic distribution requirements.

If the six largest gasoline companies installed E85 pumps in half of their stations, we would get to the 25 percent fuel station goal. For the sake of argument, if we estimated that the average marginal cost of opening an E85 pump after tax credits was $15,000, then establishing the pumps at one quarter of the nation's 170,000 fuel stations would cost approximately $637 million over ten years. That is just one percent of the combined $64 billion profit made during 2005 alone by the three largest American oil companies—Exxon-Mobil, Chevron, and ConocoPhillips. Even if the average cost is somewhat more than $15,000, these figures illustrate that the cost of a nationwide E85 pump conversion for the major oil companies would be far from prohibitive.

My intent here is not to punish the oil companies. As a Senator who has favored new drilling and other initiatives designed to help the oil companies produce more domestic oil, I am suggesting that they need to alter their thinking. In the best circumstances, they would embrace ethanol and work hard to diversify their investments and operations—partly for the good will they would receive from Congress and the public—but also to prepare for the coming decades of greater American prosperity and security.

If the mandate can be effectively linked to the increasing availability of ethanol, so much the better. But to achieve our larger goal, we must be prepared to tolerate a certain level of disconnect between cars, pumps, and ethanol in the early stages of this effort. Some pumps may be underutilized at first, but this cannot be an excuse not to move forward.

Incidentally, virtually every gas-powered vehicle in America today can run on gasoline blended with 10 percent ethanol, or E10. By requiring that all gasoline be E10 as ethanol supplies become available, we could accommodate significantly more ethanol production even before most flex-fuel vehicles and E85 pumps are in place. Our neighbors in Illinois have passed such legislation, and I have urged my friends in Indianapolis to follow suit.

Now how do we produce enough ethanol to supply these stations and fuel these cars? The good news is we can let the market do a lot of the work. When oil is above $70 a barrel, making ethanol from corn or sugar, even before subsidies, is less costly than producing gasoline. That is true even if oil drops substantially from today's level.

But the long term advancement of ethanol as a national transportation fuel requires a focused effort to perfect and commercialize cellulosic technology, which will enable us to make ethanol from switch grass, agricultural waste and other inexpensive biomass. The addition of cellulosic ethanol has the potential to substantially reduce the overall production cost of ethanol, while greatly expanding the volume produced. Although scientists and technicians are confident of the possibilities for cellulosic ethanol, efforts at commercialization have lagged behind basic research. The time is long past due for the Federal government to step in and prime the pump for commercial production through an aggressive loan program. The experience gained by the first production plants will provide the knowledge we need to rapidly expand the cellulosic industry.

Studies have shown that we will have enough land for energy crops, given the expected increases in yields and improvements in processing efficiency. If we could reach a target of 100 billion gallons of ethanol a year—a 13-fold increase over current capacity in operation or under construction—that would be equivalent to 71 percent of current gasoline consumption by volume. The two are not directly comparable because ethanol has lower energy content than gasoline, but over time, I expect automakers will improve the efficiency of their engines for E85 fuel.

Although many investors are currently lining up to jump into the ethanol business, many are still hesitating to take the plunge. They fear that foreign oil producers might, as they have before, manipulate the oil market to temporarily cut the price and drive ethanol producers out of business. Therefore, another step we should take is to ensure market certainty for investors by setting a price floor for crude oil at about $45 a barrel through a variable ethanol tax credit that would rise as the price of oil dropped. I am developing legislation to achieve this goal and have benefited from the contributions of Dr. Wallace Tyner of Purdue University, who will appear in the afternoon panel.

Finally, it will be far easier to alter the mix of fuel supplies if we can slow or stop the growth in overall fuel demand. It has been more than twenty years since there was a change in the Corporate Average Fuel Efficiency standards for cars. Over that time, American gas mileage has largely stagnated. In 1987, the average light duty vehicle got 22.1 miles per gallon, according to the EPA. Nineteen years later, in 2006, the figure has fallen to 21 miles per gallon. Yet during that time, automobile technology has greatly advanced, only in other directions. For instance, today a family car like the Toyota Camry has faster acceleration than a muscle car of the 1970s.

We need to channel the technical prowess of America's auto industry in the direction of greater fuel efficiency so that we can grow our economy without growing our fuel consumption. Therefore, Congress should enact modern mileage standards that set a target of steadily improving fuel economy every year. It should also continue to encourage research, development, and deployment of hybrids, plug-in technology, ultra-light auto materials, biodiesel, and coal-based transportation fuels, among other promising technologies.

This package of proposals would dramatically improve America's security posture. It would not dismantle the automobile culture that Americans cherish, nor would it create a vast bureaucracy with a bottomless appetite for taxpayer dollars. In fact, if it is accompanied by strong leadership and thoughtful explanation, I am confident that Americans will reçognize that this is the way that we will preserve our cars and our economy over the long run. It would provide more jobs for Americans instead of sending a deluge of money to hostile countries, support our farmers instead of foreign terrorists, and promote green fuels over fossil fuels.

It should not surprise you to learn that I have proposed or co-sponsored legislation on these ideas. But this is just a start. None of these bills has passed, or even been put to a vote in the Senate. For instance, the Fuel Economy Reform Act, which I co-sponsored with my friend Sen. Barack Obama and other Democrats and Republicans, seeks a four percent annual increase in fuel economy. Last month, Sen. Obama tried to amend the offshore oil drilling bill with our legislation, but Senate procedures prevented him from doing so. While we are asking for greater statesmanship from our automobile and oil companies, we must demand the same from our Federal legislators and administrators.

Far in the future, historians may point to the energy policy of the last several decades as the major national security failing of the American government in this era. In the absence of decisive policy changes, historians will rightly ask how the wealthiest and most powerful nation on earth with abundant land, a magnificent industrial infrastructure, and the world's best universities and research institutions simply would not reorient itself over the course of decades despite repeated warning signs. Our failure to act will be all the more unconscionable given that success would bring not only relief from the geopolitical threats of energy-rich regimes, but also restorative economic benefits to our farmers, rural areas, automobile manufacturers, high technology industries, and many others.

We must be very clear that this is a political problem. We now have the financial resources, the industrial might, and the technological prowess to shift our economy away from oil dependence. What we are lacking is coordination and political will. We have made choices, as a society, which have given oil a near monopoly on American transportation. Now we must make a different choice in the interest of American national security and our economic future. As the vanguard of concerned and informed experts in this field, I call upon each of you to apply your talents and energies to solving this fundamental problem threatening the well-being of our nation. I look forward to working with you as we achieve this goal.

ADDITIONAL STATEMENTS

REMEMBERING MADONNA ARCHAMBEAU

● Mr. JOHNSON. Mr. President, today I wish to honor the life of Madonna Archambeau. Madonna was a member of the Ihanktonwan Dakota Nation who passed away just over a week ago.

Mrs. Archambeau was born in 1934 in Ravinia, SD just a few miles off the Missouri River near the Nebraska border. Mrs. Archambeau was then educated at St. Paul's Indian Mission in nearby Marty, SD. From there, she began her service to her community which culminated in her election as the first woman to chair the Yankton Sioux Tribe.

Mrs. Archambeau began her career at the post office in Greenwood, SD, then moved to the Indian Health Service where she served for 31 years. Although she didn't end her career there; after her retirement from IHS she ran for chairperson of the Yankton Sioux Tribe and eventually tribal members elected her as the first woman to serve in that position.

This exceptionally strong woman was an especially strong advocate for the health and wellness of the Yankton Sioux Tribe and some of her greatest contributions to the tribe were in the health care arena. A tireless advocate of the health needs of her people, Mrs. Archambeau fought for adequate health care by working to ensure that emergency services remained at the Wagner Service Unit of the IHS. She was also a major influence in the establishment of a dialysis center for members of the Yankton Sioux Tribe.

It was my pleasure to have worked with her during her term and I would like to offer my condolences to the family, friends, and fellow advocates whom Madonna touched with her efforts on behalf of her people. They have much to be proud of, and it is my hope that their memories will be rich with the great many accomplishments she achieved during her career. Her memory will serve as a beacon to young Native women in the Yankton Sioux tribe and throughout Indian Country.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 3882. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3886. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8152. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his intention to enter into a free trade agreement with the Republic of Columbia; to the Committee on Finance.

EC–8153. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "The Medicare Quality Improvement Organization (QIO) Program—Response to IOM Study"; to the Committee on Finance.

EC–8154. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Report to Congress on the Evaluation of the Quality Improvement Organization (QIO) Program for Medicare Beneficiaries for Fiscal Year 2005"; to the Committee on Finance.

EC–8155. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Depreciation Allowance" ((RIN1545–BB57) (TD9283)) received on September 5, 2006; to the Committee on Finance.

EC–8156. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examples Under Section 937(b)" (Notice 2006–76) received on September 5, 2006; to the Committee on Finance.

EC–8157. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fee for Form 8802, Application for the United States Residency Certification" (Rev. Proc. 2006–35) received on September 5, 2006; to the Committee on Finance.

EC–8158. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dividends Paid Deduction for Stock Held in Employee Stock Ownership Plan" ((RIN1545–BE74) (TD9282)) received on September 5, 2006; to the Committee on Finance.

EC–8159. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recomputed Differential Earnings Rate for 2004 under Section 809" (Rev. Rul. 2006–45) received on September 5, 2006; to the Committee on Finance.

EC–8160. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications to Weighted Average Interest Rate—Section 301 of Pension Protection Act of 2006" (Notice 2006–75) received on September 5, 2006; to the Committee on Finance.

EC–8161. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement: Overview of the IRS's Use of Private Collection Agencies (PCAs) in 2006" (Announcement 2006–63) received on September 5, 2006; to the Committee on Finance.

EC–8162. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Services Under Section 482, Allocation of Income and Deductions from Intangibles" ((RIN1545–BB31) (RIN1545–AY38) (TD9278)) received on September 5, 2006; to the Committee on Finance.

EC–8163. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Automatic Accounting Method Change Procedures for Intangibles" (Rev. Proc. 2006–37) received on September 7, 2006; to the Committee on Finance.

EC–8164. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collection After Assessment" ((RIN1545–BC72) (TD9284)) received on September 7, 2006; to the Committee on Finance.

EC–8165. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations Regarding the Nonaccrual-Experience Method of Accounting Under Section 448(d)(5)" (TD9285) received on September 7, 2006; to the Committee on Finance.

EC–8166. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2005"; to the Committee on Finance.

EC–8167. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishment of New Port of Entry at Sacramento, California; Realignment of the Port Limits of the Port of Entry at San Francisco, California" (CBP Dec. 06–23) received on September 5, 2006; to the Committee on Finance.

EC–8168. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement" (RIN0938–AN77) received on September 5, 2006; to the Committee on Finance.

EC–8169. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting an update on the Department's progress in its preparation of a report relative to accession bonuses, salaries and other benefits offered by the Department of Defense and Department of Veterans' Affairs and their impact on recruitment and retention; to the Committee on Armed Services.

EC–8170. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of (13) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–8171. A communication from the Chief of the Freedom of Information and Privacy Act Office, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "The Army Privacy Program" (RIN0702–AA53) received on August 24, 2006; to the Committee on Armed Services.

EC–8172. A communication from the Acting Clerk, Wayne County Commission, transmitting, pursuant to law, the report of an adopted resolution for review; to the Committee on Armed Services.

EC–8173. A communication from the Assistant Secretary of Defense (International Security Policy), transmitting, pursuant to law, a report relative to the Department's intent to obligate up to $44.5 million in funds for the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC–8174. A communication from the Under Secretary (Comptroller) and the Under Secretary (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the feasibility and desirability of using a capital budgeting system for the financing of major defense acquisition programs; to the Committee on Armed Services.

EC–8175. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report of the authorization of 4 officers to wear the authorized insignia of the next higher grade; to the Committee on Armed Services.

EC–8176. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the amount of purchases from foreign entities made by the Department in fiscal year 2005; to the Committee on Armed Services.

EC–8177. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the plan for accession of persons with specialized skills and the civilian skills corps feasibility study; to the Committee on Armed Services.

EC–8178. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Threshold for Small Business Specialist Review" (DFARS Case 2003–D060) received on September 5, 2006; to the Committee on Armed Services.

EC–8179. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Reporting" (DFARS Case 2005–D004) received on September 5, 2006; to the Committee on Armed Services.

EC–8180. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Administration Functions"

(DFARS Case 2003–D051) received on September 5, 2006; to the Committee on Armed Services.

EC–8181. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to how information is provided to potential recruits and to new entrants into the Armed Forces on "Stop Loss" authorities and initial period of military service obligation; to the Committee on Armed Services.

EC–8182. A communication from the Secretary of the Federal Trade Commission and the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the steps that consumer reporting agencies take after receiving a consumer dispute about the accuracy or completeness of information in the consumer's file; to the Committee on Banking, Housing, and Urban Affairs.

EC–8183. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his extension of the national emergency period pertaining to the terrorist attacks of September 11, 2001, for an additional year; to the Committee on Banking, Housing, and Urban Affairs.

EC–8184. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8185. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–8186. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–8187. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–8188. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8189. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8190. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Appeal of Decisions Relating to Flood Insurance Claims" (RIN1660–AA41) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8191. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA–7939) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8192. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Public Assistance Eligibility" (RIN1660–AA45) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8193. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA–7652) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8194. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA–7931) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8195. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Docket No. FEMA–7786) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8196. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA–7927) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8197. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA–7929) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8198. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 35176) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8199. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 33645) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8200. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 40925) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8201. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 33646) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8202. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA–7585) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8203. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers" (Docket No. R–1247) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8204. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation E—Electronic Fund Transfers" (Docket No. R–1265) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8205. A communication from the Deputy Director, Terrorism Risk Insurance Program, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program: TRIA Extension Act Implementation" (RIN1505–AB67) received on September 5, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8206. A communication from the Secretary of Health and Human Services, transmitting, pursuant to the Medical Device User Fee and Modernization Act of 2002, the Food and Drug Administration's annual report for 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–8207. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on August 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8208. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, a report relative to the Board's inventory of inherently governmental and commercial activities; to the Committee on Health, Education, Labor, and Pensions.

EC–8209. A communication from the Secretary of Education, transmitting, pursuant to law, the follow-up report to the one entitled "The Mission Continues, Annual Report to the President on the Results of Participation of Historically Black Colleges and Universities in Federal Programs 2002–03"; to the Committee on Health, Education, Labor, and Pensions.

EC–8210. A communication from the Attorney General of the Department of Justice and the Secretary of Health and Human Services, transmitting, pursuant to law, the ninth Annual Report on the Health Care Fraud and Abuse Control Program for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–8211. A communication from the Secretary of Health and Human Services, transmitting, pursuant to the Prescription Drug User Fee Act of 1992, the Food and Drug Administration's performance report for 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–8212. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Interim Final Regulations—Federal Student Aid Programs" (RIN1840–AC87) received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8213. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Fecal Calprotectin Immunological Test Systems" (Docket No. 2006N–0276) received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8214. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8215. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of discontinuation of service in the acting role for the position of Assistant Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8216. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8217. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of discontinuation of service in the acting role for the position of Chief Financial Officer, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8218. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8219. A communication from the White House Liaison, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Chief Financial Officer, received on September 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8220. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on September 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8221. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's budget request for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–8222. A communication from the Secretary of Labor, transmitting, pursuant to law, the report entitled "The Department of Labor's 2005 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC–8223. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (I.D. No. 080806G) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8224. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure (Connecticut Summer Flounder Commercial Fishery)" (I.D. No. 080806F) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8225. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. No. 080806B) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8226. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 080806C) received on August 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8227. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 072506B) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8228. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits" (I.D. No. 080106A) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8229. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 080206A) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8230. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (I.D. No. 080206C) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8231. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 080206B) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8232. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 072006C) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8233. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 072006B) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation 250–B and 250–C Series Turboprop and Turboshaft Engines" ((RIN2120–AA64) (Docket No. 2005–NE–28)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 and Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–209)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (15); Amdt. No. 3154" ((RIN2120–AA64) (3–17/3155)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CT64–820–4 Turboprop Engines" ((RIN2120–AA64) (Docket No. 2005–NE–45)) received on September 5, 2006; to the

Committee on Commerce, Science, and Transportation.

EC–8238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Brantly International, Inc. Model B–2, B–2A, and B–2B Helicopters" ((RIN2120–AA64) (Docket No. 2005–SW–35)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Aircraft Engines CT7–8A Turboshaft Engines" ((RIN2120–AA64) (Docket No. 2006–NE–12)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–360C, SA–365C, SA–365C1, and SA–365C2 Helicopters" ((RIN2120–AA64) (Docket No. 2005–SW–15)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365–N1, AS–365–N2, –N3, SA–366–G1, and EC–155B and –B1 Helicopters" ((RIN2120–AA64) (Docket No. 2006–SW–07)) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8242. A communication from the Attorney Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8243. A communication from the Attorney Advisor, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, (2) reports relative to vacancy announcements in the Department, received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8244. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in the acting role of Administrator received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8245. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8246. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084–0098) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8247. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision and Clarification of Civil Monetary Penalty Provisions of the Export Administration Regulations" (RIN0694–AD71) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8248. A communication from the White House Liaison, Department of Commerce, transmitting, pursuant to law, (3) reports relative to vacancy announcements in the Department, received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8249. A communication from the Deputy General Counsel, Office of the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Release of Information to News and Information Media" (RIN2700–AD25) received on September 5, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8250. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final List of Fisheries for 2006" (RIN0648–AU19) received on September 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8251. A communication from the Acting Assistant Administrator for Procurement, Contract Management Division, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Resource Sharing Requirements" (RIN2700–AD28) received on September 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8252. A communication from the Acting Under Secretary (Industry and Security), Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intention to expand foreign policy-based export controls on certain items to Iraq; to the Committee on Commerce, Science, and Transportation.

EC–8253. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more from the Government of Saudi Arabia to the Government of Kenya; to the Committee on Foreign Relations.

EC–8254. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more from the Government of the Netherlands to the Government of Finland; to the Committee on Foreign Relations.

EC–8255. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Auditor's Performance Review of the Integrated Tax System's Processes Related to the Timeliness of Tax Refunds and Deposit of Tax Payments"; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–421. A resolution adopted by the General Assembly of the State of New Jersey relative to outsourcing port operations to a company controlled by a foreign government; to the Committee on Banking, Housing, and Urban Affairs.

ASSEMBLY RESOLUTION NO. 138

Whereas, Security officials of the administration of President George W. Bush, both United States Senators from the State of New Jersey, the Governor of the State of New Jersey and members of this House have serious concerns that terrorists could infiltrate ports through Dubai Ports World, a company controlled by the United Arab Emirates; and

Whereas, Intelligence and security officials believe that ports are vulnerable to the entry of terrorists or illicit weapons because of the large number of containers that enter the United States through these port facilities; and

Whereas, The ports of New York, Newark, Philadelphia, Baltimore, Miami and New Orleans are major points of entry into the United States; and

Whereas, The United Arab Emirates has a mixed record in combating terrorism and terrorist organizations; and

Whereas, The United Arab Emirates was one of only three countries to recognize the Taliban regime in Afghanistan; and

Whereas, The 45-day review of Dubai Ports World security details must be carried out in a rigorous and independent manner with Congress given final authority over the deal; and

Whereas, The Bush administration has been unable to provide sufficient evidence that security procedures vital to the United States will not be compromised by officials from a foreign company that is controlled by a foreign government; Now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

1. It is the sense of the General Assembly of the State of New Jersey that President Bush should reconsider his decision, and he is advised to reverse his decision, to permit the sale of certain United States port operations to Dubai Ports World because this foreign company is controlled by a government with a mixed record in fighting terrorism.

2. It is the sense of the General Assembly of the State of New Jersey that the federal government should conduct a thorough review of this pending sale, pursuant to a 45-day investigation period required by federal law.

3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice President of the United States, the Majority and Minority Leader of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of Congress elected from this State.

POM–422. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the adoption of changes to the Medicare Part D Program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 80

Whereas, over 40 million Americans, including approximately 186,000 Hawaii residents, receive health coverage through Medicare and are currently eligible to purchase prescription drug coverage through the

Medicare Part D Program, which began on January 1, 2006; and

Whereas, over 6.4 million Americans, including 26,000 Hawaii residents, are eligible for both Medicare and Medicaid and are referred to as "dual eligibles"; and

Whereas, the dual eligible group, 60 percent of whom live below the poverty line, has more individuals who rely on healthcare than other Medicare beneficiaries, with more than 50 percent requiring assistance with activities of daily living or suffering from multiple chronic conditions, such as Alzheimer's disease, diabetes, pulmonary disease, or stroke; and

Whereas, the number of elderly residents in the state is expected to rise rapidly over the next two decades with one in four residents over the age of 60; and

Whereas, Medicare-eligible individuals enrolling in the Medicare Part D Program after May 15, 2006, face a cumulative one percent late-enrollment penalty for each month between the date they were eligible and the date they enrolled; and

Whereas, the enrollment penalty for Medicare Part B is ten percent per year on the standard premium amount, which is more predictable and less severe than the enrollment penalty for Medicare Part D; and

Whereas, Medicare beneficiaries must now navigate a new, complex system of multiple health plans to purchase coverage and receive prescription drug benefits; and

Whereas, each prescription drug plan has a different formulary, different co-payments, and varied cost-sharing that Medicare beneficiaries must understand to determine which plan has a formulary that not only includes most, or all, of the beneficiaries' drugs, but also offers the best value; and

Whereas, beneficiaries face a great deal of uncertainty as each plan is allowed to modify its formulary, including dropping coverage of medications, on a monthly basis, while most Medicare beneficiaries may only change plans once a year during the open enrollment period; and

Whereas, a beneficiary who needs a drug that is suddenly dropped by the chosen plan must change to another drug or pay out-of-pocket for the drug; and

Whereas, drugs not listed on the formulary that are purchased out-of-pocket by a beneficiary or paid for with a discount card or through a state pharmacy program do not count toward he beneficiaries' cost-sharing under the Medicare Part D plan; and

Whereas, plans are not required to disclose complete information about the actual price of the drugs on their formularies nor the cost of these drugs as negotiated by the plan which drug manufacturers, resulting in the opportunity for plans to inflate prices charged to Medicare beneficiaries who will then have a higher total cost-sharing amount; and

Whereas, many states will have additional costs associated with the "clawback" provision of the Medicare law, which requires states to reimburse the federal government for the costs of dual eligibles based on a formula that may not accurately reflect actual costs and numbers of these enrollees; and

Whereas, States will also incur significant costs if they participate in educational and other efforts necessary to ensure that dual eligibles and other Medicare enrollees do not have a gap in coverage and have adequate information with which to make informed choices between plan options; and

Whereas, the State initiated a fail-safe program that covered dual eligibles' prescriptions if their claims were not processed through the drug plans offered by the new Medicare Part D Program, and paid 480 claims in a four-day period from January 1, 2006 to January 4, 2006, to ensure that patients received their medications; and

Whereas, the Medicare law explicitly prohibits negotiations over the price paid by the federal government for prescription drugs; and

Whereas, these same medications currently provided to dual eligibles under Medicaid are subject to price negotiation by the federal government, and the costs of these medications, which will be reimbursed by the states to the federal government, are likely to increase in the absence of price negotiation; and

Whereas, according to the Congressional Budget Office, the new Medicare Part D Program is expected to increase spending by $47 billion in 2006, the first year of implementation, and reach $174 billion per year in 2015, when it will make up 23 percent of the $766 billion in total Medicare spending; now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the President and Congress of the United States are requested to adopt the following changes to the Medicare Part D Program:

(1) Eliminate the penalty for all Medicare-eligible individuals enrolling after May 15, 2006;

(2) Permit, once a year, prescription drug plans to drop coverage of drugs on their formularies only after advance notice to coincide with the annual open enrollment period, except that drugs that have been determined to be dangerous or have been removed from the market may be dropped from formularies as deemed necessary for safety;

(3) Standardize the formulary design so that each plan has the same number of tiers and requirements for coverage;

(4) Modify the requirements for what can be counted toward the Medicare beneficiaries' "true out-of-pocket cost," or "TROOP," to include all prescription drugs purchased on behalf of the beneficiary regardless of where the drugs are purchased, whether purchased through a state pharmacy program or with a discount card, or whether the drug is on the formulary of the enrollee's plan;

(5) Ensure transparency so that states know the cost negotiated by the prescription drug plan to ensure that all negotiated rebates are passed on to the beneficiaries; and

(6) Institute price negotiations for the purchase of prescription drugs for the Medicare program, similar to the provisions already in place under Medicaid and the Veterans Administration; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Hawaii's Congressional delegation.

POM–423. A resolution adopted by the General Assembly of the State of New Jersey relative to Lyme and tick-borne disease prevention education; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY RESOLUTION NO. 55

Whereas, Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

Whereas, Lyme disease is a bacterial infection that is transmitted by a tick bite, and early signs of infection may include a rash and flulike symptoms such as fever, muscle aches, headaches and fatigue; and

Whereas, although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed and, if untreated, can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

Whereas, although Lyme, disease accounts for 90 percent of all vectorborne infections in the United States, the ticks that spread the disease also spread other diseases, such as ehrlichiosis, babesiosis and other strains of Borrelia; and

Whereas, studies indicate that only 10 percent of the number of tick-borne disease cases reported meet the criteria established by the Federal Centers for Disease Control and Prevention; and

Whereas, the persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult; and

Whereas, New Jersey ranks third among the 50 states in the number of reported Lyme disease cases; and

Whereas, the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005" has been introduced in the 109th Congress as H.R. 3427 and S. 1479; and

Whereas, the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005" would advance the treatment of, and cure for, Lyme and other tick-borne diseases by expanding federal efforts concerning prevention, education, treatment and research activities related to Lyme and other tick-borne diseases, providing authorization for the appropriation of $20 million for each of the federal fiscal years 2006 through 2010 for these activities and requiring the Secretary of Health and Human Services to annually report to Congress on these activities and make recommendations for further research and education, and establishing a Tick-borne Diseases Advisory Committee within the Office of the Secretary of Health and Human Services; Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House respectfully memorializes the United States Congress and the President of the United States to enact the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005," which is currently pending in the Congress as H.R. 3427 and S. 1479.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the presiding officers of the United States Congress, each of the members of the Congress elected from the State of New Jersey, and the President of the United States.

POM–424. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to improving the quality of the nation's public schools by substantially increasing education funding; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 47

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students regardless of race, income, ethnicity, or disability; and

Whereas, the State of Hawaii commends the President and the United States Congress for putting forth the same goals in the

No Child Left Behind Act of 2001 (NCLB) and emphasizing the urgency in improving the performance of all students; and

Whereas, the NCLB has encouraged necessary changes in public education and was initially accompanied with substantial increases in federal funding for public elementary and secondary education; and

Whereas, however, the increases in federal funding since the inaugural year of the NCLB have been minimal; and

Whereas, the Federal Government has decreased funding in fiscal year 2006 by:

(1) $793,000,000 for the NCLB;

(2) $166,000,000 for post secondary education; and

(3) $21,000,000 for programs that serve students with disabilities; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the Legislature urges the President of the United States and the United States Congress to support improving the quality of the nation's public schools by substantially increasing funding for the No Child Left Behind Act, Higher Education Act, Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii encourages other states to adopt similar resolutions; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education, and each member of Hawaii's Congressional delegation.

POM–425. A resolution adopted by the General Assembly of the State of New Jersey relative to the issuance of a stamp honoring the U.S. Army's canine corps; to the Committee on Homeland Security and Governmental Affairs.

Assembly Resolution No. 69

Whereas, the Army Quartermaster Corps began the U.S. Armed Forces first war dog training during World War II, creating what has come to be known as the canine corps (K–9 corps); and

Whereas, the canine corps has served in World War II, Korea, Vietnam, the Persian Gulf and Bosnia and is currently serving in Iraq and Afghanistan; and

Whereas, the canine corps dogs are used as scouts, trackers, sentries, point dogs, messengers and detectors of mines, boobytraps, explosives and enemy soldiers; and

Whereas, while many dogs are killed, abandoned or euthanized in combat, it has been estimated that the canine corps saved over 10,000 lives in Vietnam and continues to save thousands of lives in Iraq and Afghanistan; and

Whereas, a stamp to honor the canine corps is currently under consideration by the Citizens' Stamp Advisory Committee for future stamp use; and

Whereas, it is in the best interest of the State to urge the United States Postal Service and Citizens' Stamp Advisory Committee to issue a stamp for the canine corps in honor of the thousands of lives the corps saved and continues to save while in combat; Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This house resolution urges the United States Postal Service and the Citizens' Stamp Advisory Committee to issue a stamp honoring the United States Army's canine corps.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority leaders of the United States Senate and the United States House of Representatives, and each member of the United States Congress elected from this State.

POM–426. A resolution adopted by the Senate of the State of Michigan relative to the Gaylord, Michigan, mail processing center; to the Committee on Homeland Security and Governmental Affairs.

Senate Resolution No. 151

Whereas, Gaylord, Michigan, is the largest city in Otsego County and one of the fastest growing and economically vibrant cities in northern Michigan. The Gaylord Post Office handles mail in the 487 zip codes, which covers a sprawling area from Grayling to Sault Saint Marie and from Petoskey to Alpena. The post office's mail plant processes packages and flats, such as magazines, newspapers, legal documents, and mail larger than letter-size; and

Whereas, in April 2006, the United States Postal Service concluded an Area Mail Processing (AMP) survey to determine whether or not to consolidate Gaylord mail processing operations into the Traverse City Processing & Distribution Center. The postal service is considering consolidation in order to reduce the $8 million deficit of the Greater Michigan Postal District, which includes Wisconsin, Illinois, and Indiana. District postal officials are expected to receive final word from Washington, D.C., in either June or July of this year; and

Whereas, if both packaging and flats processing are eliminated, then nearly 80 full-time employees are expected to be transferred out of the region to other postal facilities. This transfer will have a detrimental impact on the Gaylord economy as well-paying jobs flee the area. Moreover, closing the Gaylord mail processing operations will result in a lower standard of service because without the processing center mail cannot be delivered to this vast region in an efficient and timely manner; Now, there, be it

Resolved by the Senate, That we memorialize the United States Postal Service and the United States Congress to keep open the Gaylord, Michigan, mail processing center; and be it further

Resolved, That copies of this resolution be transmitted to the United States Postmaster General, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan congressional delegation.

POM–427. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the convention on the elimination of all forms of discrimination against women; to the Committee on the Judiciary.

House Concurrent Resolution No. 67

Whereas, International Women's Day, celebrated throughout the world on March 8th, is a time to:

(1) Reflect on the status of women in the United States and around the world;

(2) Assess the progress made and the challenges for women remaining; and

(3) Recommit to women's human rights and the full empowerment of the world's women as the basis for truly sustainable social, economic, and political development of nations and communities; and

Whereas, two hundred twenty-eight million women are in need of effective contraceptive methods; and

Whereas, a woman dies every minute as a result of pregnancy and childbirth-related causes (approximately five hundred women a year) and for every woman who dies, thirty other women are injured or disabled; and

Whereas, between seven hundred thousand and four million people, mainly women and children, are trafficked annually across international borders for sexual exploitation and forced labor; and

Whereas, fifty thousand to one hundred thousand women and girls are trafficked annually for sexual exploitation into the United States; and

Whereas, HIV/AIDS is a women's epidemic worldwide with over nineteen million women worldwide currently living with HIV/AIDS and over one million women dying of AIDS in 2002; and

Whereas, for the last several years, HIV/AIDS has been the fifth leading cause of death for women ages twenty-five to forty-four years in the United States, and the third leading cause of death for African American women in this same age group; and

Whereas, gender-based violence against women, including prenatal sex selection, female infanticide, sexual abuse, female genital mutilation, school and workplace sexual harassment, sexual trafficking and exploitation, prostitution, dowry-killings, domestic violence, battering, and marital rape, causes more death and disability among women in the fifteen to forty-four-year age group than cancer, malaria, traffic accidents, and even war; and

Whereas, approximately four million eight hundred thousand rapes and physical assaults are perpetrated annually against women in the United States; and

Whereas, women in many countries lack the right to own land and inherit property, obtain credit, attend and stay in school, earn income, and be free from job discrimination, they also lack access to services that meet their sexual and reproductive health needs; and

Whereas, over two billion women around the globe live on less than $2 a day, and women in the United States earn seventy-three cents on average for every dollar earned by men; and

Whereas, two-thirds of the nine hundred sixty million illiterate adults in the world are women and two-thirds of the one hundred thirty million children not enrolled in primary school are girls; and

Whereas, in 1972, Hawaii became the first state to ratify the federal Equal Rights Amendment, which would have amended the United States Constitution by adding a guarantee of equal rights for women; and

Whereas, in 2003, the Hawaii State House of Representatives adopted House Resolution No. 59, which: supported International Women's Day; urged the United States Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women; and further urged the United States Congress to fund high quality, voluntary family planning and reproductive health services; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the United States Senate is requested to demonstrate our nation's commitment to human rights by ratifying the Convention on the Elimination of All Forms of

Discrimination Against Women, and joining one hundred seventy other nations in endorsing the most comprehensive treaty ensuring the fundamental human rights and equality of women; and be it further

Resolved, That the United States Congress is urged to affirm every woman's fundamental right to reproductive health, including the ability to choose the number of children they will have and the timing of their births, by funding high quality, voluntary family planning and reproductive health services that enable women to exercise this right; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM-428. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the detonation of the Bravo Hydrogen Bomb over Bikini Atoll; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 34

Whereas, at 6:45 a.m. on March 1, 1954, over Bikini Atoll, the United States of America tested a hydrogen bomb device, which is acknowledged to be the most powerful nuclear explosion ever detonated; and

Whereas, the "Bravo" H-Bomb inadvertently yielded fifteen megatons instead of the five megatons expected by the scientists working on the project—a yield one thousand times more powerful than the bomb dropped on the city of Hiroshima; and

Whereas, including the Bravo H-Bomb, sixty-seven nuclear tests were conducted at Bikini Atoll and Enewetak Atoll between 1946 and 1958, exposing the people of the Republic of the Marshall Islands to severe health problems and genetic anomalies due to the tests, such as "jelly fish" babies and other anomalies in the children, grandchildren, and great-grandchildren of survivors; and

Whereas, Enewetak Atoll served as ground zero for forty-three tests, eventually causing the exile of its people from their homeland for thirty-three years; and

Whereas, even after a massive cleanup program by the United States, more than fifty-seven percent of the land is not safe for human habitation; and

Whereas, at the advice of the United States, the residents of Bikini Atoll were repatriated to their homeland in 1967 only to be evacuated seven years later when high levels of radionuclides were discovered in their bodies; and

Whereas, the people of neighboring Rongelap and Utirik were also returned prematurely to their atolls and received additional exposure, causing many to believe that they were used to study the effects of radiation on human beings as evidenced in the Atomic Energy Commission's now infamous Project 4.1 "Study of Response of Human Beings Exposed to Significant Beta and Gamma Radiation due to Fallout from High Yield Weapons"; and

Whereas, in the Compact of Free Association (Compact), the United States "accepts the responsibility for compensation owing to the citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946 and August 18, 1958"; and

Whereas, the pertinent provisions of the Compact were negotiated based on limited and misleading information provided by the United States Government to the representatives of the Republic of the Marshall Islands, a fact only recently exposed in material declassified by the United States and acknowledged by officials; and

Whereas, the "changed circumstances" provisions of the Compact provide that, should it become manifestly clear that the agreement on nuclear matters is grossly inadequate to meet the technological and financial requirements anticipated during the negotiations, or if new information emerges that render those agreements insufficient for the purpose of concluding full and just compensation, the Congress of the United States would consider a petition on the issue; and

Whereas, the Republic of the Marshall Islands submitted such a "Changed Circumstances" petition on September 11, 2000, based on recently declassified data; and

Whereas, the Bush administration recently took a stand against further compensation under the Changed Circumstances petition, and

Whereas, just compensation and continued funding for promised medical and health programs for survivors of the atomic tests now depend upon Congress' favorable consideration of this petition; and

Whereas, over the past seventeen years, Hawaii has provided medical, educational, and other supportive services to lawful non-immigrants from the Republic of the Marshall Islands, without receiving adequate reimbursement from the United States; now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the United States Congress is respectfully requested to enact appropriate measures to provide for the full health needs of the hydrogen bomb tests survivors and their progeny, pay appropriate property damage claims, and provide for the costs of cleaning up nuclear sites in the Republic of the Marshall Islands in connection with hydrogen bomb testing on atolls of the Republic of the Marshall Islands; and be it further

Resolved, That the Legislature expresses deep regret for the harm done to the people of the Republic of the Marshall Islands and their homeland and hereby requests the Governor to declare March 1st as a Day of Remembrance for the survivors of the United States nuclear tests in the Republic of the Marshall Islands; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Chairperson of the United States House of Representatives Committee on Resources, Chairperson of the United States Senate Committee on Energy and Natural Resources, United States Secretary of Energy, Governor of Hawaii, members of Hawaii's Congressional delegation, President of the Republic of the Marshall Islands, Speaker of the Marshall Islands Nitijela, and Mayors of Bikini, Enewetak, Rongelap, and Utirik, and to ERUB I (survivors in Majuro) and ERUB II (survivors in Hawaii).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities (Rept. No. 109-332).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Con. Res. 71. A concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual (Rept. No. 109-333).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 3883. A bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit; to the Committee on Finance.

By Mr. LUGAR:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; read the first time.

By Mr. JOHNSON:

S. 3885. A bill to amend Public Law 98-513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation; to the Committee on Indian Affairs.

By Mr. FRIST (for himself and Mr. McConnell):

S. 3886. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes; read the first time.

By Mr. DORGAN (for himself, Mrs. Murray, Ms. Mikulski, Mr. Leahy, Mrs. Feinstein, Mr. Akaka, Mr. Kerry, Mr. Kennedy, and Mr. Lieberman):

S. 3887. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. Reid, Mr. Kyl, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 565. A resolution expressing the sense of the Senate upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2148

At the request of Mr. SESSIONS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2148, a bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2249

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2249, a bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3591

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3591, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3621

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3621, a bill to permit certain local law enforcement officers to carry firearms on aircraft.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3668

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3668, a bill to amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, and for other purposes.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3737

At the request of Mr. LIEBERMAN, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3737, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Route National Historic Trail.

S. 3766

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3766, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for donations to non-profit scholarship organizations and educational improvement organizations.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. DOMENICI), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3795

At the request of Mr. SMITH, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3874

At the request of Mr. DEWINE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3874, a bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

S. 3877

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3877, a bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 14, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 559

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mr. BOND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Georgia (Mr. ISAKSON) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

AMENDMENT NO. 4919

At the request of Mr. STEVENS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 4919 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 4919 proposed to H.R. 4954, supra.

AMENDMENT NO. 4922

At the request of Mr. MCCAIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4922 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; read the first time.

Mr. LUGAR. Mr. President, I rise today to introduce a bill that is a product of a significant amount of consideration and work within our Congress over the last year and a half. The Darfur Peace and Accountability Act of 2006 has had many iterations since both the Senate and the House introduced legislation by the same name in 2005. Each piece of legislation that has been introduced has contributed to Congress's understanding of this issue and has ensured a more complete and thoughtful response.

There is a consensus within Congress that the genocidal policies of the Bashir regime in Sudan must be condemned and opposed. Many Members have introduced bills and resolutions dealing with the crisis, and Members have been vocal about the urgency of this issue through hearings, statements, visits to the region, and other activities. This consensus has been supported by numerous groups and individual Americans who have lent their voices to the effort to prevent genocide and their resources to provide relief to those in the region who are facing violence and bleak circumstances.

The legislation I am introducing today is intended to provide a vehicle upon which Members can quickly concur and consolidate their efforts in providing needed authorities for our State Department and targeted sanctions to compel Khartoum to comply with their agreements. Regrettably, the Darfur Peace Agreement appears to be faltering with the ill-advised rejection of the U.N. resolution establishing a U.N. peacekeeping force to transition from the overburdened African Union mission in Sudan. The situation has become insecure for humanitarian operations and as threatening to the people of the region as it has ever been. The United Nations Security Council resolution authorizing a peacekeeping force for Darfur is a unanimous signal that the international community is committed to seeing no further violence take place in Darfur. Sudan, as a member of the United Nations, must abide by this decision of the international community. Their national and international responsibility is to serve and protect their people, and the suffering and killing in Darfur must end. The gargantuan humanitarian effort to provide basic necessities for more than 2 million displaced persons requires unrestricted access by national and international aid organizations, as well as the U.N.-mandated peacekeeping force to ensure their security.

This legislation also seeks to help consolidate the difficult road to recovery in southern Sudan in accordance with the Comprehensive Peace Agreement for Sudan. I have included additional authorities for our officials to provide assistance to southern Sudan, as well as Darfur. Such economic and military assistance is necessary and requires close consultation with Congress to ensure assistance is not manipulated or misdirected. The bill also sustains existing sanctions on Sudan in direct response to their violation of agreements they have made. The President will have the authority to waive these restrictions if he determines such action is in our national interest; so the flexibility he requires is there as well.

Finally, in further support of peace and to assist U.S. diplomats, targeted sanctions are authorized on individuals whom the President determines are "complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur." These sanctions include blocking assets and refusing to grant individuals entry to the United States. Further, this legislation encourages the President to prevent entry at our ports to certain ships in order to deny the Government of Sudan oil revenues and access to deliveries of military equipment. The only exception to such entry should be for those vessels providing assistance in carrying out the elements of the Sudan peace agreements or humanitarian assistance.

Shifting circumstances on the ground in Sudan and at the United Nations have complicated our efforts to achieve consensus on legislation that would help our diplomats resolve the Darfur crisis. I believe this legislation can win majority support in the Senate, and I hope it will receive favorable consideration in the House.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEAHY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. KERRY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 3887. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MURRAY and seven of our Senate colleagues in introducing legislation to stop the Internal Revenue Service's plan to outsource part of its tax collection responsibilities to private collection companies.

It would be a serious mistake for the Internal Revenue Service (IRS) to move ahead with its controversial tax debt collection privatization plan. When the IRS attempted a similar plan in 1996, it failed miserably. Mistakes were made at every turn. Taxpayers were harassed by private debt collectors. In many instances, private debt collectors violated Federal debt collection laws and confidential taxpayer information was not properly secured.

Serious concerns have been raised by tax experts, including the National Taxpayer Advocate, that the new IRS initiative will suffer from the same kinds of maladies. It is my understanding that the IRS intends to share more than 2.5 million taxpayer accounts with ten private collection companies when its new plan is fully implemented. There is troubling evidence which suggests that the IRS plan may not have adequate safeguards in place to protect confidential taxpayer information.

Just over two years ago, a Treasury Inspector General for Tax Administration (TIGTA) investigation found that a contractor's employees committed security violations, placing IRS equipment and taxpayer data at risk. In some cases, TIGTA officials found that contractors "blatantly circumvented IRS policies and procedures even when security personnel had identified inappropriate practices."

It is also troubling that the IRS has agreed to pay very large commissions of 21 to 24 percent of the amount of the tax debt collected by three private collection firms at the outset of its initiative. Some tax experts understand what others are choosing to ignore: paying a commission based on the firms' success increases the potential for overzealous collection practices and the misuse of sensitive taxpayer information. Private debt collection agencies are driven by profit motives, not public service.

In addition, the IRS admits that if it hired more employees for this purpose, not private collectors, far more revenues would be deposited in the U.S. Treasury fund. It is astounding that the IRS appears ready to pay nearly a quarter for every dollar collected by private collection firms, when internal IRS reports suggest that it would cost the Federal Government just 3 pennies on a dollar to have trained IRS employees collect tax debts that are owed. At a time of exploding deficits and Federal debt, the IRS plan to use of private debt collectors would be an inexcusable waste of taxpayer money.

Everybody needs to pay the taxes they owe. If they do not, however, professional IRS employees, not private collectors in search of profits, should be the ones to ensure that outstanding tax debts are paid. If the IRS now says it needs more resources for tax enforcement and collection activities, then Congress should consider providing them.

I fully agree with the independent Taxpayer Advocacy Panel's recent recommendation that the IRS "should abandon all plans to outsource any taxpayer debts and restrict collection activities to properly trained and proficient IRS personnel." Indeed, the IRS should immediately reverse course and indefinitely suspend the implementation of its private debt collection plan.

It was recently reported in the press that IRS Commissioner Everson has said the IRS will "immediately stand down" if the House and Senate act to revoke its authority to outsource tax debt collections to private companies. The House of Representatives has already voted to kill new funding for this IRS initiative. I will be pushing for a vote on this proposal by the full Senate at the first available opportunity.

The IRS should act on its own to stop its planned use of private debt collectors and save any further expenditures of taxpayer money for this purpose. If not, however, I will do everything in my power to put the brakes on this plan in the U.S. Senate.

There is an old adage: "Those who cannot learn from history are doomed to repeat it." Someone needs to remind the Internal Revenue Service and even some in the Congress of that. I urge my colleagues to cosponsor this legislation and help us get it enacted into law.

Mrs. MURRAY. Mr. President, I am glad to join my colleague, Senator DORGAN, and other cosponsors, in introducing legislation which would prevent the use of private collection agencies by the Internal Revenue Service. As Ranking Member of the Transportation, Treasury, the Judiciary, HUD, and Related Agencies (TTHUD) Appropriations Subcommittee, I have consistently opposed allowing the IRS the authority to hire private debt collectors. During Subcommittee hearings with the IRS, I have had the opportunity to discuss this issue at length with the current IRS Commissioner, Mark Everson. What I have learned during those conversations has not changed my mind.

When Chairman BOND and I finally are allowed to bring the Fiscal Year 2007 Transportation/Treasury Appropriations bill to the Senate Floor, I intend to offer an amendment that would effectively prohibit the IRS from going forward with this initiative. My amendment will be very similar to the bill we introduce today and the language that is already included in the House-passed Transportation/Treasury bill. I would point out, that the House Transportation/Treasury bill cleared the House of Representatives with the support of more than 400 Members.

There is no question that people who owe back taxes must pay their debt to the government. At the same time, every taxpayer should have the right to interact with a professional IRS agent when it comes to dealing with contested tax liabilities.

I'm against the use of private collection agencies (PCAs) because, first, I don't believe that taxpayer privacy will be adequately protected. When the IRS attempted the use of PCAs once before in the 1990s, it was a dismal failure. The IRS has not had a good track record of protecting taxpayer information and the Treasury Department's performance in providing information security protections to protect data confidentiality has worsened.

Second, I am concerned that private debt collectors will not show the level of professionalism, sensitivity, and respect that taxpayers deserve. In 2005, the Federal Trade Commission received more consumer complaints about private debt collectors than any other industry.

Due to the nature of the debts that the IRS intends to transfer to PCAs, the likely result will be that these agencies will end up going after the most vulnerable taxpayers in our society. We should not allow a system to emerge where better-off taxpayers get the benefit of interacting with a professional IRS agent, while economically-disadvantaged taxpayers are relegated to the harassing tactics of private collection agencies.

Third, I am deeply concerned with the cost-effectiveness of this initiative. The IRS Commissioner, himself, testified that it would be more cost-effective for the IRS to collect these debts than to contract them out to PCAs. Initially, I am told that it will require 55 IRS personnel to oversee 75 private tax collectors. Taken as a whole, I have to wonder whether the Federal Treasury will really benefit at all from this initiative.

Finally, the IRS should not be moving ahead with this activity while Congress is still debating its merits. More than 400 Members of the House approved a bill that included a prohibition on outsourcing tax collection. The IRS should suspend this effort immediately until the Congress has debated its fate and reached a final judgment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 565—EXPRESSING THE SENSE OF THE SENATE UPON THE FIVE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST (for himself, Mr. REID, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, MR. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 565

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft; crashed two of them into the towers of the World Trade Center in New York City; and crashed the third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked plane, United Airlines flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, DC;

Whereas the heroic actions of the rescue workers, volunteers, federal, state and local officials who responded to the attacks with courage, determination, and skill is to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001 to be a National Day of Unity and Mourning;

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago; but al Qaeda has perpetrated terrorist attacks throughout the world against U.S. persons, facilities, and interests, as well as U.S. allies during that time:

Now, therefore, be it *Resolved*, That the Senate

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of its Armed Forces, law enforcement personnel, first responders, members of intelligence community and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001;

(7) declares September 11, 2006 to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001;

(8) declares that when the Senate adjourns today, it stand adjourned as a further mark of respect to each individual who died as a result of the attacks of September 11, 2001.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4924. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

SA 4925. Mr. SHELBY (for himself, Mr. SARBANES, Mr. SANTORUM, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4926. Mr. STEVENS (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. LAUTENBERG, and Mrs. CLINTON) proposed an amendment to amendment SA 4922 submitted by Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 4954, supra.

SA 4927. Mr. STEVENS (for Mr. DEMINT (for himself, Mr. STEVENS, and Mr. INOUYE)) proposed an amendment to amendment SA 4921 proposed by Mr. DEMINT to the bill H.R. 4954, supra.

SA 4928. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4924. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ——. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 314. COMPETITIVE RESEARCH PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

"(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

"(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—

"(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

"(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

"(C) monitor the efforts of States to develop programs that support the Department's mission;

"(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

"(E) provide annual reports on the progress and achievements of the Program to the Secretary.

"(b) ASSISTANCE UNDER THE PROGRAM.—

"(1) SCOPE.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

"(2) FORM OF ASSISTANCE.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

"(3) APPLICATIONS.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

"(c) IMPLEMENTATION.—

"(1) START-UP PHASES.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

"(2) SUBSEQUENT FISCAL YEARS.—

"(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

"(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

"(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

"(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

"(d) FUNDING.—The Secretary shall ensure that no less than 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).".

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

"Sec. 314. Competitive research program.".

SA 4925. Mr. SHELBY (for himself, Mr. SARBANES, Mr. SANTORUM, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —MASS TRANSIT SECURITY

SEC. 01. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

SEC. 02. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 03. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 04, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section ___04.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. ___04. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section ___03(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section ___03(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section ___03(a)(4); and

(F) other appropriate security improvements identified under section ___03(a)(4), excluding routine, ongoing personnel costs.

(c) STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(g) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 05. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public transportation agency participation.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 06. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) Grants and Contracts Authorized.—The Secretary of Homeland Security, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) Use of Funds.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) Reporting Requirement.—Each entity that is awarded a grant or contract under this section shall report annually to the Department of Homeland Security on the use of grant or contract funds received under this section.

(d) Return of Misspent Grant or Contract Funds.—If the Secretary of Homeland Security determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 07. REPORTING REQUIREMENTS.

(a) Semi-Annual Report to Congress.—

(1) In general.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections ___03 through 06;

(B) the amount of funds appropriated to carry out the provisions of each of sections ___03 through ___06 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) Annual Report to Governors.—

(1) In general.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) Contents.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. ___08. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section ___04(a), which shall remain available until expended.

(b) Operational Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section ___04(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) Intelligence.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 05.

(d) Research.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section ___06, which shall remain available until expended.

SEC. 09. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

SA 4926. Mr. STEVENS (for himself, Mr. Inouye, Mr. McCain, Mr. Lautenberg, and Mrs. Clinton) proposed an amendment to amendment SA 4922 submitted by Mr. McCain (for himself, Ms. Snowe, Mr. DeWine, Mr. Biden, and Mr. Lieberman) to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 19, line 5, strike "and".

On page 19, line 6, strike "efforts." and insert "efforts; and".

On page 19, between lines 6 and 7, insert the following:

(8) for employee security training.

On page 20, line 1, strike "2007" and insert "2007, $30,000,000 for fiscal year 2008, and $30,000,000 for fiscal year 2009".

On page 31, line 15, strike "**20116.**" and insert "**20118.**".

On page 31, line 25, strike "perceived threat to security; or" and insert "reasonably perceived threat, in good faith, to security; or".

On page 32, line 4, strike "perceived threat to security; or" and insert "reasonably perceived threat, in good faith, to security; or".

On page 33, line 7, after "(2)," insert "or with the written consent of the employee.".

On page 33, beginning in line 10, strike "section without the written consent of the employee." and insert "section.".

On page 33, after line 11, strike the item relating to section 20116 and insert the following:

"20118. Whistleblower protection for rail security matters".

On page 33, after the item appearing after line 11, insert the following:

SEC. —118. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. —119. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) CATASTROPHIC IMPACT ZONE.—The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(2) HIGH-CONSEQUENCE TARGET.—The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(3) HIGH HAZARD MATERIALS.—The term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

(4) RAIL CARRIER.—The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —120. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —121. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with any rail security research and development program administered by the Department of Homeland Security and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —104) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SA 4927. Mr. STEVENS (for Mr. DEMINT (for himself, Mr. STEVENS, and Mr. INOUYE)) proposed an amendment to amendment SA 4921 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes: as follows:

TITLE —NATIONAL ALERT SYSTEM

SEC. —100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE —NATIONAL ALERT SYSTEM

Sec. —100. Table of contents.
Sec. —101. Short title.
Sec. —102. National Alert System.
Sec. —103. Implementation and use.
Sec. —104. Coordination with existing public alert systems and authority.
Sec. —105. National Alert Office.
Sec. —106. National Alert System Working Group.
Sec. —107. Research and development.
Sec. —108. Grant program for remote community alert systems.
Sec. —109. Public familiarization, outreach, and response instructions.
Sec. —110. Essential services disaster assistance.
Sec. —111. Definitions.
Sec. —112. Savings clause.
Sec. —113. Funding.

SEC. —101. SHORT TITLE.

This title may be cited as the "Warning, Alert, and Response Network Act".

SEC. —102. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section —103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) shall not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and may utilize existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section —108(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. —103. IMPLEMENTATION AND USE.

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System and preserves access to existing alert, warning, and emergency communications systems pursuant to section —102(c)(3). The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) EVENT ELIGIBILITY REGULATIONS.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) OPT-IN PROCEDURES FOR OPTIONAL ALERTS.—The director of the Office, in coordination with the Working Group, may establish a procedure under which licensees who elect to participate in the National Alert System as described in subsection (d), may transmit non-emergency information via the National Alert System to individuals who request such information.

(c) ACCESS POINTS.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) ELECTION TO CARRY SERVICE.—

(1) AMENDMENT OF LICENSE.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) ELECTION TO CARRY SERVICE.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) PARTICIPATION.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) ADVERTISING.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) Digital Television Transmission Towers.—

(1) Retransmission capability.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) Compensation.—The National Alert Office established by section —105 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC Regulation of Compliance.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) Limitation of Liability.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user; or

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert.

(h) Testing.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. —104. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

(a) Existing Federal Warning System Coordination.—The director shall work with the Federal Communications Commission, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) Existing alert authority.—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section —103; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. —105. NATIONAL ALERT OFFICE.

(a) Establishment.—

(1) In general.—The National Alert Office is established within the Department of Homeland Security.

(2) Director.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) Staff.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) Functions and Responsibilities.—

(1) In general.—The Office shall administer, operate, and manage the National Alert System established under this title.

(2) Implementation of working group recommendations.—The Office shall be responsible for implementing the recommendations of the Working Group established by section —106 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) Transmission of Alerts.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section —103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) Reports.—

(1) Annual reports.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-year plan.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO Audits.—

(1) In general.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) Response report.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. —106. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) Establishment.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) Membership.—

(1) Appointment; chair.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) Federal agency representatives.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the National Telecommunications and Information Administration, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS..—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GIFTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. —107. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. —108. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. —109. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. —110. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

"(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

"(1) provides—

"(A) telecommunications service;

"(B) electrical power;

"(C) natural gas;

"(D) water and sewer services; or

"(E) any other essential service, as determined by the President;

"(2) is—

"(A) a municipal entity;

"(B) a nonprofit entity; or

"(C) a private, for-profit entity; and

"(3) is contributing to efforts to respond to an emergency or major disaster.

"(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

"(2) CRITERIA.—The mechanism established under paragraph (1)—

"(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

"(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

"(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

"(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.".

SEC. —111. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "director" means the director of the National Alert Office.

(2) OFFICE.—The term "Office" means the National Alert Office established by section —105.

(3) NATIONAL ALERT SYSTEM.—The term "National Alert System" means the National Alert System established by section —102.

(4) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(5) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term "Non-Commercial Sustaining Announcement Program" means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) WORKING GROUP.—The term "Working Group" means the National Alert System Working Group on the established under section —106.

SEC. —112. SAVINGS CLAUSE.

Nothing in this title shall interfere with or supersede the authorities, missions, programs, operations, or activities of the Federal Communications Commission or the Department of Commerce, including those of the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the National Telecommunications and Information Administration.

SEC. —113. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

SA 4928. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) IN GENERAL.—During fiscal year 2007, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

(b) REPORT.—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2007, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include

(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources for Tuesday, September 12th at 10 a.m. has been relocated to room SD-106.

The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts or Sara Zecher.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, September 11, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "NAFTA at Year Twelve."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following interns with the Finance Committee staff be allowed on the Senate floor today and for the duration of the debate on the Port Security Improvement Act: John Lageson, Tory Cyr, and Brett Youngerman.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, about an hour ago a number of Members of the House and the Senate, principally leadership, participated in a wreath-laying ceremony by the President at the Pentagon. The President has participated over the last 48 hours in similar events in New York, earlier today in Pennsylvania, and later at the Pentagon today.

A number of colleagues have come to the Senate to offer statements in remembrance of that day 5 years ago and that question of: What were you doing? Whom did you talk to? What were your memories? Whom were you with? This is a familiar question and one we have all gone back over the course of the last several days and thought about.

I remember where I was. I remember exactly what I was doing. I remember whom I was with. I was across the street in the Russell Building with my chief of staff, Emily Reynolds, at the time, who is now Secretary of the Senate. We were in a meeting with a colleague of mine, Senator HUTCHISON, talking over issues, when a member of her staff came in and told us that a plane had struck the Twin Towers.

At that time, it was thought initially to be a corporate plane, but as a pilot it was very clear to me that would not have happened by accident. While our discussion continued for a few moments, someone wheeled in a television, and then, dumbstruck, we watched that second plane strike the tower. Shortly thereafter, of course, we heard there was smoke coming from the Pentagon, where we were a few moments ago. Clearly, we were under attack.

I remember my first phone call home. We all remember our phone calls, reaching out to touch others whom we loved. I called my wife Karyn. Immediately, we talked about what should be done with our three boys who were at school in Washington, DC.

Of course, later that afternoon, we were standing on the steps of the Capitol with so many of our colleagues, spontaneously, together, breaking out in "God Bless America," to let the world know that America will not cower to such terrorism. Indeed, in about 30 minutes, a number of our colleagues from both the House and the Senate will, once again, go to those Senate steps.

Those are the moments that are indelibly etched into my mind in terms of where I was and whom I was with. But it really goes out to the people we were just with over at the Pentagon, as I talked to one man I never met before whom, as we were waiting just prior to the ceremony, I turned to and introduced myself. He told me his story, his story of Amelia, who, on her second day of work, indeed, her birthday, September 11, 5 years ago, at the Pentagon was struck and died. And then there are the images of all the first responders—the law enforcement, the firefighters, the police, and the volunteers—and the family responses. All of those feelings come tumbling in.

Nearly 3,000 Americans lost their lives to those vicious acts of terror that day. The attacks shattered the longstanding illusions I had through my entire life of safety and security, at least in this great country of ours. Indeed, we found ourselves hard pressed on every side but not crushed; perplexed but not in despair; persecuted but not abandoned; struck down but not destroyed.

Instead, we pressed on, pushing every hindrance aside with resolve, calling upon our most fundamental beliefs about America, many going back over the ensuing days addressing what makes us uniquely American.

We pressed on, coming together and sending forth thousands of those first responders, thousands of those policemen, paramedics, construction workers, and other rescue workers to Ground Zero and the Pentagon.

I remember a few days after the Pentagon was struck going out and welcoming an entire delegation of first responders from Tennessee, with that American flag displayed so proudly and that Tennessee flag right next to it.

We pressed on, facing down that economic shock and developing new respect for our economy's natural resilience and a new respect for the economy's ability and resiliency to bounce back.

We pressed on, immediately in this body, addressing issues of intelligence, of making sure we not only mobilized our troops but we supported them with the very best equipment that we could.

We pressed on by taking the fight to the enemy because we knew that if we did not, that fight would come to us.

With the passage of 5 years' time, some things begin, inevitably, to blur. That is why in some ways it is so useful to have remembrances like what we have had over the course of today.

We forget a time when we had a great fear of even boarding airplanes. We forget a time when we held our children—and those days, weeks, and months afterwards; it was so, so, so close—but we forget that time of holding our kids just a little bit longer with that hug before they went off to school. And we forget a time when we felt that hatred in the heart of our enemy. The feelings that were once so vivid, so sharp—that shock, that anger, that fury—the fear began to lose the jagged edge with time. In part, that is part of this Nation's healing—coming together, responding in a healing way to a catastrophe—because we should not live in fear. We cannot be a nation that lives in fear. Salesmen go out traveling on business, families who are out traveling on vacations should not fear boarding that plane to fly. Parents loading their children on a bus, they should not fear sending them off to school.

But there is also a danger in forgetting. There is a danger in having time pass and letting those memories fade because as time fades we also start to forget the enemy who took those 3,000 lives so prematurely. We forget the intentions they harbor and the agenda they champion.

There was a stark reminder for me yesterday, as I joined Senator McCONNELL and Senator SPECTER, as we went to Guantanamo Bay, to the detention facility there. And when you walk those grounds—a remarkable place in and of itself and the entity itself in terms of treating those detainees in a safe and humane way, which is very possible—in walking those grounds, it causes you to think back to 5 years ago, to what precipitated that event which caused the loss of 3,000 and destroyed the lives of so many thousands of others.

We cannot become complacent because if we do, we will be struck again. Our enemy remembers. Our enemy plans. And I was reminded again and again yesterday, as I toured those grounds, our enemy continues to plan, continues to plot, continues to conspire—conspires to see us lose in Iraq, plots to drive us out of Afghanistan, plans to attack us here, right here, again in the United States. We know that because over these last 5 years, at least 11 times such plots have been promoted. That is why we cannot afford to grow complacent. We cannot afford to let our resolve waiver. We have to continue to press on. We have to continue to strengthen our security.

That is why on this floor, in the bill that has been talked about this afternoon and the bills we will address over the coming days, we are focusing on a security agenda. It is an agenda that includes replenishing our critical supplies for troops on the ground—we just finished the Department of Defense appropriations bill on the Senate floor last week—eliminating vulnerabilities and closing the gaps in port security, the bill on the floor today; and, indeed, in the near future, creating military commissions to try the enemy combatants, the terrorists who are captured on the field of battle, and bolstering the terrorist surveillance program to make sure our law enforcement and our Government are appropriately equipped to be able to detect terrorism before an event happens.

Here in the Senate we have worked tirelessly to ease the burden on our memories. That is why we are safer now than we were 5 years ago. Consider there has not been a successful terrorist attack against the homeland.

But safety and security are not static points in time. They are not static statistics. They are dynamic, in constant flux. So as we take time today to remember the horror as well as the courageous actions of 5 years ago, let us also remember there is much more we can and we must do to bring the terrorists to justice and to ensure the events of 9/11 are never repeated.

EXPRESSING THE SENSE OF THE SENATE UPON THE FIVE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 565, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 565) expressing the sense of the Senate upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 565) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 565

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft; crashed two of them into the towers of the World Trade Center in New York City; and crashed the third into the Pentagon outside Washington, DC;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, DC;

Whereas the heroic actions of the rescue workers, volunteers, Federal, State and local officials who responded to the attacks with courage, determination, and skill is to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001 to be a National Day of Unity and Mourning;

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago; but al Qaeda has perpetrated terrorist attacks throughout the world against U.S. persons, facilities, and interests, as well as U.S. allies during that time; Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of its Armed Forces, law enforcement personnel, first responders, members of intelligence community and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001;

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001; and

(8) declares that when the Senate adjourns today, it stand adjourned as a further mark of respect to each individual who died as a result of the attacks of September 11, 2001.

COMMEMORATING THE 60TH ANNIVERSARY OF HISTORIC 1946 BASEBALL SEASON OF BOB FELLER

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to H. Con. Res 449.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution, H. Con. Res. 449, commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 449) was agreed to.

The preamble was agreed to.

MEASURES READ THE FIRST TIME—S. 3884 and S. 3886

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 3884) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

A bill (S. 3886) to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

Mr. FRIST. Mr. President, I ask for their second reading, and in order to place the bills on the calendar under rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read the second time on the next legislative day.

MEASURES PLACED ON CALENDAR—S. 3882 and H.R. 503

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The leader is correct. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 3882) to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

A bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard, and the bills will be placed on the calendar.

ORDERS FOR TUESDAY, SEPTEMBER 12, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, September 12. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 4954, the port security bill. I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will continue to work through the port security bill. Members wishing to offer amendments should be consulting with the bill managers and be ready to debate their amendments tomorrow and Wednesday. Members should note that we will be voting throughout the day tomorrow, and the first vote will be at noon on Senator DEMINT's national hazard alert system.

In a few moments, Members of Congress will be marking the fifth anniversary of the terrorist attacks of 9/11 with a ceremony on the Capitol steps. Senators are reminded to meet in the Chamber by 5:45 p.m. to walk over as a body for the 6 o'clock ceremony.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 565 as a further mark of respect for those who died as a result of the September 11, 2001, terrorist attacks.

There being no objection, the Senate, at 5:42 p.m., adjourned until Tuesday, September 12, 2006, at 9:45 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 12, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 13

9:30 a.m.

Environment and Public Works

Business meeting to consider H.R. 5689, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, S. 1848, to promote remediation of inactive and abandoned mines, S. 3630, to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, H.R. 3929, to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, S. 3617, to reauthorize the North American Wetlands Conservation Act, H.R. 5061, to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia, S. 3551, to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, S. 3867, to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse", H.R. 5187, to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007, proposed Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act, proposed legislation to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards, S. 2348, to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits, S. 3591, to improve efficiency in the Federal Government through the use of high-performance green buildings, and the nominations of William B. Wark, of Maine, and William E. Wright, of Florida, each to be a Member of the Chemical Safety and Hazard Investigation Board, and Stephen M. Prescott, of Oklahoma, and Anne Jeannette Udall, of North Carolina, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and other committee matters; to be followed by a hearing to examine the nominations of Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator, and Alex A. Beehler, of Maryland, to be Inspector General, both of the Environmental Protection Agency, and William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

SD–406

Foreign Relations

To hold hearings to examine securing a permanent cease-fire relating to Lebanon.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Finance

To hold hearings to examine charitable care and community benefits at nonprofit hospitals.

SD–215

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

Economic Policy Subcommittee

To hold joint hearings to examine the housing bubble and its implications for the economy.

SD–538

Aging

To hold hearings to examine managed care relating to securing Medicaid's future.

SD–562

11:30 a.m.

Energy and Natural Resources

Business meeting to consider the nominations of David Longly Bernhardt, of Colorado, to be Solicitor, John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, all of the Department of the Interior, and other pending legislation.

SD–628

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Romanian governmental and non-governmental perspectives on the current state of care of persons with disabilities in Romania.

SD–226

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine challenges facing today's federal prosecutors.

SD–226

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority, and Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia.

SD–342

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

SEPTEMBER 14

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold an oversight hearing on Nuclear Regulatory Commission responsibility and capability for long-and short-term spent fuel storage programs.

SD–406

Appropriations

Energy and Water Subcommittee

To hold hearings to examine an overview of the Global Nuclear Energy Partnership, including proposed advanced reaction technologies for recycling nuclear waste.

SD–138

Appropriations

Homeland Security Subcommittee

To hold hearings to examine the British system versus the U.S. system relating to catching terrorists.

SD–192

Indian Affairs

To hear and consider the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior for Indian Affairs.

SR–485

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine rural air service.

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Department of Defense's report on predatory lending practices directed at members of the armed forces and their dependents.

SD–538

Energy and Natural Resources

To hold hearings to examine the nominations of C. Stephen Allred, of Idaho, to be Assistant Secretary, and Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, both of the Department of the Interior.

SD–628

Aging

To hold hearings to examine a generation at risk relating to senior suicide.

SD–562

10:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the value of a skills based point system relating to employment-based permanent immigration.

SD–430

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To resume hearings to examine Federal agencies spending on conference meetings and travel, focusing on how they monitor and track conference participation and spending and control these activities.

SD–342

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

SEPTEMBER 19

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Bantz J. Craddock, USA, for reappointment to be general and to be Commander, U.S. European Command, Vice Admiral James G. Stavridis, USN for appointment to be admiral and to be Commander, U.S. Southern Command, Nelson M. Ford, of Virginia, to be Assistant Secretary of the Army for Financial Management and Comptroller, and Ronald J. James, of Ohio, to be Assistant Secretary of the Army for Manpower and Reserve Affairs.

SH–216

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine online child pornography.

SR–253

SEPTEMBER 20

10 a.m.

Commerce, Science, and Transportation

Trade, Tourism, and Economic Development Subcommittee

To hold hearings to examine the future of ICANN relating to Internet governance.

SR–253

Veterans' Affairs

To hold hearings to examine the legislative presentation of the American Legion.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine nominations.

SR–253

SEPTEMBER 21

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine progress of the Capitol Visitor Center construction.

SD–138

SEPTEMBER 26

3:15 p.m.

Commerce, Science, and Transportation

Foreign Relations

To hold joint hearings to examine International polar year.

SR–253

SEPTEMBER 28

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine new aircraft in the National Airspace System.

SR–253

CANCELLATIONS

SEPTEMBER 13

9:30 a.m.

Judiciary

To hold hearings to examine intelligence information sharing.

SD–226

SENATE—*Tuesday, September 12, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN THUNE, a Senator from the State of South Dakota.

PRAYER

The PRESIDING OFFICER. Today the Senate will be led in prayer by our guest Chaplain, Dr. Clyde P. Thomas, of Cherokee Avenue Baptist Church, in Gaffney, SC.

The guest Chaplain offered the following prayer:

Would you join with me as we pray.

Gracious God, our heavenly Father, we humbly come to You today to seek Your guidance knowing we can take only one step at a time. Illuminate each step as only You can, and keep us strong in our path.

O Lord, grant that we live together as people of vision and understanding, as well as promise and peace.

We pray for our President and the Members of this body as they serve our Nation. Encourage and strengthen them with Your power and wisdom. Protect our military and law enforcement men and women. Give comfort to their families and refresh their spirits. Make us mindful of our responsibilities and grateful for our opportunities to do Your will.

We pray this in the Name above every other name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN THUNE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN THUNE, a Senator from the State of South Dakota, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THUNE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following 30 minutes set aside for morning business, we return to the port security legislation. Yesterday we were able to adopt the McCain rail security amendment, as amended, and today we have scheduled a vote, to begin at noon, on Senator DEMINT's amendment on a national alert system. The vote at noon will be the first vote of the day. Following that vote, the Senate will recess for the weekly policy meetings to occur. For the remainder of the afternoon and evening, we will make further progress on the bill, with additional rollcall votes expected. It is my hope Senators will continue to work with the managers on their amendments, and that will allow us to schedule votes as necessary.

I do want to thank all Senators for participating in yesterday's east front observance of the anniversary of September 11. It was an emotional day across this country, and I was proud to stand with my Senate and House colleagues during that important tribute.

Mr. President, I will be happy to turn to the Democratic leader for any announcements, but I do have a short statement to make.

GUANTANAMO BAY

Mr. FRIST. Mr. President, I do want to briefly comment on a very short trip I took on Sunday, when I visited Guantanamo Bay, Cuba, along with Senator MCCONNELL and Senator SPECTER.

It was my first visit to the detainee facility there. We received extensive briefings over the course of the day from Admiral Harris and other base administrators. We took that opportunity to tour five of the detainee camps, as well as visit the medical facilities and visit with the health personnel there.

Bottom line, I left there very impressed with the care and the respect our military affords the detainees kept at Guantanamo. As most of my colleagues know who have visited there—and I am glad to report that many have visited there over the last several years—each detainee receives a copy of the Koran. Arrows in each of the detainees' cells point to Mecca. You see arrows throughout the prison grounds. That makes it easier, and it is a reminder that these individuals have that opportunity to practice their faith, with prayer time occurring five times every day, where everything stops, and that time is set aside so that prayer can be offered.

It was interesting from a health standpoint. The meals themselves are nutritious meals. And I looked at a lot of the charts, aggregate charts, and, indeed, detainees gain weight from these meals. They get regular exercise. It might be as much as 2 hours a day—but 1 to 2 hours a day. They receive mail from their families. They visit privately with their lawyers. They have medical care, which again was amazing to me, which is 24/7, acute care as well as preventive care literally 24 hours a day.

When the camp first opened, much of the medical care was centered around the treatment of acute care or injuries that may have occurred in the battlefield or the like. Prosthetics were made. I think they said 22 prosthetics had been made for the detainees who have been at the facility.

The nature of health care has shifted a bit. There is still acute care 24 hours a day, in which surgical procedures, everything, can be performed right there in the detainee camps, but as those wounds healed and as the detainees got further and further away from acute injuries, there has been increasing emphasis on preventative care. Indeed, the immunization rate there is higher than in the United States of America.

I think the report is they have had fewer than 500 detainees, but all have been immunized appropriately. Things such as screening for cancer have taken place there. Colonoscopies—a procedure which, as we all know, is used commonly in this country to screen for colon cancer—are performed there on a routine basis.

The health personnel-to-detainee ratio is 1 to 4—remarkably high. That is all health personnel who are there. And I guess, as I left this briefing and the opportunity to talk to the doctors and the nurses and the psychologists and the psychiatrists, I left with an impression that health care there is clearly better than they received at home and as good as many people receive in the United States of America.

Also, I have to comment on the courageous men and women who are our military personnel there, working every day, 24 hours a day. They are doing a tremendous job. I commend them for it. As you walk through the cells, it is clear they are at least verbally abused in just walking through those cells. I know they are under a great deal of stress in carrying out their activities every day.

Our men and women, in spite of that sort of verbal abuse—and clearly at risk of physical assault—remain focused on their mission to provide the detainees there safe and humane treatment but, at the same time, simultaneously protecting Americans from the deadly plots that have been hatched by many of those detainees who are there.

As we all know from the President's comments and speeches over the last week or so, on that island today are some of the world's most hardened enemy combatants, terrorists. Khalid Sheikh Mohammed is there, the man the 9/11 Commission described as the "principal architect of the 9/11 attacks." The fact that we have the presence of them—we did not see them, we did not even ask to go to their facility—but the fact that they are there is a vivid reminder that the detainees at Guantanamo do remain locked up for a critical purpose: to protect Americans. We were reminded of that again and again as we listened to the stories about the backgrounds of the types of people who are there. I left there with no question in my mind that many would return to what they were doing before they were captured: that is, plotting new ways to attack us. We know some who have been released have, indeed, returned to the battlefield. And that has been well documented.

There has been a lot of debate recently on how we should prosecute these terrorists, these enemy combatants. Soon we will be addressing that issue once again on the floor of the Senate, as we should. But I think we should all be very clear in our own thinking that these men are dangerous terrorists who remain a threat to the safety and well-being of every American. They are militant extremists whose goal in life is to kill Americans, is to destroy our freedom and security.

Mr. President, as we were reminded through remembrances and through the ceremonies of yesterday and through the discussions yesterday, 9/11 shattered our longstanding illusions of safety and security in this country. As we learned then and have since learned—on no less than 11 occasions—safety and security are not static states, but they are dynamic, they are constantly changing, in constant flux. That means we cannot just enact a bill and then move on and say that is sufficient. We have to continuously, in this body, take stock of where we are, assess and reassess and implement changes when necessary.

We have done just that over the last 5 years. As of August, we passed 71 laws and other bills related to the war on terror. The next step is the bill we are debating today; that is, the Port Security Improvement Act. It provides additional authorities and tools critical to improving our port security and our maritime security—and to foil plots to injure us or to destroy our ports, to the detriment of hard-working Americans and to the detriment of our economy.

Very soon we will take up legislation that strengthens and modernizes our foreign intelligence surveillance laws, as well as legislation that authorizes military commissions to prosecute terrorists for war crimes, such as those who are currently detained at Guantanamo Bay.

Without these tools, we simply cannot guarantee the safety and security of the American people. That is why they are being addressed on the floor right now. That is what hangs in the balance: the safety and security of the American people. On this floor, we are not going to always agree on the approach, but it is a goal I believe every one of my colleagues shares.

As we move forward in this body over the next couple weeks, I hope we do remain focused on that goal, ensuring the safety and security of the American people.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

PRESIDENT'S 9/11 SPEECH

Mr. REID. Mr. President, I was honored to join with President Bush and others at the Pentagon yesterday to commemorate the fifth anniversary of 9/11. I was pleased, also to join my colleagues on the east steps of the Capitol last evening in an emotional tribute to those who died on that fateful day 5 years ago.

Mr. President, 9/11 was one of the darkest days of this Nation's history. It brought America together. We were inspired by the bravery of our fellow Americans. We stood shoulder to shoulder with the President. And when he stood upon the mound of rubble at Ground Zero, with a bullhorn in hand, he spoke for all of us.

Last night, however, the President, in his address to the Nation, spoke for himself, for his administration, and not for the Nation. No bullhorn, only the bully pulpit of his office, which he used to defend an unpopular war in Iraq and to launch clumsily disguised barbs at those who disagree with his policies.

By focusing on Iraq in the manner he did, the President engaged in an all-too-familiar Bush administration tactic: conflate and blur the war in Iraq with the response to 9/11.

Despite definitive and repeated findings that there were no ties between Iraq and al-Qaida—a finding most recently echoed by the Republican-controlled Senate Intelligence Committee—the President continued to deliberately lump and blur al-Qaida, Osama bin Laden, Iraq, and 9/11 together.

This is a political move designed to tap the overwhelming public sentiment to destroy al-Qaida as a way to bolster sagging public support for the war in Iraq.

Despite the President's best efforts, the American people can see through this ploy—as we have seen with the pundits' comments following his speech and editorials all across the country today. The American people understand that Iraq is largely a sectarian struggle and that the longer we are bogged down in the streets of Baghdad, the easier it is for al-Qaida and its affiliates to reconstitute in places such as Afghanistan and Somalia.

Americans understand that this administration's "stay the course" strategy is hurting our security and moving Iraq in the wrong direction. Unemployment in Iraq is high. It is 40 to 50 percent unemployment, at least. Some places, it is 70 and 80 percent.

News accounts today say that inflation is now 75 percent in Iraq. An average of a thousand Iraqis are dying each month in Iraq. Is that a civil war? I think so. News accounts, the last couple of days—one, in fact, today said: "Iraq conflict worsens." The General Accounting Office, the watchdog of Congress, a nonpartisan organization, said that the Iraq conflict worsens.

We heard two days ago an Army general saying that the Anbar province is lost. We have a general, even before he is retired, saying that Secretary Rumsfeld said he would fire anyone who tried to develop a plan after the soldiers went into Iraq. He would fire them. There was no planning as to how the peace would take place.

The American people deserved better last night. They deserved a break from the politics that honored the spirit of 9/11, a chance to reclaim that sense of unity, purpose, and patriotism which swept through our country 5 years ago—feelings only the Commander in Chief could have inspired, that he should have tried to inspire. He didn't. Last night was not the time for a political partisan speech. Sadly, it was a missed opportunity for President Bush, who obviously was more consumed by staying the course in Iraq and playing election year partisan politics than changing the direction for this wonderful country.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Pennsylvania is recognized.

THE PRESIDENT'S ADDRESS TO THE NATION

Mr. SANTORUM. Mr. President, I come to the Senate floor in sadness. The President of the United States gives an address about the condition of our country 5 years after the events of 9/11. He gives an address and lays out the scope of the problem we are confronting. There are people all across this world who subscribe to a radical, perverted form of Islam and want to destroy everything we believe in. That is the enemy we are confronting. We are in an active war with our military against them in Afghanistan and Iraq. That is the reality.

The minority leader just referred to it as sectarian violence. What is that word? Religious? Religious violence. Radical Islam violence—some Sunni, some Shia, but both are radical in their nature, and they are fighting us. That is the reality of the enemy today. The very people who planned the attacks are the people who are in Iraq. Al-Qaida is in Iraq causing that sectarian violence. Should we ignore that? I ask the Senator from Nevada, should we just ignore that, pretend they are not there, not talk about that last night, pretend al-Qaida is not in Iraq? Is this not part of the mission we are trying to accomplish?

It is sad. We are at war against an enemy that I happen to believe is the most dangerous enemy ever to confront this country, and we play petty politics constantly here on the floor of the Senate—even after a solemn day of remembrance for the valued people who died on September 11. It is chilling. We just cannot get past the politics around here, just cannot get past the partisan advantage around here. We cannot face the reality that we have a dangerous enemy out there who wants to destroy everything we hold dear, an enemy who is very clear about what they want to accomplish. How clear? They say it—not to Mike Wallace on "60 Minutes." I might add. No, when you are spinning in English in America, you put on the nice face, you put on the happy face that we want peace and want to live together in brotherhood and all this wonderful stuff.

But that is a lie. When they go back and speak in Arabic and Farsi, they give a very different story. It is a consistent story, I might add. It is the destruction of the State of Israel, and it is the submission of the infidels to what they believe in. That is the enemy we confront. It is real. We can play politics about it and say it is not real. We can say it is a trumped-up war. They are at war with us. We may not want to be at war with them, but they are at war with us—not just in Afghanistan and Iraq, not just in southern Lebanon, not just in Great Britain, but here. They want to defeat us. Their intent is to defeat us. They are motivating people in the Middle East and around the world to join their ranks and attack us.

One of the things I learned from my days in Little League, and in everything else I have ever engaged in, is that one of the ways to lose anything you are engaged in with an opponent is not to take your opponent seriously, not to look at what they are really about, and not look at their capability. I remember early that in this war many were calling the terrorists cowards, as if these people were weak and they had no real resolve. These people are not weak. They are misguided—horribly misguided—but they are not weak. They are a dangerous enemy. They are a dangerous enemy that has an ideology that is motivating people, and they have a tactic that is uniquely effective against us.

As Osama bin Laden says, "We will defeat you because you love life; we love death." And we do love life in this country because we have a lot to live for. We have great freedom, great material wealth. We have a wonderful culture. They, on the other hand, for the most part have none of those. They love death because they see death as better than life. They are willing to die. In fact, they want to die. We have never fought an enemy like this. We have never fought an enemy who wanted to die as part of the victory for them. We always fought enemies who saw death as a tragic consequence of war, and their objective was an earthly kingdom. Not this enemy. This enemy says death is part of the war—a desire for those entering into this battle—and their kingdom is not one they want to build here but one they want to achieve after death. This is an enemy who wants a nuclear weapon in Iran, not because they want to stave off attacks, no, but because they want to use it to pursue their messianic vision of the return of the 12th Imam, or Hidden Imam.

I give speeches all across Pennsylvania and lay out for the people of my State this vision of President Mahmud Ahmadi-Nejad and the rulers of Iran, the vision of the 12th, or Hidden, Imam, who is to return at the end of time. That is what the Shias believe. But President Ahmadi-Nejad and the rulers of Iran believe different than most Shias, thank God. They believe it is their obligation to bring about the end of time by the destruction of the State of Israel and by world chaos in which Islam is suppressing the infidels, and only at that time will this Hidden Imam return and the actualization of their religion come to pass.

This is a serious enemy, an enemy with resources. This is an enemy with growing technology, and this is an enemy with fervent disciples who are willing to go around and kill themselves in pursuit of this objective. This is not something to be played politics with. This is not something to ignore and pass off as sectarian violence that we brought about because we happen to be there. These people have been at war with us for 20 years, and we have chosen to ignore them. We paid a very high price.

So what is our lesson? If you listen to the Democratic leader, it is: Let's continue to ignore them. Let's continue to play politics. Let's put domestic politics ahead of the security of this country.

That is his message—that this is not real, this is trumped up, and if we leave them alone, they will leave us alone. Oh, really? Do you really believe that? If we leave these people alone, do you believe that somehow we would be safe here? We can just garrison America, make all public buildings like we have here at the Capitol—put Jersey barriers around everything and have police on every corner. We can protect ourselves from these people. Is that the America in which we want to live? Not me.

We are at war—the most serious war this country has ever faced against an opponent like none we have ever faced. Yet we play politics. We ignore the reality. We can pretend they are just not there—at least until November, at least until we can get control. Then maybe we will come to our senses and recognize the grave threat that confronts our country.

No, the President did not give a political speech last night. He spoke of the reality of the conflict that is before us. It is not popular to do so, I know. It is not popular to stand up and support a conflict that is difficult to deal with every day. But understand that is exactly what they have in mind.

Did you ever wonder why they don't kill 3,000 people in 1 day? They have the capability of doing so. You just send out, instead of 1 every day or 2 every day, you send out 200 in 1 day. Why not? Why don't they just have one mass, huge offensive? It is because that is not what they are all about. That is not a terrorist tactic.

The terrorist tactic is to cause death every single day. It doesn't matter who but just cause death. So why? To defeat the military? No, their objective isn't to defeat the military or drive back the lines of our troops or to control more area. No, those deaths are not aimed at our military, they are aimed at us. Every day they want to make it harder for you and you and you and you to open the paper, to turn on the television, to see more death.

This is the steady drumbeat of the psychological war of terror being inflicted on the American public. They will keep up the drumbeat every single day—not in big conflagrations but every day—to make it painful, to make it hard.

They want one thing out of us. They know our military, and I am going to submit for the RECORD an assessment from a serviceman who wrote me who provided his experience in Iraq of success, I might add.

Our military knows they must win this war, and they are succeeding at some level. They are not attacking our military. They are attacking us psychologically every single day until finally they get us to say one word—enough. Enough. We have had enough. We can't take this anymore. It is just too hard.

They believe we will say "enough" because they believe we are weak. They believe we and the modern world just don't have the stomach to fight and die for what we believe in anymore. We like our "things" too much, and so we will just leave them alone until they get stronger and stronger and in a position to do more and more damage to our children and grandchildren.

The President is right. This is our hour. We can play politics with the hour, we can seek political advantage to win the next election with this hour, or we can confront the reality of this hour and do something about it.

On my watch, even though I am facing what many consider to be a difficult time back in Pennsylvania, I am going to confront the reality of the threat to me, to this country, and to our children and grandchildren. It is too important to walk away and play politics to get reelected. It is too important to the future of this country to minimize the threat that we are engaged in and play politics with it.

It may win or lose elections. Matters not to me. It matters not to me. What matters is defending our country when it needs to be defended, not putting personal politics above what is in the best interest of the national security of this country.

I believe the President, given all the mistakes that this administration has made in the conduct of this war—and they certainly are numerous—the President has it right. This is the greatest threat for our generation, and I pray we have the courage to confront it.

Mr. President, I ask unanimous consent to print the assessment from 1LT Jeremy Burke in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MY MISSION

Foreign Military Advising by Military Transition Teams, MiTTs, is currently the Main Effort for the U.S. Military in Iraq. The current objective of CENTCOM is to build and train the Iraqi Security Forces in order that they can take over control of the security in their battlespace. MiTT teams advise on everything from logistical planning, operational management and command & control (C2) of their units. I was an advisor for the 3rd Brigade of the 3rd Division, Iraqi Army.

Overall assessment: I believe we have been extremely successful in our efforts to secure peace and freedom in Iraq. Many people in Iraq are now enjoying freedoms that they never could before. For those born during Saddam's reign of terror, they are tasting freedom for the first time. All over Iraq we are turning over control of security to Iraqi Security Forces like the Army, Border Police and the regular Police. Our presence there as American military is to backup the Iraqis when they need help. They are finally standing on their own two feet. Now we're just letting them get balanced.

AREAS OF SUCCESS WITH IRAQI ARMY

(1) Control of Security: We started out August 2005 and our Iraqi counterparts were assessed at being able to take over control of their battles pace no earlier than 18 months. 10 months later, in June 2006, they completed their validation exercise and we transitioned battle space authority over to Iraqi Army control.

(2) Communications: At onset of our mission our Iraqi counterparts were severely limited in communications and they could not talk between 2 of their 3 battalions nor their Brigade rear location. We needed to locate the appropriate equipment for them and get it issued out. Then we had the task of training them how to utilize all their commo gear and put it into use.

Now they have a Codan radio base station set up at their Brigade (BDE) Headquarters, BDE rear and at each Battalion location. Each location is now capable of communicating across their entire battle space, 16,000 sq KM.

Their vehicles now have mobile Codan radios to communicate between their maneuver elements and their headquarters.

They now have Internet access to send status reports to Division headquarters and to receive and send information from their battalions.

Command & Control: When we arrived in August of 2005 they had no functioning Tactical Operations Center (TOC) in which to manage subordinate units, track convoys, manage information flow and oversee operations.

After months of training and preparation, we helped them open the first Iraqi Army Brigade TOC on January 15, 2006.

All IA BDE communications are handled out of their TOC.

A representative from the S2 (Intelligence) and S3 (Operations) is working in this TOC all day and in the evening. At night there are two enlisted soldiers manning the radios and acting as a runner.

The S3 is tracking units on the ground with large wall sized maps that we provided for them. The S2 tracks enemy activity or a long period of time on an exact replica of the operations map.

As the Coalition Forces Liaison Officer (LNO), I worked 7 days a week in their TOC providing classes on: map reading, Intelligence Analysis, and reporting.

Now that our IA counterparts have taken over control of their battle space a U.S. LNO will work in their TOC as a means of bridging communications between the IA units on the ground and U.S. units providing support. Examples of this function are when an Iraqi convoy is hit with an IED attack they call back to their TOC, then the Iraqi officer in charge would request assistance and I would call in a MEDEVAC request to the U.S. Headquarters in the area.

Pay & Promotions: At the beginning of our mission, approximately 75 percent of the IA Brigade we advised had some sort of pay or promotion issue. The most common example of this was a soldier was promoted but the Ministry of Defense, MOD, had yet to recognize the promotion so they were still being paid at their old pay grade.

When I left Iraq, the Brigade's pay issues were down to 4 percent.

The Brigade S1 and the Division G1, Personnel, now work closely together and get actively involved in resolving pay issues to include traveling to Baghdad to meet directly with the Personnel Department at MOD.

MOD still has problems recognizing promotions when they come but at least now the soldier might only have 1–2 months to wait for it to be resolved as opposed to years as it was before.

(3) Vehicle Maintenance: This is still a difficult problem for the Iraqis but they are slowing making headway. They are facing a difficult task with maintenance because their culture has not adopted the idea of operator maintenance as a personal responsibility. The wealthy would just abandon a vehicle if it died on the road. The lower classes simply use a Duct Tape resolution to solve maintenance issues. One of their problems now is that since they didn't conduct periodic maintenance on their vehicles they have a lot of work to catch up on as they get more involved. Upon our arrival in August 2005, they had dozens of deadlined, inoperable, vehicles just strewn about their bases, which made their motor pools look more like junkyards.

U.S. advisors in Baghdad worked with MOD to set up a National Maintenance Contract for the Army's vehicles. For our unit they bring all their vehicles back to the Division base where the maintenance facilities are and can get any kind of repair done they need—to include newly issued HUMMWVs.

In December of 2005 we started sending soldiers from our Brigade to the maintenance course also run by the NMC group. Soldiers become qualified to perform various levels of maintenance on their vehicles. After the course they spend time at the maintenance facility to get "on the job" training before returning to their units.

(4) Logistics: Logistical support, in my mind, is now their biggest obstacle to being a successful, self-sustaining military.

MOD has not come up with appropriate plan to provide fuel for the Iraqi Security Forces, ISF. Currently the U.S. supplies some fuel to the ISF but that is being cut off—probably by August 2006.

Life Support Contracts are set up and managed by MOD but there is no MOD rep to monitor them locally except for an army officer. In some cases this has led to corruption, in other cases it has allowed local vendors to operate with no quality control.

OVERALL SENTIMENT OF THE IRAQI PEOPLE

Generally the people of Iraq are appreciative of the United States, want our Military to stay as long as possible to ensure their safety and security.

Some portions of the population are happy that we can provide for their safety and are grateful that we ousted Saddam. But they will be equally as happy when we leave. This is more of an Arab cultural thing. Arab culture is driven by pride and shame. These people might be embarrassed that they could not secure their freedoms themselves and now would like us to leave so they can take over from here. And some simply don't want Westerners controlling their future.

When we traveled to various villages we were typically well received. Kids run out to the convoy in hopes that they'll get candy or water. Village leaders come out to greet us and invite us in to sit and talk while we drink Chai. When we entered a village and people looked away or closed their doors to us, it almost always meant that they were being intimidated by the terrorists. It was these villages that we spent more time. We'd come back as often as possible, bringing clothes, food, and commanders of all levels from the Iraqi Army and the Coalition to meet with tribal leadership. When we caught Saddam Hussein, there were celebrations at every village we went to. People were both relieved and overjoyed. And they thanked us in whatever way they could. When U.S. forces killed Abu Musab Zarqawi, people celebrated in the streets firing their guns in the air, they offered us food and gifts when we visited villages. These were true inspiring patriotic moments for Iraq.

When a suicide bomber attacks an Army or Police recruiting station and kills many people, the following day the lines waiting to join up are 3–4 times larger. People are looking for jobs and they see joining the Iraqi Security Forces as a great opportunity to make a living and do their part in getting rid of the terrorism rampant in their region of the world.

We are seeing lots of economic expansion everywhere. Strip malls are being constructed, businesses are expanding and franchises are popping up. New homes are being constructed all over the country. And people are spending money, looking for new types of goods to buy and they desire goods and services that are currently available throughout the rest of the world. Satellite TV. has been a big help with this.

OBSTACLES

Fuel—Currently fuel is a major crisis not only for the Iraqi Security Forces but for the general population as well. The issue is not for a lack of oil, but a lack of functioning refineries—2 shut down in November. It has started to limit the ability of the Iraqi Security Forces to conduct long-range operations.

Border Crossings—Foreign Fighters and Terrorist support still continues to flow across the Syrian Border. Smuggling of fuel, cigarettes and other goods is commonplace and put a big strain on the ability of the Border Police to shut down the border. Lack of fuel has reduced the number of border patrols that are conducted. Long lines at the Point of Entry have caused many people to come across illegally. Some smuggling is being conducted as a direct support mechanism for terrorists.

Corruption: Very problematic in all areas of the Iraqi Security Forces. But it is also misunderstood. Some levels of corruption are generally accepted in Arab culture. It is the way they have done business and government for so long that they have come to allow it—to an extent. Some of the areas of corruption that we've seen are when soldiers or police at checkpoints or border crossings do not check cars as they come through. They will sometimes take payments in order to speed a vehicle through the checkpoint. We began cracking down on this during Spring of 2006. There are also kickbacks with contractors—this is very typical and also very accepted.

Mr. SANTORUM. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

FIFTH ANNIVERSARY OF SEPTEMBER 11, 2001, AND IRAQ

Mr. DURBIN. Mr. President, I came to the Capitol yesterday on the fifth anniversary of September 11. I looked out the window, down the Mall on the west side, and I couldn't help but remember what we saw on 9/11. On that morning as we met in a small room on the west side of the Capitol and watched the television broadcast and first heard of a plane crashing into the World Trade Center, I thought: What a freak accident. I hope a lot of people won't die.

Then as we watched incredulously, a second plane hit the World Trade Center. The scales fell from our eyes and we knew exactly what was happening. This was no accident. This was intentional. America was under attack.

We met in this meeting a few minutes longer. Someone walked into the room and said they were evacuating the White House. We looked down the Mall on 9/11 and saw black, billowing smoke, and then the word came across that there was some explosion at the Pentagon. We weren't sure what had happened. A bomb? It turned out it was a plane.

As that black smoke billowed across the Mall, as we looked on that bright sunlit day at this horrible, disgusting display of destruction, we were told to evacuate this building, to leave the U.S. Capitol for our lives as quickly as we could.

We raced down the steps, all of us, thousands of us, and gathered outside. We stood on the grass not sure where to turn or where to go. We heard a loud boom. Many of us thought it was another explosion. It turned out it was the scrambling of our fighter planes over the Nation's Capital to protect us.

Finally, after dismissing our staff, telling them to go home and find a safe place, I walked a few blocks away from the Capitol Building and sat, as most Americans did, for the rest of the day hearing the news reports, watching the television scenes from New York.

Then late that evening, after that wrenching day, Members of Congress gathered on the steps outside the Capitol in a rare, heartening display of bipartisanship or nonpartisanship, said a prayer, and sang "God Bless America."

In the weeks that followed, there was a mood on Capitol Hill unlike anything we had seen for a long time. The President came to us within hours and said: We are now declaring war on those responsible for 9/11. He proposed that we mobilize the strength of America, all of us, and strike back at those who had killed 3,000 innocent people on that day. The President's plea was answered with unequivocal support on both sides of the aisle.

I have often said that in the years I have served here, there is no more difficult vote than a vote to go to war. We know that with that vote, people will die. The enemy, brave Americans, and innocent people will die, and you must take that seriously. But I didn't hesitate to vote for that war against al-Qaida. I didn't hesitate to vote for that war in Afghanistan. America had to stand and defend itself against those who would kill innocent people, as they did on 9/11.

Yesterday, on the fifth anniversary of 9/11, there was an effort to rekindle that feeling.

The President made important visits to New York, to the site of the World Trade Center, to Pennsylvania where United flight 93 crashed into the ground when the brave passengers took control of the plane away from the terrorists and, in the process, may have saved my life. Many believe that plane was destined for Washington, destined for this building, this important symbol of America. Those brave passengers took control of that plane and gave their lives in the process. The President visited that rural setting to remember their heroism.

Then he came to the Pentagon, and I was honored to join him as he laid a wreath at the corner of the new section of the Pentagon that was rebuilt after 184 people in that building died on 9/11.

We gathered again on the steps yesterday, a bipartisan gathering of the House and Senate, for a moment of prayer, a moment of reflection, and to sing "God Bless America." It was a time when we tried to recapture that spirit of unity, that spirit of determination, and many of us felt we were moving our Nation again in the right direction.

But what is it that divides us? We heard the speech of my leader and friend, Senator HARRY REID of Nevada, and the speech of the Senator from Pennsylvania, again at odds in debating about our policy. What divides us is clearly another war—not the war in Afghanistan but the war in Iraq. Twenty-three of us on the floor of this Senate, when given a chance, voted against the authorization of force to go to war in Iraq.

As a member of the Senate Intelligence Committee, I knew from closed door sessions, which I was sworn not to disclose, I knew from those sessions that many of the things that were being told to the American people as reasons to go to war against Saddam Hussein and Iraq were just plain wrong.

This last week, the Senate Intelligence Committee, in a bipartisan report, made it public for the record, for history, for all to see, that the American people were misled into this war in Iraq—statements about weapons of mass destruction that didn't exist, statements about nuclear weapons that didn't exist, statements about connections between Saddam Hussein and al-

Qaida which were fabricated. Those reasons were told to the American people to justify a war which is now in its fourth year.

Unlike the war in Afghanistan where our mission was clear to go after those who were responsible for 9/11, to go after al-Qaida, in Iraq we are in our fourth year. The official report from the Pentagon this morning is 2,671 of our best and bravest soldiers have died in that war; more than 19,000 have returned wounded, serious wounds—amputations, blindness, burns, traumatic brain injury. We have spent more than $320 billion on that war. And last night, as the President spoke to America, he went beyond that spirit of unity that brought us together for the war in Afghanistan and against al-Qaida to discuss this war in Iraq.

It is part of an offensive by this administration. We saw it on Sunday with Condoleezza Rice, our Secretary of State, and with Vice President CHENEY's appearance on television. We saw and heard the statements they made to justify a war in Iraq, a war which, unfortunately, is not going well.

The Senator from Pennsylvania objected to Senator REID saying that we were involved in some sort of sectarian violence in Iraq. Those are not original words of the Senator from Nevada. He made reference to the General Accountability Office which released its report yesterday in which it said:

> Iraq's political process has sharpened the country's sectarian divisions, polarized relations between its ethnic and religious groups, and weakened its sense of national identity.

The Senator from Pennsylvania criticized the Democratic leader for being political and partisan in saying these words. But the same words were used by the General Accountability Office. It is a fact. We can't ignore it. The situation in Iraq has worsened.

Mr. President, do you know what the GAO reported in terms of violence in Iraq? The figures are startling. I read the report:

> The Pentagon said enemy attacks against coalition and Iraqi forces increased by 23 percent from 2004 to 2005. The number of attacks from January to July 2006 were 57 percent higher than during the same period in 2005.

The GAO published a graph yesterday. The number of attacks rose from around 100 in May of 2003 to roughly 4,500 in July of 2006. Is it political or partisan to note the obvious, the GAO report to which Senator REID made reference? That is not political partisanship; that is a reality, and we should face that reality because Iraq does continue to slip into civil war despite the billions that we have spent and the thousands of American lives which have been lost in that battle.

There is another political reality. Osama bin Laden is still on the loose. Al-Qaida's membership, estimated at 20,000 on 9/11, is now estimated by our intelligence agencies at 50,000. Instead of shrinking and disappearing, they are growing geometrically.

And there is another reality. The Taliban is gaining ground again in Afghanistan. They have set up shop in Pakistan where that Government has agreed to have a safe haven for some of these terrorist forces. That is unfortunate, and it is disastrous when you think of our long-term war on terrorism.

Sitting at home in Springfield, IL, over the weekend, I listened to Vice President CHENEY when he appeared on "Meet the Press." He said that those of us who make these speeches about the reality of the war in Iraq are not showing the kind of resolve that we should. We are somehow validating terrorism. We are weakening America's efforts to fight terrorism.

I couldn't disagree more. If Members of Congress—if the American public cannot stand up and speak when they disagree with the policies of this administration, we have lost sight of the values of this democracy and how important they are. Despite the Intelligence Committee's disclosure of how we were misled into the war in Iraq, and despite the situation on the ground today, when Vice President CHENEY says he would do it all again, it is a reminder that this administration is resolute in continuing on a path that does not make us safer and, in fact, endangers our troops even as we stand and speak today. It strikes me as odd that this Vice President, after the Intelligence Committee report, did not show even a hint of embarrassment for some of the things he said before the invasion of Iraq and not even a word of regret for misleading the American people.

Well, we have a different vision. We believe there are things we can do to make America safe and strong. Let's take the 9/11 Commission report. Let's take their recommendations and make them reality—100 percent of them. Instead of a failing grade, let's have an A+ so that America can take these recommendations and move forward.

The budget of the Bush administration has continued to cut these recommendations, has refused to fund the things that will make us safer, whether it is a stronger National Guard, a better communications system, stronger port facilities, more surveillance and security of chemical plants and nuclear powerplants, better security on Amtrak, on mass transit—these are things the Democrats on this side of the aisle believe should be our highest priority in making America safe.

We need to strengthen our ports and our nuclear powerplants in my State and across the Nation. We need to cut our dependence on foreign oil so that we aren't indirectly subsidizing terrorism and indirectly subsidizing those who are killing our troops in Iraq and Afghanistan. And we need to push to change course in Iraq. We need a responsible redeployment of troops so that the Iraqis understand this is their battle, this is their war, this is their country. There has to come a time, in this fourth year of a war that has lasted longer than the Korean war, when the Iraqis stand and fight for their own country, when American troops are replaced and can come home.

Last week, the administration sent 5,000 more troops to Iraq. There is no end in sight. The President said we must stay the course. I think we need to change the course. We need to start the redeployment of American troops—not precipitous, immediate withdrawal; that would be wrong, but to start the redeployment of American troops so the Iraqis stand and fight for their own nation, so that our troops, having served us so well and so honorably, can come home safely.

The sad reality in Afghanistan is if we don't put more force in place there, we are not going to see the results for which we fought for so long. Afghanistan is tough territory. Many have learned that. The British Empire learned it. The Soviet Union learned it as well. If we are not going to become victims of the same fate, we need to make certain that our commitment to NATO and Afghanistan is real. That is part of the war on terrorism.

The Senator from Pennsylvania said of Senator REID that he didn't take our opponents seriously. The Senator from Pennsylvania is wrong. Senator REID understands terrorism, as we all do. He understands that we need to stand together, on a bipartisan basis, to make America safe and to fight the right war in the right place, to win a victory that counts. That is why he spoke today. We should never forget, according to the Senator from Pennsylvania, that we are fighting an enemy that wants to die. He said that has never happened before.

I think a brief study of history would tell him it has. The Japanese Kamikaze fliers had the same death wish as those who are suicide bombers today. It has happened before. It doesn't make it any less of a threat, but the fact is, we have faced it before and we have overcome it.

It is interesting that as we listen to our military experts, they tell us we cannot win in Iraq militarily no matter how many troops we put in place; we have to win politically. We have to stop and reflect on the fact that there is a large swath of this world that doesn't understand who we are and what we stand for. They continually are told the wrong thing about America. They continue to be misled. So as we are strong militarily, as we must be, as we must defend America at home, we must also reach out and spread the word about what America's values are, what we are willing to stand for, so that we are better understood in this world and so that this new generation, looking for an impression of the United States, doesn't come up with the wrong impression.

As we consider what we face today in the closing weeks of this session, let's make sure we do stand together in a bipartisan fashion for defending America as our homeland. Let's put the resources in place to make us safer. We continue to stand behind our troops, but let us not be so bull-headed that we won't consider any change in tactic or strategy that might start to bring our troops home safely, with their mission truly accomplished this time, and let's not give up on Afghanistan. We cannot allow the Taliban to have a resurgence of power and give al-Qaida another place to gather forces to launch against the world. That is our mission. That is our responsibility.

As we gathered yesterday, it was a reminder that at one time not that long ago we stood together in that effort.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Stevens (for DEMINT) amendment No. 4921, to establish a unified national hazard alert system.

Mr. STEVENS. Mr. President, is the pending business the DeMint amendment?

The ACTING PRESIDENT pro tempore. Yes, it is.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 4929

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 4929.

Mrs. MURRAY. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4929

(Purpose: To extend the merchandise processing fees, and for other purposes)

At the appropriate place, insert the following:

SEC. ______. COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking "2014" each place it appears and inserting "2015".

(b) USE OF FEES.—Paragraph (2) of section 13031(f) of such Act (19 U.S.C. 58c(f)(2)) is amended by adding at the end the following: "The provisions of the first and second sentences of this paragraph limiting the purposes for which amounts in the Customs User Fee Account may be made available shall not apply with respect to amounts in that Account during fiscal year 2015.".

Mrs. MURRAY. Mr. President, this morning the Senate is considering a very important bill, the port security bill, which many Members have come to the floor to talk about. I am proud to be an original sponsor of this bill and have been working on it for a number of years; in fact, since five years ago, after September 11, when I was the Transportation Appropriations Subcommittee chair. At that time I began to bring stakeholders together to talk about how we can make sure the cargo containers that are coming into this country are secure. It is a very complex issue. It is very difficult to do. We have a tremendous balancing act of making sure that cargo containers are safe when they come into our ports but also that we don't halt our economy as we move forward with this initiative.

I have been very proud to work with a number of Senators in getting us to this point, and I am hoping this bill will move forward in an expeditious manner. Obviously, there will be a number of amendments that come before us, and I look forward to working with other Senators on both sides of the aisle to move them forward.

The bill that is now before the Senate has one major hole. The original bill we have been working on with all of the committees contained a funding source for this bill that some Members had some concerns about. The original bill that we offered had tariff fees as the funding source. The Finance Committee has objected to that. They were concerned about that. I understand that concern. Because of that objection, the bill that has come before us is an important bill, but it lacks the ability to put in place a secure system. It is essentially an empty shell without a funding source.

That is why I have sent to the desk right now an amendment we have been working on together with a number of people to make sure this bill is not just about rhetoric but actually has the funding behind it. If we pass this bill without funding it, we will not have done our job. The amendment I sent to the desk extends two existing Customs user fees for 1 year to fund this bill. Those are fees that are collected today that are going to expire, and all we are doing is extending the collection for an additional year.

The fees we are extending are the merchandise processing fee and the passenger conveyance fee. Extending those for just 1 year will produce close to $2.5 billion in revenue and will importantly provide a dedicated funding stream to pay for the new security initiatives authorized in this bill. By voting for this amendment, this Senate will put money behind the rhetoric of port security. This Senate will put money behind the rhetoric. That is absolutely critical in today's world.

I sit on the Appropriations Committee. I sit on the Department of Homeland Security Appropriations Subcommittee. If we do not put a dedicated source of funding behind this bill, we will simply put port security in contention with all of the other functions of the Department of Homeland Security. We will be looking at Coast Guard money, FBI money, all of the important functions that we need to have within this bill, and port security will be just another issue that doesn't get funded. That is why this funding amendment is so absolutely critical.

The funding for this amendment is going to be used to hire new Customs and Border Protection officers. We can't just simply require our Customs and border officials to do more. They are important positions. Their eyes on the containers and their eyes on the tracking, their eyes on the containers as they are loaded and secured is absolutely critical. Without putting new Customs and Border Patrol agents in place to do the functions we are asking for in this bill, we simply will be sending an empty promise to America.

The funding also will improve the tracking and data collection of every container coming into our ports. That is essential funding which will make sure what we put into those containers is sealed, that someone is watching to make sure they haven't been tampered with, that no one has gotten into them, and that those containers have not gone someplace they are not supposed to. Just putting a tracking seal on it isn't going to make sure we know a container has not been tampered with. We need the personnel in place to do the tracking. That is an important item for funding in this bill. The current bill doesn't have the funding for it. The amendment I am offering will make sure we have eyes on those tracking systems.

The funding will also establish incentive programs for shippers who voluntarily agree to these standards. That is the GreenLane section of this bill that is very important to make sure we know we can reduce the number of cargo containers coming into our ports that could produce a danger for American citizens and for America's economy.

The funding will also establish protocols for the resumption of cargo shipments after a disruptive incident. We put in place a system which assures, should an incident occur on one of our ports, that we have a resumption strategy in place so we know which cargo, which containers can begin to move off of our ports in an expeditious manner. The reason this is so important is if we don't have a protocol in place, it will take weeks, if not months, to get that cargo moving again. That will have a tremendous impact on our economy not just in our port cities but throughout the Nation, as stores would not have any retail goods on their shelves. The economic impact of that has been outlined in this debate, but it would be devastating. We absolutely need to have a protocol in place, and this funding stream will assure it is not just empty rhetoric but actually a funding source.

Finally, the funding is important for authorizing and appropriating money for a grant system for our ports, critical funding infrastructure for gates, for fencing, for making sure people are in place to know who is coming onto our ports—critical infrastructure that we have known is lacking and needs a real funding stream, not just rhetoric saying we are requiring it.

I am very pleased to bring this amendment to the Senate, and I hope it is agreed to overwhelmingly because it is critical that we put in place not just an authorizing bill to tell the American public we are putting in place a port security bill but that we actually have the funding so we can accomplish what I think everyone believes is an important goal.

I have presented this amendment and ask for its consideration.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask the Senator from Washington I be added as a cosponsor of her amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. I thank Senator MURRAY for her efforts to reconcile what we believe to be the most glaring vulnerability of this bill—how to pay for it.

As I noted in my opening statement, authorizing security programs for our ports and supply chain is the first step. We also must provide the actual funding to implement these new initiatives. While we have rushed to debate this security bill this week as the country remembers those who lost their lives 5 years ago, the Homeland Security Appropriations Subcommittee is in conference struggling to find the necessary funds to pay for existing programs. The security enhancements we are debating this week provide our constituents no benefit if we do not give the agencies we have tasked with these new responsibilities the necessary funds to do their job.

Despite a vulnerable maritime system and a very real threat to the physical and economic security of all Americans, the President has provided little support to help secure our Nation's ports from terrorist attacks. Even though the Congress has enacted two port security laws, the White House has included limited port security funding in their annual budget requests, proving their support for port security has been all talk and no action.

In 2003, when the President's budget failed to provide a fraction of the funding necessary for port security programs, Democrats offered an amendment to the Budget Resolution to provide $1 billion per year for 2 years to help ports meet the new security mandates. The amendment closely followed the Coast Guard's estimates on the immediate, first year costs for ports to meet the mandates. The amendment received unanimous approval in the Senate. During the conference committee's consideration of the budget resolution, the Republican leadership eliminated the provision.

Recognizing this inadequacy and lost opportunity to deliver funds to the ports quickly, the Democrats offered an amendment to add $1 billion to the 2003 supplemental again to help ports meet the new security mandates. Despite unanimous approval in the Senate 3 weeks earlier, when it came time to put the real dollars behind the budget commitment, the amendment was opposed by the administration and defeated on the Senate floor on a party-line vote.

Unfortunately, this year we saw history repeat itself. A Democratic amendment offered by Senator BYRD to increase funds for port security programs by $648 million was offered and agreed to by unanimous consent during committee consideration of the fiscal year 2006 supplemental appropriations bill. Yet again when it came time to put real dollars behind their commitment to port security programs to make them a reality, the additional funds were opposed by the administration and were eliminated in conference.

If history is any guide, the additional funding provided by the Senate in the fiscal year 2007 Department of Homeland Security Appropriations bill is likely to be eliminated again during this ongoing conference.

It has become evident that only by identifying a revenue source other than appropriated funds to pay for the new initiatives authorized in this Port Security Improvement Act can we truly overcome this cycle of all talk and no action. And that is exactly what the Murray amendment does.

The Murray amendment raises $2.5 billion by extending customs fees. It goes a long way toward covering the costs for the $3.2 billion authorized in this legislation. This is a tremendous step in the right direction to pay for more than 78 percent of the authorized levels in the underlying bill. I hope my colleagues will join with me in supporting this amendment.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending business is the Murray amendment.

Mr. LOTT. I understand that other Senators may be coming to speak on the amendment. But I wish to speak in general in support of the bill itself.

Mr. President, yesterday, Monday, September 11, 2006, marked the fifth anniversary of the terrorist attacks of our country, on September 11, 2001. It was an emotional day for all of us. There were feelings of remembering the unity that it brought to all of us even here in this institution after that dreadful day. It was a day of mourning and sadness and a lot of mixed emotions. But I also think it reminded us once again that the terrible threat we saw come to fruition on that fateful day is still with us and we have more work to do.

I think it is important for those of us in Congress to point out that we have done a lot to address the terrorist threat to try to make our country safer from a variety of security vulnerabilities since then. I don't think we talk enough about what we do. But I remember very well the months after September 11, 2001, the fall of that year on into the next year, for a period of weeks—yes, even months—when we worked together. We put aside partisanship, we put aside political interests, and we decided we were going to do what was right for our country. It was a great time.

I note that the approval rating of the Congress during that period went to the highest level it has ever been before or since. The people liked it when they saw us working together and doing the right thing for our country. Of course, I should note that it has probably fallen steadily ever since then. But we have more to do.

I took the time last month to go to the west coast and look at ports, to look at ships that come in and their cargo, how the targeting works, how the random selection works, how the scanning works, how the intermodule systems work. It is an incredible thing to see, all the cargo coming into and going out of our west coast port—in fact, all of our ports.

I represent ports that serve the Gulf of Mexico and, of course, we have our very important east coast ports, too. It is a phenomenal thing to see where good progress has been made, but more needs be done.

I do not know if it is fiscally possible or physically possible to guarantee that our ports are secure. But we have done some, and we need to do more.

I point out that we passed the Maritime Transportation Security Act of 2002. This was major legislation. And I was very pleased we were able to get it done. It has made a difference. It has a number of provisions in it that have helped us to move toward more sophisticated analysis of cargo shipment data; cooperative arrangements between foreign ports and businesses involved; targeted deployment of nonintrusive scanning and radiation detection equipment. Great progress is being made in this area.

The next generation of these scanners is ready to come onto the market. I took a look at how one of them works. It scans a container in 12 seconds. You can pick up something as small as a pistol snuggled among the cargo. You can pick it out because I saw it. If I picked it out, just about anybody can pick it out.

But that was a good piece of legislation. Now we have this next step, the Port Security Act of 2006. I thank the chairman of the Homeland Security and Governmental Affairs Committee, Senator COLLINS of Maine, and her ranking member, Senator LIEBERMAN. They deserve great credit for having produced a good bill—and then they took it beyond that. They worked with the Commerce, Science and Transportation Committee, on which I serve, to address concerns of that committee and some of their jurisdictional interests.

Then we had to go another step and work with the Finance Committee. Good work has been done. It has been done by three different committees and in a bipartisan way.

Now we have an opportunity to do something good and something that is needed, but more is needed. There is no question about that.

This bill will improve security at our seaports by including waterway salvage operations in port security plans. It calls for unannounced inspections of port facilities to verify the effectiveness of facility security plans.

I want to reemphasize I was a little surprised and impressed at what I saw at the Ports of Seattle and Tacoma—the security operation, the way the port officials work with Government officials and work with our security officials, DEA and Customs, and all the rest of them where there is a maze of entities that are involved. It seems to be working pretty well, I say to the Senator from Washington State. I went out there, frankly, not expecting much, and I was surprised and relatively pleased.

Am I still concerned and nervous? When you look at the Port of Seattle, as the Senator said on the floor, you have a city, two stadiums right there in a pretty compact area. You have ships coming in from all over the world at a steady stream. The risk of danger is unsettling, to say the least.

We need to do more. This legislation provides additional direction on the implementation of the Transportation Worker Identification Card Program. We can do that. In fact, they have already done it in the private sector. It is just the Government that is lagging behind.

It mandates the establishment of interagency operation centers to coordinate the security activities of the many Federal, State and local agencies.

I get a little nervous because I have dealt with this, too, where you have a major event. I remember one time when we had a drug cargo coming into my hometown. A pretty good fracas broke out about what was going to be the lead agency and take the credit. Was it going to be the local sheriff, was it going to be port authority, FBI, Customs or DEA?

Here is my answer: Who cares? Somebody needs to get the job done. Quit squabbling over who is the lead agency or who gets the credit or who gets the blame and make sure it is done seamlessly and effectively. I think we do that with this bill.

This bill mandates the establishment of interagency operations centers to coordinate the security activities of all these different agencies.

It mandates the establishment of an exercise program to test interagency cooperation.

It establishes a training program for ports and their workers.

It improves security in the international supply chain. That is what a lot of people say: Wait a minute, once it gets to Seattle, it is too late. Right. So what is happening at the port of embarcation? Who is looking at the situation there?

The bill ensures that following any maritime transportation security incident there will be an orderly resumption of cargo movement through our ports. It authorizes the Container Security Initiative, which examines containers at foreign ports prior to their shipment to the United States. It authorizes the Customs-Trade Partnership Against Terrorism Program to improve information sharing and cooperation between the private sector and the Department of Homeland Security.

Everything I was concerned about, while I was looking at these ports and ports in my hometown and gulf ports and other ports, I think this legislation addresses or moves in the right direction.

Now, I admit, some of it will include pilot programs or we are going to study this or that, and we waste so much money and so much time with that sort of thing. But when you are talking about very sophisticated, integrated, voluminous programs, like what is going on in our ports, a little thought might be a good idea.

Now, my complaint would be, why did we not do that a year ago, two years ago, three years ago? Well, sometimes the problem is us. We have to legislate. We have to do something. It is not enough that we just stand around and complain about our concerns, and then, when we have a chance to do something, we cannot follow through.

So I urge the leaders of these committees to press forward. Do it now. Let's not drag this out. There will be some good amendments that will be offered. Probably we ought to take them. Some of them are already being considered. Some of them have already been taken. There will be some amendments, really, that are just grandstanding.

Hey, that is our right. We are Senators. But I would just say we need to get this done. There is not a lot we can take credit for in terms of security in this particular Congress. This would be good. And besides that, I would hate to be the Senator who dragged this bill out or voted against this bill when an incident occurs.

This is a plus for the institution. When you do the right thing for the American people, there is plenty of credit to go around. Let's get this legislation passed and let's do it now. We do not need to be working on this at 6 o'clock Thursday night. We can finish this tonight or tomorrow. And then let's move on because it is well considered. It is bipartisan. There are some legitimate amendments. Let's take them up. Let's deal with them, and then let's go to another subject.

But overall, I feel good about the work that has been done on this bill, and I think we need to do more, and we need to do it very quickly. This will be a step in that direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, first of all, I congratulate the individuals responsible for bringing this bill to the floor. No one is more responsible than the senior Senator from Washington, Mrs. MURRAY. She has talked about this for years. This was a difficult bill because it had multiple jurisdictions—the Homeland Security Committee, the Finance Committee, and the Commerce Committee. The bill is here and I am glad it is here. It is long overdue. But this is a small slice of what we need to do to make America safe. We need to do much more. Five years after 9/11, America is not as safe as it could be and should be. In my opinion, failures by this White House and inaction by this Republican-dominated Congress have left our ports and borders vulnerable, our chemical plants open to attack, our nuclear power facilities unsafe, our mass transit systems unsecure, and our military stretched to levels not seen since Vietnam. We need a new direction to keep America safe, and we need it now.

AMENDMENT NO. 4936

(Purpose: To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror)

Today, I intend to offer the Real Security Act of 2006 as an amendment to the port security bill. The Real Security Act provides an aggressive plan to make America safe. It takes nothing away from the port security legislation before this body. It is based on the real lessons of 9/11, more than 5 years ago, that occurred, lessons that for too long have been ignored by this Congress. This Democratic amendment would get serious about all facets of security—not only on port security but also on rail, aviation, and mass transit.

My colleagues on the other side of the aisle talk tough about national security. Today we will see if they are serious about taking the required steps to actually keep America safe by joining with us in supporting a tough and smart plan to protect our families.

This Real Security Act would, first of all, implement all 41 recommendations of the bipartisan 9/11 Commission.

In a report card last year, the 9/11 Commission gave Republicans in Congress and the Bush administration D's and F's in implementing its recommendations. The amendment would provide the adequate resources for first responders, improve intelligence oversight and homeland security funding, and improve our tracking of material that can be used in nuclear weapons.

An additional section would equip our intelligence community to fight against terrorists. With all the tough talk from this Republican Congress about terrorism, it is striking, stunning to find that for the first time in 27 years, this Congress did not authorize the Intelligence bill for our intelligence community—the first time in 27 years. This year, again, there is no authorization, and we have 18 days remaining in this session of Congress. This Real Security Act would, in fact, adopt the Intelligence authorization bill that needs to be passed.

Third, the amendment will secure not only our ports but our rails, our airports, and our mass transit systems. In addition to that, it would protect our chemical plants. And this is real money here to protect our chemical plants, real money to protect our nuclear power facilities. Our nuclear generating facilities—it is no secret—have their independent security systems. Some have referred to them as "rent-a-cop" programs. What they do is put out the security of these nuclear power facilities to the lowest bidder. We have to have standard protection for our nuclear power facilities. That would be done with this amendment which we are going to offer.

As I indicated, this legislation will do some good things, in section 3, that I have talked about.

Customs and Border Protection, which we talk about a lot—this would actually give a half a billion dollars, $571 million, for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles, construction, and radiation portal monitors that Border Patrol tells us are absolutely essential, and they do not have them after 5 years.

It would give $87 million to the U.S. Citizenship and Immigration Services. As I have indicated, it would give an additional $55 million for air cargo security, including cargo canine teams and inspectors. It would give $250 million for aviation security, including—very importantly—after all these years after 9/11, we still do not have explosives monitoring equipment. The Coast Guard would be given $184 million—these are real dollars; these are not authorized dollars—for necessary expenses for the Integrated Deepwater Systems Program. The Coast Guard says this is essential. This section is important, as I have indicated, for making our country safer.

The fourth provision of this amendment would focus resources on the war on terror. Bin Laden's trail has gone cold, as we have seen in the papers in recent days. The administration has taken its eye off the war on terror and gotten our country bogged down in Iraq. This amendment will change this by increasing substantially our special forces operations to capture terrorists, to kill terrorists. It would improve our relationships with the Muslim world so we can help stop recruitment of new terrorists.

Fifth, the amendment would provide better, updated tools to bring terrorists to justice. We have a sense of the Senate on FISA. As we speak, there is good bipartisan work being done on domestic surveillance. Senator FEINSTEIN and others have worked on a bipartisan basis. It is my understanding she has, on the Judiciary Committee, at least two Republican Senators who will support her amendment. That is important.

As to the Hamden decision, the Supreme Court said we need to do something. And we do need to do something. Senators LEVIN and WARNER and others have worked on a bipartisan basis to do something about that. It would bring terrorists and detainees in Guantanamo Bay and other places to justice by listening to our military experts and helping to create tough tribunals that will lock up terrorists while respecting the Constitution and maintaining America's integrity. It is important we do this.

Finally, this amendment would change the course in Iraq. Our amendment would include the Levin-Reed resolution to move in a new direction in Iraq. There would be a transition of the U.S. mission in Iraq to counterterrorism, training, logistics, and force protection. No immediate withdrawal, nothing like that. It would begin a phased redeployment of U.S. forces from Iraq before the end of this year, as called for by some of my colleagues on the other side of the aisle. We would work with Iraqi leaders to disarm the militias and develop a broad-based and sustainable political settlement, including amending the Iraqi Constitution to achieve a fair sharing of power and resources.

We would convene an international conference—which has been called for by Senator BIDEN for years now, and others—and contact group to support a political settlement in Iraq, preserve Iraq sovereignty.

It is very important that this amendment be adopted. We have talked a lot about terrorism, homeland security, talked about doing something about what is going on in Iraq and Afghanistan. This amendment would do that. I would hope my colleagues on the other side of the aisle would allow us to adopt this amendment. I believe it is essential. We have waited too long. It needs to be done.

Mr. President, I ask unanimous consent that the amendment that is now pending be laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4936.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, thank you very much.

I now yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to offer an amendment. I will ask that the pending amendment be set aside in a moment. I am not able to debate my amendment at this point because there is a large group of farmers who are in town to talk about disaster relief, and I am expected to be with them at 11:30. I am going to offer the amendment, go over and be a part of what they are doing, and then come back.

But before I offer this amendment, I want to say, just for a moment, this morning the new trade deficit figures were released. The highest trade deficit in America's history was announced this morning: $68 billion. That is the highest trade deficit in our history: $68 billion for 1 month.

This is the most incompetent, unbelievably dangerous trade strategy, and yet all we get from anybody is this talk about free trade, free trade, how wonderful it is. Well, this last month alone, we are up to our necks in $68 billion of debt, the majority of which is held by the Chinese and the Japanese. If this month's trade deficit does not persuade some people to finally decide the current trade strategy is not working, then I guess nothing ever will.

But let me just, from this 1 month, extrapolate what our yearly trade deficit is with these various countries. We are running a trade deficit at a $240 billion-a-year level with China. Our trade deficit with the European Union is at a $140 billion-a-year level; OPEC, $120 billion a year; Japan, $90 billion a year; Canada, $70 billion a year; Mexico, $60 billion a year. It is unbelievable what is happening—$68 billion a month in trade deficits.

Now, I understand there are a lot of people who vote for all these trade agreements and think this is wonderful. This is not wonderful. It is undermining this country's economy, it will injure our economic future, and I think it will consign our children to an economic future and opportunities that are much less than we have experienced. I would expect and hope that one of these days this Congress and this President will wake up and decide that this trade strategy isn't working. We are choking on trade debt, moving millions of jobs overseas, and tens of millions more are poised to go.

If this doesn't persuade people to decide to stand up for this country's economic interests, I guess nothing ever will. At this point, we need, on an emergency basis, the understanding that we should create a fair trade commission in this country that leads us toward trade balance, getting rid of deficits, and standing up for American jobs and American interests. That hasn't been the case for a long time.

This morning's announcement simply underscores once again the dramatic failure of this trade strategy, the failure of this Government to stand up for this country's economic interests. I will talk about that more later.

AMENDMENT NO. 4937

Mr. DORGAN. Mr. President, I send an amendment to the desk, and I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4937.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the United States Trade Representative from negotiating any future trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person, and for other purposes)

At the appropriate place, insert the following:

SEC. . FOREIGN OWNERSHIP OF PORTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the United States Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person.

(b) OPERATIONS AND OWNERSHIP.—For purposes of this section, the term "operations and ownership" includes—

(1) operating and maintaining docks;

(2) loading and unloading vessels directly to or from land;

(3) handling marine cargo;

(4) operating and maintaining piers;

(5) ship cleaning;

(6) stevedoring;

(7) transferring cargo between vessels and trucks, trains, pipelines, and wharves; and

(8) waterfront terminal operations.

Mr. DORGAN. Mr. President, this amendment is simple. It relates to the issue of port security, which is the bill we are on. As you know, earlier this year we had a substantial amount of controversy about port security, at a time when the Bush administration gave the green light for Dubai Ports World, which was a government-owned company in the United Arab Emirates, to have the opportunity to take over management of seaports in our country—in New York, New Jersey, Baltimore, Philadelphia, New Orleans, and Miami, among others.

In February of this year, the Bush administration said that was fine for a company called Dubai Ports World to take over the management of these ports. It had been given official sanction to do so, and the President indicated that if the Congress didn't like it, and if the Congress passed legislation to do something about it, he would veto any bill Congress might approve to block the agreement that would allow the United Arab Emirates-owned company to manage American seaports.

Well, the UAE then indicated it was going to back away, and Dubai Ports World has now moved to try to find a way to sell its interest to others. My understanding is that it has not yet done so. But the circumstances are that the Oman Free Trade Agreement, which will come to the floor of the Senate this week we are told by the majority leader, includes a provision—I will describe it in greater depth later—that would prevent the Congress from interfering in any way with a foreign company from Oman from managing our ports.

My amendment is very simple. It would say that trade officials would be prohibited from agreeing to any trade agreement that would preclude the Congress from blocking a takeover of U.S. port operations by foreign companies. In recent trade agreements they have actually included—which we have negotiated with other countries—the opportunity for those countries and their companies to come in and run America's ports.

When we are talking about port security, don't tell me about security if we decide we are going to allow other countries, and companies owned in many cases by countries, to take over the management of America's ports. That is not port security and not, in my judgment, improving the security interests of this country.

We went through this debate about Dubai Ports World and United Arab Emirates. That issue is not resolved. It is being raised again in every trade agreement that is being negotiated and is included in the one with Oman that will be debated later this week. The majority leader wishes to take up that trade agreement. I believe there is a 20-hour requirement or debate provision with respect to that agreement.

I intend to talk at some length about what that agreement provides with respect to this provision. The provision in this trade agreement once again is that it is going to be just fine for foreign interests to come in and provide management and many other functions at America's seaports. Tell me how that will make this country more secure.

I don't think anybody can talk about security when at the same time, in trade agreements, we are saying we want other countries, and companies that are owned by these countries, in fact, to come in and manage America's seaports. That is a recipe for disaster, in my judgment.

I will speak more about it later. I wanted to at least lay the amendment down and have the opportunity to be in line after lunch and talk about this amendment at greater length.

I yield the floor.

Mr. GRASSLEY. Mr. President, everyone in this Chamber understands that we are in a political season. And that means we are going to be taking political votes. The amendment offered by the Senator from North Dakota is indeed one of those votes.

Now, Senator DORGAN is a friend of mine. We have worked together on a number of important issues. But let's face it. This amendment doesn't really do anything. It creates the appearance of a problem and then purports to resolve that illusory problem. So there really isn't any point to the amendment. But we also know, that no Member wants to be portrayed in a 30-second television commercial as having voted against U.S. ownership of port operations. So I recommend to my colleagues that they support this do-nothing amendment.

Let me explain why this amendment doesn't really do anything. This amendment says that after the date of enactment, the U.S. Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of U.S. ports by a foreign country or person. But the fact is, our trade agreements do not prevent Congress from legislating on any matter, including ports.

First off, Congress can always override an international agreement by passing subsequent legislation. That is an elementary principle of constitutional law. Moreover, our standard implementing legislation for trade agreements expressly states that if a provision of a trade agreement is inconsistent with any provision of U.S. law, then that provision in the trade agreement shall not have effect. In other words, in the event of an inconsistency between a trade agreement and U.S. law, Federal law prevails over the trade agreement. Yet this amendment suggests that the U.S. Trade Representative can somehow transcend our Constitution and Federal law by negotiating a trade agreement.

That is ridiculous. It is false. But as I said, we are in a political season. So I suggest we accept this do-nothing amendment, recognizing it for the political act that it is, and we move on. It is critical that we move this important legislation through the Senate as soon as possible and avoid getting bogged down in politics.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up my amendment, which I believe is at the desk, No. 4930.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4930.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading)

On page 5, between lines 20 and 21, insert the following:

(9) INTEGRATED SCANNING SYSTEM.—The term "integrated scanning system" means a system for scanning containers with the following elements:

(A) The container passes through a radiation detection device.

(B) The container is scanned using gamma-ray, x-ray, or another internal imaging system.

(C) The container is tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device.

(D) The images created by the scans required under subparagraph (B) are reviewed and approved by the Secretary, or the designee of the Secretary.

(E) Every radiation alarm is resolved according to established Department procedures.

(F) The information collected is utilized to enhance the Automated Targeting System or other relevant programs.

(G) The information is stored for later retrieval and analysis.

On page 43, strike lines 11 through 14 and insert "enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor oper-".

On page 44, line 5, strike "and".

On page 44, line 9, strike the period at the end and insert the following: "; and".

On page 44, between lines 9 and 10, insert the following:

(5) shall prohibit, beginning on October 1, 2008, the shipment of any container from a foreign seaport designated under Container Security Initiative to a port in the United States unless the container has passed through an integrated scanning system.

On page 60, strike lines 9 through 15.

On page 62, lines 7 and 8, strike "As soon as practicable and possible after the date of enactment of this Act" and insert "Not later than October 1, 2010"

Mr. SCHUMER. Mr. President, I rise to talk about one of the most critical gaps in our homeland security, and that is port security. This week, everyone in my home State of New York—certainly there but also everywhere in America—is asking if we are safer since 9/11. I have to say, if you look at port security, the answer is an unfortunate no.

In this week of remembering the attacks on 9/11, I am pleased that the critical issue of port security is under consideration by the Senate. I think the Port Security Act of 2006 is a good start. I commend my colleagues, and particularly my friend from Washington State, who worked so long and hard on this issue. But I also want to be sure the legislation we pass provides real teeth and resources for port security.

The United States is the leading maritime trading Nation in the world. At any given moment our seaports are full of container ships, warships, cruise ships, and oil tankers. Every one of these ships is an opportunity for terrorists to strike at our industry, our infrastructure, and our lives. We know these enemies will wait patiently and plan carefully in order to create maximum panic and damage.

Our greatest risk is that a terrorist could easily smuggle a nuclear weapon through our ports, God forbid, and bring it into the United States. Once it gets out of the port, it will be gone, and we would not know about it until it is too late.

Yet, unfortunately, our vulnerable seaports have long been neglected by the administration. Programs to screen for nuclear materials are delayed and delayed and delayed. I have been pushing amendments such as this for years and, frankly, the administration, in lockstep with my colleagues on the other side of the aisle, generally talks the talk, but they do not walk the walk. They do not say we should not do research to guard against nuclear weapons being smuggled into our country, but then when it comes time to allocate resources to get it done, when the need is $500 million, they might allocate $50 million or $35 million. That is what has happened in years past. That is a disgrace. That is letting our guard down.

Mr. President, we need to fight the war on terror overseas, no question about that. But as any high school basketball coach will tell you, to win a game—in this case, a war on terror—you need both a good offense and a good defense. We have woefully neglected the defense. An example is the spending by this administration, DHS, and by the Senate and this Congress on port security.

By the end of this month, DHS will have provided $876 million in port security grants since 9/11. This is a fraction of what we have spent on aviation security, and it is far less than what is needed.

Maritime trade is booming. The Coast Guard estimates port owners will need $7.2 billion over the next 10 years to bring ports in line with Federal security requirements, and we need to give more funding and more attention to vulnerable seaports. If we ever needed convincing that this administration is asleep at the switch when it comes to port security, turn back the clock a few months to the fiasco over Dubai Ports World. That company, a government company from the United Arab Emirates, was cleared to take over operations at more than 20 ports along our eastern and gulf coasts without any serious review.

It was hard to believe. And then when the President learned there wasn't serious review, he still said we don't need it. Now that shows a profound and very disturbing unawareness of what we need for port security.

The Dubai Ports World takeover almost snuck under the radar, after getting scanty review from the CFIUS committee. There is only one bit of good that came from this Dubai Ports World fiasco. It revealed how little we had done to protect our ports and focused the Nation, and hopefully this administration, on bolstering port security in the United States and around the world.

I am inclined to support the Port Security Improvement Act of 2006, but I am also very concerned that this bill does not go nearly far enough toward securing our seaports and shipping vessels, especially against the unspeakable danger of a nuclear weapon.

This is our great nightmare. God forbid—God forbid—a nuclear weapon is shipped into this country and exploded. Nothing could be worse.

So instead of doing little baby steps, instead of saying this is a 10- or 15-year project, why aren't we moving with alacrity to make ourselves safer against the greater danger we could face?

I know my colleague from Connecticut, who has just walked in, has been very active on this issue and has been very helpful to me when I have offered amendments in this regard.

We need to do much more to guard against nuclear weapons being smuggled into our country by sea, and we can't have any holes in our defenses. Today I am offering two amendments that will strengthen port security improvement in these key aspects.

The first amendment is the amendment that is pending, No. 4930. This amendment secures our ports by screening all cargo containers that reach our shores to make sure they do not contain a nuclear or radiological weapon.

More than 9 million cargo containers enter the country through our ports each year, and as we all know—it is sad, it is woeful—only 5 percent of these containers have been thoroughly screened by Customs agents. That is nothing short of an outrage. It would truly be a nightmare scenario if one of these unchecked containers had a nuclear weapon smuggled in by a terrorist group.

The latest I heard from some on the other side is: We can't guard against every single terrorist act. We don't have the resources or the focus to do it.

I disagree. But even if one believed in that philosophy, one would have to put nuclear weapons and the danger of them being smuggled into this country at the very top of the list of dangers. So even if one's view is we can't do everything, we certainly should do everything we can to prevent this nightmare scenario.

Terrorists, unfortunately, could detonate a nuclear bomb in a port or the bomb could be loaded on a truck or railcar and be sent anywhere in our country or terrorists could combine radioactive material with conventional explosives to make a so-called dirty bomb.

Any attack of this kind would cause unspeakable casualties, destruction, and panic. We know our enemies are ruthless and determined enough to plan this type of attack. Yet the administration has waited years and years, and I have been trying to importune them to take significant action on port security.

We know terrorists have tried to purchase nuclear materials on the black market, and we know that any shipping container could be used as a Trojan horse to smuggle deadly radioactive material into our country. But this country has not stepped up to the plate to fund port security at the levels that are necessary or to pass laws with real teeth.

This amendment will end this shocking state of affairs and make America safer by requiring that within 4 years, every container coming into the United States will pass an advanced nuclear detection system known as integrated scanning.

Integrated scanning is used now. I have visited—and so has my colleague; I visited, with my colleague from South Carolina, LINDSEY GRAHAM, Hong Kong about 6 months ago. It is an amazing system. The containers are not slowed down. They simply are required to drive through a portal with two detection devices, each on a side, that do two things: They first check for nuclear weapons and nuclear materials. The only good news is—they are terrible and dangerous—they emit gamma rays which pass through just about anything but lead. Even if they are hidden in an engine block, the detection device works.

At the same time, because lead may cover them, there is a scanning device that will reveal large chunks of lead. Once these trucks go through the devices with these containers, we will know if they have nuclear weapons or nuclear radiation, nuclear materials or, alternatively, a significant enough amount of lead that could shield those, and we could then inspect the container.

An integrated scanning system works. I have seen it with my own eyes. I salute the firm of Hutchison Wampoa, the largest shipping company in the world, for on their own instituting this system in the Port of Hong Kong. They do the checks using nonintrusive imaging technology. Then it is checked with a tracking device, as well as, of course, the nuclear device. And if the checks don't match up, Customs inspectors know something is wrong and can stop the container.

Isn't it a shame that China and Hong Kong have better port security than we have in the United States? Integrated scanning for nuclear weapons is a model of what it means to make a true commitment to port security.

We don't need to study this any more. My amendment sets firm deadlines for containers entering the United States to meet this mark. If it is working in Hong Kong, there is no reason why America shouldn't hold other ports that handle our commerce to the same high standard of safety.

There are some critics who say this is an unrealistic deadline; let's study it some more. It is working. It is there. It has been working for a year without flaws. Why do we have to study it when the danger is so great and the technology is there?

The Department of Homeland Security has wasted enough time securing our ports. It is time for Congress to hold DHS accountable and time for us to demand real security at our seaports.

Under this pending amendment, by October 2008, integrated scanning must be used to check all containers that arrive on U.S. shores from foreign ports participating in what is known as CSI, the Container Security Initiative.

There are 40 ports in the CSI in 22 countries. U.S. Customs agents, under the program, work directly to inspect containers bound for America.

But it is not enough to extend integrated scanning only to the ports in the voluntary CSI program. So my amendment also sets a deadline of October 2010 for every single container entering the United States to pass an integrated scan.

We have waited long enough for port security to receive the attention it deserves. While the Department of Homeland Security drags its feet, it is time to put our safety first by voting for a measure that will actually stop nuclear weapons before they ever get near the United States.

This does not cost the taxpayers a plug nickel. We simply require the shipping companies to do it. When Senator GRAHAM and I visited Hong Kong—and Senator COLEMAN, who has been very interested in this issue, will confirm it—they told us it costs about $8 to scan a container; whereas, the cost of shipping that container from Hong Kong to the west coast is $2,000. That is .2 percent.

Shipping companies will have to put these scanners in. They will then have to pass along the costs to their customers. But I doubt the U.S. consumer would see any increase, the amount is so small and competition in the shipping industry is so large.

I support this amendment and urge bipartisan support so we can once and for all say we are keeping our world safe.

AMENDMENT NO. 4938

I have another amendment which I am not going to ask to call up at the desk right now because we don't have anyone on the other side, and they haven't seen it yet. I don't think there will be any objection to calling it up, but I am going to talk about it now, and then we can get unanimous consent to call it up. It is amendment No. 4938. Let's talk about that.

This is the Apollo project amendment. Here is what it does.

Forty-four years ago today, John Kennedy vowed to put a man on the Moon by the end of the decade. That was a bold and visionary promise. NASA succeeded with time to spare because it was backed by the full extent of American resources and ingenuity. John Kennedy called for us to do it, and we went forward and did it. It was a bold and visionary promise.

Now it is time for Congress to make the same bold commitment to homeland security. Too often since 9/11 we have said this has to be done; here is $5 million when the job takes $100 million. As a result, 5 years after the attacks on our country, we are still far behind where we need to be. We must stop shortchanging port security.

This amendment dedicates $500 million over the next 2 years in competitive grants to public and private researchers who have innovative and realistic ideas for nuclear detection devices that will keep us ahead of our enemies. The funding is sorely needed.

We have to develop better portal monitoring devices. We need devices that can be positioned on cranes. We need devices that can be placed under water. In all of these areas, we need devices accurate and effective enough to keep commerce moving smoothly.

The model Hong Kong uses will work for big ports, but it may not work for small ports. In all these areas, we need the devices to be accurate enough and effective enough not only to detect radiation but to not have so many false positives that they interfere with commerce.

So many times in the past, this Congress has authorized appropriations for port security. They are simply hollow promises and do not go anywhere. This amendment is different. It makes a meaningful and long-term commitment of a worthy goal of keeping our seaports safe. Funding for the grant process will come from a port-related user fee that will be a dedicated source of revenue. It is only fair to ask those who will benefit most from port security improvements to contribute to this task.

We have spent $18 billion on aviation security in the past 5 years. Mr. President, $500 million is not too much to devote against the horrifying threat of a nuclear attack on our soil. The first amendment doesn't cost us any money. This amendment does. I imagine that is why there is a temporary holdup on the other side to offering it.

The bottom line is the leaders of the 9/11 Commission called a nuclear weapon being smuggled into this country "the most urgent threat to the American people." Congress has done far too little for far too long in this area. We are running a marathon against a ruthless enemy. We haven't taken any more than a few halting steps. We can no longer afford to fail in securing our ports.

I ask my colleagues to support both amendments, when we have a chance to vote on them, to strengthen this important bill.

Once again, she wasn't here earlier. I praise my colleague from Washington for the good work she has done on this bill, a bill I am strongly inclined to support.

Mr. President, I yield the floor.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on the overall bill before the Senate to express my strong support for it and to say I am proud to be an original cosponsor of the Port Security Improvement Act of 2006 and its predecessor, the GreenLane Cargo Act.

Seeing that the clock is reaching noon, I ask unanimous consent we extend the time for the scheduled vote by 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise to express my support for the bill and say I am proud to be a cosponsor with Senator COLLINS, Senator MURRAY, and Senator COLEMAN. This is a comprehensive, bipartisan port security bill. I would also like to thank Senator STEVENS and Senator INOUYE of the Commerce Committee, and Senator GRASSLEY and Senator BAUCUS of the Finance Committee, for their hard work, leadership, and commitment to passing a port security bill this Congress. This is really important. In the midst of a Congress and a Capitol that has become all too reflexively and destructively—I might say self-destructively—partisan, and that partisanship getting in the way of us getting anything done, this is a bill on which members of our Homeland Security Committee and the other relevant committees have risen above partisanship and focused on a real threat to our security, a terrorist threat that would come to us in containers moving through our ports or in terrorist acts at our ports.

I know there will be many amendments offered this week. I hope we will consider them in the fullness of debate that is part of the Senate but that we always ask ourselves the question: Will this amendment stand in the way of this bill passing and making it through conference committee to be signed by the President? This is urgent and this bill responds comprehensively to the urgent terrorist threat that we face.

Ninety-five percent of our international trade flows through our ports. Prior to 9/11, the main goal was to move these millions of tons through our ports efficiently, quickly, for reasons obviously of commerce, jobs, and employment. Since 9/11, we have realized that we need to bring security into the equation but without inflicting on ourselves the precise economic harm that the terrorists intend to do to us. This is a difficult but imperative balance we must achieve.

The 9/11 Commission report said that "major vulnerabilities still exist in cargo security," and that, since aviation security has been significantly improved since 9/11, "terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime and surface transportation"—i.e. ports.

Just last month, RAND's Center for Terrorism Risk Management Policy published a report entitled "Considering the Effects of a Catastrophic Terrorist Attack" that considered the effects of a nuclear weapon smuggled in a shipping container sent to the Port of Long Beach in California and detonated on a pier. This is chilling.

But I remember that the 9/11 Commission, in its conclusions, said one of the great shortcomings we had prior to 9/11 was a failure of imagination. Imagination is usually thought to be a wonderful thing, but what they meant by that is our inability to imagine how brutal, inhumane, and murderous terrorists could be.

The potential short- and long-term effects of a nuclear weapon smuggled in a shipping container sent to the Port of Long Beach and detonated on a pier are devastating. The report estimated that up to 60,000 people might die instantly from the blast or radiation poisoning, with 150,000 more exposed to hazardous levels of radiation.

The blast and fires could completely destroy both the Port of Long Beach and the Port of Los Angeles and every ship in the port. As many as 6 million people might have to be evacuated from the Los Angeles area, and another 2 to 3 million people from the surrounding area might have to relocate due to the fallout. Gasoline supplies would quickly dry up because one-third of all the gas used on the west coast is processed at the refineries of the Port of Long Beach.

Short-term costs for medical care, insurance claims, workers' compensation, and evacuation and reconstruction could exceed $1 trillion. By comparison, the cost in similar categories resulting from the attacks on America on September 11, 2001 were between $50 billion and $100 billion. Besides damage to the United States, the attack would cause economic effects that would ripple across the globe.

That is devastating and chilling. I hesitate to even speak it on the floor of the Senate, and yet it is the world in which we live, and the threat is real.

The unsettling fact is, we still have too little idea about the contents of thousands of containers that are shipped into and across the heart of America every day. It is strange to say, but perhaps the controversy over the Dubai Ports World incident raised the collective consciousness of the American people and Members of Congress to the vulnerabilities that we face at our ports. Following that incident, the Homeland Security and Governmental Affairs Committee marked up the GreenLane bill, and later Senators COLLINS, MURRAY, and I started working with the Senate Commerce and Finance Committees to craft the comprehensive port security legislation that is before the Senate today.

The Port Security Improvement Act of 2006 builds on these foundations for homeland security by strengthening key port security programs by providing both direction and much-needed resources. I would like to focus my colleagues' attention on a few critically important parts of the bill.

First, the bill moves us closer to the goal of inspecting all of the containers entering the United States through our ports. The legislation requires DHS to establish a pilot program to inspect 100 percent of all containers bound for the U.S. from three foreign ports within 1 year and then report to Congress on how DHS can expand that system.

There is legitimate concern that inspecting 100 percent of containers would be so burdensome that it would bring commerce to a halt. However, technology companies have been working for several years to build more efficient inspection systems. The Port of Hong Kong is currently testing an integrated inspection system to scan every container entering the two largest terminals at that port, while the research and development offices of DHS have begun work on developing automated systems to analyze this data. We should move towards 100 percent inspection as fast as we can get there, understanding that we can not afford to bring commerce to a halt. This legislation will provide us critical information about how soon we can achieve this goal.

Second, this bill authorizes comprehensive and robust port security grant, training, and exercise programs, with a $400 million grant program available to all ports. Third, this legislation requires DHS to deploy both radiation detection and imaging equipment to improve our ability to find dangerous goods and people being smuggled into the United States.

DHS has committed to deploying radiation portal monitors at all of our largest seaports by the end of 2007. Unfortunately, this "solution" is, in fact, only half of the equation. To provide real port security, radiation detection equipment capable of detecting unshielded radiological materials, as these portal monitors do, must be paired with imaging equipment capable of detecting dense objects, like shielding.

This legislation requires DHS to develop a strategy for deploying both types of equipment, and the pilot program for screening 100 percent of containers at three ports similarly requires that both types of equipment be used.

Fourth, this bill requires DHS to develop a strategic port and cargo security plan, and it creates an Office of Cargo Security Policy in DHS to ensure Federal, State, and local governments and the private sector coordinate their policies.

Currently, the Coast Guard is responsible for the waterside security of our ports. U.S. Customs and Border Protection regulates the flow of commerce through our ports. The Transportation Security Administration is responsible for overseeing the movement of cargo domestically. And the Domestic Nuclear Detection Office has been working with the Defense Department and the Department of Energy to strengthen our ability to detect radiological materials anywhere in the country.

It is imperative that these agencies, offices, and departments are working closely with each other, as well as State and local government and the private sector to develop and coordinate port security policies and programs.

Lastly, this bill requires DHS to develop a plan to deal with the effects of a maritime security incident, including developing protocols for resuming trade and identifying specific responsibilities for different agencies.

This is critically important to ensuring the private sector and our global partners have enough confidence in our system, so that we can mitigate any economic disruption and foil a terrorist's plan to hurt our economy.

Moving the Port Security Improvement Act of 2006 forward will take us one giant step closer to where we ought to be by building a robust port security regime, domestically and abroad, and provide the resources necessary to protect the American people.

I look forward to continuing to work with Senators COLLINS, STEVENS, INOUYE, GRASSLEY and BAUCUS, and our colleagues in the House, to finalizing meaningful port security legislation.

Yesterday was a day of remembrance and requiem. Today is a day to resolve that we will do everything in our capacity to make sure that no terrorist attack against our country and our people succeeds in the future. That is the intention of this bill. I urge Members of the Senate to adopt it by this week's end.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 12 p.m. having arrived, the Senate will proceed to a vote on amendment No. 4921 offered by Senator DEMINT, as amended.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—95

Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama

Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—5

Akaka
Bayh
Chafee
Mikulski
Sarbanes

The amendment (No. 4921) was agreed to.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

2006 LITTLE LEAGUE WORLD SERIES CHAMPIONS

Mr. CHAMBLISS. Mr. President, I rise today to encourage my colleagues to join Senator ISAKSON and me in supporting a resolution congratulating the 2006 Little League World Series Champions, the Columbus Northern Little League team of Columbus, GA.

On August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League of Japan by a score of 2–1 and concluded their season with an impressive record of 20 wins and only 1 loss. And when you consider the fact that more than 7,000 Little League all-star teams took the field in July, you realize the magnitude of this accomplishment.

Their talent, hard work, and sportsmanship allowed them to become the second team from the State of Georgia to win the Little League World Series, and in doing so they captured the hearts of people across Georgia and in many parts of the Nation who love the game of baseball.

As a former Little League coach during the years that Julianne and I were raising our children in Moultrie, I was so proud to participate in the long-standing tradition of Little League Baseball as a coach for my son's team—the Destiny Dawgs. There is no question that this great arena of sportsmanship, founded in 1939, builds confidence, determination, and hard work in youth.

And since the inception of the Little League World Series in 1947, it has grown to encompass not only national teams, but teams from all around the globe.

I would like to recognize the 11 young men of the Columbus Northern Team individually for their great accomplishment: Matthew Hollis, Ryan Lang, Mason Myers, Matthew Kuhlenberg, Patrick Stallings, Josh Lest, Brady Hamilton, Cody Walker, J.T. Phillips, Kyle Rovig, and Kyle Carter, who became the only pitcher in Little League Baseball World Series history to win four games in one series. Their manager Randy Morris and their coach Richard Carter deserve strong recognition for guiding these young players to victory.

And I would be remiss if I didn't recognize the teachers and students of these young men's schools, and the fans who represented their community and the State of Georgia with such enthusiasm and support.

It is with great pride that I extend my heartfelt congratulations to the Columbus Northern Team and their families. Columbus, the city that produced Major Leaguers Frank Thomas and Tim Hudson, now has a few more heroes to celebrate. I am extremely proud of them and their accomplishments and wish them great success in the future. I urge my colleagues to support this resolution.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I am pleased to join my colleague, Senator CHAMBLISS, in support of the resolution honoring the Columbus Northern Little League, the Little League World Series champions for the year 2006.

I am particularly honored to pay tribute to them because this is deja vu all over again for me; in 1983 another Georgia team, the East Marietta team, where I live, was the first Georgia team to win the Little League World Series. So now, in just 60 years, 2 of the 60 champions have come from our great State.

SAXBY and I had the chance to meet these fine young men with the President of the United States just last week on Thursday on the tarmac at Dobbins Air Force Base. They were poised, they were excited, and they were proud.

I also pay tribute to the parents of these young men. If you watched the championship game against the State of New Hampshire when they won the American title, before they went on to play Japan, you saw the parents of these young men, right before the game, sharing their baskets of Georgia peaches with the parents of the New Hampshire team, just as they did with the Japanese team 2 days later. The parents showed the sportsmanship and good will and the care and the compassion that makes Little League Baseball so special.

These are special young men: Matthew Hollis, second baseman and center fielder; Ryan Lang, right fielder; Mason Meyers, right field and third base; Matthew Kuhlenberg, left field; Patrick Stallings, third base; Josh Lester, second base and shortstop; Brady Hamilton, first base, outfield, and pitcher; Cody Walker, catcher; Kyle Carter, pitcher; J. T. Phillips, shortstop and pitcher; and Kyle Rovig, left field and pitcher. And there was the management and leadership brought by manager Randy Morris and coach Richard Carter.

These fine young men played wonderful baseball all the way through the tournament. But in those final two games against New Hampshire and Japan, they soared and played like true professionals—young men who had been taught well, who were respectful, and who knew how to pay the price for victory.

Columbus Northern is our State's second team to win the Little League World Series. Kyle Carter, the pitcher, made history by striking out 11 batters and became the first pitcher in history to win 4 times in the Little League World Series.

We cannot forget Cody Walker's hitting—with the pitch and where it was pitched—and knocking a two-out pitch over the fence in right field for the two runs that won the game over Japan, nor can we forget the great second baseman workmanship of Josh Lester nor any of these fine young men who brought great pride to their State, great pride to their parents, and great pride to the great city of Columbus, GA.

I am pleased to rise today on the floor of the Senate and join Senator CHAMBLISS in acknowledging the great achievement of these young men and encourage the Senate to unanimously adopt this resolution of recognition and appreciation for the Columbus Northern Little League team.

Mr. President, I yield back.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT—Continued

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I yield to the Senator from Colorado.

AMENDMENT NO. 4935

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up amendment No. 4935.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. PRYOR, and Ms. CANTWELL, proposes an amendment numbered 4935.

Mr. SALAZAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create a Rural Policing Institute as part of the Federal Law Enforcement Training Center)

At the appropriate place, insert the following:

SEC. ____. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2007; and

(2) $5,000,000 for each of fiscal years 2008 through 2012.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Senator CANTWELL be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise this afternoon to discuss my amendment to create a rural policing institute within the Federal Law Enforcement Training Center. I thank Senator CHAMBLISS, Senator ISAKSON, and Senator PRYOR for cosponsoring this very important legislation. Law enforcement matters should be nonpartisan, so I am particularly pleased to see my friends from both Arkansas and Georgia on this amendment.

I want to acknowledge the tremendous work done by the 800,000 State and local law enforcement officials and first responders throughout our Nation. They are at the forefront today of our efforts to make sure our homeland is more secure. In Colorado alone, there are 14,000 of these law enforcement officers. Too often, these heroes are on their own when it comes to help from the Federal Government. This is especially true when it comes to rural America. This is wrong because our law enforcement officials and first responders are at the forefront of the effort to not only protect our communities but to ensure our homeland is secure.

Mr. President, along with some of my colleagues on the Senate floor, I have often referred to these rural communities as "the forgotten America." Indeed, rural America is the backbone of our country, but it is too often neglected by Washington and political figures who have lost touch with the people in the heartland. Nowhere is this neglect felt more acutely than in the small-town law enforcement agencies of my State and of every State in the country. These are small communities that have been confronted with decreased funding, with increased homeland security responsibilities, and with the great toll of the meth epidemic that is devastating rural America.

Many people don't realize that most American law enforcement agencies serve rural communities or small towns in very large proportions. Indeed, of the nearly 17,000 police agencies in the United States, 90 percent of them serve a population of under 25,000 people. And of those, most of them operate with fewer than 50 sworn officers and, in many cases, with 3, 4, or 5 officers.

I am well aware of the difficulties these small-town law enforcement agencies face day to day. As attorney general in Colorado, I had the honor of working with 14,000 of some of America's finest law enforcement officers. Many of them are from rural Colorado—sheriffs such as Jerry Martin, from Dolores County, and the other sheriffs in my State. These people are always asked to do a lot more with a lot less. Their pressure is great. The growing demands on rural law enforcement and shrinking budgets have hit training programs particularly hard. Many rural law enforcement agencies simply don't have the budget to provide officers with adequate training. Furthermore, even those agencies that can come up with the money cannot afford to take police officers off the street to get additional training.

As attorney general and chairman of the Colorado Peace Officers Standards and Training Board a few years ago, one of my proudest accomplishment was working on a bipartisan basis to help establish a $1 million annual training fund for Colorado's 14,000 peace officers, with the focus on the smaller law enforcement agencies in Colorado.

That is where our amendment on the floor today comes in. FLETC does a fantastic job in training Federal, State, and local law enforcement in our Nation. But FLETC doesn't have enough resources dedicated specifically toward training rural law enforcement officers. The rural policing institute would do the following:

First, evaluate the needs of rural and tribal law enforcement agencies throughout our Nation, so that we know exactly what the challenges are that we are facing in those rural communities.

Secondly, it would develop training programs designed to address the needs of rural law enforcement agencies, with a focus on combating meth, domestic violence, and school violence.

Third, it would export those training programs to rural and tribal law enforcement agencies.

Fourth, it would conduct outreach to ensure that the training programs reach rural law enforcement agencies.

As attorney general, I learned that a small investment in law enforcement can pay great dividends.

Mr. President, when we look at 9/11 today and the fact that we are all united in this effort to try to make America safer, and we look at who it is within our country who ultimately will be out there to stop the next attack on America, I would submit there is a very good chance it is going to be the deputy sheriff in a small county somewhere in America or a member of the police force in some small community making sure that a water tank is not contaminated with some kind of biological contamination or it is going to be somebody else who understands that some kind of a network has come together to try to take the fertilizer that our farmers use in rural America and make a bomb out of it. It is going to be rural law enforcement that is going to make sure they are going to help us prevent those kinds of attacks on America. When we think about the 800,000 men and women in law enforcement across America, they are on the frontlines, in terms of making sure we have a more secure homeland.

I cannot think of a more important amendment than to establish a rural police training institute under the auspices of FLETC, to ensure that these 800,000 men and women have the right kind of training so that through their eyes they can help us in our march and our efforts to make America more secure. We have a long way to go. I hope our colleagues will support this bipartisan amendment to establish a rural police training institute.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 4940

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk, and I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 4940.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that the limitation on the number of Transportation Security Administration employees shall not apply after the date of enactment of this Act, and for other purposes)

At the appropriate place, insert the following:

SEC. ——. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) In General.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after the date of enactment of this Act.

(b) Aviation Security.—Nothwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

Mr. LAUTENBERG. Mr. President, I wish to talk about the current hiring limit on TSA screeners at our Nation's airports. That is what this amendment deals with—to eliminate the current hiring. One can ask: Why can't we just add more funding to TSA's budget and let them hire the personnel they need?

Unfortunately, it is not that simple. Each year, in the Homeland Security appropriations bill, the House Republican leaders tie the hands of TSA officials by setting an arbitrary limit on the number of screeners they can hire.

This cap has no basis in security. It is not what the security experts at TSA want. This cap only undermines our security, while forcing Americans to wait in longer security lines at airports.

This arbitrary cap currently restricts the TSA screener population to 45,000. Now, 45,000 is a large number, until you consider that 2 million people fly within the United States every day. In our discussions with TSA officials, it is clear that we need more than 45,000 screeners.

Mr. President, we are at a point in time. I am told by the managers of airports, particularly at Newark Liberty Airport, that we are likely to be exceeding the gross travel numbers in aviation that were achieved in the year 2000. So here we are with more people traveling, more concern about terrorist invasions of our country and particularly in aviation.

So why do we have this cap? Well, it is not for security, it is not for efficiency. Believe it or not, it is based on ideology.

Conservatives in the House want this cap to limit the growth of a so-called big Government workforce. But do you know what? The American people want this workforce, and they want it fully staffed, as I do; we should all want it fully staffed.

The result of this ill-advised cap is the shortage of screeners. We witnessed this last month when British and U.S. authorities foiled a plot to attack airliners headed to our shores using liquid explosives.

In the days following the British threat, DHS raised the security alert level and overworked screeners at American airports. They had to doublecheck bags, conduct random searches at gates, and help calm anxious crowd fears. At Newark Liberty Airport in New Jersey, screeners worked 12-hour shifts and 60-hour weeks for several weeks after the London incident. There were reports of exhausted screeners falling asleep at x-ray machines. One screener said that his colleagues "can't maintain these 12-hour days." Remember, this work is on your feet. You are mandated to look at every little detail in front of you. It is exhausting work. Overstretching this workforce puts the American people at risk, and that is unacceptable.

Now, with my amendment, TSA will be able to hire enough well-trained, alert screeners to give us the safety and efficiency we deserve. Since 9/11, long lines have been the rule rather than the exception at our Nation's airports. Each year, 760 million people fly in the United States, and by 2015, we will hit 1 billion passengers a year.

Anyone who has traveled by air in the last few years has seen this congestion at airport security checkpoints. To give an example, this is Orlando Florida International Airport. The lines are waiting to go through security. We see the same thing throughout the country. This is Denver, a very efficient airport, but one cannot get through security in time enough, in many cases, to reach the flights. It is an unacceptable condition. This is the international airport in Nashville, TN—lines and lines. We see it wherever we travel in almost any part of the country.

The Senate accepted an amendment I offered in July to the Homeland Security appropriations bill to eliminate this arbitrary cap, but the Republican majority in the House of Representatives wanted to remove my amendment in the final bill that will be sent to the President. They want to keep the 45,000-worker cap rather than letting TSA decide what its workforce needs are. Security cannot be based on arbitrary numbers. Conservative ideology must not trump commonsense security needs.

Americans stuck in long security lines at airports don't care about ideology. They want to get through, and they want to get through on time. The mission for our system to operate efficiently is to have no longer than 10-minute waits, and we can only accomplish that if we have the people and the equipment to review this baggage as it comes to them.

The American people want to know that they and their families are safe when they fly. This body needs to go on record on this issue so it can scrap this limit once and for all. I hope my colleagues will look carefully at this amendment. Listen, remember, it might be their family who is on an airplane, it might be their friends who are on a particular airplane, it might be anybody who is entitled to feel secure when they are in an airplane. But judge it by one's personal attitude and say this is a responsibility we have as Senators to want enough people to assure security wherever we can get it. One way to do that is to have enough of these screeners working these lines, fully awake, able to handle their jobs, and reduce what we find is significant growth in sick days among the screener population. There are a lot of absences.

Perhaps we will hear: We have a 45,000-person limit, but we only have 43,000 people working. The problem is we will always have some absentees. We will always have some job turnovers. These are not easy jobs. So we are going to have a difference between the number hired and the number at work at a given time. We should raise the limit so we know we are increasing the likelihood that all of the places will be covered, that the flying public will be able to get through their security check within a 10-minute timeframe.

I urge my colleagues to support the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LAUTENBERG. How many do we need, Mr. President, for the yeas and nays?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I understand the Lautenberg amendment is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, this would lift the TSA's current screener cap of 45,000 persons. The cap is at 45,000, but currently the resources available to TSA allow for only 43,000 screeners, and currently there are only 41,000. The reason is there is such an enormous turnover in screeners. They work for a small period of time and then move on to other jobs.

We have enhanced screening technology and improved staffing models that have helped maximize the workforce currently available. We have a strong security system with minimal passenger line waits. They have been reduced considerably.

I do believe the Lautenberg amendment is not necessary. The current cap of 45,000 screeners helps us maintain the pressure on the TSA to employ new screening technology. I personally met in a classified briefing with the head of the TSA to discuss this problem last week. It was classified because of some of the technology that is involved and new models being pursued. One of the comments that was made to me was that the cap really helps us maintain the pressure to secure the new screening technology and reduce the redundancy in the workforce. The workforce is only relevant to the extent the technology does not do the job. We believe we should have more and quicker screening, and that is going to be brought about by new technology. That is where we have put our money this year.

Unless my friend wants to make any further comments, I intend to move to table this amendment. I still have the floor. Does my friend wish to have some time on the amendment?

Mr. LAUTENBERG. I wish to ask the Senator from Alaska a question, if I might, in relation to his comments.

Is it not possible that with the increased passenger volume we are seeing—and it is about to break the record held since the year 2000 in terms of volume of people traveling—is the manager, the committee chairman, aware of the fact that TSA has said that in order to have a 10-minute wait or less, they need more screeners than they have? They need as many as 48,000.

Mr. STEVENS. I say to the Senator, in answer to the question, I personally talked with the head of TSA. He told us they have never been able to reach the cap yet because of unavailability of people to take these jobs under the circumstances that they must be screened and checked themselves before they are employed. The delay in getting the clearances for screeners is one of those things that hold people up. It is not the limited resources or the cap that is the problem; the problem is getting people who will take these jobs who can fit through the screening process they face before they become a screener.

As I said, the current cap is 45,000. There are 41,000 right now with full-time employment and people trying to find more screeners. The answer isn't to raise the cap; the answer is to keep the pressure on the system so we use more technology, not more screeners. More screeners is more delay. The technology processes these inspections faster than individual screeners can.

Mr. LAUTENBERG. Mr. President, if I may ask the Senator from Alaska another question, and that is, if we had a higher cap and were able to persuade the management of TSA to search for a larger pool of people, might we have more people available presently to serve? My experience from my corporate life tells me that you never quite reach the level you have. We see that in our staffing here.

I urge the Senator from Alaska to respond to whether the Senator thinks we can improve our population of screeners who are readily available if we search a little bit harder, train a little bit better, reduce the fatigue factor which now occurs and causes so many sick days, so many absences, and so much turnover because the job, at 60 hours a week, as many of our people are working, is a strain on them and they just can't take it.

Mr. STEVENS. Mr. President, I say to my friend again that the workforce right now is approximately 41,000 in number. The turnover rate is enormous because they don't want to stay in these jobs. They are not exactly the kind of full-time jobs some people want to pursue. It is not a career.

The real problem is we already are capped at 45,000. There is room for 4,000 more right now. They are looking for them. But as we speak, there are more people leaving than we can add to the force. The reason is the problems associated with this type of activity. It is the screening, as we all know, as we go through these lines and through the detection systems at the airports. The people who have the jobs just don't like to stay on that kind of a job. We have discussed how we get around it. I don't know, but increasing the number will not solve the problem. Increasing the cap is what the Senator wants to do. The concept of lifting that cap is not a solution. The solution is to try to find some way to make the job more attractive, maybe pay them more, whatever it takes.

The two limitations involved right now are the 45,000 cap and the budget resources that are available now. We tried to increase that, but we have not been able to get additional moneys yet for this purpose in terms of the screeners.

The TSA budget resources currently, as I said, allow for only 43,000. But still that is 2,000 more than are actually on duty right now, and the cap is still 4,000 above that. They can go to a 10-percent increase under the existing circumstance. Lifting the cap is not the answer is what I tell my friend.

Mr. LAUTENBERG. I have so much respect for the Senator from Alaska. He is on top of the issues of security, as well as aviation. But is the Senator aware that many of the screeners are on military duty or medical leave because of exhaustion? Shouldn't we try to improve the pool of people from which we can choose? We have as much as 10 percent of the workforce out at a time. If it is 10 percent of 48,000, that is 4,800. That is quite different from having a population that is short on the job. We don't have enough time.

I can simply add that at Newark Airport, we are about 10 percent short of the number we need, something over a thousand. We can't get them. The recruiters can't search for them because they will be bumping up against the cap. I think and I hope the Senator will reconsider. I believe—and I throw this in for the Senator's consideration with my question; that is, aren't we better off taking the limit off and trying to find a way—we are talking about security of the people. The Senator doesn't need any lecture from me. But aren't we better off knowing that everybody who can make a connection can get through in 10 minutes, thoroughly screened, and having a population that is equal to the growing population of those who want to travel by air?

Mr. STEVENS. Mr. President, I understand the Senator from New Jersey. He is really trying hard, and I am trying hard, to work on this problem. Let me tell the Senator this: 37.5 percent of the screeners at Dulles turned over last year; 37.5 percent left. The reason is they are handling bags; they don't like the hours, as you mentioned; they work hours in accordance with the shifts based on the number of flights, not in terms of—it is not a steady workload is what I am saying. So they might be there 10 hours, but they are working 6 of that 10 hours and very hard in those 6 hours. The turnover rate is enormous.

I do think the difficulty is not in the cap; the difficulty is in the money. We have to impress on our people in the appropriations process to provide more money. We are trying to see if we can find some way to justify higher salaries. In some places, the salaries are enormous for small airports. In others where you deal with the numbers of passengers at Dulles or New York airports or Los Angeles, those airports are totally overworked, and the turnover in those big airports is enormous, almost 40 percent a year. You have to consider the fact that these replacements have to be cleared under the clearance process with regard to security. They have to be cleared people; they cannot be people who just walk in off the street. It takes months to clear one of them. You can lift the cap all you want, but you are not going to get any more than 45,000 in the next year.

Mr. President, let me tell my colleague this: We will just accept the amendment because it won't make any difference in terms of the number of screeners who are available. That is what my staff just told me. Why am I arguing? Because no matter what the ceiling is, we won't have any more screeners.

Mr. LAUTENBERG. Mr. President, is the Senator aware of the fact that this was an amendment which was already there, it was already conferenced and was dropped in conference? The Senator is certainly aware of the process here. If you don't like it, accept it; it will die of its own weight.

For the Senator's information, before the screeners were federalized, the turnover rate was 400 percent and we were ignoring the risks we were putting people under. That was a porous thing. You could walk through there with almost anything.

What we want to do is get a stable workforce of screeners who have passed the vetting, who work normal hours, who have—and by the way, the Senator is absolutely right about the improvement in equipment so the baggage lifting doesn't have to be as strenuous as it is.

So I would ask the Senator whether we can have a vote.

Mr. STEVENS. Have a vote on it?

Mr. LAUTENBERG. And when we meet with the House, let the conferees, when the issue goes to conference, look at the issue and review what it is that is keeping them from——

Mr. STEVENS. I will give you a vote and move to table. I will tell my friend, this isn't a solution to the problem. The solution is in more money and finding a way that we can get people who are cleared to take the job and keep it. You can't put just anybody in there handling those bags. If you get a terrorist in there, they could add something rather than see whether there is something in the bags. So they all have to be cleared. This ceiling is not an issue.

Mr. LAUTENBERG. Mr. President, if I may respond to say I am so pleased that the Senator is asking for more money for screeners, and we will try to convince the appropriators jointly to increase the funding for those workers.

Mr. STEVENS. Will the Senator just let us take it to conference and see what we can work out? I don't see that the number makes any difference. The problem is the process and who is hired and what are the restrictions and how much money is available, not the numbers. You could put the number at 90,000 and we will still have 41,000 people next year.

Mr. LAUTENBERG. Mr. President, we obviously don't agree. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, there is a series of meetings going on in the Capitol right now pertaining to national defense issues, and I would like to see——

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

Mr. STEVENS. I still have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I want to work this out with my friend to have the time for a vote that he wishes to have. Could we have this vote at 5 o'clock? Is that all right? We will ask for the yeas and nays with the understanding that we will vote at 5 o'clock.

Mr. LAUTENBERG. I appreciate that.

Mr. STEVENS. I join him in requesting the yeas and nays and ask unanimous consent that the vote take place at 5 o'clock.

The PRESIDING OFFICER. Is there a sufficient second? There is. Without objection, the unanimous consent request is agreed to.

AMENDMENT NO. 4931

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk, amendment No. 4931, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 4931.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen national security by adding an additional 275 Customs and Border Protection officers at United States ports)

On page 76, line 1, strike "725" and insert "1000".

On page 77, strike lines 17 through 21 and insert the following:

"(A) $130,000,000 for fiscal year 2008.

"(B) $239,200,000 for fiscal year 2009.

"(C) $248,800,000 for fiscal year 2010.

"(D) $258,700,000 for fiscal year 2011.

"(E) $269,000,000 for fiscal year 2012.".

Mrs. HUTCHISON. Mr. President, my amendment would increase the number of U.S. Customs and Border Protection officers by 275. This would bring the total of new U.S. Customs and Border Protection officers in this bill to 1,000.

In my State of Texas, the Customs and Border Protection officers are assigned in the Houston region are responsible for the seaports along the Texas coast from Port Arthur to the Port of Corpus Christi. Some of these officers are also assigned to Houston's George Bush Intercontinental Airport. The CBP officers work at the Port of Houston in the morning and leave the port in the afternoon to go work at the Houston Intercontinental Airport. Sharing these U.S. Customs and Border Protection officers between port duties and airport duties is unacceptable.

With increased security demands being placed on our Nation's ports and the desire to increase the number of containers inspected as they enter the United States, local port officials have long expressed the need for additional personnel in order to carry out the tasks that are so critical to our Nation's economy. With an unprecedented 11 million containers entering the United States annually, cargo doesn't stop when there isn't a Customs agent there to inspect the incoming shipments. What happens, of course, is that the cargo is not inspected. So I hope we can pass my amendment.

I believe the Port Security Improvement Act of 2006 is a very good bill, and I particularly commend the leaders of the respective Senate committees for working together to bring all of the port security bills that have been introduced in Congress into one comprehensive bill so that we can address this issue.

In the last 5 years, we have significantly strengthened our national defense. I think we saw yesterday that so many things have been done to keep our country safe and secure, because yesterday, of course, was the 5-year anniversary of the attack of 9/11. We have engaged the enemy before they have reached America since 9/11 of 2001. We have improved our homeland security. We have passed the PATRIOT Act to give law enforcement officials the tools they need and the resources necessary to protect our Nation. We must remain vigilant in pursuing terrorists who seek to harm our country. An integral aspect of our national defense and our economy is the security of our ports.

Our Nation has more than 360 federally regulated, thriving ports, any one of which could be a target for our enemies. One terrorist incident at a U.S. port could impact an entire coast, and the financial impact of closing one of these ports could be devastating.

Texas is home to 29 ports, including 4 of the 10 busiest in the Nation. The Port of Houston is one of the most important ports in the world. It ranks first in the United States in foreign waterborne tonnage, second in total tonnage, and is the sixth largest in the world. It is also home to one of the biggest petrochemical complexes in the world. It is also part of our Nation's U.S. Strategic Petroleum Reserve, the world's largest oil stockpile. Due to the volume of hazardous materials, a terrorist attack in the Port of Houston would be an enormous disaster. An attack in the Port of Houston could also disrupt our Nation's energy supply, delivering a blow to our economy at a time when we cannot afford such a disruption.

For years, I have worked with my colleagues on both sides of the aisle for more stringent port security. In the 107th Congress, my colleagues, Senators FEINSTEIN, KYL, SNOWE, and I introduced the Comprehensive Seaport and Container Security Act of 2002. This bill called for container seals and tracking numbers for goods being shipped to the United States. It also called for a plan to increase inspection of merchandise at foreign facilities as well as for a shipment profiling plan to track containers and shipments of merchandise imported into the United States that could be a threat to security.

In the 107th Congress, we passed the Maritime Transportation Security Act. This bipartisan bill was landmark legislation that closed a large hole in our national security. I was an original cosponsor of this bill as well. However, when it passed the Senate, I made the point of saying the legislation only laid the foundation for port security and more needed to be done.

The following year, I introduced the Intermodal Shipping Container Security Act in both the 108th and 109th Congresses. This was comprehensive legislation, and I am pleased that many of the key provisions in that bill, such as the random inspection of containers, the establishment of minimum standards and procedures for securing containers in transit to the United States, and the implementation of an improved container targeting system, have been incorporated into the legislation before us today. I thank Chairman STEVENS and Cochairman INOUYE for working with me in the Commerce Committee on these provisions.

In addition, Senator COLLINS and Senator LIEBERMAN have added so much to make this bill even more powerful and more helpful in our overall goal of securing the ports in our country.

This legislation calls for the Department of Homeland Security to develop and implement a plan for random inspection of containers in addition to any targeted or preshipment inspection. This significant provision would require the Secretary of Homeland Security to develop and implement a plan to conduct random searches of containers in addition to any targeted or preshipment inspection of the containers as required by law. This would allow the U.S. Customs inspectors to do more at the point of embarkation with the random sampling of different cargo that has been inspected.

Another important provision in this legislation is the establishment of minimum standards for securing containers in transit to the United States. The Secretary of Homeland Security is encouraged to promote and establish those minimum standards for the security of containers moving through the entire international supply chain. This is a key element and I am hopeful the Secretary will take this action. We cannot inspect every piece of cargo, or our international commerce as we know it today would come to a grinding halt. However, if we have better technology, such as a seal which is tamper-proof, we will know when the contents of the cargo have been altered.

My amendment would add to the numbers of Customs and Border Protection officers. A thousand new officers, when you have more than 360 federally regulated ports in this country, is not asking a lot.

We must do more. We must do more at the point of embarkation, the point of origin, at the point where ships come into our U.S. waters, and at the ports themselves. We need more inspectors to be authorized in order to do that.

I am asking that my colleagues support my amendment to raise this number to 1,000. We cannot afford, as we are passing this major legislation, not to do it right, not to authorize everything we need and give the Department of Homeland Security the tools they need to do the job of securing our ports.

We have done a lot. We have passed maritime security laws since 2001, since our country was attacked. But this bill adds to the measures that we know are lacking in the system today. We are taking more steps every week, every month, and every year to secure our country.

I thank Chairman STEVENS and Cochairman INOUYE, Chairman COLLINS and Ranking Member LIEBERMAN, Chairman GRASSLEY and Ranking Member BAUCUS for their leadership in this area. I appreciate that they have come together. It is very difficult in this Congress, when more than one committee has jurisdiction over a major part of the Government of this country. In homeland security we find that the Commerce Committee and the Homeland Security Committee do have overlapping jurisdiction.

This bill could have been brought down with in-fighting among the committees, but it has not been brought down because of the leadership of the committees on a bipartisan basis. I appreciate what we are doing today. I urge my colleagues to support my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COLEMAN). Is there a sufficient second? At this time there is not a sufficient second.

Ms. COLLINS. Mr. President, while we are awaiting representation on the other side of the aisle in order to get the yeas and the nays, let me respond to the Senator from Texas about her amendment.

First, let me acknowledge the work of the Senator from Texas on port security issues over the past few years. Her amendment would increase the minimum hiring of Customs and Border Protection officers in the resource allocation model of the legislation before us from 725 to 1,000. As the Presiding Officer is aware, our bill requires the Department to do a resource allocation model, really take a hard look at how many CBP officers are needed at which port.

One reason we believed that was necessary was the experience of Houston's ports and airports. The Senator from Texas has told me of the problems that Houston has experienced, where CBP agents actually are being transferred from the port to the airport to deal with incoming flights and then are sent back to the port. Clearly that is a situation that cries out for more agents so they do not have to be constantly shifting back and forth from a busy port to a busy airport.

I think the Senator is correct that she has a real problem with understaffing in the Houston seaport and airport and that we do need to have more agents allocated. But I also want to point out to my colleagues that we do specifically require the Department to do this resource allocation plan. There may be some seaports or airports that actually have more staff than they need. Those could be allocated to busier seaports and airports. But clearly the situation in Houston cries out for more agents so we do not have this constant choice of where they should be.

I do support the amendment of the Senator. I will assist her in gaining the yeas and nays when we have representation from the Democratic side. I hope that will be shortly.

I also suggest that we stack the vote on the amendment of the Senator at 5 o'clock, after the vote on the Lautenberg amendment, in order to make it more convenient for our colleagues.

Once we get the yeas and nays, I will be making a unanimous consent request that the vote occur immediately after the vote on the amendment offered by the Senator from New Jersey, with 4 minutes of debate equally divided prior to the vote. But I am withholding that unanimous consent request until we have representation from the minority on the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, while we are waiting, I would like to respond to the Senator from Maine and thank her. She and I have had a conversation about the situation at the Port of Houston. It is particularly dire, in that it is such a busy port and one that has so many unique features. I think the fact that she is supporting the amendment will go a long way toward getting us to the point we need to be.

I think her point is very well taken that giving the Secretary of Homeland Security the capability to reallocate personnel within this mandate that we are giving is also the right thing to do, just as we should be allocating our resources for homeland security based on terror threats, based on needs, not based on politics or anything else. We need to secure our homeland, and we need to do it in a professional way. I think this bill goes a long way in a very bipartisan spirit toward giving our Department of Homeland Security the tools it needs to do the job. I am very hopeful we will be able to agree to my amendment and go forward to conference and send this bill to the President very shortly.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I think we are now ready to order the yeas and nays.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on my amendment No. 4931.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. We are still not ready for the timing on that, but we have ordered the yeas and nays, and I hope we will be able to stack the vote to occur immediately after the conclusion of the vote on the amendment of the Senator from New Jersey.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, before I make my statement, which will be on the Reid amendment, I would like to congratulate Senator COLLINS, Senator INOUYE, Senator MURRAY, and all of the Members who worked in committee on this bill. Although one doesn't often tell tales of what happened in a Democratic caucus, I would like to quote Senator MURRAY in that caucus. She said, "This bill will make a difference."

I think that is a very dispositive, definitive, and positive statement. So I would like to offer my congratulations to the chairman of the committee and all who worked on it and thank them very much.

AMENDMENT NO. 4936

Mr. President, I would like to speak about this very long Reid amendment which has been offered to be part of this bill. The amendment, much like the Real Security Act introduced last week, is a comprehensive package of ways to strengthen our national security through improved intelligence, military, diplomatic, and homeland security tools. But in particular I would like, as a member of both the Judiciary Committee and the Intelligence Committee, to address the issue of electronic surveillance to identify and prevent terrorist attacks.

All Democrats support giving the President the tools he needs to find the terrorists before they have a chance to strike us again. This cannot be said too many times in too many ways. It is a fact, and I have never heard anything to the contrary.

We also agree, though, that these intelligence tools, especially electronic surveillance of telephone content—the content of a phone call or wiretapping of a phone call—can and should be done in a way that protects constitutional and privacy rights of all Americans, because whatever is done here will go on for decades and because whatever is done here will likely impact tens of thousands of persons in the United States.

I am pleased that the minority leader has endorsed these concepts, as they are the key pillars of legislation that Senator SPECTER and I have introduced. That is the Foreign Intelligence Surveillance Improvement and Enhancement Act. I thank the minority leader for "Rule 14'ing" my bill, which now appears as the Feinstein-Specter bill as hotlined, S. 3877.

Tomorrow in Judiciary we will be marking up FISA bills. This same bill but under a different bill number, namely S. 3001, will be subject to markup along with the other bills. Senator SPECTER's Administration bill, Senator DEWINE's bill, and a bill by Senator SCHUMER will be marked up tomorrow morning and Thursday morning.

My legislation, which is pretty simple and pretty limited, is aimed at providing our intelligence agencies with more authority, more resources, and more flexibility to conduct electronic surveillance. In doing so, the legislation reaffirms that the Foreign Intelligence Surveillance Act of 1978, or FISA, is the exclusive means for conducting electronic surveillance to collect foreign intelligence in the United States. I believe this is very important.

We have had hearings in Judiciary. The Attorney General has testified. The head of the NSA program has testified. It is pretty clear to me that this terrorist surveillance program can be fit into the confines of the Foreign Intelligence Surveillance Act passed in 1978. What has to be done is a streamlining of the process leading up to it and some revised provisions for emergency hot pursuit. So what I have tried to do is take what the Attorney General has said to the committee were obstructions to using FISA and solve those obstructions but keep FISA because it is so important.

The legislation that I have introduced would recognize that further changes are needed in this shadowy world of asymmetric terror. That is why the legislation would give the executive branch the authority to listen in to conversations between terrorists and their conspirators inside and outside the United States.

At the same time, we preserve the cornerstone of FISA, and that is that it is by warrant, that a Federal judge reviews and approves every individual warrant request for content to ensure the Government is not spying on innocent Americans.

I think it is useful to remind ourselves why this body wrote and enacted FISA in the first place. In 1976 a committee headed by Frank Church, which became known as the Church committee, provided a report to the Select Committee to Study Government Operations with Respect to Intelligence Activities.

There are three books just like this, on what went on in our Nation prior to 1976. It is startling. I will get to it in a moment. But it was the genesis for the 1978, very carefully considered Foreign Intelligence Surveillance Act.

This committee reported—and please read it, Members—on a series of excesses and abuses that had taken place in the intelligence community. These included some of the worst civil rights violations our Government has ever committed, such as the secret campaign to smear Dr. Martin Luther King, Jr., and domestic targeting of Americans peacefully advocating civil disobedience in areas such as civil rights and opposition to the Vietnam war.

The Church committee found these abuses stemmed from a lack of oversight and checks on Government power. Watch lists were established on people whose views ranged from Joan Baez on the left to members of the John Birch Society on the right.

The Church committee's report led not only to FISA but also to the establishment of the Permanent Intelligence Committees in both Houses of the Congress. It was a historic report.

So discussions today that the President has the authority to go around FISA and doesn't need court approval should cause Members of this great body serious concern. It was a surprise to almost every Senator to learn last December that the President had authorized the National Security Administration to electronically surveil U.S. persons without following the law.

As a member of the Intelligence Committee, I have received many briefings on the President's program. There are still some unanswered questions, and the administration has a responsibility to provide Congress with answers. But basically the Senate Intelligence Committee has been briefed on the program in the main.

But from what I have learned to date, I am convinced of two things: First, the work that NSA is doing is important to prevent terrorists from attacking us again—and I support it. Second, the surveillance that is done under the "terrorist surveillance program" can be done under FISA's framework with some changes. As a member of the Judiciary Committee, I participated in the hearings, and I thank my chairman, Senator SPECTER, for holding these hearings.

The conclusion I draw from them, and from the briefings, is that fairly modest changes can be made to FISA which would remove the barriers standing in the NSA's way while also restoring the FISA Court oversight that is necessary to protect a citizen's constitutional right.

Let me briefly tell you what we have done.

We have expanded hot pursuit. Currently, the law states that during specified "emergency" periods surveillance can proceed without a warrant for 72 hours. At the recommendation of former FISA judges, we have extended the time for hot pursuit to 7 days. So if something happens and the NSA wants to immediately wiretap someone, they can, provided they notify the Attorney General within 24 hours that it is happening, and then go to the FISA Court.

Attorney General Gonzales testified to us that he personally has to approve applications before they go to the FISA Court. That was a problem. So we created additional flexibility to handle the increased caseload by allowing the Attorney General to delegate this authority to two Senate-confirmed officials: the Deputy Attorney General, and the Assistant Attorney General for National Security.

Wartime authority: Currently, FISA provides the President with authority to wiretap without a warrant for 15 days after a declaration of war. That is a good thing, I believe.

Our bill would expand Presidential authority by allowing the President to also order wiretaps without a warrant for 15 days following a congressional authorization to use military force and a terrorist attack on the United States.

Additional resources: The staff and court need additional resources, and Members have expressed concern about a backlog of FISA applications. We would authorize additional judges as necessary, additional OIPR assistant United States attorneys as necessary, and additional NSA and FBI staff as necessary, so that this problem would be taken care of.

Then we clarify "foreign to foreign." It has often been said that in the 28 years since FISA was written changes in technology have made the law outdated. Communications that start and end outside of the United States but may switch through the United States—communications that FISA never attempted to cover—are now regularly put before the FISA Court.

General Alexander expressed his frustration that foreign-to-foreign communications impede the FISA process.

This bill—which again has been "Rule 14'd"—would explicitly exempt these telephone calls and e-mails from FISA while preserving the existing process for the appropriate handling of communications involving a U.S. party that were inadvertently wiretapped.

We believe these provisions will go a long way. We also would mandate that briefings on electronic surveillance conducted for foreign intelligence purposes be given to the full Intelligence Committee of both the House and the Senate, really to prevent what was happening, which was the beginning of a major wiretapping program where only eight Members of Congress knew very early on about the program, and therefore there was virtually no congressional oversight that was meaningful in any way, shape, or form.

In this bill is a two-page sense of the Senate beginning on page 313 of the Reid amendment and going through pages 314 and 315. Essentially, it states up front that the U.S. Government should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or an agent of a terrorist organization.

It goes on to say that absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law-abiding citizens or Americans with no ties to terrorism.

I strongly support the Reid amendment. I support the Sense of the Senate. And I look forward to being able to debate the bill which Senator REID has agreed to cosponsor, as well as Senator SPECTER—it is a bipartisan bill—at the appropriate time when bills to change the Foreign Intelligence Surveillance Act are before the body.

I thank the Chair. I yield the floor. Once again, I indicate my very strong support for the bill before the U.S. Senate today.

Thank you, Mr. President.

Ms. COLLINS. Mr. President, I ask unanimous consent that a vote in relation to the Hutchison amendment No. 4931 occur following the vote on the Lautenberg amendment, No. 4940, with no second degrees in order to either amendment prior to the votes, and 2 minutes of debate equally divided between the managers or their designees before each vote, and that this occur at 5 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up the Murray amendment No. 4929.

The PRESIDING OFFICER. That is the pending amendment.

Mrs. MURRAY. Mr. President, is my amendment now pending?

The PRESIDING OFFICER. The amendment is already pending.

AMENDMENT NO. 4929

Mrs. MURRAY. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4929), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking "2014" each place it appears and inserting "2015".

Mrs. MURRAY. Mr. President, this is an agreed-upon modification to the amendment I spoke to this morning regarding the funding for port security.

As I said this morning, it makes sure that we have adequate resources to implement the port security bill, and that is essential to its success. We have worked out an agreement with Finance, and that amendment is pending. I hope we can move quickly and agree to it.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of Senator MURRAY's amendment. I commend her for offering it. Each year, U.S. Customs and Border Protection collects more than $24 billion in Customs duties and fees.

The amendment would extend the merchandise processing fee and passenger conveyance fee for an additional year, and our hope is that that money will then be targeted to pay for this bill. This makes sense. In many ways, it is a user fee. It makes a great deal of sense. It will help ensure that there is a dedicated funding source for the security measures.

I point out again that the amendment has been cleared with the Finance Committee. Senator MURRAY has worked hard with Senators GRASSLEY and BAUCUS to find the source of funding. I commend her for her efforts. I fully support the amendment and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4929), as modified, was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4936

Mr. REED. Mr. President, I rise today to discuss Senator HARRY REID's amendment, the Real Security Act. This is a comprehensive plan for making our Nation safer and making true progress in the war on terror.

I would argue that despite continued upbeat assessments by the President, there is growing evidence that we need to change course—not cut and run, but change course, regroup, and reassess our progress in Iraq, in the global war on terror, and in the area of homeland security. I believe an evaluation would lead to the realization that changes need to be made and that a step in the right direction would be to implement measures that are included in Senator REID's amendment.

I would like to focus on just a couple of aspects of Senator HARRY REID's proposal, which is entitled the "Real Security Act," those dealing particularly with Afghanistan and Iraq.

Reports indicate that we may be losing ground in Afghanistan, the initial proper focus of the war on terror. Afghanistan was the locale of the Taliban. They were aiding and abetting al-Qaida and bin Laden, and we, by unanimous approval of this Congress and the Senate, gave the President the authority to launch offensive operations there. Those operations were successful. But then, before the entire success was secured, the focus of this administration turned away to a pre-9/11 project: regime change in Iraq.

In the intervening years, we have lost ground in Afghanistan. The Taliban has regrouped and rearmed, and this spring they mounted the toughest resistance since 2001. Suicide attacks, which once were unknown in Afghanistan, have more than doubled this year.

Almost 5 years after the U.S. invasion, only half the money pledged by the international community to rebuild Afghanistan has been delivered and effectively spent. As Afghanistan's Ambassador to the United States has said:

> We will not be able to stabilize the country if we don't build up the domestic security forces and have development in the countryside. Had we invested more in development, we would have less security problems today.

I have traveled to Afghanistan on a number of occasions. One of the problems we have is moving outside of Kabul, the capital, and creating a governmental presence, an Afghani governmental presence, in the countryside. We are trying vigorously to disrupt the production of poppies and opium, but that is hard in a society in which that cash crop is easy to move around, and it is quite lucrative. It is harder to move around other agricultural staples because there are no roads and irrigation is difficult.

If we had, as the Ambassador suggested, focused more resources and attention more promptly on development, we might have a much more benign climate in which to deal with a resurgent Taliban.

Without viable alternatives, there are scores of problems in Afghanistan. Sixty percent of the country is still without electricity, 80 percent is without potable water, and the unemployment rate is 40 percent. These are features which tend to support angry, disappointed young men, particularly, who are easy targets for those fanatics who would try to sway them into attacking security forces of both the Afghani Government and the United States. Without viable alternatives in terms of jobs and economic progress, it is easy to see how some turn to growing poppies, to providing support for this underground economy. According to the United Nations, Afghanistan just produced a record poppy crop, enough for 6,100 tons of opium—one-third more than the world's demand for heroin. These harvests fund the Taliban fighters who fuel the fighting in Afghanistan and terrorists around the world.

Section 301 of Senator HARRY REID's amendment calls for a long-term commitment to Afghanistan, focusing on economic and developmental assistance, along with security assistance. That is the right plan.

I have had the occasion to visit with our commanders in the field, and we asked them about additional forces, and we asked them about additional military hardware. They will say: We could use that, but I can tell you something we know we need right now: that is, economic development to give the people of Afghanistan confidence in their Government and hope for the future. Confidence and hope is one of the best anecdotes to the kind of regime the Taliban is trying to impose again in Afghanistan.

Last night, as he addressed the Nation, President Bush stated:

> The safety of America depends on the outcome of the battle in the streets of Baghdad.

Two weeks ago in Salt Lake City, the President said:

> America has a clear strategy to help the Iraqi people protect their new freedom and build a democracy that can govern itself and sustain itself and defend itself. . . . We will stay the course.

Yesterday, the Government Accounting Office, in testimony before the House Committee on Government Reform, provided a grim assessment of the Iraq security situation. GAO found, in their words:

> Since June 2003, the overall security conditions in Iraq have deteriorated and grown more complex, as evidenced by increased numbers of attacks and Sunni/Shia sectarian strife which has grown since the February 2006 bombing in Samarra. Attacks against the coalition and its Iraqi partners reached an all-time high during July 2006. The deteriorating conditions threaten the progress of U.S. and international efforts to assist Iraq in the political and economic areas.

A New York Times story yesterday entitled "Deal on a Constitution for Iraq is Teetering" details how Shia and Sunnis failed once again over the weekend to reach an agreement on changes to the Constitution which would allow for a truly inclusive government.

Also yesterday, the Washington Post reported that on August 16, COL Pete Devlin, the Marine Corps chief of intelligence in Iraq, filed a classified report about Iraq's Al Anbar Province, which includes the cities of Fallujah and Ramadi. This province borders Saudi Arabia and Syria.

Colonel Devlin has been stationed in Iraq for 7 months and is considered by his fellow officers to be one of the best who is "careful and straightforward." An army officer in Iraq familiar with the report says he considers it accurate. "It is best characterized as 'realistic,'" he said.

This report, while one of the first negative reports filed by a military officer, echoes several years of pessimistic CIA assessments of the province. The report is classified, so there are no direct quotes; however, those who are familiar with the report state that the assessment is dire. As the Washington Post summarized:

> One Marine officer called it "very pessimistic." Another person familiar with the report said it describes Anbar as beyond repair; a third said it includes that the United States has lost in Anbar.

The document reportedly states that there are no functioning Iraqi Government institutions in Anbar, leaving a vacuum that has been filled by the insurgent group al-Qaida in Iraq, which has become the province's most significant political force.

One Army officer summarized the situation in Anbar province with the following:

> We haven't been defeated militarily, but we have been defeated politically—and that's where wars are won and lost.

I visited Fallujah in March 2005 with General Abizaid. At that time, there was one State Department official there and no representatives from other agencies. That State Department official was tired and overworked. He was doing a remarkable job, both in terms of exposing himself to dangers and working tirelessly to try to give a political mentoring to the Iraqi authorities. He was desperate for assistance. At that time, he said he didn't think there was another big fight in Iraq unless the politics broke down and that it was a big year for politics. Clearly, more civilian assistance was key. My first visit was in 2005. I revisited the province this July. That same State Department official was still there, still doing a remarkable job, and still weathering the dangers and putting in the long hours to try to make a difference. Sixteen months since my last visit, and he was still the only civilian representative in Fallujah. He was even more tired. He said he believes the Marines have accomplished all they can reasonably be expected to accomplish. They are quickly running out of a mission. He felt it was time to see if the Iraqi forces could perform without the Marines, if the Iraqi Government could support their troops in the field and whether sectarian divisions were so acute that they would prevent the Iraqis from forging even minimal political cohesion. In his view, the United States was currently in a holding pattern, delaying the inevitable day when the Iraqis must step forward and, in the meantime, our forces are suffering additional casualties.

These are the views of those on the ground in Fallujah, and they are representative of a larger problem this administration has had since the beginning of the war in Iraq. There was simply no postwar planning. While this administration has been focused exclusively on our military forces in Iraq, the reconstruction of the Iraqi infrastructure and economy has been virtually ignored. Iraqi reconstruction funds have been depleted with only a fraction of needed projects completed. The ability of the United States to aid in ministerial capacity building is hobbled by the lack of U.S. civilian experts in Iraq. In fact, because of the shortage of appropriate civilian advisers, the military is providing personnel on a case-by-case basis to help mentor civilian ministries.

Clearly, the lack of emphasis on reconstruction is having a dire effect on progress in Iraq. Tired of 3 years without adequate security or services, Iraqi professionals are leaving the country. Those who remain do not trust or feel invested in the new Government. Frustration with services and lack of employment opportunities means angry young men join militias instead of supporting their Government. Lieutenant General Chiarelli, Commanding General of the Multi-National Corps of Iraq, told me in July that unless we devote renewed attention and additional resources to the economic reconstruction of Iraq and the development of governmental capacity, the emergence of capable Iraqi forces will not be decisive. We can train an Army, but unless we have the ministries to support that Army, unless we have a police system and a judicial system that can give individual Iraqis a sense of both security and the hope of justice, simply having an Iraqi Army in the field will not be decisive to the ultimate challenge of stabilizing Iraq.

I, and many of my colleagues, have made it clear to the administration that several steps can and should be taken immediately to address this situation.

The administration should secure fulfillment of international pledges to provide economic support to Iraq. We are spending billions and billions of dollars a month. The American people cannot indefinitely spend this kind of effort without support from our international partners. We cannot meet all of the demands for reconstruction. In fact, we should insist, and this Government should be effective, in securing the already pledged funds, so that at least we have another chance—and maybe we can do it right this time—to rebuild the infrastructure of Iraq to a point at least that individual Iraqis feel they will have a minimal amount of electricity, hopefully, more than that; that they will feel secure in terms of access to health care and to those things that give them the sense that their Government can succeed, and they should risk, in some cases, their lives to make that Government succeed. That is not the situation today in Iraq.

The administration should work with Iraqis to create a master list of necessary reconstruction projects with estimated funding and timelines. Funding for such projects should be a priority in the President's budget. We invested a lot of money, and we made a lot of contractors rich by building huge projects. General Chiarelli has been quoted several times talking about a huge water project in Sadr City was a model of engineering. There was only one problem: There was no distribution system, so it became the largest and most expensive water fountain in the world. He took his own resources, as a division commander, took some PVC piping and at least got some water out into the neighborhoods. That is the type of project that will make progress in Iraq.

Time is running out. We have to refocus ourselves on these types of efforts. We should assign these projects to the military, the Army Corps of Engineers, USAID, and private contractors, but we have to make sure that these private contractors are willing to go out and do the work, not simply to bill for the work. We have examples where scores of health clinics were supposedly built, and it has been discovered that those health clinics have not been built, and those that have, the few, are inadequate. In fact, I have seen films, videos of raw sewage in the operating rooms of the supposedly new and improved health clinics.

The administration should work with the Iraqis to establish target efforts to increase employment in order to provide young men an alternative to joining the militia. One of the things that is being done now on a neighborhood-by-neighborhood basis under the leadership of General Chiarelli is, after securing the neighborhood, now we are moving in, searching, taking out the weapons, trying to disrupt the cells of terrorists and others but then putting people to work with simple tasks, such as picking up trash and giving them some money, giving them a sense of hope, and improving the environment in these communities. We have to do more of that: putting people to work.

The administration should provide increased incentives and funding to attract large numbers of volunteers from the Department of State, Agriculture, Justice, and Commerce to serve in Iraq. The President is fond of reminding the American people that we are a country at war. But this is not an administration at war; it is a Department of Defense at war. We are seeing soldiers and marines sent back to Iraq for the third time and some for the fourth time. But where is the mobilization of all of our power, our State Department experts, our agriculture experts, our Justice Department experts? That is the great fight we are facing today in Iraq. The military, through the loss of lives and through the wounded of so many Americans, are buying this Government the time to work with the Iraqi Government to build capacity, to build infrastructure. But we are not using that time because, once again, despite the President's claim that this is a Nation at war, this is not an administration at war. And until we mobilize all of our resources, we are not going to be able, I think successfully, to meet the challenges of stabilizing Iraq.

Last year, the Secretary of State talked about provincial reconstruction teams which would be spread throughout Iraq. So far, we have not fully deployed sufficient numbers of these teams to do the job. It made for a good speech line last fall. It hasn't happened yet, and it is overdue.

Section E of Senator REID's amendment calls for a new direction for Iraq and expresses the sense of Congress that Iraq should work for an inclusive government and disarm the militias, diffusing the sectarian violence. These militias are becoming a critical and dangerous aspect of the situation in Iraq, and unless the Iraqi Government is able to deal with these militias successfully, the Iraqi Government will be compromised and incapable of effectively governing their country.

Today, and for the last 2 days, we have been looking at a situation where the Iraqi Assembly is debating whether they want to regionalize the country—break it up. Shia representatives, led by Hakim and the Badr organization, are pushing for a legislative approach that will essentially provide the southern part of Iraq and the northern part of Iraq with their autonomy, leaving the center autonomous but desperately poor. It is raising the fears of the Sunni community. But the battle is between not just Sunnis and Shias but within the Shias because, on the other side, Moqtada al-Sadr and his militia are urging that the regionalization plan be dropped. This is what is going on in Iraq. It is not international terrorists plotting to attack us from there; it is the sectarian struggle for power of who will run that country, and we are caught in the middle of it.

That is why Senator HARRY REID's proposal is so sensible. It talks about redeploying our forces, reinvesting again and is perhaps the last chance we will get to provide the Government of Iraq with the tools and the mentoring so that they can provide their people with basic services and basic security.

I hope we can rally around and support this amendment because it represents not only a strong policy for America but a smart policy for America. I hope that when Senator REID's proposal comes up for a vote, it is supported. It is one thing to go around the country and make speeches about staying the course, and it is something else to provide the resources, to provide the support, to provide the relief for our military that will give them a chance to succeed and give the Iraqis a chance to succeed. So I urge passage, when it is called for a vote, of the Harry Reid amendment.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, the Senate is now considering a long overdue—a long overdue—authorization bill to address the security of our ports—yes, our ports. I applaud the efforts of Senators LIEBERMAN, STEVENS, INOUYE, MURRAY, COLLINS, and many others for their steadfast commitment to address this vulnerability.

The administration has let the issue of port security languish for far too long—far too long. Oh, yes, the President has made a series of speeches in recent days about the threat to the homeland and the great desire and capabilities that al-Qaida possesses to attack us—yes, to attack us, the United States. Yet when one reviews the President's homeland security budget, gaping holes can be found in funding to address known vulnerabilities. After 9/11, we learned that our first responders could not communicate with one another. How about that. We learned that our first responders could not communicate with one another. How awful that was. The cost was lives, human lives.

It now appears that we have a similar problem in the White House, where the administration's speech writers and its budget writers don't communicate. They operate in alternate worlds—worlds far apart.

In his speech last Friday at Georgetown University, Homeland Security Secretary Chertoff urged Congress to pass this port security legislation. He said that passing the bill:

> Would be not only a fitting tribute to the fifth anniversary of 9/11, but would also be an important set of tools that we can use in achieving the goal that we have set for ourselves over the next couple of years.

Now, this is the very same rhetoric and, if I may say, it is the very same hot air that we have been listening to and we have been hearing for 5 years—5 years. Yes, we have been listening to it for 5 years, the same rhetoric, the same hot air that is used for lifting balloons, lifting balloons into the heavens.

The administration, time and time again, uses tough talk when it comes to homeland security, but, sadly, that tough talk rarely is followed up with real money, cash on the barrelhead.

This month the majority leadership is once again playing a clever rhetorical game with homeland security. The port security bill that is before the Senate authorizes $400 million for port security grants. These grants would provide essential resources to our most vulnerable ports for building fences, deploying cameras and sensors, training security personnel, and for verifying the identity of the thousands of port workers who access our ports every day.

The House-passed bill which authorized the same $400 million level was adopted by a vote of 421 to 2. But, I ask my colleagues, where, oh where is the $400 million? Where is it? Right now, the Senate and House are conferencing the Homeland Security appropriations bill for fiscal year 2007. The Senate-passed version of the bill includes an amendment that I offered with the support of my illustrious, inimitable chairman, JUDD GREGG, which provides an additional $648 million for port security. The amendment would appropriate the full $400 million authorization for port security grants along with critical funds for cargo container inspection equipment, for Coast Guard ships and planes, and for increased cargo inspections at foreign and domestic ports. That is real port security, but—oh, there is that conjunction here—but, regrettably, the House majority has refused to make the $648 million available to the conference. What a sad state of affairs.

Our citizens watching the Senate today are being led to believe that this bill will secure our ports. Here it is:

> H.R. 4954, an Act to Improve Maritime and Cargo Security Through Enhanced Layered Defenses, and for other purposes.

They believe this bill will secure our ports. Here is the bill. It doesn't weigh very much, but it means security for our ports. However, it will be a charade if the port security funds are not appropriated. How about that? Money. What does the Bible say about money? The love of money, what does it say about it?

Did the White House step to the plate? How about it? "Hey, Mr. President—hello there, down at the White House." Did the White House step up to the plate to address security risks at our ports? No. No. One of the hardest words in the English language to say: No.

If the administration were really serious about port security, it would have voiced support for the $400 million in the Senate bill for security grants. Yet there was not one mention of port security in the administration's letter—not one mention. It has been more than 3½ years since the Coast Guard estimated that the security cost at our ports would be $5.4 billion.

Senator COLLINS, bless your heart, to date not a cent of that amount has been funded despite the fact that U.S. seaports handled over 95 percent of U.S. overseas trade.

Last year, the Department of Homeland Security was able to fund only 24 percent of the critical projects requested by the port authorities. These funds are critical, absolutely critical for ports to improve communications, access control systems, and provide waterside security. Where, oh where has the administration been? "Where, oh where has my little dog gone?" Where has the administration been?

Of the $816 million the Congress appropriated since 9/11 for port security, only $46 million was requested by the President. Did you get that? Let me say it again. Of the $816 million the Congress appropriated since 9/11 for port security, only $46 million was requested by the President. There is an odd disconnect at the White House when it comes to port security funding.

While I applaud the efforts of my colleagues today for moving this authorization legislation forward, and hopefully to the President's desk, authorizations of funding are not worth a hill of beans unless we provide real money, real dollars to fund them. That funding is in jeopardy. Why? That funding is in jeopardy due to an irresponsible indifference from the White House and objections from the House majority.

I challenge the White House—yes, come on now—I challenge the White House and the majority, not only to talk the talk on port security but also to walk the walk by supporting the funding that will actually make us safer. Our ports are seriously vulnerable to a terrorist attack. Potentially, thousands of American lives are at stake. Think about it. If we are truly determined to tighten security at our ports, we should send the Homeland Security appropriations bill to the President with the $648 million to fund port security.

My amendment includes the funding to address many of the provisions in this bill that are being debated today. In addition to port security grant funding, my amendment includes $40 million to hire 354 additional Customs and Border Protection officers to conduct cargo container inspections at our seaports and $211 million to purchase additional nonintrusive inspecting equipment for U.S. seaport and rail border crossings.

There you have it. Currently, only 5 percent of the 11 million containers entering the United States are physically inspected by opening—take a look at it by opening the containers. Only 5 percent of the 11 million containers entering the United States are physically inspected by opening the containers.

The Coast Guard has only 34 inspectors to review security plans at foreign ports. Of the 144 countries that conduct maritime trade with the United States, the Coast Guard has assessed security at only 59.

I have to say that again. I have a duty to say that again. Of the 144 countries that conduct maritime trade with the United States, the Coast Guard has assessed security at only 59—59 out of 144. At the current rate of inspections, U.S. inspectors will visit countries that trade with the United States only once every 4 years. Does that make you feel safer? Think about that tonight when you are laying your head on the pillow. Think about that.

My amendment includes $23 million to double the presence of inspectors at foreign ports and increase security compliance checks at domestic ports.

Finally, my amendment includes $184 million for Coast Guard deepwater assets that are critical to securing our ports and surrounding waterways. These funds will allow the Coast Guard to address an immediate shortfall in boats and planes needed to patrol our ports and adjacent waterways. The President and Members of Congress may applaud each other and congratulate themselves for protecting lives with this port security authorization bill, but the truth of the matter is that this bill will do little to secure our ports if the President and those same Members of Congress do not provide the money—there you go again—the money to actually scan for dirty bombs, inspect containers, and implement the security systems that are so desperately needed. What on Earth is wrong?

Can we please stop playing these dangerous political games with homeland security and actually come together to protect the precious lives of people?

Unless we provide the funding authorized in this bill, we will be playing fast and loose with the security of our people.

Hear me. Hear me now. I say it again. Unless we provide the funding authorized in this bill, we will be playing fast and loose with the security of our people.

I yield the floor.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

AMENDMENT NO. 4937

Mr. DORGAN. Mr. President, I previously offered an amendment to the pending bill. My understanding is it will likely be accepted. I did not have a chance to speak at any length on the amendment. I want to do so now. I recognize we have a vote in about 10 minutes. I will be mindful of that.

The amendment which I offered says that our U.S. trade officials will be prohibited from agreeing to any future trade agreement that would preclude the Congress from blocking the takeover of a U.S. port operation by a foreign company. I offered this amendment in the shadow of this morning's announcement that our monthly trade deficit—get this—was the highest in U.S. history. It was announced this morning—$68 billion in 1 month.

If anyone needs additional information about the failure of our trade strategy and the failure of this so-called "free trade" nonsense we have been hearing around here, take a look at this morning's announcement—$68 billion trade deficit in 1 month.

Mr. BYRD. Shame.

Mr. DORGAN. This is not money we owe to ourselves. That is money we owe largely to Japan, and China, and other countries and will be repaid someday with a lower standard of living in this country.

I offer this amendment dealing with trade as a backdrop to this morning's announcement of the highest trade deficit in history, a trade strategy fraught with error—and this is injuring this country.

Let me describe the need for this amendment.

You might recall that earlier this year it was announced that Dubai Ports World was going to begin to manage a number of ports in this country. Dubai Ports World, in February of this year, indicated that they were going to manage ports in America in New York, New Jersey, Baltimore, Philadelphia, New Orleans, Miami, and some others. Dubai Ports World is a company that is operated by the United Arab Emirates.

In February of this year, the Bush administration gave the green light to Dubai Ports World, a company owned by the United Arab Emirates, to manage these American ports. The President said that he felt it was fine for our ports to be managed by a company owned by the United Arab Emirates.

In fact, when a firestorm erupted over this issue, here is what the President said, brushing aside objections from Republicans and Democrats alike. President Bush endorsed the takeover of shipping operations in six major U.S. seaports by a state-owned business in the United Arab Emirates. The President pledged to veto any bill Congress might approve to block the agreement.

Even more than that, the head of Homeland Security, Mr. Michael Chertoff, strangely enough said this: Homeland Security Secretary Michael Chertoff reported yesterday that the proposed takeover of terminal operations at five U.S. ports by Dubai Ports World would give U.S. law enforcement a better handle on security at U.S. terminal operations.

Here is a member of the Cabinet in this country saying that if we turn our port management over to a foreign company, it will actually improve security.

I don't know what he might have had for breakfast that morning, but I am telling you it didn't agree with his thinking process. It is going to improve security to turn the management of American ports over to a company that is owned by the United Arab Emirates? I don't think so.

There was a firestorm of protest. The President said he would veto any legislation that we would provide that stopped this takeover of management of these American seaports. Despite that, at some point, it was quite clear the Congress was going to say to the President—Republicans and Democrats—we are sorry. It doesn't matter what you threaten with respect to a veto, we will pass legislation that prohibits this.

We believe the security of our seaports is best maintained by not turning the management of our seaports over to a company owned by the United Arab Emirates. Dubai Ports World, at some point, announced that they were going to find another way to do this and sell their interests. My understanding is that has not yet been done. But in any event, the administration backed away.

However, the trade agreements that we are negotiating now include it. Past agreements have included it. I don't intend to interrupt that with this amendment. If I could, I would. But I don't have the votes to do that.

But the trade agreements say this, including the Oman agreement, which I am told will be brought to the floor of the Senate on Thursday of this week. I intend to speak at some length on that agreement. I am opposed to it. But it includes this provision, and other trade agreements have included the same provision. U.S. port operations that we couldn't block Oman from acquiring under the FTA, under our Free Trade Agreement with Oman, we would be prohibited from blocking an agreement that included landside aspects of foreign activities, including operations and maintenance of docks, loading and unloading of vessels, directly to or from land, marine cargo handling, ship cleaning, et cetera. In point of fact, we are negotiating trade agreements that include provisions which say we are not able to block a foreign company owned by a foreign country from coming in and managing our seaports.

That is what we are doing in trade agreements. Most of our trade negotiators have been fundamentally incompetent from the start.

It was Will Rogers who said many decades ago that the United States of America has never lost a war and never won a conference. He surely must have been talking about our trade negotiators. They don't wear uniforms so they do not remember whom they represent. I have often threatened to buy them jerseys so they can look down and see whom they represent—the good old U.S.A.—just like Olympic athletes represent the U.S.A.

We negotiate trade agreements that we are told will strengthen this country, and month after month and year after year we sink deeper into this abyss of red ink, with now a $68 billion trade deficit in the last month alone.

Is it surprising then that the same incompetence that has led to the largest trade deficit in history—the same incompetence that lead to that—led them to do this, to undermine the very debate we had in February of this year about the management of American ports by a United Arab Emirates-controlled company, Dubai Ports World?

Just as an aside, let me describe the incompetence. Let me describe one example. I could give a hundred. Next year, according to a report, we will be getting imports of Chinese cars into this country because the country of China is now beginning a substantial automobile export industry. They have announced they will begin exporting cars from China to the United States next year. So we will be able to see Chinese cars driving up and down the streets of America. Guess what. Our trade negotiators agreed that when Chinese cars come into our country, we will impose a 2.5-percent tariff on Chinese cars that come into the United States.

We also agreed that any U.S. cars we could sell in China, they could impose a 25-percent tariff.

A country with which we had a $200 billion trade deficit, we agreed they could impose a tariff on automobiles 10 times higher than the tariff we would impose.

Is that brain-dead? It is where I come from. Is that incompetence? It is incompetence in my hometown.

That doesn't represent our country's interests.

We come back to the point. I could give you a hundred examples similar to that, where soft-headed foreign policy is masquerading as trade policy.

We come back to the newest trade agreements, including Oman, which we will have on the floor of the Senate next Thursday which includes this provision. It is identical to provisions that are included in previous agreements as well.

I say we ought to block this from ever occurring in any future free trade agreement. This provision undermines the entire position that we have taken with respect to deciding that it is not in our country's security interests to have the United Arab Emirates engaged in the management of our seaports.

For that reason, I believe we ought to pass the amendment I am proposing, prohibiting this from happening in the future. I would like to go back, frankly, and undo that which was done in previous trade agreements.

There is a little thing that people outside of this congressional system don't recognize very easily. It is called fast track. Fast track sounds so innocuous—just fast track.

Fast track means Congress has decided to give up its opportunity, which exists in the Constitution, to be engaged in trade activities so that when a trade agreement comes to the Congress, this Congress has no opportunity to review it with the understanding of wanting to amend it.

Fast track means we have put ourselves in the straightjacket and no amendments.

That is why, when a trade agreement comes to the floor of the Senate such as Oman—and there will be others. We are now negotiating nine additional trade agreements with nine additional countries right now. The House of Representatives announced they will take up two additional trade agreements in November. When those agreements come to the floor of the Senate, because the Congress, in its lack of wisdom, decided to put itself in a straightjacket, no one can offer an amendment to strip out this kind of provision of a trade agreement. It surely escapes my line of reasoning why the Congress would want to decide to limit its capability to improve a trade agreement, but it has.

Some will say, notwithstanding what trade agreements say, notwithstanding all the other issues, the President can, for national security reasons, decide to back an agreement such as this. Yes, that is true.

It was this President who said: I agree that we ought to allow the United Arab Emirates and Dubai Ports World to come in and manage seaports. I agree that we should do that. We have already evaluated it. It makes sense.

He is wrong about that, of course. His Secretary of Homeland Security says not only does it make sense, but it will make America safer if we have the management of America's seaports being done by a foreign company through a foreign country.

That is the most absurd thing I ever heard. Yet in this country, in this town, it passed with thoughtful debate. Again, it doesn't meet the test of thoughtful debate in my hometown cafe.

I am offering this amendment. My understanding is it will likely be accepted, for which I am very appreciative. I will speak more about the general subject when we have the opportunity to talk about the free trade agreement with the country of Oman. My understanding is it may be this Thursday.

I yield the floor.

Ms. COLLINS. Mr. President, the amendment offered by Senator DORGAN is a restriction on the U.S. Special Trade Representative's authority in negotiations. As such, it is under the jurisdiction of the Senate Finance Committee. However, it is my understanding that the chairman and the ranking member of the Finance Committee have no objection to acceptance of the amendment.

I urge acceptance of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4957) was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4940

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Lautenberg amendment.

Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, based on the debate that occurred earlier, I believe the distinguished chairman of the Commerce Committee has decided to accept this amendment and was willing to do it without a rollcall vote. However, the distinguished Senator from New Jersey wants a rollcall vote, so we are going to have a rollcall vote.

I do not know whether the Senator from New Jersey is on his way. I see that he is in the Chamber, so I yield the floor to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President as we are now prepared to consider the amendment, in the minute I have—which I assume is the time—I would like to tell everybody that the purpose of this amendment is to ask that we take the cap off the number of TSA screeners we can hire. The cap is 45,000. We have had it in legislation before, but the House insisted on the cap being continued. It is silly, when passenger volume on airlines, as of this point in the year is almost at the alltime high, and it is expected this year we will see the largest number of airline passengers in the history of the country.

We have these constant reviews to protect ourselves from terrorist attack from those who want to sabotage an airplane. So it is simple. Just remove that cap. Remove it and let the TSA figure out what to do with it.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

The question is on agreeing to the Lautenberg amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—85

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Vitter
Warner
Wyden

NAYS—12

Burr
Coburn
Craig
Crapo
Ensign
Enzi
Gregg
Lott
Sununu
Thomas
Thune
Voinovich

NOT VOTING—3

Akaka
Chafee
Mikulski

The amendment (No. 4940) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4931

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on Hutchison amendment No. 4931.

Who yields time? The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senators KYL and DEWINE as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I urge my colleagues to support this amendment. It increases the number of Customs and Border Protection officers by 275 for a total of 1,000.

In my home State of Texas, where the Port of Houston is the sixth largest port in the world, we have officers who have to leave the port at noon and go out to the airport. Because of this, we don't have enough officers to cover our ports.

This amendment will add just 275 officers for a total of 1,000 new officers.

I think this is an amendment that is very important to add for the overall security of our ports. I urge everyone to vote for it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mrs. MURRAY. Mr. President, I yield back the time on the Democratic side.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—97

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—3

Akaka
Chafee
Mikulski

The amendment (No. 4931) was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate resumes action on the bill on Wednesday, the time until 12:15 be equally divided in the usual form and that at 12:15 the Senate proceed to a vote in relation to the Reid amendment No. 4936, with no second degrees in order prior to the vote.

Before the Chair rules, we anticipate a budget point of order against this amendment, and therefore this vote is likely to be on the motion to waive.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. COLLINS. Therefore, Mr. President, although we are going to consider two more amendments tonight, there will be no more rollcall votes tonight.

AMENDMENT NO. 4935

Mr. CHAMBLISS. Mr. President, I rise today to urge my colleagues to support the amendment proposed by the Senator from Colorado, Mr. SALAZAR. My colleague from Georgia, Senator ISAKSON, and I are cosponsors and strong supporters of this measure which I believe fulfills a great need in rural America.

The amendment creates a policing institute that would be administered by the Office of the Federal Enforcement Training Center in Glynco, GA. The creation of this office provides training for those who may not currently have access to it because it sends folks who are going to train our local law enforcement personnel directly into our rural areas. Our local communities have fewer resources and fewer folks on the payroll, so they really can't afford to do without men and women who may be called away for an extended period of time to undergo training.

There is no question—and I hear this whenever I travel around the State—that our local law enforcement in rural areas are called upon day in and day out in providing the nuts and bolts of criminal investigations and law enforcement. In many areas, increased crime and the scourge of methamphetamine drug trafficking have placed severe pressures on rural law enforcement capabilities. If we're going to call upon folks to do more, then we have to provide them with the resources they need to carry out their duties—and as a strong supporter of the criminal justice system this includes giving them access to the vital training they need.

In addition, these dedicated and hard-working professionals are also asked to prepare for different types of threats in our changing security environment. This amendment will greatly assist in their efforts.

I urge my colleagues to support this common sense, bipartisan amendment.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise today as a cosponsor of the Salazar amendment—and I thank Senator COLLINS and Senator MURRAY for agreeing to accept the Salazar amendment—which authorizes a new Rural Policing Institute within the Office of State and Local Training at the Federal Law Enforcement Training Center in Glynco, GA. I am joined on my side by Senator CHAMBLISS and others as cosponsors and very much appreciate the acceptance of this important amendment.

Modeled after existing programs within the office, the rural policing institute would evaluate the needs of local law enforcement located in rural areas, and develop expert training programs designed to assist law enforcement in training regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics.

By having a program whereby we can send instructors to these police departments rather then have them come to FLETC itself, we maximize our training capabilities and ensure that these officers are able to receive on the job training without reducing manpower.

This is a win-win for our law enforcement personnel, FLETC, and the American taxpayer. I urge passage of the amendment.

Mr. INOUYE. Mr. President, the managers on this side unanimously approve this measure and seek its support.

The PRESIDING OFFICER. Is there further debate on the amendment?

Ms. COLLINS. Mr. President, I am unclear whether the Salazar amendment No. 4935 is actually pending.

I do support the amendment offered by the Senator from Colorado, and the managers on this side are also pleased to recommend its acceptance.

Mr. President, I urge the adoption of the Salazar amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is agreeing to the amendment.

The amendment (No. 4935) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4956

Mr. SHELBY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. SARBANES, proposes an amendment numbered 4956.

Mr. SHELBY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SHELBY. Mr. President, I rise today to offer the amendment that has just been referenced on behalf of myself and Senator SARBANES to the Port Security Improvement Act of 2006. This amendment is virtually identical to the Public Transportation Terrorism Prevention Act that the Banking Committee unanimously reported in November of 2005. In fact, the Senate passed an almost identical bill in the 108th Congress. I am hopeful that as we consider port security today, we can include this critically important legislation designed to help address the security vulnerabilities of our Nation's public transportation system.

The national dialog has appropriately been focused on aviation post-9/11, and this week port security is at the top of this agenda here in the Senate. In addition to these key areas, I believe it is imperative that we make transit security a priority, too. We know full well from the occurrences in Great Britain, India, and Spain that our buses, our subways, and rail systems across the country are attractive targets for terrorist attacks. The Public Transportation Terrorism Act before us now is an appropriate first step to address widespread needs, and it paves the way toward making transit safer for the traveling public.

The language in this amendment was carefully crafted and is a result of several hearings on this topic, review of two comprehensive studies by the American Public Transportation Association and the Government Accountability Office, and negotiations with key industry leaders. This amendment authorizes $3.5 billion in capital investment grants, operation security assistance, and research. While this is short of the $6 billion worth of needs identified by the industry, it is an important and necessary first step.

I thank those who have worked hard over the course of several years to produce a sound piece of legislation that will result in safer public transportation systems, particularly my colleague on the Banking Committee and former chairman, Senator SARBANES, as well as the chairman and ranking member of the Subcommittee on Housing and Transportation, Senators ALLARD and JACK REED. I also thank Chairman STEVENS and Senator INOUYE with the Commerce Committee for their steadfast support in this effort. In addition, I thank Chairman COLLINS and Senator LIEBERMAN with the Homeland Security Committee.

I ask unanimous consent that Senators ALLARD, BENNETT, SCHUMER, and BOXER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, at the proper time I will urge adoption of the amendment, but I think Senator SARBANES wishes to speak.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment offered by the able chairman of the Senate Banking, Housing, and Urban Affairs Committee. While the need for improved security at our Nation's ports is clearly evident, we must not forget the other areas of our Nation's multimodal transportation network. The amendment Chairman SHELBY has offered would provide grants to our Nation's public transportation systems to help protect the millions of riders who use subway trains, commuter rail, and buses every single day.

This amendment is based on legislation that passed the Senate unanimously in the 108th Congress and legislation that has been reported out again by the Banking Committee in the 109th Congress. We must not wait any longer to pass this needed legislation.

If there is any question as to whether transit is at risk, one need only look at recent events. Less than 2 months ago, 7 coordinated bomb blasts devastated commuter trains in Mumbai, India, leaving over 200 dead and 700 injured. Last year, the London subway system was the target of a tragic attack that left 50 people dead, and in 2004, almost 200 people were killed when bombs exploded on commuter trains in Madrid.

Here, this past May, the Department of Homeland Security issued a specific warning to transit systems to remain alert against possible terrorist attacks. The warning said that four people had been arrested in separate incidents involving videotaping of European subway stations and trains or similar activity, which the Department noted provides "indications of continued terrorist interest in mass transit systems as targets."

The threat is clear. In response, both the Federal Transit Administration and the Department of Homeland Security have worked with transit systems to identify steps that can be taken to help prevent and mitigate attacks. In fact, the greatest challenge to securing our Nation's transit systems is not a lack of knowledge of what to do, but rather, a lack of resources with which to do it. In the words of the Government Accountability Office, "Obtaining sufficient funding is the most significant challenge in making transit systems as safe and secure as possible."

In an editorial published shortly after the London subway bombings, the Baltimore Sun stated that, "Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance."

I commend Chairman SHELBY and Senator REED of Rhode Island and Senator ALLARD of Colorado. We have all worked together on the Public Transportation Terrorism Prevention Act. As I mentioned, this legislation has now twice come out of the Banking Committee. It authorizes, as the chairman mentioned, $3.5 billion over 3 years in security grants for our Nation's public transportation systems. The money will be available for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological and explosive detection systems, perimeter protection, employee training, and other security improvements.

Let me give one example of a critical need right here with respect to Washington's Metro. Their greatest need is a backup operations control center. This need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in a subsequent security assessment. This amendment would authorize the funding to make this and other urgently needed security upgrades to transit systems around the country.

We know transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation's economic and security infrastructure. I urge my colleagues to support this amendment, which is designed to address the critical security needs of America's transit systems.

I thank Chairman COLLINS and Senator LIEBERMAN for their acceptance of this amendment, and Senator STEVENS and Senator INOUYE. This is a major step forward.

Mr. President, I would like to add as cosponsors on our side—I didn't pick up all the names Chairman SHELBY read, but I have Senator REED of Rhode Island, Senator MENENDEZ of New Jersey, Senator CLINTON of New York, Senator LIEBERMAN, Senator BOXER, and Senator SCHUMER.

Ms. STABENOW. If the Senator will yield, I ask to add my name as a member of the committee.

Mr. SARBANES. And Senator STABENOW of Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I urge adoption of the amendment if there is no further debate.

The PRESIDING OFFICER. Is there further debate?

Ms. COLLINS. I commend the Senators for their initiative. The horrific terrorist attacks in London and Madrid demonstrate that terrorists are willing and able to attack transit systems. Our systems in the United States remain vulnerable.

Just today, the Homeland Security Committee held a hearing looking at the next 5 years and what challenges face us. The witness, the deputy commissioner for counterterrorism from New York City, specifically pointed out the vulnerabilities of our transit systems and also the inequities in funding. I believe the statistics he gave us were that there was a ratio of 9:1 in the amount of money that had been spent on aviation security versus other forms of transportation security. So I think there is an imbalance. I believe this is a vulnerability and that this amendment would allow for the authorization of significant transportation security improvements. I am pleased to join my colleagues in support of the amendment.

The PRESIDING OFFICER (Mr. CHAMBLISS). Is there further debate? The Senator from Hawaii.

Mr. INOUYE. Mr. President, the managers on this side are very pleased to support this bipartisan amendment and urge its immediate adoption.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment. The amendment (No. 4956) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I commend my chairman and the ranking member of the Banking Committee for all their hard work. This has been a wonderful bipartisan effort, and I am pleased it is included in the underlying bill. I commend the leadership of Senators COLLINS and MURRAY on the underlying bill.

I wish to speak about a piece of security that is so critical for us that I will be offering tomorrow, an amendment to provide our first responders with the interoperable communications equipment they need to effectively respond to emergencies. Whether it is port security, rail security, whether it is our local police and firefighters, we know that having radios that can actually talk to each other, actually work to be able to actually communicate with the Department of Homeland Security or the Department of Defense or be able to speak to our armed services is absolutely critical.

We also know, in fact, right now that the system is not what it should be.

I also want to thank Senators LIEBERMAN, LEVIN, SCHUMER, DURBIN and BOXER for cosponsoring the amendment that will be offered tomorrow.

My amendment would finally give our first responders the resources they needs to be able to quickly communicate and respond to a terrorist attack or other kind of national emergency.

It would provide a dedicated source of funding for our communities by creating a 5-year $5 billion grant program for interoperable communications.

My amendment is based on the interoperability communications program included in the bipartisan Lieberman-Collins bill, S. 1725, which passed out of the Homeland Security and Governmental Affairs Committee with strong bipartisan support. Unfortunately, this has languished on the Senate floor for almost a year. There has to be a sense of urgency about this issue and getting the resources to our local communities so they, in fact, can respond.

My amendment authorizes, as I said, $5 billion in grants. It is slightly more than the $3.3 billion in the Lieberman-Collins bill but certainly very close in terms of our approach.

I think it is important to provide more funding in the early years so that communications can finally address this issue and be able to do what they need to do as quickly as possible.

Yesterday, we observed the 5-year anniversary of the 9/11 attacks. We took time to remember the victims and their families and to recount the events of that horrible day. Many of these victims were our brave firefighters and police officers who gave their lives to save others.

Every day, first responders all across our country, and certainly in my great State of Michigan, put their lives on the line to make our communities safer, a job they do bravely and with honor. Now is time for us in Congress to do our job and finally make sure they have the resources and the equipment they need in coordinated national efforts so they can respond and can communicate in case of a terrorist attack or other national emergencies.

Almost 2 years after the attacks, the 9/11 Commission Report outlined the numerous communications problems first responders had as they tried to save lives. The report details the problems police officers and firefighters in New York faced because they were on different radio systems. Over 50 different public safety organizations from Maryland, Virginia, and DC reported to the Pentagon that they couldn't talk to each other.

This makes absolutely no sense. People running into buildings, into the World Trade Center, into the Twin Towers, when they should have been running out because they did not know what was happening. The radios did not work.

The 9/11 Commission concluded that "the inability to communicate was a critical element at the World Trade Center, the Pentagon, and the Somerset County, Pennsylvania, crash site, where multiple agencies and multiple jurisdictions responded."

They went on to say, "The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal level remain an important problem."

The 9/11 Commission published its final report in July of 2004, 2 years ago, that the men and women in the first responder community knew the communications difficulties even before 9/11, 2001. Unfortunately, the Federal Government has not yet made a substantial commitment to solve this problem. It has been 2 years since the 9/11 Commission gave its report.

In fact, 10 commissioners gave Congress a failing grade, an F, for not yet providing adequate radio spectrum for first responders and not addressing the problem where our local communities are stretched too thin and have too many urgent and competing priorities to effectively and completely solve the problem by themselves.

We addressed the issue of the radio spectrum, in part, in the year 2006 budget reconciliation bill, which set a February 17, 2009, handover date and providing $1 billion in funding for interoperable communications for first responders in advance of the handover.

I support these positive steps. But now we have to build on that to provide a guaranteed stream of funding to resolve this overall crisis about radios not being connected, not being able to talk to each other.

The 9/11 Commission is not alone in the assessment of this critical problem. In June of 2004, a U.S. Conference of Mayors survey found that 94 percent of our cities do not have interoperable capability between the police departments, the fire departments, and emergency medical services—unbelievable, 94 percent. And 60 percent of cities do not have interoperable capability with the State emergency operations systems.

This is unacceptable. There needs to be a sense of urgency about changing that, and we have to be a major part of that solution.

The most startling finding was that 80 percent of our cities don't have interoperable communications with the Department of Homeland Security or the Department of Justice.

Imagine if there were a terrorist attack and 80 percent of our cities did not have the capacity for interoperable communications with Homeland Security.

This vulnerability was again exposed over 1 year ago with the Hurricane Katrina disaster, where we know the New Orleans Police Department and three nearby parishes were on different radio systems. First responders were unable to communicate with each other as they attempted to rescue people trapped in New Orleans.

When I visited the gulf, I was very proud of seeing Michigan people there. I remember sitting for lunch outside the New Orleans Convention Center with a young man from the Michigan Coast Guard on one side and a young man from the Michigan National Guard on the other. I asked them: Do you have radios? They said: Of course. I said: Can you talk to each other on the radios? They said: No. How are you rescuing people? How are you communicating when you are out on the beat? Hand signals, was the response.

We can do better in 2006 than hand signals when we have a national emergency or a terrorist attack. How many more disasters need to happen before we fix this problem?

In May of 2006, Michael Chertoff, Secretary of Homeland Security, said: "The fact of the matter is we cannot effectively manage an incident if we do not, and if we cannot, talk to one another."

I couldn't agree more.

He went on to concede that it is still the case that too many emergency responders are not able to talk to their counterparts, to their own organizations or to their companion organizations, let alone communicate with agencies in neighboring cities, counties or States during a crisis.

On the fifth anniversary of the September 11 attacks, I believe it is shameful that we have made so little progress on interoperable communications.

It is unacceptable that there is not a sense of urgency about getting this done now—frankly, about having not done it now. We should have gotten it done 4 years ago, 3 years ago, 2 years ago, 1 year ago.

I believe that our constituents would be stunned to learn that the Federal Government has not yet dedicated funding to specifically address this problem.

How many times do we have to hear this is an issue? How many experts, how many bipartisan reports before we do what we need to do urgently and to the maximum extent that we can?

We know that the lack of interoperable communications for America's first responders puts them and our communities in danger. Too many of our police, fire and emergency medical services and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies—way too many.

Our first responders are making do with less and less each year which makes no sense. And they should not have to choose between communicating with each other and critical training and other means.

I think people would be shocked to know that there are fewer police officers on our streets today than on 9/11/2001. In Michigan alone, over 1,500 fewer police officers are on our streets because of cutbacks in law enforcement funding. This makes no sense.

In the 5 years since the 9/11 attacks, one of the too many requests for support that I receive every year from communities is for interoperability communications equipment. Every time I meet with police officers and firefighters and emergency responders and local mayors, others who are leaders in their communities, the issue comes up about the radios, about the lack of ability to communicate. I have done everything I can to help. I have come to this floor many times urgently requesting that we move forward in an aggressive way to address this issue.

I am pleased to be able to put together specific grants to be able to support individual communities, and that is a step in the right direction. But what we need is a comprehensive national approach. We need to make a commitment that we are not going to accept anymore any community in this country not having the ability to talk to each other, the neighboring communities, the folks at the State and the Federal Government. That is intolerable.

This is the fourth time I have stood on the Senate floor and offered an amendment to provide the dedicated stream of funding to address our first responders' interoperable communication problems.

I am very hopeful that now will be the time that we come together right after this fifth anniversary of 9/11 and agree that we are going to turn that F, given by the 9/11 Commission, into an A, by finally coming together and solving this problem so in case of whatever the emergency is in the future, folks will not walk away and say part of the reason we lost lives, part of the reason we couldn't respond was because the radios didn't work. We have the ability to fix that in relationship to this important bill. I hope we do.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

Mrs. MURRAY. Mr. President, will the Senator withhold his request?

The PRESIDING OFFICER. Does the Senator withdraw his suggestion of the absence of a quorum?

Mr. ISAKSON. I withdraw my suggestion of the absence of a quorum.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator CLINTON as a cosponsor to my amendment No. 4929.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator

SCHUMER as a cosponsor to the Dorgan amendment No. 4937.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, we are here on the floor of the Senate this evening talking about the maritime cargo security bill. This is an extremely important piece of legislation. I have been working on this issue since September 11, 5 years ago, when I recognized, as did others, that we have an extreme vulnerability in our port cargo container system when it comes to our Nation's security.

We have been working since that time to put together legislation. I commend Senator COLLINS and her staff, Senator INOUYE, Senator STEVENS, the Finance Committee, and numerous Senators who have worked together to get us to this point.

As I said earlier on the floor of the Senate, this measure is extremely important. For the first time, when this bill is passed and it goes to the President's desk, we will assure that every cargo container coming into this country has a much higher level of security. We also will put in place what is called the GreenLane bill, which will allow an even higher point of security for companies that voluntarily opt to make sure that when their cargo containers are loaded overseas, they are secured, that we know what is in them, we know who is handling them, and we know if they have been diverted. They will be tracked across the ocean, and before they ever come into our ports we will know that they are safe.

Those cargo containers with that higher level of scrutiny will then move off of our ports in a much more efficient and quick manner, leaving behind those containers that will still need to have a higher degree of inspection.

Finally, our bill will make sure we have a way to resume cargo handling quickly and efficiently should a terrible incident ever occur at our ports.

This bill balances the need of making sure our ports and our containers and the people who live and work around those containers, as well as the cargo there, are secured. It balances that with the important economic activity that occurs at ports across our country.

When this bill was brought to the floor of the Senate earlier last week, it lacked one critical component, and that was a dedicated funding stream. As I shared with my colleagues, I was deeply concerned that if we did not fund this bill, we would leave an empty shell and an empty promise to the people of America that we were securing our ports.

That is why today I was very happy the Senate agreed to my amendment to have a funding stream and to put that into this bill to make sure, as it moves forward, we will have the personnel we need to make sure the regime we have put in place actually occurs, that we will have the infrastructure that will be needed to make sure we can assure a secure system of cargo containers this country relies on for its economic activity.

That amendment was adopted, and with that I believe this bill is one we can all be proud of. Within a few days, as we work through the rest of the amendments, I, for one, will finally be able to sleep at night knowing we have made a major move forward.

So there are still amendments to be brought forward to the Senate. I know we are going to work our will through them. But I commend all of our colleagues for stepping up to the plate on this important issue.

Mr. President, I ask unanimous consent to have printed in the RECORD four editorials that talk about the need for funding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Everett Herald, Sept. 10, 2006)

Fully Fund Murray's Bill on Port Security

Five years after terrorists seared feelings of vulnerability deep into the American consciousness, much has been done to improve our security. Airport security has been enhanced by more than $20 billion in federal spending. Locally, first responders are more capable of dealing effectively with a disaster, natural or manmade.

But public safety leaders here and elsewhere worry about a potential terrorism target they believe is still neglected: our seaports. Only a tiny percentage of the approximately 10 million containers that enter our ports are inspected, leaving gaping holes that terrorists could exploit with a radioactive bomb or other weapon. And costs for many of the physical upgrades in port security since Sept. 11, 2001, have been borne by local ports rather than the federal government.

On Thursday, Congress sent a signal that it may be ready to give port security the serious attention it needs. Senators announced an agreement on bipartisan legislation that Sen. Patty Murray (D–Wash.) introduced shortly after the 9/11 attacks and has been pushing ever since. It's expected to get a floor vote this week, then go to a conference committee that will iron out differences with a similar bill already passed by the House.

What's still needed, though, is dedicated funding. Murray's bill calls for $835 million annually for a program that will create higher levels of cargo security, allow cargo to be inspected and tracked from the time it leaves the factory floor overseas, and implement a plan to resume trade quickly after an attack to minimize its impact on the economy. " The bill also calls for $400 million in security grants to local ports.

"I've been very clear with everyone that I can't support another NCLB (No Child Left Behind) bill," Murray said Friday, referring to the federal education bill that educators complain was far heavier on mandates than money. "We have to provide the funding or it will never be fully implemented."

The bill originally sought to use money from tariffs on imported goods, but members of the Finance Committee objected, arguing that if tariffs were lowered, funding would dry up. Murray concedes that point, and said she'll offer an amendment this week that would tap existing customs fees that aren't related to duties.

A fully funded bill will mean a more secure Puget Sound, which has major ports in Seattle and Tacoma and a growing container operation at the Port of Everett. Ship activity in Everett has increased roughly tenfold in the past two years, and as, business continues to grow in Seattle and Tacoma, even more figures to come north.

Five years after terrorists proved their desire to hurt us, our ports remain a huge potential target. Congress mustn't wait any longer to act.

In Our View—Secure Ports

(By Columbian editorial writers)

Five years after 9/11, Senate should take action on Murray's GreenLane bill, because the horror of 9/11 was orchestrated in the air, the logical immediate concern was in air-travel security. But five years after 9/11 it is frightening to see what little the United States has done to enhance port security.

The intransigence and complacency is especially alarming in Washington state, the nation's most trade-dependent state.

There's good news, though. Thanks largely to U.S. Sen. Patty Murray, D–Washington, Congress is finally paying proper attention to port security. Murray's GreenLane bill coauthored with Sen. Susan Collins, R–Maine has been approved by the House and passed by the Senate Homeland Security Committee. Last Thursday, senators announced agreement on port security legislation, and they are expected to vote on the measure this week.

Even if approval is expedited and it should be this congressional footdragging is inexcusable. We're glad Murray has kept forcing Congress to pay attention. The GreenLane offers five desperately needed components:

It would create tough new standards for inspecting and approving all maritime cargo.

It offers the GreenLane option, a faster and even higher level of security for companies that agree to have their cargo tracked and monitored from the time it leaves a factory overseas until it reaches the United States.

The bill offers a plan for quickly resuming maritime trade after any incident, minimizing the economic impact of terrorism.

Port security grants would allow ports to strengthen their perimeter security.

The Department of Homeland Security would be held more accountable for port security, in part by establishing an Office of Cargo Security Policy.

Locally, Port of Vancouver Executive Director Larry Paulson said Friday that he has been frustrated by the congressional footdragging. But he is confident about his port's security. "It's less of an issue here because the emphasis is on containers, and we handle very few containers," Paulson said. "The greater concern for port security in our state is in Seattle and Tacoma."

In a speech Friday, Murray enlisted a RAND Center for Terrorism and Risk Management Policy report that presented this horrifying scenario: Terrorists put a 10-kiloton nuclear bomb inside a cargo container and detonate it at the Port of Long Beach, Calif. According to the report, up to 60,000 people would be killed instantly, 15,000 more would be injured, 6 million people would flee the area and economic losses would be about $1 trillion.

In Seattle and Tacoma, ports are close to downtowns and Interstate 5. Imagine how enticing that is to an evil mind that wants to kill Americans and cripple our economy.

Murray also pointed to the 2002 closure of several ports on the West Coast. It cost the U.S. economy about $1 billion a day. She said one study estimates that if all U.S. ports were closed for nine days, it would cost the national economy about $58 billion. Of course, the greater concern of port security is preventing deaths and injuries. Five years even five months is far too long. The Senate should expedite passage and implementation of the GreenLane bill for enhancing port security.

[From the Oregonian, Sept. 12, 2006]

TIME TO LAND TIGHTENED PORT SECURITY

A bill that addresses the vulnerability of U.S. shipping fetches up in the Senate, but still needs to be brought to shore.

The most impressive thing about the port security legislation that the Senate begins debating today isn't the bill's boldness or its thoroughness. It's the five years it took the bill to get to this point.

Talk about a slow boat from China.

Five years after what was supposed to be a new reality, after constant warnings about the vulnerability of U.S. ports that inspect only about 6 percent of incoming cargo containers, the bill raises some new barriers against a seagoing Sept. 11. Ports "were extremely vulnerable," says Sen. PATTY MURRAY, D-Washington, who has been pushing the bill, "on the fact that five years after 9/11 they've failed to address homeland security issues."

This bill may not entirely address those issues, but at least it finally raises them.

It requires the Department of Homeland Security to set minimum container security regulations, sets up an Office of Cargo Security Policy to coordinate federal and local port policy, and makes some federal money available.

Maybe most usefully, it sets up a "Green Lane" program to swiftly move cargoes already inspected at their point of departure. Most containers will still remain uninspected, but sending already-checked containers through will, in MURRAY's phrase, "reduce the size of the haystack where we're trying to find the needle.".

Even after last week's: carefully negotiated deal among three Senate committees, the bill faces serious hazards to navigation. The Senate has rejected the House's way of financing the programs, without completely agreeing on its own. Sen. JOHN MCCAIN, R-Arizona, wants to attach to it a major rail security program, an excellent idea by itself that could send port security off the tracks.

In a Congress with minimal accomplishments and a swiftly dwindling number of days to manage any, a bill with real prospects can be a magnet to any idea that any legislator wants to slip across, even if the weight of the additions ends up sinking the bill.

Our strong feelings about getting serious about maritime security may be basic strategic thinking, or may be mostly slack-jawed astonishment at how long this process has taken. It might even be the touchy sensitivity coming from living in a city that not only includes a major port, but is named after it.

There are legitimate points to debate about this bill, and the Senate has two days to debate them.

Let's just hope Congress isn't still debating them next year, which would make it six years after action should have happened.

[From the Washington Post, Sept. 12, 2006]

SAFE PORTS

The brief session of Congress that just convened is distinguished in part for what is absent from its agenda—immigration and lobbying reform, for example. A notable exception, though, is a serious bill that has just. emerged from the Senate Commerce, Finance and Homeland Security committees: the Port Security Improvement Act of 2006.

The bill contains several common-sense proposals It requires the Department of Homeland Security to develop a strategy to rapidly resume trade after an incident at one of the nation's ports, in order to limit economic slowdown. It codifies a number of good programs in law, including the Container Security Initiative, which, if it operates properly, will target suspect cargo for inspection in foreign ports before it gets close to the United States. And it establishes deadlines for Homeland Security to complete critical infrastructure projects—including installing radiation portal monitors in the nation's 22 biggest ports by the end of next year.

Two things distinguish this moderate legislation from the irresponsible rhetoric on port security that has marred debates on the subject for years. First, it does not call for 100 percent of containers arriving at U.S. ports to be individually inspected for all dangerous materials. The "inspect all containers" mantra is a red herring that exploits Americans" fears about what might slip through in order to score political points, ignoring the fact that there are much more cost- and time-effective ways of keeping dangerous cargo out of the country.

To her credit, Sen. Susan Collins (R-Maine), one of the bill's key sponsors, recognizes that the tithe and money it would take to inspect all 11 million containers that come into the country every year would be prohibitive with the technology available today, and she has committed to vote against it if such a provision is added. Instead, the bill calls for a pilot program in which the feasibility of individually inspecting all containers leaving three overseas ports will be gauged, which should test promising next-generation technologies without significantly slowing the pace of trade to the United States.

Second, while providing five years of steady funding for port security projects, the bill does not dedicate money for port security in perpetuity. The initial costs of making essential improvements such as buying radiation detectors, putting up fencing around ports and coordinating inspection procedures with ports overseas will require a fair amount of steady start-up cash. But a half-decade of grants for improving port security ought to be enough. After that, port security should have to compete for federal money with other worthy projects.

With those sensible checks in place, the Senate should pass this bill.

Mrs. MURRAY. Again, I thank the Senate for working with us to put a funding stream in this bill and to make this a real Maritime Cargo Security Act.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to commend the Senator from Washington State for her dogged pursuit of a funding source for this bill. I agree with her that it is so important we have dedicated funding so the promise of this bill can become the reality.

Mr. President, I ask unanimous consent that I be added as a cosponsor to Senator MURRAY's amendment No. 4929.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Again, I thank the Senator for her efforts. It has been a real pleasure to work with her on this important bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we began consideration of the very important port security bill on Thursday of last week, and earlier in the week we addressed the Department of Defense appropriations bill. We generally agreed as a body that we would address the security issues first and foremost over the course of these 3 to 4 weeks, and this is the second step in that process. We made reasonable progress on the bill, but at this point it is not certain when we will finish the bill, and the fact is, we have really a little over 2½ weeks left. We have a lot to do, and therefore we need to keep business moving along.

We have been talking about a filing deadline and an amendment list, but we have been unable to reach agreement on either of those.

CLOTURE MOTION

Mr. FRIST. Mr. President, I will file a cloture motion tonight to ensure that we do get a vote this week. We will continue to consult with the managers on both sides, and if we can reach a reasonable agreement to bring the bill to a finish on Thursday, then I believe we should vitiate this particular vote. But since it is still uncertain and we do have a lot of business to do, at this time I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 432, H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Bill Frist, Susan M. Collins, David Vitter, Jon Kyl, James Inhofe, Tom Coburn, Jim DeMint, Richard Burr, Wayne Allard, Ted Stevens, Craig Thomas, Richard C. Shelby, R.F. Bennett, Mike Crapo, Sam Brownback, Rick Santorum, Larry E. Craig.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ERSKINE RUSSELL

Mr. ISAKSON. Mr. President, in 1 last minute on this day, I want to pause to pay tribute to a great Georgian and a great American, an individual we all lost last Friday morning in Statesboro, GA.

On Friday morning of last week, 80-year-old Erskine Russell, former assistant head coach at the University of Georgia and later head coach at Georgia Southern University, died of a stroke leaving the 7–11 near his home on the way to his beloved Snooky's Restaurant in Statesboro, GA. Erskine Russell was a football coach, but he was far more than a football coach. He changed the lives of countless young men in Georgia and changed the attitude of the people of our State about higher education.

Erskine Russell was a man who led the University of Georgia and its defense in 1980 to the national championship. Then, a few years later, he got the opportunity at a fledgling Georgia college—Georgia Southern—to establish a football team. He went there and went to the local sporting goods store and bought a football. He took a drainage ditch that ran by the field and named it the "wonderful, beautiful Eagle Creek," and slowly but surely he recruited young men to come to Georgia Southern to play football.

Within a few years, Georgia Southern went from just having a program to being a national champion. And he repeated that national championship again. But more importantly, all through his life, Erskine Russell did what only he could do: he led by example, not by lecture, what was right about America, what was right about living by the rules, what was right about playing by the rules, and what was right about moral character.

Two thousand people appeared at Paulson Stadium last Sunday to pay their last respects to Erskine Russell—a man who will be missed not just for a short period of time but for the lifetime of all those whose lives he touched.

In conclusion, talking about the lives he touched, when my son Kevin was in the 11th grade at Walton High School in Marietta, GA, he was tragically injured in an automobile accident. He was a junior football player there. Erk Russell took the time to write him a personal note when it was questionable as to whether he might ever play football again or even walk normally again. It was Erk Russell's inspiration and his caring, his challenging someone to overcome adversity, that led to Kevin's complete recovery and a year later his competition on the football field once again.

That is just one vignette. It is just one cameo in a lifetime of service to young people.

I pay tribute tonight to Erk Russell, to his family, and to all those who knew him, all those who loved him, and to all of us who will always treasure the fact that he was our friend.

TRIBUTE TO MR. MORTON J. HOLBROOK, JR.

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a distinguished Kentuckian, Mr. Morton J. Holbrook, Jr., for his dedicated service to the Commonwealth and his commitment to the practice of law and higher education.

Last month, Mr. Holbrook, a resident of Owensboro, passed away. He was a preeminent attorney in Kentucky and will be remembered for the permanent impression he left on Kentucky's legal system. He helped modernize the courts' rules of procedure and was instrumental in pushing for sweeping changes to the State's judicial system.

On August 30, 2006, the Owensboro Messenger-Inquirer published an editorial highlighting Mr. Holbrook's legal brilliance, his contributions to the judicial system, and his duty to public service. I ask unanimous consent that the full editorial be printed in the CONGRESSIONAL RECORD and that the entire Senate join me in paying respect to this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Owensboro Messenger-Inquirer, Aug. 30, 2006]

STATE BETTER PLACE BECAUSE OF HOLBROOK

Because Morton Holbrook Jr.'s accomplishments were so many, his love for his community so strong, his quest for knowledge so persistent and his zest for life so complete, penning a tribute to his life invites inadequacy.

Holbrook, who died Friday at the age of 91, was a Daviess County icon who mixed a legal career as a Harvard-trained lawyer with a lifetime of public service, gaining fame in both arenas. Twice his leadership helped completely change the face of Kentucky's legal system. Closer to home, there might not be an Owensboro Community & Technical College without his point work in the 1980s.

Whenever and wherever Holbrook decided to take a stand, he usually became an irresistible force for progress and change. Slight of build and not tall, Holbrook was nevertheless formidable, thanks to his agile mind, gifted and eloquent speaking ability and compelling personality.

For 56 years Holbrook practiced law and would have been admired for his legal abilities alone. One colleague called him the greatest attorney he ever knew. But Holbrook strayed far beyond private practice, to Kentucky's lasting benefit. In 1948 he was appointed to a state judicial committee that totally revised the state courts' rules of procedure. Two and a half decades later he helped push through an in-toto reform of Kentucky's judicial system, which required changing the state Constitution.

Holbrook's other passion was higher education. He was a member of the Kentucky Council on Higher Education for 10 years. OCTC can trace its origins to his involvement in the early 1980s.

Holbrook received many awards and recognitions through the years. Perhaps the most fitting came on his 90th birthday in September 2004 when Daviess Fiscal Court named the county's judicial center in his honor—the Morton J. Holbrook Jr. Judicial Center.

Morton Holbrook—a delight and truly one of a kind—will be deeply missed.

REMEMBERING SEPTEMBER 11, 2001

Mr. OBAMA. Mr. President, I rise today to remember the horrifying terrorist attacks that took away so many innocent lives 5 years ago.

As a rule, tragedies of the magnitude we saw on 9/11 do not have silver linings. On that day, we were left only with an aching sense of loss, a sadness that seemed endless, and a bitter rage toward those who had brought chaos to our doorstep.

And yet it is undeniable that amidst one of the worst moments in our history, an ordinary goodness emerged in America. You could see it in the rescue workers and firefighters who rushed toward the rubble, in the scores of young people who signed up to serve their country, and in the quiet candlelight vigils held by millions of people for those they had never met and never would.

In our politics, too, there was a brief moment where it seemed as though the crass partisanship of the nineties would give way to a unity of purpose among Republicans and Democrats that would refocus our efforts on attacking the terrorists, not each other. We saw this in the immediate support given to President Bush, in the near unanimous vote to go after the Taliban and al-Qaida in Afghanistan, and in the formation of an independent, bipartisan commission that would tell us how and where to strengthen our homeland security.

Five years after 9/11, the days of that unity are long gone. In the last two elections, the Republican Party has used national security as a political weapon to attack and beat opponents, while the recommendations of the 9/11 Commission float further and further from the front pages. Now, as we approach another election season, the party in power has announced again that it intends to "run on" the issue of national security, with some going so far as to say that the terrorists are just waiting for Democrats to take over so that they can attack.

I realize that in this day and age, it is naive to think that politics would stop at the water's edge. But I refuse to believe that we cannot find the will or the resources to implement a series of recommendations that an independent panel of Democrats and Republicans agree would keep our country safer from terrorist attack.

In a report card delivered last year by the 9/11 Commission, the country's security efforts received mediocre to failing grades—17 Ds and Fs in 41 areas of homeland security.

To this day, our first responders still do not have the communications equipment they need to coordinate a rescue in the event of an attack. We still inspect only 5 percent of the 9,000,000 containers that enter this country every year. We are still spending only 2 percent of what we need to secure our railroads and subways, and not nearly enough on baggage and cargo screening at our airports. We still have only 10,000 border patrol agents to guard 8,000 miles of land borders, and only 1 agent to guard every 3 miles of border with Canada. And we are leaving some of America's most vulnerable targets—including chemical plants with toxic substances that could kill millions—with the most minimal security.

If on the day after 9/11 you had told anyone in America that these gaps in our security would still exist 5 years later, they might have thought you were crazy. And yet since then attempt after attempt to correct these problems—from efforts to fully fund rail, transit, and port security to the legislation I have introduced to protect chemical plants—have been rebuffed by the administration and the Republican-controlled Congress.

This cannot go on. National security cannot be something we only discuss on 9/11 or when terrorists try to blow up planes over the Atlantic or when it suits our political interests on election day. It is an every day challenge, and it will take Americans of every political persuasion to meet it.

Like most Americans, the effect of September 11 felt profoundly personal to me. It wasn't just the magnitude of the destruction that affected me or the memories of the 5 years I had spent in New York, but the intimacy of imagining those ordinary acts which 9/11's victims must have performed in the hours before they were killed, the daily routines that constitute life in our modern world—boarding a plane, grabbing coffee and the morning paper at a newsstand, making small talk on the elevator.

For so long, these acts represented the concrete expression of our belief that if we just exercised, wore seatbelts, and avoided needless risks, our safety was assured, our families protected. Certainly, the prospect of mass violence on American soil seemed remote.

Five years later, we know that world is gone—that we must better understand our fragility and better secure ourselves from those who have the will and the way to do us harm. This means a change in priorities, yes, but it also means a change in our politics—a willingness to put aside the petty, if just for a moment, so that we may rise together to meet one of the greatest challenges of our time. History has shown this will not be easy, but if the ordinary goodness that emerged from that rubble 5 years ago is any indication, I still believe it is imminently possible.

HONORING OUR ARMED FORCES

SERGEANT LONNIE CALVIN ALLEN, JR.

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SGT Lonnie Calvin Allen, Jr. of Bellevue, NE.

Sergeant Allen, 26, graduated from Bellevue East High School, where he was a four-sport athlete, participating in football, track, basketball, and wrestling. After attending Northeastern Junior College in Colorado, Sergeant Allen joined the Army, where he met his wife Birgit while stationed in Germany. "I was just glad every minute I spent with him because it was the most wonderful time I've had," said Mrs. Allen.

Sergeant Allen was dedicated to the Army, choosing to reenlist after his first tour of duty. According to his family, he was expected to wrap up his Iraq tour in July and wanted to enter law enforcement as a career.

While serving with the 2nd Battalion, 22nd Infantry Regiment, 10th Mountain Division in Baghdad, Iraq, Sergeant Allen was killed when an improvised explosive device detonated near his military vehicle on May 18, 2006.

Sergeant Allen is survived by his wife, Birgit, who lives in Bellevue, NE; his parents, Lonnie and Sallie Allen, also of Bellevue; and his brother, Nuru Allen, of St. Louis, MO.

My prayers go out to the family and friends of Sergeant Allen as they face this difficult tragedy. Nebraskans should be proud of the commitment Sergeant Allen showed toward the Army and his country. He is an example for us all.

FIRST LIEUTENANT GARRISON AVERY

Mr. President, today I honor 1LT Garrison Avery of Lincoln, NE.

First Lieutenant Avery, 23, graduated from Lincoln High School before earning his degree from the U.S. Military Academy in West Point, NY. Following his graduation from West Point, he underwent Army Ranger and sapper training, receiving various honors. But according to his father, "He wasn't interested in the decorations. He was interested in the job." Following his service, Lieutenant Avery dreamed of helping war orphans.

While serving with the 101st Airborne Division stationed south of Baghdad, Lieutenant Avery and two fellow soldiers were killed when a roadside bomb exploded on February 1, 2006.

Lieutenant Avery is survived by his wife, Kayla, who lives in Clarksville, TN. He is also survived by his parents, Gary and Susan; siblings, Clinton, Johnathan, and Elizabeth; and numerous other family members, friends, and fellow soldiers.

I offer my sincere condolences and prayers to the family and friends of Lieutenant Avery. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as 1LT Garrison Avery.

LANCE CORPORAL KYLE CODNER

Mr. President, today I honor LCpl Kyle Codner, 19, of Shelton, NE.

Lance Corporal Codner joined the military after his graduation from Shelton High School on June 16, 2003, and was deployed to Iraq in mid-February. His deployment was to last 7 months, and the family hoped to see him home safe around mid-September. At the time of his death, Lance Corporal Codner was one among a group of marines traveling in an armored personnel carrier conducting security and stability operations in Anbar province, Iraq.

Lance Corporal Codner was liked by all who knew him; he was involved in his church and in his community, and he was a selfless part of the military who knew the worth of life. Codner's family remembers him saying, "Freedom isn't free."

The loss of this outstanding marine is felt by all Nebraskans, but his example will remain as an inspiration for his survivors, a devoted friend, fiancé, son, and grandson, and we extend our thoughts and prayers to them in condolence.

ARMY NATIONAL GUARD SERGEANT GERMAINE L. DEBRO

Mr. President, today I honor Nebraska Army National Guard SGT Germaine L. Debro of Omaha, NE.

Sergeant Debro was a loyal son, brother, friend, and soldier. Selflessly placing his friends and their families before his own life, he volunteered for his last assignment to Iraq so others could stay home with their loved ones. "He put his friends and loyalty first. He couldn't have lived with himself if one of his friends with kids went over there and died. My brother is a better man than me," said Sergeant Debro's brother, Alvin Debro, Jr.

Sergeant Debro was born into the military, as his father, Alvin Debro Sr., served in the Air Force. He first attended Omaha Benson High School; then in 1991, he graduated from high school in Arkansas, where he played football. His military career began on October 14, 1994, when he enlisted in the U.S. Army as an M-1 Abrams tank crewman. Sergeant Debro joined the Nebraska Army National Guard on October 12, 1997, as a tank crewman with Detachment 1, Troop B, 1-167th Cavalry Squadron based in Wahoo, NE. He was reassigned to the Fremont-based Troop B, 1-167th Cavalry Squadron in January 2001.

While serving with the National Guard, Sergeant Debro was mobilized overseas various times, including service in Kuwait in 2001 and in Bosnia-Herzegovina from 2002–2003. He was deployed in support of Operation Iraqi Freedom in March 2005, serving as a scout with Troop B, 1–167th Cavalry Motor Reconnaissance Troop. On Monday, September 4, 2006, Sergeant Debro passed away when an improvised explosive device struck the humvee he was driving while on patrol near Balad, Iraq. Then-SPC Germaine L. Debro was posthumously promoted to Sergeant.

Sacrificing his own life so that others could live, Sergeant Debro was the embodiment of bravery and the finest example of generosity. In addition to his brother Alvin, he is survived by his parents Alvin, Sr. and Priscilla Debro of Omaha; and his brother Maurice Debro. I extend my deepest condolences to Sergeant Debro's family and friends, who played such a tremendous role in his life. His unfaltering dedication to his country and family will remain a source of hope and inspiration for all Americans. Sergeant Debro was a man of exceptional honor, and we will not forget what he gave for our Nation.

ARMY SPECIALIST JEREMY JONES

Mr. President, today I honor Army SPC Jeremy Jones of Omaha, NE.

Specialist Jones was committed to the Army. Wanting to make a career out of it, he chose to reenlist last April for 6 more years. "He'd finally found something he really liked to do and that suited him. He was proud of what he was doing," said his wife, Jenny.

Last February, Specialist Jones flew back from his tour of duty in Iraq to see his newborn daughter, Mackenzie. Baby Mackenzie, together with her brother, Anthony, will grow up knowing their father is a hero.

Specialist Jones graduated from Millard West High School in 1999, where he participated in football and wrestling. While serving with the Army's 1st Battalion, 67th Armored Regiment of Fort Hood, TX, Specialist Jones, 25, was hit by a roadside bomb on June 27, 2006, in Iskandariyah, Iraq.

Specialist Jones is survived by his wife Jenny, daughter Mackenzie, and son Anthony, 3, all of Omaha; mother, Diane Jones, of Omaha; father, Scott Jones, of Council Bluffs, IA; and sister, Abbi Jones, of Omaha. Our hearts and prayers go out to the Jones family. Specialist Jones was a dedicated soldier, and all Americans admire the dedication he gave to his country.

NAVY AIRMAN JASON J. DOYLE

Mr. President, I rise today to honor Airman Jason J. Doyle of Omaha, NE.

Airman Doyle, 19, graduated from Papillion-La Vista South High School after moving to the area from Sunset, UT with his brother, Brandon, and father, Dale, both of Bellevue, NE. At Papillion-La Vista South, he was a member of the Naval Junior Reserve Officer Training Corps program. After graduating, he joined the Navy in an effort to fulfill his dream of traveling to Japan, a dream which began in elementary school after writing a report on Japan. He was also fascinated with flying. "You combine a love for the country of Japan, a love of other cultures and a love of airplanes, and the Navy was a perfect fit for him," said his father.

Airman Doyle had been serving with the Electronic Attack Squadron 136 off the east coast of Japan since October when he fell from the flight deck of the USS *Kitty Hawk* on July 8, 2006. It was his first assignment.

In addition to his father and brother, Airman Doyle is survived by his mother, Martha Bower, who lives near Sunset, UT; his stepmother, Susie Doyle, of Bellevue; and his three sisters, Shauna, of Utah, and Whitney and Ashley, both of Bellevue.

I offer my sincere condolences to the family and friends of Airman Doyle. His noble service to the United States of America is to be respected and appreciated by all. And while the loss of this remarkable airman is felt by all Nebraskans, his courage to follow his dreams will remain as an inspiration for his survivors.

ARMY NATIONAL GUARD SPECIALIST JOSHUA FORD

Mr. President, today I honor SPC Joshua Ford of Pender, NE.

Specialist Ford, 20, graduated from Pender High School in 2004, where he was active in the FFA and theater. He was also interested in art and utilized his talent by creating a few paintings while serving in Iraq. Teachers knew him as an easygoing, well-liked student with a great sense of humor. Ford joined the Nebraska Army National Guard as a heavy vehicle driver in February 2003, while still attending high school. Friends say he was dedicated to the Guard, even convincing three friends to join with him.

Since October 2005, Specialist Ford had been serving with the Wayne-based Detachment 1, 189th Transportation Company in Iraq. On July 31, 2006, the military truck he was driving in a convoy from Forward Operating Base Delta to Tallil Air Base was struck by an Improvised Explosive Device near Al Numaniyah. Specialist Ford passed away shortly thereafter.

Specialist Ford is survived by his fiancée, Michelle Frohlich; father, Lonnie W. Ford; grandmother, Elle Petersen; sisters, Erin, Jessica, and Shawn; and nephew, William Dyer.

I offer my sincere condolences to the family and friends of Specialist Ford. The loss of this dedicated National Guardsman is felt by all Nebraskans, but his example will remain as an inspiration for all of us.

ARMY NATIONAL GUARD STAFF SERGEANT JEFFREY HANSEN

Mr. President, today I honor SSG Jeffrey Hansen of Cairo, NE.

Staff Sergeant Hansen, 31, was a 1993 graduate of Bertrand Community High School. He earned a bachelor's degree in Athletic Training from the University of Nebraska-Kearney in 1997. Jeffrey joined the Nebraska Army National Guard in January 2000 as a member of Troop A, 1-167th Cavalry in Hastings, NE. During his years as a member of the Nebraska National Guard, Staff Sergeant Hansen exhibited outstanding leadership and rose through the ranks, serving as an assistant squad leader, fire team leader, and squad leader before his current assignment as a fire support sergeant. Prior to his service in Iraq, Hansen served as a peacekeeper in Bosnia with the 1–167th Cavalry from late 2002 until mid-2003.

CPT Jeffrey Searcey, who led Troop A of the 1-167th Cavalry in Ramadi, Iraq, described Staff Sergeant Hansen as a "guy you respected as a soldier and a man." As a civilian, Staff Sergeant Hansen was recognized as an outstanding police officer during his time in the U.S. Department of Veterans Affairs, VA, Police Service. "Jeff was the strong, silent type. He didn't talk a lot, but when he did, people listened to him," said James Arends, a sergeant in the VA Police Service.

Staff Sergeant Hansen passed away on August 27, 2006, at Landstuhl Regional Medical Center in Landstuhl, Germany, from injuries he received when the humvee he was riding in went off a wet and eroded roadside berm and became submerged in an irrigation canal near Camp Anaconda, Iraq.

Staff Sergeant Hansen is survived by his wife Jennifer L. Hansen of Cairo; father Robert Hansen of Bertrand; and brother Jeremy Hansen.

I offer my sincere condolences to Staff Sergeant Hansen's family and friends. He gave his life to save and honor the liberties of America, and his selfless passion to achieve this end will not be forgotten. Staff Sergeant Hansen will be forever remembered as a hero who sacrificed everything for his fellow country men and women.

MARINE CORPORAL MATTHEW C. HENDERSON

Mr. President, today I honor Marine Cpl Matthew C. Henderson of Lincoln, NE.

Corporal Henderson inspired everyone who knew him through his leadership. He enjoyed football, hunting, fishing, and fixing cars with his father, who was his best man at his wedding in May of 2003.

Henderson joined the Marines in September 2000. He had received the Navy and Marine Corps Achievement Medal, the Marine Corps Good Conduct Medal, the National Defense Service Medal and the Sea Service Deployment Ribbon. Corporal Henderson was a combat engineer assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force out of Camp Pendleton, CA. Henderson was one among a group of marines traveling in an armored personnel carrier conducting security and stability operations in Anbar province, Iraq, at the time of his death.

I know I join all Nebraskans in grieving the loss of Corporal Henderson. He will be remembered as the selfless leader that he was; for being a compassionate and loyal husband, son, and brother.

SERGEANT ALLEN D. KOKESH, JR.

Mr. President, today I honor SGT Allen D. Kokesh, Jr. of Yankton, SD.

Sergeant Kokesh, 21, willingly signed up for the National Guard as a junior at Yankton High School and completed his basic training before his graduation in 2003. He believed he and his fellow soldiers were playing an important role in bringing peace and freedom to the people of Iraq.

While serving with the Yankton-based Charlie Battery of the 1st Battalion, 147th Field Artillery Brigade, stationed in Baghdad, Sergeant Kokesh was injured in an explosion from a roadside bomb on December 4, 2005. Sergeant Kokesh passed away February 7, 2006, at Brooke Army Medical Center in San Antonio, TX, as a result of his injuries. He was posthumously promoted from specialist to sergeant.

Sergeant Kokesh is survived by his father and stepmother, Allen Sr. and Kristi Kokesh; mother and stepfather, Becky and Jason Beebee; siblings, Chasity, Katrianna, Tom, and Jaylon; and numerous other family members, friends, and fellow soldiers.

I offer my sincere condolences and prayers to the family and friends of Sergeant Kokesh. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as SGT Allen D. Kokesh, Jr.

PRIVATE TIM J. MADISON

Mr. President, today I honor Pvt Tim J. Madison of Bellevue, NE.

Private Madison's children will grow up knowing their father is a hero. A 1997 graduate of Bellevue East High School, Private Madison, 28, joined the Army last October. Private Madison enjoyed the outdoors and shared that experience with his children on numerous occasions.

While serving with E Company, Brigade Support Battalion, 2nd Brigade at Fort Carson, CO, Private Madison was struck by .50-caliber machine gun fire during a live-fire operation at a shooting range. "He was very proud of his country, and he wanted to defend and make it a better homeland for his own immediate family, his wife, and kids," said his mother, Nancy Madison.

Private Madison is survived by his wife Melissa and three children, Hailee, 3, Jonathan, 2, and Michael, 4 months, of Fort Carson, CO; parents, Ken and Nancy Madison of Bellevue, NE; brothers, Ken Jr., Tony, and Rick Madison, all of Bellevue; and sister, Christina Coy of Bellevue.

Our hearts go out to the family and friends of Pvt Tim J. Madison. You are all in America's thoughts and prayers.

ARMY SPECIALIST BENJAMIN SLAVEN

Mr. President, today I honor Army SPC Benjamin Slaven of Plymouth, NE.

Following in his family's footsteps, Specialist Slaven, 22, chose to enlist in the Army Reserve because he wanted to serve his country. "He was enthusiastic about working on the front line of the war on terror," said his father, Bruce Slaven.

Before enlisting, Specialist Slaven earned his high school equivalency diploma and was employed in Beatrice, NE, most recently at the Beatrice State Development Center, where he became known for his compassion. Because of his love for scuba diving, Specialist Slaven was considering a career in underwater welding after the military.

While serving with the Army Reserve's 308th Transportation Company of Lincoln, NE, then Private First Class Slaven was killed when a roadside bomb struck his vehicle on June 9, 2006, in Ad Diwaniyah, Iraq. He was promoted to army specialist posthumously.

Specialist Slaven is survived by his mother, Judy Huenink, of Plymouth; his father, Bruce Slaven, of Beatrice; and his sister, PFC Misti Slaven, currently serving with the Army Reserve.

All Americans admire the dedication Specialist Slaven exhibited as he defined what a true soldier should be. The family and friends of Army SPC Benjamin Slaven are in our thoughts and prayers.

ARMY SERGEANT 1ST CLASS TERRY WALLACE

Mr. President, today I honor Army SFC Terry Wallace of Winnsboro, LA.

Sergeant First Class Wallace graduated from Winnsboro High School, where he met his wife, Shunda Wallace. Wallace joined the Army shortly after graduating from high school. "It was something he'd always wanted to do. He always wanted to serve his country," said Mrs. Wallace.

While serving with the 42nd Field Artillery based at Fort Hood, TX, Sergeant First Class Wallace was killed when a roadside bomb hit his humvee in Taji, Iraq, on June 27, 2006. He had served several assignments abroad, including locations in the Middle East, but this was his first tour of duty in Iraq.

In addition to his wife, Sergeant First Class Wallace is survived by his 2-year-old daughter, Raven; his parents, James Jr. and Marry Wallace, of Winnsboro, LA; his twin brother, Jerry Wallace, and several other brothers and sisters, also of Winnsboro.

I know I join all Nebraskans in grieving the loss of Sergeant First Class Wallace. He will be remembered for the selfless hero he was and for being a devoted and compassionate husband, son, and brother. Sergeant First Class Wallace's family and friends remain in our thoughts and prayers.

LANCE CORPORAL BRENT ZOUCHA

Mr. President, today I honor LCpl Brent Zoucha of Clarks, NE.

Being a dedicated athlete at High Plains Community School, Zoucha had already attained much of what he needed to be a good marine: commitment. Knowing he wanted to serve, Zoucha, 19, enlisted in the Marines while still in high school.

Serving with the 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, in Twentynine Palms, CA, Corporal Zoucha passed away on June 9, 2006, due to injuries sustained in an explosion while conducting combat operations in Al Anbar, Iraq. "He died doing what he wanted to do: fighting for his country," said friend David Beck.

Corporal Zoucha is survived by his mother, Rita Zoucha, of Clarks, NE; his sister, Sherri Krueger, of Duncan, NE; and two brothers, Dominic Zoucha of Clarks, NE, and Corporal Dyrek Zoucha, currently serving in Iraq.

All Americans admire the dedication LCpl Brent Zoucha exhibited as he defined what a true soldier should be. The family and friends of Corporal Zoucha are in our thoughts and prayers.

DEFENSE APPROPRIATIONS

Mr. LIEBERMAN. Mr. President, I rise today to give my support to the 2007 Defense appropriations bill which passed the Senate last week by a unanimous vote of 98 to 0. The bill provides $469.7 billion in discretionary spending authority for the Department of Defense and will supply critical funding to many Connecticut defense companies that provide our Nation's military with the cutting edge technology, weaponry, and equipment it needs.

It includes $2.5 billion for the construction of another *Virginia* class submarine, which will be built at Connecticut's submarine base in New London. It also includes $54 million for submarine research. This funding will support the significant work of our submarine designers and engineers in New London and will enable important cost-cutting improvements to the *Virginia* class. Eight million dollars of that funding is targeted for advanced submarine research, which will allow our designers and engineers in New London to begin the early steps of designing a new class of nuclear attack submarines. In aircraft procurement, the bill contains funding for 12 additional Black Hawk helicopters for a total of 94 aircraft and 12 C–17 transport aircraft, also produced in Connecticut. Finally, I am particularly heartened by the inclusion of funding for several of our smaller defense companies and contractors in Connecticut, which provide our troops with sophisticated technological support. Fuel cell development, sonar technology, clotting agents for troops wounded in battle, mobile military health units, and laser machine tool systems are all products of the high-tech defense industry in Connecticut, and I am proud that I was able to secure funding for this burgeoning sector of my State's economy.

There were several important amendments proposed to the Defense appropriations bill. Senator KENNEDY offered an amendment that would have required the Pentagon to provide information about whether a civil war has developed in Iraq as part of the Defense Department's already mandated quarterly reports. Senator MENENDEZ's proposed amendment prohibited the use of funds for a public relations program designed to monitor news media in the United States and the Middle East to create a database of news stories to promote positive coverage of the Iraq war. Both of these amendments were prevented from being considered explicitly by procedural votes on the Senate floor. If I had voted on those motions, I would have supported both amendments, which would have meant voting against both motions to table. Unfortunately, both amendments were set aside, and my vote would not have changed the procedural outcome in either instance, nor prevented their defeat in a party-line vote.

As I have stated earlier, I will be spending much of my time before the November election in Connecticut. I believe it is important for me to spend time with people in Connecticut, listening to their ideas and concerns. These next 2 months will provide me with a good opportunity to learn more about their views on how we can move forward to solving our Nation's most pressing problems. That being said, I plan to return to the Senate for votes when my presence is a deciding factor and important committee business in which my participation is crucial. The task of representation is truly a two-way street, and I value those times, such as during campaigns, when citizens and their elected representatives can engage in a democratic dialogue. I am looking forward to continuing to participate in that process and also continuing to represent the people of Connecticut in the U.S. Senate.

HONORING GARY STEVENS

Mr. CRAIG. Mr. President, I rise today to recognize Gary Stevens, an accomplished Hall of Fame jockey and Idaho native.

Gary retired in 2005 from an impressive career in horse racing that includes several victories in each leg of the Triple Crown, as well as multiple titles in the Santa Anita and Breeders' Cup races. Holding claim to honorary awards and international racing cups, Gary's popularity only grew in 2003 when he played the role of George Woolf in the Academy Award nominated movie Seabiscuit.

It is an honor to note that Gary started his career in Idaho. At 16 years old, Gary rode his first thoroughbred winner at Les Bois Park in Boise. Born in Caldwell, Gary's father was a riding trainer and his mother was a rodeo queen. This summer, Idaho Governor Jim Risch named a week in Gary's honor, to spotlight this accomplished jockey's ties to Idaho.

On behalf of thousands of Idahoans who are proud of him and his Idaho roots, I say congratulations to Gary Stevens for a lifetime of outstanding achievements.

LET US LOOK UPON THE OCEAN WITH REVERENCE

Mr. KENNEDY. Mr. President, during the August recess, one of my constituents, Michael Mulroy, of Fairhaven, wrote a very thoughtful article that was printed in the New Bedford Standard-Times on August 15 in its "Your View" feature. Mr. Mulroy's article eloquently describes the restorative and wondrous nature of the ocean and questions the wisdom of placing wind farms and other large-scale industrial projects at sea. He urges us to "look upon the ocean with reverence."

As someone who is committed to preserving the natural beauty of Massachusetts and its magnificent coastal waters, I was moved by Mr. Mulroy's inspiring article, and I believe many of our colleagues will be inspired by it as well. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Bedford Standard-Times, Aug. 15, 2006]

"YOUR VIEW: LET'S LOOK UPON OCEAN WITH REVERENCE, UNOBSTRUCTED"

(By Michael Mulroy)

After years of reading about and listening to the debate over the proposed wind farm off the coast of Cape Cod, I felt compelled to weigh in on the subject after reading David Kibbe's article in The Standard-Times.

As a child growing up in one of the tenement neighborhoods in New Bedford, I loved it when my parents would take my sister and me to one of the area beaches for the day. Sometimes we would stop to get ice cream afterwards, or maybe have some clam cakes at one of the small clam shacks that dotted the coast. When it was too cold for swimming, we would still go down to the shore and walk the beach looking for shells or whatever treasure the tide may have washed ashore. In the winter, we would simply take a drive along the seashore and enjoy the scenery. One of the greatest joys for me was looking out at the ocean and being able to see unobstructed to the horizon—there were no tenements or telephone poles or wires or factories to spoil the vista. The ocean was to my mind a blank canvas, I was free to paint my imagination across it, and I dreamed of whaling ships and merchants of days long ago.

Later, when I was first married, one of our first apartments was in Fairhaven. I used to ride my daughter around town in a carrier seat on the back of my bicycle. Wherever else we went, we always went down to Fort Phoenix, and out onto the Hurricane Barrier, and looked out upon the ocean. My grandfather was a construction worker who helped build the barrier, and so it made our visits there all the more special.

Life being what it is, we could not afford to buy a home in Fairhaven at the time, and so we moved back to New Bedford. As time went by, I was eventually divorced from my first wife. Saddled with debt, I was forced to file for bankruptcy. Through hard work and determination, I was able to restore my credit and eventually bought a fine tenement on the same street where I grew up. I went to the beach, I took drives by the shore, but I also worked; I worked hard.

I am now remarried and once again live in Fairhaven. We have easy access to the beach, and I ride my bicycle by the shore. Through all the changes in my life, one thing that has never changed is the ocean. I can still gaze out upon the open sea and look unobstructed to the horizon. I am humbled at the awesome power that lies there. The sheer vastness of the sea amazes me, and I cannot help but think of our great Creator every time I look upon it. Surely this is a holy place! I can imagine how the first people to set eyes upon this wonderful site must have felt, and I feel that as I am able to see what they first saw, I can share their experience.

At first I felt guilty for not wanting to see a wind farm off the coast. After all, this would be a great source of energy. Clean, renewable, it might even lessen our dependence on foreign oil, even if it's only a little bit, I would feel patriotic. I felt like one of the NIMBY (not in my backyard) people, but it just didn't feel right. Some people say that the only argument against the project is that some rich folks on Nantucket and Cape Cod don't want to spoil their view. Rep. Bob Koczera calls it "reasons of aesthetics and really nothing else." I've got news for you, Bob, the grandeur of the world's natural wonders are not "aesthetics!" Aesthetics are in your living room! That's like calling the Grand Canyon "just a hole," or Mount Everest "a big hill and really nothing else."

The ocean is our last wild place on this Earth. We are a throwaway society, and we are too lazy, or too cheap, to bother to clean up the messes we have made on land, and so now we are looking to the sea. Rep. Frank

Smizik of Brookline states "We're relying on dirty power plants" and urges us to "get away from that."

Well, Frank, why not hold the Bush Administration to their responsibility, and stop letting them relax pollution standards for these filthy polluters? Why not force them to clean up their act? I, for one, am sick to death about hearing these corporations whine about the cost! Too bad! Record profits for Big Oil sound familiar? All the while, the public is being gouged at the gas pump!

Why do we have to have this wind farm in the ocean when there are many existing wind farms in areas that are not near the ocean? The answer is simple: It is easier, and cheaper! Cape Wind wants to locate here because they feel this is the best location for them. What is best for an energy corporation is not necessarily what is best for the Earth or for our people. It is time we start to think of ourselves as people of the Earth, and not as people who belong to corporations. It is time we listen to the ancestors of our native peoples. Since time began, they have known that the Earth does not belong to us, we belong to the Earth. We are here as her caretakers. They have been telling us this since the white people first came here. It's time we open our ears, our eyes, and our hearts, and listen.

It is time to use self-restraint and set limits for ourselves. We must take responsibility for our actions, and clean up the mess we have made upon our lands, and not expand our careless ways to the sea. Let us look upon the ocean with reverence, and let us see to the horizon, unobstructed, and let it be our inspiration to take back our Earth from unbridled development. Let us say, "Stop!" Enough is enough! We have the technology to develop alternative energy sources without this project. This is not a "do or die" issue. Why not explore other options? Cape Wind would have us in fear of not supporting them now. Who says they are the only energy development corporation on the horizon? Rep. Matthew Patrick wants to "let the process go forward, and if Cape Wind survives based on its merits, it should not be subject to the arbitrary whims of the governor." If? If it survives? Well what Matthew, pray tell, will befall us if it doesn't survive? Who will pay to dismantle it? Or would you rather it just stay out there, a rusting hulk, as a monument to our failure, until it finally collapses into the sea? If that happened, what then would be the danger to navigation? What would be the environmental impact then? Has anyone thought about this? And what about the diesel fuel stored there for the generators?

The sea and its creatures are a precious resource. Today, our fishermen are paying the price for the sins of our fathers. Exploitation of fish stocks since pre-Colonial times has left them depleted to the point of disaster. We cannot think that human invasion of this delicate environment will have little or no impact. I cannot help but think that if we allow this wind farm, that they will want to expand in the future, or that others will want to follow. Will we ask our children to pay forever for our sins?

I am not rich, but this is not about being rich. It is about a deep respect and reverence for our earth, and yes, it is about my vista. When I look out upon the ocean, it is, to me, as if I am looking upon the face of God, so I would say to you: Yes, I would be happy to have a wind farm in my backyard, as long as it stays where it belongs, on land, and not in the middle of one of the most beautiful places on earth, the ocean.

ADDITIONAL STATEMENTS

RAPID CITY WEED AND SEED ORGANIZATION

• Mr. JOHNSON. Mr. President, today I wish to recognize the hard work and amazing results of the Weed and Seed organization of Rapid City, SD.

The Rapid City group will cease operations later this month after nearly a decade of tireless efforts to rehabilitate a significant portion of the residential and business area in the community.

In partnership with organizations that included the Rapid City Police Department, the Center for Restorative Justice, Volunteers of America, the Project Safe Neighborhood/Gunwise Program, and Good Housekeeping, dozens of individuals came together to address neighborhood crime, abuse, housing, and aesthetic issues.

Primarily focused on the East North and East Boulevard neighborhoods, the Rapid City Weed and Seed organization worked with the Rapid City Police Department on a zero-tolerance policy with an aggressive police presence in areas that were beset with crime, homelessness, and urban blight issues.

The group worked with Rapid City leaders to aggressively enforce city codes involving housing. Vacated and rundown homes and businesses were torn down and replaced with new and thriving businesses and new homes. Other businesses, homes, and apartment complexes were expanded and renovated during this timeframe. Efforts to revitalize Roosevelt Park resulted in the construction of a new ice arena and indoor swimming pool, as part of the city's 2012 economic development program. A business association was formed to bring together local business owners to discuss relevant issues of importance. The Weed and Seed organization also developed an adopt-a-creek program with 21 sections of Rapid Creek adopted by local companies, organizations, and families. The first major cleanup of Rapid Creek since the tragic 1972 flood resulted in the collection of 18 tons of trash, including debris from the 1972 flood event.

Four townhall meetings were conducted with local residents, and annual picnics were sponsored to develop a sense of camaraderie and connection between neighbors.

As a result of these efforts, the East North and East Boulevard areas have once again become a source of pride for the community. This sense of pride is now reflected in the residents and businesses located in the area. These results are due in large part to the collective work of the Rapid City Weed and Seed organization and the partnerships that were developed with city officials, law enforcement agencies, and the local businesses.

Funded through a 5-year Weed and Seed grant of $1.025 million, the local organization will cease operations later this month. I wish to recognize the vision and hard-working efforts of the dozens of Rapid City citizens and officials who have provided tireless efforts to rehabilitate and renovate a key part of the community.

I wish to recognize the help of executive director Patricia Pummel and board members Wayne Asscherick, Phyllis Boernke, Dave Bussard, Jim Castleberry, Patrick Clinch, Cynthia Clinch, Linda M. Colhoff, Richard Cooper, Darcy Dennison, Lee Dennison, Ken Edel, Fred Eisenbraun, Lawren Erickson, Dan Island, Adeline Kalmbeck, Jim Kinyon, Craig Kirsch, Eileen Leir, Burt Lang, Carol Lang, State legislator Alice McCoy, Jim McCoy, Dave Morgan, Lou Morgan, Sharon Oney, Kenneth Palmer, Gloria Pluimer, Alys Ratigan, Kerri Severson, Mickey Snook, Roberta Stevens, Betty Strobel, Raymond Summers, Pat Trumble, Holli Vanderbeek, Jerry Walenta, Lieutenant David Walton, Les Wermers, Dexter Wittman, Rapid City mayor Jim Shaw, former mayor Jerry Munson, and Connie Ewing.

Thanks to the efforts of these individuals, other concerned and committed citizens, and officials in Rapid City, the East North and East Boulevard areas of Rapid City have been effectively rehabilitated. The efforts of this organization may serve as a model for other Weed and Seed organizations in the country. Although ceasing operations, the vision and tireless efforts of individuals in the Rapid City Weed and Seed organization will be maintained. I commend the energetic and innovative work of the Rapid City Weed and Seed organization and the individuals involved in their great work over the past several years.•

CENTENNIAL OF THE FOUNDING OF STRATFORD, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the centennial of the founding of the city of Stratford, SD. A latecomer in inclusion into Brown County, Stratford sprung up rapidly in just weeks.

Stratford was founded 100 years ago on the Minneapolis and St. Louis railways. Stratford was a convenient commuter system to many of its neighboring cities at the time. In just 5 years, Stratford reached its peak population of 600.

Stratford is one of South Dakota's classic small towns. It has been the home of industry and farm-related businesses and has been served by a volunteer fire department since 1911. The Baribeau Honey Company, which processes about a million pounds of honey annually, was established in 1955 and is still a booming business. The post office and BS Bar and Grill are open to this day.

A hundred years after its founding, Stratford continues to be a vital community and a great asset to South Dakota. I am proud to honor the achievements of Stratford on this memorable occasion.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3886. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8256. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition and Removal of Quarantined Areas in New Jersey" (Docket No. 05–066–2) received on September 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8257. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas; Wisconsin" (Docket No. APHIS–2006–0039) received on September 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8258. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 04–02; to the Committee on Appropriations.

EC–8259. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–05; to the Committee on Appropriations.

EC–8260. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 05–01; to the Committee on Appropriations.

EC–8261. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 04–09; to the Committee on Appropriations.

EC–8262. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "General Guidelines for Systematic Declassification Review of Foreign Government Information: Removal of Part" (RIN3095–AB51) received on September 8, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8263. A communication from the General Counsel, Peace Corps, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency; to the Committee on Foreign Relations.

EC–8264. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the Republic of Korea; to the Committee on Foreign Relations.

EC–8265. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the Commission's annual report on the Operation of the United States Trade Agreements program for calendar year 2005; to the Committee on Finance.

EC–8266. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Confidentiality of Commercial Information" (RIN1651–AA47) received on September 8, 2006; to the Committee on Finance.

EC–8267. A communication from the Chief of the Regulatory Development Division, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Transportation; Redesignation of Regulations from the Research and Innovative Technology Administration" (RIN2126–AA92) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8268. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of an Emergency Relief Docket and Procedures for Handling Petitions for Emergency Waiver Relief From the Federal Regulations" (RIN2130–AB79) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8269. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Aluminum Cylinders Manufactured of Aluminum Alloy 6351–T6 Used in SCUBA, SCBA, and Oxygen Services—Revised Requalification and Use Criteria" (RIN2137–AD78) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8270. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Insurer Reporting Requirements for October 2006" (RIN2127–AJ88) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8271. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Vehicles Built in Two or More Stages—Standard 201" (RIN2127–AI93) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8272. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards No. 208 CRS Installation Procedure for LATCH-Equipped Seats" (RIN2127–AJ59) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8273. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "5th Percentile Dummy Belted Barrier Crash Test Requirements—Standard 208" (RIN2127–AI98) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8274. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards No. 209 Response to Petitions for Reconsideration on Emergency Locking Retractor Requirements" (RIN2127–AJ92) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8275. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Event Data Recorders" (RIN2127–AI72) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kalispell, MT" ((RIN2120–AA66)(Docket No. 05–ANM–15)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pinedale, WY" ((RIN2120–AA66)(Docket No. 05–ANM–17)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Norton Sound Low Offshore Airspace Area; AK" ((RIN2120–AA66)(Docket No. 06–AAL–10)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fremont, MI" ((RIN2120–AA66)(Docket No. 06–AGL–01)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Relocation of Class D Airspace; Elko, NV" ((RIN2120–AA66)(Docket No. 05–AWP–12)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Elko, NV" ((RIN2120–AA66)(Docket No. 05–AWP–11)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Re-designation of VOR Federal Airway V–431; AK" ((RIN2120–AA66)(Docket No. 06–AAL–18)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120–AA65)(Docket No. 30509)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (32)" ((RIN2120–AA65)(Docket No. 30507)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS–365N2, AS–365N3, EC–155B, EC–155B1, SA–365N, N1, and SA–366G1 Helicopters" ((RIN2120–AA64) (Docket No. 2004–SW–19)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. Model C–212–CC Airplanes" ((RIN2120–AA64)(Docket No. 2003–NM–281)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes; Model A310 Airplanes; and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–044)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Airbus Model A310–200 and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2001–NM–323)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. Model C–212–CC Airplanes" ((RIN2120–AA64)(Docket No. 2003–NM–283)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–133)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–200, –300, and –400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–260)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA–0, C5JFR36C1102/L114GCA–0, B5JFR36C1103/114HCA–0, and C5JFR36C1104/L114HCA–0" ((RIN2120–AA64)(Docket No. 2006–NE–24)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU–2B Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–04)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2C10 Airplanes , Model CL–600–2D15 Airplanes, and Model CL–600–2D24 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–213)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 F4–600R Series Airplanes and Model A300 C4–605R Variant F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–041)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8296. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200 and A330–300 Series Airplanes, and Airbus Model A340–200 and A340–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2002–NM–247)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8297. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes, and Model A340–541 and A340–642 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–135)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8298. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–160)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8299. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200, –300, and –300ER Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–262)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8300. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–07)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8301. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB–WERKE Model G120A Airplanes" ((RIN2120–AA64)(Docket No. 2004–CE–35)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8302. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop Engines" ((RIN2120–AA64)(Docket No. 2006–NE–03)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8303. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–01)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8304. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–31, DC–9–32, DC–9–32F, DC–9–33F, DC–9–34, and DC–9–34F Airplanes; and Model DC–9–40 and DC–9–50 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–048)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8305. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop, and TSE331–3U Model Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2006–NE–

02)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8306. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Camp Ripley, MN: Establishment of Class E Airspace: Camp Ripley, MN" ((RIN2120-AA66)(Docket No. 05-AGL-08)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8307. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nicholasville, KY; Correction" ((RIN2120-AA66)(Docket No. 06-ASO-7)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW:

S. 3888. A bill to amend title XVIII of the Social Security Act to sunset the sustainable growth rate formula as of January 1, 2009, in order to expedite Congressional action in establishing a new physician payment system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates; to the Committee on Finance.

By Mr. FEINGOLD:

S. 3889. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 3890. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3891. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 566. A resolution expressing the sense of the Senate concerning the importance of preventing child abuse and neglect before they occur and achieving permanency and stability for children who must experience foster care; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 567. A resolution honoring the Detroit Shock on winning the 2006 Women's National Basketball Association Championship; considered and agreed to.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 568. A resolution congratulating the Columbus Northern Little League team of Columbus, Georgia, for winning the championship game of the Little League World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 908

At the request of Mr. MCCONNELL, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2348

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2348, a bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2707

At the request of Mr. SUNUNU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2828

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2828, a bill to provide for educational opportunities for all students in State public school systems, and for other purposes.

S. 3128

At the request of Mr. BURR, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3500

At the request of Mr. THOMAS, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3508

At the request of Mr. SUNUNU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3508, a bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes.

S. 3684

At the request of Mr. ALLEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3684, a bill to study and promote the use of energy efficient computer servers in the United States.

S. 3698

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3698, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 3707

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3707, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3739

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3739, a bill to establish a Consortium on the Impact of Technology in Aging Health Services.

S. 3744

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3762

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3762, a bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers.

S. 3771

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3791

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3795

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3884

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 559

At the request of Ms. SNOWE, her name was added as a cosponsor of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 559, supra.

AMENDMENT NO. 4921

At the request of Mr. DEMINT, the names of the Senator from Montana (Mr. BURNS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4921 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW:

S. 3888. A bill to amend title XVIII of the Social Security Act to sunset the sustainable growth rate formula as of January 1, 2009, in order to expedite Congressional action in establishing a new physician payment system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates; to the Committee on Finance.

Ms. STABENOW. Mr. President, I am pleased to introduce the "Fix and Improve Reimbursement (FAIR) for Physicians Act of 2006" today with the support of the Michigan State Medical Society and the Michigan Osteopathic Association.

Over 20,000 M.D.'s and D.O.'s in Michigan provide more than 1.4 million seniors and people with disabilities with high-quality medical services under the Medicare program. Our Michigan families have received fantastic care, from fantastic doctors.

But will they continue to? Not unless we do something about the payment system used to reimburse physicians for Medicare services. Beginning January 1, 2007, the Medicare Sustainable Growth Rate (SGR) formula will cut payments to physicians and health care professionals by 5.1 percent. What does that mean in dollar terms? Medicare payments in Michigan alone will be cut by $137 million in 2007; the average cut for a physician in Michigan would be $34,000 per year.

That doesn't make any sense. Medical costs are going up. How can doctors provide the same high-quality care when costs are going up and their payments are going down?

It makes even less sense when you realize physicians and other health care professionals have been struggling with this payment system for years. The SGR formula resulted in significant payment cuts in 2002, and would have resulted in payment cuts in 2003, 2004, 2005 and 2006 had Congress not intervened.

And it won't stop with the cut in 2007. According to the Medicare Payment Advisory Commission (MedPAC) and the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

The cuts are scheduled to total 40 percent by 2015, costing Michigan doctors in excess of $8 billion between 2007 and 2015.

Can doctors absorb these kinds of cuts and continue to serve all Medicare beneficiaries with high-quality care? Absolutely not. The cuts would be particularly devastating for primary care doctors, the very doctors that, according to MedPAC, many Medicare beneficiaries rely on for important health care management. MedPAC states in their March 2006 report that they "are concerned that such consecutive annual cuts would threaten access to physician care services over time, particularly primary care services." They go on to say that "payment policies that may discourage medical students and residents from becoming primary care physicians raise particular concern".

A recent survey conducted by the AMA suggests that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept—and this at a time that the Medicare population is burgeoning! Further, 50 percent of doctors will defer purchase of health information technology, 37 percent of doctors practicing in rural communities will be forced to discontinue rural outreach services, and 43 percent of physicians will decrease the number of new TRICARE patients they suggest.

This is not a new issue. MedPAC considers the Medicare SGR formula a flawed, inequitable mechanism for controlling the volume of services and first recommended repeal of the Medicare SGR formula in 2001. Since then they have consistently recommended repealing the formula.

But what has Congress done? Have we repealed the SGR? No. Instead, each year since 2003 Congress has acted to override the formula temporarily. While these actions have prevented cuts since 2002, nobody can believe this is a good way of going about business. Congress tends to act very late in the year—or AFTER the cuts have actually gone into effect—which results in instability and unpredictability for physicians, health care professionals, seniors and individuals with disabilities.

Further, annual Congressional actions to override SGR don't solve the long-term problem as the formula extracts the added spending in future years by imposing even more drastic cuts.

We know what we need to do. A Medicare physician payment system that will provide stable, positive payment updates is critical to preserve Medicare beneficiaries' access to high-quality care and allow doctors to invest in health information technology and quality improvement programs.

While a new system is being developed, we know we need to adopt MedPAC's recommendation to update payments for physicians' services under the Medicare program by the projected change in input prices less MedPAC's expectation for productivity growth. The "Preserving Patient Access to Physicians Act of 2005", which I introduced last year with Senator KYL, would do just that. It would have provided physicians with a 2.7 percent update in 2006 and would provide a 2.8 percent update in 2007.

When I introduced that legislation I said that it was just the beginning. I said that our bill was necessary to provide updates for a couple of years but that we cannot continue to use stopgap measures, and must replace the SGR with a payment system that actually makes sense and reflects the costs of providing physician care to Medicare beneficiaries.

This bill—the "Fix and Improve Reimbursement (FAIR) for Physicians Act of 2006"—takes the next step. The purpose of the "FAIR for Physicians Act" is to sunset the Medicare sustainable growth rate formula in order to expedite Congressional action in establishing a new physician payment system under the Medicare program that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates.

The "Fair for Physicians Act" would repeal the SGR formula as of January 1, 2009. I continue to believe that we must adopt MedPAC's recommendation for updates in 2007 and 2008 to give seniors access to high-quality care while giving Congress time to develop an alternative payment system.

To help Congress with developing the new payment system, the "Fair for Physicians Act" establishes a new, 17 member "Physician Payment Update Commission", the "Physician Commission". The members of the Physician Commission will include members with a wide variety of expertise in the delivery and financing of health care, but—and I believe this is critical—individuals who are physicians and other health professionals shall constitute a majority of the membership of the Commission.

The new Physician Commission will study all matters relating to payment rates under the Medicare physician fee schedule, and develop recommendations on the establishment of a new system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs.

We need to do this right, but we also need to get it done soon. Our physicians and health care professionals, and our Medicare beneficiaries, have been dealing with an unworkable, unsustainable system for too long.

Therefore, the Physician Commission must report to the appropriate Congressional Committees and MedPAC by December 1, 2007. MedPAC then has a month to review the recommendations of the Physician Commission and submit a report to the appropriate Committees. MedPAC's report must include a review of the recommendations, including the reasons for their support if they support their recommendations and, if they do not support the recommendations, the reasons for that, and their own recommendations.

I know we need to get this done by January 1, 2009 and I know we can get this done by January 1, 2009. My bill would repeal the SGR formula as of that date, and establish a new Commission to develop a new payment system by that time, to ensure that our Nation's 42 million Medicare beneficiaries continue to have access to high quality physician care.

In the meantime, we must provide updates based on MedPAC's recommendations.

The Medicare program is one of the most successful federal programs of all time. It has lifted countless seniors out of poverty, and it has ensured access to necessary, affordable, quality medical care for our most vulnerable citizens for the last 40 years.

We can—and must—fix the physician payment formula to maintain Medicare's record of success in providing access to high-quality Medicare services for all of our seniors and people with disabilities.

By Mr. FEINGOLD:

S. 3889. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing the gulf coast Housing Accessibility Act to address some of the challenges facing survivors of Hurricanes Katrina and Rita a year after the hurricanes struck the gulf coast. Two weeks ago, we commemorated the anniversary of Hurricane Katrina and honored those who lost their lives and those who lost their livelihoods last year. A year later, the people of New Orleans and the gulf coast continue to deal with an unfortunate reality—that in a lot of neighborhoods, it looks like the hurricanes hit a week ago, not a year ago.

Over the past year, I have heard from a number of Wisconsinites upset with the Federal Government's response to Katrina. They have made powerful pleas to not forget about the people who lost their homes, their communities and their way of life.

In July, I visited some neighborhoods in the New Orleans area that were ravaged by Hurricane Katrina. The painful realities about life there were everywhere—abandoned businesses, and homes and neighborhoods that were totally destroyed by the hurricane and its aftermath. The challenge of rebuilding is enormous. But what's even tougher is trying to rebuild in a way that helps everyone come back, not just people with access to more resources and different options. It is the responsibility of all levels of government to help those who want to come back regardless of their income level. We must ensure that the rebuilt gulf coast reflects the same cultural diversity that made it an American gem before the hurricanes struck. This legislation seeks to meet some of that responsibility by providing low income individuals and families with immediate and long term housing assistance as they rebuild their lives and move back to the gulf coast.

There are so many ways that gulf coast communities still need help—creating jobs, rebuilding the school systems, and gutting damaged homes so that they can be rebuilt. And, when you see those blocks and blocks of neighborhoods that were destroyed—with no sign of reconstruction—it's clear just how much help the people of New Orleans and the gulf coast need to find affordable housing.

Housing has to be affordable so that the gulf coast can get back to work. So many of the people who are the lifeblood of the tourism industry—like hotel and restaurant workers—want to call New Orleans home again, but they can't move back if they can't afford any place to live.

It's a testament to the strength of these communities that so many people want to come back, at every income level. You can't do that if you were working a minimum wage job that doesn't exist anymore, and you were renting an apartment that ended up engulfed in flood water.

There are a lot of barriers to moving back for homeowners, but it's also tough for gulf coast citizens who were renting when the hurricane hit. In the year since the hurricane struck, rents in the gulf coast region have skyrocketed, which makes it even more difficult for low income renters to return to their homes. With a significant percentage of renters in the New Orleans area before Katrina, we need to ensure that the housing assistance in the gulf coast is aimed at helping renters, as well as homeowners, rebuild their lives.

We've got to do something to help displaced residents—particularly low-income individuals—who want to move back to New Orleans. I have put together a few different ideas into one bill, building on some really good work on housing issues by some of my colleagues in the Senate. This bill doesn't tackle every problem, but it will help address some of the tough housing issues facing New Orleans and the gulf coast. It includes housing vouchers to help make rents affordable for the lowest income people and families. It also makes housing like the Katrina cottages—which are more like homes, and less like trailers—more available to those who want them. There have been a lot of problems with the FEMA trailers, so it's important to give people the option of living in a more permanent home. And finally it allows HUD to handle temporary rental assistance programs from here on out, instead of FEMA, which isn't equipped to handle housing issues like these for the long haul.

Not only does this legislation address the needs of current Katrina survivors, but the changes it makes to the Stafford Act to allow FEMA to provide permanent and semi-permanent housing, as well as allowing HUD to provide temporary housing assistance instead of FEMA, apply to future disasters also. The importance of this cannot be stressed enough—we in government must learn from our past mistakes and work to prevent such a horrible government response to future disasters.

A year after Hurricane Katrina and Hurricane Rita, there is so much that we can still do—and that Congress can do—to help the gulf coast recover. We need to have serious conversations about the persistent poverty that still exists in the gulf coast and around our nation, for this poverty magnified the disaster of Hurricane Katrina. We need to develop solutions to address this poverty that exists in cities and rural communities throughout our country. We need to work to ensure the levees are built correctly. We need to better protect the diminishing wetlands of the gulf coast. But we also have to focus on the here and now—what people are facing on the gulf coast today. As we look at the images of the hurricanes a year later, and we remember what people went through, we also have to recognize how far we have to go, and rededicate ourselves to helping the people of the gulf coast make it home again.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Housing Accessibility Act of 2006".

SEC. 2. PROJECT-BASED VOUCHERS.

(a) In General.—The Secretary of Housing and Urban Development (in this Act referred to as the "Secretary") shall allocate additional assistance for project-based housing vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) for individuals and households located within the area in which assistance to individuals has been authorized by the President under a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a consequence of Hurricane Katrina, Rita, or Wilma of 2005.

(b) Authorized Uses.—The Secretary shall make funds available under this section for project-based vouchers used to support—

(1) affordable housing in repaired or rebuilt housing that has been damaged or destroyed as a consequence of Hurricane Katrina, Rita, or Wilma of 2005; or

(2) to support affordable housing in new housing structures in the affected areas created under the low income housing tax credit under section 42 or section 1400N(c) of the Internal Revenue Code of 1986.

(c) Funds.—

(1) In general.—Of amounts authorized under this section, funds shall be made available for 4,500 project-based vouchers for—

(A) support of housing units for persons, including adults and children, with disabilities;

(B) elderly families; and

(C) individuals and families who were homeless prior to the occurrence of the disaster.

(2) Definitions.—As used in this subsection:

(A) Disability.—The term "disability" has the same meaning as in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)).

(B) Homeless.—The term "homeless" has the same meaning as the term "homeless children and youths" as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), except that such term shall also include any adult individual who is homeless.

(d) Requests for Assistance.—The Secretary shall award the project-based vouchers authorized under this section to a State agency designated by the Governor of the State, upon submission of a request to the Secretary, in such form and containing such information as the Secretary may require. If a State agency is unable to provide such a request, a local housing agency may submit the request for funds to implement project-based vouchers under this section. If a State agency enters into an agreement with 1 or more local housing agencies to transfer the administration of vouchers after commitment to a particular development, the Secretary shall make the appropriate transfer.

(e) Exemption From Certain Limitations.—The limitation provided for in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to the project-based vouchers allocated and administered under this section.

(f) Authorization of Funds.—

(1) In general.—There are authorized to be appropriated to the Secretary $200,000,000 for purposes of allocating and administering project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), which shall remain available until expended.

(2) Purpose.—Such funds are authorized for the purpose of ensuring that 25 percent of the units created, repaired, or refurbished under the low income housing tax credit under section 42 or section 1400N(c) of the Internal Revenue Code of 1986, are affordable to very low-income and extremely low-income individuals and households.

(g) Effective Date.—This section shall become effective upon appropriation of the necessary funds to carry out this section.

(h) Offset.—Section 843(a) of title 18, United states Code, is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end the following:

"(2) The Attorney General shall collect a user fee from each licensee under this section of $0.02 per pound for any commercial, non-military explosive material manufactured in or imported into the United States by that licensee.".

SEC. 3. FEMA HOUSING ASSISTANCE.

(a) Amendments to Stafford Disaster Relief and Emergency Assistance Act.—Section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) is amended—

(1) in the paragraph heading, by inserting "SEMIPERMANENT, AND PERMANENT" after "TEMPORARY"; and

(2) in subparagraph (B)

(A) in clause (i)—

(i) by inserting "semipermanent, and permanent" after "temporary"; and

(ii) by inserting "subject to certain conditions outlined below" after "units";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

"(ii) CONDITIONS FOR PROVIDING TEMPORARY, SEMIPERMANENT, AND PERMANENT HOUSING UNITS.—

"(I) IN GENERAL.—When determining whether to provide temporary, semipermanent, or permanent housing under clause (i), the President shall examine certain conditions, including—

"(aa) the relative cost efficiency of providing the housing units;

"(bb) the likelihood that individuals and families will be living in Federal Emergency Management Agency (in this subparagraph referred to as 'FEMA') assisted housing longer than 3 to 6 months, due to the scope of the disaster where individuals and households are located;

"(cc) the potential benefits of providing housing that will help to restore permanent housing stock lost as a result of the disaster; and

"(dd) any other conditions that the President deems necessary to examine, depending on the scope of the disaster and the subsequent rebuilding and recovery process.

"(II) MEETING NEEDS.—When providing temporary, semipermanent, or permanent housing units under clause (i), the President shall ensure that—

"(aa) an adequate share of the housing units will be deployed to meet the needs of predisaster renters, especially low-income households;

"(bb) that the deployment of the housing units will minimize the concentration of poverty;

"(cc) that an adequate share of the housing units is accessible for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)); and

"(dd) the housing units will be placed within a reasonable distance from needed services, such as access to transportation, employment opportunities, health care facilities, schools, day care services, and financial and employment counseling.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to individuals and households affected—

(1) by a disaster to which section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) would otherwise apply, occurring on or after the date of enactment of this Act; and

(2) by the consequences of Hurricanes Katrina, Rita, and Wilma of 2005.

SEC. 4. TRANSFER OF TEMPORARY RENTAL ASSISTANCE.

(a) IN GENERAL.—The Director of the Federal Emergency Management Agency (in this section referred to as the "Director" and "FEMA", respectively) shall enter into a mission assignment with the Secretary to transfer adequate funds from FEMA Disaster Relief Funds into the Disaster Voucher Program at the Department of Housing and Urban Development in order to fully implement subsection (b).

(b) TRANSFERS.—The Director shall ensure that the following individuals and households are transferred into the Disaster Voucher Program:

(1) Individuals and households receiving assistance through FEMA's transitional housing program authorized under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) .

(2) Individuals and households receiving assistance through—

(A) rental assistance programs administered through State and local voucher programs that receive reimbursement from FEMA; or

(B) any other program authorized under section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

(c) STATE AND LOCAL GOVERNMENTS.—FEMA shall work with State and local governments, as well as private entities providing services, to ensure that proper notice and assistance is provided to individuals and households, while the transfer under this section is completed.

(d) OPT-OUT PROVISION.—Individuals and families receiving FEMA housing assistance under subsection (b) may opt-out of the transfer to the Disaster Voucher Program authorized in subsection (a).

(e) APPLICABILITY.—This section shall apply with respect to individuals and households affected—

(1) by a disaster occurring on or after the date of enactment of this Act; and

(2) by the consequences of Hurricanes Katrina, Rita, and Wilma of 2005.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 3890. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Rural Energy for America Act of 2006. This legislation will strengthen and expand the renewable energy and energy efficiency program established in section 9006 of the Farm Security and Rural Investment Act of 2002 by increasing its overall funding, creating a new rebate) program, providing new grant options for wind energy projects, allowing rural schools to qualify for the program and fostering the administration of direct loans. I am very pleased to have Senators LUGAR, DURBIN, HAGEL and NELSON as co-sponsors.

The section 9006 Renewable Energy Systems and Energy Efficiency Improvements program—to be re-named under this legislation as the Rural Energy for America Program (REAP)—provides farmers, ranchers, and rural small businesses with financial support for installing renewable energy systems and making energy efficiency improvements.

I authored section 9006 in 2002 as Chair of the Senate Committee on Agriculture, Nutrition and Forestry with the strong support of Senator LUGAR, the Ranking Member at that time and a long-time ally in advocating for renewable energy production. This has proven to be one of the most important provisions we included in the 2002 farm bill's first-ever energy title.

During its first three years, the Renewable Energy Systems and Energy Efficiency Improvements program has distributed $63.9 million and catalyzed the development of 412 renewable energy and energy efficiency projects in 37 states. The awards have leveraged an additional $699 million, bringing the total program-related investment in clean energy systems for farms, ranches and rural communities to $763 million. Thus, this program has had remarkable success in stimulating investments that increase reliance on clean, domestic energy systems and enhance energy efficiency in our agricultural and rural business sectors.

Developing and expanding homegrown renewable energy is a key part of our national energy security strategy. Section 9006 provides grant support for many different forms of renewable energy, including solar, wind, biomass, geothermal and renewable hydrogen.

Prior to 2003, there were fewer than 30 locally-owned wind farms in operation. As a direct result of the section 9006 program, over 80 new community wind projects were awarded grants by the end of 2005. When completed, these projects will have a capacity of over 300 megawatts of wind power and provide new income for American farmers and cleaner air for all of us.

Section 9006 successfully promotes on-farm anaerobic digesters, which capture and use methane gas from livestock and poultry manure. Before 2003, there were fewer than 10 digesters in operation in the United States. Under the section 9006 program, 15 new digester projects are now operational and an additional 59 projects are under development. These projects provide new sources of farm income and help farmers deal with manure in a more environmentally sound manner.

The program also has funded bioenergy production and the adoption of energy efficiency technologies and practices. As a result, 124 million gallons of ethanol and biodiesel production capacity are coming online, and energy saving improvements have been installed at 160 farms, ranches and rural small businesses, resulting in a savings of 250 billion BTUs/year and millions of dollars in reduced electricity, diesel fuel, natural gas and propane expense.

Together, these renewable energy projects produce 16.9 trillion BTUs/year in the form of fuels, electricity and thermal energy. The combination of renewable energy and energy efficiency projects also will reduce carbon dioxide emissions into the atmosphere by 4 million metric tons a year, showing that our rural communities can be a part of the solution to global warming.

It is clear that the section 9006 program has been extraordinarily successful. However, we have only begun to tap into the potential for American ingenuity in homegrown clean energy production and energy efficiency measures. The demand for rural renewable energy and energy efficiency assistance far outpaces the program's resources. Today, the demand is almost triple the available program funding.

Our legislation will strengthen and expand the program to help agricultural producers and rural small businesses cope with high energy prices, move our rural economies forward and protect the environment. In addition to increasing overall program funding, this bill will allow rural schools to apply for REAP funding. Schools have been eager to participate in the section 9006 program since its inception. Allowing schools to qualify will help them mitigate high energy costs and help teachers educate our youth about the many benefits of energy efficiency and clean alternative energy sources.

This legislation further promotes wind energy expansion by giving farmers and other eligible developers an additional financing option. Currently, most of the funds granted for wind power projects under section 9006 are used to purchase and install wind turbine systems. Under Federal tax rules, however, grants used for such acquisition and construction costs have the potential to significantly reduce important tax credits for the project.

To avoid such counterproductive tax impacts, the legislation authorizes USDA in appropriate circumstances to structure grants as production incentives instead of equipment purchase or construction grants, thereby reducing the risk of negating the tax credit benefit. The need for such a change was highlighted in a recent report written by Berkeley National Lab entitled "Avoiding the Haircut: Potential Ways to Enhance the Value of the USDA's Section 9006 Program."

This legislation also includes a new rebate program providing the lesser of $10,000 or 50 percent of project costs for energy efficiency improvements and the purchase of renewable energy systems. Similar state-run rebate programs are recognized as effective mechanisms for promoting small-scale development projects. This rebate program will enable small and medium-sized farmers and rural small businesses to obtain rapid and long-lasting relief from high energy prices through a simple and proven mechanism. Grants for this purpose would be limited to no more than 20% of the total REAP funding.

This bill also urges USDA to initiate the use of direct loans to complement the REAP program grants, by expressing the sense of the Senate that USDA should implement the direct loan provisions of section 9006. Although the original legislation in section 9006 called for the establishment of a program of "grants, loans and loan guarantees," USDA has not yet established a direct loan program. Our legislation urges USDA to move a direct loan initiative forward.

The bill also allows USDA to provide grants for feasibility studies. Feasibility studies can ensure that projects are thoroughly assessed through technology and systems' analysis in their early stages, thus promoting successful and cost-effective projects. The amount of funds for feasibility studies would be capped to ensure that the majority of REAP funding continues to focus on deployment of renewable energy systems and energy efficiency improvements.

Farm-based energy initiatives encompass a wide range of proven technologies to produce or save energy. The unique and successful section 9006 program has been instrumental to adoption of renewable energy and energy efficiency systems in the agricultural and rural small business sectors. The record to date signals an opportunity for vastly expanding these alternative energy and energy efficiency benefits in rural America.

We have broad agreement in our country on moving farm-based renewable energy and energy efficiency forward. Let's help do that by updating and improving the section 9006—Rural Energy for America Program—for the future.

I urge my colleagues to support this important legislation.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3891. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today I am pleased to join with Senators CLINTON, LAUTENBERG, and SCHUMER to introduce the James Zadroga Act. This bicameral and bipartisan legislation would reopen the September 11 Victims Compensation Fund, VCF, to provide financial assistance to victims and first responders of the attacks of 9/11 who became ill, in addition to their respective family members.

James Zadroga was a New York Police Department, NYPD, detective and New Jersey resident, who when he died earlier this year was the first 9/11 responder to have his death directly attributed to exposure to the toxins of Ground Zero. He became ill just weeks after working at Ground Zero, but because he retired in 2004, the NYPD determined that his four-year-old daughter Tylerann could only receive a disability pension, instead of the full death benefit to which she should be entitled.

That is why in April, I authored a letter with my colleagues Senators LAUTENBERG, CLINTON, and SCHUMER that called on New York officials to enact legislation that would provide full benefits to Tylerann and other beneficiaries like her.

In August, New York enacted three new laws, including one that would allow those recovery workers who have retired from public service to have their retirement status reclassified as accidental disability if they later become ill due to their efforts at Ground Zero. That action by the State of New York is vitally important, because we unfortunately know that Detective Zadroga's death will not be the last to be suffered by the brave Americans who rushed to Ground Zero in the hours and days after September 11.

As our Nation continues to heal from the wounds inflicted by the 9/11 terror attacks, there are many first responders whose wounds have yet to heal from the aftermath of that day. We as a nation must care for those who cared for America in its time of need. We cannot let bureaucratic red tape stand between those who helped America pick up the pieces and the compensation they deserve.

Today, by introducing this legislation we take the next step in working to ensure that the heroes who sacrificed their health—and in Detective Zadroga's case, his life—will be justly compensated. I believe we owe them nothing less.

This legislation reopens the fund created to care for the families of 9/11 victims and for those injured or who became ill as a direct result of the attacks. Unfortunately, many who should have received compensation from the VCF never did because their illnesses did not develop or have become significantly worse since the original filing deadline of December 22, 2003. In other instances, original guidelines prohibited the VCF to make awards if injuries were sustained more than 96 hours after the attacks.

Specifically, the "James Zadroga Act" would: Reopen September 11 Victims Compensation Fund for individuals who became ill or did not file before the original December 22, 2003 deadline;

Allow for adjustment of previous awards if the Special Master of the fund determines the medical conditions of the claimant warrants an adjustment; and

Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site.

Congress needs to pass this bill—we need to stand up for these American heroes and their families. I urge my colleagues to join with us in this important effort by cosponsoring this piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "James Zadroga Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victim Compensation Fund of 2001 was established to provide compensation to individuals (or relatives of deceased individuals) who were physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

(2) The deadline for filing claims for compensation under the Victim Compensation Fund was December 22, 2003.

(3) Some individuals did not know they were eligible to file claims for compensation or did not know they had suffered physical harm as a result of the terrorist-related aircraft crashes until after the December 22, 2003, deadline.

SEC. 3. DEADLINE EXTENSION FOR CERTAIN CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.

Section 405(a)(3) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

"(3) LIMITATION.—

"(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after December 22, 2003.

"(B) EXCEPTIONS.—A claim may be filed under paragraph (1) by an individual (or by a personal representative on behalf of a deceased individual)—

"(i) during the 5-year period after the date of enactment of this subparagraph, if the Special Master determines that the individual—

"(I) did not know that the individual had suffered physical harm as a result of the terrorist-related aircraft crashes of September 11, 2001, until after December 22, 2003, and before the date of the enactment of this subparagraph;

"(II) did not for any reason other than as described in subclause (I) know that the individual was eligible to file a claim under paragraph (1) until after December 22, 2003;

"(III) suffered psychological harm as a result of the terrorist-related aircraft crashes; or

"(IV) in the case of an individual who had previously filed a claim under this title, suffered a significantly greater physical harm than was known to the individual as of the date the claim was filed and did not know the full extent of the physical harm suffered as a result of the terrorist-related aircraft crashes until after the date on which the claim was filed and before the date of enactment of this subparagraph; and

"(ii) during the 5-year period after the date that the individual—

"(I) first knew that the individual had suffered physical or psychological harm as a result of the terrorist-related aircraft crashes of September 11, 2001, if the Special Master determines that the individual did not know that the individual had suffered such physical or psychological harm until a date that is on or after the date of enactment of this subparagraph; or

"(II) in the case of an individual who had previously filed a claim under this title and had suffered a significantly greater physical harm than was known to the individual as of the date the claim was filed, or had suffered psychological harm as a result of the terrorist-related crashes, first knew the full extent of the physical and psychological harm suffered as a result of the terrorist-related aircraft crashes, if the Special Master determines that the individual did not know the full extent of the harm suffered until a date that is on or after the date of the enactment of this subparagraph.".

SEC. 4. EXCEPTION TO SINGLE CLAIM REQUIREMENT IN CERTAIN CIRCUMSTANCES.

Section 405(c)(3)(A) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

"(A) SINGLE CLAIM.—

"(i) IN GENERAL.—Except as provided by clause (ii), not more than 1 claim may be submitted under this title by an individual or on behalf of a deceased individual.

"(ii) EXCEPTION.—A second claim may be filed under subsection (a)(1) by an individual (or by a personal representative on behalf of a deceased individual) if the individual is an individual described in either of clauses (i)(IV) or (ii)(II) of subsection (a)(3)(B).".

SEC. 5. ELIGIBILITY OF CLAIMANTS SUFFERING FROM PSYCHOLOGICAL HARM.

(a) IN GENERAL.—Section 405(c)(2)(A)(ii) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by inserting ", psychological harm," before "or death".

(b) CONFORMING AMENDMENT.—Section 405(a)(2)(B)(i) of such Act is amended by striking "physical harm" and inserting "physical or psychological harm".

SEC. 6. IMMEDIATE AFTERMATH DEFINED.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraph:

"(11) IMMEDIATE AFTERMATH.—In section 405(c)(2)(A)(i), the term 'immediate aftermath' means any period of time after the terrorist-related aircraft crashes of September 11, 2001, as determined by the Special Master, that was sufficiently close in time to the crashes that there was a demonstrable risk to the claimant of physical or psychological harm resulting from the crashes, including the period of time during which rescue, recovery, and cleanup activities relating to the crashes were conducted.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 566—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE IMPORTANCE OF PREVENTING CHILD ABUSE AND NEGLECT BEFORE THEY OCCUR AND ACHIEVING PERMANENCY AND STABILITY FOR CHILDREN WHO MUST EXPERIENCE FOSTER CARE

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 566

Whereas in 2004, authorities received reports that an estimated 3,000,000 children suffered child abuse or neglect, and the reports of abuse or neglect were substantiated for approximately 872,000 of the children;

Whereas in 2004, 1,490 children died tragically as a result of abuse;

Whereas research from the United States Children's Bureau of the Department of Health and Human Services shows that a greater amount of caseworker contact with children and parents results in better outcomes for families;

Whereas child protective service agencies throughout the country have set goals in order to improve service quality, including the agencies in New York, whose goal is to maintain caseloads at an average of 12 cases per caseworker, with a maximum of 5 new cases per caseworker each month;

Whereas research on child welfare service staff suggests the need for staff that have formal social work education, especially education obtained through specialized child welfare programs; and

Whereas research on child welfare service staff has shown a link between a supportive and flexible organizational environment and reduced staff turnover: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should increase funding to provide for additional child welfare service caseworkers and associated administrative costs;

(2) Congress should encourage States to set goals for decreasing caseloads of child welfare service caseworkers, in order to ensure quality service for the most vulnerable children; and

(3) Congress should encourage States to implement policies with increased educational and professional development expectations for caseworkers in child welfare service agencies.

SENATE RESOLUTION 567—HONORING THE DETROIT SHOCK ON WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 567

Whereas, on Saturday, September 9, 2006, the Detroit Shock won the 2006 Women's National Basketball Association (WNBA) Championship by defeating the defending champion Sacramento Monarchs by a score of 80 to 75;

Whereas the Detroit Shock triumphed in 5 highly competitive championship games, going into the final championship game with 1 win and 1 loss in Michigan and 1 win and 1 loss in California;

Whereas the Detroit Shock were able to celebrate the tenth year of the WNBA and the eighth year of the Detroit Shock with an inspiring victory in the fifth championship game that secured their second WNBA championship in 4 years;

Whereas the attendance at the final championship game at the Joe Louis Arena in Detroit, Michigan, of over 19,600 people and the enthusiasm shown by the people of Michigan clearly demonstrate Michigan's strong support for the Detroit Shock organization and the determined effort of all the team's players;

Whereas the Detroit Shock completed an incredible season, capped by spectacular performances in the final championship game by the Most Valuable Player of the 2006 WNBA Finals, Deanna Nolan, who, with a total of 24 points, led the game in points scored, Cheryl Ford, who led the game in rebounds, recovering 10 rebounds in addition to scoring 10 points, and Katie Smith, who scored 17 points;

Whereas each member of the Detroit Shock organization made meaningful contributions to the team's success, including players Jacqueline Batteast, Kara Braxton, Swin Cash, Cheryl Ford, Kedra Holland-Corn, Deanna Nolan, Plenette Pierson, Elaine Powell, Ruth Riley, Katie Smith, and Angelina Williams, Head Coach Bill Laimbeer, Assistant Coaches Cheryl Reeve and Rick Mahorn, Athletic Trainer Mike Perkins, and the owner of the Detroit Shock, Bill Davidson;

Whereas Detroit Shock Head Coach Bill Laimbeer has won 4 professional basketball titles, including 2 as the coach of the Detroit Shock and 2 as a player for the Detroit Pistons;

Whereas Detroit Shock owner Bill Davidson's 2 Detroit basketball teams have won 5 championship titles; and

Whereas the Detroit Shock demonstrated superior strength, skill, and perseverance during the 2006 season and have made the City of Detroit and the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2006 Women's National Basketball Association Championship and recognizes all the players, coaches, staff, fans, and others who were instrumental in this great achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

SENATE RESOLUTION 568—CONGRATULATING THE COLUMBUS NORTHERN LITTLE LEAGUE TEAM OF COLUMBUS, GEORGIA, FOR WINNING THE CHAMPIONSHIP GAME OF THE LITTLE LEAGUE WORLD SERIES

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 568

Whereas, on August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League team of Kawaguchi City, Japan, by 2 runs to 1 run to win the 60th annual Little League Baseball World Series;

Whereas the Columbus Northern Little League team is only the 2nd team from the State of Georgia to win the Little League Baseball World Series in the 60-year history of that tournament;

Whereas the Columbus Northern Little League team had an impressive record of 20 wins and only 1 loss;

Whereas, although no other pitcher in the history of the Little League Baseball World Series had ever won more than 3 games during the tournament, Kyle Carter made history by striking out 11 batters in the championship game to earn his 4th win of the Little League Baseball World Series;

Whereas the success of the Columbus Northern Little League team depended on the tremendous dedication and sportsmanship of the team, including—

(1) Matthew Hollis, who played 2nd base and centerfield;

(2) Ryan Lang, who played right field;

(3) Mason Meyers, who played right field and 3rd base;

(4) Matthew Kuhlenberg, who played left field;

(5) Patrick Stallings, who played 3rd base;

(6) Josh Lester, who played 2nd base and shortstop;

(7) Brady Hamilton, who played 1st base, outfield, and pitched for the team;

(8) Cody Walker, who caught for the team;

(9) Kyle Carter, who pitched for the team;

(10) J.T. Phillips, who played shortstop and pitched for the team; and

(11) Kyle Rovig, who played left field and pitched for the team;

Whereas the Columbus Northern Little League team was managed by Randy Morris and coached by Richard Carter, each of whom demonstrated leadership, professionalism, and respect for the players who they led and the game of baseball;

Whereas the fans of the Columbus Northern Little League team showed enthusiasm, support, and courtesy for the game of baseball and all of the players and coaches;

Whereas the performance of the Columbus Northern Little League team demonstrated to parents and communities throughout the United States that athletic participation builds character and leadership in children; and

Whereas the Columbus Northern Little League team brought pride and honor to the State of Georgia and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and honors the Columbus Northern Little League team and the loyal fans who supported the team on winning the 60th annual Little League Baseball World Series;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the members, parents, coaches, and managers of the Columbus Northern Little League team;

(3) recognizes and commends the people of Columbus, Georgia, for the outstanding loyalty and support that they displayed for the Columbus Northern Little League team throughout the season;

(4) commends Little League Baseball for continuing the tradition of encouraging the development of sportsmanship and confidence in youth by sponsoring world-class baseball; and

(5) respectfully requests that—

(A) the American people recognize the achievements of the Columbus Northern Little League team; and

(B) the Secretary of the Senate transmit an enrolled copy of this resolution to—

(i) the City of Columbus; and

(ii) each player, manager, and coach of the Columbus Northern Little League Baseball team.

AMENDMENTS SUBMITTED & PROPOSED

SA 4929. Mrs. MURRAY (for herself, Mr. INOUYE, Mrs. CLINTON, and Ms. COLLINS) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 4930. Mr. SCHUMER (for himself, Mrs. BOXER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4931. Mrs. HUTCHISON (for herself, Mr. KYL, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra.

SA 4932. Mr. DOMENICI (for himself, Mr. WARNER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4933. Mr. DOMENICI (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4934. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4935. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. PRYOR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4936. Mr. REID proposed an amendment to the bill H.R. 4954, supra.

SA 4937. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4954, supra.

SA 4938. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4939. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, Ms. CANTWELL, Ms. SNOWE, Mr. NELSON, of Florida, Mr. INOUYE, Mr. SMITH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4940. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. MENENDEZ, Mr. SCHUMER, Mrs. CLINTON, and Mr. REED) proposed an amendment to the bill H.R. 4954, supra.

SA 4941. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4942. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4943. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4944. Mr. NELSON, of Nebraska (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4945. Mr. NELSON, of Nebraska (for himself, Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4946. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4947. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4948. Mr. BURNS submitted an amendment intended to be proposed to amendment SA 4947 submitted by Mr. BURNS and intended to be proposed to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4949. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4950. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4951. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4952. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4953. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4954. Ms. SNOWE (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4955. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4956. Mr. SHELBY (for himself, Mr. SARBANES, Mr. ALLARD, Mr. BENNETT, Mr. SCHUMER, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, Mr. LIEBERMAN, Ms. STABENOW, and Mr. SANTORUM) proposed an amendment to the bill H.R. 4954, supra.

SA 4957. Mrs. CLINTON (for herself and Mrs. DOLE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4958. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4959. Mr. PRYOR (for himself and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4960. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4961. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4962. Mr. VOINOVICH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4963. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4964. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4929. Mrs. MURRAY (for herself, Mr. INOUYE, Mrs. CLINTON, and Ms. COLLINS) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ______. COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking "2014" each place it appears and inserting "2015".

(b) USE OF FEES.—Paragraph (2) of section 13031(f) of such Act (19 U.S.C. 58c(f)(2)) is amended by adding at the end the following: "The provisions of the first and second sentences of this paragraph limiting the purposes for which amounts in the Customs User Fee Account may be made available shall not apply with respect to amounts in that Account during fiscal year 2015.".

SA 4930. Mr. SCHUMER (for himself, Mrs. BOXER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 5, between lines 20 and 21, insert the following:

(9) INTEGRATED SCANNING SYSTEM.—The term "integrated scanning system" means a system for scanning containers with the following elements:

(A) The container passes through a radiation detection device.

(B) The container is scanned using gamma-ray, x-ray, or another internal imaging system.

(C) The container is tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device.

(D) The images created by the scans required under subparagraph (B) are reviewed and approved by the Secretary, or the designee of the Secretary.

(E) Every radiation alarm is resolved according to established Department procedures.

(F) The information collected is utilized to enhance the Automated Targeting System or other relevant programs.

(G) The information is stored for later retrieval and analysis.

On page 43, strike lines 11 through 14 and insert "enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor oper-".

On page 44, line 5, strike "and".

On page 44, line 9, strike the period at the end and insert the following: "; and".

On page 44, between lines 9 and 10, insert the following:

(5) shall prohibit, beginning on October 1, 2008, the shipment of any container from a foreign seaport designated under Container Security Initiative to a port in the United States unless the container has passed through an integrated scanning system.

On page 60, strike lines 9 through 15.

On page 62, lines 7 and 8, strike "As soon as practicable and possible after the date of enactment of this Act" and insert "Not later than October 1, 2010"

SA 4931. Mrs. HUTCHISON (for herself, Mr. KYL, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 76, line 1, strike "725" and insert "1000".

On page 77, strike lines 17 through 21 and insert the following:

"(A) $130,000,000 for fiscal year 2008.

"(B) $239,200,000 for fiscal year 2009.

"(C) $248,800,000 for fiscal year 2010.

"(D) $258,700,000 for fiscal year 2011.

"(E) $269,000,000 for fiscal year 2012.".

SA 4932. Mr. DOMENICI (for himself, Mr. WARNER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, add after line 18, the following:

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 501. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

"(a) ESTABLISHMENT.—There shall be established in the Department of Homeland Security a Domestic Nuclear Detection Office. The Secretary of Homeland Security may request that the Secretaries of Defense, Energy, and State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

"(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

"SEC. 1802. MISSION OF OFFICE.

"(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

"(1) serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

"(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

"(3) establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

"(4) develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with implementation under which—

"(A) the Domestic Nuclear Detection Office will be responsible for the implementation of the domestic portion of the global architecture;

"(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

"(C) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

"(5) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to prevent and detect the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material;

"(6) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

"(7) further enhance and maintain continuous awareness by analyzing information from all Domestic Nuclear Detection Office mission-related detection systems; and

"(8) perform other duties as assigned by the Secretary.

"SEC. 1803. HIRING AUTHORITY.

"In hiring personnel for the Office, the Secretary of Homeland Security shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

"SEC. 1804. TESTING AUTHORITY.

"(a) IN GENERAL.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private-sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

"(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

"(c) FEES.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

"(d) USE OF FEES.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

"SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

"The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department of Homeland Security or of any officer of any other Department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department of Homeland Security or any Federal department or agency.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

"(5) A Director of the Domestic Nuclear Detection Office.".

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking "radiological, nuclear"; and

(B) in paragraph (5)(A) by striking "radiological, nuclear".

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology".

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology" each place it appears.

(5) The table of contents of such Act (6 U.S.C. 101) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1801. Domestic Nuclear Detection Office.
"Sec. 1802. Mission of office.
"Sec. 1803. Hiring authority.
"Sec. 1804. Testing authority.
"Sec. 1805. Relationship to other department entities and Federal agencies.".

SEC. 502. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Department of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) CONTENTS.—The strategy under subsection (a) shall include—

(1) a long-term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence will implement the intent of this title.

SA 4933. Mr. DOMENICI (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, lines 14 and 15, strike "under any program administered by the Department".

On page 44, lines 23 and 24, strike "the Department's" and insert "both the Department's and the Department of Energy's".

On page 59, lines 12 and 13, strike "The equipment may be provided by the Megaports Initiative of the Department of Energy.".

On page 59, line 17, insert "(1) IN GENERAL.—" before "The".

On page 59, between lines 22 and 23, insert the following:

(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(A) provide radiation detection equipment required to support the pilot-integrated scanning system established pursuant to subsection (a) through the Department of Energy's Second Line of Defense and Megaports programs; or

(B) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

SA 4934. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

(1) statewide or regional communications planning;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term "eligible region" means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms "emergency response providers" and "local government" have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

SA 4935. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. PRYOR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2007; and

(2) $5,000,000 for each of fiscal years 2008 through 2012.

SA 4936. Mr. REID proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the end, add the following:

SEC. 1001. SHORT TITLE FOR DIVISIONS A THROUGH E.

Divisions A through E of this Act may be cited as the "Real Security Act of 2006".

SEC. 1002. DIVISIONS; TABLE OF CONTENTS; INAPPLICABILITY OF CERTAIN DEFINITIONS.

(a) DIVISIONS.—Divisions A through E of this Act are as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

(b) TABLE OF CONTENTS.—The table of contents for divisions A through E of this Act is as follows:

Sec. 1001. Short title for divisions A through E.
Sec. 1002. Divisions; table of contents; inapplicability of certain definitions.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

Sec. 1101. Short title.
Sec. 1102. Definition of 9/11 Commission.

TITLE XI—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

Sec. 1101. Adequate radio spectrum for first responders.
Sec. 1102. Report on establishing a unified incident command system.
Sec. 1103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
Sec. 1104. Private sector preparedness.
Sec. 1105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

Sec. 1111. Short title.
Sec. 1112. Findings.
Sec. 1113. Faster and Smarter Funding for First Responders.
Sec. 1114. Superseded provision.
Sec. 1115. Oversight.
Sec. 1116. GAO report on an inventory and status of Homeland Security first responder training.
Sec. 1117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

Sec. 1121. Report on national strategy for transportation security.
Sec. 1122. Report on airline passenger prescreening.
Sec. 1123. Report on detection of explosives at airline screening checkpoints.
Sec. 1124. Report on comprehensive screening program.
Sec. 1125. Relevant congressional committees defined.

Subtitle C—Border Security

Sec. 1131. Counterterrorist travel intelligence.
Sec. 1132. Comprehensive screening system.
Sec. 1133. Biometric entry and exit data system.
Sec. 1134. International collaboration on border and document security.
Sec. 1135. Standardization of secure identification.
Sec. 1136. Security enhancements for social security cards.

Subtitle D—Homeland Security Appropriations

Sec. 1141. Homeland security appropriations.

TITLE XII—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

Sec. 1201. Report on director of national intelligence.
Sec. 1202. Report on national counterterrorism center.
Sec. 1203. Report on creation of a Federal Bureau of Investigation national security workforce.
Sec. 1204. Report on new missions for the Director of the Central Intelligence Agency.
Sec. 1205. Report on incentives for information sharing.
Sec. 1206. Report on Presidential leadership of national security institutions in the information revolution.
Sec. 1207. Homeland airspace defense.
Sec. 1208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
Sec. 1209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

Sec. 1211. Report on the balance between security and civil liberties.
Sec. 1212. Privacy and Civil Liberties Oversight Board.
Sec. 1213. Set privacy guidelines for Government sharing of personal information.
Sec. 1214. Relevant congressional committees defined.

Subtitle C—Intelligence Oversight Reform in the Senate

Sec. 1231. Subcommittee related to intelligence oversight.
Sec. 1232. Subcommittee related to intelligence appropriations.
Sec. 1233. Effective date.

Subtitle D—Standardize Security Clearances

Sec. 1241. Standardization of security clearances.

TITLE XIII—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

Sec. 1301. Actions to ensure a long-term commitment to Afghanistan.
Sec. 1302. Actions to support Pakistan against extremists.
Sec. 1303. Actions to support reform in Saudi Arabia.
Sec. 1304. Elimination of terrorist sanctuaries.
Sec. 1305. Comprehensive coalition strategy against Islamist terrorism.
Sec. 1306. Standards for the detention and humane treatment of captured terrorists.
Sec. 1307. Use of economic policies to combat terrorism.
Sec. 1308. Actions to ensure vigorous efforts against terrorist financing.

Subtitle B—Public Diplomacy
Sec. 1311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.
Sec. 1312. International broadcasting.
Sec. 1313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
Sec. 1314. International Youth Opportunity Fund.

Subtitle C—Nonproliferation
Sec. 1321. Short title.
Sec. 1322. Findings.
Sec. 1323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
Sec. 1324. Removal of restrictions on Cooperative Threat Reduction programs.
Sec. 1325. Removal of restrictions on Department of Energy nonproliferation programs.
Sec. 1326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
Sec. 1327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
Sec. 1328. Special reports on adherence to arms control agreements and nonproliferation commitments.
Sec. 1329. Presidential report on impediments to certain nonproliferation activities.
Sec. 1330. Enhancement of Global Threat Reduction Initiative.
Sec. 1331. Expansion of Proliferation Security Initiative.
Sec. 1332. Sense of Congress relating to international security standards for nuclear weapons and materials.
Sec. 1333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
Sec. 1334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
Sec. 1335. Research and development involving alternative use of weapons of mass destruction expertise.
Sec. 1336. Strengthening the Nuclear Nonproliferation Treaty.
Sec. 1337. Definitions.

DIVISION B—COMBATTING TERRORISM.
Sec. 2001. Short title.

TITLE XXI—EFFECTIVELY TARGETING TERRORISTS
Sec. 2101. Sense of Congress on Special Operations forces and related matters.
Sec. 2102. Foreign language expertise.
Sec. 2103. Curtailing terrorist financing.
Sec. 2104. Prohibition on transactions with countries that support terrorism.
Sec. 2105. Comptroller General report on United Kingdom and United States anti-terrorism policies and practices.
Sec. 2106. Enhancement of intelligence community efforts to bring Osama bin Laden and other al Qaeda leaders to justice.

TITLE XXII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities
Sec. 2201. Findings, policy, and definition.
Sec. 2202. Annual report to Congress.
Sec. 2203. Authorization of appropriations.

Subtitle B—Democracy and Development in the Muslim World
Sec. 2211. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 2212. Middle East Foundation.

Subtitle C—Restoring American Moral Leadership
Sec. 2221. Advancing United States interests through public diplomacy.
Sec. 2222. Department of State public diplomacy programs.
Sec. 2223. Treatment of detainees.
Sec. 2224. National Commission To Review Policy Regarding the Treatment of Detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia
Sec. 2231. Afghanistan.
Sec. 2232. Pakistan.
Sec. 2233. Saudi Arabia.

TITLE XXIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs
Sec. 2301. Repeal of limitations to threat reduction assistance.
Sec. 2302. Russian tactical nuclear weapons.
Sec. 2303. Additional assistance to accelerate Non-Proliferation programs.
Sec. 2304. Additional assistance to the International Atomic Energy Agency.

Subtitle B—Border Protection
Sec. 2311. Findings.
Sec. 2312. Hiring and training of border security personnel.

Subtitle C—First Responders
Sec. 2321. Findings.
Sec. 2322. Restoration of justice assistance funding.
Sec. 2323. Providing reliable officers, technology, education, community prosecutors, and training in Our Neighborhood Initiative.
Sec. 2324. Assured compensation for first responders injured by experimental vaccines and drugs.

Subtitle D—Strengthening America's Hospitals and Health Agencies
Sec. 2325. Strengthening hospital emergency preparedness.
Sec. 2326. Training and education of public health professionals.
Sec. 2327. Compensating hospitals for emergency care.
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(c) INAPPLICABILITY OF CERTAIN DEFINITIONS.—The definitions in section 2 of this Act do not apply to the provisions of divisions A through E of this Act.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

SEC. 1101. SHORT TITLE.

This division may be cited as the "Ensuring Implementation of the 9/11 Commission Report Act".

SEC. 1102. DEFINITION OF 9/11 COMMISSION.

In this division, the term "9/11 Commission" means the National Commission on Terrorist Attacks Upon the United States.

TITLE XI—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

SEC. 1101. ADEQUATE RADIO SPECTRUM FOR FIRST RESPONDERS.

(a) SHORT TITLE.—This chapter may be cited as the "Homeland Emergency Response Operations Act" or the "HERO Act".

(b) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following new subparagraph:

"(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, pursuant to section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing no later than January 1, 2007.".

SEC. 1102. REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to establishing a unified incident command system. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1103. REPORT ON COMPLETING A NATIONAL CRITICAL INFRASTRUCTURE RISK AND VULNERABILITIES ASSESSMENT.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completing a national critical infrastructure risk and vulnerabilities assessment. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1104. PRIVATE SECTOR PREPAREDNESS.

The Comptroller General of the United States shall submit to Congress by not later than 90 days after the date of the enactment of this Act—

(1) a determination of what has been done to enhance private sector preparedness for terrorist attack; and

(2) recommendations of any additional congressional action or administrative action that is necessary to enhance such preparedness.

SEC. 1105. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this chapter, the term "relevant congressional committees" means the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs and the Committee on Environment and Public Works of the Senate.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

SEC. 1111. SHORT TITLE.

This chapter may be cited as the "Faster and Smarter Funding for First Responders Act of 2006".

SEC. 1112. FINDINGS.

Congress makes the following findings:

(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of preparedness they need to prevent and respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards

for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 1113. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"Sec. 1801. Definitions.
"Sec. 1802. Faster and Smarter Funding for First Responders.
"Sec. 1803. Covered grant eligibility and criteria.
"Sec. 1804. Risk-based evaluation and prioritization.
"Sec. 1805. Task Force on Terrorism Preparedness for First Responders.
"Sec. 1806. Use of funds and accountability requirements.
"Sec. 1807. National standards for first responder equipment and training."; and

(2) by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"SEC. 1801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

"(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

"(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

"(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(9) REGION.—The term 'region' means—

"(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

"(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this title with the consent of—

"(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

"(ii) the incorporated municipalities, counties, and parishes that they encompass.

"(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

"(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

"SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

"(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

"(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

"(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

"(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

"(c) STATE HOMELAND SECURITY PLANS.—

"(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

"(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

"(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(E) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

"(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

"(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

"(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

"(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

"(e) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

"(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

"(iii) a designation of a specific individual to serve as regional liaison;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

"(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. However in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) TRIBAL APPLICATIONS.—

"(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

"(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

"(a) FIRST RESPONDER GRANTS BOARD.—

"(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

"(A) the Secretary;

"(B) the Under Secretary for Emergency Preparedness and Response;

“(C) the Under Secretary for Border and Transportation Security;

“(D) the Under Secretary for Information Analysis and Infrastructure Protection;

“(E) the Under Secretary for Science and Technology;

“(F) the Director of the Office for Domestic Preparedness;

“(G) the Administrator of the United States Fire Administration; and

“(H) the Administrator of the Animal and Plant Health Inspection Service.

“(2) CHAIRMAN.—

“(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

“(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

“(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

“(c) PRIORITIZATION OF GRANT APPLICATIONS.—

“(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

“(A) Agriculture and food.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Government facilities.

“(H) Postal and shipping.

“(I) Public health and health care.

“(J) Information technology.

“(K) Telecommunications.

“(L) Transportation systems.

“(M) Water.

“(N) Dams.

“(O) Commercial facilities.

“(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

“(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

“(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

“(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

“(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

“(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

“(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

“(A) having a significant international land border; or

“(B) adjoining a body of water within North America through which an international boundary line extends.

“(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

“SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

“(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

“(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

“(c) REPORT.—

“(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

“(2) CONTENTS.—Each report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

“(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-096(a)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

"(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

"(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

"(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

"(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

"(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

"(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

"(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

"SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

"(a) IN GENERAL.—A covered grant may be used for—

"(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

"(2) exercises to strengthen terrorism preparedness;

"(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

"(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

"(5) establishing or enhancing mechanisms for sharing terrorism threat information;

"(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

"(7) additional personnel costs resulting from—

"(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

"(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

"(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

"(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

"(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

"(A) $1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

"(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

"(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

"(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

"(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

"(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

"(15) other appropriate activities as determined by the Secretary.

"(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

"(1) to supplant State or local funds;

"(2) to construct buildings or other physical facilities;

"(3) to acquire land; or

"(4) for any State or local government cost sharing contribution.

"(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

"(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

"(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

"(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

"(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

"(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

"(2) COST SHARING.—

"(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

"(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

"(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

"(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

"(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

"(A) the amount obligated to that recipient in that quarter;

"(B) the amount expended by that recipient in that quarter; and

"(C) a summary description of the items purchased by such recipient with such amount.

"(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

"(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

"(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

"(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

"(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

"(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

"(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

"(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

"(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

"(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

"(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

"(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

"(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

"(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

"(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

"(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

"(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

"(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

"(iii) the local government complies with subparagraphs (B) and (C).

"(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

"(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

"(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

"(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

"(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

"(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

"(i) shall not affect any payment to another local government under this paragraph; and

"(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

"(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

"(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

"(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

"(2) containing information on the use of such grant funds by grantees; and

"(3) describing—

"(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

"(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

"SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

"(a) EQUIPMENT STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of the enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

"(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) shall cover all appropriate uses of the equipment.

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

"(A) Thermal imaging equipment.

"(B) Radiation detection and analysis equipment.

"(C) Biological detection and analysis equipment.

"(D) Chemical detection and analysis equipment.

"(E) Decontamination and sterilization equipment.

"(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

"(G) Respiratory protection equipment.

"(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

"(I) Explosive mitigation devices and explosive detection and analysis equipment.

"(J) Containment vessels.

"(K) Contaminant-resistant vehicles.

"(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

"(b) TRAINING STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for

Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

"(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

"(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

"(A) Regional planning.

"(B) Joint exercises.

"(C) Intelligence collection, analysis, and sharing.

"(D) Emergency notification of affected populations.

"(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

"(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

"(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

"(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the National Association of County and City Health Officials;

"(4) the Association of State and Territorial Health Officials;

"(5) the American National Standards Institute;

"(6) the National Institute of Justice;

"(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

"(8) the National Public Health Performance Standards Program;

"(9) the National Institute for Occupational Safety and Health;

"(10) ASTM International;

"(11) the International Safety Equipment Association;

"(12) the Emergency Management Accreditation Program; and

"(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.".

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

SEC. 1114. SUPERSEDED PROVISION.

This chapter supersedes section 1014(c)(3) of Public Law 107-56.

SEC. 1115. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 1116. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 1117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term "person" includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

Subtitle B—Transportation Security

SEC. 1121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to completion of a national strategy for transportation security. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in such subsection (e) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1122. REPORT ON AIRLINE PASSENGER PRESCREENING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving airline passenger pre-screening. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1123. REPORT ON DETECTION OF EXPLOSIVES AT AIRLINE SCREENING CHECKPOINTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the improvement of airline screening checkpoints to detect explosives. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1124. REPORT ON COMPREHENSIVE SCREENING PROGRAM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to implementation of a comprehensive screening program. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1125. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "relevant congressional committees" means—

(1) the Committee on Homeland Security of the House of Representatives;

(2) the Committee on Government Reform of the House of Representatives;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Committee on Homeland Security and Government Affairs of the Senate; and

(5) the Committee on Environment and Public Works of the Senate.

Subtitle C—Border Security

SEC. 1131. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving collection and analysis of intelligence on terrorist travel. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the National Counterterrorism Center is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Director of the National Counterterrorism Center to submit a report under subsection (a) shall terminate when the Secretary submits a certification pursuant to subsection (a)(1). The duty of the Director of National Intelligence to submit a report under subsection (a) shall terminate when the Director submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the National Counterterrorism submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Select Committee on Intelligence of the Senate.

(7) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1132. COMPREHENSIVE SCREENING SYSTEM.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Transportation shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of the comprehensive screening system described in Presidential Homeland Security Directive 11 (dated August 27, 2004). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of Transportation to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of Homeland Security and the Secretary of Transportation both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 1133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the completion of a biometric entry and exit data system. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on the Judiciary of the Senate.

SEC. 1134. INTERNATIONAL COLLABORATION ON BORDER AND DOCUMENT SECURITY.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of State shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to international collaboration on border and document security. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of State to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of Homeland Security and the Secretary of State both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Watch List.—The Comptroller General shall submit to the relevant congressional committees a report assessing the sharing of the consolidated and integrated terrorist watch list maintained by the Federal Government with countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(e) Fingerprinting in Domestic and Foreign Passports.—

(1) Use in united states passports.—

(A) In general.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting after "passport" the following: "that contains the fingerprints of the citizen involved".

(B) Effective date.—The amendment made by subparagraph (A) shall apply to passports issued on or after the date that is 90 days after the date of the enactment of this Act.

(2) Use in foreign passports.—

(A) In general.—Section 212(a)(7) of such Act (8 U.S.C. 1182(a)(7)) is amended by adding at the end the following new subparagraph:

"(C) Requirement for fingerprints on passports.—No passport of an alien shall be considered valid for purposes of subparagraph (A) or (B) unless the passport contains the fingerprints of the alien.".

(B) Effective date.—The amendment made by subparagraph (A) shall apply to aliens applying for admission to the United States on or after the date that is 90 days after the date of the enactment of this Act.

(f) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the International Relations of the House of Representatives.

(4) The Committee on the Judiciary of the House of Representatives.

(5) The Committee on Homeland Security and Governmental Affairs of the Senate.

(6) The Committee on the Judiciary of the Senate.

(7) The Committee on Foreign Relations of the Senate.

SEC. 1135. STANDARDIZATION OF SECURE IDENTIFICATION.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of standardization of secure identification. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Health and Human Services is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate—

(1) for the Secretary of Homeland Security, when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1); and

(2) for the Secretary of Health and Human Services, when the Secretary of Health and Human Services submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Health and Human Services submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1136. SECURITY ENHANCEMENTS FOR SOCIAL SECURITY CARDS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Commissioner of Social Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security enhancements for social security cards and the implementation of section 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Commissioner of Social Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Commissioner considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Commissioner of Social Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Commissioner of Social Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

Subtitle D—Homeland Security Appropriations

SEC. 1141. HOMELAND SECURITY APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION.

For an additional amount for "Salaries and Expenses", $571,000,000 for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles, construction, and radiation portal monitors.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.

For an additional amount for citizenship and immigration services, $87,000,000 for necessary expenses, including for business transformation and fraud detection.

TRANSPORTATION SECURITY ADMINISTRATION.

For an additional amount for "Aviation Security", $305,000,000 for necessary expenses, of which—

(1) $250,000,000 shall be made available for aviation security, including the procurement of explosives monitoring equipment; and

(2) $55,000,000 shall be made available for air cargo security, including cargo canine teams and inspectors.

UNITED STATES COAST GUARD.

For an additional amount for "Acquisition, Construction, and Improvements", $184,000,000 for necessary expenses for the Integrated Deepwater Systems Program for the purchase of ships, planes, and helicopters.

For an additional amount for "Operating Expenses", $23,000,000 for necessary expenses for additional inspectors at foreign and domestic ports.

OFFICE FOR DOMESTIC PREPAREDNESS.

For an additional amount for "State and Local Programs", $2,880,000,000 for necessary expenses, of which—

(1) $790,000,000 shall be made available for first responder grants;

(2) $500,000,000 shall be made available for interoperability grants;

(3) $100,000,000 shall be made available for chemical security grants;

(4) $1,200,000,000 shall be made available for rail security grants;

(5) $190,000,000 shall be made available for port security grants; and

(6) $100,000,000 shall be made available for emergency management performance grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY.

For an additional amount for "Readiness, Mitigation, Response, and Recovery", $50,000,000 for necessary expenses.

For an additional amount for "National Pre-Disaster Mitigation Fund", $100,000,000 for necessary expenses.

TITLE XII—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

SEC. 1201. REPORT ON DIRECTOR OF NATIONAL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DNI EXERCISE OF AUTHORITY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) the Director of National Intelligence has been able to properly exercise the authority of the Office of the Director of National Intelligence, including budget and personnel authority; and

(B) information sharing among the intelligence community is a high priority.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the Director of National Intelligence have been achieved.

SEC. 1202. REPORT ON NATIONAL COUNTERTERRORISM CENTER.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the establishment of a National Counterterrorism Center. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1203. REPORT ON CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the creation of a Federal Bureau of Investigation national security workforce. Such report shall include—

(1) a certification by the Director of the Federal Bureau of Investigation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Federal Bureau of Investigation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Federal Bureau of Investigation expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director of the Federal Bureau of Investigation considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON CREATION OF FBI NATIONAL SECURITY WORKFORCE.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) there is a sense of urgency within the Federal Bureau of Investigation to create a national security workforce to carry out the domestic counterterrorism mission of the Federal Bureau of Investigation;

(B) the Federal Bureau of Investigation is on track to create such a workforce; and

(C) the culture of the Federal Bureau of Investigation allows the Federal Bureau of Investigation to meet its new challenges and succeed in its counterterrorism role.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the creation of a Federal Bureau of Investigation national security workforce have been achieved.

SEC. 1204. REPORT ON NEW MISSIONS FOR THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the new mission of the Director of the Central Intelligence Agency. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the Director of the Central Intelligence Agency has strong, determined leadership committed to accelerating the pace of the reforms underway.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the Director of the Central Intelligence Agency have been achieved.

(e) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the leadership of the Central Intelligence Agency should—

(1) regularly evaluate the effectiveness of the national clandestine service structure to determine if it improves coordination of human intelligence collection operations and produces better intelligence results; and

(2) address morale and personnel issues at the Central Intelligence Agency to ensure the Central Intelligence Agency remains an effective arm of national power.

SEC. 1205. REPORT ON INCENTIVES FOR INFORMATION SHARING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) with respect to the provision of affirmative incentives for information sharing, and for reducing disincentives to information sharing, across the Federal Government and with State and local authorities. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence and the Program Manager for the Information Sharing Environment expect such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1206. REPORT ON PRESIDENTIAL LEADERSHIP OF NATIONAL SECURITY INSTITUTIONS IN THE INFORMATION REVOLUTION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Management and Budget expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON INFORMATION SYSTEMS.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the departments and agencies of the Federal Government have the resources and Presidential support to change information systems to enable information sharing, policies and procedures that compel sharing, and systems of performance evaluation to inform personnel on how well they carry out information sharing.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution have been achieved.

SEC. 1207. HOMELAND AIRSPACE DEFENSE.

(a) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Defense shall each submit to the specified congressional committees a certification as to whether the Federal Government has implemented the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) and the recommendations of the National Commission on Terrorist Attacks Upon the United States regarding homeland and airspace defense. Each Secretary shall include with such certification recommendations if further congressional action is necessary. If a Secretary is unable to certify the goal in the first sentence, the Secretary shall report to the specified committees what steps have been taken towards implementation, when implementation can reasonably be expected to be completed, and whether additional resources or actions from the Congress are required for implementation.

(b) COMPTROLLER GENERAL REPORT.—Within 30 days of the submission of both certifications under subsection (a), the Comptroller General of the United States shall submit to the specified congressional committees a report verifying that the policy referred to in that subsection has in fact been implemented and recommendations of any additional congressional action necessary to implement the goals referred to in that subsection.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "specified congressional committees" means—

(1) the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee of Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

SEC. 1208. SEMIANNUAL REPORT ON PLANS AND STRATEGIES OF UNITED STATES NORTHERN COMMAND FOR DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the 9/11 Commission, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the two departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command, which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of those plans and strategies.

(c) SEMIANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the plans and strategies of the United States Northern Command to defend the United States against military and paramilitary threats within the United States.

SEC. 1209. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "relevant congressional committees" means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform, of the House of Representatives.

(3) The Permanent Select Committee on Intelligence of the House of Representatives.

(4) The Committee on Homeland Security and Government Affairs of the Senate.

(5) The Select Committee on Intelligence of the Senate.

Subtitle B—Civil Liberties and Executive Power

SEC. 1211. REPORT ON THE BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004

(Public Law 108-458) with respect to the balance between security and civil liberties. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Attorney General submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) Short Title.—This section may be cited as the "9/11 Commission Civil Liberties Board Act".

(b) Findings.—Congress makes the following findings:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: "At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.".

(3) The report also states that "the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.".

(4) On December 17, 2004, Public Law 108-458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

(5) The establishment and adequate funding of a Privacy and Civil Liberties Oversight Board was a crucial recommendation made by the 9/11 Commission.

(6) In its Final Report on 9/11 Commission Recommendations, the Commission noted "very little urgency" and "insufficient" funding as it relates to the establishment of the Privacy and Civil Liberties Oversight Board.

(7) While the President's budget submission for fiscal year 2006 included $750,000 for the Privacy and Civil Liberties Oversight Board, the President's budget submission for fiscal year 2007 does not contain a funding line for the Board.

(c) Making the Privacy and Civil Liberties Oversight Board Independent.—Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by striking "within the Executive Office of the President" and inserting "as an independent agency within the Executive branch".

(d) Requiring All Members of the Privacy and Civil Liberties Oversight Board Be Confirmed by the Senate.—Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

"(e) Membership.—

"(1) Members.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

"(3) Incompatible office.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

"(4) Term.—Each member of the Board shall serve a term of six years, except that—

"(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

"(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

"(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

"(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

"(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

"(5) Quorum and meetings.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.".

(e) Subpoena Power for the Privacy and Civil Liberties Oversight Board.—Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

"(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence."; and

(2) so that paragraph (2) reads as follows:

"(2) Enforcement of subpoena.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.".

(f) Reporting Requirements.—

(1) Duties of board.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

"(4) Reports.—

"(A) Receipt, review, and submission.—

"(i) In general.—The Board shall—

"(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

"(II) periodically submit, not less than semiannually, reports to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(ii) Contents.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

"(I) a description of the major activities of the Board during the preceding period;

"(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

"(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

"(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

"(B) Informing the public.—The Board shall—

"(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.".

(2) Privacy and civil liberties officers.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) Designation and Functions.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) EXCEPTION TO DESIGNATION AUTHORITY.—

"(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decisionmakers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) PERIODIC REPORTS.—

"(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

"(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.".

(g) INCLUSION IN PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(36) a separate statement of the amount of appropriations requested for the Privacy and Civil Liberties Oversight Board.".

(h) REPORT; CERTIFICATION.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the implementation of the Privacy and Civil Liberties Oversight Board. Such report shall include—

(A) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(B) if the Attorney General is unable to make the certification described in subparagraph (A), a description of—

(i) the steps taken to implement such recommendations and achieve such policy goals;

(ii) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(iii) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(2) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under paragraph (1) shall terminate when the Attorney General submits a certification pursuant to paragraph (1)(A).

(3) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to paragraph (1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in paragraph (1) have been achieved.

SEC. 1213. SET PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the privacy guidelines for government sharing of personal information. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in subsection (A) have been achieved.

SEC. 1214. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "relevant congressional committees" means the Committee on Homeland Security of the House of Representatives, the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Intelligence Oversight Reform in the Senate

SEC. 1231. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) Establishment.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) Responsibility.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 1232. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) Establishment.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

(b) Jurisdiction.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

SEC. 1233. EFFECTIVE DATE.

This subtitle shall take effect on the convening of the 110th Congress.

Subtitle D—Standardize Security Clearances

SEC. 1241. STANDARDIZATION OF SECURITY CLEARANCES.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security clearances, including with respect to uniform policies and procedures for the completion of security clearances and reciprocal recognition of such security clearances among agencies of the United States Government. Such report shall include—

(1) a certification by the Director of the Office of Personnel Management that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Personnel Management is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Personnel Management expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

TITLE XIII—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

SEC. 1301. ACTIONS TO ENSURE A LONG-TERM COMMITMENT TO AFGHANISTAN.

(a) Sense of Congress.—It is the sense of Congress that the Government of the United States—

(1) should give priority to providing assistance to Afghanistan to establish a substantial economic infrastructure and a sound economy; and

(2) should continue to provide economic and development assistance to Afghanistan, including assistance to the Afghan National Army and the police forces and border police of Afghanistan.

(b) Report; Certification.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) (as added by section 7104(e)(4)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) for ensuring a long-term commitment to Afghanistan. Such report shall include—

(1) a certification by the President that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the President is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the President expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the President considers necessary to implement such recommendations and achieve such policy goals.

(c) Termination of Duty to Report.—The duty to submit a report under subsection (b) shall terminate when the President submits a certification pursuant to subsection (b)(1).

(d) GAO Review of Certification.—If the President submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) has been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1302. ACTIONS TO SUPPORT PAKISTAN AGAINST EXTREMISTS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the commitment of the President to provide $3,000,000,000 in assistance over the next five years to Pakistan should be commended;

(2) the Government of the United States should provide assistance to Pakistan to improve Pakistan's failing basic education system and to emphasize development;

(3) the Government of the United States should strongly urge the Government of Pakistan to close Taliban-linked schools known as "madrassas", close terrorist training camps, and prevent Taliban forces from operating across the border between Pakistan and Afghanistan; and

(4) the Government of the United States and the Government of Pakistan must redouble their efforts to kill or capture Osama bin Laden and other high-ranking al Qaeda suspects that may be hiding in or around Pakistan.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts by the Government of Pakistan take the actions described in subsection (a)(3).

SEC. 1303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the Government of the United States and the Government of Saudi Arabia should accelerate efforts to improve strategic dialogue between the two countries, increase exchange programs, and promote pragmatic reforms in Saudi Arabia; and

(2) the Government of Saudi Arabia should take additional steps to regulate charities and promote tolerance and moderation.

(b) Report; Certification.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7105 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for improving dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the two countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1304. ELIMINATION OF TERRORIST SANCTUARIES.

(a) NATIONAL COUNTERTERRORISM CENTER IDENTIFICATION OF TERRORIST SANCTUARIES.—Subsection (d) of section 119 of National Security Act of 1947 (50 U.S.C. 404o) is amended by adding at the end the following new paragraph:

"(7) To identify each country whose territory is being used as a sanctuary for terrorists or terrorist organizations and each country whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations and to develop a comprehensive strategy to eliminate terrorist sanctuaries.".

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

"(k) REPORT ON TERRORIST SANCTUARIES.—Not later than 90 days after the date of the enactment of this subsection, and annually thereafter, the Director of the National Counterterrorism Center shall submit to the Committee on International Relations, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Government Reform of the House of Representatives and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on terrorist sanctuaries, including a description of the—

"(1) countries whose territory is being used as a sanctuary for terrorists or terrorist organizations;

"(2) countries whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations;

"(3) strategy to eliminate each such sanctuary; and

"(4) progress that has been made in accomplishing such strategy.".

SEC. 1305. COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should continue to engage other countries in developing a comprehensive coalition strategy against Islamist terrorism; and

(2) should use a broader approach to target the roots of terrorism, including developing strategies with other countries to encourage reform efforts in Saudi Arabia and Pakistan, improving educational and economic opportunities in Muslim countries, identifying and eliminating terrorist sanctuaries, and making progress in the Arab-Israeli peace process.

(b) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7117 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) for engaging other countries in developing a comprehensive coalition strategy for combating terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1306. STANDARDS FOR THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach toward the detention and humane treatment of captured terrorists and the policy goals of sections 1002, 1003, and 1005 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148). Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations, the Committee on Armed Services, and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1307. USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7115 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) for developing economic policies to combat terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved, including a description of the extent to which the policy goals of paragraphs (1) through (4) of section 7115(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1308. ACTIONS TO ENSURE VIGOROUS EFFORTS AGAINST TERRORIST FINANCING.

(a) Findings.—Congress makes the following findings:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) Report.—Not later than March 1 each year, the Secretary of the Treasury shall submit to the relevant congressional committees a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) Dissemination of Information in Report.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (b). Such information shall be made available to financial institutions without cost.

(d) Definitions.—In this section:

(1) Financial institution.—The term "financial institution" has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

(2) Relevant congressional committees.—The term "relevant congressional committees" means—

(A) the Committee on Financial Services, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

Subtitle B—Public Diplomacy

SEC. 1311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND PUBLIC DIPLOMACY TRAINING OF MEMBERS OF THE FOREIGN SERVICE.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7109 and 7110 the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), and the amendments made by such sections, regarding the public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1312. INTERNATIONAL BROADCASTING.

(a) Report.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report on—

(1) the activities of Radio Sawa and Radio Al-Hurra; and

(2) the extent to which the activities of Radio Sawa and Radio Al-Hurra have been successful, including an analysis of impact of the activities on the audience and audience demographics and whether or not funding is adequate to carry out the activities.

(b) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1313. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN THE ISLAMIC WORLD.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in the Islamic world. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO Review of Certification.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) Relevant Congressional Committees Defined.—In this section, the term "relevant congressional committees" means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1314. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the Middle East Partnership Initiative (MEPI) and the United States Agency for International Development should be commended for initiating programs in predominantly Muslim countries to support secular education improvements and the teaching of English, including programs that focus on the education of women;

(2) the secular education programs of MEPI and the United States Agency for International Development are a constructive start to answering the challenge of secular education in predominantly Muslim countries;

(3) the secular education programs of MEPI and the United States Agency for International Development should be components of an overall strategy for educational assistance—itself one component of an overall

United States strategy for counterterrorism—targeted where the need and the benefit to the national security of the United States are greatest; and

(4) upon formation of a broader strategy for international educational assistance targeted toward the Middle East, a significant increase in funding for these initiatives should be provided.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the Secretary of State $50,000,000 for each of fiscal years 2007 and 2008 to support the establishment of an International Youth Opportunity Fund pursuant to section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Subtitle C—Nonproliferation

SEC. 1321. SHORT TITLE.

This subtitle may be cited as the "Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2006".

SEC. 1322. FINDINGS.

Congress makes the following findings:

(1) LOOSE NUCLEAR WEAPONS AND MATERIALS IN THE FORMER SOVIET UNION.—

(A) There are in the world today enormous stockpiles of nuclear weapons and the materials required to make them. Counting materials both in assembled warheads and in other forms, worldwide totals are estimated to encompass some 1,900 tons of highly enriched uranium (enough for 143,000 nuclear weapons) and 1,855 tons of plutonium (enough for 330,000 nuclear weapons).

(B) The Russian Federation alone is estimated to have over 1,000 tons of highly enriched uranium (enough for over 80,000 nuclear weapons) and 140 tons of plutonium (enough for over 30,000 nuclear weapons).

(C) The United States has been working for over a decade to eliminate stockpiles of loose nuclear weapons and materials in the former Soviet Union, but the Department of Energy acknowledges that there is still a need to properly secure about 460 tons of weapons-usable Russian nuclear material (outside of warheads), enough for more than 35,000 nuclear weapons.

(D) A recent report by the Central Intelligence Agency faulted the security of nuclear arsenal facilities in the Russian Federation and assessed that "undetected smuggling has occurred."

(E) There are at least 18 documented incidents of "proliferation significant" fissile material trafficking from facilities in the former Soviet Union between 1991 and 2001. In one incident in 1998, an inside conspiracy at a Russian nuclear weapons facility attempted to steal 18.5 kilograms of highly enriched uranium. In another incident, 2 kilograms of highly enriched uranium taken from a research facility in Sukhumi, Georgia, has never been recovered.

(F) In May 1994, German police found a small but worrisome quantity of supergrade plutonium in the garage of Adolf Jackle. Extremely expensive to produce, this rare item was likely stolen from one of Russia's two premier nuclear weapons laboratories.

(G) Comprehensive security upgrades are not yet completed at 90 percent of Russian nuclear warhead bunkers for Russia's Strategic Rocket Forces.

(H) Border security in the former Soviet Union is inconsistent at best. Existing infrastructure helps at the outer borders of the former Soviet Union but many borders internal to the former Soviet Union, such as the border between Kazakhstan and the Russian Federation, exist only on a map.

(2) LOOSE NUCLEAR MATERIALS AROUND THE GLOBE.—

(A) Dangerous caches of weapons-usable nuclear materials, much of it poorly secured and vulnerable to theft, exist in a multitude of facilities around the world. For example, there are over 130 research reactors in over 40 countries that house highly enriched uranium, some with enough to manufacture an atomic bomb. In total, about 40 tons of highly enriched uranium, enough for over 1,000 nuclear weapons, is estimated to remain in civilian research reactors.

(B) Over the last 50 years, the United States is known to have exported about 27.5 tons of highly enriched uranium to 43 countries to help develop nuclear power production or bolster scientific initiatives. In 1996, the United States began an effort to recover the more than 17.5 tons of the nuclear material that was still overseas, but has recovered only about 1 ton, according to the Department of Energy and the Government Accountability Office.

(C) It is especially important to keep highly enriched uranium out of terrorists' hands because, with minimal expertise, they could use it to make the simplest, gun-type nuclear weapon—a device in which a high explosive is used to blow one subcritical piece of highly enriched uranium from one end of a tube into another subcritical piece held at the opposite end of the tube.

(D) To Osama bin Laden, acquiring weapons of mass destruction is a "religious duty". Al Qaeda and more than two dozen other terrorist groups are pursuing capability to use weapons of mass destruction.

(E) Osama bin Laden's press spokesman, Sulaiman Abu Ghaith, has announced that the group aspires "to kill 4 million Americans, including 1 million children," in response to casualties supposedly inflicted on Muslims by the United States and Israel.

(F) Al Qaeda documents recovered in Afghanistan reveal a determined research effort focused on nuclear weapons.

(3) SECURITY STANDARDS FOR ALL NUCLEAR WEAPONS AND MATERIALS.—

(A) There are no international binding standards for the secure handling and storage of nuclear weapons and materials.

(B) Making a nuclear weapon requires only 4 to 5 kilograms of plutonium or 12 to 15 kilograms of highly enriched uranium.

(C) In October 2001, the United States Government became very concerned that Al Qaeda may have smuggled a 10-kiloton Russian nuclear warhead into New York City. If placed in lower Manhattan, such a device would probably kill 100,000 people instantly, seriously injure tens of thousands more, and render the entire area uninhabitable for decades to come.

(4) RUSSIA'S NUCLEAR EXPERTISE.—

(A) Employment at the large nuclear facilities in the Russian Federation's 10 closed nuclear cities is estimated to be in the range of 120,000 to 130,000 people, of whom approximately 75,000 were employed on nuclear weapons-related work.

(B) Poor wages and living conditions in Russian "nuclear cities" have inspired protests and strikes among the employees working in them.

(C) Insiders have been caught attempting to smuggle nuclear materials out of these facilities, presumably to sell on the lucrative black market.

SEC. 1323. ESTABLISHMENT OF OFFICE OF NONPROLIFERATION PROGRAMS IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President an Office of Nonproliferation Programs (in this section referred to as the "Office").

(b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(c) PRIMARY FUNCTIONS OF DIRECTOR.—

(1) IN GENERAL.—The primary function of the Director is to coordinate and lead—

(A) efforts by the United States to curb terrorist access to nuclear technology, materials, or expertise; and

(B) other United States nonproliferation activities, including nuclear nonproliferation activities and activities to counter other weapons of mass destruction.

(2) SPECIFIC FUNCTIONS.—In addition to such other functions and activities as the President may assign, the Director shall—

(A) advise the President, and others within the Executive Office of the President, on the role and effect of such nonproliferation activities on national security and international relations;

(B) lead the development and implementation of a plan (including appropriate budgets, other resources, goals, and metrics for assessing progress) to ensure that all the highest-priority actions to prevent terrorists from getting and using nuclear weapons are taken in the shortest possible time, including but not limited to a fast-paced global effort to ensure that every nuclear warhead and every kilogram of weapons-usable nuclear material worldwide is secured and accounted for, to standards sufficient to defeat demonstrated terrorist and criminal threats, as rapidly as that objective can be accomplished;

(C) identify obstacles to accelerating and strengthening efforts to prevent terrorists from getting and using nuclear weapons, and raise approaches to overcoming these obstacles for action by the President or other appropriate officials;

(D) lead an effort, to be carried out jointly by the various Federal agencies responsible for carrying out such nonproliferation activities, to establish priorities among those activities and to develop and implement strategies and budgets that reflect those priorities;

(E) build strong partnerships with respect to such nonproliferation activities among Federal, State, and local governments, foreign governments, international organizations, and nongovernmental organizations; and

(F) evaluate the scale, quality, and effectiveness of the Federal effort with respect to such nonproliferation activities and advise on appropriate actions.

SEC. 1324. REMOVAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPEAL OF RESTRICTIONS.—

(1) RESTRICTIONS ON ASSISTANCE IN DESTROYING FORMER SOVIET WEAPONS.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) is repealed.

(2) RESTRICTIONS ON AUTHORITY TO CARRY OUT CTR PROGRAMS.—Section 1203(d) of the

Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5952(d)) is repealed.

(3) LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is repealed.

(b) EXEMPTION FROM LIMITATIONS.—Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1325. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS.

Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

SEC. 1326. MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking "President" each place it appears and inserting "Secretary of Defense";

(2) in subsection (a), by striking "each of the following" and all that follows through the period at the end and inserting the following: "that such project or activity will—

"(1) assist the United States in the resolution of a critical emerging proliferation threat; or

"(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1327. MODIFICATIONS OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(1) by striking "President" each place it appears and inserting "Secretary of Energy";

(2) in subsection (a), by striking "each of the following" and all that follows through the period at the end and inserting the following: "that such project or activity will—

"(1) assist the United States in the resolution of a critical emerging proliferation threat; or

"(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1328. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NONPROLIFERATION COMMITMENTS.

(a) REPORTS REQUIRED.—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country's commitments to—

(1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

(2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

(3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

(4) complying with all relevant arms control agreements;

(5) adopting and enforcing national and international export controls over munitions and dual-use items; and

(6) facilitating the verification by the United States and international community of that country's compliance with such commitments.

(b) FORM.—The report required under subsection (a) may be submitted with the report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

SEC. 1329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CERTAIN NONPROLIFERATION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying impediments (including liability concerns, taxation issues, access rights, and other impediments) to—

(1) the ongoing renegotiation of the umbrella agreement relating to Cooperative Threat Reduction; and

(2) the ongoing negotiations for the implementation of the Plutonium Disposition Program, the Nuclear Cities Initiative, and other defense nuclear nonproliferation programs.

SEC. 1330. ENHANCEMENT OF GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "PROGRAM AUTHORIZED" and inserting "PROGRAM REQUIRED"; and

(B) by striking "The Secretary of Energy may" and inserting "The President, acting through the Secretary of Energy, shall"; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

"(N) Take such other actions as may be necessary to effectively implement the Global Threat Reduction Initiative.".

SEC. 1331. EXPANSION OF PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS RELATING TO PROLIFERATION SECURITY INITIATIVE.—It is the sense of Congress that—

(1) the President should strive to expand and strengthen the Proliferation Security Initiative announced by the President on May 31, 2003, placing particular emphasis on including countries outside of NATO; and

(2) the United States should engage the United Nations to develop a Security Council Resolution to authorize the Proliferation Security Initiative under international law, including by providing legal authority to stop shipments of weapons of mass destruction, their delivery systems, and related materials.

(b) AUTHORIZATION OF APPROPRIATIONS RELATING TO PROLIFERATION SECURITY INITIATIVE.—There are authorized to be appropriated for fiscal year 2007, $50,000,000 to conduct joint training exercises regarding interdiction of weapons of mass destruction under the Proliferation Security Initiative. Particular emphasis should be given to allocating funds from such amount—

(1) to invite other countries that do not participate in the Proliferation Security Initiative to observe the joint training exercises; and

(2) to conduct training exercises with countries that openly join the Proliferation Security Initiative after the date of the enactment of this Act.

SEC. 1332. SENSE OF CONGRESS RELATING TO INTERNATIONAL SECURITY STANDARDS FOR NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of performance-based standards for the security of nuclear weapons and weapons;

(2) negotiating with those nations an agreement to adopt the standards and implement appropriate verification measures to assure ongoing compliance; and

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other states to adopt and verifiably implement the standards.

SEC. 1333. AUTHORIZATION OF APPROPRIATIONS RELATING TO INVENTORY OF RUSSIAN TACTICAL NUCLEAR WARHEADS AND DATA EXCHANGES.

In addition to any other amounts authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for Nuclear Security for fiscal year 2007, $5,000,000 for assistance to Russia to facilitate the conduct of a comprehensive inventory of the stockpile of Russia of—

(1) non-strategic nuclear weapons; and

(2) nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means.

SEC. 1334. REPORT ON ACCOUNTING FOR AND SECURING OF RUSSIA'S NON-STRATEGIC NUCLEAR WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on Russia's non-strategic nuclear weapons. The report shall—

(1) detail past and current efforts of the United States to encourage a proper accounting for and securing of Russia's non-strategic nuclear weapons and Russia's nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means;

(2) detail the actions that are most likely to lead to progress in improving the accounting for and securing or dismantlement of such weapons; and

(3) detail the feasibility of enhancing the national security of the United States by developing increased transparency between the United States and Russia with respect to the numbers, locations, and descriptions of such weapons and of the corresponding weapons of the United States.

SEC. 1335. RESEARCH AND DEVELOPMENT INVOLVING ALTERNATIVE USE OF WEAPONS OF MASS DESTRUCTION EXPERTISE.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), any funds available to a department or agency of the Federal Government may be used to conduct non-defense research and development in Russia and the states of the former Soviet Union on technologies specified in subsection (b) utilizing scientists in Russia and the states of the former Soviet Union who have expertise in—

(1) nuclear weapons; or

(2) chemical or biological weapons, but only if such scientists no longer engage, or have never engaged, in activities supporting prohibited chemical or biological capabilities.

(b) TECHNOLOGIES.—The technologies specified in this subsection are technologies on the following:

(1) Environmental restoration and monitoring.

(2) Proliferation detection.

(3) Health and medicine, including research.

(4) Energy.

(c) LIMITATION.—Funds may not be used under subsection (a) for research and development if the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, determines that such research and development will—

(1) pose a threat to the security interests of the United States; or

(2) further materially any defense technology.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $20,000,000 for fiscal year 2007 for the following purposes:

(A) To make determinations under subsection (c).

(B) To defray any increase in costs incurred by the Department of State, or any other department or agency of the Federal Government, for research and development, or demonstration, as a result of research and development conducted under this section.

(2) AVAILABILITY.—(A) Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

(B) Any amount transferred to a department or agency of the Federal Government pursuant to paragraph (1)(B) shall be merged with amounts available to such department or agency to cover costs concerned, and shall be available for the same purposes, and for the same period, as amounts with which merged.

SEC. 1336. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the Nuclear Nonproliferation Treaty or NPT) (21 UST 483) states that countries that are parties to the treaty have the "inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.".

(2) The rights outlined under article IV include all fuel cycle activities, despite the fact that uranium enrichment and plutonium production potentially put a country in a position to produce weapons usable material.

(3) David Bergmann, former chairman of the Israeli Atomic Energy Commission, stated: ". . . by developing atomic energy for peaceful uses, you reach the nuclear weapon option. There are not two atomic energies".

(4) The wording of article IV has made it possible for countries that are parties to the NPT treaty to use peaceful nuclear programs as a cover for weapons programs. In particular, the misuse by North Korea and Iran of these provisions threatens to undercut the viability of the nuclear nonproliferation regime and the entire system of international nuclear commerce.

(5) If the international community fails to devise effective measures to deal with the "loophole" in article IV, then there is a great likelihood that the ranks of countries possessing nuclear weapons will increase markedly in the next decade.

(b) PRESIDENTIAL REPORT ON CONTROL OF NUCLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying ways to more effectively control nuclear fuel cycle technologies and material, including ways that the United States can mobilize the international community to close the "loophole" of article IV of the NPT, without undermining the treaty itself.

SEC. 1337. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(2) COOPERATIVE THREAT REDUCTION PROGRAMS.—The term "Cooperative Threat Reduction programs" means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

DIVISION B—COMBATTING TERRORISM

SEC. 2001. SHORT TITLE.

This division may be cited as the "Targeting Terrorists More Effectively Act of 2006".

TITLE XXI—EFFECTIVELY TARGETING TERRORISTS

SEC. 2101. SENSE OF CONGRESS ON SPECIAL OPERATIONS FORCES AND RELATED MATTERS.

It is the sense of Congress that—

(1) the number of active-duty Army Special Forces-qualified personnel should be increased during the four years after the date of the enactment of this Act so that on the date that is four years after the date of such enactment such number is 9,290;

(2) an additional 16 Predator aircraft should be acquired for the Air Force Special Operations Command by the end of fiscal year 2008;

(3) an additional Special Operations squadron should be established not later than fiscal year 2009; and

(4) the increase in the number of regular and reserve component personnel who are assigned civil affairs duty should be accelerated.

SEC. 2102. FOREIGN LANGUAGE EXPERTISE.

(a) FINDINGS.—Congress makes the following findings:

(1) Success in the global war on terrorism will require a dramatic increase in institutional and personal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to "develop a stronger language program, with high standards and sufficient financial incentives".

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SECURITY EDUCATION TRUST FUND.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2007.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2007.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.".

(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(A) IN GENERAL.—Section 811(a) of the David L. Boren National Security Education

Act of 1991 (50 U.S.C. 1911(a)) is amended by striking "there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000" and inserting "there are authorized to be appropriated to the Secretary for each fiscal year 2003 through 2006, $10,000,000, and for each fiscal year after fiscal year 2006, $20,000,000,".

(B) Availability of funds.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting "for fiscal years 2003 through 2006" after "this section".

(3) Demonstration program.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary for each of fiscal years 2007, 2008, and 2009 in order to carry out the demonstration program established under subsection (c).

SEC. 2103. CURTAILING TERRORIST FINANCING.

(a) Findings.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts".

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that "currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States".

(3) The report of the Independent Task Force contained the conclusion that "[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem".

(b) Policy.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) Authorization of Appropriations To Provide Technical Assistance To Prevent Financing of Terrorists.—

(1) In general.—There are authorized to be appropriated to the President for the "Economic Support Fund" to provide technical assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2007, $300,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) Additional funds.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

SEC. 2104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) Clarification of Certain Actions Under IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, and the government of that foreign country is determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) Definitions.—In this section:

(1) Controlled in fact.—The term "is controlled in fact" includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) United states person.—The term "United States person" includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) Applicability.—

(1) In general.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of the enactment of this Act.

(2) Actions after date of enactment.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) Notification of Congress of Termination of Investigation by Office of Foreign Assets Control.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.".

SEC. 2105. COMPTROLLER GENERAL REPORT ON UNITED KINGDOM AND UNITED STATES ANTI-TERRORISM POLICIES AND PRACTICES.

(a) Report Required.—Not later than July 1, 2007, the Comptroller General of the United States shall submit to Congress a report setting forth a comparative analysis of the anti-terrorism policies and practices of the United Kingdom and the United States.

(b) Elements.—The report required by subsection (a) shall include a comparative analysis of the following:

(1) The counter-intelligence laws and methods of the United Kingdom and the United States.

(2) The structure of the intelligence and law enforcement agencies of the United Kingdom Government and the United States Government.

(3) The compliance by the executive agencies of the United Kingdom and the United States with the laws of such country applicable to terrorism.

(4) The constitutional and legal considerations that enter into the development of anti-terrorism policies in the United Kingdom and the United States.

SEC. 2106. ENHANCEMENT OF INTELLIGENCE COMMUNITY EFFORTS TO BRING OSAMA BIN LADEN AND OTHER AL QAEDA LEADERS TO JUSTICE.

(a) Additional Appropriation for Intelligence Community Management Account.—There is hereby appropriated for the fiscal year ending September 30, 2007, for the Intelligence Community Management Account $200,000,000 which amount shall be available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda.

(b) Reports on Efforts.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with other appropriate officials, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in subsection (a), including—

(1) an assessment of the likely current location of terrorist leaders (including Osama bin Laden and other key leaders of al Qaeda);

(2) a description of ongoing efforts to bring to justice such terrorists;

(3) a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries;

(4) a description of diplomatic efforts currently being made to improve the cooperation of any governments described in paragraph (3); and

(5) a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda.

TITLE XXII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 2201. FINDINGS, POLICY, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism".

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government "should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education".

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subtitle, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 2202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL EDUCATION PROGRAMS.—There are authorized to be appropriated to the President for "Development Assistance" for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

(1) for fiscal year 2007, $1,000,000,000; and

(2) for fiscal years 2008 and 2009, such sums as may be necessary.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the President for fiscal years 2007, 2008, and 2009 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs.

(c) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 2211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the "Economic Support Fund" for activities carried out under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2007, $500,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) SENSE OF CONGRESS ON USE OF FUNDS.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to build and support democratic institutions, democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 2212. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the "Foundation").

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy

for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2007, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 2221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, "Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.".

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

"SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

"(a) EMERGENCY AUTHORITY.—

"(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

"(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

"(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

"(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.".

(c) REPORT.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), and this division, and to carry out other authorities in law consistent with such purposes:

(A) INTERNATIONAL BROADCASTING OPERATIONS.—For "International Broadcasting Operations", $500,000,000 for the fiscal year 2007.

(B) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements", $70,000,000 for the fiscal year 2007.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 2222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.—There are authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for "Educational and Cultural Exchange Programs", $500,000,000 for the fiscal year 2007.

(b) ADMINISTRATION OF FOREIGN AFFAIRS.—There are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the

United States, and for other purposes authorized by law for "Diplomatic and Consular Programs", $500,000,000 for the fiscal year 2007, which shall only be available for public diplomacy international information programs.

SEC. 2223. TREATMENT OF DETAINEES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(3) The Commission on Terrorist Attacks Upon the United States urged to the United States to engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. The 9/11 Public Discourse Project went on to give the Administration a ranking of "unfulfilled" in this area, commenting that "[d]issession either at home or abroad on how the United States treats captured terrorists only makes it harder to build the diplomatic, political and military alliance necessary to fight the war on terror effectively".

(b) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter "detainees") humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture, the Geneva Conventions, and the Detainee Treatment Act of 2005.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States, as reiterated by the Supreme Court in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)).

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190-8, Section 1-096.

(4) It is the policy of the United States to expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including detainees in custody at Guantanamo Bay, Cuba.

(c) REPORTING.—The Secretary shall submit to the appropriate congressional committees the following:

(1) Not later than 180 days after the date of the enactment of this Act, a report setting forth the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(2) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the standards of the Detainee Treatment Act of 2005 and Common Article 3 of the Geneva Conventions by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(e) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of, or prosecution on account of, a possible violation of the standards specified in subsection (d)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the standards specified in subsection (d)(1).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term "Convention Against Torture" means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) DIRECTOR.—The term "Director" means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(6) TORTURE.—The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 2224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) ESTABLISHMENT OF COMMISSION.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) PURPOSES.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the interrogation and detention policies related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the causes of the alleged mistreatment of detainees by United States personnel and the impact of such mistreatment on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) INITIAL MEETING.—Once 10 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) SENSE OF CONGRESS ON QUALIFICATIONS OF COMMISSION MEMBERS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or

foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development and implementation of policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines the causes and factors contributing to the alleged abuse of detainees, and whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals;

(E) assesses the responsibility of leaders for policies and actions, or failures to act, that may have contributed to the mistreatment of detainees; and

(F) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) CLOSED MEETINGS.—

(A) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) ADDITIONAL AUTHORITY.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) STAFF OF THE COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) REPORT OF THE COMMISSION.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) TERMINATION.—

(1) TERMINATION.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-

day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 2231. AFGHANISTAN.

(a) AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking "such sums as may be necessary for each of the fiscal years 2005 and 2006" and inserting "$2,400,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009".

(b) OTHER AUTHORIZATIONS OF APPROPRIATIONS FOR FOREIGN RELATIONS ACTIVITIES.—

(1) FISCAL YEAR 2007.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2007—

(A) for "International Military Education and Training", $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for "Foreign Military Financing Program" grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for "Peacekeeping Operations", $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) FISCAL YEARS 2008 AND 2009.—

(A) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2008 and 2009.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2008 and 2009 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—There are authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, for Defense-wide activities, $20,000,000 for support to provisional reconstruction teams in Afghanistan.

(d) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 2232. PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY ON PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(d) NUCLEAR PROLIFERATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(2) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2007—

(A) for "Development Assistance", $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d,);

(B) for the "Child Survival and Health Programs Fund", $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the "Economic Support Fund", $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for "International Narcotics and Law Enforcement", $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", $10,000,000;

(F) for "International Military Education and Training", $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for "Foreign Military Financing Program", $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 2233. SAUDI ARABIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified

form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

TITLE XXIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 2301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the Nunn-Lugar Cooperative Threat Reduction Act of 2004), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 2302. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) PROGRAM.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEPARTMENT OF DEFENSE.—There are authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 2303. ADDITIONAL ASSISTANCE TO ACCELERATE NON-PROLIFERATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.—There are authorized to be appropriated to the Department of Defense $105,000,000 for fiscal year 2007 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at nuclear warhead storage sites located in Russia or another country of the former Soviet Union, $15,000,000.

(2) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekistan, $15,000,000.

(3) To accelerate destruction of Libyan chemical weapons, materials, and related equipment, $75,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2007 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at nuclear warhead storage sites located in Russia or in another country, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2007 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical an biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the Soviet biological weapons research and production facilities to commercial enterprises through the Bio-Industry Initiative, $10,000,000.

(2) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 2304. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There are authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 2311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks "were potentially vulnerable to interception by border authorities".

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 2312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—First Responders

SEC. 2321. FINDINGS.

Congress makes the following findings:

(1) In a report entitled "Emergency First Responders: Drastically Underfunded, Dangerously Unprepared", an independent task force sponsored by the Council on Foreign Relations found that "America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.".

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 2322. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108-447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2007, $1,250,000,000;

(2) for fiscal year 2008, $1,400,000,000; and

(3) for fiscal year 2009, $1,600,000,000.

SEC. 2323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting "and prosecutor" after "increase police"; and

(2) by inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C)—

(i) by striking "or pay overtime"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2), by striking all that follows "SUPPORT SYSTEMS.—" and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7), by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10), by striking "and" at the end;

(5) in paragraph (11), by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may"; and

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2), by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

"(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

"(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.".

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by adding at the end the following:

"(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.".

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;";

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2007;

"(ii) $1,150,000,000 for fiscal year 2008;

"(iii) $1,150,000,000 for fiscal year 2009;

"(iv) $1,150,000,000 for fiscal year 2010;

"(v) $1,150,000,000 for fiscal year 2011; and

"(vi) $1,150,000,000 for fiscal year 2012."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "1701(f)" and inserting "1701(g)";

(C) by striking the second sentence and inserting "Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.";

(D) by striking "85 percent" and inserting "$600,000,000"; and

(E) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).".

SEC. 2324. ASSURED COMPENSATION FOR FIRST RESPONDERS INJURED BY EXPERIMENTAL VACCINES AND DRUGS.

(a) REPEAL.—The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

(b) NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.—

(1) ESTABLISHMENT.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

"(q) BIODEFENSE INJURY COMPENSATION PROGRAM.—

"(1) ESTABLISHMENT.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the 'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to à declaration under subsection (p)(2).

"(2) ADMINISTRATION AND INTERPRETATION.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

"(3) PROCEDURES AND STANDARDS.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

"(A) a civil action for relief under subsection (p); or

"(B) a petition for compensation under this subsection.

"(4) INJURY TABLE.—

"(A) INCLUSION.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

"(B) INJURIES, DISABILITIES, ILLNESSES, AND CONDITIONS.—

"(i) INSTITUTE OF MEDICINE.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

"(ii) SPECIFICATION BY SECRETARY.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

"(iii) PROGRAM GOALS.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided taking into account the following goals of such program:

"(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

"(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

"(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

"(iv) USE OF BEST AVAILABLE EVIDENCE.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

"(v) APPLICATION OF SECTION 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

"(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

"(II) if the deceased was 18 years of age or older, the greater of—

"(aa) the amount described in subclause (I); or

"(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400 percent of the amount that applies under item (aa).

"(vi) APPLICATION OF SECTION 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

"(C) RULE OF CONSTRUCTION.—Section 13632 (a)(3) of Public Law 103-66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

"(5) Application.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(6) Special Masters.—

"(A) Hiring.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

"(B) Budget Authority.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

"(7) Covered Countermeasure.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

"(8) Funding.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).".

(2) Effective Date.—This subsection shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107-296; 116 Stat. 2135)).

Subtitle D—Strengthening America's Hospitals and Health Agencies

SEC. 2325. STRENGTHENING HOSPITAL EMERGENCY PREPAREDNESS.

(a) In General.—The Secretary of Health and Human Services shall carry out activities to ensure that every community in the United States has adequate hospital capacity to respond effectively to a biological attack or a naturally occurring epidemic.

(b) Report Required.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that—

(1) describes whether every community in the United States has adequate hospital capacity to respond effectively to a biological attack or a naturally occurring epidemic and, if not, the reasons for the failure to achieve such result; and

(2) outlines steps the Secretary will take during the 180-day period beginning on the date of the report to ensure that every community in the United States has adequate hospital capacity to respond effectively to a biological attack or a naturally occurring epidemic.

(c) Grants.—The Secretary of Health and Human Services shall establish, expand, or improve programs to strengthen hospital emergency preparedness, taking into account the particular needs of hospitals and hospital personnel in different regions, that will—

(1) strengthen and sustain trauma care systems;

(2) enhance emergency department, trauma center, and inpatient surge capacity through training programs, equipment purchases, staff expansion, and other appropriate means;

(3) design and disseminate evidence-based training programs;

(4) enhance decontamination infrastructure including increasing access to—

(A) decontamination showers;

(B) standby intensive care unit capacity;

(C) negative pressure rooms; and

(D) appropriate personal protective equipment; and

(5) periodically evaluate the state of hospital emergency preparedness and make recommendations for improvements to and the sustainability of such programs.

(d) Appropriations.—To carry out this section, there are authorized to be appropriated, and there are appropriated, $5,000,000,000 to remain available until expended.

SEC. 2326. TRAINING AND EDUCATION OF PUBLIC HEALTH PROFESSIONALS.

Section 319H of the Public Health Service Act (42 U.S.C. 274d-7a) is amended by—

(1) striking the section heading and inserting "**TRAINING AND EDUCATION OF PUBLIC HEALTH PROFESSIONALS**";

(2) striking "(a) In General.—The Secretary" and inserting the following: "(a) Grants Regarding Training and Education of Certain Public Health Professionals.—

"(1) In general.—The Secretary".

(3) redesignating subsections (b) and (c) as paragraphs (2) and (3) and indenting appropriately;

(4) in paragraph (2), as so redesignated, by—

(A) striking "subsection (a)" and inserting "paragraph (1)"; and

(B) striking "such subsection" each place it appears and inserting "such paragraph";

(5) in paragraph (2), by striking "this section" and inserting "this subsection"; and

(6) by adding at the end the following:

"(b) Public Health Workforce Loan Repayment Program.—

"(1) Establishment.—The Secretary shall establish the Public Health Workforce Loan Repayment Program (referred to in this subsection as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health preparedness workforce shortages in State, local, and tribal public health agencies.

"(2) Eligibility.—To be eligible to participate in the Program, an individual shall—

"(A)(i) be accepted for enrollment, or be enrolled, as a full-time or part-time student in an accredited academic educational institution in a State or territory in the final year of a course of study or program offered by that institution leading to a public health degree or other degree suitable for serving in a public health department, as determined by the Secretary;

"(ii) have graduated, within 5 years, from an accredited educational institution in a State or territory and received an undergraduate or master's degree in public health; or

"(iii) be accepted for enrollment, or be enrolled, in a residency program in preventive medicine or public health at an accredited academic educational institution in a State or territory;

"(B)(i) in the case of an individual described clause (i) or (iii) of subparagraph (A), have accepted employment with a State, local, or tribal public health agency, located in a health professional shortage area (as defined in section 332(a)), a medically underserved area or as a medically underserved population (as defined in section 330(b)(3)) as recognized by the Secretary, to commence upon graduation; or

"(ii) in the case of an individual described in subparagraph (A)(ii), be employed by, or have accepted employment with, such a State, local, or tribal public health agency described in clause (i), as recognized by the Secretary;

"(C) be a United States citizen;

"(D) submit an application to the Secretary to participate in the Program; and

"(E) sign and submit to the Secretary, at the time of the submittal of such application, a written contract (described in paragraph (4)) to serve for the applicable period of obligated service in the full-time employment of such a State, local, or tribal public health agency described in clause (i).

"(3) Dissemination of information.—

"(A) Application and contract forms.—The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

"(i) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled to recover in the case of the individual's breach of the contract; and

"(ii) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.

"(B) Information for schools.—The Secretary shall distribute to accredited academic institutions and relevant State, local, and tribal public health agencies described in paragraph (2), materials providing information on the Program and shall encourage such schools, institutions, and agencies to disseminate such materials to potentially eligible students.

"(C) Understandability and timing.—The application form, contract form, and all other information furnished by the Secretary under this subsection shall—

"(i) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

"(ii) be made available by the Secretary on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(4) Contract.—The written contract (referred to in this section) between the Secretary and an individual shall contain—

"(A) an agreement on the part of the Secretary that the Secretary will repay on behalf of the individual loans incurred by the individual in the pursuit of the relevant public health degree in accordance with the terms of the contract;

"(B) an agreement on the part of the individual that the individual will serve, immediately upon graduation in the case of an individual described in paragraph (2)(A)(i) or (2)(A)(iii) service, or in the case of an individual described in paragraph (2)(A)(ii) continue to serve, in the full-time employment of a State, local, or tribal public health agency described in paragraph (2) for a period of time (referred to in this subsection as the 'period of obligated service') equal to the greater of—

"(i) 2 years; or

"(ii) such longer period of time as determined appropriate by the Secretary and the individual;

"(C) an agreement, as appropriate, on the part of the individual to relocate for the entire period of obligated service to an area or population described under paragraph (2) in exchange for an additional loan repayment incentive amount that does not exceed 20 percent of the individual's eligible loan repayment award per academic year;

"(D) in the case of an individual described in paragraph (2)(A)(i) or (2)(A)(iii) who is in the final year of study or residency and who has accepted employment with a State, local, or tribal public health agency described in paragraph (2) upon graduation, an agreement on the part of the individual to complete the education or training, maintain an acceptable level of academic standing (as determined by the education institution offering the course of study or training), and agree to the period of obligated service;

"(E) a provision that any financial obligation of the United States arising out of a contract entered into under this subsection and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subsection;

"(F) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and

"(G) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subsection.

"(5) PAYMENTS.—

"(A) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Program shall consist of payment, in accordance with subparagraph (B), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate, master's, or graduate medical education of the individual, which loans were made for—

"(i) tuition expenses; or

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual.

"(B) PAYMENTS FOR YEARS SERVED.—

"(i) IN GENERAL.—For each year of obligated service that an individual contracts to serve under paragraph (4) the Secretary may pay up to $35,000 on behalf of the individual for loans described in subparagraph (A). The total eligible loan repayment award shall be divided by 2 and repaid in each year of service. If the total eligible loan repayment award is greater than $70,000, the individual may be awarded up to $2917 per month for up to 12 additional months of service.

"(ii) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this paragraph shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(C) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under subparagraph (B) on behalf of an individual—

"(i) the Secretary shall, in addition to such payments, make payments to the individual in an amount not to exceed 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(ii) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(D) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Program to establish a schedule for the making of such payments.

"(6) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree from a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatry, pharmacy, psychology, or social work, the date of the initiation of the period of obligated service may be postponed, upon the submission by the individual of a petition for such postponement and approval by the Secretary, to the date on which the individual completes an approved internship, residency, or other relevant public health preparedness advanced training program.

"(7) ADMINISTRATIVE PROVISIONS.—

"(A) HIRING PRIORITY.—Notwithstanding any other provision of law, State, local, and tribal public health agencies described in paragraph (2) may give hiring priority to any individual who has qualified for and is willing to execute a contract to participate in the Program.

"(B) EMPLOYMENT CEILINGS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this subsection, who are serving as full-time employees of a State, local, or tribal public health agency described in paragraph (2), or who are in the last year of public health education or preventive medicine residency, shall not be counted against any employment ceiling affecting the Department or any other Federal agency.

"(8) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under paragraph (2) shall be subject to the same financial penalties as provided for under section 338E for breaches of loan repayment contracts under section 338B.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.".

SEC. 2327. COMPENSATING HOSPITALS FOR EMERGENCY CARE.

(a) IN GENERAL.—For the purposes of assisting hospitals and certain other emergency care providers to recoup a portion of their expenditures associated with providing emergency and trauma services to individuals without health care coverage, the Secretary of Health and Human Services shall establish a Hospital Emergency Care Fund (referred to in this section as the "Fund").

(b) USE OF FUNDS.—To the extent that amounts are appropriated under subsection (c), the Secretary of Health and Human Services shall make payments to health care providers for legitimate uncompensated care provided during a public health emergency (as declared under section 319 of the Public Health Service Act (42 U.S.C. 247d). Payments under the preceding sentence shall not be made to any entity if such entity has received payments from any other source for the services involved, including the individual treated or an insurance company.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Centers for Medicare & Medicaid Services, $50,000,000 for each of fiscal years 2006 through 2010 to be used for the Fund.

SEC. 2328. REGIONAL COORDINATION OF EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—To improve and expand emergency medical services and to improve regional coordination, the Secretary of Health and Human Services shall strengthen existing programs and establish new programs in accordance with this section.

(b) DEMONSTRATION GRANT.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration, in collaboration with the Director of the Centers for Disease Control and Prevention, shall establish an emergency medical care regional coordination demonstration grant program.

(2) PURPOSE.—It is the purpose of the grant program established under paragraph (1) to promote regionalized, coordinated, and accountable emergency care systems throughout the United States. Grants shall be made available to promote the coordination of regional emergency medical and trauma care assets to improve the performance of such systems.

(3) USE OF FUNDS.—Funds made available under this subsection may be used to—

(A) enhance communication to promote coordination of emergency medical and trauma care services and develop centralized communications centers at the State and regional levels;

(B) establish planning functions convening regional or State-wide stakeholders for purposes of improving emergency communication and coordination;

(C) hire consultants and staff to manage such functions;

(D) collect, analyze, and report data related to emergency communication and coordination; and

(E) procure other items required for the development of regionalized, coordinated, and accountable emergency systems.

(4) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) PREFERENCE.—In awarding grants under this subsection, the Administrator shall give preference to States submitting applications to carry out cross-State collaborative activities that promote regional coordination of care.

(5) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $88,000,000 to carry out this subsection.

(c) RESTORING EMERGENCY MEDICAL SERVICES.—To restore the capacity of State and local governments to carry out and coordinate emergency medical services-related disaster preparedness activities, there are authorized to be appropriated, and there are appropriated, to the Department of Health and Human Services $687,500,000, of which $100,000,000 shall be made available for fiscal year 2006 and each of the 4 succeeding fiscal years to fund emergency medical services-related disaster preparedness, and of which $37,500,000 shall be made available for fiscal year 2006 and each of the 4 succeeding fiscal years to fund the Emergency Medical Services for Children Program.

(d) COMMISSION.—The Secretary of Health and Human Services shall establish a commission—

(1) to examine the factors responsible for the declining availability of providers in high-risk emergency and trauma care specialties; and

(2) to recommend targeted Federal and State actions to mitigate the adverse impact of the responsible factors and ensure quality of care.

(e) STUDY.—The Secretary of Health and Human Services, in cooperation with Federal agencies involved in emergency and trauma care research, shall—

(1) conduct a study to examine the gaps and opportunities in emergency and trauma care research that considers—

(A) the training of new investigators;

(B) the development of multi-center research networks;

(C) the involvement of emergency medical services;

(D) researchers in the grant review and research advisory processes; and

(E) improved research coordination through a dedicated center or institute; and

(2) recommend a strategy for the optimal organization and funding of emergency and trauma care research efforts.

SEC. 2329. EMERGENCY AND PUBLIC HEALTH PREPAREDNESS EDUCATION.

(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in conjunction with State and local health departments, shall—

(1) revise and expand public health preparedness and emergency response educational materials;

(2) facilitate the use of such materials by health care providers, State and local officials and agencies, and the public;

(3) make use of multiple media, including the Internet, television broadcasts, radio broadcasts, and printed materials; and

(4) coordinate such educational efforts with nonprofit organizations, as appropriate.

(b) TARGETED VACCINE OUTREACH.—The Secretary of Health and Human Services shall establish targeted outreach programs to educate the general public, health care providers, and businesses about the importance of recommended vaccines and vaccines distributed in response to a pandemic, including special programs for outreach to youth with information about annual flu vaccinations, disease prevention, and good health habits.

(c) EMERGENCY RESPONSE EDUCATION.—For the purposes of establishing a well informed public that is capable of an effective and efficient response to a pandemic or other national emergency, the Secretary of Health and Human Services shall establish plans and programs to provide timely, accurate information that will minimize panic and disruption in the case of a national emergency. Such activities shall include—

(1) research on communication and behavioral strategies to assist the general public during public health emergencies; and

(2) education and awareness campaigns for pandemics and other public health emergencies, conducted jointly by Federal agencies and State and local health departments.

(d) APPROPRIATIONS.—For carrying out activities under this section, there are authorized to be appropriated, and there are appropriated, to the Centers for Disease Control and Prevention $50,000,000 to remain available until expended.

SEC. 2330. RESTORING THE CAPACITY OF CDC TO ENHANCE HEALTH SECURITY.

To restore the capacity of the Centers for Disease Control and Prevention to promote public health preparedness, there are authorized to be appropriated $88,000,000, of which—

(1) $25,000,000 shall remain available until expended for the purchase of vaccines under section 317 of the Public Health Service Act (42 U.S.C. 247b);

(2) $30,000,000 shall remain available until expended for the purchase of bulk vaccines to build seasonal market stability;

(3) $11,000,000 shall remain available until expended for environmental health and occupational safety programs; and

(4) $11,000,000 shall remain available until expended for global disease detection programming.

SEC. 2331. SECURING THE HEALTH CARE WORKFORCE.

To restore the capacity of the Health Services and Resources Administration to build the health care and public health workforce and to provide adequate workforce surge capacity during a national emergency, there are authorized to be appropriated (in addition to amounts already appropriated for such purposes) to the Health Services and Resources Administration $416,000,000, of which—

(1) $29,000,000 shall remain available until expended for emergency preparedness of the Area Health Education Centers;

(2) $50,000,000 shall remain available until expended for public health workforce development programs;

(3) $15,000,000 shall remain available until expended for Bioterrorism curriculum development and training;

(4) $75,000,000 shall remain available until expended for programs to enhance the emergency preparedness of Federally-Qualified Health Centers;

(5) $64,000,000 shall remain available until expended for health professions diversity programs;

(6) $100,000,000 shall remain available until expended for the children's graduate medical education program; and

(7) $83,000,000 shall remain available until expended for the Healthy Communities Access Program.

Subtitle E—Responsible Incentives for Manufacturers and Protections for Consumers of New Vaccines and Drugs

SEC. 2335. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking "SMALLPOX";

(2) in paragraph (1), by striking "against smallpox";

(3) in paragraph (2)—

(A) in the paragraph heading, by striking "AGAINST SMALLPOX"; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

"(3) EXCLUSIVITY; OFFSET.—

"(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

"(i) this subsection;

"(ii) subsection (q); or

"(iii) part C.

"(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may not subsequently pursue the remedy provided for under subsection (q) or part C.

"(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

"(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.";

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting "or under subsection (q) or part C" after "under this subsection"; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

"(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category."; and

(D) by adding at the end the following:

"(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

"(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

"(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.)."

"(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

"(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

"(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

"(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

"(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States."; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

"(A) COVERED COUNTERMEASURE.—The term 'covered countermeasure', means—

"(i) a substance that is—

"(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

"(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

"(II) specified in a declaration under paragraph (2); or

"(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and

Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

"(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F-2(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

"(II) is—

"(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

"(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

"(BB) cooperated fully with the requirements of the Secretary under such section 564; or

"(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

"(III) is specified in a declaration under paragraph (2)."; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

"(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;" and

(ii) in clause (viii), by inserting before the period "if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person".

SEC. 2336. PROHIBITING PRICE GOUGING ON NEEDED MEDICINES.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended by adding at the end the following:

"(g) UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN COMMERCE RELATED TO TREATMENTS.—

"(1) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

"(A) IN GENERAL.—During any public health emergency declared by the Secretary under section 319, it shall be unlawful for any person to sell any drug (including an anti-viral drug), device, or biologic for the prevention or treatment of the disease or condition that is the subject of such declaration in, or for use in, the area to which that declaration applies at a price that—

"(i) is unconscionably excessive (as determined by the Secretary); or

"(ii) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

"(B) FACTORS TO BE CONSIDERED.—In determining whether a violation of subparagraph (A) has occurred, a court shall take into account, among other factors, whether—

"(i) the amount charged represents a gross disparity between the price of a drug, device, or biologic and the price at which the drug, device, or biologic was offered for sale in the usual course of the seller's business immediately prior to the public health emergency involved; or

"(ii) the amount charged grossly exceeds the price at which the same or similar drug, device, or biologic was readily obtainable by other purchasers in the area in which the declaration applies.

"(C) MITIGATING FACTORS.—In determining whether a violation of subparagraph (A) has occurred, the court shall take into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the drug, device, or biologic was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

"(2) FALSE PRICING INFORMATION.—It shall be unlawful for any person to report information related to the wholesale price of any drug, device, or biologic to the Secretary if—

"(A) that person knew, or reasonably should have known, the information to be false or misleading;

"(B) the information was required by law to be reported; and

"(C) the person intended the false or misleading data to affect data compiled by the department or agency involved for statistical or analytical purposes with respect to the market for drugs, devices, or biologics for the prevention or treatment of influenza.

"(3) MARKET MANIPULATION.—It shall be unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of drugs, devices, or biologics at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Secretary may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.".

TITLE XXIV—PROTECTING TAXPAYERS

SEC. 2401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORTS.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(1) Counting and categorizing acts of international terrorism.

(2) Monitoring counterterrorism efforts of foreign governments.

(3) Monitoring financial support provided to terrorist groups.

(4) Assessing the success of United States counterterrorism policies and practices.

(b) SCHEDULE OF REPORTS.—The Comptroller General shall submit to Congress an initial report under subsection (a) not later than 1 year after the date of the enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 2402. PROHIBITION ON PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1A1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

"(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

"(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

"(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

"(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.".

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)" after "liquidating agent of financial institution),".

TITLE XXV—OTHER MATTERS

SEC. 2501. SENSE OF CONGRESS ON MILITARY COMMISSIONS FOR THE TRIAL OF PERSONS DETAINED IN THE GLOBAL WAR ON TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power "To define and punish . . . Offenses against the Law of Nations", as well as the power "To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy.".

(2) On November 13, 2001, the President issued a military order establishing military commissions to try individuals detained in the global war on terrorism.

(3) On June 29, 2006, the Supreme Court held in *Hamdan v. Rumsfeld* (126 S. Ct. 2749 (2006)) that—

(A) the authority to establish military commissions "can derive only from the powers granted jointly to the President and Congress in time of war";

(B) the military commission established by the President to try Hamdan "lacks the power to proceed" because the procedures governing the commission departed impermissibly from the procedures governing courts martial and the requirements of Common Article 3 of the Geneva Conventions; and

(C) procedures governing military commissions may depart from the procedures governing courts martial "only if some practical need explains deviations from court-martial practice".

(b) Sense of Congress.—It is the sense of Congress that—

(1) aliens detained by the United States who are alleged to have violated the law of war should be tried for their offenses;

(2) it is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish offenders against the law of war;

(3) procedures established by Congress for the use of military commissions should be consistent with the decision of the Supreme Court in *Hamdan v. Rumsfeld*;

(4) in drafting legislation for the use of military commissions, the Committees on Armed Services of the Senate and the House of Representatives should take into account the views of professional military lawyers who have experience in prosecuting, defending, and judging cases under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(5) the Committee on Armed Services of the Senate is drafting a bipartisan proposal on military commissions that reflects the views of senior military lawyers, and this process must be allowed to move forward; and

(6) as the Judge Advocate General of the Navy explained in testimony before the Committee on Armed Services of the Senate on July 13, 2006, "[w]e need to think in terms of the long view, and to always put our own sailors, soldiers, Marines, and airmen in the place of an accused when we're drafting these rules to ensure that these rules are acceptable when we have someone in a future war who faces similar rules".

DIVISION C—INTELLIGENCE AUTHORIZATIONS

SEC. 3001. SHORT TITLE.

This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

TITLE XXXI—INTELLIGENCE ACTIVITIES

SEC. 3101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 3102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 3101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ________ of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this division under section 3103.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 3103. INCORPORATION OF CLASSIFIED ANNEX.

(a) Status of Classified Annex.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this division.

(b) Construction With Other Provisions of Division.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this division.

(c) Limitation on Use of Funds.—Funds appropriated pursuant to an authorization contained in this division that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 3104. PERSONNEL CEILING ADJUSTMENTS.

(a) Authority for Adjustments.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 3102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) Notice to Intelligence Committees.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 3105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 3102(a) for advanced research and development shall remain available until September 30, 2008.

(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) Classified Authorizations.—

(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) Authorization of Personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 3106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) In General.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill of the One Hundred Ninth Congress, or in the classified annex to this division, is hereby incorporated into this division, and is hereby made a requirement in law.

(b) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) Amounts Requested Each Fiscal Year.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

SEC. 3108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.".

TITLE XXXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 3201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE XXXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 3301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 3302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 3303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 3304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

"(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

"(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

"(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

"(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.".

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 3305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 3307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SEC. 3308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 3309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

"RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

"SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

"Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.".

SEC. 3310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking "or" at the end;

(2) in paragraph (12), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

"(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activity conducted by the receiving element of the intelligence community and pertains to an identifiable individual or, upon the authorization of the Director of National Intelligence (or a designee of the Director in a position not lower than Deputy Director of National Intelligence), other than an identifiable individual; or

"(B) by any other agency that maintains the record, if—

"(i) the head of the element of the intelligence community makes a written request to that agency specifying the particular portion of the record that is relevant to a lawful and authorized activity of the element of the intelligence community to protect against international terrorism or the proliferation of weapons of mass destruction; or

"(ii) the head of that agency determines that—

"(I) the record, or particular portion thereof, constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458)) or information concerning the proliferation of weapons of mass destruction; and

"(II) the disclosure of the record, or particular portion thereof, will be to an element of the intelligence community authorized to collect and analyze foreign intelligence or counterintelligence information related to international terrorism or the proliferation of weapons of mass destruction.".

(b) EXEMPTION FROM CERTAIN PRIVACY ACT REQUIREMENTS FOR RECORD ACCESS AND ACCOUNTING FOR DISCLOSURES.—Elements of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) receiving a disclosure under subsection (b)(13) of section 552a of title 5, United States Code, shall not be required to comply with subsection (c)(3), (c)(4), or (d) of such section 552a with respect to such disclosure, or the records, or portions thereof, disclosed under subsection (b)(13) of such section 552a.

(c) CONSULTATION ON DETERMINATIONS OF INFORMATION TYPE.—Such section is further amended by adding at the end the following new subsection:

"(w) AUTHORITY TO CONSULT ON DETERMINATIONS OF INFORMATION TYPE.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4)) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.".

(d) CONSTRUCTION.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) RECORDKEEPING REQUIREMENTS.—

(1) RETENTION OF REQUESTS.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) ACCESS TO RETAINED REQUESTS.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying explanation, is consistent with the protection of intelligence sources and methods;

(ii) such official is appropriately cleared for access to such request, and any accompanying explanation; and

(iii) the access of such official to such request, and any accompanying explanation, is necessary for the performance of the duties of such official.

(B) The Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Inspector General of any element of the intelligence community having jurisdiction over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through the termination of this section and the amendments made by this section under subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on the administration of this section and the amendments made by this section.

(2) FINAL REPORT.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) REVIEW AND REPORT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) FORM OF REPORTS.—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) ELEMENTS.—The guidelines prescribed under paragraph (1) shall—

(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the issuance of the guidelines required by subsection (g).

(2) CERTAIN REQUIREMENTS.—Subsections (f) and (g) shall take effect on the date of the enactment of this Act.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(j) TERMINATION.—This section and the amendments made by this section shall cease to have effect on the date that is three years after the date of the issuance of the guidelines required by subsection (g).

SEC. 3311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 3312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) Travel and Transportation Expenses Defined.—In this section, the term "travel and transportation expenses" means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 3313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) Form.—The report required by subsection (a) shall be submitted in classified form.

(d) Definitions.—In this section:

(1) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term "intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) In General.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) Director of National Intelligence Report.—

(1) Report required.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) Elements.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) Form of report.—The report required by paragraph (1) shall be submitted in classified form.

SEC. 3315. SENSE OF CONGRESS ON ELECTRONIC SURVEILLANCE.

(a) Findings.—Congress makes the following findings:

(1) United States government authorities should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization.

(2) Absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law abiding Americans with no ties to terrorism.

(3) The Foreign Intelligence Surveillance Act of 1978 (FISA) authorizes the President to obtain a warrant for the electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization. That Act also establishes procedures for engaging in electronic surveillance without a warrant on a temporary basis when emergency circumstances make obtaining a warrant impractical.

(4) During the quarter century since the enactment of the Foreign Intelligence Surveillance Act of 1978, the Foreign Intelligence Surveillance Court has issued a warrant for electronic surveillance in response to all but 5 of the approximately 19,000 applications for such a warrant.

(5) Congress has amended the Foreign Intelligence Surveillance Act of 1978 numerous times, including six times since September 11, 2001, to streamline the procedures for obtaining a warrant from the Foreign Intelligence Surveillance Court.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives must be fully briefed on the history, operation, and usefulness of the warrantless wiretapping program carried out by the National Security Agency;

(2) Congress should modify the Foreign Intelligence Surveillance Act of 1978 as needed to ensure that the government may engage in electronic surveillance of telephone conversations in which one party is reasonably believed to be a member or agent of a terrorist organization;

(3) the requirement that the government must, absent emergency or other appropriate circumstances, obtain a judicial warrant prior to engaging in electronic surveillance of a United States person should remain in place to protect the privacy of law abiding Americans with no ties to terrorism; and

(4) the President is not above the law and must abide by congressionally-enacted procedures for engaging in electronic surveillance.

TITLE XXXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 3401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

"(G) in carrying out this subsection, have the authority—

"(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

SEC. 3402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403-1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 3403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting "(1)" before "Unless"; and

(2) by adding at the end the following new paragraph:

"(2) The Director of National Intelligence shall—

"(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

"(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

"(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.".

SEC. 3404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) Additional Administrative Authorities.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

"(A) the Director may authorize the use of interagency financing for—

"(i) national intelligence centers established by the Director under section 119B; and

"(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

"(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

"(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 3405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking "**with**" and inserting "**of headquarters with headquarters of**";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 3406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Coordination and Prioritization of Research Conducted by Elements of Intelligence Community.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) Development of Technology Goals.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) Goals for Technology Needs of Intelligence Community.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) Report.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 3407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) Appointment.—

(1) In General.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended by striking "the President, by and with the advice and consent of the Senate" and inserting "the Director of National Intelligence".

(2) Applicability.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) Title.—Such section is further amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 3408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) Establishment.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"Sec. 103H. (a) Office of Inspector General of Intelligence Community.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) Purpose.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) Inspector General of Intelligence Community.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) Duties and Responsibilities.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) Limitations on Activities.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) Authorities.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) Coordination Among Inspectors General of Intelligence Community.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

“(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

“(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

“(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

“(3) In the event that—

“(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

“(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

“(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) Separate Budget Account.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) Construction of Duties Regarding Elements of Intelligence Community.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) Repeal of Superseded Authority To Establish Position.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) Executive Schedule Level IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 3409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) National Counter Proliferation Center.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) Establishment.—" and inserting the following:

"(a) In General.—

"(1) Establishment.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) Director.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) Location.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) Officers.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 3410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) Establishment.—

(1) In general.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE CENTER

"Sec. 119C. (a) Establishment.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) Director of National Space Intelligence Center.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) Missions.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) Access to Information.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

"(e) Separate Budget Account.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.".

(2) Clerical amendment.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Center.".

(b) Report on Organization of Center.—

(1) Report required.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 3411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) In General.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

"OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"Sec. 700. (a) Exemption of Certain Files From Search, Review, Publication, or Disclosure.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

"(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

"(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

"(2) Information and records described in this paragraph are the following:

"(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

"(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

"(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

"(b) Search and Review of Certain Files.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

"(c) Search and Review for Certain Purposes.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.".

(b) Clerical Amendment.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

"Sec. 700. Operational files in the Office of the Director of National Intelligence.".

SEC. 3412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) In General.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

"(a) Authority for Payment of Awards.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) Repeal of Obsolete Authority.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) Expeditious Payment.—That section is further amended by adding at the end the following new subsection (d):

"(d) Expeditious Payment.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.".

(d) Conforming Amendments.—That section is further amended—

(1) in subsection (b), by striking "to the Central Intelligence Agency or to the Intelligence Community Staff" and inserting "to the Office of the Director of National Intelligence or to the Central Intelligence Agency"; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or Director of the Central Intelligence Agency".

(e) Technical and Stylistic Amendments.—That section is further amended—

(1) in subsection (b)—

(A) by inserting "Personnel Eligible for Awards.—"after "(b)";

(B) by striking "subsection (a) of this section" and inserting "subsection (a)"; and

(C) by striking "a date five years before the date of enactment of this section" and inserting "December 9, 1978"; and

(2) in subsection (c), as so redesignated, by inserting "Payment and Acceptance of Awards.—" after "(c)".

SEC. 3413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) Repeal of Certain Authorities.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) Conforming Amendments.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 3414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or";

(2) in paragraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. 3415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 3416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Authority To Exempt.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) Promulgation Requirements.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 3421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Appointment of Director of Central Intelligence Agency.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting "from civilian life" after "who shall be appointed".

(b) Establishment of Position of Deputy Director of Central Intelligence Agency.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Deputy Director of Central Intelligence Agency.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.".

(c) Conforming Amendment.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (e)".

(d) Executive Schedule Level III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(e) Role of DNI in Appointment.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended by adding at the end the following new subparagraph:

"(C) The Deputy Director of the Central Intelligence Agency.".

(f) Military Status of Individual Serving as Director of Central Intelligence Agency or Administratively Performing Duties of Deputy Director of Central Intelligence Agency.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) Effective Date and Applicability.—

(1) Director of central intelligence agency.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) Deputy director of central intelligence agency.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 3422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) Responsibility of Director of Central Intelligence Agency Under National Security Act of 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 3421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and".

(b) Protection Under Central Intelligence Agency Act of 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking "section 102A(i)" and all that follows through "unauthorized disclosure" and inserting "sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403-1(i), 403–4a(e)(4))".

(c) Construction With Exemption From Requirement for Disclosure of Information to Public.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) Technical Amendments to Central Intelligence Agency Retirement Act.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking "of DCI";

(2) by striking "section 102A(i)" and inserting "sections 102A(i) and 104A(e)(4)";

(3) by striking "of National Intelligence"; and

(4) by inserting "of the Central Intelligence Agency" after "methods".

SEC. 3423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) Additional Exception.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 3421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by striking "Directorate of Operations" and inserting "National Clandestine Service";

(2) in paragraph (2), by striking "position or category of positions" each place it appears and inserting "individual, individuals, position, or category of positions"; and

(3) by adding at the end the following new paragraph:

"(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.".

(b) Report on Waivers.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: "The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007."; and

(2) in the second sentence—

(A) by striking "section 104A(g)(2), as so added" and inserting "subsection (h)(2) of section 104A, as so added and redesignated"; and

(B) by striking "position or category of positions" and inserting "individual, individuals, position, or category of positions".

SEC. 3424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 3425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) Report Elements.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) Assistance of Comptroller General.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) Definitions.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 3431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) Termination of Employees.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) Authority To Withhold Disclosure of Affiliation With NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 3432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"Sec. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 3433. INSPECTOR GENERAL MATTERS.

(a) Coverage Under Inspector General Act of 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) Certain Designations Under Inspector General Act of 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) Power of Heads of Elements Over Investigations.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 3434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) Director of National Security Agency.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"Sec. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) Director of National Geospatial-Intelligence Agency.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) Director of National Reconnaissance Office.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Positions of Importance and Responsibility.—

(1) Designation of positions.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) Covered positions.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) Effective Date and Applicability.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 3435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 3436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 3441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) Authority To Pay Incentive.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) Covered Employees.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 3442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

"SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

"Sec. 23A. (a) Authority To Enter Into Contracts.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

"(1) the services to be procured are urgent or unique; and

"(2) it would not be practicable for the Department to obtain such services by other means.

"(b) Treatment as Employees of the United States Government.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

"(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

"(c) Contract To Be Appropriate Means of Securing Services.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.".

SEC. 3443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 3444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE XXXV—OTHER MATTERS

SEC. 3501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 3502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 3503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) Amendments to National Security Intelligence Reform Act of 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "Agency" after "Intelligence".

(b) Other Amendments to Intelligence Reform and Terrorism Prevention Act of 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 3504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) References to Head of Intelligence Community.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) Clerical Amendments.—Such title is further amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 441(c).
(2) Section 443(d).

(c) Reference to Head of Central Intelligence Agency.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 3505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)" and inserting "authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).".

SEC. 3506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) In General.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "Foreign"; and

(2) by striking "foreign" each place it appears.

(b) Responsibility of DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) Conforming Amendment.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 3507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) Executive Schedule Level II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) Executive Schedule Level III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 3508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) Title 5, United States Code.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) Title 44, United States Code.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) Homeland Security Act of 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) Inspector General Act of 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) Ethics in Government Act of 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) Other Acts.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

DIVISION D—TRANSPORTATION SECURITY

TITLE LXI—RAIL SECURITY

SEC. 4101. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 4102. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) In General.—

(1) Vulnerability and risk assessment.—The Secretary of Homeland Security shall establish a task force, consisting of representatives of the Transportation Security Administration, the Department of Transportation, and other appropriate Federal agencies, which shall complete a vulnerability and risk assessment of freight and passenger rail transportation (including railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Secretary of Homeland Security will work with the entities describe in subsection (b) and make use of existing expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate Federal agencies;

(B) the identification and evaluation of critical assets and infrastructures;

(C) the identification of vulnerabilities and risks to those assets and infrastructures;

(D) the identification of vulnerabilities and risks that are specific to the transportation of hazardous materials by railroad;

(E) the identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) Recommendations.—Based on the assessment conducted under paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) Plans.—The report required under subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads and State and local governments, for the Federal Government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) Consultation; Use of Existing Resources.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives. The report shall contain the assessment, prioritized recommendations, and plans required under subsection (a) and an estimate of the cost to implement such recommendations. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) Annual Updates.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) Funding.—From the funds appropriated for fiscal year 2007, pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $5,000,000 shall be made available to the Secretary of Homeland Security to carry out this section.

SEC. 4103. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General.—Subject to subsection (c), the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, may award grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) Conditions.—The Secretary of Transportation shall disburse funds provided to Amtrak under subsection (a) for projects contained in an Amtrak systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) Equitable Geographic Allocation.—The Secretary of Homeland Security shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 4102, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Funding.—

(1) In general.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration to carry out this section—

(A) $63,500,000 for fiscal year 2007;

(B) $30,000,000 for fiscal year 2008; and

(C) $30,000,000 for fiscal year 2009.

(2) Availability.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 4104. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, may award grants to Amtrak for fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, Baltimore, and Washington, D.C.

(b) Funding.—From the funds appropriated pursuant to section 4117(b), there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a)—

(1) $190,000,000 for each of the fiscal years 2007, 2008, and 2009 for the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers;

(2) $19,000,000 for each of the fiscal years 2007, 2008, and 2009 for the Baltimore & Potomac and Union tunnels, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades; and

(3) $13,333,000 for each of the fiscal years 2007, 2008, and 2009 for the Union Station tunnels in Washington, D.C., to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) Infrastructure Upgrades.—From the funds appropriated for fiscal year 2007, pursuant to section 4117(b), $3,000,000 shall be made available to the Secretary of Transportation for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Funds.—Amounts made available pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) Review of Plans.—

(1) Initial review.—Not later than 45 days after the date on which a plan required by paragraphs (1) and (2) of subsection (e) is submitted by Amtrak, the Secretary of Transportation shall complete a review of the plan and approve or disapprove the plan. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies.

(2) Submission of modified plan.—Not later than 30 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) Review of modified plan.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that describes the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan; and

(iii) obligate the funds associated with those other portions.

(4) Agreement.—Not later than 15 days after the partial approval of a modified plan under paragraph (3), the Secretary shall execute an agreement with Amtrak that describes a process for resolving the remaining portions of the modified plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 4105. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) Security Improvement Grants.—The Secretary of Homeland Security, through the Assistant Secretary of the Transportation Security Administration and other appropriate Federal agencies, may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges, research centers, and State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 4102, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the international border between the United States and Mexico, the international border between the United States and Canada, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 4102, including infrastructure, facilities, and equipment upgrades.

(b) Grants to Amtrak.—The Secretary of Homeland Security, through the Secretary of Transportation, may award grants to Amtrak for the purposes described in subsection (a).

(c) Accountability.—The Secretary of Homeland Security shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) Allocation.—The Secretary of Homeland Security shall distribute the funds made available under this section based on risk and vulnerability as determined under section 4102. The Secretary shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(e) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (b) unless Amtrak meets the conditions set forth in section 4103(b).

(f) Allocation Between Railroads and Others.—Unless the Secretary of Homeland Security determines, based on the assessment required under section 4102, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) to Amtrak in an amount in excess of $45,000,000; or

(2) for the purposes described in paragraph (3) or (5) of subsection (a) in an amount in excess of $80,000,000.

(g) Funding.—

(1) In general.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $100,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) Availability.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) High Hazard Materials Defined.—In this title, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 4106. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, in consultation with the Secretary of Transportation shall carry out a research and development program to improve freight and intercity passenger rail security. The program may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 4102.

(b) Coordination With Other Research Initiatives.—The Secretary of Homeland Security shall ensure that the research and development program established under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is sponsoring a research and development project in a similar area as of the date of the enactment of this Act; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) Grants and Accountability.—In carrying out the research and development program established under this section, the Secretary of Homeland Security—

(1) may award grants to the entities described in subsections (a) and (b) of section 4105; and

(2) shall adopt necessary procedures, including audits, to ensure that grant funds disbursed under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) Funding.—

(1) In general.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $35,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) Availability.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 4107. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security may expend not more than 0.5 percent of the amounts made available for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans;

(2) to oversee construction of such projects; and

(3) to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) Procedures for Grant Award.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act,

the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including—

(A) application and qualification procedures (including a requirement that the applicant have a security plan);

(B) a record of decision on applicant eligibility; and

(C) the execution of a grant agreement between the grant recipient and the Secretary.

(2) CONSISTENCY.—The procedures prescribed under this subsection shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 4108. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by inserting after section 24313 the following:

"§ 24314. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit a plan to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security that addresses the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan submitted by Amtrak under subsection (a) shall include the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number not later than 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which—

"(A) the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control;

"(B) any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and

"(C) any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for not less than 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—From the funds appropriated for fiscal year 2007 pursuant to section 4117(b) of the Rail Security Act of 2006, $500,000 shall be made available to the Secretary of Transportation for the use of Amtrak to carry out this section. Amounts made available under this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by inserting after the item relating to section 24313 the following:

"24314. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 4109. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal agencies, and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 4110. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address—

(1) the determination of the seriousness of any occurrence;

(2) crew communication and coordination;

(3) appropriate responses to defend or protect oneself;

(4) use of protective devices;

(5) evacuation procedures;

(6) psychology of terrorists to cope with hijacker behavior and passenger responses;

(7) situational training exercises regarding various threat conditions; and

(8) any other subject the Secretary considers to be appropriate.

(c) RAILROAD CARRIER SECURITY TRAINING PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review.

(2) PROGRAM REVIEW.—Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(3) RAILROAD CARRIER RESPONSE.—A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments.

(d) TRAINING.—

(1) IMPLEMENTATION.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of railroad carriers and submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b), as appropriate.

SEC. 4111. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—

"(1) IN GENERAL.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 of such Act to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed.

"(2) DAMAGES.—If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"20116. Whistleblower protection for rail security matters.".

SEC. 4112. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration and the Secretary of Transportation, shall require rail carriers transporting a high hazard material and of a quantity equal or exceeding the quantities of such material listed in section 172.800, title 49, Code of Federal Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier described in subsection (a) shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security not later than 60 days after the date of the enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary not later than 180 days after the rail carrier receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary not later than 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall review each plan developed under this section and submit comments to the railroad carrier concerning any revisions that the Secretary considers to be necessary. A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments. Each rail carrier shall update and resubmit its plan for review not less than once every 2 years.

(d) DEFINITIONS.—In this section:

(1) HIGH-CONSEQUENCE TARGET.—The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) CATASTROPHIC IMPACT ZONE.—The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) RAIL CARRIER.—The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 4113. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the Department of Transportation and the Department of Homeland Security signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the each department in addressing railroad transportation security matters, including the processes each department will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 4114. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(A) IN GENERAL" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration, shall review the rail regulations of the Department of Transportation in existence as of the date of the enactment of this Act to identify areas in which such regulations need to be revised to improve rail security.

SEC. 4115. PUBLIC AWARENESS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness.

(b) CONTENTS.—The plan developed under this section shall—

(1) be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security; and

(2) provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security.

(c) IMPLEMENTATION.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 4116. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 4106 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, shall develop a program that will encourage the equipping of rail cars transporting high hazard materials in quantities equal to or greater than the quantities listed in section 172.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $3,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

SEC. 4117. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

"(1) $206,500,000 for fiscal year 2007;

"(2) $168,000,000 for fiscal year 2008; and

"(3) $168,000,000 for fiscal year 2009.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20116 and 24314 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE LXII—MASS TRANSIT SECURITY

SEC. 4201. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

SEC. 4202. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 4203. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 4304, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 4304.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 4204. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 4203(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 4203(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 4203(a)(4); and

(F) other appropriate security improvements identified under section 4203(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of

Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) Public Transportation Agency Responsibilities.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 4205. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public Transportation Agency Participation.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 4206. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) Grants Authorized.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) Use of Funds.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) Reporting Requirement.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 4207. REPORTING REQUIREMENTS.

(a) Semi-Annual Report to Congress.—

(1) In general.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 4203 through 4206;

(B) the amount of funds appropriated to carry out the provisions of each of sections 4203 through 4206 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) Annual Report to Governors.—

(1) In general.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) Contents.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 4208. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 4204(a), which shall remain available until expended.

(b) Operational Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section 4204(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) Intelligence.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 4205.

(d) Research.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 4206, which shall remain available until expended.

SEC. 4209. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE LXIII—AVIATION SECURITY

SEC. 4301. INAPPLICABILITY OF LIMITATION ON EMPLOYMENT OF PERSONNEL WITHIN TRANSPORTATION SECURITY ADMINISTRATION TO ACHIEVE AVIATION SECURITY.

(a) In General.—Notwithstanding any other provision of law, if the conditions set forth in subsection (b) are met, the Secretary of Homeland Security is not required to—

(1) comply with any statutory limitation on the number of employees in the Transportation Security Administration (referred to in this section as the "TSA"), whether before or after the transfer of the TSA from the Department of Transportation to the Department of Homeland Security; or

(2) comply with any administrative rule or regulation imposing a limitation on the recruitment or employment of personnel in the TSA to a maximum number of permanent positions.

(b) Conditions.—The conditions set forth in this subsection are met if the enforcement or compliance with a limitation, rule, or regulation described in subsection (a) would prevent the Secretary of Homeland Security from recruiting and employing in the TSA such personnel as may be necessary—

(1) to provide the highest levels of aviation security; and

(2) to accomplish the objective specified in paragraph (1) in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to less than 10 minutes.

SEC. 4302. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) Advanced Explosives Detection Systems.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) Availability.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 4303. AVIATION REPAIR STATION SECURITY.

(a) Certification of Foreign Repair Stations Suspension.—Beginning on the date that is 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, unless the Under Secretary for Border and Transportation Security has issued final regulations, pursuant to section 44924(f) of title 49, United States Code, to ensure the security of foreign and domestic aircraft repair stations.

(b) 6-Month Deadline for Security Review and Audit.—Section 44924 of title 49, United States Code, is amended by striking "18 months" each place it appears and inserting "6 months".

DIVISION E—A NEW DIRECTION IN IRAQ

TITLE LI—UNITED STATES POLICY ON IRAQ

SEC. 5001. UNITED STATES POLICY ON IRAQ.

(a) Short Title.—This section may be cited as the "United States Policy on Iraq Act of 2006".

(b) Findings.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the

national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 129,000 Iraqi soldiers, sailors, and airmen, and more than 165,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 106 operational Iraqi Army combat battalions, 85 are either in the lead or operating independently, according to the August 2006 report of the Administration to Congress entitled "Measuring Stability and Security in Iraq";

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that "calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq".

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

TITLE LII—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 5101. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 5102. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. 5103. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 5104. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 5105. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this title, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5106. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 5107. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 5103 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 5103.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 5108. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 5109. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 5110. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 4937. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . FOREIGN OWNERSHIP OF PORTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the United States Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person.

(b) OPERATIONS AND OWNERSHIP.—For purposes of this section, the term "operations and ownership" includes—

(1) operating and maintaining docks;

(2) loading and unloading vessels directly to or from land;

(3) handling marine cargo;

(4) operating and maintaining piers;

(5) ship cleaning;

(6) stevedoring;

(7) transferring cargo between vessels and trucks, trains, pipelines, and wharves; and

(8) waterfront terminal operations.

SA 4938. Mr. SCHUMER submitted an amendment to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 2 and 3, insert the following:

SEC. 206. CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary, acting through the Under Secretary for Science and Technology, shall award grants, on a competitive basis, to public and private entities to develop technologies and devices that will detect or prevent nuclear threats, including—

(1) underwater or water surface devices;

(2) devices that can be mounted on cranes and straddle cars used to move cargo within ports;

(3) scanning and imaging technology; and

(4) devices such as scintillation-based detection equipment capable of signaling the

presence of nuclear or radiological materials.

(b) CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—

(1) the extent to which the security device will be effective in preventing or defending against potential terrorist threats;

(2) the potential for widespread and rapid deployment of the device at ports;

(3) the cost of the completed device; and

(4) the accuracy and efficiency of the device compared to existing devices.

(c) FUNDING.—

(1) CONTAINER SECURITY RESEARCH FEE.—

(A) AUTHORIZATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a system for collecting an additional fee from shippers of containers entering the United States in an amount sufficient to fully fund the grant program established under this section. All amounts collected pursuant to this subparagraph shall be deposited into the Container Security Research Trust Fund.

(B) CONTAINER SECURITY RESEARCH TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the "Container Security Research Trust Fund", consisting of such amounts as are collected pursuant to subparagraph (A).

(2) APPROPRIATIONS.—Subject to the availability of funds, there are appropriated $250,000,000 from the Container Security Research Trust Fund for each of the fiscal years 2007 and 2008 to carry out the grant program established under this section.

SA 4939. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, Ms. CANTWELL, Ms. SNOWE, Mr. NELSON of Florida, Mr. INOUYE, Mr. SMITH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 18 and 19, insert the following:

(B) in subparagraph (E), by striking "describe the" and inserting "provide a strategy and timeline for conducting";

On page 8, line 19, strike "(B)" and insert "(C)".

On page 8, line 21, strike "(C)" and insert "(D)".

On page 8, line 23, strike "(D)" and insert "(E)".

On page 20, line 12, strike "may" and insert "shall".

On page 22, between lines 16 and 17, insert the following:

(c) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation and consistently with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

On page 22, line 20, strike "may" and insert "shall".

SA 4940. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. MENENDEZ, Mr. SCHUMER, Mrs. CLINTON, and Mr. REED) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after the date of enactment of this Act.

(b) AVIATION SECURITY.—Nothwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SA 4941. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE —IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. —100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Transportation Security Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —100. Short title; table of contents.
Sec. —101. Written plans for hazardous materials highway routing.
Sec. —102. Motor carrier high hazard material tracking.
Sec. —103. Hazardous materials security inspections and enforcement.
Sec. —104. Truck security assessment.
Sec. —105. National public sector response system.
Sec. —106. Over-the-road bus security assistance.
Sec. —107. Pipeline security and incident recovery plan.
Sec. —108. Pipeline security inspections and enforcement.

SEC. —101. WRITTEN PLANS FOR HAZARDOUS MATERIALS HIGHWAY ROUTING.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall require each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain a written route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title.

SEC. —102. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation; and

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —103. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. —104. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. —105. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall develop a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In developing this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, Operation Respond, private for-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. The development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the estimated total public and private sector costs to establish and annually operate the national public sector response system under subsection (a), together with any recommendations for generating private sector participation and investment in the development and operation of the national public sector response system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. —106. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road-bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $50,000,000 for fiscal year 2007;

(2) $50,000,000 for fiscal year 2008; and

(3) $50,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —107. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section —108, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section —108—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. —108. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SA 4942. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

SA 4943. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE V—AIRPORT SECURITY

SEC. 501. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SA 4944. Mr. NELSON of Nebraska (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS

SEC. 501. NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration.

(b) SYSTEM FUNCTIONS.—The System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) in order to facilitate better informed, more timely decisions and support drought mitigation and preparedness programs that will reduce impacts and costs, communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

(i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(ii) the private sector; and

(iii) the public; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions;

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system, improved forecasts, and the development of mitigation and preparedness tools and techniques;

(3) build upon existing drought forecasting, assessment, and mitigation programs at the National Oceanic and Atmospheric Administration, including programs conducted in partnership with other Federal departments and agencies and existing research partnerships, such as that with the National Drought Mitigation Center at the University of Nebraska-Lincoln; and

(4) be incorporated into the Global Earth Observation System of Systems.

(c) CONSULTATION.—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

(e) DROUGHT DEFINED.—In this section, the term "drought" means a deficiency in precipitation—

(1) that leads to a deficiency in surface or subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(2) that causes or may cause—

(A) substantial economic or social impacts; or

(B) substantial physical damage or injury to individuals, property, or the environment.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for use by the Under Secretary of Commerce for Oceans and Atmosphere to implement section 501—

(1) $8,000,000 for fiscal year 2007;

(2) $9,000,000 for fiscal year 2008;

(3) $10,000,000 for each of fiscal years 2009 and 2010; and

(4) $11,000,000 for each of fiscal years 2011 and 2012.

SA 4945. Mr. NELSON of Nebraska (for himself, and Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—EMERGENCY FARM RELIEF

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Emergency Farm Relief Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

Sec. 101. Crop disaster assistance.
Sec. 102. Livestock assistance.
Sec. 103. Flooded crop and grazing land.
Sec. 104. Sugar beet disaster assistance.
Sec. 105. Bovine tuberculosis herd indemnification.
Sec. 106. Reduction in payments.

TITLE II—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

Sec. 121. Replenishment of Section 32.
Sec. 122. Supplemental economic loss payments.
Sec. 123. Small business economic loss grant program.

TITLE III—CONSERVATION

Sec. 131. Emergency conservation program.
Sec. 132. Emergency watershed protection program.

TITLE IV—FARM SERVICE AGENCY

Sec. 141. Funding for additional personnel.

TITLE V—MISCELLANEOUS

Sec. 151. Funding.
Sec. 152. Regulations.

TITLE VI—EMERGENCY DESIGNATION

Sec. 161. Emergency designation.

SEC. 2. DEFINITIONS.

In this division:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(7) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

SEC. 101. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) Payment rate.—

(A) In general.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) Factors.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) Eligibility.—

(A) In general.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) Ineligibility.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) Eligible production.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) Timing.—

(1) In general.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) Interest.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 102. LIVESTOCK ASSISTANCE.

(a) Livestock Compensation Program.—

(1) Use of commodity credit corporation funds.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) Eligible applicants.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) Mitigation.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) Livestock Indemnity Payments.—

(1) In general.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) Payment rates.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) Ewe Lamb Replacement and Retention.—

(1) In general.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) Ineligibility for other assistance.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 103. FLOODED CROP AND GRAZING LAND.

(a) In General.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) Eligibility.—

(1) In general.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) Inclusions.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) Administration.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) Sign-up.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) Compensation Payments.—

(1) In general.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) Reduction.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) Exclusion.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) Relationship to Agricultural Commodity Programs.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) Use of Land.—

(1) In general.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) Recreational activities.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) Funding.—

(1) In general.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) Pro-rated payments.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 104. SUGAR BEET DISASTER ASSISTANCE.

(a) In General.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) Requirement.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) Hawaii.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 105. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 106. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this title shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

TITLE II—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

SEC. 121. REPLENISHMENT OF SECTION 32.

(a) Definition of Specialty Crop.—In this section:

(1) In general.—The term "specialty crop" means any agricultural crop.

(2) Exception.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) milk.

(b) Base State Grants.—

(1) In general.—The Secretary shall use $25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) Amounts.—The amount of the grants shall be $500,000 to each of the several States.

(c) Grants for Value of Production.—The Secretary shall use $74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(d) Special Crop and Livestock Priority.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) Use of Funds.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes as determined by the Secretary.

SEC. 122. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) In General.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); and

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) Amount.—

(1) Covered commodities.—Subject to paragraph (3), the amount of a supplemental economic loss payment made to the producers on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) Dairy payments.—

(A) Distribution.—Supplemental economic loss payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) Maximum amount.—Subject to paragraph (3), the total amount available for supplemental economic loss payments under subsection (a)(2) shall not exceed $147,000,000.

(3) Limitations.—

(A) In general.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) Administration.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

SEC. 123. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) Definition of Qualified State.—In this section, the term "qualified State" means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary in at least 2 of crop years 2004, 2005, and 2006.

(b) Grants to Qualified States.—

(1) In general.—The Secretary shall use $300,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) Amount.—

(A) In general.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) Minimum amount.—The minimum amount of a grant under this subsection shall be $3,000,000.

(3) Requirement.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) Direct Payments to Qualified Small Businesses.—

(1) In general.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses in at least 2 of crop years 2004, 2005, and 2006 as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) Eligibility.—

(A) In general.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $5,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses;

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State; and

(C) not exceed $80,000 per grant per year.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

TITLE III—CONSERVATION

SEC. 131. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $30,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

SEC. 132. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $70,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

TITLE IV—FARM SERVICE AGENCY

SEC. 141. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $20,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this division; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

TITLE V—MISCELLANEOUS

SEC. 151. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this division, to remain available until expended.

SEC. 152. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this division.

(b) PROCEDURE.—The promulgation of the regulations and administration of this division shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE VI—EMERGENCY DESIGNATION

SEC. 161. EMERGENCY DESIGNATION.

The amounts provided under this division are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 4946. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AIRPORTS IN MONTANA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for Essential Air Service airports in Montana.

(b) ELEMENTS OF PLAN.—The security plan required by subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

(c) ESSENTIAL AIR SERVICE AIRPORTS IN MONTANA.—In this section, "Essential Air Service airports in Montana" include airports located in the following:

(1) Lewistown, Montana.
(2) Wolf Point, Montana.
(3) Havre, Montana.
(4) Miles City, Montana.
(5) Glasgow, Montana.
(6) Sidney-Richland, Montana.
(7) Dawson County, Montana.

SA 4947. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. —01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Emergency service.
Sec. —03. Enforcement.
Sec. —04. Migration to IP-enabled emergency network.
Sec. —05. Definitions.

SEC. —02. EMERGENCY SERVICE.

(a) 911 AND E–911 SERVICES.—

(1) IN GENERAL.—The Federal Communications Commission shall review the requirements established in its Report and Order in WC Docket Nos. 04–36 and 05–196 and shall, within 120 days after the date of enactment of this Act, revise its regulations as may be necessary, or promulgate such additional regulations as may be necessary, to establish requirements that are technologically and operationally feasible for providers of IP-enabled voice service to ensure that 911 and E–911 services are available to subscribers to IP-enabled voice services.

(2) CONTENT.—In the regulations prescribed under paragraph (1), the Commission shall include an appropriate transition period for compliance with those requirements that takes into consideration—

(A) available industry technology and operational standards;

(B) network security; and

(C) public safety answering point capabilities.

(3) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the rules and regulations issued under this title to State commissions or other State agencies or programs with jurisdiction over emergency communications.

(4) EFFECTIVE DATE.—The regulations prescribed under paragraph (1) may not take effect earlier than 90 days after the date on which the Commission issues a final rule under that paragraph.

(b) ACCESS TO 911 COMPONENTS.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(c) STATE AUTHORITY OVER FEES.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E–911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E–911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(d) GRANDFATHERING OF CURRENT IP-ENABLED VOICE SERVICE SUBSCRIBERS.—

(1) IN GENERAL.—A provider of IP-enabled voice service may continue to provide service to each subscriber who subscribed to that service as of December 31, 2005, to whom notice has been given in accordance with the requirements of the Commission's Report

and Order in WC Docket Nos. 04–36 and 05–196 if—

(A) the provider has received an acknowledgement in writing or by electronic means by the subscriber of receipt of the notice; or

(B) the provider continues to give clear and conspicuous notice of the unavailability of 911 or E–911 service, or either service, in billing statements or their equivalent sent to the subscriber.

(2) CONTINUED SERVICE.—The Commission may not require a provider of IP-enabled voice service to terminate service to a subscriber described in paragraph (1) as long as the provider is in compliance with the requirements of that paragraph and the regulations prescribed under this subsection.

(3) REPORTING REQUIREMENT.—A provider of IP-enabled voice service that continues to provide service under paragraphs (1) and (2) shall file a report with the Commission every 6 months detailing its efforts to identify and implement a 911 or E–911 solution or both.

(4) COMPLIANCE WITH REGARD TO NEW SUBSCRIBERS.—Nothing in this subsection shall be construed to authorize a provider of IP-enabled voice service to add subscribers to such service after December 31, 2005, if the provider is not in compliance with the Commission's 911 and E-911 regulations for IP-enabled voice service providers.

(e) TECHNICAL AND OPERATIONAL FEASIBILITY.—

(1) SPECIAL WAIVERS.—The Commission shall waive the 911 and E–911 requirements contained in the Commission's Report and Order in WC Docket Nos. 04–36 and 05–196, together with any regulations promulgated under subsection (a), for a provider of IP-enabled voice service if—

(A) the provider gives a separate, clear, and conspicuous notice to its subscribers that it does not offer 911 service, E–911 service, or either service, as the case may be, to its IP-enabled voice service subscribers;

(B) the subscriber separately acknowledges receipt of that notice in writing or by electronic means; and

(C) the provider demonstrates that it is not technically or operationally feasible for its IP-enabled voice service to comply with those 911 and E–911 requirements, which may include technical and operational feasibility relative to its portable or nomadic IP-enabled voice service.

(2) PRESUMPTION.—A provider of IP-enabled voice service shall be presumed to have complied with the requirements of subparagraphs (A) and (B) of paragraph (1) with respect to subscribers whose subscriptions commenced before the date of enactment of this Act if the provider has met the subscriber acknowledgement requirements in the Commission's Report and Order in WC Docket Nos. 04–36 and 05–196 with respect to 90 percent of those subscribers.

(3) TERM OF WAIVER.—The Commission may not grant a waiver under paragraph (1) for a period of more than 12 months at a time.

(4) GEOGRAPHIC LIMITATION.—The Commission may limit any waiver issued under paragraph (1) by geographic area if the Commission finds such a limitation is in the public interest.

(5) 45-DAY RULE.—The Commission shall grant or deny a waiver under paragraph (1) within 45 days after it receives a complete waiver request from a provider of IP-enabled voice service. If the Commission fails to act within 45 days then the waiver shall be deemed granted.

(6) SUNSET OF WAIVER AUTHORITY.—The Commission may not grant a waiver under paragraph (1) more than 48 months after the date of enactment of this Act.

(f) PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E–911 services, and

(3) other matters related to 911 and E–911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(g) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. —03. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. —04. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) include a proposed timetable, an outline of costs and potential savings;

"(D) provide specific legislative language, if necessary, for achieving the plan;

"(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

"(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate."; and

(3) by striking "services." in subsection (b)(1) and inserting "services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.".

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E-911 service to their subscribers.

SEC. —05. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term "911" means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term "911 component" means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E-911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E–911 SERVICE.—The term "E–911 service" means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the

physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term "IP-enabled voice service" means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 911 or E-911 calls.

(b) Common Terminology.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

SA 4948. Mr. BURNS submitted an amendment intended to be proposed to amendment SA 4947 submitted by Mr. Burns and intended to be proposed to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, beginning with line 13, strike through line 23 on page 7.

On page 7, line 24, strike "(f)" and insert "(d)".

On page 8, line 19, strike "(g)" and insert "(e)".

On page 14, line 14, strike "separately)" and insert "separately), or without a fee,".

SA 4949. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 6, insert "ferry operators and" after "with".

SA 4950. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, between lines 20 and 21, insert the following:

(h) Intermodal Rail Radiation Detection Test Center.—

(1) Establishment.—In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish an Intermodal Rail Radiation Detection Test Center (referred to in this subsection as the "Test Center").

(2) Projects.—The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) Location.—The Test Center shall be located within a public port facility at which more than 50 percent of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

SA 4951. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY GRANT.—The term "homeland security grant" means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) Local government.—The term "local government" has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) Required Disclosures.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, report to the Secretary a list of all expenditures made by such State or local government using funds from such grant.

SA 4952. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 22, after the period, insert the following: "The regulations shall include an interim clearance process to enable newly hired workers to begin working if the Secretary makes an initial determination that the worker does not pose a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.".

SA 4953. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, before line 16, insert the following:

SEC. 107. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) Notice of Arrival.—Not later than 180 days after the date of the enactment of this Act, the Secretary is directed to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the outer Continental Shelf.

(b) Content of Regulations.—The regulations promulgated pursuant to paragraph (1) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

SA 4954. Ms. SNOWE (for herself and Ms. Cantwell) submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, before line 9, insert the following:

SEC. 233. INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE.

(a) Finding.—Congress finds that the Coast Guard, with existing resources, is able to inspect foreign countries no more frequently than on a 4 to 5 year cycle.

(b) In General.—

(1) RESOURCES TO COMPLETE INITIAL INSPECTIONS AND VALIDATION.—The Commandant of the Coast Guard shall increase the resources dedicated to the International Port Inspection Program and complete inspection of all foreign countries that trade with the United States, including the validation of compliance of such countries with the International Ship and Port Facility Security Code, not later than December 31, 2008. If the Commandant of the Coast Guard is unable to meet this objective, the Commandant of the Coast Guard shall report to Congress on the resources needed to meet the objective.

(2) Reinspection and validation.—The Commandant of the Coast Guard shall maintain the personnel and resources necessary to maintain a schedule of re-inspection of foreign countries every 2 years under the International Port Inspection Program.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Coast Guard such sums as are necessary to carry out the provisions of this section.

SA 4955. Mr. ALLARD (for himself and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SA 4956. Mr. SHELBY (for himself, Mr. Sarbanes, Mr. Allard, Mr. Bennett, Mr. Schumer, Mrs. Boxer, Mr. Reed, Mr. Menendez, Mrs. Clinton, Mr. Lieberman, Ms. Stabenow, and Mr. Santorum) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —MASS TRANSIT SECURITY

SEC. _01. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

SEC. _02. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. _03. SECURITY ASSESSMENTS.

(a) Public Transportation Security Assessments.—

(1) Submission.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) Review.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) Allocations.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section _04, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) Security improvement priorities.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 04.

(5) Updates.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) Use of Security Assessment Information.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) Bus and Rural Public Transportation Systems.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 04. SECURITY ASSISTANCE GRANTS.

(a) Capital Security Assistance Program.—

(1) In general.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 03(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) Operational Security Assistance Program.—

(1) In general.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 03(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 03(a)(4); and

(F) other appropriate security improvements identified under section 03(a)(4), excluding routine, ongoing personnel costs.

(c) Coordination With State Homeland Security Plans.—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.

(d) Multi-State Transportation Systems.—In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) Congressional Notification.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) Public Transportation Agency Responsibilities.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(g) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. _05. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public transportation agency participation.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. _06. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) Grants and Contracts Authorized.—The Secretary of Homeland Security, through the Homeland Security Advanced Research Projects Agency in the Science and

Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department of Homeland Security on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary of Homeland Security determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. _07. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 03 through 06;

(B) the amount of funds appropriated to carry out the provisions of each of sections 03 through 06 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 04(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 04(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 05.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 06, which shall remain available until expended.

SEC. 09. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

SA 4957. Mrs. CLINTON (for herself and Mrs. DOLE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE _—2-1-1 SERVICE

SEC. 1. GRANTS TO FACILITATE NATIONWIDE AVAILABILITY OF 2-1-1 SERVICE FOR INFORMATION ON AND REFERRAL TO HUMAN SERVICES.

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2-1-1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT.—A State may not be awarded a grant under this section unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirement specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a "2-1-1 Collaborative") meeting the requirements of this subsection.

(2) 2-1-1 COLLABORATIVE.—An entity shall be treated as the 2-1-1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2-1-1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2-1-1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2-1-1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2-1-1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2-1-1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2-1-1 telephone service;

(B) for the operation and maintenance of 2-1-1 call centers; and

(C) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2-1-1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9-1-1 call centers, and 3-1-1 call centers, if applicable.

(g) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall

be used solely to make available 2–1–1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2–1–1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2–1–1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2–1–1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (f) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development and maintenance for a statewide database, database integration projects that incorporate data from different 2–1–1 programs into a single statewide database, and the provision of 2–1–1 telephone service. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(h) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(i) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2–1–1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(j) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term "human services" means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term "information and referral center" means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. _2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations specified in subsection (a) shall remain available until expended.

SA 4958. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GRANTS FOR 9/11-RELATED HEALTH CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly impacted as a result of the attacks on New York City on September 11, 2001.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an entity—

(i) that serves individuals described in subsection (a), including entities providing baseline and follow-up screening, clinical examinations, or long-term medical or mental health monitoring, analysis, or treatment to such individuals such as the Mount Sinai Center for Occupational and Environmental Medicine of New York City, the New York City Fire Department's Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, the Police Organization Providing Peer Assistance of New York City, and the New York City Department of Health and Mental Hygiene's World Trade Center Health Registry; or

(ii) an entity not described in clause (i) that provides similar services to the individuals described in such clause; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive assistance from an entity under a grant under this section shall include firefighters, police officers, paramedics, workers, volunteers, residents, and any other individual who worked at Ground Zero or Fresh Kills, or who lived or worked in the vicinity of such areas, and whose health has deteriorated as a result of the attacks described in subsection (a).

(c) PRIORITY IN AWARDING ASSISTANCE.—An eligible entity that receives a grant under this section shall use amounts provided under such grant to provide assistance to individuals in the following order of priority:

(1) Individuals who are not covered under health insurance coverage.

(2) Individuals who need health care assistance beyond what their health insurance coverage provides.

(3) Individuals with insufficient health care insurance coverage.

(4) Individuals who are in need of health care coverage and who are not described in any of paragraphs (1) through (3).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act, and monthly thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the use of funds under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $1,914,000,000 for fiscal years 2007 through 2011.

(2) STAFF AND ADMINISTRATION.—The Secretary may use not to exceed $10,000,000 of the amount appropriated under paragraph (1) for staffing and administrative expenses related to the implementation of this section.

(3) USE OF OTHER FUNDS.—The Secretary may use any funds appropriated to the Department of Health and Human Services, or any other funds specifically designated, to carry out this section.

SA 4959. Mr. PRYOR (for himself and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRUCKING SECURITY.

(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004-054).

(b) COMMERCIAL DRIVER'S LICENSE ANTI-FRAUD PROGRAMS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Transportation, in conjunction with the Secretary of the Department of Homeland Security, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH-2006-037).

(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

(1) GUIDELINES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, to improve compliance with Federal immigration and customs laws applicable to foreign-based commercial motor vehicles and commercial motor vehicle operators. Such guidelines shall include recommendations regarding—

(A) penalties, fines, and forfeitures for violations of immigration and customs laws; and

(B) changes in Federal, State and local laws that would improve compliance with Federal immigration and customs laws.

(2) Verification.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA-2002-13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

SA 4960. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—EMERGENCY FARM RELIEF

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the "Emergency Wildfire and Farm Relief Act of 2006".

(b) Table of Contents.—The table of contents of this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—WILDFIRE RELIEF
Sec. 101. Emergency conservation program.
Sec. 102. Environmental quality incentives program.
Sec. 103. Livestock assistance grant program.
TITLE II—AGRICULTURAL PRODUCTION LOSSES
Sec. 201. Crop disaster assistance.
Sec. 202. Livestock assistance.
Sec. 203. Sugar beet disaster assistance.
Sec. 204. Bovine tuberculosis herd indemnification.
Sec. 205. Reduction in payments.
TITLE III—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE
Sec. 301. Replenishment of Section 32.
Sec. 302. Supplemental economic loss payments.
TITLE IV—CONSERVATION
Sec. 401. Emergency watershed protection program.
TITLE V—FARM SERVICE AGENCY
Sec. 501. Funding for additional personnel.
TITLE VI—MISCELLANEOUS
Sec. 601. Funding.
Sec. 602. Regulations.
TITLE VII—EMERGENCY DESIGNATION
Sec. 701. Emergency designation.

SEC. 2. DEFINITIONS.

In this division:

(1) Additional coverage.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) Disaster county.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) Insurable commodity.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) Livestock.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(5) Natural disaster declaration.—The term "natural disaster declaration" means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) Noninsurable commodity.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(7) Secretary.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—WILDFIRE RELIEF

SEC. 101. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $30,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which not less than $2,000,000 shall be used to carry out such measures in the State of Montana for the control of wildfires.

SEC. 102. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $200,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Secretary as of the date of enactment of this Act through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $10,000,000 shall be used to carry out such measures in the State of Montana for the control of wildfires.

SEC. 103. LIVESTOCK ASSISTANCE GRANT PROGRAM.

The Secretary shall use an additional $100,000,000 of funds of the Commodity Credit Corporation to carry out the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006, in the same manner as the Program announced by the Secretary except that counties adversely impacted by wildfires shall be eligible to participate in the Program.

TITLE II—AGRICULTURAL PRODUCTION LOSSES

SEC. 201. CROP DISASTER ASSISTANCE.

(a) In General.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) Administration.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) Noninsured producers.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

(c) Qualifying Losses.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) Quality Losses.—

(1) In general.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 50 percent of the payment rate determined under paragraph (3).

(2) Payment quantity.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) Payment rate.—

(A) In general.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) Factors.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 202. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the States of Montana and Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 203. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

SEC. 204. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 205. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this title shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

TITLE III—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

SEC. 301. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term "specialty crop" means any agricultural crop.

(2) EXCEPTION.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) milk.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be $500,000 to each of the several States.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes as determined by the Secretary.

SEC. 302. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); and

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a supplemental economic loss payment made to the producers on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Supplemental economic loss payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for supplemental economic loss payments under subsection (a)(2) shall not exceed $147,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) ADMINISTRATION.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

TITLE IV—CONSERVATION

SEC. 401. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $60,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

TITLE V—FARM SERVICE AGENCY

SEC. 501. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this division; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

TITLE VI—MISCELLANEOUS

SEC. 601. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this division, to remain available until expended.

SEC. 602. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this division.

(b) PROCEDURE.—The promulgation of the regulations and administration of this division shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

The amounts provided in this division are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4961. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike lines 19 through 22 and insert the following:

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting "and shall deem as eligible for funds authorized under this section, any port that the Secretary determines plays a critical role in our national energy policy" before the period at the end.

SA 4962. Mr. VOINOVICH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

"SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

"(a) DEFINITIONS.—In this section:

"(1) CERTIFIED MONITORING PROGRAM.—The term 'certified monitoring program' means a medical monitoring program—

"(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

"(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

"(2) HIGH EXPOSURE LEVEL.—The term 'high exposure level' means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

"(3) INDIVIDUAL.—The term 'individual' includes—

"(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

"(i) a police officer;

"(ii) a firefighter;

"(iii) an emergency medical technician;

"(iv) any participating member of an urban search and rescue team; and

"(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

"(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

"(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

"(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

"(E) any other person that the President determines to be appropriate.

"(4) PARTICIPATING RESPONDER.—The term 'participating responder' means an individual described in paragraph (3)(A).

"(5) PROGRAM.—The term 'program' means a program described in subsection (b) that is carried out for a disaster area.

"(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President.

"(b) PROGRAM.—

"(1) IN GENERAL.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

"(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

"(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

"(i) any short- and long-term health impacts of any substance of concern; and

"(ii) any mental health impacts;

"(C) the individuals receive health care referrals as needed and appropriate; and

“(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

“(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

“(A) collecting and analyzing environmental exposure data;

“(B) developing and disseminating information and educational materials;

“(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

“(D) establishing and maintaining an exposure registry;

“(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

“(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

“(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

“(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

“(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

“(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

“(C) PRIORITY.—

“(i) IN GENERAL.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

“(ii) MODIFICATIONS.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

“(5) COOPERATIVE AGREEMENTS.—

“(A) IN GENERAL.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

“(B) SELECTION CRITERIA.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

“(i) is located near—

“(I) the disaster area with respect to which the program is carried out; and

“(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

“(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

“(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

“(II) conducting long-term health monitoring and epidemiological studies;

“(III) conducting long-term mental health studies; and

“(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

“(6) INVOLVEMENT.—

“(A) IN GENERAL.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

“(i) Federal, State, and local government agencies;

“(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

“(iii) local residents, businesses, and schools (including parents and teachers);

“(iv) health care providers;

“(v) faith based organizations; and

“(vi) other organizations and persons.

“(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

“(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

“(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

“(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

“(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

“(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), shall submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.”.

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health; and

(P) family services, such as counseling and other disaster-related services provided to families.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

SA 4963. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _—INTEROPERABILITY

SEC. —01. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended by redesignating subsection (d) as subsection (i) and by inserting after subsection (c) the following:

“(d) INTEROPERABLE COMMUNICATIONS SYSTEM EQUIPMENT DEPLOYMENT.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall allocate at least 25 percent of the funds made available to carry out this section to make interoperable communications system equipment grants for equipment that can utilize, or enable interoperability with systems or networks that can utilize, reallocated public safety spectrum.

"(2) Allocation of funds.—The Secretary shall allocate—

"(A) a majority of the amounts allocated under paragraph (1) for distribution to public safety agencies based on the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants under the heading 'Office for Domestic Preparedness, State and Local Programs' in the Department of Homeland Security Appropriations Act, 2006; and

"(B) the remainder equally to each State for distribution by the States to public safety agencies.

"(3) Eligibility.—A State may not receive funds allocated to it under paragraph (2) unless it has established a statewide interoperable communications plan approved by the Secretary.

"(4) Use of funds.—A public safety agency shall use any funds received under this subsection for the purchase of interoperable communications system equipment and infrastructure that is consistent with SAFECOM guidance, including any standards that may be referenced by SAFECOM guidance, and interoperable communications system equipment and infrastructure that improves interoperability that uses Internet protocol or any successor protocol.

"(e) Coordination, Planning, and Training Grant Initiative.—

"(1) In general.—The Secretary of Homeland Security shall allocate at least 25 percent of the funds made available to carry out this section for interoperable emergency communications coordination, planning, and training grants. The grants shall supplement, and be in addition to, any Federal funds otherwise made available by grant or otherwise to the States for emergency coordination, planning, or training.

"(2) Allocation.—The Secretary shall allocate—

"(A) a majority of the amounts allocated under paragraph (1) for distribution to the States based on the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants under the heading "Office for Domestic Preparedness, State and Local Programs" in the Department of Homeland Security Appropriations Act, 2006; and

"(B) the remainder equally to each State for distribution to public safety agencies.

"(3) Coordination, planning, and training guidelines.—A State shall use its emergency communication coordination, planning, and training grant to establish a statewide plan consistent with the State communications interoperability planning methodology developed by the SAFECOM program within the Department of Homeland Security or a regional plan established by a regional planning agency consistent with this section and to establish training programs designed to ensure effective implementation of coordination and interoperability plans. In establishing the statewide plan, the Governor or the Governor's designee shall consult with the Secretary of Homeland Security or the Secretary of Homeland Security's designee. A State shall submit its statewide plan to the Federal Communications Commission and the Secretary of Homeland Security.

"(4) Medical services.—As part of its statewide plan, a State shall ensure that—

"(A) there are effective 2-way communications and information sharing between medical services and other emergency response entities, including communications among key strategic emergency responders, emergency medical care facilities, and Federal, State, and local authorities in the event of a national, regional, or other large-scale emergency, and redundancy in the event of a failure of the primary communications systems; and

"(B) medical emergency responses are integrated into all planning and decision-making practices for emergency response.

"(5) State-specific coordination, planning, and training.—Grants under this section shall be available for emergencies and disasters, such as hurricanes, forest fires, and mining accidents.

"(f) Strategic Technology Reserves Initiative.—

"(1) In general.—The Secretary of Homeland Security shall allocate up to 25 percent of the funds made available to carry out this section to establish and implement a strategic technology reserve to pre-position or secure interoperable communications systems in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93-288 (42 U.S.C. 5122)). In carrying out this paragraph, the Secretary shall take into consideration the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and ensure that, to the maximum extent feasible, a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

"(2) Requirements and characteristics.—A reserve established under paragraph (1) shall—

"(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

"(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones, satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

"(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

"(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

"(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

"(3) Additional characteristics.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

"(4) Consultation.—In developing the reserve, the Secretary shall seek advice from the Secretary of Defense, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

"(5) Allocation and use of funds.—The Secretary shall allocate—

"(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

"(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

"(g) Consensus Standards; Applications.—

"(1) Consensus standards.—In carrying out this section, the Secretary of Homeland Security shall identify, and if necessary encourage the development and implementation of, consensus standards for interoperable communications systems to the greatest extent practicable.

"(2) Applications.—To be eligible for assistance under the programs established in this section, each State shall submit an application, at such time, in such form, and containing such information as the Secretary may require, including—

"(A) a detailed explanation of how assistance received under the program would be used to improve local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

"(B) assurance that the equipment and system would—

"(i) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

"(ii) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D); and

"(iii) be compatible with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

"(h) Deadline for Implementation Regulations.—Within 90 days after the date of enactment of the Port Security Improvement Act Of 2006, the Secretary, in consultation with the Federal Communications Commission, shall promulgate regulations for the implementation of subsections (d) through (f) of this section.".

(b) Seamless Mobility.—Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall streamline its process for certifying multimode devices that permit communication across multiple platforms, facilities, or networks in a manner consistent with the public interest.

(c) FCC Report on Emergency Communications Back-up System.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites,

wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets, or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency backup communications systems.

(3) REPORT.—Upon the completion of the evaluation under paragraph (1), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(d) INTEROPERABLE COMMUNICATIONS AND E-911 SERVICES.—The Secretary of Homeland Security shall take into consideration the role of public safety answering points and E-911 systems, and shall reserve a portion of the funds made available to carry out section 3006 of Public Law 109-171 (47 U.S.C. 309 note) to provide interoperable communication system grants for projects to public safety answering points that enable interoperability and that advance E-911 deployment.

SEC. —02. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking "The Assistant Secretary, in consultation with the" in subsection (a) and inserting "The"; and

(2) by striking "Assistant Secretary" each place it appears in subsection (b) and inserting "Secretary of Homeland Security".

(b) USE OF FUNDS.—In carrying out section 3006(a) of Public Law 109–171 (47 U.S.C. 309 note), as amended by subsection (a), the Secretary of Homeland Security may not use funds under that section for any purpose other than those provided in section 3006 of that Act.

SEC. —03. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109-171 (47 U.S.C. 309 note), the Secretary of Homeland Security, in coordination with the Secretary of Commerce, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2006.

SEC. —04. ELIGIBILITY OF IP-ENABLED SERVICES.

Section 158(a)(1)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(a)(1)(A)) is amended by striking "services;" and inserting "services and services related to the migration to an IP-enabled emergency network that provides E–911 services;".

SA 4964. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2007.".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 14, 2006, at 9:30 a.m in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Carl J. Artman to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC. to be followed immediately by a business meeting to approve the nomination of Carl J. Artman.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, September 27th, at 10 a.m. in room SD-628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico; S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; S. 3854, to designate certain land in the State of Oregon as wilderness, and for other purposes; H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878, Dick Bouts at 202–224–7545, or Sara Zecher 202-224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 12, 2006, at 10 a.m., to conduct a hearing on "Examining Treasury's Role in Combating Terrorist Financing Five Years After 9/11."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet at 10 a.m. on Tuesday, September 12, 2006, to discuss pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ENERGY AND NATURAL RESOURCES

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September, 12 at 10 a.m. The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay oil field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 12, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Breaking the Methamphetamine Supply Chain: Law Enforcement Challenges".

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAMBLISS. Mr. President, I, ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 12, 2006.

at 11 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 12, 2006, at 9:30 a.m. for a hearing titled, "Homeland Security: The Next Five Years."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Thompson Memorandum's Effect on the Right to Counsel in Corporate Investigations" on Tuesday, September 12, 2006 at 9:30 a.m. in Dirksen Room 226.

Witness List

Panel I: The Honorable Paul J. McNulty, Deputy Attorney General, Department of Justice, Washington, DC,

Panel II: The Honorable Edwin Meese, Former Attorney General, Ronald Reagan Distinguished Fellow in Public Policy, Chairman, Center for Legal and Judicial Studies, the Heritage Foundation, Washington, DC; Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce, Washington, DC; Karen J. Mathis, Esq., President, American Bar Association, Chicago, IL; Andrew Weissmann, Esq., Partner, Jenner & Block LLP, New York, NY; Mark B. Sheppard, Esq., Partner, Sprague & Sprague, Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, September 12, 2006 at 2 p.m. in Dirksen Room 226.

Witness List

Panel I: The Honorable RICK SANTORUM, United States Senator, R–PA; The Honorable DIANNE FEINSTEIN, United States Senator, D–CA; The Honorable JAMES M. INHOFE, United States Senator, R–OK; The Honorable TOM COBURN, United States Senator, R–OK; The Honorable SAXBY CHAMBLISS, United States Senator, R–GA; The Honorable JOHNNY ISAKSON, United States Senator, R–GA.

Panel II: Nora Barry Fischer to be United States District Judge for the Western District of Pennsylvania, Gregory Frizzell to be United States District Judge for the Northern District of Oklahoma, Lawrence Joseph O'Neill to be United States District Judge for the Eastern District of California, Lisa Wood to be United States District Judge for the Southern District of Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Amber Mace and Heather Ludemann, legislative fellows with the Commerce Committee, be accorded the privilege of the floor during consideration of H.R. 4954, the Security and Accountability For Every Port Act or the SAFE Port Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING THE DETROIT SHOCK ON WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 567, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 567) honoring the Detroit Shock on winning the 2006 Women's National Basketball Association Championship.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, Saturday, September 9, 2006, was a great day for the Detroit Shock and for the people of Michigan. A crowd of over 19,600 at the Joe Louis Arena joined with the rest of Michigan in celebrating the Shock's second championship win and a tense victory in the fifth game against the reigning champions, the Sacramento Monarchs.

In 2003, when the Detroit Shock came back after a difficult 2002 season to win the championship, it was the first time in the 7-year history of the WNBA that the championship title was taken by a team other than Houston or Los Angeles.

The finals were tense, as the Shock started off with a loss at the Palace of Auburn Hills, in Michigan on August 30, which they followed up with a 73 to 63 win on Friday, September 1. As the finals moved to the Arco Arena in Sacramento, California, the Shock suffered another loss in the third game. With strength and courage, the Shock beat the Monarchs 72 to 52 in an away win on Wednesday, September 6. With one game left to go, and the prospect of overtaking the WNBA reigning champion, the Shock moved into the Joe Louis Arena for the last game of the finals.

The heat was on as the Sacramento Monarchs led for the first half of the game and went into halftime with a 44 to 36 lead over the Shock. In the beginning of the second half, Deanna Nolan led the Shock to an 18 to 3 scoring run that put the Shock ahead for the rest of the game. The final two points were scored in the last seconds of the game by Katie Smith, with a 17-foot jump shot that made the Detroit Shock one of the very few teams to have achieved multiple championships in the WNBA.

The win over the Monarchs in the deciding game showcased the spectacular performances of the Most Valuable Player of the 2006 WNBA Finals, Deanna Nolan, who, with a total of 24 points, led the game in points scored; Cheryl Ford, who led the game in rebounds, recovered 10 rebounds in addition to scoring 10 points; Katie Smith, who scored 17 points; and the rest of the Shock teammates.

Each member of the Detroit Shock organization made meaningful contributions to the team's success, including players Jacqueline Batteast, Kara Braxton, Swin Cash, Cheryl Ford, Kedra Holland-Corn, Deanna Nolan, Plenette Pierson, Elaine Powell, Ruth Riley, Katie Smith, and Angelina Williams, as well as the Head Coach, Bill Laimbeer, Assistant Coaches Cheryl Reeve and Rick Mahorn, Athletic Trainer Mike Perkins, and the owner of the Detroit Shock, Bill Davidson.

This championship win marks the fourth professional basketball title for Head Coach Bill Laimbeer, including two as coach of the Detroit Shock and two as a player for the Detroit Pistons. This is the fifth championship title for Detroit Shock owner Bill Davidson's Detroit teams.

I know that my colleagues will join me and Senator STABENOW in congratulating the Detroit Shock on another spectacular championship win, and I know that the Shock will continue to be a source of pride for the people of the City of Detroit and throughout the whole State of Michigan.

Ms. STABENOW. Mr. President, I rise today to commend the Detroit Shock on winning the 2006 Women's National Basketball Association Championship.

On Saturday, September 9, 2006, the Detroit Shock won their second WNBA Championship by defeating the defending champion Sacramento Monarchs by a score of 80 to 75.

The Detroit Shock were able to celebrate the tenth year of the WNBA with an inspiring victory in the fifth game of the finals and secured their second championship in four years.

The attendance for game 5 at the Joe Louis Arena was over 19,600 people. The enthusiasm shown by the people of Michigan clearly demonstrate Michigan's strong support for the Detroit Shock organization and the determined effort of all of its players.

The Shock completed an incredible season! It was capped by spectacular performances in the deciding game by the WNBA Finals Most Valuable Player, Deanna Nolan, who scored a game high 24 points. Cheryl Ford, who had a game high 10 rebounds, in addition to scoring 10 points; and Katie Smith also contributed 17 points.

Head Coach Bill Laimbeer has now won four professional basketball titles, including two as coach of the Detroit Shock and two as a player for the Detroit Pistons. And the Detroit Shock owner Bill Davidson's Detroit. teams have won five championship titles, including three Pistons' Titles.

The Shock demonstrated superior strength, skill, and perseverance during the 2006 season and have made the City of Detroit and the entire State of Michigan proud.

I congratulate the Detroit Shock on winning the 2006 WNBA Championship and recognize all the players, coaches, staff, fans, and others who were instrumental in this great achievement.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements related thereto be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution, (S. Res 567) was agreed to.

The preamble was agreed to.

The resolutions with its preamble, reads as follows:

S. Res. 567

Whereas, on Saturday, September 9, 2006, the Detroit Shock won the 2006 Women's National Basketball Association (WNBA) Championship by defeating the defending champion Sacramento Monarchs by a score of 80 to 75;

Whereas the Detroit Shock triumphed in 5 highly competitive championship games, going into the final championship game with 1 win and 1 loss in Michigan and 1 win and 1 loss in California;

Whereas the Detroit Shock were able to celebrate the tenth year of the WNBA and the eighth year of the Detroit Shock with an inspiring victory in the fifth championship game that secured their second WNBA championship in 4 years;

Whereas the attendance at the final championship game at the Joe Louis Arena in Detroit, Michigan, of over 19,600 people and the enthusiasm shown by the people of Michigan clearly demonstrate Michigan's strong support for the Detroit Shock organization and the determined effort of all the team's players;

Whereas the Detroit Shock completed an incredible season, capped by spectacular performances in the final championship game by the Most Valuable Player of the 2006 WNBA Finals, Deanna Nolan, who, with a total of 24 points, led the game in points scored, Cheryl Ford, who led the game in rebounds, recovering 10 rebounds in addition to scoring 10 points, and Katie Smith, who scored 17 points;

Whereas each member of the Detroit Shock organization made meaningful contributions to the team's success, including players Jacqueline Batteast, Kara Braxton, Swin Cash, Cheryl Ford, Kedra Holland-Corn, Deanna Nolan, Plenette Pierson, Elaine Powell, Ruth Riley, Katie Smith, and Angelina Williams, Head Coach Bill Laimbeer, Assistant Coaches Cheryl Reeve and Rick Mahorn, Athletic Trainer Mike Perkins, and the owner of the Detroit Shock, Bill Davidson;

Whereas Detroit Shock Head Coach Bill Laimbeer has won 4 professional basketball titles, including 2 as the coach of the Detroit Shock and 2 as a player for the Detroit Pistons;

Whereas Detroit Shock owner Bill Davidson's 2 Detroit basketball teams have won 5 championship titles; and

Whereas the Detroit Shock demonstrated superior strength, skill, and perseverance during the 2006 season and have made the City of Detroit and the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2006 Women's National Basketball Association Championship and recognizes all the players, coaches, staff, fans, and others who were instrumental in this great achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

CONGRATULATING THE COLUMBUS NORTHERN LITTLE LEAGUE TEAM

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 568 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 568) congratulating the Columbus Northern Little League Team of Columbus, GA, for winning the championship game of the Little League World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OBAMA. Mr. President, I rise today to join my colleagues from Georgia in congratulating the Columbus Northern Little League team for winning the Little League World Series.

I would also like to congratulate a team from my home State, the Lemont Little League team from Lemont, IL. On August 23, these young athletes competed in the U.S. semifinals of the Little League World Series. It was the culmination of a long journey. After earning the honor of representing Illinois, the Lemont team traveled to the Great Lakes Regional Tournament in Indianapolis. Early in the regional, they lost games to both Indiana and Kentucky. But they turned things around, beating both of those teams to advance to World Series play in Williamsport, PA.

Once again, the team was challenged, losing in its first game. But again, they did not quit, and won their next two games to advance to the U.S. semifinals. The semifinal game against Beaverton, OR, was hard fought. Lemont got on the board first with two runs in the third, but going into the bottom of the sixth and final inning, they were down 4-2. Exhibiting the strength and spirit that got them this far, they rallied, scored and got the tying run to third, but still lost 4-3.

The young men of Lemont Little League had a terrific run, and I congratulate them for going this far into the tournament. Baseball is a wonderful sport and as the summer winds down, I am sure the boys are already looking to next year. I wish them continued success.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 568) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 568

Whereas, on August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League team of Kawaguchi City, Japan, by 2 runs to 1 run to win the 60th annual Little League Baseball World Series;

Whereas the Columbus Northern Little League team is only the 2nd team from the State of Georgia to win the Little League Baseball World Series in the 60-year history of that tournament;

Whereas the Columbus Northern Little League team had an impressive record of 20 wins and only 1 loss;

Whereas, although no other pitcher in the history of the Little League Baseball World Series had ever won more than 3 games during the tournament, Kyle Carter made history by striking out 11 batters in the championship game to earn his 4th win of the Little League Baseball World Series;

Whereas the success of the Columbus Northern Little League team depended on the tremendous dedication and sportsmanship of the team, including—

(1) Matthew Hollis, who played 2nd base and centerfield;

(2) Ryan Lang, who played right field;

(3) Mason Meyers, who played right field and 3rd base;

(4) Matthew Kuhlenberg, who played left field;

(5) Patrick Stallings, who played 3rd base;

(6) Josh Lester, who played 2nd base and shortstop;

(7) Brady Hamilton, who played 1st base, outfield, and pitched for the team;

(8) Cody Walker, who caught for the team;

(9) Kyle Carter, who pitched for the team;

(10) J.T. Phillips, who played shortstop and pitched for the team; and

(11) Kyle Rovig, who played left field and pitched for the team;

Whereas the Columbus Northern Little League team was managed by Randy Morris and coached by Richard Carter, each of whom demonstrated leadership, professionalism, and respect for the players who they led and the game of baseball;

Whereas the fans of the Columbus Northern Little League team showed enthusiasm, support, and courtesy for the game of baseball and all of the players and coaches;

Whereas the performance of the Columbus Northern Little League team demonstrated to parents and communities throughout the

United States that athletic participation builds character and leadership in children; and

Whereas the Columbus Northern Little League team brought pride and honor to the State of Georgia and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and honors the Columbus Northern Little League team and the loyal fans who supported the team on winning the 60th annual Little League Baseball World Series;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the members, parents, coaches, and managers of the Columbus Northern Little League team;

(3) recognizes and commends the people of Columbus, Georgia, for the outstanding loyalty and support that they displayed for the Columbus Northern Little League team throughout the season;

(4) commends Little League Baseball for continuing the tradition of encouraging the development of sportsmanship and confidence in youth by sponsoring world-class baseball; and

(5) respectfully requests that—

(A) the American people recognize the achievements of the Columbus Northern Little League team; and

(B) the Secretary of the Senate transmit an enrolled copy of this resolution to—

(i) the City of Columbus; and

(ii) each player, manager, and coach of the Columbus Northern Little League Baseball team.

MAKING TECHNICAL CORRECTIONS TO THE UNITED STATES CODE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 593, H.R. 866.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 866) to make technical corrections to the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 866) was read the third time and passed.

MEASURES READ THE FIRST TIME—S. 3884 AND S. 3886

Mr. FRIST. I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 3884) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

A bill (S. 3886) to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR STAR PRINT—S. 3815

Mr. FRIST. I ask unanimous consent S. 3815 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REINTRODUCING S. 3815

Mr. SMITH. Mr. President, today, I am taking a parliamentary step to, in effect, reintroduce S. 3815, a bill I sponsored with Senator LINCOLN, that would improve access to and quality of long-term care. By doing this, we are removing a provision from the original text of the bill that we did not intend, nor agree, to include in our legislation. Due to human error, a provision entitled "Liability Acts of Abuse Committed by Employees" was incorrectly included in text of the bill that I introduced with Senator LINCOLN on August 3, 2006.

Mrs. LINCOLN. I thank Senator SMITH for taking this step to correct this error because I do not support the provision regarding liability protection for acts of abuse in nursing homes that was mistakenly included in the version of S. 3815 I cosponsored with Senator SMITH on August 3, 2006. The parliamentary step taken today will replace the incorrect version of legislation with a new version that accurately reflects the bill Senator SMITH and I agreed to sponsor to help improve the quality of life for those who need long-term care.

EXECUTIVE SESSION

INVESTMENT TREATY WITH URUGUAY—TREATY DOCUMENT 109-9

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 17. I further ask unanimous consent the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution of ratification is as follows:

INVESTMENT TREATY WITH URUGUAY (TREATY DOC. 109-9)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata on November 4, 2005 (Treaty Doc. 109-9).

Mr. FRIST. I ask for a division vote of the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, SEPTEMBER 13, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, September 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business for up to 30 minutes with the first 15 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the Republican leader or his designee; further, following morning business, the Senate resume consideration of H.R. 4954, the port security bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, under an agreement reached this evening, we will turn to the pending Reid amendment tomorrow following morning business with the time equally divided until 12:15. At 12:15, we will have a vote in relation to this amendment. This will be the first vote of tomorrow's session.

A few moments ago, I filed a cloture motion on the bill. We have a number of amendments to work through. We will complete this bill this week. Senators are reminded that all first-degree amendments must be filed by 1 o'clock tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Wednesday, September 13, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 12, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
September 12, 2006.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

BUSH HAS NOT LEARNED LESSONS OF 9/11

Mr. MCGOVERN. Madam Speaker, yesterday we commemorated the fifth anniversary of that terrible morning of September 11, 2001. In communities across our Nation, people gathered to remember those whose lives were lost and, once again, our thoughts and our prayers were with the families, friends, neighbors and colleagues who lost someone on that tragic day.

There is no doubt that September 11 changed America.

There is no doubt that every American understands that there are individuals and networks of extremists who want to attack America and that terror is their weapon of choice.

And there is also no doubt that no attack of any kind can harm the pride each of us has in being an American and the privilege of living in the United States of America.

But I have to admit, Madam Speaker, that I am deeply disturbed by many of the statements and speeches that have been coming out of the White House over the past days and weeks leading up to this year's remembrance of September 11.

Five years ago, the world stood in sympathy and solidarity with America. Today, America's standing in the world is at its lowest point in history. More disturbing, the level of hatred against the United States is at its highest, and is spreading. This does not make us safer, Madam Speaker. It makes us more isolated and more vulnerable in an increasingly dangerous world.

Over the past few days and again last night, President Bush has finally admitted that he went into Iraq knowing there were no ties to al Qaeda, no ties to those who did us such grave harm on September 11.

We know now that there was no threat from weapons of mass destruction. Intelligence was manipulated. The mission of the U.N. weapons inspectors inside Iraq was deliberately cut short by our invasion. And no weapons of mass destruction were ever found.

We know now that Secretary of Defense Donald Rumsfeld threatened to fire any military officer, no matter what his degree of seniority, expertise and experience, if he dared put forward a plan for stabilizing and consolidating Iraq following the invasion.

We know now that resources were diverted from Afghanistan, where the 9/11 deadly plot was born, in order to invade and occupy Iraq. And we know now that the trail of Osama bin Laden, the mastermind of 9/11, has grown stone cold.

We know now that the President's policies in Iraq have put an enormous strain on our military, with U.S. military readiness levels now at historic lows.

We know now that the independent 9/11 Commission has just issued a 5-year report card on President Bush and the Republican Congress filled about D's and F's on homeland security.

We know now that the invasion and occupation of Iraq has increased the budget deficit to record proportions because this administration and this Republican Congress have done what no other President or Congress has ever done in the history of the United States. They have continued to fund this war completely outside the normal budget and to grant a series of tax cuts to the wealthiest of the wealthy during a time of war.

And we now know that Iraq is rapidly descending into an ethnic and religious civil war, with a daily civilian death toll that tells every single Iraqi that nowhere is safe from violence, not their homes, not their jobs, not their schools, not even their hospitals.

And still President Bush told us last night to stay the course. Told us that those who call for change or criticize his policy are giving comfort to the terrorists. Even worse, Vice President CHENEY said on Sunday's Meet the Press that not only was the invasion and occupation of Iraq the right thing to do but, quote, if we had to do it over again, we'd do exactly the same thing.

Exactly the same thing, Madam Speaker? Has this administration not learned a single lesson over the past 5 years? Did they intend to squander the good will of the international community? Did they intend for Iraq to fall into violent, sectarian civil war? Did they intend for our military to be stretched so thin it will take years and tens of billions of dollars to repair and rebuild? Did they intend for the Taliban to reassert control over parts of Afghanistan? Did they intend the historic, record-breaking deficits that will burden our children and our grandchildren?

Is there not one single decision or policy they might consider changing?

This is why we need new leadership and new direction, Madam Speaker. We need to change course and we need to do it now before our resources and the precious lives of our troops and our citizens are further sacrificed on the altar of these failed policies.

WAR IN IRAQ AND HOMELAND SECURITY TOP ISSUES FACING OUR COUNTRY

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, the two most important issues facing our country right now are the seemingly endless and tragic war in Iraq and the need to ensure America's safety here at home.

President Bush's speech to the Nation last night regrettably demonstrates that either he doesn't understand the security challenges we face, or that he is intentionally misleading the American people for partisan political purposes.

This is a tough election year, and I can understand why the President and the Republican Party are desperately clinging to a campaign of misinformation, mudslinging and fear, given their

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

failures on the economy, the war and homeland security. But their campaign is not responsible, and it ill serves our troops, our people and our future.

The President continues to try to convince Americans that the war in Iraq is part of the war on terror. Last week, the President said, and I quote, one of the hardest parts of my job is to try and connect the war in Iraq to the war on terror.

I can understand why it is so difficult for the President, considering that Saddam Hussein's regime and Iraq were not responsible for the attacks of 9/11 or the war on terror. The only prewar connection between Iraq and Saddam Hussein and al Qaeda was that they were enemies. The bipartisan Senate intelligence committee report just released last week states that Saddam Hussein distrusted Osama bin Laden so much that he, quote, issued a general order that Iraq should not deal with al Qaeda.

And, more importantly, while there was not an Iraq/al Qaeda connection before the invasion, certainly there appears to be one now. And that is what the President would say makes Iraq the central front in the war on terror.

But, once again, the President is wrong.

First, the only role the U.S. occupation in Iraq currently plays in the war on terror is making it worse. Our presence in Iraq has created more terrorists than we have captured or killed. In fact, the U.S. occupation of Iraq is one of al Qaeda's chief recruitment tools, and the American people have caught on to this.

According to a recently released poll, by a 45 to 32 percent margin, people believe that reducing America's overseas military presence, rather than expanding it, will have a greater effect on reducing the threat of terrorism.

The most effective weapon against terrorists is cooperation among nations in sharing critical intelligence to round up and disrupt terrorist organizations and activities. That effort is hampered by the recruitment and growth of terrorists because of the Iraq war.

It is time for the President to be honest with the American people and to admit that the biggest threat to Iraq's future is the presence of U.S. troops fanning the flames of Sunni-Shiite civil war. And one of the biggest threats to the United States' security is the powerful motivation our presence in Iraq gives terrorists who seek to do us harm.

The President and this Congress have wasted resources, time and precious lives in a diversion from making Americans safer, and it has been an enormous and costly diversion by this administration. But the facts are clear that we have not done enough to make America safer. In fact, we have done just the opposite by getting bogged down in the war in Iraq and fanning the flames of hatred and violence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalties toward the President.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Creator of all and Savior of those who put their trust in You, in this era of post-9/11, we pray that the children of this generation and their children's children may never have to experience another day like the one that flooded our TV screens yesterday.

Protect and guide this Nation to a new security built upon human integrity and communal solidarity with all who love freedom and human dignity while respecting the life and beliefs of others.

Empower the Members of Congress and governments around the world to establish just laws and seek the common good that will lead to ways of equity and peace.

Let our children dream dreams, equip themselves with the best education possible and become creative leaders of tomorrow because they are aligned with Your will, Your power and give You the glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 449. Concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

COMMEMORATING SEPTEMBER 11

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday we came together to remember the day that will define our generation. September 11 was a day that forever changed the way we look at the world.

We learned about the amazing strength and character of the American people. During the events of that day, we saw astonishing courage and the very measure of the American spirit that our enemy had sought to destroy. We also learned that day there was a great evil out in the world that wished to see our collapse. Their intent was not only to kill thousands of innocent civilians, but also to strike fear in the hearts of all Americans. These ruthless murderers thought they could break us, but they underestimated the will of the American people.

The morning that war was brought to our soil, we stood up as one proud Nation and declared that we will not allow those that use tools of terror and death to change who we are as Americans.

Mr. Speaker, 5 years later we remain steadfastly committed to our battle against an enemy who wishes to use terror to destroy democracy and freedom.

May God continue to richly bless the United States of America.

IMPRISONMENT OF CONG THANH DO BY SOCIALIST REPUBLIC OF VIETNAM

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, on August 14, the communist government in Vietnam arrested an American, my constituent, Cong Thanh Do, while he was visiting as a tourist in Vietnam with his family. It took a full week for the State Department to even be notified of his arrest, and more than 2 weeks before the Vietnamese Government even allowed the State Department to meet with Mr. Do.

The State Department has repeatedly assured me that Mr. Do is nothing more than a peaceful democracy and human rights activist who has written articles posted on the Internet while he was living in the United States.

The Socialist Republic of Vietnam has had the gall to keep this American citizen imprisoned and incommunicado for nearly a month. At the same time, they are making gestures to the United States of America suggesting that they should have permanent normal trade relations with us.

It is absolutely unbelievable that the communist government would think we would entertain that while they keep our American locked up.

REMEMBERING SEPTEMBER 11

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday we marked the fifth anniversary of an unparalleled tragedy in our Nation's history.

On September 11, 2001, we were suddenly made aware of our vulnerability to a new and dangerous enemy, an enemy that attacked the World Trade Center in 1993, our embassies across Africa in 1998, and the USS Cole in 2000.

Charity poured from the hearts of every American and from allies around the world. Firefighters and law enforcement personnel heroically put their lives at risk to save our countrymen. We were united in the resolve to defeat those who terrorized us.

Five years and one day removed from September 11, Islamic militants today stormed the U.S. Embassy in Syria. While we are thankful no Americans were harmed, this attack serves as a sober reminder that we are in a global war with Islamofascists. We must maintain our commitments to protect American families and seek justice for those who seek death to America.

In conclusion, God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members not to traffic the well while another Member is addressing the House.

COMANDANTE CALDERON, ANOTHER FOX

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, more news from the second front, the border war continues. He is not even in office yet, but he is already planning the invasion into America like Generalissimo Fox did.

Commander Felipe Calderon's election is being disputed and his opponent is trying to set up a parallel government. But his top concern is what many Americans call our biggest crisis, illegal entry into the United States.

Instead of dealing with the turmoil, corruption and economic problems in Mexico, Calderon is vowing to push immigration amnesty through our Congress by letting millions of Mexicans into the United States.

Generalissimo Fox tried unsuccessfully to intimidate Congress by pushing an amnesty bill, but Commander Calderon is even more arrogant by telling the press the White House is even on board.

This undeclared war against the United States results in making Mexico's problem an American problem.

Our Nation needs to understand that we are being invaded, and we must be engaged in this undeclared war by having the moral will to protect our borders.

And that's just the way it is.

COMMENDING CONGRESSIONAL BLACK CAUCUS FOUNDATION

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise to commend and salute the Congressional Black Caucus Foundation; its chairman, Representative KENDRICK MEEK; and President, Dr. Elsie Scott on an outstanding weekend of policy discussions and other meaningful educational and social activity.

Much of the credit for this year's success goes to the gentlewoman from Michigan (Ms. KILPATRICK) and the gentlewoman from California (Ms. LEE), conference co-chairs.

I also commend all of those who attended and thank all of the experts and leaders who led the discussion. It was a great weekend. Hats off to the Congressional Black Caucus Foundation.

FIGHTING TERRORISM

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, last night our President gave a prime time address for the remembrance of September 11, and I know the media is working overtime right now criticizing that speech and saying it was political.

I would suggest it is the media and not the American people who are fixated on that. The American people want to know what we are doing to make this Nation more secure. I don't think the speech was overtly political, but let's say for the sake of argument that it was.

Now, Mr. Speaker, there are two political parties voting on these security measures, and it boils down to this: you either support the PATRIOT Act legislation or you don't. You either support terrorist surveillance and terrorist tribunals or you don't. You either support aggressively fighting terrorists by using our military or you don't.

Mr. Speaker, Republicans voted for these measures. We supported them. And some across the aisle voted for them too; but, the liberals in the Democratic Party don't support these measures; and in my opinion, yes, that would make them weak on security. That is not a partisan political statement; it's the truth.

NATIONAL SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize the Republicans' determination for complete success in the war on terror and the policies we are putting forth to prevent further terrorist attacks.

The great statesman, Winston Churchill, said: "Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events."

Republicans are committed to defending our Nation from further terrorist attacks and are taking the initiative to vote in the coming weeks on two important pieces of legislation integral to fighting the war on terror. We will vote to authorize the terrorist surveillance program that monitors calls only from known or suspected terrorists outside of our country to cells within the United States. We will also vote to authorize military tribunals for known or suspected terrorists. It is commonsense justice to try terrorists under military tribunals rather than afford them a trial in the criminal court, a part of our very life-style they are trying to destroy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1415

LARRY COX POST OFFICE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5434) to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office".

The Clerk read as follows:

H.R. 5434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARRY COX POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, shall be known and designated as the "Larry Cox Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Larry Cox Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5434 offered by the distinguished gentleman from Ohio (Mr. NEY) would designate the post office building in Chillicothe, Ohio, as the Larry Cox Post Office.

Larry Cox began his career with the Chillicothe police department in 1986. From that point until his untimely death in April of 2005, he devoted himself to protecting and improving the community around him. He served as a DARE officer for city and parochial schools teaching students about the dangers of drug use, and made a positive impact on their lives that really is immeasurable. He devoted much of his personal time to mentoring students and greatly enjoyed chaperoning school dances and functions.

The day of Officer Cox's death is marked both by his courage and his commitment to the police force. He was off duty, but he did not hesitate to come to the aid of fellow officers who were pursuing a fleeing suspect. The suspect shot and killed Officer Cox, and he will be deeply missed by his family and the community of Chillicothe, Ohio.

In recognition of this brave officer, I hope that all Members will join me in naming the Chillicothe postal facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 5434, which names a postal facility in Chillicothe, Ohio, after Officer Larry Cox. H.R. 5434 was introduced by Representative ROBERT NEY on May 19, 2006.

This measure, which was unanimously reported by the Government Reform Committee on June 8, 2006, was cosponsored by the entire Ohio Congressional delegation. Officer Cox, a member of the Chillicothe police department for 19 years, was serving as a Drug Abuse Resistance Education, DARE officer, at the time of his death. Although off duty, Officer Cox was shot and killed on April 25, 2005, as he chased and confronted a robbery suspect.

Mr. Speaker, I support this measure as a fitting tribute to the service and bravery of Officer Larry Cox and urge its passage.

I don't believe that I am going to have any additional speakers on this item and therefore yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield as much time as he may consume to my distinguished colleague from the State of Ohio (Mr. NEY), the author of this bill.

Mr. NEY. I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing this bill forth and my colleague, the gentleman from Illinois (Mr. DAVIS), for supporting this important bill, important not only to the memory of Officer Larry Cox, but important to the memory of law enforcement also.

Yesterday was, of course, the anniversary of 9/11, and so many people, Mr. Speaker, tragically lost their lives, but it was evident and mentioned yesterday so many times over and over about law enforcement and the firefighters that went in to try to save others and put themselves right into harm's way.

We can only remember a few years ago here in the U.S. Capitol when 9/11 happened, and at that time the officers were telling people to clear the buildings as thousands of people left this Capitol, yet the officers stayed here to put themselves again in harm's way. So over and over again we have seen it on Capitol Hill with law enforcement, and we have to be so respectful of law enforcement and firefighters.

In today's case, talking about a wonderful individual, I rise today to support H.R. 5434, a bill to name the post office in Chillicothe, Ohio, in the 18th District I represent, in honor of Police Officer Larry Cox. I also want to thank Rob Cogan of our staff and Denise Wilson of Government Reform for making this bill possible today.

Officer Cox was a man of dignity and compassion, a 19-year veteran of the Chillicothe police force in Chillicothe, Ohio. Officer Cox was a devoted law enforcement official who had dedicated his life to one of our Nation's noblest fights, keeping our children away from drugs.

As a DARE officer, Officer Cox was able to provide impressionable elementary school students with the guidance and support that many could not find anywhere else. Having been a star athlete growing up, Officer Cox knew the pressures these young students face, and he was always quick to offer a kind word and listening ear to any student who needed a little extra attention.

On the evening of Thursday, April 21, 2005, as Officer Cox walked home from visiting his parents, he surprised a fleeing robbery suspect, who then shot him in an utterly senseless act of violence. He was 44 years old. Officer Larry Cox is survived by his wife, Teresa, and his son, Evan, as well as his parents and sister.

It is times like these that we can question sometimes the world we live in, but we must not let the senseless act blind us from the good that is around, the compassion of our teachers, the innocence of our children, and the ultimate bravery of our law enforcement officials. For it is these things that Officer Cox was born of and ultimately died for.

So I stand here today to honor the life of Officer Larry Cox, to honor each and every law enforcement official that risks his or her life to protect the most treasured pieces of our community. Officer Cox understood these treasures. Officer Cox years ago, I believe, looked in the mirror and saw himself as the person who would accept responsibility to make this a safer and better world. That is the type of individual that Officer Larry Cox was. He understood the importance of the treasures and the paramount importance of caring for others.

With that, I urge my colleagues to support this legislation naming the Larry Cox Post Office in Chillicothe, Ohio.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no other demands for time. I urge all Members to support the passage of H.R. 5434, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 5434.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOSHUA A. TERANDO PRINCETON POST OFFICE BUILDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5428) to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Princeton Post Office Building", as amended.

The Clerk read as follows:

H.R. 5428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSHUA A. TERANDO MORRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, shall be known and designated as the "Joshua A. Terando Morris Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joshua A. Terando Morris Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5428, as amended, offered by the distinguished gentleman from Illinois (Mr. WELLER), would designate the post office building in Morris, Illinois, as the Joshua A. Terando Post Office Building.

By all accounts, Joshua Terando's love for his country was second to none, and his patriotism was evident in his service to our United States Army. After completing basic training, Joshua graduated from Ranger school and went on to become the leader of his platoon.

He completed his third year of active duty in 2001 and had just 18 months left in the Reserves when he was called back to serve in Iraq in June 2005. Twenty-seven year-old Joshua Terando was killed in November of that year when his tank was attacked by enemy forces.

His family and friends remind us that Joshua believed our country is worth fighting and dying for. It is with great gratitude that we thank him for his service. We thank him for his bravery and sacrifice and for the sacrifice of those who loved him.

I ask all Members to join me in naming the Morris, Illinois, postal facility in honor of Joshua A. Terando.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Government Reform Committee I am pleased to join my colleague in consideration of H.R. 5428, which names the postal facility in Morris, Illinois, after the late Joshua A. Terando. H.R. 5428 was introduced by my colleague from Illinois (Mr. WELLER) on May 19, 2006.

This measure, which was unanimously reported by the Government Reform Committee on June 8, 2006, was cosponsored by the entire Illinois Congressional delegation. U.S. Army Sergeant Joshua A. Terando, age 27, a Reservist assigned to the Army National Guard's 2nd Brigade Combat Team, 28th Infantry Division, based in Washington, Pennsylvania, was killed on November 10, 2005. He died at Al Taqaddum, Iraq, of injuries sustained when his tank was attacked by enemy forces.

Sergeant Terando had completed 6 years of active duty in 2001 when he was called back. He had just over a year to serve in the Army Reserves. Joshua was remembered by his family as quick-witted, easygoing and loving.

Mr. Speaker, I commend my colleague for seeking to honor the sacrifice of soldier Joshua Terando by designating a postal office in his name in his hometown. No greater gift can one give than their life in the service and protection of others.

I strongly support this measure and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Illinois (Mr. WELLER), the author of this resolution.

Mr. WELLER. Mr. Speaker, I rise today in strong support of H.R. 5428, legislation I introduced to honor Joshua Adam Terando by naming the Morris Post Office Building in his honor. I also want to thank my good friend from Florida (Ms. ROS-LEHTINEN) as well as my good friend from Illinois (Mr. DAVIS) for their help on floor today.

Joshua Terando is a local hero from Morris, Illinois. He gave his life for his country when he was killed on November 10, 2005, while serving in Operation Iraqi Freedom. Today this House will be voting on legislation I introduced, along with the cosponsorship of the entire Illinois delegation, including the Speaker of this House, which designates the Morris Post Office the Joshua A. Terando Post Office Building. I urge my colleagues to support this legislation.

Army Sergeant Joshua A. Terando was born and raised in Spring Valley, Illinois, until his family moved to Morris in 1990. Sergeant Terando graduated from Morris Community High School in 1996, and after his graduation, Sergeant Terando pursued work as a welder and went on to enlist in the United States Army in 1998, where he served his country for 3 years.

After Sergeant Terando finished his enlistment with the Army, he joined Boilermaker Union Local One in Chicago and worked as a boilermaker apprentice from 2001 to 2005.

In June of 2005, Sergeant Terando returned to the United States Army and was deployed to Iraq. He served as a sergeant, 1st Battalion, 110th Infantry, 2nd Brigade Combat Team, 28th Infantry Division.

His other service duty included HHC 3rd Battalion, 75th Ranger Regiment; HHC 3rd Battalion, 3rd Infantry Division, HHC 1st Battalion, 110th Infantry; and 2nd Brigade Combat Team, 28th Infantry Division.

□ 1430

He was affectionately nicknamed "Scrumpy" by members of his platoon who were very fond of their comrade and leader.

In October of 2005, Sergeant Joshua Terando showed all of us the true meaning of being a hero when his unit was sent to help evacuate fellow soldiers caught in enemy fire. Accounts by members of Sergeant Terando's unit hold that he saved at least one life on that mission, that of a fellow sergeant whose body Sergeant Terando shielded with his own until the man was evacuated by medical personnel. It is actions like these that make our men and women in uniform some of the bravest individuals in the world.

On November 10, 2005, according to accounts, Sergeant Joshua Terando's unit, which was a quick response unit, was sent in to provide security for a mission to retrieve a disabled M1A1 Abrams tank near Khalidiyah, Iraq, a town approximately 40 miles west of Baghdad. An enemy sniper was preying on that tank crew and Sergeant Terando's tank crew was disbursed to clear the sniper. After a successful evacuation of the tank crew, Sergeant Terando was fatally wounded in the course of this engagement and gave the ultimate sacrifice for his country.

Grundy County is my home county and Sergeant Terando was Grundy County's first casualty of Operation Iraqi Freedom. He was honored during his service with the National Defense Service Medal; the Global War on Terror Medal; the Iraq Campaign Medal; the Combat Infantry Badge for heroism in the line of fire; the Armed Forces Reserves Medal with M-Device; the Army Service Ribbon; Parachute Badge; Ranger Tab; and a Weapons Qualification Badge, Expert Rifle. Posthumously, Sergeant Terando was honored with the Bronze Star for bravery in combat; the Purple Heart; the Meritorious Service Award; and a Good Conduct Medal.

Sergeant Terando's heroism was honored by the presentation to his parents, Jerry and Jeanine Terando, of the Gold Star, signifying that their son gave his life in combat.

Sergeant Terando left many friends in Morris, Illinois, and this legislation will honor his memory and his patriotic service to our Nation. Local veterans have always reminded me that it is important to honor our soldiers and veterans every day. By naming our post office in our hometown of Morris, Illinois, after Sergeant Joshua Terando, we effectively honor all of them.

Our thanks to Sergeant Terando and his family, and the honor of renaming this post office can never match the gift which Joshua has given our Nation. This honor merely represents that we will never forget the sacrifice which he and all who have died serving our Nation have made for all of us. We are eternally grateful.

I know that we all maintain the family of Sergeant Terando and those of his fallen comrades in our prayers. I ask again that you join me in honoring and remembering this extraordinary young man, whose heroism exemplifies everything that America stands for. I ask for your support for H.R. 5428, the Joshua A. Terando Morris Post Office Designation Act.

Ms. ROS-LEHTINEN. Mr. Speaker, I urge all Members to support the passage of H.R. 5428, as amended, the Joshua A. Terando Princeton Post Office Building, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 5428, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

* * *

HONORING THE LIFE AND ACCOMPLISHMENTS OF THE LATE ROBERT E. O'CONNOR, JR.

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 983) honoring the life and accomplishments of the late Robert E. O'Connor, Jr.

The Clerk read as follows:

H. RES. 983

Whereas Robert E. O'Connor, Jr., was a life-long resident of the City of Pittsburgh;

Whereas Mr. O'Connor was a dedicated husband and father, who was married to Judy Levine for more than 40 years and who raised three children;

Whereas Mr. O'Connor was a successful entrepreneur and businessman for more than two decades;

Whereas Mr. O'Connor was actively involved in his church and community service, serving on the Board of Directors of Carnegie-Mellon University, Gateway Rehabilitation Institute, the Sudden Infant Death Syndrome Alliance, The Caring Foundation, and Soldiers and Sailors Memorial Hall;

Whereas Mr. O'Connor loved the City and his community so much that he left the private sector in 1992 to serve on the Pittsburgh City Council, where he served his community effectively until 2003;

Whereas Mr. O'Connor served two terms as Pittsburgh City Council President;

Whereas Mr. O'Connor served the City of Pittsburgh and all of southwestern Pennsylvania in a high-ranking position in the government of the Commonwealth of Pennsylvania for a year;

Whereas Mr. O'Connor was elected the 58th Mayor of Pittsburgh in 2005;

Whereas Mr. O'Connor, as the Mayor of Pittsburgh, inspired the citizens of the City of Pittsburgh with his bold, clear vision for a revitalized, vibrant community;

Whereas Mr. O'Connor, after being sworn in as Mayor in January of 2006, began moving forward energetically with plans to make that vision a reality;

Whereas Mr. O'Connor, only seven months into his first term in office, was diagnosed with a primary central nervous system lymphoma;

Whereas Mr. O'Connor, after a valiant struggle to fight this aggressive form of cancer, passed away on September 1, 2006;

Whereas Mr. O'Connor was widely respected and loved for his warmth, friendliness, intelligence, integrity, and his dedication to the City of Pittsburgh;

Whereas Mr. O'Connor is remembered for his common sense, his many accomplishments, his long record of public service, and his dedication to the City of Pittsburgh;

Whereas the citizens of the City of Pittsburgh have suffered a grievous loss in the untimely early death of this popular and talented leader; and

Whereas the example set by Mr. O'Connor in both his public and private life was exemplary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of Bob O'Connor;

(2) recognizes Bob O'Connor as a role model of entrepreneurship, civic engagement, and public service in southwestern Pennsylvania and throughout the entire Nation;

(3) expresses its deep gratitude to Bob O'Connor for working tirelessly on behalf of the citizens of Pittsburgh, Pennsylvania;

(4) extends condolences to his wife, Judy, his children, Heidy, Terrence, and Corey, his extended family, and his many friends; and

(5) extends condolences to the residents of the City of Pittsburgh.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a lifelong resident of the city of Pittsburgh and a devoted husband and father of three, Robert E. O'Connor, Jr., brought compassion and dedication to every project that he undertook.

His political career began in 1991 when he won a Pittsburgh City Council seat, and his tenure with the council set the tone for the rest of his career.

Mr. O'Connor was passionate about giving the citizens of his city tangible results and focused on making neighborhoods safe, on cleaning up the streets, and giving city workers the tools they needed to do their job.

Mr. O'Connor became president of the council in 1998; and after waiting patiently while continuing to serve his city, he won the mayor's election in 2005. As mayor, Mr. O'Connor devoted himself to fixing Pittsburgh's financial problems and fostering relationships with the county and State governments. His leadership and friendship were what defined him to the citizens that he served, and one resident spoke of him by calling him "a pillar that cannot be shaken."

Just 185 days into his administration as mayor, Mr. O'Connor was admitted to the hospital and was eventually diagnosed with primary central nervous system lymphoma. He bravely fought the disease until he passed away on September 1, 2006; and he leaves behind him a legacy of integrity, compassion, dedication, and intelligence that the city of Pittsburgh will not forget.

I urge all Members to come together to recognize the remarkable life and accomplishments of Mr. Robert E. O'Connor by adopting House Resolution 983.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the sponsor of this resolution, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today to offer this resolution honoring the life and accomplishments of the late Robert E. O'Connor, Jr.

Mr. Speaker, as you know, the city of Pittsburgh recently lost its mayor, Bob O'Connor, to a rare but deadly form of cancer. He checked into the hospital with what we all thought was flu in early July, and he passed away after a valiant fight against cancer on September 1.

Mr. Speaker, every cancer death is a tragedy, of course. What makes this death so significant is the impact that it has had on the city of Pittsburgh.

Bob O'Connor was a true son of Pittsburgh. He was born and raised there. He went to church there. He went to school there. He worked in the steel mills in his youth. He went on to great success as a businessman and entrepreneur. And, finally, more than 20 years ago, he began a distinguished career in public service.

Now, a record of public service like his deserves recognition in its own right, but Bob O'Connor was not your typical public servant. He was an intelligent, outgoing, charismatic man, widely respected for his ability to bring people together and for his commitment to the city of Pittsburgh. Everybody knew Bob, and I daresay everybody loved him.

Our community was excited and enthusiastic about the good things that he and his administration were going to do for the city. That is why his death has been such a blow to the citizens of Pittsburgh. I would like to take some time this afternoon to share a little more about this remarkable man with my colleagues.

Bob O'Connor was born December 9, 1944, in Pittsburgh, Pennsylvania, the son of Robert E. O'Connor, Sr., a truck mechanic and combat veteran, and Mary Anne Dever O'Connor, a full-time homemaker. He grew up in Pittsburgh and graduated from Taylor Allderdice High School in 1962. For the next 5 years, Bob worked in the Jones & Laughlin steel mill. During that same period of time, he courted his future wife, Judy Levine, who was also a graduate of Taylor Allderdice High School.

The two eloped to West Virginia and were married there in 1964, and they enjoyed 41 wonderful years of marriage together. They subsequently had three children, Heidy, Terrence and Corey, of whom they were both very proud.

Throughout his adult life, Bob was actively involved in his church and his community. He was active first in St. Philomena's Roman Catholic Church and then St. Rosalia's, and he served on the Board of Directors of Carnegie-Mellon University, Gateway Rehabilitation Institute, the Sudden Infant Death Syndrome Alliance, The Caring Foundation, and Soldiers and Sailors Memorial Hall.

In 1967, Bob entered the restaurant business with several of his in-laws, and over the next two decades he achieved great success in these endeavors, eventually becoming executive vice president of a regional restaurant chain.

In 1990, Bob left his successful career in the private sector to run for public office. He sought and won a seat on Pittsburgh's city council and served on that council with distinction for the next 12 years, serving as council president for four of those years.

Bob had a strong, clear vision for revitalizing the city of Pittsburgh, a vision that sometimes was at odds with the agenda of then-Mayor Tom Murphy. Consequently, during his years on city council, Bob ran twice unsuccessfully for mayor in 1997 and again in 2001. He ran strong, competitive races and came very close to winning, losing to Mr. Murphy in 2001 by only 699 votes.

In 2003, Bob left city council to serve his community running the Governor of Pennsylvania's regional office covering the southwestern section of the Commonwealth. But he felt so strongly about his vision for renewing Pittsburgh that he left that position after a year and ran for mayor for a third time last year. He won in a landslide, and he was sworn into office as the 58th mayor of the city of Pittsburgh last January.

This new administration was welcomed enthusiastically by all of Pittsburgh, and the mayor began to implement his plans for revitalizing our downtown, solving the city's budget woes and stemming the city's ongoing population loss. Even his political opponents wished him well and bore him no ill will.

Sadly, earlier this summer, just as Bob's efforts were picking up steam, he was diagnosed with primary central nervous system lymphoma, an extremely rare form of cancer. True to form, Bob opted for an aggressive treatment regimen that his doctors believed offered the best hope for a cure. The initial results of his treatment were promising, but in late August his health took a turn for the worse; and he passed away, surrounded by his family, on September 1.

Bob is survived by his wife, Judy, his daughter Heidy, his son Corey, and his son Father Terrence, and three granddaughters, Kennedy, McKenzie and Delaney.

I am pleased to note that Judy O'Connor, Heidy Garth, Corey O'Connor, Father Terrence O'Connor, Bob's granddaughters Kennedy, McKenzie and Delaney Garth, his sister-in-law DeeDee Pelled, his niece Maya Beck, and Judy's brothers, Larry Levine and Buddy Klemp, along with close family friends Mike Corey and Bob Jabonowski, are here in the House gallery today to witness consideration of this legislation, which I believe will be approved overwhelmingly.

I would like to recognize them and ask them to stand. I would ask that the House give its greeting. Thank you so much for being here. I am pleased that they could all be here in person to see the House honor a man they all loved so deeply.

I would like to ask all of the House to vote for this overwhelmingly because Bob O'Connor was not just another elected official. He was a man of great worth, generosity, vision and integrity. He was a successful businessman and a widely respected public servant with a distinguished record of service and a potential for even greater accomplishments.

His untimely death at the age of 61, so soon after beginning his first term as mayor, has deeply saddened the residents of Pittsburgh as well as his family and friends. I am proud to claim him as a good friend of mine, and I will miss him deeply. Pittsburgh has lost a promising leader.

I have introduced this resolution with my colleague from Pittsburgh, Congressman Tim Murphy, to honor Bob O'Connor's life, mourn his loss, and extend the House of Representatives' condolences to his family, friends and constituents. We felt that it was fitting that the Nation officially recognize his passing in this manner.

I urge my colleagues in the House to join me in paying our respects to this quintessential American, family man, businessman, man of faith, philanthropist and public servant, and in celebrating his remarkable life.

I would like to close by thanking Majority Leader BOEHNER for his help in scheduling consideration of this resolution in such short order.

I would also like to thank Chairman DAVIS and Ranking Member WAXMAN for moving this legislation quickly through the Government Reform Committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WELLER). The Chair would remind Members not to draw attention to visitors in the gallery.

□ 1445

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the gentlewoman for yielding to me.

Now, you have to imagine what it was like to meet Mayor Bob O'Connor. He was not a man of great physical stature and height, but he made up for it with what one reporter, Rich Lord, referred to him as a large tuft of whipped cream white hair that stood high upon his head, and he loved to get out throughout the City of Pittsburgh. He was one that was very much hands on. Whether it was a set of stairs in the city that was falling into disrepair or checking out potholes or just walking down the street, there was Bob O'Connor. In fact, one of his last public acts was to be on top of a cherry picker where he personally installed the first wireless system for the city because he wanted the Nation to see a wireless downtown Pittsburgh for the Major League Baseball All-Star game.

Now, he also had a plan going at that time to "redd up" the city. Now, for the purpose of the RECORD and for the Nation, it is important to know that in Pittsburgh this type of "redd" is spelled r-e-d-d, and it does not mean you paint the town red, but it is a term that means to make ready, much like, as we would say in the Burg, "yinz going to get redd up for this event," meaning make things look good in the city. And that is, indeed, what the mayor was about to do, when suddenly he and his family were hit with a diagnosis that he had cancer, a very rare cancer of which there is really only a handful of cases that had been diagnosed in this Nation, and as rare as the cancer was itself so was the knowledge of the treatment for it.

Now, I worked with Mayor O'Connor over the last decade not only when he was on city council but also when he represented Governor Rendell for southwestern Pennsylvania and then finally as mayor of the City of Pittsburgh. I am pleased to have called him friend, although I found, attending his funeral that was packed at the cathedral, that so many called him friend, and, indeed, that only seemed natural because you could not help be around Bob O'Connor and not leave the room feeling that you had made a new friend forever. Indeed, this man's compassion for love and affection is one that I would see, that he and Judy's wedding would be measured as lasting an eternity and not just a few decades.

What struck me most about this wonderful, kind, and gentle man is he was a person who personified the best in what a public servant can be. He certainly was a gracious, affable man, a tireless worker, and a leader who sincerely wanted to improve the lives of Pittsburgh. I know whenever I talked to him about issues, although I do not personally represent the City of Pittsburgh itself, whenever we spoke about issues in the remainder of southwestern Pennsylvania, he would say that what was good for the city was good for the region and what was good for the region was good for the city. And because he took down those barriers, it made him all the more pleasant to work with. But in addition, he took down political barriers perhaps because, as a professional businessman, he worked for a couple of decades managing a chain of restaurants and he learned about the importance of putting the customer first. His people-oriented personal policy helped him set aside the politics in discussions.

He was perhaps most admired for being a man of his word. A handshake was a true contract. And all of us, unfortunately, live in an era of extreme partisanship at all government levels. When we sit here in this Chamber and we watch debate, too often what should be discussed as policy turns into rancor. Accusations fly back and forth, and as such, the Nation who may sit and watch C-SPAN or be in the gallery watching this proceeding sometimes wonder if we can get along at all. Indeed, we do recognize that we do get some things done in this Chamber, but it is unfortunate, actually tragic, that sometimes the issues of politics stand so far above policy that the public, indeed, just continues to wonder what is it that comes first. But that was not my experience with Bob O'Connor.

It is important to know that he was the kind of guy that perhaps the best compliment you could say about him is you never had to look over your shoulder because what you said to him would be held in confidence, would not end up in a newspaper or show up in a campaign ad. That was not how he did things. You knew that he was honest, congenial, and pragmatic. And even when Mayor O'Connor or President of Council O'Connor had conflicts, I don't recall his ever turning it into a public session of whining or political smearing. Rather, he handled it in a professional manner.

One of the ways that we can mark the hope that his death brought was comments made by his son the Reverend Terry O'Connor, when he said that "This is a day marked with much sadness. It is also a day filled with a tremendous amount of hope," he said at his father's funeral, "hope in God's loving and mysterious plan for my dad and for us all." He recalled a time when in the 1990s there was a big blizzard in Pittsburgh, and Bob O'Connor, being the sort of man he was, made sure all the kids got in their car, slipping and sliding and fishtailing a bit down the street to get to mass, saying there were about five or so other people in attendance, and he said, "I guarantee you they all walked."

Bob O'Connor lived the Golden Rule, believing to do unto others as you would have them do unto you. Indeed, that was his motivation for getting into politics. He wanted to help people. He helped start the Caring Place in Pittsburgh, a facility used to help children who lost loved ones, a place that is remembered by so many other people.

I will miss Bob O'Connor, as will so many people of Pittsburgh; of St. Rosalia Parish; of Greenfield; of everybody from the Giant Eagle, where he shopped, to the coffee places he got his coffee every day. We will miss him because of his generosity, his friendship, his kind Irish smile. But we are so very grateful for what he left behind, a wonderful caring family who carry on his legacy and, above all that, a Pittsburgh, which is a grateful, grateful town of Pennsylvania, which is a grateful State for not just what he left but for what he left all of us, inspiration and hope for the future.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield such time as she may consume to the Democratic leader and the distinguished gentlewoman from California, Representative Nancy Pelosi.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding.

I am honored to join our colleagues Mr. MURPHY and Mr. DOYLE to pay tribute to a great American. I thank Congresswoman ROS-LEHTINEN also for her work for bringing this important legislation to the floor, important because we are honoring a person who made a contribution to every aspect of American life, who served as mayor for a very short time, a matter of months, not a full year, but although the time was short, the mark was a deep and a great one.

I had the privilege of meeting the mayor at the invitation of Congressman DOYLE in Pittsburgh earlier this year, really the beginning of the summer, and at that time we had no knowledge of the diagnosis. In fact, the opportunity to be welcomed to Pittsburgh was one that I appreciated enormously. And the mayor made an impression from the start. As a mother of five children myself, I started to talk about my children; he started talking about his. He told me how proud he was of all of his children, of Heidy and of Father Terrence and of Corey, and he said, My son is a priest, my wife is Jewish. We have a mixed marriage, and you figure that out. But it showed the building of bridges, the love and warmth of a family and the support that they gave this very special man.

Bob O'Connor, Mr. Mayor, understood the private sector. He understood the public sector, and he understood everything in between. Community service, the nonprofit sector, where he was so active. So as the House Democratic leader, I want to rise and join Mr. MURPHY and Mr. DOYLE in a bipartisan way and associate myself with the wonderful remarks they both made about their mayor, the mayor of their city, and to extend condolences to Judy, whom obviously he had enormous respect, affection, and love for. He talked about her the entire lunch when he wasn't talking about Heidy, Father Terrence, and Corey, and about the great City of Pittsburgh, which he loved. He was so excited about the All-Star game, just talked about the All-Star game and, as Congressman MURPHY said, how the city was "redding up" for the All-Star game. How I wished he could have attended it in the glory of the new mayor of the city. Instead, God decided that his mark would be a short one but, again, a great one.

And I am so pleased that the House of Representatives brings honor to this House in honoring Mayor Bob O'Connor. And I thank my colleagues for giving us this opportunity to pay tribute to him, to extend our condolences to Judy, Corey, Father Terrence, and Heidy, and to all who love and respected Mayor Bob O'Connor.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the memory of Mayor Robert O'Connor, Jr. and to support House Resolution 983.

As has been indicated, Bob O'Connor's decade-long goal to become the mayor of Pittsburgh came to fruition this past January. Humbled by his political success, O'Connor stood at his inauguration ceremony before a crowd of supporters who braved subfreezing temperatures, and he spoke of economic renewal and of bridging divides that existed between various communities in Pittsburgh. His message of unification and revitalization was well received.

Sadly, Mr. O'Connor would have only a short time to implement his dream for the City of Pittsburgh. Six months into office, he was diagnosed with T cell lymphoma, a rare cancer of the brain and spinal cord. Mayor O'Connor's case was advanced, and his fight would last only 2 months. On September 1, 2006, Mayor O'Connor succumbed to cancer, and Pittsburgh lost a leader of business, politics, and philanthropy.

Like so many of Pittsburgh's native sons and daughters, Mayor O'Connor began his career in the steel mills. Hard work later led him to become a leader in business as the head of the Pappan chain of restaurants.

Mayor O'Connor's interests reflected his commitment to the city. By sitting on the boards of the Carnegie-Mellon University, the Gateway Rehabilitation Institute, the Sudden Infant Death Syndrome Alliance, the Caring Foundation, and the Soldiers and Sailors Memorial Hall, Mayor O'Connor supported some of the finest organizations in Pittsburgh. All of the organizations gave to the community and reflected O'Connor's commitment to the public good and the welfare of others.

Mayor O'Connor's desire to give something back to Pittsburgh led him into public service in 1992, when he first was elected to the Pittsburgh City Council. He served on the council for the next decade, all the while attaining leadership roles that included two terms as the council's president. When he left the council, he continued to work for the public by working for Governor Ed Rendell. Those who knew O'Connor well said that O'Connor achieved his dream when he was elected mayor of Pittsburgh and that the victory represented O'Connor's sound philosophy of revitalization for the city, his kind demeanor, and a sharp intellect.

Mayor O'Connor is survived by his wife, Judy; daughter, Heidy; and sons, Corey and Terrence. As a true demonstration of his commitment to the public good, Mayor O'Connor's family requested that mourners who wish to express their condolences make donations to either the Sudden Infant Death Syndrome Alliance or the Leukemia Lymphoma Society, two organizations he and his family cared deeply about.

Pittsburgh mourns the loss of Mayor Bob O'Connor and we join them today. I send my deepest condolences to the O'Connor family and to the City of Pittsburgh, and I urge passage of House Resolution 983.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I urge all Members to support the adoption of House Resolution 983 honoring the life of Mr. Robert E. O'Connor, Jr.

Ms. HART. Mr. Speaker, today I rise in support of H. Res. 983, which honors the life of Mayor Robert E. O'Connor.

Throughout his life, Mayor O'Connor was an active member of our community. He was a successful businessman and public servant who had an energetic and hopeful vision for Pittsburgh.

More importantly, he was a loving husband for more than 40 years and raised three children—an accomplishment I am sure he held very close to his heart.

I will remember Mayor O'Connor fondly and I hope his family can find some comfort in the many accomplishments he had throughout his life.

I want to thank my fellow Pennsylvania colleagues for introducing and cosponsoring this measure to honor the life of Mayor O'Connor and I want to thank the House of Representatives for considering it in a timely manner.

Mr. MURPHY. Mr. Speaker, as part of the debate on House Resolution 983, I ask unanimous consent that the following statement from Mayor Luke Ravenstahl of Pittsburgh be included in the RECORD:

> Bob O'Connor was more than just the Mayor of Pittsburgh. He was our friend, and will be dearly missed. He left behind a dynamic and exciting agenda for Pittsburgh's renewal. His words and actions will serve as a model to my tenure as mayor of the City of Pittsburgh.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 983.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1500

PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1773) to resolve certain Native American claims in New Mexico, and for other purposes.

The Clerk read as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pueblo de San Ildefonso Claims Settlement Act of 2005".

SEC. 2. DEFINITIONS AND PURPOSES.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE ACCESS.—The term "administrative access" means the unrestricted use of land and interests in land for ingress and egress by an agency of the United States (including a permittee, contractor, agent, or assignee of the United States) in order to carry out an activity authorized by law or regulation, or otherwise in furtherance of the management of federally-owned land and resources.

(2) COUNTY.—The term "County" means the incorporated county of Los Alamos, New Mexico.

(3) LOS ALAMOS AGREEMENT.—The term "Los Alamos Agreement" means the agreement among the County, the Pueblo, the Department of Agriculture Forest Service, and the Bureau of Indian Affairs dated January 22, 2004.

(4) LOS ALAMOS TOWNSITE LAND.—"Los Alamos Townsite Land" means the land identified as Attachment B (dated December 12, 2003) to the Los Alamos Agreement.

(5) NORTHERN TIER LAND.—"Northern Tier Land" means the land comprising approximately 739.71 acres and identified as "Northern Tier Lands" in Appendix B (dated August 3, 2004) to the Settlement Agreement.

(6) PENDING LITIGATION.—The term "Pending Litigation" means the case styled Pueblo of San Ildefonso v. United States, Docket Number 354, originally filed with the Indian Claims Commission and pending in the United States Court of Federal Claims on the date of enactment of this Act.

(7) PUEBLO.—The term "Pueblo" means the Pueblo de San Ildefonso, a federally recognized Indian tribe (also known as the "Pueblo of San Ildefonso").

(8) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement entitled "Settlement Agreement between the United States and the Pueblo de San Ildefonso to Resolve All of the Pueblo's Land Title and Trespass Claims" and dated June 7, 2005.

(9) SETTLEMENT AREA LAND.—The term "Settlement Area Land" means the National Forest System land located within the Santa Fe National Forest, as described in Appendix B to the Settlement Agreement, that is available for purchase by the Pueblo under section 9(a) of the Settlement Agreement.

(10) SETTLEMENT FUND.—The term "Settlement Fund" means the Pueblo de San Ildefonso Land Claims Settlement Fund established by section 6.

(11) SISK ACT.—The term "Sisk Act" means Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(12) WATER SYSTEM LAND.—The term "Water System Land" means the federally-owned land located within the Santa Fe National Forest to be conveyed to the County under the Los Alamos Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to finally dispose, as set forth in sections 4 and 5, of all rights, claims, or demands that the Pueblo has asserted or could have asserted against the United States with respect to any and all claims in the Pending Litigation;

(2) to extinguish claims based on aboriginal title, Indian title, or recognized title, or any other title claims under section 5;

(3) to authorize the Pueblo to acquire the Settlement Area Land, and to authorize the Secretary of Agriculture to convey the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land for market value consideration, and for such consideration to be paid to the Secretary of Agriculture for the acquisition of replacement National Forest land elsewhere in New Mexico;

(4) to provide that the Settlement Area Land acquired by the Pueblo shall be held by the Secretary of the Interior in trust for the benefit of the Pueblo;

(5) to facilitate government-to-government relations between the United States and the Pueblo regarding cooperation in the management of certain land administered by the National Park Service and the Bureau of Land Management as described in sections 7 and 8 of the Settlement Agreement;

(6) to ratify the Settlement Agreement; and,

(7) to ratify the Los Alamos Agreement.

SEC. 3. RATIFICATION OF AGREEMENTS.

(a) RATIFICATION.—The Settlement Agreement and Los Alamos Agreement are ratified under Federal law, and the parties to those agreements are authorized to carry out the provisions of the agreements.

(b) CORRECTIONS AND MODIFICATIONS.—The respective parties to the Settlement Agreement and the Los Alamos Agreement are authorized, by mutual agreement, to correct errors in any legal description or maps, and to make minor modifications to those agreements.

SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.

(a) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the United States and the Pueblo shall execute and file with the United States Court of Federal Claims in the Pending Litigation a motion for entry of final judgment in accordance with section 5 of the Settlement Agreement.

(b) COMPENSATION.—Upon entry of the final judgment under subsection (a), $6,900,000 shall be paid into the Settlement Fund as compensation to the Pueblo in accordance with section 1304 of title 31, United States Code.

SEC. 5. RESOLUTION OF CLAIMS.

(a) EXTINGUISHMENTS.—Except as provided in subsection (b), in consideration of the benefits of the Settlement Agreement, and in recognition of the agreement of the Pueblo to the Settlement Agreement, all claims of the Pueblo against the United States (including any claim against an agency, officer, or instrumentality of the United States) are relinquished and extinguished, including—

(1) any claim to land based on aboriginal title, Indian title, or recognized title;

(2) any claim for damages or other judicial relief or for administrative remedies that were brought, or that were knowable and could have been brought, on or before the date of the Settlement Agreement;

(3) any claim relating to—

(A) any federally-administered land, including National Park System land, National Forest System land, Public land administered by the Bureau of Land Management, the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land; and

(B) any land owned by, or held for the benefit of, any Indian tribe other than the Pueblo; and

(4) any claim that was, or that could have been, asserted in the Pending Litigation.

(b) EXCEPTIONS.—Nothing in this Act or the Settlement Agreement shall in any way extinguish or otherwise impair—

(1) the title of record of the Pueblo to land held by or for the benefit of the Pueblo, as identified in Appendix D to the Settlement Agreement, on or before the date of enactment of this Act;

(2) the title of the Pueblo to the Pueblo de San Ildefonso Grant, including, as identified in Appendix D to the Settlement Agreement—

(A) the title found by the United States District Court for the District of New Mexico in the case styled United States v. Apodoca (Number 2031, equity: December 5, 1930) not to have been extinguished; and

(B) title to any land that has been reacquired by the Pueblo pursuant to the Act entitled "An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes", approved June 7, 1924 (43 Stat. 636, chapter 331);

(3) the water rights of the Pueblo appurtenant to the land described in paragraphs (1) and (2); and

(4) any rights of the Pueblo or a member of the Pueblo under Federal law relating to religious or cultural access to, and use of, Federal land.

(c) PREVIOUS EXTINGUISHMENTS UNIMPAIRED.—Nothing in this Act affects any prior extinguishments of rights or claims of the Pueblo which may have occurred by operation of law.

(d) BOUNDARIES AND TITLE UNAFFECTED.—

(1) BOUNDARIES.—Nothing in this Act affects the location of the boundaries of the Pueblo de San Ildefonso Grant.

(2) RIGHTS, TITLE, AND INTEREST.—Nothing in this Act affects, ratifies, or confirms the right, title, or interest of the Pueblo in the land held by, or for the benefit of, the Pueblo, including the land described in Appendix D of the Settlement Agreement.

SEC. 6. SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the "Pueblo de San Ildefonso Land Claims Settlement Fund".

(b) CONDITIONS.—Monies deposited in the Settlement Fund shall be subject to the following conditions:

(1) MAINTENANCE AND INVESTMENT.—The Settlement Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(2) USE OF FUNDS.—Subject to paragraph (3), monies deposited into the Settlement Fund shall be expended by the Pueblo—

(A) to acquire the federally administered Settlement Area Land;

(B) to pay for the acquisition of the Water System Land, as provided in the Los Alamos Agreement; and

(C) at the option of the Pueblo, to acquire other land.

(3) EFFECT OF WITHDRAWAL.—If the Pueblo withdraws monies from the Settlement Fund, neither the Secretary of the Interior nor the Secretary of the Treasury shall retain any oversight over, or liability for, the accounting, disbursement, or investment of the withdrawn funds.

(4) PER CAPITA DISTRIBUTION.—No portion of the funds in the Settlement Fund may be paid to Pueblo members on a per capita basis.

(5) ACQUISITION OF LAND.—The acquisition of land with funds from the Settlement Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring land for the benefit of the Pueblo under this Act.

(6) EFFECT OF OTHER LAWS.—The Act of October 19, 1973 (Public Law 93-134; 87 Stat. 466) and section 203 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4023) shall not apply to the Settlement Fund.

SEC. 7. LAND OWNERSHIP ADJUSTMENTS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Agriculture may sell the Settlement Area Land, Water System Land, and Los Alamos Townsite Land, on such terms and conditions as are agreed upon and described in the Settlement Agreement and the Los Alamos Agreement, including reservations for administrative access and other access as shown on Appendix B of the Settlement Agreement.

(2) EFFECT OF CLAIMS AND CAUSE OF ACTION.—Consideration for any land authorized for sale by the Secretary of Agriculture shall not be offset or reduced by any claim or cause of action by any party to whom the land is conveyed.

(b) CONSIDERATION.—The consideration to be paid for the Federal land authorized for sale in subsection (a) shall be—

(1) for the Settlement Area Land and Water System Land, the consideration agreed upon in the Settlement Agreement; and

(2) for the Los Alamos Townsite Land, the current market value based on an appraisal approved by the Forest Service as being in conformity with the latest edition of the Uniform Appraisal Standards for Federal Land Acquisitions.

(c) DISPOSITION OF RECEIPTS.—

(1) IN GENERAL.—All monies received by the Secretary of Agriculture from the sale of National Forest System land as authorized by this Act, including receipts from the Northern Tier Land, shall be deposited into the fund established in the Treasury of the United States pursuant to the Sisk Act and shall be available, without further appropriation, authorization, or administrative apportionment for the purchase of land by the Secretary of Agriculture for National Forest System purposes in the State of New Mexico, and for associated administrative costs.

(2) USE OF FUNDS.—Funds deposited in a Sisk Act fund pursuant to this Act shall not be subject to transfer or reprogramming for wildlands fire management or any other emergency purposes, or used to reimburse any other account.

(3) ACQUISITIONS OF LAND.—In expending funds to exercise its rights under the Settlement Agreement and the Los Alamos Agreement with respect to the acquisition of the Settlement Area Land, the County's acquisitions of the Water System Land, and the Northern Tier Land (if the Pueblo exercises an option to purchase the Northern Tier Land as provided in section 12(b)(2)(A), the

Pueblo shall use only funds in the Settlement Fund and shall not augment those funds from any other source.

(d) VALID EXISTING RIGHTS AND RESERVATIONS.—

(1) IN GENERAL.—The Settlement Area Land acquired by the Pueblo shall be subject to all valid existing rights on the date of enactment of this Act, including rights of administrative access.

(2) WATER RIGHTS.—No water rights shall be conveyed by the United States.

(3) SPECIAL USE AUTHORIZATION.—

(A) IN GENERAL.—Nothing in this Act shall affect the validity of any special use authorization issued by the Forest Service within the Settlement Area Land, except that such authorizations shall not be renewed upon expiration.

(B) REASONABLE ACCESS.—For access to valid occupancies within the Settlement Area Land, the Pueblo and the Secretary of the Interior shall afford rights of reasonable access commensurate with that provided by the Secretary of Agriculture on or before the date of enactment of this Act.

(4) WATER SYSTEM LAND AND LOS ALAMOS TOWNSITE LAND.—The Water System Land and Los Alamos Townsite Land acquired by the County shall be subject to—

(A) all valid existing rights; and

(B) the rights reserved by the United States under the Los Alamos Agreement.

(5) PRIVATE LANDOWNERS.—

(A) IN GENERAL.—Upon acquisition by the Pueblo of the Settlement Area Land, the Secretary of the Interior, acting on behalf of the Pueblo and the United States, shall execute easements in accordance with any right reserved by the United States for the benefit of private landowners owning property that requires the use of Forest Development Road 416 (as in existence on the date of enactment of this Act) and other roads that may be necessary to provide legal access into the property of the landowners, as the property is used on the date of this Act.

(B) MAINTENANCE OF ROADS.—Neither the Pueblo nor the United States shall be required to maintain roads for the benefit of private landowners.

(C) EASEMENTS.—Easements shall be granted, without consideration, to private landowners only upon application of such landowners to the Secretary.

(e) FOREST DEVELOPMENT ROADS.—

(1) UNITED STATES RIGHT TO USE.—Subject to any right-of-way to use, cross, and recross a road, the United States shall reserve and have free and unrestricted rights to use, operate, maintain, and reconstruct (at the same level of development, as in existence on the date of the Settlement Agreement), those sections of Forest Development Roads 57, 442, 416, 416v, 445 and 445ca referenced in Appendix B of the Settlement Agreement for any and all public and administrative access and other Federal governmental purposes, including access by Federal employees, their agents, contractors, and assigns (including those holding Forest Service permits).

(2) CERTAIN ROADS.—Notwithstanding paragraph (1), the United States—

(A) may improve Forest Development Road 416v beyond the existing condition of that road to a high clearance standard road (level 2); and

(B) shall have unrestricted administrative access and non-motorized public trail access to the portion of Forest Development Road 442 depicted in Appendix B to the Settlement Agreement.

(f) PRIVATE MINING OPERATIONS.—

(1) COPAR PUMICE MINE.—The United States and the Pueblo shall allow the COPAR Pumice Mine to continue to operate as provided in the Contract For The Sale Of Mineral Materials dated May 4, 1994, and for COPAR to use portions of Forest Development Roads 57, 442, 416, and other designated roads within the area described in the contract, for the period of the contract and thereafter for a period necessary to reclaim the site.

(2) CONTINUING JURISDICTION.—

(A) ADMINISTRATION.—Continuing jurisdiction of the United States over the contract for the sale of mineral materials shall be administered by the Secretary of the Interior.

(B) EXPIRATION OF CONTRACT.—Upon expiration of the contract described in subparagraph (A), jurisdiction over reclamation shall be assumed by the Secretary of the Interior.

(3) EFFECT ON EXISTING RIGHTS.—Nothing in this Act limits or enhances the rights of COPAR under the Contract For The Sale Of Mineral Materials dated May 4, 1994.

SEC. 8. CONVEYANCES.

(a) AUTHORIZATION.—

(1) CONSIDERATION FROM PUEBLO.—Upon receipt of the consideration from the Pueblo for the Settlement Area Land and the Water System Land, the Secretary of Agriculture shall execute and deliver—

(A) to the Pueblo, a quitclaim deed to the Settlement Area Land; and

(B) to the County, a quitclaim deed to the Water System Land, reserving—

(i) a contingent remainder in the United States in trust for the benefit of the Pueblo in accordance with the Los Alamos Agreement; and

(ii) a right of access for the United States for the Pueblo for ceremonial and other cultural purposes.

(2) CONSIDERATION FROM COUNTY.—Upon receipt of the consideration from the County for all or a portion of the Los Alamos Townsite Land, the Secretary of Agriculture shall execute and deliver to the County a quitclaim deed to all or portions of such land, as appropriate.

(3) EXECUTION.—An easement or deed of conveyance by the Secretary of Agriculture under this Act shall be executed by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(b) AUTHORIZATION FOR PUEBLO TO CONVEY IN TRUST.—Upon receipt by the Pueblo of the quitclaim deed to the Settlement Land under subsection (a)(1), the Pueblo may quitclaim the Settlement Land to the United States, in trust for the Pueblo.

(c) ADEQUACY OF CONVEYANCE INSTRUMENTS.—Notwithstanding the status of the Federal land as public domain or acquired land, no instrument of conveyance other than a quitclaim deed shall be required to convey the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land under this Act.

(d) SURVEYS.—The Secretary of Agriculture is authorized to perform and approve any required cadastral survey.

(e) CONTRIBUTIONS.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the Secretary of Agriculture may accept and use contributions of cash or services from the Pueblo, other governmental entities, or other persons—

(1) to perform and complete required cadastral surveys for the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land, as described in the Settlement Agreement or the Los Alamos Agreement; and

(2) to carry out any other project or activity under—

(A) this Act;

(B) the Settlement Agreement; or

(C) the Los Alamos Agreement.

SEC. 9. TRUST STATUS AND NATIONAL FOREST BOUNDARIES.

(a) OPERATION OF LAW.—Without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior—

(1) on recording the quitclaim deed or deeds from the Pueblo to the United States in trust for the Pueblo under section 8(b) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs—

(A) the Settlement Area Land shall be held in trust by the United States for the benefit of the Pueblo; and

(B) the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Settlement Area Land; and

(2) on recording the quitclaim deed or deeds from the Secretary of Agriculture to the County of the Water System Land in the county land records, the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Water System Land.

(b) FUTURE INTERESTS.—If fee title to the Water System Land vests in the Pueblo by conveyance or operation of law, the Water System Land shall be deemed to be held in trust by the United States for the benefit of the Pueblo, without further administrative procedures or environmental or other analyses.

(c) NONINTERCOURSE ACT.—Any land conveyed to the Secretary of the Interior in trust for the Pueblo or any other tribe in accordance with this Act shall be—

(1) subject to the Act of June 30, 1834 (25 U.S.C. 177); and

(2) treated as reservation land.

SEC. 10. INTERIM MANAGEMENT.

Subject to valid existing rights, prior to the conveyance under section 9, the Secretary of Agriculture, with respect to the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land—

(1) shall not encumber or dispose of the land by sale, exchange, or special use authorization, in such a manner as to substantially reduce the market value of the land;

(2) shall take any action that the Secretary determines to be necessary or desirable—

(A) to protect the land from fire, disease, or insect infestation; or

(B) to protect lives or property; and

(3) may, in consultation with the Pueblo or the County, as appropriate, authorize a special use of the Settlement Area Land, not to exceed 1 year in duration.

SEC. 11. WITHDRAWAL.

Subject to valid existing rights, the land referenced in the notices of withdrawal of land in New Mexico (67 Fed. Reg. 7193; 68 Fed. Reg. 75628) is withdrawn from all location, entry, and patent under the public land laws and mining and mineral leasing laws of the United States, including geothermal leasing laws.

SEC. 12. CONVEYANCE OF THE NORTHERN TIER LAND.

(a) CONVEYANCE AUTHORIZATION.—

(1) IN GENERAL.—Subject to valid existing rights, including reservations in the United States and any right under this section, the Secretary of Agriculture shall sell the Northern Tier Land on such terms and conditions as the Secretary may prescribe as

being in the public interest and in accordance with this section.

(2) EFFECT OF PARAGRAPH.—The authorization under paragraph (1) is solely for the purpose of consolidating Federal and non-Federal land to increase management efficiency and is not in settlement or compromise of any claim of title by any Pueblo, Indian tribe, or other entity.

(b) RIGHTS OF REFUSAL.—

(1) PUEBLO OF SANTA CLARA.—

(A) IN GENERAL.—In consideration for an easement under subsection (e)(2), the Pueblo of Santa Clara shall have an exclusive option to purchase the Northern Tier Land for the period beginning on the date of enactment of this Act and ending 90 days thereafter.

(B) RESOLUTION.—Within the period prescribed in subparagraph (A), the Pueblo of Santa Clara may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture, a resolution of the Santa Clara Tribal Council expressing the unqualified intent of the Pueblo of Santa Clara to purchase the land at the offered price.

(C) FAILURE TO ACT.—If the Pueblo of Santa Clara does not exercise its option to purchase the Northern Tier Land within the 90-day period under subparagraph (A), or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised, the Secretary of Agriculture shall offer the Northern Tier Land for sale to the Pueblo.

(2) OFFER TO PUEBLO.—

(A) IN GENERAL.—Not later than 90 days after receiving a written offer from the Secretary of Agriculture under paragraph (1)(C), the Pueblo may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, a resolution of the Pueblo Tribal Council expressing the unqualified intent of the Pueblo to purchase the land at the offered price.

(B) FAILURE OF PUEBLO TO ACT.—If the Pueblo fails to exercise its option to purchase the Northern Tier Land within 90 days after receiving an offer from the Secretary of Agriculture, or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised under subparagraph (A), the Secretary of Agriculture may sell or exchange the land to any third party in such manner and on such terms and conditions as the Secretary determines to be in the public interest, including by a competitive process.

(3) EXTENSION OF TIME PERIOD.—The Secretary of Agriculture may extend the time period for closing beyond the 1 year prescribed in subsection (b), if the Secretary determines that additional time is required to meet the administrative processing requirements of the Federal Government, or for other reasons beyond the control of either party.

(c) TERMS AND CONDITIONS OF SALE.—

(1) PURCHASE PRICE.—Subject to valid existing rights and reservations, the purchase price for the Northern Tier Land sold to the Pueblo of Santa Clara or the Pueblo under subsection (b) shall be the consideration agreed to by the Pueblo of Santa Clara pursuant to that certain Pueblo of Santa Clara Tribal Council Resolution No. 05-01 "Approving Proposed San Ildefonso Claims Settlement Act of 2005, and Terms for Purchase of Northern Tier Lands" that was signed by Governor J. Bruce Tafoya in January 2005.

(2) RESERVED RIGHTS.—On the Northern Tier Land, the United States shall reserve the right to operate, maintain, reconstruct (at standards in existence on the date of the Settlement Agreement), replace, and use the stream gauge, and to have unrestricted administrative access over the associated roads to the gauge (as depicted in Appendix B of the Settlement Agreement).

(3) CONVEYANCE BY QUITCLAIM DEED.—The conveyance of the Northern Tier Land shall be by quitclaim deed executed on behalf of the United States by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(d) TRUST STATUS AND FOREST BOUNDARIES.—

(1) ACQUISITION OF LAND BY INDIAN TRIBE.—If the Northern Tier Land is acquired by an Indian tribe (including a Pueblo tribe), the land may be reconveyed by quitclaim deed or deeds back to the United States to be held in trust by the Secretary of the Interior for the benefit of the tribe, and the Secretary of the Interior shall accept the conveyance without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior.

(2) LAND HELD IN TRUST.—On recording a quitclaim deed described in paragraph (1) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs, the Northern Tier Land shall be deemed to be held in trust by the United States for the benefit of the Indian tribe.

(3) BOUNDARIES OF SANTA FE NATIONAL FOREST.—Effective on the date of a deed described in paragraph (1), the boundaries of the Santa Fe National Forest shall be deemed modified to exclude from the National Forest System the land conveyed by the deed.

(e) INHOLDER AND ADMINISTRATIVE ACCESS.—

(1) FAILURE OF PUEBLO OF SANTA CLARA TO ACT.—

(A) IN GENERAL.—If the Pueblo of Santa Clara does not exercise its option to acquire the Northern Tier Land, the Secretary of Agriculture or the Secretary of the Interior, as appropriate, shall by deed reservations or grants on land under their respective jurisdiction provide for inholder and public access across the Northern Tier Land in order to provide reasonable ingress and egress to private and Federal land as shown in Appendix B of the Settlement Agreement.

(B) ADMINISTRATION OF RESERVATIONS.—The Secretary of the Interior shall administer any such reservations on land acquired by any Indian tribe.

(2) EFFECT OF ACCEPTANCE.—If the Pueblo of Santa Clara exercises its option to acquire all of the Northern Tier Land, the following shall apply:

(A) EASEMENTS TO UNITED STATES.—

(i) DEFINITION OF ADMINISTRATIVE ACCESS.—In this subparagraph, the term "administrative access" means access to Federal land by Federal employees acting in the course of their official capacities in carrying out activities on Federal land authorized by law or regulation, and by agents and contractors of Federal agencies who have been engaged to perform services necessary or desirable for fire management and the health of forest resources, including the cutting and removal of vegetation, and for the health and safety of persons on the Federal land.

(ii) EASEMENTS.—

(I) IN GENERAL.—The Pueblo of Santa Clara shall grant and convey at closing perpetual easements over the existing roads to the United States that are acceptable to the Secretary of Agriculture for administrative access over the Santa Clara Reservation Highway 601 (the Puye Road), from its intersection with New Mexico State Highway 30, westerly to its intersection with the Sawyer Canyon Road (also known as Forest Development Road 445), thence southwesterly on the Sawyer Canyon Road to the point at which it exits the Santa Clara Reservation.

(II) MAINTENANCE OF ROADWAY.—An easement under this subparagraph shall provide that the United States shall be obligated to contribute to maintenance of the roadway commensurate with actual use.

(B) EASEMENTS TO PRIVATE LANDOWNERS.—Not later than 180 days after the date of enactment of this Act, the Pueblo of Santa Clara, in consultation with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

(3) APPROVAL.—The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

(4) ADEQUATE ACCESS PROVIDED BY PUEBLO OF SANTA CLARA.—If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 7(e)(5); but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

SEC. 13. INTER-PUEBLO COOPERATION.

(a) DEMARCATION OF BOUNDARY.—The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

(b) ACTION BY SECRETARY OF THE INTERIOR.—In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

SEC. 14. DISTRIBUTION OF FUNDS PLAN.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the compromise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660-87L, United States Court of Federal Claims.

SEC. 15. RULE OF CONSTRUCTION AND JUDICIAL REVIEW.

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

SEC. 16. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SEC. 17. TIMING OF ACTIONS.

It is the intent of Congress that the land conveyances and adjustments contemplated in this Act (except the conveyances and adjustments relating to Los Alamos Townsite Land) shall be completed not later than 180 days after the date of enactment of this Act.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself as much time as I may consume.

The purpose of S. 1773 is to ratify the settlement of several land-related claims between the Pueblo de San Ildefonso and the United States. The Pueblo is a federally recognized Indian tribe in the upper Rio Grande Valley of New Mexico. In 1951, the tribe filed a land claim before the Indian Claims Commission seeking damages for losses of land that were not compensated for by the United States. The commission held that the tribe used and occupied a larger area than in the past than its current land holdings, and that portions of those lands were later taken from the tribe by the United States. It also held that the U.S. was liable to the tribe for most of its claims.

After several years, the United States and the tribe reached a mutually acceptable settlement that, when approved by Congress, will convey approximately 7,100 acres of Forest Service land to the tribe and will extinguish all land claims the tribe has against the United States. S. 1773 has the full support of the New Mexico State congressional delegation, and I look forward to the support of this body.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this legislation and to congratulate our colleague from New Mexico, Mr. TOM UDALL, who has worked tirelessly over the last year to bring this bill before us.

The bill will enable the settlement of the Pueblo de San Ildefonso's land-related claims against the United States. After several years of negotiating, all parties are prepared to resolve the case that has been pending for nearly 55 years. I salute Congressman UDALL for his tenacity in getting this bill through the House. Mr. UDALL could not be here today, but I have his statement to submit for the RECORD.

I urge my colleagues to support S. 1773.

Mr. UDALL of New Mexico. In 1951, the Pueblo of San Ildefonso, located in northern New Mexico, initially filed a legal claim under the Indian Claims Commission Act of 1946. That law provides for some degree of compensation to Native American tribes and pueblos for lands lost and for damages resulting from government actions. The claim of the Pueblo of San Ildefonso is the last remaining unresolved case under the 1946 Act.

On May 24, 2006, S. 1773, The Pueblo de San Ildefonso Claims Settlement Act, passed the Senate by unanimous consent. I ask today that my colleagues in this House fully support passage of this important and historic bill. This legislation is needed to implement the settlement agreement signed by the Pueblo and the Departments of Justice, Interior, and Agriculture. According to the terms of the agreement, authorizing legislation must be enacted by November 2006. Passage into law of S. 1773 will conclude the case, entitled Pueblo de San Ildefonso v. United States of America, with the Indian Claims Commission.

After many years of serious negotiations among the Pueblo of San Ildefonso, the Federal Government, the surrounding counties, and a neighboring tribe, this non-controversial bill will finally provide a resolution of this longstanding concern. It will also end the Indian Claims Commission chapter of federal Indian affairs. The Senate Indian Affairs Committee Report, S. Rpt. 109–252, contains background information on the bill as well as the terms of the settlement agreement and the Los Alamos agreement, which the bill will also approve.

As the Representative of the Third Congressional District of New Mexico which includes the Pueblo of San Ildefonso, I ask that you support the passage of S. 1773 under suspension of the rules.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1773.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PASCUA YAQUI MINERAL RIGHTS ACT OF 2006

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 631) to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes, as amended.

The Clerk read as follows:

H.R. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pascua Yaqui Mineral Rights Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Arizona.

(3) TRIBE.—The term "Tribe" means the Pascua Yaqui Tribe.

SEC. 3. ACQUISITION OF SUBSURFACE MINERAL INTERESTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Attorney General of the United States and with the consent of the State, shall acquire through eminent domain the following:

(1) All subsurface rights, title, and interests (including subsurface mineral interests) held by the State in the following tribally-owned parcels:

(A) Lot 2, sec. 13, T. 15 S., R. 12 E., Gila and Salt River Meridian, Pima County Arizona.

(B) Lot 4, W½SE¼, sec. 13, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(C) NW¼NW¼, N½NE¼NW¼, SW¼NE¼NW¼, sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(D) Lot 2 and Lots 45 through 76, sec. 19, T. 15 S., R. 13 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) All subsurface rights, title, and interests (including subsurface mineral interests) held by the State in the following parcels held in trust for the benefit of Tribe:

(A) Lots 1 through 8, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(B) NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) CONSIDERATION.—Subject to subsection (c), as consideration for the acquisition of subsurface mineral interests under subsection (a), the Secretary shall pay to the State an amount equal to the market value of the subsurface mineral interests acquired, as determined by—

(1) a mineral assessment that is—

(A) completed by a team of mineral specialists agreed to by the State and the Tribe; and

(B) reviewed and accepted as complete and accurate by a certified review mineral examiner of the Bureau of Land Management;

(2) a negotiation between the State and the Tribe to mutually agree on the price of the subsurface mineral interests; or

(3) if the State and the Tribe cannot mutually agree on a price under paragraph (2), an appraisal report that is—

(A)(i) completed by the State in accordance with subsection (d); and

(ii) reviewed by the Tribe; and

(B) on a request of the Tribe to the Bureau of Indian Affairs, reviewed and accepted as complete and accurate by the Office of the Special Trustee for American Indians of the Department of the Interior.

(c) Conditions of Acquisition.—The Secretary shall acquire subsurface mineral interests under subsection (a) only if—

(1) the payment to the State required under subsection (b) is accepted by the State in full consideration for the subsurface mineral interests acquired;

(2) the acquisition terminates all right, title, and interest of any party other than the United States in and to the acquired subsurface mineral interests; and

(3) the Tribe agrees to fully reimburse the Secretary for costs incurred by the Secretary relating to the acquisition, including payment to the State for the acquisition.

(d) Determination of Market Value.—Notwithstanding any other provision of law, unless the State and the Tribe otherwise agree to the market value of the subsurface mineral interests acquired by the Secretary under this section, the market value of those subsurface mineral interests shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Appraisal Institute in 2000, in cooperation with the Department of Justice and the Office of Special Trustee for American Indians of the Department of Interior.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions with respect to the acquisition of subsurface mineral interests under this section as the Secretary considers to be appropriate to protect the interests of the United States and any valid existing right.

SEC. 4. INTERESTS TAKEN INTO TRUST.

(a) Land Transferred.—Subject to subsections (b) and (c), notwithstanding any other provision of law, not later than 180 days after the date on which the Tribe makes the payment described in subsection (c), the Secretary shall take into trust for the benefit of the Tribe the subsurface rights, title, and interests, formerly reserved to the United States, to the following parcels:

(1) E½NE¼, SW¼NE¼, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) W½SE¼, SW¼, sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) Exceptions.—The parcels taken into trust under subsection (a) shall not include—

(1) NE¼SW¼, sec. 24, except the southerly 4.19 feet thereof;

(2) NW¼SE¼, sec. 24, except the southerly 3.52 feet thereof; or

(3) S½SE¼, sec. 23, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(c) Consideration and Costs.—The Tribe shall pay to the Secretary only the transaction costs relating to the assessment, review, and transfer of the subsurface rights, title, and interests taken into trust under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 631 directs the Secretary of the Interior to acquire through the process of eminent domain, and only with the consent of the State of Arizona, the subsurface mineral estate beneath the lands of the Pascua Yaqui Tribe of Arizona. This will consolidate ownership of the subsurface and surface estates to complete the tribe's application to take land into trust currently pending at the State Department of Interior.

The Department has objected to the tribe's application because the State of Arizona still owns the subsurface mineral estate beneath the tribe's newly acquired land. For the tribe to acquire the relevant mineral estate, the United States Government is required to acquire the subsurface estate because the State of Arizona cannot sell land under State law. The tribe will then purchase the subsurface estate from the United States. Once the subsurface estate is owned by the tribe, the Interior Department may move forward with the tribe's fee-to-trust application for the relevant surface lands. The acquisition in this act may be done only by the consent of the State of Arizona.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 631 is an important piece of legislation that will enable the Pascua Yaqui Tribe of my district in Arizona to consolidate its land holdings and have some of its lands and interests in the lands taken into trust by the Secretary of the Interior.

Because of a quirk in Arizona State law, the tribe cannot acquire the subsurface mineral rights to certain parcels of State trust land it has purchased, making this legislation necessary. The bill requires the Secretary of the Interior, who acts as trustee to Indian nations, to acquire the mineral rights to land already owned by the Pascua Yaqui Tribe from the State of Arizona and take the land into trust on the tribe's behalf. It also requires the government to transfer other mineral rights into trust for the tribe. The tribe will pay the fair market value for the mineral rights involved as well as a transaction cost to complete the transfer.

The Pascua Yaqui Tribe and the Governor of Arizona are supportive of this legislation, and I am personally thrilled that the House is taking up this bill today. It is an important measure that will enable the tribe to have full control over its own lands, providing opportunities for economic development and self-determination to the community.

I wish to thank my colleagues and the leadership within the Resources Committee for making this bill a priority for passage this session. I urge my colleagues to support H.R. 631.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no other speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 631, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAKE MATTAMUSKEET LODGE PRESERVATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5094) to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

The Clerk read as follows:

H.R. 5094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Mattamuskeet Lodge Preservation Act".

SEC. 2. CONVEYANCE OF MATTAMUSKEET LODGE, MATTAMUSKEET NATIONAL WILDLIFE REFUGE, NORTH CAROLINA.

(a) Conveyance Required.—Within six months after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall convey to the State of North Carolina, without consideration, all right, title, and interest of the United States, except for certain utility and road easements, in and to a parcel of real property consisting of approximately 6.25 acres and containing Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, as depicted on the map entitled "Lake Mattamuskeet Lodge/Pump Station" and dated January 10, 2006, for the purpose of permitting the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

(b) Restoration and Maintenance of Lodge.—The Mattamuskeet Lodge is listed on the National Register of Historic Places, and, as a condition of the conveyance of the lodge under subsection (a), the State shall agree to restore and maintain the lodge in accordance with—

(1) the Standard for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, as prescribed pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f), Part 800 of title 36, Code of Federal Regulations; and

(2) the General Statutes of North Carolina, Chapter 121, Article 1.

(c) AS IS CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the State accept the real property described in such subsection in its condition at the time of the conveyance, commonly known as conveyance "as is".

(d) ADMINISTRATIVE EXPENSES.—The State shall cover the costs of any survey and the cost of recordation of deeds in connection with the conveyance under this section. Except as provided in subsection (e), all other costs associated with the conveyance shall be paid by the Secretary.

(e) LIABILITY.—Notwithstanding any other provision of law, the Secretary shall not retain liability for any environmental remediation that may be required with regard to the real property conveyed under this section under any applicable environmental authorities for—

(1) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the property; or

(2) costs, penalties, fines, or performance of actions related to noncompliance with applicable environmental authorities at or related to the property or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the property, including contamination resulting from migration.

(f) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under this section is not being used in accordance with the purpose of the conveyance specified in subsection (a) or the State is not complying with the condition of the conveyance under subsection (b), all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(g) MEMORANDUM OF AGREEMENT.—The Secretary shall cooperate with the State to develop a memorandum of agreement encompassing mutually beneficial opportunities to use the property to be conveyed under this section to provide visitor services, to construct and utilize facilities and utilities, and to implement wildlife conservation projects.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5094 will transfer title to Mattamuskeet Lodge from the United States Fish and Wildlife Service to the State of North Carolina.

This historic facility, built by the WPA in 1937, is on the National Registry of Historic Places and is located on the Mattamuskeet National Wildlife Refuge in Hyde County, North Carolina. For years, the lodge served as a cultural focal point in eastern North Carolina, as local residents gathered at the facility for high school proms, weddings, and other community events. Duke University, East Carolina University, and Notre Dame and other universities also used the lodge as a research center to study the area's pristine coastal ecology wildlife. Sadly, 5 years ago the lodge was closed to the public because of dangerous structural problems.

In response, Senator Jesse Helms and I repeatedly urged the Fish and Wildlife Service to budget money for restoration of the lodge. When that effort failed, we obtained $4.1 million in Federal funds to fix the problem. Regrettably, the Interior Department took most of the money to fight wildfires out west, and then refused to replace it.

As a result, North Carolina State Senate President Marc Basnight and I began to work on the idea of transferring the lodge to the State of North Carolina so it could be restored and reopened. We worked with the State administration and the U.S. Fish and Wildlife Service, and H.R. 5094 represents an agreement between all parties. In fact, in the Resources Committee hearing on the bill, the Fish and Wildlife Service testified in support of the bill, saying: "This legislation removes a significant obligation for the Service."

It is unfortunate that the lodge was allowed to deteriorate. H.R. 5094 is essential because, until the title is conveyed to the State of North Carolina, the process of restoring this landmark facility cannot begin.

I urge an "aye" vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we on this side of the aisle have no objection to this legislation which has been adequately explained by the majority. I would add that this conveyance comes at no cost to the Federal taxpayer. Furthermore, this legislation will remove a costly maintenance burden from the budget of this particular national wildlife refuge, and will ensure that this historic structure remains a public landmark benefiting the people of the region.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 5094.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5539) to reauthorize the North American Wetlands Conservation Reauthorization Act, as amended.

The Clerk read as follows:

H.R. 5539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Reauthorization Act of 2006".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "fiscal year 2007" and inserting "each of fiscal years 2008 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present H.R. 5539 introduced by the distinguished chairman of the House Committee on Resources, Congressman RICHARD POMBO. First enacted in 1989, the North American Wetlands Conservation Act has become one of our Nation's most effective conservation programs. Since the first wetlands grant was awarded, more than 1,500 conservation projects have been funded involving more than 3,200 partners. As a direct result, more than 23 million acres of wetlands and associated habitat have been protected, restored, or enhanced in the United States, Canada, and Mexico.

Wetlands are among the world's most productive environments. They are critical to the survival of not only thousands of wildlife species but also to the people who live along our coasts. Without these wetlands, the impact of the hurricanes in the Gulf of Mexico would have been far worse in terms of loss of human life and destruction of private property.

Since the inception of this program, the amount of private nongovernmental matching money has been remarkable. It now stands in excess of $2.1 billion. It is, therefore, not surprising that this legislation has been enthusiastically supported by more than 40 major conservation organizations.

For the past 5 years, Congress has appropriated about $40 million each year for this program. Under H.R. 5539, existing funding levels would be extended for an additional 5 years. The North American Wetlands Conservation Act has been remarkably effective in conserving wetlands. I want to thank Chairman POMBO for his extraordinary leadership on this most important conservation issue.

I urge an "aye" vote on this legislation.

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Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this week will mark the 20th anniversary of the creation of the North American Waterfowl Management Plan, a joint conservation strategy implemented by both the United States and Canada to protect and restore wetland habitat stretching across North America.

Soon after the establishment of this comprehensive strategy in 1986, the Congress, led by the Dean of the House, JOHN DINGELL, authorized the North American Wetlands Conservation Act to establish a matching-grant program to take the goals of the North American plan off the drawing board and into the landscape of the North American continent.

As many Members know, the North American Wetlands Conservation Act has demonstrated time and time again that it is one of our greatest wetlands conservation success stories.

Grants under the act have not only generated hundreds of millions of non-Federal matching funds; these contributions have been converted into acquisition, conservation, protection and restoration of millions of acres of wetlands across the United States, Canada and Mexico. Few Federal programs deliver such a bang for the buck.

Although the current authorization of appropriations does not expire until next year, there is no reason why we should not reauthorize this highly popular and effective conservation program to ensure its future success.

I commend the sponsors of this legislation, most notably Resources Chairman POMBO, ranking Resource Committee Democrat Member NICK RAHALL and Congressman JOHN DINGELL, for their steadfast interest in this act and for their leadership in wetlands conservation.

I urge every Member to support this reauthorization.

Mr. JEFFERSON. Mr. Speaker, I wish to express my support for the reauthorization of the North American Wetlands Conservation Act. In my home State of Louisiana, we certainly understand the vital role that our wetlands serve for wildlife. Over five million waterfowl utilize the Louisiana wetlands during migration, while there are 79 individual endangered species that reside there. Louisiana's wetlands also provide our country with substantial economic benefits. Over 30 percent of the Nation's seafood is harvested from our wetlands, and the network of interconnected waterways provides ample routes for waterborne commerce.

I would also like to highlight the importance of Louisiana's coastal wetlands as our first line of defense against hurricanes. As we lose 25 square miles of wetlands per year, we lose the buffer that these wetlands provide against storm surge. The destructive effects of hurricanes were made abundantly clear last year with Hurricanes Katrina and Rita. A healthy wetland system, combined with improved levees and other flood control projects, will help minimize the damage to south Louisiana when future storms arrive. With about two million people—over half the State's population—living in Louisiana's coastal parishes, we cannot afford to underestimate the importance of our wetlands. Had I I been present for the vote, I would have voted "yea."

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 5539, the North American Wetlands Conservation Reauthorization Act of 2006. I would also like to thank Chairman POMBO and Ranking Member RAHALL for all their hard work and for ensuring swift consideration of this important legislation.

As a wildlife enthusiast, conservationist, and member of the Migratory Bird Conservation Commission, I am a strong supporter of the North American Wetlands Conservation Act (NAWCA). For that reason, I am an original cosponsor of H.R. 5539.

As this body knows, NAWCA is a unique public-private, partnership-based program that leverage non-federal funds to protect, restore and manage wetland habitat for migratory birds and other wildlife. Since it was signed into law in 1989, NAWCA grants have spurred more than 2,000 partners to work on more than 1,100 projects, restoring nearly 23 million acres of wetlands in the United States, Canada and Mexico.

In addition, NAWCA provides an excellent return on a relatively modest federal investment. Over the years, the act has provided approximately $720 million in grant funds which have been matched by approximately $2.1 billion in partner funds.

Again, I thank the distinguished chairman of the Resources Committee for introducing this important legislation and look forward to continuing to work with him, Ranking Member RAHALL, members of the Congressional Sportsmen's Caucus on this extremely successful program.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 5539, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to reauthorize the North American Wetlands Conservation Act.".

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2006.

Hon. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 8, 2006, at 3:30 pm:

That the Senate Passed without amendment H.R. 2808.

That the Senate Passed with an amendment, appoints conferees and requests a conference with the House H.R. 5631.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM BOUNDARY REVISION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 138) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P, as amended.

The Clerk read as follows:

H.R. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map subtitled "GA-06P", relating to the John H. Chafee Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Jekyll Island Unit GA-06P, that is included in the set of maps entitled "John H. Chafee Coastal Barrier Resources System" and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), is hereby replaced by another map relating to the unit entitled "John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P" and dated July 10, 2006.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 138 introduced by Congressman JACK KINGSTON of Georgia. This legislation involves Jekyll Island, Georgia. This island is owned by the State, managed by the Jekyll Island Authority, and it was largely developed long before its inclusion in the Coastal Barrier Resources System in 1990. Unlike other Otherwise Protected Areas, the property was never held for conservation or recreation purposes. The Jekyll Island Authority has limited development on the island to 35 percent of the land area and currently 33 percent is developed.

Based on the legislative history, it is unclear why these lands were ever included in the system, since it does not meet any of the fundamental requirements for inclusion.

Under the terms of this legislation, the 35 percent planned area for development would be removed from the system which represents about 1,300 acres. In return, the State of Georgia has agreed to add 1,157 of fastlands and wetlands and other water to the Coastal Barrier Resources System.

Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained this legislation. I would only add that it is our understanding that the State is required, under its master plan for Jekyll Island, to limit development to preserve as open space no less than 40 percent of the island.

In light of stringent planning requirements, the corrections provided in the new maps adopted by this legislation should help the State realize its goals under the master plan without compromising the integrity of the Coastal Barrier Resources System.

We on this side of the aisle do not object to the consideration of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding and want to thank both the majority Member and the minority Member for letting me talk a little bit about Jekyll Island.

During the course of the bill, we were having an immigrations hearing in Cannon, and I came over here as quickly as I could; but I wanted to talk somewhat about the bill, which I understand the Resources Committee has accepted, and I certainly appreciate that.

A lot of people have done a lot of hard work on it, but I just wanted to say that the importance of this legislation, which is agreed to, goes back to the history of Jekyll Island, which is a barrier island off the coast of Georgia.

In 1947, Jekyll was purchased by the State of Georgia. In 1950, the State legislature enacted a law that said 65 percent of the island would stay in its preserved and natural state and only 35 percent of it would be developed. The 35 percent of it was developed in the 1960s and 1970s, long before the CBRA law about flood insurance and the Coastal Barrier Resource Act.

The State has maintained that 35/65 percent split; and all the 35 percent is, in fact, built out. Yet, somewhere along the line, it got included in the CBRA law, which made it the case that residents could no longer get flood care, which was not the point of the law at all.

We found out about this in 2003, when Walter Alexander, a resident of Jekyll Island, had his duplex burned down. He was cleaning up the land and preparing to rebuild his structure when he found out he could not get Federal flood insurance, and that was because of a quirk that happened in 1990. And we have been working on this since 2003 trying to get this exemption from the flood insurance law so that the people on Jekyll Island could in fact go back to getting flood care the way they had it.

So this has been something we have been working on for a long time. A lot of people had been involved in it, and I certainly want to thank Chairman POMBO and Subcommittee Chairman GILCHREST, and Edith Thompson, who is on the staff; and Harry Burroughs, who is the staff director for Mr. GILCHREST; and folks like Bill Donahue and Laura Bonds, who are with the Jekyll Island Authority back home. Also, Pat Wilson, with the Georgia Department of Natural Resources, and Commissioner Noel Holcomb, Becky Kelly and Susan Shipman; and the Fish and Wildlife folks and the residents and businesses on Jekyll Island.

We have all worked on this in a collaborative effort. There has not been any opposition on this. Democrats, Republicans, and environmentalists. I would say developers, but developers have not been at the table since all this has already been developed for now about 30 or 40 years.

But I just wanted to say this is a very good day for the folks on Jekyll Island, and I thank both of you for allowing me to speak up about this issue.

Before I get into specifics of my bill I want to thank everyone who has helped in the lengthy process to bring this bill to the floor.

Thank you to Chairmen POMBO and GILCHREST and their staff, specifically Edith Thompson (Gilchrest) and Harry Burroughs (Staff Director for Gilchrest subcommittee but Pombo person). Also Merritt Meyers and Rob Asbell from our office.

Thank you to the Jekyll Island Authority—the relentless work of Bill Donahue and Laura Bonds, the Governor's office with assistance from Pat Wilson, the Georgia Department of Natural Resources (Commissioner Noel Holcomb, Becky Kelly and Susan Shipman), the Fish and Wildlife Service and the residents and businesses on Jekyll Island.

History: 1947—Jekyll Island purchased by the State from the Jekyll Island Club; 1950—Georgia General Assembly enacted a law that assured 65 percent of the Island would be preserved and protected in its natural state and managed for future generations to enjoy while 35 percent be developed to render the Island as self-supporting.

The 35 percent of the island that could be developed largely was during the 1960s and early 1970s—long before the original CBRA.

The State, working through state laws has moved to aggressively create a balance among development, public access and education and conservation long before Jekyll Island was included in the CBRS and that balance is now in jeopardy as redevelopment is critical to the viability of the Island.

If anything, Jekyll Island should be the model for the rest of the U.S. to use for the coexistence of development and conservation and quite honestly the dependence of one on the other.

I was contacted by Jekyll Island resident, Walter Alexander in 2003 because his duplex burned down. As Mr. Alexander began cleaning up the land and planning for replacing the structure he found out that he could not obtain Federal Flood Insurance, the insurance he must have in order to get a mortgage—and private flood insurance was prohibitively expensive for him.

He contacted the Jekyll Island Authority and together they began researching and found out that Jekyll Island in its entirety was included as an Otherwise Protected Area within the CBRS in 1990. The situation became even more urgent when he saw that in his original lease if he did not rebuild within 2 years he could lose the land.

Almost immediately after the fire Mr. Alexander started receiving offers to purchase the lot lease from wealthy individuals that could build the house without having to take out a mortgage. He turned down these offers because he wanted to stay close to his family who all lived on the Island.

Mr. Alexander is a nurse, and does not have a salary that allows him to rebuild without a mortgage—he was finally forced to take drastic action and borrow money against the equity in his parent's home so he could begin construction—this greatly reduces their family security during retirement. He is using this money to rebuild a duplex that not only meets, but exceeds FEMA regulations for flooding.

This is but one example of what denying insurance for rebuilding a community developed in the 1960s does—this is not what CBRS original intent was.

Arguments: (1) Jekyll Island should not have been included in 1990 on the CBRS maps as an OPA because it was "developed" long before it was included in the system; (2) prior to the inclusion, the Governor and the Department of Natural Resources of Georgia objected to the inclusion of Jekyll Island in the System; (3) the inclusion of Jekyll Island runs counter to congressional intent as OPA's were to include only Undeveloped lands held for conservation; and (4) the inclusion of Jekyll Island runs counter to State intent as 35 percent of the island by Georgia law must be developed, and is necessary to be developed to render the Island self-supporting.

Need for Change: I strongly believe that if the 35 percent of the island that is developed is not removed from the CBRS the long term integrity of the system will be harmed.

If the original intent of the Act was to preserve undeveloped coastal barrier islands then I think leaving Jekyll Island in, in its entirety would set a bad precedence for the CBRS.

This legislation removes land from the Coastal Barrier Resources System, specifically from a unit that should not have been created in the first place since it was neither undeveloped nor held for conservation purposes.

The Fish and Wildlife Service supports my bill and the new map associated with it that removes 35 percent of Jekyll Island from CBRA.

Leaving the 35 percent of Jekyll which has long been developed in the CBRS would ultimately do two things: (1) the Island would turn into a run down shanty town with deteriorating houses and businesses. It would lose its allure to tourists across the world and would ultimately become a burden to the State since it would no longer be self-sustaining or (2) it would again become a playground for only the rich and famous who could afford the costly Lloyds of London flood insurance required to build, maintain, repair and update all structures on the island—and that is not fair to the hardworking tax-paying people who currently call Jekyll Island home or inexpensive vacation spot.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 138, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES SYSTEM MAP REPLACEMENT RELATING TO GRAYTON BEACH, FLORIDA

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 479) to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida, as amended.

The Clerk read as follows:

H.R. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP RELATING TO GRAYTON BEACH UNIT FL–95P IN WALTON COUNTY, FLORIDA.

(a) IN GENERAL.—The map described in subsection (b) relating to the Coastal Barrier Resources System unit Grayton Beach Unit FL–95P, located in Walton County, Florida, as included in the set of maps entitled "Coastal Barrier Resources System" referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), is hereby replaced by another map relating to that unit entitled "Grayton Beach Unit FL–95P and Draper Lake Unit FL–96" and dated "July 24, 2006".

(b) REPLACED MAP DESCRIBED.—The map replaced under subsection (a) is subtitled "COASTAL BARRIER RESOURCES SYSTEM GRAYTON BEACH UNIT FL–95P DRAPER LAKE UNIT FL–96" and dated October 24, 1990.

(c) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsections (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 479 corrects several Florida mapping mistakes implemented in the enactment of the Coastal Barrier Improvement Act of 1990. Under current law, only Congress can add or delete property from the Coastal Barrier Resources System. Under the bill, 20 acres of privately held land would be removed from the system, ensuring that the affected homeowners are eligible for Federal flood insurance in the future.

We would be making this change because this property was mistakenly included within an Otherwise Protected Area unit. It was designated based on the faulty assumption that this property was included within the boundaries of the Grayton Beach State Park and that the land was undeveloped. In fact, a number of those lots were fully developed with homes constructed by 1983; and, therefore, this property does not qualify for inclusion in the system.

With the Federal Flood Insurance Program experiencing a large number of claims, Congress should be cautious about providing access to additional beneficiaries. However, in this case, H.R. 479 satisfies the threshold of fixing legitimate mapping mistakes.

In addition, the new corrected map will add almost 1,600 acres of State parkland that was inadvertently left out of the unit when it was created in 1990. The net effect of this technical correction is that we expand the system by 1,562 acres of fastland and wetland habitat.

I would urge an "aye" vote on H.R. 479.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation has been championed by our colleague from Florida, ALLEN BOYD, without whose efforts it would not be on the floor today; and I want to thank him for that.

The majority has already adequately explained the bill. I would only note that the expansion of this Coastal Barrier Resource Unit will significantly increase the total area of lands that will now become ineligible for Federal flood insurance.

And because this region of the Florida panhandle is experiencing a frenzy of coastal development, this factor was a pivotal consideration in the committee's approval of H.R. 479.

The net conservation benefit in this instance was considered sufficient to protect the integrity of this coastal barrier unit, despite the strong reservations of the U.S. Fish and Wildlife Service to remove some small areas of private land from the existing unit.

We on this side of the aisle do not object to this legislation.

Mr. MILLER of Florida. Mr. Speaker, I rise today in strong support of my bill, H.R. 479, which creates a new Coastal Barriers Resources Map, removing the Old Miller Place Subdivision from the Otherwise Protected Area. I would like to thank Mr. POMBO and the Resources Committee for their hard work and commitment to this bill.

I will provide a little bit of background for my colleagues: Old Miller Place has been privately owned since the 1890s. The Miller family homesteaded it in 1903. The first residence was built in 1981 and the fourth was completed in 1985. Six lots remained unbuilt by 1990 because they were purchased for future retirement homes by their respective owners. In 2006, they lay bare as they await restoration of their right to build.

Old Miller Place was platted and developed in 1979, 6 years before the State of Florida's land acquisition program joined Grayton Beach State Park with the southern and eastern boundaries of Old Miller Place in 1985. In 1990, a layer of Federal protection was overlaid on part of Grayton Beach State Park when Congress expanded the Coastal Barrier Resources System to include areas known as "Otherwise Protected Areas (OPA)." In the case of Unit FL–95P, the otherwise protected area is Grayton Beach State Park. At the time of its creation in 1990, OPA Unit FL–95P included only about half of the 2,238 acres of Grayton Beach State Park and the entire 6.4 acre private-property subdivision known as the Old Miller Place.

Mr. Speaker, on paper this bill is a technical correction, but for the property owners in Old Miller Place Subdivision this bill means greater opportunity and freedom. I urge my colleagues to support H.R. 479.

Mr. BLUMENAUER. Mr. Speaker, I would like to express my concern with two bills to be considered under the suspension of the rules today: H.R. 138 and H.R. 479. These two bills would remove land from the Coastal Barrier Resources System, CBRS.

Created by the Coastal Barrier Resources Act of 1982, CBRA, CBRS is a Reagan-era free-market conservation program that denies Federal subsidies to development in certain coastal areas. It was created with three goals: to reduce risk to people and property, to discourage development in ecologically sensitive coastal barrier islands, and to save taxpayers from having to pay for building and rebuilding in high-risk areas. The program included 450,000 acres of coastal barrier islands in 1982 and was expanded to nearly 1.3. million acres in 1990. A unique program, CBRA doesn't preclude development; it just ensures that the Federal Government does not subsidize construction in inherently risky, environmentally fragile areas. This has been a highly successful program: a 2002 U.S. Fish and Wildlife Service report estimated that the CBRS will save taxpayers more than $1.2 billion by 2010. In addition, at a time when our Nation has been losing our precious, fragile coastal ecosystems at an alarming rate to both development and coastal erosion, this program has discouraged development in those areas.

I believe that Congress should be working to expand this highly successful program and using its free-market approach as a model for other legislation. This is why I am disappointed that during my time in Congress I have only seen us moving in the wrong direction. The program has been slowly experiencing death by a thousand cuts. It has been more than 15 years since Congress added land to the system, and each Congress brings another set of technical corrections that remove acreage from the program. Even though most of these "boundary adjustments" are small, much of the land is ecologically significant.

I hope that my colleagues will join me during the next session of Congress in looking for ways to improve and expand federal programs to discourage development in ecologically sensitive and hazardous areas. Unfortunately, it appears that we have chosen to observe the anniversary of Hurricane Katrina, a painful reminder of the dangers of development in disaster-prone areas, by weakening a program that has been proven to save lives, money, and the environment.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 479, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL FISH HATCHERY SYSTEM VOLUNTEER ACT OF 2006

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5381) to establish a volunteer program and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices, as amended.

The Clerk read as follows:

H.R. 5381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish Hatchery System Volunteer Act of 2006".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The National Fish Hatchery System (in this Act referred to as the "System")—

(A) consists of more than 60 hatcheries, seven fish technology centers, 9 fish health centers, and other fisheries program offices;

(B) plays an integral role in the recovery of more than 50 threatened species and endangered species and the restoration of over 100 native species;

(C) provides healthy fish populations that support recreational fishing opportunities, many of which are related to Federal water control structures; and

(D) works with over 250 partners to help mitigate the impacts of aquatic habitat loss and invasive species.

(2) The System faces many challenges, including aging facilities, some of which date back to the late 1800s, and maintenance of intensive infrastructures such as wells, pumps, valves, pipes, filters, heaters, chillers, and treatment systems that must keep clean water moving 24 hours a day, 365 days a year.

(3) By encouraging volunteer programs and donations and fostering non-Federal partnerships with hatchery facilities, Federal funding for the hatcheries can be supplemented.

(4) By encouraging hatchery educational programs, public awareness of the resources of the System and public participation in the conservation of aquatic resources can be promoted.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of hatcheries within the System.

(2) To facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources.

(3) To encourage donations and other contributions by individuals and organizations to the System.

SEC. 3. GIFTS TO SYSTEM AND PARTICULAR NATIONAL FISH HATCHERIES.

(a) AUTHORIZATION OF GIFTS, DEVISES, AND BEQUESTS FOR SYSTEM.—In furtherance of the purposes of this Act, the Secretary of the Interior may accept any gifts, devises, or bequests of real and personal property, or proceeds therefrom, or interests therein, for the benefit of the National Fish Hatchery System. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are deemed by the Secretary to be in accordance with law and compatible with the purpose for which acceptance is sought.

(b) USE OF GIFTS, DEVISES, AND BEQUESTS.—

(1) IN GENERAL.—Any gifts and bequests of money and proceeds from the sales of other property received as gifts or bequests pursuant to this subsection shall be deposited in a separate account in the Treasury and may be expended without further appropriation by the Secretary for the benefit of the System programs administered by the United States Fish and Wildlife Service.

(2) GIFTS, DEVISES, AND BEQUESTS FOR PARTICULAR FACILITIES.—

(A) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a facility of the System shall be disbursed only for the benefit of that facility and without further appropriations.

(B) MATCHING.—Subject to the availability of appropriations and the requirements of the Fish and Wildlife Coordination Act (16 U.S.C 661 et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a facility of the System. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.

SEC. 4. VOLUNTEER ENHANCEMENT PILOT PROJECTS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a pilot project at 1 or more facilities of the System. Each pilot project shall provide for a volunteer coordinator for the hatchery facility. The volunteer coordinator shall be responsible for recruiting, training, and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(d)) and coordinating volunteer activities with partner organizations to carry out the projects and programs.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate evaluating and making recommendations regarding the pilot projects.

SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.

(a) PROJECTS AND PROGRAMS.—Subject to the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and other applicable law, and such terms and conditions as the Secretary of the Interior determines to be appropriate, the Secretary may approve projects and programs for a facility of the System that—

(1) promote the stewardship of resources of the hatchery through habitat maintenance, restoration, and improvement, biological monitoring, or research;

(2) support the operation and maintenance of the hatchery through constructing, operating, maintaining, or improving the facilities and services of the hatchery;

(3) increase the awareness and understanding of the hatchery and the System, through the development, publication, or distribution of educational materials and products;

(4) advance education concerning the purposes of the hatchery and the mission of the System, through the use of the hatchery as an outdoor classroom and development of other educational programs; or

(5) contribute financial resources to the hatchery, under the terms that require that the net revenues be used exclusively for the benefit of the hatchery, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

(b) TREASURY ACCOUNT.—Amounts received by the Secretary of the Interior as a result of projects and programs under subsection (a) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular facility of the System shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the hatchery facility.

SEC. 6. HATCHERY EDUCATION PROGRAM DEVELOPMENT.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall develop guidance for the hatchery education programs to further the mission of the System and the purposes of individual hatcheries through—

(1) providing outdoor classroom opportunities for students on fish hatcheries that combine educational curricula with the personal experiences of students relating to fish, aquatic species, and their habitat, and to the cultural and historical resources of the hatcheries;

(2) promoting understanding and conservation of fish, aquatic species, and the cultural and historical resources of the hatcheries; and

(3) improving scientific literacy in conjunction with both formal and nonformal education programs.

(b) HATCHERY PROGRAMS.—Based on the guidance developed under subsection (a), the Secretary of the Interior may, with assistance from the Fish and Wildlife Management Assistance Program, develop or enhance hatchery educational programs as appropriate, based on the resources of individual hatcheries and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present H.R. 5381 introduced by a distinguished colleague, JIM SAXTON of New Jersey, to enhance the existing volunteer program within the National Fish Hatchery System.

The National Fish Hatchery System Volunteer Act is modeled after the highly successful Refuge Volunteer Act. This legislation will allow the national fish hatcheries to replicate the success of the refuge volunteer program. In 1982, about 4,000 volunteers worked at one or more of our refuges. Today, that figure is 37,000 and growing each year.

Based on testimony, we know that there are 18 Friends of the Hatchery organizations out of the 150 eligible facilities throughout the system. While the National Fish Hatchery System has an existing volunteer policy, its limited statutory authority is inadequate. At the same time, the need for volunteers is critical because the vast majority of our hatcheries are more than 50 years old, they require constant attention and maintenance, and the number of full-time hatchery employees has declined by more than 12 percent over the past decade.

There is no question that during these difficult budgetary times the National Fish Hatchery System could utilize the talents, experience, and expertise of thousands of volunteers.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is always important to provide opportunities for the public to participate in conservation activity, yet in the case of our Federal fish hatcheries, the development of an enthused and motivated cadre of volunteers will help to partially address the chronic operations budget shortfall that severely limits existing visitor service programs.

One shining example of how a volunteer effort can enable a hatchery to become part of the fabric of its surrounding community is found at the White Sulphur Springs Natural Fish Hatchery in West Virginia. This hatchery, which is located in the district of the ranking Democrat member of the Resources Committee, NICK RAHALL, has partnered for years with civic organizations such as the Rotary Club, its local friends group to coordinate widely popular recreational events such as annual fishing derbies, the hatchery's Centennial Celebration, and annual Freshwater Folk Festivals.

Clearly, as the volunteer program at White Sulphur Springs Natural Fish Hatchery demonstrates, our natural fish hatcheries could benefit from enhanced opportunities for volunteer participation, and I urge Members to support this legislation which seeks to make that goal a reality.

Mr. SAXTON. Mr. Speaker, H.R. 5381—The National Fish Hatchery System Volunteer Act of 2006 will enhance a volunteer program and promote community partnerships for the benefit of our Fish and Wildlife Service (FWS) fish hatcheries and fisheries program offices across the nation. H.R. 5381 is modeled on the successful partnership and volunteer laws for the National Wildlife Refuges. I was proud to sponsor the legislation that established the partnership and volunteer laws for the refuges and am equally proud to be the sponsor of the bill under consideration today.

The FWS National Fish Hatchery System consists of more than 60 hatcheries, 7 fish technology centers, 9 fish health centers and other fisheries program offices. The system plays an integral role in the recovery of more than 50 threatened and endangered species and the restoration of more than 100 native species. It helps to provide healthy fish populations that support recreational fishing opportunities, working with over 250 partners to help mitigate the impacts of aquatic habitat loss and invasive species. Currently, the system faces many challenges, including aging facilities and infrastructure.

In 1998 and 2004, Congress passed legislation that enhanced the ability of the National Wildlife Refuge System to use volunteers and work with partner groups. These acts gave authority for the refuge system to: accept gifts and bequests from individuals to specific refuges; carry out volunteer enhancement programs; enter into cooperative agreements with partner organizations; and develop guidance for refuge education programs.

The purpose of this legislation is to provide the National Fisheries Program the same authorities that were given to the National Wildlife Refuge System. I urge my colleagues to support the bill.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 5381, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices".

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF ESTABLISHING NATIONAL MEMORIAL AT WORLD TRADE CENTER SITE TO COMMEMORATE AND MOURN EVENTS OF FEBRUARY 26, 1993, AND SEPTEMBER 11, 2001

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 175) recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001.

The Clerk read as follows:

H. RES. 175

Whereas on February 26, 1993, terrorists detonated a bomb in the basement of the World Trade Center in an attempt to destroy the building, killing six and wounding hundreds;

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, causing two of them to crash into the twin towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth in rural southwest Pennsylvania;

Whereas nearly 3,000 people were killed at the World Trade Center site in the most lethal terrorist attack ever committed against the United States;

Whereas the attack on the World Trade Center resulted in great destruction and damage to homes, churches, schools, and commercial and retail buildings, causing the loss of approximately sixty thousand jobs and many businesses in Lower Manhattan, and wounding incalculable numbers of citizens of New York;

Whereas the human and emotional toll of this attack has been deeply and profoundly felt in New York, by Americans across the United States, and people throughout the world;

Whereas the attacks united Americans with all good citizens of the world, regardless of political, ethnic, or religious persuasion or affiliation;

Whereas in the months and years since the historic events of February 26, 1993, and September 11, 2001, hundreds of thousands of people have visited the World Trade Center site to mourn the dead, to pay tribute to the heroic action and sacrifice of the firefighters, police, emergency personnel, and other responders, and to attempt to understand the nature of this attack on the United States;

Whereas many citizens, family members, local residents and businesses, professional organizations, State and local officials, and constituencies around the Nation and the world are deeply interested in the successful planning and rebuilding process at the World Trade Center site;

Whereas a broad and deep consensus has emerged in the United States that this is a sacred site that cannot be forgotten and must be honored;

Whereas the site of the World Trade Center requires the highest form of national recognition;

Whereas the World Trade Center Memorial Foundation has been established to create a permanent memorial at the site to honor the victims and heroes of the attacks;

Whereas Presidents Gerald R. Ford, Jimmy Carter, George H.W. Bush, and William J. Clinton serve as Honorary Members of the Board of the Foundation to support its mission, underscoring the wide support of the effort to build a permanent and appropriate memorial at the World Trade Center site;

Whereas in April 2003, the Lower Manhattan Development Corporation launched the largest design competition in history for the creation of a permanent memorial, with designs submitted by 5,201 individual participants from 63 nations and 49 States; and

Whereas after a distinguished 13-member jury reviewed every submission, on January 6, 2004, the jury announced the winning memorial design, "Reflecting Absence" by architect Michael Arad and landscape architect Peter Walker: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of establishing a national memorial at the World Trade Center site, as the highest honor the Nation can confer to commemorate and mourn the events of February 26, 1993, and September 11, 2001; and

(2) supports the efforts of the World Trade Center Memorial Foundation to build a permanent memorial at the World Trade Center site.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 175, introduced by Congressman NADLER of New York, declares that the House of Representatives stands shoulder to shoulder with the World Trade Center Memorial Foundation, the citizens of New York, New Jersey, and Connecticut, and indeed the Nation, who were struck twice by terrorist attacks, by supporting a national memorial at the World Trade Center site to commemorate and mourn the tremendous loss of life that followed the attacks of February 26, 1993, and September 11, 2001. I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are not here today to determine whether the events of September 11, 2001 should be memorialized. That process began immediately after that tragic day in truly American fashion, as spontaneous free expressions of grief and unity.

Ribbons were pinned on chests. Old Glory was hung from every post. Shared moments of silence, neighbors gathering on front stoops by candlelight, families and friends and total strangers joining hands, churches and football fields ringing of spacious skies and amber waves of grain.

Over the last 5 years, States and cities, organizations and individuals throughout our great Nation have chosen to commemorate that day, the sorrow and the heroism, in different tangible ways, with art and statues and structures that will long stand as reminders of our shared experience.

Now, national efforts are underway, with congressional support, in Pennsylvania and at the Pentagon. The specific purpose of House Resolution 175 is to place the Congress on record supporting a memorial in New York City that will also be a memorial conceived, designed, and interpreted for our Nation as a whole.

It is appropriate that we do this. The brutal attack upon our Nation was intended to be national in scope by its perpetrators. Ground Zero, the Pentagon, and Shanksville, Pennsylvania, were scarred by an attack aimed at the whole of America. And so our national memorials will allow the American people to remember and honor and heal in the manner in which we were attacked, as one.

Further, this memorial should be national in scope because we have responded to these attacks, and we have overcome them, as one Nation. Mighty challenges persist, but we are meeting them, and today our liberty has remained intact. Our Nation is scarred, but our Nation prevails.

This was not always assured. As the Civil War raged on, Abraham Lincoln publicly contemplated the possibility that a nation conceived such as ours might not long endure. We have often heard our country described as an experiment, the outcome of which is uncertain.

But through world wars and a Great Depression, through painful social upheaval and a Cold War, and now through the attacks of September 11, 2001, our Nation has indeed survived. A free people, free to believe as we wish, free to speak our minds, free to raise our children as we see fit, will, make no mistake about it, endure. A resilient people cherishing liberty and equality and the rule of law will endure.

Tyrannies can be powerful, but they are brittle. They derive power from the denial of freedom. It is a power founded in the suppression of human potential, and it cannot be sustained. America, 5 years after this brutal attack, is testament that a Nation conceived in liberty and equality will endure. It is a triumph of millions of Americans but it is also the triumph of an idea larger than any one person, larger than any one nation.

A memorial in New York should speak to this larger triumph, and so we urge our colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to our distinguished colleague that represents the World Trade Center area, Mr. NADLER.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

This bill recognizes the importance of establishing a national memorial at the World Trade Center site as the highest honor the Nation can confer to commemorate and mourn the attacks on this Nation on September 11, 2001, and also the first attack, on February 26, 1993; and supports the efforts of the World Trade Center Memorial Foundation to build a permanent memorial at the World Trade Center site.

By supporting a national memorial commemorating the attacks on the World Trade Center, we can help establish a place where all Americans can remember and learn from the tragedy of 9 11. Thousands of people from across the country and around the world visit the Trade Center site every day, and millions more will come when the memorial opens, hopefully in 2009. This bill gives us, Members of the people's House, the chance to voice our support for this substantial effort.

Mr. Speaker, on September 11, 2001, I was here in Washington when I saw on television the attack on the World Trade Center, and I immediately went home to be with my constituents, my friends, and family in New York. Normally, when I go to New York from Washington by train, I look out the window and usually the first thing I would see about 20 miles away from New York would be the World Trade Center, the Twin Towers, and when I saw them, I knew I was almost home. That awful day, I didn't see the twin towers. I didn't see the World Trade Center. I saw only a huge plume of smoke stretching all the way down to the New Jersey shore, and it felt like my guts were being torn out.

This was a bill I wish were not needed, but we need to remember. We need to remember the charred debris, the families torn apart, the ash that made New York look like a nuclear winter, and the smell of the smoke, like death itself. We need to remember the attack on our country and the motives behind it. We also need to remember the heroism of those who rushed into burning buildings to help and the selflessness of those who from all around the country came to volunteer their services, those who donated supplies and who lined up to donate their blood all around this country, and even in foreign countries.

It is our collective responsibility never to forget what happened and to honor the lives lost by building this memorial. That is what this resolution, this bill is about. There is a broad and deep consensus that has emerged in the United States that this is a sacred site that must not be forgotten and must be honored and that this site requires the highest form of national recognition.

The memorial's design competition became the largest in history, with designs submitted by over 5,200 participants, more than 5,000 submissions from 63 nations and 49 of these United States. On January 6, 2004, a distinguished 13-member jury announced the winning memorial design, "Reflecting Absence," by architect Michael Arad and landscape architect Peter Walker. Work on the memorial began less than a month ago on August 17.

The World Trade Center Memorial Foundation has been established to manage the fund-raising and construction processes. The Memorial Foundation has a private fund-raising goal of $300 million, of which more than $133 million has already been raised from more than 20,000 donors from every State and from 11 foreign countries. I would like to encourage those who want to help or learn more to visit the Web site of the World Trade Center Memorial Foundation.

I would like to thank the entire New York delegation to this House, who joined me as original cosponsors and who have united behind the effort to establish a national memorial on the World Trade Center site in my district, as well as the additional cosponsors of this legislation.

I would also like to acknowledge the positive role played by the Governor of New York, George Pataki, and New York City Mayor Michael Bloomberg, who have both lent their support.

I also have to thank Ranking Member RAHALL for his efforts in getting this bill out of committee, and also our distinguished minority whip, STENY HOYER, for his help in getting the bill to the floor of the House.

The establishment of a national memorial permanently commemorating the events at the World Trade Center on 9 11 will serve as a testament to the heroism of the people of New York and the people of the United States of America. It will help us all as a Nation to remember the indomitable strength of our citizens and the sacrifices made by so many, and it will serve as a continuing reminder of our ongoing obligation to provide proper care and assistance to the victims of the 9 11 attack, not only the families of those who died on 9 11 but also the first responders, the rescue and recovery workers who came from all over the country and the residents of the surrounding area who continue to suffer the health effects of that tragic day and its aftermath.

I congratulate the members of the Memorial Foundation on their efforts raising funds thus far and pledge our continued support as they begin their work on this enormous task, and I urge all my colleagues to vote for this resolution.

Mr. SHAYS. Mr. Speaker, I rise in support of H. Res. 175, a resolution recognizing the importance of establishing a national memorial at the World Trade Center site and supporting the efforts of the World Trade Center Memorial Foundation to build a permanent memorial at the site.

Five years ago, we lost 2,976 lives in a coordinated attack on our soil, 81 of whom were residents of the 17 towns now in the Fourth District. On the anniversary of the 9/11 attacks, we remember each one of those men and women who lost their lives, and their family and friends who still moum their loss today.

But this is a tragedy that we will not and cannot forget in another five, 15 or 50 years. We must never forget.

For that reason, I support the creation of a national memorial at the World Trade Center site.

A national memorial is a way to honor the Americans who lost their lives on September 11. It would be a place of gathering for their loved ones to come and remember those they lost. And it would be a tool to help teach future generations about the tragedy of that day, the history of the attacks and the importance of protecting ourselves against future acts of terrorism.

I am grateful for the work of the World Trade Center Memorial Foundation and support their efforts for a permanent memorial at the site.

Mrs. MALONEY. Mr. Speaker, the terrorist attacks of 9/11 left voids in our lives that can never be filled. Almost 3,000 families lost a love one—sons, daughters, fathers and mothers who were taken too soon. New York City, my hometown, lost beloved residents, protectors and leaders. Our city, and our country, also lost an icon and symbol of our nation—the World Trade Center.

The hole where the World Trade Center once stood remains a somber reminder of those we lost and the heartache 9/11 has caused. Lower Manhattan and Groud Zero are being redeveloped in order to keep our city's economy strong and show our resilience and resolve. At the same time, the footprints of the Twin Towers have been preserved and designated for a permanent 9/11 memorial.

The men and women we lost on 9/11 must be honored with a poignant and thoughtful memorial. The one that is being developed is exactly that.

We must support the World Trade Center Memorial Foundation as it constructs the tribute to our fallen friends and neighbors. While we can never refill the voids left on 9/11, we can keep their memories alive forever.

When the work is completed and the memorial is opened, we will have an ever-lasting site to remember 9/11 and those who we lost. This is the way it should be—we must never forget.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and agree to the resolution, H. Res. 175.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. JONES of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

☐ 1545

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUHL of New York) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5428, by the yeas and nays;

House Resolution 175, by the yeas and nays.

JOSHUA A. TERANDO PRINCETON POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5428, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 5428, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 436]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—43

Beauprez
Brown (OH)
Carson
Clay
Cummings
Davis (FL)
Davis, Tom
DeFazio
Dicks
Engel
Evans
Ford
Fossella
Green (WI)
Gutierrez
Harris
Hoyer
Hunter
Israel
Istook
Jefferson
Johnson, Sam
Kaptur
Keller
Maloney
McGovern
McNulty
Meeks (NY)
Murtha
Nussle
Owens
Ruppersberger
Sabo
Sanders
Schwartz (PA)
Scott (GA)
Skelton
Strickland
Thomas
Towns
Velázquez
Weiner
Wynn

☐ 1854

Mr. GARY G. MILLER of California changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A Bill to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the 'Joshua A. Terando Morris Post Office Building'.".

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF ESTABLISHING NATIONAL MONUMENT AT WORLD TRADE CENTER SITE TO COMMEMORATE AND MOURN EVENTS OF FEBRUARY 26, 1993, AND SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 175.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and agree to the resolution, H. Res. 175, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 38, as follows:

[Roll No. 437]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—38

Beauprez
Brown (OH)
Carson
Cummings
Davis (FL)
Davis, Tom
DeFazio
Engel
Evans
Ford
Fossella
Green (WI)
Gutierrez
Harris
Hoyer
Istook
Jefferson
Johnson, Sam
Keller
Maloney
McNulty
Meeks (NY)
Murtha
Norwood
Nussle
Owens
Pryce (OH)
Ruppersberger
Sabo
Sanders
Schwartz (PA)
Strickland
Thomas
Towns
Velázquez
Weiner
Wexler
Wynn

□ 1912

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 436 and 437.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, September 12, 2006. As a result, I was not recorded for rollcall votes Nos. 436 and 437. Had I been present, I would have voted "aye" on rollcall Nos. 436 and 437.

DARFUR

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is, without a doubt, that the supposed agreement on Darfur in Sudan that was supposed to bring some reconciliation and relief to the Darfurian refugees is of little value at this time. The agreement is crumbling, the refugees are desperate, and, frankly, I think it is crucial that we rely more upon the Members of this body asking the administration to again intercede.

We understand that there has been an envoy that has been sent, but there is no understanding of his or her purpose to be able to solidify this agreement that is falling apart. It would be far better for this Congress to address this as a collective body, because it is urgent. It is a crisis. The Darfurian refugees are suffering. There is violence and there is no relief.

There needs to be more funding for the African Union peacekeepers. The U.N. needs to be in place. And, frankly, scores by independent polling surveys should not be the answer to the solution for saving those in Sudan.

AFFORDABLE RURAL HOUSING

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, I rise today in support of increasing the availability and affordability and quality of rural housing in the United States. It is a long time coming.

To move towards this goal, I have introduced two pieces of legislation. H.R. 5896, the Housing Assistance Council Authorization Act of 2006, authorizes $10 million for HAC in fiscal year 2007 and $15 million for fiscal years 2008 through 2012. This will enable the council to further improve housing conditions for the rural poor, particularly the poorest of the poor in the most rural places in the United States.

H.R. 6044, the Rural Housing and Economic Development Enhancement Act of 2006, authorizes $30 million for the RHED program in fiscal year 2007 and $40 million for fiscal years 2008 through 2012.

Mr. Speaker, I strongly encourage members of the Congressional Rural Housing Caucus and all of my other colleagues in the House of Representatives to cosponsor these bills.

I rise today in support of increasing the availability, affordability and quality of rural housing in the United States. It is a long time coming.

To move toward this goal, I have introduced two pieces of legislation.

H.R. 5896, the "Housing Assistance Council Authorization Act of 2006" authorizes $10 million for HAC in fiscal year 2007, and $15 million for fiscal year 2008 through fiscal year 2012. This will enable the Council to further improve housing conditions for the rural poor, particularly the poorest of the poor in the most rural places in the United States.

It will also enable "HAC" to offer additional services to public, nonprofit, and private organizations throughout the rural United States.

H.R. 6044, the "Rural Housing and Economic Development Enhancement Act of 2006," authorizes $30 million for the RHED program in fiscal year 2007 and $40 million for fiscal year 2008 through fiscal year 2012.

These authorizations will help the program provide additional funding to increase and improve capacity building at the State and local level and support innovative housing and economic development activities in rural areas.

Mr. Speaker, I strongly encourage the members of the Congressional Rural Housing Caucus, and all my other colleagues in the House of Representatives, to cosponsor these bills.

They will both improve rural housing and the lives of our constituents in rural areas. I ask that letters of support and a copy of the bills be made a part of the RECORD.

RURAL HOUSING DEVELOPMENT CORPORATION,
Provo, UT, August 14, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: Thank you for writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Our nonprofit agency, Rural Housing Development Corporation, has worked with the Housing Assistance Council for several years. HAC helps local organizations such as ours build affordable housing. Our experience with HAC has been tremendous as we have received several SHOP awards since 1999. I have also attended the last three housing conferences held by HAC every other year in Washington, D.C. and appreciate the valuable information and networking provided.

I also thank you for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

BRAD BISHOP,
Executive Director.

COMITE DE BIEN ESTAR, INC.,
San Luis, AZ, August 7, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: Thank you for writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). The Comite de Bien Estar has worked with the Housing Assistance Council for seven years. HAC helps local organizations such as ours build affordable housing.

Our experience with HAC has been mutually beneficial. We were able to acquire SHOP funds for our second Self Help Housing grant from USDA Rural Development only two years after becoming a Self Help grantee. These funds have been used to help us acquire land for development of infrastructure and lots for the Self Help program. We are currently using a $660,000 SHOP loan for our eighth subdivision where 174 self help families will build their homes over the next three years. The SHOP conversion funds we have are going to help develop an 80-acre subdivision exclusively for the Self Help program families.

Thank you also for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

JOHN MCGRADY.

FLORIDA HOME PARTNERSHIP,
Ruskin, FL, August 3, 2006.

Re H.R. 5896 funding for the Housing Assistance Council.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: Thank you for writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Florida Home Partnership, Inc. has worked with the Housing Assistance Council for seven years. HAC has provided our agency with much needed technical assistance and capacity building during our ongoing relationship. Many of the agencies we work with receive similar assistance from HAC.

We build in excess of fifty homes per year utilizing the USDA self-help housing method in rural Hillsborough County Florida. Over the years, we have received over $3,000,000 in SHOP dollars via HAC. This has helped fund 450 homes which have either been delivered, are in construction, or in the site development process.

HAC has provided us with construction bonding, capacity building grants, extensive training, and technical assistance. In our capacity as a sub-recipient of HAC SHOP funds, we have been able to retain a portion of SHOP funds. This has allowed us to leverage these dollars and obtain alternate funding.

In addition, the return portion of HAC's SHOP funds, has allowed us to establish an identity as an organization with a positive net worth. This net worth has built gradually over the last seven years.

Thank you also for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Respectfully,

EARL ALLEN PFEIFFER,
Executive Director.

COMMUNITY DEVELOPMENT CORPORATION OF SOUTH TEXAS, INC.,
McAllen, TX, July 31, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: Thank you for introducing H.R. 5896, a bill to authorize funding for the Housing Assistance Council ("HAC"). McAllen Affordable Homes and the Community Development Corporation of South Texas strongly support Congressional funding for the Housing Assistance Council. HAC helps local organizations such as ours build affordable housing, particularly in the rural areas. While our experience with HAC is relatively short compared to countless other local Community Development groups around the country, the assistance that HAC provides the local groups working in the most difficult areas of our country is critical. As your district office here in the Valley can attest to, the assistance that HAC recently provided to us has made a significant impact in our communities, including your hometown of Mercedes.

Furthermore, I would also like to thank you for the kind words you sent along during our anniversary reception for MAHI (30 years) and CDCST (5 years). Salomon Torres shared with the audience your appreciation and respect to our founders for the vision that they had 30 years ago. I, of course, proudly mentioned that you hosted the organizational meeting responsible for kicking off the CDCST and we proudly list you as a valued Advisory Board Member.

Thank you for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

ROBERT A. CALVILLO,
Executive Director.

HOUSING ASSISTANCE COUNCIL,
Washington, DC, July 27, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: Thank you very much for authoring and introducing H.R. 5896, a bill to authorize appropriations for the Housing Assistance Council, and for your vision and leadership in creating the Rural Housing Caucus.

The board and staff of HAC share your goals of expanding the availability of safe and affordable rural housing, creating homeownership for rural Americans, building and preserving rural rental units, and eliminating substandard rural housing conditions. We look forward to working with you on these attainable and worthy goals.

We also appreciate the outstanding work of Greg Davis of your staff.

Sincerely,

MOISES LOZA,
Executive Director.

PROYECTO AZTECA,
San Juan, TX, August 1, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: It's with great pleasure that I write this letter to commend you for your commitment and dedication to providing affordable housing for rural communities. I recently learned of your work in writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Proyecto Azteca has worked with the Housing Assistance Council for the past 12 years. Our partnership with HAC is essential to building affordable housing for colonia communities in the Rio Grande Valley.

Thank you also for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

David Arizmendi,
Executive Director.

August 2, 2006.

Hon. Rubén Hinojosa,
House of Representatives,
Washington, DC.

Dear Congressman Hinojosa: Thank you so very much for writing and introducing H.R. 5896 which will authorize funding support for the Housing Assistance Council, Inc.!

Community Services Programs, Inc. has worked with the Housing Assistance Council, Inc. (HAC) for more than twenty (20) years and together we have constructed more than 200 units of housing for very low income and special needs households, inclusive of victims of domestic violence, in the Hudson River Valley Region of New York State.

In fact, with pre-development loans provided by HAC, our organization developed one of the first New York State Housing Trust Fund developments (and was actually the first to close with this program that has provided over $500,000,000.00 of funding statewide since 1985); was the absolute first to close on a New York State capital HOME Project in 1994; was the only developer to build actual family housing under New York State's "HOMES FOR WORKING FAMILIES" Program in 2002 and since; and, just recently our organization undertook the development of 52 units of New York State Low Income Housing Tax Credits' financed housing. This development is one of only a handful of SLIHTC stand alone developments in the State.

It is often believed that New York is a large, metropolitan State and that is simply not true. Along with the rural nature of much of our State is the same lack of available financial resources for pre-development, acquisition and actual development activities. With the support of HAC over the past twenty (20) years, our organization has been able to create more than 200 housing units with many more expected to come on line!

HAC has an extremely dedicated, knowledgeable and committed Staff who fulfill its organization's mission on a daily basis. Your direct support of HAC is so very welcomed and such an invaluable investment in rural housing. Please know that you have an open invitation to visit our housing units that "but for" HAC, may never have been built!

With most sincere appreciation for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus, I remain,

Very Truly yours,

M. T. O'Leary,
Chief Executive Officer.

Frontier Housing,
Morehead, KY, September 5, 2006.

Hon. Rubén Hinojosa,
House of Representatives,
Washington, DC.

Dear Congressman Hinojosa: Thank you for writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Frontier Housing has worked with the HAC for many years. HAC helps local organizations such as ours build affordable housing. Our experience with HAC has allowed us to find numerous affordable housing solutions for families in eastern Kentucky.

Thank you also for your exceptional leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

Stacey Epperson,
Executive Director.

Self-Help Enterprises,
Visalia, CA, August 1, 2006.

Hon. Rubén Hinojosa,
House of Representatives,
Washington, DC.

Dear Congressman Hinojosa: I wanted to take a moment to say "Thank You" for your work in writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Self-Help Enterprises has worked in partnership with the Housing Assistance Council for over 30 years, so we know firsthand the work that HAC does in helping local organizations such as ours build affordable housing in rural America.

As you may remember, Self-Help Enterprises serves the housing and community needs of California's San Joaquin Valley. Like so many communities in your district, our communities often lack the most basic elements of life: decent affordable housing, clean drinking water, and adequate sewage disposal. Even when there are federal and state resources available to address community needs, the capacity of local organizations to access those resources is often limited.

The Housing Assistance Council has a remarkable track record in assisting local organizations in the most rural, and often overlooked, regions of our nation. HAC's work expands local capacity, increases access to valuable resources, and helps to focus national attention of the needs of the communities you care about in your district and across the rural America. Your support of their work, with the introduction of H.R. 5896, means a lot to those of us who care about rural housing.

Thank you also for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus. I know from our conversations that you truly care about the people of rural America and the communities they call home.

Sincerely,

Peter N. Carey,
CEO.

Vermont Housing &
Conservation Board,
Montpelier, Vermont, August 3, 2006.

Hon. Rubén Hinojosa
House of Representatives,
Washington, DC.

Dear Congressman Hinojosa: I am writing to thank you for introducing H.R. 5896 authorizing funding for the Housing Assistance Council. As you know, HAC helps housing organizations throughout rural America build affordable housing. Over the years they have worked with a number of organizations in Vermont, providing technical assistance, capacity building, and loans for rural housing developments. Those organizations find them to an important and enormously helpful resource.

Again, thank-you for introducing this bill as well as for your leadership on other housing issues, especially those faced by rural communities.

Sincerely,

Polly Nichol,
Director of Housing Programs.

Delmarva Rural Ministries, Inc.,
Dover, DE, August 1, 2006.

Hon. Rubén Hinojosa,
House of Representatives,
Washington, DC.

Dear Congressman Hinojosa: I take this opportunity to thank you for writing and introducing H.R. 5896, which authorizes funding for the Housing Assistance Council (HAC). Delmarva Rural Ministries, Inc. has worked with the Housing Assistance Council for the past seventeen years. Through HAC's support, expertise and technical assistance, local community based organizations such as ours are better able to develop decent safe and affordable housing for low to moderate income households residing in rural America.

Our experience with HAC dates back to 1989 when HAC provided interim financing that enabled Delmarva Rural Ministries, Inc. to secure a site that resulted in the development of our first farm labor housing, James Leonard Apartments, a thirty four unit farm labor housing apartment complex located in Wicomico County, Maryland. Interim financing from HAC played a crucial role in the development of our second rental housing project for farmworkers, Elizabeth Cornish Landing Apartments in Bridgevile, Delaware. Had it not been for HAC's support, we would have lost the site. The ECL Apartments was a Ninth Round Awardee for the Fannie Mae Maxwell Awards of Excellence.

Finally, I want to also commend you for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

Debra D. Singletary,
CEO.

Rural Development, Inc.,
Turners Fall, MA, August 1, 2006.

Hon. Rubén Hinojosa,
House of Representatives,
Washington, DC.

Dear Congressman Hinojosa: Thank you for writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Rural Development, Inc. (RDI) has worked with the Housing Assistance Council for over ten years. HAC is invaluable to local organizations such as ours that build affordable housing. HAC has assisted RDI in a number of ways over the years:

They have loaned us pre-development funds at low or no interest for seven projects.

They have helped us obtain several capacity building grants.

They have awarded us a green building grant.

They have hosted national and regional training conferences that my staff and I have attended.

They publish a very informative quarterly magazine on rural affordable housing issues.

They publish a frequent online newsletter that keeps us informed of timely issues.

HAC is an organization that deserves congressional support and I again thank you for that support.

Thank you also for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus.

Sincerely,

Anne Perkins,
Director of Homeownership Programs.

To: Representative Hinojosa
From: Debbie Gass
Date: August 29, 2006
Subject: H.R. 5896—Housing Assistance Council (HAC).

DEAR CONGRESSMAN HINOJOSA: Thank you for writing and introducing H.R. 5896, which will authorize funding support for the Housing Assistance Council (HAC). Southern Maryland Tri-County Community Action Committee, Inc. (SMTCCAC, Inc.) has worked with the Housing Assistance Council for many years. HAC assists non-profit organizations such as ours build affordable housing. Our experience with HAC has always resulted in a positive experience. Without HAC we would have been unable to build many of our affordable homeownership units in Southern Maryland.

Over the last 30 years, our agency has built over 350 self-help homeownership units and over 250 rental units for low income families. Without HAC, this would have been an impossible task for us. We would not have had access to necessary capital to finance site development and it would be necessary to rely on the private lending industry to provide development financing, as well as letters of credits for the bonds. Without having the site improvements in place, there is inadequate equity in the unimproved land and most nonprofit development organizations do not have the necessary security to offer the bank, making it necessary for the nonprofit to place cash on deposit in addition to offering up the land as security. This adds tremendous cost to the project and ultimately to the improved lot. HAC has provided SMTCCAC, Inc. with many low interest loans to finance these developments/lots therefore, keeping the cost to the low-income family affordable.

Thank you also for your outstanding leadership on housing issues and your creation of the Congressional Rural Housing Caucus. I hope that you will continue to support the Housing Assistance Council and their efforts to provide financing to non-profit organizations and assist families in obtaining the American dream of homeownership.

Sincerely,

DEBRA A. GASS,
SMTCCAC, Inc.,
Program Director.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBERING THOSE WHO PERISHED

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent to take Mr. DEFAZIO's time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Madam Speaker, across America yesterday, we paused to honor the innocent Americans who perished 5 years ago on 9/11. A memorial day is a time for reflection. It also can be a time for action.

As a doctor, I know that grief can be debilitating, but it can also be motivating. There is something America can do to transform our grief into positive action.

Right now, half a world away, there is incomprehensible pain and suffering going on in Darfur. Imagine human suffering on a scale 150 times worse than 9/11. Over 470,000 people in Darfur have gone hungry for the last 3 months. They are cut off from humanitarian aid. They are innocent victims in the middle of what can be described either as genocide or homicide.

The estimates range from 200,000 to half a million innocent people who have been slaughtered in just 3 years. That is the equivalent of a 9/11 attack every single week for 3 full years. That level of death and suffering in our world today might be incomprehensible except that it is happening. It is a reality.

Peacekeepers from the African Union have slowed the genocide, but they are slated to leave Darfur at the end of the month. No one doubts the killing will resume if the Sudanese Government is left without an outside force attempting to restrain them. Unless we intervene, there will be 200, 300, who knows how many times 9/11s in Darfur, to people just as innocent as the Americans who perished 5 years ago.

It is true that the United Nations passed a resolution last month calling for a new peacekeeping force in Darfur, but the Sudanese Government responsible for the killings must approve deployment of these peacekeepers. Nothing more than lip service is going to occur unless we lead the world in demanding an end to the killings, backed up by a multinational force that can finally protect innocent people.

Last year, I and other Members of Congress, Democrats and Republicans, traveled to the Sudan. We visited camps along the border with Chad and met countless refugees. These were people who lost their homes, belongings, and loved ones. Everything.

A corrupt government says these are people guilty of being born with a certain color of skin and into a particular tribe. Punishment for innocence is death.

The world has seen this before. We know what to do; we simply aren't doing it. The number of innocent people literally starving to death in Darfur is 150 times the number of Americans who perished during 9/11. Humanitarian aid cannot reach them, and that is the situation with soldiers from the African Union attempting to enforce a peace. What chance do these people have if modest peacekeeping efforts disappear at the end of September?

First and foremost, the President should declare Darfur a global crisis and reinforce such a position with diplomacy aimed at uniting the world against evil. Other nations are better positioned diplomatically to demand that the Sudanese Government pay attention.

In close cooperation with other governments, we should do everything from establishing a no-fly zone to keep Sudanese helicopter gunships grounded to serving notice on the Sudanese Government that innocent people should not be starved to death.

Before 9/11, crises as far away as Sudan perhaps didn't find much room in the American consciousness. Post-9/11, we cannot help but see that death, poverty, and injustice anywhere in the world affects those of us who live in the United States.

Yesterday across America, we stopped to remember 9/11. In Darfur, we can honor the Americans who died on 9/11 by preventing tens of thousands of innocent people in Darfur from dying right before our eyes. We have 21 days to unite the world against attacks as horrifying as 9/11. This can be a defining moment for our Nation. I hope the President sees it as just that and acts before it is too late.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–646) on the resolution (H. Res. 996) providing for consideration of the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–647) on the resolution (H. Res. 997) providing for consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LAST BEST HOPE OF EARTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Madam Speaker, undreamt by all but the mind of God, on November 9, 1989, a chance was breach-birthed through a blood spattered wall, and heralded by the joyous chorus of freedom unfettered. Confusing this chance with entitlement, hubristic humanity christened this transient moment "the end of history."

For a spell, her siren song stupefied and sedated all who wished the world was different, for it was, wasn't it?

Universally, right reason retreated before her beguiling tidings of permanent peace, as statesmen, scholars and citizens boasted the future was at hand, though not in their hands because these elites assumed "the end of history" had relieved humanity of its duty to shelter and shape the fragile civilization separating us from savagery.

But duty was not so easily abdicated, nor was reality so cavalierly ignored. Incessantly through the benighted times, incipient sparks of tumult flitted before blinded eyes, wafting heavenward, spiraling downward and mirroring the death of the chance. Incidents begat situations which begat problems which begat crises and—Nothing, as the pyre of hope flamed out; and mercilessly, "the end of history" was found murdered amidst the ruins of evil's wanton feast on September 11, 2001.

With the chance turned to ashes in our hands, we've stumbled from our slumber to feel our way through a shadowy series of dire events. Frustrated and fearful, we are tempted to seek relief by wallowing in a mire of suicidal denial or sating ourselves on the saccharine succor of sophistry. Such desperate acts will ill avail us in our quest for the true resolution of our troubles. No, a generation who embraced "the end of history" to elude its duty must now reacquaint itself with its own history in order to understand, confront, and conquer the quartet of crises besetting it.

Thankfully, for enlightenment and inspiration, our generation of Americans can still turn to this Nation's Greatest Generation.

America's Greatest Generation faced and surmounted four crises: the social and economic upheavals of industrialization, including the Great Depression; a Second World War against abject evil; the rise of the Soviet "superstate" as a rival to democratic capitalism; and the civil rights movement's struggle to equally ensure the God-given and constitutionally recognized rights of all Americans.

Today, our generation of Americans must also confront and transcend a quartet of crises: the social and economic upheavals of globalization; a third world war against abject evil; the rise of the communist "China, Inc. super-state" as a rival to democratic capitalism; and moral relativism's erosion of our Nation's foundational, self-evident truths.

Yet there is a critical difference between the crises conquered by the Greatest Generation and the crises confronting our generation of Americans: Generally, they faced their crises consecutively; we face our crises simultaneously.

In response, we must construct prudent policies which, through the moral rule of law, wrest order from the chaos. In this purposeful pursuit, we must be heartened and guided by the Greatest Generation's greatest virtue: their moral clarity.

The Greatest Generation knew America was the greatest Nation. This was no blind belief. This conviction, born of right reason applied to the providential unfolding of their personal experience with America's fundamental truths, traditions, rights and duties, empowered the Greatest Generation to prevail against all odds and attain the zenith of acclaim.

Now our generation of Americans must possess the moral clarity needed to meet our quartet of crises. Yes, there will be those who will pale amidst our perilous present, and those who deny the inherent decency of our democracy and decry its righteous defense. But if our resolve erodes absent right reason and such cynics prevail in the public square, we are damned. For if in our duty we falter and fail, generations unnamed will rue the day we slipped the womb to salt their Earth.

Thus we must embrace what we cannot escape. Once more in the life of our free Republic's revolutionary experiment in democracy, we, its sovereign citizens, confront a historical crossroads which will determine whether our children are bequeathed a legacy of freedom or serfdom, of liberty or slavery. Our path is stark; our task is great. Yet, with God's guidance through these transformational times, we will seize our moment and deliver America from evil.

Then, one day, later, perhaps sooner, but wherever the future holds our transcendent tomorrow, free Americans and an emancipated humanity will kindly recall our courageous defense of the "last best hope of Earth."

PAKISTAN REMAINS BREEDING GROUND FOR TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, although Pakistan has become a key U.S. ally in the war against terrorism, it is still known to be a staging ground for terrorism, and I have serious concerns that unless the Pakistani Government is able to crack down on their militant-infested borders, we will never be able to capture Osama bin Laden and his associates and bring them to justice.

General Musharraf has been praised as an important ally in the war against terrorism, giving the impression that he and his government share the U.S. perception about terrorism being a shared threat.

However, he is only willing to fight terrorists affiliated with al Qaeda to the extent of securing U.S. assistance and worldly praise. He is still unwilling to clamp down on jihadi groups within Pakistan's borders that may or may not be connected with al Qaeda but are still a part of the bigger problem.

In addition, U.S. officials have been saying for some time that Osama bin Laden is believed to be in the Pakistan-Afghani border area. In fact, every senior al Qaeda leader who has been captured since September 11, 2001, has been run to the ground in Pakistan. Ironically, Pakistan is also where al Qaeda was founded by bin Laden in 1988.

The premise that bin Laden is hiding out in Pakistan has great substance. There are thousands of U.S. and international troops inside neighboring Afghanistan, but none are able to go into Pakistan.

That is because the government does not allow foreign troops on its territory. So bin Laden is safe from U.S. forces because they cannot actively pursue him, and yet Pakistan must make a concerted effort to find him either.

Madam Speaker, to make things worse, Pakistan has signed a truce recently with militants in the Pakistan-Afghanistan border region, an area that is believed to be harboring bin Laden and other al Qaeda surviving leadership. It is also where the Taliban originally emerged.

The agreement allows the militants to remain in the area as long as they promise to halt attacks. Now considering the recent size and strength of the Taliban insurgency and the increased violence in Afghanistan, this pledge is unlikely to be met.

Deaths in the region have climbed over the past few months, and the area lacks any significant government authority. What's more, how can Pakistan ensure these militants will follow through on this agreement without any substantial pressure? The record is abominable, and there is nothing holding them to their word.

Madam Speaker, the U.S. must proceed with caution with Pakistan. Even though it has helped capture some of the al Qaeda leadership, these efforts are nothing more than superficial attempts at camaraderie. The fact remains Pakistan cannot be wholly trusted as a legitimate supporter of U.S. goals and interests in South Asia until it proactively disarms all militias and dismantles the jihad infrastructure.

They must also either actively seek out bin Laden and his associates or allow the U.S. forces to do so. They need to distinguish between simply assisting the U.S. war on terrorism and truly defending the world's freedom against terrorism.

□ 1930

INTRODUCTION OF THE HEALTH CARE PRICE TRANSPARENCY ACT OF 2006

Mr. BURGESS. Madam Speaker, I ask unanimous consent to claim the time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BURGESS. Madam Speaker, America has the best health care system in the world. That is not to say there is not some room for improvement. There exists, currently, a tangle of medical bureaucracies, and many times no one has a clear picture of what the problem is.

Physicians and other providers don't get paid enough and don't get paid on time. Patients pay too much. Many people don't get any care at all, and everyone claims that someone else needs to change in order to fix the problem. Before we start changing things, however, it does seem prudent to more fully understand the problem.

Today, I have introduced legislation with that goal in mind. This is another step toward true price transparency in the health care market.

The Health Care Price Transparency Act of 2006 is a long-term solution to runaway medical costs. This bill calls upon the States to establish and maintain laws requiring disclosure of information on hospital charges. To make such information available to the public and to provide individuals with information about estimated out-of-pocket costs for health care services. Indeed, well over 30 States have passed or will soon pass their own transparency legislation, so an idea that is already in process.

This legislation means that State law will require health insurance providers to give actual patients an actual dollar estimate of what the patient will pay for health care items and services within a specified period of time.

Additionally, the bill calls for research on the type of cost information that individuals find useful in making health care decisions, how this information varies according to an individual's health insurance coverage and, if so, by what type of coverage, and finally, ways that information may be distributed in a timely and simple manner. Price, cost and quality. This is what our patients are asking us for, information about these three parameters, and it is prudent to make this information available to consumers. Simple but important provisions.

The current health insurance system has insulated people from the actual cost of medical care that they receive. By pulling back the curtain on capacity in the health care market, over time, this legislation will lead to the development of more rational pricing, a more rational pricing structure from the consumer's perspective. Once we understand the actual cost, then we can begin to make effective changes, leading to fairer physician reimbursement, appropriate patient billing and better medical services.

Part of the bill will deal with the rules of construction under the State laws. States with previously established laws that meet requirements are not required to change their laws. Previously established laws that do not meet requirements need only to change their laws as necessary to meet the requirements. States that currently have voluntary disclosure on hospital charges will still need to adopt laws.

In August, President Bush issued an executive order calling for increased transparency within the Federal Government's health care agencies, a good first step. This legislation is an extension of that executive order, giving States the tools to become a part of the necessary solution for health care consumers.

Madam Speaker, the time is short in this legislative session, but I believe this is legislation that the House can take up and get passed in short order.

SUPPORT SEPTEMBER 11 VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCarthy) is recognized for 5 minutes.

Mrs. McCARTHY. Madam Speaker, yesterday this country certainly was there to remember 9/11. Back in my district on Long Island where I lost so many families, so many of the firemen and so many of the first responders, it was a sad day for all of us. The wonderful thing was that America again came together. The wonderful thing was that the communities came together to be there for the families.

What I would like to talk about is that we have forgotten, though, the heroes. We have forgotten those that have physical injuries still today and certainly health care issues that they are facing. But I also would like to talk about the children, the children that lost their parents.

I have a wonderful center in my district called the World Trade Family Center, and it has been a godsend for so many of my families that come there on a weekly basis that children, sometimes even more, receive psychological, friendship care, training for their parents on how to deal with grief, because I know a lot of times people don't know how to handle their grief.

But I think the thing that bothers me more is that with the World Trade Family Center, they don't have any more money. I am scrounging around to try to find grants to keep this center open, because a lot of times people don't understand that when you go through a tragic event like 9/11, the first year, the second year, basically you are just on automatic reflex. It is the third and the fourth year that it starts to sink in on what's happened to them and their families and how their lives have changed forever.

You know, everyone keeps saying we will never forget. Well, unfortunately, we are forgetting.

When I see my first responders come into my office, they are having an illness that is taking them away from their job, and many of these men and women are very young. But because they were there for 9/11 and the weeks that followed, and a lot of my union workers that were down there, cleaning up with all of their heart and soul, trying to find survivors, and then just recovery, we as a nation say that we will always be there for you, and yet the money has run out.

I think this Nation, this country, the American people who gave their hearts and souls after 9/11 by donating blood, donating their time, sending money into all the different organizations, and that money was used, and it was used in a very good way.

But when I look at the World Trade Family Center, that looks like it is going to be closing its doors because it doesn't have the funding, and it is just starting to reach the children, you have to understand the children, and you have to understand victims. A lot of times they wear masks so that if somebody says how are you doing, they automatically say, I am doing fine, I am doing okay.

If you ask a child, they will say, I am doing okay. I can tell you from experience they are not doing okay. But my concerns for the children, because they are just coming to grips now realizing that their father or their mother is never going to be there again. They do a lot of art therapy there, and I have, back in my district office, a number of paintings that our young children have done. I brought with me today three drawings by three children who lost their parents. I know it is hard to read, and even harder to see, but these children are still feeling pain, and they are going to be feeling pain for a long time.

We as Americans must realize that what happened on 9/11 doesn't go away even in 5 years, and it doesn't. We as Americans have to come together to be there for most that, unfortunately, are suffering today under no fault of their own.

We, as Americans, I know, keep giving, but it is also my opinion the responsibility of Congress to make sure that we take care of these people.

JERRY NADLER, a colleague of mine from New York, and certainly HILLARY CLINTON and CHUCK SCHUMER, my Senators from the Senate, have been fighting to make sure that there are funds there to be taken care of, and yet we are seeing here in Congress we don't have enough money.

We don't have enough money? We don't have enough money to take care of the children? We don't have enough money to take care of the firemen, the police officers, the first responders? Now we are even seeing those that went into the buildings to do cleanup are coming down with these lung ailments.

Mount Sinai Hospital has been working with us here in Congress. When we first met with them years ago, and by the way, my background is as a nurse, we thought we would have 10, 15 years to take care of these problems. We see these illnesses taking place. We as Americans can do better. We should do better.

QUESTIONING SECRETARY RUMSFELD'S LEADERSHIP

Mr. EMANUEL. I ask permission to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. EMANUEL. Madam Speaker, over the weekend we have heard from two generals who have a role to play in our war in Iraq. Brigadier General Mark Shide stated that during the runup to the Iraq war, Secretary of Defense Donald Rumsfeld threatened to fire anyone who tried to plan for the postwar environment.

I am quoting General Shide. He said that Secretary Rumsfeld did not want any planning for the postwar environment, quote, because the American public will not back us if they think we are going over there for a long war.

Well, that strategic thinking has given us a long war. Also, on the front page of the Washington Post on Sunday, the general and a director that is head of the military for Anbar Province says he has too few troops to secure the western part of Baghdad and Anbar Province and make what needs to be done, rather than as insurgency there, as the security in that area, that is mainly a Sunni area, we have a rapid insurgency that says it is now out of control.

There is no precedent in American history for a Secretary of Defense to intentionally send too few troops into battle without the equipment that they need, and without a plan to finish the job. Nowhere in American history has a Secretary of Defense made such decisions that put men and women in the American national security in harm's way than Secretary Rumsfeld.

The Secretary tried to hide a long war by creating an endless war, and in the process he gave the insurgency in Iraq room and air to grow into a full civil war to where General Abizaid, the other day in front of the Senate, testified we are on the doorstep of a civil war.

I am going to tell you, General Shide is not the only general that says this. Major General Batiste, who commanded 22,000 troops on the ground in Iraq, quote, Rumsfeld and his team turned what should have been a deliberate victory in Iraq into a prolonged challenge. General Anthony Zinni, former commander of the U.S. Central Command for the Mideast, quote, we are paying the price for the lack of a credible planning, for the lack of plan. Ten years of planning were thrown away, thrown out the window. Major General Paul Eaton said of Secretary Rumsfeld, he has shown himself incompetent strategically, operationally and tactically.

Lieutenant General Newbold of the Joint Chiefs of Staff, who is head of all operations to the Joint Chiefs of Staff: "My sincere view is that the commitment of our forces to this fight was done with a casualness and a swagger that are the special province of those who have never had to execute these missions—or bury the results."

Now, I do not think that our Armed Forces is a place of social promotion. These men that we invested in did not get to their positions as generals or lieutenant generals or brigadier generals because they are fools. They have all come to the conclusion that the Secretary of Defense, Don Rumsfeld, has led our Armed Forces as the Secretary of Defense poorly and to the point that we have the greatest strategic challenge, national security challenge, of a generation because of Secretary Rumsfeld's failures to execute his responsibilities. He sent too few troops and he sent them in without a plan for the occupation knowing full well we were going to have it, as if he was hiding something from the American people, which has now become fully obvious to the American people we are in for the long haul here.

And what do the Republicans and this Congress make of this record? Vice President DICK CHENEY said the other day, Sunday, on the show: "If we had to do it over again, we'd do exactly the same thing." Just more of the same. Albert Einstein said the first sign of insanity is doing the same-old-same-old and expecting a different result.

Now, the President keeps giving the Secretary of Defense a pass. In the words of Lieutenant General Newbold, the head of operations for the Joint Chiefs: "The Bush administration and senior military officials are not alone in their culpability. Members of Congress, from both parties, defaulted in fulfilling their constitutional responsibility for oversight."

General Newbold is right. When Secretary Rumsfeld came out with a plan for war that didn't include a plan for the peace or the occupation, this House, the Republican House, refused to ask why.

When Army Chief of Staff Eric Shinseki told Congress it would take more than a couple hundred thousand troops more than Rumsfeld was planning to use, this House refused to ask why he was sacked and why Secretary Rumsfeld disagreed.

When Secretary Rumsfeld sat by when Paul Bremer disbanded the Iraqi military in his plan of de-Bathification, sending half a million Iraqi soldiers into the insurgency, this House, the Republican House, refused to ask why.

According to Colonel John Agoglia, "That was the day that we snatched defeat from the jaws of victory and created an insurgency."

It is time for a new direction in the war on terror. It is time for a new direction in the war in Iraq. The Democrats will provide that leadership.

☐ 1945

MISTAKES MADE SINCE 9/11/2001

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, like many of my colleagues, I spent part of yesterday commemorating the horrific attacks on our Nation 5 years ago. It was a day to reflect on the courage and compassion demonstrated on September 11, 2001, by police officers, firefighters, medical personnel, and ordinary citizens. It was also a day to remember those who could not be saved and to say a prayer for the families, especially the young children, who were left behind.

For the first few minutes of his prime time speech last night, the President covered all those things. But, unfortunately, he used the rest of his time exploiting a national day of mourning to justify the occupation of Iraq, a disastrous policy and a failure that has led to untold death and destruction and has been rejected by the American people. He has done this from almost the very moment those planes hit the towers. The President once again blurred the distinction between Osama bin Laden and Saddam Hussein, even though it has been well established that one had nothing to do with the other.

Actually, the President must believe that the American people don't know the difference between the two men and the two countries. What an insult to the American people.

The fact is, we never finished the job in Afghanistan. Bin Laden remains on the run, even though we had him surrounded in Tora Bora nearly 5 years ago. Far from some paragon of freedom, much of Afghanistan is still dominated by Taliban rebels and warlords, with the opium trade remaining the country's dominant economic force.

From 9/11 on, the President has used his status as a wartime Commander in Chief to justify just about anything he wanted to do, without any oversight or accountability from the Republican-controlled Congress, running roughshod over the Constitution, wiretapping American citizens without a warrant and setting up secret gulags around the world.

9/11 cried out for genuine leadership, for a unifying figure who could comfort the Nation while acting intelligently, rather than impulsively, in the face of a new security threat.

To this day, however, the President uses 9/11 as a talking point to make a dishonest argument. Time and time again, he has made the decision to choose partisanship over statesmanship, taking every single opportunity to fracture national unity for a short-term political gain.

Worst of all, the President put Afghanistan aside and became sidetracked by his white whale in Iraq, using deception, spin and misinformation to push the Nation into an ill-fated war.

Fast forward a few years and look at the mess we are in: nearly 2,700 American soldiers are dead, and over 20,000 wounded; the occupation is costing our Nation dearly and our children and grandchildren will get stuck with the bill, a bill which is projected to top $1 trillion.

And what have we gotten for our sacrifice? Well, we are now a global pariah, viewed with suspicion by even our closest allies, and despised as never before by our enemies. And we have more enemies. This policy has inspired more jihadists and more anti-American sentiment in the Muslim world. Instead of bringing hope to Iraq, we have ripped it apart at the seams. We lit the match that has engulfed Iraq in a bloody civil war, where thugs and vigilantes control the streets. At least 40,000 Iraqi civilians, and possibly many, many more, have been killed for the cause of their so-called liberation.

Our soldiers are not to blame. They do their jobs, and they do their jobs with honor and with valor. They do their jobs, despite being sent on an impossible mission under false pretenses without the proper training or equipment.

Madam Speaker, it is time to return these young people to their families where they belong. It is time, long past time, that we bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to make improper personal references toward the President.

COMMENTS ON COMMEMORATING THE EVENTS OF 9/11/2001 AND ON THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I didn't want this week to pass without the appropriate recognition and the pointed recognition and offering of sympathy to the American people and to the victims who experienced a horrific tragedy on September 11, 2001.

In the next 48 hours, we will be debating on the floor of the House a resolution regarding 9/11. It would be good, Madam Speaker, if that resolution could focus on solutions. But because we are just a few days away from the November 2006 elections, I would venture to say that the majority in this House will attempt to cover up the major failures of making America more secure.

I pause for a moment again to reflect on the tears and pain that were expressed over the last couple of days by families of victims, those who worked at the World Trade Center, but also the firefighters and Port Authority police and police persons of New York and others who were the heroes of the day and lost their lives.

I join with my colleagues to say that an appropriate tribute certainly to the first responders would be the right kind of compensation and long-term care for those survivors in tribute to those who lost their lives. I hope that tomorrow's debate could be stopped for a moment so that we could pass immediate legislation, legislation proposed by Congresswoman MALONEY, that would allow a response to the first responders who now still live. But, no, we will engage again in the one-upmanship of what this Republican majority believes they have done.

I would simply say to you, Madam Speaker, that it is little that they have done.

The Washington Post today says it right: "America Marks a Grim Anniversary." But I add the words, is there much reason for joy or commemoration that things are better? I would say not.

The New York Times today says: "Grim Outlook Seen in West Iraq," calling for more troops and aid. The assessment was prepared last month by Colonel Peter Devlin at the Marine headquarters in Anbar Province, one of the first times that a document like this has been made public.

We are literally failing in Iraq. The Secretary of Defense has already said they don't need any more troops. Frankly, they have dissipated the troops in the other parts of Iraq to send into Baghdad to get that under control. It is difficult to get a civil war under control.

Iraq does not pay tribute to the tragedy of 9/11 by giving to the families a sense that we are in charge of the war on terror. Iraq simply shows our failure and failed policies.

Madam Speaker, I would say to this body that rather than debate a resolution that is distorted and one-sided, I would ask that we roll up our sleeves and respond to the American people. And I think it is important for us to be balanced. There are allies around the world that really want to help us.

I have heard discussions from those in Egypt and Jordan and Qatar and Mideast alliances that we have had who desire to have an opportunity to work with Iraq, work in the Mideast, to bring resolution, to allow the existence of democratic states. But we have not offered to collaborate with these states.

Madam Speaker, I think it is important to note that Pakistan, which continuously is maligned and is not perfect, there is no doubt, but we should remind our colleagues that we should work with states like Pakistan that are Muslim-based, if you will, recognizing the difficulty of balancing the leadership in a Muslim state and fighting the war on terror.

There are those who draw together, who want to work with the United States to fight the war on terror, Muslims around the world, Muslims in the United States; but we must give them an opportunity. And it is important to note with the difficulties of the border region between Afghanistan and Pakistan that Pakistan's soldiers have lost their lives, and it was the Pakistan Government that gave to England the tip on the individual that broke the British terrorist act with the fluids.

So it is important, Madam Speaker, as I close, that we work with those who want to work with us. Let's stop the false promises. Let's fight the war on terror. Let's bring our troops home.

□ 2000

RESTORING ACCOUNTABILITY AND FISCAL DISCIPLINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Madam Speaker, this evening I rise on behalf of the 37 member strong, fiscally conservative Democratic Blue Dog Coalition. There are 37 of us that have come to Washington to try to give this Congress a good dose of common sense, especially as it relates to restoring accountability and fiscal discipline to our Nation's government.

As you can see here, today the United States' national debt is $8,518,180,439,082 and some change. If you divide that number by every man, woman, and child in America, our share, each of us, of the national debt is $28,504. And, Mr. Speaker, where I come from, not many of us would be able to find that kind of money to pay back our share of the national debt. And I contend, Mr. Speaker, that the American people, it is wrong to ask them to pay for this out-of-control reckless spending that we have seen from this President and this Republican Congress.

As a small child growing up, I always heard it was the Democrats that spent the money and that it was the Republicans that were fiscally responsible. Then I came to Congress and I learned the truth. It was from 1998 to 2001, under a President named Bill Clinton, that this country saw its first balanced budget and had surpluses. It was the first time in 40 years that a Democrat or a Republican had done that. And this President, this Republican Congress, I might add that this is the first time in over 50 years the Republicans have controlled the White House, House, and Senate, and what have they done? They have given us the largest debt ever, ever, in our Nation's history, $8,518,180,439,082 and some change. Again, for every man, woman, and child in America, for each of us, our share of the national debt is $28,504.

Why do I raise this issue? Because it is time the American people know the truth. I raise it out of concern for the future of my country, our country. I raise it out of concern for my children, your children, your grandchildren because it is they who will be left to foot the bill for this out-of-control spending and lack of fiscal discipline that we are seeing from this Republican-led Congress.

Mr. Speaker, I am sick and tired of all the partisan bickering we hear and see in our Nation's capital. I don't care if it is a Democrat idea or a Republican idea. All I care about is, is it a common-sense idea? Does it make sense for the people who sent us here to be their voice, to be their representative at our Nation's capital, in these halls of Congress, on the floor of the United States House of Representatives?

So tonight I am here tonight to only hold the Republican leadership accountable for the largest debt ever in our Nation's history but to also offer up common-sense solutions that I am asking Republicans to join me in supporting for the sake of our country, for the future of our country. Common-sense solutions that can put us back on a path toward a balanced budget and can restore this country to the shape and to the economy that we enjoyed in the late 1990s.

The debt is important. Why? Because the total national debt, numbers do not lie, facts do not lie, the total national debt from 1789 to 2000 was $5.67 trillion, and you see where it is today, $8,518,180,439,082. But by 2010 the total national debt will have increased to at least $10.88 trillion. That is a doubling. That is a doubling of the 211-year debt in just 10 years.

Let me put it another way. This President and this Republican Congress have borrowed more money from foreign central banks and foreign lenders in the past 5½ years than the previous 42 Presidents combined. Interest payments on this debt are one of the fastest growing parts of the Federal budget. And what the Blue Dog Coalition has coined as the debt tax, d-e-b-t, cannot be repealed. That is one tax that will not go away until this Congress gets its fiscal House in order and restores some bipartisan common sense here on the floor of the United States House of Representatives. The current national debt as you see, $8.5 trillion. Each individual's share, $28,504.

Why do deficits matter? They matter because deficits reduce economic growth, and we have seen that. A lot of people have lost their jobs in the past 5 years, and some will say that we are now seeing people being put back to work. But ask yourself, for those of you who lost a job in the past 5 years and have been fortunate enough to find new work, most of you, at least the people I talk to in south Arkansas tell me that the job that they have taken pays 5, 10, 15, $20,000 less per year than the job they lost, and the job they lost oftentimes included health insurance and their new job does not.

Why do deficits matter? They burden our children and grandchildren with these liabilities. It is our kids and grandkids that are going to be stuck paying this debt tax, d-e-b-t.

Why do deficits matter? Because they increase our reliance on foreign lenders. Foreign lenders now own 40 percent of our debt. The United States is becoming increasingly dependent on foreign lenders. You want to talk about national security. Mr. Speaker, this is a national security issue. The United States of America is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of about $2 trillion of our public debt. That is right. Over $2 trillion of that number right there has been borrowed from foreign lenders. Billions more have been borrowed from the Social Security trust fund.

When I came to Congress in 2001, the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. This Republican Congress refused to give me a hearing or a vote on that bill, and now we know why. They have raided the Social Security trust fund to pay for tax cuts for folks earning over $400,000 a year. Shameful. Shameful. Shameful.

Compare this: Foreign holdings in 1993 were $623 billion. Today, over $2 trillion of our Nation's debt, money we have borrowed, from foreign central banks and foreign investors and foreign lenders. And who are they? Here is the top ten list. These are the countries that the United States of America have gone to and borrowed money from in order to fund tax cuts in this country for people earning over $400,000 a year. It may make for good politics, but, Mr. Speaker, I contend it makes for horrible, irresponsible fiscal policy.

Japan, the United States of America has borrowed $640.1 billion from Japan. China, Communist China, we have borrowed $321.4 billion from Communist China. The United Kingdom, $179.5 billion. OPEC, imagine that, and we wonder why gasoline is so expensive. Our Nation, the United States of America, has borrowed from OPEC countries $98 billion. Korea, $72.4 billion. Taiwan, $68.9 billion. The Caribbean banking centers, $61.7 billion. Hong Kong, $46.6 billion. Germany, $46.5 billion.

And are you ready for this? Rounding out the top ten countries that the United States of America has borrowed money from to fund tax cuts in this country for folks earning over $400,000 a year: Mexico. The United States of America has borrowed $40.1 billion from Mexico.

Our Nation today is borrowing about a billion dollars a day. That is a far cry from the time period 1998 through 2001 when our Nation experienced a surplus. Today, policies and the budgets passed by this Republican Congress and this Republican President have given us the largest debt ever in our Nation's history and one of the largest deficits ever in our Nation's history. Again, this President and this Congress have borrowed more money from foreign lenders in the last 5½ years than the previous 42 Presidents combined. It is our children who will be left to repay these enormous loans to these foreign countries.

On July 19, 2006, the administration released its mid-session review of the budget. After further examination, let us take a closer look at what this report actually tells us. And let me just add, Mr. Speaker, if you have any comments or questions or concerns, I would encourage you, Mr. Speaker, to e-mail us at BlueDog@mail.house.gov. That is BlueDog@mail.house.gov. Again, we are 37-members strong. We are fiscally conservative Democrats that are trying to bring a good dose of common sense to the floor of the United States House of Representatives. You can e-mail, Mr. Speaker, at BlueDog@mail.house.gov.

Let us look at the real numbers, the facts. Originally, the administration predicted that the deficit for fiscal year 2006 would be $318 billion. So back in July, July 19 to be specific, the President had a press conference to announce good news, that the administration's updated estimate of the deficit for 2006 would only be $296 billion, not $318 billion, as originally projected. That is the fourth largest deficit ever, ever, in our Nation's history. The largest was in 2004, $413 billion. The second largest was in 2003, $378 billion. The third largest was in 2005, $318 billion; and the fourth largest is projected to be in 2006, the President's own estimate, $296 billion.

And the fact is, Mr. Speaker, these revised estimates do not account for the extent of our budget problems because they included in this calculation the annual surpluses of Social Security. When the Social Security surplus is excluded, as it should be, the politicians in Washington should keep their hands off the Social Security trust fund. Not counting Social Security, the real deficit for 2006 is not $296 billion but rather $473 billion.

Mr. Speaker, when this administration took office in 2001, it had an advantage no administration in recent times had enjoyed, a 10-year projected surplus of $5.6 trillion. The administration has replaced that surplus with reoccurring deficits and record debt. When the cost of items omitted from the mid-session review are included, the deterioration in the budget between 2002 and 2011 is about $8.5 trillion.

□ 2015

You can see in 2000 the surplus and you can see how the deficits started and you can see where we are headed. Although these numbers are more positive than the administration's February forecast, they unfortunately do not represent any significant improvements in the long-term budget picture. Even the administration's 5-year forecast, which omits the cost of certain planned policies, never shows a deficit smaller than $123 billion.

Mr. Speaker, let us look at this chart here. The administration's estimated future deficits fail to include the full cost of items on its agenda. And once likely costs are included, the deficit is never better than $229 billion for the foreseeable future. Look at the realistic deficits. Look at the realistic estimate that shows bleak deficit outlook all the way up to 2015, 2016. In fact, the true state of the budget is worse than the administration's forecast depicts because it omits certain costs, as I mentioned. When realistic adjustments are made for real items, annual items never improve to better than $229 billion for any year over the next decade. And by 2016, the deficit grows to $444 billion. The administration's new estimates for the war in Iraq and Afghanistan reflect a total of $110 billion for 2007, $60 billion more than the President's February budget. The budget says one thing, reality is another.

And let me say, as long as we have men and women in uniform in harm's way, I am going to support them. My brother-in-law is in the United States Air Force, spent Christmas on a tanker refueling fighter jets over Afghanistan. My first cousin is in the United States Army. His wife gave birth to their first child during his service in Iraq. This war in Iraq has impacted just about every family in America in one way or another. I went there in August of 2004 when we had some 3,000 National Guard troops from Arkansas. I visited with young men in uniform that I had taught in Sunday school and that I had duck hunted with, and I can promise you that as long as we have the men and women in uniform in harm's way, I am going to support them.

This is where I disagree with this President. This President is spending $8 billion of your tax money every month in Iraq. But if you ask him to be accountable for your tax money, he will tell you you are unpatriotic. That is where I disagree with this President. I think any President, Democrat or Republican, should be held accountable for how they spend our tax money, and I believe it is time for this President to give us a plan, a plan that can allow us to put the Iraqi people back to work, a plan that will allow us to hire enough Iraqis to be able to take control of their police and military force so that the day may come when we can bring our men and women in uniform home.

Beyond 2008, the administration provides no further funding for the war in Iraq or Afghanistan. The President's budget says that, beyond 2008, there will be no war in Iraq or Afghanistan. I think we know the truth, and I think we know different. Based on a model presented by CBO, the Congressional Budget Office, costs for military operations in Iraq and Afghanistan could run as much as $371 billion over the next 10 years, from 2007 to 2016. And this calculation is likely conservative. The report also estimates that the President's plan to partially privatize Social Security will worsen the unified deficit by $721 billion over the next 10 years.

And the report does not include the cost of addressing Medicare physician payments. And I can promise you this: if we don't fix Medicare, if we don't fix Medicare, a number of providers will no longer accept Medicare, and it will be the patients, the patients, who suffer. We deserve to do better than that by our seniors. We deserve to do better than that by those who count on us in their retirement years for health care. A long-term fix to the Medicare problem could cost from $127 billion to $275 billion over the next 10 years in the absence of other policy changes, and that is not even included in the budget or in these deficit projections.

So the budget is meaningless. These projections are meaningless. This budget and these projections indicate that the war will be over in Iraq and Afghanistan by 2008, that there are no problems with the long-term future of Medicare, that there are no problems with Social Security.

Mr. Speaker, I mentioned it before, but it is worth repeating. It is worth repeating that since President Bush took office, the amount of foreign-held Treasury debt has more than doubled, increasing from $1 trillion to $2.1 trillion, meaning that this administration has already accrued more foreign debt than the previous 42 Presidents combined.

Unlike deficits in earlier years, current deficits have been primarily financed by foreign investors. With the rise in foreign debt equaling three-fourths, the increase in publicly held debts since the start of the current administration, this rise of foreign held debt is troubling because it makes our economy beholden to foreign creditors and represents another financial burden passed on to future generations.

You can see, from 2001 until now, how the amount of foreign-held debt has more than doubled under this administration and this Republican-controlled Congress. Again, our government, the United States of America, has borrowed more money from foreign investors in the past 5½ years than the previous 42 Presidents combined.

Unlike deficits in earlier years, current deficits have been primarily financed by foreign investors, as I mentioned earlier. The rise in foreign debt is troubling because it makes our economy beholden to foreign creditors. The rise in foreign-held debt is troubling because it makes our economy beholden to foreign creditors and represents another financial burden passed on to future generations, specifically our children and our grandchildren.

As I mentioned earlier, it is a national security issue; it is a threat to our national security when we are borrowing money from places like China and OPEC to operate and run the day-to-day operations of the United States of America. Foreign-held debt is fundamentally different from domestically held debt since the interest payments on foreign-held debt flow outside the United States and reduce Americans' standard of living. The cost of servicing foreign-held debt is high. Local, State, and Federal Government interest payments to foreign investors totaled $114 billion in 2005, an amount that will grow rapidly if the Treasury continues to sell debt to foreign investors at the current rate.

Why does all this matter? I think this best sums it up right here. Like interest payments on a family's credit card, every dollar spent on interest on the national debt is a dollar that doesn't educate a child, build a road, or keep the Nation secure. Because of recent record deficits, the government's annual interest payment is the fastest growing category of Federal spending over the next 5 years and has posted double-digit percentage growth for the past 2 years, interest payments towards spending on most national priorities, such as homeland security, education, veterans health care, yes, veterans health care. Isn't it time that our Nation keep its promises to our veterans?

By 2011, annual interest payments under the administration's proposed budget will grow to $302 billion, a 38 percent increase from the current level. You can look here and see what is going on. Interest payments on the debt dwarf other priorities. In the red, you will see in the red that is the amount of money that we are spending of your tax money, I should say this Republican Congress is spending of your tax money, simply to pay interest on the national debt. In the light blue you can see the amount of your tax money going to educate your children and grandchildren.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. ROSS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I couldn't help but listen to the gentleman's very effective presentation of the plight of America today. And I thank you for yielding, because what caught my attention was the gentleman's very, very important analysis of homeland security and veterans.

We are within 24 hours of honoring the victims of 9/11, and the tragedy is that we have in New York those first responders that survived and yet cannot get the health care that is owed to them because of the lack of sensitivity and responsibility of this Congress to provide resources for those victims, first responder victims who cleaned up or worked in the World Trade aftermath and cannot get the health care that they need. And it is a shame that veterans now of the Iraq war will be coming home injured and don't have the resources because of this enormous debt to provide for keeping veterans hospitals open and providing the 18,000-plus that are injured the resources that they need.

And my final point is that, as you noted, homeland security as it is suffering, isn't it interesting that we went on a series of hearings throughout August and the constant refrain was the necessity of border security and securing America. But yet this debt, which has interest payments that cause us to really not finance the Republican majority these vital programs, specifically Homeland Security and veterans. So we don't have the money for border security, we don't have the money for more Border Patrol agents, we don't have the money for more equipment because of this enormous debt.

So when we hear these voices raised about 9/11 and securing America, it really is with dual voices, voices of talk but no reality. Because with this enormous debt that Democrats really working together have over and over again tried to get the Republicans to stop these enormous tax cuts and recognize our priorities, we are now suffering with this enormous debt, and homeland security is suffering and our veterans are suffering.

So I thank the gentleman for providing us with this insightful discussion, and I hope that we will get our priorities straight. And I hope we will move in a new direction, because, frankly, we are not going to meet the promise of America in terms of our obligations with this enormous mounting debt and the interest payments taking away from the very people who need it, securing our Nation, and our veterans who have put their lives on the line for this country.

Mr. ROSS. I thank the gentlewoman from Texas for her comments. And you are right, it is about priorities. And you can see where the priorities lie with this Republican Congress and this administration.

Again, in the red, in the red you will see the amount of your tax money that is going to pay interest on the national debt. In the light blue you will see the amount of money going to educate our children. In the light green you will see the amount of money going to homeland security. That is right, there is a lot of talk these days about homeland security. That is the new buzz word. But look at the reality. In the green, that is the amount of your tax money going to homeland security. One out of every five packages in the belly of a plane on commercial flights today that are defined as freight, that is right, a lot of freight moves around this country on the belly of commercial airplanes, one in five packages today go unchecked. We feel safer. We feel safer because I take off my boots and take off my belt and go through a metal detector, and proud to do it. And I see all the suitcases and mine going through the x-ray machine. But the American people I don't believe realize that one in five packages on the belly of a commercial airplane is freight that goes totally unchecked. And the terrorists know this.

□ 2030

What is more important, protecting the American people or giving another tax cut to people earning over $400,000 a year?

Ninety-four percent of the containers that enter America by way of ports go totally unchecked. Is America really any more safe today than it was before 9/11?

Again, in the green, the amount of your tax money that is going for homeland security. Finally, in the dark blue, the amount of your tax money going to keep America's promises to our veterans. Again, in the red, the amount of money going to pay interest on the national debts.

I raise this issue because the debt and the deficit should matter to the American people. It should matter to all of us because our Nation is spending over $.5 billion every 24 hours simply paying interest on the national debt.

I have got folks who have been waiting over 25 years for Interstate 49 in Arkansas. Give me just 4 days' interest. Give me just 4 days' interest on the national debt and I can build I-49. I have folks that have been waiting on I-69, which was first announced in Indiana 5 years before I was born. I am 45. I have got folks that have been waiting 50 years for Interstate 69. Give me 3 days' interest on the national debt and I can build I-69 across south Arkansas.

I got a call today from Fred Denton in McGehee, Arkansas. They have a really nice port there on the Mississippi River. They are losing industrial prospects and economic opportunities and jobs, like biodiesel plants, because they do not have rail. They need $10 million to get rail to that port. Give me just a few hours' interest on the national debt and we can get rail to Yellow Bend Port on the Mississippi River.

These are America's priorities: Improving our infrastructure, educating our kids, honoring our veterans, protecting our homeland, honoring our troops by giving them the equipment and supplies they need to do their job as safely as possible, investing in our Nation's infrastructure, which creates jobs and economic opportunities.

Those are America's priorities, but your tax money is not going toward them. Your tax money is simply going to pay interest. For the most part, it is going to pay interest on the national debt, and that is why I believe it is important that we get our Nation's fiscal house in order.

The administration claims that its deficits are manageable, but mainstream economists agree that large persistent deficits undermine the long-term strength of the economy. Government borrowing raises interest rates.

And the cost of capital crowds out private investment and diminishes sustained economic growth.

Former Federal Reserve Chairman Alan Greenspan last year warned that if these large budget deficits are not addressed, at some point, in his words "at some point these deficits will cause the economy to stagnate or worsen." That is from former Federal Reserve Chairman Alan Greenspan.

Now, I have set the stage this evening for the problem at hand, but I told you I was also going to offer up, on behalf of the 37 Member strong fiscally conservative Blue Dog Coalition, some common sense solutions. We are not here just to criticize the Republicans for the way they have managed and controlled this Congress under this President for the past 5½ years.

We have talked about the facts and we have showed the numbers. And numbers don't lie. But I also promised this evening we would talk about a number of common sense solutions that we encourage and have asked Republicans to join us, as conservative Democrats, in embracing and in passing in this Congress for the sake of our country, for the sake of the American people.

We have a 10-point plan in the Blue Dog Coalition. Ten points to budget reform, common sense budget reform, that can get these record deficits under control and restore us to the days of balanced budgets. We will go through those 10 points, but at this time I would like to introduce one of the founders of the Blue Dog Coalition, a real role model for me in my 5½ years here, and that is Mr. TANNER, the gentleman from Tennessee, who has developed a plan which includes legislation, which includes bills that we all got together and we wrote and I am cosponsoring. They are endorsed by the Blue Dog Coalition. They are common sense proposals that will restore accountability to our government.

So I yield to the gentleman from Tennessee, a founder of the Blue Dog Coalition, Mr. TANNER, to discuss House Resolution 841, a common sense piece of legislation to restore accountability to this Congress and to these United States of America and our government.

Mr. TANNER. Thank you very much, Mr. ROSS. I assume the number you referred to are from the IG reports and the requirement that we have a hearing on them.

Mr. ROSS. That is right. I didn't get into the details. I was saving it for you.

Mr. TANNER. I want to talk about the government of the United States from a business standpoint, because the Congress of the United States is failing the constituents, the shareholders of our country. Every day, to whoever is watching C-SPAN, every day the Congress is failing in its primary responsibility as a third branch of government, as the legislative branch, to oversee the executive branch. And then you have the judicial branch that interprets the laws that are passed here, but Congress has completely abdicated its oversight responsibility under the Constitution of the United States of America as one of three separate but equal branches.

And so I come to this not as a Democrat or a Republican but as a businessperson. My family has been in business in Tennessee for over 100 years, and I know a little bit about accountability, about audits, about responsibility for money that is entrusted to one from another. Now, the Congress of the United States takes money away from all of us. Members of Congress included, in the form of taxation, an involuntary removal of money from our pockets through the form of taxation to the government. The government, as it relates to the Congress here in the Capitol, is supposed to oversee the money it appropriates to any administration. That is our primary responsibility, other than national security, of course. But if we remove that, we are supposed to look out for the taxpayers.

This is the people's House. We are the primary representatives of the people in the national government here in the U.S. House of Representatives. The only branch of the Federal Government, the only office I know of that one cannot be appointed to. When someone who serves here dies or resigns, no one is appointed. It is a special election. And very seldom are there 435 Members here, because somebody has died or resigned for some reason, to seek another office or do something else, but there is no appointment here.

So this is the only office I know of in the whole constellation of offices, State and Federal, where no one can be appointed. Everyone who sits in this House is elected by his or her peers, his or her constituents. So it is a special responsibility that we have, and this responsibility is not being discharged.

Now, the reason I say that is because the last year we have from the GAO of the auditors determinations as to whether or not the executive branch of the government, all the Federal agencies, are able to produce an acceptable audit, in other words to tell us as representatives of the people, we who took money away from people involuntarily in the form of taxes, whether we appropriated it to this or any other administration, what did you do with it? I think that is one of the most basic responsibilities we have to our citizens and to our constituents.

This GAO report for the fiscal year 2004, the last one we basically have, we have one later, 2005, but it is still incomplete, asks the Department of Agriculture if they could produce an audit? No. Department of Defense? Could they produce an acceptable audit? No. Department of Education? No. Department of Health and Human Services? No. Department of Housing and Urban Development, HUD? No. Department of the Interior, which are all the national parks, can they produce an audit? Can they tell us what happened to the money we appropriated? The answer was no. The Department of Justice. The Department of Justice. The answer: No. Department of State. No. Department of Transportation. No. Department of Veterans Affairs. Mr. ROSS talked about the veterans. The answer to, can you tell us what happened to the money that was appropriated to your department, was no. AID, Agency for International Development. No. NASA. No. Nuclear Regulatory Commission, in charge of nuclear stuff in this country. The answer to, can you tell us what happened to the money, was no. Office of Personnel Management, in the White House. No. Can't tell us. Small Business Administration. No.

In short, 16 of 23 Federal agencies could not produce an acceptable audit. What has Congress done about it? Virtually nothing. This is an abdication of one of the primary responsibilities of every Member of this House. Not Democrat, not Republican, but every Member who holds his hand up and says I promise to support the Constitution and all the rest.

The people of this country, the shareholders of America, ought to demand at the very least that we can tell them what happened to the money that we took from them, and this government can't do it.

The problem is, we have a friendly administration, a compliant Congress. Nobody wants to embarrass anybody else. I understand that. But what we have created here is a situation where this government is violating every business principle I know. There is not a private business in this country where one can go to the comptroller and say, here is a $5,000 expenditure, can you tell me what this is for, and get the response, I don't know; or I can't answer that question.

Nobody would tolerate that. Nobody would put up with it. Yet that is what our shareholders, the American citizens, are witnessing every day, day after day, here in Congress. There are no hearings. There is no oversight. It is horror stories coming out of whether it be no-bid contracts for Iraq, whether it be no-bid contracts for Katrina. Money is leaving this place through a fire hose and nobody is asking the administration what happened to it. And if they asked them, they couldn't tell them. That is where we are tonight.

□ 2045

It is intolerable as a business person. And again, we have a responsibility as Members of Congress. I don't care whether you are Republican or Democrat, we have a responsibility as Members of Congress to answer to our constituents, our shareholders, the citizens of this country, this is what we did with your money. We appropriated to whatever Department one wishes to choose, and we held them accountable for it. What did you do with the money?

Well, we don't have that. We have a situation where there is no oversight, for an obvious reason: we have one-party government here. What we want to do and what I want to do is simply for lack of a better term audit the books. Before we ask the American people for one more red dime, we ought to find out what is happening to the money we are already taking away from them, and that is what the Blue Dog Coalition is all about. That is what we want to do. We want to call people in and say you got this and this appropriation, what happened to the money? It is that simple. And if you can't tell us, you don't get it next year.

Mr. ROSS. Did you say there were 16?

Mr. TANNER. According to the GAO in fiscal year ending 2004, 16 of 23 Federal agencies, and 19 of 24 in fiscal year ending 2005, according to the GAO, couldn't produce a clean audit. I wish I had made this up, but I didn't. It would be easier to stomach. But nothing is asking.

So we filed a bill that says when the inspector general of any Department identifies either, one, an unacceptable audit, in other words they can't tell you what they did with the money; or, two, they identify in government talk a high-risk program, what that really means is a program that was enacted that doesn't work. Our bill says when either one of those two events occurs, Congress must hold a public hearing on that within 60 days so that the American people will have some means to find out just exactly what is going on in this town, because right now there are no hearings. There is no oversight. There is no subpoena power. There are no subpoenas being issued to call people in and say, give us your books and tell us what you did with the money. That is not happening here.

It is understandable. It is politics and I understand that, but the American people deserve better than that. They deserve better than that, not just from the Democrats but from the Republicans as well. They ought to be demanding. Even though it is a Republican administration, it doesn't matter. We are a separate but equal branch of government charged with this responsibility. We ought to hold the executive branch accountable.

The citizens of this country, the shareholders in this deal, they are getting shortchanged every single day because it is not happening. If it was happening, you would not have these reports. It got worse in 2005 from 2004. That is because nobody is asking them what did you do with the money. If they asked the administration, they couldn't tell them. That is an intolerable situation from a business standpoint, not just from politics, but from a business standpoint.

I congratulate and appreciate you doing this hour tonight because this is something that the consequences, and I will be quiet because Mr. CARDOZA has just joined us, but the consequences of this continuing borrowing of money from people who are not a U.S. interest are creating a financial vulnerability which is nothing short of a national security matter.

It is not hard to imagine. China, Communist Red China, has acquired over $300 billion worth of our paper. It is not a stretch of anybody's imagination to understand that they may be interested in something Iran is doing that is not in our best interest, that they may make a move in Taiwan. I made the tongue-in-cheek statement here one night that it is getting to the point that if China attacks Taiwan, we have to go to China and borrow the money to defend Taiwan.

That is a national security matter that is real. It is not a scare tactic. This is real, as it relates to the vulnerability that is created by us financing our government with foreign investment. That is number one.

Number two, as you said earlier, Mike, we are transferring our tax base to interest. There is no country that has ever been successful with no infrastructure investment by the government and no human capital investment, human capital being education and health care. No country in the history of the world has been strong and free with an unhealthy, uneducated population. The more we transfer the tax base to interest and away from investment in infrastructure and the human capital of our citizens, our shareholders, the more we are creating a vulnerability in this country which is a national security matter.

Mr. ROSS. I want to thank the gentleman from Tennessee, one of the founders of the Blue Dog Coalition, for being here this evening on the floor and outlining House Resolution 841, a commonsense proposal to restore accountability to our government. We are 37 members strong. We are Democrats, fiscally conservative Democrats, who want to restore some commonsense and fiscal responsibility to our Nation's government.

Mr. Speaker, if you have any comments or concerns or questions for us, you can e-mail us at BlueDog@mail.house.gov. That is BlueDog@mail.house.gov.

At this time, I yield to our co-chair for communications within the Blue Dog Coalition, a good friend of mine and a leader of our group, Mr. Dennis Cardoza from California.

Mr. CARDOZA. Mr. Speaker, I appreciate Mr. ROSS yielding me this time. I want to start this evening by thanking Mr. TANNER.

In the 4 years I have been in Congress, he has been one of the true leaders of the Blue Dogs. I think of him as the conscience of the Congress these days with regard to the issues of fiscal responsibility and accountability and making sure that our government does the right thing.

Mr. ROSS, I want to thank you. I have traveled to your district. I know how much your constituents respect you on this matter and others, but it is really so important for the American people to understand the magnitude of the challenge that we are facing with regard to the national debt, and your leadership each and every week here on the floor means so much not just to me and the Blue Dogs but to the entire country.

I want to talk about my recent work with my colleagues on a task force on waste, fraud and abuse. My distinguished colleagues, Mr. WAXMAN from California, Mr. TIERNEY from Massachusetts, and Mr. TANNER who you just heard, serve as Members of what we call the Truth Squad, which is charged with holding the Bush administration accountable for the mishandling of taxpayer dollars. That is something that this Republican Congress has simply failed to do.

The Blue Dogs are committed to ensuring that this government account for its stewardship of taxpayer dollars. You heard Mr. TANNER: currently, 19 of 24 Federal agencies can't pass a simple, clean audit. That is happening under a Republican watch.

This administration touts itself as being a businesslike administration, yet no business in America would tolerate the fiscal irresponsibility that is being conducted by this administration. It is really little wonder that with their lack of oversight of this Congress and lack of oversight in the administration, that we continue to see abuse and waste on this scale.

The Blue Dogs believe that all Federal agencies should be required to pass a clean audit. The American public deserves nothing less.

I introduced a bill this year, along with Mr. TANNER's piece of legislation, that says that any Cabinet Secretary who can't pass an audit for 2 years in a row can't run his agency, basically, couldn't run a business if he was running a pharmacy in Prescott or Hope, Arkansas, Mr. ROSS. If you ran that and couldn't pass an audit, couldn't pay your bills, your wife, Holly, would say come back and run this business right.

The reality is that we need to recall this administration and this Congress and tell them to run the business right. They are simply not doing it.

As co-chair of the Truth Squad, I am working with my colleagues to bring attention to the most egregious waste of taxpayers' dollars, the places where we are absolutely wasting taxpayers' dollars and putting that money down the drain. In fact, we have unveiled a new award called the Golden Drain Award. All told, the Truth Squad has identified with the help of our staff over $150 billion of American taxpayer dollars that have gone down the golden drain of waste, fraud and abuse.

Mr. WAXMAN's Democratic side of the committee has documented all of these facts and has put out a report to this end. We created this award because it is essential that we bring attention to these outrageous instances of waste, fraud and abuse, otherwise they will never stop.

Sadly, there is seemingly an endless list of nominees for this award under this Congress and this administration. We will unveil one or two or three on Thursday.

Mr. ROSS, since we have been here talking, we have talked about the waste in Iraq. You and I went together to your home district and went to the Hope airport to see the FEMA trailers, nearly half a billion dollars of FEMA trailers, that never got delivered to the people that needed them, but the taxpayers sure paid for them.

We see how we have wasted money on homeland security and the borders and the airports, and they are still not secure. The ports certainly are not secure enough. The list goes on and on. The administration's track record for no-bid contracts, for waste in contracting, for lack of oversight in contracting is truly appalling; and we talked in a press conference 2 weeks ago, the Truth Squad did, about these egregious behaviors.

Mr. Speaker, enough is enough. It is time for accountability. It is time to audit the books. The Blue Dogs that serve in Congress are fully committed to this. The Democratic Caucus is fully committed to this. It is time that the entire Congress be committed to this.

Mr. ROSS, I will close tonight's activities with one last thought, and that is that we owe the taxpayers more than we are giving them with the jobs we are supposed to do. We should be accounting for their money every single day we are here.

Mr. ROSS. I want to thank the gentleman from California (Mr. CARDOZA), co-chair for communications for the fiscally conservative Blue Dog Coalition, for his leadership within the Blue Dog Coalition and for his efforts through legislation to restore accountability to our Nation's government.

Mr. Speaker, no business in our country could succeed financially if it failed to fully report back to its shareholders on how it is spending its money. However, that is exactly, as we have learned tonight from Mr. CARDOZA and Mr. TANNER, how our Federal Government is operating. The administration is not telling its shareholders, the American taxpayers, how it spends the money coming into Washington.

In 2004, $25 billion of Federal Government spending went absolutely unaccounted for according to the Treasury Department. The Bush administration was unable to determine where the money had gone, how it was spent, or what the American people got for their tax money. Even worse, the Republican-controlled Congress failed to hold the executive branch accountable for this omission. And through these common sense pieces of legislation, we plan to hold every Federal agency accountable for how it spends America's tax money.

The next year, the GAO reported that 18 of the 24 Federal agencies have such bad financial systems that they don't even know the true cost of running some of their programs. Yet Republican leaders in Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of your tax money to the same programs.

Clearly, Congress has failed to ask serious questions about the Bush administration's fiscal irresponsibility and record-high deficits 4 years in a row that have now pushed the Federal debt to well over $8.5 trillion.

Mr. Speaker, the time has come to hold this administration and this Congress accountable for its reckless behavior. I believe Congress must act now to renew its constitutional responsibility to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch.

Again, Mr. Speaker, tonight in the past hour this number here increased by a little over $41 million. Our national debt is $8,518,180,439,082. The national debt in America is $8,518,180,439,082. And that number, Mr. Speaker, during the hour that we have been here talking about restoring fiscal discipline and commonsense to our Nation's government, has increased by over $41 million.

It is time for this Congress to restore accountability to our Federal Government. This is not about beating up Republicans. I don't care if Democrats or Republicans are in control; I am going to hold them accountable. I am going to hold them accountable for how they spend American taxpayers' dollars.

Mr. Speaker, tonight we stand before you not only talking about the problem but offering up common sense solutions that demand accountability within our government. The time has come to restore commonsense and fiscal discipline and accountability to the government of the United States of America.

☐ 2100

THE ATTACKS ON SEPTEMBER 11

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and the honor to be recognized on the floor of the United States Congress, and the opportunity to address you, Mr. Speaker, and the people that are listening in around the country.

You know, as I listen to the message that has been delivered here by my colleagues on the other side of the aisle, I think we share a sentiment in balancing a budget one day. We don't always share exactly the same sentiment on how to get there, but I am looking for black ink, and I intend to be in this Congress to approve a black ink budget.

I want to say that to my colleague from Arkansas one of the ways I would do that is tighten down this spending. In fact even on a discretionary budget, Mr. Speaker, if we just spent 95 percent of the money we spent this year we would have had a balanced budget. That is one way we can get there. We need to present a balanced budget and go from there.

But I want to support the gentleman in his philosophy, and I am not for raising taxes, I am for doing it by restricting our spending, because we need to keep this growth run going. We are something like 17 consecutive quarters of growth. I am confident they have averaged over 3 percent. There have been only been about two quarters, and I can only think of one where our revenue was less than a 3 percent growth. This is an astonishing success for our economy.

Mr. Speaker, I come here tonight, though, to talk about September 11, the fifth year anniversary to commemorate this day that passed us yesterday, and to renew our resolution to defend our people in this country and to promote freedom and to defeat our enemies.

One of the things that happened, though, in reference to the debate that took place in just the previous hour, was our Pentagon was hit, we had a plane that was heroically taken to the ground in Pennsylvania, and we had the planes that went into the Twin Towers and shut off our financial centers in the United States.

It was a direct assault on free enterprise capitalism. It was a direct assault on our financial markets, and it did shut down our markets for a short period of time. It also required us to spend billions of dollars in security in this country.

So, our spending went up, our revenue went down, the economy was starting to drop down into a recession mode, and the President stepped up and took a leadership role. Some of that leadership role was to mobilize troops and send them to Afghanistan. Some of that leadership role was to deal with the impending financial crisis.

By doing so, we addressed the tax cuts to stimulate this economy. Who would have thought, Mr. Speaker, that those tax cuts that were implemented the following year, and the second round that we did here in 2003, would have put us on this run for this unprecedented economic growth?

We have a strong economy, we have recovered from the attack on our financial center, we have spent hundreds of billions of dollars just in our national security, our domestic security, as well as additionally our additional costs in taking that fight to the enemy, taking the tip of the spirit of the Middle East and elsewhere. It has cost a lot of money to move forward in this global war against these terrorists.

Yet, the economy in the United States is strong. Mr. Speaker, not only do we have a strong economy, an economy that I believe, if it hadn't been for the attacks on the United States, if we hadn't had to spend the money militarily, if we hadn't had to spend the money for our domestic security, create this expensive airport security that we have, I believe our budget would have balanced. In fact, the economy has grown so well that we actually have our revenue stream has gone up by $274 billion more than was anticipated and estimated.

That is the kind of rebound that this economy has done. That is the way to balance this budget, control the spending, not increase the taxes. Let the economy grow us out of this, show fiscal discipline.

I am one of the people that has called for more fiscal discipline. We always have to do that. We have to continue to be the conscience here because everybody's project always seems reasonable to them. They probably are reasonable. But when you add them all in the aggregate, that is when we have to start slicing some of them out. We have been doing that more and more.

But I think we should have tightened our belt more back in 2003 when we engage the enemy in Iraq. We should have said to the American people, you are going to have to sacrifice. You are going to have to tighten your belt. We are going to reduce our domestic spending, at least the increases, and we are going to give our military everything that they need, and we are willing to all of us pull together as a Nation, Mr. Speaker.

But had it not been for September 11, this would not be a budget discussion going on here in this previous hour, because it would be in the black, and there would not be complaints. That is my belief, and I think we are getting there now anyway. I think it is closer than most people will predict. It depends a little bit then on how the elections turn out here in November.

But we are here today, just a day after the 5-year anniversary of the horrible and tragic attack on September 11. On that day, each person that is alive in America today that was around then remembers where they were. They remember the shock. They remember the pictures as they came out on television. Most of us saw this unfold as it went online.

Most of us got the news, found our way to a television, and stood there mesmerized as the smoke poured out of the towers and as the first one went down and then the second. Most of us watched and prayed for those who were in the towers, and for their families. Most of us believed that there would be significant survivors that would be treated in medical units, and most of us were sadly informed that there weren't going to be wounded arriving. Most of them either were killed outright or got away clean without injury.

But on that day, as the casualties estimate went up, and the first numbers that I heard, as I recall, were about 10,000 was the prediction, and now we know that number is lower than that. But that 10,000 number of projected killed in those attacks went on up to 15,000, to 20,000, on up to 30,000 was the highest number that I heard.

I can still recall what it felt like to think about the concept of 30,000 Americans, burned to ashes in the inferno of that attack by al Qaeda on our Twin Towers. I remember that feeling. I also remember the feeling of gradual relief as the real estimates came down from 30,000 now to 25,000 to 20,000 to 15,000 to 10,000 and finally settled down. Actually, the number that I have is 2,973, all tragic, all human beings, sacred lives with unique value, dashed to death that day, and all of them with family friends or loved ones, most with all of those. Those families have lived with the horror of that day. The prayers of this Nation and the prayers of the world have gone out to them, Mr. Speaker.

But as that number went down from 30,000 to 20,000 to 10,000 and then down to 3,000 now, that equation of relief, in my mind, was palpable. Today I can still feel it.

But on the other side of the ledger was also the realization that the lower the number went, the shorter would be our attention span, and the weaker would be our resolve.

As the 30,000 number settled down to 3,000, our resolve also was strong that day, and it stayed strong for a long time afterwards, but it is diminishing now in proportion to the loss of those lives. We cannot allow ourselves to settle into complacency, Mr. Speaker. We cannot allow ourselves to tell ourselves that this will go away, that they will quit attacking us if we just leave them alone, that somehow we could apologize to the people who attacked us, and find a way to understand them better. Maybe if America would convert to Islam, we could find a way to find peace with these people.

But it is not to be, not by this proud, free people, not by this proud, free Nation. This Nation will never capitulate to threats. I interviewed a World War II veteran, who had served just outside the battle of Bataan, and I think about a commander there, when he demanded that he surrender, and his answer was, nuts.

That is our attitude here in America, nuts. We don't ever do that. We take it to you. You have attacked us. We are going to remain a proud, free Nation. Our streets will be free and they will be open, and this will be an open society, and we refuse to cower. We refuse to retreat from the rest of the world and curl up in a national fetal position. We will defend our schools and our hospitals and our ball games and our theaters.

Essentially, the condition that Israel is in today, where they have to guard everything, that will not be America. Because we will take this a little to you, and it will be over, this war will be over when we change the habitat that breeds the kind of venom and terror that attacked us on September 11.

But 5 years later, Mr. Speaker, no attacks on America on our soil, not one successful one, a significant number of attempts, but not one successful attack. That is a testimonial that supports the effort, the efforts of the PATRIOT Act, the efforts of other pieces of legislation that we have done, the efforts of our intelligence personnel, our emergency personnel, our law enforcement officers, a team of Americans, and a team of people around the world who have an eye out for suspicious behavior, help us with our leads, and maybe we have been a little bit lucky. But we have got to be right 100 percent of the time. So far, so good.

But at this point, I see the gentleman from Georgia, my good friend, Mr. GINGREY, has arrived in the Chamber. I am quite interested in what he might have to deliver this evening.

I would invite the gentleman from Georgia to address you, Mr. Speaker. I would yield so much time as the gentleman may consume.

Mr. GINGREY. Madam Speaker, I thank my colleague from Iowa, Representative KING, for taking the hour to discuss such important matters, and, of course, in a timely manner, here, one day more than 5 years from the anniversary of that horrific event on 9/11. The gentleman was mentioning, I think, earlier about people remembering, of course, where they were at that horrific time of that initial plane attack on the first Twin Tower.

We all do. We think back about that. We remember almost exactly what we were doing. Just like back in 1963, I can remember exactly what I was doing when our President, John Fitzgerald Kennedy, was brutally assassinated. I remember exactly where I was on the campus at Georgia Tech and what meeting that I was in and who the faculty leader was at that meeting at the campus YMCA and how I left that meeting and walked slowly across campus to my fraternity house to turn on the television set where we all were glued for the next 72 hours.

That was the same shocked feeling that I felt 5 years ago yesterday when I was a medical doctor and actually in the operating room performing surgery early on that morning when the announcement was made that a plane had struck one of the Twin Towers. We thought that maybe it was a small private plane like the one that had hit the Empire State Building in New York City many years ago, with not a massive loss of life, and certainly no building came tumbling down.

So you remember. We all do, and, of course, today, as we are here back in Washington on the floor of this hallowed Chamber, talking a little bit about our memories, and why it is so important, as President Bush said, the very next day, and Representative KING has brought it out so clearly, we will not cower against this horrific enemy. We will fight them to their death.

□ 2115

We will do everything in our power as a people and the President as Commander in Chief and we as the Congress to prevent another attack on our soil.

You know the old adage, the proof of the pudding is in the eating, certainly that is true today. We can listen to all the naysayers and the criticism of what we should have done, could have done, would have done, what has gone wrong, why the plan is not perfect; but the bottom line, Madam Speaker, my colleagues, Representative KING, we all know, is that we have not been attacked. That is not to say that it couldn't or won't occur at some time in the future, but I say we are where we are today because of the action that this President, this Commander in Chief, this Congress and our military and the will of the American people to not continue to draw lines in the sand against the Islamic extremists, in this instance, of course, al Qaeda.

But we had been attacked before, and last week when we talked about this, you know, you can enumerate date time and event, loss of life, really going all the way back to the Iran capture of the men and women at our embassy in Tehran, and then after that, of course, the bombing of the Marine barracks in Beirut and the loss of 241 lives, and the first attack on the World Trade Center and the USS *Cole* and 17 of our sailors killed in that attack. And what did we do? You say you better not do that again.

As my colleague from Iowa, and I think all of my colleagues, our colleagues on both sides of the aisle understand, at some point you have got to show some real courage and respond in the appropriate manner, and that is indeed exactly what we have done.

It starts, of course, with the PATRIOT Act and the creation of the Department of Homeland Security and the detention of these enemy combatants that have been caught on the field of battle in Afghanistan. Those people are not detained, whether it is at Guantanamo or these so-called secret prisons in Eastern Europe, they are not detained because they were caught jaywalking or spitting on the sidewalk, Madam Speaker. These were enemy combatants that were at the scene of the battle with literally their hands caught in the cookie jar.

We have, because of the ability to interrogate them in a humane fashion, a tough fashion, we have been able to get actionable intelligence, and that is exactly what has led to things like the capture, actually not capture, but the ferreting out and killing of al Zarqawi, and finding Saddam Hussein himself and the ferreting out and killing of his two sons. This is because we were able to obtain actionable intelligence in the interrogation process.

Now we hear from the other side and all the naysayers saying, you know, you have got to be kind and warm and fuzzy and treat these people with respect. I say to my colleague, what kind of respect did they show, Madam Speaker, to those 2,997 men and women, from not just the United States, but from a lot of other countries, who were working, law-abiding individuals at the Twin Towers that fateful day 5 years ago? They were shown absolutely no mercy.

So it is important for our colleagues, it is important for the American people, to understand that this President is doing exactly what is necessary to protect this country. He is the Commander in Chief. That is his first and foremost responsibility, to maintain internal order and protect us, protect the domestic tranquility and protect the American people.

So for us to have an opportunity tonight to talk about that I think is a great thing, and I commend Representative KING for leading this hour. I am proud to be here with him and will be here to listen carefully as we continue and as some of our other colleagues weigh in on this issue and discuss this further.

At this point I yield back to my colleague, but intend to stay right with him for the rest of this hour as we continue to discuss this most important subject.

Mr. KING of Iowa. I thank the gentleman from Georgia, and I thank the gentleman for his leadership on a whole variety of subjects. It appears to me whenever we have an important issue before us, we have the opportunity to hear a share of the wisdom of Mr. GINGREY, who comes to the floor quite often and carries his voice to the American people.

As I pick this up, I reflect upon a number of things, some of the things that we did and some of the stopgap measures that we put in place.

I mentioned the PATRIOT Act. That PATRIOT Act, one of the important things it did was eliminated the firewall that prevented the CIA from exchanging information with the FBI. Had that firewall not been there in place, if they had been able to exchange the information, it might well have foiled the terrorist plot that attacked the United States on 9/11.

So we looked back on where were the holes in our system and we set about fixing the holes. The PATRIOT Act fixed a lot of the holes, and we are a lot safer because we have passed the PATRIOT Act.

There was a national debate on the PATRIOT Act. There were those that came forward and said, well, it is going to infringe upon people's rights, and there will be people who will have their library cards examined, and somehow Big Brother is going to figure out what our reading list happens to be out of a public library.

That has not happened. I am not sure what the concern actually was. My reading list is all the way through my library in my office, and you can take a look at that. You can learn a lot about people if you observe their reading list and learn what is going on in their own library and what it looks like.

But libraries are one of the top locations to exchange information by spies and terrorists, because they are such an easy location for people to walk into and out of and leave information in a specified place within a book or simply have that conversation and pass the material and the information there. But also the public libraries that were opened up that had Internet access. On those computers, perhaps, was information that can save thousands and maybe even millions of lives.

In spite of the allegations that there would be people who would be individually singled out and unjustly have their privacy invaded by the PATRIOT Act, as many hearings as we held, and I believe it was 13 hearings before the Judiciary Committee, I specifically offered a number of witnesses an opportunity to name a single case of a single individual American who had had their rights, their freedoms, their privacy trampled on, infringed, or even specifically threatened. The closest thing I got was a vague allegation about some obscure librarian in Texas that no one could chase down.

These were all specious arguments designed to undermine the PATRIOT Act. If that had been successful in doing that, your safety would have been undermined as well. But we passed the PATRIOT Act and we reauthorized the PATRIOT Act, and it was the right thing to do for America, not just in the short term, but for the long term.

It is pretty impressive to see a bill that was passed quickly in the wake of a crisis withstand that level of scrutiny after all of those hearings and all that public criticism and emerge without a single incident that can be named to a specific individual at least, only allegations. The PATRIOT Act made us safer.

The REAL ID Act makes us safer. There were at least 5 of the 19 terrorist bombers on September 11 who could have been, would have been removed from the United States if we would have been just applying the law in the local places when they had a false driver's license or when they weren't in the United States legally. We tightened this up with the REAL ID Act.

There are something like 800 different kinds of identification that come before law enforcement officers. They do a great job, but there is literally no way they can have enough knowledge to examine the validity of 800 different kinds of identification. So the REAL ID Act standardizes and raises the legitimacy up of a driver's license.

When you think about it, Madam Speaker, when you go to rent a movie, it takes a government-issued ID or a legitimate ID, a picture identification. We don't have that same kind of standard, or didn't have necessarily for climbing aboard an airplane and flying into the United States or flying out of the United States or flying around the United States.

So we tightened that up with the REAL ID Act, with an intense debate, a lot of criticism. Whenever you change things in America, people are going to rise up and resist. It is the nature of this free society that we live in that we debate these issues intensively.

It is also natural that the resistance comes up with all kinds of stories about how bad and how ugly it will be if you pass an act that changes the status quo. It is also a matter of fact, a matter of fact, Madam Speaker, that once you pass good policy, the criticism disappears, because the cases that are alleged to have happened do not materialize if you pass good policy.

Mr. GINGREY. Madam Speaker, if the gentleman will yield further, I just wanted to interject as he developed this line of thought. I was at a rally in my district yesterday, we did a tribute to the 9/11 victims, and in the newspaper in Marietta, GA, there was an article, Madam Speaker, written by a former State representative who is now our chief deputy sheriff, Colonel Linda Coker, who had been to Israel with a group of law enforcement personnel to study what they do in Israel, in that small country of 6.8 million people, particularly in the city of Jerusalem and in Tel Aviv, and what their citizens have to go through to protect them from these horrific improvised explosive devices and bombs that are strapped to bodies and folks walking into shopping centers, crowded shopping malls.

The lesson, Madam Speaker, that we learned from them, and I think what Representative KING is pointing out that we need to understand, and I think the American people do now understand, is that we are not, because of what we have had to do, we all wish, pray to God, that we could go back to September 10, 2001, and enjoy that false sense of security. But now we know that we can't. And it is not about taking away our liberties, but it is very much about inconveniencing us.

Madam Speaker and my colleague, Representative KING, I just wanted to point out that Colonel Coker said when she was there in Israel on this recent trip with law enforcement, she noticed that people there when they go into a shopping mall, they go into a Parisians or whatever, they have to check their purses, they have to go through metal detectors. We fret about that because we do it on getting on airplanes, and yet they do that even going to shopping malls. But they understand that is important.

I think we just need to understand that too. I hope my colleagues agree with me that we can put up with a lot of inconveniences without infringing on our liberty for the safety and protection of ourselves and our families and our children and our grandchildren.

Mr. KING of Iowa. I thank the gentleman from Georgia and appreciate the perspective that you brought to this debate.

I reflect upon some of those changes that we have seen over the years with regard to our security. I recall when we brought our security down tighter on boarding our airplanes, it ended up you were very likely to get a fairly extensive spread-eagle search if you bought a one-way ticket. That was an indicator. We all take our shoes off now. Those things happen. There are lineups at the airport.

We are paying a lot of TSA officials a lot of money to make sure we are safer, and our baggage is going through x-rays and being checked for bombs. The list goes on and on and on.

I have two pair of nail clippers that they broke the tiny little file off the end for fear that would be a weapon. That has been relaxed somewhat. These are reminders, whenever I get the nail clippers out, that is why that is broken off. It is because of terrorists that attacked us in a cowardly way.

So after the events that unfolded in Great Britain here in the early or middle part of last month with a plot to blow up perhaps 10 airliners across the Atlantic Ocean on their way over to the United States, in that short period after that, when the regulations changed and they said you can no longer have gel or liquids with you on the airplane, so that covered one set of materials for the ladies and another set of materials for the men, no shaving cream, no toothpaste for either one of us, no lipstick in some of those cases.

My wife and I happened to have been stuck in a line that took an hour and a half to get through security. While she watched our luggage, I walked up and down the line and asked people what they thought. Everyone there was unanimous. They said, if I have to give up some liquid or gel or stand in line for an hour or longer, they are making me safe, and if it makes the airline safer, I am happy to stand here.

I am proud of that kind of patience and that kind of tolerance, and yet I do the equation and I think now a lot more people are checking their luggage because they want to carry along some liquids.

□ 2130

And the numbers of bags have gone up significantly since that period of time. And when you have to go check your baggage, it takes more time. Sometimes you can print your ticket and get on the plane if it is carry-on luggage. So perhaps it is 20 minutes more to get on, and then you have to wait for it to come off the carousel, and that might be another 20 minutes. Maybe 40 minutes of flight multiplied by the thousands of people who are in the air. And it has cost American productivity, Madam Speaker, but we are patient about it.

I do caution the American people to always remember why you are standing in that security line, always remember why you are not going to be able to carry your toothpaste or your lotion or whatever it might be. It is because these terrorists are actively plotting to attack us, to kill us because of who we are and what we stand for. They want to kill us because of our freedom. They want to kill us because of our religion. They want to kill us because of our economic success, which is why they attacked the financial centers. So while we are giving up our liquids and while we are standing in line a little while longer, Madam Speaker, I would ask all the American people to remember why that is. Keep focussed on the real goal here. The goal is not to shed enough things out of our luggage that no one is going to be able to bring a bomb on a plane. The goal is to end the motivation of this enemy so all of our freedoms come back to us and so our children and grandchildren will live with the same sense of security and peace and safety that we have lived with all of these years. Remember the frustration. We should be a little frustrated. We should be patient. But we should understand why and who is to blame.

And I would just put it into a simple metaphor. There are thousands of people in America that lock their keys in their car. Each day it happens. I imagine, thousands of times around this country. And I think it is pretty rare for anyone to think why that is a problem. Now, we are forgetful folks and we do things by habit. When we get out of our rhythm, we might lock our keys in the car. Then we go get the locksmith or we go find another set of keys. It costs time; it costs money. But how many people who lock their keys in their car think if it were not for the thieves, there would be no such thing as car keys? And how many people that are standing in line at the airport think if it were not for terrorists, there wouldn't be a line? There wouldn't be a TSA. There would simply be people walking, getting to the gate in time to jump on the plane before the door closes, and fly off into the wild blue yonder. That is the way it was before these cowardly acts came, Madam Speaker, and that is the way I pray it is again. But it will not happen until we change the habitat that breeds this kind of terror.

And this subject comes back to me as I reflect on a conversation I had with Benazir Bhutto, who was the former Prime Minister of Pakistan. She came to Storm Lake, Iowa, Buena Vista University, to give a speech shortly after September 11, 2001. And after that speech, and it was really an impressive keynote address, I had the privilege to sit down and talk with her in a casual conversation, and it wasn't casual to me but it was casual to her, one on one in a private setting. And I asked her a series of questions, but the most central question was how do we win this war? How do you fight people that are interspersed throughout a population of perhaps 1.3 billion Muslims and in there are the al Qaeda members and the al Qaeda sympathizers? How many are there? Perhaps 130 million would be the answer that I received that night. And how do we defeat them? And former Prime Minister Benazir Bhutto's response was you have got to give them freedom. You have got to give them an opportunity at democracy. If you do that, they will change their focus from hatred and killing to growing prosperity for their families, their communities, their neighborhoods, their cities, their countries, and their mosques. Now, that is a very human thing to do is to grow that opportunity for the next generations. But you have to have some control of your destiny to be able to do that. And in order to have that control of destiny, you have to have freedom.

And this country has never gone to war against another free people. It has always been tyrants and despots, never people who could control their own destiny and elect their own national leaders. And I believe free people can resolve their differences because free people have that control of their destiny and they want to continue to grow and prosper rather than live in hatred.

So I was not actually that impressed with that proposal at the time until I did a series of readings in-depth into the Islamic mindset, particularly into the al Qaeda mindset. And after I got into that pretty deep, particularly Daniel Pipes, I came out of that, and I thought I believe Prime Minister Benazir Bhutto was right, that we really do need to engage in promoting freedom. But I had simplified this down to change the habitat that breeds terror. Change that habitat. Well, it needs to be for the good. It cannot be for the worse. And that means freedom. That means opportunity. And when the President said that freedom is the right of every person and the hope and the future of every nation, I believe that. Whether it is in our time or whether it is in another time, that is the progress that we are making in that direction. And bold steps were taken by the President in the aftermath of September 11, when he said that they were going to hear us now, the terrorists were going to hear us around this globe. And many said it couldn't done. Many said that going into Afghanistan, no one had ever succeeded in that in history; that it was too dangerous, it was too mountainous, the terrain was too rugged, the local Taliban were too good of fighters, that we couldn't risk our military to go in there. And yet in cooperation and conjunction with the Northern Alliance, we went in there. In a matter of weeks, Afghanistan was liberated. And I recall talking to some Iowa National Guard troops who were on the ground protecting the voting booths and the access and the routes to them, about 750 Iowans deployed in Afghanistan. They were there to help ensure that Afghanis could go to the polls and vote their freedom for the first time ever in the history of the world on that place on this planet. The first time. And now who would argue that the Afghan people are free? Of course they are. And they are making progress and they are moving forward. And they have their troubles, but freedom has always been worth fighting for.

And it is something that we see moving in that same direction in Iraq. Iraq has not been as easy. In fact, it has been more difficult. The liberation of Iraq took place very quickly, faster than anyone predicted, Madam Speaker, but in the aftermath there was a lull when there wasn't very much violence and it looked like Iraq was going to heal up the same way that Afghanistan did. But, you know, Iraq has different neighbors than Afghanistan has, and Iraq became the center that brought al Qaeda to Iraq to fight Americans, fight the coalition forces, fight the new Iraqi forces because they realized, as Zarqawi realized, there was no place to retreat to. If they were to lose in Iraq, where else could a terrorist lay his weary head? Where else could they hope to have a terrorist training ground and a terrorist center so that they could gather resources and do their training and deploy their terrorists around the world? Al Qaeda needs a safe haven. We took that safe haven away from that them in Afghanistan and in the mountains of Pakistan. We took that safe haven away from them in Iraq.

Zarqawi wrote a letter a couple of years ago that said that there was no place for them to hide. There were no mountains. There were no forests. There was no place for them to hide in Iraq. They had to rely on Iraqis to take them into their homes to harbor them there. And he said in that letter the Iraqi people that were willing to harbor and provide a safe haven for al Qaeda were "as rare as red sulfur." Now, I never really got an answer to how rare red sulfur is. I would just say this, Madam Speaker. I have never seen it and I have been around a little bit. So I think it would be in the category of rare as hens' teeth or frog whiskers, something like that. That is maybe a Middle Eastern phrase, "rare as red sulfur." So they were very apprehensive then about being able to hang on to a toehold in Iraq. But Iraq has attracted al Qaeda terrorists from other places around the globe to come there to fight because they know that when Iraq is free, not only does that erase their place where they hope to be able to have a terrorist center, but it also shuts off their opportunities anywhere else in the world because what it does is it inspires the Iraqi people. When they stand up; when they become prosperous; when free enterprise starts to work; when the oil starts to pump out of the ground; when the Baghdad Chamber of Commerce, whom I gave a speech to here about a year ago and they were just so spontaneous in their response to me; when those good things happen in Iraq, when safety is established, commerce is established, and the oil comes out of the ground and the money flows into Iraq and they become a free, prosperous nation, an Islamic nation and an Arab nation, that inspiration that Iraq can and I believe, Madam Speaker, will become will be too much for al Qaeda, too much for the rest of the world of al Qaeda and the people within that religion who hate freedom, who hate Western civilization, who hate Christianity, who hate Americans, who hate free enterprise capitalism because the model of success would be what will defeat the rest of them. So Afghanistan and Iraq become the two lodestar nations, and those two together are the inspiration for the Muslim world.

And as they move forward towards freedom and they want to share in that prosperity, I would just ask the world to consider what happened after November 9, 1989, when the Berlin Wall went down and the Iron Curtain came crashing down on that day and freedom echoed bloodlessly across Eastern Europe all the way to the Pacific ocean. Almost bloodlessly. Ceausescu, I think we have to exempt him from that category. And that is about the only place where the bullets flew. But in the end, the people of Eastern Europe and across Asia loved freedom. They reached out for freedom and were ready to fight for freedom. That kind of historical miracle that took place in about a 2½-year period of time can be that same kind of historical miracle for the Arab world.

So, Madam Speaker, I want the American people to understand the Bush doctrine, this goal that we have, which is to change the habitat that breeds terror and promote freedom so people can choose their own destiny. And if they choose their destiny to be something less than the freedom that we have, there is not much we can do about that, but we can encourage them to be free and make their own decisions and take a look at models around the world. And the best model, Madam Speaker, is right here in the United States. There is no place with more freedom. There is no place with more prosperity. There is no place with a stronger economy than we have here in the United States. And it is one of the places that has the strongest families and the strongest tradition of faith and Biblical values, and you put that all together. We are descended from Western civilization. We are now the leaders in Western civilization. The thought process that was descended from the Greeks and through France in the Age of Enlightenment and over to the United States at the beginning of the Industrial Revolution, that dynamic that came from Western civilization coupled with the Industrial Revolution and that dynamic of free enterprise capitalism that matched with the Industrial Revolution, was tempered by and given a moral authority from our Biblical values, those three pillars are what made this Nation the great Nation that we are. And we need to be anchored in those pillars.

But I would take us back, Madam Speaker, to some situations that are just simply facts, facts that we forget about. Osama bin Laden officially declared war against the United States on August 23, 1996. He just flat came out and said, We are at war with the United States of America. He decided he wanted to take us on. That was after the World Trade Center was bombed, which was February of 1993. There were also the plotting terrorists there, and I believe that number was also five of them, that had we enforced our laws on our security, we would have plucked them off the streets and they wouldn't have been in the mix and perhaps we could have interceded in the first attack on the World Trade Center. But that was February, 1993, Madam Speaker. And then there was an attack on the Khobar Towers in June of 1996. After that, August 23, 1996, Osama bin Laden declared war on the United States. And our response was, I guess we will have to serve a warrant on Osama bin Laden and make it a law enforcement approach rather than a war. And according to significant, credible accounts, we passed up several opportunities to take Osama bin Laden out. It would have saved 3,000 lives then and perhaps another 3,000 lives of our troops that have been in the field, not to mention the thousands of Iraqis and Afghanis and our coalition troops, who have all had casualties associated with this. But I would take us into a perspective that might lay it out a little differently, and that would be 5 years ago yesterday. I was on my way down the road to the Clay County Fair. My wife called me on the phone and said, Turn on the radio. A plane has been flown into the Twin Towers.

□ 2145

I turned on the radio, a few minutes later the second plane hit the other tower. The gentleman with me said, and he is a World War II veteran, just said under his breath, "Pearl Harbor." It didn't take him five seconds to analyze what had happened. There had been another cowardly attack on the United States of a similar magnitude. And in the aftermath of Pearl Harbor, we went into an all-out global war and we fought on two fronts, in Europe and in the Pacific, and we fought the Nazis and the Japanese. And the loss of American lives in that 3½-year period of time was about 450,000 brave Americans, about the similar number of lives lost in Pearl Harbor as there was in the Twin Towers.

Since that time of the attack on the Twin Towers, this Nation has suffered not quite 3,000 killed in action. But 450,000 in the aftermath of Pearl Harbor. If you calculate that ratio or that equation, Madam Speaker, I think it indicates pretty strongly how successful this effort has been. And this is a different kind of war. It is a war that is going to go on for a long time, and it will not be over until we change the habitat of the people who get up every morning and decide they are going to come and kill us.

I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding. I just want to interject, he is exactly right. And his friend, the veteran that was with him on that fateful morning and said, "Pearl Harbor," that attack on December 7, 1941, that day which President Roosevelt said would live in infamy, certainly it has. And as Representative KING pointed out, Madam Speaker and my colleagues, something like 2,400, slightly less than 2,500, people were lost on that Sunday morning at Pearl Harbor in that unprovoked sneak attack by the Japanese. And the Twin Towers was very, very similar: an unprovoked sneak attack on 2,997 people.

Representative KING, I was asked recently in my district on a radio interview, and the reporter said, in Operation Iraqi Freedom, we have lost almost 2,700 of our brightest and bravest patriots. Is it worth it? And is it worth it, indeed. Losing one life is painful. It is painful for the families, of course, and for the Commander in Chief and from this Congress who gave the President the authority to wage war against these dastardly Islamic extremists. But it is worth it. It is worth it because that is the price we have to pay. I think Thomas Jefferson said a long time ago that the tree of liberty has to be nourished occasionally by the blood of patriots.

And I think about World War II. The island of Iwo Jima, that very important foothold in the mid-Pacific. In 30 days we lost 7,000 of our best generation, our Greatest Generation. But it was worth it.

I just felt like I had to make these points with my colleague and say that that is why the President says we will stay the course, we will not fail those who have paid the ultimate sacrifice, and their families.

Mr. KING of Iowa. I thank the gentleman, Mr. GINGREY from Georgia. And those sacrifices in the past have indeed been significant, and every life is equally cherished whether it is in today's conflict or a conflict back in that era.

Madam Speaker, I would pose this question: Would anyone like to be on the side of the other guys? Would anyone like to be sitting there without the resources that we have, without the firepower, without the intelligence, without the tactics that we have, without the finances to support that, and without the 300 million people that stand behind our military and the ability to go out and recruit? Our recruitment is up.

One thing that is different between Desert Storm number one and Operation Iraqi Freedom is that we had about 2.4 million people in our armed services than at the beginning of the liberation of Kuwait. Now we are down to about 1.3, 1.4, because in the aftermath of Desert Storm, there was called the peace dividend, and that is when the Clinton administration came in and decided we can provide all the money we want to grow social programs by simply cutting the military. That is the peace dividend, we are going to grow social programs. Well, a million men and women came out of uniform in that period of time, and now we sit here thinner. And I am ready to beef these numbers of troops up some more to take some of the load off of the ones that we have so they we don't have to deploy so much.

But the folks on the other side that are sitting there, and their recruitment, they have got a count of people coming into Iraq that have watched al-Jazeera TV perhaps, people that would infiltrate in from Syria and Iran, and their weapons, their munition, their funding all needs to be smuggled in to them and they have to cower and hide and sneak around like rats day and night to try to find an opportunity to detonate a bomb, not confront us face to face, but to detonate a bomb. And they know that they cannot win tactically, and they know that the only way they can win is if we lose our resolve.

And at that point, I want to point out an experience that happened to me over there in the Middle East. This is the poster of the Shia cleric Muqtada al-Sadr. Now, he is the individual that today I would say is the surrogate to the Iranians because he is a Shia, because he has been in here fomenting violence on a regular basis, and he has had his militia. And there was a time when the casualty rates from American troops on his militia and the coalition troops on his militia was so strong that he really considered take up a career in politics because he didn't have much militia left over there in those days. He has since built it up some and his militia is operating, although in a restricted fashion, within Sadr city area Baghdad.

But as I was over there a couple of trips ago sitting in Kuwait City in the hotel waiting to go into Iraq the next day, I had on al-Jazeera TV. As it came on, on TV, and Muqtada al-Sadr is a dentist, I think, he came on television. He was speaking in Arabic and they had the crawler going on underneath, so I could track him. And he said, if we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. That was June 11, 2004, and it was on al-Jazeera TV. I wish I had the tape of that. I haven't been able to quite find that. But I know what I saw and I know what I heard, Madam Speaker, and that tells us why we must prevail in this conflict.

The price for cut and run to the future of the security of this country would be cataclysmic. If we pulled out of Iraq without a government there that can provide safety and security and freedom and a tactical position in the world, if we pull out of there before those goals are reached and ensured, the price will be terrible to the destiny of the world and the security of the world, and the terrorists will be emboldened and Iraq will become their terrorist training ground, their campground, their deployment ground, the place where they would be insulated from the rest of the world because, after all, if the United States didn't come in there, if we ever pulled out, heaven help us if we ever tried back because half of the people in this Congress would stand up and resist that.

We must prevail while we are there; otherwise, that same sentiment that comes out of Muqtada al-Sadr will be on the lips of every person that is our enemy. They will think that the Americans will lack resolve. And, in fact, we would not have resolve because if any terrorist flare-up came up anywhere else in the world, if we didn't finish the job in Iraq, how do you make the case to go someplace else? How do you make the case to go to Syria?

And what if Iran continues with their nuclear build-up? How would we ever have the resolve to take that away from them, to say to them, Iran, we have decided the date that your nuclear effort will cease, and the only option to you is try to divest yourself of that nuclear capability before that day comes. Oh, and by the way, we aren't telling you what day that is. That is the kind of price that would have to be paid for the next several generations if we don't stay in Iraq and finish this job.

As General Casey said the last time I was over in Iraq, he said the enemy cannot win if the politicians stay in the fight. If the politicians stay in the fight. And yet I hear, especially on the other side of the aisle, let's get out of there, we can't win. These are sometimes the same people that surrendered before we ever got there. And they are trying to get their prophecy fulfilled by encouraging the enemy to attack us. And that encouragement of the enemy is costing American lives, and it is encouraging not only our enemy but it is encouraging the people around them, the countries around them that support al Qaeda and the terrorists within Iraq.

And the people that are doing that support comes out of Syria, it comes out of Iran. And I am starting to come to the conclusion that Iraq can't really be the safe country and the free and prosperous country that it has the potential to be as long as Iran is fomenting terror within the boundaries of Iraq.

But we know the Iraqi people love freedom. They have had a taste of freedom. And when I watched the way they react to me when I go over there, I watch the interest that they show, I am convinced that there is a future for them and they want that free future.

But if we also compare into this the Israeli situation where simultaneously Hamas attacked in Gaza and Hezbollah attacked in the north, now, what could coordinate such an attack like that? Iran. Iran whom I am reported sent tens of millions of dollars to Hamas, because Hamas, the Sunnis, weren't quite tied as tightly with Iran. So a little money helped, and they unleashed their attacks in Gaza and had to face the Israeli defense forces there. And Hezbollah, clearly a surrogate of Iran, began to fire their missiles into Israel.

Look at the violence that is being fomented, the terror that is being pushed out of Iran today, Madam Speaker. That violence that in the Middle East is there today is rooted in Iran, rooted in Iran that just last month celebrated the centennial year of the formation of their constitution, a short-lived constitution, but a constitution that laid out the parameters for a free people. Iran has a tradition of freedom as well, Madam Speaker, and as old as it is, 100 years old, I believe the date was August 6, 1906, and to commemorate the centennial of that I hope that we move a resolution to acknowledge that date. I hope the Iranian people will be inspired to go back into the streets and grasp their freedom from the despotic rulers that are the ones that are fomenting so much terror and so much hatred, and take the control away from the madman that would continue to develop nuclear weapons and threaten to use them.

We know from historical experience that when tyrants threaten, they generally follow through. And it was the British who learned that when they tried to negotiate in Munich with Hitler. And when they came back with a letter that said we will guarantee peace for the next hundred years, it didn't last very long; it lasted until the 1st day of September 1939 when the Nazis attacked Poland. But Hitler threatened and he followed through.

Ahmadinejad is threatening. He will follow through because he is not afraid of anything. He is not deterred by a threat. He has a view that things are inevitable; and if he can kill enough people, his one religious cleric will come back, the 13th Imam or whatever his name is. And that is a radical approach to it all, but he would drive an entire people into oblivion. And if they get a nuclear weapon and the ability to deliver it, Tel-Aviv will be the first target, and he will threaten the rest of the Middle East and he will keep building missiles that will fire longer and longer until he is threatening Western Europe, and pretty soon he will be threatening the United States, just as that growing capability in North Korea has the potential within a very short time of threatening the United States.

We simply cannot let nuclear weapons and the means to deliver them into the hands of madmen. There is not a rational regime. He doesn't represent the people of Iran. The people of Iran are a modern, moderate society, and they would like their opportunity at freedom. They would like their opportunity at prosperity. And I hope that they reach up and grasp that before it is too late, before annihilation is brought upon Iran by their leader.

And so on this date, this fifth anniversary plus one day of the terrorist attack on the Twin Towers, on Pennsylvania, on the Pentagon, I wish, Madam Speaker, to thank and give gratitude to our military men and women who have so selflessly served with great courage, great bravery, great fortitude in a foreign land.

The safety that the American people have been able to enjoy over the last 5 years are to the credit also of our emergency personnel and our intelligence system that is there and the security that is put in place. There has been a good network, Madam Speaker, and we need to be ever vigilant and ever increasing our network. There are places where we are vulnerable, and we are working to bring that vulnerability under control. But over the last 5 years we have a lot to be thankful for. We are a prosperous Nation. We have recovered from this.

I would be happy to yield to the gentleman from Georgia.

□ 2200

Mr. GINGREY. I realize the time is drawing to a close in this hour, but I wanted to point out, Madam Speaker, to our colleagues, that of course tomorrow on the floor of this House we will have 4 hours of debate on a resolution, a House Resolution, recognizing these men and women that Representative KING just referred to, and I am talking about the first responders.

We all honored them yesterday across this Nation, the 350-something firefighters that lost their lives on 9/11 as they charged into those burning towers. I am sure that none of them thought for a moment about their own safety. They just knew that there were men and women, possibly children in those buildings that needed to be rescued.

So, again, I hope tomorrow we will have a unanimous vote on that resolution, and I look forward to being a part of that.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come before the House once again. As you know, the 30-something Working Group works very hard in making sure that we bring issues that are not only facing the American people on the positive and negative end, but we make sure we encourage the Members of the House to do the right thing.

I must say, Madam Speaker, that Mr. DELAHUNT had a birthday the last time we were on the floor, a little over a month ago, and I just had a birthday. I am going to be a part of the something side of the 30-something group, and I am excited about that. Ms. WASSERMAN SCHULTZ will be joining the something side pretty soon, and Mr. RYAN will be the true blue 30.

Let me just say that a lot has happened, Mr. DELAHUNT, and I am glad that the Democratic leader, Ms. PELOSI, allowed us to have this hour tonight, and also working with Mr. HOYER, our Democratic whip, and Mr. James Clyburn, our chairman, and Mr. John Larson, the vice chair of our caucus, to come to the floor not only on behalf of Democrats but also on behalf of the American people. I think it is very, very important in this time, the day after 9/11, 5 years later.

Mr. DELAHUNT, I had the opportunity to go over to New York City. I flew in on the 10th to be there on 9/11. Of course, I wasn't there 5 years ago, but I wanted to be there on the fifth anniversary, and I can tell you that going there and seeing the ceremony, having an opportunity to see the reflection pool where those families were placing their flowers and notes and what have you there, and seeing, as I was going through Manhattan, that at, I believe, 8:46 and a little after 9 a.m. the firefighters standing in front of their fire stations at attention at the time that tower one and tower two went down, and just talking to some of the New Yorkers that were there at that time, great Americans that were there 5 years ago, and listening to their reflecting on what they were doing at the time the towers went down, it takes me back to when it actually took place, Madam Speaker.

At that time, Madam Speaker, this country was in a position to lead the world in the right direction as it relates to the effort against terrorism, when we had the opportunity to ask Americans to do things that they wouldn't ordinarily do but would understand that in coming together as a country just days after that it was a time of unity. It was a time of bipartisanship.

And I know on the steps yesterday that Members came together. I was in New York, Mr. DELAHUNT, and I don't know if you had an opportunity to join in the bipartisan effort here, the singing of God Bless America, and just all coming together, but I couldn't help, as a policymaker, Mr. DELAHUNT, thinking about, as I was asked yesterday by the media what I thought and how I felt. I said, I want it to reflect on the memory of those who lost their lives, those who are survivors of 9/11, whether it be the Pentagon, or Pennsylvania, or New York City, how they feel about the loss of their husband, wife, father, uncle, grandfather, grandmother, or friend. It really wasn't a day for politics. It was a day to reflect on the memory of those individuals.

Now, we are here, the day after, but even the day before, and the year before, and 2 years before the fifth anniversary, 3 years before the fifth anniversary we had a 9/11 Commission that was convened, that Democrats on this floor and over in the Senate pushed for, and some Republicans. Not the Republican leadership, because they didn't feel we needed it at that time. And also the surviving family members, Mr. DELAHUNT. And you were here.

Mr. DELAHUNT. I am sure that yesterday in New York had to be an experience that was poignant and emotional, but I think it is important to set the record straight, because 9/11 was a significant historical event in American history, and I think we have to credit the families of the victims of 9/11 for insisting upon the creation of an independent commission, a commission that was bipartisan, that issued a report that I think clearly most Americans would embrace as accurate and factual.

And it is really unfortunate that the majority of recommendations made by that distinguished group have not been implemented. That is why when we hear a discussion about the war on terror and what kind of action, or let me rephrase that, how we are doing in terms of defeating terrorism, if one looks at the report card subsequently issued by the 9/11 Commission, we note failures and poor grades. And I think it really is unfortunate in light of the spirit you described when the country was united, when in fact the whole world was united in support of the United States.

I am sure you remember the controversies that erupted about a year or 2 afterward between France and the United States. I always note that it was the French paper of record, Le Monde, that had as its headline "Today We Are All Americans," and how that support, that political support has dissipated, has gone. Now we have a country, our own country, where there is a legitimate question as to whether we are being successful in advancing our national security interests in terms of terrorism.

Mr. MEEK of Florida. If I can, Mr. DELAHUNT, I am on the Homeland Security Committee, as you know, Oversight Integration Management Subcommittee, which I am serving as the ranking member on, and I am also on the Armed Services Committee. And I wonder, these two national security committees, as I was speaking to some of the family members, and I was speaking to New Yorkers yesterday, as we read the stories and watched television about what actually happened 5 years ago, what has happened since? We owe it to Americans to be able to carry out the security plan that was laid out by the 9/11 Commission.

☐ 2210

The 9/11 Commission received the respect of all Americans on a bipartisan basis. If you are a Republican, you have to agree with the 9/11 Commission report. If you are a Democrat, you have to agree. If you are an Independent, if you are an American, you have to agree with the 9/11 Commission report.

But here in Washington, I don't believe we have, and when I say "we," I am not talking about the Democrats in this House because we are solid on this issue. I am talking about the Republican majority. I don't believe the will and the desire is there to implement the 9/11 Commission recommendations.

Here is the bottom line: the 9/11 Commission put forth Ds and Fs for homeland security for this administration and the Republican Congress. If Democratic amendments were adopted, there would be 6,600 more Border Patrol agents. Americans are concerned about protecting our borders. There would be 4,000 more detention beds, 270 more immigration enforcement agents along the borders that would exist today, not in fiction or theory, today, if Democratic amendments were adopted.

Only 6 percent of the containers right now, and nuclear weapons can be in these containers in a port. Some may say that is a coastal issue where we have seaports. No, those containers are loaded onto trucks and trains and moved into the heartland of America. They could go off. This is something that has been identified by the 9/11 Commission.

If Democrats had the opportunity to be able to have an amendment on the floor or a bill on the floor or a bill in committee, that would pass by majority, and when I say majority, the Republican majority would allow to pass, America would be safer now because we are calling for full implementation of 9/11 Commission recommendations, 100 percent container screening prior to the containers going across and throughout America.

I think it is very, very important to let it be known that we owe that to the first responders. We owe that to Americans to protect them. We don't need to wait until a container blows up in a major port to say we should have full screening. If other countries can do it, we can do it with the right will and desire.

I was here earlier and heard majority Members talking about we are for security, we are for tracking down Osama bin Laden. We are for going after the terrorists.

Well, the majority has been in the majority for 12 years. Now all of a sudden the majority has religion saying we are going to track down these terrorists. The Democrats can't do it, but we can do it.

If somebody had a job in your office, Mr. DELAHUNT, and they said I know you want me to respond to your constituents. I haven't been able to respond to them in the way you want me to. I know you want me to get 10 letters out in a day, but I have only got one letter out over a day the last 12 years. But if you let me stay in your office 2 more years, I guarantee you I will get those 10 letters out.

Now, anyone who is a manager and knows that folks have to be served knows you can't live with that. As a matter of fact, a staffer would never have made it to 12 years in your office if they only put out one constituent response a day. They would have to perform.

Well, what the Republican majority is doing is coming to the floor and saying we can do this. The Democrats can't do it. As a matter of fact, double digits year ago, here is an instance where the Democrats didn't do it. We are ready to do it.

Mr. DELAHUNT, as I yield to you, I am saying it is almost laughable. If it was not national security, it would be laughable. I am hoping that the American people, and I hope that the members of the majority caucus don't go to bed thinking that because they were not able to get it right for the last 12 years that year 13 and 14 they are going to get it right. We can't afford to wait. That is the reason why the American people poll after poll after poll are saying we are willing to allow the Democrats to lead this Congress.

Madam Speaker, you are going to hear many Members on the majority side that are going to come here and make statements that they know are not true. They are going to try to find something in 1980 where there was some fumble in government and say see what the Democrats did in 1950-something. They cannot say in the 1990s because they were in control. They can't say in 2000 because they have been in control. They can't say any of those things because all of these fumbles and follies and mistakes occurred on their watch with a lack of oversight.

I am glad we are here to set the record straight.

Mr. DELAHUNT. If the gentleman would yield for a minute, and I know that Congresswoman WASSERMAN SCHULTZ will engage, but, you know, what the administration has attempted to do is to confuse the war on terror with the war in Iraq. They are totally different.

I think it is very important to note that almost unanimously this House voted to support military action against the Taliban government that existed in 2001 and 2002 in Afghanistan because they allowed Osama bin Laden and his al Qaeda group to train. And they provided Osama bin Laden and the al Qaeda group to utilize their territory as a safe haven for attacks against the United States of America on September 11. That is irrefutable.

And where are we today in terms of Afghanistan? Let me tell you where we are today. If you just bear with me for a moment, the Taliban is resurging. Just today, September 12, a letter was circulated by the chairman of the House International Relations Committee, a senior Member of this House, the well-respected gentleman from Illinois, HENRY HYDE. This is a letter that he and another colleague, a Republican, MARK KIRK, also of Illinois, sent to the President:

"United States efforts in Afghanistan are failing." I'm quoting from that letter: "Drug money continues to finance terrorism. That failure, coupled with the aggressive efforts of the terrorists, threaten to destroy Afghanistan's nascent democracy, a free government that Americans and coalition forces have died to support. To succeed in Afghanistan, we need to change our failing strategies."

Let me submit this as exhibit A in terms of the realities on the ground in Afghanistan where, back before 9/11, al Qaeda trained and was provided a safe haven by the Taliban government that we defeated. It would appear that we only defeated them temporarily because now they are back and we have a British general, Brigadier General Brooks, the head of the NATO contingent there, saying send help quickly or we will lose the moment.

This is being reported today, 5 years after 9/11. The threat of terrorism is greater today than it was on 9/11 and before 9/11, and we left Afghanistan because it was an obsession on the part of this administration to attack Iraq, and we have been mired in Iraq since the invasion in 2003.

And do you know what we have achieved in Iraq, Mr. MEEK? Ms. WASSERMAN SCHULTZ? I think a picture says more than I can say. Let me put this poster so you can both see it with your eyes.

Mr. MEEK, do you recognize this gentleman?

Mr. MEEK of Florida. Yes, I do, Mr. DELAHUNT.

☐ 2220

Mr. DELAHUNT. Would you tell me who he is?

Mr. MEEK of Florida. The President of Iran.

Mr. DELAHUNT. The President of Iran.

Do you know who the gentleman is next the too him?

Ms. WASSERMAN SCHULTZ. That is the Prime Minister of Iraq.

Mr. DELAHUNT. Do you know when this picture was taken? This picture was taken today, today. So with the loss of almost 2,700 American military personnel. Madam Speaker, in the expenditure of hundreds of billions of dollars, what is the reality in the region today?

There is the reality in the Middle East today. Take a good look. The Prime Minister of Iraq and the Prime Minister of Iran with their hands firmly grasping each other. Need we say anything more?

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, let me ask you a question. This is the 30-Something Working Group, and I can tell you that when our generation was going through high school, and, really, even college, was that a picture that you would ever have seen? My recollection is that Iran and Iraq were bitter enemies and were locked in a lengthy, deadly war for many, many years.

So are you saying that what the Bush administration's policies in the Middle East, particularly in Iraq and towards Iran, that that handshake is the result of those policies that the Bush administration's actions in the Middle East have done more to bring Iran and Iraq together than any of the actors in the Middle East could ever have done?

Mr. DELAHUNT. What I am suggesting is the greatest beneficiary of the military invasion of Iraq by the United States is the Islamic Republic of Iran.

Madam Speaker, you must remember, of course, when the President of the United States in his State of the Union address came to this floor and said there is an axis of evil club out there, and it is Iraq, Iran and North Korea.

Well, you know what? I hope the American people take a good look at this picture.

Mr. MEEK of Florida. If we can focus on this picture here, Ms. WASSERMAN SCHULTZ, you raised a very good question, because when Mr. RYAN and I went to Iraq, we went through the whole Saddam Hussein parade area where they have the podium, usually he would have the gun, and the troops would be marching which, and they will be, you know, whatever, little missile that they may have, will parade on along.

But as you go into that parade route, the helmets of Iranian soldiers that were killed by Iraqi soldiers, are embedded into the ground of that parade route so that they can step on the helmets, which, in the Middle East, is disrespect when you take the bottom of your shoe, and, you know, like, slap it or hit a picture or image of someone. That's the kind of hatred that these two countries have for one another.

Let me also say, which is also important, that Iraq and Iran, it is interesting that Iran, a lot of the insurgents, are coming across from Iraq and Syria and other countries into Iraq. That has never happened before prior to the U.S. invasion. There are a number of other things that are false, but I would go back even further.

I am no longer, as a Member of Congress, concerned about what happens in the White House as it relates to the President's decisions. I am concerned, as what is not happening here in this Chamber, and what is not happening in the other Chamber, as it relates to the oversight in the war on Iraq.

I am very concerned about that because in our Constitution, could someone just bring the Constitution in. I want to hold it up for a moment so we are reminded it is not just a rough draft, it is something that people died for and defended in this country the Constitution calls for three plans of government. When someone tramples a U.S. code or Constitution, it is the Supreme Court that is supposed to stand up on their behalf.

When we have a White House that is willing to do anything they have, and you have a rubber stamp Congress, I missed my rubber stamp during the break, a rubber stamp Congress that is rubber stamping everything this administration does, that is what you get.

You get those kinds of pictures, you get Members of the majority side coming to the floor saying things they know are not true, with all due respect. I don't mean to say this. The American people know the facts are here, they pick up the paper, they watch the news. I just wanted to say that conflict that you pointed out saying how did this happen.

I mean, that is worse than a family feud. This goes back for years and years and years. Now, I have my Constitution here. The bottom line is, we need to follow this. People need to vote for the Constitution. You need to vote for what we said we wanted in this country, what we stand for and people have died for. We need to make sure that we bring balance back.

Mr. DELAHUNT. The people in this country need to vote for a Congress that will ask those questions. How did we get him? How did we arrive here?

Ms. WASSERMAN SCHULTZ. Let me tell you, at least it didn't take me long to break the code, because my whole formative life, the formative years of my life, that picture would never have occurred. Every day in the news you heard about the death toll and how these two countries were locked in the heat of battle.

Remember, Saddam Hussein was Sunni, and the leadership of Iran was Shiite. It could have been hundreds, if not thousands of years of religious conflict.

You know the expression, I am reminded of the expression, which isn't a nice expression but I have certainly heard it used, the friend of my enemy is my enemy. Well, that picture is the result of the enemy of my enemy is my friend. That is what that picture is right there.

Of course, the leadership of Iraq now is Shiite. So we have actually destabilized, and I am not just saying this as DEBBIE WASSERMAN SCHULTZ's opinion, the middle eastern experts on terrorism and on middle eastern history have actually said that what we did hear, what the Bush administration's policies resulted in, is a destabilization. Because previously you had a balance of power with Sunnis in charge in Iraq, Shiites in charge in Iran, essentially to oversimplify it, and now you have almost complete domination by Shiites.

So you are having a region that is descending into civil war, I mean, they are there. We don't really have to wring our hands too much moreover whether or not they are in the middle of a civil war and we are immersed in the middle of their civil war.

Mr. DELAHUNT. What is very interesting is that you talk about civil war. There was a story recently, and I had it with me, that described interviews with American soldiers on the ground, not generals, back in headquarters, and testifying before House and Senate committees, but the troops on the ground, and I will find the quote, because there were several of them, that said, there is a civil war going on and we are in the middle of it.

Ms. WASSERMAN SCHULTZ. So, there is no question.

Mr. DELAHUNT. But, if I may, if I may, this picture, it explains it so well, and it explains the report, for example, from a highly respected British think tank.

□ 2230

If I just might take a few seconds just to read certain extracts: "The Royal Institute of International Affairs concludes that Iran, despite being a part of U.S. President Bush's Axis of Evil, has been the chief beneficiary of the war on terror in the Middle East. Of particular note is Iran's influence in Iraq. Chatham House argues that the greatest problem," listen to this carefully, please, my friends, "the greatest problem facing the U.S. is that Iran has superseded it," meaning the United States, "as the most influential power in Iraq."

Their conclusion is that "in today's Iraq, Iran has more influence than the United States. This influence has a variety of forms, but all can be turned against the U.S. presence in Iraq with relative ease and it almost certainly would heighten U.S. casualties to the point where a continued presence might not be tenable."

This is where we find ourselves today because of the misguided policies and the obsession with war in Iraq that was embraced by this administration, by the President, the Vice President, and the Secretary of Defense.

And today, today, what happened in the conversation between the President of Iran and the Prime Minister of Iraq? Well, here is what happened. This is the news report that goes with this photograph: "Iran offered on Tuesday to help establish security and stability in Iraq after Iraqi Prime Minister Maliki held talks in Tehran on his first official visit. 'We will give our full assistance to the Iraqi government to establish security in Iraq. Strengthening security in Iraq means strengthening security and stability in the region,' Ahmadinejad told a joint news conference after their meeting. The two sides signed an agreement covering these areas.

"The Prime Minister of Iraq had this to say: 'This visit will be useful for cooperation between Iran and Iraq in all political, economic, and,'" listen carefully my friends, "'security fields.

"Tomorrow Mr. Maliki meets with the Supreme Leader Ayatollah Khamenei, the highest authority in Iran, and influential former President Rafsanjani on Wednesday."

What we see here I would suggest is a new relationship, let's call it an alliance, between Iran and Iraq. Remember, these two countries have signed a military cooperation agreement between themselves. Iranians are building a pipeline from Basra to Iran.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, because you talk about the obsession that the Bush administration has engaged in with this war in Iraq, and Iraq generally has been this President's obsession, and what that has resulted in is a total absence of attention and focus on homeland security here.

If our good friends on the other side of the aisle, Mr. MEEK, want to make this election a referendum, a local referendum on the individual Members of Congress standing for reelection on their side of the aisle, we will give them a referendum, because on every measure in terms of who is committed to securing our borders and making sure that our homeland is secure, it is us as Democrats that have proposed solutions and the Republicans that have rejected them.

Let's just walk through this. I have some graphics that will walk through where we are with the Republicans' leadership on homeland security and where we would take us, and Mr. MEEK I know has some interesting things to highlight as well as far as the opinion leaders in this country on both sides of the aisle.

Yesterday, let me just share with you, yesterday we were home in our districts and had an opportunity and a privilege to commemorate the tragedy that was 9/11 from the 5-year anniversary, and learned some very disturbing things.

The question that was perpetually asked, Mr. MEEK and Mr. DELAHUNT, I am sure you were asked the same question, all that anyone wanted to know all day yesterday was, Debbie, are we really safer? After all, that has been talked about and funded, supposedly. Are we safer?

The answer, really, was depending on who you asked. According to the sheriff of Broward County, Ken Jenne, our sheriff in our community, we are safer in some ways. But the only reason we are safer in my community in south Florida and Mr. MEEKS's community is because our local government, not our Federal funding, our local government has stepped up and cooperated.

Mr. MEEK, do you know that Sheriff Jenne told us at the HAZMAT demonstration that we had at the fire station in Weston that only 15 percent of their homeland security funding comes from the Federal Government, comes from us? 15 percent. And the equipment that they have, the gaps that they have exist because we don't give them what they need.

They actually have to take out equipment and personnel to train for on this hazardous material equipment. When they do that, they have to take an entire battalion out of commission and they don't have the personnel that are there to do the regular, everyday emergency response. And what has the Bush administration done and our Republican rubber-stamping friends done? Eliminate the SAFER Program, which funds career firefighter slots and volunteer firefighter slots, so that we can make sure that we have those personnel online and so that we can have the homeland security training that is necessary. Because you can't just take a firefighter without their ladder, without their equipment. They have to actually use the equipment to train on.

So today our borders remain porous. Not everything has been done to prevent another attack. America is not prepared to respond to another attack, particularly if it comes at our ports, at our train stations, at so many of the places that we just essentially have thrown up our hands, at least on the Republican side of the aisle, and said, you know, we are fighting the war in Iraq, and we have to take the war to the terrorists. Every expert agrees that the war on terrorism is not in Iraq.

But let's look at where we are right now and where we would take us. Right now, less than 6 percent of U.S. cargo is physically inspected; 95 percent is not inspected. That is when we are talking about the cargo that comes through our seaports and the cargo that goes in the belly of airplanes. So that is problem number one.

Let's look at how this Republican Congress has shortchanged port security by more than $6 billion. If you look at what the Coast Guard estimate was to implement the Maritime Transportation Security Act, which we adopted after 9/11, they said they needed over $7 billion. Our actual congressional appropriations has been $900 million. That is a huge, huge disparity. There is no way that those gaps have been filled. That means that we are still extremely vulnerable.

Mr. DELAHUNT. Can I just suggest, just on those two items alone, I would submit that that is disgraceful.

Ms. WASSERMAN SCHULTZ. It is disgraceful.

Mr. DELAHUNT. That is the only adjective that comes to mind.

Ms. WASSERMAN SCHULTZ. They have the nerve to stand on this floor and say that they would be better on national security and they would keep Americans safer and that is why they would deserve to be returned to office? Give me a break.

Mr. MEEK of Florida. The Republican majority, that is "they."

Ms. WASSERMAN SCHULTZ. They claim they would be better, the Republican majority, than we would be on national security.

Mr. MEEK of Florida. We got "they" from Mr. Gingrich, because that is what he is calling the Republican majority now, "they."

□ 2240

Ms. WASSERMAN SCHULTZ. Thank you for helping me clarify that definition. "They" is the Republican majority, who controls everything here and has the ability to do any of this at a moment's notice but instead has actually rejected our proposals to tighten homeland security and fund homeland security. We have been fighting for port security while Republicans have been voting against it.

Here are the date-by-date instances in which we have proposed additional funding for port security and, unanimously, the Republicans have rejected it on a party-line vote, time after time: September 17, 2003; June 9, 2004. You could keep going. June 18, 2004; October 7, 2004. These are all instances. September 29, 2005; March 2, 2006. All of these going down on party-line votes. And there are others. I mean, look, I had to use three boards just to show you just a handful of the times that we have proposed enhanced port security and border security and they rejected it, "they" being the Republicans as defined by the dictionary written by Newt Gingrich.

Now, let us look at border security, Mr. DELAHUNT. They claim to be the ones that are tough on border security, that they want immigration reform that is going to secure our borders first. Let us take a walk down memory lane where the Democratic administration under President Clinton was in terms of securing our borders and being committed to that versus the Bush administration. Let us look at the average number of new Border Patrol agents added per year. We passed a bill out of here that would make felons of all 11 million illegal immigrants here, and supposedly they would, I guess, deport themselves at that point, and they talk about how important it is for us to add border security agents. Well, that is really nice, except that the little problem is that the facts get in the way when it comes to who is committed to doing that.

Mr. DELAHUNT. But they are really tough on the borders.

Ms. WASSERMAN SCHULTZ. They are so tough on the border, Mr. DELAHUNT.

Mr. DELAHUNT. They talk tough.

Ms. WASSERMAN SCHULTZ. They talk tough but action is absent. When President Clinton was in office, the average number of new Border Patrol agents added every year was 642. And from 2001 to 2005, the Bush administration added 411, aided by the Republican Congress.

Mr. DELAHUNT. About a third less; is that fair?

Ms. WASSERMAN SCHULTZ. About a third less than was added under the Clinton Democratic administration. How about INS, which is now called CIS, the Immigration and Naturalization Service fines for immigration enforcement, meaning that they would go out and actually fine employers for hiring illegal immigrants and pursuing the hiring of illegal immigrants. Under the Clinton administration in 1999, there were 417 employers fined for immigration violations.

Mr. DELAHUNT. If I could ask a question because I just find this stunning. How many enforcement actions against employers were brought in the year 2000 by the Bush administration?

Ms. WASSERMAN SCHULTZ. In 2000, after 417 being brought in 1999, there were only three.

Mr. DELAHUNT. My math might not be good but that is less than 1 percent.

Ms. WASSERMAN SCHULTZ. Three.

Mr. DELAHUNT. Less than 1 percent. And this is the crowd, this is the crowd that is talking about border enforcement. We have to enforce our borders. But the truth is that there is a lot of talk, a lot of rhetoric, a lot of hot air, and when it comes down to doing it, Democrats have stood tall and have been willing to put the resources into doing exactly that.

Ms. WASSERMAN SCHULTZ. You are absolutely right. And we are not done there. I am going to go on and then bring it in for a landing, and yield to either Mr. RYAN or Mr. MEEK. But 78 percent fewer completed immigration fraud cases. When you are investigating immigration fraud as to whether or not someone belongs here, whether they have actually legally applied for residency, permanent or otherwise, for a green card, the number of cases that were pursued that were fraud cases in 1995, and, Mr. RYAN, who was President in 1995?

Mr. RYAN of Ohio. Bill Clinton.

Ms. WASSERMAN SCHULTZ. And was Bill Clinton a Republican or a Democrat?

Mr. RYAN of Ohio. Democrat.

Ms. WASSERMAN SCHULTZ. Okay. Well, that is what I thought. How about in 2003? In 2003, after 6,455 immigration fraud cases were pursued under the Clinton Democratic administration, 1,389 in 2003 were pursued.

And, Mr. RYAN, who was President in 2003?

Mr. RYAN of Ohio. George Bush, the second.

Ms. WASSERMAN SCHULTZ. Is he a Republican or a Democrat?

Mr. RYAN of Ohio. Republican.

Ms. WASSERMAN SCHULTZ. Okay. So now we can see, very graphically and specifically and factually, who is for enhancing our borders and protecting our homeland security and who just talks about it.

So, Mr. MEEK, what we would do is we have a real security agenda, a real security agenda that we have proposed in the mandatory process that has been rejected by our Republican colleagues and that we will implement once we control the Congress after November 7. Here are some of the things that we would do: We would provide first responders with the equipment and the training that they need and the resources that they need to respond to a terrorist attack, and we would not have to hear when we go home from our local first responders that they have to choose between training and general, normal emergency response. I mean this is our real security agenda right here. It is available on our Web site. Anyone can access it. It also will be available in Spanish. Actually, it is available in Spanish, as we speak.

In addition to that, we would push for stronger transportation and critical infrastructure that is required for security planning and support. We have got to have our security personnel able to move around and be able to actually get to the places that security needs to be enhanced. We would secure the border for real. We would fund it. We would put the Border Patrol agents on the border. We wouldn't need to call out the National Guard to provide additional border security because we would actually pay for it because we have our priorities straight. We would work to strengthen the intelligence community and its ability to share information.

Mr. MEEK, what blew my mind, and you are the ranking member on the Oversight Subcommittee of the Committee on Homeland Security; so you know this better than anyone, we do not have that interoperability communication. We still do not have the ability of all first responders to talk to each other. That is something else I learned yesterday. We would make sure that happens. That was a 9/11 recommendation, one of the Ds and Fs that the Republicans were given for not implementing the 9/11 recommendations. We would make sure that the war on terror was fought where it belongs. And there are many more ways in which we would implement a real security agenda.

And, Mr. RYAN, we are glad you are here and welcome back to you as well.

Mr. DELAHUNT. We are glad you made it.

Mr. RYAN of Ohio. It is good to be back. There are several things that I want to touch upon after hearing some of the comments that have been made.

Mr. MEEK of Florida. Mr. RYAN, you may want to suspend for a minute. You may want to switch. I do not think that you have what you need to have.

Mr. RYAN of Ohio. I think I am taken care of. The crack staff here at the 30-Something Working Group. I thought maybe you missed my being over in the other part of the well, and this made me nervous because I know how you like things the way you like them. Very habitual.

Mr. MEEK of Florida. Mr. RYAN, we are showing you a level of respect here today.

Mr. RYAN of Ohio. Madam Speaker, I think it is important that we focus on what Ms. WASSERMAN SCHULTZ said and what has been said by several of my colleagues here, Mr. DELAHUNT and the gentleman from Florida, and after watching the weekend shows and going through the pain and angst of trying to decipher reality from fiction, I think it is important that we do not get to a point in this country where, because there has not been a terrorist attack in the past few years, that somehow that makes everything okay. We are combating an enemy here that their ability to wait and then strike is staggering. They are patient people. The last terrorist strike prior to September 11, 2001, was in 1993, 8 years prior. So to say we are doing everything right, as was stated on one of the weekend shows by a major member of this administration, I think does not show the kind of responsibility and the kind of urgency that I think Ms. WASSERMAN SCHULTZ pointed out. With border security, we do not know who is coming over the borders. They may be coming through Mexico, but it does not mean they are Mexicans, which has been an ally of ours. You do not know who is coming through. So I think it is foolhardy to say that.

And then I want to almost in our private meetings make a motion to make the former Speaker Newt Gingrich an honorary member of the 30-Something Group because of the kind of analysis that he continues to provide us and what we are in agreement on.

□ 2250

Now, let's look at what the former Speaker has said about staying the course. And this isn't just Iraq; I think this is also dealing with homeland security. The former Speaker says in the Wall Street Journal on September 7.

Mr. DELAHUNT. If the gentleman would yield for just a moment.

Mr. RYAN of Ohio. I would be happy to yield.

Mr. DELAHUNT. I think we have got to underscore that the former Speaker was the leader when he served here of the Republican Party.

Mr. RYAN of Ohio. He was the man who set the basic principles of what the Republican revolution was going to look like.

So on September 7, 2006, in the Wall Street Journal, he says: "Just consider the following: Osama bin Laden is still at large, Afghanistan is still insecure, Iraq is still violent, North Korea and Iran are still building nuclear weapons and missiles, terrorist recruiting is still occurring in the U.S., Canada, Great Britain, and across the planet."

Is that the kind of leadership we want in the United States of America to secure our country? I don't think so. Given that foreign policy and domestically, given what Ms. WASSERMAN SCHULTZ has said about our borders and our homeland security and our ports, that is not the kind of leadership we need.

And the final point I would like to make before I yield to my friend from Florida is that we have tended to take the long view. I think we have made some difficult decisions, our party, in the last 10 or 15 years that have been difficult, balancing the budget in 1993, leading the lower interest rates, creating 20 million new jobs, welfare reform. All of those things were very difficult decisions politically, but over the long haul history is judging them to be good decisions on behalf of the country. And to look and see what Secretary Rumsfeld said when he kept getting questioned about what we were going to do in post-war Iraq, Madam Speaker, I think says it all. And this is from a story in The Washington Post on Saturday, Madam Speaker.

It says: "Long before the United States invaded Iraq in 2003, Defense Secretary Donald Rumsfeld forbade military strategists to develop plans for securing a post-war Iraq, the retiring commander of the Army Transportation Corps said. Brigadier General Mark Scheid told the Newport News Daily Press in an interview published yesterday that Rumsfeld had said "he would fire the next person," who talked about the need for a post-war plan.

He would fire the next person that brought it up, Madam Speaker. This isn't saying, I don't want to hear the other side. This isn't saying, we aren't talking about that yet. This isn't saying, we are having a meeting about something else right now, maybe we will bring that up later. Or, we are having a meeting about that tomorrow. The Secretary was saying he would fire the next person who even brought up designing a post-war Iraq plan.

Now, that is the kind of leadership we are getting. And I think in September of 2006 as we see where this country is, where former Speaker Gingrich is saying where the country is and all the lack of successes that we have had, to see the kind of leadership coming out of the Pentagon and the Secretary saying we will fire you if you even bring it up one more time about a post-war plan in Iraq, I think speaks volumes about what is going on.

I yield to my friend.

Mr. DELAHUNT. I have reviewed that particular interview with General Scheid. He goes on to say: "Just as we were getting into Afghanistan, Rumsfeld came and told us to get ready for Iraq." Scheid remembers thinking, My gosh, we're in the middle of Afghanistan. How can we possibly be doing two at one time? How could we pull this off? It's just going to be too much. The Secretary of Defense continued to push us that everything we write in our plan has to be with the idea that we're going to go in, we're going to take out the regime, and then we're going to leave.

You know, to think that the President has not demanded from the Secretary of Defense his resignation I think is a statement of arrogance, a statement that the American people are being insulted. And I hear this frequently: If this were done in the private sector, how long would the head or a CEO of an agency the size of the Department of Defense be allowed to continue? I mean, we all know that answer. That is a rhetorical question.

Mr. RYAN of Ohio. Mr. DELAHUNT, I have got to tell you, over August break I had numerous conversations with business folks, Republicans, card-carrying, who would talk to me about the fact that if they were running the business and Rumsfeld was their assistant or vice whatever, he wouldn't be around. He would have been gone years ago.

Mr. DELAHUNT. And yet on Sunday, on Sunday we have the Vice President of the United States being interviewed by Tim Russert, and this is what he has to say. Talk about an incapacity to embrace reality and to be honest with the American people. Knowing all that he knows, in retrospect, he concludes that the war in Iraq was the right thing to do; and if we had to do it over again, we would do exactly the same. Russert poses the question: Exactly the same thing? "Yes, sir."

I mean, we're refereeing a civil war. Reports are coming out of the Pentagon that western Iraq, we are about to lose western Iraq. This is the intelligence that is provided by a highly respected Marine colonel, and yet this crowd, these men have the hubris to stand before the American people and say that they would do the same thing again despite what we have learned, despite reports from the Senate Intelligence Committee that unequivocally say that they were wrong when they talked about al Qaeda and links with Saddam Hussein. And even as recently as August 21, the President infers that there was a relationship between Saddam Hussein and Zarqawi. And the Senate Intelligence Committee in a bipartisan way says that is not the case. Do they think that we are stupid?

But the tragedy is that our colleagues on the other side in the Republican majority refuse to ask those questions, refuse to insist that they come before the congressional committees and answer to these charges made by military personnel, by colonels, by generals, by boots on the ground that have been there and fought there for their country. That is arrogance.

Mr. MEEK of Florida. Mr. DELAHUNT, can we yield to Mr. RYAN to give the Web site information.

Mr. RYAN of Ohio. 30-Something Working Group www.housedemocrats.gov/30-something, housedemocrats.gov/30-something. And all the charts that you have seen tonight, Madam Speaker, are available on the Web site. I yield back to my good friend from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Speaker, I include for the RECORD the Wall Street Journal article previously referred to:

[From the Wall Street Journal, Sept. 7, 2006]

BUSH AND LINCOLN

(By Newt Gingrich)

WASHINGTON.—Five years have passed since the horrific attack on our American homeland, and, still, there is one serious, undeniable fact we have yet to confront: We are, today, not where we wanted to be and nowhere near where we need to be.

In April of 1861, in response to the firing on Fort Sumter, President Lincoln called for 75,000 volunteers to serve for 90 days. Lincoln had greatly underestimated the challenge of preserving the Union. No one imagined that what would become the Civil War would last four years and take the lives 620,000 Americans.

By the summer of 1862, with thousands of Americans already dead or wounded and the hopes of a quick resolution to the war all but abandoned, three political factions had emerged. There were those who thought the war was too hard and would have accepted defeat by negotiating the end of the United States by allowing the South to secede. Second were those who urged staying the course by muddling through with a cautious military policy and a desire to be "moderate and reasonable" about Southern property rights, including slavery.

We see these first two factions today. The Kerry-Gore-Pelosi-Lamont bloc declares the war too hard, the world too dangerous. They try to find some explainable way to avoid reality while advocating return to "normalcy," and promoting a policy of weakness and withdrawal abroad.

Most government officials constitute the second wing, which argues the system is doing the best it can and that we have to "stay the course"—no matter how unproductive. But, after being exposed in the failed response to Hurricane Katrina, it will become increasingly difficult for this wing to keep explaining the continuing failures of the system.

Just consider the following: Osama bin Laden is still at large. Afghanistan is still insecure. Iraq is still violent. North Korea and Iran are still building nuclear weapons and missiles. Terrorist recruiting is still occurring in the U.S., Canada, Great Britain and across the planet.

By late summer, 1862, Lincoln agonizingly concluded that a third faction had the right strategy for victory. This group's strategy demanded reorganizing everything as needed, intensifying the war, and bringing the full might of the industrial North to bear until the war was won.

The first and greatest lesson of the last five years parallels what Lincoln came to understand. The dangers are greater, the enemy is more determined, and victory will be substantially harder than we had expected in the early days after the initial attack. Despite how painful it would prove to be, Lincoln chose the road to victory. President Bush today finds himself in precisely the same dilemma Lincoln faced 144 years ago. With American survival at stake, he also must choose. His strategies are not wrong, but they are failing. And they are failing for three reasons.

(1) They do not define the scale of the emerging World War III, between the West and the forces of militant Islam, and so they do not outline how difficult the challenge is and how big the effort will have to be. (2) They do not define victory in this larger war as our goal, and so the energy, resources and intensity needed to win cannot be mobilized. (3) They do not establish clear metrics of achievement and then replace leaders, bureaucrats and bureaucracies as needed to achieve those goals.

To be sure, Mr. Bush understands that we cannot ignore our enemies; they are real. He knows that an enemy who believes in religiously sanctioned suicide-bombing is an enemy who, with a nuclear or biological weapon, is a mortal threat to our survival as a free country. The analysis Mr. Bush offers the nation—before the Joint Session on Sept. 20, 2001, in his 2002 State of the Union, in his 2005 Second Inaugural—is consistently correct. On each occasion, he outlines the threat, the moral nature of the conflict and the absolute requirement for victory.

Unfortunately, the great bureaucracies Mr. Bush presides over (but does not run) have either not read his speeches or do not believe in his analysis. The result has been a national security performance gap that we must confront if we are to succeed in winning this rising World War III.

We have to be honest about how big this problem is and then design new, bolder and more profound strategies to secure American national security in a very dangerous 21st century. Unless we, like Lincoln, think anew, we cannot set the nation on a course for victory. Here are some initial steps:

First, the president should address a Joint Session of Congress to explain to the country the urgency of the threat of losing millions of people in one or more cities if our enemies find a way to deliver weapons of mass murder to American soil. He should further communicate the scale of the anti-American coalition, the clarity of their desire to destroy America, and the requirement that we defeat them. He should then make clear to the world that a determined American people whose very civilization is at stake will undertake the measures needed to prevail over our enemies. While desiring the widest possible support, we will not compromise our self-defense in order to please our critics.

Then he should announce an aggressively honest review of what has not worked in the first five years of the war. Based upon the findings he should initiate a sweeping transformation of the White House's national security apparatus. The current hopelessly slow and inefficient interagency system should be replaced by a new metrics-based and ruthlessly disciplined integrated system of accountability, with clear timetables and clear responsibilities.

The president should insist upon creating new aggressive entrepreneurial national security systems that replace (rather than reform) the current failing bureaucracies. For example, the Agency for International Development has been a disaster in both Afghanistan and Iraq. The president should issue new regulations where possible and propose new legislation where necessary. The old systems cannot be allowed to continue to fail without consequence. Those within the bureaucracies who cannot follow the president's directives should be compelled to leave.

Following this initiative, the president should propose a dramatic and deep overhaul of homeland security grounded in metrics-based performance to create a system capable of meeting the seriousness of the threat. The leaders of the new national security and homeland security organizations should be asked what they need to win this emerging World War III, and then the budget should be developed. We need a war budget, but we currently have an OMB-driven, pseudo-war budget. The goal of victory, ultimately, will lead to a dramatically larger budget, which will lead to a serious national debate. We can win this argument, but we first have to make it.

Congress should immediately pass the legislation sent by the president yesterday to meet the requirements of the Supreme Court's Hamdan decision. More broadly, it should pass an act that recognizes that we are entering World War III and serves notice that the U.S. will use all its resources to defeat our enemies—not accommodate, understand or negotiate with them, but defeat them.

Because the threat of losing millions of Americans is real, Congress should hold blunt, no-holds-barred oversight hearings on what is and is not working. Laws should be changed to shift from bureaucratic to entrepreneurial implementation throughout the national security and homeland security elements of government.

Beyond our shores, we must commit to defeating the enemies of freedom in Iraq, starting with doubling the size of the Iraqi military and police forces. We should put Iran, Syria and Saudi Arabia on notice that any help going to the enemies of the Iraqi people will be considered hostile acts by the U.S. In southern Lebanon, the U.S. should insist on disarming Hezbollah, emphasizing it as the first direct defeat of Syria and Iran—thus restoring American prestige in the region while undermining the influence of the Syrian and Iranian dictatorships.

Further, we should make clear our goal of replacing the repressive dictatorships in North Korea, Iran and Syria, whose aim is to do great harm to the American people and our allies. Our first steps should be the kind of sustained aggressive strategy of replacement which Ronald Reagan directed brilliantly in Poland, and ultimately led to the collapse of the Soviet empire.

The result of this effort would be borders that are controlled, ports that are secure and an enemy that understands the cost of going up against the full might of the U.S. No enemy can stand against a determined American people. But first we must commit to victory. These steps are the first on a long and difficult road to victory, but are necessary to win the future.

Mr. MEEK of Florida. And, Mr. DELAHUNT, as we close here, I believe Ms. WASSERMAN SCHULTZ is going to claim that next hour so we will continue. Democrats, we call for the redeployment, a number of Members and some Republicans, redeployment of U.S. troops. Due to the fact that Mr. RYAN talked so eloquently about section 1, Article I of the Constitution that says we have legislative powers, but it seems the Republican majority forgets about that. Thus far, the new Pentagon report shows that the situation is worse in Iraq. Every day we go now, the attacks are up to 700 attacks per week, 792 attacks. We also have U.S. troops and taxpayers continuing to pay a high price for the war in Iraq. We are approaching 2,700 U.S. troops dead, 20,000 wounded, and the U.S. taxpayers are paying more than $300 billion on the war in Iraq alone.

That picture next to you, Mr. DELAHUNT, is very revealing, these two quote/unquote leaders are embracing that the U.S. has questions with.

☐ 2300

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is a privilege and an honor to join my 30-Something colleagues for this next hour to talk about the new direction for America that Democrats want to take this country in, and what we would implement were we to have the opportunity to take the majority after November 7 of this year.

We have been talking about the Republican leadership's security failures and the fact that while they talk real nice about how they are committed to homeland security and improving our security measures nationally, that is all it appears to be amounting to, is talk.

Let us walk through, my colleagues, what the reality is in terms of where Republicans have taken us on security. Let us look at the Iraq war. Right now, under the Bush administration's policy of "stay the course," our Republican colleagues have essentially been continuing to be a rubber stamp for a "stay the course" policy, even though that has strained our military, cost nearly 2,700 United States lives, and diverted attention and resources away from the real war on terror.

There has been article after article, Madam Speaker, that has come out that has clearly indicated, and the

American people know this, that the war on terror is not going on in Iraq. It is going on in pockets throughout the world where, if we actually devoted our resources and our intelligence capabilities to the true war on terror and shored up our borders and made sure they were not as porous as they are, then we would be able to feel more secure and I wouldn't get questions like I got yesterday all day when I participated in 9/11 commemoration events: Are we really safer?

People are really concerned. They are concerned in their hearts, Mr. DELAHUNT. They want to feel safer. They want the answer to that question to be yes, but they know that the answer is not yes. Our friends on the other side of the aisle are rolling out the same tired baloney, Mr. RYAN, about how they are going to be the ones that can be counted on for homeland security and protecting Americans in this hour of strife. Well, that is not the reality when we look at the facts.

Look at the Iraq war. We could not be in worse shape. Look at the war on terrorism and there isn't anyone that could examine the war on terrorism and say that we are winning right now; that we have been successful in our fight. We have not captured or killed Osama bin Laden. Terror groups and the number of global terror attacks are on the rise. Five years after 9/11 we have still failed to capture or kill bin Laden. And in a survey of America's top national security experts, 84 percent of them said that America is not winning the war on terror.

What we are calling for, Mr. DELAHUNT, is to finish the job in Afghanistan, which we should never have abandoned in the first place. The Taliban insurgency is on the rise. It is getting worse and worse there. Mr. DELAHUNT reviewed that in the last hour. Democrats would double the size of our special forces, increase our human intelligence capabilities, secure all loose nuclear materials by 2010, and implement our real security agenda, which those are all components of.

When it comes to homeland security, we would implement the recommendations of the 9/11 Commission, unlike the Bush administration and this Republican Congress who have gotten D and F grades by the 9/11 Commission. We would implement their recommendations and fund them.

This is a really interesting fact, Mr. MEEK. If Democratic amendments, like that which we detailed in the last hour had been adopted, there would actually be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration enforcement agents along our borders than now exists.

We only check 6 percent of the containers that come through our ports. Most air cargo that goes in the belly of our passenger airplanes is still not being screened, and there is still not a unified terror watch list for screening airline passengers. What we are doing is having people remove their shoes before they go through a metal detector and now we make them throw away their Coke.

If we are resting the sum total of our national security on those two things, then no wonder people ask the question like I got all day yesterday: Are we really safer? I wasn't able to answer that question yesterday the way I really wanted to be able to, Mr. DELAHUNT and Mr. MEEK.

Mr. MEEK of Florida. I think what is important here, Ms. WASSERMAN SCHULTZ, is the fact that we know we have a real security plan. Members can log on to housedemocrats.gov and get this plan. It is there, Madam Speaker. Folks can't say that we don't have a plan or that we are not thinking about what we should be doing as it relates to terrorism. That is not the case.

We have two wars going on, one is against the war on terror and one is the war in Iraq. The war in Iraq is a miserable failure, as we look at it from a governance standpoint of this Congress and the leadership in the White House doing what they need to do.

Our troops and the commanders on the ground are doing the best they can with what they have to work with. But the bottom line is we didn't do diplomatically, and when I say we, the Republican majority and the White House, in making sure we had a true coalition before we went into Iraq. It is a coalition we paid for. The American taxpayer paid for whatever 25 troops that the country sent there, or the second largest force in Iraq, Madam Speaker, that is still there in the war in Iraq are contractors, that the U.S. taxpayers, where you get that $300 billion from, Mr. DELAHUNT.

So as far as governance, it is not happening from our side. The war that Mr. Gingrich referenced is the war that had the connection with al Qaeda and the Taliban government. That was the response to 9/11.

Mr. DELAHUNT. But we left too early.

Mr. MEEK of Florida. But we left, and now we have commanders on the ground in Afghanistan saying, we are losing ground now. We need help now.

But guess what, Madam Speaker? War number two, that has nothing to do with the war on terror but now has become a war on terror, or we are trying to connect it, and the President spent almost more time trying to connect the reason why we went into Iran with 9/11. And that is not the case, and I think everybody knows it. The Taliban wasn't in Iraq. They weren't there, Madam Speaker. They have operatives there now as it relates to al-Qaeda. That is after we invaded.

Mr. DELAHUNT. They are training.

Mr. MEEK of Florida. They are training there and becoming stronger.

Mr. DELAHUNT. And they are going back.

Mr. MEEK of Florida. And they are going back and training. I am going to yield to you, Mr. DELAHUNT, but I know it is hard because this stuff is so much in the face of the American people, but we want to make sure that we break it down. But let me just make one more point, please. Let me just try to get this out and then I will happily yield, Mr. DELAHUNT.

The fact that we have two wars going on, and the Democratic leader of the Armed Services Committee that Mr. RYAN and I serve on, Mr. IKE SKELTON, he came to the floor, and I have his statement right here. It was a 5-minute speech he gave last week, and I heard him give this speech last week on the two wars. Right here on this floor, Mr. DELAHUNT, we were standing right over there, I said, Mr. SKELTON, can I have a copy of what you shared with the American people and the Members of this House? He gave it to me.

These are the three pages right here. Talks about the two wars, Madam Speaker. It talks about a war on terrorism, which we had Osama bin Laden pinned down, and then we went into this other war in Iraq that took troops away from Afghanistan, that stretched U.S. forces to the point to where they are now. It is kind of hard to keep up with the whole recruiting issue. We are almost giving away a Chevy truck for people to join the military right now. And it is very unfortunate because the U.S. taxpayers are being drained.

Now, when I said that it comes down to the failure, I am talking about the failure of the oversight and governance on this side of the ball, Mr. DELAHUNT, Mr. RYAN, and Ms. WASSERMAN SCHULTZ. We must do a better job. Now, how do we do that job?

Mr. RYAN speaks all the time about article one, section one of the U.S. Constitution. It is right here. It says the Congress, not the executive branch, has legislative powers. That means the House and the Senate. We oversee legislation. But that is not happening right now, and so that is the reason why we have the breakdown in government that we have right now, Madam Speaker. This is very simple.

We, the Democrats, are willing to put America in a new direction. Now, let us just talk about this new direction for a minute. It is not rocket science. It is just doing what the Constitution says. It is doing what the American people federalized us to do, is to represent them and not to be a rubber stamp for the White House.

□ 2310

We have borrowed more money than we have ever borrowed from foreign nations in the history of this country: $1.05 trillion in 4 years versus $1.10 trillion in 224 years. That is where it has gotten us.

Oil companies, record-breaking profits as far as the eye can see. The next numbers are going to come in even higher. There was a meeting in the White House in 2002, and look at how the profits have just taken off in the billions for U.S. oil companies. That's a lack of oversight by the Congress allowing the White House to have their way and to make sure that oil companies get what they want.

Here are the countries that own a part, a big part of the American apple pie. Japan comes in at a whopping $682.8 billion, along with other countries. This is what happens when Article I, Section 1 of the U.S. Constitution is not adhered to. This is not Republican and majority stuff. This is not anything when it comes down to Democrats versus Republicans. This comes down to if you are willing to suit up and put on a tie or a St. John's and you come onto the floor and represent the American people. He is all of our President. Goodness gracious, I am an American. President Bush is my President, period, dot. The election is over. This is not about an election; this is about governance, and it is not happening right now.

One thing that this Republican Congress does well, that is giving themselves pay raises. That is something that they do well. In 1998, a $3,100 pay raise; zero to the American people as it relates to the minimum wage. It goes on and on all of the way to 2006. We have said on the Democratic side it is not going to happen because we are going to stand up on behalf of the American people.

Yes, there was a bill on the floor and we have talked about increasing the minimum wage. There is a lot of trickery in the bill, and it is not going to pass Congress, and it is not going to the President's desk.

I just want to say, I started with Article I, Section 1, which Mr. RYAN talks about all of the time. It has nothing to do with being Democrat or Republican. It comes down to if you are willing to be in the majority and say we are willing to legislate on behalf of the American people.

I have gone through a litany of things that have gone wrong because we haven't had balance in the three branches of government working in the way that they should. If you are an Independent or Republican or a Democrat or a Green Party or a young person, 17½ or going to be 18 by election day or whatever the case may be this November, you have to be concerned about the direction that the country is going into. We are saying on our side of the ball, the Democratic side of the ball, that we have the will and the desire to lead in the direction that we need to be led. We won't let people down, and we won't let it go out so far that it becomes too late.

Mr. DELAHUNT. We won't find ourselves in the same position that Chairman HYDE and Congressman KIRK now discover with their letter of last week asking the President to change the strategy when it comes to Afghanistan.

It is 5 years after 9/11, and they both said United States efforts in Afghanistan are failing. That is what the Republicans are saying 5 years after 9/11.

Now we are going to have a visit once more from presumably the President of Afghanistan and we are going to hear the same words and the same rhetoric that we have heard, but we know what the reality is, and that is that the safe harbor and the genesis of where the attacks were planned and fomented and those individuals who attacked the United States train in Afghanistan, that our enemy there, the Taliban, are coming back.

We won't let that happen because we will be asking the questions all along. If it requires one hearing every week on Iraq, Afghanistan, Iran and what is happening, we will do it. As Mr. MEEK said, we will roll up our sleeves and get the job done because I think if anyone looks at this picture and reads the reports, the American people deserve some answers because the President of Iran and the Prime Minister of Iraq when asked at a joint press conference following their talks today about allegations that Iran was interfering in Iraq, the Prime Minister of Iraq said there is no obstacle in the way of implementing agreements between Iran and Iraq.

And the President of Iran responded by saying we consider Iraq's progress, independence and territorial integrity as our own. He also said that Iran hoped the United States will leave Iraq soon.

This is the President of Iran. He goes on to say that the triple strength and bilateral relationship Iran and Iraq as two brotherly neighbors will stand by each other and unwanted guests, and that's the U.S. Coalition, will leave the region, he said. The Prime Minister of Iraq described the talks as very constructive and called Iran a very important country, a good friend, and a brother.

Can somebody tell me what is happening? Are we seeing the emergence of an alliance that presumably would be detrimental to the interest of the United States?

What does the President say about this particular photo opportunity? Do you know, Mr. MEEK or Ms. WASSERMAN SCHULTZ? What is the position of the administration? Maybe the Prime Minister of Iraq can serve as our interlocutor with Iran on their uranium enrichment program because we are not talking to the Iranians. We don't talk to them and they don't talk to us because we sided with Saddam Hussein in that war that lasted from 1980 to 1988.

Do you recognize this gentleman? That's Saddam Hussein? And you know who is shaking hands with him? That is Secretary Rumsfeld. That picture was taken in the early 1980s because Donald Rumsfeld, the current Secretary of Defense, he was the special envoy from the Reagan-Bush administration to Saddam Hussein.

Ms. WASSERMAN SCHULTZ. A picture speaks a thousand words.

Mr. DELAHUNT. But now we have a new picture. We have a picture of the President of Iran and the Prime Minister of Iraq. What have we done? Can anybody answer the question?

☐ 2320

Mr. DELAHUNT. We know this, those questions will never get asked as long as the Republican Party is the majority party in Congress.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, I would like to talk about what we haven't done, and a little bit about what we have done. I can tell you last week, this is truly unbelievable.

I mean, I think that there would be unanimous agreement in this room, no matter what party you represent, that we have a couple of issues that are pressing in this country. I can't imagine anybody would disagree with that, whether it is the 46 million people that don't have access to health care, whether it is the fact that gas prices are hovering at or near or over $3 a gallon, whether it is the fact that we haven't raised the minimum wage in 9 years. You know, there is a laundry list of problems.

Yet, last week, we spent our time, we spent 2 days here, Wednesday and Thursday. During that time, if you remember what did we do. We named some post offices, but we always name post offices, that is a ceremonial thing that we do as parts of our regular routines and rituals here at the high school we adopted some resolutions, expressed the House sentiment.

But that is what we usually do Tuesday, the first day we are here and sometimes extending into Wednesday. Wednesday and Thursday is when we get into the meat and substance of why we are here, we are addressing the Nation's problems.

Last week, we addressed the critical problem that I know I am stopped in the supermarket every day, the prevention of horse slaughtering. That is the only bill that we passed of any substance last week. We passed the American Horse Slaughter Prevention Act. I can tell you that I voted for it, because I believe that we should prevent the slaughter of horses.

But, when it comes to what should be at the top of the national agenda, I don't know. Somehow that doesn't come up in my town hall meetings. I can tell you that our priorities for last week included implementing the 9/11 Commission recommendations, raising the minimum wage, lowering prescription drug costs for seniors, increasing

Pell grants for people who want to pursue higher education for students, rolling back the subsidies for big oil, which have been implemented by the Republican leadership in Congress, and their rubber stamped colleagues; restoring the PAYGO rules so that we aren't continuing with out-of-control spiraling deficits, so that we can make sure that we only spend what we take in, and comprehensive immigration reform.

That was on our agenda last week, and the Republican agenda was making sure that we prevent the slaughter of horses. I don't know, I think after November 7, I think most Americans are hopeful that we will move in a new direction. That when they get out of bed in the morning, they will not have to worry about whether there is a plan to make sure that it doesn't cost them more than $50 to fill up their gas tank, that the agenda that is addressed by the Congress of the United States doesn't include whether or not children will be reciting "under God" in the pledge.

I mean, most moms, with a young man or woman fighting in the war in Iraq, they are not worrying about whether their little ones are saying "under God" in the pledge. They are worrying about whether their baby is going to come back to them.

The father of four, before he leaves the house in the morning, do you think he is worried about whether or not we burn the flag that day somewhere in America, as objectionable as flag burning is, or do you think he is more likely to worry about whether he is going to be able to afford to fill up his gas tank with than $50 coming out of his wallet. I mean, where are their priorities? How is that? How are those things the top of their agenda?

Mr. RYAN of Ohio. I think whether you are talking about foreign policy, what's going on in the war, or what you stated their agenda was the last week, which has been pretty much the same for the past couple of years, just a bunch of stuff that really hasn't worked, and you could just look around to see the facts of the matter, but there is a general sense by this Congress, and I think this administration, of we don't have to fix these problems. They are somehow just going to fix themselves.

I found it very interesting, one of the bills I am most excited about when we get back in is Representative TANNER's bill and Representative CARDOZA's bill that says we are going to basically audit the government. We are going to find out whether there is fat, where there is wasted money, where there are programs that aren't working cut them and squeeze them and put that money into stuff that is working. But that takes initiative, as Mr. MEEK has said, it is about rolling up your sleeves and going to work and doing the hard work.

But I found it very interesting, as I was going through former Speaker Gingrich's basic proposals in the Wall Street Journal, I am sorry, and going through here, he makes a lot of comparisons to the Civil War. It is very well written and very insightful.

I want to just share with the House, Madam Speaker, a couple of things that Mr. Gingrich has said, which I think is the kind of attitude that he wanted to bring in 1994, and I think the kind of attitude that we want to bring in, and we will bring in when we take back the House of Representatives next year. He says, as he is going through the war, some suggestions for the President. He talks about several initiatives.

One he said, then, he, the President, should announce an aggressively honest review of what has not worked in the first 5 years of the war. Based upon the findings, he should initiate a sweeping transformation of the White House's national security apparatus. The current, hopelessly slow and inefficient interagency system should be replaced by a new metrics based and ruthlessly disciplined integrated system of accountability with clear timetables and clear responsibilities.

That is what the Democrats want to do. Let us provide some oversight to all this nonsense that has been going on, and then we have to listen time and time again, new show after new show, about how everything is going okay, we need to stay the course, and we have the former Speaker telling us, no, it is about an aggressive honest review of what has not worked.

There are numerous examples of that, and it is about time that the body that was created by Article I, Section 1 of the Constitution, provides the proper oversight. We are not talking about what's going on in local Rotary Club project. We are not talking about a local Kiwanis Club project to go create a river walk in a downtown. We are talking about almost 3,000 American soldiers being killed. We are talking about 20,000 of our soldiers being injured.

We are talking about thousands and thousands of Iraqis, many of them very innocent people, being killed, because we haven't figured out how we are going to win this war, and we have a Secretary of Defense that says he will fire the next person who asks for an exit strategy, or a post war plan. That is not leadership. I don't care what party you belong to.

This isn't about Democrats and Republicans. This is about fixing a major problem that will cripple the American economy, bust our budgets for the next generation.

Again, Mr. Gingrich says, because the threat of losing of millions of Americans lives is real, Congress should hold blunt no-holds barred oversight hearings on what is and is not working. Lives should be changed to shift from bureaucratic to entrepreneurial implementation throughout the national security and homeland security elements of government. That is exactly what Representative TANNER's bill will do. That is exactly what Representative CARDOZA's bill will do. Let us throw it all out on the table. Let us hold oversight hearings. Let us audit this government that is not working. This government was meant to work in an industrial society, and it is operating like it is 1950, which it would be fine if it was 1950, but it is 2006.

Everything has changed except for our national security offices and our homeland security offices. We created a 20th century bureaucracy with the Department of Homeland Security to battle a 21st century problem.

Mr. MEEK of Florida. I just want to say it is outstanding what you pointed out, but I really do like what the Rotary and Kiwanis Clubs do in my local area. I just want you to know that. We have a very strong Rotary in my area, Opelika Rotary, doing a very outstanding job.

Mr. RYAN of Ohio. Are you a member?

Mr. MEEK of Florida. Yes, I am. I spoke at their dinner.

Mr. RYAN of Ohio. Pay your dues?

Mr. MEEK of Florida. I am an honorary Rotarian.

Mr. RYAN of Ohio. Which means you don't have to pay your dues.

Ms. WASSERMAN SCHULTZ. Moving right along.

Mr. MEEK of Florida. When I get back to my district, I am going to become a member of the Rotary Club, because I do have a pin.

Let me just say very quickly that this whole issue of the homeland security, and what we do and what they haven't done, when I say they, I am saying the Republican majority, as you know I am a member of the Homeland Security Committee. Last week we had a press conference.

☐ 2330

We talked about our Real Security Plan, and we talked about the fact that Republican majority has shown that they are not ready to put forth this plan.

What is this plan? This plan embodies 100 percent of the recommendations that the 9/11 Commission called for. Wow. The government spent a lot of money and put together a bipartisan commission. They have hearings, they go throughout the country, they go to New York, they have hearings here in Washington, D.C., have former Members of Congress, have the National Security Advisor to the President come before them, have the President of these United States come before them, have Members of Congress and other security experts, CIA personnel, you name it, other clandestine organizations within the Federal Government.

Some hearings are secure, some hearings are public. They put forth their report and we say, well, let's see. We will do this and we won't do that.

When you talk about national security, you can't skimp on the butter. You can't say, well, I am willing to wasteful spend as it relates to an unorganized response to Hurricane Katrina, or I am willing to send $300-plus billion to Iraq with very little oversight. But when it comes down to the 9/11 Commission report, that is where the proof is in the pudding.

I am pretty sure every Member of Congress sent some sort of press release out talking about 9/11. Some Members went on further to justify the reason why things aren't the way they are supposed to be. Some went further and talked about how secure America is. Meanwhile, back at the ranch, the professionals are not saying here in in Washington that we have done our job, we, the Republican majority.

I want to point a few things out. I am going to do the "Ms. WASSERMAN SCHULTZ" here for a minute. Democrats are calling to make sure we go in a new direction as relates to homeland security. That is very simple. What does this new direction call for? This new direction calls for the immediate implementation of all the 9/11 recommendations. That is not partisan, that is security, Mr. RYAN.

What else does it call for? It calls for 100 percent container screening of not only cargo containers that are on ships, but also cargo that is going into the belly of the plane. Ms. WASSERMAN SCHULTZ talked about that in the last hour.

We are taking our shoes off, hand your hand sanitizer over, you better drink that water before you go through the security area. What are you doing? Just before I got on the plane when I went to New York to be there on 9/11, I was getting on, and you know how they check you the secondary check before you go on the plane? "Oh, you have some chapstick here. You can't have this." "I am sorry. Take it, please." Meanwhile, looking out the window, I am looking at the containers going into the back of the plane going into Washington, D.C. I couldn't help but notice that.

What else are we calling for? We want to provide first responders with the training, equipment and technology they need. Ms. WASSERMAN SCHULTZ, what they asked for, what the 9/11 Commission asked for, what Members of Congress asked for. But, still, bills to implement this are not able to make it to the floor because it is pushed back by the Republican majority.

Let's talk about what Democrats have done to lead on border security. The 9/11 Act called for 2000 new Border Patrol agents. I talked in the last hour about how we would add some 6,000-odd border protection officers in the amendments and attempts we made to try to increase that. We this year in 2006 called for 2,000 more Border Patrol officers, yet the President's budget only called for 210 new officers.

It goes back to what you were saying, Ms. WASSERMAN SCHULTZ. The Republican majority is big on the talk, in the stump speech and having the press conference with security, homeland security, all this kind of stuff. But when it comes down to the printed word, when it comes down to the budget that is handed out from the White House and when it comes down to what this Republican majority does, it is 2,000, from what the 911 commission called for, and what we called for as House Democrats, versus the President's proposal, and you can look it up on line, that only asks for 210 agents.

Democrats fought for the funding on almost five different occasions. Again for the record, Ms. WASSERMAN SCHULTZ, H.R. 1268, a motion to recommit, and 2,000, vote number 160, and that happened on 5/5/05. Also you look at House bill 2360 was blocked, it was an Obey amendment, vote number 174. That was on 5/17/05. It failed, 223 to 185 on a partisan vote. H.R. 1817, a motion to recommit, 2005, again vote number 188, again failed on partisan lines.

You start talking about on border security and closing the gaps. On nine separate occasions over the last 5 years, Democrats put forth motions here on this floor, because that is the only thing we can do. Being in the minority, we are not able to bring the bills to the floor, because the majority is blocking those bills from getting out of committee. And they are noted right here, and I am not going to go through that at this particular time, but all of this is on line, HouseDemocrats.gov, if anyone wants to go on and get this information.

Also when you start talking about aviation security, Democrats offered a motion to require air cargo to be screened within 3 years. The motion was rejected by Republicans, again 2005, vote number 188, 5/18/05.

Democrats have spoken repeatedly on the issue of transit security, making sure that we authorize including a $2.8 billion initiative to improve transit security and a $1 billion initiative to improve rail security. Substitute amendment defeated again.

So when you start look looking at the RECORD and what the RECORD says versus what is said here on the floor by the Republican majority and the rubber stamp majority, I wish the rubber stamp Republican majority would stop fighting us and start saying to the President, guess what, we no longer want to rubber stamp everything that you send here. I just wish the Republican majority would just leader up and say hey, Mr. President.

So you start reading the paper, could someone get me a newspaper, please, because I want to just have it as a prop, because as Americans start reading the paper, they are reading about how Republican Members of the House and the Senate, the President flies into town, they get on the plane and leave town. Some even get in their car and go. "I was on the other side of my district."

Well, let me tell you something, if the President of the United States is in my district, I think I would know. I think it would be some sort of news flash or some sort of e-mail that would come to me and say, you know, the President is coming in your district today, will be in an elementary school. Maybe you want to be there. He is the leader of the free world. Maybe you want to be there.

The reason why they are taking flights while the President is coming in the reason why they are finding something else to do while the President is in their town is the fact that they don't want to be caught in the same situation with the President of the United States because they have not stood up to the President and said no, you can't put us in a financial situation as far as the eye can see as it relates to deficits and foreign countries running the world.

You can't pick up the paper today not talking about a Republican running from the President of the United States and don't want to be around when the President is around, or explaining why they are not there. That is some excuse.

I hope I never get to the situation where I have the President of the United States coming into my district and I have to explain that I am somewhere else while the President is there.

And the bottom line is this: People cannot face the music when it comes down to dealing with the policies of this administration, and better yet, you being in the position, there is only 535 of us, being in the position, as I come in for a landing, Ms. WASSERMAN SCHULTZ, to be able to bring about change on behalf of the American people; to say this is not going to happen; to say I know you want to start a war in Iraq, but we still got this business over here with al Qaeda, who had everything to do with 9/11, who trained the individuals that carried out the 9/11 plot.

But, meanwhile, while we are over there looking for Osama bin Laden, and we have him cornered, I got this unfinished business, the President said, over here in Iraq, because I got a problem with this leader over here. We got to take him out.

But what about the after player? What is going to happen once you get to Baghdad? How are you going to bring stability? Who is going to be in the coalition? Calling up a couple of friends? I'll send 25 troops. I'll send 30 troops. You are not allowed to talk about it. Everything is secret.

We have the then sitting Attorney General comes to the U.S. Congress over on the Senate side and tells the Senate, you are either with us or you are with the terrorists.

□ 2340

What kind of mess is that? So when it comes down to Article I, Section 1, and if the American people want the kind of representation they need, I am not talking as a Democrat, even though we were given an hour by the Democratic leader and we are all members of the Democratic Caucus. This is America. I guarantee you if the shoe was on the other foot, Ms. WASSERMAN SCHULTZ, I cannot help but imagine the kind of chaos and protest and finger pointing and them and they and all of the things that will be said. Some of the stuff will have to be stricken from the RECORD because the Republican side will be carrying on about the Democrats. But they cannot say it. They can't do it. They cannot even kind of paint a picture because they have been in charge of the whole thing since it started. So if the American people want a new direction, if the American people want accountability, if the American people want a House and a Senate that will carry out article I, section 1 of the U.S. Constitution, and a lot of blood is on this constitution, but if they want that, then they will vote for a new direction in November.

I am done, ladies and gentlemen, with begging the Republican majority to stand up on behalf of the American people because I am looking at what the oil companies are getting. They are getting theirs. I am looking at what these contractors are getting, either it be Katrina or the war in Iraq. They are getting theirs. I am looking at the issue of health care and all of the people that are running to the bank with all of the dollars and all of the influence and all of the access into this Congress. They are getting theirs. Meanwhile we are sitting around here talking about the minimum wage and we can't even get a doggone bill passed off this floor to be able to provide the American people with a minimum wage. Meanwhile we are giving ourselves a nice fat pay raise every year, $4,100 here, $3,100 there. Oh, we have the money for that. But we don't have the money for the people who are punching in and punching out every day.

Madam Speaker, this has to come to an end and that is the reason why, Ms. WASSERMAN SCHULTZ, that I believe there is a wind of change. It may not be outside the hall of this Chamber, but it is out there in America. It is in towns and it is in big cities and it is in emerging areas and it is in young people and older people that have decided in the past I am not going to participate, but I believe they are going to participate to save this country.

Ms. WASSERMAN SCHULTZ. Speaking of the winds of change, you should have seen, Mr. RYAN and Mr. MEEK, the wind behind our flight that our two colleagues that represent the State of New Hampshire had when they immediately left the room during the immigration hearings that we held. The Judiciary Committee had those immigration hearings across the country. I attended one of them in New Hampshire, and it was one of those road shows where, again, the Republicans tried to represent a whole lot of rhetoric about what their record really is on border security and homeland security and there is no reality to back it up. So we brought reality, Mr. DELAHUNT and Mr. MEEHAN and I, as members of the Judiciary Committee, went to that hearing, and we brought the record of our two colleagues from the State of New Hampshire and showed how ten different times while they were there in the room professing to their constituents that they were moderates on immigration reform and that they supported balance, we confronted their constituents with the reality of their record in a nice big lifesize form. And it was really interesting that the flight that they took out of the room following our putting that record up on the table and our asking, Mr. MEEHAN, Mr. DELAHUNT, and myself asking our good colleagues to say why they were saying one thing in the room at home when the reality of their record in Washington was completely different. And we had the facts, the third-party validator to back it up, which is the CONGRESSIONAL RECORD. And, of course, they had nothing to say other than, well, we supported the homeland security bill that had border security funding. And that is very nice but clearly that is inadequate. That is not doing the job. Otherwise our good friend Mr. SENSENBRENNER wouldn't be pursuing legislation to make 11 million people felons and really not addressing the problem either. But the reality of their record confronts their rhetoric over and over again.

Let us take a walk down memory lane, shall we? We have the rhetoric versus the reality on the war in Iraq and on the reality of their record on the War on Terror, which is different than the war in Iraq. Let us look at what was said way back before we actually went in and invaded Iraq. The rhetoric then was that Iraq had reconstituted its nuclear weapons program and posed an imminent threat to the United States. President Bush said in a speech in Cincinnati on October 8, 2002, that "America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud. Saddam Hussein is moving ever closer to developing a nuclear weapon."

Well, the reality was that Iraq did not have nuclear weapons. "Saddam Hussein ended the nuclear weapons program in 1991 following the Gulf War. ISG found no evidence to suggest concerted efforts to restart the program." And that was the Iraq Survey Group's final report, key findings, from October 6, 2004.

How about the rhetoric on Iraq's link to al Qaeda? Because the justification for war, Mr. RYAN and Mr. MEEK, as you know, has evolved over time. When they could no longer use that Saddam Hussein had weapons of mass destruction or was developing a nuclear weapon, when that didn't work anymore because there was no proof and there were reports that said there was no proof that that was the case, they moved on to trying to link Iraq to al Qaeda. And this was what Secretary Rice said on Larry King Live on CNN on February 5, 2003. She said, "There is no question in my mind about the al Qaeda connection . . . And the most important thing for Americans and for the entire world to remember is that the potential marriage of weapons of mass destruction with terrorism is everyone's worst nightmare and you have, with Saddam Hussein, both a terrorist link and an insistence on having weapons of mass destruction which he could easily transfer at any time to one of his terrorist associations." That is what Secretary Rice said on February 5, 2003. Here was the reality: No evidence of operational relationship between Iraq and al Qaeda. "After a lengthy investigation, the National Commission on Terrorist Attacks Upon the United States . . . reported finding no evidence of a 'collaborative operational relationship' between the two or an Iraqi role in attacking the United States." And that was the Washington Post report on October 25, 2004.

And last week we had the United States Senate Intelligence Committee release a report that also concluded there was absolutely no connection between Saddam Hussein and Iraq and al Qaeda. In fact, on the contrary, Saddam Hussein had intense animosity for Osama bin Laden and there was absolutely no connection.

Let us look at the prewar intelligence.

Mr. RYAN of Ohio. If the gentlewoman would yield, so you are saying and it is fact that there is not anyone who believes that there was any connection between Saddam Hussein and al Qaeda except for the two or three main leaders of this administration, period.

Ms. WASSERMAN SCHULTZ. And our rubber stamp Republican colleagues on other side of the aisle.

Mr. RYAN of Ohio. I do not know if they believe it. They are going along with it.

Ms. WASSERMAN SCHULTZ. Right. Apparently, the only one who is still insisting that there was a link is the President and the rubber stamp colleagues that he has managed to collect here in this Chamber.

Here is more rhetoric: The Bush administration says that they didn't manipulate prewar intelligence. They argued that they did not try to fit the facts around what they intended to do in terms of their invasion in Iraq. So what they said, and this is Vice President CHENEY now that I am quoting, he said, "What is not legitimate, and what I will say again is dishonest and reprehensible, is the suggestion by some U.S. Senators that the President of the United States or any member of his administration purposely misled the American people on prewar intelligence." And Vice President CHENEY said that on November 21 of 2005.

Here is the reality: Former State Department official questioned the Bush administration's use of prewar intelligence. Lawrence Wilkerson, who was the former Chief of Staff to President Bush's first Secretary of State, Colin Powell, here is what he said: "After looking back at it, doing research over the last year or 2, and my time in the State Department, there is no doubt in my mind that certain members of the Bush administration did, in fact, politicize the intelligence." And he said that on CNN on March 17 of 2006.

Now, you know, I was raised to tell the truth, Mr. RYAN and Mr. MEEK. I was raised that you should back up commentary and back up commitment with action, and that seems to be totally absent. Our colleagues' ability on the other side of the aisle, particularly in the administration, seems completely absent when it comes to backing up words with action, when it comes to protecting our borders and homeland security commitment. And for some reason they insist, and, Mr. MEEK, you have said this over and over, on the philosophy of maybe if we repeat it enough times, people will believe it. Maybe if we stamp our foot enough times, it will be true. Well, that does not work when my kids want to get me to do what they want, when they continually repeat what they want me to do over and over again and the answer is still no. And it does not work with the administration. It shouldn't work unless you are a Republican Member of Congress and you do whatever it is that the administration tells you to do.

□ 2350

Well, it is time for a new direction, and that is what we offer to the American people. We will actually back up our words with action.

Mr. RYAN of Ohio. I just want to reiterate this. The 9/11 Commission was not a partisan commission. That was not a Democratic commission. That was bipartisan, that was Lee Hamilton, one of the most distinguished Democratic Members of the United States Congress; the former Governor of New Jersey, a prominent Republican. A Republican in the Republican Party, very active and involved. That was a bipartisan commission said no evidence. No evidence. And then the new Senate Intelligence Committee, the Senate is controlled by Republicans, which means the Intelligence Committee is controlled by Republicans. This is a Republican committee, Mr. MEEK. So it is just, again, third-party validators, two committees, one bipartisan independent committee, another committee controlled by the Republican Party, both saying no evidence.

And then the Vice President gets on "Meet the Press" and says something different, and Secretary Rice is out talking about something that is just not even in the realm of reality. That is an insult to the American people. That is an insult to the 700,000 people in Ohio and the 1.4 million people that you represent in Florida. That is an insult. Don't insult the American people, Madam Speaker. Fix the problem. This should have been solved years ago figuring this stuff out, and it is kind of frustrating.

Mr. MEEK of Florida. Mr. RYAN, let me say this in closing, because I know the hour is coming to a close. And I guess the only thing that I could possibly say here is that the facts are there. We have the real security plan that is out there. We have a great debate that will take place tomorrow, even though it is already written in stone on what the resolution would say.

On this side, as we look at 9/11, reflection on 9/11, it is remembering those that lost their lives on 9/11. Those first responders, just including in those that lost their lives, but those first responders that survived 9/11, that live with 9/11 whether it be mentally, physically, spiritually, or emotionally, what they have to continually have to go through with family members and Americans and thanking those that participate.

To go into this other area that the Republican majority, even after we have laid out all of this tonight about the 9/11 Commission report is still not fully implemented, we still have containers going into the belly of planes that are not being inspected, we only have 6 percent of containers that are going on the ships are inspected. We don't have interoperability, which you talked about earlier, Ms. WASSERMAN SCHULTZ. It still hasn't happened. U.S. cities don't have it. They didn't have it in New Orleans, and we still have a problem responding to even natural disasters that we know are coming almost double digit days if not 7 or 5 days before it hits. We still have those issues.

But on this side of the aisle, when you say the Democratic minority, we are saying we want to go with the memory of what took place, those individuals that died, those individuals that were hurt, to say we will never come back to this area again. The Republican majority, they want to address that, too, but at the same time want to push in some of this other stuff about how we are all secure and everything is better. That is not what this whole 9/11 resolution should be about. So I know that there will be a great debate on this floor, and I am going to go ahead and apologize to the American people because I know they are going to watch this debate and the are going to say, goodness, can't they be together on this, of all things? People have died on U.S. soil. Better yet, we have some that want to politicize it.

So I am going to tell you right now, I am not going to come down here, Madam Speaker, tomorrow and debate the majority on what I know that some of it is not true. The same thing comes up, this is Ground Hog Day all over again with the Iraq resolution. Every time something happens in Iraq: let's honor our troops and those that are fallen. Let's do it then. Then it comes down to all of this: we commend the President, and it goes on and on with all of these high embellished accomplishments which is not true. I am not going to come down here and debate that. So I am just going to say right now that this Congressman from Florida will not take part in the whole.

Yes, will I vote for the resolution honoring? Yes, I will. But I don't agree with the majority in using that opportunity to push a political agenda to say to the American people, see, the Congress agrees that we have done this, this, and that. That is not the issue.

What happens in the budget, we talk about border security, what the President has called for and what we called for, 215 or 216 new Border Patrol agents; we call for 2,000. That is where the proof is in the pudding. It is not a resolution; it is the action that it has taken and the lack thereof.

So, Mr. RYAN, Ms. WASSERMAN SCHULTZ, it has been a pleasure being with you for 2 hours tonight. I am ready to go home.

Ms. WASSERMAN SCHULTZ. Mr. MEEK, as we close out and before we go to Mr. RYAN, I want to conclude by saying what a privilege it is to serve with the both of you and Mr. DELAHUNT and that the leader has given us this opportunity. I hope that 5 years from now when, after November 7th of this year, we are given an opportunity I am hopeful to run this institution, that on September 11th, 5 years hence, when we get asked the same question that I was asked yesterday, are we safer, that because we have implemented the 9/11 Commission recommendations and the other attempts that we have made to improve our homeland security, that we will be able to confidently answer that question, "yes."

And I think the saddest thing and the way I would conclude my remarks tonight, the saddest thing I reflected upon yesterday was that there was so much opportunity that we had after 9/1½001. The country was so incredibly unified. Automobiles around this country on every highway had two American flags on either side of the windshield; you had universal unity. And this administration squandered that unity, and the road is littered with the missed opportunities. And it is just, really, sad isn't even a strong enough word.

Mr. RYAN, I yield to you so you can talk about the Web site.

Mr. RYAN of Ohio. WWW.HouseDemocrats.gov/30-Something. All of our charts and visual aids will be available on this Web site. HouseDemocrats.gov/30-Something. And you can e-mail us there, too. Any comments, please feel free. Members who are watching or listening right now can have an opportunity to e-mail us and ask us any kind of questions. Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. With that, Madam Speaker, I want to thank the Democratic leader for the opportunity to spend some time talking about the new direction for America. We yield back the balance of our time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Ms. PELOSI) for today.

Mr. KELLER (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, September 13.

Mr. FORBES, for 5 minutes, September 13.

Mr. BURTON of Indiana, for 5 minutes, today and September 13 and 14.

Mr. BURGESS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2041. An act to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas; to the Committee on Resources.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 13, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9271. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico and Arizona (RIN: 1018-AI80) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9272. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — State Abandoned Mine Land Reclamation Plan [MS-016-FOR] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9273. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Topsoil Redistribution and Revegetation Success Standards (RIN: 1029-AC02) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9274. A letter from the Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS) and Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line — Change in Reference to Official Title (RIN: 1010-AD35) received August 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9275. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Service of Official Correspondence (RIN: 1010-AD22) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9276. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 6 [Docket No. 060503118-6169-02; I.D. 042606E] (RIN: 0648-AT26) received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9277. A letter from the Deputy Assistant Administrator for Regulatory Services, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Cost Recovery Program for North Pacific Halibut, Sablefish, and Bering Sea and Aleutian Islands Crab Individual Fishing Quota Programs [Docket No. 060424108-6204-02; I.D. 040706A] (RIN: 0648-AT43) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9278. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship Scallop Access Area to Scallop Vessels [Docket No. 060314069-6069-01; I.D. 071806D] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9279. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 071806A] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9280. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 072006B] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9281. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2006 Winter II Quota [Docket No. 051104293-5344-02; I.D. 071306A] received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9282. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 051128313-6029-02; I.D. 071906C] received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9283. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Central Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 072806D] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9284. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No. 010319075-1217-02; I.D. 073106E] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9285. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 073106A] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9286. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleautian Islands Management Area [Docket No. 060216045-6045-01; I.D. 073106B] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9287. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 072506B] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9288. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 080206B] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9289. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 080206C] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9290. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 051014263-6028-03; I.D. 080106A] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9291. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 080206A] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9292. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 060216045-6045-01; I.D. 080806G] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9293. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 080806C] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9294. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 051104293 5344 02; I.D. 080806F] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9295. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric and Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 072006C] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9296. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Mackinac Bridge and Straits of Mackinac, Machinaw City, MI [CGD09-06-019] (RIN: 1625-AA87) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9297. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Pinellas Bayway Structure "E" (SR 679) Bridge, Gulf Intracoastal Waterway, mile 113, St. Petersburg Beach, Pinellas County, FL [CGD07-06-073] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9298. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-06-82] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9299. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charles River, Boston, MA [CGD01-06-100] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9300. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Mill Neck Creek, Oyster Bay, NY [CGD01-06-091] received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9301. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Hackensack River, Jersey City, NJ [CGD01-06-092] received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9302. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Galveston, TX [CGD08-06-024] received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9303. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, Queens, NY [CGD01-06-105] received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9304. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, Jones Beach, NY [CGD01-06-099] received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9305. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Hackensack River, Snake Hill, NJ [CGD01-06-089] received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9306. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT64-820-4 Turboprop Engines [Docket No. FAA-2006-23705; Directorate Identifier 2005-NE-45-AD; Amendment 39-14567; AD 2006-08-10] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9307. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-360C, SA-365C, SA-365C1, and SA-365C2 Helicopters [Docket No. FAA-2006-24446; Directorate Identifier 2005-SW-15-AD; Amendment 39-14561; AD-2006-08-06] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9308. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Aircraft Engines (GEAE) CT7-8A Turboshaft Engines [Docket No. FAA-2006-24261; Directorate Identifier 2006-NE-12-AD; Amendment 39-14566; AD 2006-06-51] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9309. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Brantly International, Inc. Model B-2, B-2A, and B-2B Helicopters [Docket No. FAA-2006-24447, Directorate Identifier 2005-SW-35-AD; Amendment 39-14562; AD 2006-08-07] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9310. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/35-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2006-24094; Directorate Identifier 2006-CE-20-AD; Amendment 39-14656; AD 68-17-03R1] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9311. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Deisel Allison) 250-B and 250-C Series Turboprop and Turboshaft Engines [Docket No. FAA-2005-22594; Directorate Identifier 2005-NE-28-AD; Amendment 39-14659; AD 2006-13-06] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9312. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365 N2, N3, SA 366 G1, and EC-155B and B1 Helicopters [Docket No. FAA-2006-24588; Directorate Identifier 2006-SW-07-AD; Amendment 39-14581; AD 2006-09-10] (RIN: 2120-AA64) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9313. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes; and Model A340-541 and A340-642 Airplanes [Docket No. FAA-2006-24246; Directorate Identifier 2005-NM-115-AD; Amendment 39-14661; AD 2006-13-08] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9314. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2006-24121; Directorate Identifier 2005-NM-248-AD; Amendment 39-14662; AD 2006-13-09] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9315. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. FAA-2005-22557; Directorate Identifier 2005-NM-147-AD; Amendment 39-14660; AD 2006-13-07] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9316. A letter from the Program Anlayst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2006-24090; Directorate Identifier 2006-CE-16-AD; Amendment 39-14664; AD 2006-13-11] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9317. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Paytheon Aircraft Company 65, 90, 99, and 100 Series Airplanes [Docket No. FAA-2005-23319; Directorate Identifier 2005-CE-52-AD; Amendment 39-14663; AD 2006-13-10] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9318. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2006-24271; Directorate Identifier 2006-NM-006-AD; Amendment 39-14669; AD 2006-13-16] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9319. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Machine — Diecron, Inc. Actuator Nut Assembly for the Right Main Landing Gear Installed on Certain Raytheon Aircraft Company (formerly Beech) Airplanes [Docket No. FAA-2005-23334; Directorate Identifier 2005-CE-53-AD; Amendment 39-14651; AD 2006-12-25] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9320. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2006-24091; Directorate Identifier 2006 2006-CE-17-AD; Amendment 39-14665; AD 2006-13-12] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 996. Resolution providing for consideration of the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001 (Rept. 109–646) Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 997. Resolution providing for consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in suport of non-profit organizations and other public service programs, and for other purposes (Rept. 109–647). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 5585. A bill to improve the netting process for financial contracts, and for other purposes (Rept. 109–648 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 5637. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; with an amendment (Rept. 109–649 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

[The following action occurred on September 11, 2006]

Pursuant to clause 2 of rule XII the Committee on Resources discharged from further consideration. H.R. 5450 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on September 11, 2006]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than September 29, 2006.

H.R. 1317. Referral to the Committees on Armed Services and Homeland Security extended for a period ending not later than September 29, 2006.

[Submitted September 12, 2006]

H.R. 5585. Referral to the Committee on the Judiciary extended for a period ending not later than September 22, 2006.

H.R. 5637. Referral to the Committee on the Judiciary extended for a period ending not later than September 22, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 6052. A bill to amend title 17, United States Code, to provide for licensing of digital delivery of musical works and to provide for limitation of remedies in cases in which the copyright owner cannot be located, and for other purposes; to the Committee on the Judiciary.

By Mr. BURGESS:

H.R. 6053. A bill to amend title XIX of the Social Security Act to provide for increased price transparency of hospital information and to provide for additional research on consumer information on charges and out-of-pocket costs; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. Boehner, Mr. Sensenbrenner, Mr. Calvert, Mrs. Miller of Michigan, Mr. Miller of Florida, Mr. Shuster, Mr. Franks of Arizona, Mr. Wilson of South Carolina, Mr. Saxton, Mr. Porter, Mr. Kline, Mr. Hefley, Mr. Hayes, Mr. Sweeney, Mr. Chocola, and Mr. LoBiondo):

H.R. 6054. A bill to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 6055. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. HARMAN:

H.R. 6056. A bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006"; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE (for himself and Mr. Cantor):

H.R. 6057. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Ways and Means.

By Mr. TANCREDO:

H.R. 6058. A bill to direct the Administrator of the Federal Aviation Administration to prohibit the operation of the aircraft known as the Mitsubishi MU-2 in the airspace of the United States until the Administrator of the Federal Aviation Administration certifies that the aircraft is safe and the certification is approved by law; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY:

H.R. 6059. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; to the Committee on Resources.

By Mr. HASTINGS of Florida:

H. Con. Res. 469. Concurrent resolution calling on Iran to immediately fulfill its nuclear nonproliferation obligations, and for other purposes; to the Committee on International Relations.

By Mr. DANIEL E. LUNGREN of California (for himself, Ms. Loretta Sanchez of California, Mr. King of New York, Mr. Thompson of Mississippi, Mr. Boehlert, and Mr. Gordon):

H. Res. 993. A resolution expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Science.

By Mr. KING of New York (for himself, Mr. Hyde, Mr. Sensenbrenner, and Mr. Hoekstra):

H. Res. 994. A resolution expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Government Reform, and in addition to the Committees on International Relations, Armed Services, Transportation and Infrastructure, Homeland Security, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Ms. Watson):

H. Res. 995. A resolution promoting transparency of natural resource revenues in resource-rich developing countries to help combat corruption, encouraging democracy and accountable government in such countries, and ensuring energy security through a more stable operating environment in such countries; to the Committee on International Relations, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H. Res. 998. A resolution providing for consideration of the bill (H.R. 5099) to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Rules.

By Mrs. MALONEY (for herself, Mr. Bilirakis, Mr. Andrews, Mr. Hinchey, Ms. Watson, Mr. Doyle, Mr. Crowley, Mr. Ackerman, Mr. McGovern, Mrs. Lowey, and Mr. Baca):

H. Res. 999. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarch; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Ms. Pryce of Ohio.
H.R. 147: Mr. Hayworth.
H.R. 215: Mr. Hinchey.
H.R. 219: Mr. Gerlach.
H.R. 224: Mr. Higgins.
H.R. 363: Mr. Scott of Georgia.
H.R. 414: Mr. Gerlach and Mr. Murphy.
H.R. 475: Mr. Allen.
H.R. 515: Mr. Shaw, Mr. Goode, and Mr. Etheridge.
H.R. 517: Mr. Wicker and Mr. Saxton.
H.R. 550: Mr. Price of Georgia.
H.R. 566: Ms. Woolsey, Mr. McNulty, Ms. Slaughter, Mr. Larson of Connecticut, Ms. Velázquez, and Mr. Meehan.
H.R. 611: Mr. Payne.
H.R. 676: Mr. Berman.
H.R. 699: Mr. English of Pennsylvania and Ms. Solis.
H.R. 737: Mr. Hastings of Florida.
H.R. 793: Mr. Stearns.
H.R. 987: Ms. Hooley.
H.R. 994: Mr. Ortiz, Ms. Pryce of Ohio, and Mr. Hayworth.
H.R. 997: Mr. Poe.
H.R. 998: Mr. Ryun of Kansas.
H.R. 1146: Mr. Tiberi.
H.R. 1227: Mr. Herger.
H.R. 1298: Mr. Murphy, Mr. Stupak, and Mr. Bishop of Georgia.
H.R. 1357: Mr. Kline.
H.R. 1384: Mr. Bilbray and Mr. Burgess.
H.R. 1413: Ms. Watson.
H.R. 1415: Ms. Matsui.
H.R. 1498: Mr. Gordon.
H.R. 1505: Mr. Edwards.
H.R. 1515: Mr. Alexander and Mr. Boustany.
H.R. 1554: Mr. Marshall and Mr. Lewis of Georgia.
H.R. 1578: Mr. Boswell, Mr. Cramer, Mr. McKeon, Mr. Keller, Mr. Davis of Tennessee, and Mr. Spratt.
H.R. 1741: Mr. Pearce.
H.R. 1951: Mr. Calvert and Mr. Capuano.
H.R. 2051: Mr. Latham and Mrs. Napolitano.
H.R. 2052: Mr. Stupak.
H.R. 2073: Mr. Delahunt.
H.R. 2178: Mr. Pallone.
H.R. 2421: Mr. Latham, Mr. Gillmor, Mr. Clay, Mr. Neugebauer, Mr. Bilbray, Mr. Gilchrest, Mr. LoBiondo, Mr. Souder, Mr. Emanuel, Mr. Wilson of South Carolina, Mr. Cantor, and Ms. Norton.
H.R. 2679: Mr. Hefley, Mr. Fortuño, Mrs. Schmidt, and Mr. Fortenberry.
H.R. 2792: Mr. Shays.
H.R. 2804: Mr. Graves and Mr. Manzullo.
H.R. 2989: Mr. Radanovich.
H.R. 3006: Mr. Meehan.
H.R. 3086: Ms. Linda T. Sánchez of California and Ms. Hooley.
H.R. 3162: Mr. Kennedy of Rhode Island.
H.R. 3198: Mr. Hyde.
H.R. 3248: Mr. Scott of Virginia, Mr. Ford, Mrs. Maloney, and Mr. Rogers of Michigan.
H.R. 3318: Mr. Souder.
H.R. 3352: Mr. Terry and Mr. Allen.
H.R. 3427: Mr. Murphy.
H.R. 3471: Mr. Oberstar and Mr. Bishop of Georgia.
H.R. 3478: Mrs. Musgrave.
H.R. 3532: Mr. Conyers.
H.R. 3555: Mr. Waxman.
H.R. 3579: Mr. Shuster.
H.R. 3605: Mr. Stark, Mr. Blumenauer, Mr. McDermott, Mr. Meek of Florida, Mr. Serrano, Mr. McGovern, Mr. Lantos, Mr. Payne, Ms. DeLauro, and Mr. Moran of Virginia.
H.R. 3689: Ms. Moore of Wisconsin.
H.R. 3715: Mr. Goode.
H.R. 3795: Mr. Platts, Mr. Wynn, Mr. Kuhl of New York, Mr. Holt, and Mrs. Capps.
H.R. 3854: Ms. DeGette and Mr. Meehan.
H.R. 3936: Mr. Andrews.
H.R. 3954: Mr. Edwards.
H.R. 4098: Mr. Simmons.
H.R. 4239: Mr. Weldon of Pennsylvania and Mr. Rehberg.
H.R. 4291: Mr. Visclosky, Mr. Olver, and Ms. DeGette.
H.R. 4313: Mr. Bartlett of Maryland.
H.R. 4341: Mr. McHenry.
H.R. 4465: Mr. Cardin.
H.R. 4469: Mr. Waxman.
H.R. 4550: Ms. Eshoo and Mr. Wynn.
H.R. 4576: Mr. Otter.
H.R. 4597: Mr. Hinchey.
H.R. 4695: Mr. Wexler.
H.R. 4727: Mr. Kildee.
H.R. 4740: Mr. Dingell.

H.R. 4824: Mr. Leach, Mr. Wexler, and Mrs. Bono.

H.R. 4873: Mr. Boucher.

H.R. 4903: Mr. Kennedy of Rhode Island and Mr. Wolf.

H.R. 4927: Mr. Shaw, Mr. Langevin, and Mr. Andrews.

H.R. 4993: Ms. Kaptur.

H.R. 5005: Mr. DeFazio, Mr. Bartlett of Maryland, Mr. Hayes, Mr. Burgess, and Mr. Bilbray.

H.R. 5017: Mr. Moore of Kansas.

H.R. 5022: Mr. Wexler, Mr. Ortiz, Mr. Davis of Florida, Mrs. Davis of California, Mr. Hastings of Florida, Mr. Matheson, and Mr. Reyes.

H.R. 5077: Mr. English of Pennsylvania.

H.R. 5100: Mr. Oberstar.

H.R. 5118: Mr. Salazar.

H.R. 5119: Mr. Stupak.

H.R. 5139: Mr. Fortuño.

H.R. 5150: Mr. Waxman.

H.R. 5166: Ms. Corrine Brown of Florida, Mr. Hinchey, Mr. Moran of Virginia, Mr. Allen, and Mr. Ryun of Kansas.

H.R. 5182: Mr. Boustany, Mr. McNulty, and Mr. Weller.

H.R. 5188: Mr. Rothman.

H.R. 5206: Mr. Michaud.

H.R. 5234: Ms. Matsui.

H.R. 5248: Ms. Jackson-Lee of Texas, Mr. Michaud, Mr. Wexler, and Mr. Grijalva.

H.R. 5249: Mr. Neugebauer and Mr. Baker.

H.R. 5295: Mr. Lewis of Kentucky, Mr. Fitzpatrick of Pennsylvania, Mr. Boustany, and Mrs. Kelly.

H.R. 5389: Mr. Wexler.

H.R. 5390: Mr. Shaw, Mr. Grijalva, Mr. Michaud, Ms. Woolsey, Mr. Jindal, Mr. Reyes, Mr. Pastor, Mr. Moore of Kansas, and Mr. Smith of New Jersey.

H.R. 5396: Mrs. McMorris Rodgers, Mr. Kuhl of New York, Mr. Brown of South Carolina, and Mr. Bradley of New Hampshire.

H.R. 5420: Mr. Andrews.

H.R. 5472: Mrs. Biggert, Mr. Levin, Mr. Shays, Mr. Gillmor, Mr. Udall of New Mexico, Mr. Lipinski, and Mr. Cummings.

H.R. 5474: Mr. Feeney.

H.R. 5483: Mr. Peterson of Minnesota.

H.R. 5519: Mr. Grijalva.

H.R. 5524: Mr. Abercrombie and Mr. Boswell.

H.R. 5541: Mr. Hayworth and Ms. Pryce of Ohio.

H.R. 5559: Mr. Graves.

H.R. 5602: Mr. Reichert and Mr. Flake.

H.R. 5607: Mr. Davis of Kentucky.

H.R. 5624: Mr. Reyes and Mr. Boswell.

H.R. 5642: Mr. Lynch, Mr. Ackerman, Mr. Lewis of Georgia, Mr. Clay, Mr. Honda, Mr. Bishop of New York, Mr. Michaud, Mrs. Napolitano, and Mr. Abercrombie.

H.R. 5694: Ms. Bean.

H.R. 5701: Mr. Hyde.

H.R. 5704: Mr. Hayworth, Mr. Kline, Mr. Cleaver, Mr. Moore of Kansas, Mr. Scott of Georgia, Mr. Meehan, Mr. Rothman, Mr. Boucher, and Mr. Wicker.

H.R. 5707: Mr. Shadegg and Mrs. Capito.

H.R. 5708: Mr. Weiner, Mr. Towns, Mrs. Maloney, and Mr. Engel.

H.R. 5722: Mr. Ruppersberger and Mr. Rehberg.

H.R. 5740: Mrs. Kelly.

H.R. 5743: Mr. Herger.

H.R. 5755: Mr. Osborne and Mr. Cleaver.

H.R. 5772: Mr. Doolittle and Mr. Whitfield.

H.R. 5791: Mr. Boucher and Ms. Schwartz of Pennsylvania.

H.R. 5796: Ms. Matsui.

H.R. 5805: Mr. Schiff.

H.R. 5817: Mr. McDermott, Mr. Moran of Virginia, Mr. Dicks, Ms. Matsui, Mr. Honda, and Mr. Larsen of Washington.

H.R. 5829: Mr. Filner, Mr. Grijalva, and Mr. Ruppersberger.

H.R. 5832: Mr. Butterfield and Mr. Marshall.

H.R. 5836: Mr. Davis of Florida, Mr. Grijalva, Mr. McNulty, and Mr. George Miller of California.

H.R. 5858: Mr. Van Hollen.

H.R. 5862: Mr. Calvert.

H.R. 5866: Mrs. Kelly.

H.R. 5875: Mr. DeFazio.

H.R. 5887: Mr. Smith of New Jersey.

H.R. 5888: Mr. Terry, Mr. McCaul of Texas, Mr. Forbes, Mr. Boren, Mr. Shaw, and Mr. Price of Georgia.

H.R. 5890: Mr. Rogers of Alabama.

H.R. 5920: Ms. Bordallo, Mr. Rogers of Michigan, Mr. Terry, and Mrs. Jo Ann Davis of Virginia.

H.R. 5928: Mr. Higgins.

H.R. 5948: Mr. Shimkus and Mr. Van Hollen.

H.R. 5960: Mr. Bradley of New Hampshire.

H.R. 5965: Ms. Woolsey, Mr. Tierney, Mr. Ryan of Ohio, Ms. Watson, Mrs. Maloney, Mr. Olver, Mr. Stupak, Mr. Brown of Ohio, and Mr. Rothman.

H.R. 5972: Mr. Honda.

H.R. 5982: Mr. Meehan and Mr. Kennedy of Rhode Island.

H.R. 5983: Mr. Price of North Carolina.

H.R. 6015: Mr. Campbell of California, Mrs. Myrick, and Mr. Marshall.

H.R. 6030: Mr. Wicker, Mr. Boustany, Mr. Gordon, Mr. Osborne, Mr. Rehberg, Mr. Johnson of Illinois, Mr. Kanjorski, and Mr. Aderholt.

H.R. 6033: Ms. DeGette and Mr. Kanjorski.

H.R. 6045: Mrs. McCarthy, Mr. Smith of New Jersey, and Mr. Meehan.

H.R. 6046: Mr. Higgins, Ms. Woolsey, Mr. McDermott, and Mr. Meeks of New York.

H.J. Res. 39: Mr. Calvert.

H. Con. Res. 222: Mr. Etheridge.

H. Con. Res. 317: Mr. Wexler, Ms. Watson, Ms. Lee, Mr. Chandler, Mr. Smith of Washington, Mrs. Napolitano, and Mr. Crowley.

H. Con. Res. 415: Mr. McGovern and Mr. Sherman.

H. Con. Res. 428: Mr. Wilson of South Carolina, Mr. Weller, Mr. Bradley of New Hampshire, Mr. Sessions, Mr. Souder, Mrs. Miller of Michigan, Mr. Boustany, Mr. Rogers of Michigan, Mr. Nunes, Mr. Saxton, and Mr. Oxley.

H. Con. Res. 443: Mrs. Kelly.

H. Res. 79: Ms. Pelosi.

H. Res. 175: Mr. Berman.

H. Res. 335: Mr. Murtha.

H. Res. 461: Mr. Wynn and Mr. Moran of Virginia.

H. Res. 622: Ms. Harris, Mr. Flake, Mr. Payne, Mr. Honda, Mr. McCotter, Mr. Porter, Ms. Lee, Mr. Royce, Mr. Smith of New Jersey, and Mr. Smith of Washington.

H. Res. 662: Mr. Campbell of California.

H. Res. 688: Mrs. Tauscher and Mr. Meehan.

H. Res. 759: Mr. Burton of Indiana, Ms. Ros-Lehtinen, Mr. Moran of Virginia, Mr. Capuano, and Mr. Calvert.

H. Res. 760: Mrs. Napolitano.

H. Res. 790: Mr. Van Hollen, Mr. Ehlers, and Mrs. McCarthy.

H. Res. 874: Mr. Baca and Mr. Ruppersberger.

H. Res. 884: Mr. Ruppersberger.

H. Res. 899: Mrs. Northup.

H. Res. 930: Mr. Hastings of Florida, Mrs. Christensen, Ms. Kilpatrick of Michigan, Mr. Payne, Mr. Meeks of New York, Mr. McDermott, Mr. Scott of Virginia, Ms. Carson, Ms. Jackson-Lee of Texas, Mr. Towns, Mr. Conyers, Mr. Cummings, Ms. Watson, Mr. Moore of Kansas, Mr. Clay, Mr. Ruppersberger, and Mr. Ford.

H. Res. 940: Mr. Ramstad and Mr. Gonzalez.

H. Res. 943: Mr. Rogers of Michigan.

H. Res. 945: Mr. Olver.

H. Res. 953: Mr. Sweeney and Mr. Knollenberg.

H. Res. 959: Ms. Ros-Lehtinen, Mr. Forbes, and Mr. Wexler.

H. Res. 964: Mr. Grijalva.

H. Res. 971: Mr. Saxton.

H. Res. 984: Mr. Moran of Virginia and Mr. Conyers.

H. Res. 989: Mr. Franks of Arizona, Mr. Sessions, Mr. Rohrabacher, Mr. McCotter, Mr. Brown of South Carolina, and Mr. Brown of Ohio.

H. Res. 990: Mr. Moran of Virginia, Mr. Conyers, and Mr. Frank of Massachusetts.

H. Res. 992: Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Berman, Mr. Blumenauer, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mr. Burton of Indiana, Mrs. Capps, Mr. Cardin, Ms. Carson, Mr. Carter, Mr. Clay, Mr. Cleaver, Mr. Crowley, Mr. Cummings, Mr. DeFazio, Ms. DeLauro, Mr. Doyle, Mr. Ehlers, Mr. Fattah, Mr. Fitzpatrick of Pennsylvania, Mr. Frank of Massachusetts, Mr. Higgins, Mr. Holt, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Kaptur, Mr. Kennedy of Rhode Island, Ms. Lee, Mr. Levin, Mr. Lynch, Mrs. Maloney, Mr. Matheson, Ms. Matsui, Mrs. McCarthy, Ms. McCollum of Minnesota, Mr. McCotter, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mr. Meeks of New York, Mr. Moran of Virginia, Mrs. Napolitano, Mr. Oberstar, Mr. Olver, Ms. Pelosi, Mr. Pence, Mr. Pitts, Mr. Royce, Mr. Rush, Ms. Schakowsky, Mr. Schiff, Mr. Serrano, Mr. Shays, Mr. Smith of Washington, Mrs. Tauscher, Ms. Watson, Mr. Watt, Mr. Weller, Mr. Wexler, and Mr. Wynn.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. RANGEL. Mr. Speaker, I would like to offer a personal explanation of the reason I missed Rollcall vote No. 433 on Thursday, September 7, 2006. This bill concerns H.R. 503, the "American Horse Slaughter Prevention Act". I was hosting a crime forum ("Crime in the Cities: America's Mayors Fight Back") as part of the 36th Annual Congressional Black Caucus Legislative Conference.

I would have voted in favor of the bill ("aye").

THE OLD SCOTLAND CHURCH OF CHRIST

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Old Scotland Church of Christ near Jameson, Missouri. This church will be celebrating their sesquicentennial anniversary of service to the community on August 26th and 27th. Over these past 150 years, this church has been there to meet all the needs of its congregation.

As a staple of the community for all these years, the church has gone through growth and expansion with the Jameson community it serves. From humble beginnings, this church has been a stabilizing force for this community. Constructed on the corner of a three family plot, this congregation has been built on the involvement of the members.

The Old Scotland Church of Christ carries on the tradition of letting people interact with the other members of their congregation, Even as the growth of the congregation made their facilities seem small, people would still flow out into the adjacent cemetery, and the little children huddled around the speaker's podium just to attend and worship together.

Mr. Speaker, I proudly ask you to join me in recognizing the Old Scotland Church of Christ. The services that they have provided over these 150 years have been fundamental to the growth of this community. Let us use the Old Scotland Church of Christ as an example the power of people caring and helping one another can have.

RECOGNIZING JOHN TIPPETS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Mr. John Tippets for his recent election to the Board of Directors of the National Association of Federal Credit Unions. He is currently the President and CEO of American Airlines Federal Credit Union, located in the heart of the Dallas/Fort Worth Metroplex.

John has been an advocate for federal credit unions for over 15 years, both at the State and local levels. He has previously served on the Filene Institute Advisory Council, the Federal Reserve's Thrift Institutions Advisory Council and Fannie Mae's National Advisory Council. In addition, John currently serves on the Aspen Institute's Advisory Board for the "Initiative on Financial Security," and on NAFCU's Legislative Committee.

Under John's guidance, the American Airlines Federal Credit Union has continued to grow, serving over 200,000 employees of the air transportation industry in 40 States. During his time of leadership, John has worked hard to ensure that the Credit Union continues to reflect its original principles: promoting thrift, cooperative ownership, and encouraging volunteer leadership within each community.

I know John will continue to serve his industry with dedication and leadership. Again, I wish John good luck in his new position as a member of the National Association of Federal Credit Unions Board of Directors.

HONORING THE SOUTH LAKE CHARLES ALL STAR LITTLE LEAGUE BASEBALL TEAM

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize and congratulate the South Lake Charles All Stars, who recently competed in the 60th Little League World Series in Williamsport, PA.

After winning the Louisiana State tournament the team defeated Mississippi by a score of 1–0 in the U.S. South West regional tournament in Waco, TX, giving them a berth in the Little League World Series. This is the second year in a row that a team from Southwest Louisiana has represented the U.S. South West region as one of the top 8 teams in the Nation, and top 16 in the world.

These 14 young men, along with their coaches and parents, served as ambassadors of Louisiana as well as the United States. Through competition and daily interactions with teams from all over the United States and the world, the South Lake Charles All Stars represented Southwest Louisiana with dignity and sportsmanship both on and off the field.

Bill Castle, a volunteer host who served as a chaperone for the team said, "It took 30 minutes for me to suspect this was a special group of kids. They spent the rest of the week confirming that suspicion."

This team embodies the ideals of Little League Baseball—Character, Courage, and Loyalty. For this reason, and their athletic accomplishment, I congratulate the South Lake Charles All Stars, led by coaches Randall Von Rosenburg and Ben Corman, and Manager Josh Corman.

I ask my colleagues that this team's full roster be included in the CONGRESSIONAL RECORD. They are Ben Drouilhet, Matt Gallier, Tanner Hebert, Zack Cart, Taylor Butler, Gavin Cecchini, Timothy Cutrera, Hunter Ford, Paul Beglis, Nick Zaunbrecher, Tre Goodly, Jordan Karam, Gabe Von Rosenberg, and Zack Lacombe.

PAYING TRIBUTE TO SETH JONES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Seth Jones of Lone Tree, Colorado. Mr. Jones has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Jones has displayed academic excellence, community involvement, and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Seth Jones, and wish him the best in all his future endeavors.

HONORING JACK AND DONNA MORGAN OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my good friends Jack and Donna Morgan on the day they are honored as Grandparents of the Year by ParentsCAN of Napa, California. Their thoughtful, steady commitment to their own children, grandchildren, and the children of our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

community is a model of how we all should strive to be a positive influence in the lives of youth.

Jack and Donna's reflections on raising their own children and grandchildren attach the highest importance to personal care and affection. As they put it, "Our goal was to always, no matter the circumstances, insure that they felt loved." But they have also undertaken the larger task of trying to educate their children in the history of their family through trips, and instilling civic pride during trips to Washington, DC. It has been a pleasure to welcome their family back each time they visit the nation's capitol.

Mr. Speaker, Jack and Donna's contributions to the community of the Napa Valley extend far beyond the boundaries of their own family. Young and old alike have benefited from Jack's involvement as a trustee of the Napa Valley Opera House, and as Chairman of Friends of the Lincoln Theater he led the drive to fund a stunning renovation of this great community theater. Donna has participated in community organizations too numerous to list, but of particular note is her work to end the scourge of gang activity through her participation in drafting the Ten Year Master Plan to End Youth Violence in Napa County. Together and individually, these amazing parents have played an important role in improving the quality of life for Napa County.

Mr. Speaker, it is appropriate at this time that we recognize the life-long participation of Jack and Donna Morgan in the lives of children their own children, and all of the children of the Napa Valley. They are outstanding role models for all parents, throughout our community.

CONGRATULATING KATHIE AND JEFF HARNESS ON THEIR 25TH WEDDING ANNIVERSARY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. WILSON of South Carolina. Mr. Speaker, I would like to congratulate and recognize Kathie and Jeff Harness on their 25th wedding anniversary. Kathie and Jeff met in their home town of Grosse Pointe, Michigan, but not until after college. Kathie has dedicated herself to teaching and raising their family. Jeff works for Federal Screw Works in Michigan, and both he and Kathie enjoy spending time outdoors. The couple has two children, Ellen and Jeffrey.

I am honored to recognize this wonderful couple and wish for them many more years of love and happiness.

IN TRIBUTE TO RICHARD T. GREENE, THE MAN WHO MADE A BANK AN INSTITUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Richard T. Greene, an innovator and entrepreneur whose effective leadership helped revitalize and rebuild my Harlem community. Mr. Greene, the man who is recognized as building the largest African American financial institution, Carver Federal Savings, died at his home in Brooklyn last Thursday on August 3, 2006, of heart failure. Mr. Greene's innovative spirit and foresight expanded needed financial services which provided the means for investment within the Harlem community. Under Greene, Carver also showed its support for the people of Harlem through a commitment to helping those less fortunate by creating grants up to $3,000 each year to 40 to 50 collegebound students in the Harlem community.

Mr. Greene was born on July 18, 1913, in Charleston, SC. At a time when very few African Americans were going to college, Mr. Greene graduated with a degree in business administration from Hampton University and did postgraduate work at New York University and the Wharton School of Banking and Finance. He also attained the rank of major in the U.S. Army during his World War II service, and was awarded an honorary doctorate from St. John's University.

Greene's most noted contribution came through the work he did as the president and director of Carver Federal Savings. Carver Federal Savings was established by business and church leaders in 1949, during a time of racial strife and segregation. It grew to become one the areas leading financial institutions. Through his tenure, Mr. Greene expanded the bank's presence in Harlem by chiefly investing in one to four-family homes and in churches.

Greene participated in many business development organizations, such as the Harlem Business Alliance, which he co-founded; the Apollo Theater Foundation; and the Harlem Urban Development Corporation (HUDC), on whose boards he served. For several years, he worked with David Rockefeller in the New York City Partnership, Inc. His professional affiliations included service with the Federal Home Loan Bank of New York, Second District, from 1989–1992; serving thrift institutions in New York, New Jersey, Puerto Rico, and the Virgin Islands; and membership in the Washington, D.C.-based American Savings and Loan League, Inc.

I enter into the CONGRESSIONAL RECORD the obituary published in the New York Times on August 9, 2006, which provides an insight into Richard T. Greene's humanitarian efforts and accomplishments. He has truly left his mark on the Harlem community, and he will always be remembered for that. He was admired and loved by the community in which he served. What I hope people will remember from his life is that he always found a way to reach in and give back, touching the lives of many. As banks and financial institutions continue to grow and expand in New York and communities like Harlem we must reflect upon the lives and hard work of the individuals whose innovation made such progress possible.

[From The New York Times, Aug. 9, 2006]

RICHARD T. GREENE SR., 93, IS DEAD; MADE A BANK AN INSTITUTION

(By Michael J. De La Merced)

Richard T. Greene Sr., who for 30 years was the president and a director of the Carver Federal Savings Bank, which he built into the country's largest African-American financial institution, died at his home in Brooklyn last Thursday. He was 93.

The cause was heart failure, his daughter, Cheryll, said.

Established by business and church leaders in Harlem in 1949, Carver grew to become one of the area's enduring institutions. Mr. Greene began his long career there in 1960, when Joseph Davis, the bank's co-founder and president, hired him as an executive assistant. Mr. Greene quickly rose through the ranks, becoming president in 1969.

During his tenure as Carver's president, Mr. Greene presided over a series of expansions, as it opened offices throughout the city and went public in 1994. Carver also suffered hardships, including the savings and loan crisis of the late 1980s, a fire in 1992 that destroyed its headquarters, and increasing competition from larger institutions like Chase.

"He was perhaps the most critical factor in preventing Carver from getting swept away" in the savings and loan crisis, said Deborah C. Wright, Carver's current president. He avoided the high-risk loans that got other institutions into trouble, chiefly investing in one- to four-family homes and in churches, and kept loans at a relatively low level compared with deposits, she said.

Mr. Greene retired as president in 1995 and as chairman in 1997.

He was also active in many other Harlem institutions. Mr. Greene was a founder of the Harlem Business Alliance and worked with David Rockefeller in the New York City Partnership. He also served on the boards of the Apollo Theater Foundation and the Harlem Urban Development Corporation and established the Carver Scholarship Fund, which gives grants up to $3,000 each year to 40 to 50 college-bound students in the bank's markets.

Mr. Greene was born on July 18, 1913, in Charleston, SC. He graduated with a degree in business administration from Hampton University in Hampton, VA, in 1938 and served as an Army officer during World War II. In addition to his daughter, Mr. Greene is survived by his wife, Virginia; a son, Richard Jr.; and three grandchildren.

RECOGNIZING JIM HUNT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jim Hunt of Maysville, Missouri. Mr. Hunt will soon be retiring as Director of the Small Business Development Center at Northwest Missouri State University.

As the Director of the Small Business Development Center, Mr. Hunt has provided guidance and valuable experiences to current and prospective small business owners throughout the northwest Missouri region. He has offered his experience and guidance to the enterprising citizens of my district for many years, as those entrepreneurs sought advice on the start-up, expansion, sale, and marketing of their business. His job is especially important, as the collection of small business owners are responsible for growth and sustainability of the entire region.

Before joining the University in 1999, Mr. Hunt was managing the sales and marketing efforts in northwest Missouri for a large agribusiness firm. He has been around the agriculture industry most of his life, starting with his family farming operation. Mr. Hunt also has a degree from the University of Missouri-Columbia and taught vocational agriculture. These varied experiences have all made for a solid background in advising the small businesses and agriculture roots of northwest Missouri.

Mr. Hunt's efforts became very instrumental in the rebirth of the economy in northwest Missouri. He has worked tirelessly to increase the quality of education and participation of many of the small businesses in the northwest Missouri region. One of his lasting achievements will be the Northern Missouri Business Conference, a joint venture between the U.S. Department of Agriculture, Northwest Missouri State University and many local businesses keeping open the dialogue and opportunities for continued growth in this region.

Mr. Speaker, I proudly ask you to join me in recognizing Jim Hunt. His role in developing and assisting the small businesses in northwest Missouri will be difficult to replace. I commend his record of service and accomplishment to the entire region over the years and I am honored to represent him in the United States Congress.

CONGRATULATING MR. CHUCK EKLEBERRY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Chuck Ekleberry of Hickory Creek, Texas for publishing his first book of poetry titled "Out of the Knight". Mr. Ekleberry, an engineer by profession, started writing poetry 4 years ago and has since written over 200 poems.

With the help of his mother and friends, Mr. Ekleberry was able to assemble the collection of poems for the book. His ability to take a hobby and turn it into a work such as "Out of the Knight" shows his passion and dedication to literature.

I extend my sincere congratulations to Mr. Chuck Ekleberry on his first publication of poems. His contribution to the arts community of Denton County should serve as an inspiration to us all. I am honored to represent Mr. Ekleberry in Congress.

RECOGNIZING EMANCIPATION DAY IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today in order to pay tribute to a significant national holiday recognized by the nations of the Caribbean that commemorates the emancipation of the slaves in the British Empire on August 1, 1834. This day celebrates arguably one of the most important events in the history of mankind to that date, preceding the end of slavery in the U.S. by some thirty years. It certainly was the beginning of the freedom of people of African descent in the British Caribbean.

Slavery has existed in various forms throughout most of recorded history. Because of its widespread nature, emancipation was not a single occurrence, but rather an action that took place at different times in different locations depending on the colonial power. Set aside as an anniversary marking the birth of liberty from legalized control, violence and enforced labor, the first day of August, Emancipation Day, serves as a reminder of how long and arduous the Caribbean's long walk to freedom actually was, encompassing the years leading up to the liberating act and the many years of colonialism which followed as a struggle to secure the promise of freedom.

The values and freedoms we exercise daily have come with a price. Freedom is never given freely. The emancipation of slaves in the Caribbean signified the emergence of a more civil and just society. However, there is unfinished business in regards to the recognition and atonement given to this important period in history. We must continue to look for ways that adequately address the legacy and history of slavery and lead to an appreciation of the struggle for liberation.

It behooves all of us, jointly, as well as individually, to mark one of the most significant events in world history. I enter into the CONGRESSIONAL RECORD the Carib News opinion editorial written by Dr. Harold Robertson, Trinidad and Tobago's Consul General in New York and thank him for providing a very detailed account of the path many Caribbean nations took to freedom. Although there still remains a lot to be done, by celebrating our past and our accomplishments, we are building a stronger foundation to build the future upon.

[From the NY Carib News, Aug. 2, 2006]

STATEMENT FOR EMANCIPATION CELEBRATIONS 2006

(By Dr. Harold Robertson)

The Trinidad and Tobago Consulate, in collaboration with TATIC (Trinidad & Tobago Independence Celebrations, Inc.) recently marked their Emancipation Day on Friday, July 28, with a celebration at the T & T Consulate in New York. The Consul General Dr. Harold Robertson was the keynote speaker who delivered the following address: "Today's event is the Consulate's annual celebration of what is arguably one of the most important events in the history of the British Caribbean and indeed in the Western Hemisphere—the Abolition of Slavery and the legal transformation of African slaves to free individuals.

Emancipation as a legal decision was not restricted to the British Caribbean since slavery was also not restricted only to that region. Slavery existed in virtually the entire western hemisphere (with the notable exception of what is now Canada), in Africa, Asia and the Middle East. Moreover, because of its widespread nature, abolition of the institution was not a single occurrence but rather, an action which took place at different times in different locations, dependent upon the colonial power.

What cannot be gainsaid is that in this hemisphere slavery was instituted for two basic reasons. Eric Williams in his seminal work Capitalism and Slavery postulates that the impetus was economic; and that the economic trigger was the decision by the metropolitan powers to develop the new world as a source of sugar. Sugar plantations required labor, cheap labor, without which the great development of the Caribbean in the 17th, 18th and early 19th Centuries would not have been possible. There is certainly much evidence to support this view; but one can take some issue with Williams' other assertion that the use of Africans as slave labor in the Caribbean and elsewhere "in no way implied the inferiority of the Negro".

Based on these two pillars, the institution of African slavery began with the importation of a dozen Africans to serve as personal slaves to wealthy Portuguese in 1441, and went on to subsist for some four centuries during which it is conservatively estimated that approximately 50,000,000 persons were transported from Africa to the new world.

By the late 18th Century, early 19th, slavery in the British Empire however was under sustained attack on two fronts. One was the economic—the plantation system had embarked upon a long slow decline, it was still profitable but the world was changing, with the industrial revolution exerting stronger influence. This was coupled with the growing sentiment of humanitarianism in Britain. Economic decline and humanitarian agitation in and out of Parliament led to the great day, 1 August, 1834, when the abolition of slavery was encapsulated in the coming into effect of the Emancipation Act.

It is worthy of mention that Britain was not the first country or place to end slavery in the western hemisphere; that distinction belongs to the then Colony of Rhode Island which, caught up in the revolutionary fervor of the time, abolished slavery in 1774. Revolutionary France abolished slavery in 1789, only to have it re-instituted by Napoleon. Again in our hemisphere the next country to abolish slavery was Haiti which in defiance of France drafted its own Constitution in 1801, which abolished slavery in Saint Domingue for all time. In spite of efforts by Bonaparte's France to recapture St. Domingue the end result was failure and on 1 January, 1804 Dessaline's Government adopted its declaration of independence, changed the name of the country to Haiti and confirmed Toussaint's ending of slavery. Simon Bolivar's campaigns led to the end of slavery in Spain's mainland colonies in South America in the early 19th Century.

These were the precedents to the Emancipation of Slaves in the British Colonies—but what in practical terms did the end of slavery mean for the British Caribbean. The first and most obvious effect was the transformation of 540,559 African Slaves from chattel slavery to legal freedom. For those of us familiar with the economic and demographic reality of the Caribbean today, the picture on 1 August, 1834, doubtless makes for interesting observation. The number of slaves set free in the individual British territories reveals the following: Jamaica—255,290; British Guyana (now Guyana)—69,579; Barbados—66,638; Antigua—23,350; Grenada—19,009; St. Vincent—18,114; Trinidad—17,539; St. Kitts—15,667; Dominica—11,664; St. Lucia—10,328; Tobago—9,078; Bahamas—7,734; Nevis—7,225; Montserrat—5,026; British V.I.—4,318.

The second critical factor was the decision of the British Parliament not to compensate the former slaves for their oppression, humiliation and degradation but rather to pay the slave-owners for the loss of their property. Parliament in London allocated 20,000,000 (over 1 billion dollars in today's currency) for that purpose.

The British abolition was followed by similar actions among European powers—France ended slavery in 1848 following another period of revolutionary activity; Sweden in 1846, Holland in 1863. Slavery in the remaining Spanish Caribbean was ended not from Madrid but within the colonies themselves, with Puerto Rico ending slavery in 1873 and Cuba in 1880. The last major regional country to emancipate its slaves was Brazil which ended the institution in 1888.

All of this brings us to the USA. Emancipation did not come to the United States until 1 December, 1865, when Congress ratified the Thirteenth Amendment to the Constitution of the United States. It was that amendment, eight months after Lincoln's death which abolished slavery in the United States.

The foregoing, in snapshot, provides a picture of the events which we celebrate today. For us in the Caribbean, emancipation and its repercussions served to trigger the events leading to the emergence of modern society. In those islands and colonies where land was available, the freed slaves generally refused to work for their former owners. They abandoned the plantations in favor either of forming their own free villages or engaging in other activity.

Faced with a labor crisis, Caribbean plantation owners reacted in the only way they knew—importation of more labor. Initial efforts were concentrated on Chinese and Portuguese workers, leading to thriving communities of these ethnicities in countries like Jamaica, Trinidad and Guyana. Indeed, this year the Chinese Community will be celebrating the 150th Anniversary of their arrival into Trinidad and already in some quarters the call has gone out for official recognition of a Chinese arrival day.

The greatest influx of new labor in the post emancipation period, however, came from India and interestingly virtually the same race-based philosophy that was used to justify the enslavement of Africans featured in the importation of Indians. Indians had been introduced to Mauritius and Fiji and in early discourse over the suitability of the Indian for labor in the Caribbean, officials of the East India Company described the Indians as being "more akin to the monkey than the man. They have no religion, no education and in their present state no want beyond eating, drinking and sleeping."

The Indians were not to be seen as slaves—Indian labor was classified as indentureship—they were to work for specific periods of time at the end of which they exercised the choice of either returning to India or accepting a tract of state land to remain as freemen in the Caribbean. As the time rolled by the option of returning to India was gradually made more and more difficult. Thus, it was that beginning in 1838 and extending to the end of the First World War in 1918 over 1,000,000 Indians were introduced into the Caribbean to work on the sugar plantations. Today, the largest Indian societies in the Caribbean are to be found in Guyana and Trinidad and Tobago, but the immigration of Indians was widespread throughout the Caribbean; 238,000 went to Guyana; 145,000 were sent to Trinidad; 39,000 to Guadeloupe; 34,000 to Suriname; 21,500 to Jamaica; smaller numbers went to Martinique, Grenada, St. Lucia and St. Vincent.

The repercussions of these events are of course still being felt today. In the Caribbean, emancipation still remains a work in progress, since it has taken on aspects which extend beyond the mere end of slavery. Many Caribbean societies face the struggle of blending different cultures and ethnicities into a coherent social whole. Of course, the infusion of different peoples has led to the development of a pluralistic culture, perhaps best exemplified in Trinidad and Tobago where calypso and soca exist side by side with chutney, the steelpan with the tassa and the cuisine ranges from pastelles and arepas to sancoche and peleau, provisions and oil down, bake and shark and buljol, roti and phouloorie, fried rice and chow mein. It is also reflected in the general antipathy of blacks to agricultural endeavor and the stereotype of the Chinese laundry or the Portuguese rum shop. It is reflected in sport, as in politics as we continue to strive to develop the society which we all desire.

The Jamaican icon Bob Marley has exhorted us to emancipate ourselves from mental slavery and nowhere is this exhortation more apposite than in the incongruous situation where politically independent countries of the modern Caribbean continue to maintain the British Privy Council as their final arbiter in jurisprudential matters. Emancipation will not be fully achieved until that is corrected.

Whether in the Caribbean or in America the abolition of slavery unleashed the compendium of forces out of which modern society emerged. Still however, there is unfinished business, not least of which is the increasing clamor for the righting of a historical wrong—the payment of reparations to the heirs of those who endured this most heinous institution. So far, the concept of reparations is a notion which has engaged the attention only of activists and academics. That is changing; others are becoming conscious of the need for atonement. For example, at its 75th General Convention held this past June, the Episcopal Church of the United States adopted a Resolution entitled "Slavery and Racial Reconciliation". The Resolution acknowledged the Church's participation in the fundamental betrayal of humanity represented by slavery, observed that the repercussions of slavery continue to plague our life and culture and called upon Congress and the American people to initiate a study and dialogue about the history and legacy of slavery and of methodologies for the provision of monetary and non-monetary reparations to the descendants of the victims of slavery.

There is much that still remains to be done. Only when there is universal understanding of and reparations for the blight of slavery will we be able to speak of complete emancipation. For now, it behoves all of us, jointly as well as individually, to mark one of the most significant events in our history and indeed in world history; and to rededicate ourselves to working for its total achievement. Trinidad and Tobago has done its part; in 1985, Trinidad and Tobago was the first country to declare Emancipation Day as a national holiday. Other Caribbean countries have followed.

HONORING MR. LLOYD A. KING

HON. CHARLES W. BOUSTANY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BOUSTANY. Mr. Speaker, President John F. Kennedy once said that the greatness of poets "depends upon the courage with which they face the challenges of life." Today, I rise to recognize one such poet and American hero.

Lloyd A. King, a native of New York State, was drafted to serve in the U.S. Army in Vietnam in 1967. As a non-commissioned officer with the 101st Airborne Division in 1968 and 1969, he began writing about his emotions and experiences through poetry. In his poems Mr. King described the sights and sounds that he couldn't tell his family back home.

Mr. King eventually was awarded the Silver Star, the Soldier's Medal, the Bronze Star, two Purple Hearts, two Air Medals, and nearly a dozen other awards including the highest individual medal awarded by the Republic of South Vietnam, the RVN Gallantry Cross with Gold Star.

Thirty years later, on July 28, 1998, Mr. King began writing again about his experiences in Vietnam, in hopes that he could express his personal feelings and the events that he had not previously been able to share.

Currently a resident of Lafayette, Louisiana, Mr. King has been honored with the Military Writers Society of America 2006 Gold Medal Award for "Best Book of Poetry" for his "From 'Nam with Love." Mr. King now serves as the commander of the Military Order of the Purple Heart, William McKenzie Chapter #504, Lafayette, Louisiana, he is also a lifetime member of Vietnam Veterans of America, Acadiana Chapter #141.

As an artist, author, poet and soldier, I ask my colleagues to honor Mr. Lloyd A. King, American hero, for his accomplishments.

PAYING TRIBUTE TO TORI LANGE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Tori Lange of Littleton, Colorado. Ms. Lange has been accepted to the People to People World Leadership Forum here in our nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Lange has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Tori Lange, and wish her the best in all her future endeavors.

HONORING THE ACHIEVEMENTS OF DYLAN LEVALLEY OF MCKINLEYVILLE, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to acknowledge and honor the accomplishments of Dylan LeValley of McKinleyville, California. With his fellow rowers on the James Robert Hanssen, Dylan completed a historic feat in winning the 2006

Ocean Fours Rowing Race across the Atlantic Ocean. Dylan LeValley was raised in the First Congressional District of California and is the son of my constituents, Linda Doerflinger and Ron LeValley.

Mr. LeValley, along with 3 fellow rowers from the University of Puget Sound, set out on June 10th to row across the Atlantic Ocean from New York City to Falmouth, England. They performed this remarkable feat in a small, open-topped boat without the aid of any motorized power, and with only the supplies they could carry inside the boat. In 68 days, these young men traveled approximately 3,800 miles while being knocked far off their course by storms, currents, and unusually strong winds. In doing so, they became the first Americans to row from the United States to the United Kingdom, and the first team to ever row from mainland to mainland without pausing.

Mr. Speaker, this accomplishment is extremely impressive, but is made more meaningful because it was done in the name of charity. Drawing inspiration from the death of one team member's father to asthma, the team named their boat, the James Robert Hanssen, in his honor and set out to raise $300,000 for the American Lung Association. Such an ambitious goal reminds us that this endeavor had significance for the team members beyond the physical challenge. A remarkable achievement, their journey will be remembered both for the records they set and for their personal contribution to medical charity.

HONORING SENATOR GROVER FORD BOWERS, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the memory of a true friend to our Nation and the State of South Carolina. Friday, July 7, 2006, saw the sad passing of Grover Ford Bowers, Jr. Senator Bowers was born in Luray, South Carolina, in Hampton County on November 20, 1919. He was a son of the late Grover Ford Bowers, Sr. and Corinne Fitts Bowers. He graduated from Estill High School and the University of South Carolina. He was a member of Luray Christian Church where he served as finance chairman. He was also a member of Estill Masonic Lodge and the Society of 1824. Senator Bowers was a United States Marine Corps Veteran of World War II, having served on the Island of Tinian in the 18th Anti-Aircraft Artillery. He was honorably discharged with the rank of Captain. He then became the co-founder of Harper & Bowers Inc. in 1947. After retirement in 1976, he remained actively involved in both agri-business and politics. Senator Bowers served in the South Carolina Senate from 1962–1966 and was the last Senator from Hampton County. He served as a member of the Board of Visitors of Clemson University and The Medical University of South Carolina, as well as various State Commissions including: State Ethics Commission, State ASCS Commission, S.C. Highway Commission, State Transportation Commission and State Forestry Commission. In 1978 Senator Bowers was awarded the Order of the Palmetto by Governor James B. Edwards.

He is survived by his wife of 56 years, Macie Tison Bowers, his 3 children, Martha B. Simons and her husband, Dr. Paul K. Simons; Grover F. Bowers III and his wife, Derbiana Peeples Bowers; William T. Bowers and his wife, Julia Roman Bowers. His 7 grandchildren include Caroline S. Chase and husband, Samuel Chase III, Paul K. Simons Jr., Grover F. Bowers IV, Hunter T. Bowers, Margaret E. Bowers, William T. Bowers and Charles R. Bowers. Senator Bowers also has one great grandson, Samuel M. Chase IV. He was preceded in death by two brothers, DeTreville F. Bowers and Corrin F. Bowers.

He is also survived by his sister-in-law, Ms. Mary Eleanor Bowers of Estill, South Carolina. Ms. Bowers served as the Estill Office Special Assistant of the Second Congressional District until her retirement. Before that she served on the staff of the late Congressman Floyd Spence and was initially added to service by Congressman Arthur Ravenel.

THE DEFINITION OF TYRANNY; LOOK NO FURTHER THAN THE BUSH ADMINISTRATION AND THE REPUBLICAN ENABLERS IN CONGRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. RANGEL. Mr. Speaker, if Franz Kafka were writing his famous novel The Trial today, he might find his inspiration in what is happening in America. In The Trial a man named Josef K awakens one morning and, for reasons never revealed, is arrested and subjected to the rigors of a bizarre judicial process for an unspecified crime. The agents who arrest him never tell him under what or whose authority he is being arrested. He is ultimately executed never knowing what he has done.

Mr. Speaker, I rise to enter into the Record a column by Bob Herbert entitled "The Definition of Tyranny" which appeared in the July 17, 2006 edition of The New York Times. The subject of Mr. Herbert's article is the Bush Administration's response to the Supreme Court's holding in Hamdan vs. Rumsfeld that the military tribunals in use at Guantánamo Bay were illegal. The President was not authorized by Congress, nor did he have the power under Title II of the Constitution, to make law for the tribunals or for the treatment of prisoners at Guantánamo Bay even though the country was engaged, he argued, in a "war on terror." The Court also faulted the President's failure to apply Article III of the Geneva Conventions in its treatment of prisoners at Guantánamo Bay.

In response, the President has requested that the Congress make legal what the Court found illegal. This response brought to my mind the situation in which Josef K found himself in The Trial. I enter this article by Mr. Herbert for the edification of my colleagues in the House of Representatives.

[From the New York Times, July 17, 2006]

THE DEFINITION OF TYRANNY

(By Bob Herbert)

Congress is dithering and the American public doesn't even seem particularly concerned as the administration of George W. Bush systematically trashes such fundamental American values as justice, due process, respect for human rights and submission to the rule of law.

In the kangaroo courts that the administration concocted to try detainees at Guantánamo Bay, Cuba, a defendant could be prevented from seeing the evidence against him, would not have the right to attend his own trial and would not have the right to appeal the sentence to a civilian court.

That's slapstick justice, a process worthy of the Marx Brothers.

"You have been accused of being a terrorist."

"Where is the evidence?"

"We can't show it to you."

"That's ridiculous."

"So is this court. We find you guilty. Take him away."

The Supreme Court now says, in a vote that was closer than it should have been, that this sort of madness cannot be permitted. In its recent decision striking down the tribunals for terror suspects at Guantánamo, the court said of the defendant, Salim Ahmed Hamdan: "He will be, and indeed already has been, excluded from his own trial."

The court said, in effect, that this is not the American way, that ours is not a Marx Brothers republic. Not yet, anyway. (It most likely will be if Mr. Bush gets to appoint one or two more justices to the court.)

The Bush-Cheney regime believes it can do whatever outlandish things it wants, including torturing people and keeping them incarcerated for life without even the semblance of due process. And it's not giving up. The administration now wants Congress to authorize what the Supreme Court has plainly said was wrong. White House lawyers, in a torturous (pun intended) interpretation of the court's ruling, seem to be arguing that the kangaroo courts, otherwise known as military commissions, will be quite all right if only Congress will say so.

They're not all right. They're an abomination (like the secret C.I.A. prisons and the practice of extraordinary rendition) that spits in the face of the idea that the United States is a great and civilized nation.

"Can you imagine if the Hamdan decision, among others, had gone the other way?" said Michael Ratner, president of the Center for Constitutional Rights, which has been waging an extraordinary fight to secure basic legal protections for prisoners at Guantánamo. "I mean we'd be looking at a dark nightmare."

The court's decision brought into sharp relief the importance of one of the most fundamental aspects of American government, the separation of powers. Checks and balances. The judicial branch put a halt—a check—on a gruesomely illegal practice by the executive.

Mr. Bush has tried to scrap the very idea of checks and balances. The Republican-controlled Congress has, for the most part, rolled over like trained seals for the president. And Mr. Bush is trying mightily to pack the courts with right-wingers who will do the same. Under those circumstances, his will becomes law.

Justice John Paul Stevens, who wrote the majority opinion in the Hamdan case, referred to a seminal quote from James Madison. The entire quote is as follows: "The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny."

As the center noted in a recent report, "The U.S. government has employed every possible tactic to evade judicial review of its detention and interrogation practices in the 'war on terror,' including allegations that U.S. personnel subject prisoners to torture and cruel, inhuman and degrading treatment."

There is every reason to be alarmed about the wretched road that Bush, Cheney et al. are speeding along. It is as if they were following a route deliberately designed to undermine a great nation.

A lot of Americans are like spoiled rich kids who take their wealth for granted. Too many of us have forgotten—or never learned—the real value of the great American ideals. Too many are standing silently by as Mr. Bush and his cronies engage in the kind of tyrannical and uncivilized behavior that has brought so much misery—and ultimately ruin—to previous societies.

BOEHRINGER INGELHEIM VETMEDICA, INC.

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Boehringer Ingelheim Vetmedica, Inc. in St. Joseph, Missouri as it celebrates its 25 year anniversary. This company is a subsidiary of Boehringer Ingelheim Corporation, one of the world's 20 leading pharmaceutical companies. Boehringer Ingelheim Vetmedica, Inc.'s involvement has impacted all areas of the St. Joseph, Missouri community for the past 25 years.

As a staple of the community, the company continues to grow and give back to the people of Missouri. Boehringer Ingelheim Vetmedica, Inc., or BIVI, employs over 500 people in the St. Joseph and Elwood area of Missouri. The 100 employees who have been with BIVI since the first day 25 years ago are evidence of BIVI's worker-friendly environment.

In conjunction with its commitment to the people of BIVI, the organization continues to have a positive impact on the development in this region as an active member of the St. Joseph Chamber of Commerce. Not only is BIVI a committed leader in the United Way effort for St. Joseph, it also donates its time and money to the local schools and universities, a further investment in the future of this region.

Mr. Speaker, I proudly ask you to join me in recognizing Boehringer Ingelheim Vetmedica, Inc. Its investment in the St. Joseph area community is exceptional. Let us use Boehringer Ingelheim Vetmedica, Inc. as an example of the influence investing and re-investing can have on a broader community.

CONGRATULATIONS TO THE '91 TEXAS ELITE SOFTBALL CLUB

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of the '91 Texas Elite Fast Pitch softball club on their 5th place finish in the National Championship on August 6th, 2006.

The team placed 5th after competing against 114 fast pitch softball teams from around the Nation. During the course of the tournament the ladies had a record of 9 and 2 and finished the tournament as the highest ranked Texas team.

Their success was the combined effort of many extremely talented athletes, and would not have been possible if it was not for the incredible sense of teamwork put forth by all athletes.

I extend my sincere congratulations to coaches Slade Maloney and Stephanie Tamayo, as well as Ms. Taylor Petrick, Ms. Rayne House, Ms. Natalie Nimmo, Ms. Sara Draheim, Ms. Valerie Howell, Ms. Taylor Hoagland, Ms. Lindsay Zaobjnik, Ms. Danika Miller, Ms. Taylor Sells, Ms. Kim Spivey, and Ms. Magean De La Torre, the members of the '91 Texas Elite softball club.

TERROR ALERT: LOSS OF CREDIBILITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend Mr. Richard Cohen for his recent article published in the Washington Post entitled "Terror Alert: Severe Risk of Hype" in which he calls into question the Bush administration's credibility when it comes to terrorism.

President Bush, Vice President CHENEY and other top administration officials asserted before the U.S. invasion that Iraq was reconstituting its nuclear weapons program, had chemical and biological weapons and maintained links to al Qaeda affiliates to whom it might give such weapons to use against the United States. Unfortunately, research and intelligence reports have proven otherwise. Instead of being adept at making sound policy, the current administration appears to be skilled in the art form of deception and dishonesty.

Currently, Attorney General Alberto Gonzales is once again putting the American people on "Terror Alert" without having substantial information. Just last week Mr. Gonzales announced the arrest of seven terrorists. Have we not learned from our past mistakes? The announcement of the arrests of these alleged terrorists are part of a sad trend within the Bush administration to exaggerate the facts, labeling anyone thought to be acting suspiciously or fitting a racial stereotype an al-Qaeda type terrorist. What we see is the Bush Administration's need to once again hype certain issues to gain not only America's trust, but to use that to bolster its declining credibility.

This is a serious matter for a variety of reasons. First, if Americans are being asked to surrender a measure of privacy and civil liberties, they deserve to have an administration that will use data not to deceive but to protect. Also, the arrest of the seven alleged terrorists should not be used as evidence of the administration's success in protecting the Nation if the facts are not clear that a real threat is involved. The facts as revealed in press reports to date, as Richard Cohen asserts are suspiciously short of providing a reasonable case that these misguided youth were in any position to pose a real threat to accomplish their alleged goals. There is some likelihood in fact, that it was the FBI's sting operation that gave these would be perpetrators any credibility at all, and that their planning was led by the FBI operative who posed as a terrorist to entrap the inept plotters.

I enter into the RECORD the Washington Post column by Mr. Richard Cohen and commend him for presenting this issue regarding the Bush administration's penchant to hype Terror Alerts. In order to regain the American people's confidence the Bush administration should not use or target events to achieve some political gain. I believe the War on Terror can and will be won when leaders start leading responsibly, placing the interest of the people first and their political objectives second.

[From washingtonpost.com, June 27, 2006]

TERROR ALERT: SEVERE RISK OF HYPE

(By Richard Cohen)

It is the sheerest luck, I know, that Attorney General Alberto Gonzales looks (to me) a bit like Jerry Mahoney, because he fulfills the same function for the Bush administration that the dummy did for the ventriloquist Paul Winchell. At risk to his reputation and the mocking he must get when he comes home at night, Gonzales will call virtually anyone an al-Qaeda-type terrorist. He did that last week in announcing the arrest of seven inferred (it's the strongest word I can use) terrorists. I thought I saw Dick Cheney moving his lips.

The seven were indicted on charges that they wanted to blow up the Sears Tower in Chicago and the FBI bureau in Miami. The arrests came in the nick of time, since all that prevented mass murder, mayhem and an incessant crawl at the bottom of our TV screens was the lack of explosives, weapons or vehicles. The alleged conspirators did have boots, which were supplied by an FBI informant. Maybe the devil does wear Prada.

Naturally, cable news was all over the story since it provided pictures. These included shots of the Sears Tower, the FBI bureau, the seven alleged terrorists and, of course, Gonzales dutifully playing his assigned role of the dummy. He noted that the suspects wanted to wage a "full ground war" against the United States and "kill all the devils" they could—this despite a clear lack of materiel and sidewalk-level IQs. Still, as Gonzales pointed out, if "left unchecked, these homegrown terrorists may prove to be as dangerous as groups like al-Qaeda." A presidential medal for the man, please.

It is not now and never has been my intention to belittle terrorism. Clearly, if what the government alleges turns out to be the truth—look, that sometimes happens—then these guys deserve punishment. But theirs was such a preposterous, crackpot plot that the only reason it rose to the level of a televised news conference by the nation's chief law enforcement officer was the Bush administration's compulsive need to hype everything. For this, Gonzales, like a good Boy Scout, is always prepared.

Does it matter? Yes, it does. It matters because the Bush administration has already lost almost all credibility when it comes to terrorism. It said there were weapons of mass destruction in Iraq and there were none. It said al-Qaeda and Iraq were in cahoots and that was not the case. It has so exaggerated its domestic success in arresting or convicting terrorists that it simply cannot be believed on that score. About a year ago, for instance, President Bush (with Gonzales at his side) asserted that "federal terrorism investigations have resulted in charges against more than 400 suspects, and more than half of those charged have been convicted." The Post looked into that and found that the total number of (broadly defined) "terrorism" convictions was 39.

This compulsion to exaggerate and lie is so much a part of the Bush administration's DNA that it persists even though it has become counterproductive. For instance, the arrest of the seven suspects in Miami essentially coincided with the revelation by the New York Times that the government has "gained access to financial records from a vast international database and examined banking transactions involving thousands of Americans." Almost instantly, the administration did two things: It confirmed the story and complained about it. The Times account only helped terrorists, Cheney said.

Is he right? I wonder. This is a serious matter. After all. Americans are being asked to surrender a measure of privacy and civil liberties in the fight against terrorism—essentially the argument Cheney has been making. I for one am willing to make some compromises, but I feel downright foolish doing so if the fruit of the enterprise turns out to be seven hapless idiots who would blow up the Sears Tower, if only they could get to Chicago.

Cheney in particular has zero credibility, but his administration colleagues are not far behind. Prominent among them, of course, is the attorney general, a man so adept at crying wolf and mouthing the administration's line that he simply cannot be believed any more.

The Sears Tower. The Miami bureau of the FBI. Please. Someone, put the dummy back in his box.

TRIBUTE TO COL MICHAEL W. DEYOUNG, UNITED STATES ARMY

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. OSBORNE. Mr. Speaker, I rise today to honor and pay tribute to a great American patriot, COL Mike DeYoung, who is retiring with over 27 years of honorable service in the United States Army.

Colonel DeYoung was born in Lincoln, Nebraska. Then, as he says, he was given not only the normal baby inoculations of vitamin B, but also vitamin C for "Cornhusker" which began a lifelong passion for Nebraska football. He is well known to many Members of Congress in that for the last 4 years he has served as the chief of the House Liaison Division for the Army. In that time, many of us have had the privilege of working with Colonel DeYoung on a wide variety of legislative initiatives, programs and congressional travel. I can personally attest to his professionalism as it was Mike who escorted the delegations that I led to Iraq and other stops in the Middle East in the spring of 2005 and again in December last year. Thus, it is my distinct honor to recognize his many accomplishments over the course of a distinguished career and I commend his superb service to the United States Army and this great Nation.

Colonel De Young is an Army "brat" as they say, the son of retired COL Dee De Young and Anne DeYoung. He was commissioned a second lieutenant in the Air Defense Artillery after graduating from the College of William and Mary. He began his military career with the 4th Infantry Division, serving as a platoon leader and later battery executive officer in the 4th Battalion, 71st Air Defense Artillery. Over the course of the next two decades, Colonel DeYoung served in a variety of command and staff assignments, with increasing levels of responsibility. Highlights during this period include commanding companies both here in the United States and in Europe at the height of the cold war, chief of the Joint Intelligence Center's Crisis Action Support Center in the Pacific region and then again commanding a battalion in Germany.

There are few officers who could even begin to rival Colonel DeYoung's expertise and experience in working with the United States Congress. He was selected as an American Political Science Association Foreign Affairs Fellow at Johns Hopkins School of Advanced International Studies and then served as a fellow in the office of former Senator Richard Bryan of Nevada, with subsequent assignments in the legislation liaison arena working for the Secretary of the Army and as a military assistant for the Secretary of Defense. Colonel DeYoung has played a significant role shaping the greatest Army on the planet. Upon graduating from the Industrial College of the Armed Forces, Mike expanded his legislative résumé serving as the chief of the Congressional Inquiries Division for the Army and then finally, as was stated previously, the chief of Army Liaison to the House of Representatives.

While Colonel DeYoung's duty titles and assignments sound impressive, what is far more impressive and more relevant is the character of this selfless soldier and the thousands of young men and women whose lives have been enriched by crossing paths with Mike DeYoung. This is his greatest legacy. Years after Colonel DeYoung is only a memory to the United States Army, the values that he imparted on those that he has served with will live on. These same values are what make our Army the most formidable military force on earth—loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

Mr. Speaker, as this great American patriot moves on, and as this invaluable friend of the House of Representatives begins the next chapter in his life, I know I speak for all the Members of the House, in thanking Colonel DeYoung for his many years of service to our Nation and extend my best wishes to him, his wife Deborah and their wonderful children Alex and Denia.

TRIBUTE TO THE OMAHA FEDERATION OF ADVERTISING ON THEIR 100TH ANNIVERSARY

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. TERRY. Mr. Speaker, the Omaha Federation of Advertising will be celebrating their 100th anniversary at a centennial gala event on November 18, 2006 with the induction of their first Legends of Advertising Hall of Fame honorees, a salute to the top 100 local ad campaigns and a theatrical retrospect of the last 100 years.

Founded in 1906, the Omaha Federation of Advertising, OFA, is considered the unifying voice of advertising in the Omaha/Council Bluffs metropolitan area. The professional association is made up of and represents corporate advertising, agencies, marketing, media, printing, suppliers, academia and other advertising and public relations professionals. As advocates for the rights of advertisers, they educate policy makers, the media and the general public on the value advertising brings to the well-being of our community and the economy.

The OFA hosts a multitude of events and activities throughout the year that serve the public and attract a wide audience. A small example of such activities include: a national award-winning program to introduce college students to advertising professionals, called Meet the Pros; an annual awards event recognizing creative excellence, called the American Advertising Awards; a scholarship program in which thousands of dollars are awarded to students attending accredited universities and/or advertising/design trade schools; and a public service program committed to the goal of helping deserving non-profit groups to achieve their marketing/communication goals.

I'd like to congratulate the OFA on their 100th anniversary and wish them the best in the next century.

WELCOME TO PRESIDENT ROH MOO-HYUN OF THE REPUBLIC OF KOREA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. HYDE. Mr. Speaker, as you are aware, President Roh Moo-hyun of the Republic of Korea is scheduled to visit the United States from September 12 to 15, 2006, for a summit meeting with President George W. Bush. After meetings in Washington with President Bush and Members of the congressional leadership, President Roh will travel to San Francisco.

Mr. Speaker, recently I had the privilege of visiting South Korea and meeting with President Roh and other Korean officials, as well as with U.S. soldiers and members of the diplomatic community. The Korean people treated us with warmth and hospitality, for which I am deeply grateful.

While in South Korea, I had an opportunity to lay a wreath in tribute to GEN Douglas MacArthur at his statue at Incheon harbor. The statue was erected by the citizens of the City of Incheon to commemorate the General's vital leadership during the Korean war, including his implementation of the daring landing at Incheon in the darkest days of the Korean War. In his farewell address before this Congress in 1951, General MacArthur said: "Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery."

Korea and the United States have been allies and friends for more than half a century. Our economic ties are strong. With a per capita income of $14,162, South Korea is the world's 11th-largest economy and the 7th largest trading partner of the United States, with a trade volume amounting to over $72 billion each year. The United States and South Korea are currently engaged in negotiations that will lead to a U.S.-Korea Free Trade Agreement, which will further solidify and expand U.S.-Korean economic ties.

With a population of well over one million, the Korean-American community has become, in the past century, a vital and important part of the American mosaic. The greater Los Angeles area, with its vibrant Korean-American community, is now one of the world's centers of Korean culture. But Korean-Americans are not only found in California. From Hawaii, east to New York, and from Alaska down to Florida, Korean-Americans are making a critical contribution to the United States in such diverse fields as medicine, education, science, engineering, martial arts, small business enterprises, entrepreneurship, music and the fine arts. America has been enriched by the Korean-American community's many contributions, and its existence has bonded us even closer to the Korean peninsula across the Pacific.

It should come as no surprise, then, that the United States is also a popular destination for travelers from South Korea, whether they are coming here to visit their family members who have become part of the American community, attending U.S. colleges and universities, or meeting with business colleagues in the pursuit of greater trade and investment.

The U.S. consular section at our embassy in Seoul is the busiest non-immigrant visa issuing post in the world, processing between 1,800 and 2,000 visa applications each day. It is clear that South Koreans want to visit the United States, and they have good reasons for doing so.

There are currently efforts underway to bring South Korea under the umbrella of the U.S. Visa Waiver Program, which already applies to 27 other countries, including the United Kingdom, France, Canada, and Japan. This program, established in 1986 with the objective of promoting better relations with U.S. allies, also eliminates unnecessary barriers to travel, stimulates the tourism industry, and permits the U.S. Department of State to focus consular resources in other areas.

The South Korean Government has made it clear that it intends to meet all of the statutory and regulatory requirements of the Visa Waiver Program. Seoul is working with the Departments of Homeland Security, Justice, and State in a diligent fashion to make sure that relevant South Korean governmental agencies have implemented the most up-to-date passport controls, using biometric and other technologies to prevent fraud and abuse. Mr. Speaker, I am almost certain that the Republic of Korea's entry into the Visa Waiver Program will be one of the topics discussed by President Roh and President Bush during their summit meeting this month.

There are, of course, other issues that certainly will be discussed at the White House by President Bush and President Roh, including the free trade negotiations, North Korean nuclear weapons development, and South Korea's active participation in the global war on terrorism and its contributions to the war effort in Iraq. The United States and South Korea have enjoyed a long and productive alliance, which, based on blood ties forged in the Korean war, will deepen into the indefinite future.

The frequent meetings of U.S. and Korean leaders are a clear manifestation of the close relationship shared by our two countries. Therefore, Mr. Speaker, let me take this opportunity to welcome the president of the Republic of Korea, Roh Moo-hyun, to the United States as he visits Washington, DC, and the golden State of California. I invite all Members of the House to join me in offering President Roh our best wishes and hospitality as he visits our Nation's Capital.

CONGRATULATING EAGLEPICHER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BLUNT. Mr. Speaker, I rise today to recognize EaglePicher, an advanced technology company that was founded in 1843. Today, EaglePicher provides innovative products for a wide range of industries and employs approximately 3,900 people worldwide.

I would like to congratulate EaglePicher on the achievement of their nickel hydrogen batteries that reached one billion cell hours of successful flight time in space on September 9, 2006. EaglePicher Technologies, which makes these batteries is headquartered in Joplin, Missouri and has a long history of being one of Joplin's leading employers.

I am honored to congratulate the current President of EaglePicher Corporation, David Treadwell and the President of EaglePicher Technologies, Steve Westfall and all of the employees of EaglePicher on this special occasion.

TRIBUTE TO KENNETH AND LINDA STEIGERS

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. OTTER. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing to the actions of Kenneth and Linda Steigers of Juliaetta, Idaho.

Nine years before the Steigers purchased a section of land in Clearwater County, Idaho, a flood tore through the area. It destroyed many large cottonwood trees and other vegetation in a riparian zone of Lolo Creek which runs through their property. Eventually, grass grew back near the banks of the creek, which attracted grazing cattle. At that time the Bureau of Land Management raised concerns that the cattle may be adversely affecting the water quality of the creek and the salmon spawning beds in the area.

The Steigers, through support from the Conservation Reserve Program, CRP, have worked diligently to rectify the problem. They used program funding to build a fence around the riparian area and also developed a spring at the top of a nearby slope to provide an alternate drinking area for the cattle. With the cattle no longer grazing in the area, cottonwood trees and shrubs are growing in the area again. The salmon habitat has improved and elk, deer, geese, ducks, blue herons, and other small water birds have become abundant.

For their actions as CRP participants the Steigers will be presented with the Conservation Reserve Program Outstanding American Conservationist Award by Agriculture Secretary Mike Johanns at the U.S. Department of Agriculture on Wednesday, September 13, 2006.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating the actions of Kenneth and Linda Steigers. It is accomplishments like this that make our world a more beautiful and enjoyable place to live.

TRIBUTE TO CENTER POINT INC. AND CEO DR. SUSHMA TAYLOR

HON. LYNN C. WOOLSEY

OF CALIFORINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor both Center Point, Inc. and its President and Chief Executive Officer, Dr. Sushma Taylor. The agency is commemorating 35 years of service to the people of California while celebrating Dr. Taylor's 25 years of visionary leadership with the agency.

Founded as a small rehabilitation program in Marin County, California, Center Point now offers a continuum of statewide services for high-risk families, adults, and youths. With 30 sites in California and over 12,000 clients per year, the staff provides a wide array of health, social, and rehabilitative services to combat poverty, homelessness, unemployment, and psychological and substance abuse problems. Sushma Taylor's dedication has been the driving force behind the creation of this expansive and successful agency we see today.

Center Point's mission is to provide a range of affordable support services by offering education, training, health care, and counseling support so that those they serve can claim self-worth and dignity. Dr. Taylor's values and experience have been an ideal match for this mission.

Throughout her career, Sushma's primary focus has been to create opportunities and remove barriers for high-risk clients. She has long been a champion of those requiring social rehabilitation to improve their quality of life and their personal and social responsibility.

Sushma's father was an ambassador for the government of India, where she was born. The family relocated frequently, giving her a multicultural and multi-lingual orientation. She moved to Marin County in 1974. With a Master's Degree in Public Administration, and Doctorate in Clinical Psychology, and as a Licensed Marriage Family Therapist, she had the background to serve as Director of Marin and Sonoma County's Treatment Alternative to Street Crime projects in coordination with each county's mental health department. She worked to develop a unique justice diversion project that was replicated nationally.

In 1981, Sushma became Executive Director of Center Point. Today the agency's clients receive a continuum of individualized services created by Sushma and funded through grants and contracts that she has successfully pursued. Graduates of the treatment programs move on to transitional housing and continuing care services as they prepare to successfully reintegrate into the community.

Sushma has also expanded Center Point programs to the state of Oklahoma has established them in California state prisons, dramatically reducing crime and recidivism. She is one of the foremost authorities in the nation on treatment for women and provides consultation around the world. She also works closely with local state, and federal agencies to form policies that advance the field of addiction treatment.

Mr. Speaker, Center Point's graduates are living proof of the achievement of their mission and of Dr. Sushma Taylor's belief that her true success is the successes of those she serves. Center Point believes that adversity can be overcome and the extraordinary achieved. And with Dr. Taylor's guidance, this has been demonstrated many times over. It is a pleasure to honor Dr. Taylor and Center Point on this memorable occasion.

TRIBUTE TO HOLY REDEEMER CATHOLIC CHURCH CENTENNIAL CELEBRATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BLUMENAUER. Mr. Speaker, I offer my congratulations to the people of Holy Redeemer Catholic Church in Portland on their Centennial Celebration. Holy Redeemer has long held a place in my heart, and I have been honored to represent the people and parish for nearly 30 years. Holy Redeemer is well known for its positive contributions to the neighborhood and the residents of North and Northeast Portland. Since 1906, the church has been a community anchor and a center of education, spiritual support, justice to all people, and good works.

Catholic education has played an important role in Oregon, and more children have graduated from Holy Redeemer School than any other Catholic grade school in Oregon. The gift of education liberates people and in turn has made Portland and Oregon better communities. We owe thanks to the founding priests and brothers of the Redemptorist Order, the Sisters of the Holy Names of Jesus and Mary, thousands of parishioners, and now the Congregation of Holy Cross for making my Congressional District and all of Oregon a better place.

TRIBUTE FOR SEPTEMBER 11, 2001

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mrs. DRAKE. Mr. Speaker, yesterday we remembered the tragic events that unfolded 5 years ago on the morning of Tuesday, September 11, 2001.

We remembered a day replete with loss, but also replete with heroism.

As we reflect on those who died that fateful day—as we mourn those family members and friends whose lives were taken by a group of radical extremists, I would like to pay tribute to the 343 firefighters who were lost in the wreckage of the World Trade Center.

I am often amazed when I reflect back on the acts of those firefighters. For most, the human instinct is to turn and run away from imminent danger. Yet, they were prepared to sacrifice their own lives in order to save the lives of those they had never met. This courage was born from a commitment to service that is shared with thousands more across the Nation.

They are our first responders, and every time America is threatened, whether by an act of God or an act of man, they are the first to arrive, providing certainty out of an uncertain situation. Many Americans, in New York City and around our country, owe their lives to first responders. We owe them an immeasurable debt of gratitude, not only for what they have done, but for what they are prepared to do.

We must never forget the tragedy of September 11th, and we should never forget the triumphs of September 11th. America is a better place because of the strength, the courage and the determination of our first responders.

SEPTEMBER 11, 2006—A DAY OF SORROW AND REMEMBRANCE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, 5 years removed from the tragedy of September 11, 2001, our Nation still feels the pain and sorrow from that fateful day. Like no other event in recent history, September 11 brought America together in a time of grief and an outpouring of emotion. Today, we remember the 3,000 innocent lives taken in the blink of an eye by these terrorist attacks.

I still remember watching the news that Tuesday morning and seeing footage of the planes hitting the World Trade Center towers and the Pentagon. Like you, I sat and prayed for the men and women that were trapped in the smoking buildings. Everyone offered our thanks to those brave citizens of New York and Virginia who rushed into the burning wreckage, trying to rescue any possible survivors. And I wept when watching the towers collapse into the streets of New York. These are moments frozen in time that no American could ever forget.

On the anniversary of these horrible attacks, it is fitting for Americans to pause and reflect on the challenges our Nation now faces to defend our freedoms. A committed group of religious Islamic terrorists—fanatics who twist and pervert the teachings of the Koran to meet their extremist goals—are bent on destroying America and its allies in the global war on terror.

We have seen attacks in Britain, Spain and Indonesia that have killed hundreds of innocent civilians. Law enforcement officials have used innovative and modernized counterterrorism policies to help successfully thwart terrorist plots in the Netherlands, Britain, Canada and the United States; plots that may have killed thousands. The lesson learned from these experiences is that we must remain ever vigilant in the global war if we are to defend against this enemy.

Like December 7, 1941 before it, September 11 has become a day of remembrance. It is a time to remember the lives lost that day, as well as the sacrifices made by our brave soldiers deployed on the front lines. September 11 is also a reminder that there is work left to do. It is groups like al-Qaeda, Hezbollah and Hamas whose goal it is to destroy America and everything that defines our great Nation. They will continue to plot new and innovative terrorist attacks against our homeland and our people. It is up to the Congress and the President to work together to ensure that September 11 is never repeated again.

America must never forget the events of September 11, 2001. They shaped a generation of men and women across the country and thrust us squarely into the global war on terror. On the fifth anniversary of that day, the United States should pause to remember the thousands of innocent lives lost and the sacrifices of the military men and women who serve around the globe to protect our rights and freedoms.

TRIBUTE TO MR. WESLEY GORDON II

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to a remarkable citizen, Mr. Wesley Gordon II of Fort Atkinson, WI. The National Postmaster of the Year award was recently bestowed upon Mr. Gordon in recognition of his contributions to the community and to the U.S. Postal Service.

Mr. Gordon, who began his career as a temporary mail carrier in Middleton, has been head of the Fort Atkinson Post Office since 1995. Serving in a number of different capacities and communities throughout his career, Mr. Gordon served as the officer in charge in Highland, Cottage Grove, Brodhead and Fort Atkinson and postmaster in Wisconsin Dells and Monroe.

In addition to his 37 years of work for the U.S. Postal Service, Wesley Gordon has been a longtime soccer and baseball coach, is an active member of the Lions Club and Knights of Columbus and volunteers for St. Joseph Catholic Church in Fort Atkinson.

In the local postal community, Mr. Gordon is known as a leader who understands the concept of teamwork. He is quick to point out the importance and excellence of his employees as he talks about his vision for the future, which is "to make every post office a place people enjoy coming to and want to return to."

I am pleased to join with the U.S. Postal Service in recognizing Mr. Gordon's hard work and dedication. Fort Atkinson and the State of Wisconsin are fortunate and grateful to be the beneficiaries of Wesley Gordon's work. Thank you, Mr. Gordon, and best of luck with your future endeavors.

COMMENDING REV. THADDEUS SWIRSKI

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BROWN of Ohio. Mr. Speaker, I rise to thank the Rev. Thaddeus Swirski, pastor of St. Hedwig's Church, in Akron, Ohio, for his service to his parish, the community, and our nation.

A member of the faculty of the University of Akron, Rev. Swirski serves as Chaplain for ROTC Army and Air Force, and the Ohio Military Reserve in the rank of Colonel. He has received six distinguished medals for his military service.

Father Swirski grew up in German-occupied Poland. Born on April 26, 1930, and orphaned at age 3, he spent his first years in Warsaw and later in an orphanage near the Russian border. As an elementary school student, he became active in the Polish underground and joined the resistance against Nazi occupation. He was decorated for his participation in the resistance.

At age 14, Father Swirski joined the First Polish Army, which was organized in the former Polish territory then occupied by Russia. As a young soldier, he participated in the battlefield near Moscow, in Warsaw, then in Berlin, and the River Elba as well as in the Baltic region and Western Polish territory. He was highly decorated by the end of the war. After the collapse of communism in East Europe, Father Swirski was promoted to the rank of Colonel.

Though he was homeless at the end of the war, he became a full-time student, attending day, evening, and summer classes in order to finish high school, working to support himself as he studied. After completing high school, he exchanged his rifle for the Chalice, Cross and Bible and entered the Seminary. He was ordained into the priesthood on June 29, 1954, in Warmia, Poland.

In August, 1962, he emigrated to the United States and subsequently earned his Master's degree from Case Western Reserve University. He was incardinated into the Diocese of Cleveland and taught Slavic languages and literature at Ursuline College. He also studied for his Ph.D. at the University of Ottawa, Canada. For seven years, Father Swirski hosted a religious program on Sunday mornings on WXEN FM in Cleveland. He is also the author of two novels and four books of poetry.

Father Swirski considers his priesthood his most important vocation and has worked diligently to keep St. Hedwig's Parish spiritually and financially viable. Though his parish is small, thanks to Father Swirski, St. Hedwig's has helped the needy through donations of food for many years. Father Swirski never refuses to help meet the spiritual needs of his parishioners, their families, and their relatives.

Father Swirski is the longest serving pastor of St. Hedwig's Parish, serving from July, 1974, to the present. I am grateful for his unfaltering and compassionate service to his parish and to the United States of America.

TRIBUTE TO SERGEANT FIRST CLASS RICHARD J. HENKES

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. HOOLEY. Mr. Speaker, distinguished colleagues, I ask for your attention so we can honor a fallen hero. Sergeant First Class Richard J. Henkes was a proud American, a fellow Oregonian—he was a warrior who stood on the edge of the world so that each of us could enjoy the blessings of liberty.

I ask for this moment because just last week, Richard gave his last full measure of devotion while on patrol in Mosul, Iraq.

Though the war continues on, we must remember the individual sacrifice of the men and women fulfilling their charge. We cannot allow ourselves to forget the faces or the families of the brave soldiers, sailors, airmen, and marines that serve on the brink of chaos so that others might live free.

Sergeant Henkes was courageous; he selflessly went where others feared to tread. I believe that Oregon, that America, that our world is less, far less, for his passing. We can ill afford to lose patriots of his character and passion.

Yesterday we gathered with friends and loved ones to mark the passing of another September 11th. It has been five years since the terror attacks of 2001. Since that day we have been a nation at war; since that moment we have fought that war by sending our best and brightest across the globe to defend our ideals, to protect our communities. And since that time we have been in debt to citizens like Richard Henkes.

Richard wanted a life in uniform so that he could make a difference; he viewed service to his country as a calling and wanted to keep his nation, state, and community safe from harm. Sergeant Henkes understood what many forget: freedom demands sacrifice. We are indebted to his willingness to take upon himself the burden of service; we are forever connected to Richard because of his devotion to our lives.

Sergeant Henkes remained in the Army because he wanted something better for his daughter Isabel. Like most of us, Richard hoped that his child could inherit a healthier place, a safer community. Sadly, Sergeant Henkes will not be able to secure that future for Isabel, but we can. She is now a part of our family; Isabel is now our shared responsibility.

We in this chamber have an obligation, a duty, to ensure that Isabel inherits a land worthy of her father's sacrifice. We here today, must bear personal responsibility for doing our part—for Richard has already done his.

Although I never had the opportunity to meet Richard, I know him through his actions, his hopes, and his values. When his nation called, Richard answered. When his daughter needed, Richard delivered. And when duty demanded the ultimate sacrifice, Richard fulfilled his charge without hesitation, reservation, or doubt.

Today let us come together and express our profound sorrow at the loss of our Richard Henkes. Let us join in one voice and tell the Henkes family that we thank them for the life and service of their Richard. Let us prove to them by our actions in the future, that his sacrifice was not in vain. And let us endeavor to keep Richard and all those he served with in our thoughts and prayers as we decide the course of our nation.

THE U.N. HUMAN RIGHTS COUNCIL: REFORM OR REGRESSION?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. SMITH of New Jersey. Mr. Speaker, last week I chaired a hearing to examine issues related to the new United Nations Human Rights Council, which held its first session from the 19th to the 30th of June, this year, and two special sessions in July and August, respectively.

I believe it is tragic, and dismaying in the extreme to note that despite the self-congratulatory euphoria of many last March at its creation, the new human rights machinery remains broken, in need of serious repair and fundamental reform. The Human Rights Council has, thus far, continued the credibility deficit of its predecessor. The victims of abuse throughout the world deserve better. And, thus far, they haven't gotten it.

Not only did the Council unfairly and myopically criticize Israel at its inaugural session, but both special sessions convened to date—on July 5–6 and August 11—were held exclusively to condemn Israel with nary a mention of egregious abuse by Hezbollah or Hamas or the roles of Syria and Iran.

Amazingly, there has been no special session on the ongoing—and worsening—genocide in Darfur. No special session of the systematic use of torture by the People's Republic of China, even though Manfred Nowak, the U.N.'s own rapporteur on torture, recently issued a scathing report on the pervasive use of torture by the Chinese government; no special session on Cuba's abuse of political prisoners or on Burma or North Korea or Belarus or Iran or Zimbabwe. Just Israel.

Not only has the Council expended all its efforts on Israel, but it has also failed to do so in a "fair and equal manner." The Council has made no reference to the roles of Hamas, Hezbollah, Syria and Iran in the creation of the situations concerned or to the harm inflicted by parties other than Israel. Thus, the early evidence indicates that the Council has already been co-opted by an extremely biased and narrow agenda.

This development is of extreme concern, both for the international human rights community and for those of us convinced of the need for reform at the United Nations. The Human Rights Council, and through it the United Nations as a whole, have a vital role to play in the promotion and protection of human rights. It is critical that the United States and other human rights defenders do everything, and as quickly as possible, to reverse the direction in which the Council is heading.

By way of background, on April 19, 2005, the subcommittee that I chair, the Subcommittee of Africa, Global Human Rights and International Operations, held a hearing on the Council's predecessor, the U.N. Commission on Human Rights. In my statement at that hearing, I noted that the Commission had come under increasing criticism from numerous quarters. A U.N. High-Level Panel concluded in December 2004 that the Commission's capacity to fulfill its mandate had been undermined by eroding credibility and professionalism. The Panel pointed out that States with a poor human rights record cannot set the standard for human rights. U.N. Secretary General Kofi Annan later agreed with this assessment, and he told the Commission that "unless we re-make our human rights machinery, we may be unable to renew public confidence in the United Nations itself."

On March 15, 2006, the U.N. General Assembly adopted a resolution that replaced the discredited Commission with the Human Rights Council. The General Assembly gave the Council the mandate to promote "universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner," and to "address situations of violations of human rights, including gross and systematic violations." The United States was one of four countries to vote against the resolution. The U.S.'s opposition was based on the absence of a stronger mechanism to maintain a credible membership, and thus the lack of assurance that the Council would be an improvement over its predecessor.

In my public statement issued immediately after the resolution's adoption, I expressed my deep disappointment that the General Assembly had settled for a weak and deeply flawed replacement for the Commission. The flaws I noted included the membership concerns expressed by the United States, as well as the lack of protection for Israel from unfair and biased special sessions.

Another potentially serious flaw that I have noted is the Council's mandate to promote follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits. My concern is based in large part on the serious distinction that exists between human rights treaties and consensus documents resulting from U.N. conferences. Treaties are negotiated by U.N. member states, and they may or may not be subsequently ratified through the established approval process of each country. Those states that do ratify a treaty thereby agree to be bound by its provisions under international law. U.N. conference documents, on the other hand, are the result of policy debates and are agreed to by consensus at the end of the conference. These consensus documents are not negotiated as legally-binding instruments and are not subject to a ratification process. They do not have, and should not have, the same legal authority as treaties.

For this reason, the U.N. General Assembly was extremely misguided when it assigned the Human Rights Council the task of promoting these conference commitments. By doing so, it threatens to diminish the moral and legal persuasiveness of internationally-recognized human rights by equating them with mere policy directives. Even more troubling, the resolution calls for the promotion of human rights "emanating" from the U.N. conferences. The very word "emanating" implies that a characteristic or action need not be clearly defined in a conference document in order for the Council to undertake its promotion. This, together with the fact that these conference documents are consensus documents, raises the specter that any number of characteristics or actions may slide their way into the international human rights framework without the ratified agreement of countries who would then be pressured to abide by their provisions. Such a gaping loophole in the international legal process is antithetical to the democratic ideals of our own country and to the principles on which the United Nations is based.

This potential for the gross abuse of the United Nations human rights mechanisms is already being realized with respect to the issue of abortion. For several years now, the Committee on the Elimination of Discrimination Against Women, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights have been pressuring governments to legalize abortion even though no U.N. human rights treaty addresses the issue. These and other treaty bodies pursue this ideological agenda while ignoring the fact that abortion exploits women and is an act of violence against children. Just two weeks ago, the Committee on the Elimination of Discrimination against Women published "concerns" about the illegality of abortion in Chile, Mauritius and the Philippines. In October 2005, the Human Rights Committee decided in a case from Peru presented to it under the ICCPR Optional Protocol that denying access to an abortion violates women's human rights. It made no reference to the unborn child's right to life and to be free from the terrifying effect of an array of child killing poisons currently on the market or dismemberment.

Even the Committee against Torture, which is responsible for monitoring compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is joining this assault on the unborn. In February of this year, pursuant to its review of Peru's compliance with the Convention, the Committee concluded that Peru's "omission" in failing to provide abortion constitutes "cruel and inhuman acts." The Committee has no basis in the Convention for challenging a state party's refusal to provide an abortion. However, if one were to concede that the Committee is warranted in examining the issue of abortion under Article 16, then the Committee should have no choice but to conclude that the chemical poisoning and dismemberment of the fragile, sensitive body of an unborn child is itself a "cruel and inhuman act." (And now we know that unborn children feel pain at least at 20 weeks gestation—perhaps earlier, which is why I have introduced the Unborn Child Pain Awareness Act.)

In many of their decisions, these treaty bodies do not refer to the text of the treaty they are supposed to be monitoring, but to documents adopted at U.N. conferences. They do so out of necessity, since the countries they are pressuring have never agreed to legalize or provide for the destruction of the life of the unborn in the instruments that they have ratified. Based on this entrenched and growing manipulation of the U.N. human rights mechanisms to promote abortion, there is reason to believe that the Human Rights Council will also be co-opted into promoting ideological agendas at variance with the established human rights norms of the international community.

The skepticism generally about the ability of the Human Rights Council to promote human rights and address human rights violations, and to do so in a fair and equal manner, has increased with the election of its members and subsequent activity. Although the General Assembly resolution states that its members must take into account the contribution of candidates to the promotion and protection of human rights, such notorious human rights abusers as China, Cuba and Saudi Arabia were elected to the Council. Since it began its work less than three months ago, the Human Rights Council has issued three country-specific resolutions, all of them targeting just one country. Such egregious and long-time human rights abusers as Sudan, China, Cuba, Burma, Iran, North Korea, Zimbabwe and Belarus have not even been mentioned on the agenda.

I therefore convened the September 6th hearing to examine what needs to be done to prevent the Council from repeating or further regressing from the failures of the Commission on Human Rights, as well as to support any signs of improvement over its predecessor. The Subcommittee explored how the Council is being assisted by the United States and others to fulfill its mandate, the areas in which further assistance and reform is required, and the standards that the Human Rights Council will need to meet in order to qualify as a credible international human rights body.

In his address in April 2005 to the Commission on Human Rights, the UN Secretary-General argued for a new, reformed human rights council on the basis that it would "allow for a more comprehensive and objective approach. And ultimately it would produce more effective assistance and protections, and that is the yardstick by which we should be measured." It is not too soon to start measuring the Council by this yardstick, and members of the Subcommittee benefited from the testimony of our distinguished witnesses that provided us with the means for such an evaluation.

RECOGNIZING OUTSTANDING SERVICE TO OUR NATION'S VETERANS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BILIRAKIS. Mr. Speaker, as a veteran myself and an avid advocate for veterans in the United States House of Representatives, I believe it is important to recognize individuals who go above and beyond the call of duty to serve the men and women who bravely wore our nation's military uniform. The James Haley VA Medical Center, VAMC, in Tampa, FL is one of the busiest veterans' medical facilities in the country and provides care to approximately 142,000 veterans in Central Florida.

All employees, excluding service chiefs, who have been employed at the Tampa VAMC for at least 1 year, are eligible to receive the "Hospital Ambassador Award." I am pleased to be able to recognize recent recipients of this award: Geraldine Penia, pharmacy technician; Michele Overland, social worker; Douglas Covey, pharmacist; Jerome Sipes, police officer; Charles Gutierrez, registered respiratory therapist; Ruthe Hunter, supervisor program specialist; Nenita Auza, staff nurse; Betty Thomas, program supply assistant.

I am also pleased to be able to recognize several employees at the Port Richey Outpatient Clinic for their outstanding work. These individuals have received "Employee of the Quarter Awards": Virginia Osmar, program supply clerk; Evelyn Gines-Dasilva, nurse.

I want to extend my sincere appreciation to these outstanding employees of the Department of Veterans Affairs and commend each of them for the tremendous service they provide to our Nation's veterans.

THIS 45TH ANNIVERSARY CELEBRATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. HYDE. Mr. Speaker, I am delighted to congratulate The Hospitality and Information Service, THIS, of Washington, DC, on its 45th anniversary. Since 1961, THIS volunteers have welcomed diplomats and their families to Washington, providing friendship, assistance and an understanding of Washington and the United States.

THIS was organized in 1961 at the suggestion of Angie Biddle, then Chief of Protocol, to help the hundreds of newly arrived diplomats and their families adjust to Washington. THIS is a private, 501(c)(3) non-profit volunteer organization that receives financial support from its volunteers, the Meridian International Center, and corporations. Its sponsors include members of the President's Cabinet or their spouses, and the spouse of the Mayor of the District of Columbia.

In 1961, there were 101 embassies with 1,200 diplomatic families. Today, embassies total more than 170, with 4,000 diplomats and families in Washington. The 400 volunteers of THIS provide a variety of services and programs to help diplomats and their families learn about Washington through English and seven foreign conversation groups and a book club. Programs include forums for discussion of issues that are worldwide in scope, such as health, human rights and education. We also have programs on government affairs, performing arts, art and architecture, and American history, among others.

In today's difficult world, THIS is a beacon of light, holding out the arm of friendship without expecting anything in return. THIS has made a difference in the lives of so many diplomats, and I would like to share with you a few comments from some grateful recipients:

"THIS has enriched my stay in the United States by enhancing my fundamental understanding of the culture and society."—Pakistan

"I would like to thank THIS for the wonderful work that you do and for your warm and friendly attention."—Miriam Barak, Israel

"I express both my pleasure and my gratitude to the THIS organization as a whole. THIS is a wonderful vehicle by which the best of America is portrayed. Such an organization can only be an influential force for good."—Ann Robinson, Great Britain

"THIS is a fantastic organization. It makes me feel very welcomed and comfortable . . . THIS has given me a better understanding of U.S. life and society and also has given me some new good American friends."—Ingela Beiming, Sweden

"THIS is a window that opens Washington for us and lets us experience and know it. It opens opportunities to meet different people."—Marilia Bulhoes, Brazil

Congratulations, THIS, on 45 splendid years. May you enjoy many more.

RECOGNIZING THE LATINO COMMUNITY OF BUFFALO AND THE PUERTO RICAN DAY PARADE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to Buffalo's Latino community and the dynamic role they play in our region.

On Saturday, September 9, 2006, I joined with the city of Buffalo to celebrate and enjoy the Fourth Annual Puerto Rican Day Parade and the festivities that accompany it. I would like to acknowledge and thank this year's grand marshall, Andres Garcia.

The theme of this year's parade and related festivities was "United We Progress." This theme was chosen because it encompasses the attitude and spirit of this diverse and dynamic population and its interaction with the community of Buffalo as a whole.

The Latino community in the county of Erie encompasses over 30,000 people. Buffalo's Latino community is built upon peoples from all over Latin and South America. Their shared heritage has developed into a united force that has enabled them to positively impact our city for decades, and we expect, for decades to follow. The solidarity of the Latino community is a telling example of how by working together we accomplish good and great things.

According to the 2000 Census over 20,000 Puerto Ricans call the city of Buffalo and surrounding areas their home. On this day, we celebrate the music, food, and history of their culture. A culture which has been shared with Western New Yorkers of all backgrounds, to the benefit of our community.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize the Latino Community of Western New York. I am honored to join in the celebration of Buffalo's Latino history and culture.

HONORING THE 100TH ANNIVERSARY OF EPPINGER MANUFACTURING CO.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Eppinger Manufacturing Company on the occasion of its 100th anniversary.

Lou Eppinger created his simple metal spoon lure in 1906. It quickly became known for its fish attracting wobble. He patented it as the "Osprey" in 1912. Following World War I, he renamed the lure to "Dardevle" in honor of the 4th Marine Brigade the Allies nicknamed the Dare Devils. It has since earned such accolades as one of "The 10 Best Lures in the World" and "50 Best Lures of All Time."

In the beginning Lou Eppinger sold 500 Dardevles a year. Today Eppinger Manufacturing sells over 2 million a year and produces 17,000 different varieties of lures. This can be attributed to his strong belief in advertising. Before he turned over the company to his nephew Ed Eppinger, Lou advised, "Advertise even if you have only a nickel left to your name."

At a time when many corporations are moving their business overseas, Eppinger has kept its manufacturing plant in Dearborn for decades. Many of its employees have been working at Eppinger for over 30 years. Today Eppinger is run by Karen Eppinger, the grandniece of the founder, and her two children, Jennifer and Wesley.

I must also mention my own personal affection for Eppinger's quality products. Whenever I had a chance to fish, I knew that with one of Lou's masterpieces on my line, the brook trout didn't stand a chance. I owe many big catches and many fine meals to Lou's masterful work and durable product.

I would like to ask my colleagues to rise and join me in commending Eppinger Manufacturing Company for 100 years of service to the community and area sportsmen. I extend my best wishes to Eppinger for continued success in the fishing lure business.

PAYING TRIBUTE TO SERGEANT RAYMOND PLOUHAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the life of Sergeant Raymond Plouhar, who gave the ultimate sacrifice for his Nation on June 26, 2006, while serving in Iraq. What follows is an inspirational poem Sergeant Plouhar wrote before he was killed in the line of duty.

THIS IS WHO I AM

This is me, this is who I am
I am a Marine to the very end
I live by the motto that is Semperi Fi

I come to countries in far off lands
to fight for freedom for which most are to scared to stand

Do not judge me for what I do
for what I do I do for you

I will kill for those who cannot kill
I will die for those too scared to

I will leave my loved ones, my kids, my wife
I will leave them all behind to give you a better life

I have seen and done things that will haunt my dreams

I have given up many things for you to be free

Do not feel pity for me, for this is my choice
I chose this life so people like you can have a voice

I will die on my feet, I will not live on my knees

I will do this so America can stay free

This is me, this is who I am
I am a Marine to the very end.

HONORING ANNA SCHUBERT OF LOUISVILLE, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Ms. Anna Schubert, an excellent young scholar who has a bright future ahead of her. Anna was selected by the Alliance for Affordable Services to be the recipient of a $2,000 scholarship for the 2006–2007 school year. While there are many deserving scholars in our communities, it is worth noting the outstanding caliber of students such as Anna. Young people like Anna will lead our country into the future, achieve new breakthroughs in science and medicine, and protect our environment for future generations.

Anna will have the opportunity to receive an additional $1,000 every year of her undergraduate career, a goal that is accomplished by keeping a 3.5 overall grade point average. Although an arduous task for any student, I am confident this exceptional young lady will achieve it through her hard work and dedication.

It is an honor for the State of Colorado and this Nation to have bright, young individuals that are excelling beyond barriers. Such ambitions are necessary qualities in the next generation for the United States to maintain its leadership role in this new century.

Mr. Speaker, I ask my colleagues to join me in expressing our congratulations to Anna Schubert and her family. We wish her the best in both her undergraduate career and in all her future endeavors.

HONORING H. MERLE JACKSON, VICE CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE OF THE VETERANS OF FOREIGN WARS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize a great Oregonian and a proud American, H. Merle Jackson.

Mr. Jackson, a native son of Oregon, served his country for 32 years. During his nine years on active duty in the United States Air Force, two years on active duty in the United States Navy and 21 years as a member of the United States Army Reserve, he served all over the world, including the Korean War and multiple tours in Vietnam, finishing his service to our Nation as a Master Sergeant.

After his retirement, Mr. Jackson continued his commitment to our Nation by taking up the cause of our retired fighting men and women through his work with the Veterans of Foreign Wars (VFW). He has served as a post and district commander, state chairman and from 1998–99 he was the Department Commander for the State of Oregon.

Today, Mr. Jackson continues his lifelong dedication to those who have sacrificed so much for our Nation, as he enters his fourth year on the National Legislative Committee to the Veterans of Foreign Wars and his first year as Vice Chairman of this prestigious committee. He is the first Oregonian to serve in this capacity, and I ask my colleagues to join me in recognizing his dedication and determination to ensuring that we meet our responsibilities to our Nation's veterans.

TRIBUTE TO DR. FRED BOSILEVAC

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. MOORE of Kansas. Mr. Speaker, Dr. Fred Bosilevac, one of the most beloved people in Wyandotte County and Kansas City, Kansas, celebrates his 90th birthday on September 11, 2006. Since 1970, two years after its inception, Dr. Fred has been president of Congressional Forum, a monthly luncheon with the area's third Congressional District representative sponsored by the Kansas City Kansas Area Chamber of Commerce. In addition to me, my Third District congressional predecessors who have fond memories of Dr. Fred include Larry Winn, Jr.; Jan Meyers; and Vince Snowbarger. Dr. Fred is known for his pithy commentary, regardless of the subject or speaker. He is the heart and soul of the Congressional Forum.

Dr. Fred is a native son of Kansas City, Kansas, from the historic Strawberry Hill neighborhood. He was the first medical doctor of Croatian descent in the area. He started his practice in the Brotherhood Building in Kansas City, Kansas, in 1949. He later moved his practice to the medical building on 18th Street. He practiced ophthalmology for 49 years.

Dr. Fred is also notable alumnus of the University of Kansas, which also is in my congressional district. Dr. Fred was a member of the 1937 University of Kansas men's basketball team, and he and his son, Dr. Fred Bosilevac, III, are among four father-son combinations that played for the Jayhawks. Dr. Fred's 1937 team also played in the Final Four, which guaranteed him god-like status in my congressional district.

In addition to playing basketball, Dr. Fred played championship football at KU and was pressured to sign with a professional team after graduation. Nevertheless, he decided to attend medical school on the advice of his mother who reminded him that doctors made a good living.

Dr. Fred is an all around athlete and remains an avid hunter and golfer. A spring hunting accident in which he tripped and dislocated a shoulder required some surgery but has not deterred him from swinging a golf club daily.

Mr. Speaker, please join me in wishing Dr. Fred Bosilevac our heartiest wishes for a joyous day, and many more years for us to enjoy his marvelous example of a good and happy life.

IN MEMORIAM OF A SON OF TEXAS: JUDGE JAMES DEANDA

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in great honor and solemn regret for a great son of Houston that passed away last Thursday. I stand in honor of the late U.S. District Judge James deAnda who passed last week from a battle with cancer.

The son of Mexican immigrants, James deAnda was born and raised in North Houston and graduated from my alma mater, Jeff Davis High School. He went on to graduate from Texas A&M University, but not before he joined the U.S. Marines and served in the Pacific during WWII. Once returning from service he graduated from the University of Texas School of Law.

With a resume of this caliber James deAnda could have gone on to private practice and plea cases that would have made him a very rich man. Instead he went on to fight for the disproportionate and unrepresented Texans of that time. James deAnda went on to work cases, pro-bono cases, to fight segregation of Hispanics within Texas' schools, he also won a Supreme Court ruling stating that Hispanics were a separate group deserving of the same constitutional protection as other minorities.

While his career was a long and great one, cases such as these serve as witness to the type of character that Judge deAnda was. A man that never sought after the limelight or recognition.

Fortunately for all of us, he did gain recognition 1979, when President Jimmy Carter appointed James deAnda to serve as Federal Judge for the U.S. District Court of the Southern District of Texas. He later would serve as Chief Judge of the Southern District of Texas. He became the second Hispanic to be appointed to a Federal Judge bench.

He served in this role with distinction until he retired in 1988, he went back to work in the private sector until he began cancer therapy.

Judge James deAnda leaves us with a great sense of honor and pride. The footprints that he has left for us will be hard to follow. Judge deAnda took part in the creation of the Texas Rural Legal Aid and he was the co-founder of the Mexican American Legal Defense and Educational Fund, but most importantly he changed the law to work for all men and women during a time when there were many that were opposed to such change.

Mr. Speaker I ask for one minute of silence in honor of Judge James deAnda, not only a son and public servant of Texas but also of this great Nation. I ask this as his service takes place back home in Houston.

SALUTE TO RUSTY HAMMER

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to offer my best wishes and sincere gratitude to Rusty Hammer, who, after 5 fruitful years, left his position as president and chief executive officer of the Los Angeles Area Chamber of Commerce.

In keeping with the chamber's 118-year history, Rusty dedicated himself to improving the quality of life and economic prosperity of the Los Angeles Chamber's 1,500 members, who represent more than 600,000 employees throughout the Los Angeles region. Under Rusty's strong leadership, the Los Angeles Chamber has successfully built partnerships between business, community, labor and civic organizations. These partnerships have reestablished the chamber as the Los Angeles region's premier business advocacy organization.

During Rusty's tenure, he pioneered many noteworthy projects. For example, Rusty spearheaded the chamber's effort on local business tax reform and established a highly successful workforce development program. His leadership role in creating "Mobility 21," a transportation advocacy coalition, helped secure over $2 billion in State and Federal funding for transportation improvements in Los Angeles. By partnering with the organization UNITE LA, Rusty helped create a badly needed and extremely valuable college scholarship program that has provided scholarships, application assistance, and college access information to nearly 30,000 students in the Los Angeles region.

Under Rusty's stewardship, the chamber's annual trip to Washington, DC, has become one of the most successful advocacy efforts on behalf of the Los Angeles region and the Los Angeles business community. In addition, his weekly opinion article, "The Business Perspective," provides an insightful and informative look at business issues facing the Los Angeles region.

Rusty's talents, innovative strategic thinking and willingness to work with stakeholders on all sides of the political spectrum have played an integral role in the Los Angeles area's economic growth. He has truly earned the respect, admiration and gratitude of all who know him and have worked with him.

While Rusty Hammer will truly be missed in Los Angeles and at the Los Angeles Area Chamber, we will all continue to benefit from his many contributions. We are fortunate that we will also gain from his talents as he continues to work on issues that affect California's economy and quality of life.

My husband, Ed, and I are fortunate to have Rusty and his very special wife, Pam, as dear friends. I am proud to join the Los Angeles Area Chamber of Commerce in thanking Rusty Hammer for his great leadership and many contributions to the Los Angeles region and the business community. Ed and I send our best wishes and sincere gratitude to Rusty, Pam and his wonderful family.

RECOGNIZING TINA BATT FOR HER WORK WITH THE MUIR HERITAGE LAND TRUST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Ms. Tina Batt, the Founding Executive Director of the Muir Heritage Land Trust, as she leaves her post after eighteen years of dedicated service.

Under Ms. Batt's leadership, the Martinez Regional Land Trust grew to become the Muir Heritage Land Trust, a powerful force for conservation in Contra Costa County. She has been directly responsible for preserving over 2000 acres of open space in and around the City of Martinez, California. Her passion for the environment and dedication to preserving our heritage has translated into a highly successful fundraising effort that has over the years totaled over five million dollars.

The Muir Heritage Land Trust has also expanded its public agency partners to include the Bay Area Ridge Trail, the California Coastal Conservancy, California Wildlife Conservation Board, California Departments of Fish and Game and Water Resources, the City of Martinez, Contra Costa Fish and Wildlife Committee, East Bay Regional Park District, the Environmental Enhancement Mitigation Program, the National Fish and Wildlife Foundation, and the National Oceanic and Atmospheric Administration.

Critical support from well-established public and private foundations has increased dramatically due to Tina's efforts. The list of supporters now includes the Bechtel Foundation, East Bay Community Foundation, Firedoll Foundation, David B. Gold Foundation, Martinez Community Foundation, Gordon and Betty Moore Foundation, David and Lucille Packard Foundation, Resources Legacy Fund, the B.T. Rocca, Jr., Foundation, the San Francisco Foundation, the Charles Schwab Corporation Foundation, L.J. & Mary C. Skaggs Foundation, Strong Foundation for Environmental Values, Trust for Public Land, the Morrison Foerster Foundation, and the Valley Foundation. She also fostered steadfast corporate support from Union Bank of California, Conoco Phillips, Mechanics Bank, Shell Oil Products, Tesero Corporation, Chevron, Parsons Corporation, Shapell Homes, Telfer Oil, Dow Chemical Company, John Muir Health, Overaa Construction, Plumbers & Steamfitters Union Local 159, Contra Costa Times, Diablo Magazine, East Bay Business Times, and Galilee Enterprise.

With all of this valued support, Tina Batt has led the Muir Heritage Land Trust through a phenomenal period of expansion. The Trust has preserved easements, facilitated acquisition of treasured open space, and ensured the permanent protection of an important segment of the Bay Area Ridge Trail, which runs the length of the Franklin Ridge from Martinez to Hercules and Crockett.

Mr. Speaker, because of Ms. Tina Batt's many contributions to acquisition and preservation of open space in Contra Costa County, I am delighted to have this opportunity to recognize her tireless efforts, and ask all Members of the House to join me in wishing her well in her future endeavors.

CONGRATULATING TAYLOR CHAN ON HER RECEIPT OF A JEFFERSON AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. LANTOS. Mr. Speaker, I rise today to congratulate Miss Taylor Chan on her recent receipt of the Jefferson Award and to thank her for her ongoing community service to seniors in San Francisco. The Jefferson Award is given by the American Institute for Public Service, founded by Jacqueline Kennedy, Senators Robert Taft Jr. and Sam Beard. The award is considered the Nobel Prize for public and community service. I congratulate her on receiving this award, and am proud that she resides in my congressional district.

Taylor Chan is unique among Jefferson Award winners in that she is a mere 13 years of age. For the last six years, since Taylor was the weak tender age of 8, she has been playing piano and violin for seniors at the Adult Day Health Center in San Francisco. Recognizing that many seniors have neither the financial resources nor the mobility to attend the opera or the symphony, Taylor and her older sister Tracy have been performing one-hour concerts to provide the seniors at the Adult Day Health Center with the gift of music. The seniors and the staff at the Health Center have roundly praised not only Taylor's generosity but her prodigious skill. While Taylor may still be in her formative years, she already has nine years of experience playing the piano and nearly six years playing the violin. I assert with great confidence that Miss Chan will accomplish a great many things more in the future as both a musician and a human being.

Mr. Speaker, I invite my colleagues to join me in thanking Taylor for her contribution to the senior community in San Francisco and congratulating her on this award. I am truly delighted and find inspiration in Taylor's accomplishments at such a young age.

PAYING TRIBUTE TO THE SENIOR CENTER OF BOULDER CITY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Senior Center of Boulder City which will celebrate the Grand Opening of their new location on June 3, 2006.

Originally founded in 1975, the Senior Center of Boulder City enhances the quality of life and promotes wellness by providing social, educational, and health services to seniors in the community. Due to budget cutbacks that forced the elimination of city-funded senior programs, volunteers formed the Senior Center of Boulder City, Inc. in 1983, a private nonprofit (501C3) corporation to maintain the services of the senior center. Since that time, the Senior Center has been maintained by volunteers who desired to give services to seniors when there was no other city funded programs available. Founding Director Bert D. Hildebrand, and the first Executive Director, Marilyn Moore were both instrumental in obtaining the Center's current site. The Senior Center is presently located in a historic building built in 1932 in the heart of historic Old Town and remains a center of civic and cultural life.

Thirty years after first opening their doors, they have outgrown their current site and plan to relocate to the building, once occupied by the library, at 813 Arizona Street, which is of equal historic value. This new building will approximately double their square footage and help them to better serve their six-hundred plus members as well as other members of the community with their rich variety of programs, activities, and services.

The Center has a very active Board of Directors led by President Don Meeks along with Vice-President Betty Smith, Secretary Sharon Lazar, Treasurer Larry Morris, and other members Jack Cummings, Starlene Jarvis, June Lobell, Robert Mayfield, Paul T. Ryan, Tom Shverha, Paul Stouterborough, and Bette Porter and Ede Zinn who are two long-time members and past Board members that serve as Emeritus Members of the Board. I would also like to recognize past President Karl Peddy who has recently past away and Alice Hagan for her devotion to the Senior Center since 1975.

Executive Director Anita Gant, who is celebrating her one year anniversary with the Senior Center, has been a tremendous asset to the center. She and her staff of nine consisting of Program Director Norma King, kitchen staffs consisting of Jane Shafer, Debbie Kittleson, and Steve Reteria, four part-time drivers Gene Crawford, Eric Kramer, Robert Zubrod, and Ted Zubrod, and a custodian Warren Britton, who all work very hard to ensure the seniors of Boulder City are very well cared for. They are looking forward to another plus twenty years of service to the community in their new facility.

Mr. Speaker, I am honored to recognize the Senior Center of Boulder City on the floor of the House. I commend them for their contributions to Boulder City and thank them for her continued service to the seniors of Southern Nevada.

RECOGNIZING THE LATE JUDGE ALBERT A. PEÑA JR.

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to celebrate and remember the late Judge Albert A. Peña Jr., who passed away July 4 of this year. He was a public servant who dedicated his professional and personal life to empowering the Mexican-American community and other minorities in the spheres of education, politics and the labor force.

Albert A. Peña Jr. was born on December 15, 1917, in the city of San Antonio. He attended Tech High School and St. Mary's University prior to serving a commission in the United States Navy. Afterwards, he returned to Texas and obtained a law degree in 1950 from South Texas School of Law in Houston. Shortly thereafter, he joined his family's law firm of Peña, Peña & Peña.

Judge Peña became politically engaged on multiple fronts. In the early stages of his life, his primary concern was advocating for school integration. He fought arduously for this cause by providing pro bono services in numerous suits brought against school districts across South Texas. His efforts resulted in the integration of schools in Lytle, Hondo and Natalia, Texas.

From 1956 to 1972, Judge Peña served as Bexar County Commissioner and, in addition to promoting equity in the field of education, worked tirelessly to protect and defend minority rights. It was during his final tenure as Commissioner when Peña lost a re-election bid in 1972 because he defended the right of Angela Davis, a black Communist Party member and assistant professor at the University of California at Los Angeles, to a fair trial—this at a time when Americans did not approve of those political beliefs. It was a true display of his dedication to safeguarding the liberties of not only Mexican Americans but that of all political and racial minorities.

Judge Peña returned to the world of public service with his appointment as municipal court judge in 1977. As judge, he endorsed a doctrine of equity with the end goal of social justice in mind, a philosophy that guided his actions until he stepped down as presiding municipal court judge in 1992. In addition to his responsibilities as a public official, Judge Peña devoted much of his personal time to the community. He helped found the Mexican American Legal Defense and Educational Fund, the Mexican American Unity Council, organized the United Automobile Workers of San Antonio, and presided as the State Chairman of the Political Association for Spanish Speaking Organizations.

On behalf of those influenced by Judge Peña's far reaching efforts, I stand today to applaud this great public servant. Judge Peña's labors are testimony to his life long dedication to the Mexican American Community, the City of San Antonio and its citizens. It is unfortunate he is no longer with us and I mourn his passing. Nonetheless, through commemorating his life's work we can ensure his legacy. Therefore, I urge you all to join me in honoring this great leader.

IN HONOR OF THE 100TH ANNUAL SALINE COUNTY FAIR

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. SHIMKUS. Mr. Speaker, this weekend brings the opening of the 100th Annual Saline County Fair in Harrisburg, Illinois. For the past century, the Saline County Fair has served as a community event unlike any other in this southeastern Illinois county. From its agricultural shows, to the popular floral hall, to the first-rate music and entertainment, to the all-American experience of strolling a traditional carnival midway with a corn dog and a lemon shake-up, the Saline County Fair has brought a spirit of community and fun to the residents of Saline County for 100 years.

I want to congratulate Saline County Fair Manager Dennis Wilson, and the fair staff: Allison Wilson, Connie Harbison, Lori Wilson, Brad Henshaw, Marjorie Dotson, George Henley, Mike Williams, Danny Evans, Dwight Mezo, Chris Harbison, Chris Evans, Jane Richey, Jodi Wilson, Darlene Stafford and Rona Littlefield, as well as all the hard working members of the Saline County 4–H, the University of Illinois Extension, the Town and Country Lions Club, the exhibitors, the contestants, the vendors, the sponsors and the good people of southeastern Illinois who have made the Saline County Fair such a great event over the past century, and I wish them another hundred years of success.

TRIBUTE TO JEAN HULL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. LATHAM. Mr. Speaker, today I rise in acknowledgment of the extreme generosity of one of my constituents. I wish to recognize the kindness of Jean Hull from Marble Rock, Iowa; a member of the American Legion Auxiliary.

Recently, Mrs. Hull and her veteran husband purchased an expensive electric chair. It is with sadness that I say Mr. Hull died shortly thereafter. Instead of returning the chair valued at $6,000, Mrs. Hull kindly and unselfishly donated the chair to the Iowa Veterans Home in honor of her late husband.

This thoughtful and selfless act deserves honoring, and thus I stand today and recognize the act of Mrs. Jean Hull.

PAYING TRIBUTE TO THALIA DONDERO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend, Thalia Dondero, for her outstanding service to the Southern Nevada community. She will be awarded the Public Education Foundation's Education Hero Award on September 16, 2006.

Thalia moved to Las Vegas, Nevada in 1942, and a few years later met and married her husband Harvey, a Las Vegas High School teacher. The newly married couple relocated to Carson City, Nevada in 1946 when Harvey went to work for the United States Office of Education.

In 1948, Thalia and her husband moved back to Las Vegas and she began her involvement in public education at the Mayfield Grade School. She was also active in the Service League, served as director of the Las Vegas Girl Scouts, and was appointed to the Nevada State Parks Commission.

Thalia was elected to the Clark County Commission in 1974 and served for 20 years, and was the first female Commissioner. During her tenure at the Commission, she served as Chairperson three times, and made the news when she refused to act as the secretary for the male members.

Her public service continued in 1996, when she was elected to the Nevada System of Higher Education Board of Regents, where she fought to improve the education system in Southern Nevada. Thalia has served one term as Board vice chair and two terms as chair. Currently, she is chair of the Investment Committee and serves on several others.

Thalia continues to be a giving public servant and a true patron of education. She has been appointed to many committees and boards that help serve the community of Southern Nevada. Thalia and her husband have given a great deal to the community and are invaluable residents of Nevada.

Mr. Speaker, I am honored to recognize Thalia Dondero on the floor of the House. I commend her for her contributions to Southern Nevada and thank her for her continued service to our education system.

RECOGNIZING THE LATE JUDGE JAMES DEANDA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. GONZALEZ. Mr. Speaker, the Nation mourns the passing of WWII veteran and legal giant, retired U.S. District Judge James deAnda, who died on Thursday, September 7, 2006 at the age of 81. His life-long dedication to the protection of Americans has made him an icon in the legal profession and a pioneer of the American civil rights movement.

Born in Houston, Texas to parents who immigrated from Mexico, Judge deAnda was one of the first Mexican American attorneys to argue before the U.S. Supreme Court. In arguing Hernandez v. Texas, a companion case to Brown v. Board of Education, before the Court in 1954, Judge deAnda earned a major victory for all Americans when the Court voted to overturn an all-white jury's conviction of a Mexican-American defendant. The Supreme Court held that prejudice and discrimination against Mexican Americans in Texas was so pervasive that the conviction had not been determined by a jury of his peers.

In 1968, deAnda again went before the Supreme Court in the case of Cisneros v. Corpus Christi ISD. This case led to the desegregation and increased funding of schools in that city. That same year, he co-founded the Mexican-American Legal Defense and Educational Fund, MALDEF, which continues to serve as a legal advocate for the Hispanic community and as a promoter of Hispanic empowerment.

In 1979, after decades of practicing law, Judge deAnda received an appointment from former President Jimmy Carter to serve as a federal judge in the Southern District of Texas; he was subsequently confirmed and became the nation's second Mexican-American federal district judge.

Remarking upon the passing of a MALDEF co-founder, current MALDEF interim President and General Counsel John Trasviña noted, "Judge deAnda was a treasure of immense proportion to Texas, Mexican-Americans everywhere, and to the United States. In dangerous and difficult times, he and other Mexican American lawyers worked tirelessly to defend our communities' interests. We are all in his debt."

Judge deAnda is indeed an inspiration to the Hispanic and non-Hispanic community, and a positive example to the many who will continue to stand on his shoulders for generations to come.

HONORING BOY SCOUT TROOP 85 ON 50TH ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Boy Scout Troop 85 in Moweqaua, Illinois on 50 years of service and success. On Saturday, August 12, 2006, the troop celebrated their 50th anniversary.

Over the past 50 years Boy Scout Troop 85 has produced 69 Eagle Scouts. Among former members are the two doctors in Moweaqua, a career military officer, preacher, lawyer, dentist and many other outstanding members of the workforce.

The scouts of Troop 85 work hard each year and participate in many hours of community service. They annually conduct a food drive for the Moweaqua Food Pantry and assist the Rotary Club in recycling efforts.

It is my pleasure to congratulate Boy Scout Troop 85 on 50 years of success. I wish them all the best in the years to come.

RECOGNITION OF OSAGE AMERICAN LEGION AUXILIARY UNIT MEMBER OF THE YEAR NOMINEE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate a distinguished citizen and constituent. More specifically, it is my pleasure to announce the nomination of Ms. Claire Schoenborn, of Osage, Iowa, by American Legion Auxiliary Unit 278 for Member of the Year.

Ms. Schoenborn is a vital member of the community in Osage, Iowa. The widow of a World War II veteran, she has repeatedly demonstrated her dedication to volunteerism and community service. Ms. Schoenborn is able to spread joy and brighten lives in many ways.

As a cancer survivor, Ms. Schoenborn is actively involved in the Mitchell County Relay for

Life and the Home Trust Helping Hands Team fundraising efforts. She is also a member of the Association for Retarded Citizens, and until recently, an important volunteer in the Bridges Mentoring Program. Perhaps the most valuable part of Ms. Schoenborn's community service services is her dedication to visiting the elderly, the ill and the shut-ins.

And so today I rise to recognize Ms. Clair Schoenborn for her commitment to the betterment of the community and I congratulate Ms. Schoenborn on her nomination for Member of the Year by American Legion Auxiliary Unit 278. May Ms. Schoenborn continue to serve her community for many years."

PAYING TRIBUTE TO PIERRE AND PAM OMIDYAR

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Pierre and Pam Omidyar for their innovative philanthropic work.

Pierre Omidyar graduated from Tufts University in 1988, with a degree in Computer Science. After graduating college, Pierre began working as a software engineer for Claris, a subsidiary of the Apple Computer Company. He co-founded Ink Development Corp. which was later acquired by Microsoft. Shortly thereafter, at just 28 years old, Pierre created the website that would become eBay.

Pam Omidyar graduated from Tufts University in 1988, with a degree in Biology. She earned a Masters in Molecular Biology at the University of California, Santa Cruz and much of her early career was spent in laboratory research. Throughout her life, Pam has been devoted to bettering the world around her. She has committed herself to several causes, but is most passionate about helping alleviate chronic illness in children. She is the founder of HopeLab, a nonprofit organization dedicated to promoting scientific research that will help improve the quality of life for those who suffer from chronic illnesses.

The intense financial success with eBay prompted Pierre and his wife Pam to find ways to give back to society. After moving to Henderson, Nevada, Pierre and Pam Omidyar converted their family foundation to the Omidyar Network. The Omidyar Network takes a very novel approach to charitable giving. Unlike most organizations of its kind, the Omidyar Network is founded on the principles of microfinance and has the ability to fund nonprofit, for-profit and public policy efforts. The mission of the Omidyar Network is to "enable individual self-empowerment on a global scale," and "to employ business as a tool for social good." As a result of this outstanding network, countless people and organizations have received the tools necessary to cultivate economic growth, self-sufficiency and community enrichment.

Pierre and Pam Omidyar remain actively involved with their alma mater, Tufts University, as well as several other organizations that strive to benefit society. To further accomplish the goals of the Omidyar Network, the Omidyar's recently donated 100 million dollars to Tufts University to launch the Omidyar-Tufts Microfinance Fund.

Mr. Speaker, I am proud to honor Pierre and Pam Omidyar for their compassion and sincere desire to improve the world around them. Their innovative approach has made a difference in many lives and I wish them well in their continued endeavors.

TRIBUTE TO THE POWER OF THE BILLBOARD

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. OBERSTAR. Mr. Speaker, at times, invention is born from tragic circumstances, and, as the saying goes, out of necessity.

In the summer of 2002, a Kansas man named Roger Kemp experienced a brutally searing loss. His daughter Ali, 19, was attacked and killed at her place of work. She had just finished her freshman year at Kansas State University—with a bright future—and was working at the neighborhood pool in Leawood, Kansas. Her father, Roger, found her body in the pump room at the pool.

Determined to find the person who killed his daughter, Mr. Kemp came up with an idea while driving to work: display "wanted" information on a billboard.

When Roger Kemp described his idea to Lamar Advertising Company, the company declined to take his money, but agreed to help by donating billboard space. "Wanted" billboards featured a composite sketch of a suspect, along with a phone number for anonymous tips to police. It took nearly 2 years, but a tip in response to the billboards helped police apprehend the man (in 2004) accused of killing Ali Kemp.

With encouragement from Roger Kemp, police in the Kansas City area began using billboards to resolve other murder cases. To date, at least 8 murder suspects have been apprehended from tips prompted by "wanted" billboards, donated as a public service.

The success of billboards in Kansas City drew the attention of John Walsh and his TV program, "America's Most Wanted." Since May of 2005, John Walsh has been using donated billboards to help police find fugitives, in conjunction with his TV show, Internet site, and radio program. John Walsh, who knows a great deal about capturing fugitives, says billboards are effective as a crime-fighting tool because they are ever-present and generate quality anonymous tips.

Meanwhile, the concept that Roger Kemp pioneered in Kansas City is spreading across America, to communities large and small.

After a jail break in Yakima County, WA, on November 25, 2005, several inmates were caught quickly. Two who remained on the run were shown on a billboard and were in custody the next month.

In Tennessee, an accused child molester fled in February of this year after cutting off the electronic monitoring device on his ankle. For the first time, Nashville Metro Police used billboards to help find a fugitive; the suspect was arrested on July 19. Two of the five "wanted" billboards in Nashville were innovative digital billboards, featuring a static computer-generated image.

In July, an outdoor advertising company donated billboards in the Phoenix area as part of the effort to help police stop serial crimes; authorities arrested a suspect in the "Baseline Killer" case very recently.

In a sense, "wanted" posters are part of American history, from the days of Jesse James to the "wanted" pictures I saw at the Post Office growing up in Chisholm, MN. The success story of "wanted" billboards serves to remind us that billboards are a significant medium of communication. We know that billboards promote brands, sell products, and direct motorists to roadway services. But outdoor advertising is also an important forum for non-commercial speech, helping law enforcement and non-profit groups such as the American Red Cross.

We are just a year past the 40th anniversary of the Highway Beautification Act—an appropriate occasion to make note of the evolving contribution of billboards, now adding community service: supporting public safety and security by reviving a proven, effective idea from our past: the "wanted" poster.

HONORING THE ALEXANDRIA CHAMBER OF COMMERCE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor and congratulate the Alexandria Chamber of Commerce for its 100 years of outstanding and dedicated service to the community. The Chamber was established for the purpose of making Alexandria, Virginia, a better place to work and live, and, for 100 years, it has done just that.

In its early years, the Chamber of Commerce fought for the rights and well-being of farmers, ranchers, and the poor, and helped raise money for the Red Cross to assist in the inoculation of residents against typhoid and small pox.

In 1918, the Chamber campaigned to change the city's form of government from a trustee and aldermen system to one run by elected officials and a professional city manager, and in just 3 years, it was successful in obtaining the change. The Chamber has also worked to develop strong leaders in Alexandria, most recently with its Leadership Alexandria program that provides upcoming community leaders with a thorough understanding of the city and the most critical challenges it faces.

Over the years, the Chamber of Commerce has worked tirelessly to promote the city's education system. In 1914, the Chamber successfully petitioned for a new high school. Through its Alexandria Education Partnership, many businesses and professional groups in the city support a wide variety of activities that assist the city's schools and students. And since 1966, the Chamber has sponsored an annual Summer Economic Institute that has provided Alexandria teenagers with a unique internship experiences in the business and financial sectors.

I am proud of the Alexandria Chamber of Commerce and the significant contributions it has made over the last 100 years to making the City of Alexandria the wonderful place it is to both work and live. I ask that my colleagues join me in congratulating the Chamber on its anniversary and to wish the organization and its members all the best in their future endeavors.

CELEBRATING THE 80TH ANNIVERSARY OF SAN BERNARDINO VALLEY COMMUNITY COLLEGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the trustees, faculty and students of the San Bernardino Valley College as they celebrate the 80th anniversary of the founding of this vital education provider in my home town of San Bernardino, California.

Beginning with 140 students at two high school campuses in 1926, San Bernardino Valley Community College has grown into a district with two modern campuses and thousands of students. It has served more than 700,000 students over the past 80 years.

Valley College, as it was known when I was growing up in San Bernardino, has long been a pillar of the local educational community—and for some time was our only public institution for higher education. We now have California State University San Bernardino and nearby University of California, Riverside. But because of its range of programs, Valley College is still the destination of choice for many students.

The college's low cost and dedication to helping students of all economic backgrounds has made Valley College's student body one of the most diverse in the Nation. Its graduates go on to complete four-year degrees at top universities, and provide the skilled labor for the area's rapidly growing economy.

I have been proud over the years to have supported Valley College's efforts to improve its campus and programs. With the help of earthquake mitigation funding from the Federal Emergency Management Agency, the college has completely remade its central facilities, tearing down main buildings and replacing them with a new library, Health and Human Sciences Building, administration and student services building and the newest addition—a 37,000-square-foot Campus Center. A new art building with a modern gallery is set to open next year.

Valley College is also home to one of the few broadcast television operations in the Inland Empire—its public-television station KVCR. I have been pleased to work with the district to secure funding to upgrade these facilities to meet new high-definition requirements. This station and its related public radio station provide tremendous access to the airwaves for the diverse student body, which makes this a top asset for the community.

Mr. Speaker, please join me in offering congratulations to the trustees, administration, faculty and students of this important institution, and offering our best wishes for the future success of the district and those who make it such a success.

PAYING TRIBUTE TO NEVADA HIGHWAY PATROL OFFICER BOBBY KINTZEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Nevada Highway Patrol Officer Bobby Kintzel, whose story of perseverance and discipline should serve as an example to us all.

On April 21, 2001, Bobby Kintzel, a Gulf War U.S. Marine veteran, was laying a tire strip on U.S. Highway 95 to puncture the tires of a stolen sports utility vehicle. The driver avoided the strip and purposely targeted Bobby, leaving him maimed and tragically killing a woman. Bobby suffered numerous injuries and was immediately air-lifted to University Medical Center. He stayed in the hospital for a year and underwent various surgeries. The weekly rehabilitation exercises became a personal test for Bobby, and all the while he kept in mind three words: adapt, improvise, overcome, a personal motto Bobby learned while in the Marine Corp. After he was released from the hospital, he lived in a rehabilitation facility and underwent occupational therapy and learned computer software. These days, the 35-year-old is still battling to recover, but he has come a long way.

Still employed by the Nevada Highway Patrol, he works in an office, using the skills he learned during his occupational therapy. He also gives back to the community that gave him an outpouring of support immediately following his injuries. Bobby has spoken at high school assemblies, at Nellis Air Force Base, at a juvenile detention center and, on every third Wednesday of the month at the Clark County Library, to those who have DUI convictions. Bobby also mentors a Las Vegas hockey team made up of 15- to 18-year-olds.

Mr. Speaker, I am proud to honor Nevada Highway Patrol Officer Bobby Kintzel. His long and challenging recovery is truly a story of discipline and determination. I wish him the best with his continuing recovery.

HONORING MR. W.F. "BILL" WELLMAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to honor my good friend Mr. W.F. "Bill" Wellman for his illustrious career and innumerable contributions to his native Northwest Indiana community. With a life of such diverse experiences and a career that has taken countless turns, it is hard to sum up the life of Bill Wellman without the word "entertainer." I am proud to call Bill a friend, and I am pleased to have the opportunity to congratulate him on his new autobiography, "It's Made to Sell—Not to Drink!" I am truly impressed by this self-published work that covers a fascinating life of eight decades.

Bill was born in LaPorte, Indiana, and his career has taken him around the world. He grew up learning the service industry from his father, Guy Wellman, Sr., who opened a bar in Valparaiso, Indiana after earning a worthy reputation during Prohibition. Bill tended bar and learned many life lessons from his father and their patrons. In fact, his book's title, "It's Made to Sell—Not to Drink!" is in reference to the libations served at "The Club." As a young man, Bill joined the United States Marine Corps, where he served during World War II. Both his Hoosier boyhood and military exploits are featured prominently in his autobiography as important formative influences on his life.

Fortunately, Bill's strong Hoosier roots brought him back, where his career has flourished in the hospitality industry. After World War II, Bill set his sights on the Valparaiso area, where he helped establish The Corral bar in 1948 and Wellman's Restaurant in 1958, to which he later added a bowling alley. Subsequently, his stewardship over the Holiday Inn in Valparaiso led to an expansion that included a restaurant and outdoor theater, which came to be known as the Bridge VU. Here, Bill hosted such stars as Dolly Parton, The Oak Ridge Boys, Victor Borge, Duke Ellington, and many others. It was this venture that inspired his signature project, the 3,400 seat Star Plaza Theater, which remains today as a prominent entertainment complex and tourist attraction in Merrillville, Indiana.

While Bill's numerous business ventures have provided quality entertainment, award-winning food, and many jobs for those in Northwest Indiana, he has gone further than most to make the region a more attractive destination. Bill is one of the original founders and a Past President of the Northwest Indiana Tourism Council, and is a Past President of the Lake County Convention and Visitors Bureau. In 1986, he was named the Indiana Ambassador of Tourism, and for many years he served as President of the Indiana Travel and Tourism Association. It is through Bill's service to these and other organizations that Northwest Indiana truly benefits from his wealth of knowledge.

At age 82, Bill maintains a busy schedule, giving back to his community through various local organizations and holding a demanding post as Senior Vice President of Communications for Whiteco Industries, where he has worked since 1976. In fact, his early years at Whiteco were devoted to design and development of the Star Plaza Theater, which his firm now owns and manages. A testament to his work ethic and passion, Bill has shrugged off retirement and relishes each day at work. However, Bill's most enjoyable time is spent with his wife, three children, and five grandchildren.

Mr. Speaker, Bill Wellman's eye for entertainment has added a spark to the lives of thousands of Hoosiers and visitors from around the United States. His commitment to improving the quality of life for the people of the First Congressional District of Indiana should be recognized and celebrated. At this time, I ask that you and all of my distinguished colleagues join me in commending my friend, Bill Wellman, for his lifetime of enthusiatstic service to Northwest Indiana.

INTRODUCTION OF THE HEALTH CARE PRICE TRANSPARENCY ACT OF 2006

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. BURGESS. Mr. Speaker, we currently have a health care system that is badly in need of reform. However, in the tangled mess of medical bureaucracy, no one has a clear picture of the problem. Physicians and other providers don't get paid enough, patients pay too much, many people don't get any care at all, and everyone claims that someone else needs to change. Before we start changing things, though, it seems prudent to understand the problem fully. Today, I have introduced legislation with that goal in mind. This is a first step toward true price transparency in the health care market.

The Health Care Price Transparency Act of 2006 is a long-term solution to runaway medical costs. This bill calls upon the States to establish and maintain laws requiring disclosure of information on hospital charges, to make such information available to the public, and to provide individuals with information about estimated out-of-pocket costs for health care services. This means that State law will require health insurance providers to give patients an actual dollar estimate of what the patient must pay for health care items and services within a specified period of time.

Additionally, the bill calls for research on: (1) The types of cost information that individuals find useful in making decisions regarding healthcare; (2) how this useful information varies according to an individual's health insurance coverage, and if so, by what type of coverage they have; and (3) ways that this information may be distributed in a timely and simple manner.

These are simple but important provisions. The current health insurance system has insulated people from the actual cost of the medical care they receive. By pulling back the curtain on opaque areas of the health care market, over time, this legislation will lead to the development of a more rational pricing structure from the consumer's perspective. Once we understand the actual cost, then we can begin to make effective changes leading to fair physician reimbursement, appropriate patient billing, and better medical services.

In August, President Bush issued an executive order calling for increased transparency within the Federal Government's health care agencies. This legislation is an extension of that executive order, giving States the tools to become part of a necessary solution for health care consumers.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 2965

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. SENSENBRENNER. Mr. Speaker, for purposes of floor consideration of H.R. 2965, the "Federal Prison Industries Competition in Contracting Act of 2006," the Committee on the Judiciary sets forth, with respect to the bill H.R. 2965, the following estimate and comparison prepared by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. This cost estimate is in addition to the one set forth by the Committee in H. Rept. 109–591.

H.R. 2965—Federal Prison Industries Competition in Contracting Act of 2006

Summary: H.R. 2965 would amend the laws that authorize the Federal Prison Industries (FPI), a government-owned corporation that produces goods and services for the federal government with prison labor. Under current law, most federal agencies are required to award purchase contracts to FPI on a noncompetitive basis if FPI has products available to meet the agencies' needs and the cost would not exceed current market prices. Such products include office furniture, textiles, vehicle tags, and fiber optics. Under H.R. 2965, this requirement to award noncompetitive purchase contracts to FPI would be phased out over the 2007–2012 period.

The bill would authorize the appropriation of $357 million over the 2007–2011 period for new FPI programs. In addition, CBO expects that additional amounts would be needed to pay for security costs at federal prisons. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2965 would cost $445 million over the 2007–2011 period. Federal agencies might be able to purchase some goods and services less expensively because of the added contracting flexibility the bill would provide, but CBO has no basis for estimating such savings. The bill would have no significant effect on net direct spending by FPI, CBO estimates.

H.R. 2965 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the cost to state, local, and tribal governments for complying with this mandate would be insignificant and well below the threshold established in the act ($64 million in 2006, adjusted for inflation). The bill contains no new private-sector mandates.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2965 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Enhanced Vocational Assessment and Training:					
Authorization Level	0	75	75	75	75
Estimated Outlays	0	66	75	75	75
FPI Public Service and Donation Programs:					
Authorization Level	0	12	12	12	12
Estimated Outlays	0	12	12	12	12
Cognitive Abilities Assessment Demonstration Program:					
Authorization Level	0	3	3	3	0
Estimated Outlays	0	2	3	3	1
Additional Security Costs:					
Estimated Authorization Level	4	5	21	32	38
Estimated Outlays	4	5	20	31	37
Total Changes:					
Estimated Authorization Level	4	95	111	122	125
Estimated Outlays	4	85	110	121	125

Basis of estimate: CBO assumes that the proposed legislation will be enacted near the beginning of fiscal year 2007 and that the authorized amounts will be appropriated for each year. We estimate that implementing the programs specifically authorized by H.R. 2965 would cost $348 million over the 2007–2011 period. In addition, CBO estimates that implementing H.R. 2965 would cost the Bureau of Prisons $4 million in 2007 and nearly $100 million over the 2007–2011 period for additional security officers to supervise inmates who would no longer be working as a result of implementing this legislation.

Enhanced in-prison vocational assessment and training

The bill would authorize the Attorney General to establish a Federal Enhanced In-Prison Vocational Assessment and Training Program in federal institutions and would authorize the appropriation of $75 million a year beginning in fiscal year 2008 for this program. Assuming the appropriation of the specified amounts, CBO estimates that the enhanced program would cost $291 million over the 2007–2011 period.

FPI public service and donation programs

The legislation would authorize the Attorney General to establish a new FPI program in federal prisons that, subject to appropriation of the necessary amounts, would produce goods to be donated to nonprofit organizations instead of being offered for purchase to the federal government. In addition, FPI would be authorized to contract with nonprofit organizations and certain public entities for the use of inmate labor to provide charitable services. The bill would authorize the appropriation of $12 million for fiscal year 2008 and $48 million over the 2008–2011 period for these programs.

Cognitive Abilities Assessment Demonstration program

Section 10 would authorize the appropriation of $3 million for each of the fiscal years 2008, 2009, and 2010 for the Bureau of Prisons to establish a Cognitive Abilities Assessment Demonstration Program in 12 federal institutions., The project would assess inmates' cognitive abilities and perceptual skills to determine what rehabilitative activities would be most successful. CBO estimates that this provision would cost $9 million over the 2007–2011 period, assuming the appropriation of the authorized amounts.

Additional security costs

H.R. 2965 would phase out the requirement for federal agencies to purchase products and services from FPI. During the next five years, CBO expects that FPI's total sales to the federal government would decrease by about 25 percent, assuming that FPI would succeed in selling some products and services under competitive bidding procurements.

The bill would limit FPI's sales to federal agencies to 20 percent of the governmentwide purchases of the kinds of products FPI produces and 5 percent of the kinds of services it provides—regardless of whether the government purchase contracts are awarded on a noncompetitive or competitive basis. The legislation, however, would authorize FPI's board of directors to allow FPI a greater market share if an agency has requested additional products or services or if necessary to sustain inmates' work levels. CBO expects that few inmates would lose work over the next five years as a result of this restriction on FPI's market share because we expect that the board would try to maintain the number of inmates working for FPI.

Because of the reduction in federal sales, CBO expects that there would be a corresponding reduction in the number of inmates employed by FPI. Currently, no funds appropriated to the Bureau of Prisons are used to provide security to prisoners participating in FPI programs during work hours because this security is provided by FPI. Based on information from the Department of Justice about the number of prison security personnel needed to guard the prison population, CBO estimates that an additional 50 security officers would be needed in fiscal year 2007 to secure prisoners no longer working for FPI; that number would grow to more than 400 by 2011. CBO estimates that providing additional security officers would cost $4 million in 2007 and nearly $100 million over the five-year period.

Changes in FPI's direct spending

CBO estimates that, under the bill, total receipts collected by FPI would decrease over the 5-year period as agencies procure fewer FPI products. But that reduction in collections would be offset by a reduction in the cost to produce such products. Therefore, CBO estimates that enacting this legislation would result in no significant net change in direct spending for each year.

Impact on other Federal agencies

The bill would phase out current requirements that federal agencies purchase certain products and services from FPI on a noncompetitive basis. That change might enable agencies to acquire some products or services less expensively through a competitive procurement process. In recent years, agencies have purchased $800 million to $900 million worth of goods and services from FPI. CBO has no basis for estimating the savings that might result, but they would likely be a small percentage of the total sales.

Estimated impact on State, local, and Tribal Governments: H.R. 2095 contains an intergovernmental mandate as defined in UMRA because it would require most work programs in state and local prisons that provide services in interstate commerce to obtain federal certification in order to continue operating after September 2010 or after the end of their current contract. CBO estimates that the administrative cost to obtain this certification would be insignificant and well below the threshold established in UMRA ($64 million in 2007, adjusted annually for inflation). This bill would impose no other significant costs on state, local, or tribal governments.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Daniel Hoople and Gregory Waring; Impact on State, Local, and Tribal Governments: Melissa Merrell; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

HAPPY 90TH BIRTHDAY CARMEN DECARLO

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. MICHAUD. Mr. Speaker, I rise today to send birthday wishes from the Congress to Carmen deCarlo on the occasion of her 90th birthday. Daughter of Italian immigrants Angelo and Delores, wife of her childhood sweetheart Mario, mother to Mark and Manon and adored grandmother of Alex, Jessica and Nicky, Carmen was born in New York City 90 years ago.

Her parents worked tirelessly in their grocery business to bring up Carmen with good values and in a loving environment. Carmen and her husband were always very much dedicated to making the plight of the less fortunate and disenfranchised better. She championed the rights of the poor and strove to create an even playing field.

As President of the PTA, Carmen started the first "free milk program" for the children of families that could not afford to provide this very basic necessity of life. Carmen has volunteered at the local schools and considers herself a surrogate grandmother to her little first and second grade students. Carmen has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others.

I offer my best wishes for continued good health and good fortune for Carmen and her family and for many more gatherings such as the one to celebrate her birthday at the gazebo on Moosehead Lake.

THE FOREIGN INTELLIGENCE SURVEILLANCE IMPROVEMENT AND ENHANCEMENT ACT OF 2006

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. HARMAN. Mr. Speaker, it is critical that we bring the President's so-called Terrorist Surveillance Program within legal boundaries set by Congress.

In the House, a number of bills have been introduced, including H.R. 5371, the LISTEN Act.

Today, I am introducing the companion bill to S. 3877, sponsored by my Senator, DIANNE FEINSTEIN of California, and Senate Judiciary Chairman ARLEN SPECTER of Pennsylvania.

Their bill is pending on the Senate floor and I believe it is important for our colleagues to be able to study it.

Like H.R. 5371, the Feinstein-Specter bill reaffirms the exclusivity of FISA and provides additional resources to obtain emergency FISA warrants for tracking terror suspects. But their bill also amends FISA to lengthen the period for securing emergency warrants and to designate additional officials to approve surveillance for a short period in advance of the issuance of a warrant.

These are dangerous times but security and liberty are not a zero-sum game. We will be measured in part by whether we uphold the core values that keep our Nation strong.

HONORING CORPORAL DAVID GARDNER WEIMORTZ

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the memory of a true American Hero. On August 26, 2006, Corporal David Gardner Weimortz died fighting for our country in Iraq. Following the tragic events of September 11, 2001, David Weimortz enlisted in the United States Marine Corps. In the Corps, Corporal Weimortz proudly served America and ultimately made the greatest sacrifice.

Corporal Weimortz is survived by his mother, Fran A. Fellers of Irmo; father, Joseph T. Weimortz of Crestview, Fla.; sister, Kelly A. Weimortz of Columbia; grandmother, Helen F. Asbill of Aiken; aunt and uncle, Pam and Clint Parker of Greenville; and great-aunt, Alice Lee Foster of Aiken.

Corporal Weimortz was lovingly eulogized in the September 7, 2006, issue of The New Irma News by Deloris Mungo. The text of her article follows:

"This world is a better place for each of us today thanks to the life of Corporal David Gardner Weimortz of Irmo, South Carolina. David was a fearless Marine, but he was first a son to Mrs. Fran Fellers and Mr. Terry Weimortz, a brother to Miss Kelly Weimortz and a friend to what seems like everyone he ever came into contact with.

"This particular remembrance of David is dedicated to his Mother, Fran Weimortz Fellers, my dear friend. These past few weeks have been the worst of times for any mother but the outpouring of love from her friends and family have held her up and let her loved ones know what a legacy of life David left. David was certainly a man's man but he was definitely a Mother's son. The choices were clearly his own and he was very proud of them and of what a difference he was making in this world by helping secure freedom for the Iraqis. David, by all accounts, always did it his way, no matter what age he was or what he was doing. Serving his third deployment to Iraq, he died in a roadside bomb attack on August 26th in the 3rd Battalion, 2nd Marine Regiment Division at Camp Lejeune, N.C. He was a corporal, even though he was a college graduate. He wanted to jump right in and not take the time to go to Officer's Candidate School—he felt that he was needed right then. Trappings and titles were not important to him, but making a difference was. Once his frustrated mother asked him why he was so intent on being a Marine when there were so many people in our own country that just don't care that these soldiers are out there for them—why wouldn't he please just stay home? David replied 'Mom, I'm out there for the GOOD people too, and that also means that I am out there for YOU.' David felt like the hope in Iraq is in the children. He said 'The kids are really what make it worthwhile. It is our goal, our desire, they come in as well adjusted, well educated persons and want to have a democratic society. Hopefully, that will be infectious and spread.' David was proud to say 'I got everything I wanted out of the Marine Corps. I have no regrets.' Very sadly, David's candle of life was extinguished far too soon; but the light that he shined on the people he loved in his path will always burn brightly.

"David was always playing sports as a child, and his first word was 'ball.' David was a graduate of Dutch Fork High School, and graduated as a golf standout. He then went to the University of South Carolina where he graduated as a history major in 2000. After college, he worked for a publisher in Raleigh and modeled products at NASCAR races before enlisting. He joined the Marines in March 2003 and graduated from boot camp at Parris Island. His next step was to enter Law School when he returned from military duty.

"Out of the hundreds of people who have shared thoughts and memories of David, the one constant was his sense of humor and ability to entertain people and make them laugh! This was the core of his personality. No one was untouched by his wit and charm, and his ability to make people smile and laugh was the ONE thing that EVERYONE remembered. There was never a room that he did not fill with his contagious personality when he entered, and never a person who did not leave with laughter after being round him for any time at all. His exterior was huge, 6'5 and 225 pounds of all man and muscle and mass—but his interior was always thinking of the other person and what he could do to make him or her smile or make their life better. This gentle warrior of a man visited two sisters (friends of his in California) for a few days; and after he left, he had written thank you notes to each of them including one to Simon the Cat thanking him for sharing his bed (aka the floor!). All of his local teachers have shared that their classrooms would not have been nearly as 'exciting' without the wit, charm and amazing harmless but funny antics of this brilliant young man.

"The Marines have lost an unbelievable soldier, Todd Gayle, Jason Flynn, and Miles Solomon have lost their best friend. Fran has lost her most precious son, Kelly has lost her beloved brother who had promised to walk her down the aisle and give her away whenever she found the right man ('Muff' and 'Bubby' as they referred to themselves were as close as brother and sister could be). Helen Asbill of Aiken has lost her grandson and Pam and Clint Parker of Greenville, SC, have lost their treasured nephew. The people of our community have lost one of the finest young men ever placed on the earth. What we have gained is the discovery of this very wonderful young man will always be with us. He has permeated out hearts and souls and we have learned so very much from him. There are already in the works many well deserved memorials being made in his name with USC, National Bank of SC and Project Pet. If we could all be as lucky as to know ourselves as well as David knew himself, and to set an example of quality for life and love as he did. His passion for his mother and his sister were unsurpassed, and he wanted to 'take care of them' . . . always.

"We can only take so much sadness; so dance, sing, laugh—celebrate the life that was before the death and what it gave you and what it will continue to give you because you will always have him in your heart. 'So it's the laughter we will remember—the way he was.' David, you will be forever in our lives and hearts."

PRAISING GALVESTON COLLEGE'S STRATEGIC PLAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. PAUL. Mr. Speaker, Galveston College, which is in my district, is in the fifth year of its strategic plan to better help its students meet the challenges of the 21st century by transforming itself into a learning college. The learning college is an exciting new model designed to ensure community colleges respond quickly to internal and external challenges and think creatively about the future.

The learning college rests on collaboration between students who are willing and able to take primary responsibility for making their own choices and faculty and staff who are able to empower students with the tools students need to make sound choices. Galveston College helps students develop the attitudes and behaviors necessary for academic and professional success. Galveston College also challenges its employees to work in an environment based on teamwork and a culture open to change and learning.

Fundamental to the learning college experience is the creation of different options for learning, including the traditional classroom, laboratory and clinical settings, and Internet coursework. A learning college also assists students in forming and participating in collaborative learning activities.

Since adopting the learning college model, Galveston College has made an increased variety of coursework and programs available to students. Many of these programs involve creative uses of technology that enhance the learning process. For example, thanks to collaboration with the Virtual College of Texas, Galveston College has made available a large selection of Internet coursework to its students.

Galveston College has also implemented several initiatives to improve its developmental I programs and student services technology. These initiatives include Achieving the Dream funded by the Lumina Foundation; a title V Grant, Developing Hispanic Serving Institutions Program; and the Quality Enhancement Plan. These initiatives will allow the college to implement best practices in student retention.

In order to better ensure that it is preparing students for good jobs in the Galveston area, Galveston College has assigned an account executive to work with the Galveston Chamber of Commerce, the Galveston Economic Development Partnership, and the Galveston city government to ensure Galveston College's course offerings match the needs of the community.

Galveston College's efforts are showing results. On May 18, 2006, CCBenefits, Inc. completed a socioeconomic impact study of Galveston College. The report details how Galveston College benefits the students and the community. According to the study, a student at Galveston College will see an increase of $6.62 in lifetime earnings for each dollar spent at Galveston College. The study also estimated that Galveston's economy is $107.3 million stronger due to the actions of Galveston College.

This year, Galveston College had the largest graduating class in its history. With its commitment to fashioning a 21st century learning college that provides students with a first class education designed to help them meet today's challenges, I have no doubt Galveston College will remain an asset to the Galveston community and a model for other community colleges to follow.

HONORING THE 75TH ANNIVERSARY OF THE DICK TRACY COMIC STRIP

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the world's most famous detective, Dick Tracy, on his 75th Anniversary, and to recognize that my home state of Illinois has declared October 4, 2006, "Dick Tracy Day."

For the past 75 years, the plainclothes detective, Dick Tracy, has graced the comic pages throughout the country. As a native Chicagoan, I have never known a world—or a Chicago Tribune—without Dick Tracy. As a child, I remember wishing I had a two-way wrist radio and wondering when Tracy and Tess Trueheart would tie-the-knot.

Not only has the comic strip provided daily entertainment for countless Americans, it also loyally has served our nation—in promoting the FBI's "Most Wanted" and "Crimestoppers" campaigns, and during World War II, when it educated Americans about the U.S. war effort.

Of course, the imaginative man behind the detective was none other than Chester Gould. His passion for crime prevention elevated the Dick Tracy comic strip beyond pure entertainment to a model for public service. When Chester Gould put down his pencil in 1977, after more than 40 years, he was fortunate to have the very talented and capable Dick Locher to carry on his beloved comic strip. As a fellow resident of Illinois' 13th district, I am delighted to represent Dick Locher here in this body.

I am pleased to recognize Dick Tracy, an icon of American culture, Chester Gould, the creative genius who brought him to life, and Dick Locher, the great talent who both honors and extends Dick Tracy's legacy. Once again, congratulations, Dick Tracy, on your diamond anniversary.

TRIBUTE TO MARY A. BAIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Mary A. Bain, who recently passed away. Longtime Chief of Staff to Congressman Sidney Yates, Mary was beloved by many of us on Capitol Hill, including me.

It is hard to believe that Mary began her political career in Franklin Delano Roosevelt's Administration—as the Illinois director of the

National Youth Administration. She was a dedicated public servant for many years to come, particularly devoted to our dear colleague and my colleague on the Appropriations Committee, Congressman Yates, whom she served in many capacities for almost 50 years. I am sure if Congressman Yates was here with us, he would say it was almost as if they served as co-Members.

As I said when she received the Heritage Defender Award, "Not only did Mary Bain save national treasures, she is a national treasure." She applied her considerable political savvy to preserving America's cultural heritage, and she was always a stalwart for the National Endowment for the Arts, the National Gallery, the Smithsonian Institution, among many others.

Mary Bain helped to break the marble ceiling for all women—she was one of the first women to serve as a Congressional Chief of Staff. She talked about how much she looked forward to seeing a woman become our nation's first Speaker. I am hopeful that next January we can make that dream a reality—and I know that when we do, Mary will be smiling down on us.

When Mary retired in 1998, she was the last of the New Dealers in government, having remained committed to the principles of Roosevelt her entire life. And though she can never be replaced on Capitol Hill, we continue her work to expand opportunity and prosperity to all Americans.

As we pay tribute to Mary, we remember the many people who loved her—particularly her husband Herbert, who preceded her in death, and her daughter Mary Ellen and two grandsons. I hope they can draw comfort from the fact that so many are praying for them and grieving Mary's loss with them.

IN SUPPORT OF A RESOLUTION CALLING ON IRAN TO IMMEDIATELY FULFILL ITS NUCLEAR NONPROLIFERATION OBLIGATIONS, AND FOR OTHER PURPOSES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of a resolution calling on Iran to immediately fulfill its nuclear nonproliferation obligations.

On August 31, 2006, Iran rejected United Nations Security Council Resolution 1696 requesting that Iran suspend all uranium enrichment and reprocessing activities, including research and development within 1 month or face economic and diplomatic sanctions.

In a report the International Atomic Energy Agency, IAEA, released that same day, the agency discussed proof of Iran's continued pursuit of its nuclear program, as well as evidence that Iran might be pursuing alternative nuclear activities in secret.

For decades, Iran has been deceiving the IAEA and the international community about the extent and the purpose of its nuclear program. Iran has consistently failed to provide sufficient information about its nuclear capabilities and has failed to fully cooperate with international nuclear nonproliferation laws. Time and time again, Iran has scorned diplomatic and economic propositions offered by the global community.

The United States cannot afford to stand aside now and allow Iran to continue with their pattern of nuclear defiance.

This is why I am calling for this resolution, which calls for the full implementation of Security Council Resolution 1696; asking the Security Council members to move forward quickly and apply appropriate multilateral sanctions against Iran. This resolution also calls upon President Bush to implement and exhaust every diplomatic and economic sanction at his disposal to prevent a nuclear Iran.

Iran's strategic plan is blatantly obvious: With one hand it is stringing along diplomatic negotiations with the world's powers, while the hand behind its back continues to pursue nuclear activities. In doing so, Iran is successfully driving a wedge between the international communities. Iran remains defiant banking on the assumption that the United Nations Security Council will be unwilling to agree on imposing sanctions on their country.

Iran's pattern of insubordination is extremely troubling to me. Even more troubling to me is the reluctance of the international community to unite together and take immediate action against the threat posed by a nuclear Iran.

This past weekend, European Union, EU, leaders met with an Iranian negotiator in an attempt to persuade Iran to suspend its nuclear enrichment. And just last week, top diplomats from the EU-3: Britain, France, and Germany, as well as the United States, met in Berlin for the first time since Iran refused to accept the United Nations deadline to halt its uranium production.

But while these meetings signal progress, they will accomplish nothing if all of the Security Council members do not completely implement resolution 1696. Russia, China, Britain, France and Germany, and the United States voted for this resolution; now they must champion what it calls for.

The need to implement multilateral sanctions and for the United States to apply all diplomatic and economic sanctions at its disposal against Iran is growing steadily.

Over the years we have seen how Iran's defiance against the international community has galvanized extremist groups in Iraq, Gaza and Lebanon. In the most recent example of the cross-border attack by the terrorist group Hezbollah against Israel—largely financed and supported by the Iranian Government—we saw the devastating impact that Iranian assistance to militia groups can generate.

On the day following the 5-year commemoration of 9/11, our Nation is still vulnerable to terrorist attacks. Allowing a primary sponsor of international terror to advance their nuclear capabilities, burgeons the terrorist threat posed to our Nation.

Iran poses a huge and existential danger to our democratic ally Israel as well. For years, President Ahmadinejad has spewed anti-Semitic rhetoric and has denied the Holocaust's existence. Iran's nuclear intentions are no secret. President Ahmadinejad is on a national crusade of hatred and ultimate destruction against Israel and the United States.

Moreover, in one of the most unstable regions in the world, Iran continues to remain a highly destabilizing force. A nuclear Iran only intensifies the threat Iran currently poses to the security of the entire global community.

Mr. Speaker, let us take a moment to consider the consequences of allowing a repressive anti-Semitic regime with ideological goals, extensive oil production capabilities, and an active sponsor of global terrorism, to possess nuclear powers. The possibilities are endless and progressively more dangerous. A nuclear arms race in the Middle East could break out, or Iran could garner support elsewhere in the Muslim world and successfully advance their radical ideological movement against the West.

Many in the international community had hoped that Iran would realize that advancing their nuclear program makes their country less safe, not more. But Iran made its choice. It has not only failed to meet the demands of the United Nations Resolution 1696, it has defied the resolution and the international community. And now it must pay the price of sanctions.

I ask all of my distinguished colleagues to join me and co-sponsor this resolution to request that the Security Council members and the United States reply with an immediate and meaningful response to Iran's longstanding pattern of nuclear noncompliance.

HONORING THE LIFE AND MEMORY OF PETTY OFFICER 2ND CLASS EDWARD AUSTIN KOTH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. RUPPERSBERGER. Mr. Speaker, sorrowfully I rise before you today to honor the second sailor from Maryland who died serving his country in the War on Terror. I would like to take this opportunity to celebrate the life and memory of an altruistic serviceman from Towson, Maryland, Petty Officer 2nd Class Edward Austin Koth.

Unfortunately, over 2,500 United States servicemen and women have died in the War in Iraq. Each time a servicemember dies, we are reminded of our gratitude for the Armed Services; these people have built a career around protecting American citizens. The drive and conviction Petty Officer Koth and his peers show each day is commendable.

Petty Officer Koth died as a result of an explosive weapon at Camp Victoria, Iraq detonating. He was assigned to the Explosive Ordnance Disposal Mobile Unit 8, serving with Multinational Corps Iraq in Baghdad at the time of his death. He was on his second tour of Iraq with only 3 weeks remaining.

Petty Officer Koth is remembered as a devoted sailor who found extreme pride in saving the lives of innocent people. He protected his fellow servicemen and women, and Iraqi civilians by removing bombs from heavily populated marketplaces. He frequently called or wrote home saying he had neutralized a number of bombs while he was a part of the Army Rangers Unit that drove through Baghdad in Humvees and Bradley fighting vehicles in search of such explosives.

Serving the United States of America was in Petty Officer Koth's blood. Both of his grandfathers and four of his uncles served in the United States Navy. This magnanimous serviceman was ambitious and confident from the time he was young. As the youngest of four children, he was well-known for his courage. This notable trait propelled him toward his future in the Armed Services.

While enrolled in Loyola College, Koth joined the diving team where he excelled greatly. Upon obtaining his degree in information systems, Petty Officer Koth went on to train with dolphins at the Naval School of Explosive Ordnance Disposal in Florida. There his notability as a fearless diver taught him how to take apart underwater mines, a task that prepared him for his naval career of dismantling explosives.

His passion for life made him a champion in the eyes of fellow service men and the women and Iraqi people. Mr. Speaker, I ask you to join with me today to celebrate the life of Petty Officer 2nd Class Edward Austin Koth. His selfless acts of compassion make him truly worthy of great recognition. He will forever be remembered as a Maryland hero.

CONGRATULATING GEORGE NA‘OPE AS A 2006 NATIONAL HERITAGE FELLOW

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. CASE. Mr. Speaker, I rise today to pay tribute to and congratulate Kumu Hula George Lanakilakeikiahiali‘i Na‘ope, known in our Hawai‘i as "Uncle George," on being chosen as a 2006 National Heritage Fellow, our Nation's highest honor in the folk and traditional arts.

Each year the National Endowment for the Arts awards the coveted National Heritage Fellowships to a select few masters of folk and traditional arts who demonstrate outstanding lifetime achievement and artistic merit. Fellows are carefully selected from among hundreds of nominees based on authenticity, excellence, and significance within a particular artistic tradition. There is no one more deserving than Hawai‘i's own George Na‘ope to receive this high honor for his contributions to the art of traditional hula and chant.

George was born on February 25, 1928, in Kalihi, O‘ahu and grew up in Hilo on the island of Hawai‘i. He began his hula studies at the age of 3 and has dedicated his entire life to this ancient art form. Na‘ope's first hula lessons were under the tutelage of Mary Kanaile Fujii, the mother of Edith Kanaka‘ole, and his studies were directed by his great-grandmother Mary Malia Pukaokalani Na‘ope and his grandfather Harry Na‘ope. He further studied under Joseph Ila‘laole and opened up the George Na‘ope Hula School in Honolulu after his graduation from Hilo High School.

George would later go on to a successful career traveling throughout the United States with the Ray Kinney Royal Hawaiian Review, performing regularly at the Tropicana Hotel in Las Vegas. He still found time to obtain his PhD from the Cincinnati Conservatory of Music and to teach hula in underserved communities.

But his achievements did not stop there. George also served our country for 2 years in frontline combat during the Korean conflict with the X Corps of the American Corps of Engineers. After his return to Hawai‘i he was appointed "Promoter of Activities" with the County of Hawaii. While serving in this capacity, he was recognized in 1960 by the Governor of the State of Hawai‘i and Hawai‘i State Legislature with the designation "Living Golden Treasure".

George Na‘ope was a prime catalyst for renewed interest in and study of traditional hula, chants, music, and other aspects of Hawaiian culture. It was also during this time and with George's patronage that the world-famous Merrie Monarch Festival was founded in 1962. This festival honors King David Kalakaua who was nicknamed the "Merrie Monarch" because of his support for music and the arts and his encouragement of the revival of Native Hawaiian traditions like hula and mele. Forty-four years later, the festival is still going strong and has become a must-see for Hawai‘i residents and visitors.

A lifelong teacher, George Na‘ope has taught the dance of Hawai‘i around the world and performed for dignitaries and world leaders. His lasting timeless contributions and influence, through the many students he inspired, as well as the many extraordinary contributions he made to the traditional arts heritage of Hawai‘i and our Nation, are truly exceptional and worthy of national recognition.

I close by saying to Uncle George: congratulations on receiving the National Heritage Fellowship and mahalo for all you have done for our Hawai‘i and our Nation's cultural heritage. Aloha!

SENATE—*Wednesday, September 13, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and God of glory, Your providence has guided our ways in times past. You have taught us to trust You for each day and every event.

As our Senators seek to do Your will, renew their faith, rekindle their love, and regenerate their resolve. Give them the insight to know that not everything old is bad, nor everything new, good; conversely, not everything old is good, nor everything new, bad. Teach them through Your Spirit lessons they need to learn. May their highest aim be to love You and do Your will. Lead them with Your sure hand so they may follow You without hesitation.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume debate on the port security bill immediately following the 30-minute period of morning business. We have an agreement for a vote in relation to Senator REID's amendment to occur at 12:15 today. There is a point of order against that amendment, and therefore the vote is likely to be on a motion to waive the budget relative to that amendment.

The managers have done good work on the bill thus far, but we have not had an agreement yet as to when we can finish this security legislation. Therefore, last night I filed a cloture motion on the bill so that we will conclude the bill this week. I have indicated we are willing to vitiate that vote if an agreement is reached that will bring the Senate to a reasonable conclusion on this port security measure. In the meantime, we will continue to work on amendments, with rollcall votes each day. I also remind Senators that under the rule, Senators have until 1 p.m. today in order to file timely first-degree amendments.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Thank you very much, Mr. President.

REAL SECURITY AMENDMENT

Mr. REID. Mr. President, shortly there will be a debate on an amendment that was offered on my behalf and a number of other Democrats.

It is an amendment that would implement all 41 recommendations of the bipartisan 9/11 Commission.

The amendment would equip our intelligence community to fight terrorists. In effect, what it would do is go back to what we have been doing for 27 years; that is, allow the Intelligence Committee every year to have a bill before this body, to allow them to update what needs to be done so they can proceed with intelligence activities in our country and around the rest of the world. We did not authorize the Intelligence Committee's work for the first time in 28 years last year. Now, this year, we have not done it again. This amendment would put that in effect.

Third, the amendment would secure our ports, rails, roads, airports, chemical and nuclear plants, and mass transit systems.

Fourth, the amendment would refocus America on the war on terror. I went into that in some detail yesterday.

Fifth, the amendment would provide better, updated tools to bring terrorists to justice.

Finally, the amendment would change course in Iraq. Certainly that is something the American people deserve and want.

Yesterday in Iraq, 65 Iraqis were found dead, a number of them beheaded, one with a note saying: Anyone that cooperates with Americans, this is what is going to happen to them. In addition to that, scores of others were killed in bombing incidents around the country. Two American soldiers were killed.

So the amendment would change course in Iraq. Americans deserve real security. This bill is real security. The amendment is real security. I ask colleagues on both sides of the aisle to join me in supporting this amendment.

I yield the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, may I proceed?

The PRESIDENT pro tempore. You may.

Mr. ROCKEFELLER. I thank the President pro tempore.

NSA WARRANTLESS SURVEILLANCE PROGRAM

Mr. ROCKEFELLER. Mr. President, the National Security Agency has been wiretapping the conversations of Americans without obtaining court orders, as required by the Foreign Intelligence Surveillance Act, or FISA, for the past 5 years.

In recent months, a number of bills have been proposed which would codify the President's program of warrantless surveillance. The White House is now pushing the Senate Judiciary Committee to pass sweeping legislation that would amend FISA and grant the President unprecedented authority to undertake wiretapping in the United States without the judicial scrutiny currently required by law.

For Congress to legislate on this program in the coming days would not only be premature but irresponsible.

The fact remains that despite repeated assurances from the administration, Members of Congress remain in the dark and cannot answer fundamental questions about the program's existence, effectiveness or legal justification.

As one of the few Members who have received the most detailed information to date, I can tell you that, putting aside the legal argument, the administration has not been able to document convincingly the counterterrorism benefits of the program.

In fact for the past 6 months, I have been requesting, without success, specific details about the program including how many terrorists have been

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

identified, how many arrested, how many convicted, and how many terrorists have been deported or killed as a direct result of information obtained through the warrantless wiretapping program.

I can assure you, not one person in Congress has the answers to these fundamental questions.

At the same time, let me be perfectly clear. I support all efforts to track down terrorists wherever they are using all of our best technology and resources. But it can and must be done legally and in a way that protects the rights of all Americans.

For 4½ years, the President had restricted knowledge of this program to the top leaders of the Senate and House and the two top leaders on the congressional Intelligence Committees.

By limiting the briefings to 2 of the 15 Intelligence Committee members, the White House had sought to prevent the committee from conducting the legally required oversight of the NSA program.

Because of this restriction on access to the program, the committee has been effectively prevented from knowing about the program, evaluating the program, and acting on the program.

Frankly, I believe the White House goal of the past 5 years has been to use the iron cloak of secrecy to keep Congress ignorant of and powerless to challenge a controversial program of suspect legality.

The repeated representations by the President and senior administration officials that the warrantless wiretapping program was and is subject to extensive congressional oversight are simply outrageous.

Entire committees, not individual Senators, report out legislation that authorizes and funds intelligence collection programs. The full Senate, not individual Senators, takes action to approve or reject this legislation.

The White House wanted a warrantless wiretapping program that was exempt from the scrutiny of both the courts and the Congress, even if it meant ignoring the legal requirements of FISA and the National Security Acts and shattering what had been decades of responsible, bipartisan congressional oversight of intelligence programs. Why?

Administration officials have stated that the fact that the NSA was collecting the communications of suspected terrorists coming in or out of the United States without a court's determination that probable cause existed was simply too sensitive to disclose to the other Members of Congress intimating that the congressional Intelligence Committees could not keep aspects of the program classified.

I would remind this administration that the Intelligence Committee is entrusted on a daily basis with the secrets that if disclosed would irreparably harm our national security, compromise multibillion-dollar collection programs, and even get people killed.

There are 15 members of the Senate Intelligence Committee and many more of my colleagues who at an earlier time served on the committee.

All Senators, by right of their elected position and the duties they are sworn to carry out have access to the details of these highly classified collection programs.

It is a sobering responsibility but members of our committee and the Senate as a whole have protected these secrets because each of us understands what is at stake.

In fact, as someone who has been briefed on the NSA wiretapping program, I can assure may colleagues that the sensitivity of the program pales in comparison with other intelligence activities our committee oversees on a routine basis.

My colleagues should be troubled by the fact that the only NSA intelligence collection program that the White House has directed be described in detail publicly is also the only NSA program the White House continues to withhold from the full Senate.

I want my colleagues to consider the implications of this carefully.

At a time when terrorism is the No. 1 threat to America's security, the White House has decided that Congress cannot be trusted with the job of protecting our citizens.

Instead of working with Congress, the President decided with an almost imperial disdain to ignore the constitutional role the legislative branch plays in providing for the National defense.

It wasn't until March 9 of this year, and after enormous pressure, that the administration agreed to allow five additional committee members and three staffers to be briefed into the program.

Another 2 months would pass before the White House agreed with our request that the entire committee membership be apprised of the program's operations.

However, contrary to public statements in recent months by the President and Vice President that Congress is being fully briefed, I am dismayed to report that this administration continues to pursue its policy of depriving the Congress the information it needs to understand and evaluate the NSA program's legal underpinnings, operational conduct, and usefulness in identifying and arresting terrorists.

On February 23, 2006, I wrote to NSA Director GEN Keith Alexander, Attorney General Alberto Gonzales and Director of National Intelligence John Negroponte requesting documents and information about the NSA program, including the Presidential orders authorizing the program, legal reviews and opinions relating to the program, procedures and guidelines on the use of information obtained through the program, and specifics about the counterterrorism benefits of the program.

This letter was followed up with a second more refined request on May 15 of 54 items based on briefings the committee had recently received.

The May letter repeated my earlier request for basic documentation and information, such as the Presidential authorization orders, which are essential in order for the Intelligence Committee to fully understand and thoroughly evaluate the NSA program, a necessary step before considering whether legislation relating to the program or amending FISA is needed.

Over 6 months have passed since I sent my original February letter and the Intelligence Committee has not received the requested information.

During this time, I and my staff director repeatedly raised the issue of the delinquent replies with White House and administration officials, including a direct appeal I made to Director Negroponte in July.

Six months and no response from the administration. This is simply unacceptable.

Three days after I met with Director Negroponte and expressed my concerns about the lack of a response to the February and May requests for documents and information, the Intelligence Committee received a fax from the NSA's Office of General Counsel forwarding "a set of administration-approved unclassified talking points for members to use."

The cover page of the fax included comments indicating that the talking points were prepared in response to questions from committee members about what could be said publicly about the NSA program.

When I read the talking points, I was stunned to find that the NSA provided political talking points.

Instead of providing the requested assistance in delineating what is and what is not classified about the program, the talking points contain subjective statements intended to advance a particular policy view and present the NSA program in the best possible light.

Instead of providing the committee with the documents and information requested a half year earlier and allowing the committee to complete its own review of the NSA program and to draw its own independent conclusions, the administration preferred telling committee members what to think and what to say.

The administration-approved talking points encouraged Senators to make statements such as "I can say that the Program must continue; It is being run in a highly disciplined way," and "There is strict oversight in place both at NSA and outside, now including the full congressional committees."

The talking points also argue for changes to FISA claiming "Current law is not agile enough to handle the threat" and "The FISA should be amended so that it is technologically neutral."

These statements were intended to advocate the White House policy line rather than provide guidance on classification.

Even before the intelligence committee can finish its own review of the NSA program the administration attempted to use the members of the intelligence committee—the only committee witting of the program's details—as mouthpieces to parrot conclusive statements in support of White House policy.

These talking points are the latest examples of how the administration has co-opted an agency of the intelligence community to keep information from Congress in support of a controversial policy or program. Our committee has run into this disturbing practice with respect to the administration's program for the detention, interrogation and rendition of individuals suspected on involvement with terrorism as well.

The White House's unwillingness to provide requested information to the Congress on the detention and interrogation program for many years created a void in congressional oversight, eventually filled by the courts and the Hamdan decision earlier this year.

In this case, the administration took the calculated risk that it could go it alone, without working with Congress, and they guessed wrong.

Now faced with a court decision not to its liking, the White House is coming to Congress seeking a legislative remedy.

Evidently, the administration has failed to learn the lessons of this go-it-alone approach.

The documents I requested of the NSA, Justice Department, and Office of the DNI 6 months ago have been withheld at the direction of the White House.

The administration is trying to run out the clock on my requests in the hopes that Congress can be manipulated to pass legislation this session authorizing a program it does not fully understand.

At the same time, a simple request of the NSA to detail what is and is not classified about the warrantless surveillance program is forced to go through the White House and, as a result, turned into a litany of administration P.R. statements.

I and six other members of the Intelligence Committee wrote to NSA Director Alexander last month expressing our concerns over the appropriateness of these administration-approved talking points and objecting to the requirement that the NSA must clear with the White House any requested information about its own program before it is sent to Congress.

We also asked that Director Alexander review this incident and provided the committee in writing an explanation of by whom and on what authority these talking points were prepared, who approved of their distribution to members of the Intelligence Committee, and who made the decision that they should be cleared by the administration prior to being provided to committee members.

Mr. President, I ask unanimous consent to have printed in the RECORD the administration-approved NSA talking points, faxed to the Intelligence Committee on July 27, 2006, the August 29, 2006, letter to NSA Director Gen. Alexander signed by me and Senators LEVIN, FEINSTEIN, WYDEN, BAYH, MIKULSKI, and FEINGOLD, and the September 1, 2006, response from General Alexander.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Alonzo Robertson, Office of General Counsel.

Date: 27 July 2006.

To: Hon. PAT ROBERTS, Chairman, SSCI.

During recent Terrorist Surveillance Program (TSP) briefings, a number of members have expressed a desire to know what they can say about the TSP. Attached is a set of Administration approved, unclassified talking points for the Members to use.

We would appreciate it if you would distribute to the Members.

ALONZO ROBERTSON.

TALKING POINTS FOR INTELLIGENCE COMMITTEE MEMBERS TO USE ON TERRORIST SURVEILLANCE PROGRAM

The terrorist threat to this country is real. We need to do everything possible to make our nation safe, and we need to do it in a way that preserves our civil liberties.

As a member of an intelligence committee of Congress, I am fully committed to that goal. We are the watchdogs of the Intelligence Community, including the National Security Agency that is carrying out the Terrorist Surveillance Program.

I have been briefed on the Program and stood on the operations floor at NSA to see first-hand how vital it is to the security of our country and how carefully it is being run.

It would be irresponsible to reveal details because that would give our adversaries an advantage. My colleagues and I are very serious about protecting our nation's secrets.

I can say that the Program must continue. It has detected terrorist plots that could have resulted in death or injury to Americans both at home and abroad.

It is being run in a highly disciplined way that takes great pains to protect U.S. privacy rights. There is strict oversight in place, both at NSA and outside, now including the full congressional intelligence committees.

The Program is not "Data mining"; it targets only international communications closely connected to al Qa'ida or an affiliated group.

I have personally met the dedicated men and women of NSA. The country owes them an enormous debt of gratitude for their superb efforts to keep us all secure.

Current law is not agile enough to handle the threat posed by sophisticated international terrorist organizations such as al Qa'ida. This is because the Foreign Intelligence Surveillance Act of 1978, or "FISA," has not kept pace with communications technology and was not designed for the types of threats we now face.

Today, in part because of technological changes over the last 30 years, the FISA frequently requires judicial authority to collect the communications of non-U.S. persons outside the United States. This clogs the FISA process with applications for court orders that have little to do with protecting U.S. privacy rights.

The FISA should be amended so that it is technology neutral. This would return it to its original purpose of focusing FISA privacy protections on Americans in the United States. It would greatly improve the FISA process and relieve the massive amounts of resources currently being consumed.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 29, 2006.

Gen. KEITH B. ALEXANDER,
Director, National Security Agency,
Fort George Meade, MD.

DEAR GENERAL ALEXANDER: If our intelligence agencies are to be successful in their mission, it is vitally important that they maintain their independence. It is the National Security Agency's (NSA) duty to make sure that policymakers and military leaders are presented with accurate, objective intelligence information. If the NSA, or any other intelligence agency, enters a policy debate, it risks the loss of policymakers' confidence and could compromise the agency's effectiveness. That is why we were so troubled by talking points that members of the Senate Select Committee on Intelligence recently received from the NSA.

The talking points at issue related to the NSA warrantless surveillance program and were accompanied by a cover page from the NSA's Office of General Counsel. The cover page included comments indicating that the talking points were prepared in response to questions from Committee members about what could be said publicly about the NSA program. Instead of providing assistance in delineating what is and is not classified about the program, the talking points contain subjective statements that appear intended to advance a particular policy view and present certain facts in the best possible light.

The talking points include statements such as "I can say that the Program must continue"; "It is being run in a highly disciplined way"; and "There is strict oversight in place, both at NSA and outside, now including the full congressional oversight committees," The talking points also argue for changes to the Foreign Intelligence Surveillance Act (FISA) claiming "Current law is not agile enough to handle the threat" and "The FISA should be amended so that it is technologically neutral." These statements appear intended to advocate particular policies rather than provide guidance on classification.

As you know, the Congress is currently evaluating various aspects of the NSA program. The Senate Intelligence Committee is in the process of gathering information to understand operational aspects of the program, and the Senate Judiciary Committee has held public hearings related to the program's legal foundations. Several pieces of legislation dealing with this program and the FISA have been introduced in the Senate and the House of Representatives.

The future of the warrantless eavesdropping program and any proposed changes to the FISA are policy matters currently being considered in the political arena. We understand the Administration has a certain point of view regarding this program. The program is, however, the subject of consideration in the Congress.

We believe that it is inappropriate for the NSA to insert itself into this policy debate. In addition, we are particularly troubled by the statement on the cover page that the document is "Administration approved, unclassified talking points for Members to use." We object to an intelligence agency, such as the NSA, clearing documents such as these with the Administration prior to providing them to the Congress.

We also would note that the administration has failed to provide the Committee with documents and other basic information we need to conduct the strict oversight of the NSA program that the NSA talking points suggest is happening.

We ask that you review this incident and provide the Committee in writing, no later than September 8, 2006, an explanation of by whom and on what authority these talking points were prepared, who approved of their distribution to members of the Senate Intelligence Committee, and who made the decision that they should be cleared by the Administration prior to their being provided to Committee members. We also ask that your response describe steps you intend to take to ensure that all NSA employees understand the importance of NSA maintaining its independence from policy debates.

Thank you for your attention to this matter.

Jay Rockefeller.
Evan Bayh.
Russell D. Feingold.
Dianne Feinstein.
Carl Levin.
Barbara A. Mikulski.
Ron Wyden.

National Security Agency,
Fort George G. Meade, MD, 1 September 2006.
Hon. John D. Rockefeller IV,
Vice Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

Dear Vice Chairman Rockefeller: I appreciated the chance to talk with you yesterday about the concerns you raised in your letter of 29 August 2006 pertaining to a set of talking points on the President's Terrorist Surveillance Program (TSP) that NSA provided to the full Senate and House intelligence committees. I regret that our effort was misperceived as political.

As I stated on the phone, my intent was to respond to requests from intelligence committee Members who visited the Agency to oversee the TSP. They cited constituent concerns and asked what they could say publicly about the Program, and we wanted to be as helpful as possible. Because we are an Executive Branch agency, it is standard practice that NSA coordinated the talking points with the Department of Justice, National Security Council staff, and the Office of the Director of National Intelligence. We were especially concerned that nothing we gave out could or would be construed as classified.

I again assure you that we intended our effort to be apolitical. We are proud of our people, and our talking points reflect the pride in our service to our nation. I want to emphasize that NSA will not permit political considerations to taint our intelligence information.

If you have any questions, please call me or Michael Lawrence, Director of Legislative Affairs.

Keith B. Alexander,
Lieutenant General, U.S. Army,
Director, NSA.

Mr. ROCKEFELLER. Mr. President, it is clear to me that the administration's withholding of documents is designed to hamper the Intelligence Committee's review of the NSA program. Up to this point, information provided to the committee in briefings held since March has been filtered and generalized through charts and slides.

My attempts to obtain original documents, such as the Presidential authorizations, and to ask questions that go beyond these administration-approved briefings have been ignored.

This refusal to respond to legitimate information requests from the Oversight Committee, combined with the administration's over-restriction of member and staff access to the NSA program, is part of a cynical White House strategy to prevent Congress from either acting or forcing it to legislate on vital national security and privacy issues in the dark.

Twenty of the 100 currently serving Senators have been briefed on the NSA program at one point or another in the past 5 years. The White House currently allows only three members of the Intelligence Committee staff—two Republican staffers and one Democrat—to have access to the NSA program.

By contrast, there are well over a thousand employees at the NSA, CIA, FBI, Justice Department, Office of DNI, Pentagon and White House briefed into the NSA program.

I want my colleagues to take note of this disparity. Twenty Senators and three staffers compared with over a thousand executive branch employees.

If, in the remaining weeks of this session, the full Senate is asked to consider legislation to revise FISA or authorize aspects of the NSA warrantless surveillance program, it is untenable—if not unprecedented—to keep four-fifths of the Senate ignorant of why the changes are justified or what intelligence activities they are authorizing.

The Senate should insist that all Members be allowed to understand the NSA wiretapping program—with the appropriate care being taken to protect the remaining classified aspects not already acknowledged by the President—and be given the chance to draw their own conclusions about whether it is justified.

Finally, General Hayden and others have publicly stated that no legal concerns have been raised within the administration about the operation of the NSA program. Limited information presented to the committee contradicts this assertion. But the committee has been prevented from understanding the details and context of these internal debates about the program's legality due to the administration's stonewalling.

I urge my colleagues—we must insist on a full accounting of the NSA's ongoing 5-year program before acting on legislation that gives the President the authority to wiretap the phone conversations of Americans where a court has not determined that a probable cause standard has been met.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise to speak for 8 minutes and ask the Chair to give me the signal when I have used that time.

The PRESIDENT pro tempore. The Senator has 16½ minutes.

UNITY IN THE WAR ON TERROR

Mr. ISAKSON. Mr. President, I am really delighted, after some of the things I have read and heard this morning. I decided last night to make the speech I am about to make. This morning, I want to go back to the speech the President made on Monday evening and go back to the President's clarion call for us to unite as a nation behind our effort to win the war on terror.

During the past 3 days—first Monday, September 11, where we all honored and mourned the tragic loss of 3,000 citizens, through today—I have read constant editorials and listened to numerous speeches that imply to me that that sense of unity doesn't really exist. I think the President was right to call for unity.

This morning I rise in an effort to have us focus on what we are really all about, not to point fingers or castigate anybody but to talk about what I believe is the ultimate war between good and evil. What happened on September 11 in 2001 was one of the most tragic events in the history of mankind. What the United States did, and what this President declared, by changing our policy from one of reaction to one of preemption was precisely the right thing to do. There is no doubt that in the last 5 years mistakes have been made. But there is no doubt that the greatest mistake would have been not to respond. It is now time for us to resolve to support this country, our men and women in harm's way, our intelligence agencies, with a resolve to see it through to its conclusion, understanding that it is going to be a long and difficult battle.

We should not forget that the Cold War lasted half a century. As a youngster at R.L. Hope Elementary School in Atlanta, GA, I remember every week we practiced climbing under our desks as we did drills because we feared a nuclear attack from the Soviet Union. It was only when the Berlin Wall came down in the 1990s and communism was finally defeated that the Cold War ended.

This war could be as long and as difficult. But it is different. We fight an enemy with no uniforms, no diplomats, and no capital. It doesn't want what we have. They don't want us to have what we have. They don't want us to have the freedom of speech—for me to do what I am doing here—or for the press to criticize it. They don't want you to be able to bear arms if you are a law-abiding citizen or to go to church on Saturday or Sunday and worship or to not worship at all or the way you want. They don't want you to have the freedom to assemble and gather.

They are using those very inalienable rights of ours against us today and, in some cases, some of us are unwitting accomplices in that criticism. By way of example, we argue and parse about issues of interrogation and some issues of intelligence and surveillance, when every day that we fail to act the other side uses that against us to try to find a way to break us and kill American citizens. How else in the 21st century, in a world of computers and digital technology and cellular technology, can we track terrorists if we cannot listen to them? How in the world can we learn about those who would kill innocent Americans if we cannot interrogate them?

There was an editorial in the Monday paper, September 11, 2006, 5 years after 9/11, in my hometown paper, the Atlanta Constitution. It said, "Power is found in our ideals not in our weapons." That is a great headline. They are right. One of the great ideals that the American people have is that we don't quit. We didn't quit in our revolution or in our Civil War or in World War I and World War II, and we cannot quit now. In this editorial, criticizing us in terms of Guantanamo Bay and Abu Ghraib, who is the moral authority quoted? None other than Osama bin Laden. The man that is quoted as questioning America's values is the man that relishes cutting off the heads of innocent American citizens, the man who takes pride in calling out and charging terrorists with attacking American citizens on 9/11, and the man who to this very day plots to kill innocent Americans.

We must listen to what they are saying, track what they are doing. When we capture them, we must get the intelligence necessary to save innocent lives. We must unite as a country, a media, political parties, and as a people to stand steadfastly behind this effort and see it through to conclusion.

I personally submit that we are getting pretty close. I think the fact that they are concentrating in Baghdad, the fact that we have seen what we have seen in terms of them trying to portray a civil war is because we have had them on the run and it is their last stand. You see, terrorism doesn't have to beat us on the battlefield. They only have to make us quit and come home. Then they can declare victory. We cannot let that happen.

I conclude my remarks by admonishing all of us, myself included, to join together to find solutions to move forward and support this effort to its conclusion and to its success. We should not tie the hands of our Armed Forces or our intelligence networks behind their backs. We should instead put our arms around them and embrace them, let them charge ahead and continue to track our enemies wherever they are and find out the information that is necessary. Then, and only then, will we be equalized in the war on terror and ultimately prevail.

I yield the floor.

The PRESIDENT pro tempore. The Senator has 10½ minutes remaining.

The Senator from South Carolina is recognized for 10 minutes.

Mr. DEMINT. Mr. President, I join my colleague, Senator ISAKSON from Georgia, in calling for the ceasing of this politicizing of a very important effort and the need to unify as a nation. As we commemorate the fifth anniversary of 9/11, I was reminded of how far we have come since that terrible day in securing America's homeland against future attacks, and how much further we have left to go.

I am thankful to be part of a Republican majority that is taking real action to make America safer, to secure our borders first, to strengthen port security with background checks for workers and scan every cargo container at our busiest ports for weapons of mass destruction.

President Bush and a Republican-led Congress have also shown relentless determination in the war against radical Islamic terrorists all around the world.

We prevented further attacks by uncovering and stopping 15 major terrorist plots against America and likely many others which are not public knowledge. We have frozen $1.5 billion in terrorists' assets in the United States through economic sanctions. We have implemented 37 of 39 recommendations of the 9/11 Commission. And we have liberated more than 50 million Afghans and Iraqis from despotism, permitting the first free elections in either country.

Just this week, the Senate took another important step to keep America's families safe by voting unanimously to pass the WARN Act, an important piece of legislation that will modernize our severely outdated emergency alert system using everyday technology such as cell phones and Blackberrys.

Meanwhile, and unfortunately, Democrats are trying to kill the port security bill by tying it up with political amendments—once again proving that they are willing to put their hope of winning an election ahead of the security of our country.

Unfortunately, during this election year, many of my Democratic colleagues seem more interested in posturing and pointing fingers than in putting forward serious proposals about how to deal with the ongoing terrorist threat. They accuse President Bush and Republicans of being satisfied with the status quo. Nothing could be further from the truth.

The Republican-led Congress has actively fought to secure America's homeland by funding critical ongoing needs of our troops and by increasing funds for border security, while Democrats have blocked commonsense efforts such as stopping the catch-and-release program for illegal immigrants which encourages more and more illegal immigration in this country.

The Democrats have blocked, or tried to block, the renewing of the PATRIOT Act, but we have been able to pass it despite the Democratic leader's claims to have killed it.

The Republican Congress is defending the use of military intelligence and law enforcement resources that have led to the capture of many of al-Qaida's top leaders and have helped to degrade al-Qaida's capabilities around the world. But these very techniques were criticized by my distinguished Democratic colleague this morning on the floor. We have to use the technology available to us to track communications, to stop financing of terrorism around the world, and if we don't we put our country at risk.

The Republicans have supported strong nominees for critical national security and foreign policy positions, such as U.N. Ambassador John Bolton, despite Democratic obstruction.

Again, despite continued Democratic obstruction, Republicans will continue to push a comprehensive agenda to secure America's homeland that will strengthen our borders with additional border agents, enforce immigration laws with worker verification, secure our ports with worker background checks, and support surveillance to find and stop terrorists before they strike.

What is the Democratic plan? The latest Democratic plan to secure our country is to complain about Donald Rumsfeld, to send a letter to the President telling him to do things in Iraq that have already been implemented and, as we heard this morning, to complain about the listening or tracking of phone calls from known terrorists.

I can't put it any better than my good friend, the Senator from Kentucky, Mr. MITCH MCCONNELL, who recently said while talking about Democrats' cut-and-run strategy:

> The Democratic leadership finally agrees on something—unfortunately, it's retreat.

Whether they call it redeployment or phased withdrawal, the effect is the same: they would leave Americans more vulnerable and Iraqis at the mercy of al-Qaida, a terrorist group whose aim toward Iraqis and Americans is clear.

If Democrats spent half as much time fighting terrorists as they do this administration, America would win this war a lot faster.

Democrats claim to be the only ones who care about what Americans think, but Americans can see through their posturing. Compassionate rhetoric without a real plan for action is nothing more than an empty promise.

Republicans are committed to securing our homeland and have backed up that talk with action. Like my colleague, Senator ISAKSON, I invite my Democratic colleagues to join us in honoring the sacrifice of those who have already given their lives for freedom by providing real hope and security for all Americans instead of just partisan rhetoric.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

A bill H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Reid amendment No. 4936, to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror.

Schumer amendment No. 4930, to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. shall be equally divided in the usual form.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order that I may send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4967

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of Senator STABENOW and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. STABENOW, for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON, proposes an amendment numbered 4967.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize grants for interoperable communications)

At the appropriate place, insert the following:

SEC. . EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

(1) statewide or regional communications planning;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term "eligible region" means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms "emergency response providers" and "local government" have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

The PRESIDING OFFICER. Who yields time? The Senator from Nebraska is recognized.

AMENDMENT NO. 4945

(Purpose: To provide emergency agricultural disaster assistance, and for other purposes)

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to call up my amendment No. 4945.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The amendment is called up, and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN, proposes an amendment numbered 4945.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, September 12, 2006, under "Text of Amendments.")

Mr. NELSON of Nebraska. Mr. President, first I would like to point out the cosponsors. Senators TALENT, LEAHY, OBAMA, DURBIN, DAYTON, SCHUMER, and CLINTON have all asked to be original cosponsors of my amendment.

I rise today to offer an amendment to H.R. 4954 that will provide much needed emergency relief to farmers, ranchers, and small businesses in rural America that today and for some time have been suffering the devastating impacts of natural disasters, such as the long-running drought in my home State of Nebraska.

A few years ago, I named the drought "David" to make the point that a drought is a natural disaster just like hurricanes—although it seems to be in slow motion—or floods or tornadoes and should be treated by Congress in much the same way because they are disastrous. Congress provides emergency relief to those who have suffered through devastating hurricanes, and there is no excuse for not helping farmers, ranchers, and businesses suffering from this natural disaster.

Unfortunately, in parts of Nebraska, Drought David is celebrating its seventh birthday, and yet Congress has failed to provide relief. I believe this relief must be addressed before Congress heads home for the elections, and I believe it should be addressed this week. That is why I am offering my amendment.

Ordinarily, I wouldn't offer an amendment to the port security bill because I certainly want to support that. But because of the lack of other opportunities and the increasing need for relief, I am faced, along with my cosponsors and others who will join me, with the recognition that there aren't many opportunities. And waiting until after the election just doesn't seem appropriate. I thank Senator CONRAD for his tireless efforts to get disaster assistance legislation passed through the Senate and for his work to draft and introduce the Emergency Farm Relief Act of 2006 that is the basis for this amendment.

Every time I check the U.S. Drought Monitor—and we can take a look at Drought David on this chart—showing where and how severely this drought is affecting the rural parts of America, I see the entire Central United States, as my colleagues can note from this demonstration, is suffering from drought conditions that are categorized as severe, extreme, or exceptional, including the western two-thirds of Nebraska, which is currently suffering from severe to extreme drought, Nebraska being located right here.

In the Dakotas the same thing is true, and dropping down to Texas and moving east, we find that the entire central part of our country is under these extreme to severe drought conditions.

So there is a great need for this relief. Recently, in my State of Nebraska, Professor Brad Lubben at the University of Nebraska released a report on the drought's impact on Nebraska's farmers and ranchers. He concluded that as of August 2006, this year, the drought has cost Nebraska agriculture a total of nearly $342 million—not much money by some measurements in Washington, DC, but extraordinary in the State of Nebraska. He found that the drought has thus far caused $98 million in crop losses, mostly wheat; $1 million in additional irrigation costs; and about $193 million in livestock production losses which have been incurred as well due to pasture and range conditions that are substantially below average. Grazing losses in western Nebraska are estimated to be from 50 percent to 70 percent. Pretty simple: no grass, no grazing, cattle losses.

The 2006 production year is not yet complete, so we don't know the final impact this will have on corn, soybeans, and sorghum, but I have seen many fields that are devastated by this drought and many farmers who have been given the go-ahead to cut their crop for silage rather than corn production.

Congress and the rest of Washington must understand this problem is critical and recognize the need to address the devastating impact our farmers and ranchers have suffered.

This comprehensive package provides emergency funding to farmers and ranchers who have suffered weather-related crop production shortfalls, quality losses, and damage to livestock and feed supplies. The bill also helps farmers overcome losses as a result of energy prices that spiked during last year's hurricanes—certainly an incident our Presiding Officer knows very well.

The bill would also expand funding for the Emergency Conservation Program, some of which could be made available for rehabilitating grass and ranch lands in places such as western Nebraska and, I would imagine, in the Dakotas as well that were damaged from recent wildfires.

I recently toured some of the drought-stricken regions of western Nebraska, including Lake McConaughy which for so long has been called Big Mac but which now is, unfortunately, less affectionately referred to as Little Mac, and the communities that had been devastated by the wildfires last month. When I visited firefighting officials, emergency response coordinators, and community leaders, I asked them how we could help. This amendment will provide some meaningful and immediate assistance to Nebraskans who lost so much in these fires.

Recognizing the devastating impact the disasters have had on Main Streets all over rural America, the amendment also provides assistance for thousands of small businesses simply fighting to keep their doors open. When farmers and ranchers have inadequate income, obviously it impacts the Main Street of that community. Lower purchasing power, lower sales, and fighting to keep doors open is an obvious result. Drought affects related businesses such as feed lots, grain dealers, implement dealers, and even local store fronts that service rural communities. Drought doesn't just destroy farms, it economically damages our rural communities and businesses.

Now, I know we are discussing port security, as I said before. So, ordinarily, I wouldn't offer this amendment as a part of that bill, but I am offering it at this time because it is needed, and Congress needs to accomplish this before it leaves at the end of the month.

My question is a very simple one: If not now, when? If not now, when?

Our farmers and ranchers cannot wait. The devastating impact of Drought David threatens to drive many of our farmers and ranchers in rural communities and businesses out of operation, and without them we cannot expect to secure our food supply and we cannot expect to continue to grow our domestic alternative fuel supplies, which is such a critical part of our own fuel security in America today. When agriculture suffers, the opportunities for alternative fuels such as biofuels will suffer as well. That is why we need to do this.

If we fail to act and by our inaction we allow farmers and ranchers and rural businesses to dry up under the impact of this drought, then we have failed to ensure both our food and fuel security.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, first I thank very much the Senator from Washington for her courtesy, and the Senator from Maine as well. I will be very brief.

I also recognize my colleague from Nebraska for his leadership and thank him publicly and personally for offering this amendment right now. Normally, I would never join in offering this amendment on port security, but this involves the food security of the country, and this has now become a critical matter in our part of the Nation. We just had a drought rally yesterday with farmers from all across America, joined by 14 Senators, on a fully bipartisan basis, and joined by my State's governor and joined by Members of the House of Representatives from the heartland of the country as well.

The message was clear and consistent: It is imperative that Congress act now. If there is a failure to act, literally thousands of farm families will be forced off the land. That is how acute this crisis has become. By scientific measure, they now tell us this is the third worst drought in the Nation's history.

The extraordinary irony is that last year in my State we had massive flooding—flooding that prevented 1 million acres from even being planted. I note the occupant of the Chair represents the State of Louisiana which suffered so dramatically from Hurricane Katrina. Those of us outside that area agreed to help and support disaster assistance because it was clearly needed, and we were pleased to step forward and offer our assistance. I might say to the occupant of the Chair and to others who are listening: Now we have suffered as a result of a disaster. It is different. It is not as dramatic, but for those affected, it is every bit as dire. I say to my colleagues, this is one of the worst situations I have seen in my lifetime in the State of North Dakota.

Last year, here is what the headlines said all across the State: "Heavy Rain Leads To Crop Diseases." "Area Farmers Battle Flooding And Disease." "Beet Crop Could Be Smallest In Ten years." "Crops, Hay Lost To Flooding." "Rain Halts Harvest."

It was a devastating year. As a result, last year I offered disaster legislation that formed the basis of this amendment. I updated that legislation on Wednesday of last week. We now have 20 cosponsors in the Senate on a fully bipartisan basis saying this legislation is needed, it is needed urgently, and it is needed now.

This is a picture from last year of a farmstead in North Dakota completely surrounded by water. I know these are remembrances to the occupant of the

Chair of what happened in his own State of Louisiana. Again, we would be quick to acknowledge the disaster in the Gulf States is more dramatic, more far-reaching, but this is national legislation. This wouldn't just help those of us hurt by flooding last year and drought this year; this would help all those wherever they are situated who have suffered from a natural disaster.

This year, as the Senator from Nebraska just demonstrated, this is what the Drought Monitor shows: Right down the center of the country, a very persistent and extreme drought. In fact, they have a schedule that goes from abnormally dry to moderate drought to severe drought to extreme drought to exceptional drought, exceptional drought being obviously the most extreme. And you can see the core of the exceptional drought is right in the heartland of America. But we are not alone because we can see areas of exceptional drought right down the center of the country, all the way over to the State of Arizona. Not only did we have extraordinary drought, we had the most incredible summer of extreme temperatures that I have ever seen in my lifetime, culminating on July 30 in my hometown when it reached 112 degrees—112 degrees. I went to a corn farm south of Bismarck, ND, that was irrigated—irrigated corn. We stripped the corn of its husk and the ears weren't filling, even though they were putting tens of thousands of gallons of water on that field a day. Why not?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. CONRAD. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this is a farm field in North Dakota. This is supposed to be a cornfield. You can see there is nothing there; it is devastated. This is widespread in my State.

This picture is from Grant County, an alfalfa field, and you can see it is in a Moon state. There is nothing there.

Let me just conclude by saying to my colleagues, this is an urgent matter. This is a response to a disaster. If we fail to act, the bankers of my State have told me we will lose 5 to 10 percent of the farmers and ranchers in my State. South Dakota is worse, and this disaster goes right down the center of our country. The time to act is now.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 4936

Ms. COLLINS. Mr. President, earlier today in morning business, the Democratic leader spoke in favor of the amendment that he has brought to the Senate floor which we will vote on shortly this afternoon. I rise in opposition to Senator REID's amendment.

Mr. President, this is Senator REID's amendment, and this is the port security bill. I can barely hold up the 507 pages of the Democratic leader's amendment. It is an interesting hodgepodge of provisions that are irrelevant to the underlying bill—to port security. It includes provisions that have already been rejected by the Senate. It includes provisions that have already been enacted by the Congress and signed into law. It includes provisions that have just recently been passed by the Senate and added to the port security bill.

What it does not include are provisions that have to do with port security. This proposal, 507 pages, includes 37 pages of findings, 16 senses of Congress, and no fewer than 95 reports, certifications, and determinations.

Let me tell my colleagues a bit about what is actually in Senator REID's amendment. Let's go first to the category of provisions which have already been rejected by the Senate. Let me give two examples. The legislation includes, word for word, the exact same language regarding the involvement of the United States in Iraq that was soundly rejected by the Senate by a vote of 39 to 60 in June of this year. This is the language that calls for a phased redeployment of U.S. forces in Iraq. It has nothing to do with port security, and it is legislation that this body has already thoroughly considered and voted against.

Let me give a second example of provisions of the Reid amendment on which the Senate has already spoken. The Reid amendment contains a first responder funding formula amendment that is almost identical to the one the Senate rejected earlier this year by a vote of 32 to 65. Indeed, the sponsor of this amendment voted against the formula change he has included in this bill, as did a total of 25 Democratic Senators, the majority of the Democratic caucus. It is not surprising that they did, for if the Reid amendment were to pass, 34 States would lose money for homeland security activities. It is also ironic that the funding formula included in Senator REID's amendment is an implicit endorsement of the funding allocation decisions that were so widely and correctly criticized earlier this summer.

This bill would give the Department of Homeland Security additional discretion in allocating homeland security funds. We know what happened when we gave the Department additional discretion. The outcome was not a good one.

I mentioned that the amendment also includes provisions that have already been signed into law. Let me give an example. Mr. President, 105 pages of this 507-page amendment have to do with implementing the 9/11 Commission's recommendations on foreign policy and public diplomacy. The proposals outlined in that section of Senator REID's amendment were signed into law as part of the Intelligence Reform Act of 2004. They are almost exactly the same as title VII of the Intelligence Reform Act of 2004. Why do we need to repeat this? It is already law. How does enacting it a second time somehow improve our national security? It makes no sense.

Let's move to the third category; that is, provisions in this amendment which have already passed the Senate. There are many good examples of that, but let me just cite two. They have to do with the rail security and mass transit security amendments which we have already adopted.

Senator MCCAIN's rail security amendment was adopted very early in the debate on this bill. The proposal offered by Senators SHELBY and SARBANES last night is identical to the mass transit security provisions in the Reid amendment. Since those two amendments have already been included in the bill, why would we want to do it all over again?

I think what most disturbs me about Senator REID's proposal is that it is clearly a partisan amendment that has been offered to a bill, the port security bill, that has been bipartisan every step of the way, from conception to introduction to committee consideration to the floor deliberations. Port security is so important. I know the Presiding Officer understands that well, coming from Louisiana. We have gone to great lengths to make sure that the port security bill was bipartisan.

PATTY MURRAY has been the leader on this bill on the Democratic side. Senator LIEBERMAN worked hard on it in the Homeland Security Committee. NORM COLEMAN, Senator COLEMAN, on our side of the aisle, worked with Senator LEVIN to investigate port security programs.

Even in the House, this has been a completely bipartisan—indeed, a nonpartisan—effort, with the legislation being authored by Representatives DAN LUNGREN and JANE HARMAN.

At every step of the consideration, this has been a bipartisan bill. When it went through the Homeland Security Committee, it was bipartisan. In the negotiations with the Commerce Committee and the Finance Committee, it was bipartisan. It is very unfortunate that we are now having a blatantly partisan amendment offered to a bill that I had hoped would be the exception to the rule, a bill we could enact in a bipartisan manner, because it is so important that we act without delay.

As I indicated, from the very beginning of the discussions on this bill, from the hearings, through the committee markups, through visits to ports around the country, it has always been bipartisan. Let's not weigh this bill down with partisan amendments. Instead, let's get the job done and send this bill, a bipartisan bill, to the President for his signature without delay.

I reserve the remainder of the time on this side.

Mr. DEMINT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from South Carolina?

Ms. COLLINS. Mr. President, I will be happy to yield time to the Senator from South Carolina, depending on how much time he needs.

Mr. DEMINT. About 5 minutes.

Ms. COLLINS. That will be fine. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 4970

Mr. DEMINT. Mr. President, I call up amendment No. 4970.

The PRESIDING OFFICER. Is there objection to the calling up of the amendment?

Mr. SALAZAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask my colleagues for unanimous consent that following the remarks by Senator DEMINT, I be recognized for 6 minutes on the time remaining on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Reserving the right to object, I would like to see a copy of the amendment. We may not object, but I would like to see a copy of the amendment.

Mr. DEMINT. Mr. President, I will speak on the amendment and we will call it up once the copies are available to the minority, if that is OK?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for 5 minutes.

Mr. DEMINT. Mr. President, I rise today, obviously, in support of amendment No. 4970 which we will distribute in a moment. The Maritime Transportation Security Act of 2002 required the Transportation Security Agency, which we call TSA, to develop a biometric security card for port workers to limit access to sensitive areas within a seaport. To satisfy this law, TSA is developing a transportation worker identification credential which we call a TWIC card. The law requires that the Secretary of Homeland Security issue a card to an individual requesting one unless determination can be made that they pose a terrorism threat. However, it should trouble Americans that the law specifically allows those who have been convicted of a felony more than 7 years prior to their application or have been released from incarceration 5 years prior to their application to be eligible for a TWIC card. This standard is too lax and must be strengthened. DHS officials need clear rules that prevent those convicted of serious felonies from obtaining access to our secure port areas. My amendment does just that. It takes the standards the TSA uses for airport workers with access to secure areas and applies them to maritime port workers.

Let me make that clear. The exact same standards that are used in our airports for workers are in this amendment to apply to transportation workers at our port. Just like the TSA airport safety regulations, my amendment automatically bars those convicted of serious felonies, which are listed in this amendment, including crimes of violence, fraud, bribery, and terrorism, from being allowed to obtain one of these transportation cards.

TSA's airport rules have successfully kept felons out of the airport workforce, and it is time we do the same for our seaport workforce. Because of the gravity of the threat facing our ports, we cannot afford to roll the dice by hiring convicted felons. The stakes are too high.

When setting policies that will keep our transportation system secure, we are continually told by experts that we must identify and reduce risk in every situation possible. This amendment will prevent high-risk individuals from having access to our most sensitive port areas.

Keep in mind, felonies are serious crimes that are punishable by incarceration or death. This amendment is not aimed at so-called youthful offenses or individuals who have received several traffic tickets. My amendment also does not take away the current ability of the Secretary of DHS to grant a waiver for exceptional cases. Felons, through their previous criminal activity, are more likely to be persuaded to look the other way when a suspect shipment comes through the port. This suspect system could contain a variety of dangerous items—dirty bomb, weapon, contraband to sell that would help finance terrorist operations, just to name a few. Someone who will commit extortion, fraud, or traffic in drugs should not be trusted to protect the security of our maritime cargo. While felons do need a second chance, it should not come at the expense of an extremely vulnerable part of the U.S. port infrastructure.

I know some people may object to my amendment by saying that longshoremen might be criminals but they are not terrorists. I do not believe longshoremen are criminals, by the way, but that is why we need to allow DHS to focus on crimes that specifically relate to terrorism. While it may be true that many of the criminals working in our ports do not wake up with the intent to promote terrorist activity, this does not mean they do not pose a terrorist security risk. What I and many others fear is that convicted felons could pose a security terrorist risk by working with those criminals associated with trying to sneak drugs or stolen goods into this country. It might actually turn out to be 50 grams of plutonium instead of 50 grams of cocaine that could be used as a dirty bomb that would poison—kill thousands of people, or maybe it is not part of a dirty bomb or chemical weapon. Maybe it is just ordinary contraband which could be used to help fund terrorist activity in the United States.

Some others think it is too expensive to automatically exclude individuals who have committed one of these serious felonies from working in our ports.

To those objecting colleagues I would say: please detail to us which one of the airports in their State these offenders should be working at, because the list of felonies we use was lifted right from the same list the TSA uses for airports.

Another argument I have heard is that we are not going to have enough people to work in our ports.

This is an exaggeration. The fact is, the TWIC card will be rolled out and workers who need to have access to the secure area will apply for the TWIC card. As a practical matter, felons know who they are, and they know that they will not be issued a TWIC card. The likely effect is that they will never apply for a card in the first place. The local union will immediately notice that a number of its workers are not applying for TWIC cards. They will then have the opportunity to reach out to their communities and find new union members to fill the spots.

Logistically, this is not a huge challenge. The port of Charleston has 2,000 longshoremen working there. If severe criminality, as outlined under the amendment is rampant within the workforce and is at the high level of 10 percent—which is nearly double the national average for incarceration at one point in their lifetime of 6.6 percent—that would only mean that they would need to replace 200 workers in the whole port of Charleston.

The bottom line is this applies the same protection to seaports that applies to airports. The current TWIC regulatory regime writes their security regulations to fit their workforce. It should be the other way around. The workforce regulations should be written to meet their security needs.

Mr. President, I ask we call up the amendment and have it read.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment and calling up this amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment 4970:

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

"(A) has been convicted (or has been found not guilty by reason of insanity) of—

"(i) destruction of a vessel or maritime facility under section 2291 of title 18;

"(ii) violence against maritime navigation under section 2280 of title 18;

"(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

"(iv) interference with maritime commerce under section 2282A of title 18;

"(v) improper transportation of a hazardous material under section 46312 of title 49;

"(vi) piracy or privateering under chapter 81 of title 18;

"(vii) firing or tampering with vessels under section 2275 of title 18;

"(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

"(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

"(x) imparting or conveying false information under section 2292 of title 18;

"(xi) entry by false pretense to any seaport under section 1036 of title 18;

"(xii) murder;

"(xiii) assault with intent to murder;

"(xiv) espionage;

"(xv) sedition;

"(xvi) kidnapping or hostage taking;

"(xvii) treason;

"(xviii) rape or aggravated sexual abuse;

"(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

"(xx) extortion;

"(xxi) armed or felony unarmed robbery;

"(xxii) distribution of, or intent to distribute, a controlled substance;

"(xxiii) felony arson;

"(xxiv) a felony involving a threat;

"(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

"(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

"(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(C) otherwise poses a terrorism security risk to the United States.".

Mr. DEMINT. Mr. President, I allowed the amendment to be read because our critics have already suggested that this amendment would include minor offenses. I will challenge critics of this bill to point out which of these felonies they would like transportation workers in our ports to be able to commit. It makes absolutely no sense for us to spend literally hundreds of millions of dollars as a nation to protect the security of our airports and our ports if we allow the workers who are using this scanning equipment for these inspections to be of a criminal nature.

I thank the manager for allowing me to offer this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Forty-six minutes.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 4945

Mr. SALAZAR. Mr. President, I rise today to speak in support of the emergency agricultural disaster assistance package. At the outset, I commend my colleague, Senator KENT CONRAD, for having taken the leadership role in making sure we are taking care of the needs of family farmers and ranchers across America. I also congratulate Senator NELSON for his leadership on this issue this morning.

Last night, as America went to sleep, much of America—the farmers and ranchers who bring us the food security in this country—continued to work way into the night. I can assure you that across this country, where those combines are running until 11 or 12 or 1 o'clock in the morning, those farmers are working. Today probably starting at about 3 or 4 in the morning, there were many farmers who were out there trying to bale their hay with the leftover dew from the nighttime, making sure they were baling what was left in a way that would bring them the maximum production. While the rest of America slept, America's farmers and ranchers were working very hard to make sure that the food security of this country was, in fact, maintained. As those farmers and ranchers went home to get a few hours of sleep, what was probably on their minds was whether their family farm or ranch was going to be there the following year and whether they were going to be able to pay off their operating lines of credit for the mortgage payments at the local bank.

The fact is, rural America is in trouble. Farmers and ranchers are very much in trouble because of two factors which have been totally out of their control for the last couple of years. One of them is drought and the other is the high cost of fuel. Those two factors combined create a disaster emergency that is unfolding across America today.

On this picture to my left, you will see a cornfield in Kit Carson, CO, which turned completely brown because of the severe drought in my State. This drought we see going on in Colorado has had this kind of effect not only this year but for the last 7 years. Colorado is now in its seventh year of a very severe drought that will have a very major impact on the opportunities and the economies related to these farmers and to the farm community.

Second is the high cost of fuel which has affected most Americans. The fact is that most Americans are upset by the very high cost of fuel we are paying. Farmers and ranchers consume a tremendous amount of gas and diesel as they operate these machines all across the farms in America. Today, farmers are paying twice as much as they were 2 years ago for the cost of fuel. Yet, during that same timeframe, the cost of the produce we have from these farms and ranches does not increase very much.

We are facing a disaster emergency which is very much going to affect all of rural America.

I hope all of my colleagues in the Senate will join us in passage of the emergency agricultural disaster assistance package. I am also hopeful that we can sound a loud drumbeat that will be heard all the way to the White House, all the way to President Bush because he needs to send a signal that he is going to stand up for rural America and that he is going to support us as we try to bring emergency assistance to the farmers and ranchers of America.

The last time we passed a similar bill in the Senate, it was killed in the House, frankly, because it did not have the support of the White House. Rural voters who gave support to President Bush ought to be knocking on the door of the White House and making sure the President understands that rural America is important and that this disaster emergency package is very important as well.

AMENDMENT NO. 4936

Mr. President, I wish to spend the remainder of my time speaking on behalf of and in support of the Real Security Act which was offered by Senator REID. The fact is, this legislation is a very important piece of legislation as we look forward to creating the safest America we possibly can.

The fact is that 5 years after 9/11, we are not yet safe in America. We know our ports are not secure. We know law enforcement does not have the training they should have. I would imagine most Americans frankly today are feeling that we are not living in a secure world as we were 8 or 9 or 10 years ago and that our world has continued to become increasingly dangerous.

The components of the legislation that was set forth by Senator REID are simple steps to move us in the right direction in creating greater security for the people of America here in our homeland. Very simply, the legislation first and foremost implements the recommendations of the 9/11 Commission. The 9/11 Commission has been heralded as perhaps the most successful commission in the last 50 years in America. It handled a very important question of how can we make America safe. It came up with a series of recommendations. Many of those recommendations today, some 4 years later, have not yet been implemented.

The first point that has been made with the Real Security Act is we will implement the recommendations of the 9/11 Commission.

Second, the amendment also equips our intelligence community to fight against terrorists. For the first time in 18 years, this Republican-controlled Congress has failed to pass the Intelligence authorization bill that would give the CIA the resources to conduct aggressive and effective intelligence gathering. Senator ROCKEFELLER has eloquently spoken to this issue. It is an abysmal neglect of duty on the part of the United States of America and its Government if we don't reauthorize the intelligence act as has been done in the past 28 years.

Third, the amendment as proposed by Senator REID will make sure we are investing additional money to secure our ports, our rails, our roads, our airports, our chemical and nuclear plants, and mass transit systems. We only need to look at what has happened in the United Kingdom and in Spain and other places to know that our rails, our mass transit systems, and our ports are, in fact, not at all secure today.

Fourth, we would refocus America on the war on terror by making sure we continue to pursue Osama bin Laden and bring him to justice.

Fifth, the amendment would provide better updated tools so we can bring these terrorists to justice. Five years after 9/11, there are still hundreds of terrorists who need to be prosecuted and brought to justice. We can't afford to wait any longer.

Finally, the amendment would, in fact, bring about a new understanding of how we ought to move forward with the war in Iraq.

I believe strongly that the Real Security Act which has been proposed by Senator REID should be supported by our colleagues.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 8 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator for yielding time to me.

Mr. BIDEN. Mr. President, last Thursday I introduced a bipartisan resolution urging the President to take immediate action to avert a looming tragedy in Darfur, Sudan. I urge the Senate to pass it today. The Government of Sudan has launched an all but military offensive in Darfur that could result in hundreds of thousands of deaths. The United States must lead the international community to save those lives. It is urgent that we act.

Over the past 2 years the situation in Sudan has remained dire. As many as 400,000 people have died. Two million people have been displaced from their homes, over 200,000 are refugees in Chad, and 3 million rely on international aid. Those numbers haven't diminished over time, they have gotten worse. And now, they may be on the brink of becoming even more catastrophic.

In May of this year, the Government of Sudan and rebels in Darfur—specifically the Minni Minawi faction of the Sudan Liberation Army—signed a peace agreement. Tragically, instead of improving the security situation, the Darfur Peace Agreement has made things worse.

The agreement never had the support of the entire SLA, or the other major rebel movement in Darfur, the Justice and Equality Movement. Nor did it have the support of people living in displaced persons camps in Darfur. In the days and weeks after news of the agreement spread, violence in camps increased either because people misunderstood what was in the agreement, or they felt the agreement was flawed. And violence on the ground became worse, as the rebel factions split and fighting erupted between those who had signed the Darfur Peace Agreement and those who had not.

Tens of thousands of people have been displaced in fighting since May—50,000 in the last 2 months alone. Many of them have taken refuge in camps for the internally displaced. Attacks on humanitarian aid convoys have increased by a factor of more than 10 compared to this time last year. Twelve humanitarian workers have been killed in the past 4 months—more than during the entire previous year. Two hundred internally displaced women have been raped and another 200 violently assaulted over the course of the past 5 weeks.

The United Nations, after months of delay, finally extended the mandate of the U.N. Mission in Sudan—UNMIS—to Darfur at the end of August. And, through U.N. Security Council Resolution 1706, it authorized the deployment of over 17,000 peacekeepers and 3,000 civilian police to Darfur.

However, the Government of Sudan has categorically rejected the deployment of the U.N. force. In fact, the Sudanese Government has launched a military offensive in the region. Khartoum has sent over 10,000 troops to Darfur and has resumed aerial bombardments. Seven villages—villages, not military targets—were bombed just this weekend. African Union officials have stated that they will not extend the mission in Sudan past the end of this month. I understand that the African Union Peace and Security Council will meet in New York on September 18, just before the U.N. General Assembly meeting takes place. But it is unclear if the AU will reverse its decision to terminate its mission in Sudan. If it does terminate it, "Katey, bar the door," all the carnage going on now will be increased multifold.

Even if the impediments I just mentioned did not exist, it would be months—we are talking January—before a U.N. mission could fully deploy, so we need the AU to stay in place a while longer.

In the mean time, Khartoum is doing its level best to be sure that no U.N. force comes to Darfur. The Government of Sudan's tactic seems to be to scorch enough earth—and people—such that there will be no need for the peacekeeping force because there will be no one left to protect and no peace to keep.

At this point in time, right here today, we are at a pivotal moment. Hundreds of thousands of Sudanese are in camps, vulnerable to aerial and ground attacks from government forces. We cannot stand by and do nothing.

This resolution is very straightforward. It calls on the President to undertake three key actions, some of which the Senate has asked him to do before:

First, it once again calls on him to pursue the imposition of a no-fly zone through the U.N. NATO or NATO allies. The Senate asked the President to propose that NATO consider how to implement and enforce such a no-fly zone in March of this year. If anything the need to enforce a no-fly zone has increased.

Second, it asks that the President secure the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council. The international community must speak out on the atrocities which continue to unfold in Sudan—and it must act.

Third, it asks the President to appoint a Special Envoy to Sudan to head the office that Senator DEWINE and I established at the State Department through the supplemental appropriations bill signed into law in June. The administration has avoided naming a Special Envoy to Sudan for years, and our diplomatic efforts have suffered as a result.

I am under no illusion that these actions alone will stop the Sudanese Government's murderous actions in Darfur. The international community must put a credible international force on the ground as soon as possible. NATO should be prepared to help the AMIS hand-off to the United Nations.

The U.S. should impose targeted financial, travel, and diplomatic sanctions against the Sudanese leadership, rebel forces, and others determined to be responsible for the atrocities and pursue the immediate imposition of similar sanctions by the U.N. Security Council and the European Union as called for by U.N. Security Council Resolutions 1556 and 1564. It is long past time for the Security Council to take such action. If the Council cannot act because of threats of a Russian or Chinese veto, then the United States and Europe should do so together.

I visited the camps across the border in Chad. It is an absolute tragedy. There are tens of thousands of people in that one camp alone, with no real protection. When the appropriate time comes I will introduce this resolution. I hope it meets the approval of my colleagues. I hope the President will listen.

I thank the managers of the bill for yielding me this time.

I yield the floor.

Ms. COLLINS. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Ohio is recognized.

AMENDMENT NO. 4962

(Purpose: To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area)

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4962.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio, [Mr. VOINOVICH] proposes an amendment numbered 4962.

Mr. VOINOVICH. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, September 12, 2006, under "Text of Amendments.")

Mr. VOINOVICH. Mr. President, I rise today to offer the Disaster Area Health and Environmental Monitoring Act, an amendment to the port security bill.

This legislation is vital because it provides for the monitoring of the health and safety of individuals exposed to harmful substances as a result of a presidentially declared disaster. The Senate passed this bill by unanimous consent in the 108th Congress, but jurisdictional disagreements between committees in the House caused it not to be passed in the House.

This issue first came to my attention during a series of Environment and Public Works Committee hearings in 2002 when we learned of the severe health problems facing thousands of workers and volunteers who heroically responded to the September 11, 2001, attacks on the World Trade Center. Perhaps some of my colleagues saw the "60 Minutes" segment this last Sunday that examined the problem in depth.

I will never forget Joe Allbaugh, 3 months after September 11, before the committee. I asked him: What have you found out about what folks were exposed to, those who were first responders?

And he said: I can't get the information.

This bill would give the President the right to immediately go in and do the investigation to determine what these folks were exposed to.

One of the things that we also did was discover that these first responders did not have the opportunity to have a screening. We were able to get $14 million set aside to do screening of first responders.

In the case of Ohio—we had one of the first responding units there—we found a variety of health problems, including respiratory illness, pneumonia, asthma, and many faced the possibility of long-term health issues.

I am deeply saddened to note the recent passing of New York City Police Detective James Zadroga, a rescue worker at the World Trade Center, whose tragic death was directly caused by his exposure to toxic fumes and dust at Ground Zero.

Currently, the Federal Emergency Management Agency does not hold the authority to conduct the necessary long-term monitoring of health impacts following environmental exposures in the wake of a disaster.

In 2003, Federal funding helped establish the World Trade Center Worker and Volunteer Medical Screening Program at Mount Sinai Hospital and the University of Cincinnati. I have already referred to that. At least way afterwards we started doing the screening to let the folks know what they were subjected to. According to the findings, almost 70 percent of the World Trade Center responders had a substantially worse respiratory system following their work at the World Trade Center. Among the responders who were asymptomatic before September 11, 61 percent developed respiratory symptoms while working at the World Trade Center.

In addition to that assistance at Ground Zero, OTF responded to the needs of communities around the country faced with the aftermath of natural disasters. OTF sent responders to Florida following Hurricane Dennis in July of 2005 and to Louisiana and Mississippi following Hurricane Katrina in August of 2005.

In the aftermath of Hurricane Katrina, the need for public health monitoring became clear. The CDC and EPA have identified 13 environmental health issues confronting first responders, including drinking water, wastewater, solid waste, debris and soil contamination from toxic chemicals. It is vital this legislation is enacted to address any health care needs that arise for the thousands of first responders who are active on the gulf coast. S. 1741 authorizes the President, if he determines that substances of concern have been released in a federally declared disaster area, to activate a program in a Federal partnership with appropriate medical institutions for the protection, assessment, monitoring, and study of the health and safety of individuals.

The act also would direct Federal agencies to enter into a contract with the National Academies of Sciences to study and report on disaster area health protection and monitoring.

It is extremely important we take care of these individuals because, as I stated in past hearings, whether people volunteer to be first responders depends on how we treat the first responders at the World Trade Center, the gulf coast, and other disaster areas. If they are not going to be able to find out immediately what they have been exposed to, and the President has the authority to get in there and find out what it is, we will have more and more people reluctant to come to the help in other disasters in the country.

I therefore urge my colleagues to support this bipartisan bill which is cosponsored by 16 of our Senate colleagues. It is strongly supported by the first responder community.

I thank the Senator from Maine for this opportunity to share why it is important we get it passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4936

Mr. DORGAN. Mr. President, I rise to support the Reid amendment, the Real Security Act, offered as an amendment, and I rise to say a word about the amendment offered by Senator NELSON today which Senator CONRAD and I and many others have worked on and support, dealing with farm disaster aid.

First, let me talk about this issue, the Real Security Act. I know there are some who say this is an omnibus piece of legislation offered as an amendment; it is moving too quickly. I don't think the U.S. Congress has ever been accused of speeding. I don't think we ever ought to be worried about moving too quickly. My concern with respect to security in this country is that we move too slowly.

The issue of one, two, or three areas in which we deal with the security of this country—we do it here, there, elsewhere—over a month or two, a year or two, or 5 years, there is a lot to be done, and it needs to be done in an omnibus way, in a way that is organized.

That is what my colleague, Senator REID, has offered, the Real Security Act, which we have worked on in its various pieces for a long time.

Let me describe why we need something like this and why this is a good place to begin discussing it. The fact is, it is 5 years after September 11. We just had the commemorative anniversary of that terrorist attack against our country in which thousands of Americans were murdered. We still have a circumstance where in many areas first responders cannot speak to each other. Firefighters, police officers, and so on are not able to communicate with each other. In the event of a future terrorist attack my hope is we have compatible communications.

My colleague offers an amendment that deals with a whole range of issues, including emergency preparedness, response, communications, border security, increasing the number of special forces, safeguarding nuclear materials, and increasing the Cooperative Threat Reduction Program. He describes in this amendment a new approach with respect to rail security and mass transit security, as well as aviation security.

As an aside, I point out that we have a situation with respect to aviation security that I know is very difficult for this country, for the traveling public, and for the airlines. There is no question we understand what the terrorists did. The terrorists used some box cutters and an airplane loaded with fuel to run into buildings. Both the World Trade Center attacks and the Pentagon were low-tech attacks. My understanding was that attack on September 11 cost around $500,000, with 19 people, some box cutters and some hijacked airplanes.

We have a lot to do with respect to trying to understand where the next attack might come from and how to foil that attack. I commend all of those who have been working in these areas who have been successful in uncovering conspiracies and uncovering potential attack plans against our country and foiling those plans. They deserve our undying thanks. We need to say to them: Stay on the job. Continue to do that excellent work.

We also need to give them the tools. The Reid amendment offers those tools in a wide range of areas—the tools that will equip our first responders, the tools that will equip our intelligence community, the tools that will equip our soldiers. For example, there is a provision in the Reid amendment that talks about the funding necessary for new language capabilities in the Middle East and Asian languages in our intelligence communities. Yes, we are doing some of that, but we are not doing as much as we could.

This amendment is an omnibus amendment that, in my judgment, moves in the right direction. As I said before, I know those who say it does too much, the danger is not that we are doing too much in Congress, the danger is we will do too little. With respect to this issue of real security, this Congress, this Senate, would be well advised to accept this amendment.

I read in the paper this morning a congressional colleague on the other side of the aisle in the other body said:

> I wonder if Democrats are more interested in protecting terrorists than in protecting the American people?

That is a pathetic political statement not worthy of much response, except to say this: All Members in this Chamber care about this country. All in this Chamber are Americans who want to protect this great country of ours. There is a barrel full of politics around this; I understand that. When you read what I read in the paper this morning by someone from the other body, it is pretty pathetic.

What we ought to do, it seems to me, is not worry about trying to move too fast. Let's worry we are not moving fast enough. Let's embrace this Reid amendment and have a debate on it and add this to the port security bill and we will have done this country a significant amount of good work in protecting America's future.

AMENDMENT NO. 4945

I take a couple of minutes to say I strongly support the agricultural disaster piece offered as an amendment by Senator NELSON. I have twice offered an agricultural disaster piece that has gone through the full Senate. We have gone to conference two times. In both circumstances, once last December and once this spring, we lost it because the President threatened to veto it and the House conferees would not accept it as a result of that Presidential veto threat.

I will just show three charts very briefly. This is a soybean field that is supposed to be about a foot high at this point. There is almost nothing growing. This is a man from my State. He is walking in a creek bed. The creek is dry. We have suffered a devastating drought. When farmers lose everything, when they have no crop, when their pasture is gone and it looks like a moonscape, when they have to send their cows to market because there is nothing for a cow to eat, that is a disaster.

This country goes all over the world: You have trouble, let us help; we want to help you. Good for us. That is a good value system. How about doing that at home? When farmers and ranchers lose everything, how about us saying: We want to help you. We want to extend a helping hand.

We have not done that yet because the President has threatened a veto. I hope the President will work with us rather than against us and decide it worthy to help Americans who are in trouble.

So my colleague, Senator NELSON, has offered an amendment on this bill. My colleague, Senator CONRAD, and I, and many others have worked in a bipartisan way. This is not a partisan issue in the Senate. We passed it twice on a bipartisan basis. I hope we will add this amendment to this underlying bill as well. I hope in between now and when it gets to the White House the President will understand the urgency of this situation.

Times change. Things change. The fact is, these folks need help. We have a responsibility to do it.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

AMENDMENT NO. 4975

> (Purpose: To establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 4975.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BIDEN. Mr. President, since I only have 2 minutes—and I am not going to ask for a vote on it now—my amendment talks about the dirty little word no one wants to talk about: How are we going to pay for all this? The fact is, we are arguing over peanuts. The fact is, we should set up a trust fund as we did with the violent crime trust fund. We should fund everything everyone knows we need to fund here, all those elements the 9/11 Commission called for, plus reinstating local law enforcement.

The whole cost of that would be less than 1 year—1 year—of the tax cut for people making over $1 million. My amendment sets up a trust fund, has $53 billion put into that trust fund, displaced over 5 years—$10 billion a year—to pay for all we are doing here.

Rich folks are just as patriotic as poor folks. It instructs the Finance Committees to go out and find the means by which they would deal with that, take it 1 year or take a piece of it over 5 years.

The bottom line is, this is crazy. We are talking about all that we do not have. We are passing amendments like the Biden-McCain amendment or the McCain-Biden amendment on rail. We know it is never going to be funded. We know the cost is about $50 billion to fund what we all need. Yet, at the same time, we are spending three times as much on a tax cut as we are spending on how we are going to do it.

This is only for people making over $1 million. Again, I floated this with millionaires. I have been with groups who are millionaires. I have asked them: Would you object to giving up 1 year of your tax cut?

The response is: No, if you guarantee me it is going to go to provide for security.

This amendment would guarantee that, set up a trust fund. For those who are skeptical about trust funds, let me remind you, we did it with the violent crime trust fund. It worked, and it reduced crime. We should step to the plate and say how we are going to pay for it.

Everyone in this body knows that we are not yet safe enough. Independent experts, law enforcement personnel, and first responders have warned us that we have not done enough to prevent an attack and we are ill-equipped to respond to one.

Hurricane Katrina, which happened just over a year ago, demonstrated this unfortunate truth and showed us the devastating consequences of our failure to act responsibly here in Washington.

And, last December, the 9/11 Commission issued their report card on the administration's and Congress's progress in implementing their recommendations. The result was a report card riddled with D's and F's. And, to add to this, the FBI reported earlier this summer that violent crime and murders are on the rise for the first time in a decade.

Given all of this, it is hard to argue that we are as safe as we should be. To turn this around, we have to get serious about our security.

If we establish the right priorities, we can do the job. We can fund local law enforcement, which the President has attempted to slash by over $2 billion. We can give the FBI an additional 1,000 agents to allow them to implement reforms without abandoning local crime. We can secure the soft targets in our critical infrastructure, to ensure that our chemical plants and electricity grids are protected from attacks. We can immediately re-allocate spectrum from the television networks and give it to our first responders so they can talk during an emergency.

I know what many of my colleagues here will argue. They will argue that it is simply too expensive to do everything. That is malarkey. This is all about priorities. And, quite frankly, this Congress and this administration has had the wrong priorities over the past 5 years.

For example, this year the tax cut for Americans who make over $1 million is nearly $60 billion. Let me repeat that, just 1 year of the Bush tax cut for Americans making over $1 million is nearly $60 billion.

In contrast, we dedicate roughly one-half of that—approximately $32 billion—for the entire operations of the Department of Homeland Security.

We have invested twice as much for a tax cut for millionaires—less than 1 percent of the population—than we do for the Department intended to help secure the entire Nation.

For a nation that is repeatedly warned about the grave threats we face, how can this be the right priority?

The amendment that I am offering would change this by taking less than 1 year of the tax cut for millionaires—$53.3 billion—and invest it in homeland security over the next 5 years.

By investing this over the next 5 years at just over $10 billion per year, we could implement the 9/11 Commission recommendations and do those commonsense things that we know will make us safer.

For example, under this amendment, we could hire 50,000 additional police officers and help local agencies create locally based counterterrorism units.

We could hire an additional 1,000 FBI agents to help ensure that the FBI is able to implement critical reforms without abandoning its traditional crime-fighting functions.

We could also invest in security upgrades within our critical infrastructure and nearly double the funding for State homeland security grants.

And, the list goes on.

The bill that we are debating today is a good bill, and I am sure it will pass, but does anyone really believe that the $400 million in port security grants authorized in it will really be funded? A look back at our recent appropriations bills tells us that this is not likely.

Just this July we passed the Department of Homeland Security appropriations budget. In that legislation, the Senate allocated only $210 million for port security grants—just over one-half of what we are advocating be authorized in this bill.

Another example of this problem is our shameful record on providing funding for rail security. For the last two Congresses, the Senate has passed bipartisan rail security legislation sponsored by myself and Senator MCCAIN, and others.

This legislation authorizes $1.2 billion to secure the soft targets in our rail system, such as the tunnels and stations. In fact, this legislation was added as an amendment to this bill 2 days ago. I thank my colleagues for including it, but we all understand that there is no chance of fully funding it unless we change our priorities.

Indeed, this body has voted against funding rail security when I have offered it as an amendment to the Department of Homeland Security appropriations bill the past 2 years. During that time, only $150 million per year has been allocated for rail and transit security with less than $15 million allocated for Amtrak security.

So while I thank my colleagues for recognizing the need for increased rail security by adopting the McCain-Biden amendment, it is clear that it won't mean much. Unfortunately, this is an example that is repeated over and over.

We know that the murder rate is up and that there is an officer shortage in communities throughout the Nation. Yet, we provide zero funding for the COPS hiring program and we have slashed funding for the Justice Assistance Grant.

We know that our first responders can't talk because they don't have enough interoperable equipment. Yet, we have not forced the networks to turn over critical spectrum, and we vote down funding to help local agencies purchase equipment every year.

We know that only 5 percent of cargo containers are screened, yet we do not invest in the personnel and equipment to upgrade our systems.

We know that our critical infrastructure is vulnerable. Yet, we allow industry to decide what is best and provide scant resources to harden soft targets.

The 9/11 Commission's Report Card issued last December stated bluntly that "it is time we stop talking about setting priorities and actually set some."

With this amendment, we set some priorities.

I won't go through the entire amendment on the floor, but I would like to touch on the highlights.

First, we provide the funding necessary to implement the recommendations of the 9/11 Commission.

Next, we take the commonsense steps to make our Nation safer.

We make sure that law enforcement and first responders have the personnel, equipment, training, and are sufficiently coordinated to do the job.

With this trust fund we could provide: $1.15 billion per year for COPS grants; $160 million per year to hire 1,000 FBI agents; $200 million to hire and equip 1,000 rail police; $900 million for the Justice Assistance Grants; $1 billion per year for interoperable communications; and $1 billion for Fire Act and SAFER grants.

We could invest in screening technologies: $100 million to improve airline screening checkpoints; $100 million for research and development on improving screening technologies.

We set aside funding for our critical infrastructure: $500 million per year for general infrastructure grants; $500 million per year for port security grants; $200 million per year to harden our rail infrastructure.

And, the list goes on.

Mr. President, I will conclude where I started. This is all about setting the right priorities for America. Instead of giving a tax cut to the richest Americans who don't need it we should take some of it and dedicate it towards the security of all Americans.

Our Nation's most fortunate are just as patriotic as the middle class. They are just as willing to sacrifice for the good of our Nation. The problem is that no one has asked them to sacrifice.

If we adopt this amendment, we will be asking them to sacrifice for the good of the Nation, and I am convinced that they would gladly help us out. We have done this before with the Violent Crime Trust Fund.

This amendment is about reordering our homeland security priorities, and I urge my colleagues to support it.

Mr. President, I thank my colleague, the Senator from Washington, for yielding me the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

AMENDMENT NO. 4936

Mr. STEVENS. Mr. President, I want to be as constrained as possible on this concept, but I do want to talk about this amendment of Senator REID's. It is a 500-plus-page amendment to be added to our port security bill, and most of the provisions are totally unrelated to port security. It covers Iraq policy; intelligence reform; all of the 9/11 Commission reforms; troop redeployment concepts; Iraqi contractor provisions; a section regarding detainees, such as those people at Guantanamo Bay; immigration and border security; and a whole section on transportation.

Now, I do not know if the Senate realizes, but the port security bill that our committee, the Commerce Committee, reported was originally Senator INOUYE's bill. As a matter of fact, we took it and reviewed it and made some minor modifications to it, and Senator INOUYE suggested that my name go first since I was chairman. We are cochairmen of the committee. As a matter of fact, it was the Inouye, Stevens, Collins, Lieberman, Grassley, Baucus, Coleman, Murray amendment that we were talking about when we finally got to the floor and put everything together.

We worked on trying to make this bill before the Senate a bipartisan bill, and what does my good friend—he is my good friend—the Democratic leader, do? He brings us a bill, 500 pages, totally partisan. There is no bipartisanship in that bill at all. In each instance, it is the minority's position on these very controversial subjects.

We have worked 18 months to come to the floor with bills from three committees—a bipartisan approach—and we are at the last minute supposed to vote on an amendment with 500-plus pages on a whole series of things.

I remember people used to say: It's everything but the kitchen sink. Do you know what I mean? There is so much in this bill that is totally partisan—it is awesome—when we are working to try to finish up this year and trying to reach out and be bipartisan. Above all bills, this bill we brought to the floor was bipartisan—three separate committees on a bipartisan basis. And from all three committees, the ranking members and the chairmen signed that bill.

Now, I cannot think of anything that has been done to destroy the bipartisanship we seek to have to deal with issues such as security other than this bill. Why should we be forced to have a cloture vote or raise a point of order against a bill like that? It should not have been brought to the floor.

Now, it is time we settled down and started thinking about: How can we get our work done? There are going to be elections soon, and it is a tough period for everybody. One-third of the Senate is up for election. I know that. We all know that. And we try to understand, on a bipartisan basis, we should do some things and not be offensive to people who are up for election.

I hope I am not being offensive to my friend from Nevada. But I am telling him he should not, as a leader, do this. And it is time we thought about how we can settle problems like the security at our ports. The bill we brought to the floor could have been passed with one or two amendments in a few hours. As a matter of fact, we thought that was going to happen. We really did. Because of the cooperation that was there from each committee and the work we did literally through our staffs and through the members of consolidating the work of three different committees on a bipartisan basis, we thought we had this subject covered. But the amendments that are being brought to us now have nothing to do with port security.

We thought we would emphasize port security. At the suggestion of the Senator from Arizona, Mr. MCCAIN, we put rail security in. It, too, is so interlocked with port security, it was justifiable. And, again, that portion of the bill was bipartisan. No question about it. That was part of the work of our committee on railroad and rail security.

But I say to the Senate, time is now a commodity before the election. There is very little of it left. I would hope we don't have any more of these amendments. And if we do, I think we ought to face the question of just immediately tabling them. Let's stay directed toward what our work demands of us; and that is, to take the action that is necessary to assure security in the different modes of transportation that our people must use. I hope we will have no more of these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, what is the time situation between the two parties?

The PRESIDING OFFICER. The majority has 28 minutes 41 seconds. The minority has 21 minutes 23 seconds.

Mr. STEVENS. Then, Mr. President, I ask unanimous consent that the time in the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, let me just add to the comments made by the distinguished chairman of the Commerce Committee about the amendment offered by the Democratic leader. I mentioned earlier that this amendment is 507 pages. This, in my hand, is the port security bill. Now, this, in my hand, is the Reid amendment. I can barely lift it. It requires no fewer than 95 reports, certifications, and determinations. It has 37 pages of findings. It has 16 sense-of-the-Congress resolutions. It requires 36 GAO reports and audits.

But what is not in there? There is virtually nothing in there that relates to port or maritime security. In fact, we have now done a search of the entire amendment. We found one—one—reference to port security and one reference to maritime and cargo security in the entire Reid amendment.

I think that makes the point. I think that says it all. This amendment is irrelevant to the underlying bill.

As I mentioned earlier, it includes provisions that the Senate has already decisively rejected on what our policy should be in Iraq and what the funding formula should be for the homeland security grant program. It is not as if those provisions were rejected years ago; they were rejected just a few months ago. So it makes no sense for this amendment to include formula changes and a change in our policy in Iraq that this body, by more than 60 votes in each case, decisively rejected.

In fact, when it comes to the funding formula for homeland security grants, the majority of the Democratic Caucus rejects the formula change that is included in the Reid amendment. As I mentioned, over 100 pages of the Reid amendment deal with foreign policy recommendations, public diplomacy recommendations of the 9/11 Commission that are already law. They are virtually identical to a title of the Intelligence Reform Act of 2004, which is already law. Other provisions in the Reid amendment we have passed during the debate on the port security bill—the proposals of Senator MCCAIN and Senators SHELBY and SARBANES on rail and mass transit security. We already adopted those. Those are redundant at best.

What it comes down to is, unfortunately, this is simply a partisan amendment. That is so unfortunate because the work on this port security bill has never been partisan—never. There have been leaders such as Senator MURRAY and Senator LIEBERMAN on the Democratic side. There have been leaders on the Republican side. The Permanent Subcommittee on Investigations of the Homeland Security Committee did investigations of the port security programs that were completely bipartisan, headed by Senators NORMAN COLEMAN and CARL LEVIN. The committee consideration both in the Homeland Security Committee and the Commerce Committee was completely bipartisan. This has been a bipartisan effort in the House of Representatives, as well, where the bill was sponsored by Representatives DAN LUNGREN and JANE HARMON. It has been bipartisan since the conception to where we are today.

It is so unfortunate to have a blatantly partisan amendment, 507 pages, that swamps the bill and has nothing to do with the bill offered by the Democratic leader. So I hope our colleagues will take a look at what is really in the Reid amendment. I fear we may well have a partisan vote. I hope we do not. I think if my friends and colleagues on the other side of the aisle actually look at what is in the Reid amendment, I would be surprised if they vote for it because they voted against large chunks of it in the past.

So I hope once we have disposed of the Democratic leader's amendment, we can return to the constructive, bipartisan approach that we have taken on this bill. This is an important bill. It is a bill that matters to the security of our country. It is a bill that is too important to be bogged down in partisan politics. It has never been bogged down in partisan politics. It has been bipartisan every step of the way. Let's conclude consideration of this bill in a bipartisan way, in a way that reflects well on this Senate, and send this important bill to the President for his signature.

I yield the floor, and I reserve the remainder of the time.

Mrs. MURRAY. Mr. President, I yield 9 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for her good work. I thank Senator COLLINS for her work on port security. I am proud to say that in the Commerce Committee, in a bipartisan way, we have worked over and over again to make this country safer. I was part of that under the leadership of Senator MCCAIN at the time, and first Senator HOLLINGS and now Senator STEVENS.

I want to show you a little bit of history about what has happened in the Republican Congress every time we have voted out one of these good bills because you can say what you want about partisan politics, but the fact is, almost every single time we reported one of these bills out of our committee, it simply died and went nowhere. I want to talk about that history because, of course, Senator COLLINS is right that protecting Americans is our job. It has nothing to do with being a Democrat or a Republican.

Here is what happened. In the 107th Congress, we passed the Ship, Seafarer, and Container Security Act; no action by the full Senate. In the 108th Congress, we passed the Maritime Transportation Security Act of 2004. It passed the Senate on September 21, 2004, and was not even considered in the House of Representatives. In the 109th Congress, we passed the Transportation Security Improvement Act of 2005. Commerce passed it on November 17, 2005; no action by the full Senate.

There you have it. Do you wonder why the 9/11 Commission has given this Congress and this administration failing grades? You can talk about bipartisanship. We reported these bills out of the committee on a bipartisan basis, but the leadership never bothered. So when I heard that the last days of this session were going to be about homeland defense, I said thank God for that, thank goodness for that. Whether it is an election driving it or anything else, I could not care less. Let's get it done. This Congress and this administration have received failing grades from the 9/11 Commission.

I ask unanimous consent to have this document printed in the RECORD, which is a final report on 9/11 Commission recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINAL REPORT ON 9/11 COMMISSION RECOMMENDATIONS, DECEMBER 5, 2005

PART I: HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Recommendation—Grade

EMERGENCY PREPAREDNESS AND RESPONSE

Provide adequate radio spectrum for first responders—F (C if bill passes)

The pending Fiscal Year 2006 budget reconciliation bill would compel the return of the analog TV broadcast (700 Mhz) spectrum, and reserve some for public safety purposes. Both the House and Senate bills contain a 2009 handover date—too distant given the urgency of the threat. A 2007 hand over date would make the American people safer sooner.

Establish a unified Incident Command System—C

Although there is awareness of and some training in the ICS, hurricane Katrina demonstrated the absence of full compliance during a multi-jurisdictional/statewide catastrophe—and its resulting costs.

Allocate homeland security funds based on risk—F (A if House provision passes)

Congress has still not changed the underlying statutory authority for homeland security grants, or benchmarks to insure that funds are used wisely. As a result, homeland security funds continue to be distributed without regard for risk, vulnerability, or the consequences of an attack, diluting the national security benefits of this important program.

Critical infrastructure risks and vulnerabilities assessment—D

A draft National Infrastructure Protection Plan (November 2005) spells out a methodology and process for critical infrastructure assessments. No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources. All key decisions are at least a year away. It is time that we stop talking about setting priorities, and actually set some.

Private sector preparedness—C

National preparedness standards are only beginning to find their way into private sector business practices. Private sector preparedness needs to be a higher priority for DHS and for American businesses.

TRANSPORTATION SECURITY

National Strategy for Transportation Security—C –

DHS has transmitted its National Strategy for Transportation Security to the Congress. While the strategy reportedly outlines broad objectives, this first version lacks the necessary detail to make it an effective management tool.

Improve airline passenger pre-screening—F

Few improvements have been made to the existing passenger screening system since right after 9/11. The completion of the testing phase of TSA's pre-screerung program for airline passengers has been delayed. A new system, utilizing all names on the consolidated terrorist watch list, is therefore not yet in operation.

Improve airline screening checkpoints to detect explosives—C

While more advanced screening technology is being developed, Congress needs to provide the funding for, and TSA needs to move as expeditiously as possible with, the appropriate installation of explosives detection trace portals at more of the Nation's commercial airports.

Checked bag and cargo screening—D

Improvements here have not been made a priority by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.

BORDER SECURITY

Better terrorist travel strategy—Incomplete

The first Terrorist Travel Strategy is in development, due to be delivered by December 17, 2005 as required by PL 108–458.

Comprehensive screening system—C

We still do not have a comprehensive screening system. Although agencies are moving ahead on individual screening projects, there is lack of progress on coordination between agencies. DHS' new Screening Coordination Office still needs to establish and implement goals for resolving differences in biometric and traveler systems, credentialing and identification standards.

Biometric entry-exit screening system—B

The US-VISIT system is running at 115 airports and 15 seaports, and is performing secondary screening at the 50 busiest land borders. But border screening systems are not yet employed at all land borders, nor are these systems interoperable. The exit component of the US-VISIT system has not been widely deployed.

International collaboration on borders and document security—D

There has been some good collaboration between US-VISIT and Interpol, but little progress elsewhere. There has been no systematic diplomatic effort to share terrorist watchlists, nor has Congress taken a leadership role in passport security.

Standardize secure identifications—B−

The REAL ID Act has established by statute standards for state-issued IDs acceptable for federal purposes, though states' compliance needs to be closely monitored. New standards for issuing birth certificates (required by law by December 17, 2005) are delayed until at least spring 2006, probably longer. Without movement on the birth certificate issue, state-issued IDs are still not secure.

PART II: REFORMING THE INSTITUTIONS OF GOVERNMENT

Recommendation—Grade

THE INTELLIGENCE COMMUNITY

Director of National Intelligence—B

The framework for the DNI and his authorities are in place. Now his challenge is to exercise his authorities boldly to smash stovepipes, drive reform, and create a unity of effort—and act soon. He must avoid layering of the bureaucracy and focus on transformation of the Intelligence Community. The success of this office will require decisive leadership from the DNI and the president, and active oversight by the Congress.

National Counterterrorism Center—B

Shared analysis and evaluation of threat information is in progress; joint operational planning is beginning. But the NCTC does not yet have sufficient resources or personnel to fulfill its intelligence and planning role.

Create FBI national security workforce—C

Progress is being made—but it is too slow. The FBI's shift to a counterterrorism posture is far from institutionalized, and significant deficiencies remain. Reforms are at risk from inertia and complacency; they must be accelerated, or they will fail. Unless there is improvement in a reasonable period of time, Congress will have to look at alternatives.

New missions for CIA Director—Incomplete

Reforms are underway at the CIA, especially of human intelligence operations. But their outcome is yet to be seen. If the CIA is to remain an effective arm of national power, Congress and CIA leadership need to be committed to accelerating the pace of reforms, and must address morale and personnel issues.

Incentives for information sharing—D

Changes in incentives, in favor of information sharing, have been minimal. The office of the program manager for information sharing is still a start-up, and is not getting the support it needs from the highest levels of government. There remain many complaints about lack of information sharing between federal authorities and state and local level officials.

Government-wide information sharing—D

Designating individuals to be in charge of information sharing is not enough. They need resources, active presidential backing, policies and procedures in place that compel sharing, and systems of performance evaluation that appraise personnel on how they carry out information sharing.

Homeland airspace defense—B−

Situational awareness and sharing of information has improved. But it is not routine or comprehensive, no single agency currently leads the interagency response to airspace violations, and there is no overarching plan to secure airspace outside the National Capital region.

CIVIL LIBERTIES AND EXECUTIVE POWER

Balance between security and civil liberties—B

The debate surrounding reauthorization of the PATRIOT Act has been strong, and concern for civil liberties has been at the heart of it. Robust and continuing oversight, both within the Executive and by the Congress, will be essential.

Privacy and Civil Liberties Oversight Board—D

We see little urgency in the creation of this Board. The President nominated a Chair and Vice Chair in June 2005, and sent their names to the Senate in late September. To date, the Senate has not confirmed them. Funding is insufficient, no meetings have been held, no staff named, no work plan outlined, no work begun, no office established.

Guidelines for government sharing of personal information—D

The Privacy and Civil Liberties Oversight Board has not yet begun its work. The DNI just named a Civil Liberties Protection Officer (November 2005).

CONGRESSIONAL AND ADMINISTRATIVE REFORM

Intelligence oversight reform—D

The House and Senate have taken limited positive steps, including the creation of oversight subcommittees. However, the ability of the intelligence committees to perform oversight of the intelligence agencies and account for their performance is still undermined by the power of the Defense Appropriations subcommittees and Armed Services committees.

Homeland Security committees—B

The House and Senate have taken positive steps, but Secretary Chertoff and his team still report to too many bosses. The House and Senate homeland security committees should have exclusive jurisdiction over all counterterrorism functions of the Department of Homeland Security.

Declassify overall intelligence budget—F

No action has been taken. The Congress cannot do robust intelligence oversight when funding for intelligence programs is buried within the defense budget. Declassifying the overall intelligence budget would allow for a separate annual intelligence appropriations bill, so that the Congress can judge better how intelligence funds are being spent.

Standardize security clearances—B

The President put the Office of Management and Budget (OMB) in charge of standardizing security clearances. OMB issued a plan to improve the personnel security clearance process in November 2005. The Deputy Director of OMB is committed to its success. All the hard work is ahead.

PART III: FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Recommendation—Grade

NONPROLIFERATION

Maximum effort by U.S. government to secure WMD—D

Countering the greatest threat to America's security is still not the top national security priority of the President and the Congress.

FOREIGN POLICY

Long-term commitment to Afghanistan—B

Progress has been made, but attacks Taliban and other extremists continue and the drug situation has worsened. The U.S. and its partners must commit to a long-term economic plan in order to ensure the country's stability.

Support Pakistan against extremists—C+

U.S. assistance to Pakistan has not moved sufficiently beyond security assistance to include significant funding for education efforts. Musharraf has made efforts to take on the threat from extremism, but has not shut down extremist-linked madrassas or terrorist camps. Taliban forces still pass freely across the Pakistan-Afghanistan border and operate in Pakistani tribal areas.

Support reform in Saudi Arabia—D

Saudi authorities have taken initial steps but need to do much more to regulate charities and control the flow of funds to extremist groups, and to promote tolerance and moderation. A U.S.-Saudi strategic dialogue to address topics including reform and exchange programs has just started; there are no results to report.

Identify and prioritize terrorist sanctuaries—B

Strategies have been articulated to address and eliminate terrorist sanctuaries, but they do not include a useful metric to gauge progress. There is little sign of long-term efforts in place to reduce the conditions that allow the formation of terrorist sanctuaries.

Coalition strategy against Islamist terrorism—C

Components of a common strategy are evident on a bilateral basis, and multilateral policies exist in some areas. But no permanent contact group of leading governments has yet been established to coordinate a coalition counterterrorism strategy.

Coalition standards for terrorist detention—F

The U.S. has not engaged in a common coalition approach to developing standards for detention and prosecution of captured terrorists. Indeed, U.S. treatment of detainees has elicited broad criticism, and makes it harder to build the necessary alliances to cooperate effectively with partners in a global war on terror.

Economic policies—B+

There has been measurable progress in reaching agreements on economic reform in the Middle East, including a free trade agreement with Bahrain and the likely admission of Saudi Arabia to the WTO before long. However, it is too early to judge whether these agreements will lead to genuine economic reform.

Vigorous effort against terrorist financing—A−

The U.S. has won the support of key countries in tackling terrorism finance—though there is still much to do in the Gulf States and in South Asia. The government has made significant strides in using terrorism finance as an intelligence tool. However, the State Department and Treasury Department are engaged in unhelpful turf battles, and the overall effort lacks leadership.

PUBLIC DIPLOMACY

Define the U.S. message—C

Despite efforts to offer a vision for U.S. leadership in the world based on the expansion of democratic governance, public opinion approval ratings for the U.S. throughout the Middle East remain at or near historic lows. Public diplomacy initiatives need to communicate our values, way of life, and vision for the world without lecturing or condescension.

International broadcasting—B

Budgets for international broadcasting to the Arab and Muslim world and U.S.-sponsored broadcasting hours have increased dramatically, and audience shares are growing. But we need to move beyond audience size, expose listeners to new ideas and accurate information about the U.S. and its policies, and measure the impact and influence of these ideas.

Scholarship, exchange, and library programs—D

Funding for educational and cultural exchange programs has increased. But more American libraries (Pakistan, for example) are closing rather than opening. The number of young people coming to study in the U.S. from the Middle East continues to decline (down 2% this year, following declines of 9% and 10% in the previous two years).

Support secular education in Muslim countries—D

An International Youth Opportunity Fund has been authorized, but has received no funding; secular education programs have been initiated across the Arab world, but are not integrated into a broader counterterrorism strategy. The U.S. has no overarching strategy for educational assistance, and the current level of education reform funding is inadequate.

Mrs. BOXER. Mr. President, here are some of the things on which we received bad grades: We are not providing adequate radio spectrum for first responders. We are not establishing a unified incident command system. We are not allocating homeland security funds based on risk. We are not protecting the critical infrastructure. We don't have a private sector that is prepared. We don't have a national strategy for transportation security. We are not prescreening passengers like we should be. We don't have screening checkpoints detecting explosives. We are still not screening the cargo that goes into passenger planes, even though they are taking away our lip gloss. I don't care about giving up my lip gloss, believe me. I would give up my lip gloss and everything else, but how about protecting the cargo that goes underneath that passenger plane? How about making sure it is safe, making sure it won't explode?

I have an amendment that I will offer to this bill—unless the majority shuts me down—to say that until we are screening all of the cargo, let's make sure there is a blast-resistant container on these aircrafts. That is a recommendation of the 9/11 Commission that has not been followed. So when you have a suspect piece of cargo and you are not sure about it, put it into the blast-resistant cargo container. We pushed this in the Commerce Committee. TSA tested it and we know it works. But it is not happening.

I could go on, page after page of this document, where this Congress and this administration have failed. I say they have been soft on homeland defense. Why? I say two reasons: They cannot afford it because they are spending our money in Iraq instead of protecting us from the terrorists at home, instead of going after Osama bin Laden in Afghanistan. The President says over and over again that it is one and the same. Do you know what? The bipartisan Senate Intelligence Committee was right out there and said Saddam Hussein—the tyrant though he is, and he deserves whatever fate awaits him—had not one thing to do with al-Qaida. As a matter of fact, he was threatened by them because he had a secular government. He was fearful of them, and rumors were that he wanted some of them assassinated.

The war in Iraq has strengthened Iran. It is a recruiting tool for Osama bin Laden. It is busting the budget. It is causing the debt to explode, not to mention the deaths of close to 3,000 of our service men and women, and 20,000 have been severely injured. The money going there is about $10 billion a month. We could protect every single American aircraft today from the threat of shoulder-fired missiles with the cost of Iraq in 1 month.

Then there is the other priority of this administration—tax breaks for billionaires. That is costing trillions. Look at every other President in the history of our country; they didn't do that in a time of war. So you have the war in Iraq, and the only strategy we have from this President is that we are going to be there "as long as I am the President." Well, that is not a strategy; that is a recipe for more death, more destruction. That is clear.

There are many ways that we could begin reducing the cost over there—the cost to our troops. We can say to the Iraqi people that our people have fought and died for you; now take the reins of your own government and protect yourselves. If you cannot figure out how to protect neighbor from neighbor, you have a problem. Nobody did it for us. Everybody always says compare what happened in Iraq to the American Revolution. I don't get the comparison, but if we go with that for a minute, it is true that other countries helped us in that battle—France, for example—but at the end of the day, we had to take over the security on the ground and make our new country a success. So we cannot force democracy and force people to love each other at the point of a gun. It is their business.

We have spent our treasure and are spending our treasure to the point where we cannot afford a comprehensive bill. You heard Senator COLLINS say, "I hope you will vote against this broad bill." Why? We have been condemned by the 9/11 Commission for not doing enough in a broad way. This bill just does port security. Thank goodness we have amendments to add rail and transit. It is moving toward the Reid bill. Let this go on because the more we debate and the more we offer amendments, the more this bill looks like the Democratic alternative. It has taken a big step in that direction.

We know what happened in Madrid. We saw what happened in London. We know our infrastructure is at risk. But 5 years after 9/11, we get failing grades. It is a sad moment.

I thank my colleague, Senator COLLINS, and I thank my colleague, Senator MURRAY, two fantastic women who fought hard to get a port security bill to the floor. But let's welcome this as an opportunity to protect our people, not just focus narrowly on one problem.

I hate to say it, we have an array of problems. We have 41 problems and 41 recommendations of the 9/11 Commission, the bipartisan Commission we have not listened to, and that is what the Reid bill does. It is very important.

I thank my colleagues for going as far as they have gone, but I hope we will go even further and change this truth that this Congress has been soft on homeland defense. We can change that, and I welcome the fact that we will be debating security from now until we get out of here because if ever there were a place we have neglected, it is homeland security.

I am very happy to be part of this debate. I look forward to supporting the Reid amendment and all the other amendments that will make our country safer. We can scare people. We can make speeches and frighten them. That is not our job. Our job is to protect them, not to scare them. We haven't done that, and we have an opportunity to do that between now and the time we get out of here and go home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 6½ minutes remaining.

Mrs. MURRAY. Mr. President, I yield all our remaining time to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 6½ minutes.

Mr. DURBIN. I thank the Chair. Mr. President, I thank my colleague from the State of Washington for her leadership on this bill relative to port security. It is a very important bill.

Of course, the Port of Chicago is concerned about these issues, as many are around the country. We understand this is basically an authorization bill and that before things will happen, money has to be appropriated. So an authorization is a promise; an appropriation is a reality. I hope we can follow through with the good promises that are included in this bill, many important good promises, with the reality of appropriating money for that particular effort. But what we have offered in addition to the port security bill is the Real Security Act which has been proposed by the Democratic side.

In just the few moments I have, I wish to outline what we do.

First, we are going to rely on the expertise of a bipartisan group that has gained great respect across the Nation, and that, of course, is the 9/11 Commission. The 9/11 Commission, with Governor Kean of New Jersey, a Republican, and Congressman Hamilton, a Democrat, came up with 41 recommendations to make America safer. They published those recommendations more than 2 years ago. It was a blueprint for making this a safer nation.

This Commission has stayed in business long enough to grade the administration and Congress on its response. The results of their last report card were alarming. Last December, they graded our Government's progress as follows: 5 F's, 12 D's, 9 C's, and one A-minus. That is it. For 41 recommendations, we ended up being told by this Commission that we are not paying attention.

The Real Security Act, which the Democrats propose, basically says as a starting point that we need to establish a comprehensive system to make certain the 9/11 recommendations are followed. That, to me, should be a bipartisan starting point. But the President's budget and the actions of Congress have not allowed us to reach that goal.

We also believe we cannot talk about a secure America without speaking about the obvious: 145,000 Americans are risking their lives in Iraq today as we stand in the safety of this Chamber; 2,671 of our bravest soldiers have died, 19,000 seriously injured; and a war that has cost us $325 billion with no end in sight. That is the reality.

We believe that if we learned the lessons of 9/11, we need to bring our troops home with their mission truly accomplished. That means a partial redeployment of troops this year so the Iraqis take responsibility for their own defense and their own future.

There is also an element in this bill that is near and dear to me, and it relates to the issue of transportation. We are just not doing enough. We know at the airports, when we have to take off our shoes, they go through our luggage, and we hand over our toothpaste, what is going on there. What is happening in other places? We are not doing enough when it comes to making Amtrak safer.

Three million Illinoisans ride Amtrak each year. Yet neither Amtrak's tracks nor its Midwest hub, Chicago's Union Station, is as secure as it should be. The Chicago Transit Agency alone has over $500 million in unmet security needs. And the Port of Chicago, as I mentioned earlier, needs more funds for homeland security.

I am afraid that the Bush administration and this Republican-led Congress have also done little or nothing to deal with the potential threats at our nuclear powerplants and our chemical industry plants. These, I am afraid, could be a tempting terrorist target.

In our bill, the Real Security Act, on the Democratic side, proposes we spend money to make certain they are safer, that we authorize this expenditure. We want to equip our intelligence community to fight the war against terrorism. Intelligence is our first line in defense. For the first time in 28 years, the Republican Congress has failed to pass an intelligence authorization act. Our amendment does that, to make sure the intelligence agencies have the authorizations they need and the guidance they need to keep America safe.

We also need to provide better tools to bring terrorists to justice. We believe we can do this without abandoning the Constitution or the rule of law.

I salute the Presiding Officer, who has shown extraordinary leadership in this area. His background in the Air Force and his service in the Judge Advocate General Service Corps has made him a very valuable voice in this debate.

I am hopeful that we can show we can keep America safe without abandoning our values, that we can fight terrorism while still honoring those basic principles, those constitutional principles we have all sworn to uphold. We can bring these terrorists to justice. We can do it in a way that we can point to with pride, that the world can judge was a fair proceeding and, in so doing, we can demonstrate to the world that the rule of law is worth following, even when a nation is under attack and threat of terrorism.

This Real Security Act of 2006 is a comprehensive effort on the Democratic side to complement the underlying bill and to make sure we don't do just part of the job but do the entire job, that we move forward to make America safer.

We understand the threat. We live in a dangerous world. The fifth anniversary of 9/11 was a reminder to all of us where we were on that fateful day. If we are going to look forward and say to the American people: We can make your country and our country safer, then we should enact the Real Security Act, the amendment pending before the Senate.

Wouldn't it be refreshing if our Republican colleagues would join us in supporting this amendment, if we could return to the bipartisan spirit that followed 9/11 and do something in concert without partisan division? It really makes America safer.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 17 minutes 28 seconds for the majority and 29 seconds for the minority.

The Senator from Maine.

Ms. COLLINS. Madam President, I yield 5 minutes to the Senator from Kansas, the distinguished chairman of the Intelligence Committee.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBERTS. Madam President, I rise today in opposition to the amendment that is proposed by Senator REID. The title of the act Senator REID has proposed is called Real Security. If my colleagues on the other side of the aisle actually believe this amendment is real security, I encourage every American to go home and simply lock their doors.

There are provisions in the amendment that I like. In particular, I support the passage of the Intelligence Authorization Act as it was reported by the Intelligence and the Armed Services Committees. I hope the Senate can act on that bill by unanimous consent without insisting on needless partisan debate on a bill that has bipartisan support.

But now, on the other hand, I oppose the sense-of-Congress language Senator REID has inserted in that bill that suggests the terrorist surveillance program is unlawful. Talk about the sense of the Congress—that means the Congress would not have any sense.

Like most Americans, I believe the President should use all the authority provided by the Constitution and laws of the United States to prevent terrorists from killing innocent Americans. If terrorists outside the United States are placing calls to individuals in the United States, as many people have said over and over and over and over and over again, our intelligence agencies should know about it.

The terrorist surveillance program is lawful. It has been effective. I will oppose any legislation that does not support the continuation of that very valuable program. The bottom line on the terrorist surveillance program is this: The men and women of the NSA are working hard to protect our country day in and day out. We should let these patriotic Americans get back to doing their job.

Beyond that, I am convinced that my colleagues consulted perhaps a group of tenth grade English teachers in preparing this amendment. I haven't seen so many assigned reports since I was in high school.

Instead of providing flexible authorities to protect our Nation, my colleagues on the other side of the aisle have proposed approximately 52—a deck of cards, 52—I say that again, 52 new and continuing reporting requirements. That is one new reporting requirement for every 9 pages of the amendment.

The U.S. Government should be focused on securing our borders, disrupting terrorists, and protecting our ports. This amendment does nothing but divert focus to reporting requirements.

My colleagues have also resorted to an old standby: If you don't have any ideas, throw money and people at a problem. There are about 29 sections that propose new or additional ways to spend our limited resources. We haven't had any committee hearings on these, but they are reported. There are three provisions that increase the size of our Government by adding more personnel.

As a substitute for congressional consideration of legislation to respond to the Supreme Court's Hamdan decision, my colleagues have proposed yet another national commission—yet another national commission. I am not going to go through the trouble of listing all of the commissions that we have had in the last 4 or 5 years. This one, however, is to focus on the detention and interrogation of terrorists captured in the war on terror. Let me give my colleagues the bottom line on the Government's detention and interrogation programs—and there will be legislation that already is reported from the Senate Judiciary Committee to take care of that—they have kept this Nation safe. I think we can forego another commission.

Finally, Senator REID's amendment would authorize three new administrative subpoenas: one for the new commission, one for the Privacy and Civil Liberties Oversight Board, and one for a new Senate committee.

If Senator REID and his colleagues want real security, they should strip out these provisions and simply give the FBI an administrative subpoena to track terrorists and spies. But that is the point of this bill; it is not about real security. This bill is about real Monday morning quarterbacking. It is about tying the hands of our homeland security and intelligence professionals as they attempt to protect this Nation.

The only way this amendment would make the Nation safer is if we made copies of all of the reports that it requires and carpet-bombed Osama bin Laden. I am certain he would suffocate.

I will not support this amendment. I urge my colleagues to oppose it as well.

Mr. LIEBERMAN. Madam President, I am voting today to remove the budgetary point of order in order to consider the REAL security amendment offered by Senator REID. In doing so, I am following through on my longstanding commitment to pass and adequately fund all of the key recommendations of the 9/11 Commission for preventing future terrorist attacks and protecting our country and our people.

If the Senate votes to allow consideration of the amendment, I will introduce a second-degree amendment to strike the provisions on Iraq from the REAL security proposal because they contain language calling for a deadline-driven withdrawal of troops from Iraq, which I have consistently opposed.

I yield the floor.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, it is interesting to hear my friends on the other side of the aisle talk about the 9/11 Commission and then imply that the Reid amendment would finish the job of the 9/11 Commission. In fact, as I pointed out earlier, over 100 pages of the 507-page Reid amendment already are law. They are the foreign policy and public diplomacy recommendations that were recommended by the 9/11 Commission and included in the Intelligence Reform Act which became law 2 years ago—2 years ago. Many of the other recommendations of the 9/11 Commission were enacted as part of that legislation.

Now, there is one area where the 9/11 Commission did recommend changes that have not been completely made, and that is in the area of congressional oversight and the reorganization of committees. Instead, the Senate and the House adopted some, but not all, of those recommendations. But, ironically, the amendment proposed by the Democratic leader does not deal with that unfinished recommendation of the 9/11 Commission. So I don't want to leave the impression that the 9/11 Commission's recommendations are what are largely found in this amendment; they are not, other than the more than 100 pages on the foreign policy and public diplomacy recommendations, which are already law and have been for almost 2 years.

The fact is, our country has made tremendous progress in strengthening our security since 9/11. We have taken many actions, and if we talk to the experts, they will all tell us that those actions have made a difference. Are we completely safe? Of course not. We can never say that we are completely safe, but we are clearly safer than we were 5 years ago due to actions taken by this Congress, this administration, and State and local law enforcement. We have a ways to go, and the underlying bill on port security will help advance the security of this country.

So for the reasons I have already spoken on extensively today, I hope that our colleagues will vote to sustain the point of order which I will shortly be raising against Senator REID's amendment. It does violate the Budget Act, and I will be raising a point of order against it.

But aside from the budget issues, the procedural objections, I hope my colleagues will actually look at the Reid amendment and look at what it does contain. If they do, they will find only one reference in it to port security—only one reference in it to maritime and cargo security. They will instead find page after page of policy that this Senate has already rejected with regard to our engagement in Iraq and the policy on the formula for homeland security grants. They will also find legislation that is already law, and they will find amendments that we have already adopted having to do with rail and mass transit security.

So, unfortunately—and I mean this—sadly, this amendment is simply a partisan hodgepodge of provisions that have been cobbled together. I hope we can dispense with it quickly and then move back to the port security bill, an enormously important bill, a bill that many of us have worked on for years, a bill that has been bipartisan from the very start in both the House and the Senate. That is unusual, as the Presiding Officer knows. This bill is an exception to the rule. But, apparently, we couldn't quite get through the floor debate without having a partisan bomb lobbed at this bill, and I think that is unfortunate. But I hope once we get through this, we can go back to bipartisan consideration of relevant and germane amendments and we can get this work done.

This is a gap in our homeland security. When we talk to the experts, they all tell us they are worried about the security of our seaports and the 11 million shipping containers that come into this country each year. We have a carefully crafted, balanced bill that strikes the right balance between the need to strengthen security and the need to facilitate trade.

Again, I recognize the work that Senator MURRAY has done on this bill. She originated a lot of the concepts in this bill. It has been that kind of bipartisan partnership that has brought us to where we are today. So let's get this partisanship out of the way, and let's return to a bipartisan debate. This bill is so important to the security of people living near our seaports, to those working on our seaports, to the retailers in this country that rely on the cargo brought into our seaports, to our farmers who rely on shipping their crops out of our seaports. Let's remember the impact of this bill on communities not just on our coasts where the seaports are located but communities all across this country that rely on the products brought to our shores by cargo ships, or rely on the cargo ships to export these products.

So I hope we can return to the underlying bill. It is a good bill, and it deserves continued bipartisan support.

Could the Presiding Officer inform me how many minutes are remaining on our side?

The PRESIDING OFFICER. There are 3½ minutes remaining on the majority side.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, has all time expired under the time agreement?

The PRESIDING OFFICER. All time has expired.

Ms. COLLINS. Madam President, I raise a point of order against the Reid amendment because it violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—41

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—57

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Akaka
Chafee

The motion was rejected.

The PRESIDING OFFICER. On this question, the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The Senator from Alaska.

Mr. STEVENS. Is that a vote subject to reconsideration?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4975

Mr. STEVENS. The Biden amendment is now the pending business?

The PRESIDING OFFICER. The Biden amendment is pending.

Mr. STEVENS. Madam President, I wish to discuss this for a few minutes.

I call to the attention of the Senate that this, too, is an all-inclusive amendment. It restores the cuts for law enforcement. It deals with all of the 9/11 Commission recommendations. It deals with requiring 100 percent screening of cargo containers, which is our objective. But we cannot do it all at once. It seeks to bring about screening technologies for liquid explosives and other hazardous materials. It has some interoperable language in it.

This represents a 32-percent annual increase over the current allocation of funds for the Department of Homeland Security. It requires a substantial addition to the Department of Homeland Security.

The interesting thing—and my friend from Delaware is innovative in terms of this—is it does not appropriate the money, but it requires the committee to come forward with a bill to provide $53 billion additional for the Department of Homeland Security.

It is a very interesting amendment, there is no question about that. This is another one of those things everyone would like to do if they had the money to do it. Beyond that, the way it is done, it is a difficult amendment to deal with.

It is not necessary to carry out the port security bill or the real portion of this bill. It deals with an enormous number of issues beyond the scope of the bill. Under the circumstances, I have no alternative but to move to table this amendment. I give my friend from Delaware a chance if he wishes to make a final statement. I move to table the Senator's amendment, but I ask that there be consideration of a period of time prior to voting on that so the Senator may express his point of view; I would say 4 minutes equally divided, or something like that, before the vote.

I have been requested to state that we would like to have that vote take place at 2 p.m. today and prior to the vote have 4 minutes equally divided, with no amendments or other motions in order, and the motion to table subject only to the provision of 4 minutes before a vote is taken on that motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Madam President, I call for the regular order with respect to amendment No. 4930.

The PRESIDING OFFICER. That amendment is pending.

Mr. SCHUMER. I have a modification at the deck.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 4930), as modified, is as follows:

(Purpose: To improve maritime container security by ensuring that foreign ports participating in the Container Security Intiative scan all containers shipped to the United States for nuclear and radiological weapons before loading)

On page 5, strike line 21 and all that follows through page 62, line 11, and insert the following:

(9) INTEGRATED SCANNING SYSTEM.—The term "integrated scanning system" means a system for scanning containers with the following elements:

(A) The container passes through a radiation detection device.

(B) The container is scanned using gamma-ray, x-ray, or another internal imaging system.

(C) The container is tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device.

(D) The images created by the scans required under subparagraph (B) are reviewed and approved by the Secretary, or the designee of the Secretary.

(E) Every radiation alarm is resolved according to established Department procedures.

(F) The information collected is utilized to enhance the Automated Targeting System or other relevant programs.

(G) The information is stored for later retrieval and analysis.

(10) INTERNATIONAL SUPPLY CHAIN.—The term "international supply chain" means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(11) RADIATION DETECTION EQUIPMENT.—The term "radiation detection equipment" means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(12) SCAN.—The term "scan" means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(13) SCREENING.—The term "screening" means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(14) SEARCH.—The term "search" means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(15) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(16) TRANSPORTATION DISRUPTION.—The term "transportation disruption" means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(17) TRANSPORTATION SECURITY INCIDENT.—The term "transportation security incident" has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident.".

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking "facility" and inserting "facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility";

(B) in subparagraph (F), by striking "and" at the end;

(C) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility."; and

(2) by adding at the end the following:

"(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

"(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.".

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

"(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.".

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States, Code is amended by adding at the end the following:

"(g) APPLICATIONS FOR MERCHANT MARINER'S DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

"(h) FEES.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

"(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

"(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

"(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

"(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

"(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

"(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

"(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

"(C) all other United States ports not later than January 1, 2009.

"(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

"(k) VESSEL AND FACILITY CARD READER ASSESSMENTS.—

"(1) PILOT PROGRAMS.—

"(A) VESSEL PILOT PROGRAM.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA-2006-24191; USCG-2006-24196).

"(B) FACILITIES PILOT PROGRAM.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

"(C) COORDINATION WITH TRANSPORTATION SECURITY CARDS.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section to ensure card and card reader interoperability.

"(2) DURATION.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

"(3) REPORT.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)) that includes—

"(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

"(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

"(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

"(l) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).".

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section

70105(b)(2) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (E);

(2) by striking "Secretary." in subparagraph (F) and inserting "Secretary; and"; and

(3) by adding at the end the following:

"(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.".

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. 105. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking "The Secretary" and inserting "Not later than April 1, 2007, the Secretary".

(b) VOLUNTARY PROGRAM.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 106. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

"§ 70107A. Interagency operational centers for port security

"(a) IN GENERAL.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

"(b) CHARACTERISTICS.—The interagency operational centers established under this section shall—

"(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

"(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

"(B) the virtual operation center of the Port of New York and New Jersey;

"(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

"(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, and State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders; and

"(4) be incorporated in the implementation and administration of—

"(A) maritime transportation security plans developed under section 70103;

"(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

"(C) short and long range vessel tracking under sections 70114 and 70115;

"(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

"(E) the transportation security incident response plans required by section 70104; and

"(F) other activities, as determined by the Secretary.

"(c) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.".

(b) 2005 ACT REPORT REQUIREMENT.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

"70107A. Interagency operational centers for port security.".

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "for the allocation of funds based on risk".

(b) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

"(e) MULTIPLE-YEAR PROJECTS.—

"(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

"(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

"(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

"(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

"(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

"(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (l) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.".

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Training Program (referred to in this section as the "Program") for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a "citizen corps", if necessary.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the "Program") for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imagining equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of ocean-borne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through ocean-borne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State, and in cooperation with appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

SEC. 124. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute.".

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) VESSELS.—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) CARGO.—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C–TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) COORDINATION.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) COMMUNICATION.—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) DETERMINATION.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of non-manifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk ocean-borne container cargo for inspection—

(A) $33,200,000 for fiscal year 2008;

(B) $35,700,000 for fiscal year 2009; and

(C) $37,485,000 for fiscal year 2010.

(2) SUPPLEMENT FOR OTHER FUNDS.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) Interim rule.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) Missed deadline.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) Review and Enhancement.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) International Cargo Security Standards.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) Establishment.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the "Container Security Initiative") to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) Assessment.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) Notification.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) Negotiations.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) Overseas Inspections.—The Secretary shall enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located;

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2); and

(5) shall prohibit, beginning on October 1, 2008, the shipment of any container from a foreign seaport designated under Container Security Initiative to a port in the United States unless the container has passed through an integrated scanning system.

(f) Savings Provision.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

(g) Coordination.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(h) Staffing.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) Annual Discussions.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) Lesser Risk Port.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) Report.—

(1) In general.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) Updated report.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(l) Authorization of Appropriations.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) Establishment.—The Secretary, acting through the Commissioner is authorized to establish a voluntary government-private sector program (to be known as the "Customs-Trade Partnership Against Terrorism" or "C-TPAT") to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C-TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) Minimum Security Requirements.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C-TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C-TPAT.

(a) BENEFITS.—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) TIME FRAME.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C-TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C-TPAT.

(a) VALIDATION.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) BENEFITS.—The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and

(3) priority searches of cargo.

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C-TPAT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish a third tier of C-TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C-TPAT under section 215 of this Act.

(b) CRITERIA.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C-TPAT participant as a tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C-TPAT participant as a tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) BENEFITS.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C-TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If at any time a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C-TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C-TPAT pursuant to this subsection, and may make such list available to C-TPAT participants.

(c) RIGHT OF APPEAL.—

(1) IN GENERAL.—A C-TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) APPEALS OF OTHER DECISIONS.—A C-TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 219. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C-TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 220. C-TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C-TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C-TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C-TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C-TPAT program.

SEC. 222. ADDITIONAL PERSONNEL.

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C-TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C-TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;

(2) $72,000,000 for fiscal year 2009; and

(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2007;

(2) $17,600,000 for fiscal year 2008;

(3) $27,300,000 for fiscal year 2009;

(4) $28,300,000 for fiscal year 2010; and

(5) $29,200,000 for fiscal year 2011.

SEC. 224. REPORT TO CONGRESS.

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C-TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. The equipment may be provided by the Megaports Initiative of the Department of Energy. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port; and

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—Not later than October 1, 2010, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

Mr. SCHUMER. I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON, Madam President, I will yield a few minutes to Senator KERRY in a moment, but I ask unanimous consent to temporarily set aside the pending amendment to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4957

Mrs. CLINTON. I ask unanimous consent to call up Senate amendment 4957.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] for herself and Mrs. DOLE, proposes an amendment numbered 4957.

Mrs. CLINTON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To facilitate nationwide availability of 2-1-1 telephone service for information on and referral to human services, including volunteer opportunities related to human services, and for other purposes)

At the end, insert the following:

TITLE __—2-1-1 SERVICE

SEC. __1. GRANTS TO FACILITATE NATIONWIDE AVAILABILITY OF 2-1-1 SERVICE FOR INFORMATION ON AND REFERRAL TO HUMAN SERVICES.

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2-1-1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT.—A State may not be awarded a grant under this section unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirement specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a "2-1-1 Collaborative") meeting the requirements of this subsection.

(2) 2-1-1 COLLABORATIVE.—An entity shall be treated as the 2-1-1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2-1-1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2-1-1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2-1-1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2-1-1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2-1-1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2-1-1 telephone service;

(B) for the operation and maintenance of 2-1-1 call centers; and

(C) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2-1-1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9-1-1 call centers, and 3-1-1 call centers, if applicable.

(g) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2-1-1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2-1-1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2-1-1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2-1-1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (f) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development and maintenance for a statewide database, database integration projects that incorporate data from different 2-1-1 programs into a single statewide database, and the provision of 2-1-1 telephone service. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(h) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(i) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2-1-1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(j) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term "human services" means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term "information and referral center" means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations specified in subsection (a) shall remain available until expended.

AMENDMENT NO. 4943

Mrs. CLINTON. Madam President, I ask unanimous consent to temporarily set aside the pending amendment to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I ask unanimous consent to call up Senate amendment 4943.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 4943.

Mrs. CLINTON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund additional research to improve the detection of explosive materials at airport security checkpoints)

At the end, insert the following:

TITLE V—AIRPORT SECURITY

SEC. 501. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

AMENDMENT NO. 4958

Mrs. CLINTON. I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 4958.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 4958.

Mrs. CLINTON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City)

At the appropriate place, insert the following:

SEC. ___. GRANTS FOR 9/11-RELATED HEALTH CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly impacted as a result of the attacks on New York City on September 11, 2001.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an entity—

(i) that serves individuals described in subsection (a), including entities providing baseline and follow-up screening, clinical examinations, or long-term medical or mental health monitoring, analysis, or treatment to such individuals such as the Mount Sinai Center for Occupational and Environmental Medicine of New York City, the New York City Fire Department's Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, the Police Organization Providing Peer Assistance of New York City, and the New York City Department of Health and Mental Hygiene's World Trade Center Health Registry; or

(ii) an entity not described in clause (i) that provides similar services to the individuals described in such clause; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive assistance from an entity under a grant under this section shall include firefighters, police officers, paramedics, workers, volunteers, residents, and any other individual who worked at Ground Zero or Fresh Kills, or who lived or worked in the vicinity of such areas, and whose health has deteriorated as a result of the attacks described in subsection (a).

(c) PRIORITY IN AWARDING ASSISTANCE.—An eligible entity that receives a grant under this section shall use amounts provided under such grant to provide assistance to individuals in the following order of priority:

(1) Individuals who are not covered under health insurance coverage.

(2) Individuals who need health care assistance beyond what their health insurance coverage provides.

(3) Individuals with insufficient health care insurance coverage.

(4) Individuals who are in need of health care coverage and who are not described in any of paragraphs (1) through (3).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act, and monthly thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the use of funds under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $1,914,000,000 for fiscal years 2007 through 2011.

(2) STAFF AND ADMINISTRATION.—The Secretary may use not to exceed $10,000,000 of the amount appropriated under paragraph (1) for staffing and administrative expenses related to the implementation of this section.

(3) USE OF OTHER FUNDS.—The Secretary may use any funds appropriated to the Department of Health and Human Services, or any other funds specifically designated, to carry out this section.

Mrs. CLINTON. I ask unanimous consent to add Senator SCHUMER as a cosponsor to 4958.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. At this time, I ask that we return to the regular order. I am going to yield 2 minutes to Senator KERRY and then reclaim the remainder of the time set aside for me on the Democratic side with unanimous consent.

Mr. STEVENS. I object. Just a minute. We do not want to have a whole schedule here through one Senator having the floor.

What amendment is now pending before the Senate?

The PRESIDING OFFICER. The Schumer amendment. The amendment numbered 4930 is now pending.

Mr. STEVENS. Is the Senator from New York yielding time on Senator SCHUMER's amendment?

Mrs. CLINTON. I ask unanimous consent to set aside Senator SCHUMER's amendment and return to the regular order.

Mr. STEVENS. What is the request for time limitation on this amendment?

The PRESIDING OFFICER. The Schumer amendment is the regular order. There is no time agreement on this amendment.

Mr. STEVENS. I am not objecting to her setting aside the Schumer amendment. She has made a request beyond that for a limitation of time on some amendment.

Mrs. CLINTON. Madam President, I ask to speak on amendment 4958, which I ask to be pending at this time. The Senator from Massachusetts asked for a 2-minute timeframe. I was trying to accommodate the Senator. I had been told by our side I would have 20 minutes to speak on amendment No. 4958.

Mrs. MURRAY. Madam President, if I could clarify for the Senate, on our side, what we would like to be able to do over the next half hour, Senator KERRY of Massachusetts would like 2 minutes, the Senator from New York would like 20 minutes, and we are willing to work with you in order to accommodate both those Senators.

Mr. STEVENS. I don't know who has the floor. I think the Senator from New York does.

Madam President, we are perfectly willing to enter into a time agreement on the Senator's amendment, but we want some allocated to this side, too. We would like to know what the request is for time.

Mrs. CLINTON. Madam President, could I ask unanimous consent that Senator KERRY be given 2 minutes and I follow with 20 minutes and then we go back to the other side with their procedure as to their speakers?

Mr. STEVENS. We have no objection to the Senator requesting time for herself and the Senator from Massachusetts. I just don't think it is right to have a time allocation without consideration of the Senators, that is all.

Ms. COLLINS. And without checking with the managers of the bill. We have a great number of Senators who are seeking to bring up their amendments or speak on the bill, and it would be helpful if the Senator from New York would work through the managers of the bill.

Mrs. CLINTON. Madam President, I spoke with the Senator from Washington who is managing the bill on our side. That was the direction I received from the Senator from Washington. I would like the record to reflect that I am following the direction of the manager of the bill on our side.

I hope we can move forward now with a unanimous consent order as to how we will proceed going forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from New York, and I thank the Senate.

Madam President, I would like to speak as in morning business.

(The remarks of Mr. KERRY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. DEMINT). The Senator's time has expired.

The Senator from New York.

AMENDMENT NO. 4958

Mrs. CLINTON. Mr. President, is the pending business before the Senate amendment No. 4958?

The PRESIDING OFFICER. That is the pending amendment.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, this amendment goes to the heart of our obligations to one another with respect to homeland security. It arises out of the attacks of 9/11, the extraordinary physical damage that has been done to thousands and thousands of New Yorkers and other Americans because they responded to that disaster, because they worked in the area of Ground Zero, because they lived or volunteered there.

Each of us is marked in our own way by the events of 5 years ago. I need not recount them. We have just gone through a very painful anniversary of those attacks. My hope is we would not mark this 5-year anniversary merely by replayings and speeches and solemn readings of the names of the victims but that it would serve as a reminder of our unfinished business and a call to action on behalf of the service and sacrifice of first responders, workers, and volunteers who participated in the rescue and recovery at Ground Zero.

I have worked over the past 5 years to honor the memories of those who died, to take care of their families, and to help rebuild New York. I have fought for the funding that has generously been offered by the American people to support the economic recovery of downtown New York, building new buildings, helping to support small businesses, creating new transportation infrastructure to replace that which was obliterated. And I have worked to secure funding, starting in the fall of 2001, to monitor those who were affected by the exposure to the toxic gases and substances in the air as a result of the attacks and the implosion of the buildings.

I believe we have a moral obligation as a nation to take care of those who both took care of us and who attempted to return to their ordinary lives as a way of demonstrating solidarity and commitment, resilience and courage, in the face of the terrorist attacks.

There is much we have to do, which is why we are debating this bill about port security. But there is so much more than port security. Democrats offered a comprehensive amendment to this bill that contained the recommendations of many experts, including the 9/11 Commission. Sadly, it was unsuccessful. But that does not mean it was not merited. We cannot rest until we have a comprehensive, well-funded strategy to deal with the threats we face.

But I rise today to talk about a very specific issue. The toll of that fateful day goes beyond the families and friends and colleagues, the brave responders who saved 25,000 people in the greatest rescue mission in the history of the world. Their lives will always stand in our memory and in honor. But thousands of others rushed into that burning inferno. Thousands of others were there when that enormous, devastating cloud of death and destruction covered much of lower Manhattan, crossed the river to Brooklyn, crossed the river to New Jersey.

We have been working to understand the health implications for the people who breathed that air. That is why I fought to get money for a monitoring and screening program that was established, both at the fire department to take care of our firefighters and also at one of our great hospitals, Mount Sinai, to figure out what happened to everybody else.

The work that commenced from the moment the first plane hit was hazardous and difficult. For as long as 9 months, we had firefighters and police officers, trade and construction workers, other workers, volunteers, residents—we had probably at least 40,000 people coming and going and staying on that site. They worked and lived amidst the dust and the fog and the smog—a toxic mix of debris, smoke, and chemicals.

I first visited the site about 24 hours after the attacks. I was within blocks of the epicenter of the attack, and I could not see anything. But I could smell it. I could taste it. I could literally feel it. And as I watched that curtain of darkness part and the firefighters walking out, covered in black soot, dragging their fire axes, barely able to stand after being on duty for probably 24 hours, I had the first inkling that the damaging effects of 9/11 would last far beyond the actual attack.

Now, unfortunately, our Government officials in charge of making sure health and working conditions did not negatively impact our first responders sent mixed signals, at best. I would go further. They misled people. They said the air was safe. They made no effort to reach out and share the dangers that people knew were in this air.

It was not only people from New York who responded; it was people from all over the country. My colleague, Senator VOINOVICH from Ohio, and I have a bill that would set up a system for the President to carry out a program for the monitoring of the health and safety of first responders who are exposed to harmful substances as a result of the disaster, rather than reacting on ad hoc basis, as we have had to do in the wake of 9/11.

Because of what I witnessed firsthand, and what people started to tell me, the trademark World Trade Center cough appeared within days. People had trouble breathing. They had trouble swallowing. They were coughing. That is why I was so insistent upon getting $12 million to establish the World Trade Center Worker and Volunteer Medical Screening Program at Mount Sinai. We quickly realized they would need a lot more workers because thousands and thousands of people were signing up and coming. So we secured an additional $90 million, and we expanded the number of workers and volunteers, and that was in addition to what we did for the fire department, which ran its own program.

Well, last week, Mount Sinai released a report that confirmed our worst fears. It confirmed an earlier report of the New York City Fire Department study. Tens of thousands of firefighters and all the others who were there were not only exposed but were suffering from significant medical and mental health problems. We are seeing young men and women in the prime of their lives, who were in excellent physical health, experiencing asthma, bronchitis, persistent sinusitis, laryngitis. They are suffering from serious diseases, reactive airwave disease. Their lungs are collapsing. Their livers are polluted. In fact, we are now seeing the first deaths.

It is not enough to say we stand with the brave men and women who responded when we needed them. We have to do more. We appropriated $125 million. And after a year and a half of struggle, money that was meant to go for the workers' comp system—because so many of these people cannot work anymore. They are on disability. They are forced into retirement. And so many of them—about 40 percent of them—who were screened at Mount Sinai had no insurance, so they cannot even get the treatment which they now know they need.

We have met with the Secretary of Health and Human Services, who has promised to get the money released to begin treating these brave men and women. We have worked with Dr. John Howard, the Director of NIOSH, who has documented so many of the diseases and chronic conditions we have seen. But we have a long way to go, and we need to start now.

I cannot give you an exact amount of money that it will take to take care of these thousands of people, but we know it is going to be a lot more than the $75 million we are waiting to be released on October 1. That is why this amendment would authorize $1.9 billion in grants to begin the process of setting up the system and over the next 5 years implementing a system to take care of thousands of people who are getting sick and who are dying.

We had a bipartisan, bicameral hearing in New York City last week. One of the witnesses, Steve Cetrone, who is a Federal employee, sat before us—his skin yellowed from the disease of his liver, his memory shot, his lungs collapsing—and described in detail how his Government has let him down and left him behind.

If we do not take care of these people now and start putting up a system we can have in place for the next several years, we are going to betray a fundamental responsibility to those whom we salute whenever it is convenient, when it is political. But enough with that. They do not want our speeches; they do not want our flowery rhetoric; they want our help.

My amendment uses rough estimates of about $5,800 per individual per year to provide for the continuing monitoring, but, more importantly, to provide for the treatment of these individuals. These are the rough estimates, the best we have right now from the fire department and Mount Sinai.

But we already know there are people on lung transplant lists who were on that pile. We already know people who have been disabled are unable to work and therefore have no insurance any longer. We know there are those who have died because of these exposures.

Now, did everybody get sick? No. Will everybody who got sick die? No. Much of it depends upon where you were, what you were exposed to, what the intensity and the length of the exposure was. Some of it also depends upon your predisposition, your susceptibility, your genetic makeup.

But take the case of Detective James Zadroga, a 34-year-old detective who joined the NYPD in 1992.

He did not smoke. He had no known history of asthma. He was an exemplary New York PD detective, the kind they make TV shows about, someone with a shelf full of commendations, who put himself in harm's way time and time again to protect the people of New York. I spent time with his father Joseph, a retired police chief. You will hear about the 450 hours that this decorated detective spent working on recovery efforts on the pile at Ground Zero in 2001. It filled his lungs with fiberglass, with pulverized concrete, and other toxic chemicals that destroyed his lungs. The stress and strain of his deteriorating physical condition was followed by the death of his wife, leaving him responsible for his 2-year-old daughter. He died on the floor of his bedroom with his little girl trying to wake him.

I know this is an authorization bill, and I know that it doesn't appropriate money, but it does something equally important: it sets a marker, makes a statement, and it takes all of the words and claims of concern and puts them into action. It says we are not only with you in word and deed, but we will not abandon you in your time of need.

If, as we hear, September 11 was a day that changed our Nation forever, and it is one that Americans will always remember, then let's not lose sight of its lessons. Let's finally heed the recommendations of the 9/11 Commission by fully implementing them. Let's do everything we can to make our bridges, tunnels, transit systems, rail lines, our entire infrastructure as safe as possible; otherwise, we are going to have a lot of autopsy reports like we had for James Zadroga. We are going to read about the deaths and disability of thousands of our bravest, most courageous men and women. We are going to see construction workers who, before 9/11, could lift three times their body weight in steel and do whatever was necessary to construct those skyscrapers but are now bent over in pain, unable to breathe and sleep. I don't think that is what we want as our legacy as a Nation coming out of 9/11.

This country has been supportive of New York, and I am extremely grateful. But we were on the end of the spear when it came to absorbing the attack and reacting. Now we have to continue to keep faith with those who did our country proud in the hours, days, weeks, and months following that horrific attack on our Nation.

Mr. President, I ask for the consideration of this amendment to honor those who honored us and to create a system to make sure that they do not go without care, that they get the treatment they need, that their life can be saved and prolonged, that we don't lose any more like that 34-year-old detective. In his autopsy report, the pathologist said:

> It is felt with a reasonable degree of medical certainty that the cause of death in this case was directly related to the 9/11 incident.

Let's not have any more victims of the terrorists. Let's not let bin Laden and al-Qaida claim any more Americans who die as a result of their evil attack on us. Let's band together and support those who need us in their hour. I hope we can make such a statement with this amendment today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the reports recently released by the Mount Sinai Center did reveal disturbing news about the long-term health effects suffered by those working in recovery efforts after September 11. It is very disturbing because, clearly, we should make every effort to respond to and monitor the health problems of those who were at or near Ground Zero on that day—the heroes who risked their own lives and, apparently, their long-term health by rushing in to rescue others.

This amendment would direct the Secretary of HHS, acting through the Director of the Centers for Disease Control and Prevention, to award grants to entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly affected as a result of the attacks on New York City on September 11.

I do have some questions about the amendment, however. For one—and I see the sponsors otherwise engaged, but I am going to pose the question anyway. Again, I am very sympathetic. I think we have an obligation to those rescue workers, firefighters, emergency medical personnel, police officers, and others who risked their own lives and health to respond to the needs of others.

I am concerned that the amendment only applies to those first responders in New York City. There may well be health impacts that were suffered by the rescue workers, firefighters, police officers, and others who responded to the Pentagon. I am concerned that the Senator limits the nearly $2 billion in funding to only New York, and that doesn't seem fair to me. It seems to me that it should apply to both jurisdictions. I don't know whether there were similar problems in Pennsylvania, as well, but it seems to me it should be broader.

Mrs. CLINTON. Mr. President, may I respond to the Senator?

Ms. COLLINS. I am happy to yield to the Senator from New York to respond to the question.

Mrs. CLINTON. I greatly appreciate the Senator's awareness and commitment to doing something to help those who were affected. Certainly, from her position as chair of the Homeland Security Committee, she knows as much or more about these issues than any one of us. I appreciate greatly the suggestion that we include everyone. I make the following two additional points: Apparently, the rescue workers at the Pentagon were given respiratory equipment, given appropriate garb to wear, and were put into decontamination showers. They had the kind of worksite I wish we had had after a couple of days when the emergency immediately passed. So I wish we had that at Ground Zero. If there are those suffering from ill effects, I completely agree with the Senator. That is one of the reasons Senator VOINOVICH and I have joined together to try to expand the ability to treat first responders who come from anywhere. He had a rescue unit that went back to Ohio and they are sick.

The final point in response to the Senator's question is, our issue in New York is somewhat complicated by the fact that the EPA, under then-Administrator Christine Todd Whitman, consistently stated that the air was safe, told the city, the State, and the workers that, and that there was no effort made to try to even obtain the respiratory equipment and other protective coverings the workers might have needed. I agree that we should not leave any of our responders behind, no matter where they came from or who they are.

Ms. COLLINS. Mr. President, I appreciate the comments of the Senator from New York. The conditions in New York, as far as respiratory equipment, may have been different. But I have worked closely with Senator VOINOVICH on his broader bill. We reported it from the Homeland Security Committee. He offered it today as an amendment. I hope, perhaps, we can have a meeting of the minds on what is a real problem. We do not want those who were so brave that horrible day to not receive assistance, care, and monitoring for health problems associated with their bravery, regardless of which environment they were in.

The second issue I have to raise is the extent of the resources that will be needed to deal with this issue. I don't know the basis for the nearly $2 billion authorization that the Senator has come up with, so I cannot comment on it.

That leads me to my third point, which is the way the Senator has drafted this amendment, directing the Secretary of HHS, through the Director of the CDC, to allocate the funds. That means it is not in the jurisdiction of the Homeland Security Committee, or even the Commerce Committee or Finance Committee. It is in the jurisdiction of the HELP Committee. So I have asked staff to notify the HELP Committee of this amendment so that they have an opportunity to review it.

With that, let me again repeat that I think the Senator from New York has identified a real problem. It is not germane to the underlying port security bill, but it is an urgent and real problem. It is in another committee's jurisdiction. We have a different approach that the Homeland Security Committee has taken in working with Senator VOINOVICH because this even goes beyond 9/11.

I know the Senator from New York has also worked with Senator VOINOVICH on his amendment, which is under the Homeland Security Committee's jurisdiction. So I suggest that we get some input from Senator ENZI and Senator KENNEDY, since they are the committee of jurisdiction.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise to speak in strong favor of the amendment offered by the Senator from New York. I have listened carefully to the reasons the other side is objecting. At this stage, it sounds as if they are objecting. I hope they will accept this amendment.

Ms. COLLINS. Will the Senator yield?

Mrs. BOXER. Yes.

Ms. COLLINS. There is not necessarily an objection. I don't know because it is not under the jurisdiction of the committee that I am privileged to chair. So I don't want to prejudge whether there is an objection from the HELP Committee or not because I don't know. I have saluted the Senator from New York for bringing a very real problem to our attention, although I wish it were on a different bill. I wish we would move the Voinovich bill separately, which has been on the calendar for a long time. I don't know that there is an objection on this side.

Mrs. CLINTON. A point of clarification, Mr. President. I believe the amendment builds on the World Trade Center monitoring program which did go through Homeland Security. That may not be the best way to proceed in the future, but that is an existing structure.

I absolutely agree with the Senator from Maine that the Voinovich bill will give us an opportunity to avoid these problems in the future, which has to be one of our primary goals.

I thank the Chair.

Mrs. BOXER. Mr. President, I am glad that I said what I did because maybe we have a chance to see this amendment get a favorable response in the Senate. It is true that this is broader than a port security bill, but so was Senator MCCAIN's amendment and Senator SHELBY's amendment. We are broadening this bill because I believe this is our last opportunity to address the issue of homeland defense.

This is a great opportunity to look back at what we have done right and what we have done wrong. And one of the things that was wrong was when Christie Todd Whitman, then head of the Environmental Protection Agency, came before my committee, the Environment Committee, and said the air was safe. She said the air was safe. People were down there at that site. The Senators from New York, Senator CLINTON and Senator SCHUMER, know best how people are suffering, but I can tell you, in California, when we had fierce fires and we had horrible problems that befell our first responders, I wrote a bill. At that time, we could not get a bill through that said that these first responders, these bravest of the brave, deserve to have health care. Many of them were working part time and didn't have health benefits. Many of them lost their jobs and lost their health benefits. That is what is happening to those who worked at the World Trade Center site.

Senator COLLINS makes some good points about jurisdiction, but I don't think the families who are seeing their loved ones wheeze and cough—and one I just read about died literally holding the hand of his 4-year-old—care that this bill before us is about the Department of Homeland Security but the amendment deals with the first responders through another agency. That is why politicians get such bad names sometimes, because we come up with the craziest reasons for saying we can't support something. I am encouraged that Senator COLLINS said not necessarily, that she may, in fact, support this bill.

Words are cheap. We can say anything we want; it is free. But if you mean what you say, that the first responders are heroes, if you mean what you say when you say they should be lauded, remembered, their families protected, and all the rest, then do something about it.

I am so pleased that the Senator from New York has given this Senate a chance to say thank you and to say we are sorry because some of the people were told the air was fine when it wasn't.

I hope we will stand up and be counted. As I said earlier today, I am so glad we have the subject of homeland defense before this Senate. It comes in the form of a port security bill that Senators COLLINS and MURRAY worked on and on which many members of the Commerce Committee and other committees have also worked.

This is a good bill, but we can't leave here thinking that because we did a port security bill, we have addressed the issue of homeland security and all the ramifications that followed from 9/11. We are making this bill better. We are making it more like the Reid amendment. We are going after rail security. We are going after transit security. And now with the Clinton amendment, we have a chance to help those who deserve to be helped—the heroes of 9/11.

We were just reminded—we saw the scenes, we saw their selflessness, and this is a chance for everyone who spoke about them to cast a "yea" vote for them. That is an opportunity we should not miss today.

Again, my thanks go to the Senator from New York and my colleagues for allowing debate on this very important amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Clinton amendment is the pending amendment.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for as long as I may consume, not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

IRAQ

Mr. BYRD. Mr. President, September 11 has come and gone, and as we remember those who were lost, those lives that were lost on that awful day, that fateful day, and contemplate events since the horrific attack, one truth stands out: The war in Iraq has backfired, producing more recruits for terrorism and deep divisions within even our own country. It is a war we should never have begun.

The detour from our attack on bin Laden and his minions hiding in the cracks and crevices of the rough terrain of Afghanistan, to the unwise and unprovoked attack on Iraq, has been a disastrous one.

Mr. Bush's war has damaged the country because he drove our blessed land into an unnecessary conflict, utterly misreading the consequences, with the result now being a daily display of America's vulnerabilities to those who wish us ill. The United States is a weaker power now, especially in the Middle East but also in the court of world opinion. Where, where, where is the America of restraint? Where is the America of peace and of inspiration to millions? Where is the America respected not only for her military might but also for her powerful—her powerful—ideas and her reasonable diplomacy?

Our country may have deviated occasionally from its positive global image in the past, but Abu Ghraib, the body snatching for torture, euphemistically called rendition. Presidential directives which unilaterally altered conditions of the Geneva Conventions—these are not the stuff of mere slight deviations from the America of peacefulness, the America of fairness, and the America of goodwill. These are major policy and attitudinal changes of tsunami-sized proportions—tsunami-sized proportions. Our friends shake their heads in disbelief. Our enemies nod wisely and claim they knew all the while. I cannot remember a time in our history when our elected leaders have failed the people so completely, and yet, so far, are not held accountable for costly misjudgments and outright deceptions.

Take our Secretary of Defense, Donald Rumsfeld, for example. He misread the Iraqi situation completely and entirely. He adamantly dismisses suggestions for a larger force in Iraq. He failed to object when the White House's Coalition Provisional Authority disbanded the Iraqi Army, only to have them go underground and provide fodder for the insurgency. Yes, he insisted that the Iraqi people would view our soldiers as liberators, not occupiers, and even failed to properly anticipate the equipment needs of our men and women in harm's way. Who am I talking about? Defense Secretary Rumsfeld.

He continues to insist that we are not facing a civil war in Iraq, despite convincing evidence to the contrary. Yet he sits comfortably in his office as the echo of his errors in judgment and strategy continue to cost thousands of lives—thousands of lives.

Then there is President Bush and Vice President DICK CHENEY. These men continue to try to make the American public swallow whole the line that the war in Iraq is the frontline of a global war on terror which must be continued at all costs. Stay the course, they say, stay the course despite 3 years of discouragingly little progress in Iraq. The body count is approaching 2,700 for our side, tens of thousands for the beleaguered Iraqi people. We ought to think of them, too. Tens of thousands of men, women, and children, the Iraqi people, and billions—billions, I say—billions of American tax dollars of which an embarrassingly large chunk has been wasted by irresponsible contractors and Government officials who lack the proper respect for the public purse. Many of our allies have left the field, recognizing the truth that the administration fails to see; namely, we had the weapons to win the war but not the wisdom to secure the peace.

Yet too many in the public are utterly complacent about the numerous violations of the public trust and the continuing loss of human life in Iraq. Some of our citizens have apparently been convinced that it is unpatriotic to criticize one's country when that country is engaged in an armed conflict. In fact, in our land today, there is a troubling tolerance for Government overreaching on fronts at home as well as abroad. This administration has repeatedly used fear and flag-waving to blunt the traditional American insistence on the Bill of Rights: personal freedom of thought and action, privacy, and one's right to speak and write as one pleases. Such a cynical exercise on the part of high officials of our Government is unconscionable. It is shameful behavior for which there is no excuse—no excuse, none.

The Congress, under the control of the President's party, has been submissive—submissive, a lap dog wagging its tail in appreciation of White House secrecy and deception. Yes, a lap dog Congress. Yes, we. Even the vast majority of the opposition party has been too quiet for too long, unable to find its voice, stunted by the demand to support the troops. We forget too often that there is a very real difference between support for the troops and support for an unnecessary war. The men and women of our military did not ask to go—no, they didn't ask to go to those faraway places, but they were willing. They went. They answered their country's call. We have an obligation to support them, but we do not need to follow blindly the unthinking policies that keep them mired in a country that is in the middle of a civil war.

The American public is our last best hope now. You out there who are watching through those lenses, you are our last great hope, the American people. Our people must demand more from their representatives—from me, for one—their representatives in Congress, and from their leaders in the White House. Donald Rumsfeld should be replaced by the President because he has made so many grievous errors in judgment on Iraq and because a new voice—hear me now—a new voice at the helm at the Department of Defense could be a breath of fresh air—fresh air—yes, fresh air for our policies in Iraq. Mr. Rumsfeld's replacement would be good—good—for our country. Yet even a sense-of-the-Senate vote of no confidence in Mr. Rumsfeld's leadership has been blocked by the President's party in the Senate. Personal accountability has been long absent from this administration, and I would like to see it returned.

One would hope that men and women who rise to positions of awesome responsibility would have the grace, the dignity, and the honor to know in their own hearts when a well-timed resignation would advance patriotic goals. But too often, the selfish love of power or some misguided show of toughness wins the day to the detriment of our country's fortunes. Donald Rumsfeld ought to step down or his President, Mr. Bush, ought to ask him to step down. There is too much at stake for any other course.

Personally, I believe the President is being derelict in his duties if he does not ask for Mr. Rumsfeld's latchkey. The bungling and the loss of life attendant to this tragic—this tragic—3-year-long debacle in Iraq have hurt this country, hurt its public image, and hurt its ability to achieve numerous other national and international goals. That kind of dangerous ineptitude should not be excused. It should not be excused. But like so many things, when it comes to Iraq and the Middle East in general, the United States of America is stuck in neutral, with the only thing showing vigorous movement—the ever-spiraling price of gasoline. We have destabilized the Middle East and handed the Mullahs a way to affect the daily lives and livelihood of every American, and the efficacy of our military might: the oil supply lines upon which our own economy and our own military depend.

Now that oil supply is the favorite target for terrorists who have learned the joys of bombing pipelines and listening to America bite its nails about the high cost of gasoline while it laments its lack of foresight in developing alternative fuels.

Now we have passed yet another anniversary of the bloody attacks which precipitated the disastrous situation in which our country finds itself today. Yet while we mourn, there are hard truths to confront. Our attention has been shifted by design and deception too quickly from the war in Afghanistan, a war that we needed to fight, a war that we needed to win. Now the Taliban is on the rise in that country. Al-Qaida continues to find sanctuary in the mountains, violence is on the rise, and peace and stability are in jeopardy.

North Korea, probably reacting to our doctrine of preemption—a very unconstitutional-on-its-face doctrine—North Korea, probably reacting to our doctrine of preemption and our newfound bellicosity, has increased its nuclear capability. Iran has been emboldened by our inability to stop the violence in Iraq and by the lukewarm support that we have garnered from traditional allies. Even the people of Turkey—even the people of Turkey, one of the United States's staunchest allies, Turkey, a member of NATO, and a model, yes, a model of secular Muslim democracy—have turned against us.

A survey, conducted by the German Marshall Fund of the United States, indicates that Iran has become one of the most popular countries in Turkey and that there is a growing willingness to identify with radical Islam. A display of ineptitude and spectacular miscalculation in Iraq has cost us dearly.

Disenchantment at home with the dismal results in Iraq will have reverberations for years, much like the failure in Vietnam did in the 1960s.

President Bush insists that his war must go on. He defends warrantless wiretapping of our own citizens as essential to his cause, despite a Court decision that the President has no such authority under our Constitution—our Constitution, this Constitution. He defends torture and rendition and says that they have produced valuable evidence which has subverted several terror attacks on our country. But his credibility is so damaged that it is difficult to believe him. He demands the authority to hold terror suspects indefinitely and then to try them using military tribunals which deny basic rights, also in defiance of a Supreme Court ruling. He seems convinced that he can win a global war on terror despite the demonstrated failure of his policies of unilateralism, militarism, overheated rhetoric, and a pathological dislike of diplomacy.

So it is up to the Congress—up to us, the Congress, the people's branch—to change course and to stop the heinous raiding of constitutionally protected liberties by a White House which does not fully appreciate the true meaning of the word liberty, the true meaning of the word freedom.

My fellow Senators, I hope that we may find the courage.

I yield the floor.

AMENDMENT NO. 4975

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, there will now be 4 minutes of debate equally divided on the motion to table the Biden amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to take 1 minute and reserve 1 minute. I make this motion to table because I believe this amendment is so comprehensive, it really doesn't belong on this bill. The concept of the funding for the activities recommended by the Biden amendment is the amendment mandates the committee to bring out a bill to provide the funding. It would be an increase of $32.8 billion for the Homeland Security Department; that is a 19-percent increase over the amount that has already been allocated. We do not need that. This is not the place to consider that, anyway. This deals with restoring the cuts that have taken place in law enforcement areas. It is looking at liquid explosives and hazardous materials concepts. It has a whole series of things in here that deal with funding—money for more FBI agents, more money for Justice Assistance grants, more money for Customs agents. A whole series of things are involved. It is two pages long.

The money that would be authorized by the funds that the Biden amendment would mandate we provide under the appropriate procedures.

Being essentially a sense-of-the-Senate resolution, it is difficult to deal with, but that kind of resolution becomes a mandate in the next year.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Parliamentary inquiry, Mr. President. What happens if the Senator does not arrive and the time comes?

The PRESIDING OFFICER. There remains approximately 20 seconds in opposition to the motion.

Mr. STEVENS. Let me use the remainder of my other minute, then.

I point out to the Senate that this amendment would create a new trust fund, and into that trust fund would go the moneys that would come from the mandate to the Finance Committee to reduce the scheduled and existing income tax reductions enacted since the taxable year 2001 with respect to what taxpayers earn in excess of $1 million a year. That is a laudable thing, but this is not just a sense-of-the-Senate resolution; it is a mandate to the Senate to do this.

The PRESIDING OFFICER. All time for debate has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the question occurs on the motion to table the Biden amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—57

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—41

Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Akaka
Chafee

The motion was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR BAUCUS'S 10,000TH VOTE

Mr. REID. Mr. President, with this last vote, the senior Senator from Montana, MAX BAUCUS, casts his 10,000th vote. He has entered into very good company having cast his 10,000th vote. Senator SARBANES, Senator LUGAR, and Senator HATCH are in the company with him.

I applaud and congratulate my friend, MAX BAUCUS. He has served a lifetime representing the people of the State of Montana. He was elected to the Montana State Legislature in 1973, the House of Representatives of the United States the next year, in 1978 elected to the Senate. He has a compelling background. He was raised on a ranch near Helena, MT.

One of the fascinating things that speaks of Senator BAUCUS's personality, he did not know as a young man what he wanted to do. So to get his thoughts together and his head on straight, as he said, he decided he would travel the world. And he did that, by himself, hitchhiking and catching rides, and when he had a few dollars, he would catch some type of public transportation. He traveled the world over. He got very sick on an occasion or two drinking water that was not like water in Helena, MT.

I repeat, it speaks of who MAX BAUCUS is. He has an outstanding education. He was educated in one of the finest university's in the world, Stanford, for both his undergraduate work and for his law degree.

When I was elected to the Senate, the first person to reach out to me socially was MAX BAUCUS. He invited me to his home, where I met his lovely wife Wanda. Now, in the years since, because of our Senate schedules being as busy as they are, we have not done a lot of things socially. I speak to Wanda a lot on the telephone, trying to find Senator BAUCUS. She is, to me, a fascinating woman—whether she is doing her painting or writing a book, she is always doing something intriguing. They have a wonderful son Zeno.

We all shared in the tragedy that occurred in Senator BAUCUS's life during the past few weeks when his nephew—who to Senator BAUCUS was like a son—United States Marine Corpsman Phillip Baucus, was killed in Iraq serving our country.

I am almost embarrassed to talk about MAX's athletic accomplishments because mine so pale in comparison. I always feel kind of good about the fact that I have run a lot of marathons. Marathons are nothing for MAX BAUCUS. He has run 50-mile races, 100-mile races. Remember, a marathon is only a little over 26 miles. But in one race, he has run four times the marathon that I and others run.

Senator BAUCUS has been chairman of the Environment and Public Works Committee, chairman of the Committee on Finance, ranking member now. He set a great example to me as I was then a junior member of the Environment and Public Works Committee on the first highway transportation bill, working with him and Senator Moynihan.

One of the things I recognize with Senator BAUCUS is he has been a great leader for our caucus and the Senate, from Social Security to the economy. Generally, we look to him for guidance.

One of the things I also appreciate and admire in Senator BAUCUS is the working relationship that he has with Senator GRASSLEY. They do not always agree on issues, but they have a real partnership in that Committee on Finance. I think they set an example for what all Senators should do, and certainly all chairman and ranking members. I so appreciate their working together. I repeat, they do not always agree, but they never are disagreeable in their disagreements.

I know I speak for all Montanans, and I know I speak for all Democratic Senators, and I am sure Republican Senators, in expressing our admiration and respect for Senator BAUCUS in casting his 10,000th vote.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I could follow on in the same vein in order to associate myself with the remarks of the distinguished Democratic leader, knowing Senator BAUCUS, I bet he is so busy that he probably didn't even realize he was casting his 10,000th vote. I know it is a very major accomplishment; very few Members do that.

I congratulate him. That signifies a lot of hard work in and of itself, but I think of the really hard work that Senator BAUCUS does working as a member of the Senate Committee on Finance—sometimes as chairman, sometimes as ranking member—and, more importantly, not just working hard but working in a cooperative way to get things done.

I honor him. I didn't know anything about it. I am glad to hear about it. He should be recognized, and I thank him for the cooperation he has given to me over the years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my friend from Iowa. I thank all my friends, especially Senator REID and Senator GRASSLEY. I had no idea I cast 10,000 votes until someone said it was the 10,000th about 15 minutes ago.

I have several thoughts. No. 1, it is such a privilege to represent the State of Montana. I have 900,000 of the world's best bosses. You could not ask for better employers than the people of the State of Montana. I am so grateful to have the privilege to serve my 900,000 constituents.

Second, I am reminded a little bit of years past. There have been very great Senators serving this body, a time when there was more agreement, more bipartisanship. It was not quite as partisan as it is today. I hope over the next 1,000 votes, or however many are cast, we move to a time of more bipartisanship; that we do work together.

Senator GRASSLEY and I are very lucky to work closely together. I am honored to work with him. There have been a lot of major votes I am proud of. There are a couple, as I look back, I wish I had not cast. But that's life. We do the very best we can, and most of us do a pretty good job.

I thank my friends. I thank my colleagues. I thank everyone else who is part of the larger Senate for all that you do. It means a lot to me.

Mr. NELSON of Florida. Before I call up an amendment, I will say a word about Senator BAUCUS. It is a measure of the man in times of tragedy how one will stand tall and be a healing force among the bereaved. In this terrible tragedy his family has had, the son of his brother being killed in Iraq, Senator BAUCUS was able to bring comfort to his family, and particularly to his brother, by going to the Air Force Base and receiving the body of his nephew and then escorting the coffin all the way to Montana, and returning that body, as the Good Book says, from dust to dust.

I want to add my personal comments of appreciation for the life of Senator BAUCUS and especially for his public service.

AMENDMENT NO. 4968

Mr. President, I call up amendment No. 4968.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4968.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Department of Homeland Security provide Congress with a strategy for deploying radiation detection capabilities to all United States ports of entry)

On page 27, between lines 20 and 21, insert the following:

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a), and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but no later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

Mr. NELSON of Florida. Mr. President, the 9/11 Commission Report said:

> [O]pportunities for terrorists to do us harm are as great—or greater—in our shipping ports as they are in commercial aviation.

We have done a pretty good job in tightening up the security of our airports but not so in our seaports. That is the purpose of this whole bill on port security.

A respected policy center that studies terrorism looked at what would happen if a 10-kiloton bomb was detonated in a seaport—in this particular simulation, the Port of Long Beach, CA. They pointed out that 60,000 people would die instantly, and another 150,000 would suffer radiation poisoning, and some 2 to 3 million people would have to be relocated as a result of the contaminated land. Of course, the cost to our Nation's economy would be enormous—about $1 trillion under that scenario.

Most experts agree that our ports are not only vulnerable but also the damage resulting from an attack could be catastrophic. Where are most of the ports located? Mostly, they are snuggled up to, close to, a downtown, a highly dense urban community.

The State I represent, Florida, is home to 14 deepwater ports, so we have the task we are trying to address in this bill of protecting these ports and protecting the peace and security of our people.

The outcome of this fight has very broad implications for our country. All of our Nation's 88 ports that handle cargo containers still remain vulnerable. Only—we are estimating—6 percent of all the cargo coming into these ports is fully inspected.

Our own Department of Homeland Security says three out of four American ports do not have the equipment to screen for nuclear weapons or for a dirty bomb, which is a conventional weapon designed to spread radioactive material. And the Congressional Budget Office says the President's proposed plan falls about $130 million short of what is needed to protect these ports.

I recall my former colleague from Florida, the former chairman of the Intelligence Committee, former Senator Bob Graham, recently warned that the increase in Federal spending was not enough to adequately protect ports. This former chairman of the Senate Intelligence Committee said that if he were a terrorist, he would know exactly how to go about wreaking havoc—he would head for a port with lax security and then do his dirty work.

In the legislation before us, we have taken a giant step in the right direction. We are proposing to secure 22 of our Nation's busiest container ports. But what about the other 66 domestic container ports? Shouldn't they receive the scrutiny? And shouldn't we protect the additional 273 secondary sea and river ports in the United States?

Certainly, we should. That is why I offer this amendment today, which will direct the Homeland Security Secretary to develop a strategy for the deployment of radiation detection capabilities at every U.S. port. I believe it is going to make all of us a little bit safer. There has been enough delay. Now it is time to do this. And we should do it right. So this legislation is the implementation of a program for the examination of containers for radiation at ports of entry described in the bill, not just the 22 major ports.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the port security legislation we are considering requires that radiation detection equipment be installed in the busiest 22 ports of entry by the end of next year. That would result in 98 percent of all cargo coming into this country being screened for radiation or radiological devices.

The Senator's amendment raises the question of, What about those smaller ports? Doesn't this invite, for example, terrorists, knowing they will be screened at the 22 largest ports, to instead divert dangerous cargo to a small port?

The Department of Homeland Security wants to make sure it has flexibility to do, perhaps, handheld devices for screening rather than the expensive, large radiation portal monitors that are at big ports, such as Seattle.

I would pose a question, through the Chair, to the Senator from Florida, whether there is anything in his amendment that speaks to the type of equipment that must be installed, because obviously, if you have a very small port that only gets a couple of cargo ships per year, it may not make sense to invest in radiation portal monitors, but it may make sense to, instead, assume that the Customs and Border Patrol agents are equipped with handheld screening devices, which still screen.

So I would ask, through the Chair, my colleague from Florida whether his amendment, as I read it, gives flexibility to the Department as to the types of equipment, in keeping with the fact there are different needs and different volumes?

The PRESIDING OFFICER. Without objection, the Senator from Florida will be given the opportunity to reply.

Mr. NELSON of Florida. Well, indeed, thank you, Mr. President.

The Senator from Maine is exactly correct. There is the flexibility in the amendment for the Department to make that determination because it is specifying the implementation of a program for examination of containers for radiation at ports of entry.

Ms. COLLINS. Mr. President, I thank the Senator from Florida for his clarification.

With that understanding, I am pleased to recommend that the Senate adopt his amendment.

I yield to the Democratic manager of the bill to see if we could clear this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have cleared this amendment on the Democratic side, and we are happy to move forward with its adoption right now.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4968) was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection? Is there objection to setting aside the pending amendment?

The Senator from Maine.

Ms. COLLINS. Mr. President, we have had a lot of amendments offered on the Democratic side, and there are Republican Senators who are eager to come to the floor—Senator COBURN, Senator DEMINT, Senator VOINOVICH—to complete the action on their amendments. I thought we had an understanding that we were going back and forth, but instead we seem to be doing Democratic amendment after Democratic amendment after Democratic amendment. So until I get some clarification on how we are going to proceed, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I totally understand the concerns of the Senator from Maine. I just would like to request—we only have one Senator on our side at this time who wants to bring up an amendment, and there are no Republicans here at this time. He is the only one I am aware of right now who is here in the Chamber ready to go. If it would not be objectionable, if it would be all right that he could just offer his amendment, he just wants to call it up.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, it would be helpful if the Democratic manager of the bill or the sponsor of the amendment gave us some idea as to the subject of the amendment and whether the Senator from New Jersey is seeking a full debate on it or just wants to call it up briefly—or what his intentions are.

The Senator from New Jersey has an amendment that we are trying to put in a block of amendments to deal with the issue of scanning cargo. There are three such amendments that are pending: the amendment of the Senator from New York, Mr. SCHUMER; the amendment of the Senator from New Jersey; and the amendment of the Senator from Minnesota. I need more information about the Senator's intentions, given he has filed more than one amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I believe the Senator from New Jersey just wants to call up his amendment and speak for a few minutes, if I am not incorrect.

I say to the Senator from New Jersey, if you could just tell us—I believe it has been shared on both sides.

I say to the Senator from Maine, I know your staff has a copy of it.

But if the Senator could just explain his intentions.

The PRESIDING OFFICER. Without objection, the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, my amendment is amendment No. 4999. It is to ultimately have a plan to move toward the scanning of cargo. I intend to speak for about 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, then I am going to have to object to the Senator proceeding at this time because we have proposed that all three amendments that deal with the scanning or screening of cargo be considered together, including the amendment of the Senator from New Jersey. If we can get an agreement where we could consider and debate all three amendments and then have three consecutive votes on those amendments, then I would not object. But if we cannot get that agreement, then I do object.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to a vote in relation to the Coleman amendment No. 4982, to be followed by a vote in relation to the Menendez amendment No. 4999, with no amendment in order to either amendment prior to the vote; finally, that the time until the vote be equally divided between the two managers or their designees, and that there will be 2 minutes equally divided of debate prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have no objection to this agreement. I thank the manager for working through this with us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mrs. MURRAY. Mr. President, I yield time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4999

Mr. MENENDEZ. I ask unanimous consent that amendment No. 4999 be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4999.

The PRESIDING OFFICER. I ask unanimous consent that reading of the amendment be dispensed with.

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 30, between lines 8 and 9, insert the following:

SEC. 126. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan—

(1) 100 percent of the cargo containers destined for the United States before such containers arrive in the United States; and

(2) cargo containers before such containers leave ports in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) a description of the consequences to be imposed on foreign ports or United States ports that do not meet the benchmarks described in paragraphs (1) and (2), which may include the loss of access to United States ports and fines;

(4) the use of existing programs, including CSI and C–TPAT, to reach annual benchmarks;

(5) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

On page 61, line 6, strike the period at the end and insert "; and".

On page 62, between lines 6 and 7, insert the following:

(5) an update of the initial 100 percent scanning plan based on lessons learned from the pilot program.

Mr. MENENDEZ. Mr. President, I thank my colleagues, Senator INOUYE, Senator MURRAY, and Senator COLLINS, for their work and attention to this critical subject. I am pleased to stand with them in trying to work to ensure that a concrete port security measure takes place that makes our Nation's ports safer than they are presently.

We have just commemorated the fifth anniversary of the September 11 attacks. I cannot think of a way in which we can learn from those lessons more than to finally come to an agreement on a strong, well-funded port security bill. For those of us who represent States such as mine, New Jersey, with the largest ports in the country, it is not a moment too soon. In fact, some would argue that it comes rather late in the game. I have to agree.

Five years after that tragic September day, nearly 4 years after Congress passed the Maritime Transportation Security Act, and 2 years after the September 11 Commission issued its report and its 41 recommendations, our Nation's busiest ports remain underfunded, understaffed, and overwhelmed. A myriad of new stories over the last week in the runup of the fifth anniversary of September 11 have consistently pointed to one irrefutable fact: our ports remain vulnerable to a terrorist attack. This is not news for some of us.

In December of 2001, I introduced a port security measure in the House of Representatives which sought to fully understand the vulnerabilities we face at all of our ports. I certainly hope this will move us along in that way. I urge, certainly, that we come to that conclusion.

Let's remember that an attack at our ports would not just hurt trade and commerce. Such an attack at a port would devastate surrounding communities. In August, the Rand Corporation released a report concluding that "a nuclear explosion at the port of Long Beach could kill 60,000 people immediately, expose 150,000 more to radiation, and cause 10 times the economic loss of the September 11 attacks."

In my State of New Jersey, the Elizabeth-Newark Port, the largest container seaport on the east coast, handled more than $132 billion in goods in 2005 and creates over 200,000 jobs. Imagine what would happen to the Nation—not just New York or New Jersey—if commerce were shut down in this port. Imagine the number of lives in that immediate region, one of the greatest concentrations of population in the Nation.

According to retired Coast Guard CDR Stephen Flynn, the cargo containers "are a potential Trojan horse in the age of terrorism." He is right. Mr. Flynn pointed out that we are not keeping pace with the terrorists' capabilities. The threat continues to evolve. When we patched up one security hole, they found another gap, another vulnerability.

In December 2005, small undercover teams of investigators from the Government Accountability Office were able to carry small amounts of Cesium 137, a radioactive material used for medical and industrial purposes, in the trunks of rental cars in the States of Washington and Texas. The Washington Post reported that the radioactive materials did set off alarms, but GAO agents were able to use phony documents to persuade U.S. border guards and Customs officers to let them pass into the country.

As long as cargo containers remain a mainstay of international commerce, and as long as we cannot verify what is inside each and every one of them, we are vulnerable.

Right now, only 5 percent of containers entering this country are inspected. That is a number which I believe would shock most Americans. Let me be clear. It would be unacceptable to screen only 5 percent of White House visitors every day, so why is it acceptable to scan only 5 percent of cargo entering our country every day? Scanning anything less than 100 percent of cargo that enters our ports is irresponsible and downright negligent. Only scanning 5 percent of cargo containers that enter our ports is the equivalent of locking the car doors but leaving the windows down and the keys in the ignition. It is unacceptable.

Even the system we now use to determine which of the 5 percent of containers to inspect is riddled with flaws. Customs inspectors rely on manifests and intelligence data—both of which can be unintentionally incorrect or even manipulated—to develop algorithms that tell them which container to open. We cannot take the risk that complex mathematical equations relying on faulty inputs will catch a chemical, nuclear, or biological weapon shipped into our ports. We need to develop a system that will eventually ensure that 100 percent of containers bound for this country are inspected, either physically or through effective nonintrusive scanning that will find and detect weapons no matter how they are disguised.

We need to take advantage of existing technologies that can scan the inside of a container, even before it leaves a foreign port, and create a downloadable image of what is inside. That image can be reviewed in real time by security officials in the United States so we know exactly what the container holds before it even sets sail for our shores. By combining this technology with scans for radioactive material, we can find dangerous materials before they ever arrive in our ports.

Port security is a serious matter that should be addressed with a comprehensive and consistent plan, not a game of "Eeny Meeny Miney Mo" to figure out which cargo container to scan. Five years after September 11, we must have a plan, a clear roadmap that describes how we will move our Nation to 100 percent scanning at our ports. To accomplish this, this amendment would require just that: to produce an initial plan, a tangible document that clearly outlines how to increase scanning to 100 percent at our ports. The plan must include yearly benchmarks and consequences for supply chain entities that fail to comply, and this could include loss of access to U.S. ports and levying of fines.

My amendment also includes a requirement for an update of the initial 100-percent scanning plan that would include lessons learned from the pilot system.

The definition of 100 percent scanning is very important here, and I hope our colleagues will focus on this issue. The American public should not be misled by anyone stating that screening is sufficient or that offering amendments for 100-percent screening is a step in the right direction.

Let me be very clear: 100 percent screening means just looking at manifests, manifests that are often incomplete and incorrect. Relying on manifests is simply not the way to ensure cargo containers do not contain items they should not, items that could endanger the security of our ports, the surrounding communities, and the people in our country.

I want to emphasize that I am not calling for all containers entering the United States to be opened up and examined. What I am calling for, and something that is well within our technical capabilities, is to ensure that all containers entering the United States have been scanned using nonintrusive technology.

But to get to 100 percent container inspection and to have true container security, we also need to take immediate steps to put scanners in place here and abroad to track containers as they move across the ocean and to start protecting against not only nuclear but chemical and biological agents.

In conclusion, we have been debating the details of this cargo inspection regime for far too long. It is not a new issue. But the time has come to act decisively and with one voice to make our ports safer than they are now.

Five years after September 11, we still do not know what is entering our ports. Recently, a commercial airplane was diverted because someone forgot their BlackBerry on board. Yet thousands of cargo containers stream into our Nation every day without us knowing exactly what they contain.

Just this past Monday, we commemorated the fifth anniversary of the attacks that shocked the Nation and took the lives of 3,000 Americans, including 700 New Jerseyans. We must remember the terrorists used methods beyond our wildest imaginations and spurred the Congress into some action to better protect our Nation. Here we stand 5 years later and we are still not scanning 100 percent of the cargo that enters our country. We are tempting fate in a most reckless way. We have identified a clear vulnerability and we must do everything we can to decrease the threat before it is too late.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we would have saved hundreds of lives, as well as the billions of dollars it will take to rebuild that city. I don't want this country to look back in hindsight a few years from now with the realization that if we had taken action today, we could have prevented a major terrorist attack. Who among us would be satisfied in the aftermath of an attack that we did not take the steps that could have prevented it because we were unwilling to dedicate the necessary resources? That is the choice the Congress faces and the Senate faces today. And for the security of our country, it is essential that we make the right one.

I urge my colleagues to support this amendment so that we can do so and move toward a plan that will give us 100 percent scanning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I listened carefully to the comments of the Senator from New Jersey in which he advocates for 100 percent scanning. He says, for example, that is the only way we can be safe, that we would never scan just 5 percent of the people coming to the White House. I think there is a lot of misunderstanding about how the current system works, so let me start with an explanation of the layered system of security we have at our ports right now.

First, all cargo manifests are submitted to authorities 24 hours before ships pull into ports. The automated targeting system is a sophisticated analysis that looks at where did the cargo come from, what is its destination, what is the cargo, who are the shippers involved, who is the retailer or other recipient of the cargo. Through a classified system, those and other factors are considered, and the cargo is assigned scores depending on this analysis.

Let me first be very clear. Every single container goes through that step, and that is called screening. There is a lot of confusion among the terms "screening," "scanning," "integrated scanning," and "inspection." So what I have described is the screening process that uses this automatic targeting system to identify at-risk containers.

After the at-risk containers are identified, they are supposed to be scanned or even physically searched by Customs and Border Protection. However, an investigation by the Permanent Subcommittee on Investigations of the Homeland Security Committee, which Senator COLEMAN led, indicated that this system didn't always result in an inspection of the high-risk container, despite it being identified. Senator COLEMAN is going to be offering an amendment shortly that will ensure 100 percent scanning of those high-risk or at-risk containers. So that is one aspect of the system we have now.

Another layer is the Container Security Initiative. Under this program, our American Customs and Border Patrol officers are stationed at foreign ports. The CSI program is currently operational in 44 ports which cover approximately 75 percent of containerized cargo heading for the United States by sea. What we do is we work with the host government, and again, the process is to push hazards away from our shores, identify the high-risk cargo, and make sure it is never loaded onto our ships in the first place.

In addition, there is another system, which is that many containers are also scanned for radiological material at U.S. ports. When I visited, with the Senator from Washington State, the Seattle Port, we saw the radiation portal monitors that do this kind of scanning. Our bill requires that by the end of 2007, the largest U.S. ports must have radiation scanners which will ensure that 98 percent of inbound containers are scanned.

There is also a Department of Energy program called the Megaports Initiative that is currently scanning containers in foreign ports for radiological material.

Yet another layer of security is the Customs Trade Partnership Against

Terrorism Program, the so-called C-TPAT Program. This is a program whereby manufacturers, retailers, and shippers secure the supply chain so that security is assured from the factory door to when the container arrives at our shores. Every step of the supply chain is secured. Senator MURRAY has improved upon that concept with her GreenLane concept which will give additional benefits to shippers who undertake even stronger security measures. This involves making sure, for example, that containers are sealed with electronic seals that can reveal whether they have been tampered with or opened en route. In other words, this is a risk-based approach to enhancing the security of our containers.

At the same time—and this is the approach our bill builds upon—the layered approach to security allows the maritime cargo industry in the United States, which moves more than 11 million containers per year, to function efficiently. That is important. I have seen the giant VACIS machines that do these x-ray screenings. It is not that quick a process. It takes a while. It takes probably 4 minutes or so for them to go around the container, and then the analysis of those images can take up to 15 minutes.

With 11 million containers entering the U.S. seaports every year, the delay caused by screening all containers would cause a massive backlog of cargo at the ports. That doesn't mean that someday—someday soon, I believe—we are not going to have the technology that will allow us to do an integrated scan, both in x ray and a scan for radiological material, in a far more efficient way and have a method of triggering an additional review if something is found.

The Washington Post said it very well in an editorial yesterday when they said:

> The "inspect all containers" mantra is a red herring that exploits America's fears about what might slip through in order to score political points, ignoring the fact that there are much more cost and time effective ways of keeping dangerous cargo out of the country.

Our bill we have brought before the Senate would do just that by strengthening and improving upon the existing programs. I believe with Senator COLEMAN's amendment, which I am proud to cosponsor along with the Senator from Alaska, we can even improve it further and set the stage when someday—soon, I hope—we do have the technology that allows us to do 100 percent integrated scanning.

The Senator from New Jersey just calls for scanning, so I don't know whether he doesn't want an integrated system which includes the radiological scan. But in any event, it has an integrated scanning system that will work and allow us to move cargo quickly. That is where we should be headed. We can't ignore the reality that we don't have the technology yet to do that effectively and efficiently now but that we can put in place a layered system that gives us greater protections than we have today.

We have to realize also that we have limited resources. I remember an expert in port security once telling me that if you inspect everything, you inspect nothing. You have to focus on risk and you have to come up with systems that build a layered approach, starting with securing the supply chain, working with the governments of foreign ports, having radiological scanning, making sure we put into place a layered security system.

I would note two other issues that I see in the amendment offered by the Senator from New Jersey.

First, much to my surprise, the language on page 2 of his bill suggests that all outbound cargo from the United States would have to be scanned. I can't imagine what the impact on trade would be. They would be using the same equipment as the inbound containers, so it would cause a tremendous backlog in scanning containers.

Second, he has some troubling language where he calls for a description of the consequences to be imposed on foreign ports or U.S. ports that don't meet the benchmarks described in his language, which may include the loss of access to U.S. ports and fines. What are we saying—that we are going to threaten ports with fines rather than working with them? That kind of language just invites retaliation by foreign governments, and I think it is misguided in the extreme.

So I think the bill is a very good bill that we have brought before our colleagues and a balanced bill to deal with this issue, but I think we can strengthen it further, improve it further by adopting the amendment of the Senator from Minnesota, which I am proud to support and cosponsor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4982

Mr. COLEMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and ask for the immediate consideration of amendment No. 4982.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 4982.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4982

(Purpose: To require the Secretary of Homeland Security to ensure that all cargo containers are screened before arriving at a United States seaport, that all high-risk containers are scanned before leaving a United States seaport, and that integrated scanning systems are fully deployed to scan all cargo containers entering the United States before they arrive in the United States)

On page 66, before line 9, insert the following:

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

(a) 100 PERCENT SCREENING OF CARGO CONTAINERS AND 100 PERCENT SCANNING OF HIGH-RISK CONTAINERS.—

(1) SCREENING OF CARGO CONTAINERS.—The Secretary shall ensure that 100 percent of the cargo containers entering the United States through a seaport undergo a screening to identify high-risk containers.

(2) SCANNING OF HIGH-RISK CONTAINERS.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk are scanned before such containers leave a United States seaport facility.

(b) FULL-SCALE IMPLEMENTATION.—The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) REPORT.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port.

Mr. COLEMAN. First, before I begin talking about my amendment, I wish to thank the Chair of the Homeland Security Committee, Senator COLLINS, and her cosponsor for the work they have done on port security. The Senator from Washington has been a champion. Although she is not on our committee, she has spent as much time sitting in on these hearings as many committee members. It has been a magnificent display of bipartisanship and a magnificent display of the best in the U.S. Senate.

Looking at the issues today, we have serious challenges, and I believe the bill before us does a magnificent job of addressing some of the greatest vulnerabilities our Nation faces. We have vulnerabilities, and our subcommittee did its own work in looking at some of these areas.

For about 3 years, we have looked at these issues of trying to bolster America's port security and supply chain security. During the course of that, we identified numerous weaknesses. The subcommittee found at one point in time that only a de minimis number of high-risk containers were actually inspected. It was a very serious problem.

The subcommittee found that an overwhelming proportion of C-TPAT companies that Chairman COLLINS talked about enjoy the benefits without having been inspected, without having the certifications you need to make sure that if you are going to give people the benefit of operating this program, they do it the right way. We found a flawed system that Homeland Security uses in identifying high-risk containers entering the United States. We raised concerns about the percentage of cargo containers entering U.S. ports that are actually screened with radiological devices. So these are just a handful of the significant problems we discovered.

The bottom line is that the underlying legislation tackles these concerns and many other weaknesses head-on—head-on. So as someone who has spent 3 years looking at this issue, I look at the underlying bill and say the concerns that the subcommittee raised in terms of inadequate nuclear and radiological screening will be taken care of in a set period of time. There are deadlines in here. When Secretary Chertoff testified before our committee this week, he indicated that by the end of next year, 2007, we will have 100 percent screening of radiological material in this country. So the bill addresses it. The actions of the committee have moved the agency forward, and I think that is a good thing, although there is more to be done.

One of the things I have been a champion of is the idea of screening and scanning all containers coming to our country. That is a goal. There are 11 million—11 million—that enter into our country, and the goal is it would be ideal to be able to scan every one. It is important, by the way, that we screen every one.

One of the things we worry about here as we get closer to election season is that some language is generating some fears on the part of the American public about our vulnerability. People in this country should know that every container is screened. There is a system in place. Our chairman did a tremendous job of describing the layered security that is employed. There are layers of security that highlight high risks and allow us then to do a targeted job of dealing with the issue of security.

We never have a 100-percent guarantee. We live in a world where there are few 100-percent guarantees. But we have a system that allows us to have this layered security, improved substantially by this bill, that allows the flow of commerce to go through.

If my colleagues recall, Osama bin Laden said he wanted to destroy us economically. He wanted to cripple this country. He understood that if you destroy the economy, you destroy the country. So as we deal with this issue of supply chain security, we have to do everything we can to make sure we are secure. We also have to make sure we don't put things in place that achieve the goal of the terrorists, which is to destroy the flow of commerce and destroy the economy. That is the balance, and it is difficult. We are always erring on the side of safety.

One of the things we saw during the course of our investigation—I had a chance to go to Hong Kong as well as the Port of Los Angeles and other ports throughout this country. But we saw in Hong Kong a system where they actually scanned every container. It was a very good system, by the way, in terms of getting a picture—I would call it kind of a moving CAT scan.

The Senator from Maine talked about the systems we have here—a very slow process. Literally, the container is in one place and the system goes over it. In Hong Kong, they have a system that scans on kind of—I would call it a moving CAT scan. The trucks come through, they never stop, they are rolling right through, and on each and every one of them there is a picture taken and you get a scan, and then there is a radiological detection device that is over that and it goes through and it is magnificent. I think some of my colleagues saw that and said: We have to have that right here, right now. That sounds wonderful.

It is important to note that, in fact, there are 40 lanes of traffic in Hong Kong, and only 2, only 2 have this system. So what we have in the underlying bill is an amendment that says we are going to set up a pilot project, and in that pilot project what we are going to do is we are going to test this system.

By the way, it is also important to note that of all the images we get, they are not processed. We have a library of images where, God forbid there was an attack, we could go back and pinpoint where it came from and not shut down every port. But there is no use of those images today. They are not being fed into Langley, they are not being fed into our intelligence system, they are not being fed into anything. So in the end, when the Senator from Maine talks about an integrated system, integration means not just integration of a standing image with a radiological detection device but integration of the information that is being gathered, which is substantial, to be used then in terms of our own analysis of what is in that cargo—does it represent high-risk, et cetera.

There is a great opportunity here, a great opportunity. But we are only at a point now where we have in one place in the world—we have two lanes of traffic that are using a system, and we now have the opportunity in this bill to get a pilot project, and I think it is magnificent. But there are also weaknesses we have which we then can address with this amendment, amendment No. 4982. What it says is—we kind of walked through and looked at what was in the bill, and we realized that, in operation, 100 percent of high-risk containers weren't being screened. This amendment says they will be. So every citizen out there should know that 100 percent of those containers which are identified as high risk will be screened, and that is important.

Then we go to the next step, and we do it in a responsible way. I have always believed that good policy is good politics. We do this in a good-policy way. We say that the Secretary shall ensure that 100 percent of the containers that have been identified as high risk are scanned before such containers leave a seaport facility. And then we say: The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that—and this is the key—the integrated scanning system has a sufficiently low false alarm rate, is capable of being deployed and operated in ports overseas, meets certain requirements set forth in the statute—very basic requirements—does not significantly impact trade capacity and flow of cargo at foreign and U.S. ports.

So we have a system that says: OK, Mr. Secretary, this is what you have to do, because we want this system in place, but we want it to be done in a way that doesn't cripple the supply chain and that practically can be done. It is nice to be able to say we want 100 percent. I think we have about 704 operational seaports in 147 countries today, and we have a scanning system that is used in 2 lanes and one that is not even integrated into our entire system. We are not there yet. We want to get there. This amendment puts us on a course to get there.

Then, to make sure we are not simply leaving it to the discretion of the Secretary to say when he decides it should be done, we tell him to come back to us, to come back to our colleagues in Congress, and we want to know where you are. So it says that not later than 6 months—and the underlying pilot project requires the Secretary to come back—it is a 1-year pilot project—come back within 120 days with a report and tell us how the pilot project worked. And then this amendment says that not later than 6 months after the submission of this report and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection B and the cost of deploying the system at each foreign port.

So what we have in place here is what I hope my colleagues on both sides of the aisle would say is the right way to go. We set in place a pilot project. We ask that the pilot project be evaluated. The Secretary is required to give us a report on how that pilot project is working, and then we tell the Secretary: Every 6 months, come back, because we want to know how close we are to getting to 100 percent scanning, how close we are and what else has to be done. It gives us the opportunity in a responsible way—a responsible way—to come back to see if we can put in place a system where we scan 100 percent. But scanning 100 percent on arbitrary deadlines, scanning 100 percent on impossible deadlines doesn't make any sense, and I am glad we are not at that point right now. We are at the point right now where we have in place the ability to significantly improve the level of safety and security in those 11 million cargo containers which are entering the United States.

We have an underlying bill that does a magnificent job of addressing weaknesses that have been identified, and now we will take care of them. We have an amendment in place that builds on a pilot project, and building on that pilot project puts certain obligations on the Department of Homeland Security to come back to us in Congress and tell us how you are doing, and if you are not moving quick enough, we will be on your case. We will be on your case. We know what the goal is, and we share a common vision, and we have now a responsible way of doing it. That will allow the free flow of commerce, will allow jobs to grow, giving people economic security at the same time that we protect national security.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from the New Jersey, Mr. MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. MENENDEZ. Mr. President, I thank the Senator for yielding time.

After listening to this debate, I think my distinguished colleagues are talking about another pending amendment, not my amendment. My amendment is very clear and forthright. It asks for a plan to achieve 100 percent scanning—a plan.

Now, after listening to the debate, the reality is that after all of the items that were discussed, that still is only 1 percent scanning of 5 percent of the cargo. Let's not get confused. Words matter. There is a difference between screening and scanning.

Who in our country will be satisfied with a mathematical equation being used as the way in which we determine what 5 percent ultimately gets taken care of? What it still says, notwithstanding all those layers of security that the distinguished Senator from Maine spoke about, is that still only has us reviewing 5 percent of the cargo. That is what it does. So who among us is willing to allow mathematical equations that are based upon information that can be either intentionally or unintentionally faulty to ultimately protect the ports of this country, the people who work there, the communities that surround them, and the commerce of the Nation? I wouldn't.

If Hong Kong can do this, the United States of America can do it. All we say is let's have the Department of Homeland Security develop a plan to achieve it. We do not insist on specific ways in which we do that. We allow them to develop the plan. But let's get to a plan for 100 percent of the cargo.

As for domestic, we say it will include benchmarks that they will determine in the plan for what type of cargo inspectors are inspecting here in the United States before they leave. It doesn't say specifically the amount, and as it relates to the loss of access to U.S. ports and fines, it says it may include such loss of access if we believe that is the way in which we should seek enforcement. It doesn't say "it shall." It says "it may."

At the end of the day, if we adopt the amendment of the Senator from Minnesota, we are still saying: OK, 5 percent is something we are willing to live with. At the end of the day, we do not move to a plan of 100 percent scanning of the Nation's cargo. Doesn't the Nation deserve a plan to get there, a plan that largely can be devised to ensure that both technological accomplishments, as well as security concerns, are brought together to achieve the goal? I think the Nation deserves a plan. So it is very important to understand that when we keep saying screen—screen means looking at a cargo manifest.

I had the Port of Elizabeth in Newark in what was my former congressional district for 13 years and dealt with them for quite a bit on a number of issues. Screening just means let's look at what is in that container. Let's see the list. Where is it coming from? What port is it coming from? Let's ultimately take all of that and put it in a mathematical equation and look at what is inside the cargo. But that is not scanning 100 percent of what comes into the Nation. Let America not be confused by that.

Also, this is about scanning it abroad. When we wait until it comes into a port of the United States, if it has a nuclear device in it, it is a little late. We need to be doing that scanning abroad.

I urge my colleagues to understand the difference between these amendments. Ours produces a plan to get us to 100 percent of scanning, and it gives flexibility for the Department to do so, but it does move us toward that ultimate goal.

With that, I yield the remainder of my time to the Senator from Washington, and I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mrs. MURRAY. How much time is left on both sides?

The PRESIDING OFFICER. The minority has 8½ minutes, the majority has 2½.

Mrs. MURRAY. I yield the remainder of our time to the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise to support the amendment brought by my colleague, Senator MENENDEZ, because I think it covers the bases we are concerned about. This amendment, very simply, demands accountability from the Bush administration on port security. The bill before us contains an amendment as well, that I authored in committee, to require 100 percent screening of containers coming into the United States. These containers would have to be screened before they are loaded on ships at a foreign port. I think that is the time to do it.

We have already seen attempts by the majority to downplay or even duck this requirement. I am not suggesting, in the interests of safety and security, that the Senator from Minnesota or the Senator from Maine is less concerned about the security or the safety of our people. But I am supporting the Menendez amendment because he gets specifically to the point, and I think the approach that we take is the strongest one and in the best interests of the American people.

We need the administration to tell the American people exactly how long it will take them to provide the security necessary to reach the level of a 100-percent screening requirement. Right now, as we all know, we only inspect around 5 percent of shipping containers coming into our country. Terrorists could smuggle weapons, nuclear or chemical weapons, into a harbor and potentially launch an attack even more devastating than the 9/11 attack we experienced.

I listened very carefully to Senator MENENDEZ review his amendment, and that is to get us to the 100 percent opportunity. The Senator from Minnesota says he believes there would be 100 percent screening. But that would come only after there have been paper documents saying what was being shipped was OK.

I ask you, would we take the most honest presentation of a clergyman, a doctor, a lawyer, a judge, or an individual and say: OK, that individual can bypass security at the airport? Not on your life. And we should not do it here.

Why do we want to put trust in a paper-laden system where the GAO says that many of the manifests and the documents for shipping cargo are unreliable, that they are not trustworthy. I think if we are really going to do the job people expect of us, we are going to have to try to get as quickly as we can to 100 percent screening. The amendment of Senator MENENDEZ does absolutely that, so we ought not to tinker any further.

Are we really serious about getting to the end of the game, protecting our citizens as much as we can? Then we have to do it by a 100-percent screening. What we are not saying is do it overnight or do it by next week or next month. But we are saying: Give us the plan, Mr. President and this administration, on how you expect to do this.

We have to remember one thing: Senator MENENDEZ has, in his former territory, in his former constituency, the second largest port in the country; the New York-New Jersey Harbor is just that. He has worked with people who run the cargo operations. He knows the people who are terminal operators. He is very conscious of what it takes to protect ourselves to the last detail that we can.

I believe we have to be in support of the Menendez amendment that says: OK, come on, tell us what it is that you plan to do to protect the people of America in a way that gives us comfort—not 1 out of 20 cargo containers that arrive that might be supported by a paper manifest that doesn't mean an awful lot because there is plenty of opportunity to tinker with that cargo container before it leaves the shore unless we have scanned it at the last moment possible.

I urge our colleagues to support the Menendez amendment. Let's not waste any more of the time that the people of America need to feel secure about those ships that enter our harbors bringing goods into this country.

I yield whatever time there is back to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time is remaining on the majority side?

The PRESIDING OFFICER. There remains 2½ minutes.

Mr. COLLINS. I yield 1½ minutes to the Senator from Minnesota, and I retain a minute for myself.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I say to my colleagues listening, the difference between the Menendez amendment and mine is America doesn't need another plan. There are some technical infirmities. There are some questions about what it may do in terms of our relations with other countries. Put all that aside. We don't need another plan. We need action. Maybe it is the ex-mayor in me. The underlying bill and the pilot project and the Coleman amendment will provide action. They put in place a pilot project to test how 100 percent scanning can work, and then it directs the Secretary to fully deploy, with a series of steps put in front of him, and then requires him to come back to Congress. It is not about planning, it is about action.

The American public wants action. We are giving the action. We are strengthening our port security. We are putting in place a pilot project. We are directing the Secretary to ensure there is 100 percent screening of every high-risk container, and then requiring him to fully deploy an integrated scanning system 100 percent, lays out the conditions, and has him report back to us.

I am not sure we can do any better today based on the technology we now have.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if you think about it, those who are advocating that we go to 100 percent scanning prior to having the technology in place to do it efficiently without slowing down trade are, in fact, rejecting the whole notion of the C–TPAT Program. Why should a shipper, retailer or manufacturer, secure its supply chain from end to end if they are going to be subjected to the same kinds of inspection as a shipper who has high-risk cargo in an unsecured supply chain? That doesn't make any sense at all. It completely undermines the C–TPAT Program, the container security initiative, because it embraces the concept that all cargo is alike. It is not all alike. There are low-risk containers.

I think we should think very carefully about the implications of this amendment. I think Senator COLEMAN has come up with an excellent amendment. He has done a great deal of work, and I urge my colleagues to support the Coleman-Collins-Stevens amendment and to vote against the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. The time of the majority has expired. The Senator from Washington.

Mrs. MURRAY. I believe there is 3 minutes left on our side.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I yield to the Senator from New Jersey however much time he needs.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Senator from Washington.

I listened very carefully to what our colleagues on the other side of the aisle have said. I wonder about why it is we are defending a voluntary system, of sorts, that raises the question about why a shipper would waste any time tracing the source of the product if they are going to be inspected again. What are we doing? Are we saying the question is whether we trust the shipper? That is not the position we take at all.

The position we take, that the amendment of Senator MENENDEZ takes, is tell us when you are going to have 100 percent security. That is the right objective. We know that it works. We know in Hong Kong they can process a scan of a cargo container in something around 2 minutes at an average cost of about $8. Is it not worth it? We pass the cost along to the shipper. That is their cost, not the American taxpayer's cost.

As regards relying on paperwork to give us a head's up as to whether that cargo should be inspected, GAO has found that shipping documents are one of the least reliable sources of information that Customs collects.

One audit pre-9/11 showed that over 60 percent of these documents had major discrepancies. So who are we trying to defend? Are we trying to defend the well-being of the American people, of the economy that relies so much on harbor activity, on imported goods, or are we trying to satisfy an industrial perspective that says don't take the time, don't do that, let's trust, right now, 95 percent of the cargo that comes in here as being safe to reach our shores.

I do not think that is a very good way for us to be reacting when everyone is so concerned about another terrorist attack, something that everybody is concerned about, a repetition of something that resembles 9/11, or even worse.

The best thing to do is stick to our guns and say that we want to see 100 percent of those cargo containers scanned so we know what is in there. After it has been closed up, after everything else has been done, the paper manifest is still there, and whether they are exactly precise would not matter. We will know what is in that cargo container, and we will be able to protect the American people as we should.

I, once again, hope Members will reject the amendment and support Senator MENENDEZ's amendment.

Ms. COLLINS. Mr. President, I ask for the yeas and nays on the Coleman amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Menendez amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coleman amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—95

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—3

Lautenberg
Menendez
Schumer

NOT VOTING—2

Akaka
Chafee

The amendment (No. 4982) was agreed to.

Mr. COLEMAN. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4999

The PRESIDING OFFICER. There is 2 minutes equally divided on the Menendez amendment.

The Senator from Maine.

Ms. COLLINS. Mr. President, we just agreed to an amendment that will require 100 percent scanning of high-risk containers and put us on the path to having 100 percent scanning of containers, once it is feasible, once the technology is there.

I am concerned about the amendment of the Senator from New Jersey. I don't think it has the kind of thought in it that was in the Coleman amendment. There are two provisions, in particular, that concern me.

One, it requires a plan for scanning containers that are going out of U.S. ports. That is going to slow down trade incredibly and will be a real problem for our farmers who are exporting their crops.

Second, it has a provision requiring consequences to be imposed on foreign ports or U.S. ports that do not meet the benchmarks described in the plan, which may include a loss of access to U.S. ports and fines. This will lead to retaliation by foreign ports.

I urge our colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to add Senator LAUTENBERG as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, with reference to the concerns the Senator from Maine raised, let me just say the amendment we just adopted says we are going to scan 100 percent of the containers that have been identified as high risk before they leave the United States. So that is the very essence of what we seek to do as well.

Secondly, the only amendment before the Senate that will move us to a plan to get to 100 percent scanning of all cargo in this country is the amendment presently before the Senate.

If you want to continue to allow a mathematical equation to determine how we inspect only 5 percent of the cargo in this country, then that is what you just accomplished. If you want to move toward a plan to get 100 percent scanning of all the cargo that comes into this country, giving the Department of Homeland Security the opportunity to develop such a plan, then this amendment is the one you want to vote for.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—43

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Talent
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Akaka
Chafee

The amendment (No. 4999) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

AMENDMENT NO. 4958

Mrs. CLINTON. Mr. President, I call up pending amendment No. 4958, and I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is now pending. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 4096

Mr. BAUCUS. Mr. President, I wish to read a letter I just received today from a representative of an American company that employs millions of workers, including hundreds in my home State of Montana.

He writes:

> As one of the Nation's largest employers of people coming off welfare, we have kept our end of the bargain and continued hiring throughout this year with the understanding that the Work Opportunity and Welfare to Work tax credits would be extended.

He continues:

> We now face a significant increase in our tax liability and will have to book corresponding losses to our profitability unless you act now. The ongoing frustration is taking its toll on us.

Indeed, the frustration over the 2005 expired tax incentives is taking its toll on millions of Americans.

This letter is from the parent company of T.J. Maxx, Marshalls, HomeGoods, A.J. Wright, and Bob's Stores. That company likely has stores in each State in the Union and each congressional district. These are real people, real jobs, and real money on the line. Yet some of my colleagues on the other side of the aisle have taken these popular tax credits hostage. In fact, some have openly referred to these credits as "hostages." Some have said that sometimes you have to kill hostages to be taken seriously. It is time that we end these threats and get back to the business of legislating.

Let me remind everyone how many times these popular tax cuts have been set aside. We first passed them as part of the tax reconciliation bill last November. They passed this body, but they were set aside in order to accommodate provisions in that tax bill that were expiring, not in 2005 but expiring 4 years later in 2009. Then we were promised they would surely be included in the pension conference, the next tax vehicle. Once again, they were pulled out at the last moment after weeks of negotiations and haggling.

The package we are discussing is a compromise package. It passed the House. It does not include everything I would want, but it is what we agreed to months ago, and it is what we should have enacted months ago.

This package includes the research and development tax credit. I remind my colleagues that companies are now beginning to restate their financials. Why? Because Congress has not extended the R&D tax credit that expired at the end of last year. We have letters from companies saying they have to restate, but they had the R&D credit in the past. They have to start restating their financials. It is not in the law now. If we were going to extend it, we should have extended it a long time ago.

The package includes the deduction for schoolteachers who buy supplies for their students. Of all things to give our teachers. Think of them, who buy supplies for their students. They are supposed to get a deduction. It expired last year. My Lord, here we are already at the beginning of the school year and the deduction is not there for them.

The package includes the tuition deduction for college students trying to go back to school. It includes the deduction for State and local sales taxes. Just think. And it includes other widely supported tax cuts.

If we do not enact these provisions, then millions of Americans will have their taxes increased. This Congress has been zealous in preventing tax increases several years into the future. We ought to prevent these tax increases which are happening today.

I urge my colleagues to pass a clean, retroactive extension, back to the end of 2005, of these popular credits for businesses, schoolteachers, employers who hire welfare workers, and all the people who are depending on us to do the right thing. Let us end the frustration today.

Mr. President, this amendment has more than 30 cosponsors. I imagine there would be many more if we asked them. I ask unanimous consent that Senators BINGAMAN, FEINSTEIN, and KENNEDY be added as cosponsors. I also ask unanimous consent that Senator OBAMA, Senator REED from Rhode Island, Senator AKAKA, and Senator INOUYE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendment that is at the desk, the substance of which is the agreed-upon tax extender package; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; that the Senate return to the port security bill; and that all this occur without intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the issue before us is an issue we have addressed on the floor of the Senate. Republicans felt very strongly that these tax extenders need to be extended and brought them to the floor prior to our recess. Yes, they were coupled with two other issues, one of which was a permanent solution to the death tax, which is a fair thing to do, overwhelmingly supported by the majority of the people, and an increase in the minimum wage by 40 percent, something that I feel strongly that we are in a position to do.

We took those issues to the floor. The bill was defeated by the other side of the aisle. Again, it was very unfortunate. It was referred to as the so-called trifecta bill. I did switch my vote at that time, and it may well be that over the next couple of weeks, if we can continue to build support for these issues, we can bring that bill back to the floor.

Thus, at this juncture, instead of breaking those bills up, we are going to keep those bills together, and thus I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. BAUCUS. Mr. President, before the Senator objects, may I make one comment?

The PRESIDING OFFICER. An objection has been heard on the floor.

Mr. BAUCUS. I ask to have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. BAUCUS. Mr. President, I appreciate the views of the majority leader. I must remind all of our colleagues that we have been down that road a couple of times and that, in my judgment, they are not going to fly.

I support the provisions that are in that package. This Senate has voted a couple of times, and it is my strongly held view in talking with Senators that it just is not going to get passed. In the meantime, it is important to get something passed that is so important to so many people.

I hear what the majority leader is saying, but it is my judgment that sometimes it is better to go on and do legislation that can get enacted and not stick around and try to delude ourselves into passing bills that cannot get passed. That is why I am bringing this up today, because we can get this passed today, I am quite confident. Regrettably, the provisions the majority leader mentioned cannot be passed, and therefore we should not delay the passage of something that is so important to so many people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I appreciate the comments of my distinguished colleague. Time is very short, I understand. That is why my colleague brings it to the floor now, because it is very important that we extend these tax provisions—sales tax, college tuition, and the R&D tax credit. It is very important. That is really the reason I took a bill I know my colleague supports, and that is a permanent solution to the death tax—maybe not exactly the way it is now, but he is somebody who supported that cause. Indeed, it has the majority support of the United States of America. It is the right thing to do. The minimum wage, again, I think is something that is broadly supported by the American people. And then the tax extenders. All three are broadly supported.

The benefit is, if we can build that support and have it reflected on this floor—that is really on the Senator's side of the aisle—that would be the law of the land because it has already passed the House of Representatives. If we were to vote on these today, it would be signed by the President 3 days from now. That means people's minimum wage would go up 40 percent, the tax extenders would be done because it wouldn't have to go back to the House and it would be done 3 days from now, and we would have a permanent solution to the death tax, which is a fair and right thing to do.

I am going to preserve that option for now. I appreciate my colleague's support because I think he probably does individually support each of those three issues.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, for the benefit of my colleagues, I want to explain how we are going to proceed. Obviously, Senator BAUCUS made his unanimous consent request. I didn't anticipate that when we were ordering the speakers earlier. We are going to go to Senator SANTORUM for the purpose of an amendment, but he will only take 3 minutes, and then we are going to go to Senator OBAMA for his amendment, and then I am going to propose on behalf of Senator VOINOVICH an amendment he has worked out with the Presiding Officer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4990

(Purpose: To provide for comprehensive border security, and for other purposes.)

Mr. SANTORUM. Mr. President, I call up amendment No. 4990 and ask for its consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4990.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SANTORUM. President, I rise today to offer an amendment that I believe offers us an opportunity to secure our borders now. My bill takes a first-things-first approach and recognizes that it is imperative that we secure our borders now. This first step cannot—and should not have to—wait for a "comprehensive" solution. Once we secure our borders, we can look at all of the other illegal immigration related issues that remain. There is a bipartisan consensus on what needs to be done on border security and the provisions that make up this consensus. We should not hold our border security hostage to a broader initiative.

My amendment will significantly increase the assets available for controlling our borders. It provides more inspectors, more marshals, and more border patrol agents on both the northern and southern borders. It provides new aerial vehicles and virtual fencing—camera, sensors, satellite and radar coverage, etc. It increases our surveillance assets and their deployment and provides for new checkpoints and ports of entry. It includes Senator SESSIONS' amendment for greater fencing along our southern border, including 370 miles of triple-layered fencing and 500 miles of vehicle barriers. It also provides for the acquisition of more helicopters, powerboats, motor vehicles, portable computers, radio communications, hand-held global positioning devices, night vision equipment, body armor, weapons, and detention space.

While we know these resources will be critical improvements, it does not just throw resources at the problem. My amendment requires a comprehensive national strategy for border security, surveillance, ports of entry, information exchange between agencies, increasing the capacity to train border patrol agents and combating human smuggling. It enhances initiatives on biometric data, secure communications for border patrol agents, and document fraud detection. It includes Senator ENSIGN's language to temporarily deploy the National Guard to support the border patrol in securing our southern land border. Additionally, it increases punishment for the construction, of border tunnels or passages.

When our borders are not secure, it is our cities and counties that are on the front lines, particularly those closest to the borders. Unfortunately, the negative impacts of illegal immigration are not limited to our border towns. Recently I worked with communities in southeastern Pennsylvania—Allentown, Easton, Bethlehem, Reading and Lancaster—as well as the U.S. Attorney for the Eastern District of Pennsylvania, Pat Meehan, to get one of the six recent Anti-Gang Initiative grants given by the Department of Justice. This area, called the Route 222 Corridor, was the only nonmetropolitan area to receive one of the $2.5 million grants to combat growing criminal activity in part because of illegal immigrants. However, I raise this issue here because U.S. Attorney Meehan's letter explains this issue very succinctly. He stated "[e]ach city is seeing extensive Latino relocation to its poorer neighborhoods and housing projects. Once largely Puerto Rican, the minority populations are increasingly from Central America. Simultaneously, Mexican workers migrate to the agricultural areas around Lancaster, creating a southern link to criminal networks. The urban core is therefore transient, poor, non-English speaking and often undocumented . . . In this fertile environment, the Latin Kings, Bloods, NETA, and lately, MS-13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily by-product."

My amendment provides relief for cities, counties, and States dealing with increased costs because of illegal immigration—specifically those caused by the criminal acts of illegal immigrants. There are four programs included in my amendment to address these issues. First, there are grants to law enforcement agencies within 100 miles of the Canadian or Mexican borders or such agencies where there is a lack of security and a rise in criminal activity because of the lack of border security, including a preference for communities with less than 50,000 people. Second, local governments can be reimbursed for costs associated with processing criminal illegal aliens such as indigent defense, criminal prosecution, translators, and court costs. Third, State and local law enforcement agencies can be reimbursed for expenses incurred in the detention and transportation of an illegal alien to Federal custody. Finally, reimbursements are available for costs incurred in prosecuting criminal cases that were federally initiated but where the Federal entity declined to prosecute. In addition, my bill requires the Secretary of Homeland Security to provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department, and that the Secretary designate at least one Federal, State, or local facility in each State as the central facility to transfer custody to the Department of Homeland Security.

This amendment also expedites the removal of criminal aliens from correctional facilities and expands border security programs through the Department of Commerce such as the Carrier Initiative, the Americas Counter Smuggling Initiative, the Container Security Initiative, and the Free and Secure Trade Initiative.

Throughout this debate, I have consistently stated that the first thing we must do is secure our Nation's borders. While the House and Senate are working to come to an agreement on the broader issues in an immigration bill, I am here to offer the Senate an opportunity to secure our borders now by adopting my Border Security First Amendment. Our borders must be secured now—not later. In the post 9/11 world we live in, our national security depends on our border security. We need to know who is coming into our country, where they are from, and what they are doing here. We must put first things first—we must secure our Nation's borders. I hope that my Senate colleagues will join me in recognizing the urgency of this amendment.

Again, I offer this amendment because I wish to make a point. The point is, we are talking about port security, and that is very important. But what I hear when I go home is not about port security, I hear about border security over and over again. If there is one issue people come up to me and talk to me about without fail, no matter what part of the State I am in, it is: What are you folks going to do about securing our borders?

We passed a bill in the Senate that is not going anywhere in the House of Representatives. It doesn't seem to be going anywhere in conference right now. What we should do and what the people in America would like us to do is to secure the borders first.

This amendment does just that. It is all the provisions in the Senate-passed bill that deal just with border security. If you want to talk about securing this country—and that is what this bill is about—border security is a national security issue, it is an economic security issue, and it also has to do with who we are as a country and our ability to sustain our culture.

This is an important amendment. I know this is not going to be germane postcloture, and we are going to have a cloture vote tomorrow morning. So I will not pursue it further because I am told I cannot get a vote on it. I bring this up because this is what we need to do between now and the end of this month before we recess. We need to pass a bill that secures our borders and tells the American people that we get it in Washington as to what the priorities are. There are other things we need to do, I understand that, but this is what we need to do and do first.

AMENDMENT NO. 4990, WITHDRAWN

Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Clinton amendment.

Mr. OBAMA. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4972, AS MODIFIED

Mr. OBAMA. Mr. President, I call up amendment No. 4972, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 4972, as modified.

Mr. OBAMA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the evacuation of individuals with special needs in times of emergency)

On page 87, after line 18, add the following:

SEC. 407. EVACUATION IN EMERGENCIES.

(a) PURPOSE.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Federal Emergency Management Agency shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a discussion of—

(A) whether the States have the resources necessary to implement fully their evacuation plans; and

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.

Mr. OBAMA. Mr. President, I rise today to offer an amendment that would supplement the steps we are taking through this port security bill and increase our preparedness for a potential terrorist attack. My amendment is fairly modest. It requires FEMA to mandate that each State have a plan for the evacuation of individuals with special needs during times of emergency. Such plans would include an explanation of how these people—particularly low-income individuals and families, the elderly, the disabled, and those who cannot speak English—will be evacuated out of the emergency area and how the States will provide shelter, food, and water to these people once evacuated.

This amendment was included in S. 1725 and passed out of the Homeland Security and Governmental Affairs Committee in September of 2005.

This amendment obviously grows out of the tragedy of Hurricane Katrina, which devastated the gulf coast a little more than a year ago. One of the most striking aspects of the devastation caused by Katrina is the majority of stranded victims who were our society's most vulnerable members. As I indicated, after the tragedy, I think the government officials who called for the evacuation of the gulf coast—and this is true not just for Federal folks but also State and local officials—seemed to assume that all residents could pack up their families into an SUV, fill up the gas tank, drive out of town, and find a hotel in which to ride out the storm. As we learned, that was not the case. Many people were forced to find shelter in the Superdome or convention center because they did not own cars. They didn't have the money for a tank of gas or a hotel room. They might not have wanted to leave their jobs or their belongings. Maybe they were in nursing homes or maybe they misunderstood the warnings because they didn't speak English. Whatever the reasons, thousands of people were not evacuated, and we saw the horrific results of that mistake.

This failure to evacuate so many of the most desperate citizens in the gulf coast could easily happen again if we are faced with another natural disaster such as Katrina or a terrorist attack that struck one of our cities. That is why I have come to the floor to offer this amendment. Our charge as public servants is to worry about all people. I was troubled that our emergency response and disaster plans were inadequate for large segments of the gulf coast. I have serious doubts at this point whether the plans in other regions are adequate as well. Perfect evacuation planning is obviously not possible, but greater advanced preparation can ensure the most vulnerable are not simply forgotten or ignored.

Even the Department of Homeland Security recognizes the urgent need for action, and the Department's nationwide plan review published this June found:

> Significant weaknesses in evacuation planning are an area of profound concern.

Congress can and should act to address this concern by passing this amendment. I hope my colleagues will support this amendment which, as I said, passed the Homeland Security Committee on a bipartisan basis.

Mr. President, I ask unanimous consent that Senator SALAZAR be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I understand the Senator from Maine is going to proceed with an amendment, but I ask unanimous consent that at the conclusion of her proceedings for the amendment, I be recognized to speak on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, first I would inquire through the Chair of the Senator from Illinois whether he has modified his amendment. I didn't hear a request that it be modified.

The PRESIDING OFFICER. The amendment was called up as modified.

Ms. COLLINS. I appreciate the clarification.

Mr. President, this proposal of the Senator from Illinois is very similar to a provision of the post-Katrina Stafford Act reforms that were reported by the Homeland Security Committee. The Senator from Illinois is absolutely right that we need to do a far better job in this country of developing comprehensive plans for the evacuation of individuals with special needs before, during, and after a disaster.

When we look at the experience with Hurricane Katrina, what we find is those who were left behind were predominantly elderly and disabled. Those were the characteristics that caused people to not be able to evacuate. Another factor was they tended to be lower income individuals, too. But the disabled individuals of the area, in Louisiana in particular, also actually had the experience of going to Red Cross shelters and being turned away, which is something I have discussed with the Red Cross.

So I think it is a good idea to require State and local governments to develop these kinds of plans, and I am happy to accept the amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. OBAMA. Mr. President, I thank Chairman COLLINS for supporting this amendment. I very much appreciate her remarks.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4972), as modified, was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that it be in order to reconsider the vote on the Menendez amendment No. 4999 at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4962, AS MODIFIED

Ms. COLLINS. Mr. President, I send to the desk a modified amendment of the Senator from Ohio, Mr. Voinovich.

The PRESIDING OFFICER. Without objection, it is so ordered, and the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. Collins], for Mr. Voinovich, for himself and Mrs. Clinton, and Ms. Landrieu, proposes an amendment numbered 4962, as modified.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) Protection of Health and Safety of Individuals in a Disaster Area.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

"SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

"(a) Definitions.—In this section:

"(1) Certified monitoring program.—The term 'certified monitoring program' means a medical monitoring program—

"(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

"(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

"(2) High exposure level.—The term 'high exposure level' means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

"(3) Individual.—The term 'individual' includes—

"(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

"(i) a police officer;

"(ii) a firefighter;

"(iii) an emergency medical technician;

"(iv) any participating member of an urban search and rescue team; and

"(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

"(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

"(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

"(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

"(E) any other person that the President determines to be appropriate.

"(4) Participating responder.—The term 'participating responder' means an individual described in paragraph (3)(A).

"(5) Program.—The term 'program' means a program described in subsection (b) that is carried out for a disaster area.

"(6) Substance of concern.—The term 'substance of concern' means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President, in coordination with ATSDR and EPA, CDC, NIH, FEMA, OSHA, and other agencies.

"(b) Program.—

"(1) In general.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the coordination and protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

"(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

"(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

"(i) any short- and long-term health impacts of any substance of concern; and

"(ii) any mental health impacts;

"(C) the individuals receive health care referrals as needed and appropriate; and

"(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

"(2) Activities.—A program under paragraph (1) may include such activities as—

"(A) collecting and analyzing environmental exposure data;

"(B) developing and disseminating information and educational materials;

"(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

"(D) establishing and maintaining an exposure registry;

"(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

"(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

"(3) Timing.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

"(4) Participation in registries and studies.—

"(A) In general.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

"(B) Protection of privacy.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

"(C) Priority.—

"(i) In general.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

"(ii) Modifications.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

"(5) Cooperative agreements.—

"(A) In general.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

"(B) Selection criteria.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

"(i) is located near—

"(I) the disaster area with respect to which the program is carried out; and

"(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

"(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

"(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

"(II) conducting long-term health monitoring and epidemiological studies;

"(III) conducting long-term mental health studies; and

"(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

"(6) Involvement.—

"(A) In general.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

"(i) Federal, State, and local government agencies;

"(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

"(iii) local residents, businesses, and schools (including parents and teachers);

"(iv) health care providers; and

"(v) other organizations and persons.

"(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

"(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

"(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

"(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

"(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

"(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), may submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.".

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health and family services.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

Ms. COLLINS. Mr. President, as the Presiding Officer is well aware, this reflects an agreement between the Senator from Oklahoma and the Senator from Ohio. It is my understanding that it has been cleared on both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 4962), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to congratulate the Senator from Maine, the Senator from Alaska, the Senator from Iowa, and the ranking members of those committees—Finance, Commerce, and Homeland Security—for bringing forward this extremely important piece of legislation relative to port security. It has a lot of the initiatives in it that are necessary to be sure we move forward with a legal framework which will allow us to secure our ports.

But I did want to make these points about what we have already done and what we are doing, even though we may not have had the actual authorization language in place, because I think people listening to this debate may presume: Well, because they are actually debating this language, maybe nothing has been done on this point or on that point which has been raised, such as monitoring, such as Coast Guard enhancement, such as expanding the number of Customs officers.

Nothing could be further from what is actually occurring on the ground. We have moved forward. Granted, we haven't done it under the context of authorization language; we have done it through the appropriations process. But we have moved forward very aggressively with the funding of port security as a Congress and as an administration.

The Senate specifically has taken the leadership in this area. When the Homeland Security appropriations bill was on the floor under the authorship of Senator BYRD from West Virginia, we increased port security funding, which is already fairly significant within the Homeland Security appropriations bill; we increased it by over $600 million specifically for port security initiatives. As a result, that additional funding, coupled with the funding which was already in place and which has been growing over the last few years, represented a very strong commitment to trying to upgrade our ports because we all recognize—there is no subtlety to this—the ports are a significant point of vulnerability for our Nation.

Just to put this in context, if we are able to pass the Homeland Security appropriations bill as it passed the Senate—and I suspect we will be fairly close to those numbers as a result of the support we have received from Senator COCHRAN and from the leadership of both the House and the Senate in giving us the allocation plus some additional funds for emergencies to accomplish the type of funding initiatives we need—we will add 460 new Customs and Border Patrol agents purely for the purpose of port security. That is on top of the agents we already have, which number in the hundreds. We will add over $211 million for nonintrusive inspection equipment. We will add $139 million for container security initiatives, $60 million for Customs Trade Partnership Against Terrorism, and $27 million for the automatic targeting system.

We have also committed massive amounts of dollars to the Coast Guard and to enhancing the Coast Guard's capability because they truly are the front line of port security. Our goal in the area of port security is not to wait for the ship to arrive in an American port before we actually know what is on it and before we have a chance to inspect it but to inspect that cargo before it even leaves the docks of the foreign nation that may be shipping it to us and to be sure we have the capability under any scenario to intercept a ship should we deem it to have suspicious cargo while it is at sea. In order to accomplish that, we have committed over $7.5 billion to the Coast Guard for border security. Of that, approximately $4 billion was specifically for port security, and about $2.1 billion of that was for an improvement of what is called their deepwater assets, which is really a misnomer. In my opinion, it should be called the inland water assets because essentially these new facilities, these new boats and aircraft are going to allow us to make sure our ports are more secure.

The Coast Guard inspection effort was increased by $23 million for security assessment of foreign and domestic ports. That will allow the Coast Guard to pursue very aggressive unscheduled inspections of both foreign and domestic ports to see what their standards are.

We have committed $10 million to set up two new interagency operation centers on top of the three operation centers we have already, which are port-oriented operation centers, which are very important to make sure we have a coordinated effort around especially our major ports in this country.

We have $10 million of Coast Guard funding to do port security exercises. This is critical. We can't really plan effectively in a vacuum. We have to actually send out an exercise where we create an event which is artificial but which is treated as if it is real and have the Coast Guard and the various agencies engaged in the process of making sure they can respond to that event.

We have added $786 million for the purposes of upgrading the cutter program and $50 million for the fast-response cutter program. Over 12 of the medium-endurance cutters are going to be dramatically upgraded, and we are purchasing 5 patrol boats and 16 medium-response patrol boats. This is a lot of new hardware which will be put in the hands of the Coast Guard.

On top of that, in the aircraft area, we are adding two major new patrol aircraft. We will have had 71 helicopters, as a result of this bill, armed, which is a major step forward. We only have I think two or three—maybe five helicopters armed today.

Interestingly enough—and this is a little aside, a little vignette—the Coast Guard has determined that they have 100 percent interdiction when they try to stop a boat with an armed helicopter versus a much lower interdiction rate when they try to stop a boat with an unarmed helicopter.

We have extended the life of 18 of the helicopters—I am sorry—18 of the HC–130 planes, we have reengined the entire helicopter fleet, and we have dramatically expanded the mission capability of the HC–130J airplanes.

So the Coast Guard has been given a robust infusion of funds for on-the-ground capability in port security and out-in-the-port capability for port security.

In addition, in the appropriations bill which passed the Senate 100 to nothing, there was a $210 million commitment to support security grants, which was a significant increase. There was a $178 million commitment for the purchase of radiation portal monitors, which are obviously key to determining the major threat, which is the threat of a potential dirty weapon being brought into the United States through a port or a cargo vessel.

So if you look at the authorization language in this bill relative to funds which this bill calls for in order to meet what are the needs of the ports, we have actually passed as an appropriation in the appropriations process essentially almost all the money. It is nice to have it authorized, but essentially what we have already done is appropriated. The only major difference would be in the port security grants, and even there we have made a very significant downpayment as a percentage of what this bill calls for. So there has been a strong commitment made already in the area of appropriating funds in order to make sure our ports are more secure. I did want to make that clear so that people watching this debate, as important as the debate is, would realize we haven't been waiting for the language to be brought forward. It is important language. It is critical language to do the job right. But we as a Congress, and the administration, have been moving forward to make sure that Homeland Security and especially the Coast Guard and those people who are responsible for making the decisions as to how we inspect, and the Customs and Border Patrol departments, have the resources they need in order to effectively begin to secure our ports.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 4945

Mr. NELSON of Nebraska. Mr. President, I call up my amendment which is at the desk, amendment No. 4945. There are modifications at the desk. I ask unanimous consent that Senator BURNS and Senator CANTWELL be added as original cosponsors as well as make the following modifications to the amendment which is there at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified. The cosponsors will be added.

The modification is as follows:

On page 27, on line 24 after "emergency measures", insert the following:

"including wildfire recovery efforts in Montana and other States"

On page 28, after line 12, insert the following:

"SEC. 133. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $200,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Secretary through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $50,000,000 shall be used to carry out wildfire recovery efforts (including in Montana and other States)."

Mr. NELSON of Nebraska. Mr. President. I appreciate the opportunity to be here today. I thank Senators COLLINS and, of course, PATTY MURRAY for the opportunity to speak.

What I want to say is that I have been hearing rumors that the leadership staff says this drought disaster amendment is not germane. As far as I know, cloture has not been invoked. Until and unless cloture is invoked, it is germane. It cannot be ruled as not germane.

The amendment I offered this morning now has 19 bipartisan cosponsors. I have already pointed to the chart to show what the extent of the drought is and the devastation that the drought is wreaking all across the middle part of the country and down into the southeastern part of the country as well.

The drought conditions range from severe to less than moderate in most of the instances, and the darker, the more it is affecting. What isn't shown on this chart is the number of years that the drought has endured in some parts of the country.

In Nebraska, for example, the drought in some cases is 7 continuous years in duration, planting with higher input costs and no crop for many farmers. Many have not been able to sustain themselves. They have had to leave their farms.

Ranchers are being adversely affected by the drought, obviously, because their pastures are crisp where the grass should be green. The grass is brittle because of the continuing drought conditions.

As a matter of fact, trying to get some recognition of what a drought consists of as opposed to a hurricane, which has a name in each and every case—I named this drought David just a few years ago. Unfortunately, in some cases Drought David is celebrating its seventh birthday, in other cases its fifth birthday, and in some other cases 2 or 3 years. This is a continuing condition.

That is why our farmers and ranchers deserve an up-or-down vote on this amendment. There is no ruling that it isn't germane. We could have an up-or-down vote on it tonight. I hope we would be able to do that.

The severity continues, and denying an up-or-down vote doesn't mean the drought goes away. It just means the ranchers and farmers are not going to get what they deserve.

I ask for the yeas and nays on my amendment, No. 4945.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objectin, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NET NEUTRALITY

Mr. WYDEN. Mr. President and colleagues, I have put a public hold on the telecommunications legislation that has cleared the Senate Commerce Committee, and I have decided to come to the floor, from time to time, to try to outline why I have committed to block that legislation until the legislation ensures that the Internet will be free of discrimination.

That is what the debate known as Net neutrality is all about. It is something I feel very strongly about. I think as colleagues and the country come to understand more about what this issue is all about, there will be increasing concern about the absence in this legislation of tough, enforceable provisions to ensure that the Internet is free of discrimination.

Now, the lobbyists for the big communications concerns would like Americans to believe this is a very complicated issue. Certainly, there are technical aspects to it. But the bottom line proposition, Mr. President and colleagues, is, today, when you log on, you get to take your browser where you want to go, when you want to go there, and everybody is treated the same. That is what would change under this legislation because it would be possible, under the way the bill is written now, for major phone companies and cable companies to essentially set up what they have described—described in the business press—as a pay-to-play arrangement. It would change the fundamental nature of the way the Internet works today. I happen to think that is a great mistake.

Now, in prior speeches, I have come to the floor to give examples of what the world would look like without Net neutrality for consumers and small business and innovators.

Over the recess, a small business came to me and shared a story that I thought was particularly interesting. It is the story of a company known as New Mexico Chili. The two individuals, a married couple, who established this firm, NMChili.com, set it up as an alternative to the high-priced on-line Southwestern Chili stores that most people were forced to patronize on line. This couple started with a simple idea and a motto, "Even our prices taste good."

From the small town of Hatch, NM, home of the world famous Labor Day Chile Festival, people from around the world can now access the wonderful chili that has made Hatch famous. Somebody from my hometown in Portland can go on line and within 48 hours have delivered to their doorstep Hatch's finest mild red chili or hot green chili.

They have been able to achieve all of this because of the open nature of the Internet. They pay their fee to get on the Net and for the bandwidth they use, and the business can flourish. This is because the Net remains neutral and free of discrimination.

Under the Senate Commerce Committee telecommunications bill, this would no longer be the case. This particular couple, in the small town of Hatch, NM, would be forced to pay fees to Internet access providers around the United States in order to have access to subscribers of these providers, or else they could get stuck in the "slow lane." They would be left with two bad choices: If they pay the fees to the providers, they would no longer be able to say "even our prices taste good," as they will be forced to charge customers more in order to continue to make profits. If they do not pay the fees to providers, their Web site would get stuck in what will become the Internet "slow lane," angering customers and causing them to lose business to larger competitors who can afford to pay the fee. Either way, New Mexico Chili, a small business that came to us, would lose, and its customers would lose.

In this example, the large businesses that own the Internet pipes extend their reach to the detriment of small business. According to the business plans of the major phone and cable companies, what they have been telling Wall Street, what is printed in the business press, this is the direction in which they are headed.

Without Net neutrality, without strong, enforceable provisions to ensure that the Internet is free of discrimination, this small firm in New Mexico would not be able to use the Net the way they can today, and there would be thousands and thousands of other small businesses like it.

Now, Mr. President and colleagues, we are going to hear a lot about this legislation in the days ahead. I have been hearing reports, for example, that if you have Net neutrality we are going to have problems for consumers in terms of blocking spam. That is not going to happen. And in the days ahead, I will outline how that is the case, as well.

The newest attack is that Net neutrality would prevent parents from keeping pornographic content away from their children's eyes and ears. That also is not going to happen. That is why organizations with great interest and expertise in the area, groups such as the Parents Television Council, are strongly supporting an Internet that is free of discrimination, an Internet that has strong provisions to protect Net neutrality.

The fact is, an Internet free of discrimination, an Internet that ensures there is Net neutrality is going to allow parents to do the same things they now do in terms of keeping pornography out of their home. And the fact is, I think it is going to give parents new tools in the days ahead to have additional new and exciting options in video programming that is free of the violence and foul language and sexual content that many of them are forced to buy today in order to receive the best educational programming on television. That is because the promise of a competitive Internet television market is going to grow fastest with an Internet that is free of discrimination and an Internet that ensures there is true Net neutrality.

Mr. President, I see the distinguished Senators who have been active on the legislation, the distinguished Senator from Alaska and the distinguished Senator from Washington, on the Senate floor. It is not my intent to get in the way of their moving this important legislation. So I intend to come to the floor on additional occasions in the days ahead to discuss this issue. I wanted to go through the example of that small business in New Mexico, New Mexico Chili, to outline why they benefit so dramatically with an Internet that is free of discrimination. I also wanted to outline why Net neutrality is so important to the cause of protecting parents and families from pornography and ensuring that those families have the tools to fight spam.

As I have indicated to the Senate in the past, it is my intent to keep my public hold on the telecommunications legislation until strong language is included in that bill that ensures that the Internet, which today operates free of discrimination, treats all customers the same way. Until that is embedded in the legislation that comes before the Senate, I will continue to keep my hold on this legislation.

I know the sponsors of tonight's bill have important work to do.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, at another time I might discuss this subject, Net neutrality, with the Senator from Oregon. I think what I will do is send him a copy of all the letters I have received from his constituents who agree with me. But I thank him very much for his comments.

Mr. ENZI. Mr. President, I rise in opposition to the Clinton amendment. Although I understand the need to ensure that first responders and volunteers with definitive health effects from 9/11 receive treatment, I remain very concerned with the current proposal from the Senator from New York.

I must first say that I am sorry Senator CLINTON did not speak with me first about this matter, as it falls within the HELP Committee jurisdiction, which I chair and of which Senator CLINTON is a member.

It also concerns me that the main genesis for action on this issue is a report released just last week from Mount Sinai, as part of the ongoing monitoring of health effects that we in Congress have authorized. Given that it has simply been a week since that report, we have not had a full amount of time to review that report and understand all of its implications.

I am concerned with the Senator from New York's proposal to delegate CDC as the primary entity administering this program. Rather than rely on the current mechanisms for providing health care and treatment programs through the Health Resources and Services Administration at the Department of Health and Human Services, this amendment creates a new role for CDC, taking them away from critical public health activities, such as responding to bird flu and potential bioterrorist attacks.

It is also important to make sure a program such as this is designed in such a way to meet the needs of the first responders and emergency workers that need it most.

The eligibility criteria are also too vague and provide health care services for activities that are not related to the events of September 11, 2001. I appreciate that Senator CLINTON's staff have been clear with mine that this is an issue that she recognizes as flawed and she would like to address it. However, we do not have the time to do that right now. We should not as a responsible legislative body approve a flawed proposal.

I do want to continue to work with the Senator from New York to address the health issues of the first responders who assisted in our response to 9/11. I know that time is limited in the remaining days of this Congress, and all of us would like all of our major priorities to be addressed. However, I have confirmed with HHS that they will soon send out another $75 million in addition to the $125 million which they have already distributed, to provide care and treatment to these individuals for the next few months.

Mr. President, I ask unanimous consent that a funding document from HHS be inserted into the RECORD that fully describes the funds that have been allocated to New York city to date.

In closing, I want to restate my commitment to further investigating the health effects of 9/11 on first responders and working with HHS to ensure their health care needs are addressed.

We do have time for thoughtful consideration and review of this issue, including giving HHS additional authorities through regular order.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED HHS POST 9/11 FUNDING

CMS

Disaster Relief Medicaid Program: $335 million: HHS provided expedited health care coverage for low-income New York children and adults in the Medicaid, Child Health Plus and Family Health Plus programs and temporary medical coverage for those affected by the September 11th terrorist attacks.

HRSA

Health Centers: $10 million in FY 2001: 33 Health Centers grantees in New York City and Northern New Jersey received one-time grants to support immediate costs of response as well as longer-term health care services as a result of the September 11th terrorist attacks.

Grants to Health Care Providers: $35 million in FY 2001: Funding was provided to St. Vincent's Hospital-Manhattan and New York University Downtown Hospital, two of the hospitals in Manhattan that were dramatically impacted by the September 11th terrorist attacks. These hospitals mobilized staff to respond to hundreds of seriously injured patients.

Grants to Health Care Providers: $135 million in FY 2002: In FY 2002, a special grant to health care entities that suffered financial losses directly attributable to the September 11th terrorist attacks was provided under the Hospital Emergency Response program.

SAMHSA

Emergency Assistance: $22 million in FY 2001: Funds were provided to support mental health treatment for long-term disorders and to expand substance abuse treatment services to address the needs of individuals and families impacted by the September 11th terrorist attacks.

Other Counseling: $10 million in FY 2002: Funding was added to the National Child Traumatic Stress Initiative to improve the quality of treatment services to children and adolescents who experienced traumatic events. This funding supported 5 multi-year grants to address post traumatic stress disorders in children.

Other Counseling: $4 million in FY 2002: Mental health grantees received funding to provide services to public safety workers who are the first responders to national disorders.

CDC

Contract to Mt. Sinai School of Medicine: $12 million FY 2002: Provided funding to Mt. Sinai School of Medicine via contract for baseline safety screening of 12,000 responders, rescue and recovery workers.

World Trade Center Registry: $20 million FY 2002: CDC/ATSDR established a registry of responders, residents and occupants. The WTC Health Registry is operated by the NYC Department of Health and Mental Hygiene with 71,000 registrants now enrolled.

Federal Workers Screening: $3.7 million in FY 2002: Funds were provided to the Office of Public Health Emergency Preparedness to perform baseline medical screenings for Federal responders.

World Trade Center Monitoring Program: $90 million in FY 2002: Funds were provided to the New York City Fire Department (FDNY), Mount Sinai School of Medicine, UMDNJ-Robert W Johnson Medical School, Research Foundation of CUNY, NY University School of Medicine, and the Research Foundation of the NY State University to administer baseline and follow-up screenings and clinical examinations and long-term health monitoring and analysis for responders, rescue and recovery workers. Approximately 6,000 screenings have been conducted to date and 10,000 follow-up screenings. Approximately $33 million has not been obligated. NIOSH plans to obligate these funds by FY 2008.

World Trade Center Registry, Screening, and Treatment: $75 million in FY 2006: Appropriated to CDC in the FY 2006 Department of Defense Appropriations Act; to support existing programs that administer baseline and follow-up screening, monitoring, and provide treatment, support the WTC Health Registry and two NYC Police Officers mental health support programs. A total of $4.7 million has been awarded to the Mt. Sinai Consortium and FDNY.

NIH

National Institute of Environmental Health Sciences: $10.5 million: In the aftermath of September 11th terrorist attacks. NIEHS's Superfund Worker Education Training Program created the primary safety training program for response and cleanup workers at Ground Zero.

Mr. MENENDEZ. Mr. President, I rise in strong support today of the amendment offered by my colleague Senator BAUCUS. At the end of the last year, the higher education deduction, along with a number of other important tax credits, expired. This means that unless we act to extend it, nearly 4 million families and students will not be able to deduct their college tuition from their taxes for this year. At a time when college prices have more than doubled over the last 5 years, now is not the time for this deduction to disappear.

In my State of New Jersey, as across the Nation, tuition is becoming a heavier burden on our students. New Jersey families spend an average of 34 percent of their income on tuition at a 4-year public university. The higher education deduction is a simple way that we can reduce that burden, by allowing taxpayers to deduct up to $4,000 in tuition costs. Despite this, Congress has sat by while this and other crucial tax provisions expired.

In addition to the higher education deduction, Senator BAUCUS's amendment would also extend the $250 deduction for out-of-pocket expenses that teachers spend on supplies for their classrooms. Purchasing supplies with their own money is only one of the many sacrifices our teachers make—this small deduction is the least we can do to help them shoulder that cost. In addition, the amendment would extend and expand the research and development credit for companies to spur innovation and continue new research, and the new markets tax credit, which helps bring loans and new investments to lower income communities.

Today is now the fourth time this year we have considered extending the important tax credits contained in this amendment.

We had our first chance in February, when a majority of this body voted to extend these provisions. Then in May, when we should have passed these extensions, instead, our Republican colleagues made a choice. Instead of extending the deduction for college tuition or out-of-pocket teacher expenses, both of which have expired, our colleagues chose to extend tax cuts on something that does not expire for 2 more years—investment and capital gains income. Our colleagues chose to spend $50 billion to extend these tax cuts for 2 more years, when the cost to extend both the teacher out-of-pocket and college tuition deductions is less than $8 billion. The fact is, we are running out of time. As a hearing last week highlighted, if these extensions are not enacted into law by October 15, it will be too late for the IRS to adhere to them for this tax year. We likely have less than 10 legislative days left in this body. If we do not act today, the question is, when?

So, we have a choice once again today. Are we going to act to help students with the cost of their college tuition, or teachers with the sacrifices they make for their students, or are we going to sit by and pretend that these costs are not a hardship for millions of Americans?

I hope our colleagues on the other side of the aisle will see the need and the urgency to extend these provisions today, and not continue to wait, putting off tax relief that our students and families deserve.

I urge my colleagues to support the Baucus amendment, and to extend this relief today.

Mr. REED. Mr. President, on Monday, we marked the fifth anniversary of the September 11 attacks. The horror and sadness of the attacks on the World Trade Center and the Pentagon remain with us as a nation. We are still trying to come to grips with the security failures that allowed four civilian airplanes to be hijacked resulting in the death and injury of thousands of Americans and civilians from across the world.

Fortunately, there has not been a terrorist attack on the United States since 9/11; but al-Qaida continues to perpetrate terrorist attacks throughout the world. We remain at risk.

Today, we are considering legislation essential to keeping American ports and the maritime industry safe from terrorist attacks. I commend Senators COLLINS, LIEBERMAN, STEVENS, INOUYE, GRASSLEY, BAUCUS, and MURRAY for their work on this legislation.

While our Nation acted quickly after 9/11 to secure our airports and airplanes, major vulnerabilities remain in maritime and surface transportation. As the 9/11 Commission concluded "opportunities to do harm are as great, or greater, in maritime and surface transportation" as in commercial aviation. I am glad the Senate is finally turning its attention to these critical security challenges.

A terrorist incident at one of our Nation's ports could have tremendous costs in human lives and force the shutdown of ports across the Nation, which would have devastating and long-term impacts on our economy.

This bill is a good first step in protecting our seaports and maritime industry. However, there must be funds to support the homeland security initiatives in this bill if we are to make more than a symbolic effort. I am glad that the Senate accepted Senator MURRAY's amendment to provide dedicated funding for port security. This administration and Congress has not made port, rail, or transit security priorities for funding, and authorizing language while important is not sufficient.

Al-Qaida and other terrorist groups continue to strike across the world. A recent survey by the Center for American Progress and Foreign Policy magazine of national security and terrorism experts found that 86 percent believe the world is now more dangerous, and 84 percent believe the United States is losing the war on terror. For too long, the administration's focus on the war in Iraq has diverted resources and attention from the true war on terror. These are resources that could be used to fund security efforts at airports, at ports, on rail, and on public transit. These are resources that could be used at home to make us safer.

Each year, more than 11 million containers pass through U.S. ports and 53,000 foreign-flagged vessels visiting them. Since 9/11, Congress has appropriated a total of $765 million for port security grants, including $173 million in fiscal year 2006, to help our ports adopt important security measures. The Coast Guard, however, estimated that needed port security improvements could cost more than $5 billion.

Transit agencies around the country have identified in excess of $6 billion in transit security needs—$5.2 billion in security-related capital investment and $800 million to support personnel and related operation security measures to ensure transit security and readiness.

I am pleased that the Senate passed an amendment coauthored by Banking Committee Chairman SHELBY, Ranking Member SARBANES, Senator ALLARD, and me to the port security bill that will authorize a needs-based grant program within the Department of Homeland Security to identify and address the vulnerabilities of our Nation's transit systems. I thank Senators SHELBY and SARBANES for their leadership and hard work on this vitally important issue.

This amendment, consistent with the Public Transportation Security Act that passed the Senate in the 108th Congress, provides $3.5 billion over the next 3 years to transit agencies for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological, and explosive detection systems, perimeter protection, training, the establishment of redundant critical operations control systems, and other security improvements.

Transit is the most common, and most vulnerable, target of terrorists worldwide, whether it is Madrid, London, Moscow, Tokyo, Israel, or Mumbai. According to a Brookings Institution study, 42 percent of all terrorist attacks between 1991 and 2001 were directed at mass transit systems.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million each week day compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers that roughly $9 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for this amendment and increased funding is clear.

Transit agencies and the women and men who operate them have been doing a tremendous job to increase security in a post 9/11 world, but there is only so much they can do with the very limited resources at their disposal. Our Nation's 6,000 transit agencies face a difficult balancing act as they attempt to tighten security and continue to move people from home to work or school or shopping or other locations efficiently and affordably. This amendment authorizes necessary funding to provide transit agencies with the tools they need to secure our commuter trains, subways, ferries, and buses.

With energy prices taking a larger chunk out of consumers' pocketbooks, public transit offers a solution to our national energy crisis and dependence on foreign oil. But, more Americans will not use transit unless commuters feel safe. I am glad that the Senate passed this bipartisan amendment which will grant transit security a similar standing as aviation security.

I would also like to take a moment to touch upon some of the provisions in the Real Security Act amendment offered by Senator REID that are relevant to efforts I have been working on in my capacity as a member of the Senate Health, Education, Labor, and Pensions—HELP—Committee. I am disappointed that this amendment failed on a budget point of order.

At the end of last year, the majority inserted into the must pass Department of Defense Appropriations bill broad liability protections for drug manufacturers for countermeasure products. While we certainly need vaccines and other medications to protect the population from the array of potential biological, chemical, and nuclear agents that could be intentionally used against us, such sweeping immunity was not appropriate.

At the same time, the bill did next to nothing to protect first responders, health care providers, and the general public should they be injured as a result of a countermeasure product utilized during the course of a public health emergency.

Senator REID's Real Security amendment provided for a sound and logical process for anyone who is injured or dies as a result of a countermeasure to receive fair and just compensation under the vaccine injury compensation fund. The amendment also provided appropriate indemnification for producers of countermeasure products.

A key element in any effort to respond to a public health emergency is public trust and cooperation during the process. If our health care providers, first responders, and the general public do not have confidence in the response effort, they will choose not to participate. We have already been through this experience once with the President's failed effort to get first responders inoculated against smallpox.

We must have thoughtful and clear procedures in place to demonstrate to those who may be called upon during a public health emergency that they will have recourse should they suffer as a result of a countermeasure intended to protect them. We all know that no vaccine or pharmaceutical is 100 percent safe. A small segment of the population will inevitably suffer an adverse event and to ensure they are taken care of in this event is the right and responsible thing to do.

Another important area this amendment addresses is the need to strengthen our hospital and public health infrastructure.

Federal efforts to shore up our hospitals and public health systems continue to fall short. Despite the ongoing support for bioterrorism preparedness activities in cities and states, grants for these important efforts, like many other critical domestic priorities, have actually declined over the past year.

The Real Security amendment would have bolstered our hospitals and public health workforce in their preparedness efforts, enhances the ability of health care providers to respond during a public health emergency, and improves our domestic and international disease surveillance capabilities.

When it comes to protecting our homeland against a terrorist attack, we can and must do more to fortify our ports, our transit systems, and our health care infrastructure. We must also reorient our priorities to ensure that we are doing all we can to protect our most important asset—our citizens.

Mr. LIEBERMAN. Mr. President, I rise to herald two amendments to this important homeland security legislation that, I hope, will go a long way toward improving the security of our nation's rail and mass transit systems.

Yesterday, the Homeland Security and Governmental Affairs Committee held a hearing at which Secretary Chertoff, representatives from the New York and Los Angeles County police departments, and two security experts testified about the future direction of homeland security. The witnesses expressed an eclectic array of views. But on at least one point, they were all in agreement: radical Islamic terrorists have targeted railroads and mass transit systems in Europe, and the United States could very well be next.

Terrorists have hit the subways, trains, and buses of London, Madrid, Mumbai, Tokyo, Moscow, and Israel. It is inconceivable that they have forgotten about us in the United States.

In fact, "Jane's Intelligence Review" posted a story on its Web site at the end of last month, stating that "Terrorist attacks on trains and metro rail systems in cities such as Mumbai, London, Madrid, and Moscow suggest a sustained interest by terrorists in exploiting the often open aspect of commuter rail infrastructure to execute mass casualty attacks."

This is an enormous concern to nearly all of us in this body. Fourteen million people use rail and mass transit every day in this country. In my home State of Connecticut, for example, the Metro North New Haven line is one of the busiest rail lines in the United States, carrying about 110,000 riders each day. And the Stamford, CT, train station on that line is among the busiest city rail stations in the United States.

Mass transit is a way of life for so many Americans. Our subways, trolleys, buses, and ferries carry millions of us to work each day, to shop, to sporting events, and to see friends and family. The speed, reliability, and convenience of mass transit has become a part of the cultural fabric of this Nation and helps to make us as mobile a Nation as we are.

Unfortunately, transit systems pose one of the greatest challenges to security experts—a challenge that calls for the attention of our Nation's best and brightest minds and should be a much bigger priority for the Federal Government than it is has been.

After the London bombings last July, our committee led a bipartisan investigation of the state of mass transit systems in the United States, culminating in a hearing on September 21, 2005. Chairman COLLINS and I examined the vulnerability of those systems, the threats to them, and the level and types of attention that our governments should devote to them.

Unlike airports, which are closed systems, rail and transit systems are open and carry seven times as many people in a year. With so many stops, stations, and lines, we cannot install airport security type checks at every subway station, bus stop, and rail terminal. Traffic would come to a dead halt.

But we can and must apply the "can do, will do" attitude we have adopted toward aviation security to mass transit and rail security. The amendments that we have added to this bill are an important step in that direction.

The first of these amendments is Senators SHELBY's and SARBANES' proposal to beef up the security of our public transportation systems. I proudly cosponsored this amendment because of my strong belief and conviction that we need to do all we can to secure our mass transit systems.

This week, the Commerce and Homeland Security Committees have put the interests of the country ahead of jurisdictional and party differences to work to improve the security of America's ports. That is real leadership.

The Shelby-Sarbanes amendment was adopted by the Senate in the same vein. The Banking and Homeland Security Committees also have put aside their jurisdictional differences to promote the interests of the country first. If the Senate produced more legislation in this manner, perhaps the American public could suspend its cynicism about our overwhelming absorption with scoring political points.

The Shelby-Sarbanes amendment will authorize $3.5 billion in grants for mass transit security, including capital improvements, research and development, and operations.

This amendment is an authorization but it sets a marker for the Congress to fund these grant programs in the subsequent appropriations cycles.

The amendment also restores funding for the Public Transportation Information Sharing and Analysis Center, which is the vehicle for mass transit systems all over the country to share and analyze intelligence about threats to their sector, and defenses against them.

The second amendment I want to address is Senator MCCAIN's rail security amendment, which I also cosponsored. In fact, when my friend from Arizona introduced this amendment as a bill in the 108th Congress, I cosponsored it then. It will make marked improvements in the security of our passenger rail systems with an authorization of

$1.2 billion. The amendment directs the Department of Homeland Security to complete and prioritize recommendations regarding vulnerability assessments for freight and passenger rail transportation systems. Notably, the amendment would benefit Amtrak and its thousands of daily riders in three direct ways.

The amendment also creates a pilot program to conduct random security screens of passengers and baggage at a specified number of Amtrak stations. It calls for certain fire and life-safety improvements and infrastructure upgrades to Amtrak tunnels on the Northeast Corridor. And it directs Amtrak to submit to the National Transportation Safety Board and the Secretary of Transportation a plan to address the needs of families of passengers involved in rail passenger accidents.

Combined, the authorizations contained within these two amendments are in line with the American Public Transportation Association's estimate that $7.2 billion is needed to secure the country's rail and transit systems.

Over the last few years, we have seen the decentralization of al-Qaida and with it the growth of homegrown terrorist activities directed toward the open, densely populated, and vulnerable mass transit and rail systems. I am pleased the Senate has accepted these amendments which will help cities and States defend against these deadly threats.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CHARACTER OF THE SENATE

Mr. KERRY. Madam President, an awful lot has been written and enough has been said about the comments made yesterday by House majority leader JOHN BOEHNER. I am not interested in asking Mr. BOEHNER for a clarification or retraction or even an apology. His statement was very clear and I believe equally despicable. And his words are, frankly, beyond redemption. They are, however, sadly, what we have seen much too much of in politics today in our country.

So this is an opportunity today for the Senate to be the Senate. We talk here about "my friend from across the aisle." We talk about the traditions of the Senate. We talk about civility. But in the last years, a lot of us have seen things happen here that never would have happened in the Senate of 15 or 20 years ago.

We have come a long way since the days when Bob Dole and George Mitchell refused to campaign against each other. I have seen colleagues say in the cloakroom that they thought it was wrong to see the courage of their friend, Max Cleland, attacked, but on the floor of the Senate there is silence.

I know there are good people here who still long for civility. I have heard it. I heard the junior Senator from Oregon say, just this summer: My soul cries out for something more dignified. My friend from Arizona, just this spring, said: The self-expression sometimes overwhelms our civility.

Well, this is one of those times. But I think it is more than that. I think it is an opportunity, in keeping with these pleas for civility, for some of our colleagues on the other side of the aisle to actually come to the floor and not just talk about civility but express the truth, to come here and condemn Mr. BOEHNER's remarks in no uncertain terms if they disagree with them. I think that is the real test of the kind of place we have become and the kind of politics we are willing to tolerate. It is a test of the character of the Senate. And I think every American would benefit from hearing where Republicans stand on Mr. BOEHNER's words expressed yesterday.

SENATOR BAUCUS'S 10,000TH VOTE

Mr. FRIST. Mr. President, may I have the attention of the Senate. On rollcall vote No. 244, the distinguished Senator from Montana and the current ranking member of the Finance Committee, Senator MAX BAUCUS, cast his 10,000th vote in this Chamber.

Senator BAUCUS now joins a very historic and select club of U.S. Senators who can claim this distinction. Only 26 other Senators have achieved this milestone.

From his post on the Finance Committee, Senator BAUCUS has worked on a bipartisan basis on many issues important to Montanans, from tax policy to health care reform. Legislating is the art of compromise, and in his 28 years of service Senator BAUCUS has mastered it.

A recent example that comes to mind is the Medicare prescription drug bill, which I sponsored. Without Senator BAUCUS's hard work and support, 31 million seniors wouldn't have the drug benefits they now enjoy.

Back home in Montana, Senator BAUCUS is affectionately known for his "Work Days"—days he spends working a full day alongside Montanans at a local business.

Senator BAUCUS, I know I speak for all your fellow Senators, when I say congratulations on this achievement, but more importantly, thank you for your service to Montana, to your country, and importantly, to the United States Senate.

50TH ANNIVERSARY OF GOLINHARRIS

Mr. DURBIN. Mr. President, I rise today to congratulate a Chicago business on its 50th anniversary.

The public relations firm GolinHarris began as a six-person operation in Chicago in 1956. Fifty years later, GolinHarris is one of the world's leading public relations firms, with a client list that reads like a Who's Who of Business. It employs more than 450 professionals in 29 offices across the globe—from Brazil to Belgrade, Stockholm to Singapore—but, I am proud to say, GolinHarris continues to call Chicago home.

One thing about GolinHarris has not changed over these 5 decades and that is the strength of its leadership. Under the guidance of Chairman Al Golin who has helped shape the firm from its beginning, GolinHarris has developed a reputation as an outstanding corporate citizen and an innovator in an intensively competitive and fast-changing field.

I would like to extend my congratulations to Al Golin and the employees of GolinHarris on this milestone 50th anniversary and wish them continued success in the years to come.

INDUCTION OF JOE DUMARS

Mr. LEVIN. Mr President, I would like to make remarks about an American who has made many proud and achieved an incredible milestone this past weekend.

The person I am referring to is Joe Dumars who has been affiliated with the Detroit Pistons professional basketball franchise since he was drafted by the Pistons in 1985. This past Friday, Joe was inducted in the Naismith Memorial Basketball Hall of Fame in Springfield, MA. On behalf of all Michiganders and Pistons fans everywhere, I would like to congratulate Joe and his family on this great achievement.

Joe Dumars was born May 24, 1963, in Shrevepoint, LA. He attended Natchitoches High School and later McNeese State University, both also in Louisiana. He was the number eighth overall pick in the 1985 National Basketball Association—NBA—draft, selected by the Pistons for, among other things, his reputation to play defense.

In the NBA, Joe lived up to that reputation—often being called on by Pistons head coach Chuck Daly to guard the other team's best player. This was never more evident in the 1980s as the Pistons consistently bested the Chicago Bulls due in part to Joe Dumars' defense on a young guard named Michael Jordan. To this day, Michael Jordan says Joe Dumars was one of the best defenders he ever faced.

Always a team player, Joe Dumars became a pillar in the foundation of a Pistons team that went to the NBA finals three times in his career winning the championship twice in 1989 and 1990. Isiah Thomas, Bill Laimbeer, Dennis Rodman, John Salley, and Joe Dumars proved that defense wins championships, and Joe was personally rewarded as the NBA Finals MVP in 1989.

Joe Dumars retired as a player from the NBA in 1999 playing all 14 of his seasons with the Pistons. His career achievements include scoring 16,401 points, handing out 4,612 assists, grabbing 2,203 rebounds, and recording 903 steals. He was named to the NBA All-Star team six times and to the NBA All Defensive first team four times during his career. Joe's jersey was retired by the Pistons the year after he retired and it now hangs high in the rafters of the Palace of Auburn Hills.

Although Joe's playing career was now over, his enthusiasm and love of the game never diminished, so he took a job in 2000 with the Pistons in their front office as president of Basketball Operations. He was named NBA Executive of the Year in 2003 and put together the team that reached the NBA finals in 2004 and 2005. Winning the NBA championship in 2004 made Joe a key figure of all three Pistons' championships.

Friday in Springfield, MA, all of Joe's achievements earned him the ultimate recognition in his chosen profession. So to Joe, his family, his former teammates, and the entire Pistons organization, from this Pistons fan I say congratulations on a recognition well deserved.

SENATE SELECT COMMITTEE ON INTELLIGENCE OVERSIGHT

Mr. FEINGOLD. Mr. President, I join the vice chairman of the Intelligence Committee in expressing my concerns about the Committee's inability to conduct oversight of the President's illegal warrantless wiretapping program. Unfortunately, the administration's continued defiance of Congress is simply the latest in a series of efforts to hide its illegal activities and obscure the true extent of its power grab.

Let us not forget how we got to this point. For 4 years, the administration conducted a plainly illegal program, eavesdropping on Americans on American soil without the warrants required under the Foreign Intelligence Surveillance Act, or FISA. During this time, the administration refused to inform the full congressional intelligence committees, in clear violation of the National Security Act.

Then, late last year, the program was revealed in the press. Rather than admit that it had broken the law and explain why it had done so, the administration used the occasion to embark on a coordinated and misleading public relations campaign. In speeches and press conferences, administration officials repeatedly asserted that domestic eavesdropping without a warrant was necessary to conduct surveillance of terrorist suspects, and it suggested that those committed to the rule of law were unconcerned about the terrorist threat.

Even the title the administration has bestowed upon its illegal behavior—the Terrorist Surveillance Program—is misleading. We already have a "terrorist surveillance program." It is called FISA. It permits the surveillance of terrorist suspects in the United States, with the approval of a secret court, and it has been the law of the land for nearly 30 years.

Let us also not forget the administration's illegal defiance of congressional oversight. For 4½ years, including several months after the warrantless wiretapping program was revealed in the press, the administration violated the National Security Act by refusing to brief the congressional intelligence committees on the program. The administration began the briefings required by law only when it became clear that its defiance might complicate the nomination of General Hayden, who, as the then-Director of the NSA, implemented the program and had been nominated as the new Director of the CIA. Despite months of public discussion about the program by administration officials, the majority of the members of the Senate Intelligence Committee were briefed about the program for the first time only on the eve of General Hayden's confirmation hearing in May.

Those of us who hoped that this belated briefing marked a change in attitude—and a recognition of the administration's legal responsibilities—were quickly disappointed. That is why, later that month, the full Senate Intelligence Committee called on the administration to work with the committee so that we could conduct ongoing, thorough oversight over the operational, legal and budgetary aspects of the program. The cooperation requested by the Committee has not happened, however. And, as the vice chairman has pointed out, the administration continues to refuse to provide the committee with critical documents and information necessary to review the program.

The congressional intelligence committees review highly sensitive classified intelligence programs every day. That is their job. The vast majority of those programs have never been publicly disclosed. Yet the warrantless wiretapping program—which has been the subject of speeches, press conferences and public testimony by administration officials, making it the most widely examined, the most public program in NSA's history—is the one program the administration still refuses to explain fully to the congressional intelligence committees.

The vice chairman of the committee has described some of the materials that the administration has thus far refused to provide the committee—Presidential orders authorizing the program, legal reviews and opinions relating to the program, and procedures and guidelines on the use of information obtained through the program. All of these materials relate to the legality of the program. It is difficult to avoid the conclusion that the administration has stonewalled the committee's efforts to conduct oversight of this program not because the program is uniquely sensitive, but because it is illegal.

While the Intelligence Committee has been unable to conduct oversight of the warrantless surveillance program, the Judiciary Committee, which this morning reported out a bill that seeks to legalize the program, has been denied access to any information about the program. Attorney General Gonzales has provided testimony to the Judiciary Committee, but that testimony has been limited to a careful repetition of only what the President has already publicly acknowledged. As a result, the Judiciary Committee does not have access to information it needed before it should even have begun considering legislation, including many of the legal documents denied the Intelligence Committee. The Judiciary Committee was left to legislate in the dark, with many members blindly seeking to legalize illegal behavior without even an understanding of whether those changes are actually necessary.

And now, we face the prospect that the full Senate may consider legislation related to the program. It is bad enough to have a committee legislate in the dark. But having the entire Senate debate legislation when just a few Senators—those on the Intelligence Committee—have any information at all on the subject of the legislation only makes things worse.

In the rush to rubberstamp the administration's unconstitutional power grab, Congress could end up turning the legislative process on its head. As an institution, and as elected representatives of the American people, it is our responsibility to make sure the President complies with the law. Instead, Republican leaders are rushing to make sure the law complies with the President. That is far from the ringing affirmation of the rule of law that we should expect from Congress in response to the administration's lawbreaking.

If Congress and the administration are going to take seriously their respective responsibilities, four things must happen. First, the congressional intelligence committees must demand that the administration provide documents and information related to the warrantless surveillance program and insist on the same kind of thorough oversight to which other intelligence programs are subject. The National Security Act requires that the committees be kept fully and currently informed of all intelligence programs. It is long past time for the administration to respect the spirit of that law.

Second, the administration must provide the information the Judiciary Committee needs about the program so that it can reconsider the uninformed and dangerous legislation reported out this morning. That does not mean the Judiciary Committee has to see operational details about the program. It does mean it needs to understand the basics of the program and the administration's contemporaneous legal justifications throughout the duration of the program. Certainly, the Judiciary Committee should not even have begun to consider expanding FISA before it received an explanation from the administration as to why it was unwilling to comply with current law. The administration has never provided that explanation because, in my view, it cannot. From what I have seen as a member of the Intelligence Committee, the surveillance that the administration says is necessary to protect this country can be accommodated without violating FISA.

We can listen in on terrorist suspects without surrendering the basic principle of individualized warrants. We can be secure without having to accept unchecked executive power. We can effectively fight terrorism without sacrificing the rights and freedoms that make this country the greatest beacon for individual liberty in the history of the world.

The mere assertion by the President that FISA no longer applies cannot be the basis for eradicating 30 years of law and jurisprudence. Congress should demand answers before deciding whether and how to amend FISA.

This leads me to my third point—that the Judiciary Committee should carefully and thoroughly consider any specific proposals for improving the FISA law, closely examining whether they are justified. Despite the action this morning, we have not done that yet. Recent testimony by Generals Alexander and Hayden provided some possible suggestions as to ways that FISA might be modernized—the kinds of suggestions that should have been made years ago. Congress should encourage more such exchanges, and should consider major revisions to FISA only after it can fully assess the need for such legislation as well as its ultimate impact. By rushing to legitimize and legalize domestic surveillance that does not comply with the FISA law, Congress only short-circuits this process.

And fourth, regardless of current oversight and legislative efforts, the President needs to be held accountable for breaking the law. His domestic warrantless wiretapping program is illegal. The legal arguments put forward to justify the program are as dubious today as they were when they were made last December, particularly in light of the recent Supreme Court decision in Hamdan. The President's failure to inform the full congressional intelligence committees about the program for years was also illegal, and his subsequent decision to provide only limited information about the program to the intelligence committees at the least violates the spirit of the National Security Act. And the President continues, to this day, to mislead the country about terrorist surveillance and FISA. For these reasons, Congress should censure the President. The challenging and crucial work of defending our Nation against a determined enemy demands a return to the rule of law. We are stronger as a law-abiding country, not weaker.

We should be working together to protect America. The President's power grab has been a long and costly distraction. It has undermined a preexisting consensus about how to defend our country and its democratic traditions. It has resulted in a completely unnecessary stand-off between the executive branch and Congress. And it has resulted in an administration publicly making the untenable argument that the laws passed by Congress can be ignored.

None of this was inevitable. And it can all be resolved, if only we take a step back and remember the principles on which our system of government was based. The balance of powers enshrined in the Constitution and the freedoms contained in the Bill of Rights are not impediments to our national security. They are our strength. We can and must fight terrorism aggressively without undermining the rule of law on which this country stands.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH JENKINS

Mrs. LINCOLN. Mr. President, I rise today in tribute to a brave young man from my home State of Arkansas. SSG Kenneth Jenkins was a loving son, a devoted husband, and a loyal friend. He was also an American hero, who fulfilled his lifelong ambition of honorably and courageously serving our nation in uniform. In doing so, he was to make the ultimate sacrifice in the name of freedom.

Those who knew him best tell of a special young man who always placed his friends and family above all else. Always dependable, he was the type of person who would give you the shirt off of his back if needed. It was this generosity and goodwill that endeared him to others. They were also the traits that allowed him to form new bonds quickly with everyone he met and with everyone he served.

On July 1, 1999, Staff Sergeant Jenkins fulfilled his aspiration to serve our Nation in uniform by enlisting in the U.S. Army. Soon after completing his training, he was deployed for various missions around the world, which took him to such countries as Bosnia, Kosovo, Macedonia, and Cuba. Throughout his service, he was a soldier's soldier, grateful to serve and proud of his role in helping to defend the people and the country that he loved. It came as no surprise that Staff Sergeant Jenkins answered his Nation's call for duty in Operation Iraqi Freedom, completing a full tour of duty and returning for a second.

In Iraq, he served with the 3rd Battalion, 67th Armor Regiment of the 4th Infantry Division. Tragically, while conducting operations in Baghdad on August 12, his humvee came under attack by enemy forces and sustained small arms fire. He later died from injuries sustained in that battle. He was scheduled to return home in November.

Staff Sergeant Jenkins was laid to rest with full military honors in Killeen, TX. Posthumously, he was awarded a Bronze Star and a Purple Heart for his courageous service. A few miles away, his fellow soldiers held a separate memorial ceremony at Fort Hood in honor of Jenkins and the five other 4th Infantry Division soldiers who were killed in Iraq during the month of July.

It is with a heavy heart that we mourn the loss of yet another brave soldier from Arkansas. While Kenneth Jenkins may no longer be with us, I pray that we may find some sense of solace knowing that his spirit will live on forever in the hearts of those whose lives he touched. The way he lived his life is truly an example for us all. My thoughts and prayers are with his wife Brandy Jenkins, his sister Stephanie Richard, his brother Mack Jenkins, his parents, and with all those who knew and loved this special young man.

ADDITIONAL STATEMENTS

TRIBUTE TO NICK WALTERS

• Mr. LOTT. Mr. President, I want to take a moment and wish best of luck to a accomplished, young and promising Mississippian who is leaving Federal service to pursue private sector opportunities.

Nick Walters, originally of Wiggins, MS, was appointed as Mississippi's USDA rural development director by President George Bush in 2001. Since then, Nick has done a great job supporting Mississippi's communities, helping to secure resources needed for public facilities, utilities and for economic development.

This is a key Federal position for my State. As Nick likes to say, this is the "non-farm," or "non-food" part of USDA. It's about new water and waste water systems, so people can have clean, dependable running water. It's about new community centers, town halls, and even high-tech or educational assets like broadband service, telemedicine and long-distance learning.

Since taking office, Nick has presented scores of oversized checks, in countless photos for local papers telling stories about a new water tower or a new police car or fire truck.

Some people might think these things are small, and they often are in terms of Federal dollars. But these modest services will reverberate for years to come. As Nick says: USDA rural development is really about economic development, helping to encourage and sustain job creation—paving the way for communities to grow.

Nick has helped administer more than $100 million to Mississippi's cities and towns through this agency. He hasn't sat on laurels waiting for mayors, supervisors, town aldermen, or CEOs to approach him. Nick has been proactive, innovative, and he is actively sought cases and ways to meet individual community needs through USDA's various rural development programs.

We have all heard the old saying: "Don't tell me what you can't do, tell me what you can do." That is been Nick Walters' approach to public service. His first inclination is to act. That is something we Mississippians appreciate. After Hurricane Katrina, we saw many Federal bureaucrats in FEMA and elsewhere strapped by indecision, blinded by tunnel vision, stuck on what they could not do, obsessed with the word "no" when they should have been saying "yes." Nick isn't that type. He has provided a great example of what someone in this office can do using its authority to the utmost, and we're working hard to find a successor who will continue this strong leadership.

Nick Walters will be missed but my guess is that he will be back in public service one day. In what capacity? I don't know. That is a decision for him, his wife Lisa, and his young children, Porter and John Garrett.

But now with this success behind him and given his previous experience in the private sector, his work with former Mississippi Governor Kirk Fordice, his stint as chief of staff for the Mississippi Public Service Commission Nick Walters will be successful in wherever his endeavors may lead.

I hope my colleagues will join me in thanking Nick Walters for his exemplary service to the Federal Government and, more importantly, to America as Mississippi's USDA rural development director.

MURRAYHILL LITTLE LEAGUE ALL-STAR TEAM

• Mr. SMITH. Mr. President, I rise today to congratulate Oregon's Murrayhill 11 and 12-year-old Little League All-Star team. They recently placed second in the U.S. Little League World Series Championship, and third in the World Little League Championship.

On August 26, 2006, at Howard J. Lamade Stadium in South Williamsport, PA, Murrayhill capped a remarkable postseason, losing the United States Championship to Columbus Northern Little League from Georgia. Murrayhill was the first Oregon team in 48 years to qualify for the Little League World Series, and the first to ever reach the U.S. Championship game. On their road to the championship, they won the District 4, Oregon State, and Northwestern Regional Baseball Tournaments.

Murrayhill displayed great heart, outstanding teamwork, dedication, resilience, character, and sportsmanship throughout the tournament while achieving one of the highest honors in Little League Baseball.

This team of 11 and 12-year-olds brought pride to the State of Oregon with their remarkable run during this year's postseason. I ask my colleagues to join me in congratulating all the players involved in a hard-fought U.S. Little League World Series.•

TRIBUTE TO MONROE SWEETLAND

• Mr. WYDEN. Mr. President, today I pay tribute to the life of Monroe Sweetland—a visionary, a patriot, a statesman, and the father of the modern Democratic Party of Oregon. Monroe passed away Sunday, September 10, at the age of 96, having lived a very full life in pursuit of a better Oregon and a better Nation.

An Oregon native, Monroe was born in Salem in 1910. After attending law school, he returned to Oregon, and, following the Second World War, he worked tirelessly on behalf of the Democratic Party of Oregon, rebuilding the party from the ashes. Monroe was a strong Democrat, a proud partisan who stood with his party not out of any desire for influence or power but out of a belief in the values espoused. He seemed to know instinctively that if the party was strong in its values, then electoral success would follow. And on that basis, he worked to rebuild our party from the ground up.

A tireless worker on behalf of others' campaigns, he also held elected office, serving for 10 years in the State legislature, first as a member of the Oregon House of Representatives and then as a member of the Oregon Senate. Prior to that, in 1948, he was elected to the Democratic National Committee.

Given his strong partisan politics, some might think his most notable feat was converting U.S. Senator Wayne Morse, whose seat I now hold, to the Democratic Party—helping Senator Morse to see the light, as it were. But Monroe considered the passage of the Bilingual Education Act of 1968, a product of his work at the National Education Association, his most important accomplishment. What I will remember most about Monroe is the way he lived: his boundless optimism, his energy to get things done and his smile that would warm even the coldest room.

When I spoke with Monroe a few weeks ago, he was still the activist we all knew so well. The last thing we discussed was the November 2006 elections, and, since Monroe was constitutionally incapable of being anything other than optimistic, he did not want to discuss what-ifs about the outcome of the election; he only wanted to talk about the good that the Democratic Party will accomplish when it wins back the majority in Congress this fall.

Oregon and the Nation are better for having had Monroe Sweetland in the world. For 96 years, we were blessed with his presence on this small planet. Although life seems a little dimmer without him, I know my life is better for having known him.

I know Monroe is in heaven, and if I had to guess, I would say it is likely he is up there right now organizing the angels for further good deeds. Nothing on this Earth slowed him down and I don't expect that to change now that he has gone ahead to a better place.

A giant of politics in our State, and an even greater human being, Monroe will be sorely missed by all who knew him, and even more sorely missed, though they may never know it, by those who never had that opportunity.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:47 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 2:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 138. An act to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P.

H.R. 479. An act to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL-95P in Walton County, Florida.

H.R. 631. An act to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

H.R. 5094. An act to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

H.R. 5381. An act to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices.

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building".

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office".

H.R. 5539. An act to reauthorize the North American Wetlands Conservation Act.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Princeton Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 631. An act to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 13, she had presented to the President of the United States the following enrolled bill:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 660. A bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes (Rept. No. 109–334).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2453. A bill to establish procedures for the review of electronic surveillance programs.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2455. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Mark Myers, of Alaska, to be Director of the United States Geological Survey.

*John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

*David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

By Mr. INHOFE for the Committee on Environment and Public Works.

*William B. Wark, of Maine, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five year.

*William E. Wright, of Florida, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Stephen M. Prescott, of Oklahoma, to be a member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring April 15, 2011.

*Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation four a term expiring October 6, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duty constituted committee of the Senate.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENSIGN (for himself and Mr. REID):

S. Res. 569. A resolution honoring the life of those who died in service to their country aboard the U.S.S. Enterprise on January 14, 1969; considered and agreed to.

By Mr. COBURN:

S. Con. Res. 114. A concurrent resolution providing for corrections to the enrollment of the bill S. 2590; considered and agreed to.

ADDITIONAL COSPONSORS

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1278

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1278, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter

Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1902

At the request of Mr. LIEBERMAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1902, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2010

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2076

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from New Hampshire (Mr. GREGG), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from North Carolina (Mr. BURR), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. BURR) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2599

At the request of Mr. VITTER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 3128

At the request of Mr. BURR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nevada (Mr. ENSIGN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3827

At the request of Mrs. LINCOLN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3827, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3877

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3877, a bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

S. 3880

At the request of Mr. INHOFE, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. RES. 559

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

AMENDMENT NO. 4928

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 4928 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4930

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 4930 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4945

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 4945 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. NELSON of Nebraska, the names of the Senator from Missouri (Mr. TALENT), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. OBAMA), the Senator from Illinois (Mr. DURBIN), the

Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. THUNE), the Senator from Minnesota (Mr. COLEMAN), the Senator from Montana (Mr. BURNS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 4945 proposed to H.R. 4954, supra.

AMENDMENT NO. 4947

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4947 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4952

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4952 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4958

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4958 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4962

At the request of Mr. VOINOVICH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4962 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4963

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 4963 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 569—HONORING THE LIFE OF THOSE WHO DIED IN SERVICE TO THEIR COUNTRY ABOARD THE U.S.S. "ENTERPRISE" ON JANUARY 14, 1969

Mr. ENSIGN (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 569

Whereas, on the morning of January 14, 1969, an MK-32 Zuni rocket fixed to an F-4 Phantom on the U.S.S. Enterprise (CVN-65) was overheated due to the exhaust of a nearby aircraft causing the rocket to explode;

Whereas the initial explosion of the MK-32 Zuni rocket set off a chain reaction of explosions, thus causing the death of 28 sailors and injuries to 314 more;

Whereas the servicemen killed include FA Paul Akers, AN David M. Asbury, LTJG Carl D. Berghult, LTJG James H. Berry, AO3 Richard W. Bovaird, AE3 Patrick L. Bulingham, AMS3 James R. Floyd Jr., AN Ernest L. Foster, ABHAN Delbert D. Girty, AEC Ronald E. Hay, ASH3 Roger L. Halbrook, AN Dole L. Hunt, ALAN Donald R. Lacy, ADJ3 Armando Limon, AME3 Dennis E. Marks, ABH1 James Martineau, ALAN Joseph C. Mason, AN Dennis R. Milburn, AN Joseph W. Oates, LTJG Buddy D. Pyeatt, ABE3 Jacob J. Quintis, BM2 James C. Snipes, AN Russell J. Tyler, AN Lavern R. Von Feldt, AN Robert C. Ward Jr., AN John R. Webster, ASM2 Henry S. Yates Jr., and AMS3 Jerome D. Yoakum;

Whereas the U.S.S. Enterprise, also known as "the Big E", was the world's first nuclear-powered aircraft carrier, and changed forever the face of maritime warfare;

Whereas the U.S.S. Enterprise, commissioned on November 25, 1961, is the world's longest aircraft carrier, measuring 1,123 feet, and remains in service docked at its home in Norfolk, Virginia; and

Whereas those who perished aboard the U.S.S. Enterprise on January 14, 1969, served their country bravely: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of those who bravely served aboard the U.S.S. Enterprise (CVN-65), especially those who gave their lives in service to the United States on January 14, 1969.

SENATE CONCURRENT RESOLUTION 114—PROVIDING FOR CORRECTIONS TO THE ENROLLMENT OF THE BILL S. 2590

Mr. COBURN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill S. 2590, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike paragraphs (2) and (3) and insert the following:

"(2) FEDERAL AWARD.—The term 'Federal award'—

"(A) means Federal financial assistance and expenditures that—

"(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

"(B) does not include individual transactions below $25,000; and

"(C) before October 1, 2008, does not include credit card transactions.

"(3) SEARCHABLE WEBSITE.—The term 'searchable website' means a website that allows the public to—

"(A) search and aggregate Federal funding by any element required by subsection (b)(1);

"(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

"(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

"(D) download data included in subparagraph (A) included in the outcome from searches.".

(2) In section 2(b)(1), strike "section and section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note)," and insert "section, section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.),".

(3) In section 2, strike subsection (c) and insert the following:

"(c) WEBSITE.—The website established under this section—

"(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

"(A) specify such search shall be confined to Federal contracts and subcontracts;

"(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

"(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

"(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

"(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).".

(4) Add at the end the following:

"SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

"Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act."

AMENDMENTS SUBMITTED AND PROPOSED

SA 4965. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

SA 4966. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4967. Mrs. MURRAY (for Ms. STABENOW (for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON)) proposed an amendment to the bill H.R. 4954, supra.

SA 4968. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4969. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4970. Mr. DEMINT proposed an amendment to the bill H.R. 4954, supra.

SA 4971. Mr. MCCAIN (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mrs. CLINTON, Mr.

DeWine, Mr. Graham, Mr. Warner, and Mr. Allen) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4972. Mr. OBAMA (for himself and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4973. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4974. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4975. Mr. BIDEN proposed an amendment to the bill H.R. 4954, supra.

SA 4976. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra.

SA 4977. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4978. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4979. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4980. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4981. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4982. Mr. COLEMAN (for himself, Ms. Collins, and Mr. Stevens) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4983. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4984. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4985. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4986. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4987. Mr. LAUTENBERG (for himself, Mr. Obama, Mr. Kerry, Mr. Biden, Mr. Menendez, Mr. Durbin, Mrs. Boxer, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4988. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4989. Ms. COLLINS (for herself and Mr. Lieberman) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4990. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4991. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4992. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4993. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4994. Mr. McCAIN (for himself and Mrs. Boxer) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4995. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4996. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4997. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4998. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4999. Mr. MENENDEZ (for himself, Mr. Lautenberg, Mr. Biden, and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 5000. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra.

SA 5001. Mr. WYDEN (for himself and Mr. Smith) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5002. Mr. LIEBERMAN (for himself, Mr. Stevens, and Mr. Inouye) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5003. Mr. BAUCUS (for himself, Ms. Stabenow, Mr. Menendez, Ms. Cantwell, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Dayton, Mr. Dodd, Mr. Dorgan, Mr. Harkin, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Ms. Mikulski, Mr. Nelson, of Florida, Mr. Pryor, Mr. Reid, Mr. Rockefeller, Mr. Salazar, Mr. Schumer, Mrs. Murray, Mr. Bingaman, Mrs. Feinstein, Mr. Kennedy, Mr. Obama, Mr. Reed, and Mr. Akaka) submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table.

SA 5004. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4096, supra; which was ordered to lie on the table.

SA 5005. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

SA 5006. Mr. STEVENS (for Mr. McCain (for himself and Mr. Kyl)) proposed an amendment to the bill S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

TEXT OF AMENDMENTS

SA 4965. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . OVERNIGHT AIR TRAFFIC CONTROLLER OPERATIONS.

The Secretary of Transportation, for 18 months after the date of enactment of this Act, may not—

(1) terminate, or reduce staffing for, overnight air traffic control services at any airport where such services are being provided on the date of enactment of this Act; nor

(2) transfer the operational responsibility for such services at that airport to another airport or other remote location.

SA 4966. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) Implementation Status.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

(b) Incorporation of Program Into "Secure Flight" Program.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take action to ensure that the aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, is incorporated into development of the Department of Homeland Security's "Secure Flight" program.

(c) Feasibility Study; Pilot Program.—The Assistant Secretary shall—

(1) study the feasibility of mandating the use of the "Secure Flight" program for all charter and leased aircraft with a gross aircraft weight in excess of 12,500 pounds; and

(2) consider initiating a pilot program at the 5 largest general aviation airports in terms of traffic volume to assess the viability and security value of mandating the use of the program for all such aircraft.

SA 4967. Mrs. MURRAY (for Ms. Stabenow (for herself, Mr. Lieberman, Mr. Levin, Mr. Schumer, Mr. Durbin, Mrs. Boxer, and Mr. Dayton)) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

(1) statewide or regional communications planning;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term "eligible region" means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms "emergency response providers" and "local government" have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

SA 4968. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 27, between lines 20 and 21, insert the following:

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a), and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but no later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

SA 4969. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STUDY ON THE COMPETITIVENESS OF UNITED STATES PORT TERMINAL OPERATORS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of the Treasury, the Commissioner, the Administrator of the Maritime Administration, the Secretary of Transportation, and the United States Trade Representative, conduct a study into the decline in the number of United States persons that operate United States port terminals. The study shall—

(1) examine the history of United States and foreign ownership of operators of United States port terminals, including changes in the number and percentage of United States port terminal operators ultimately owned by United States persons;

(2) offer explanations for the decline in the number of United States persons that operate United States port terminals, including any competitive advantages enjoyed by non-United States persons in competing for and performing contracts to operate United States port terminals and any competitive disadvantages faced by United States persons in competing for and performing contracts to operate United States port terminals; and

(3) suggest changes in laws, regulations, or policies that could help improve the competitiveness of United States persons operating United States port terminals and encourage additional United States persons to engage in the business of operating United States port terminals.

(b) DEFINITION OF UNITED STATES PERSONS.—In this section, the term "United States persons" means—

(1) a United States citizen; and

(2) a partnership, corporation, or other legal entity that is organized under the laws of the United States and is owned or controlled by United States citizens.

SA 4970. Mr. DEMINT proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

"(A) has been convicted (or has been found not guilty by reason of insanity) of—

"(i) destruction of a vessel or maritime facility under section 2291 of title 18;

"(ii) violence against maritime navigation under section 2280 of title 18;

"(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

"(iv) interference with maritime commerce under section 2282A of title 18;

"(v) improper transportation of a hazardous material under section 46312 of title 49;

"(vi) piracy or privateering under chapter 81 of title 18;

"(vii) firing or tampering with vessels under section 2275 of title 18;

"(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

"(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

"(x) imparting or conveying false information under section 2292 of title 18;

"(xi) entry by false pretense to any seaport under section 1036 of title 18;

"(xii) murder;

"(xiii) assault with intent to murder;

"(xiv) espionage;

"(xv) sedition;

"(xvi) kidnapping or hostage taking;

"(xvii) treason;

"(xviii) rape or aggravated sexual abuse;

"(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

"(xx) extortion;

"(xxi) armed or felony unarmed robbery;

"(xxii) distribution of, or intent to distribute, a controlled substance;

"(xxiii) felony arson;

"(xxiv) a felony involving a threat;

"(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

"(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

"(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(C) otherwise poses a terrorism security risk to the United States.".

SA 4971. Mr. MCCAIN (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mrs. CLINTON, Mr. DEWINE, Mr. GRAHAM, Mr. WARNER, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, following the matter after line 25, insert the following:

SEC. 114. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended—

(1) in subsection (a)—

(A) by striking "The Assistant Secretary, in consultation with the" and inserting "The"; and

(B) in paragraph (1), by inserting "planning of," before "acquisition of"; and

(2) in subsection (b), by striking "Assistant Secretary" each place that term appears and inserting "Secretary of Homeland Security".

SEC. 115. INTEROPERABLE EMERGENCY COMMUNICATIONS.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) Interoperable Communications System Equipment Deployment.—

"(1) In general.—The Secretary of Homeland Security shall allocate a portion of the funds made available to carry out this section to make interoperable communications system equipment, planning, or training grants—

"(A) to purchase equipment and infrastructure that complies with SAFECOM guidance, including any standards that may be referenced by SAFECOM guidance; and

"(B) to establish a small number of pilot projects to demonstrate or test new and advanced technologies for interoperable communications systems or infrastructure that improves interoperability;

"(C) to assist States, municipalities, or public safety agencies in planning and training for the use of interoperable communications systems; and

"(D) to purchase equipment that can utilize, or enable interoperability with systems or networks that can utilize, the reallocated public safety spectrum in the 700MHz band.

"(2) Allocation of funds.—

"(A) In general.—Any funds or portion of funds allocated pursuant to paragraph (1) shall be distributed to a State, municipality, or public safety agency based on the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants under the heading '**OFFICE FOR DOMESTIC PREPAREDNESS, STATE AND LOCAL PROGRAMS**' in the Department of Homeland Security Appropriations Act, 2006.

"(B) Considerations.—In making any distribution under subparagraph (A), the Secretary may consider the likelihood that a State, municipality, or public safety agency would have to respond to a hurricane, tsunami, volcanic eruption, earthquake, forest fire, mining accident, or other such natural disaster.

"(3) Eligibility.—A State, municipality, or public safety agency may not receive funds allocated to it under paragraph (2) unless it has established a statewide interoperable communications plan approved by the Secretary.

"(4) Required disclosures.—

"(A) In general.—Each State, municipality, or public safety agency that receives assistance under this section shall report to the Secretary, not later than 12 months after the date of receipt of such assistance, a list of all expenditures made by such State, municipality, or public safety agency using such assistance.

"(B) Disclosures to continue until all funds are used.—Each State, municipality, or public safety agency shall continue to meet the requirements of subparagraph (A) until all assistance received by such State, municipality, or public safety agency under this section is expended.".

SA 4972. Mr. OBAMA (for himself and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 87, after line 18, add the following:

SEC. 407. EVACUATION IN EMERGENCIES.

(a) Purpose.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) Evacuation Plans for Individuals With Special Needs.—The Secretary, acting through the Office of State and Local Government Coordination and Preparedness, shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) Report to Congress.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

(2) Contents.—The report submitted under paragraph (1) shall include a discussion of—

(A) whether the States have the resources necessary to implement fully their evacuation plans; and

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.

SA 4973. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . NUCLEAR RELEASE NOTICE REQUIREMENT.

Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended by inserting after subsection d. the following:

"e. Notice of Unplanned Release of Radioactive Substances.—

"(1) Regulations.—

"(A) In general.—Not later than 2 years after the date of enactment of this subsection, the Commission shall promulgate regulations that require civilian nuclear power facilities licensed under this section or section 104(b) to provide notice of any release to the environment of quantities of fission products or other radioactive substances.

"(B) Considerations.—In developing the regulations under subparagraph (A), the Commission shall consider requiring licensees of civilian nuclear power facilities to provide notice of the release—

"(i) not later than 24 hours after the release;

"(ii) to the Commission and the governments of the State and county in which the civilian nuclear power facility is located, if the unplanned release—

"(I)(aa) exceeds allowable limits for normal operation established by the Commission; and

"(bb) is not subject to more stringent reporting requirements established in existing regulations of the Commission; or

"(II)(aa) enters into the environment; and

"(bb) may cause drinking water sources to exceed a maximum contaminant level established by the Environmental Protection Agency for fission products or other radioactive substances under the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

"(iii) to the governments of the State and county in which the civilian nuclear power facility is located if the unplanned release reaches the environment by a path otherwise not allowed or recognized by the operating license of the civilian nuclear power facility and falls within the allowable limits specified in clause (ii), including—

"(I) considering any recommendations issued by the Liquid Radioactive Release Lessons-Learned Task Force;

"(II) the frequency and form of the notice; and

"(III) the threshold, volume, and radiation content that trigger the notice.

"(2) Effect.—Nothing in this subsection provides to any State or county that receives a notice under this subsection regulatory jurisdiction over a licensee of a civilian nuclear power facility.".

SA 4974. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, after line 18, add the following:

SEC. 407. CONTAMINANT PREVENTION, DETECTION, AND RESPONSE.

Section 1434 of the Safe Drinking Water Act (42 U.S.C. 300i-3) is amended by striking subsection (b) and inserting the following:

"(b) Report.—Not later than 180 days after the date of enactment of the Port Security Improvement Act of 2006, the Administrator shall submit to Congress a report that includes—

"(1) a description of the progress made as of that date in implementing this section;

"(2) a description of any impediments to that implementation identified by the Administrator, including—

"(A) difficulty in coordinating the implementation with other Federal, State, or local agencies or organizations;

"(B) insufficient funding for effective implementation;

"(C) a lack of authorization to take certain actions (including the authority to hire necessary personnel) required to carry out the implementation; and

"(D) technological impediments to developing the methods, means, and equipment specified in subsection (a)(1).

"(c) Implementation Plan.—The Administrator shall develop, and carry out during the period of fiscal years 2007 through 2011, an implementation plan with respect to actions described in subsection (a) that—

"(1) is consistent with actions taken under that subsection as of the date on which the implementation plan is finalized; and

"(2) reflects the findings of the report submitted under subsection (b).

"(d) Funding.—There is authorized to be appropriated to carry out this section $7,500,000 for each of fiscal years 2007 through 2011.".

SA 4975. Mr. BIDEN proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE V—HOMELAND SECURITY TRUST FUND

SEC. 501. SHORT TITLE.

This title may be cited as the "Homeland Security Trust Fund Act of 2006".

SEC. 502. FINDINGS.

The Congress finds the following:

(1) In 2002, an independent, bipartisan commission, the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the "Commission"), was established under title VI of Public Law 107-306 to prepare a full and complete account of the circumstances surrounding the September 11, 2001, terrorist attacks, including preparedness for and the immediate response to the attacks.

(2) The Commission was also tasked with providing recommendations designed to guard against future attacks against the United States.

(3) The Commission held 12 public hearings to offer a public dialogue about the Commission's goals and priorities, sought to learn about work already completed, and the state of current knowledge, all in order to identify the most important issues and questions requiring further investigation.

(4) This Commission was widely praised for its thorough investigation and the bi-partisan nature of its proceedings.

(5) On July 22, 2004, the Commission released its final report that set out the events leading to the attacks on September 11th, a chilling minute-by-minute account of that tragic day, and, more importantly, issued 41 recommendations to better prepare the United States to protect against future terrorist attacks.

(6) While the Commission was officially dissolved, the Commissioners stayed together to create the 9/11 Public Discourse Project in order to push for the implementation of those recommendations.

(7) On December 5, 2005, the Commissioners released a report card evaluating the progress in implementing those recommendations.

(8) The Commissioners issued very few A's and B's and issued 12 D's and 5 failing grades.

(9) The failures identified by the Commissioners' report card were across the board, ranging from transportation security, to infrastructure protection and government reform.

(10) Specifically, the Commissioners stated that "few improvements have been made to the existing passenger screening system since right after 9/11. The completion of the testing phase of TSA's pre-screening program for airline passengers has been delayed. A new system, utilizing all names on the consolidated terrorist watch list, is therefore not yet in operation.".

(11) The Commissioners also found that ". . . No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources . . . It is time that we stop talking about setting priorities and actually set some.".

(12) The Commission issued a grade of D on checked bag and cargo screening measures, stating that "improvements have not been made by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.".

(13) With regard to information sharing and technology, the Commission noted that "there has been no systematic diplomatic efforts to share terrorist watch lists, nor has Congress taken a leadership role in passport security . . ." and that "there remain many complaints about lack of information sharing between federal authorities and state and local level officials.".

(14) The Administration has failed to focus on prevention here at home by abandoning our first line of defense against terrorism—local law enforcement.

(15) In the President's FY 2006 budget request, the President requested a cut of over $2,000,000,000 in guaranteed assistance to law enforcement.

(16) According to the International Association of Chiefs of Police, this decision represents a fundamentally flawed view of what is needed to prevent domestic terror attacks.

(17) The Council on Foreign Relations released a report entitled, "Emergency First Responders: Drastically Underfunded, Dangerously Unprepared", in which the Council found that "America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.".

(18) The Council further concluded that many State and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(19) Current first responder funding must be increased to help local agencies create counter-terrorism units and assist such agencies to integrate community policing models with counter-terror efforts.

(20) First responders still do not have adequate spectrum to communicate during an emergency. Congress finally passed legislation forcing the networks to turn over spectrum, but the date was set for February 2008. This is unacceptable, this spectrum should be turned over immediately.

(21) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

(22) To echo the sentiments of the National Commission on Terrorist Attacks upon the United States, "it is time that we stop talking about setting priorities and actually set some.".

(23) The cost of fully implementing all 41 recommendations put forth by the Commission and the common sense steps to secure the homeland represents less than 1 year of President Bush's tax cuts for millionaires.

(24) By investing 1 year of the tax cuts for millionaires into a trust fund to be invested over the next 5 years, the Federal Government can implement the Commission's recommendations and make great strides towards making our Nation safer.

(25) The Americans making more than $1,000,000 understand that our country changed after 9/11, yet they have not been asked to sacrifice for the good of the Nation.

(26) In this Act, we call on the patriotism of such Americans by revoking 1 year of their tax cut and investing the resulting revenues in the security of our neighbors and families.

SEC. 503. DEFINITIONS.

In this Act—

(1) Trust fund.—The term "Trust Fund" means the Homeland Security and Neighborhood Safety Trust Fund established under section 504.

(2) Commission.—The term "Commission" means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Pub. Law 107-306; 6 U.S.C. 101 note).

SEC. 504. HOMELAND SECURITY AND NEIGHBORHOOD SAFETY TRUST FUND.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Homeland Security and Neighborhood Safety Trust Fund", consisting of such amounts as may be appropriated or credited to the Trust Fund.

(b) Rules Regarding Transfers to and Management of Trust Fund.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(c) Distribution of Amounts in Trust Fund.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2007 through 2011 to meet those obligations of the United States incurred which are authorized under section 5 of this Act for such fiscal years.

(d) Sense of the Senate.—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(1) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2007 through 2011 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

(2) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

SEC. 505. PREVENTING TERROR ATTACKS ON THE HOMELAND.

(a) Supporting Law Enforcement.—

(1) Authorization of appropriations.—There are authorized to be appropriated from the Trust Fund—

(A) $1,150,000,000 for fiscal years 2007 through 2011 for the Office of Community Oriented Policing Services for grants to

State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counter-terrorism units;

(B) $900,000,000 for each of the fiscal years 2007 through 2011 for the Justice Assistance Grant;

(C) $160,000,000 for each of fiscal years 2007 through 2011 for the Federal Bureau of Investigations to hire 1,000 additional field agents in addition to the number of field agents serving on the date of enactment of this Act;

(D) $25,000,000 for the Department of Homeland Security for each of fiscal years 2007 through 2011 to fund additional customs agents; and

(E) $200,000,000 for each of fiscal years 2007 to 2011 for the Amtrak Police Department to hire, equip, and train 1,000 additional rail police; and

(F) such sums as necessary to provide an increase in the rate of basic pay for law enforcement officers employed by Amtrak of 25 percent of the rate of basic pay in effect on the date of enactment of this Act.

(2) REPORT ON THE CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the creation of a national security workforce, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(b) EFFECTIVELY UTILIZING NEW TECHNOLOGIES.—

(1) STREAMLINING INFORMATION AND PROCESSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) $50,000,000 for fiscal year 2007 for Information Technology Services at the Department of Homeland Security for the purpose of consolidating terrorist watch lists;

(ii) $50,000,000 for fiscal year 2007 to improve the capability of pre-screening airline passengers against terrorist watch lists;

(iii) $100,000,000 for each of fiscal years 2007 through 2011 for the Department of Homeland Security, Office of the Chief Information Officer, for the purpose of improving government wide information sharing, including processes and procedures to improve information sharing with State and local law enforcement and first responders;

(iv) $120,000,000 for each of fiscal years 2007 to 2011 to enhance the Department of Homeland Security to enhance U.S. Visit, Biometric Entry-Exit System (9/11); and

(v) $150,000,000 for each of fiscal years 2007 to 2011 to assist States in complying with the Real I.D. Act (Public Law 103-19).

(B) REPORTS.—

(i) REPORT ON GOVERNMENT-WIDE INFORMATION SHARING.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the relevant congressional committees a report on the progress toward government-wide information sharing, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Director expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(ii) REPORT ON INCENTIVES FOR INFORMATION SHARING.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report on the establishment of incentives for information sharing across the Federal government and with State and local authorities, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Director expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(iii) REPORT ON BIOMETRIC ENTRY-EXIT SCREENING SYSTEM.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report the creation of a biometric entry-exit screening system, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(2) UTILIZING SCREENING TECHNOLOGIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) $1,000,000,000 for each of 2007 through 2011 for Department of Homeland Security to implement 100 percent screening of ship cargo containers with suitable technologies that screen for nuclear, radiological, and other dangerous materials;

(ii) $100,000,000 for each of fiscal years 2007 through 2011 for the Department of Homeland Security to improve screening for airline passengers, checked baggage, and cargo on commercial airliners;

(iii) $100,000,000 for each of fiscal years 2007 through 2011 for the Office of Science and Technology at the Department of Homeland Security to research and develop advanced screening technologies.

(B) REPORTS.—

(i) REPORT ON CONTAINER CARGO SCREENING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements made towards implementing 100 percent screening of cargo containers, including an analysis of charging a per container surcharge towards recouping security investment made by the Department of Homeland Security in implementing 100 percent cargo container screening and on-going security costs.

(ii) REPORT ON CHECKED BAG AND CARGO SCREENING.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements made to checked bag and cargo screening, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(iii) REPORT ON AIRLINE SCREENING CHECKPOINTS TO DETECT EXPLOSIVES.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements to airline screening checkpoints to detect explosives, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(c) PROTECTING CRITICAL INFRASTRUCTURE AND ELIMINATING THREATS.—

(1) HARDENING SOFT TARGETS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) $1,000,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for the State Homeland Security Grant Program, the Urban Area Security Initiative and the Law Enforcement Terrorism Prevention Program;

(ii) $80,000,000 for fiscal year 2007 to the Office of Domestic Preparedness for Critical Infrastructure Risk Assessment Planning (9/11);

(iii) $500,000,000 for each of fiscal year 2007 through 2011 to the Office of Domestic Preparedness to make grants to State and local governments and tribes to protect critical infrastructure, including chemical facilities, nuclear power plants, electrical grids, and other critical infrastructure;

(iv) $500,000,000 for each of fiscal years 2007 through 2011 for port security grants to assist ports with meeting the requirements in Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2064.); and

(v) $200,000,000 for each of fiscal year 2007 through 2011 to the Office of Domestic Preparedness to make grants for passenger rail, freight rail, and transit systems.

(B) REPORT ON CRITICAL INFRASTRUCTURE RISKS AND VULNERABILITIES ASSESSMENT.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report assessing critical infrastructure risks and vulnerabilities, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(2) REDUCING THE RISK OF ATTACK ON DANGEROUS CHEMICALS.—There are authorized to be appropriated from the Trust Fund—

(A) $100,000,000 for each of fiscal years 2007 through 2001 to the Department of Homeland Security to assist companies that manufacture, produce, or utilize dangerous chemicals to transition to safer technologies; and

(B) $25,000,000 for each of fiscal years 2007 through 2011 to the Department of Homeland Security to—

(i) develop a national strategy to reduce the threat of rail shipments of extremely hazardous materials through the high threat cities in the Nation; and

(ii) provide grants to State and local law enforcement, first responders, and rail owners to purchase safety equipment and conduct coordinated training exercises for first responders and rail workers who may be called to respond to intentional or accidental releases of hazardous chemicals.

(3) RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) $1,000,000,000 for each of fiscal years 2007 through 2011 to the Office of Community Oriented Policing Services to provide grants to enhance State and local government interoperable communications efforts, including interagency planning and purchasing equipment;

(ii) $500,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for Fire Act Grants;

(iii) $500,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for SAFER Grants;

(iv) $1,000,000,000 per year for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness to make grants to State and local governments to improve the public health capabilities of States and cities to prevent and respond to biological, chemical, or radiological attacks and pandemics;

(v) $100,000,000 per year for each of fiscal years 2007 through 2011 for the Armed Forces Radiological Research Institute to research, develop, and deploy medical countermeasures to address radiation sickness associated with nuclear or radiological attacks in the United States; and

(vi) $100,000,000 per year for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for the purpose of improving State and local government interagency response coordination to enable local agencies to utilize equipment, resources, and personnel of neighboring agencies in the event of a terrorist attack or natural catastrophe.

(B) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 20 U.S.C. 309(j)(14)) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Commission shall not grant any extension under that subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than January 1, 2007.".

(d) PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(A) $100,000,000 for each of fiscal years 2007 through 2011 to the President for the Economic Support Fund to provide technical assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities;

(B) $200,000,000 for each of fiscal years 2007 through 2011 to the President for development assistance for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293);

(C) $50,000,000 for each of fiscal years 2007 through 2011 to the President for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs;

(D) $100,000,000 for each of fiscal years 2007 through 2011 to the President for the Economic Support Fund for activities carried out under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(E) $15,000,000 for each of the fiscal years 2007 through 2011 to the Middle East Partnership Initiative of the Department of State to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of civil society, opportunities for political participation for all citizens, protections for internationally recognized human rights, including the rights of women, educational system reforms, independent media, policies that promote economic opportunities for citizens, the rule of law, and democratic processes of government;

(F) $100,000,000 for each of the fiscal years 2007 through 2011 to the President to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) for international broadcasting operations;

(G) $200,000,000 for each of the fiscal years 2007 through 2011 to the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act;

(H) $600,000,000 for each of the fiscal years 2007 through 2011 to the President for providing assistance for Afghanistan in a manner consistent with the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.);

(I) $150,000,000 for each of the fiscal years 2007 through 2011 to the President for provide assistance to Pakistan for the Economic Support Fund to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); and

(J) $80,000,000 for each of the fiscal years 2007 through 2011 to the Department of Energy to support the nonproliferation activities of the National Nuclear Security Administration.

(2) REPORTS.—

(A) REPORT ON THE UNITED STATES GOVERNMENT'S EFFORTS TO SECURE WEAPONS OF MASS DESTRUCTION.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the relevant congressional committees a report on the current efforts to secure weapons of mass destruction, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the President expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(B) REPORT ON LONG-TERM COMMITMENT TO AFGHANISTAN.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the relevant congressional committees a report on ensuring a long-term commitment to Afghanistan, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the President expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(C) REPORT ON UNITED STATES SUPPORT TO PAKISTAN'S EFFORTS AGAINST EXTREMISTS.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report the United States's support of Pakistan's efforts against extremists, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(D) REPORT ON IMPROVEMENT OF RELATIONS BETWEEN THE UNITED STATES AND SAUDI ARABIA.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report on current efforts to improve strategic relations between the United States and Saudi Arabia, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(E) REPORT ON IDENTIFYING AND PRIORITIZING TERRORIST SANCTUARIES.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report identifying and prioritizing terrorist sanctuaries, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Director expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(F) REPORT ON COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report on progress toward engaging other countries in developing a comprehensive strategy for combating Islamist terrorism, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(G) REPORT ON INTERNATIONAL BROADCASTING.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report analyzing the success of Radio Sawa and Radio Al-Hurra, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Board expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(H) REPORT ON SCHOLARSHIP, EXCHANGE AND LIBRARY PROGRAMS.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report on the expansion United States scholarship, exchange, and library programs in the Islamic world, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(I) REPORT ON TERRORIST TRAVEL STRATEGY.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on improving the collection and analysis of intelligence on terrorist travel, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Director expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(e) GOVERNMENT REFORM: IMPLEMENTING EACH RECOMMENDATION OF THE 9/11 COMMISSION.—

(1) REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the establishment of a unified Incident Command System, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(2) REPORT ON COMPREHENSIVE SCREENING SYSTEM.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on the implementation of a comprehensive screening program, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(3) REPORT ON THE DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report on the Director of National Intelligence, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(4) REPORT ON THE NATIONAL COUNTERTERRORISM CENTER.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report on the establishment of the National Counterterrorism Center, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(5) REPORT ON THE NEW MISSION OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the relevant congressional committees a report on the new mission of the Director of the Central Intelligence Agency, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(6) REPORT ON HOMELAND AIRSPACE DEFENSE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on homeland airspace defense, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(7) REPORT ON BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the relevant congressional committees a report on the balance between security and civil liberties, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Attorney General expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(8) REPORT ON PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the relevant congressional committees a report outlining the privacy guidelines for government sharing of personal information, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Attorney General expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(9) REPORT ON THE STANDARDIZATION OF SECURITY CLEARANCES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the relevant congressional committees a report on the standardization of security clearances, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(10) REPORT ON COALITION STANDARDS FOR TERRORISM DETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on current efforts to develop a common coalition approach toward the detention and humane treatment of captured terrorists, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of State expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(11) REPORT ON USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the development of economic policies to combat terrorism, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of State expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(12) REPORT ON EFFORTS AGAINST TERRORIST FINANCING.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, shall submit to the relevant congressional committees a report on efforts taken against terrorist financing, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of the Treasury expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(13) REPORT ON INTERNATIONAL COLLABORATION ON BORDERS AND DOCUMENT SECURITY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the relevant congressional committees a report international collaboration on borders and document security, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(14) REPORT ON THE STANDARDIZATION OF SECURE IDENTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the standardization of secure identification, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security or the Secretary of Health and Human Services expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(15) REPORT ON PRIVATE SECTOR PREPAREDNESS.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the relevant congressional committees a report outlining the steps that have been taken to enhance private sector preparedness for terrorist attacks, as recommended by the Commission.

(16) REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on the establishment of a national strategy for transportation security, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(17) REPORT ON AIRLINE PASSENGER PRESCREENING.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements made to airline passenger pre-screening, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

SA 4976. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) IN GENERAL.—It is the sense of Congress that the budget of the United States Government submitted by the President for fiscal year 2008 under section 1105(a) of title 31, United States Code, should include an acquisition fund for the procurement and installation of countermeasure technology, proven through the successful completion of operational test and evaluation, to protect commercial aircraft from the threat of Man-Portable Air Defense systems (MANPADS).

(b) DEFINITION OF MANPADS.—In this section, the term "MANPADS" means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SA 4977. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 501. APPLICATION TO LAND PORTS.

The provisions of sections 203, 204, and 303 shall also apply with respect to land ports of entry.

SA 4978. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: "Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container.".

SA 4979. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STUDY OF UNSAFE PESTICIDE CHEMICAL RESIDUES IN GINSENG AND PRODUCTS CONTAINING GINSENG.

(a) IN GENERAL.—The Food and Drug Administration, in cooperation with the United States Customs and Border Protection, shall—

(1) conduct a study on the levels of pesticide chemical residue, as such term is defined in section 201(q)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)(2)), in ginseng and products containing ginseng; and

(2) submit to Congress a report that describes the findings of such study.

(b) CONTENT AND DESIGN.—The study conducted under subsection (a) shall—

(1) compare the pesticide chemical residue in ginseng that is known to be foreign-grown with such residue in ginseng that is known to be domestically-grown;

(2) sample and test retail and wholesale samples, both in warehouses and at the ports of entry into the United States, of raw ginseng and products containing ginseng for pesticide chemical residue and, if possible, determine the prevalence of ginseng and products containing ginseng that are mislabeled as grown in the United States or in Wisconsin;

(3) be designed to ensure that the samples of ginseng and products containing ginseng that are collected from retail and wholesale establishments may also be used as part of potential enforcement actions if the Food and Drug Administration, in cooperation with the United States Customs and Border Protection, finds that the level of pesticide chemical residue in such ginseng or products is unsafe; and

(4) assess and identify whether ginseng and products containing ginseng are imported into the United States by being classified under an improper heading under the Harmonized Tariff Schedule of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 4980. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, may make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to enhance interoperable communications within the State or region and to assist with any aspect of the interoperable communications life cycle, including—

(1) statewide or regional communications planning, as it relates to the implementation of the National Incident Management System;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term "eligible region" means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms "emergency response providers" and "local government" have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

SA 4981. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL EMERGENCY TELEMEDICAL COMMUNICATIONS.

(a) TELEHEALTH TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a task force to be known as the "National Emergency Telehealth Network Task Force" (referred to in this subsection as the "Task Force") to advise the Secretary of Commerce on the use of telehealth technologies to prepare for, monitor, respond to, and manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies.

(2) FUNCTIONS.—The Task Force shall—

(A) conduct an inventory of existing telehealth initiatives, including—

(i) the specific location of network components;

(ii) the medical, technological, and communications capabilities of such components; and

(iii) the functionality of such components;

(B) make recommendations for use by the Secretary of Commerce in establishing standards for regional interoperating and overlapping information and operational capability response grids in order to achieve coordinated capabilities based on responses among Federal, State, and local responders;

(C) recommend any changes necessary to integrate technology and clinical practices;

(D) recommend to the Secretary of Commerce acceptable standard clinical information that could be uniformly applied and available throughout a national telemedical network and tested in the regional networks;

(E) research, develop, test, and evaluate administrative, physical, and technical guidelines for protecting the confidentiality, integrity, and availability of regional networks and all associated information and advise the Secretary of Commerce on issues of patient data security, and compliance with all applicable regulations;

(F) in consultation and coordination with the regional telehealth networks established under subsection (b), test such networks for their ability to provide support for the existing and planned efforts of State and local law enforcement, fire departments, health care facilities, Indian Health Service clinics, and Federal and State public health agencies to prepare for, monitor, respond rapidly to, or manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies with respect to each of the functions listed in subparagraphs (A) through (H) of subsection (b)(3); and

(G) facilitate the development of training programs for responders and a mechanism for training via enhanced advanced distributive learning.

(3) MEMBERSHIP.—The Task Force shall include representation from—

(A) relevant Federal agencies;

(B) relevant tribal, State, and local government agencies including public health officials;

(C) professional associations specializing in health care; and

(D) other relevant private sector organizations, including public health and national telehealth organizations and representatives of academic and corporate information management and information technology organizations.

(4) MEETINGS AND REPORTS.—

(A) MEETINGS.—The Task Force shall meet as the Secretary of Commerce may direct.

(B) REPORT.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act the Task Force shall prepare and submit a report to Congress regarding the activities of the Task Force.

(ii) CONTENTS.—The report described in clause (i) shall recommend, based on the information obtained from the regional telehealth networks established under subsection (b), whether and how to build on existing telehealth networks to develop a National Emergency Telehealth Network.

(5) IMPLEMENTATION.—The Task Force may carry out activities under this subsection in cooperation with other entities, including national telehealth organizations.

(6) TERMINATION.—The Task Force shall terminate upon submission of the final report required under paragraph (4)(B).

(b) ESTABLISHMENT OF STATE AND REGIONAL TELEHEALTH NETWORKS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, is authorized to award grants to 3 regional consortia of States to carry out pilot programs for the development of statewide and regional telehealth network testbeds that build on, enhance, and securely link existing State and local telehealth programs.

(B) DURATION.—The Secretary of Commerce may award grants under this subsection for a period not to exceed 3 years. Such grants may be renewed.

(C) STATE CONSORTIUM PLANS.—Each regional consortium of States desiring to receive a grant under subparagraph (A) shall submit to the Secretary of Commerce a plan that describes how such consortium shall—

(i) interconnect existing telehealth systems in a functional and seamless fashion to enhance the ability of the States in the region to prepare for, monitor, respond to, and manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies or natural disasters; and

(ii) link to other participating States in the region via a standard interoperable connection using standard information.

(D) PRIORITY.—In making grants under this subsection, the Secretary of Commerce shall give priority to regional consortia of States that demonstrate—

(i) the interest and participation of a broad cross section of relevant entities, including public health offices, emergency preparedness offices, and health care providers;

(ii) the ability to connect major population centers as well as isolated border, rural, and frontier communities within the region to provide medical, public health, and emergency services in response to a biological, chemical, or nuclear terrorist attack or other public health emergencies;

(iii) an existing telehealth and telecommunications infrastructure that connects relevant State agencies, health care providers, universities, relevant tribal agencies, and relevant Federal agencies; and

(iv) the ability to quickly complete development of a region-wide interoperable emergency telemedical network to expand communications and service capabilities and facilitate coordination among multiple medical, public health, and emergency response agencies, and the ability to test recommendations of the task force established under subsection (a) within 3 years.

(2) REGIONAL NETWORKS.—A consortium of States awarded a grant under paragraph (1) shall develop a regional telehealth network to support emergency response activities and provide medical services by linking established telehealth initiatives within the region to and with the following:

(A) First responders, such as police, firefighters, and emergency medical service providers.

(B) Front line health care providers, including hospitals, emergency medical centers, medical centers of the Department of Defense and the Department of Veterans Affairs, and public, private, community, rural, and Indian Health Service clinics.

(C) State and local public health departments, offices of rural health, and relevant Federal agencies.

(D) Experts on public health, bioterrorism, nuclear safety, chemical weapons and other relevant disciplines.

(E) Other relevant entities as determined appropriate by such consortium.

(3) FUNCTIONS OF THE NETWORKS.—Once established, a regional telehealth network under this subsection shall test the feasibility of recommendations (including recommendations relating to standard clinical information, operational capability, and associated technology and information standards) described in subparagraphs (B) through (E) of subsection (a)(2), and provide reports to the task force established under subsection (a), on such network's ability, in preparation of and in response to a biological, chemical, or nuclear terrorist attack or other public health emergencies, to support each of the following functions:

(A) Rapid emergency response and coordination.

(B) Real-time data collection for information dissemination.

(C) Environmental monitoring.

(D) Early identification and monitoring of biological, chemical, or nuclear exposures.

(E) Situationally relevant expert consultative services for patient care and front-line responders.

(F) Training of responders.

(G) Development of an advanced distributive learning network.

(H) Distance learning for the purposes of medical and clinical education, and simulation scenarios for ongoing training.

(4) REQUIREMENTS.—In awarding a grant under paragraph (1), the Secretary of Commerce may—

(A) require that each regional network adopt common administrative, physical, and technical approaches for seamless interoperability and to protect the network's confidentiality, integrity, and availability, taking into consideration guidelines developed by the task force established under subsection (a); and

(B) require that each regional network inventory and report to the task force established under subsection (a), the technology and technical infrastructure available to such network.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007, 2008, and 2009. Amounts made available under this paragraph shall remain available until expended.

(2) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available for each fiscal year under paragraph (1) shall be used for Task Force administrative costs.

SA 4982. Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 66, before line 9, insert the following:

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

(a) 100 PERCENT SCREENING OF CARGO CONTAINERS AND 100 PERCENT SCANNING OF HIGH-RISK CONTAINERS.—

(1) SCREENING OF CARGO CONTAINERS.—The Secretary shall ensure that 100 percent of the cargo containers entering the United States through a seaport undergo a screening to identify high-risk containers.

(2) SCANNING OF HIGH-RISK CONTAINERS.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk are scanned before such containers leave a United States seaport facility.

(b) FULL-SCALE IMPLEMENTATION.—The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) REPORT.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port.

SA 4983. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46,

United States Code, as redesignated by subsection (b), is amended by inserting ", underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology" before the semicolon at the end.

(2) CONTAINER SECURITY RESEARCH TRUST FUND.—

(A) AUTHORIZATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a system for collecting an additional fee from shippers of containers entering the United States in an amount sufficient to fully fund the grant program established under this section. All amounts collected pursuant to this subparagraph shall be deposited into the Container Security Research Trust Fund.

(B) CONTAINER SECURITY RESEARCH TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the "Container Security Research Trust Fund", consisting of such amounts as are collected pursuant to subparagraph (A).

(3) USE OF FUNDS.—Amounts in the Container Security Research Trust Fund shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $500,000,000 for fiscal years 2007 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

SA 4984. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. APPLICATION TO LAND PORTS.

The provisions of sections 201, 211, 301, 303, and 431 also apply with respect to land ports of entry.

SA 4985. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection, there are authorized to be appropriated for fiscal year 2007 for operating expenses of the Northern Border Air Wing—

(1) $40,000,000 for the branch in Great Falls, Montana;

(2) $40,000,000 for the branch in Bellingham, Washington;

(3) $40,000,000 for the branch in Plattsburgh, New York;

(4) $40,000,000 for the branch in Grand Forks, North Dakota; and

(5) $40,000,000 for the branch in Detroit, Michigan.

SA 4986. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE V—METHAMPHETAMINE

SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007 through 2011, as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States.

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner of Customs shall, on an annual basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) the analysis described in paragraph (1); and

(B) the Bureau's utilization of the analysis to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109-177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

SA 4987. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. BIDEN, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—REGULATION OF CHEMICAL FACILITIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Chemical Facility Anti-Terrorism Act of 2006".

SEC. 502. REGULATION OF CHEMICAL FACILITIES.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—REGULATION OF CHEMICAL FACILITIES

"SEC. 1801. DEFINITIONS.

"In this title, the following definitions apply:

"(1) CHEMICAL FACILITY SECURITY MEASURE.—The term 'chemical facility security measure' means any action taken to ensure or enhance the security of a chemical facility against a chemical facility terrorist incident, including—

"(A) employee background checks;

"(B) employee training;

"(C) personnel security measures;

"(D) the limitation and prevention of access to controls of the chemical facility;

"(E) protection of the perimeter of the chemical facility or the portion or sector within the facility in which a substance of concern is stored, used or handled, utilizing fences, barriers, guards, or other means;

"(F) installation and operation of cameras or other intrusion detection sensors;

"(G) the implementation of measures to increase computer or computer network security;

"(H) contingency and evacuation plans;

"(I) the relocation or hardening of storage or containment equipment; and

"(J) other security measures to prevent, protect against, or reduce the consequences of a chemical facility terrorist incident.

"(2) CHEMICAL FACILITY TERRORIST INCIDENT.—The term 'chemical facility terrorist incident' means—

"(A) an act of terrorism committed against a chemical facility;

"(B) the release of a substance of concern from a chemical facility into the surrounding area as a consequence of an act of terrorism; or

"(C) the obtaining of a substance of concern by any person for the purposes of releasing the substance off-site in furtherance of an act of terrorism.

"(3) ENVIRONMENT.—The term 'environment' has the meaning given the term in section 101 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601).

"(4) OWNER OR OPERATOR OF A CHEMICAL FACILITY.—The term 'owner or operator of a chemical facility' means any person who owns, leases, or operates a chemical facility.

"(5) RELEASE.—The term 'release' has the meaning given the term in section 101 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601).

"(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical substance in quantity and form that—

"(A) is listed under paragraph (3) of section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and has not been exempted from designation as a substance of concern by the Secretary under section 1802(a); or

"(B) is designated by the Secretary by regulation in accordance with section 1802(a).

"SEC. 1802. DESIGNATION AND RANKING OF CHEMICAL FACILITIES.

"(a) SUBSTANCES OF CONCERN.—

"(1) DESIGNATION BY THE SECRETARY.—The Secretary may—

"(A) designate any chemical substance as a substance of concern;

"(B) exempt any chemical substance from being designated as a substance of concern;

"(C) establish and revise, for purposes of making determinations under subsection (b), the threshold quantity for a chemical substance; or

"(D) require the submission of information with respect to the quantities of substances of concern that are used, stored, manufactured, processed, or distributed by any chemical facility.

"(2) MATTERS FOR CONSIDERATION.—

"(A) IN GENERAL.—In designating or exempting a chemical substance or establishing or adjusting the threshold quantity for a chemical substance under paragraph (1), the Secretary shall consider the potential extent of death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare that would result from a terrorist release of the chemical substance.

"(B) ADOPTION OF CERTAIN THRESHOLD QUANTITIES.—The Secretary may adopt the threshold quantity established under paragraph (5) of subsection (r) of section 112 of the Clean Air Act (42 U.S.C. 7412(r)(5)) for any substance of concern that is also listed under paragraph (3) of that subsection.

"(b) LIST OF SIGNIFICANT CHEMICAL FACILITIES.—

"(1) IN GENERAL.—The Secretary shall maintain a list of significant chemical facilities in accordance with this subsection.

"(2) REQUIRED FACILITIES.—The Secretary shall include on the list maintained under paragraph (1) a chemical facility that has more than the threshold quantity established by the Secretary of any substance of concern.

"(3) AUTHORITY TO DESIGNATE CHEMICAL FACILITIES.—The Secretary may designate a chemical facility not required to be included under paragraph (2) as a significant chemical facility and shall include such a facility on the list maintained under paragraph (1). In designating a chemical facility under this paragraph, the Secretary shall use the following criteria:

"(A) The potential threat or likelihood that the chemical facility will be the target of terrorism.

"(B) The potential extent and likelihood of death, injury or serious adverse effects to human health and safety or to the environment that could result from a chemical facility terrorist incident.

"(C) The proximity of the chemical facility to population centers.

"(D) The potential threat caused by a person obtaining a substance of concern in furtherance of an act of terrorism.

"(E) The potential harm to critical infrastructure, national security, and the national economy from a chemical facility terrorist incident.

"(c) ASSIGNMENT OF CHEMICAL FACILITIES TO RISK-BASED TIERS.—

"(1) ASSIGNMENT.—The Secretary shall assign each chemical facility on the list of significant chemical facilities under subsection (b) to one of at least four risk-based tiers established by the Secretary.

"(2) PROVISION OF INFORMATION.—The Secretary may request, and the owner or operator of a chemical facility shall provide, information necessary for the Secretary to assign a chemical facility to the appropriate tier under paragraph (1).

"(3) NOTIFICATION.—Not later than 60 days after assigning a chemical facility to a tier under this subsection, the Secretary shall notify the chemical facility of the tier to which the facility is assigned and shall provide the facility with the reasons for assignment of the facility to such tier.

"(4) HIGH-RISK CHEMICAL FACILITIES.—At least one of the tiers established by the Secretary for the assignment of chemical facilities under this subsection shall be a tier designated for high-risk chemical facilities.

"(d) PERIODIC REVIEW OF LIST OF CHEMICAL FACILITIES.—

"(1) REQUIREMENT.—Not later than 3 years after the date on which the Secretary develops the list of significant chemical facilities under subsection (b)(1) and every 3 years thereafter, the Secretary shall—

"(A) consider the criteria under subsection (b)(3); and

"(B) determine whether to add a chemical facility to the list of significant chemical facilities maintained under subsection (b)(1) or to remove or change the tier assignment of any chemical facility on such list.

"(2) AUTHORITY TO REVIEW.—The Secretary may, at any time, after considering the criteria under subsections (b)(2) and (b)(3), add a chemical facility to the list of significant chemical facilities maintained under subsection (b)(1) or remove or change the tier assignment of any chemical facility on such list.

"(3) NOTIFICATION.—Not later than 30 days after the date on which the Secretary adds a facility to the list of significant chemical facilities maintained by the Secretary under subsection (b)(1), removes a facility from such list, or changes the tier assignment of any facility on such list, the Secretary shall notify the owner of that facility of that addition, removal, or change.

"SEC. 1803. VULNERABILITY ASSESSMENTS AND FACILITY SECURITY PLANS.

"(a) VULNERABILITY ASSESSMENT AND FACILITY SECURITY PLAN REQUIRED FOR CHEMICAL FACILITIES.—

"(1) REQUIREMENT FOR VULNERABILITY ASSESSMENT AND SECURITY PLAN.—

"(A) REGULATIONS REQUIRED.—The Secretary shall prescribe regulations to—

"(i) establish standards, protocols, and procedures for vulnerability assessments and facility security plans to be required for chemical facilities on the list maintained by the Secretary under section 1802(b)(1);

"(ii) require the owner or operator of each such facility to—

"(I) conduct an assessment of the vulnerability of the chemical facility to a chemical facility terrorist incident;

"(II) prepare and implement a facility security plan that addresses the results of the vulnerability assessment; and

"(III) consult with the appropriate employees of the facility in developing the vulnerability assessment and security plan required under this section; and

"(iii) set deadlines for the completion of vulnerability assessments and facility security plans, such that all such plans and assessments are completed and submitted to the Secretary for approval no later than 3 years after final regulations are issued under this paragraph.

"(B) DEADLINE FOR HIGH-RISK CHEMICAL FACILITIES.—The owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4) shall submit to the Secretary a vulnerability assessment and facility security plan not later than 6 months after the date on which the Secretary prescribes regulations under this subsection.

"(2) CRITERIA FOR REGULATIONS.—The regulations required under paragraph (1) shall—

"(A) be risk-based;

"(B) be performance-based; and

"(C) take into consideration—

"(i) the cost and technical feasibility of compliance by a chemical facility with the requirements under this title;

"(ii) the different quantities and forms of substances of concern stored, used, and handled at chemical facilities; and

"(iii) the matters for consideration under section 1802(a)(2).

"(3) PROVISION OF ASSISTANCE AND GUIDANCE.—The Secretary shall provide assistance and guidance to a chemical facility conducting a vulnerability assessment or facility security plan required under this section.

"(b) MINIMUM REQUIREMENTS FOR HIGH-RISK CHEMICAL FACILITIES.—

"(1) REQUIREMENTS FOR VULNERABILITY ASSESSMENTS.—In the case of a facility assigned to the high-risk tier under section 1802(c)(4), the Secretary shall require that the vulnerability assessment required under this section include each of the following:

"(A) The identification of any hazard that could result from a chemical facility terrorist incident at the facility.

"(B) The number of individuals at risk of death, injury, or severe adverse effects to human health as a result of a chemical facility terrorist incident at the facility.

"(C) Information related to the criticality of the facility for purposes of assessing the degree to which the facility is critical to the economy or national security of the United States.

"(D) The proximity or interrelationship of the facility to other critical infrastructure.

"(E) Any vulnerability of the facility with respect to—

"(i) physical security;

"(ii) programmable electronic devices, computers, computer or communications networks, or other automated systems used by the facility;

"(iii) alarms, cameras, and other protection systems;

"(iv) communication systems;

"(v) any utility or infrastructure (including transportation) upon which the facility relies to operate safely and securely; or

"(vi) the structural integrity of equipment for storage, handling, and other purposes.

"(F) Any information relating to threats relevant to the facility that is provided by the Secretary in accordance with paragraph (3).

"(G) Such other information as the Secretary determines is appropriate.

"(2) REQUIREMENTS FOR FACILITY SECURITY PLANS.—In the case of a facility assigned to the high-risk tier under section 1802(c)(4), the Secretary shall require that the facility security plan required under this section include each of the following:

"(A) Chemical facility security measures to address the vulnerabilities of the facility to a chemical facility terrorist incident.

"(B) A plan for periodic drills and exercises to be conducted at the facility that include participation by facility employees, local law enforcement agencies, and first responders, as appropriate.

"(C) Equipment, plans, and procedures to be implemented or used by or at the chemical facility in the event of a chemical facility terrorist incident that affects the facility, including site evacuation, release mitigation, and containment plans.

“(D) An identification of any steps taken to coordinate with State and local law enforcement agencies, first responders, and Federal officials on security measures and plans for response to a chemical facility terrorist incident.

“(E) Specify the security officer who will be the point of contact for the National Incident Management System and for Federal, State, and local law enforcement and first responders.

“(F) A description of enhanced security measures during periods of time when the Secretary determines that heightened threat conditions exist.

“(3) Provision of threat-related information.—The Secretary shall provide in a timely manner, to the maximum extent practicable under applicable authority and in the interests of national security, to an owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4), threat information that is relevant to the facility, including an assessment of the most likely method that could be used by terrorists to exploit any vulnerabilities of the facility and the likelihood of the success of such method.

“(4) Red team exercises.—The Secretary shall conduct red team exercises at facilities selected by the Secretary that have been assigned to the high-risk tier under section 1802(c)(4) such that all chemical facilities designated under that section will undergo a red team exercise during the six-year period that begins on the date on which the Secretary prescribes regulations to carry out this title. The exercises shall be—

“(A) conducted after informing the owner or operator of the facility selected; and

“(B) designed to identify at each selected facility—

“(i) any vulnerabilities of the facility;

“(ii) possible modes by which the facility could be attacked; and

“(iii) any weaknesses in the security plan of the facility.

“(c) Security Performance Requirements.—

“(1) In general.—The Secretary shall establish security performance requirements for the facility security plans required to be prepared by chemical facilities assigned to each risk-based tier established under section 1802(c). The requirements shall—

“(A) require separate and increasingly stringent security performance requirements for facility security plans as the level of risk associated with the tier increases; and

“(B) permit each chemical facility submitting a facility security plan to select a combination of chemical facility security measures that satisfy the security performance requirements established by the Secretary under this subsection.

“(2) Criteria.—In establishing the security performance requirements under paragraph (1), the Secretary shall consider the criteria under subsection (a)(2).

“(3) Guidance.—The Secretary shall provide guidance to each chemical facility on the list maintained by the Secretary under section 1802(b)(1) regarding the types of chemical facility security measures that, if applied, could satisfy the requirements under this section.

“(d) Co-Located Chemical Facilities.—The Secretary shall allow the owners or operators of two or more chemical facilities that are located geographically close to each other or otherwise co-located to develop and implement coordinated vulnerability assessments and facility security plans, at the discretion of the owner or operator of the chemical facilities.

“(e) Procedures, Protocols, and Standards Satisfying Requirements for Vulnerability Assessment and Security Plan.—

“(1) Determination by the secretary.—In response to a petition by any person, or at the discretion of the Secretary, the Secretary may endorse or recognize procedures, protocols, and standards that the Secretary determines meet all or part of the requirements of this section.

“(2) Use of procedures, protocols, and standards.—

“(A) Use by individual facilities.—Upon review and written determination by the Secretary under paragraph (1) that the procedures, protocols, or standards of a chemical facility subject to the requirements of this section satisfy some or all of the requirements of this section, the chemical facility may elect to comply with those procedures, protocols, or standards.

“(B) Use by classes of facilities.—At the discretion of the Secretary, the Secretary may identify a class or category of chemical facilities subject to the requirements of this section that may use the procedures, protocols, or standards recognized under this section in order to comply with all or part of the requirements of this section.

“(3) Partial endorsement or recognition.—If the Secretary finds that a procedure, protocol, or standard satisfies only part of the requirements of this section, the Secretary may allow a chemical facility subject to the requirements of this section to comply with that procedure, protocol, or standard for purposes of that requirement, but shall require the facility to submit of any additional information required to satisfy the requirements of this section not met by that procedure, protocol, or standard.

“(4) Notification.—If the Secretary does not endorse or recognize a procedure, protocol, or standard for which a petition is submitted under paragraph (1), the Secretary shall provide to the person submitting a petition under paragraph (1) written notification that includes an explanation of the reasons why the endorsement or recognition was not made.

“(5) Review.—Nothing in this subsection shall relieve the Secretary (or a designee of the Secretary which may be a third party auditor certified by the Secretary) of the obligation—

“(A) to review a vulnerability assessment and facility security plan submitted by a high-risk chemical facility under this section; and

“(B) to approve or disapprove each assessment or plan on an individual basis.

“(f) Other Authorities.—

“(1) Existing authorities.—A chemical facility on the list maintained by the Secretary under section 1802(b)(1) that is required to prepare a vulnerability assessment or facility security plan under chapter 701 of title 46, United States Code, or section 1433 of the Safe Drinking Water Act (42 U.S.C. 300i-2) shall not be subject to the requirements of this section, unless the Secretary, after reviewing the vulnerability assessment, facility security plan, or other relevant documents voluntarily offered by the chemical facility (including any updates thereof) requires more stringent performance requirements or red-team exercise under subsection (b)(4).

“(2) Coordination.—In the case of any storage required to be licensed under chapter 40 of title 18, United States Code, the Secretary shall prescribe the rules and regulations for the implementation of this section with the concurrence of the Attorney General and avoid unnecessary duplication of regulatory requirements.

“(g) Periodic Review by Chemical Facility Required.—

“(1) Submission of review.—Not later than 3 years after the date on which a vulnerability assessment or facility security plan required under this section is submitted, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), the owner or operator of the chemical facility covered by the vulnerability assessment or facility security plan shall submit to the Secretary a review of the adequacy of the vulnerability assessment or facility security plan that includes a description of any changes made to the vulnerability assessment or facility security plan.

“(2) Review of review.—The Secretary shall—

“(A) ensure that a review required under paragraph (1) is submitted not later than the applicable date; and

“(B) not later than 6 months after the date on which a review is submitted under paragraph (1), review the review and notify the facility submitting the review of the Secretary's approval or disapproval of the review.

“(h) Role of Employees.—As appropriate, vulnerability assessments or facility security plans required under this section should describe the roles or responsibilities that facility employees are expected to perform to prevent or respond to a chemical facility terrorist incident.

“SEC. 1804. RECORD KEEPING; SITE INSPECTIONS.

“(a) Record Keeping.—The Secretary shall require each chemical facility required to submit a vulnerability assessment or facility security plan under section 1803 to maintain a current copy of the assessment and the plan at the facility.

“(b) Right of Entry.—For purposes of carrying out this title, the Secretary (or a designee of the Secretary) shall have, on presentation of credentials, a right of entry to, on, or through any property of a chemical facility on the list maintained by the Secretary under section 1802(a)(1) or any property on which any record required to be maintained under this section is located.

“(c) Inspections and Verifications.—The Secretary shall, at such time and place as the Secretary determines to be appropriate, conduct or require the conduct of facility security inspections and verifications and may, by regulation, authorize third party inspections and verifications by persons trained and certified by the Secretary for that purpose. Such an inspection or verification shall include a consultation with owners, operators, and employees, as appropriate, and ensure and evaluate compliance with—

“(1) this title and any regulations prescribed to carry out this title; and

“(2) any security standards or requirements adopted by the Secretary in furtherance of the purposes of this title.

“(d) Requests for Records.—In carrying out this title, the Secretary (or a designee of the Secretary) may require the submission of or, on presentation of credentials, may at reasonable times obtain access to and copy any documentation necessary for—

“(1) reviewing or analyzing a vulnerability assessment or facility security plan submitted under section 1803; or

“(2) implementing such a facility security plan.

“(e) Compliance.—If the Secretary determines that an owner or operator of a chemical facility required to submit a vulnerability assessment or facility security plan under section 1803 fails to maintain, produce, or allow access to records or to the property of the chemical facility as required by this section, the Secretary shall issue an order requiring compliance with this section.

"SEC. 1805. ENFORCEMENT.

"(a) SUBMISSION OF INFORMATION.—

"(1) INITIAL SUBMISSION.—The Secretary shall specify in regulations prescribed under section 1803(a), specific deadlines for the submission of the vulnerability assessments and facility security plans required under this title to the Secretary. The Secretary may establish different submission requirements for the different tiers of chemical facilities under section 1802(c).

"(2) MAJOR CHANGES REQUIREMENT.—The Secretary shall specify in regulations prescribed under section 1803(a), specific deadlines and requirements for the submission by a facility required to submit a vulnerability assessment or facility security plan under that section of information describing—

"(A) any change in the use by the facility of more than a threshold amount of any substance of concern; and

"(B) any significant change in a vulnerability assessment or facility security plan submitted by the facility.

"(3) FAILURE TO COMPLY.—If an owner or operator of a chemical facility fails to submit a vulnerability assessment or facility security plan in accordance with this title, the Secretary shall issue an order requiring the submission of a vulnerability assessment or facility security plan in accordance with section 1804(e).

"(b) REVIEW OF SECURITY PLAN.—

"(1) IN GENERAL.—

"(A) DEADLINE FOR REVIEW.—Not later than 180 days after the date on which the Secretary receives a vulnerability assessment or facility security plan under this title, the Secretary shall review and approve or disapprove such assessment or plan.

"(B) DESIGNEE.—The Secretary may designate a person (including a third party entity certified by the Secretary) to conduct a review under this subsection.

"(2) DISAPPROVAL.—The Secretary shall disapprove a vulnerability assessment or facility security plan if the Secretary determines that—

"(A) the vulnerability assessment or facility security plan does not comply with regulations prescribed under section 1803; or

"(B) in the case of a facility security plan, the plan or the implementation of the plan is insufficient to address any vulnerabilities identified in a vulnerability assessment of the chemical facility or associated oversight actions taken under sections 1803 and 1804, including a red team exercise.

"(3) SPECIFIC SECURITY MEASURES NOT REQUIRED.—The Secretary shall not disapprove a facility security plan under this section based solely on the specific chemical facility security measures that the chemical facility selects to meet the security performance requirements established by the Secretary under section 1803(c).

"(4) PROVISION OF NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the vulnerability assessment or facility security plan submitted by a chemical facility under this title or the implementation of a facility security plan by such a facility, the Secretary shall—

"(A) provide the owner or operator of the facility a written notification of the disapproval, that—

"(i) includes a clear explanation of deficiencies in the assessment, plan, or implementation of the plan; and

"(ii) requires the owner or operator of the facility to revise the assessment or plan to address any deficiencies and to submit to the Secretary the revised assessment or plan;

"(B) provide guidance to assist the facility in addressing such deficiency;

"(C) in the case of a facility for which the owner or operator of the facility does not address such deficiencies by such date as the Secretary determines to be appropriate, issue an order requiring the owner or operator to correct specified deficiencies by a specified date; and

"(D) in the case of a facility assigned to the high-risk tier under section 1802(c)(4), consult with the owner or operator of the facility to identify appropriate steps to be taken by the owner or operator to address the deficiencies identified by the Secretary.

"(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this title confers upon any private person a right of action against an owner or operator of a chemical facility to enforce any provision of this title.

"(c) REPORTING PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding problems, deficiencies, or vulnerabilities at a chemical facility.

"(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person that submits a report under paragraph (1) and any such report shall be treated as protected information under section 1808(f) to the extent that it does not consist of publicly available information.

"(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person submitting the report, the Secretary shall respond promptly to such person to acknowledge receipt of the report.

"(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problem, deficiency, or vulnerability identified in the report.

"(5) RETALIATION PROHIBITED.—

"(A) PROHIBITION.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation of, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) submitted a report under paragraph (1).

"(B) ENFORCEMENT PROCESS.—The Secretary shall establish—

"(i) a process by which an employee can notify the Secretary of any retaliation prohibited under this paragraph; and

"(ii) a process by which the Secretary may take action as appropriate to enforce this section.

"SEC. 1806. PENALTIES.

"(a) ADMINISTRATIVE PENALTIES.—

"(1) IN GENERAL.—The Secretary may issue an administrative penalty of not more than $250,000 for failure to comply with an order issued by the Secretary under this title.

"(2) PROVISION OF NOTICE.—Before issuing a penalty under paragraph (1), the Secretary shall provide to the person against which the penalty is to be assessed—

"(A) written notice of the proposed penalty; and

"(B) to the extent possible, consistent with the provisions of title 5, United States Code, governing hearings on the record, the opportunity to request, not later than 30 days after the date on which the notice is received, a hearing on the proposed penalty.

"(3) PROCEDURES FOR REVIEW.—The Secretary may prescribe regulations outlining the procedures for administrative hearings and appropriate review, including necessary deadlines.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary may bring an action in a United States district court against any owner or operator of a chemical facility that violates or fails to comply with—

"(A) any order issued by the Secretary under this title; or

"(B) any facility security plan approved by the Secretary under this title.

"(2) RELIEF.—In any action under paragraph (1), a court may issue an order for injunctive relief and may award a civil penalty of not more than $50,000 for each day on which a violation occurs or a failure to comply continues.

"(c) CRIMINAL PENALTIES.—An owner or operator of a chemical facility who knowingly and intentionally violates any order issued by the Secretary under this title shall be fined not more than $100,000, imprisoned for not more than 1 year, or both.

"(d) PENALTIES FOR UNAUTHORIZED DISCLOSURE.—Any officer or employee of a Federal, State, or local government agency who, in a manner or to an extent not authorized by law, knowingly discloses any record containing protected information described in section 1808(f) shall—

"(1) be imprisoned not more than 1 year, fined under chapter 227 of title 18, United States Code, or both; and

"(2) if an officer or employee of the Government, be removed from Federal office or employment.

"(e) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In a proceeding under this section, information protected under section 1808, or related vulnerability or security information, shall be treated in any judicial or administrative action as if the information were classified material.

"SEC. 1807. STATE AND OTHER LAWS.

"(a) IN GENERAL.—Nothing in this title shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance respecting chemical facility security that is more stringent than a regulation, requirement, or standard of performance in effect under this title, or shall otherwise impair any right or jurisdiction of the States with respect to chemical facilities within such States unless there is an actual conflict between a provision of this title and the law of the State.

"(b) OTHER REQUIREMENTS.—Nothing in this title shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance, including air or water pollution requirements, that are directed at problems other than reducing damage from terrorist attacks.

"SEC. 1808. PROTECTION OF INFORMATION.

"(a) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—

"(1) IN GENERAL.—The Secretary shall ensure that protected information, as described in subsection (f), is not disclosed except as provided in this title.

"(2) SPECIFIC PROHIBITIONS.—In carrying out paragraph (1), the Secretary shall ensure that protected information is not disclosed—

"(A) by any Federal agency under section 552 of title 5, United States Code; or

"(B) under any State or local law.

"(b) Regulations.—

"(1) In general.—Not later than 1 year after the date of enactment of the Chemical Facility Anti-Terrorism Act of 2006, the Secretary shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in subsection (f).

"(2) Requirements.—The regulations prescribed under paragraph (1) shall—

"(A) permit information sharing, on a confidential basis, with Federal, State and local law enforcement officials and first responders and chemical facility personnel, as necessary to further the purposes of this title;

"(B) provide for the confidential use of protected information in any administrative or judicial proceeding, including placing under seal any such information that is contained in any filing, order, or other document used in such proceedings that could otherwise become part of the public record;

"(C) limit access to protected information to persons designated by the Secretary; and

"(D) ensure, to the maximum extent practicable, that—

"(i) protected information shall be maintained in a secure location; and

"(ii) access to protected information shall be limited as may be necessary to—

"(I) enable enforcement of this title; or

"(II) address an imminent and substantial threat to security.

"(c) Other Obligations Unaffected.—Nothing in this section affects any obligation of the owner or operator of a chemical facility to submit or make available information to facility employees, employee organizations, or a Federal, State, or local government agency under, or otherwise to comply with, any other law.

"(d) Submission of Information to Congress.—Nothing in this title shall be construed as authorizing the withholding of any information from Congress.

"(e) Disclosure of Independently Furnished Information.—Nothing in this title shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a chemical facility under any other law.

"(f) Protected Information.—For purposes of this section, protected information includes the following:

"(1) The criteria and data used by the Secretary to assign chemical facilities to risk-based tiers under section 1802 and the tier to which each such facility is assigned.

"(2) The vulnerability assessments and facility security plans submitted to the Secretary under this title.

"(3) Information concerning the security performance requirements for a chemical facility under section 1803(c).

"(4) Any other information generated or collected by a Federal, State, or local government agency or by a chemical facility for the purpose of carrying out or complying with this title—

"(A) that describes any vulnerability of a chemical facility to an act of terrorism;

"(B) that describes the assignment of any chemical facility to a risk-based tier under this title;

"(C) that describes any security measure (including any procedure, equipment, training, or exercise) for the protection of a chemical facility from an act of terrorism; or

"(D) the disclosure of which the Secretary determines would be detrimental to the security of any chemical facility.

"SEC. 1809. CERTIFICATION OF THIRD-PARTY ENTITIES.

"(a) Certification of Third-Party Entities.—The Secretary may designate a third-party entity to carry out any function under subsection (e)(5) of section 1803, subsection (b) or (c) of section 1804, or subsection (b)(1) of section 1805.

"(b) Qualifications.—The Secretary shall establish standards for the qualifications of third-party entities, including knowledge of physical infrastructure protection, cybersecurity, facility security plans, hazard analysis, engineering, and other such factors that the Secretary determines to be necessary.

"(c) Procedures and Requirements for Private Entities.—Before designating a third-party entity to carry out a function under subsection (a), the Secretary shall—

"(1) develop, document, and update, as necessary, minimum standard operating procedures and requirements applicable to such entities designated under subsection (a), including—

"(A) conducting a 90-day independent review of the procedures and requirements (or updates thereto) and the results of the analyses of such procedures (or updates thereto) pursuant to subtitle G of title VIII; and

"(B) upon completion of the independent review under subparagraph (A), designating any procedure or requirement (or any update thereto) as a qualified anti-terrorism technology pursuant to section 862(b);

"(2) conduct safety and hazard analyses of the standard operating procedures and requirements developed under paragraph (1);

"(3) conduct a review of the third party entities' previous business engagements to ensure that no contractual relationship has or will exist that could compromise their independent business judgment in carrying out any functions under subsection(e)(5) of section 1803, subsection (b) or (c) of section 1804, of subsection(b)(1) of section 1805; and

"(4) conduct a review of the third party entities' business practices and disqualify any of these organizations that offer related auditing or consulting services to chemical facilities as private sector vendors.

"(d) Technical Review and Approval.—Not later than 60 days after the date on which the results of the safety and hazard analysis of the standard operating procedures and requirements are completed under subsection (c)(2), the Secretary shall—

"(1) complete a technical review of the procedures and requirements (or updates thereto) under sections 862(b) and 863(d)(2); and

"(2) approve or disapprove such procedures and requirements (or updates thereto).

"(e) Effect of Approval.—

"(1) Issuance of certificate of conformance.—In accordance with section 863(d)(3), the Secretary shall issue a certificate of conformance to a third-party entity to perform a function under subsection (a) if the entity—

"(A) demonstrates to the satisfaction of the Secretary the ability to perform functions in accordance with standard operating procedures and requirements (or updates thereto) approved by the Secretary under this section;

"(B) agrees to—

"(i) perform such function in accordance with such standard operating procedures and requirements (or updates thereto); and

"(ii) maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864; and

"(C) signs an agreement to protect the proprietary and confidential information of any chemical facility with respect to which the entity will perform such function.

"(2) Litigation and risk management protections.—A third-party entity that maintains liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 and receives a certificate of conformance under paragraph (1) shall receive all applicable litigation and risk management protections under sections 863 and 864.

"(3) Reciprocal waiver of claims.—A reciprocal waiver of claims shall be deemed to have been entered into between a third-party entity that receives a certificate of conformance under paragraph (1) and its contractors, subcontractors, suppliers, vendors, customers, and contractors and subcontractors of customers involved in the use or operation of any function performed by the third-party entity under subparagraph (a).

"(4) Information for establishing limits of liability insurance.—A third-party entity seeking a certificate of conformance under paragraph (1) shall provide to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under section 864(a).

"(f) Monitoring.—The Secretary shall regularly monitor and inspect the operations of a third-party entity that performs a function under subsection (a) to ensure that the entity is meeting the minimum standard operating procedures and requirements established under subsection (c) and any other applicable requirement under this section.

"(g) Restriction on Designation.—No individual may be designated to carry out any function under this title with respect to any facility with which that individual was affiliated as an officer, director, or employee during the three-year period preceding the date of such designation.

"SEC. 1810. METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.

"(a) Method to Reduce the Consequences of a Terrorist Attack.—For purposes of this section, the term 'method to reduce the consequences of a terrorist attack' includes—

"(1) input substitution;

"(2) catalyst or carrier substitution;

"(3) process redesign (including reuse or recycling of a substance of concern);

"(4) product reformulation;

"(5) procedure simplification;

"(6) technology modification;

"(7) use of less hazardous substances or benign substances;

"(8) use of smaller quantities of substances of concern;

"(9) reduction of hazardous pressures or temperatures;

"(10) reduction of the possibility and potential consequences of equipment failure and human error;

"(11) improvement of inventory control and chemical use efficiency; and

"(12) reduction or elimination of the storage, transportation, handling, disposal, and discharge of substances of concern.

"(b) Assessment Required.—

"(1) In general.—The owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4), shall conduct an assessment of methods to reduce the consequences of a terrorist attack on that chemical facility.

"(2) Included information.—An assessment under this subsection shall include information on—

"(A) each method of reducing the consequences of a terrorist attack considered for implementation at the chemical facility, including—

"(i) the quantity of any substance of concern considered for reduction or elimination and the form of any considered replacement for such substance of concern; and

"(ii) any technology or process considered for modification and a description of the considered modification;

"(B) the degree to which each such method could, if implemented, reduce the potential extent of death, injury, or serious adverse effects to human health, and the environment; and

"(C) a description of any specific considerations that led to the implementation or rejection of each such method, including—

"(i) requirements under this title;

"(ii) cost;

"(iii) liability for a chemical facility terrorist incident;

"(iv) cost savings, including whether the method would eliminate or reduce other security costs or requirements;

"(v) the availability of a replacement for a substance of concern, technology, or process that would be eliminated or altered as a result of the implementation of the method;

"(vi) the applicability of any considered replacement for the substance of concern, technology, or process to the chemical facility; and

"(vii) any other factor that the owner or operator of the chemical facility considered in judging the practicability of each method to reduce the consequences of a terrorist attack.

"(3) DEADLINE.—The deadlines for submission and review of an assessment for a facility described in this subsection shall be the same as the deadline for submission and review of the facility security plan or relevant documents submitted to the Secretary by the facility for the purposes of complying with section 1803.

"(c) REVIEW AND IMPLEMENTATION.—

"(1) REVIEW.—Not later than 180 days after receiving an assessment described in subsection (b), the Secretary shall review the assessment and provide written notice to the owner or operator of a chemical facility required to conduct an assessment under subsection (b) if the Secretary determines that the assessment described in subsection (b) is inadequate.

"(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal, State, and local agencies, including the Chemical Safety and Hazard Investigation Board and the Environmental Protection Agency, in determining whether the assessment described in subsection (b) is adequate.

"(3) IMPLEMENTATION.—The owner or operator of a chemical facility required to conduct an assessment under subsection (b) shall implement methods to reduce the consequences of a terrorist attack on the chemical facility if the Secretary determines, based on an assessment in subsection (b), that the implementation of methods to reduce the consequences of a terrorist attack at the high-risk chemical facility

"(A) would significantly reduce the risk of death, injury, or serious adverse effects to human health or the environment resulting from a terrorist release;

"(B) can feasibly be incorporated into the operation of the facility; and

"(C) would not significantly and demonstrably impair the ability of the owner or operator of the facility to continue the business of the facility.

"(4) RECONSIDERATION.—

"(A) IN GENERAL.—An owner or operator of a chemical facility that determines that it is unable to comply with the Secretary's determination under subsection (c)(3) shall, within 60 days of receipt of the Secretary's determination, provide to the Panel on Methods to Reduce the Consequences of a Terrorist Attack a written explanation that includes the reasons thereto.

"(B) REVIEW.—Not later than 60 days of receipt of an explanation submitted under subsection (c)(4)(A), the Panel on Methods to Reduce the Consequences of a Terrorist Attack, after an opportunity for the owner or operator of a chemical facility to meet with the Panel on Methods to Reduce the Consequences of a Terrorist Attack, shall provide a written determination regarding the adequacy of the explanation, and shall, if appropriate, include recommendations to the chemical facility that would assist the facility in its assessment and implementation.

"(C) NOTIFICATION.—Not later than 60 days after the date of the receipt of the written determination described under subsection (c)(4)(B), the owner or operator of the chemical facility shall provide to the Secretary written notification of the owner or operator's plans to implement methods to reduce the consequences of a terrorist attack recommended by the Panel on Methods to Reduce the Consequences of a Terrorist Attack.

"(D) COMPLIANCE.—If the facility does not implement the recommendations made by the Panel on Methods to Reduce the Consequences of a Terrorist Attack, the Secretary may, within 60 days of receipt of the plans described in (4)(C), issue an order requiring the owner or operator to implement such methods by a specified date.

"(E) PANEL ON METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—The Panel on Methods to Reduce the Consequences of a Terrorist Attack shall be chaired by the Secretary (or the Secretary's designee) and shall include representatives, chosen by the Secretary, of other appropriate Federal and State agencies, independent security experts and the chemical industry.

"(d) ALTERNATIVE APPROACHES CLEARINGHOUSE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a publicly available clearinghouse for the compilation and dissemination of information on the use and availability of methods to reduce the consequences of a terrorist attack at a chemical facility.

"(2) INCLUSIONS.—The clearinghouse required under paragraph (1) shall include information on—

"(A) general and specific types of such methods;

"(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which such methods could be appropriate;

"(C) the availability of specific methods to reduce the consequences of a terrorist attack;

"(D) the costs and cost savings resulting from the use of such methods;

"(E) technological transfer;

"(F) the availability of technical assistance; and

"(G) such other information as the Secretary determines is appropriate.

"(3) COLLECTION OF INFORMATION.—The Secretary shall collect information for the clearinghouse—

"(A) from documents submitted by owners or operators pursuant to this title;

"(B) by surveying owners or operators who have registered their facilities pursuant to part 68 of title 40 Code of Federal Regulations (or successor regulations); and

"(C) through such other methods as the Secretary deems appropriate.

"(4) PUBLIC AVAILABILITY.—Information available publicly through the clearinghouse shall not identify any specific facility or violate the protection of information provisions under section 1808.

"(e) PROTECTED INFORMATION.—An assessment prepared under subsection (b) is protected information for the purposes of section 1808(f).

"SEC. 1811. ANNUAL REPORT TO CONGRESS.

"(a) ANNUAL REPORT.—Not later than one year after the date of enactment of the Chemical Facility Anti-Terrorism Act of 2006 and annually thereafter, the Secretary shall publish a report on progress in achieving compliance with this title, including—

"(1) an assessment of the effectiveness of the facility security plans developed under this title;

"(2) any lessons learned in implementing this title (including as a result of a red-team exercise); and

"(3) any recommendations of the Secretary to improve the programs, plans, and procedures under this title, including the feasibility of programs to increase the number of economically disadvantaged businesses eligible to perform third party entity responsibilities pursuant to sections 1803(e)(5), 1804(b) and (c), and 1805(b)(1).

"(b) PROTECTED INFORMATION.—A report under this section may not include information protected under section 1808.

"SEC. 1812. APPLICABILITY.

"This title shall not apply to—

"(1) any facility that is owned and operated by the Department of Defense, the Department of Justice, or the Department of Energy;

"(2) the transportation in commerce, including incidental storage, of any substance of concern regulated as a hazardous material under chapter 51 of title 49, United States Code; or

"(3) any facility that is owned or operated by a licensee or certificate holder of the Nuclear Regulatory Commission.

"SEC. 1813. SAVINGS CLAUSE.

"Nothing in this title is intended to affect section 112 of the Clean Air Act (42 U.S.C. 7412), the Clean Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act of 1969, and the Occupational Safety and Health Act.

"SEC. 1814. OFFICE OF CHEMICAL FACILITY SECURITY.

"There is in the Department an Office of Chemical Facility Security. The head of the Office of Chemical Facility Security is responsible for carrying out the responsibilities of the Secretary under this title.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end the following:

"TITLE XVIII—REGULATION OF CHEMICAL FACILITIES

"Sec. 1801. Definitions.
"Sec. 1802. Designation and ranking of chemical facilities.
"Sec. 1803. Vulnerability assessments and facility security plans.
"Sec. 1804. Record keeping; site inspections.
"Sec. 1805. Enforcement.
"Sec. 1806. Penalties.
"Sec. 1807. State and other laws.
"Sec. 1808. Protection of information.
"Sec. 1809. Certification of third-party entities.
"Sec. 1810. Methods to reduce the consequences of a terrorist attack.

"Sec. 1811. Annual report to Congress.
"Sec. 1812. Applicability.
"Sec. 1813. Savings clause.
"Sec. 1814. Office of Chemical Facility Security.

SEC. 503. REPORT TO CONGRESS.

(a) UPDATED REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an update of the national strategy for the chemical sector that was required to be submitted by the Secretary to the Committee on Appropriations of the House of Representatives and the Committee of Appropriations of the Senate by not later than February 10, 2006.

(b) PROTECTED INFORMATION.—The report under subsection (a) may not include information protected under section 1808 of the Homeland Security Act of 2002, as added by this Act.

SEC. 504. INSPECTOR GENERAL REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after the date on which regulations are issued under section 505(a), the Inspector General of the Department shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that reviews the effectiveness of the implementation of title XVIII of the Homeland Security Act of 2002, as added by this Act, including the effectiveness of facility security plans required under such title and any recommendations to improve the programs, plans, and procedures required under such title, including the feasibility of programs to increase the number of economically disadvantaged businesses eligible to perform third party entity responsibilities pursuant to sections 1803(e)(5), 1804(b) and (c), and 1805(b)(1) of such title.

(b) CLASSIFIED ANNEX.—The Inspector General may issue a classified annex to the report required under subsection (a), if the Inspector General determines a classified annex is necessary.

SEC. 505. DEADLINE FOR REGULATIONS.

(a) INTERIM FINAL RULE AUTHORITY.—Not later than 1 year after the date of enactment of this Act, and without regard to chapter 5 of title 5, United States Code, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation implementing section 1803(a) of the Homeland Security Act of 2002, as added by this Act. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 2 years after the date of enactment of this Act.

(b) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act. The final rule issued under that rulemaking may supersede the interim final rule promulgated under subsection (a).

SEC. 506. CHEMICAL FACILITY TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by adding at the end the following:

"SEC. 802. CHEMICAL FACILITY TRAINING PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Departmental official with general responsibility for training and in coordination with components of the Department with chemical facility security expertise, shall establish a Chemical Facility Security Training Program (hereinafter in this section referred to as the 'Program') for the purpose of enhancing the capabilities of chemical facilities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism.

"(b) REQUIREMENTS.—The Program shall provide voluntary training that—

"(1) reaches multiple disciplines, including Federal, State, and local government officials, chemical facility owners, operators and employees and governmental and nongovernmental emergency response providers;

"(2) utilizes multiple training mediums and methods;

"(3) addresses chemical facility security and facility security plans, including—

"(A) facility security plans and procedures for differing threat levels;

"(B) physical security, security equipment and systems, access control, and methods for preventing and countering theft;

"(C) recognition and detection of weapons and devices;

"(D) security incident procedures, including procedures for communicating with emergency response providers;

"(E) evacuation procedures and use of appropriate personal protective equipment; and

"(F) other requirements that the Secretary deems appropriate;

"(4) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other national initiatives;

"(5) includes consideration of existing security and hazardous chemical training programs including Federal or industry programs; and

"(6) is evaluated against clear and consistent performance measures.

"(c) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

"(1) support the promulgation, and regular updating as necessary of national voluntary consensus standards for chemical facility security training ensuring that training is consistent with such standards; and

"(2) ensure that the training provided under this section is consistent with such standards.

"(d) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary shall—

"(1) work with government training programs, facilities, academic institutions, industry and private organizations, employee organizations, and other relevant entities that provide specialized, state-of-the-art training; and

"(2) utilize, as appropriate, training provided by industry, public safety academies, Federal programs, employee organizations, State and private colleges and universities, and other facilities."

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 801 the following:

"Sec. 802. Chemical facility training program.".

SA 4988. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE —IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. —100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Transportation Security Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —100. Short title; table of contents.
Sec. —101. Hazardous materials highway routing.
Sec. —102. Motor carrier high hazard material tracking.
Sec. —103. Hazardous materials security inspections and enforcement.
Sec. —104. Truck security assessment.
Sec. —105. National public sector response system.
Sec. —106. Over-the-road bus security assistance.
Sec. —107. Pipeline security and incident recovery plan.
Sec. —108. Pipeline security inspections and enforcement.

SEC. —101. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1)

through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. —102. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on theHazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —103. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. —104. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. —105. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) Characteristics.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) Carrier Participation.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) Data Privacy.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. —106. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) In General.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road-bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) Federal Share.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) Due Consideration.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) Grant Requirements.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) Plan Requirement.—

(1) In general.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) Coordination.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) Over-the-Road Bus Defined.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) Bus Security Assessment.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) Contents of preliminary report.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) Consultation with industry, labor, and other groups.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008; and

(3) $25,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —107. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) In General.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section —108, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section —108—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) Existing Private and Public Sector Efforts.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) Consultation.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) Report.—

(1) Contents.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along

with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. —108. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SEC. —109. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting “of Homeland Security” each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

“(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.”.

SA 4989. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INTEROPERABLE COMMUNICATIONS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by inserting after the title heading the following:

“Subtitle A—Preparedness and Response”;

and

(2) by adding at the end the following:

“Subtitle B—Emergency Communications

“SEC. 551. DEFINITIONS.

“In this subtitle—

“(1) the term ‘Administrator’ means the Administrator of the Agency;

“(2) the term ‘Agency’ means the Federal Emergency Management Agency;

“(3) the term ‘eligible region’ means—

“(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

“(i) have joined together to enhance emergency communications capabilities or communications interoperability among emergency response providers in those jurisdictions and with State and Federal officials; and

“(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as defined by the Office of Management and Budget; or

“(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8;

“(4) the term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, emergency response agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural or man-made disaster (including where there has been significant damage to, or destruction of, critical infrastructure (including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity));

“(5) the terms ‘interoperable emergency communications system’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government officials to—

“(A) communicate with each other as necessary, using information technology systems and radio communications systems; and

“(B) exchange voice, data, or video with each other on demand, in real time, as necessary;

“(6) the term ‘National Emergency Communications Strategy’ means the strategy established under section 553; and

“(7) the term ‘Office of Emergency Communications’ means the office established under section 552.

“SEC. 552. OFFICE OF EMERGENCY COMMUNICATIONS.

“(a) IN GENERAL.—There is established in the Agency an Office of Emergency Communications.

“(b) DIRECTOR.—The head of the Office of Emergency Communications shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Telecommunications.

“(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

“(1) assist the Secretary and the Administrator in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

“(2) carry out the responsibilities and authorities of the Department relating to the development and implementation of a strategy to achieve national communications interoperability and emergency communications capabilities and promulgating grant guidance for that purpose;

“(3) carry out the responsibilities under section 509;

“(4) conduct extensive, nationwide outreach and foster the development of emergency communications capabilities and interoperable communications systems by Federal, State, and local governments and public safety agencies, and by regional consortia thereof, by—

“(A) developing, updating, and implementing a national strategy to achieve emergency communications capabilities, with goals and timetables;

“(B) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

“(C) developing a national architecture, which defines the components of an interoperable system and how the components are constructed;

“(D) establishing and maintaining a task force that represents the broad customer base of public safety agencies of State and local governments, and Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, emergency medical services, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve emergency communications capabilities and communications interoperability;

“(E) working with the Interoperable Communications Technical Assistance Program to provide technical assistance to State and local government officials;

“(F) promoting a greater understanding of the importance of emergency communications capabilities, communications interoperability, and the benefits of sharing resources among all levels of Federal, State, and local government;

“(G) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving emergency communications capabilities and communications interoperability;

“(H) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving emergency communications capabilities and communications interoperability;

“(I) funding and conducting pilot programs, as necessary, in order to—

“(i) evaluate and validate technology concepts in real-world environments to achieve emergency communications capabilities and communications interoperability;

“(ii) encourage more efficient use of resources, including equipment and spectrum; and

“(iii) test and deploy public safety communications systems that are less prone to failure, support nonvoice services, consume less spectrum, and cost less;

“(J) liaisoning with the private sector to develop solutions to improve emergency communications capabilities and achieve communications interoperability;

“(K) using modeling and simulation for training exercises and command and control functions at the operational level; and

“(L) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability;

“(5) administer the responsibilities and authorities of the Department relating to the Integrated Wireless Network Program;

“(6) administer the responsibilities and authorities of the Department relating to the National Communications System;

“(7) administer the responsibilities and authorities of the Department related to the Emergency Alert System and the Integrated Public Alert and Warning System;

“(8) establish an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the people of the United States in the event of a natural or man-made disaster;

“(9) administer the responsibilities and authorities of the Department relating to Office of Interoperability and Compatibility;

“(10) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

“(11) assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in ensuring emergency communications capabilities;

“(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, and local governments, including Statewide and tactical interoperability plans; and

“(13) create an interactive database that contains an inventory of emergency communications assets maintained by the Federal Government and, where appropriate, State and local governments and the private sector, that—

“(A) can be deployed rapidly following a natural or man-made disaster to assist emergency response providers and State and local governments; and

“(B) includes land mobile radio systems, satellite phones, portable infrastructure equipment, backup power system equipment, and other appropriate equipment and systems.

“SEC. 553. NATIONAL EMERGENCY COMMUNICATIONS STRATEGY.

“(a) IN GENERAL.—Not later than 180 days after the completion of the baseline assessment under section 554, and in cooperation with State and local governments, Federal departments and agencies, emergency response providers, and the private sector, the Administrator, acting through the Director for Emergency Communications, shall develop a National Emergency Communications Strategy to achieve national emergency communications capabilities and interoperable emergency communications.

“(b) CONTENTS.—The National Emergency Communication Strategy shall—

“(1) include, in consultation with the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

“(2) identify the appropriate emergency communications capabilities and communications interoperability necessary for Federal, State, and local governments to operate during natural and man-made disasters;

“(3) address both short-term and long-term solutions to achieving Federal, State, and local government emergency communications capabilities and interoperable emergency communications systems, including provision of commercially available equipment that facilitates operability, interoperability, coordination, and integration among emergency communications systems;

“(4) identify how Federal departments and agencies that respond to natural or man-made disasters can work effectively with State and local governments, in all States, and with such other entities as are necessary to implement the strategy;

“(5) include measures to identify and overcome all obstacles to achieving interoperable emergency communications;

“(6) set goals and establish timetables for the development of an emergency, command-level communication system based on equipment available across the United States and a nationwide interoperable emergency communications system;

“(7) identify appropriate and reasonable measures public safety agencies should employ to ensure that their network infrastructure remains operable during a natural or man-made disaster;

“(8) include education of State and local government emergency response providers about the availability of backup emergency communications assets and their importance in planning for natural and man-made disasters;

“(9) identify, in consultation with the Federal Communications Commission, measures State and local governments should employ to ensure operability of 911, E911 and public safety answering points during natural and man-made disasters; and

“(10) include building the capability to adapt the distribution and content of emergency alerts on the basis of geographic location, risks, or personal user preferences, as appropriate.

“SEC. 554. ASSESSMENTS AND REPORTS.

“(a) BASELINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.—Not later than June 1, 2007, and periodically thereafter, but not less frequently than every 5 years, the Administrator, acting through the Director for Emergency Communications, shall conduct an assessment of Federal, State, and local governments to—

“(1) define the range of emergency communications capabilities and communications interoperability needed for specific events;

“(2) assess the capabilities to meet such communications needs;

“(3) determine the degree to which necessary emergency communications capabilities and communications interoperability have been achieved;

“(4) ascertain the needs that remain for communications interoperability to be achieved;

“(5) assess the ability of communities to provide and maintain emergency communications capabilities and communications interoperability among emergency response providers, and government officials in the event of a natural or man-made disaster, including when there is substantial damage to ordinary communications infrastructure or a sustained loss of electricity;

“(6) include a national interoperable emergency communication inventory that—

“(A) identifies for each Federal department and agency—

“(i) the channels and frequencies used;

“(ii) the nomenclature used to refer to each channel or frequency used; and

“(iii) the types of communications system and equipment used;

“(B) identifies the interoperable emergency communication systems in use for public safety systems in the United States; and

“(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable emergency communications system; and

“(7) compile a list of best practices among communities for providing and maintaining emergency communications capabilities and communications interoperability in the event of a natural or man-made disaster.

“(b) MOBILE COMMUNICATIONS.—The Administrator, acting through the Director of Emergency Communications, shall evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of a natural or man-made disaster.

“(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Port Security Improvements Act of 2006, and annually thereafter until the date that is 10 years after such date, the Administrator, acting through the Director for Emergency Communications, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Department in implementing and achieving the goals of this subtitle, including a description of the findings of the most recent nationwide assessment conducted under subsection (a).

“SEC. 555. COORDINATION OF FEDERAL EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

“(a) ASSESSMENT OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through the Director for Emergency Communications, in coordination with other Federal departments and agencies, shall review Federal emergency communications grants and standards programs across the Federal government to—

“(1) integrate and coordinate Federal grant guidelines for the use of Federal assistance relating to interoperable emergency communications and emergency communications capabilities;

“(2) assess and make recommendations to ensure that such guidelines are consistent across the Federal Government; and

“(3) assess and make recommendations to ensure conformity with the goals and objectives identified in the National Emergency Communications Strategy.

"(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary may prohibit any State or local government from using Federal homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities if—

"(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

"(B) the State or local government has not taken adequate steps to maintain operability of network infrastructure in order to prepare for a natural or man-made disaster; or

"(C) a grant request does not comply with interoperable communications equipment standards, after those standards have been developed through a voluntary consensus-based process or are promulgated under the authority under paragraph (2).

"(2) STANDARDS.—If the Secretary determines that inadequate progress is being made on the completion of voluntary consensus-based interoperable communications equipment standards, the Secretary may promulgate such standards and include them in interoperable communications grant guidance.

"SEC. 556. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote emergency communications capabilities and communications interoperability among emergency response providers, including by promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency.

"(b) PURPOSES.—The purposes of the program established under subsection (a) include—

"(1) understanding the strengths and weaknesses of the diverse public safety communications systems;

"(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local government agencies can use this technology in a coherent and cost-effective manner;

"(3) exploring Federal, State, and local government policies that shall move systematically towards long-term solutions;

"(4) evaluating and validating technology concepts, and promoting the deployment of advanced public safety information technologies for emergency communications capabilities and communications interoperability; and

"(5) advancing the creation of a national strategy to enhance emergency communications capabilities, promote communications interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of emergency response providers in valuable new ways.

"SEC. 557. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Port Security Improvements Act of 2006, the Administrator shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities and communications interoperability among emergency response providers and government officials in the event of a natural or man-made disaster in which there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

"(2) INTEROPERABLE DATA COMMUNICATIONS.—Not less than 1 pilot project under this section shall involve the development of interoperable data communications, including medical and victim information, so that this information can be shared among emergency response providers, as needed, at all levels of government, and in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–91; 110 Stat. 1936).

"(b) SELECTION CRITERIA.—In selecting areas for the location of the pilot projects under this section, the Administrator shall consider—

"(1) the risk to the area from a large-scale terrorist attack or natural disaster;

"(2) the number of potential victims from a large-scale terrorist attack or natural disaster in the area;

"(3) the capabilities of the emergency communications systems of the area and capabilities for the development of modeling and simulation training and command and control functions; and

"(4) such other criteria as the Administrator may determine appropriate.

"SEC. 558. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

"(a) IN GENERAL.—The Administrator, through the Office of the Grants and Training, shall make grants to States and eligible regions for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

"(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications capabilities and communications interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

"(1) statewide or regional communications planning;

"(2) system design and engineering;

"(3) procurement and installation of equipment;

"(4) exercises;

"(5) modeling and simulation exercises for operational command and control functions;

"(6) other activities determined by the Administrator to be integral to the achievement of emergency communications capabilities and communications interoperability; and

"(7) technical assistance and training.

"(c) COORDINATION.—The Administrator shall ensure that the Office of Grants and Training coordinates its activities with the Office of Emergency Communications, the Directorate of Science and Technology and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this section and facilitate the achievement of emergency communications capabilities and communications interoperability consistent with the national strategy.

"(d) APPLICATION.—

"(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

"(B) describe how—

"(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, is consistent with the national strategy and architecture; and

"(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

"(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(e) STATE REVIEW AND SUBMISSION.—

"(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Administrator.

"(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Administrator.

"(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(A) notify the Administrator in writing of that fact; and

"(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

"(f) AWARD OF GRANTS.—

"(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

"(A) the nature of the threat to the State or eligible region from natural or man-made disasters;

"(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of a natural or man-made disaster;

"(C) the size of the population, and the population density of the area, that will be served by the interoperable emergency communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences from a natural or man-made disaster;

"(D) the extent to which grants will be used to implement emergency communications and interoperability solutions—

"(i) consistent with the national strategy and compatible with national infrastructure and equipment standards; and

"(ii) more efficient and cost effective than current approaches;

"(E) the number of jurisdictions within regions participating in the development of emergency communications capabilities and interoperable emergency communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

"(F) the extent to which a grant would expedite the achievement of emergency communications capabilities and communications interoperability in the State or eligible region with Federal, State, and local government agencies;

"(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving emergency communications capabilities and communications interoperability by supplementing Federal funds with non-Federal funds;

"(H) whether the State or eligible region is on or near an international border;

"(I) whether the State or eligible region encompasses an economically significant border crossing;

"(J) whether the State or eligible region has a coastline bordering an ocean or international waters including the Great Lakes;

"(K) the extent to which geographic barriers pose unusual obstacles to achieving emergency communications capabilities or communications interoperability;

"(L) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural or man-made disasters arising in those jurisdictions;

"(M) the need to achieve nationwide emergency communications capabilities and communications interoperability, consistent with the national strategies;

"(N) the extent to which the State has formulated a State executive interoperability committee or conducted similar statewide planning efforts;

"(O) whether the activity for which a grant requested is being funded under another homeland security grant program; and

"(P) such other factors as are specified by the Secretary in writing.

"(2) Review Panel.—

"(A) In General.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

"(B) Recommendations.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

"(C) Membership.—The review panel established under subparagraph (A) shall include individuals with technical expertise in emergency communications and communications interoperability and emergency response providers and other relevant State and local government officials.

"(3) Availability of Funds.—Any grant funds awarded that may be used to support emergency communications capabilities or communications interoperability shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).".

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out subtitle B of title V of the Homeland Security Act of 2002, as added by this Act—

(1) $400,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

(c) Conforming Amendments Relating to Intelligence Reform.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Interoperable Emergency Communications System and Communications Interoperability.—The terms 'interoperable emergency communications system' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to—

"(A) communicate with each other as necessary, using information technology systems and radio communications systems; and

"(B) exchange voice, data, or video with each other on demand, in real time, as necessary."; and

(2) by adding at the end the following:

"(3) Emergency Communications Capabilities.—The term 'emergency communications capabilities' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.".

(d) Border Interoperability Demonstration Projects.—

(1) Definitions.—In this subsection—

(A) the term "demonstration project" means a demonstration project established under paragraph (2)(A); and

(B) the term "interoperable emergency communications system" has the meaning given that term in section 551 of the Homeland Security Act of 2002, as added by this Act.

(2) In General.—

(A) Establishment.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(B) Minimum Number of Communities.—The Secretary shall select not fewer than 6 communities to participate in a demonstration project.

(C) Location of Communities.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) Project Requirements.—A demonstration project shall—

(A) address the interoperable emergency communications system needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(B) foster interoperable emergency communications systems—

(i) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(ii) with similar agencies in Canada or Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of equipment for interoperable emergency communications systems;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(G) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) Distribution of Funds.—

(A) In General.—The Secretary shall distribute funds under this subsection to each community participating in a demonstration project through the State, or States, in which each community is located.

(B) Other Participants.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(5) Reporting.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(e) Technical Amendments.—

(1) In General.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating the section 510 relating to urban and other high risk area communications capabilities as section 511.

(2) Table of Contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting before the item relating to section 501 the following:

"Subtitle A—Preparedness and Response";

and

(B) by adding after the item relating to section 509 the following:

"Sec. 510. Procurement of security countermeasures for strategic national stockpile.
"Sec. 511. Urban and other high risk area communications capabilities.

"Subtitle B—Emergency Communications

"Sec. 551. Definitions.
"Sec. 552. Office of Emergency Communications.
"Sec. 553. National Emergency Communications Strategy.
"Sec. 554. Assessments and reports.
"Sec. 555. Coordination of Federal emergency communications grant programs.
"Sec. 556. Emergency communications interoperability research and development.
"Sec. 557. Emergency communications pilot projects.
"Sec. 558. Emergency communications and interoperability grants.".

SA 4990. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 87, after line 18, add the following:

SEC. 501. SHORT TITLE.

This title may be cited as the "Border Security First Act of 2006".

SEC. 502. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 503. DEFINITIONS.

In this title:

(1) Department.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) Secretary.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 504. SEVERABILITY.

If any provision of this title, any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

Subtitle A—Border Enforcement

CHAPTER 1—ASSETS FOR CONTROLLING UNITED STATES BORDERS

SEC. 511. ENFORCEMENT PERSONNEL.

(a) Additional Personnel.—

(1) Port of entry inspectors.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) Investigative personnel.—

(A) Immigration and customs enforcement investigators.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) Additional personnel.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) Deputy United States marshals.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(4) Recruitment of former military personnel.—

(A) In general.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) Report.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) Authorization of Appropriations.—

(1) Port of entry inspectors.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(1).

(2) Deputy United States marshals.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(3).

(3) Border patrol agents.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) Annual Increases.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011.

"(b) Northern Border.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 512. TECHNOLOGICAL ASSETS.

(a) Acquisition.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) Increased Availability of Equipment.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) Unmanned Aerial Vehicle Pilot Program.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) Construction.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 513. INFRASTRUCTURE.

(a) Construction of Border Control Facilities.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 514. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 515. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 516. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the

Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) Yuma Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Other High Trafficked Areas.—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego, Tucson, and Yuma Sectors, and 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States.

(d) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

CHAPTER 2—BORDER SECURITY PLANS, STRATEGIES, AND REPORTS

SEC. 521. SURVEILLANCE PLAN.

(a) Requirement for Plan.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 522. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 521.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) Consultation.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) Coordination.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) Submission to Congress.—

(1) Strategy.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) Updates.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) Immediate Action.—Nothing in this section or section 521 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 523. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) Requirement for Reports.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) Contents.—Each report submitted under subsection (a) shall contain a description of the following:

(1) Security Clearances and Document Integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advanced automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 524. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 525. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures with the Secretary of State to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combat human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 526. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

CHAPTER 3—OTHER BORDER SECURITY INITIATIVES

SEC. 531. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 532. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all border patrol agents conducting operations between ports of entry;

(2) between border patrol agents and their respective border patrol stations;

(3) between border patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 533. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to border patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new border patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new border patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of border patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a border patrol agent.

SEC. 534. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 535. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 536. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 537. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 538. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) Collection of Biometric Data From Alien Crewmen.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) Grounds of Inadmissibility.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) Withholders of biometric data.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) Implementation.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) Implementation.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) In general.—There are authorized"; and

(B) by adding at the end the following:

"(2) Implementation at all land border ports of entry.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 539. BORDER STUDY.

(a) Southern Border Study.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 540. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—

(1) Action.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) Report.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high-risk business practices.

(c) Reports by the Secretary.—

(1) In general.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) Contracts with foreign companies.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) Reports on United States Ports.—Not later than 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 541. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) Requirements During Interim Period.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) Rules of Construction.—

(1) Asylum and removal.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) Treatment of certain aliens.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) Discretion.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 542. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint.

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b), such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements".

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

SEC. 543. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) ANNUAL TRAINING DUTY.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) OTHER SUPPORT.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN BORDER OF THE UNITED STATES.—The term "State along the southern border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

SEC. 544. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within 2 years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

CHAPTER 4—BORDER TUNNEL PREVENTION ACT

SEC. 546. SHORT TITLE.

This chapter may be cited as the "Border Tunnel Prevention Act".

SEC. 547. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 542, is further amended by adding at the end the following:

"§ 556. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 542, is further amended by adding at the end the following:

"Sec. 556. Border tunnels and passages".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "556," before "1425,".

SEC. 548. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 556 of title 18, United States Code, as added by section 547.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 556 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

CHAPTER 5—RAPID RESPONSE MEASURES

SEC. 551. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States border patrol agents (referred to in this chapter as "agents") from the Secretary, the Secretary, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 511(b)(2), is further amended by striking "2,000" and inserting "3,000".

SEC. 552. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—

(A) be appropriate for the mission of the United States Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 553. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 554. PERSONAL EQUIPMENT.

(a) BODY ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 555. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this chapter.

Subtitle B—Border Law Enforcement Relief

CHAPTER 1—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 561. SHORT TITLE.

This chapter may be cited as the "Border Law Enforcement Relief Act of 2006".

SEC. 562. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year.

The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 563. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this subtitle.

SEC. 564. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this chapter shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

CHAPTER 2—ADDITIONAL LAW ENFORCEMENT RELIEF

SEC. 571. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) court costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 572. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 573. EXPEDITED REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "**EXPEDITED REMOVAL OF CRIMINAL ALIENS**";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTION.—Section 235(b)(1)(F) (8 U.S.C. 1225(b)(1)(F)) is amended to read as follows:

"(F) EXCEPTION.—Subparagraph (A) shall not apply to an alien—

"(i) who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations; and

"(ii) who—

"(I) arrives by aircraft at a port of entry; or

"(II) is present in the United States and arrived in any manner at or between a port of entry.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 574. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURE AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 575. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) prosecution and related costs;

(2) court costs;

(3) costs of courtroom technology;

(4) costs of constructing holding spaces;

(5) costs of administrative staff;

(6) costs of defense counsel for indigent defendants; and

(7) detention costs, including pretrial and posttrial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term "case disposition"—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) FEDERALLY DECLINED-REFERRED.—The term "federally declined-referred"—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on a case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) FEDERALLY INITIATED.—The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SEC. 576. SOUTHWEST BORDER PROSECUTION INITIATIVE.

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR PROSECUTING FEDERALLY INITIATED DRUG CASES.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

SEC. 577. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including transporting across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be the sum of—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision;

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; and

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities, if practicable.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Before entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and for each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

Subtitle C—Border Infrastructure and Technology Modernization

CHAPTER 1—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION ACT

SEC. 581. SHORT TITLE.

This chapter may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 582. DEFINITIONS.

In this chapter:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 583. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 584; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 584. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 585. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date

of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program along the southern border, which has been successfully implemented along the northern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 586. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 587. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 583(a);

(2) to carry out section 583(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 585(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 586(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011;

(4) to carry out section 585(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 586, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this chapter may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this chapter.

CHAPTER 2—ADDITIONAL INFRASTRUCTURE ELEMENTS

SEC. 591. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 592. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 593. UNMANNED AERIAL VEHICLES.

(a) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain MQ-9 unmanned aerial vehicles for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2007; and

(B) $276,000,000 for fiscal year 2008.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SA 4991. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. —01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Emergency service.
Sec. —03. Enforcement.
Sec. —04. Migration to IP-enabled emergency network.
Sec. —05. Implementation of ENHANCE-911 Act.
Sec. —06. Definitions.

SEC. —02. EMERGENCY SERVICE.

(a) 911 AND E-911 SERVICES.—

(1) IN GENERAL.—The Federal Communications Commission shall review the requirements established in its Report and Order in WC Docket Nos. 04-36 and 05-196 and shall, within 120 days after the date of enactment of this Act, revise its regulations as may be necessary, or promulgate such additional regulations as may be necessary, to establish requirements that are technologically and operationally feasible for providers of IP-enabled voice service to ensure that 911 and E-911 services are available to subscribers to IP-enabled voice services.

(2) CONTENT.—In the regulations prescribed under paragraph (1), the Commission shall include an appropriate transition period for compliance with those requirements that takes into consideration—

(A) available industry technology and operational standards;

(B) network security; and

(C) public safety answering point capabilities.

(3) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the rules and regulations issued under this title to State commissions or other State agencies or programs with jurisdiction over emergency communications.

(4) EFFECTIVE DATE.—The regulations prescribed under paragraph (1) may not take effect earlier than 90 days after the date on which the Commission issues a final rule under that paragraph.

(b) ACCESS TO 911 COMPONENTS.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(c) State Authority Over Fees.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E-911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E-911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(d) Parity of Protection for Provision or Use of IP-Enabled Voice Service.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E-911 services, and

(3) other matters related to 911 and E-911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9-1-1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(e) Limitation on Commission.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. —03. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. —04. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) In General.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

"(d) Migration Plan Required.—

"(1) National plan required.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2006, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

"(2) Contents of plan.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) include a proposed timetable, an outline of costs and potential savings;

"(D) provide specific legislative language, if necessary, for achieving the plan;

"(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

"(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2006.

"(3) Consultation.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate."; and

(3) by striking "services." in subsection (b)(1) and inserting "services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.".

(b) Report on PSAPs.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) Continuing duty.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPs required to comply.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) Report on Selective Routers.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E-911 service to their subscribers.

SEC. —05. IMPLEMENTATION OF ENHANCE-911 ACT.

(a) In General.—Pursuant to section 3011 of Public Law 109-171 (47 U.S.C. 309 note), the Secretary of Commerce, through the Assistant Secretary for Communications and Information shall make payments of not to exceed $43,500,000 to implement section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) no later than 10 days after the date of enactment of this Act.

(b) Borrowing Authority.—The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed $43,500,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

SEC. —06. DEFINITIONS.

(a) In General.—For purposes of this title:

(1) 911.—The term "911" means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 component.—The term "911 component" means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E-911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E-911 service.—The term "E-911 service" means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-enabled voice service.—The term "IP-enabled voice service" means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately), or without a fee, with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 911 or E-911 calls.

(b) Common Terminology.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

SA 4992. Mr. DeMint submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DeMint to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking “decides that the individual poses a security risk under subsection (c)” and inserting “determines under subsection (c) that the individual poses a security risk”; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

“(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

“(A) has been convicted (or has been found not guilty by reason of insanity) within the preceding 10 years of—

“(i) destruction of a vessel or maritime facility under section 2291 of title 18;

“(ii) violence against maritime navigation under section 2280 of title 18;

“(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

“(iv) interference with maritime commerce under section 2282A of title 18;

“(v) improper transportation of a hazardous material under section 46312 of title 49;

“(vi) piracy or privateering under chapter 81 of title 18;

“(vii) firing or tampering with vessels under section 2275 of title 18;

“(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

“(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

“(x) imparting or conveying false information under section 2292 of title 18;

“(xi) entry by false pretense to any seaport under section 1036 of title 18;

“(xii) murder;

“(xiii) assault with intent to murder;

“(xiv) espionage;

“(xv) sedition;

“(xvi) kidnapping or hostage taking;

“(xvii) treason;

“(xviii) rape or aggravated sexual abuse;

“(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

“(xx) extortion;

“(xxi) armed or felony unarmed robbery;

“(xxii) distribution of, or intent to distribute, a controlled substance;

“(xxiii) felony arson;

“(xxiv) a felony involving a threat;

“(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

“(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

“(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(C) otherwise poses a terrorism security risk to the United States.”.

SA 4993. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking “decides that the individual poses a security risk under subsection (c)” and inserting “determines under subsection (c) that the individual poses a security risk”; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

“(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

“(A) has been convicted (or has been found not guilty by reason of insanity) within the preceding 10 years of—

“(i) destruction of a vessel or maritime facility under section 2291 of title 18;

“(ii) violence against maritime navigation under section 2280 of title 18;

“(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

“(iv) interference with maritime commerce under section 2282A of title 18;

“(v) improper transportation of a hazardous material under section 46312 of title 49;

“(vi) piracy or privateering under chapter 81 of title 18;

“(vii) firing or tampering with vessels under section 2275 of title 18;

“(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

“(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

“(x) imparting or conveying false information under section 2292 of title 18;

“(xi) entry by false pretense to any seaport under section 1036 of title 18;

“(xii) murder;

“(xiii) assault with intent to murder;

“(xiv) espionage;

“(xv) sedition;

“(xvi) kidnapping or hostage taking;

“(xvii) treason;

“(xviii) rape or aggravated sexual abuse;

“(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

“(xx) extortion;

“(xxi) armed or felony unarmed robbery;

“(xxii) distribution of, or intent to distribute, a controlled substance;

“(xxiii) felony arson;

“(xxiv) a felony involving a threat;

“(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

“(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

“(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(C) otherwise poses a terrorism security risk to the United States.”.

SA 4994. Mr. MCCAIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, following the matter after line 25, insert the following:

SEC. 114. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended—

(1) in subsection (a)—

(A) by striking “The Assistant Secretary, in consultation with the” and inserting “The”; and

(B) in paragraph (1), by inserting “planning of,” before “acquistion of”; and

(2) in subsection (b), by striking “Assistant Secretary” each place that term appears and inserting “Secretary of Homeland Security”.

SA 4995. Ms. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: “Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container. The Department of Homeland Security will provide each airline with sufficient blast-resistant cargo containers 90 days after the Department of Homeland Security's pilot program is completed.”.

SA 4996. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 11 and 12, insert the following:

(8) HAZARDOUS.—The term “hazardous” has the meaning given the term “hazardous materials” in section 2101(14) of title 46, United States Code.

On page 6, after line 25, add the following:

(16) TANKER.—The term “tanker” has the meaning given such term in section 2101(38) of title 46, United States Code.

(17) TANKER SECURITY INITIATIVE; TSI.—The terms “Tanker Security Initiative” and “TSI” mean the program authorized under section 206 to identify and examine tankers that could pose a risk for terrorism at foreign ports before they arrive in ports of the United States.

On page 21, between lines 15 and 16, insert the following:

(F) hazardous cargo security;

On page 21, line 16, strike “(F)” and insert “(G)”.

On page 21, line 18, strike “(G)” and insert “(H)”.

On page 21, line 20, strike "(H)" and insert "(I)".

On page 21, line 21, strike "(I)" and insert "(J)".

On page 21, line 25, strike "(J)" and insert "(K)".

On page 25, line 24, insert "and hazardous cargoes" after "containers".

On page 26, line 9, strike "and".

On page 26, line 13, strike the period at the end and insert "; and".

On page 26, between lines 13 and 14, insert the following:

(9) a radiation detection and imagery strategy for hazardous cargoes.

On page 29, line 22, insert "or hazardous cargoes" after "containers".

On page 30, line 18, insert "or hazardous cargoes" after "containers".

On page 31, line 1, insert "and hazardous cargoes" after "containers".

On page 34, line 9, insert "and hazardous cargoes" after "containers".

On page 36, line 12, insert "or the Tanker Security Initiative".

On page 38, line 21, insert "or hazardous cargo" after "container".

On page 39, line 24, insert "or hazardous" after "container".

On page 40, line 9, strike "**CONTAINER**" and insert "**CARGO**".

On page 40, line 16, insert "and hazardous cargoes" after "containers".

On page 41, line 15, insert "and hazardous cargoes" after "containers".

On page 48, between lines 2 and 3, insert the following:

SEC. 206. TANKER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (to be known as the "Tanker Security Initiative" or "TSI") to promulgate and enforce standards and carry out activities to ensure that tanker vessels that transport petrochemicals, natural gas, or other hazardous materials are not used by terrorists or as carriers of weapons of mass destruction.

(b) ELEMENTS.—In carrying out the Tanker Security Initiative, the Secretary may—

(1) develop physical standards intended to prevent terrorists from placing a weapon of mass destruction in or on a tanker vessel without detection;

(2) develop detection equipment, and prescribe the use of such equipment, to be employed on a tanker vessel that is bound for a United States port of entry;

(3) develop new security inspection procedures required to be carried out on a tanker vessel at a foreign port of embarkation, on the high seas, or in United States waters prior to the arrival of such tanker at a United States port of entry;

(4) carry out research and development of sensing devices to detect any nuclear device that is placed in or on a tanker vessel; and

(5) provide assistance to a foreign country to assist such country in carrying out any provisions of the Tanker Security Initiative.

(c) ASSESSMENT.—Before the Secretary designates any foreign port under TSI, the Secretary, in coordination with other Federal officials, as appropriate, shall conduct an assessment of the port to evaluate the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of tankers by terrorists or terrorist weapons;

(2) the economic impact of tankers traveling from the foreign port to the United States in terms of trade value and volume;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the capabilities and level of cooperation expected of the government of the intended host country;

(5) the willingness of the government of the intended host country to permit validation of security practices within the country in which the foreign port is located, for the purposes of C-TPAT or similar programs; and

(6) the potential for C-TPAT and GreenLane cargo traveling through the foreign port.

(d) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under TSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under TSI, to the appropriate congressional committees.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port that processes hazardous cargoes under TSI unless the Secretary has completed the assessment required in subsection (c) for that port and submitted a report under subsection (d) that includes that port.

(f) NEGOTIATIONS.—The Secretary may request that the Secretary of State, in conjunction with the United States Trade Representative, enter into trade negotiations with the government of each foreign country with a port designated under TSI, as appropriate, to ensure full compliance with the requirements under TSI.

(g) INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

(A) establish technical capability requirements and standard operating procedures for the use of nonintrusive inspection and radiation detection equipment in conjunction with TSI;

(B) require that the equipment operated at each port designated under TSI be operated in accordance with the requirements and procedures established under subparagraph (A); and

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under the Container Security Initiative.

(2) CONSIDERATIONS.—

(A) CONSISTENCY OF STANDARDS AND PROCEDURES.—In establishing the technical capability requirements and standard operating procedures under paragraph (1)(A), the Secretary shall take into account any such relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies. Such standards and procedures shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Tanker Security Initiative is located.

(B) APPLICABILITY.—The technical capability requirements and standard operating procedures established pursuant to paragraph (1)(A) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy.

(h) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Tanker Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(i) PERSONNEL.—The Secretary shall—

(1) annually assess the personnel needs at each port designated under TSI;

(2) deploy personnel in accordance with the assessment under paragraph (1); and

(3) consider the potential for remote targeting in decreasing the number of personnel.

(j) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Tanker Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(k) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Tanker Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Tanker Security Initiative, for the purpose of clearing such cargo into the United States.

(l) BUDGET ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a budget analysis for implementing the provisions of this section, including additional cost-sharing arrangements with other Federal departments and other participants involved in the joint operation centers, to appropriate congressional committees.

(m) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

On page 62, line 21, insert "or the Tanker Security Initiative" after "Container Security Initiative".

SA 4997. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses. and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 22 and 23, insert the following:

(b) RISK MANAGEMENT PLAN.—

(1) IN GENERAL.—Under the direction of the Commandant of the Coast Guard, each Area Maritime Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

On page 19, line 16, strike "and".

On page 19, line 18, strike the period at the end and insert "; and".

On page 19, between lines 18 and 19, insert the following:

"(3) is consistent with the Port Wide Risk Management Plan developed under section

111(b) of the Port Security Improvement Act of 2006.

On page 19, strike line 24 and insert the following:

for Preparedness, may require.

"(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.".

SA 4998. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, between lines 9 and 10, insert the following:

"(3) establish a program to improve the interoperability of communications equipment used by law enforcement and other officials operating in the port with the communications equipment used by local law enforcement officials and first responders;

SA 4999. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. BIDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 30, between lines 8 and 9, insert the following:

SEC. 126. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan—

(1) 100 percent of the cargo containers destined for the United States before such containers arrive in the United States; and

(2) cargo containers before such containers leave ports in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) a description of the consequences to be imposed on foreign ports or United States ports that do not meet the benchmarks described in paragraphs (1) and (2), which may include the loss of access to United States ports and fines;

(4) the use of existing programs, including CSI and C-TPAT, to reach annual benchmarks;

(5) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

On page 61, line 6, strike the period at the end and insert "; and".

On page 62, between lines 6 and 7, insert the following:

(5) an update of the initial 100 percent scanning plan based on lessons learned from the pilot program.

SA 5000. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) CONTENTS.—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SA 5001. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 25, strike "a device" and all that follows through page 5, line 4, and insert the following: "a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.".

SA 5002. Mr. LIEBERMAN (for himself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, beginning with "and" on line 5, strike all through line 9, and insert the following:

"(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade; and

"(9) an assessment of the security threat posed by in-bond cargo, including an assessment of any means for mitigating the threat posed by in-bond cargo.

SA 5003. Mr. BAUCUS (for himself, Ms. STABENOW, Mr. MENENDEZ, Ms. CANTWELL, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. OBAMA, Mr. REED, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief Extension Act of 2006".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.
Sec. 102. Extension and modification of new markets tax credit.
Sec. 103. Election to deduct State and local general sales taxes.
Sec. 104. Extension and modification of research credit.
Sec. 105. Work opportunity tax credit and welfare-to-work credit.
Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 107. Extension and modification of qualified zone academy bonds.
Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.
Sec. 109. Extension and expansion of expensing of brownfields remediation costs.
Sec. 110. Tax incentives for investment in the District of Columbia.
Sec. 111. Indian employment tax credit.
Sec. 112. Accelerated depreciation for business property on Indian reservations.
Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 114. Cover over of tax on distilled spirits.
Sec. 115. Parity in application of certain limits to mental health benefits.
Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.
Sec. 117. Availability of medical savings accounts.

Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 119. American Samoa economic development credit.
Sec. 120. Restructuring of New York Liberty Zone tax credits.
Sec. 121. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.
Sec. 122. Authority for undercover operations.
Sec. 123. Disclosures of certain tax return information.

TITLE II—OTHER TAX PROVISIONS

Sec. 201. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 202. Credit for prior year minimum tax liability made refundable after period of years.
Sec. 203. Returns required in connection with certain options.
Sec. 204. Partial expensing for advanced mine safety equipment.
Sec. 205. Mine rescue team training tax credit.
Sec. 206. Whistleblower reforms.
Sec. 207. Frivolous tax submissions.
Sec. 208. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.
Sec. 209. Clarification of taxation of certain settlement funds made permanent.
Sec. 210. Modification of active business definition under section 355 made permanent.
Sec. 211. Revision of State veterans limit made permanent.
Sec. 212. Capital gains treatment for certain self-created musical works made permanent.
Sec. 213. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.
Sec. 214. Modification of special arbitrage rule for certain funds made permanent.
Sec. 215. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.
Sec. 216. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.
Sec. 217. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 218. Treatment of coke and coke gas.
Sec. 219. Sale of property by judicial officers.
Sec. 220. Premiums for mortgage insurance.
Sec. 221. Modification of refunds for kerosene used in aviation.
Sec. 222. Deduction for qualified timber gain.
Sec. 223. Credit to holders of rural renaissance bonds.
Sec. 224. Restoration of deduction for travel expenses of spouse, etc. accompanying taxpayer on business travel.
Sec. 225. Technical corrections.

TITLE III—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 301. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 311. Abandoned Mine Reclamation Fund and purposes.
Sec. 312. Reclamation fee.
Sec. 313. Objectives of Fund.
Sec. 314. Reclamation of rural land.
Sec. 315. Liens.
Sec. 316. Certification.
Sec. 317. Remining incentives.
Sec. 318. Extension of limitation on application of prohibition on issuance of permit.
Sec. 319. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

Sec. 321. Certain related persons and successors in interest relieved of liability if premiums prepaid.
Sec. 322. Transfers to funds; premium relief.
Sec. 323. Other provisions.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking "2005"and inserting "2007".

(b) CONFORMING AMENDMENTS.—Section 222(b)(2)(B) is amended—

(1) by striking "a taxable year beginning in 2004 or 2005" and inserting "any taxable year beginning after 2003", and

(2) by striking "2004 AND 2005" in the heading and inserting "AFTER 2003".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.

(a) EXTENSION.—Section 45D(f)(1)(D) is amended by striking "and 2007" and inserting ", 2007, and 2008".

(b) REGULATIONS REGARDING NON-METROPOLITAN COUNTIES.—Section 45D(i) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) which ensure that non-metropolitan counties receive a proportional allocation of qualified equity investments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Section 164(b)(5)(I) is amended by striking "2006" and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) is amended by striking "2005" and inserting "2007".

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking "2005" and inserting "2007".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking "2.65 percent" and inserting "3 percent",

(B) by striking "3.2 percent" and inserting "4 percent", and

(C) by striking "3.75 percent" and inserting "5 percent".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2006.

(c) ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

"(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

"(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(2) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(A) IN GENERAL.—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(B) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (c)) for such year.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2006.

SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Sections 51(c)(4)(B) and 51A(f) are each amended by striking "2005" and inserting "2007".

(b) ELIGIBILITY OF EX-FELONS DETERMINED WITHOUT REGARD TO FAMILY INCOME.—Paragraph (4) of section 51(d) is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) INCREASE IN MAXIMUM AGE FOR ELIGIBILITY OF FOOD STAMP RECIPIENTS.—Clause (i) of section 51(d)(8)(A) is amended by striking "25" and inserting "40".

(d) EXTENSION OF PAPERWORK FILING DEADLINE.—Section 51(d)(12)(A)(ii)(II) is amended by striking "21st day" and inserting "28th day".

(e) CONSOLIDATION OF WORK OPPORTUNITY CREDIT WITH WELFARE-TO-WORK CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following new subparagraph:

"(I) a long-term family assistance recipient.".

(2) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—The term 'long-term family assistance recipient' means any individual who is certified by the designated local agency—

"(A) as being a member of a family receiving assistance under a IV–A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

"(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

"(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

"(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

"(ii) as having a hiring date which is not more than 2 years after the date of such cessation.".

(3) INCREASED CREDIT FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—Section 51 is amended by inserting after subsection (d) the following new subsection:

"(e) CREDIT FOR SECOND-YEAR WAGES FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—

"(1) IN GENERAL.—With respect to the employment of a long-term family assistance recipient—

"(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

"(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed $10,000 per year.

"(2) QUALIFIED SECOND-YEAR WAGES.—For purposes of this subsection, the term 'qualified second-year wages' means qualified wages—

"(A) which are paid to a long-term family assistance recipient, and

"(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

"(A) such subparagraph (A) shall be applied by substituting '$10,000' for '$6,000', and

"(B) such subparagraph (B) shall be applied by substituting '$833.33' for '$500'.".

(4) REPEAL OF SEPARATE WELFARE-TO-WORK CREDIT.—

(A) IN GENERAL.—Section 51A is hereby repealed.

(B) CLERICAL AMENDMENT.—The table of sections for subpart F of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 51A.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

(2) CONSOLIDATION.—The amendments made by subsections (b), (c), (d), and (e) shall apply to individuals who begin work for the employer after December 31, 2006.

SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi)(II) is amended by striking "2007" and inserting "2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "and 2005" and inserting "2005, 2006, and 2007".

(b) SPECIAL RULES RELATING TO EXPENDITURES, ARBITRAGE, AND REPORTING.—

(1) IN GENERAL.—Section 1397E is amended—

(A) in subsection (d)(1), by striking "and" at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) the issue meets the requirements of subsections (f), (g), and (h).", and

(B) by redesignating subsections (f), (g), (h), and (i) as subsection (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsections:

"(f) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified purposes with respect to qualified zone academies within the 5-year period beginning on the date of issuance of the qualified zone academy bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified zone academy bond, and

"(C) such purposes will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related purposes will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(h) REPORTING.—Issuers of qualified academy zone bonds shall submit reports similar to the reports required under section 149(e).".

(2) CONFORMING AMENDMENTS.—Sections 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amended by striking "section 1397E(i)" and inserting "section 1397E(l)".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

(2) SPECIAL RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act pursuant to allocations of the national zone academy bond limitation for calendar years after 2005.

SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking "or 2005" and inserting "2005, 2006, or 2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

(a) EXTENSION.—Subsection (h) of section 198 is amended by striking "2005" and inserting "2007".

(b) EXPANSION.—Section 198(d)(1) (defining hazardous substance) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any petroleum product (as defined in section 4612(a)(3)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2005" both places it appears and inserting "2007".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2005.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2005" and inserting "2007".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2006" each place it appears and inserting "2008".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2010" and inserting "2012", and

(ii) by striking "2010" in the heading thereof and inserting "2012".

(B) Section 1400B(g)(2) is amended by striking "2010" and inserting "2012".

(C) Section 1400F(d) is amended by striking "2010" and inserting "2012".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2005.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2006" and inserting "2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2005.

SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking "2005" and inserting "2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 168(j)(8) is amended by striking "2005" and inserting "2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking "2006" and inserting "2008".

(b) TREATMENT OF RESTAURANT PROPERTY TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2005.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 114. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f)(1) is amended by striking "2006" and inserting "2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2005.

SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) is amended by striking "2006" and inserting "2007".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "2006" and inserting "2007".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking "2006"and inserting "2007".

SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) EXTENSION OF COMPUTER TECHNOLOGY AND EQUIPMENT DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(G) is amended by striking "2005" and inserting "2007".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made in taxable years beginning after December 31, 2005.

(b) EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.—

(1) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(B) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting "or assembly" after "construction".

(2) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(B) CONFORMING AMENDMENT.—Subparagraph (D) of section 170(e)(6) is amended by inserting "or assembled" after "constructed" and "or assembly" after "construction".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) are each amended by striking "2005" each place it appears in the text and headings and inserting "2007".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking "or 2004" each place it appears and inserting "2004, 2005, or 2006", and

(B) in the heading by striking "OR 2004" and inserting "2004, 2005, OR 2006".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2004" and inserting "2004, 2005, and 2006".

(c) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Section 613A(c)(6)(H) is amended by striking "2006" and inserting "2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—For purposes of section 30A of the Internal Revenue Code of 1986, a domestic corporation shall be treated as a qualified domestic corporation to which such section applies if such corporation—

(1) is an existing credit claimant with respect to American Samoa, and

(2) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006.

(b) SPECIAL RULES FOR APPLICATION OF SECTION.—The following rules shall apply in applying section 30A of the Internal Revenue Code of 1986 for purposes of this section:

(1) AMOUNT OF CREDIT.—Notwithstanding section 30A(a)(1) of such Code, the amount of the credit determined under section 30A(a)(1) of such Code for any taxable year shall be the amount determined under section 30A(d) of such Code, except that section 30A(d) shall be applied without regard to paragraph (3) thereof.

(2) SEPARATE APPLICATION.—In applying section 30A(a)(3) of such Code in the case of a corporation treated as a qualified domestic corporation by reason of this section, section 30A of such Code (and so much of section 936 of such Code as relates to such section 30A) shall be applied separately with respect to American Samoa.

(3) FOREIGN TAX CREDIT ALLOWED.—Notwithstanding section 30A(e) of such Code, the provisions of section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

(c) DEFINITIONS.—For purposes of this section, any term which is used in this section which is also used in section 30A or 936 of such Code shall have the same meaning given such term by such section 30A or 936.

(d) APPLICATION OF SECTION.—Notwithstanding section 30A(h) or section 936(j) of such Code, this section (and so much of section 30A and section 936 of such Code as relates to this section) shall apply to the first two taxable years of a corporation to which subsection (a) applies which begin after December 31, 2005, and before January 1, 2008.

SEC. 120. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $1,750,000,000.

"(C) ANNUAL LIMIT.—

"(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(I) the applicable limit, plus

"(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year is—

"(I) in the case of calendar years 2007 through 2016, $100,000,000,

"(II) in the case of calendar year 2017 or 2018, $200,000,000,

"(III) in the case of calendar year 2019, $150,000,000,

"(IV) in the case of calendar year 2020 or 2021, $100,000,000, and

"(V) in the case of any calendar year after 2021, zero.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2026.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 15-year period beginning on January 1, 2007.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

"(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2026.".

(b) TERMINATION OF CERTAIN NEW YORK LIBERTY ZONE BENEFITS.—

(1) SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking "the termination date" and inserting "the date of the enactment of the Tax Relief Extension Act of 2006 or the termination date if pursuant to a binding contract in effect on such enactment date".

(2) LEASEHOLD.—Section 1400K(c)(2)(B), as so redesignated, is amended by striking "before January 1, 2007" and inserting "on or before the date of the enactment of the Tax Relief Extension Act of 2006 or before January 1, 2007, if pursuant to a binding contract in effect on such enactment date".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking "1400L" and inserting "1400K".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2006.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 121. EXTENSION OF BONUS DEPRECIATION FOR CERTAIN QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.

(a) IN GENERAL.—Subsection (d) of section 1400N is amended by adding at the end the following new paragraph:

"(6) EXTENSION FOR CERTAIN PROPERTY.—

"(A) IN GENERAL.—In the case of any specified Gulf Opportunity Zone extension property, paragraph (2)(A) shall be applied without regard to clause (v) thereof.

"(B) SPECIFIED GULF OPPORTUNITY ZONE EXTENSION PROPERTY.—For purposes of this paragraph, the term 'specified Gulf Opportunity Zone extension property' means property—

"(i) substantially all of the use of which is in one or more specified portions of the GO Zone, and

"(ii) which is—

"(I) nonresidential real property or residential rental property which is placed in service by the taxpayer on or before December 31, 2009, or

"(II) in the case of a taxpayer who places a building described in subclause (I) in service on or before December 31, 2009, property described in section 168(k)(2)(A)(i) if substantially all of the use of such property is in such building and such property is placed in service by the taxpayer not later than 90 days after such building is placed in service.

"(C) SPECIFIED PORTIONS OF THE GO ZONE.—For purposes of this paragraph, the term 'specified portions of the GO Zone' means those portions of the GO Zone which are in any county or parish which is identified by the Secretary as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 40 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).".

(b) EXTENSION NOT APPLICABLE TO INCREASED SECTION 179 EXPENSING.—Paragraph (2) of section 1400N(e) is amended by inserting "without regard to subsection (d)(6)" after "subsection (d)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 101 of the Gulf Opportunity Zone Act of 2005.

SEC. 122. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "2007" both places it appears and inserting "2008".

SEC. 123. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "2006" and inserting "2007".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2006.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking "2006" and inserting "2007".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2006.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "2006" and inserting "2007".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2006.

TITLE II—OTHER TAX PROVISIONS

SEC. 201. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

"(A) IN GENERAL.—In the case of any taxpayer with gross receipts for any taxable year from sources within the Commonwealth of Puerto Rico, if all of such receipts are taxable under section 1 or 11 for such taxable year, then for purposes of determining the domestic production gross receipts of such taxpayer for such taxable year under subsection (c)(4), the term 'United States' shall include the Commonwealth of Puerto Rico.

"(B) SPECIAL RULE FOR APPLYING WAGE LIMITATION.—In the case of any taxpayer described in subparagraph (A), for purposes of applying the limitation under subsection (b) for any taxable year, the determination of W-2 wages of such taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in Puerto Rico.

"(C) TERMINATION.—This paragraph shall apply only with respect to the first 2 taxable years of the taxpayer beginning after December 31, 2005, and before January 1, 2008.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 202. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY MADE REFUNDABLE AFTER PERIOD OF YEARS.

(a) IN GENERAL.—Section 53 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS.—

"(1) IN GENERAL.—If an individual has a long-term unused minimum tax credit for any taxable year beginning before January 1, 2013, the amount determined under subsection (c) for such taxable year shall not be less than the AMT refundable credit amount for such taxable year.

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount equal to the greater of—

"(i) the lesser of—

"(I) $5,000, or

"(II) the amount of long-term unused minimum tax credit for such taxable year, or

"(ii) 20 percent of the amount of such credit.

"(B) PHASEOUT OF AMT REFUNDABLE CREDIT AMOUNT.—

"(i) IN GENERAL.—In the case of an individual whose adjusted gross income for any taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount determined under subparagraph (A) for such taxable year shall be reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)).

"(ii) ADJUSTED GROSS INCOME.—For purposes of clause (i), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(3) LONG-TERM UNUSED MINIMUM TAX CREDIT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'long-term unused minimum tax credit' means, with respect to any taxable year, the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding such taxable year.

"(B) FIRST-IN, FIRST-OUT ORDERING RULE.—For purposes of subparagraph (A), credits shall be treated as allowed under subsection (a) on a first-in, first-out basis.

"(4) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as if it were allowed under subpart C.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking "and 34" and inserting "34, and 53(e)".

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 53(e)" after "section 35".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 203. RETURNS REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

(a) IN GENERAL.—So much of section 6039(a) as follows paragraph (2) is amended to read as follows:

"shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary may by regulations prescribe.".

(b) STATEMENTS TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Section 6039 is amended by redesignating subsections (b) and (c) as subsection (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to such person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) is amended by striking "or" at the end of clause (xvii), by striking "and" at the end of clause (xviii) and inserting "or", and by adding at the end the following new clause:

"(xix) section 6039(a) (relating to returns required with respect to certain options), and".

(2) Section 6724(d)(2)(B) is amended by striking "section 6039(a)" and inserting "section 6039(b)".

(3) The heading of section 6039 and the item relating to such section in the table of sections of subpart A of part III of subchapter A of chapter 61 of such Code are each amended by striking "Information" and inserting "Returns".

(4) The heading of subsection (a) of section 6039 is amended by striking "FURNISHING OF INFORMATION" and inserting "REQUIREMENT OF REPORTING".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 204. PARTIAL EXPENSING FOR ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:

"SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

"(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat 50 percent of the cost of any qualified advanced mine safety equipment property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified advanced mine safety equipment property is placed in service.

"(b) ELECTION.—

"(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall specify the advanced mine safety equipment property to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

"(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

"(c) QUALIFIED ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified advanced mine safety equipment property' means any advanced mine safety equipment property for use in any underground mine located in the United States—

"(1) the original use of which commences with the taxpayer, and

"(2) which is placed in service by the taxpayer after the date of the enactment of this section.

"(d) ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'advanced mine safety equipment property' means any of the following:

"(1) Emergency communication technology or device which is used to allow a miner to maintain constant communication with an individual who is not in the mine.

"(2) Electronic identification and location device which allows an individual who is not in the mine to track at all times the movements and location of miners working in or at the mine.

"(3) Emergency oxygen-generating, self-rescue device which provides oxygen for at least 90 minutes.

"(4) Pre-positioned supplies of oxygen which (in combination with self-rescue devices) can be used to provide each miner on a shift, in the event of an accident or other event which traps the miner in the mine or otherwise necessitates the use of such a self-rescue device, the ability to survive for at least 48 hours.

"(5) Comprehensive atmospheric monitoring system which monitors the levels of carbon monoxide, methane, and oxygen that are present in all areas of the mine and which can detect smoke in the case of a fire in a mine.

"(e) Coordination With Section 179.—No expenditures shall be taken into account under subsection (a) with respect to the portion of the cost of any property specified in an election under section 179.

"(f) Reporting.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the mines of the taxpayer as the Secretary shall require.

"(g) Termination.—This section shall not apply to property placed in service after December 31, 2008.".

(b) Conforming Amendments.—

(1) Section 263(a)(1) is amended by striking "or" at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting ", or", and by inserting after subparagraph (K) the following new subparagraph:

"(L) expenditures for which a deduction is allowed under section 179E.".

(2) Section 312(k)(3)(B) is amended by striking "or 179D" each place it appears in the heading and text thereof and inserting "179D, or 179E".

(3) Paragraphs (2)(C) and (3)(C) of section 1245(a) are each amended by inserting "179E," after "179D,".

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179D the following new item:

"Sec. 179E. Election to expense advanced mine safety equipment.".

(c) Effective Date.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

SEC. 205. MINE RESCUE TEAM TRAINING TAX CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45N. MINE RESCUE TEAM TRAINING CREDIT.

"(a) Amount of Credit.—For purposes of section 38, the mine rescue team training credit determined under this section with respect to each qualified mine rescue team employee of an eligible employer for any taxable year is an amount equal to the lesser of—

"(1) 20 percent of the amount paid or incurred by the taxpayer during the taxable year with respect to the training program costs of such qualified mine rescue team employee (including wages of such employee while attending such program), or

"(2) $10,000.

"(b) Qualified Mine Rescue Team Employee.—For purposes of this section, the term 'qualified mine rescue team employee' means with respect to any taxable year any full-time employee of the taxpayer who is—

"(1) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member as a result of completing, at a minimum, an initial 20-hour course of instruction as prescribed by the Mine Safety and Health Administration's Office of Educational Policy and Development, or

"(2) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member by virtue of receiving at least 40 hours of refresher training in such instruction.

"(c) Eligible Employer.—For purposes of this section, the term 'eligible employer' means any taxpayer which employs individuals as miners in underground mines in the United States.

"(d) Wages.—For purposes of this section, the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(e) Termination.—This section shall not apply to taxable years beginning after December 31, 2008.".

(b) Credit Made Part of General Business Credit.—Section 38(b) is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following new paragraph:

"(31) the mine rescue team training credit determined under section 45N(a).".

(c) No Double Benefit.—Section 280C is amended by adding at the end the following new subsection:

"(e) Mine Rescue Team Training Credit.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45N(a).".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45N. Mine rescue team training credit.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 206. WHISTLEBLOWER REFORMS.

(a) Awards to Whistleblowers.—

(1) In general.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(A) by striking "The Secretary" and inserting "(a) In General.—The Secretary",

(B) by striking "and" at the end of paragraph (1) and inserting "or",

(C) by striking "(other than interest)", and

(D) by adding at the end the following new subsection:

"(b) Awards to Whistleblowers.—

"(1) In general.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) Award in case of less substantial contribution.—

"(A) In general.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) Nonapplication of paragraph where individual is original source of information.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) Reduction in or denial of award.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

"(4) Appeal of award determination.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(5) Application of this subsection.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $2,000,000.

"(6) Additional rules.—

"(A) No contract necessary.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) Representation.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) Submission of information.—No award may be made under this subsection based on information submitted to the Secretary unless such information is submitted under penalty of perjury.".

(2) Assignment to special trial judges.—

(A) In general.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking "and" at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

"(5) any proceeding under section 7623(b)(4), and".

(B) Conforming amendment.—Section 7443A(c) is amended by striking "or (4)" and inserting "(4), or (5)".

(3) Deduction allowed whether or not taxpayer itemizes.—Subsection (a) of section 62 (relating to general rule defining adjusted gross income) is amended by inserting after paragraph (20) the following new paragraph:

"(21) Attorneys fees relating to awards to whistleblowers.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under section 7623(b) (relating to awards to whistleblowers). The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of such award.".

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Not later than the date which is 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance for the operation of a whistleblower program to be administered in the Internal Revenue Service by an office to be known as the "Whistleblower Office" which—

(A) shall at all times operate at the direction of the Commissioner of Internal Revenue and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner of Internal Revenue,

(B) shall analyze information received from any individual described in section 7623(b) of the Internal Revenue Code of 1986 and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office, and

(C) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual.

(2) REQUEST FOR ASSISTANCE.—The guidance issued under paragraph (1) shall specify that any assistance requested under paragraph (1)(C) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under paragraph (1)(A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

(c) REPORT BY SECRETARY.—The Secretary of the Treasury shall each year conduct a study and report to Congress on the use of section 7623 of the Internal Revenue Code of 1986, including—

(1) an analysis of the use of such section during the preceding year and the results of such use, and

(2) any legislative or administrative recommendations regarding the provisions of such section and its application.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to information provided on or after the date of the enactment of this Act.

SEC. 207. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(f) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 208. ADDITION OF MENINGOCOCCAL AND HUMAN PAPILLOMAVIRUS VACCINES TO LIST OF TAXABLE VACCINES.

(a) MENINGOCOCCAL VACCINE.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(O) Any meningococcal vaccine.".

(b) HUMAN PAPILLOMAVIRUS VACCINE.—Section 4132(a)(1), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(P) Any vaccine against the human papillomavirus.".

(c) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 209. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.

(a) IN GENERAL.—Subsection (g) of section 468B, as amended by section 201 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 210. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.

(a) IN GENERAL.—Subparagraphs (A) and (D) of section 355(b)(3), as amended by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005, are each amended by striking :"and on or before December 31, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 202 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 211. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (B) of section 143(l)(3), as amended by section 203 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking clause (iv).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 203 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 212. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (3) of section 1221(b), as amended by section 204 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "before January 1, 2011,".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 204 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 213. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a), as amended by section 205 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "10,000 (6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)" and inserting "6,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 205 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 214. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS MADE PERMANENT.

(a) IN GENERAL.—Section 206 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "and before August 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 206 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 215. GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL FROM TONNAGE TAX.

(a) IN GENERAL.—Section 1355 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL.—

"(1) IN GENERAL.—If the electing corporation elects (at such time and in such manner as the Secretary may require) to apply this subsection for any taxable year to any qualifying vessel which is used in qualified zone domestic trade during the taxable year—

"(A) solely for purposes of subsection (a)(4), such use shall be treated as use in United States foreign trade (and not as use in United States domestic trade), and

"(B) subsection (f) shall not apply with respect to such vessel for such taxable year.

"(2) EFFECT OF TEMPORARILY OPERATING VESSEL IN UNITED STATES DOMESTIC TRADE.—In the case of a qualifying vessel to which this subsection applies—

"(A) IN GENERAL.—An electing corporation shall be treated as using such vessel in qualified zone domestic trade during any period of temporary use in the United States domestic trade (other than qualified zone domestic trade) if the electing corporation gives timely notice to the Secretary stating—

"(i) that it temporarily operates or has operated in the United States domestic trade (other than qualified zone domestic trade) a qualifying vessel which had been used in the United States foreign trade or qualified zone domestic trade, and

"(ii) its intention to resume operation of the vessel in the United States foreign trade or qualified zone domestic trade.

"(B) NOTICE.—Notice shall be deemed timely if given not later than the due date (including extensions) for the corporation's tax return for the taxable year in which the temporary cessation begins.

"(C) PERIOD DISREGARD IN EFFECT.—The period of temporary use under subparagraph (A) continues until the earlier of the date of which—

"(i) the electing corporation abandons its intention to resume operations of the vessel in the United States foreign trade or qualified zone domestic trade, or

"(ii) the electing corporation resumes operation of the vessel in the United States foreign trade or qualified zone domestic trade.

"(D) NO DISREGARD IF DOMESTIC TRADE USE EXCEEDS 30 DAYS.—Subparagraph (A) shall not apply to any qualifying vessel which is operated in the United States domestic trade (other than qualified zone domestic trade) for more than 30 days during the taxable year.

"(3) ALLOCATION OF INCOME AND DEDUCTIONS TO QUALIFYING SHIPPING ACTIVITIES.—In the case of a qualifying vessel to which this subsection applies, the Secretary shall prescribe rules for the proper allocation of income, expenses, losses, and deductions between the qualified shipping activities and the other activities of such vessel.

"(4) QUALIFIED ZONE DOMESTIC TRADE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified zone domestic trade' means the transportation of goods or passengers between places in the qualified zone if such transportation is in the United States domestic trade.

"(B) QUALIFIED ZONE.—The term 'qualified zone' means the Great Lakes Waterway and the St. Lawrence Seaway.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 216. USE OF QUALIFIED MORTGAGE BONDS TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.

(a) IN GENERAL.—Section 143(d)(2) (relating to exceptions to 3-year requirement) is amended by striking "and" at the end of subparagraph (B), by adding "and" at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2008, financing of any residence for a veteran (as defined in section 101 of title 38, United States Code), if such veteran has not previously qualified for and received such financing by reason of this subparagraph,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 217. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking "duty" and all that follows and inserting "duty—

"(i) as a member of the uniformed services,

"(ii) as a member of the Foreign Service of the United States, or

"(iii) as an employee of the intelligence community.".

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) EMPLOYEE OF INTELLIGENCE COMMUNITY.—The term 'employee of the intelligence community' means an employee (as defined by section 2105 of title 5, United States Code) of—

"(I) the Office of the Director of National Intelligence,

"(II) the Central Intelligence Agency,

"(III) the National Security Agency,

"(IV) the Defense Intelligence Agency,

"(V) the National Geospatial-Intelligence Agency,

"(VI) the National Reconnaissance Office,

"(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

"(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

"(IX) the Bureau of Intelligence and Research of the Department of State, or

"(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.".

(c) SPECIAL RULE.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

"(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless such duty is at a duty station located outside the United States.".

(d) CONFORMING AMENDMENT.—The heading for section 121(d)(9) is amended to read as follows: "UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act and before January 1, 2011.

SEC. 218. TREATMENT OF COKE AND COKE GAS.

(a) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

"(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.".

(b) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting "(other than from petroleum based products)" after "coke or coke gas".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1321 of the Energy Policy Act of 2005.

SEC. 219. SALE OF PROPERTY BY JUDICIAL OFFICERS.

(a) IN GENERAL.—Section 1043(b) (relating to the sale of property to comply with conflict-of-interest requirements) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", or a judicial officer," after "an officer or employee of the executive branch"; and

(B) in subparagraph (B), by inserting "judicial canon," after "any statute, regulation, rule,";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "judicial canon," after "any Federal conflict of interest statute, regulation, rule,"; and

(B) in subparagraph (B), by inserting after "the Director of the Office of Government Ethics," the following: "in the case of executive branch officers or employees, or by the Judicial Conference of the United States (or its designee), in the case of judicial officers,"; and

(3) in paragraph (5)(B), by inserting "judicial canon," after "any statute, regulation, rule,".

(b) JUDICIAL OFFICER DEFINED.—Section 1043(b) is amended by adding at the end the following new paragraph:

"(6) JUDICIAL OFFICER.—The term 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of enactment of this Act.

SEC. 220. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Section 163(h)(3) (relating to qualified residence interest) is amended by adding at the end the following new subparagraph:

"(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

"(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this section as interest which is qualified residence interest.

"(ii) PHASEOUT.—The amount otherwise treated as interest under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).

"(iii) LIMITATION.—Clause (i) shall not apply with respect to any mortgage insurance contracts issued before January 1, 2007.

"(iv) TERMINATION.—Clause (i) shall not apply to amounts—

"(I) paid or accrued after December 31, 2007, or

"(II) properly allocable to any period after such date.".

(b) DEFINITION AND SPECIAL RULES.—Section 163(h)(4) (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

"(E) QUALIFIED MORTGAGE INSURANCE.—The term 'qualified mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

"(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.".

(c) INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.—Section 6050H (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

"(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

"(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

"(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

"(3) SPECIAL RULES.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (c) shall apply, and

"(B) the term 'mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subsection).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2006.

SEC. 221. MODIFICATION OF REFUNDS FOR KEROSENE USED IN AVIATION.

(a) IN GENERAL.—Paragraph (4) of section 6427(l) (relating to nontaxable uses of diesel fuel and kerosene) is amended to read as follows:

"(4) REFUNDS FOR KEROSENE USED IN AVIATION.—

"(A) KEROSENE USED IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4041 or 4081, as the case may be, as is attributable to—

"(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(ii) so much of the rate of tax specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be, as does not exceed 4.3 cents per gallon.

"(B) KEROSENE USED IN NONCOMMERCIAL AVIATION.—In the case of kerosene used in aviation that is not commercial aviation (as so defined) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to—

"(i) any tax imposed by section 4041(c), and

"(ii) so much of the tax imposed by section 4081 as is attributable to—

"(I) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(II) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

"(C) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—

"(i) IN GENERAL.—With respect to any kerosene used in aviation (other than kerosene described in clause (ii) or kerosene to which paragraph (5) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(I) is registered under section 4101, and

"(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).

"(ii) PAYMENTS FOR KEROSENE USED IN NONCOMMERCIAL AVIATION.—The amount which would be paid under paragraph (1) with respect to any kerosene to which subparagraph (B) applies shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

"(I) is registered under section 4101, and

"(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(b) CONFORMING AMENDMENTS.—

(1) Section 6427(l) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(2) Section 4082(d)(2)(B) is amended by striking "section 6427(l)(6)(B)" and inserting "section 6427(l)(5)(B)".

(3) Section 6427(i)(4)(A) is amended—

(A) by striking "paragraph (4)(B), (5), or (6)" each place it appears and inserting "paragraph (4)(C) or (5)", and

(B) by striking "(l)(5), and (l)(6)" and inserting "(l)(4)(C)(ii), and (l)(5)".

(4) Section 6427(l)(1) is amended by striking "paragraph (4)(B)" and inserting "paragraph (4)(C)(i)".

(5) Section 9502(d) is amended—

(A) in paragraph (2), by striking "and (l)(5)", and

(B) in paragraph (3), by striking "or (5)".

(6) Section 9503(c)(7) is amended—

(A) by amending subparagraphs (A) and (B) to read as follows:

"(A) 4.3 cents per gallon of kerosene subject to section 6427(l)(4)(A) with respect to which a payment has been made by the Secretary under section 6427(l), and

"(B) 21.8 cents per gallon of kerosene subject to section 6427(l)(4)(B) with respect to which a payment has been made by the Secretary under section 6427(l).", and

(B) in the matter following subparagraph (B), by striking "or (5)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to kerosene sold after September 30, 2005.

(2) SPECIAL RULE FOR PENDING CLAIMS.—In the case of kerosene sold for use in aviation (other than kerosene to which section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies or kerosene to which section 6427(l)(5) of such Code (as redesignated by subsection (b)) applies) after September 30, 2005, and before the date of the enactment of this Act, the ultimate purchaser shall be treated as having waived the right to payment under section 6427(l)(1) of such Code and as having assigned such right to the ultimate vendor if such ultimate vendor has met the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1) of such Code.

(d) SPECIAL RULE FOR KEROSENE USED IN AVIATION ON A FARM FOR FARMING PURPOSES.—

(1) REFUNDS FOR PURCHASES AFTER DECEMBER 31, 2004, AND BEFORE OCTOBER 1, 2005.—The Secretary of the Treasury shall pay to the ultimate purchaser of any kerosene which is used in aviation on a farm for farming purposes and which was purchased after December 31, 2004, and before October 1, 2005, an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081 of the Internal Revenue Code of 1986, as the case may be, reduced by any payment to the ultimate vendor under section 6427(l)(5)(C) of such Code (as in effect on the day before the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users).

(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1), kerosene shall be treated as used on a farm for farming purposes if such kerosene is used for farming purposes (within the meaning of section 6420(c)(3) of the Internal Revenue Code of 1986) in carrying on a trade or business on a farm situated in the United States. For purposes of the preceding sentence, rules similar to the rules of section 6420(c)(4) of such Code shall apply.

(3) TIME FOR FILING CLAIMS.—No claim shall be allowed under paragraph (1) unless the ultimate purchaser files such claim before the date that is 3 months after the date of the enactment of this Act.

(4) NO DOUBLE BENEFIT.—No amount shall be paid under paragraph (1) or section 6427(l) of the Internal Revenue Code of 1986 with respect to any kerosene described in paragraph (1) to the extent that such amount is in excess of the tax imposed on such kerosene under section 4041 or 4081 of such Code, as the case may be.

(5) APPLICABLE LAWS.—For purposes of this subsection, rules similar to the rules of section 6427(j) of the Internal Revenue Code of 1986 shall apply.

SEC. 222. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

"(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

"(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

"(d) TERMINATION.—No disposition of timber after December 31, 2007, shall be taken into account under subsection (b).".

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) CORPORATIONS.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62, as amended by this Act, is amended by inserting before the last sentence the following new paragraph:

"(22) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.".

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.".

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.".

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SEC. 223. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond, which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than subpart C and this section).

“(d) RURAL RENAISSANCE BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘rural renaissance bond’ means any bond issued as part of an issue if—

“(A) the bond is issued by a qualified issuer,

“(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

“(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

“(D) the issue meets the requirements of subsections (e) and (h).

“(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

“(A) IN GENERAL.—The term ‘qualified project’ means 1 or more projects described in subparagraph (B) located in a rural area.

“(B) PROJECTS DESCRIBED.—A project described in this subparagraph is—

“(i) a water or waste treatment project,

“(ii) an affordable housing project,

“(iii) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

“(iv) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production, processing, or retail sale of ethanol (including fuel at least 85 percent of the volume of which consists of ethanol), biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

“(v) a distance learning or telemedicine project,

“(vi) a rural utility infrastructure project, including any electric or telephone system,

“(vii) a project to expand broadband technology,

“(viii) a rural teleworks project, and

“(ix) any project described in any preceding clause carried out by the Delta Regional Authority.

“(C) SPECIAL RULES.—For purposes of this paragraph—

“(i) any project described in subparagraph (B)(iv) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

“(ii) any project for a farmer-owned entity which is a facility described in subparagraph (B)(iv) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

“(3) SPECIAL USE RULES.—

“(A) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

“(B) REIMBURSEMENT.—For purposes of paragraph (1)(B), a rural renaissance bond may be issued to reimburse a borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

“(i) prior to the payment of the original expenditure, the borrower declared its intent to reimburse such expenditure with the proceeds of a rural renaissance bond,

“(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(C) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

“(e) MATURITY LIMITATIONS.—

“(1) DURATION OF TERM.—A bond shall not be treated as a rural renaissance bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

“(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

“(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

“(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation of $200,000,000.

“(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

“(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(h) SPECIAL RULES RELATING TO EXPENDITURES.—

“(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

“(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

“(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond, the proceeds of which are to be loaned to 2 or more borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a borrower, and

“(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

“(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

“(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

“(j) QUALIFIED ISSUER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified issuer’ means any not-for-profit cooperative lender which has as of the date of the enactment of this section received a guarantee under section 306 of the Rural Electrification Act and which meets the requirement of paragraph (2).

“(2) USER FEE REQUIREMENT.—The requirement of this paragraph is met if the issuer of any rural renaissance bond makes grants for qualified projects as defined under subsection (d)(2) on a semi-annual basis every year that such bond is outstanding in an annual amount equal to one-half of the rate on United States Treasury Bills of the same maturity multiplied by the outstanding principal balance of rural renaissance bonds issued by such issuer.

"(k) Special Rules Relating to Pool Bonds.—No portion of a pooled financing bond may be allocable to a loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) Other Definitions and Special Rules.—For purposes of this section—

"(1) Bond.—The term 'bond' includes any obligation.

"(2) Pooled financing bond.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) Rural area.—The term 'rural area' means any area other than—

"(A) a city or town which has a population of greater than 50,000 inhabitants, or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(4) Partnership; S corporation; and other pass-thru entities.—

"(A) In general.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) No basis adjustment.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(l) shall apply.

"(5) Bonds held by regulated investment companies.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) Reporting.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).".

(b) Reporting.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) Reporting of credit on rural renaissance bonds.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) Conforming Amendments.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54A. Credit to holders of rural renaissance bonds.".

(2) Section 54(c)(2) is amended by inserting ", section 54A," after "subpart C".

(3) Section 1400N(l)(3)(B) is amended by inserting ", section 54A," after "subpart C".

(d) Issuance of Regulations.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act and before January 1, 2010.

SEC. 224. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) In General.—Subsection (m) of section 274 (relating to additional limitations on travel expenses) is amended by adding at the end the following new paragraph:

"(4) Termination.—Paragraph (3) shall not apply to any expense paid or incurred after the date of the enactment of this paragraph and before January 1, 2008.".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 225. TECHNICAL CORRECTIONS.

(a) Technical Correction Relating to Look-Through Treatment of Payments Between Related Controlled Foreign Corporations Under the Foreign Personal Holding Company Rules.—

(1) In general.—

(A) The first sentence of section 954(c)(6)(A), as amended by section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking "which is not subpart F income" and inserting "which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States".

(B) Section 954(c)(6)(A), as so amended, is amended by striking the last sentence and inserting the following: "The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph."

(2) Effective date.—The amendments made by this subsection shall take effect as if included in section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005.

(b) Technical Correction Regarding Authority to Exercise Reasonable Cause and Good Faith Exception.—

(1) In general.—Section 903(d)(2)(B)(iii) of the American Jobs Creation Act of 2004, as amended by section 303(a) of the Gulf Opportunity Zone Act of 2005, is amended by inserting "or the Secretary's delegate" after "the Secretary of the Treasury".

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

TITLE III—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

SEC. 301. SHORT TITLE.

This title may be cited as the "Surface Mining Control and Reclamation Act Amendments of 2006".

Subtitle A—Mining Control and Reclamation

SEC. 311. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) In General.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

(A) by striking paragraphs (2) and (6); and

(B) by redesignating paragraphs (3), (4), and (5) and paragraphs (7) through (13) as paragraphs (2) through (11), respectively;

(2) by striking subsection (d) and inserting the following:

"(d) Availability of Moneys; No Fiscal Year Limitation.—

"(1) In general.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

"(2) No fiscal year limitation.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

"(3) Other purposes.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).";

(3) in subsection (e)—

(A) in the second sentence, by striking "the needs of such fund" and inserting "achieving the purposes of the transfers under section 402(h)"; and

(B) in the third sentence, by inserting before the period the following: "for the purpose of the transfers under section 402(h)"; and

(4) by adding at the end the following:

"(f) General Limitation on Obligation Authority.—

"(1) In general.—From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

"(2) Amounts.—

"(A) For fiscal years 2008 through 2022.—For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—

"(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

"(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

"(B) Fiscal years 2023 and thereafter.—For fiscal year 2023 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2022.

"(3) Distribution.—

"(A) In general.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

"(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section 411(h)(3) in accordance with section 411(h)(2), for grants to States and Indian tribes under section 402(g)(5); and

"(ii) the amounts allocated under section 402(g)(8).

"(B) Exclusion.—Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 402(g)(1).

"(4) Availability.—Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

"(5) Addition.—

"(A) In general.—Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

"(B) EXCEPTIONS.—Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

"(i) 50 percent in fiscal year 2008.

"(ii) 50 percent in fiscal year 2009.

"(iii) 75 percent in fiscal year 2010.

"(iv) 75 percent in fiscal year 2011.".

(b) CONFORMING AMENDMENT.—Section 712(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1302(b)) is amended by striking "section 401(c)(11)" and inserting "section 401(c)(9)".

SEC. 312. RECLAMATION FEE.

(a) AMOUNTS.—

(1) FISCAL YEARS 2008–2012.—Effective October 1, 2007, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(A) by striking "35" and inserting "31.5";

(B) by striking "15" and inserting "13.5"; and

(C) by striking "10 cents" and inserting "9 cents".

(2) FISCAL YEARS 2013–2021.—Effective October 1, 2012, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) (as amended by paragraph (1)) is amended—

(A) by striking "31.5" and inserting "28";

(B) by striking "13.5" and inserting "12"; and

(C) by striking "9 cents" and inserting "8 cents".

(b) DURATION.—Effective September 30, 2007, section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) (as amended by section 7007 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 484)) is amended by striking "September 30, 2007" and all that follows through the end of the sentence and inserting "September 30, 2021.".

(c) ALLOCATION OF FUNDS.—Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (1)(D)—

(A) by inserting "(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)" after "this paragraph"; and

(B) by striking "in any area under paragraph (2), (3), (4), or (5)" and inserting "under paragraph (5)";

(2) by striking paragraph (2) and inserting:

"(2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).";

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "paragraphs (2) and" and inserting "paragraph";

(B) in subparagraph (A), by striking "401(c)(11)" and inserting "401(c)(9)"; and

(C) by adding at the end the following:

"(E) For the purpose of paragraph (8).";

(4) in paragraph (5)—

(A) by inserting "(A)" after "(5)";

(B) in the first sentence, by striking "40" and inserting "60";

(C) in the last sentence, by striking "Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)" and inserting "Funds made available under paragraph (3) or (4)"; and

(D) by adding at the end the following:

"(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A)."; and

(5) by striking paragraphs (6) through (8) and inserting the following:

"(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under paragraphs (1) and (5) if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

"(B) In this paragraph, the term 'qualified hydrologic unit' means a hydrologic unit—

"(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

"(ii) that contains land and water that are—

"(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and

"(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

"(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

"(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than $3,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).

"(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.".

(d) TRANSFERS OF INTEREST EARNED BY ABANDONED MINE RECLAMATION FUND.—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended by striking subsection (h) and inserting the following:

"(h) TRANSFERS OF INTEREST EARNED BY FUND.—

"(1) IN GENERAL.—

"(A) TRANSFERS TO COMBINED BENEFIT FUND.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to make the transfer described in paragraph (2)(A).

"(B) TRANSFERS TO 1992 AND 1993 PLANS.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

"(2) TRANSFERS DESCRIBED.—The transfers referred to in paragraph (1) are the following:

"(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

"(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

"(I) required premiums; and

"(II) payments paid by Federal agencies in connection with benefits provided by the Combined Benefit Fund; and

"(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

"(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

"(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus

"(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

"(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

"(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA benefit plan.

"(C) MULTIEMPLOYER HEALTH BENEFIT PLAN.—A transfer to the Multiemployer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in subparagraph (B) (referred to in this subparagraph and subparagraph (D) as 'the Plan'), in an amount equal to the excess (if any) of—

"(i) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to provide benefits no greater than those provided by the Plan as of December 31, 2006; over "(ii) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

Such excess shall be calculated by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive benefits under the Plan on the first day of the calendar year for which the transfer is made.

"(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits from the Plan beginning on December 31, 2006.

"(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

"(4) ADDITIONAL AMOUNTS.—

"(A) PREVIOUSLY CREDITED INTEREST.—Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

"(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

"(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of subsection (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

"(B) PREVIOUSLY ALLOCATED AMOUNTS.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

"(C) ADEQUACY OF PREVIOUSLY CREDITED INTEREST.—The Secretary shall—

"(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

"(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

"(D) ADDITIONAL RESERVE AMOUNTS.—In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for transfer to the fund to carry out the purposes of subparagraph (A)(ii).

"(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

"(5) LIMITATIONS.—

"(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

"(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

"(i) IN GENERAL.—

"(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C) on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

"(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

"(ii) INITIAL CONTRIBUTIONS.—

"(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the amount actually transferred due to the operation of subparagraph (C).

"(II) FIRST CALENDAR YEAR.—Calendar year 2006 is the first calendar year for which contributions are required under this clause.

"(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

"(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006 and taking into account all assets held by the plan as of that date.

"(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

"(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subparagraphs (B) and (C) of paragraph (2) shall equal the following amounts:

"(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

"(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

"(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

"(i) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans described in subsection (h)(2) such sums as are necessary to pay the following amounts:

"(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the 'Combined Fund'), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

"(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

"(I) the amount described in subparagraph (A); minus

"(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.

"(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

"(I) the amount described in subparagraph (A); minus

"(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

"(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

"(I) the amount described in subparagraph (A); minus

"(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

"(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

"(C) To the Combined Fund, $9,000,000 on October 1, 2007, $9,000,000 on October 1, 2008, and $9,000,000 on October 1, 2009 (which amounts shall not be exceeded) to provide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the premium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

"(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

"(I) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration; and

"(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

"(ii) on or before September 7, 2000, the signatory operator (or any related person to the operator) had paid to the Combined Fund any premium amount that had not been refunded.

"(2) PAYMENTS TO STATES AND INDIAN TRIBES.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

"(3) LIMITATIONS.—

"(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed $490,000,000.

"(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds so that—

"(i) each transfer for the fiscal year is a percentage of the amount described;

"(ii) the amount is determined without regard to subsection (h)(5)(A); and

"(iii) the percentage transferred is the same for all transfers made under this subsection for the fiscal year.

"(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraph (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.".

SEC. 313. OBJECTIVES OF FUND.

Section 403 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(1) the protection" and inserting the following:

"(1)(A) the protection;";

(ii) in subparagraph (A) (as designated by clause (i)), by striking "general welfare,"; and

(iii) by adding at the end the following:

"(B) the restoration of land and water resources and the environment that—

"(i) have been degraded by the adverse effects of coal mining practices; and

"(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);";

(B) in paragraph (2)—

(i) by striking "(2) the protection" and inserting the following:

"(2)(A) the protection";

(ii) in subparagraph (A) (as designated by clause (i), by striking "health, safety, and general welfare" and inserting "health and safety"; and

(iii) by adding at the end the following:

"(B) the restoration of land and water resources and the environment that—

"(i) have been degraded by the adverse effects of coal mining practices; and

"(ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and";

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) and (5);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "WATER SUPPLY RESTORATION.—"; and

(B) in paragraph (1), by striking "up to 30 percent of the"; and

(3) in the second sentence of subsection (c), by inserting ", subject to the approval of the Secretary," after "amendments".

SEC. 314. RECLAMATION OF RURAL LAND.

(a) ADMINISTRATION.—Section 406(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236(h)) is amended by striking "Soil Conservation Service" and inserting "Natural Resources Conservation Service".

(b) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT RURAL LAND RECLAMATION.—Section 406 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236) is amended by adding at the end the following:

"(i) There are authorized to be appropriated to the Secretary of Agriculture, from amounts in the Treasury other than amounts in the fund, such sums as may be necessary to carry out this section.".

SEC. 315. LIENS.

Section 408(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1238) is amended in the last sentence by striking "who owned the surface prior to May 2, 1977, and".

SEC. 316. CERTIFICATION.

Section 411 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before the first sentence; and

(B) by adding at the end the following:

"(2)(A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to in section 403(c) all reclamation projects relating to the priorities described in section 403(a) for eligible land and water pursuant to section 404 in the State or tribe have been completed.

"(B) The Secretary shall only make the certification after notice in the Federal Register and opportunity for public comment."; and

(2) by adding at the end the following:

"(h) PAYMENTS TO STATES AND INDIAN TRIBES.—

"(1) IN GENERAL.—

"(A) PAYMENTS.—

"(i) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall make payments to States or Indian tribes for the amount due for the aggregate unappropriated amount allocated to the State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

"(ii) CONVERSION AS EQUIVALENT PAYMENTS.—Amounts allocated under subparagraphs (A) or (B) of section 402(g)(1) shall be reallocated to the allocation established in section 402(g)(5) in amounts equivalent to payments made to States or Indian tribes under this paragraph.

"(B) AMOUNT DUE.—In this paragraph, the term 'amount due' means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 402(g)(1).

"(C) SCHEDULE.—Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

"(D) USE OF FUNDS.—

"(i) CERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

"(ii) UNCERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided under this paragraph for the purposes described in section 403.

"(2) SUBSEQUENT STATE AND INDIAN TRIBE SHARE FOR CERTIFIED STATES AND INDIAN TRIBES.—

"(A) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

"(B) CERTIFIED STATE OR INDIAN TRIBE DEFINED.—In this paragraph the term 'certified State or Indian tribe' means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

"(3) MANNER OF PAYMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 401(d) and concurrently with payments to States under that section.

"(B) INITIAL PAYMENTS.—The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

"(C) INSTALLMENTS.—Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

"(4) REALLOCATION.—

"(A) IN GENERAL.—The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1) that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 402(g)(5).

"(B) ALLOCATION.—The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 402(g)(5).".

SEC. 317. REMINING INCENTIVES.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the following:

"SEC. 415. REMINING INCENTIVES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

"(b) REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

"(c) INCENTIVES.—

"(1) IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

"(A) a rebate or waiver of the reclamation fees required under section 402(a); and

"(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

"(2) LIMITATIONS.—

"(A) USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

"(i) remove or reprocess abandoned coal mine waste; or

"(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

"(B) AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.".

SEC. 318. EXTENSION OF LIMITATION ON APPLICATION OF PROHIBITION ON ISSUANCE OF PERMIT.

Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended by striking the last sentence.

SEC. 319. TRIBAL REGULATION OF SURFACE COAL MINING AND RECLAMATION OPERATIONS.

(a) IN GENERAL.—Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following:

"(j) TRIBAL REGULATORY AUTHORITY.—

"(1) TRIBAL REGULATORY PROGRAMS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe may apply for, and obtain the approval of, a tribal program under section 503 regulating in whole or in part surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe using the procedures of section 504(e).

"(B) REFERENCES TO STATE.—For purposes of this subsection and the implementation and administration of a tribal program under title V, any reference to a 'State' in this Act shall be considered to be a reference to a 'tribe'.

"(2) CONFLICTS OF INTEREST.—

"(A) IN GENERAL.—The fact that an individual is a member of an Indian tribe does not in itself constitute a violation of section 201(f).

"(B) EMPLOYEES OF TRIBAL REGULATORY AUTHORITY.—Any employee of a tribal regulatory authority shall not be eligible for a per capita distribution of any proceeds from coal mining operations conducted on Indian reservation lands under this Act.

"(3) SOVEREIGN IMMUNITY.—To receive primary regulatory authority under section 504(e), an Indian tribe shall waive sovereign immunity for purposes of section 520 and paragraph (4).

"(4) JUDICIAL REVIEW.—

"(A) CIVIL ACTIONS.—

"(i) IN GENERAL.—After exhausting all tribal remedies with respect to a civil action arising under a tribal program approved under section 504(e), an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

"(ii) SCOPE OF REVIEW.—

"(I) QUESTIONS OF LAW.—The United States circuit court shall review de novo any questions of law under clause (i).

"(II) FINDINGS OF FACT.—The United States circuit court shall review findings of fact under clause (i) using a clearly erroneous standard.

"(B) CRIMINAL ACTIONS.—Any criminal action brought under section 518 with respect to surface coal mining or reclamation operations on Indian reservation lands shall be brought in—

"(i) the United States District Court for the District of Columbia; or

"(ii) the United States district court in which the criminal activity is alleged to have occurred.

"(5) GRANTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), grants for developing, administering, and enforcing tribal programs approved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.

"(6) REPORT.—Not later than 18 months after the date on which a tribal program is approved under subsection (e) of section 504, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.".

(b) CONFORMING AMENDMENT.—Section 710(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300(i)) is amended in the first sentence by striking ", except" and all that follows through "section 503".

Subtitle B—Coal Industry Retiree Health Benefit Act

SEC. 321. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) COMBINED BENEFIT FUND.—

(1) IN GENERAL.—Section 9704 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:

"(j) PREPAYMENT OF PREMIUM LIABILITY.—

"(1) IN GENERAL.—If—

"(A) a payment meeting the requirements of paragraph (3) is made to the Combined Fund by or on behalf of—

"(i) any assigned operator to which this subsection applies, or

"(ii) any related person to any assigned operator described in clause (i), and

"(B) the common parent of the controlled group of corporations described in paragraph (2)(B) is jointly and severally liable for any premium under this section which (but for this subsection) would be required to be paid by the assigned operator or related person,

then such common parent (and no other person) shall be liable for such premium.

"(2) ASSIGNED OPERATORS TO WHICH SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection shall apply to any assigned operator if—

"(i) the assigned operator (or a related person to the assigned operator)—

"(I) made contributions to the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for employment during the period covered by the 1988 agreement; and

"(II) is not a 1988 agreement operator,

"(ii) the assigned operator (and all related persons to the assigned operator) are not actively engaged in the production of coal as of July 1, 2005, and

"(iii) the assigned operator was, as of July 20, 1992, a member of a controlled group of corporations described in subparagraph (B).

"(B) CONTROLLED GROUP OF CORPORATIONS.—A controlled group of corporations is described in this subparagraph if the common parent of such group is a corporation the shares of which are publicly traded on a United States exchange.

"(C) COORDINATION WITH REPEAL OF ASSIGNMENTS.—A person shall not fail to be treated as an assigned operator to which this subsection applies solely because the person ceases to be an assigned operator by reason of section 9706(h)(1) if the person otherwise meets the requirements of this subsection and is liable for the payment of premiums under section 9706(h)(3).

"(D) CONTROLLED GROUP.—For purposes of this subsection, the term 'controlled group of corporations' has the meaning given such term by section 52(a).

"(3) REQUIREMENTS.—A payment meets the requirements of this paragraph if—

"(A) the amount of the payment is not less than the present value of the total premium liability under this chapter with respect to the Combined Fund of the assigned operators or related persons described in paragraph (1) or their assignees, as determined by the operator's or related person's enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary;

"(B) such enrolled actuary files with the Secretary of Labor a signed actuarial report containing—

"(i) the date of the actuarial valuation applicable to the report; and

"(ii) a statement by the enrolled actuary signing the report that, to the best of the actuary's knowledge, the report is complete and accurate and that in the actuary's opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations; and

"(C) 90 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

"(4) USE OF PREPAYMENT.—The Combined Fund shall—

"(A) establish and maintain an account for each assigned operator or related person by, or on whose behalf, a payment described in paragraph (3) was made,

"(B) credit such account with such payment (and any earnings thereon), and

"(C) use all amounts in such account exclusively to pay premiums that would (but for this subsection) be required to be paid by the assigned operator.

Upon termination of the obligations for the premium liability of any assigned operator or related person for which such account is maintained, all funds remaining in such account (and earnings thereon) shall be refunded to such person as may be designated by the common parent described in paragraph (1)(B).".

(b) INDIVIDUAL EMPLOYER PLANS.—Section 9711(c) (relating to joint and several liability) is amended to read as follows:

"(c) JOINT AND SEVERAL LIABILITY OF RELATED PERSONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each related person of a last signatory operator to which subsection (a) or (b) applies shall be jointly and severally liable with the last signatory operator for the provision of health care coverage described in subsection (a) or (b).

"(2) LIABILITY LIMITED IF SECURITY PROVIDED.—If—

"(A) security meeting the requirements of paragraph (3) is provided by or on behalf of—

"(i) any last signatory operator which is an assigned operator described in section 9704(j)(2), or

"(ii) any related person to any last signatory operator described in clause (i), and

"(B) the common parent of the controlled group of corporations described in section 9704(j)(2)(B) is jointly and severally liable for the provision of health care under this section which, but for this paragraph, would be required to be provided by the last signatory operator or related person,

then, as of the date the security is provided, such common parent (and no other person) shall be liable for the provision of health care under this section which the last signatory operator or related person would otherwise be required to provide. Security may be provided under this paragraph without regard to whether a payment was made under section 9704(j).

"(3) SECURITY.—Security meets the requirements of this paragraph if—

"(A) the security—

"(i) is in the form of a bond, letter of credit, or cash escrow,

"(ii) is provided to the trustees of the 1992 UMWA Benefit Plan solely for the purpose of paying premiums for beneficiaries who would be described in section 9712(b)(2)(B) if the requirements of this section were not met by the last signatory operator, and

"(iii) is in an amount equal to 1 year of liability of the last signatory operator under this section, determined by using the average cost of such operator's liability during the prior 3 calendar years;

"(B) the security is in addition to any other security required under any other provision of this title; and

"(C) the security remains in place for 5 years.

"(4) REFUNDS OF SECURITY.—The remaining amount of any security provided under this subsection (and earnings thereon) shall be refunded to the last signatory operator as of the earlier of—

"(A) the termination of the obligations of the last signatory operator under this section, or

"(B) the end of the 5-year period described in paragraph (4)(C).".

(c) 1992 UMWA BENEFIT PLAN.—Section 9712(d)(4) (relating to joint and several liability) is amended by adding at the end the following new sentence: "The provisions of section 9711(c)(2) shall apply to any last signatory operator described in such section (without regard to whether security is provided under such section, a payment is made under section 9704(j), or both) and if security meeting the requirements of section 9711(c)(3) is provided, the common parent described in section 9711(c)(2)(B) shall be exclusively responsible for any liability for premiums under this section which, but for this sentence, would be required to be paid by the last signatory operator or any related person.".

(d) SUCCESSOR IN INTEREST.—Section 9701(c) (relating to terms relating to operators) is amended by adding at the end the following new paragraph:

"(8) SUCCESSOR IN INTEREST.—

"(A) SAFE HARBOR.—The term 'successor in interest' shall not include any person who—

"(i) is an unrelated person to an eligible seller described in subparagraph (C); and

"(ii) purchases for fair market value assets, or all of the stock, of a related person to such seller, in a bona fide, arm's-length sale.

"(B) UNRELATED PERSON.—The term 'unrelated person' means a purchaser who does not bear a relationship to the eligible seller described in section 267(b).

"(C) ELIGIBLE SELLER.—For purposes of this paragraph, the term 'eligible seller' means an assigned operator described in section 9704(j)(2) or a related person to such assigned operator.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (d) shall apply to transactions after the date of the enactment of this Act.

SEC. 322. TRANSFERS TO FUNDS; PREMIUM RELIEF.

(a) COMBINED FUND.—

(1) FEDERAL TRANSFERS.—Section 9705(b) (relating to transfers from Abandoned Mine Reclamation Fund) is amended—

(A) in paragraph (1), by striking "section 402(h)" and inserting "subsections (h) and (i) of section 402";

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay benefits and administrative costs of beneficiaries of the Combined Fund or for such other purposes as are specifically provided in the Acts described in paragraph (1)."; and

(C) by striking "FROM ABANDONED MINE RECLAMATION FUND".

(2) MODIFICATIONS OF PREMIUMS TO REFLECT FEDERAL TRANSFERS.—

(A) ELIMINATION OF UNASSIGNED BENEFICIARIES PREMIUM.—Section 9704(d) (establishing unassigned beneficiaries premium) is amended to read as follows:

"(d) UNASSIGNED BENEFICIARIES PREMIUM.—

"(1) PLAN YEARS ENDING ON OR BEFORE SEPTEMBER 30, 2006.—For plan years ending on or before September 30, 2006, the unassigned beneficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

"(2) PLAN YEARS BEGINNING ON OR AFTER OCTOBER 1, 2006.—

"(A) IN GENERAL.—For plan years beginning on or after October 1, 2006, subject to subparagraph (B), there shall be no unassigned beneficiaries premium, and benefit costs with respect to eligible beneficiaries who are not assigned under section 9706 to any person for any such plan year shall be paid from amounts transferred under section 9705(b).

"(B) INADEQUATE TRANSFERS.—If, for any plan year beginning on or after October 1, 2006, the amounts transferred under section 9705(b) are less than the amounts required to be transferred to the Combined Fund under subsection (h)(2)(A) or (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232)), then the unassigned beneficiaries premium for any assigned operator shall be equal to the operator's applicable percentage of the amount required to be so transferred which was not so transferred.".

(B) PREMIUM ACCOUNTS.—

(i) CREDITING OF ACCOUNTS.—Section 9704(e)(1) (relating to premium accounts; adjustments) is amended by inserting "and amounts transferred under section 9705(b)" after "premiums received".

(ii) SURPLUSES ATTRIBUTABLE TO PUBLIC FUNDING.—Section 9704(e)(3)(A) is amended by adding at the end the following new sentence: "Amounts credited to an account from amounts transferred under section 9705(b) shall not be taken into account in determining whether there is a surplus in the account for purposes of this paragraph."

(C) APPLICABLE PERCENTAGE.—Section 9704(f)(2) (relating to annual adjustments) is amended by adding at the end the following new subparagraph:

"(C) In the case of plan years beginning on or after October 1, 2007, the total number of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries whose assignments have been revoked under section 9706(h).".

(3) ASSIGNMENTS AND REASSIGNMENT.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

"(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

"(1) IN GENERAL.—Subject to the premium obligation set forth in paragraph (3), the Commissioner of Social Security shall—

"(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for plan years beginning on and after October 1, 2007; and

"(B) make no further assignments to persons other than 1988 agreement operators, except that no individual who becomes an unassigned beneficiary by reason of subparagraph (A) may be assigned to a 1988 agreement operator.

"(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.

"(3) LIABILITY OF PERSONS DURING THREE FISCAL YEARS BEGINNING ON AND AFTER OCTOBER 1, 2007.—In the case of each of the fiscal years beginning on October 1, 2007, 2008, and 2009, each person other than a 1988 agreement operator shall pay to the Combined Fund the following percentage of the amount of annual premiums that such person would otherwise be required to pay under section 9704(a), determined on the basis of assignments in effect without regard to the revocation of assignments under paragraph (1)(A):

"(A) For the fiscal year beginning on October 1, 2007, 55 percent.

"(B) For the fiscal year beginning on October 1, 2008, 40 percent.

"(C) For the fiscal year beginning on October 1, 2009, 15 percent.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2006.

(b) 1992 UMWA BENEFIT AND OTHER PLANS.—

(1) TRANSFERS TO PLANS.—Section 9712(a) (relating to the establishment and coverage of the 1992 UMWA Benefit Plan) is amended by adding at the end the following:

"(3) TRANSFERS UNDER OTHER FEDERAL STATUTES.—

"(A) IN GENERAL.—The 1992 UMWA Benefit Plan shall include any amount transferred to the plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

"(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in subsection (c) with respect to any beneficiary for whom no monthly per beneficiary premium is paid pursuant to paragraph (1)(A) or (3) of subsection (d).

"(4) SPECIAL RULE FOR 1993 PLAN.—

"(A) IN GENERAL.—The plan described in section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) shall include any amount transferred to the plan under subsections (h) and (i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

"(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals described in section 402(h)(2)(C) of such Act (30 U.S.C. 1232(h)(2)(C)).".

(2) PREMIUM ADJUSTMENTS.—

(A) IN GENERAL.—Section 9712(d)(1) (relating to guarantee of benefits) is amended to read as follows:

"(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c) by meeting the following requirements in accordance with the contribution requirements established in the 1992 UMWA Benefit Plan:

"(A) The payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and who is receiving benefits under the 1992 UMWA benefit plan.

"(B) The provision of a security (in the form of a bond, letter of credit, or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator.

"(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator's share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.".

(B) CONFORMING AMENDMENTS.—Section 9712(d) is amended—

(i) in paragraph (2)(B), by striking "prefunding" and inserting "backstop", and

(ii) in paragraph (3), by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 323. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) (relating to board of trustees of the Combined Fund) is amended to read as follows:

"(b) BOARD OF TRUSTEES.—

"(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

"(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

"(B) 2 individuals designated by the United Mine Workers of America; and

"(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).

"(2) SUCCESSOR TRUSTEES.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

"(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.".

(b) ENFORCEMENT OF OBLIGATIONS.—

(1) FAILURE TO PAY PREMIUMS.—Section 9707(a) is amended to read as follows:

"(a) FAILURES TO PAY.—

"(1) PREMIUMS FOR ELIGIBLE BENEFICIARIES.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

"(2) CONTRIBUTIONS REQUIRED UNDER THE MINING LAWS.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.".

(2) CIVIL ENFORCEMENT.—Section 9721 is amended to read as follows:

"SEC. 9721. CIVIL ENFORCEMENT.

"The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

"(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

"(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).".

SA 5004. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Amend the title so as to read: "To amend the Internal Revenue Code of 1986 to extend for 2 years certain expiring provisions, and for other purposes.".

SA 5005. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DECLASSIFICATION OF CERTAIN TEXT OF REPORT ON INTELLIGENCE CONCERNING IRAQ WEAPONS OF MASS DESTRUCTION PROGRAMS.

Any classified text (other than text revealing intelligence sources and methods) contained on pages 96, 97, and 98 of the report of the Select Committee on Intelligence of the Senate entitled "Report of the Select Committee on Intelligence on Post-War Findings About Iraq's WMD Programs and Links to Terrorism and How They Compare with Pre-War Assessments", and issued on September 8, 2006, is hereby declassified and, effective as of the date of the enactment of this Act, may be released to the public.

SA 5006. Mr. STEVENS (for Mr. MCCAIN (for himself and Mr. KYL)) proposed an amendment to the bill S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; as follows:

On page 3, strike lines 7 through 9 and insert the following:

achieve the full and final implementation of the Fort McDowell Water

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 21, 2006, at 10 a.m. in room SD–628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, vice Frances P. Mainella, resigned.

For further information, please contact Judy Pensabene or Kara Gleason of the Committee staff at: (202) 224–5305.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2006, at 10 a.m., to conduct a hearing on "The Housing Bubble and its Implications for the Economy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13 at 11:30 a.m.

The purpose of this meeting is to consider the nominations of John Ray Correll to be director of the Office of Surface Mining Reclamation and Enforcement, Mark Myers to be director of the United States Geological Survey, and David Longly Bernhardt to be solicitor of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. COLLINS. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on Wednesday, September 13, 2006, at 9:30 a.m. to consider the following agenda:

Legislation: H.R. 5689, To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; S. 1848, Cleanup of Inactive and Abandoned Mines Act; S. 3630, To amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; H.R. 3929, Dana Point Desalination Project Authorization Act; S. 3617, North American Wetlands Conservation Reauthoriiation Act of 2006; H.R. 5061, Paint Bank and Wytheville National Fish Hatcheries Conveyance Act; S. 3551, Tylersville Fish Hatchery Conveyance Act; S. 3867, To Designate the Federal Courthouse at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh Sr., Federal Courthouse"; H.R. 5187, To Amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; S. 3879 "Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act"; S. 2348, Nuclear Release Notice Act of 2006; and S. 3591, High-Performance Green Buildings Act of 2006.

Nominees: William B. Wark to be a Member of the Chemical Safety and Hazard Investigation Board; William E. Wright to be a Member of the Chemical Safety and Hazard Investigation Board; Stephen M. Prescott to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; Anne Jeannette Udall to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; Brigadier General Bruce Arlan Berwick to be a Member of the Mississippi River Commission; Colonel Gregg F. Martin to be a Member of the Mississippi River Commission; Brigadier General Robert Crear to be a Member of the Mississippi River Commission; and Rear Admiral Samuel P. DeBow, Jr. to be a Member of the Mississippi River Commission.

Resolutions: Committee Resolution for the Republican River Basin—Colorado, Nebraska, Kansas; Committee Resolution for Beverly Hills, New Haven, Connecticut; Committee Resolution for Hanover Pond; Holly Pond; and Eisenhower Park—Connecticut; Committee Resolution for Mystic Harbor Water Resources Development—Mystic, Connecticut; Committee Resolution for the Burns Waterway Harbor—Indiana; Committee Resolution for Jefferson Parish Flood Control, Jefferson Parish, Louisiana; Committee Resolution for the Blackstone River Watershed—Massachusetts, Rhode Island; Committee Resolution for the St. Clair River, Lake Level Study—Michigan; Committee Resolution for the Crow Creek Watershed—Cheyenne, Wyoming; Committee Resolution to direct GSA to prepare a Report of Building Project Survey; 12 resolutions to authorize the majority of the remainder of the General Services Administration's FY 2007 Capital Investment and Leasing Program; and 8 resolutions authorizing courthouse projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. COLLINS. Mr. President: I ask unanimous consent that on Wednesday, September 13, immediately following the 9:30 a.m. Business Meeting the Committee on Environment and Public Works be authorized to hold a hearing to consider the following pending nominations:

Roger Romulus Martella, Jr., to be Assistant Administrator of the Environmental Protection Agency;

Alex A. Beehler to be Assistant Administrator of the Environmental Protection Agency; and

William H. Graves to be a Member of the Board of Directors of the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 13, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Taking the Pulse of Charitable Care and Community Benefits at Nonprofit Hospitals."

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 13, 2006, at 9:30 a.m. to hold a hearing on Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 13, 2006, at 2:30 p.m. to consider the nominations of Wayne C. Beyer to be Member, Federal Labor Relations Authority, and Stephen T. Conboy to be U.S. Marshal, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, September 13, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, September 13, 2006 from 10 a.m.–11:30 a.m. in Dirksen 562 for the purpose of conducting meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on "Challenges Facing Today's Federal Prosecutors," on Wednesday, September 13, 2006, at 2:30 p.m. in SD226.

Witness list

Panel I: Mike Battle, Director, Executive Office of U.S. Attorneys, United States Department of Justice, Washington, DC; Susan Brooks, U.S. Attorney, Southern District of Indiana, United States Department of Justice, Washington, DC.

Panel II: William Shockley, Former President, National Association of Assistant U.S. Attorneys, Lake Ridge, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTIONS TO THE ENROLLMENT OF S. 2590

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 114, which was submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 114) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill S. 2590, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike paragraphs (2) and (3) and insert the following:

"(2) FEDERAL AWARD.—The term 'Federal award'—

"(A) means Federal financial assistance and expenditures that—

"(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

"(B) does not include individual transactions below $25,000; and

"(C) before October 1, 2008, does not include credit card transactions.

"(3) SEARCHABLE WEBSITE.—The term 'searchable website' means a website that allows the public to—

"(A) search and aggregate Federal funding by any element required by subsection (b)(1);

"(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

"(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

"(D) download data included in subparagraph (A) included in the outcome from searches.".

(2) In section 2(b)(1), strike "section and section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note)," and insert "section, section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.),".

(3) In section 2, strike subsection (c) and insert the following:

"(c) WEBSITE.—The website established under this section—

"(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

"(A) specify such search shall be confined to Federal contracts and subcontracts;

"(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

"(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

"(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

"(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).".

(4) Add at the end the following:

"SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

"Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.".

Ms. COLLINS. Mr. President, I understand that this is directly related to the fiscal transparency, Google For Good Government, bill of the Senator from Oklahoma. I hope this will clear the way for its passage.

FORT McDOWELL INDIAN COMMUNITY WATER RIGHTS SETTLEMENT REVISION ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 522, S. 2464.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2464) to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I am pleased that today the Senate has agreed to pass S. 2464, the Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006, with an amendment that I have also offered. S. 2464 amends the Fort McDowell Indian Community Water Rights Settlement Act of 1990, which ratified a negotiated settlement of the Fort McDowell Yavapai Nation's water entitlement to flow from the Verde River. I am pleased to be joined by Senator KYL as an original cosponsor of this bill and the amendment.

The 1990 Settlement Act provided, among other things, for the Secretary of the Interior to provide the Fort McDowell Yavapai Nation a no-interest loan pursuant to the Small Reclamation Project Act for construction of facilities for the conveyance and delivery of water to the Fort McDowell reservation. However, during environmental review conducted prior to construction of the irrigation system, 227 of the acres to be irrigated were discovered to contain significant cultural sites. With the agreement of the tribe, the Secretary withdrew those acres from development, but replacement lands have proven difficult and expensive to mitigate and implementation of the Act has been left uncompleted.

The current values of the no-interest loan outstanding and the current cost of the Department of the Interior's obligation to mitigate replacement acreage are nearly identical, thus the tribe and the Department have agreed to resolve this issue by mutually releasing their remaining obligations under the reclamation provisions of the 1990 Settlement Act. S. 2464 would implement this mutually agreed upon resolution.

After approval of this measure by the Indian Affairs Committee, a potential ambiguity in the bill was identified, possibly calling into question the finality of the 1990 Settlement Act. The amendment offered strikes the potentially ambiguous language and inserts new language to clarify that the agreement of the Yavapai Nation and the Department of the Interior contained in S. 2464 achieves a full and final implementation to the Fort McDowell Water Rights Settlement Act of 1990.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5006) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 3, strike lines 7 through 9 and insert the following:

achieve the full and final implementation of the Fort McDowell Water

The bill (S. 2464), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—The term "Fort McDowell Water Rights Settlement Act" means the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) NATION.—The term "Nation" means the Fort McDowell Yavapai Nation, formerly known as the "Fort McDowell Indian Community".

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CANCELLATION OF REPAYMENT OBLIGATION.

(a) CANCELLATION OF OBLIGATION.—The obligation of the Nation to repay the loan made under section 408(e) of the Fort McDowell Water Rights Settlement Act (104 Stat. 4489) is cancelled.

(b) EFFECT OF ACT.—

(1) RIGHTS OF NATION UNDER FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act alters or affects any right of the Nation under the Fort McDowell Water Rights Settlement Act.

(B) EXCEPTION.—The cancellation of the repayment obligation under subsection (a) shall be considered—

(i) to fulfill all conditions required to achieve the full and final implementation of the Fort McDowell Water Rights Settlement Act; and

(ii) to relieve the Secretary of any responsibility or obligation to obtain mitigation property or develop additional farm acreage under section 410 the Fort McDowell Water Rights Settlement Act (104 Stat. 4490).

(2) ELIGIBILITY FOR SERVICES AND BENEFITS.—Nothing in this Act alters or affects the eligibility of the Nation or any member of the Nation for any service or benefit provided by the Federal Government to federally recognized Indian tribes or members of such Indian tribes.

CHILDREN AND MEDIA RESEARCH ADVANCEMENT ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 585, S. 1902.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1902) to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Health, Education, Labor, and Pensions with an amendment to strike out all after the enacting clause and insert in lieu thereof the part printed in italic.

[“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[“(1) $10,000,000 for fiscal year 2006;

[“(2) $15,000,000 for fiscal year 2007;

[“(3) $15,000,000 for fiscal year 2008;

[“(4) $25,000,000 for fiscal year 2009; and

[“(5) $25,000,000 for fiscal year 2010.”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Children and Media Research Advancement Act” or the “CAMRA Act”.

SEC. 2. PURPOSE.

It is the purpose of this Act to enable the Centers for Disease Control and Prevention to—

(1) examine the role and positive and negative impact of electronic media in children's and adolescents' cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

“SEC. 399Q. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this section as the ‘Director’), shall enter into a contract with the National Academy of Science or another appropriate entity to review, synthesize, and report on research, and establish research priorities, regarding the roles and impact of electronic media (including television, motion pictures, DVD's, interactive video games, digital music, the Internet, and cell phones) and exposures to such media on youth in the following core areas of development:

“(1) COGNITIVE.—Cognitive areas such as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or ‘multitask’), visual and spatial skills, reading, and other learning abilities.

“(2) PHYSICAL.—Physical areas such as physical coordination, diet, exercise, sleeping and eating routines.

“(3) SOCIO-BEHAVIORAL.—Socio-behavioral areas such as family activities and peer relationships including indoor and outdoor play time, interactions with parents, consumption habits, social relationships, aggression, and positive social behavior.

“(b) RESEARCH PROGRAM.—

“(1) IN GENERAL.—Taking into account the report provided for under subsection (a), the Secretary, acting through the Director and in coordination with the Director of the National Institutes of Health, shall, subject to the availability of appropriations, award grants for research concerning the role and impact of electronic media on the cognitive, physical, and socio-behavioral development of youth.

“(2) REQUIREMENTS.—The research provided for under paragraph (1) shall comply with the following requirements:

“(A) Such research shall focus on the impact of factors such as media content (whether direct or indirect), format, length of exposure, age of youth, venue, and nature of parental involvement.

“(B) Such research shall not duplicate other Federal research activities.

“(C) For purposes of such research, electronic media shall include television, motion pictures, DVD's, interactive video games, digital music, the Internet, and cell phones.

“(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall—

“(A) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director shall require; and

“(B) agree to use amounts received under the grant to carry out activities as described in this subsection.

“(c) REPORTS.—

“(1) REPORT TO THE DIRECTOR.—Not later than 15 months after the date of the enactment of this section, the report provided for under subsection (a) shall be submitted to the Director and to the appropriate committees of Congress.

“(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report that—

“(A) synthesizes the results of—

“(i) research carried out under the grant program under subsection (b); and

“(ii) other related research, including research conducted by the private or public sector and other Federal entities; and

“(B) outlines existing research gaps in light of the information described in subparagraph (A).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2012.”.

Mr. STEVENS. Mr. President, I ask unanimous consent the committee-reported substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1902), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DEATH ON THE HIGH SEAS ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 594, H.R. 1442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1442) to complete the codification of title 46, United States Code, “Shipping”, as positive law.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1442) was read the third time and passed.

DESIGNATING OCTOBER 22 THROUGH OCTOBER 28, 2006, AS “NATIONAL SAVE FOR RETIREMENT WEEK”

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 550 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 550) designating October 22 through October 28, 2006, as “National Save for Retirement Week”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 550) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 550

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit or defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 22 through October 28, 2006, as "National Save for Retirement Week";

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP STOP THE VIOLENCE IN DARFUR

Mr. STEVENS. I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of S. Res. 559 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 559) calling on the President to take immediate steps to help stop the violence in Darfur.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 559) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 559

Whereas the Darfur Peace Agreement, signed on May 5, 2006, between the Government of Sudan and rebels in Darfur has not resulted in a cessation of hostilities in Darfur;

Whereas, although the United Nations Security Council approved Security Council Resolution 1706 (2006), which provides for a United Nations peacekeeping presence in Darfur to replace the African Union Mission in Sudan (AMIS), the Government of Sudan has rejected the deployment of United Nations peacekeepers;

Whereas the Government of Sudan is engaged in a major offensive in Darfur, in direct violation of the Darfur Peace Agreement;

Whereas violence in the Darfur region has increased since the signing of the Darfur Peace Agreement;

Whereas Jan Egeland, the United Nations Under-Secretary-General for Humanitarian Affairs, has stated that the coming weeks may result in a "man-made catastrophe of an unprecedented scale" in Darfur;

Whereas the African Union has decided to terminate the African Union Mission in Sudan (AMIS) at the end of September 2006;

Whereas it is unlikely that the United Nations will have the logistical means or capability to deploy peacekeepers to Sudan until the end of 2006;

Whereas the people of Darfur cannot wait that long for security to be re-established; and

Whereas the international community must renew its efforts to stop genocide, war crimes, and crimes against humanity in Darfur:

Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the current military offensive of the Government of Sudan in Darfur in violation of the terms of the May 5, 2006, Darfur Peace Agreement and the April 8, 2004, N'Djamena cease-fire accord; and

(B) the rejection by the Government of Sudan of United Nations Security Council Resolution 1706 (2006);

(2) commends the African Union Mission in Sudan (AMIS) for its actions to date in monitoring the April 8, 2004, N'Djamena cease-fire agreement in Darfur and encourages the African Union to leave the AMIS force in place until a United Nations peacekeeping mission is deployed to Darfur;

(3) calls upon the Government of Sudan to immediately—

(A) cease its military offensive in Darfur; and

(B) comply with the deployment of United Nations peacekeepers to Darfur as called for by the United Nations Security Council;

(4) calls upon the United Nations—

(A) to deploy as quickly as practicable peacekeeping troops as authorized by United Nations Security Council Resolution 1706 (2006) that are well trained and equipped; and

(B) to begin considerations of sanctions as called for by paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004);

(5) urges the President to take urgent steps to help improve the security situation in Darfur, including by—

(A) pursuing the imposition of a "no-fly zone" in Darfur in cooperation with the United Nations, NATO, or NATO allies;

(B) garnering support for NATO assistance with the handover by the African Union of the AMIS mission to the United Nations;

(C) working through diplomatic channels to obtain the support of China, Russia, and United States allies in the Arab League in securing the compliance of the Government of Sudan with the deployment of United Nations peacekeepers as provided by United Nations Security Council Resolution 1706 (2006);

(D) supporting full funding for the United Nations Peacekeeping Mission in Sudan;

(E) securing the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council; and

(F) appointing a Special Envoy to Sudan to head the Office of the Presidential Special Envoy established pursuant to chapter 6 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 439); and

(6) urges the international community—

(A) to support the deployment of United Nations peacekeepers to Darfur financially, with logistical and equipment support, or through troop contributions;

(B) to fulfill financial obligations to United Nations and international humanitarian aid agencies for responding to the crisis in Darfur or addressing humanitarian needs throughout Sudan;

(C) to impose targeted sanctions against members of the National Congress Party determined to be responsible for human rights violations, war crimes, and crimes against humanity; and

(D) to impose sanctions consistent with paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004).

HONORING THE LIFE OF THOSE WHO DIED IN SERVICE TO THEIR COUNTRY ABOARD THE U.S.S. "ENTERPRISE" ON JANUARY 14, 1969

Mr. STEVENS. I ask unanimous consent to now proceed to consideration of S. Res. 569, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 569) honoring the life of those who died in service to their country aboard the U.S.S. *Enterprise* on January 14, 1969.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 569) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 569

Whereas, on the morning of January 14, 1969, an MK–32 Zuni rocket fixed to an F–4

Phantom on the U.S.S. Enterprise (CVN–65) was overheated due to the exhaust of a nearby aircraft causing the rocket to explode;

Whereas the initial explosion of the MK–32 Zuni rocket set off a chain reaction of explosions, thus causing the death of 28 sailors and injuries to 314 more;

Whereas the servicemen killed include FA Paul Akers, AN David M. Asbury, LTJG Carl D. Berghult, LTJG James H. Berry, AO3 Richard W. Bovaird, AE3 Patrick L. Bulingham, AMS3 James R. Floyd Jr., AN Ernest L. Foster, ABHAN Delbert D. Girty, AEC Ronald E. Hay, ASH3 Roger L. Halbrook, AN Dole L. Hunt, ALAN Donald R. Lacy, ADJ3 Armando Limon, AME3 Dennis E. Marks, ABH1 James Martineau, ALAN Joseph C. Mason, AN Dennis R. Milburn, AN Joseph W. Oates, LTJG Buddy D. Pyeatt, ABE3 Jacob J. Quintis, BM2 James C. Snipes, AN Russell J. Tyler, AN Lavern R. Von Feldt, AN Robert C. Ward Jr., AN John R. Webster, ASM2 Henry S. Yates Jr., and AMS3 Jerome D. Yoakum;

Whereas the U.S.S. Enterprise, also known as "the Big E", was the world's first nuclear-powered aircraft carrier, and changed forever the face of maritime warfare;

Whereas the U.S.S. Enterprise, commissioned on November 25, 1961, is the world's longest aircraft carrier, measuring 1,123 feet, and remains in service docked at its home in Norfolk, Virginia; and

Whereas those who perished aboard the U.S.S. Enterprise on January 14, 1969, served their country bravely: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of those who bravely served aboard the U.S.S. Enterprise (CVN–65), especially those who gave their lives in service to the United States on January 14, 1969.

ORDER FOR STAR PRINT—S. 3861

Mr. STEVENS. Mr. President, I ask unanimous consent S. 3861 be star printed, and the changes are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 376, Calendar No. 887, Calendar No. 888, Calendar No. 889, Calendar No. 891, and Calendar No. 894. I further ask unanimous consent that the nominations be confirmed en bloc and the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Bertha K. Madras, of Massachusetts, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

DEPARTMENT OF JUSTICE

George E.B. Holding, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

PEACE CORPS

Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps.

DEPARTMENT OF STATE

John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Cesar Benito Cabrera, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Mary Martin Ourisman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, SEPTEMBER 14, 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, September 14. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be considered approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of H.R. 4954, the port security bill.

I further ask unanimous consent that there be 1 hour of debate equally divided in the usual form, followed by a vote on the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, tomorrow the Senate will finish consideration of the port security bill. The cloture vote will occur at approximately 11 a.m. The leader urges our colleagues on both sides of the aisle to vote for cloture so that we can expedite passage of this important bill. Following the cloture vote, the bill's manager will work through the remaining amendments. Senators should expect votes throughout the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT—Continued

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 4954, the port security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that all second-degree amendments be filed at the desk by 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4924, AS MODIFIED; 4928; 4932; 4933; 4939, AS MODIFIED; 4946, AS MODIFIED; 4950, AS MODIFIED; 4949; 4951; 4953; 4954, AS MODIFIED; 4955; 4959, AS MODIFIED; 4964; 4976; 4985, AS MODIFIED; 4988, AS MODIFIED; 5000; AND 4947, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a package of amendments. I would like to read them: amendment No. 4924, as modified, for Senator ROCKEFELLER; amendment No. 4928, for Senator BINGAMAN; amendment No. 4932, for Senator DOMENICI; amendment No. 4933, for Senator DOMENICI; amendment No. 4939, as modified, for Senator KERRY; amendment No. 4946, as modified, for Senator BURNS; amendment No. 4950, as modified, for Senator CANTWELL; amendment No. 4949, for Senator CANTWELL; amendment No. 4951, for Senator MCCAIN; amendment No. 4953, for Senator VITTER; amendment No. 4954, as modified, for Senator SNOWE; amendment No. 4955, for Senator ALLARD; amendment No. 4959, as modified, for Senator PRYOR; amendment No. 4964, for Senator BURNS; amendment No. 4976, for Senator BOXER; amendment No. 4985, as modified, for Senator BAUCUS; amendment No. 4988, as modified, for Senator LAUTENBERG; amendment No. 5000, for Senator SNOWE; and amendment No. 4947, as modified, for Senator BURNS.

I ask unanimous consent that these amendments be considered en bloc, adopted en bloc, and I move to reconsider that action.

Mrs. MURRAY. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc as follows:

AMENDMENT NO. 4924, AS MODIFIED

SEC. _____. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.)

is amended by adding at the end the following:

“SEC. 314. COMPETITIVE RESEARCH PROGRAM.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

“(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

“(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—

“(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

“(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

“(C) monitor the efforts of States to develop programs that support the Department's mission;

“(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

“(E) provide annual reports on the progress and achievements of the Program to the Secretary.

“(b) ASSISTANCE UNDER THE PROGRAM.—

“(1) SCOPE.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

“(2) FORM OF ASSISTANCE.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

“(3) APPLICATIONS.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

“(c) IMPLEMENTATION.—

“(1) START-UP PHASES.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

“(2) SUBSEQUENT FISCAL YEARS.—

“(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

“(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

“(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

“(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

“(d) FUNDING.—The Secretary shall ensure, subject to the availability of appropriations, that up to 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).”.

“(e) REPORT.—The Secretary shall submit an annual report to the appropriate congressional committees detailing the funds expended for the Acceleration Fund for Research and Development of Homeland Security technologies established by section 307(c)(1).”.

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

“Sec. 314. Competitive research program.”.

AMENDMENT NO. 4928

(Purpose: To provide a pilot program to extend the hours of commercial operations at Santa Teresa, New Mexico)

At the appropriate place, insert the following:

SEC. ——. PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) IN GENERAL.—During fiscal year 2006, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

“(B) REPORT.—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2006, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include—

“(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

“(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

AMENDMENT NO. 4932

(Purpose: To establish a Domestic Nuclear Detection Office with the Department of Homeland Security, and for other purposes)

On page 87, add after line 18, the following:

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 501. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

“SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

“(a) ESTABLISHMENT.—There shall be established in the Department of Homeland Security a Domestic Nuclear Detection Office. The Secretary of Homeland Security may request that the Secretaries of Defense, Energy, and State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

“(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

“SEC. 1802. MISSION OF OFFICE.

“(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

“(1) serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

“(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

“(3) establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

“(4) develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with implementation under which—

“(A) the Domestic Nuclear Detection Office will be responsible for the implementation of the domestic portion of the global architecture;

“(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

“(C) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

“(5) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to prevent and detect the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material;

"(6) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

"(7) further enhance and maintain continuous awareness by analyzing information from all Domestic Nuclear Detection Office mission-related detection systems; and

"(8) perform other duties as assigned by the Secretary.

"SEC. 1803. HIRING AUTHORITY.

"In hiring personnel for the Office, the Secretary of Homeland Security shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

"SEC. 1804. TESTING AUTHORITY.

"(a) IN GENERAL.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private-sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

"(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

"(c) FEES.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

"(d) USE OF FEES.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

"SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

"The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department of Homeland Security or of any officer of any other Department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department of Homeland Security or any Federal department or agency.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

"(5) A Director of the Domestic Nuclear Detection Office.".

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking "radiological, nuclear"; and

(B) in paragraph (5)(A) by striking "radiological, nuclear".

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology".

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology" each place it appears.

(5) The table of contents of such Act (6 U.S.C. 101) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1801. Domestic Nuclear Detection Office.
"Sec. 1802. Mission of office.
"Sec. 1803. Hiring authority.
"Sec. 1804. Testing authority.
"Sec. 1805. Relationship to other department entities and Federal agencies.".

SEC. 502. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Department of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) CONTENTS.—The strategy under subsection (a) shall include—

(1) a long-term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence will implement the intent of this title.

AMENDMENT NO. 4933

(Purpose: To provide for coordination between the Department of Homeland Security and the Department of Energy, and for other purposes)

On page 44, lines 14 and 15, strike "under any program administered by the Department".

On page 44, lines 23 and 24, strike "the Department's" and insert "both the Department's and the Department of Energy's".

On page 59, lines 12 and 13, strike "The equipment may be provided by the Megaports Initiative of the Department of Energy.".

On page 59, line 17, insert "(1) IN GENERAL.—" before "The".

On page 59, between lines 22 and 23, insert the following:

(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(A) provide radiation detection equipment required to support the pilot-integrated scanning system established pursuant to subsection (a) through the Department of Energy's Second Line of Defense and Megaports programs; or

(B) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

AMENDMENT NO. 4939, AS MODIFIED

On page 8, between lines 18 and 19, insert the following:

(B) in subparagraph (E), by striking "describe the" and inserting "provide a strategy and timeline for conducting";

On page 8, line 19, strike "(B)" and insert "(C)".

On page 8, line 21, strike "(C)" and insert "(D)".

On page 8, line 23, strike "(D)" and insert "(E)".

On page 20, line 12, strike "may" and insert "shall".

On page 22, between lines 16 and 17, insert the following:

(c) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

On page 22, line 20, strike "may" and insert "shall".

(d) DEFINITIONS.—On page 7, line 4, strike "labor dispute,".

AMENDMENT NO. 4946, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AIRPORTS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for Essential Air Service airports in the United States.

(b) ELEMENTS OF PLAN.—The security plan required by subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

AMENDMENT NO. 4950, AS MODIFIED

On page 27, between lines 20 and 21, insert the following:

(h) INTERMODAL RAIL RADIATION DETECTION TEST CENTER.—

(1) ESTABLISHMENT.—In accordance with subsection (b), and in order to comply with

this section, the Secretary shall establish Intermodal Rail Radiation Detection Test Centers (referred to in this subsection as the "Test Centers").

(2) PROJECTS.—The Secretary shall conduct multiple, concurrent projects at the Test Centers to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) LOCATION.—The Test Centers shall be located within public port facilities which have a significant portion of the containerized cargo directly laden from (or unladen to) on-dock, intermodal rail, including at least one public port facility at which more than 50 percent of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

AMENDMENT NO. 4949

On page 29, line 6, insert "ferry operators and" after "with".

AMENDMENT NO. 4951

(Purpose: To require disclosures regarding homeland security grants)

At the appropriate place, insert the following:

SEC. . DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY GRANT.—The term "homeland security grant" means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) LOCAL GOVERNMENT.—The term "local government" has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) REQUIRED DISCLOSURES.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, report to the Secretary a list of all expenditures made by such State or local government using funds from such grant.

AMENDMENT NO. 4953

(Purpose: To provide for additional security relating to foreign vessels working on the outer Continental Shelf)

On page 18, before line 16, insert the following:

SEC. 107. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) NOTICE OF ARRIVAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary is directed to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the outer Continental Shelf.

(b) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

AMENDMENT TO 4954, AS MODIFIED

On page 66, before line 9, insert the following:

SEC. 233. INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE.

(a) FINDING.—Congress finds that the Coast Guard, with existing resources, is able to inspect foreign countries no more frequently than on a 4 to 5 year cycle.

(b) IN GENERAL.—

(1) RESOURCES TO COMPLETE INITIAL INSPECTIONS AND VALIDATION.—The Commandant of the Coast Guard shall increase the resources dedicated to the International Port Inspection Program and complete inspection of all foreign countries that trade with the United States, including the validation of compliance of such countries with the International Ship and Port Facility Security Code, not later than December 31, 2008. If the Commandant of the Coast Guard is unable to meet this objective, the Commandant of the Coast Guard shall report to Congress on the resources needed to meet the objective.

(2) REINSPECTION AND VALIDATION.—The Commandant of the Coast Guard shall maintain the personnel and resources necessary to maintain a schedule of re-inspection of foreign countries every 2 years under the International Port Inspection Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard such sums as are necessary to carry out the provisions of this section, subject to the availability of appropriations.

AMENDMENT NO. 4955

(Purpose: To include the Transportation Technology Center in the National Domestic Preparedness Consortium)

At the appropriate place, insert the following:

SEC. . INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

AMENDMENT NO. 4959, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. TRUCKING SECURITY.

(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

(b) COMMERCIAL DRIVER'S LICENSE ANTI-FRAUD PROGRAMS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Transportation, in conjunction with the Secretary of the Department of Homeland Security, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH-2006-037).

(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

(1) GUIDELINES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, to improve compliance with Federal immigration and customs laws applicable to all commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic.

(2) VERIFICATION.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

AMENDMENT NO. 4964

(Purpose: To extend the requirement for air carriers to honor tickets for suspended air passenger service)

At the appropriate place, insert the following:

SEC. ——. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2007.".

AMENDMENT NO. 4976

(Purpose: To protect commercial aircraft from the threat of Man-Portable Air Defense Systems)

At the appropriate place, insert the following:

SEC. ___. MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) IN GENERAL.—It is the sense of Congress that the budget of the United States Government submitted by the President for fiscal year 2008 under section 1105(a) of title 31, United States Code, should include an acquisition fund for the procurement and installation of countermeasure technology, proven through the successful completion of operational test and evaluation, to protect commercial aircraft from the threat of Man-Portable Air Defense systems (MANPADS).

(b) DEFINITION OF MANPADS.—In this section, the term "MANPADS" means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

AMENDMENT NO. 4985, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection, there are authorized to be appropriated for fiscal year 2007 and 2008 for operating expenses of the Northern Border Air Wing—$40,000,000 for the branch in Great Falls, Montana.

AMENDMENT NO. 4988, AS MODIFIED

At the appropriate place insert the following:

TITLE —IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. —100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Transportation Security Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —100. Short title; table of contents.
Sec. —101. Hazardous materials highway routing.
Sec. —102. Motor carrier high hazard material tracking.

Sec. —103. Hazardous materials security inspections and enforcement.
Sec. —104. Truck security assessment.
Sec. —105. National public sector response system.
Sec. —106. Over-the-road bus security assistance.
Sec. —107. Pipeline security and incident recovery plan.
Sec. —108. Pipeline security inspections and enforcement.

SEC. —101. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. —102. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on theHazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —103. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. —104. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security and the House of Representatives Committee on Ways and Means a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. —105. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and nonprofit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. —106. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road-bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008; and

(3) $25,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —107. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) In General.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section —108, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section —108—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) Existing Private and Public Sector Efforts.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) Consultation.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) Report.—

(1) Contents.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. —108. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) In General.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) Review and Inspection.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) Compliance Review Methodology.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) Regulations.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SEC. —109. TECHNICAL CORRECTIONS.

(a) Hazmat Licenses.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting "of Homeland Security" each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

"(h) Relationship to Transportation Security Cards.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.".

AMENDMENT NO. 5000

(Purpose: To conduct a study to identify redundancies and inefficiencies in connection with Federal background checks)

At the appropriate place, insert the following:

SEC. ___. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) Study.—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) Contents.—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) Report.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

AMENDMENT NO. 4947 AS MODIFIED

At the appropriate place, insert the following:

TITLE —IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. —01. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2006".

(b) Table of Contents.—The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Emergency service.
Sec. —03. Enforcement.
Sec. —04. Migration to IP-enabled emergency network.
Sec. —05. Definitions.

SEC. —02. EMERGENCY SERVICE.

(a) Access to 911 Components.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(b) State Authority over Fees.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E–911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E–911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(c) Parity of Protection for Provision or Use of IP-Enabled Voice Service.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E-911 services, and

(3) other matters related to 911 and E-911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9-1-1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. —03. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. —04. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) include a proposed timetable, an outline of costs and potential savings;

"(D) provide specific legislative language, if necessary, for achieving the plan;

"(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

"(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate."; and

(3) by striking "services." in subsection (b)(1) and inserting "services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.".

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E-911 service to their subscribers.

SEC. —05. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term "911" means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term "911 component" means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E-911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E-911 SERVICE.—The term "E-911 service" means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term "IP-enabled voice service" means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately), or without a fee, with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 911 or E-911 calls.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

Mr. STEVENS. Mr. President, there may be statements that Senators wish to have printed in the RECORD. I ask unanimous consent that it be in order that they be printed in the RECORD prior to the adoption of any of these amendments I have just presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, September 14, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2006:

DEPARTMENT OF STATE

FRANK BAXTER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

THE JUDICIARY

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE RICHARD L. NYGAARD, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN G. WOOD, 7553

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EVAN M. CHANIK, JR., 9906

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL K. LOOSE, 4983

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. KEVIN J. COSGRIFF, 3968

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

DENNIS R. HAYSE, 8485
RODNEY PHOENIX, 0738

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAMES M. CAMP, 5516
CATHY E. LEPPIAHO, 8153

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT J. ARNELL III, 0854
RUSSELL J. LONG, 3245
MITCHELL K. MEDIGOVICH, 2069
VALMORE G. VIGUE, 9218
WILLIAM J. WALKER, 2734
DAVID A. WHITE, 0250

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES M. FOGLEMILLER, 8215
TIMOTHY E. GOWEN, 6553

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL L. JONES, 7386

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

NEELAM CHARAIPOTRA, 0965
DONNIE HOLDEN, 2679
WILLIAM PHILLIPS, 7141
DOUGLAS POSEY, 4735

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

SANDRA E. ROPER, 8753

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY W. ANDREWS, 4961
WILLIAM B. CARTER, 8469
ROBERT R. DAVENPORT, 6452
ALEXANDER D. DEVORKIN, 2697
STEVEN C. FRONIABARGER, 2900
JAMES G. HAY, 0329
JAMES ILKU, 3142
JAMES L. JAWORSKI, 3871
JAMES E. MIDYETTE, JR., 3316
MICHAEL P. MISHOE, 8972
JOSELITO D. OLEGARIO, 0396
ANGEL L. PEREZ, JR., 2338
CHRISTOPHER B. RIVERS, 2235
CURT R. SALVESON, 4052
FREDERICK J. SCHWARZ, 6915
STEPHEN D. TABLEMAN, 6711

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOSEFINA T. GUERRERO, 9511
HARRY A. SNOWDY, 9874

To be lieutenant colonel

WILLIAM BALDINO, 2072
KENDALL R. CLARK, 0083
BILLY H. HAMPTON, 0470
STEPHEN H. KOOPMEINERS, 0595
KERWIN J. LEBEIS, 9490
JOHN E. MANOS, 4112
DAVID F. MCKEE, 1227
WILLIAM A. OMOHUNDRO, 4779
JOHN S. PETERS, 1147
GEORGE J. SMITH, 0733
ROBERT W. STEWART, 5044
JOHN W. WATSON, 9849

To be major

JOON H. CHONG, 8350
ANDREW CHONTOS, 7878
JOSEPH A. DELUCIA, 1712
KEVIN DOWNES, 8230
BRETT J. HAMPTON, 9723
ROBERT E. JESCHKE, 9456
WILLIAM LEFKOWITZ, 5519
KENNETH M. LIEUW, 6059
JEFFREY J. LUNN, 8237
RICHARD V. MAZZAFERRO, 8667
ROBERT J. MCMILLAN, 6188
SUZIE T. NEMMERS, 9287
ROBERT J. OCONNELL, 4583
RAPHAEL SEMIDIE, 9804
WILLIAM P. SMITH, 2350
EDWARD L. STAMARIA, 6866
ROBERT D. SWIFT, 3460
MARY ZACHARIAKURIAN, 1907

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

WANG S. OHM, 4593

To be commander

JAMES F. DORAN, 7900
ROBERT T. GERSTNER, 5580
FERDINAND G. HAFNER, 4914
JONATHAN C. HOLSINGER, 1981
ALEXANDER C. LEVY, 0862
TOM G. MURRAY, 2152
MARCOR B. PLATT, 1890
DANIEL E. SCANGO, 0001
MICHAEL R. TROVATO, 9988

To be lieutenant commander

STEVEN D. GOVER, 4385
DANIEL T. HENNING, 9491
DANIEL R. JUBA, 8763
HAI T. NGUYEN, 9840
CHATCHAVAL PONGSUGREE, 8068
CHARLES F. PRATT, 9685
MARGARET A. ROBERTSON, 4546
CYNTHIA J. RODRIGUES, 5909
VIKTORIA J. ROLFF, 9753

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, September 13, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

BERTHA K. MADRAS, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

PEACE CORPS

RONALD A. TSCHETTER, OF MINNESOTA, TO BE DIRECTOR OF THE PEACE CORPS.

DEPARTMENT OF STATE

JOHN C. ROOD, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON-PROLIFERATION).

CESAR BENITO CABRERA, OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

MARY MARTIN OURISMAN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

GEORGE E.B. HOLDING, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, September 13, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Louis V. Iasiello, President, Washington Theological Union, Washington, DC, offered the following prayer:

Most good and gracious God, You bless us and guide us at every moment of our lives, and most especially at times of great trial and adversity.

We thank You for the priceless gift of this great Nation and for the constitutional principles that guide it. We thank Thee for the many liberties that mark us as a blessed and a free people, and for myriad patriots who have worn the sacred cloth of military service throughout our proud history, citizen warriors who have defended those freedoms against the tyrannies of days past and those who continue the good fight this very day. We know their service honors You, for it stands as yet one more sign of the great bounty that is the United States of America.

And so at this troublesome time of national emergency, in the current struggle against global extremism, we ask for the strength to face adversity with pure and sincere hearts that You might empower us to be a light for all the nations and build a world with justice and peace for men and women of good will everywhere. So help us God, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 866. An act to make technical corrections to the United States Code.

SMALL BUSINESS NEEDS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to urge my colleagues to continue addressing the needs of small businesses that create seven out of every 10 jobs in our communities. Small businesses are the backbone of our local economies.

During the past month, I held small business walks down the main streets and through the business districts of towns and villages in New York's Hudson Valley.

I talked directly to small business owners and employees in places like Warwick, Port Jervis, Beacon and Highland Falls to hear directly from them about the challenges they face every day.

They asked for continued tax relief so they can afford to pay their employees. They need to keep more of their earnings in order to create new, good paying jobs in our local communities.

They asked for affordable health insurance to be more accessible for them to be able to provide for their employees. Only 41 percent of the smallest businesses can afford to offer health benefits, compared with 99 percent of large companies.

When I discussed small business health plan legislation that we have passed in the House, they often agreed that would be a practical first step toward solving the problem of America's uninsured.

Mr. Speaker, these and other proposals are part of a five-point plan I have been pushing to help our small businesses, and I ask my colleagues to support these initiatives that level the playing field for small businesses and provide them the tax relief they need.

A NEW DIRECTION FOR AMERICA

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, hard on the heels of the anniversary of 9/11, instead of dealing meaningfully with the concerns of the American people, like immigration and the economy, instead the House deals with horse slaughter rules and Indian gaming. There is no meaningful action or even debate on how the Bush administration's war of choice has left Iraq in shambles and civil war.

North Korea and Iran are more threatening and dangerous than when labeled the "Axis of Evil."

We are losing ground to the Taliban in Afghanistan, where the NATO commander cannot even get the troops he says he needs.

Independent polls show America's standing in the world at the lowest ever recorded.

The good news is that there will be a chance in November's election where we will be able to not just send a message but change the leadership here in the House and start a new direction for America.

BETRAYED IN THE LINE OF DUTY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, the battle on the second front continues, and the U.S. Government shows it is on the wrong side of the border war.

Two border patrol agents named Ramos and Compean chased a drug dealer down on the Mexico-Texas border. Gun shots were exchanged. The drug smuggler fled back to safety in Mexico, leaving his van and 800 pounds of dope on the American side.

The U.S. decided to prosecute. The U.S. Attorney went to Mexico, found the drug dealer, took him to America, treated his bullet wounds, and then, get this, gave him immunity to testify against agents Compean and Ramos for their shooting him, the criminal.

Both border agents were convicted by an overzealous prosecutor that was looking for pelts in her belt. She appeared to have more loyalty to Mexico than to America because she was on the wrong side.

Both agents await sentencing. The two border agents should have been given medals and sent back down to the border to bag another drug dealer instead of being prosecuted.

Yet another example of how our government is more concerned about illegals and drug dealers than they are about America and Americans.

And that's just the way it is.

TAX CUTS FOR WEALTHY, PAY CUTS FOR MIDDLE CLASS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for a lot of American families it is becoming more and more difficult to make ends meet in the Bush economy. With sky-high gas prices this summer, rising health care costs and stagnant wages, working Americans are feeling a serious squeeze on their family finances.

Unfortunately, President Bush and the congressional Republicans refuse to address our economy because they think it is moving along smoothly. But that is simply not the case.

While full-time minimum wage earners face a 50-year low in buying power, and all Americans face wages that are falling after inflation, corporate profits have reached their highest share of the economy since the 1960s. It would be nice if corporate CEOs and shareholders were not the only ones benefiting from the production American workers are bringing in every day. Democrats believe it is time for them to get their fair share.

Mr. Speaker, working Americans are ready for a new economic direction, one where workers are justly compensated for their efforts and the benefits of increased productivity can be shared by all. The days of catering exclusively to the wealthiest have helped create the troubling economic conditions that our Nation now faces. It is time for a change.

NATO STRATEGIC AIRLIFT CAPABILITY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, as a delegate of the NATO Parliamentary Assembly and very active in its defense subcommittee, and also the chairman of the Baltic Caucus, I am excited and extremely pleased with NATO's recent announcement in a letter of intent after 6 months of negotiation.

Thirteen Nations have developed a plan to create a NATO Strategic Airlift Capability based at Ramstein Air Force Base. Initially comprised of three to four C–17s, the SAC will be flown by multinational air crews, pilots and loadmasters, and a multinational military structure will be created to command and control these aircraft.

Boeing, who builds the C–17, is a great U.S. company. This aids in NATO's transformation and jobs for U.S. workers.

INTRODUCTION OF H. CON. RES. 453

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, with record temperatures set in the first half of 2006, with hurricane season upon us, the need for Congress to address global climate change is more pressing than ever.

There is no longer debate within the scientific community. Global warming exists, and we need to do something about it.

We have the opportunity and the responsibility to take action to reverse the negative impacts of global climate change. However, this must be done both domestically and internationally.

It is time the U.S., with the international community, fully address the issue of global climate change.

Congressman Jim Leach and myself have introduced H. Con. Res. 453, a bipartisan resolution expressing the need for the U.S. to participate in international agreements that address global climate change.

I invite my colleagues to cosponsor this bill and join us in taking this step and begin addressing global climate change

CONGRATULATING THE 2006 LITTLE LEAGUE WORLD CHAMPIONS

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, millions play our national pastime for the love of the game, but only the truly elite can claim the title of world champion.

I have the great pleasure of representing Columbus, Georgia, home of the 2006 Little League World Champions. Our community beams with pride for these incredible young sluggers and slingers.

The players for Columbus Northern are living the dream of every American boy who has ever slipped on a glove. In order to compete for the world championship, Columbus Northern first had to defeat the best Little League teams that the United States had to offer.

Then, as the American champions in the World Series, Columbus Northern took on a tough and talented Japanese team. The game was a defensive struggle, allowing Columbus Northern to win 2–1 after a 2-run homer by catcher Cody Walker, who also caught the fastball of winning pitcher Kyle Carter. The champs recently met one of the Nation's biggest baseball fans, President Bush, when he was in Atlanta.

The Columbus Northern team is on top of the world. It will have memories to last a lifetime.

Mr. Speaker, I salute the players of Columbus Northern. Georgians and Americans are thrilled with their success, and we are more than a little jealous, but very thankful, that they get to live every boy's dream

PRESIDENT BUSH CONTINUES TO MISREPRESENT THE WAR IN IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, in his speech on Monday night, President Bush continued to try to justify the invasion of Iraq by drawing nonexistent links to the 9/11 attacks. The President's misuse of the fifth anniversary of the attacks shows that he will go to any length to divert our attention from his failures in Iraq, which has diverted focus from America's real national security concerns.

President Bush, and most Republicans here in Congress, refuse to admit that things are not going well in Iraq. One has to only look at a report that we requested from the President's own Pentagon showing that the situation in Iraq has greatly worsened. The number of attacks against Americans and Iraqis has climbed to its highest level since the war began, and in the month of July alone 100 Iraqis a day were being killed.

U.S. troops continue to pay too high a price. To date, more than 2,600 brave American soldiers have lost their lives, an additional 19,000 have been wounded, and we have now spent over $320 billion in Iraq. Do we really need to lose 58,000 soldiers before we stop staying the same course in Iraq as we did in Vietnam?

It is time for a new strategy in Iraq, one where the Iraqis themselves, not foreign occupiers, are responsible for their Nation's future

UNITY AND RESOLVE WILL WIN THE WAR ON TERROR

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, Osama bin Laden himself has stated that victory for the extremists in Iraq will mean America's defeat and disgrace forever.

The terrorists clearly see Iraq has the central front in the global war on terror.

On Monday evening, the fifth anniversary of the attacks of 9/11 and the beginning of the war on terror, the President clearly stated the importance of success in Afghanistan and Iraq and winning that war. He understands the resolve that we need to meet the significant challenges faced by our Nation.

And what is the response of the Democratic leadership? To attack the President for even mentioning Iraq as a part of the war on terror. They seek, once again, to distract and divide America to score cheap political points.

For whatever reason, they do not take the terrorists at their word with regard to Iraq, or they do not care because they see a political benefit in undermining U.S. efforts.

The Democrats must understand that America must be united. We must have the resolve to defeat the terrorists in the heart of their power so we do not have to fight them on our own streets.

One has to wonder if the Democratic leadership cares as much about winning the war on terror as they do about winning the election in November.

☐ 1015

PRESIDENT BUSH USES NATIONALLY TELEVISED SPEECH TO SPREAD DISINFORMATION

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, just when you thought the Bush administration had finally faced reality and admitted that Iraq had nothing to do with 9/11, President Bush uses a nationally televised speech on 9/11 to once again blur the lines between the war on terror and the war in Iraq.

Last week, a bipartisan Senate Intelligence Committee report concluded that the U.S. intelligence analysts were strongly disputing any link between al Qaeda and Iraq, while the Bush administration officials were fabricating links to justify invading Iraq.

Over the last month, President Bush and Vice President CHENEY have admitted to the American people there was no link between the terrorist attack on September 11 and the Iraq war. Yet, during a nationally televised speech on Monday, the President once again had the audacity to say that the safety of America depends on the outcome of the battle in the streets of Baghdad, once again connecting in many people's minds 9/11 and Iraq.

The President can't have it both ways. And on an issue so important as this, national security, the President should level with the American people and admit it is time to make a change and change the course in Iraq.

IN MEMORY OF FORMER U.S. CONGRESSMAN CLAIR BURGENER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it is with great sadness that I inform the House of the passing of our former colleague, the gentleman from California, Clair Burgener. He was an amazing individual, and I have a load of articles here that have been written about him over the past several days.

I think the San Diego Union-Tribune put it extraordinarily well when it said: "Burgener earned a reputation for honesty and modesty in a three-decade career that began in San Diego city politics and ended in the hallways of the Nation's Capitol."

As we look at this time of partisan divide here, former nine-term Democratic Congressman Lionel Van Deerlin said, "He was a wonderful colleague. He and I were on different levels as far as our voting went, but we didn't try to hold back or fool each other."

And Herb Klein, the retired editor in chief of Copley Newspapers and director of communications for President Nixon, recalled a man of unbending ethics: "Clair Burgener was the epitome of a great American Congressman. He was honest and ethical, a strong leader dedicated to his community. He was a wonderful friend whose warmth never waned."

Mr. Speaker, our thoughts and prayers go to Clair's wife, Marvia. We thank him for his extraordinary service to the United States of America.

PRESIDENT ATTEMPTS TO CONNECT IRAQ WITH OVERALL WAR ON TERROR

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, on Monday night, President Bush continued this difficult job he has of trying to connect the war in Iraq with al Qaeda. He said it is the most difficult part of his job. Because there is no connection.

Even the Senate report this past week said, and it is a bipartisan report from the Senate Intelligence Committee, said there is no link between Saddam Hussein and al Qaeda. The Senators wrote: "Saddam expressed only negative opinions about Osama bin Laden."

Yet the President had the audacity on Sunday night to say that our Nation's safety depends on what happens in the streets of Baghdad. Now, Mr. Speaker, we have to ask the President, where were you when you set this war up and you told General Shinseki, head of the Army, we didn't need 350,000 people: we could go over there with a minimal force?

You led us into this quagmire, and you have got to give us a way out. We need the strategic redeployment that Mr. MURTHA is talking about

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to the President

BORDER SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to remind my colleagues that partisan bickering and ill-fated policies toward immigration reform will simply not solve the crisis we are facing today. We must produce a solution to border security and close a major loophole in our Nation's security, thereby fulfilling the most important role of the Federal Government.

It is time we turn off the faucet before we decide to fix the pipes. Now is not the time to work on comprehensive reform. During the District Work Period in August, my constituents delivered a clear message: no amnesty, just secure the borders now. After 22 immigration field hearings, an identical resounding and powerful message has been sent to officials in Washington: secure the borders now.

Why are my colleagues on the other side of the aisle so opposed to the will of the American people? Security is an issue that should not be taken lightly, much less used for political gain.

Mr. Speaker, we are now in Washington to represent those who voted to send us here, and we must not ignore the message they are sending. It is time to secure the borders and stop the unending flow of illegal aliens.

HOW SAFE IS AMERICA TODAY FROM TERRORIST ATTACKS?

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. How safe is America today from terrorist attacks? Here are some of the results from Foreign Policy magazine's recently published "Terrorism Index," a survey of over 100 top national security experts from across the political spectrum, with the results weighted to ensure balance between conservatives and liberals.

Among the key findings are, one, 84 percent of the experts said we are losing the war on terror. Eighty-six percent said that the world is becoming more dangerous for the United States and the American people. Ninety-three percent said the war in Afghanistan had a positive impact on the war on terror, but 87 percent said the war in Iraq had a negative impact on the war on terror.

It is clear to the American people now that this country is moving in the wrong direction, the wrong direction in the war in Iraq; and it is time for a new direction. The Democrats offer a new direction for America.

GLOBAL WAR ON TERROR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the 5 years since the 9/11 terrorist attacks, we have made great strides in fighting global terrorism, but this war is not over. The recently uncovered plot to bomb U.S.-bound passenger jets made it clear that we are still threatened.

As we remember 9/11, we must renew our commitment to winning this war against Islamic terrorists. Make no mistake, the enemy hasn't lost its resolve. Osama bin Laden put it this way. He said, "The whole world is watching this war and the two adversaries. It is either victory and glory or misery and humiliation."

Our enemies are determined, but they will be defeated if we remain vigilant. As Congress deliberates this month, we must continue to make the protection of the American people our top priority. America's greatest strength lies with our people's love of freedom. By doing what it takes to win this war, we will show that our love for freedom is stronger than our enemy's desire for bloodshed and tyranny.

DEMOCRATS SUPPORT DEMOCRACY AT HOME AS WELL AS ABROAD

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the statement by Majority Leader BOEHNER was shameful and disgraceful. To suggest that my fellow Democrats care more about protecting the terrorists than the American people is not right, it is not fair, it is not just, and it is not the American way.

Mr. Speaker, Democrats will not stand by and let a single attack go unanswered. You may play the politics of fear, you may question the patriotism of those who use their constitutional rights to criticize this administration, but this dog will not hunt. This dog just will not hunt.

The American people know better. They want this Nation to take a new path. They want to move in a different direction. They want leaders who respect the dignity and the values of our democracy. We cannot defend democracy abroad if we don't practice it here at home.

CONGRATULATING HARALSON COUNTY, GEORGIA, ON ITS 150TH ANNIVERSARY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to honor Haralson County, Georgia, which this year is celebrating its 150th anniversary.

One hundred fifty years ago, back in 1856, the Georgia General Assembly created Haralson County from parts of Carroll and Polk Counties. Haralson County is forever tied to the statesman of its founding. The county was named after a distinguished soldier and a United States Congressman, Hugh Haralson, and the county's seat, Buchanan, was named several years later after President James Buchanan.

Mr. Speaker, one of the most recognizable sites in the city of Buchanan is the courthouse, built in 1891, and currently listed on the National Register of Historic Sites. The courthouse is symbolic of Haralson County, for as the county has grown and changed over the past 150 years, it has never lost sight of its history and founding.

And though the county's founders might not recognize some of the recent additions, like the Honda plant, I know they would feel right at home in the warm communities that populate this county. Mr. Speaker, I ask that you and all of my colleagues join me in congratulating the citizens of Bremen, Buchanan, Tallapoosa, Waco, and all of Haralson County on this historic occasion

PRESIDENTIAL RHETORIC VS. ECONOMIC REALITY

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, as a member of the Education and Workforce Committee, I am shocked at the difference between Presidential rhetoric and economic reality. Every time the President speaks about the state of our Nation, it becomes apparent just how out of touch he really is.

Last month, after meeting at Camp David with his economic team, the President told reporters that things are good for the American worker. Let me ask: What exactly is his economic team telling him?

The reality is that American workers are suffering, while corporate profits soar. Productivity in our Nation has increased, but the workers who are putting in the extra effort have no piece of that wealth they are helping to create. In fact, wages and salaries are at their lowest proportion of the economy, while corporate profits are at the highest level since 1960.

What that means for the average American worker is that they are working harder without receiving any real pay increase. Meanwhile, the companies they work for are reporting record profits. Something is wrong. We need to turn it around and have that reality work for the working people.

PRESIDENT HAS MISLED THE AMERICAN PEOPLE ON IRAQ

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, the President of the United States continues to try and sell Americans on the fact that we should be in Iraq.

Mr. President, where is Osama bin Laden? Mr. President, you have spent over $300 billion on this occupation in Iraq. You have misled this country. We have over 2,700 soldiers that are dead and the occupation continues. We are less safe.

The real war is in Afghanistan. We have not dedicated the soldiers or the money there. That border between Afghanistan and Pakistan is a staging ground for our soldiers to be attacked, yet we wrap our arms around Mr. Musharraf, the President of Pakistan. They won't even let us come into Pakistan to get the terrorists who are attacking our soldiers.

It is time for the President of the United States to own up to the fact that he has made a mistake. He has misled the American people. We cannot continue this occupation. It is draining us of our resources, and it is placing us in real danger. Mr. President, go get Osama bin Laden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will request once again that Members address their remarks to the Chair and not to the President.

□ 1030

RAISING THE MINIMUM WAGE

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in support of raising the minimum wage. Less than a month ago in this body I voted against raising the minimum wage. Now why would I vote against raising the minimum wage? There is no Member in this House that supports raising the minimum wage more than I do. I clearly understand that a person cannot live on $10,700 a year. But it was a poison pill. As we said in the Florida House, it was the kiss of death because it was tied to an estate tax that would have taken trillions of dollars out of the budget and we would have had to cut education, health care and so many other programs that we care about.

The Bible says the poor will always be with us, but our job is to help raise the standard. Give us a clean bill on this floor and let's vote to help the American people.

IRAQ IS A DISTRACTION

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Speaker, on Monday night, our President had an opportunity, after 5 years of 9/11, to again unify this Nation as he did in 2001. Instead, he chose to give a political speech that focused more on the war in Iraq than what he is doing now to secure this Nation against those really responsible for the attacks of 9/11.

Last month, the Republican cochair of the 9/11 Commission Tom Kean said, "We're not protecting our people in this country. The government is not doing its job." That is from a Republican.

When Commissioner Kean was asked whether Iraq is preventing us from protecting our Nation, Kean admitted Iraq has been a distraction.

Five years ago and 2 days after 9/11, Osama bin Laden remains at large and the Taliban is resurging in Afghanistan. Since the Bush administration turned its attention away from Afghanistan to go into Iraq, roadside bombs have increased by 30 percent and suicide bombings have doubled.

Mr. Speaker, President Bush had a chance on Monday to level with the American people. It is time we turn our attention back to Osama bin Laden, who really was the one who was responsible for the 9/11 attacks. Let's get Osama bin Laden.

AMERICA CANNOT AFFORD TO STAY THE COURSE

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, it is indeed time for a change in Iraq. Our troops are currently caught in a deadly civil war between the Sunnis and Shiias, a war that is resulting in the death of American soldiers every night, and hundreds of Iraqi civilians every day. If there was ever a time to change tactics, now is that time.

House Republicans and President Bush cling stubbornly to the mantra "stay the course," but slogans cannot substitute for strategy.

President Bush says American troops will still be on the ground in Iraq when he leaves office in 2009, and that would make the Iraq war longer than World War II. We cannot continue to be bogged down in Iraq's civil war. Conditions there are not getting better. According to the latest Pentagon report, things are actually getting worse and the war in Iraq has put an enormous strain on our military, resulting in military readiness levels at historic lows.

It is time we get back to fighting the real war on terror and not a civil war in Iraq.

REPUBLICANS PREFER TO PLAY POLITICS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this week Republicans have turned to their two favorite political tactics: Smear and fear. It is bad enough that President Bush chose to use a 9/11 anniversary speech on Monday night not to unite this Nation with facts but instead to once again divide us by using his bully pulpit to instill fear into Americans with misleading statements.

Just 2 weeks ago the President said Iraq had nothing to do with 9/11, but once again on Monday night he spent the majority of his speech in the Oval Office talking about Iraq.

Why would the President talk about Iraq if he knows it had nothing to do with 9/11?

Mr. Speaker, he is trying to blur the issue so Americans will continue to tolerate his failed stay-the-course strategy that a majority of Americans have already rejected.

Democrats want a new direction for Iraq, with the responsible redeployment of U.S. troops beginning this year, in order to strongly position America to confront the global challenge of terrorism. Unlike the administration's current plan, our real security plan is a strategy for taking the fight to the terrorists to better protect Americans.

PROVIDING FOR CONSIDERATION OF H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 997 and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 997

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule providing for consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2006.

The rule provides 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary which is now printed in the bill shall be considered as an original bill for the purpose of amendments and shall be considered as read.

The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution, and it provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, Mr. Speaker, the rule waives all points of order against the amendments printed in the report and allows one motion to recommit with or without instructions.

Mr. Speaker, today we will debate reforming a government-owned corporation called UNICOR, which is more commonly known as the Federal Prison Industries. Federal Prison Industries, Incorporated, manufactures products and provides services that are sold to the executive agencies in the Federal Government. When the Federal prison system was established at the turn of the 20th century, factories were erected in Federal prisons to manufacture products for the Federal Government. President Roosevelt consolidated Federal Prison Industries into UNICOR in 1934 to provide training opportunities for inmates, control inmate behavior, and diversify production.

In fiscal year 2005, Federal Prison Industries generated $765 million in sales with all revenue reinvested in the purchase of raw materials and wages for inmates and staff. As of 2004, there were 102 UNICOR factories at 71 different correctional facilities working on operations such as metals, furniture, electronics, textiles and graphic arts. UNICOR currently employs 19,720 inmates, or 17 percent of eligible Federal prisoners, at a rate of 23 cents to $1.15 an hour and, by charter, must be economically self-sustaining without any Federal appropriations.

So, Mr. Speaker, the problem with the current system is the adverse impact it has had on small businesses which do not have the ability to compete with UNICOR's guaranteed market, even if they could provide a better deal for our government agencies.

Mr. HOEKSTRA introduced H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, with the fundamental objective of correcting this problem by eliminating the requirement for Federal agencies to purchase products from UNICOR under most circumstances.

H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003 passed by a vote of 350–65 in the 108th Congress, and it is almost identical to this Federal Prison Industries Competition in Contracting Act of 2005, the notable exception being the authorization of a new work-based employment preparation program for Federal inmates where private sector firms can enter into agreements with UNICOR to prepare inmates to reenter society through real-world work and apprenticeships.

The Federal Prison Industries Competition in Contracting Act would change the 1934 statute of Federal Prison Industries by requiring UNICOR to compete, let me repeat, to compete for business opportunities instead of relying on a mandatory government purchasing, prohibits inmate labor from being sold separate from inmate products, provides more remedial education and vocational training opportunities for inmates, authorizes alternative inmate work opportunities in support of nonprofit community service organizations, and it allows the Attorney General oversight and discretion to award individual source contracts should UNICOR lose a contract and endanger the safety of a Federal correctional institution.

It establishes a $2.50 per hour minimum wage for prisoners who are within 2 years of release. It raises the maximum wage to half of the Federal minimum wage for all inmates by September 30, 2008, and equal to the Federal minimum wage by 2013.

Finally, Mr. Speaker, it increases the ability for public comment on proposed Federal Prison Industries expansions and ensures direct access to these comments by the board of directors.

Considering our Nation's tradition on promoting fair competition and with the support of organizations and business interests such as the Associated Builders and Contractors, the Coalition for Government Procurement, the National Association of Manufacturers, the National Federation of Independent Business, the Uniform and Textile Service Association, the United States Chamber of Commerce, and the Prison and Justice Fellowship, it should be reasonable to apply good business practices to prison labor.

Beyond fair competition, it is important to modernize the Federal Prison Industries program for this 21st century. UNICOR has operated on the same base model since 1934, despite diverse changes in labor and technology.

Our Federal prisoners are beyond the days of simply stamping a license plate for a penny a day. If we are to remain committed to rehabilitation and our Federal system of prisons, then we need a serious commitment to give prisoners reasonable work skills, reinforce acceptable behavior, and reinstate these prisoners to a real world work environment.

☐ 1045

Furthermore, we need a system that is business friendly and is cost effective to our Federal Government.

I urge my colleagues to vote for swift passage of this rule, and, of course, H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2006.

I, Mr. Speaker, stand in support for both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I thank Mr. GINGREY for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying bill. In 1934, Congress had established Federal Prison Industries, or FPI, a government corporation that employs inmates in Federal prisons to produce goods and services for the Federal Government.

FPI employs nearly 20,000 inmates in more than 100 prison factories to manufacture a number of products for the United States Government. Prisoners manufacture such items as clothing, textiles, fleet management of the vehicle components, graphics and industrial products in return for cheap labor. Inmates receive valuable job training opportunities that teach them the necessary skills that may help them become productive, hardworking citizens once they reenter society.

Under current Federal law, FPI is a mandatory source of goods and services for Federal agencies. That means, Mr. Speaker, that any agency that wants to buy at least $2,500 worth of goods and services must first seek to do so through FPI. If FPI cannot process an order, the agency is then given a waiver to make the purchase from another source.

Mr. Speaker, this legislation seeks to phase out the preference given to Federal Prison Industries in contracts with Federal agencies. Supporters claim that it is unfair to exclusively employ prisoners when small businesses and private firms want to secure contracts with the Federal Government.

However, I claim if it ain't broke, don't fix it. I claim that it is unfair to spend more than half a billion tax dollars to dissolve an effective and self-sustaining program. I claim that it is unfair to obligate an additional $75 million a year for the next 5 years to implement an educational and vocational program to replace an already successful educational and vocational program.

This seems to me to be an extraordinarily wasteful way to spend American taxpayers' dollars. As a former judge, I know the importance of prison employment training programs. I personally witnessed the benefits of giving prisoners constructive work while they are incarcerated. While the Federal Prison Industries may need reform, I propose we seek other options. I propose we first ask the Bureau of Prisons what they think about reforming Federal Prison Industries.

I propose we ask the Federal agencies that receive FPI products and services what improvements can be made. I am not convinced that this particular bill is necessary or that it is the best solution in reforming Federal Prison Industries.

Finally, Mr. Speaker, I do not understand why this bill could not have been considered under an open rule. It was in the last Congress, and this same measure passed in the last Congress, 350-65, was not taken up by the U.S. Senate, is not going to be taken up by the United States Senate in the next 2 weeks and probably not even in a lame duck session.

There weren't very many of our colleagues who offered amendments at the Rules Committee last night, and of the Members who were not permitted to offer their amendments, Mr. SCOTT from the Judiciary Committee and Mr. ROHRABACHER, a Democrat and a Republican, each had thoughtful amendments, which the full House should have been given the opportunity to debate.

We didn't vote yesterday until 6:30 in the evening, and there isn't anything at least firm on the schedule on the floor Friday. So why not let the House work its will? Why continue to stamp out democracy here in the people's House while feigning to advocate democracy around the globe. It really kind of makes you go hmm, and it makes me wonder, Mr. Speaker.

For all of the above reasons, I urge my colleagues to reject this rule and the underlying bill

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today to speak on the rule, not due to the merits of the bill before us, but because I am compelled to call to attention the complete debacle that I think is existing at the Federal Bureau of Prisons.

I rise on behalf of my constituents in a small rural town in Mendota, California, to demand that the Federal Government stay true to its word, as a focus to the core of this issue, to focus on what I believe is smart budgeting in addressing the security demands that evolved with our country, as well as the Federal Government's commitment to make good on its commitments.

In May of 2000 the city of Mendota was approached by the Federal Bureau of Prisons to build a medium security Federal correctional institution. The local elected officials, the community leaders have been strong supporters of this project and proud to provide the public service to our country, which also has the effect of encouraging economic stimulus that this prison would create.

As you see here, over $100 million has already been spent on the facility. It is about 40 percent complete. This photograph was taken about a week ago.

The funding, though, is now in jeopardy. The administration has proposed a rescission of $57 million in fiscal year 2002 and 2004 that has jeopardized the entire completion of this project. Mendota's contract is set to expire in October of this year, which, in this case, is anticipated that any new contract that will have to be reissued will cost the Federal Government and our budget 20 percent in additional dollars.

Yet the Bush administration refuses the request to add additional dollars, dollars to complete this facility. The administration's approach to funding in this case, in my opinion, is penny-wise and pound foolish. There is no sound reasoning that would support cutting off the funding for the completion of this facility. We know what the issue is on the Federal level. We have, under the medium security facilities, currently over 37 percent over capacity throughout the country, 37 percent over capacity. The Federal Bureau of Prisons expects that they need to house 7,500 new Federal inmates annually.

In California, our institutional system is 89 percent over capacity, and the Department of Corrections expects an increase of over 4,000 inmates annually. This Mendota facility would provide 1,522 much-needed beds to help address this growing demand. The Federal Government has made a long-term commitment to construct and operate this facility.

To bring this project to a virtual halt would be unfair not only to the citizens of Mendota, who have over an 18 percent unemployment level, of which 42 percent of the population is living below the poverty line. The President would provide good jobs and a major boost to the very depressed local economy.

Now, when we talk about the administration's failure and their fiscal year irresponsibility to American taxpayers, I think this continues, when you begin to understand that the Bureau of Prisons proposes to begin the construction of two new facilities while they want to stop this one half completed. What sense does that make?

That is right, believe it or not, we have a half-built prison in California in the city of Mendota. It will cost the Federal Government $2 million a year to mothball this facility, to go in and to make sure that they flush the toilets and they do the other kinds of things necessary to keep it operational.

In closing, this is an untenable situation. It is an untenable situation for the city of Mendota. It is an embarrassment to this administration, which finds its credibility being shredded almost on a daily basis. It is clear that if the Bush administration refuses to provide the promised funding to this ongoing construction of this facility, this half-built facility will be standing proof to our administration's failure to keep its word and to honor its commitments.

Ladies and gentlemen, I urge that reconsideration be taken to this funding rescission and that, in fact, we offer good common sense as it relates to our Federal budget. It is not good fiscal responsibility to stop construction of a half-completed prison and begin the construction of two new facilities that have yet to be started.

Mr. GINGREY. Mr. Speaker, I don't question the gentleman from California's right to take an opportunity to advocate on behalf of his district and the construction of that Federal facility, and I am sure he knows of what he speaks. But getting more to the point of this particular bill, the gentleman, my good friend from Florida, wanted an open rule.

Of course, I understand that. I think if I were on the other side, I would always want an open rule as well. But in the spirit of openness, I want to point out to my colleagues, Mr. Speaker, that I think there were eight or nine amendments submitted. We accepted five. Three of those amendments to this bill were Democratic amendments, one was a bipartisan amendment. Yes, there was one Republican amendment.

The last time we passed this bill, there were something like, we had an open rule, and there were 14 amendments that were accepted. All of those amendments are included now in the text of this bill that we are discussing today.

I just want to point out that the process of bipartisanship and openness, Mr. Speaker, let me just tell you, and remind my colleague from Florida, and I know he is aware of this, but in the committee, the ranking member, Mr. CONYERS, supported this bill as did Mr. WATT, Mrs. MALONEY, Ms. WATERS, and Mr. FRANK. The main amendment that came through committee concerned this issue of training, of better training of our current Federal prison population to help them be better rehabilitated and have an opportunity, as they go out into the 21st century.

As we point out, we are trying to revise something that started in 1934 with people stamping license plates.

There is a lot of modern technology, Mr. Speaker. I know all of our colleagues on both sides of the aisle understand that.

If there is some way that we can give that training to these people in the prison system who want to change their lives, and, as soon as they get out, they get a good job, maybe even go to work for one of these private companies that is helping provide for their training through this program, that was a wonderful addition to the bill.

□ 1100

That, in fact, was new since the last time this bill came up. Again, Mr. CONYERS, Mr. WATT, Mrs. MALONEY, Ms. WATERS and Mr. FRANK were all very supportive of that.

So the statement that "if it ain't broke, don't fix it," I think it was broke, and I think my good friend from Florida's colleagues felt that it was broken, and in a bipartisan way we are trying to fix it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume only to respond to my good friend from Georgia that I am prepared, as I am sure all Members in this body are, to stipulate that this is an important matter. The question that I would ask and answer rhetorically is, is this the most important thing that we could be doing here? If it is, I am missing something, because I did not see the minimum wage, I did not see port security, I did not see the appropriations bills. All we have done is two of the 13 up to now.

So if this is the most important thing, which has already passed in a previous session of Congress 350-65, and ain't going to pass the other body this week or next or before September 29, when the majority leader has said that we will go sine die during that particular weekend, I am here to tell you that this is a woeful response, and it is more than credible that it will make the suggestion that people make come to fruition that this is a do-nothing Congress, when in fact we are taking up something that may very well be important, but it sure ain't the most important thing to Jane and Joe Lunch Bucket in America.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume for the purpose of closing.

The gentleman says that is not the most important thing, and I don't disagree with him. I think it is very important. It is not the most important thing. Of course, a lot of "the most important things" that he has mentioned this Republican majority has brought to the floor of this House and we have passed, some of that, most of it actually, in a bipartisan way, with support from the other side.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. Of course, I yield to my friend, the gentleman from Florida.

Mr. HASTINGS of Florida. Most quickly, have we done the appropriations measures, and can the gentleman assure me that between now and September 29 we will pass the rest of the appropriations measures in the House of Representatives

Mr. GINGREY. Mr. Speaker, as the gentleman from Florida knows, we have passed I guess it is 10 out of 11. We may have one appropriations bill that has not passed the House. All of the rest have. We are waiting on the Senate. We are very confident that we will next week, given the leader's colloquy for what our schedule is, I can't say for sure, but it is my understanding we will be dealing with both the Homeland Security appropriation and the Department of Defense appropriation next week.

As I pointed out, we have passed all of these appropriations bills. We have done our work and we will continue to do our work. We are ready to receive those conference reports.

In the meantime then, what are we to do? Is the gentleman suggesting we sit over here on the leadership majority side and do nothing? Absolutely not, Mr. Speaker. We are doing our work.

This is a very important piece of legislation, and I want to thank my colleague from Michigan (Mr. HOEKSTRA) for sponsoring it and for being a tireless champion of reform for Federal Prison Industries.

As I discussed in my opening statement, it is important to protect the interests of business without diminishing the effectiveness of our Federal Prison Industries, also referred to as UNICOR. With H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, this Congress has an opportunity to promote fair competition and to update UNICOR for the 21st century, as I said earlier.

This body passed similar legislation with an overwhelming 350-65 majority. Federal Prison Industries are important for prisoner behavior control, for the safety of our Federal prison guards, and, furthermore, it serves as an opportunity, and this is most important, for inmates to learn skills necessary for life after prison. It helps reduce the number of repeat offenders and ultimately reduces the stress of our overcrowded prisons. My good friend the gentleman from California (Mr. COSTA), of course, mentioned that in describing the facility in his district that is so needed.

This current Federal Prison Industries system is outdated and it still operates off of the same executive order issued by President Franklin Delano Roosevelt in 1934. Considering the global economy and accounting for further changes and the needs and exchange of goods and services in this, the 21st century, it is important to update this program in order to preserve its efficiency for rehabilitating prisoners.

The Federal Prison Industries Competition in Contracting Act of 2005 would preserve the successful formula of the current system with the checks and balances of a competitive market. It is no longer in the best interests of our government or Federal prisons to have a guaranteed artificial market. Our current system is not fair to small businesses who wish to compete for government contracts, it is not fair to the executive agencies trying to work within a tight budget, and it is not fair for the education of prisoners who need to learn new job skills and the nature of a competitive market.

Outside of providing competition for outside businesses, H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005 would prohibit inmate labor from being sold separate from inmate products, it would provide more remedial education and vocational opportunities for inmates, and it would authorize alternative inmate work opportunities in support of nonprofit community service organizations.

So, Mr. Speaker, in closing, I want to reiterate the diverse support of H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, including businesses, civic organizations and the unions. It is important to pass legislation to reform Federal Prison Industries in order to sustain the program for the 21st century.

I ask my colleagues, please support this rule and the underlying legislation

Mrs. MALONEY. Mr. Speaker, I rise today in support of this legislation that will end the unfair government-sponsored monopoly enjoyed by Federal Prison Industries.

H.R. 2965 is a good bill that will protect the jobs of American taxpayers. According to the National Economic Council, 2.9 million manufacturing jobs have been lost since 2001. We should do everything possible to keep workers employed.

FPI is, not competing on a level playing field. It pays its workers just pennies and is not required to pay taxes. With its predatory practices, FPI has contributed to the closure of private companies and the loss of tens of thousands of jobs throughout the Nation. This legislation will ensure that contracts are awarded to the company that will provide the best products, delivered on time, and at the best prices, thereby saving taxpayer dollars and protecting good jobs. In short, the way the free market is supposed to operate.

H.R. 2965 also provides valuable alternative rehabilitative opportunities, including work in support of nonprofit, public service organizations, to better prepare inmates for a successful return to society.

The bill enjoys broad bipartisan support, and has previously passed the House overwhelmingly. Additionally, H.R. 2965 has support from much of the business community and organized labor.

I urge my colleagues to vote for this legislation and to oppose any amendment that will weaken the underlying bill.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 996 and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 996

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) four hours of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees; and (2) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of House Resolution 994 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for 4 hours of debate in the House, equally divided and controlled by the majority leader and minority leader or their designees. It waives all points of order against consideration of the resolution and also provides one motion to recommit, which may not contain instructions.

Finally, it provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

Mr. Speaker, we are here today, 5 years after the tragedy of September 11, to speak with one voice to let the world know that we have not forgotten the lessons of that terrible day. We are here to remember the thousands ruthlessly murdered by our enemies who hijacked four civilian aircraft and crashed them into the World Trade Center towers, the Pentagon and a field in Pennsylvania, and to recognize the unimaginable losses suffered by their families. We are also here to honor the sacrifices and the courage shown by our first responders who selflessly rushed to the flaming buildings in order to rescue the victims of these attacks.

We are also here to let our allies in the war on terror know that we stand united with them in the war on terror, and to recognize the progress that continues to be made by our Federal intelligence, law enforcement and security agencies in conjunction with intelligence, law enforcement and security agencies of our allies, in keeping Americans safe. And we are here to remind these allies and to place our enemies on notice that we will never shirk from the war on terror and that we will never forget what happened on September 11, 2001.

The six-page resolution should be recognized by every Member of this body as an opportunity to remember our Nation's tragic loss and to encourage every American to do the same. It is an opportunity to extend our sympathies to the families of the lost and to honor those who risked their own lives and health trying to protect the lives and health of others.

It is an opportunity to extend our gratitude to our intelligence and military personnel serving at home and abroad and their families for their service. It is to thank the citizens of other nations who are contributing to the effort to defeat global terrorism.

More importantly, it is an opportunity by this body to reaffirm that we remain vigilant and steadfast in the war on terror, that we remember the sacrifices made by so many innocent Americans on September 11 and that we will never succumb to the cause of terrorists.

Mr. Speaker, the resolution that will be brought here before the House for a vote is an earnest, heart-felt and comprehensive resolution putting the House on record and standing once again against terrorism.

This House already has a strong record on this topic and has already passed a number of bills designed to accomplish the main goal laid out in this resolution, to remember the lessons of 9/11 and to honor the victims by preventing another attack on American soil. We have voted to give our law enforcement the tools they need to prosecute the war on terror in the United States and throughout the world, and through the passage of the USA PATRIOT Act and its reauthorization we have once again reaffirmed that.

We have voted to implement a key component of the 9/11 Commission by creating Federal standards for the application process in the issuing of State identification cards through the REAL ID Act.

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And this House has voted to secure our borders through the Border Protection, Antiterrorism, and Illegal Immigration Control Act and to defend our ports through the Security and Accountability for Every Port Act. We have made important reforms in the intelligence community through the Intelligence Reform and Terrorism Prevention Act and provided our first responders with the resources that they would need with our annual Homeland Security authorization and appropriations process.

Mr. Speaker, this House has accomplished a great deal on behalf of the American people to ensure the citizens of the United States that they can be safe here and abroad, but we understand that this job is not yet done. Next week the House is scheduled to consider legislation that will build upon all of this hard work, legislation to further boost our national security and to give our law enforcement the tools it needs to prevent our shadowy, ever-shifting, and determined enemy to once again demonstrate that we do not rest in the war on terror and that we will not forget.

I encourage all of my colleagues to join me in supporting this rule to let our allies and our enemies alike know that we will continue the war on terror both in memory of those murdered on September 11 and for the generations still to come who will look back and evaluate our ability to put partisanship aside and to stand together on behalf of our Nation, our citizens, and, in fact, our civilization.

I encourage all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, today we remember that terrible day of September 11, 2001. We continue to mourn for those who are lost. Our hearts continue to ache for the loved ones left behind. We honor those first responders who saved so many lives. We continue to stand firm as we pursue justice against those who perpetrated those attacks. And we remain committed to finding and eliminating terrorists around the world.

Mr. Speaker, almost every year since 2001, Congress has passed resolutions commemorating the September 11 attacks. In past years those resolutions have been thoughtful, appropriate, and solidly bipartisan, as they should be. Sadly and unfortunately, that is not the case this year.

Instead, the Republican leadership of this House has chosen to include controversial language in the resolution, including language celebrating the passage of legislation that many of us, both Democrats and Republicans, find to be deeply problematic.

For example, the resolution before us celebrates the passage of the USA PATRIOT Act, which I and many others, Republicans and Democrats, believe went too far in sacrificing American's constitutional civil liberties.

Rand Corporation terrorism expert Brian Michael Jenkins recently made this point very well. He argues that strengthening America must involve preserving American values. And I quote: "We cannot claim to be a Nation of laws, a champion of democracy, when we too easily accept a disturbing pattern of ignoring inconvenient rules, justifying our actions by extraordinary circumstances, readily resorting to extrajudicial actions based on broad assertions of unlimited executive authority, and espousing public arguments against any constraints on how we treat those in our custody. The defense of democracy demands the defense of democracy's ideals. To ignore this is to risk alienation and isolation. And defeat."

Additionally, Mr. Speaker, the resolution before us celebrates the 2005 passage of what many of us consider to be a punitive, controversial immigration bill, a bill that couldn't even pass the Republican Senate and a bill that President Bush does not even support.

Mr. Speaker, it did not have to be this way, and it should not be this way. On Monday night the United States Senate passed its own version of the September 11 resolution, S. Res. 565, and I will insert a copy of the Senate bill at the conclusion of my remarks.

Mr. Speaker, the Senate bill approaches this issue the right way. It sticks to remembering the victims, condemning the attacks and their perpetrators, recommitting the United States to fighting terrorism, and commending the members of our Armed Forces, law enforcement personnel, first responders, members of the intelligence community, and others who are on the front lines of this effort. The Senate bill was cosponsored by every single Senator, Republican and Democrat. Every single Senator put their names on this bill, and it was passed unanimously. For the life of me, I cannot figure out why the same thing is not good enough for the leadership in this House. Why on this subject, where unity is vitally important, does the leadership of this House seek disunity? Let us commemorate, not politicize, September 11.

This resolution should not be a Republican resolution. It should be a resolution that defies party label. I am worried that some in this House are so consumed with politics that they would use this terrible tragedy for partisan gain, and I find that offensive.

The resolution before us also states as fact that "the Nation is safer than it was on September 11, 2001." Mr. Speaker, I would argue that the actions of this administration, particularly the war in Iraq, have made us less safe. Five years ago the world stood in sympathy and solidarity with America. Today, America's standing in the world is at the lowest point in history. Mr. Speaker, we invaded and now occupy a country that posed no imminent threat to the United States. Despite definitive and repeated findings that there were no ties between Iraq and al Qaeda, a finding most recently echoed by the Republican-controlled Senate Intelligence Committee, the President and Vice President continue their misleading efforts to link al Qaeda, Osama bin Laden, Iraq, and 9/11 all together.

The war in Iraq and the war against terrorism are distinct. The present Iraq policy, many of us believe, has made us less safe and must be changed. Even our top generals in Iraq have conceded that our policy in Iraq has actually produced more terrorists. This does not make us safer, Mr. Speaker. It makes us more isolated and more vulnerable in an increasingly dangerous world.

We know that resources were diverted from Afghanistan, where the 9/11 deadly plot was born, in order to invade and occupy Iraq. And we know now that the trail of Osama bin Laden, the mastermind of 9/11, has grown stone cold. We know that the President's policies in Iraq have put an enormous strain on our military, with U.S. military readiness levels now at historic lows.

We know that the independent 9/11 Commission has just issued a 5-year report card on President Bush and the Congress filled with D's and F's on homeland security. And I think we all know, if we are being honest with ourselves, that we in this Congress have underfunded so much of our homeland security.

We know that the invasion and occupation of Iraq has increased the budget deficit to record proportions because this administration and Congress have done what no other President and Congress have ever done in the history of the United States: they have continued to fund this war completely outside the normal budget and to grant a series of tax cuts to the wealthiest of the wealthy during a time of war.

And we know, Mr. Speaker, that Iraq is rapidly descending into an ethnic and religious civil war with a daily civilian toll that tells every single Iraqi that nowhere is safe from violence, not their homes, not their jobs, not their schools, not even their hospitals.

Mr. Speaker, this resolution could have been, should have been a thoughtful, bipartisan commemoration of September 11, its victims, and the men and women who fight to protect us each and every day. That is what we should have on the floor today. Unfortunately, the resolution before us does not meet that standard.

Members of this House have differences about policy. There are differences about the war in Iraq, and I respect and appreciate my colleagues on the other side of the aisle who have a very different opinion on this war than I do. We have differences about protecting civil liberties. We have differences about how best to deal with immigration. But there are no differences, there are no differences, when it comes to honoring the memories of those lost on September 11. There are no differences when it comes to commending the men and women on the front lines of the war on terror. And there are no differences when it comes to the desire to protect this country from future terrorist attacks.

Mr. Speaker, I regret that the leadership of this House, during this most solemn week, has chosen not to focus solely on the things that bring us together as Members of Congress and as Americans

S. RES. 565

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft; crashed two of them into the towers of the World Trade Center in New York City; and crashed the third into the Pentagon outside Washington, DC;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, DC;

Whereas the heroic actions of the rescue workers, volunteers, Federal, State and local officials who responded to the attacks with courage, determination, and skill are to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001 to be a National Day of Unity and Mourning;

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago; but al Qaeda has perpetrated terrorist attacks throughout the world against U.S. persons, facilities, and interests, as well as U.S. allies during that time; Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of its Armed Forces, law enforcement personnel, first responders, members of intelligence community and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001;

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001; and

(8) declares that when the Senate adjourns today, it stand adjourned as a further mark of respect to each individual who died as a result of the attacks of September 11, 2001.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman, my colleague, from Massachusetts does clearly talk about the differences of opinion that we have, and I respect that difference. I would also say that this body has an obligation to move forward and work on issues that we think are correct and right. And quite honestly, Republicans do see what has happened to this country, I believe, in a significantly different way than what my colleagues, the Democrats, see.

Several months ago we had a vote, and we have done this several times, but a vote on the intelligence bill where the Democrat Party wanted and had a vote on the floor that would require law enforcement and intelligence to release every single name of every single person under investigation by the FBI and intelligence agencies to the Congress, to nonlaw enforcement officials. These are the kinds of ideas that Ms. PELOSI and the Democrats have about how we go about protecting this country. We politely disagree.

The resolution here today is not about policy as it relates to what we are trying to pass today. It is about how this act that happened on 9/11 we will not forget. We will thank the men and women who protected us that day. We will stand behind the men and women of our military and intelligence organizations. We give thanks to the families who are here in this country whose loved ones serve on the front lines. And, lastly, we will let our allies know and the terrorists know that we will stay to the end. That is what this resolution is about.

Mr. Speaker, I yield such time as he may consume to the chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And I want to congratulate the gentleman from Dallas for his very hard work and superb management of this important resolution that we are considering here.

Mr. Speaker, 5 years ago this week, an act of war pierced the security and peace of our Nation. The murder of nearly 3,000 by terrorist fanatics shook our country to its core and stirred within each and every one of us the determination to defend our freedom and our liberty with all of our might.

The global war on terror, a war that we did not start, has delivered many successes. Most of the top leadership of al Qaeda have been captured or killed. In Iraq and Afghanistan, where terror was once cultivated and exported, 50 million people now have democratically elected governments. Some of the most wanted terrorists in Iraq, such as Osama bin Laden's deputy Abu Musab al-Zarqawi, are no longer free to wantonly murder.

There have been quiet successes that fall beyond the scope of the military and away from the field of battle. Mr. Speaker. Following passage of the PATRIOT Act, we have seen terrorist cells that have been broken up here in the United States, five in particular, domestic terrorist cells that have been broken up because of the existence of the PATRIOT Act.

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And we have also seen the breakup around the world of these cells because of legislative initiatives that we have taken since September 11, 2001. The Justice Department has won 253 convictions in terror-related cases across the United States.

Intelligence gathering and cooperation between allies resulted in foiling a plot to blow up commercial airliners flying from London to the United States just weeks ago. It is absolutely essential that those in charge of keeping us safe have every tool necessary to do so.

The results of these diplomatic, intelligence, and military efforts are encouraging. Five years after September 11, 2001, our homeland has not been attacked again, and that seems to be so often forgotten, Mr. Speaker. Every day we thank God that, because of what we have done and because of the initiative of our courageous men and women, the United States of America has not seen an attack in 5 years, when many predicted that we would see them follow immediately following September 11, 2001. Yet, as the years prior to 9/11 proved, periods of security at home can lead to a false security. An enemy that has no regard for human life and no tolerance for freedom is an especially fierce foe. They act and operate according to the belief that, in the words of Osama bin Laden, and I quote, "death is better than living on this earth with the unbelievers amongst us." Those are the words of bin Laden.

Mr. Speaker, like the Cold War, the global struggle will be measured in decades, not years or months. While it is important and appropriate to question the tactics used in the global war on terror, there can be no doubt that it is critical to stay vigilant, stay committed, and stay on the offense. There have been many trying and somber days in the prosecution of this war, and there will be many more to come. We are especially thankful, as the gentleman from Dallas just said, to our men and women in uniform, from local law enforcement to those in the military. We offer our deepest appreciation for the opportunity they have given our Nation to know safety and freedom.

Now, Mr. Speaker, as we proceed with this legislation, I am convinced that, contrary to what was said by my friend from Massachusetts, this resolution will enjoy strong bipartisan support just as resolution after resolution that we have passed since September of 2001 have enjoyed.

Now, I have gone through and looked at past resolutions that have enjoyed great support from Democrats and Republicans in this House, and they have gone through many of the things that we have done to recognize what it has taken to be successful. And I believe that focusing on our border security is critical for that, and that is why the House-passed version of the border security measure was important. And I am pleased that we have the chairman of the Homeland Security committee, Mr. KING. He has worked very hard on this and testified yesterday on behalf of the nexus between our security and the fact that border security is national security.

Similarly, we have found that by breaking up the financial network through legislation like the SWIFT program, which has enjoyed great success, and unfortunately was disclosed in the media, we have had success in breaking up the financial aspect of those who would do us in because of the initiatives that we and this administration have taken. Mr. Speaker, I would argue that had we not taken the initiatives that we have over the past 5 years, things like the PATRIOT Act, we would not be here today without having suffered another attack on our soil.

Today, we express our condolences, our thoughts and prayers with the families and the loved ones of those what paid the ultimate price on September 11, 2001, and the single best thing that we can do for every single one of them and their families is to ensure that we put into place the tools necessary so that it will never, ever happen again.

Mr. McGOVERN. Mr. Speaker, I appreciate the comments from both my friend from Texas and my chairman of the Rules Committee, Mr. DREIER, the gentleman from California, and I would just say that that was a really good campaign speech as he went through a litany of issues. But this is not a day for campaign speeches.

Mr. DREIER. Would the gentleman yield?

Mr. McGOVERN. Once I finish my sentence.

Mr. DREIER. I was just accused of making a campaign speech when I am talking about the reverence of September 11.

Mr. McGOVERN. And I would say to the gentleman that on Monday, those Members who were in town, Republicans and Democrats, gathered on the East Front of the Capitol in solidarity. There were no campaign speeches, there was no politics. People gathered in solidarity together to commemorate those who lost their lives and to honor those who gave such tremendous sacrifice on September 11th.

The United States Senate on Monday night had a resolution that every single Member of the United States Senate, Republican and Democrat, both, all co-sponsored and passed unanimously. There was unity. There was a desire not to debate the PATRIOT Act, not to debate the House version of the Border Security bill which the Republican-controlled Senate doesn't like and even the President doesn't like. It was about putting all those issues aside where there are differences, not just between Democrats and Republicans, I would say to the gentleman from Texas, but on issues like the PATRIOT Act there were a number of Republicans who had concerns about it.

So this is not about one party versus the other. But on an issue like this involving commemorating the terrible tragedy of September 11 and honoring those who sacrificed their lives, I would like to think in the spirit here of what happened Monday night and using the example of what went on in the United States Senate, that we could rise to the occasion

Mr. Speaker, I would yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me begin by saying it was within our leadership that I first mentioned the idea of our once again singing God Bless America on the East Front of the Capitol, and I believe that that was a very important moment to once again let the American people know that we stand together, and it was my hope that we would be able to see strong bipartisanship as we proceed in these coming weeks following the fifth anniversary of September 11.

I also would like to say that as we look at this resolution, and a strong attempt was made by our leadership team to work with Members of the minority to fashion a resolution that would enjoy bipartisan support. And I believe that it is essential for us to recognize the tools that have allowed us to ensure that we have not suffered another September 11. And I deeply resent being accused of making a campaign speech as we revere the lives that were lost on September 11.

Mr. McGOVERN. I thank the gentleman for his comments and reclaim my time.

Mr. Speaker, let me state for the record that in 2002, when we had a resolution on this issue, it passed unanimously. In 2004 and 2005, the resolutions that were brought to this floor were jointly sponsored by Representatives HYDE and LANTOS both times. There was an effort at bipartisanship then, and I think that is the model. That is the model we should be following here. The bottom line is this is not a resolution that has been produced as a result of bipartisan consultation.

But let me go back to the point I was trying to make in the beginning, and that is, this is a very solemn week, and we should not be doing anything but trying to bring this House together like they did in the United States Senate so that we speak with one voice and that we make it clear that we are together when it comes to commemorating those who lost their lives and those who have sacrificed so much and those who continue to put their lives on the line for the protection of all people.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply like to say that I think the gentleman from Massachusetts makes a very important point. We have seen resolutions since September 11, 2001 pass unanimously and enjoy strong bipartisan support. I would recommend that my colleagues look at the resolutions that were passed year after year since September 11, 2001, and recognize that in those resolutions we talked about the different tools and the things that have been utilized to ensure that we win the global war on terror. We want this to be bipartisan. Mr. Speaker, I will predict that when this resolution is voted on, that it will enjoy strong bipartisan support

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield to the gentleman from Georgia, Dr. GINGREY, 4 minutes.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of this rule and the underlying resolution. As we just marked the fifth anniversary of the September 11 terrorist attack launched against the United States, it is more important than ever that we stand united in condemning terrorism as we engage in this epic battle for the future of civilization.

In this war on terror, Mr. Speaker, we are not in a battle of civilizations, we are in a battle for civilization, and our enemies are actively and aggressively adjusting their tactics while waging their terrorist war of religious intolerance against the free nations of the world.

Our government has achieved many successes in this war and we have made substantial progress. We have enacted strong legislation, including the PATRIOT Act and the Homeland Security Act of 2002 which created the Department of Homeland Security. We have strengthened our borders and ports through the Enhanced Border Security and Visa Entry Reform Act of 2002 and the Maritime Transportation Security Act of 2002. We have funded our first responders in the amount of $41.5 billion. Our intelligence agencies are working together like never before, thanks in large part to the Intelligence Reform and Terrorism Prevention Act of 2004.

While many of our political opponents have disagreed with our efforts, these changes are directly responsible for preventing another attack against our Nation since 9/11.

Thanks to our counterterrorism techniques, the United States and our allies have foiled several terrorist plots, disrupted terrorist cells, including several in our own country, and brought many high-profile terrorists to justice.

Just one month ago, Mr. Speaker, British authorities in London foiled a plot to blow up as many as 10 United States bound commercial airliners. The cooperation of British and American intelligence and counterterrorism authorities that led to the foiling of this plot is proof of two indisputable facts: First, we cannot let our guard down in the fight against terrorism; and, second, the steps Congress has taken since the tragic events of 9/11 are indeed working.

It is therefore critically important, Mr. Speaker, that we continue giving America the tools it needs to fight the global war on terror.

As stated by the 9/11 Commission, we must continue making strides and using terrorism finance as an intelligence tool. It is absolutely appalling that, in the light of this, 174 of my Democratic colleagues still voted against H. Res. 895, legislation supporting intelligence and law enforcement programs that track terrorists and condemning the publication of any classified information that could potentially impair the fight against terrorism. Not only did House Democrats vote against making the Committee on Homeland Security permanent at the beginning of this Congress, 120 of them opposed the creation of Homeland Security in the first place.

Mr. Speaker, no matter how much we have at times disagreed on how to prosecute the war on terror, none of us will ever forget the attacks of September 11. Let me be clear. By supporting this resolution, we are standing strong and sending a message that we will continue fighting the terrorists. We will prevail no matter how long it takes. We are telling the terrorists that they will never again catch us off guard, and that an enemy committed to the death and destruction of the American way of life will not prevail. I know the strength of America, I know the strength of her people, and I know that we will be victorious in this fight for freedom. We must continue honoring the memory of those heroes who died on 9/11 by standing strong against terrorism and taking the fight to the enemy.

This resolution simply reaffirms our commitment, and it deserves, as our chairman and Mr. SESSIONS said, the full support of this fight. I hope all of my colleagues will join me in supporting this rule and the underlying resolution.

Mr. McGOVERN. Mr. Speaker, I would like to remind some of the previous speakers here that the title of this bill, H. Res. 994, is expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. And I do that because we have heard a lot of speeches here and we have talked about a lot of different issues that are separate from commemorating those who lost their lives, those who sacrificed on September 11, those who continue to protect our country.

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We have talked about the PATRIOT Act and border security. We have talked about a whole litany of things, and those are all certainly important issues and legitimate issues for us to discuss, how best to protect this country. Those are things we should be debating here on a regular basis on the House floor, but they are controversial, some of these initiatives. They are controversial with a lot of Members of your own party.

I wish we would get back to the point that this resolution here today, and what some of us are troubled by, is that this should be about unity and this should be about honoring those who sacrificed, those who lost their lives, those who have served our country so well. That is what this should be about and not a litany of controversial items that you want to promote during a campaign year.

If you want to do that, do it in a separate resolution, take up a separate bill, but we should all be together when it comes to a resolution on September 11.

The United States Senate got it right. They got it right over in the United States Senate. We should do the same here in the House.

Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we think we got it right. We think we did the PATRIOT Act right. We think we did intelligence authorization right. We think we do a lot of things right around here. We are going to stand up for this country, Mr. Speaker. We are going to stand up for the men and women who protect our country. We are going to stand up and give the men and women of the intelligence community the things that they need.

Today, it is right and fitting to say thank you; we will not forget and we will be vigilant to protect this country. That is what this resolution is about

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding, and I in particular appreciate the opportunity to be able to speak on this issue, an issue which I believe is vital to the history of our Nation and indeed to the future of our Nation.

As the sponsor of the legislation and chairman of the Homeland Security Committee, I took a special interest in doing all that I could to ensure that this resolution would reflect the thinking of the Congress and would not be at all provocative.

But the fact is, September 11 was the darkest day in our Nation's history. It was also a day of exceptional bravery and courage, and year after year since September 11, 2001, we have expressed this sense of the Congress, we have expressed the sense of the House. We have pointed to the tremendous bravery that occurred that day, the actions of the police and the fire and the emergency workers. We have certainly referred to the terrible suffering that occurred that day.

But also, it is essential we not just lament what happened that day, not just acknowledge the suffering of that day, but I believe we owe it to history to show what Congress has done. It is not enough just to say we feel sorry for what happened. It is important we show what we are doing, what we are doing as Members of Congress, to respond to the horrors of that day.

In putting together this resolution, the leadership on our side of the aisle reached out to the other leaders certainly. On my committee, we reached out to Democratic members of our committee trying to put together a resolution, and the fact is the gentleman from Massachusetts, who is a good friend of mine, he acts as if this resolution this year is so markedly different than what was passed in previous years.

Well, if you go back to 2004, the resolution referred to introduced by Mr. HYDE and Mr. LANTOS, H. Res. 757, it goes through a long listing of what has been done since September 11, 2001. It refers to the war in Iraq as being part of the war against terrorism. It refers to port security and border security, to the Terrorism Threat Immigration Center. It talks about taking away the financial assets of terrorists. It goes on and on, listing a number of issues which apparently today would be considered extremely controversial.

We make no reference at all to Iraq in today's resolution, other than to mention the men and women of our Armed Forces who are in Iraq and Afghanistan. We make no mention of the NSA electronic surveillance program which enjoys the support of the overwhelming majority of American citizens. We make no reference to the SWIFT program, which is going after the terrorist finances, which was to me in violation of the Espionage Act released on the front page of the New York Times. Even though it is entirely legal and entirely effective, we make no reference to that, but we do talk about the PATRIOT Act because that was a response of Congress.

Now, history may judge that we did the wrong thing. I am absolutely convinced we did the right thing in passing the PATRIOT Act, and I think we owe it to the American people to let them know what we did. Also, maritime security, intelligence reform, port security, immigration reform, all of these are tied to the issue of international terrorism.

This is the way Congress responded, and I think it is not enough just to say it was a tragedy that happened on September 11. Let us talk about what we did.

The gentleman from Massachusetts says he objects to the language in here that we are safer since September 11. Okay. Maybe we can have an honest difference of opinion on that. The fact is, even the co-chairmen of the 9/11 Commission say we are safer today than we were on September 11. The junior Senator from my State has said we are safer now than we were on September 11. These are certainly not Republican apologists.

Quite frankly, while I understand the good faith on the other side, I as a person who lost almost 150 friends, neighbors and constituents resent the fact that by us introducing the resolution this is a campaign speech.

As I was going to commemoration after commemoration on Monday, I did not say this as being part of the campaign. To me, this is our way of responding. Again, you may be right, and maybe in the future people will say it was wrong to break down the wall between the FBI and CIA and it may be wrong to be going after terrorist assets and it may be wrong to listen in on terrorist conversations. So be it. Let history be our judge.

But let this resolution stand for what Congress has done, is doing and wants to do if we are serious about winning the war against international terrorism.

If we want to talk about campaigns, I would wonder where were you in 2004 when a resolution, if you want some partisan references, by your definition would be far more partisan than we are introducing here today or is it perhaps that the political party has been changed somehow, and now what was more than acceptable in 2004 is not even remotely acceptable today?

So, if we are going to inject politics into it, let us be honest who is raising the political issue. I know that our leadership and the Speaker of the House went out of his way and their way to try to make this a bipartisan resolution. I certainly did. When you compare what we are stating today and what we stated in 2004, to me there is no doubt over who is being partisan and who is trying to exploit this issue. I find that wrong.

I am saying I am proud to stand with this resolution. I am proud to support it. I urge the overwhelming majority of Republicans and Democrats to put aside partisanship, you do not have to agree with every word of our resolution, to say that Congress has responded and has done its best to respond to the attacks of September 11.

Again, let history be our judge. I am more than willing for history to be our judge, and I am proud to stand on the record of the Congress, Republicans and Democrats, and I urge the adoption of the rule and urge the adoption of the underlying resolution.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just respond to the gentleman by again pointing to what the other body, the United States Senate, did where 100 Senators, Democrats, Republicans, came together as one, cosponsored a resolution and voted unanimously for a resolution.

That is what we should be doing during this solemn week, not introducing legislation that inspires, quite frankly, the kind of debate that we have here today about issues that really are not about commemorating that day but issues that are highly controversial, ranging from everything to immigration to civil liberties to you name it. That is not the way we should be doing this

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I am very much opposed to this rule. This is an issue that deserves a lot more attention than is allowed under this rule. It is a closed rule, has no opportunity for amendments.

Let me just cite one example of the language in this resolution which needs much more attention than is provided under this rule and frankly within the resolution itself.

In the resolution, it says that the United States today is safer than it was on September 11, 2001. I disagree with that, and I think a great many people disagree with it because all of the evidence points in the other direction. We are not safer today than we were.

Why are we not safer? Primarily because the administration and the leadership in this Congress corrupted the attack against the United States on September 11, 2001, and behaved in ways that have made the Nation less safe.

Instead of focusing on the perpetrators of the attack of September 11, 2001, the al Qaeda network and the leader, Osama bin Laden, the administration and the Defense Department backed off. They let him escape and he is free today.

The fact of the matter is 19 members of al Qaeda attacked the United States on September 11, 2001. There was a handful of them in addition to those 19. Now that number has grown enormously. There are far more members of al Qaeda and associate terrorist networks spread all over the Middle East, and they are engaged in activities which constitute a threat to our country and many others.

Subsequently, the attack against Iraq was a totally corrupt response to the attack of September 11, 2001. Iraq had nothing to do with that attack, nothing whatsoever.

The President in his speech to the country the other night said the regime of Saddam Hussein represented a great threat. That is not the case. All of the intelligence indicates that Saddam Hussein represented no threat whatsoever to the United States, just as all the intelligence now makes it very clear that there was no connection between Saddam Hussein or Iraq and the attack of September 11 against the United States, and there was no evidence of weapons of mass destruction in Iraq.

So, instead of attacking the people who attacked us, the administration, with the consent of this Congress, attack another country that had nothing to do with it. The fact of the matter is the world and our country today are far less safe as a result of the way in which the administration and the leaders of this Congress behaved.

We need to live up to our obligations here in the Congress. We need to conduct an investigation as to why the administration behaved the way it did. Why did it not pursue the people who attacked us, why did it let Osama bin Laden go free, why did we attack Iraq which had nothing to do with this, why did the President of the United States say that Iraq had weapons of mass destruction when all of the intelligence indicated that there was no evidence that there were weapons of mass destruction, no chemical or biological weapons left and no nuclear weapons program?

So the fact of the matter is that this resolution does not focus on the issue the way it ought to be focused upon, and this rule does not provide us the opportunity to expand the resolution, to offer amendments, to engage in the kind of debate that this issue needs so that the people of this country can understand exactly what has been happening to them.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New York described his disagreement with the administration. I understand that. We had seen the administration before this President ignore, completely ignore, the advice from the CIA. As a matter of fact, I remember at least one CIA director resigned under President Clinton because he could not get President Clinton to pay attention to more than 3 hours in a month to the intelligence needs of this country.

We have already talked about how vote after vote after vote by the Democrats that they choose to gut our ability, in my opinion, to effectively not only have law enforcement but to chase down those that may do harm against this country.

Some choose to characterize that we are not safer today than what we were before the attack. I completely disagree with that. I would completely disagree with that because I think every single American that day learned of the tremendous forces that were aimed at the United States that we had really been completely unaware of before.

So I think that we are better off today. Are we absolutely safe? No. Are we safer? Yes, we are, and we have a responsibility to maintain that line of defense.

This resolution has nothing to do with that. It is a resolution, the force of this body, to say we respect the men and women who on 9/11 gave their lives; we are sorry for the men and women who have been injured as a result of that; we are going to support our military; we are going to support the families and we will never forget; and we are going to back up our allies; and we are going to make sure that we get it right. That is what this resolution is about.

Mr. Speaker, I reserve the balance of my time.

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Mr. McGOVERN. Mr. Speaker, let me just take issue with the gentleman from Texas. He says this whole question of the Nation being safer than it was on September 11, 2001, has nothing to do with this resolution. Well, that is what it says in this resolution, if he reads the resolution. There are some things contained in this resolution that people over here, and that people on both sides legitimately have some questions with.

Mr. Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Massachusetts has 11 minutes remaining and the gentleman from Texas has 2½ minutes remaining.

Mr. McGOVERN. Mr. Speaker, I will close for our side.

Mr. Speaker, the issue about whether or not the Nation is safer than it was on September 11, 2001, is a legitimate topic for debate, but not on this resolution. The issue of the PATRIOT Act, there are differences on that. I have a lot of reservations about the PATRIOT Act, as do many Republicans. That is a legitimate debate we should continue to have. The issue about how best to protect our borders is a serious and important and legitimate issue. President Bush and Senator McCain have one opinion on how we should do it, which I think makes a heck of a lot more sense than the view of the Republican majority in this House, but that is certainly a legitimate debate. But it doesn't belong in a resolution commemorating the lives and the sacrifices of those individuals on September 11, 2001.

And I guess I wish that just once, just once the leadership on the other side of the aisle could bring to this floor a piece of legislation, especially on an issue like this, that is not stained with politics. Why does everything have to have a political slant to it? I think people are sick of it, I really do. I think on issues like this people want us to come together, as we have done in the past, as the other body has done, and speak with one voice. Let us not make this into something it shouldn't be.

So, Mr. Speaker, I am asking Members of this House to vote "no" on the previous question so that we can consider a much better resolution, one that respectfully commemorates this most somber occasion. If the previous question is defeated, I will amend the rule so that instead of voting on the divisive partisan resolution made in order under this rule, we will consider the text of the truly bipartisan resolution that was adopted in the Senate on the fifth anniversary of September 11.

Not only was this measure passed by unanimous consent in the Senate on September 11, the actual day of the anniversary, it was cosponsored by every single Member of the United States Senate: every single Democrat, every single Republican.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, this is the resolution we should be considering today, and let me tell you why. It was not written for political gain or for 30-second sound bites. It was written with the sole intent and purpose of remembering the tragic events of September 11, 2001, and to honor and mourn the victims of that horrific day.

I think we owe it to the people of this great Nation to put politics aside for this one day and show that we are Americans first and that some things are sacred and should never be used for political purposes.

So I would urge my colleagues to vote "no" on the previous question so we can consider the Senate version of the September 11 commemorative.

Mr. Speaker, I yield back my time

Mr. SESSIONS. Mr. Speaker, I urge my colleagues to vote "yes," and I urge my colleagues to vote "yes" because it is the honorable and the right thing to do, to say thank you to the men and women who gave their lives, to say thank you to the men and women who were heroic in their efforts to try and save people, and it is the right thing to do to say to the men and women of our military and our intelligence communities that we believe you have not only done a great job but we thank your families also for those sacrifices.

We believe it is the right thing to do to remember this event 5 years later. We believe it is the right thing to do to let the world know that the United States Congress, this body, in this House resolution, believes that we will stay strong not only in the war on terrorism but that we believe that fighting for civilization and peace and opportunity in this world is the right thing.

We have heard from three of this Congress' greatest leaders, Phil Gingrey, Pete King, who is the chairman of the committee, and the young chairman of the Rules Committee, Mr. Dreier, as they have spoken eloquently about not only what this country stands for but about how our respectfully saying thank you and remembering this day is a part of our job and is the right thing to do.

I urge all of my colleagues to vote on behalf of this resolution

The material previously referred to by Mr. McGovern is as follows

Previous Question for H. Res. 996, the Rule for H. Res. 994 Expressing the Sense of the House of Representatives on the 5th Anniversary of the Terrorist Attacks Launched Against the United States on September 11, 2001

Strike all after the resolved clause and insert:

"*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution printed in section 2 expressing the sense of the House of Representatives upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) four hours of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees; and (2) one motion to recommit."

Sec. 2. The following is the text referred to in Section 1:

Resolution

"A resolution expressing the sense of the House of Representatives upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001.

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, crashed two of them into the towers of the World Trade Center in New York City, and crashed the third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, D.C.;

Whereas the heroic actions of the rescue workers, volunteers, and State and local officials who responded to the attacks with courage, determination, and skill are to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001, to be a National Day of Unity and Mourning; and

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago, but al Qaeda has perpetrated terrorist attacks throughout the world against United States persons, facilities, and interests, as well as United States allies during that time:

Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the Nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of the United States Armed Forces, law enforcement personnel, first responders, and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001; and

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001."

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. WAMP). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RESTRICTING INDIAN GAMING TO HOMELANDS OF TRIBES ACT OF 2006

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4893) to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, as amended.

The Clerk read as follows

H.R. 4893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restricting Indian Gaming to Homelands of Tribes Act of 2006".

SEC. 2. RESTRICTION ON OFF-RESERVATION GAMING.

Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(b)(1) Subsection (a) will not apply when lands are taken in trust for the benefit of an Indian tribe that is newly recognized, restored, or landless after the date of the enactment of subsection (f), including those newly recognized under the Federal Acknowledgment Process at the Bureau of Indian Affairs, and the following criteria are met:

"(A) The Secretary determines that such lands are within the State of such tribe and are within the primary geographic, social, historical, and temporal nexus of the Indian tribe.

"(B) The Secretary determines that the proposed gaming activity would not be detrimental to the surrounding community and nearby Indian tribes.

"(C) Concurrence by the Governor in conformance with laws of that State.

"(D) Mitigation by the Indian tribe in accordance with this subparagraph. For the purposes of the Indian tribe mitigating the direct impact on the county or parish infrastructure and services, the Indian tribe shall negotiate and sign, to the extent practicable during the compact negotiations described in section 11(d)(3), a memorandum of understanding with the county or parish government. Such mitigation requirements shall be limited to the direct effects of the tribal gaming activities on the affected county or parish infrastructure and services. If a memorandum of understanding is not signed within one year after the Indian tribe or county or parish has notified the other party and the Secretary, by certified mail, a request to initiate negotiations, then the Secretary shall appoint an arbitrator who shall establish mitigation requirements of the Indian tribe."; and

(2) by adding at the end the following new subsections:

"(e)(1) In order to consolidate class II gaming and class III gaming development, an Indian tribe may host one or more other Indian tribes to participate in or benefit from gaming conducted under this Act and in conformance with a Tribal-State compact entered into by each invited Indian tribe and the State under this Act upon any portion of Indian land that was, as of October 17, 1988, located within the boundaries of the reservation of the host Indian tribe, so long as each invited Indian tribe has no ownership interest in any other gaming facility on any other Indian lands and has its primary geographic, social, historical, and temporal nexus to land in the State in which the Indian land of the host Indian tribe is located.

"(2) An Indian tribe invited to conduct class II gaming or class III gaming under paragraph (1) may do so under authority of a lease with the host Indian tribe. Such a lease shall be lawful without the review or approval of the Secretary and shall be deemed by the Secretary to be sufficient evidence of the existence of Indian land of the invited Indian tribe for purposes of Secretarial approval of a Tribal-State compact under this Act.

"(3) Notwithstanding any other provision of law, the Indian tribes identified in paragraph (1) may establish the terms and conditions of their lease and other agreements between them in their sole discretion, except that in no case may the total payments to the host Indian tribe under the lease and other agreements exceed 40 percent of the net revenues (defined for such purposes as the revenue available to the 2 Indian tribes after deduction of costs of operating and financing the gaming facility developed on the leased land and of fees due to be paid under the Tribal-State compact) of the gaming activity conducted by the invited Indian tribe.

"(4) An invited Indian tribe under this subsection shall be deemed by the Secretary and the Commission to have the sole proprietary interest and responsibility for the conduct of any gaming on lands leased from a host Indian tribe.

"(5) Conduct of gaming by an invited Indian tribe on lands leased from a host Indian tribe under this subsection shall be deemed by the Secretary and the Commission to be conducted under the Act upon Indian lands—

"(A) of the invited Indian tribe;

"(B) within the jurisdiction of the invited Indian tribe; and

"(C) over which the invited Indian tribe has and exercises governmental power.

"(6) Notwithstanding the foregoing, the gaming arrangement authorized by this subsection shall not be conducted on any Indian lands within the State of Arizona.

"(7) Any gaming authorized by this subsection shall not be conducted unless it is—

"(A) consistent with the Tribal-State compacting laws of the State in which the gaming activities will be conducted;

"(B) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by an Act of the legislature of the State in which the gaming will be conducted; and

"(C) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by the Governor of the State in which the gaming will be conducted.

"(8) Host tribe compacts shall not be affected by the amendments made by this subsection.

"(f) An Indian tribe shall not conduct gaming regulated by this Act on Indian lands outside of the State in which the Indian tribe is primarily residing and exercising tribal government authority on the date of the enactment of this subsection, unless such Indian lands are contiguous to the lands in the State where the tribe is primarily residing and exercising tribal government authority.".

SEC. 3. STATUTORY CONSTRUCTION.

(a) IN GENERAL.—The amendment made by paragraph (1) of section 2 shall be applied prospectively. Compacts or other agreements that govern gaming regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on Indian lands that were in effect on the date of the enactment of this Act shall not be affected by

the amendments made by paragraph (1) of section 2.

(b) EXCEPTION.—The amendments made by section 2 shall not apply to any lands for which an Indian tribe, prior to March 7, 2006, has submitted to the Secretary or Chairman a fee-to-trust application or written request requiring an eligibility determination pursuant to section 20(b)(1)(A) or clause (ii) or (iii) of section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A), 2719(b)(1)(B)(ii), and 2719(b)(1)(B)(iii), respectively); provided that such lands are located within—

(1) the State where the Indian tribe primarily resides; and

(2) an area where the Indian Tribe has a primary geographical, historical, and temporal nexus.

(c) FURTHER EXCEPTION.—The amendments made by section 2 shall not affect the right of any Indian Tribe to conduct gaming on Indian lands that are eligible for gaming pursuant to section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as determined by the National Indian Gaming Commission, Secretary of the Interior or a Federal court prior to the date of the enactment of this Act.

SEC. 4. REGULATIONS REQUIRED.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations to implement section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719). The regulations shall require tribal applicants for any of the exceptions listed in section 20 of the Indian Gaming Regulatory Act to have an aboriginal or analogous historic connection to the lands upon which gaming activities are conducted under the Indian Gaming Regulatory Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has a basic premise: Indian gaming should occur on Indian lands; and when a tribe is newly recognized, restored or landless, then it has to include the local community at the table for the simple purpose of signing a memorandum of understanding to address impacts. It is as simple as that.

Unfortunately, over the last 17 years, far too many tribes have drifted away from the original purpose and spirit of the Indian Gaming Regulatory Act and have sought to develop off-reservation casinos in whatever location seemed to be the most lucrative, often far from their tribal lands. Those who have pursued this course have turned the spirit of IGRA on its head. Instead of seeking to bring economic development to the Indian reservation, they have instead sought to bring the Indian reservation to wherever there is economic development. This is wrong, and it threatens both the future of Native American economic development and the integrity of Indian tribal sovereignty itself.

When IGRA was written, it mandated that only lands held by tribes prior to October 17, 1988, or lands later acquired directly adjoining those lands, would be eligible for tribal gaming activities. It was a central principle of IGRA that, in general, lands acquired by tribes after enactment of IGRA would be ineligible for gaming.

However, IGRA provided for four exceptions, and it was expected that these would be used only rarely. Unfortunately, time has shown that the use of these four exceptions to IGRA's prohibition on gaming on after-acquired lands has been anything but rare. While opponents of reform make the oft-repeated claim that there have been only three off-reservation casinos since 1988, this claim is limited to only one of those exceptions, section 20. It ignores the fact that there are at least 38 casinos in operation today on land that was not held in trust in 1988, nearly 10 percent of the Nation's total number of tribal casinos.

Currently, there are at least 50 additional proposals for off-reservation casinos under those four exceptions. Beyond that, there have been dozens upon dozens of other projects announced or proposed over the last several years where paperwork has not yet been filed. Under the two-part determination of IGRA, virtually any land in the country could be targeted for gaming. Each one of those proposed casinos has had a very real and negative impact on public support for tribal gaming.

Over the last 2 years, the Committee on Resources has held nine hearings, heard from dozens of witnesses, and received thousands of communications documenting problems arising from off-reservation gaming. The committee has heard a compelling story and the heavy toll that off-reservation gaming proposals impose on local communities, and tribal sovereignty has become very clear.

Local citizens have told stories of waking up one day and being surprised to learn that a parcel of land in their community has been purchased by a developer who has announced that he intends to have that land declared a reservation where an Indian casino will be opened. This despite the fact that the community was hundreds of miles from the nearest existing tribal reservation land.

We have heard from private property and business owners about how the land-claims exception in IGRA has been abused by those seeking off-reservation casinos. Throughout the eastern United States, numerous land claims have been filed, resulting in costly litigation and the clouding of private property titles. These claims are filed in the hopes of forcing the State to settle the claim with an off-reservation casino. The current land claims exception in IGRA has become an incentive for this type of abusive lawsuit and must be brought to an end.

Local leaders have testified about the possibility of their community being significantly and permanently changed by the presence of a newly declared Indian reservation and tribal casino. They have told of their feelings of powerlessness to meaningfully participate and affect the process of the land being taken into trust. And they have spoken of their frustration that the impacts of the proposed casino facility will not be fully mitigated, because after the State's Governor and casino developer take their cut of the action, the tribe does not have enough revenue left to share to offset their impact on the community.

H.R. 4893 represents real reform of these abuses, while maintaining the opportunity for tribes to conduct gaming under IGRA on their tribal lands as per the original intent of the law. H.R. 4893 does away with the land-claim exception in the section 20 two-part determination. It reforms the procedures where newly recognized, landless and restored tribes can ask for lands to be placed in trust for an initial reservation. Tribes seeking these lands will now have to satisfy a three-part test to demonstrate that they have a primary historic, geographic, and temporal nexus to the land they wish to acquire for gaming. This will ensure that the initial reservation placement is determined by where the tribal people live and receive services, not by where the market for gaming seems best.

One of the most important parts of the bill is that State and local communities will play a more meaningful role in the process and will have an opportunity to give greater input into a casino proposed by a newly recognized and restored tribe. This bill requires the tribe to enter into a memorandum of understanding with the local county for the purpose of providing direct mitigation of impacts from a casino project.

H.R. 4893 is a real reform that will solve, once and for all, the problems with off-reservation gaming. It is the responsibility of this Congress to act now to bring the practice of off-reservation gaming to an end and to prevent further damage in the relationship between tribes and local communities over off-reservation casinos and to restore the original intent and spirit of IGRA to today's Indian gaming practice.

Mr. Speaker, I reserve the balance of my time.

□ 1215

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4893, a bill that would amend section 20 of the Indian Gaming Regulatory Act to impose on the poorest tribes new onerous requirements before those tribes could obtain trust land for gaming.

The provision that is most troublesome represents a drastic change in Federal law and policy because it undermines tribal sovereignty by requiring certain tribes to enter into a memorandum of understanding with counties and if the memorandum of understanding is not signed in 1 year would subject those tribes and counties to binding arbitration.

I do not believe by adding this provision to his bill Chairman POMBO acted with ill intent. I think we are all concerned about the possible proliferation of off-reservation gaming, but this bill goes far beyond that issue because it subverts tribal sovereignty by requiring tribes to negotiate with counties which are not sovereign governments at all but are creatures of the State.

Under current law, tribes must negotiate casino-style gaming compacts with State governments. As creatures of the State, the counties' interests should be protected by their State, as is the case in Michigan and other States. Never before has a Federal law equated sovereign tribes with counties.

We can address the issue of off-reservation gaming without equating those sovereign tribes with counties. But suspension of the rules forbids any amendments. I oppose setting a bad precedent in Federal law that undermines our long-standing policy of protecting tribal sovereignty.

In addition, there are a number of Members' concerns that remain unaddressed by this bill. During committee markup of this bill, several Members were told that their issues would be resolved before the bill was scheduled for consideration on the floor. Their concerns remain unaddressed, and consideration of this bill under suspension of the rules does not allow for modification or amendment.

Mr. Speaker, there was wide opposition to this bill. I and other Members of Congress have received letters from the National Congress of American Indians which represents 250 tribes throughout the Nation, the National Indian Gaming Association, the National Indian Business Association, California Nations Indian Gaming Association, Arizona Indian Gaming Association, Washington State Indian Gaming Association, New Mexico Indian Gaming Association, tribes from North Dakota, Montana, Oregon, Maine, Oklahoma, Wisconsin and my own State of Michigan.

Tribes and Indian organizations from all across the Nation overwhelmingly oppose this bill because it erodes tribal sovereignty. Therefore, in the interest of protecting tribal sovereignty and honoring our government-to-government relationship with tribes, I urge my colleagues to oppose this bill.

Mr. Speaker, when we all took our oath of office, we pledged and took an oath to uphold the Constitution of the United States. That Constitution reads, "The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes." That Constitution lists the three sovereignties recognized by this Constitution.

I think we should be most careful when we diminish the sovereignty of one of those three by equating them with creatures of the State when those counties can have their interests protected by their own State government

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in opposition to H.R. 4893, a bill amending section 20 of the Indian Gaming Regulatory Act.

Mr. Speaker, I know this bill has been forged in the cauldron of Indian country, and speaking from experience, I know Native American passion can be as powerful as any constituency in America. That is why I rise, first and foremost, to voice my utmost respect for the chairman of the Resources Committee, the gentleman from California (Mr. POMBO), who has attempted to address casino-style gaming outside tribal reservations in a fair and balanced fashion. I particularly want to thank him for working to accommodate many of my concerns in particular areas of this bill. Frankly, I wish we had had the opportunity to continue our discussions on the bill.

Mr. Speaker, the chairman is a tremendous ally of Indian country and anyone who doubts this to any degree need only to look to his record and to his committee's priorities. He has always had nothing but the best interest of tribes in mind from a policy perspective, and he understands their issues as well as anyone in Congress. Unfortunately, on this issue we simply disagree.

The Resources Committee has crafted this bill with the best of intentions. I recognize its members are trying to address a complex challenge. However, as the only enrolled member of a tribe in Congress, the Chickasaw Nation, I take my obligation to defend the concept of tribal sovereignty very seriously. This bill, however well-intentioned, in my opinion violates and erodes the sovereignty of all American Indian tribes. As a result, tribal governments in my State and all across the country have urged me to oppose this legislation. And most tribal organizations, as the gentleman from Michigan (Mr. KILDEE) has pointed out, also oppose the legislation.

Our Constitution recognizes three types of sovereign entities beyond our own country: First, foreign governments; second, the States; and third, Indian tribes. Existing law requires that to enter into gaming activities, tribes must negotiate agreements with the Federal Government and the State government.

Under this bill, for the first time in United States history, Indian tribes would be required to negotiate directly with local governments in order to engage in lawful activity. That diminishes the power of tribes and raises local governments to the level of sovereign entities.

This is wrong for two reasons. First, local governments are not sovereign units. They are the creation of State governments and it is the responsibility of State governments to look after their interests. Second, it is the responsibility of State governments to negotiate for and represent the interests of local governments in their dealings with tribes. To shift this burden from the States to the tribes is both wrong and irresponsible.

Mr. Speaker, as currently written, the Indian Gaming Regulatory Act works. It has provided tribes the opportunity to recapitalize, diversify their economies, and raise their voices in national politics. It reinforces the tribes' constitutional right to negotiate as a sovereign entity with the Federal Government and with State governments, and it protects the interest of local governments by ensuring they work with their State governor and legislature in the State compacting process.

Mr. Speaker, all things considered, I see no upside in subjecting tribes to local governments. Therefore, I see it as Congress' responsibility to continue the tradition enshrined in the Constitution, embedded in our laws, and reinforced by countless judicial decisions, and that is to preserve and protect Indian sovereignty. I strongly urge a "no" vote on H.R. 4893

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Again, I would hope that we would not suspend the rules today and I look forward to continuing to work with Mr. POMBO, my chairman. From the very beginning I told him he was taking on a very important task, but I think we do have a poison pill, not put in with ill-will but a poison pill in this bill.

I would be most happy to continue to work with him to try to find a solution to the possible proliferation of casinos

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on sovereignty in this country on behalf of Native Americans, our very first Americans, the people who had America before Europeans settlers came here to take their land.

When the European settlers took their land, they took it and made one promise: We will give you what little land you have left, we will let you stay on that land and we will let you be in charge of it. And we will incorporate that into our various systems of government where we have a State government, we have city government, we have county government, and we will have tribal governments. But for purposes of tribal governments, they will have sovereignty that will surpass States so that the only relationship that these tribal governments will have will be the relationship between them and the Federal Government superseding States.

This was a part of the Constitution. It was decided by the Constitution and this legislation undermines that premise and forces tribes to negotiate with local counties, which is undermining 200 years of Federal policy for tribal sovereignty.

I ask for a "no" vote on this because its substance is bad, and the fact that it is being rushed through is bad as well.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in strong opposition to H.R. 4893 because of my opposition to a proposed Indian gambling casino in the Columbia River Gorge National Scenic Area in Oregon.

We should not be considering a bill of this importance on the suspension calendar with only 40 minutes of debate, no opportunity to amend. This is completely inappropriate.

Regardless of whether you are an opponent or proponent of off-reservation gaming, Members should have an opportunity to bring their concerns to the floor and offer amendments. There are many reasons to oppose this bill, and I have the largest one of them of all: This, an 80-mile long, 4,000-foot-deep gorge. It is our Yosemite. It is our Grand Canyon. It is a national treasure, and it is completely inappropriate to put a gambling casino smack-dab in the middle of this national treasure.

Vote "no" on this suspension bill so we can protect the Columbia River Gorge and we can bring a real bill to the floor and have Members debate their concerns and amend this bill appropriately.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, proponents of this bill claim that it will guarantee greater local control. But for my constituents, nothing could be further from the truth.

More than 5 years ago, the community of Beloit, Wisconsin, began working with the Bad River Band and the St. Croix Chippewa Indians to build a casino in their community. My constituents, through a referendum, expressed their very strong support for this project, and local governments have worked hand-in-hand with the tribes on a project that the community deems important to their economic development.

For 5 years they have played by the rules and they are now in the last weeks of the approval process. Now, as the community anticipates a final decision on the tribe's application, this bill abruptly changes the rules, possibly denying the local community what they seek.

The citizens of Beloit, the local governments in the area, and the tribes who seek to develop this project, are not seeking any special treatment. They simply want, and deserve, a fair decision on the merits of their application. After 5 years of following a fair process, this is no time to change the rules.

I urge my colleagues to oppose this bill

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today to speak in favor of H.R. 4893, the Restricting Indian Gaming to Homelands of Tribes Act of 2006.

The expansion of tribal casinos to lands whose connection to Native American culture is limited or attenuated at best. This is a growing problem throughout the United States. No one wants to deny Native Americans the right to pursue government recognition of their tribal connections and to celebrate their native cultures.

Increasingly, however, groups anxious to promote casino gambling have aligned with some Native American groups for the sole purpose of utilizing the Indian Gaming Regulatory Act, IGRA, to promote the establishment of casinos.

In my district, the Delaware Nation, which is headquartered in Oklahoma, has filed suit in Federal court to establish title to a 315-acre tract of land in Northampton County, Pennsylvania, so it can build a gambling facility. More than 25 families live on this property. It is also home to the Binney and Smith Company, on which it has placed a Crayola crayon manufacturing facility. The individuals trying to establish this casino, who all reside out-of-State, are not concerned about the area's homeowners, about the valuable manufacturing jobs potentially displaced by this casino, or about the fact that Binney and Smith's Crayola makes a useful product loved by children all over the world.

□ 1230

They are only interested in seeing working people and seniors gamble away their hard-earned dollars. H.R. 4983 would effectively end this kind of reservation shopping. It prohibits gambling on Indian lands outside of the State in which that tribe is primarily residing and exercising tribal authority as of the date of this law's enactment, unless those lands are contiguous to lands currently overseen and occupied by that tribe.

This prevents a tribe with headquarters, in, say, California or Oklahoma from acquiring lands in places like Ohio, Illinois and Pennsylvania, where there are no federally recognized Indian tribes, for the sole purpose of putting a casino on those properties.

Homeowners and business owners should not be held hostage to out-of-state casino interests that are willing to throw people out of their homes and destroy local businesses in order to further the expansion of casino gambling.

I would ask for all Members to support H.R. 4893.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise in support of this bill. As you may know, some of you, earlier this year I introduced a bill, H.R. 5125, that would, in essence, require States to undertake planning for the siting of Indian gaming facilities, essentially developing a State master plan before a new class III gaming license could be granted.

We have 22 States in the Nation that allow for class III gaming. Currently, if you look at those 22 States, take a snapshot, there are 339 sovereign nations within those 22 States that could potentially have legalized gaming.

What happens in the experience that I have determined in California over the last 15 years is too often Indian tribes are at the mercy of shifting political winds in State government. Negotiating a tribal-State compact for the right to engage in class III gaming on their tribal lands is a process that is complicated by elections, changing attitudes towards the tribe, as well as an understanding that tribal gaming also can be a lucrative process and business, therefore, to the State.

This process I call, or dubbed, is frequently understood as "let's make a deal" time. We have had three Governors in California in the last 15 years that have engaged in that process.

My legislation would not prevent tribes from engaging in their application process or affect any of those that have already had approval of a compact. But what it would do is develop some common sense in terms how we look in the future for prospective gaming under class III licensing with the 22 States that have 339 sovereign nations that could, but yet do not have compacts, that would allow them to have class III gaming.

I think it is time that we learned from the lessons of the last 15 years and the 22 States across the country that do have class III gaming. Let us require the States to submit a master plan to the Secretary of the Interior so that we know how we will go forward prospectively as to the impact of that class III gaming.

Common sense tells us that this makes, I think, the best process for planning future gaming in this country. Although my legislation isn't a part of this bill, I continue to work with Members on both sides of the aisle to try to put forth an effort to develop a master plan for those States that, in fact, do have class III gaming.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished gentleman from Michigan, a very valued member of our Resources Committee, for yielding me the time.

Mr. Speaker, I share the concerns of some on my side of the aisle that this amendment should have been brought to the floor under a rule so that amendments could be offered by interested Members.

Indeed, during the Resources Committee's deliberations on this measure, several members issued concerns, and both the chairman and myself assured them that they would be considered as the process moved forward. Yet the Republican leadership chose to schedule this bill as a suspension, and as such amendments are not made in order.

With that said, the bill before the body today is the product of a negotiation which took place between Chairman POMBO and myself as the ranking member on the Resources Committee.

The original introduced version bill went too far in my opinion in interfering with tribal sovereignty. As a result of our negotiations, the version reported by the committee, which is pending before us, has a great deal more respect for tribal sovereignty while still achieving the goal of reining in off-reservation casino shopping.

Let me be very clear on this point. The letter the National Congress of American Indians has sent in opposition to this bill must be in reference to the original introduced version, not what is before us today. That letter alleges that a tribe would have to seek approval of a local government before gaming could commence. It alleges the bill would subordinate tribes to local governments. This is just plain false.

What the bill does require is that a tribe seeks to establish an agreement with a local community concerning the costs of mitigating the impact from public services that could arise from a new casino. That is nothing less and nothing more than good business practice. It is what most tribes do today.

On the broader issue, there should be no doubt that this legislation is necessary. According to United South and Eastern Tribes, which represents 24 federally recognized tribes in the east, this bill is critical on tracking down reservation-shopping abuses which are often funded by shadowy developers.

The president of the organization, Keller George, in a letter to Congress states: "This kind of reservation shopping runs counter to the intent of the Indian Gaming Regulatory Act and well-established Indian policies." He urges the favorable approval of the pending legislation.

So while I remain concerned about the process, I am in support of the bill. I urge Members to vote in favor of it

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in opposition to this bill. I think it is important to note that before we do violence to the existing situation here that there has been substantial success. In the existing relationships, we have had only three essential tribes, all of which have been done with largely local jurisdictions' approval. To do significant changes to upset that balance would erode, and I do believe this bill as currently written does erode, to a degree, tribal sovereignty in this regard. For that reason, I don't believe it is necessary at this time, and there can be and should be improvements.

It is disappointing again that democracy isn't functioning here in this body in that we are not allowed to offer amendments on the floor to a very critical issue involving tribal sovereignty. We have seen tribes abused historically in this country. I think that is happening again today where this bill is not allowed to be subject to the amendment process on the floor that it should.

But I also want to note that I believe that somehow the gaming process has not assisted folks in these tribes. I just want to attest, having seen boys and girls clubs established, in fact, first boys and girls club on a reservation in the Toledo reservation in the State of Washington, as a result of this economic activity, there are a lot of good economic activities happening in these communities. I think this bill will not foster them and we should oppose it.

Mr. KILDEE. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 4½ minutes. The gentleman from California has 9 minutes.

Mr. KILDEE. Who has the right to close?

The SPEAKER pro tempore. The gentleman from California

Mr. KILDEE. Mr. Speaker, I was here in 1988 as a Member of the Interior Committee, and I helped write IGRA. I am very familiar with it. All laws here are written on Capitol Hill, not Mount Sinai, so I know that they are not perfect bills. But this has been a good bill.

As I said, from the very beginning, I told Mr. POMBO that I admired his courage to address this situation, but I do think that it has not been addressed properly, particularly with equating sovereign tribes with counties. I would be glad to work with him, bring this bill out on regular order where people could offer amendments on a very, very important bill.

This bill took us a long time to write in 1988. We had great debate in 1988 and great input. We wrote a good bill.

So I date back to those, probably one of the few who were here when we wrote that law, and I think that to amend it in this fashion, particularly on suspension, and, secondly, treating sovereign tribes as if they were like counties which are creatures of States, treat them as two equals. The Constitution does not say, Congress shall regulate commerce with foreign nations, the several States, the Indian tribes and the various counties. It mentions the three sovereignties here. That is very, very important to me, and we bore that in mind when we wrote this bill back in 1988.

I would hope, Mr. Speaker, that we will be able to defeat this today, and Mr. POMBO knows. I have talked to him repeatedly on this. We should sit down and see if we can bring a bill out with some of the provisions, especially the one treating as equals, two entities that are not equals, included in a rule where we can offer amendments on the floor

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. I very much appreciate the honorable gentleman from Michigan in his yielding to me, and his leadership on this issue. There is nobody in this Congress that respects tribal sovereignty more than DALE KILDEE. I am very proud to stand here today with him.

Mr. Speaker, I rise today against passage of H.R. 4893 under suspension of the rules. My district in northern New Mexico is home to more than 16 tribes. I have heard from many of my constituents, and they are strongly opposed to this bill. In fact, I do not know of a single tribe in the entire State of New Mexico who wants to see these changes. I know there are some States that have serious concerns surrounding tribal gaming issues, and I respect those concerns.

But my State of New Mexico and the tribes I interact with have approached gaming and the responsibilities related to this industry with the utmost integrity and transparency. I am afraid that this one-size-does-not-fit-all legislation will have the serious consequence of undermining 200 years of tribal sovereignty.

I ask that we take another look at this legislation and then bring it up for consideration under the regular order so that amendments are allowed. Members deserve a chance to amend this important legislation, and, sadly, once again the leadership is stifling debate

Mr. KILDEE. Mr. Speaker, again, I wish we had a longer time to debate this very important bill, a bill that took us months to put together back in 1998. I regret that. I do look forward to, however, if we defeat this bill, which I hope we do, to sit down with Mr. POMBO. He knows that I recognize that there are some things that we can agree upon in this bill, then bring the bill out under regular order and let the House speak its mind

Mr. Speaker, I yield back my last second.

Mr. POMBO. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, over the last 2 years, we have attempted to address this issue in the Resources Committee. Two years ago I put out a draft legislation for discussion that all of the members of the committee, all the Members of Congress, and the interested public had an opportunity to comment on.

We got thousands of comments. We held hearings, we got thousands of comments on that draft. We changed that draft. We took all of the input that we got, the testimony that we got, and we put that into that draft, and we continued to work on it.

Mr. KILDEE, from the very beginning, raised the issue of sovereignty; and it is an important issue to him, as it is to most of the members of the committee, that this is something that we wanted to protect, as it is our constitutional responsibility to protect the sovereignty of tribes and to negotiate with tribes, just as it is to negotiate with states in foreign countries.

We took all of that comment, and we came up with a new draft, and we put that out for additional comment. Finally, we introduced the underlying bill.

□ 1245

Mr. KILDEE brought up the issue of sovereignty and how we dealt with that. We changed the bill we are actually voting on today substantially from that original draft. The original draft did give cities a veto power in essence over trust lands. Many members of the committee and different attorneys that we talked to felt that that would not stand up to a court challenge, and we took that out.

But what we did do, as Mr. RAHALL pointed out, we gave local cities and counties the ability to negotiate with the tribes to come up with a memorandum of understanding so that they have the ability to make sure that if there is a major new development that is going to happen within their community that they are held harmless, that they have some input into that project going forward, that sewer and water and transportation needs and other things, just like if it was a private developer going in, would be met. That is the requirement that we put in. That somehow is now being deciphered as threatening sovereignty.

I will tell you though, and I want to make this perfectly clear, if you care about sovereignty of our Native American tribes in this country, then you better support this bill, because if we do not further regulate the expansion of off-reservation casinos, we will have an attempt made within this Congress to threaten that sovereignty, and we know that that is going to happen because we have seen it over the last few years. The proliferation of Indian gaming throughout the country is a threat to that sovereignty, and we need to do that.

Mr. KILDEE also talks about in IGRA, the Indian Gaming Regulatory Act in 1988. It took us years just to draft these amendments to it. This may have taken months, but it wasn't written on Mount Sinai.

When you helped to write that bill, it was a $200 million industry. Today it is a $23 billion industry. We have a responsibility to regulate that industry. We have a responsibility as Members of Congress and the Resources Committee to do what we have to do in order to ensure that that sovereignty continues, because if we don't that is a bigger threat to that sovereignty.

I would also say, Mr. Speaker, that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) is a strong supporter of the bill. He asked me to mention that in my closing comments. Unfortunately, he was not able to make it down here on the floor, but he will have a statement to add into the RECORD.

Having said that, I urge passage of the legislation

Mr. HASTERT. Mr. Speaker, I rise today in strong support of H.R. 4893 and want to thank Chairman POMBO and Ranking Member RAHALL for their hard work on behalf of this important bipartisan legislation. The practice of Indian tribes acquiring lands outside the borders of their tribal homelands for the purposes of opening casinos—often called reservation shopping—is a problem that is spreading throughout the country. In most cases, it forces states and local governments into protracted and costly legal battles. This is especially true in the State of Illinois where off-reservation claims have affected thousands of landowners.

When Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988, they did not intend to authorize reservation shopping by Tribes. In fact, IGRA prohibits gaming on all after-acquired lands and only permits off-reservation gaming under extremely limited circumstances. However, some Tribes are attempting to take advantage of IGRA's provisions and move into lucrative casino markets far from their reservations and lands where they have a historical connection.

This legislation puts an end to reservation shopping by prohibiting attempts to establish off-reservation casinos outside the state where the tribe currently resides. Most importantly, this legislation prevents tribes from filing lawsuits and land claims against private property owners in hopes of getting a casino in the settlement.

One example is in my district where the Prairie Band of Potawatomi Indian Tribe, based in Kansas, has laid claim to 1,280 acres of land in DeKalb County. Their claim is based on an 1829 Treaty between the United States and United Tribes of the Chippewa, Ottawa and Potawatomi that granted the DeKalb acreage for the "use" of a chief named Shab-eh-nay and "his band." Shab-eh-nay left the land in the 1830's and moved to Kansas with his band. In fact, on December 1, 1845, Shab-eh-nay sold 640 acres of the property for $1200—a deed which I have a copy of right here—and federal agencies determined that the land had been reverted to federal ownership when he moved west.

Nonetheless, the Tribe asserts that the 1829 Treaty granted a permanent title to the land that could only be taken away by an Act of Congress. Their claim is based solely on a letter written on the final day of the Clinton Administration by U.S. Department of Interior Solicitor John Leshy that the Tribe had a "credible" claim to the land.

However, instead of requesting that the Department of Interior formally recognize that claim and have the land taken into trust, the Tribe made an open-market purchase of 128 acres of land and declared through a Tribal Council Resolution their sovereign authority and jurisdiction over the property.

It should be noted that according to the Department of Interior, the Tribe has never officially contacted the Department about their claim to this land. Not to mention that another tribe, the Ottawa Tribe of Oklahoma, has made a competing claim to the same land.

Shortly after presenting the resolution to the County, the Tribe attempted to begin work on construction of a satellite office on the property, which the land is not currently zoned for. As a result, the County was forced to issue a stop work order on the project. Subsequently, the Tribe scheduled a public hearing regarding their proposed change in land use. Ultimately, the Tribe's intention is to construct a $715 million "first class gaming, entertainment and resort complex on 1,280 acres of land" according to their proposal issued in 2003. This is despite the fact that tribal gaming is not allowed under State law.

Rather than take the steps outlined by IGRA, and apply to have their land taken into trust by the Department of Interior, the Tribe has instead chosen to force costly legal action by the County for the purpose of having their claim heard in court. This is clearly an attempt to circumvent the review process by the Department of Interior.

Mr. Speaker, even the Supreme Court ruled in 2005 that an Indian Nation cannot regain the sovereignty of lands through open market land purchases. Nonetheless, these claims persist and put private landowners and local governments at risk. Without congressional action, these claims could establish a dangerous precedent whereby tribes could, and would, locate casinos in any state where gaming is allowed.

Mr. Speaker, it is my opinion that H.R. 4893 is especially important for the sake of protecting private landowners who have a legitimate right to their land, while providing fair and reasonable treatment for Indian Tribes. I strongly encourage my colleagues to support this important and commonsense legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H.R. 4893, amending section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming.

This bill amends the Indian Gaming Regulatory Act for the first time since 1988. The bill would require Tribes to enter into compacts with local government entities, in addition to State governments, to conduct casino-style and non-casino-style gaming (such as bingo).

The U.S. Constitution article 1, section 8 acknowledges Indian Tribes as governments, equal to states and foreign nations. H.R. 4893 includes a provision that forces Tribes to enter into binding negotiations and arbitration with counties and parishes. This is directly counter to the constitutional provision recognizing Tribal governments as sovereign nations equal to Federal and State governments.

I oppose this bill because it is inconsistent with and dismissive of current law and policy. The National Indian Gaming Association, National Congress of American Indians, Native American Rights Fund, and the National Indian Business Association have all expressed concern that this bill requires Indian tribes to negotiate financial arrangements with local municipalities and counties, rather than the arrangement of government-to-government interactions, which is the current precedent.

Indian tribes are sovereign entities, and as such negotiate in government-to-government settings. The provision in this bill to require Indian tribal governments to negotiate with municipalities and counties in effect replaces the state government partner with a sub-government entity. This intrusive action violates the constitutional principle of tribal sovereignty.

A bill with consequences this far-reaching deserves thorough consideration and debate. The fact that this bill has been placed on the suspension calendar, and thus is not subject to amendment, is irresponsible. Tribal sovereignty is a bedrock principle of American law. It should not be dismissed without proper debate that allows every concerned and affected Member of Congress to participate.

The Department of the Interior is presently reviewing Section 20 in order to publish regulations pertaining to the economic opportunities, liability and jurisdictional issues, and policy implications for the greater American Indian community. In March, the Committee on Resources heard Mr. James Cason, Associate Deputy Secretary of the Interior, give testimony in which he expressed the need to review and work on certain elements of the bill. To my knowledge, the issues have not been resolved to the satisfaction of all of the Members of the Committee, let alone Members of Congress who are not on the Resources Committee.

This bill does not belong on the suspension calendar, and should instead be open to review and amendment by all Members of Congress.

I urge my colleagues to speak up for proper procedure in this House, as well as respect the precedent that this bill ignores.

Mr. OBEY. Mr. Speaker, I agree with the proposition that it makes no sense to allow tribes to establish gambling casinos in territories that have no relationship to the tribe. But, I am voting against this bill because I believe that people who disagree with me ought to have the right to offer an amendment—for example, those who want to limit Indian tribes' ability to establish off-reservation casinos but would make an exception if the effort is supported by local officials—county board, city council, mayor—or if it is approved by referendum. But, this bill is arrogantly presented in a take it or leave it fashion which would not allow amendments to accomplish that.

Without amendments such as that, this bill is going nowhere. It is simply a cynical effort by the Committee Chairman and the House Republican leadership to pose for political holy pictures by pretending that they are doing something by pushing a bill that is going nowhere.

Even though I am troubled by some provisions of the bill, I could vote for it after the House has had an opportunity to consider legitimate amendments to it. But, I will not accept something that is arbitrarily presented on a take it or leave it basis.

One problem in dealing with this issue is that people on both sides of the question have abused the process. Some tribes have abused existing law and have established casinos in territory totally unrelated to their own territorial base and have attempted to run roughshod over local officials in the process. And, on the other side, the committee and the House leadership have abused the process by refusing to allow amendments to the bill.

If this bill were the product of negotiations, I could even accept that. But, the committee has chosen to arbitrarily bring this take it or leave it proposal to the House floor and has not even had the courtesy to provide a committee report to explain and help analyze the bill.

Mr. REYES. Mr. Speaker, I stand in strong opposition to H.R. 4893. This legislation seeks to make drastic changes to the Indian Gaming Regulatory Act without the option to offer amendments or have a full debate on the floor of the House of Representatives.

Instead of offering legislation that would weaken tribal sovereignty, Congress should be working hard to ensure American Indians are protected from corrupt lobbyists and given the means to care for their members.

Mr. Speaker, it is time for this Congress to take a stand for millions of American Indians throughout the country by voting against H.R. 4893.

Ms. HERSETH. Mr. Speaker, I rise today in opposition to H.R. 4893. All nine sovereign Tribes in South Dakota have asked me to oppose this legislation. I take my responsibility to consult with Tribes very seriously and share their concerns that this bill will create an unnecessary and unprecedented infringement on Tribal sovereignty.

Though gaming has transformed tribal economies in many places, the harsh reality is that Native Americans remain the poorest people in our country. This was confirmed only a few weeks ago in the Census Bureau's annual poverty report. Gaming alone has not—and will not—fix this problem.

The right of Tribes to conduct gaming is a manifestation of tribal sovereignty and one of its many benefits. Sovereignty allows tribes to move forward with economic development opportunities and to draw strength from their rich history. Sovereignty, and not gaming, is the most valuable tool to lift Indian Country out of poverty. I urge my colleagues to support sovereignty and vote against H.R. 4598.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Michigan, Mr. KILDEE, for all of his efforts to defend the rights of the first people to inhabit our great Nation.

I strongly oppose H.R. 4893, which would amend the Indian Gaming Regulatory Act to restrict Indian gaming and subject Indian tribes to the whims of local governments.

The United States Constitution recognizes Indian Tribes as sovereign governments, equal to States and Foreign Nations. H.R. 4893 would force Indian Tribes to enter into agreements with counties in order to operate gaming facilities. Tribes are already required to negotiate gaming compacts with State governments. Requiring Tribes to negotiate with local governments is a blatant violation of their sovereignty.

The California Nations Indian Gaming Association, which represents many tribes in my home State of California, is firmly opposed to this bill.

Never before in the history of our Nation have tribes been required to negotiate with local governments. I urge my colleagues to oppose this bill and protect the sovereign rights of American Indian Tribes.

Mr. BLUMENAUER. Mr. Speaker, extreme care should be exercised when Congress legislates in areas affecting tribal sovereignty and issues important to Native Americans.

It is troubling that H.R. 4893 comes to the House floor under a suspension of the rules, which implies the bill is non-controversial and is one which has consensus support and no need of extensive debate or modification.

This is not the case with this attempt to amend the Indian Gaming Regulatory Act. The National Congress of American Indians, the National Indian Gaming Association, and several tribes in the State of Oregon have expressed their opposition. The rules suspension does not permit Congress to debate potential changes and indeed all debate is severely limited.

I am deeply concerned that any changes to the Indian Gaming Regulatory Act be carefully considered and fair and balanced for all parties involved. Sadly, this proposal does not meet that test.

Ms. WOOLSEY. Mr. Speaker, today the Republican leadership decided to consider legislation that would substantially revise the Indian Gaming Regulatory Act (IGRA)—the first time we have been allowed to address our concerns with IGRA since it was enacted in 1988. The bill we are voting for today, while it does much to stop the most egregious forms of reservation shopping allowed by IGRA, is not wholly adequate. Suspending the House rules to vote on this bill forces my colleagues and me to settle for a makeshift and inadequate solution to the proliferating problem of off-reservation gaming. Since Mr. POMBO'S bill fails to thoroughly address the gaming issues facing my constituents, I would have liked the opportunity to offer an amendment that reflects the concerns of the people in Marin and Sonoma Counties. I sincerely hope that the Republican Majority will allow for a full debate that includes the opportunity for Members to amend this bill, as we should not shortchange our constituents in the process of passing this important piece of legislation. Circumventing traditional House procedure, obstructing debate, and forcing us to vote on inadequate legislation is wrong, and I will be voting "no" on H.R. 4893.

Mr. SHADEGG. Mr. Speaker, I rise today in support of H.R. 4893, the Restricting Indian Gaming to Homelands of Tribes Act. The bill before us improves upon the Indian Gaming Regulatory Act (IGRA) by restricting the interstate expansion of Indian gambling and including states and local communities in the application review process at the Department of Interior. I intend to vote in favor of this bill as it does improve upon the existing law, however I believe IGRA is deeply flawed and in need of more far-reaching reforms in the future.

Congress passed the Indian Gaming Regulatory Act in 1988 in reaction to an ongoing expansion of casino-style gambling on reservations. Following the Supreme Court's Cabazon ruling that states did not have the authority to regulate tribal casinos, Congress elected to establish a framework for Indian gambling in an effort to control its growth. Despite IGRA's passage, or some would say because of it, annual Indian gambling revenues exploded from $100 million in 1988 to over $23 billion in 2005 alone. Today, there are over 410 tribal gaming operations in 32 states.

IGRA requires states to negotiate compacts with tribes wishing to establish casinos. If a state refuses to negotiate, the tribe can sue or the Secretary of Interior can unilaterally grant a casino license to the tribe. In other words, tribes are free to operate casinos in states or communities that do not desire such enterprises. H.R. 4893 attempts to address this problem by requiring tribes applying for a casino license to enter into a memorandum of understanding with local communities regarding shared infrastructure needs, such as roads or utilities, and by requiring the concurrence of a state's governor. However, these provisions only apply on a prospective basis, exempting 23 pending casino applications from the additional requirements. I believe the bill should have applied to these applications as well. Furthermore, the underlying IGRA requirement on states to negotiate compacts or else have a compact dictated by federal officials raises serious constitutional and federalism concerns as a possible violation of the 10th Amendment.

I strongly support the RIGHT Act's ban on so-called "reservation shopping," preventing a tribe that already has land in trust from acquiring non-contiguous lands for gaming purposes. I also applaud the bill's ban on out-of-state off-reservation casinos.

Mr. Speaker, the RIGHT Act is a good bill. While I would like to have seen a stronger bill that undertook more basic reforms of IGRA, the RIGHT Act does take several steps forward by involving local communities and states and installing limits on the expansion of tribal gaming off-reservation and across state lines. I urge my colleagues to support the bill, and continue to work toward further reform in the future.

Mr. SHERMAN. Mr. Speaker, I have always opposed using the suspension process for consideration of controversial legislation. Once again, the Republican leadership is abusing the suspension process to limit debate by bringing H.R. 4893 to the floor as a suspension item. Accordingly, I cannot vote to suspend the rules.

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this bill, for several reasons.

To begin with, as the debate in the Resources Committee made clear, this is not the kind of measure that should be considered under a procedure that rigidly limits debate and prevents consideration of any amendments. Instead, it is a controversial proposal that can affect many parts of the country. All members whose districts could be affected—or who have concerns for other reasons—should have the opportunity to propose amendments that they think would improve the legislation.

But regardless of the procedures controlling debate today, I think the bill has such serious flaws that it should be rejected—which was why I voted against it in committee.

As others have noted, it would make a drastic change in current law regarding the regulation of Indian gaming, changes that do not properly reflect and respect the status of tribal governments and that have led the majority of tribes and tribal organizations to oppose the legislation.

I do not think such far-reaching changes are necessary to address the problems cited by the bill's supporters. On the contrary, I think the Interior Department already has ample authority to resolve those problems through regulation.

Finally, some have suggested that the legislation should be passed to resolve questions raised in 2004 when two tribes now based in Oklahoma asserted a claim to lands in Colorado. However, I do not think that is accurate. Nothing in this bill would prevent tribes from making such land claims in the future. And because no legislation can bind a future Congress, the bill would not prevent a legislative settlement of such claims—the professed goal of those asserting the Colorado claim—which could involve authorization of Indian gaming on some of the lands involved.

I urge the House to reject this bill.

Mr. POMBO. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 4893, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION ACT OF 2006

Mr. BUYER. Mr. Speaker. I move to suspend the rules and pass the bill (H.R. 5815) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes, as amended.

The Clerk read as follows

H.R. 5815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Medical Facility Authorization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authorization of major medical facility project, Biloxi and Gulfport, Mississippi.
Sec. 3. Authorization of design, construction, and operation of major medical facility project, New Orleans, Louisiana.
Sec. 4. Authorization of design, construction, and operation of a major medical facility project, Charleston, South Carolina.
Sec. 5. Authorization of site purchase for major medical facility project, replacement site, Denver Colorado.
Sec. 6. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.
Sec. 7. Authorization of major medical facility leases.
Sec. 8. Authorization of appropriations.
Sec. 9. Sense of Congress and report on option for medical facility improvements in San Juan, Puerto Rico.
Sec. 10. Land conveyance, city of Fort Thomas, Kentucky.
Sec. 11. Establishment within the Department of Veterans Affairs of a career position responsible for Department-wide construction and facilities management.
Sec. 12. Business plans for enhanced access to outpatient care in certain rural areas.
Sec. 13. Report on option for construction of a Department of Veterans Affairs medical center in Okaloosa County, Florida.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, BILOXI AND GULFPORT, MISSISSIPPI.

(a) PROJECT AUTHORIZATION.—The Secretary of Veterans Affairs may carry out a major medical facility project for restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi.

(b) Cost Limitation.—The project authorized by subsection (a) shall be carried out in an amount not to exceed $310,000,000.

(c) Requirement for Joint-Use Facility.—The project authorized by subsection (a) may only be carried out as part of a joint-use facility shared by the Department of Veterans Affairs with Keesler Air Force Base, Biloxi, Mississippi.

SEC. 3. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF MAJOR MEDICAL FACILITY PROJECT, NEW ORLEANS, LOUISIANA.

(a) Agreement Authorized.—The Secretary of Veterans Affairs may enter into an agreement with the Louisiana State University to design, construct, and operate a co-located, joint-use medical facility in *or near* New Orleans to replace the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, damaged by Hurricane Katrina in August 2005.

(b) Cost Limitation.—Advance planning and design for a co-located, joint-use medical facility in *or near* New Orleans under subsection (a) shall be carried out in an amount not to exceed $100,000,000.

SEC. 4. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF A MAJOR MEDICAL FACILITY PROJECT, CHARLESTON, SOUTH CAROLINA.

(a) Agreement Authorized.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) Cost Limitation.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $70,000,000.

SEC. 5. AUTHORIZATION OF SITE PURCHASE FOR MAJOR MEDICAL FACILITY PROJECT, REPLACEMENT SITE, DENVER COLORADO.

(a) Authorization.—The Secretary of Veterans Affairs may enter into an agreement to purchase a site for the replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 6. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center, Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the extended care building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new medical center facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126, Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic corrections, Buildings 500 and 501, Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility, Orlando, Florida, to be located at the site in Lake Nona known as site selection C, which is directly south of the interchange between SR-417 and Lake Nona Boulevard and is part of a science and research park that is likely to include the proposed campus of the medical school of the University of Central Florida, in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center, Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems, Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition, Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind rehabilitation and psychiatric bed renovation and new construction project, Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) Fiscal Year 2006 Leases.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

(b) Fiscal Year 2007 Leases.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations for Fiscal Year 2006 Major Medical Facility Projects.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, a total of $578,000,000, of which—

(1) $310,000,000 is for the project authorized in section 2;

(2) $100,000,000 is for the advance planning and design authorized in section 3;

(3) $70,000,000 is for the advanced planning authorized in section 4; and

(4) $98,000,000 is for the purchase of a site authorized in section 5.

(b) Authorization of Appropriations for Major Medical Facility Projects Under Capital Asset Realignment Initiative.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,758,920,000 for the projects specified in section 6.

(c) Authorization of Appropriations for Major Medical Facility Leases.—

(1) Fiscal year 2006 leases.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 7(a).

(2) Fiscal year 2007 leases.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 7(b).

(d) Limitation.—The projects authorized in sections 2, 3, 4, 5, and 6 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year

2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

SEC. 9. SENSE OF CONGRESS AND REPORT ON OPTION FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO.

(a) SENSE OF CONGRESS.—Recognizing that concern for the need for medical facility improvements in San Juan, Puerto Rico, is not being adequately addressed, it is the sense of Congress that the Secretary of Veterans Affairs should take steps to explore all options for addressing that concern, including the option of a public/private partnership to construct and operate a facility that would replace the current Department of Veterans Affairs medical center in San Juan, Puerto Rico.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center, San Juan, Puerto Rico. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, Commonwealth, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 10. LAND CONVEYANCE, CITY OF FORT THOMAS, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the city of Fort Thomas, Kentucky (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including the 15 structures located thereon, consisting of approximately 11.75 acres that is managed by the Department of Veterans Affairs and located in the northeastern portion of Tower Park in Fort Thomas, Kentucky. Any such conveyance shall be subject to valid existing rights, easements, and rights-of-way.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as determined by the Secretary.

(c) TREATMENT OF CONSIDERATION.—The consideration received under subsection (b) shall be deposited, at the discretion of the Secretary, in the "Medical facilities" account or the "Construction, minor projects" account (or a combination of those accounts) and shall be available to the Secretary, without limitation and until expended—

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the real property before conveyance under subsection (a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for the operation of a parking facility, to be used in connection with the Department of Veterans Affairs Medical Facility, Cincinnati, Ohio.

(d) RELEASE FROM LIABILITY.—Effective on the date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the conveyed real property, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

SEC. 11. ESTABLISHMENT WITHIN THE DEPARTMENT OF VETERANS AFFAIRS OF A CAREER POSITION RESPONSIBLE FOR DEPARTMENT-WIDE CONSTRUCTION AND FACILITIES MANAGEMENT.

(a) ESTABLISHMENT OF POSITION.—Chapter 3 of title 38, United States Code, is amended by inserting after section 312 the following new section:

"§ 312A. Director, Construction and Facilities Management

"(a) CAREER POSITION.—There is in the Department the position of Director, Construction and Facilities Management. The position of Director, Construction and Facilities Management, is a career position with responsibility for construction and facilities management across the Department, including responsibility for all major and minor construction projects. The individual appointed as Director shall be appointed by the Secretary and shall provide direct support to the Secretary and report to the Deputy Secretary of the Department.

"(b) QUALIFICATIONS.—The individual appointed to the position of Director, Construction and Facilities Management, shall be an individual who—

"(1) holds an undergraduate or master's degree in architectural design or engineering; and

"(2) has substantive professional experience in the area of construction project management.

"(c) RESPONSIBILITIES.—The individual appointed to the position of Director, Construction and Facilities Management, shall be responsible for overseeing and managing the planning, design, construction, and facilities operation, including infrastructure, of the Department's major and minor construction projects and performing such other functions as the Secretary prescribes. Such oversight and management responsibilities shall include each of the following:

"(1) Developing and updating short and long-range strategic capital investment strategies and plans.

"(2) Planning, designing, and building facilities, determining architectural and engineering requirements as well as ensuring compliance with all applicable laws relating to the Department's construction program.

"(3) Overseeing and managing the construction of Department facilities.

"(4) Managing the Department's short and long-term leasing activity.

"(5) Repairing and maintaining the Department's facilities, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

"(6) Managing the procurement and acquisition processes, including contract award related to design, construction, furnishing, and supplies and equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

"312A. Director, Construction and Facilities Management.".

SEC. 12. BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental health care, and specialty care in each of the following areas:

(1) The Lewiston-Auburn area of Maine.

(2) The area of Houlton, Maine.

(3) The area of Dover-Foxcroft, Maine.

(4) Whiteside County, Illinois.

(b) MEANS OF ENHANCED ACCESS.—The means of enhanced access to outpatient care to be covered by the business plans under subsection (a) are, with respect to each area specified in that subsection, one or more of the following:

(1) New sites of care.

(2) Expansions at existing sites of care.

(3) Use of existing authority and policies to contract for care where necessary.

(4) Increased use of telemedicine.

SEC. 13. REPORT ON OPTION FOR CONSTRUCTION OF A DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for the placement of a Department of Veterans Affairs Medical Center in Okaloosa County, Florida. The report shall include the following:

(1) The feasibility of entering into a partnership with Eglin Air Force Base for the construction and operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5815, the Department of Veterans Affairs Medical Facility Authorization Act of 2006, would ensure that we will act officially and provide the right facilities at the right places given the current veteran populations that we can expect in the coming years.

I thank my colleagues, HENRY BROWN, the chairman of our Subcommittee on Health, and MIKE MICHAUD, the subcommittee ranking member, for their hard work on a bipartisan bill that deploys new models for providing health care. These models show great promise for veterans who want cutting-edge care as close to their home as possible.

Mr. Speaker, the very nature of health care delivery has changed dramatically over the last 15 years, yet the VA has not built a single hospital in that time. Some challenges ahead of us deal with, for example, in New Orleans the damage by Hurricane Katrina and that along the coast of Mississippi. Some put a price tag on a new New Orleans VA facility at around $600 million. I recently toured a new cutting-edge tertiary care hospital in Indiana built for about $280 million. So trying to figure out how we build new hospitals for the government and at the same time trying to do one that is cost effective is the challenge.

When we look at the VA, the VA has some aging infrastructure and we must replace some facilities, not only the ones damaged by the hurricanes, but also we need to modernize others. This bill will help rationalize the work, including the actions necessary along the Gulf Coast where we restored the VA medical centers in Biloxi and in New Orleans.

We will also move forward with construction in Charleston, South Carolina, with regard to delivering a new model, and Mr. BROWN will be talking about that in a moment. We will be purchasing property in Denver. We will work toward a facility in San Juan, Puerto Rico. The bill would authorize the construction of 17 major facility projects authorized in the last session of Congress, including Las Vegas and Orlando, all of which align with the demand projected for the next two decades.

Mr. Speaker, after World War II, the VA faced a huge influx of returning service members and a worrisome shortage of doctors. Responding to the challenge, the VA in 1946 formed its affiliation program with medical schools.

A wise decision at the VA, made two generations ago by some far-seeing leaders, among them Army General Omar Bradley, a post war VA administrator, enabled the agency to avail itself of the country's best doctors and nurses, and opened VA to the country's best health care practices, ensuring it had the capacity to care for millions of new patients.

According to VA, more than 150 VA facilities have affiliations with more than 100 medical schools, dozens of dental schools and more than 1,200 other schools across the country. VA trains 50,000 students and residents each year, more than half of the physicians practicing in the United States, and a similar portion of nurses, I might add, have experienced parts of their professional education in the VA health care system. The VA has built up considerable experience leveraging service and quality throughout this collaboration.

As the visionaries of 1946 dared to look beyond the familiar patterns, we must now be willing to consider the possibilities that new ideas generate. These new ideas can also generate controversy. Some veterans are concerned that some form of collaboration may dilute the "veterans' identity" of a VA hospital. That is not an intention on our part at all.

Mr. Speaker, the facts show that the last 50 years of affiliation have meant better VA care for veterans. If a veteran in the Capital area went to Washington, DC Veteran Center for an emergency, that veteran would likely be seen by a doctor also on staff at the George Washington University Medical Center. A veteran being seen at the Ralph Johnson VA Medical Center in Charleston, South Carolina, is almost certain, the chances are about 90 percent, to be seen by a doctor also on staff with the Medical University of South Carolina. You do not hear complaints from veterans about these arrangements.

H.R. 5815 would position VA to leverage existing affiliation relationships with top notch medical universities and build a new relationship with these universities, while preserving the veterans' identity through a collaboration of shared facilities.

In Biloxi, the bill would take advantage of the joint-use facility being shared with Keesler Air Force Base in Biloxi.

Veterans in the New Orleans area would benefit from a new agreement that we are most hopeful could have fruition with Louisiana State University for the construction and operation of a collocated joint-use medical facility.

In Charleston, South Carolina, we would move forward with the building and operation of a joint-use facility with the Medical University of South Carolina.

Mr. Speaker, this legislation would authorize the purchase of a site in Denver for the ultimate replacement of the medical facility there and would require the VA to report to us and our Senate counterpart on the viability of engaging in a public-private partnership that would reduce taxpayer burden as construction begins.

Mr. Speaker, resources are not on the side of isolated facilities. Enhanced collaboration means that the most expensive equipment, such as medical imaging devices, could be shared between VA and university facilities. As new technology becomes available with its inevitable steep price tag, it could be more easily acquired through these collaborative efforts.

Sharing expensive capital assets reduces duplication and waste. Physicians can more easily travel from the university facility to the VA's facility. That, in turn, means that the veterans will get quality care much faster. This logic has appealed to veterans advocates with whom I have spoken.

This bill would also help the VA grow the expertise that has gone fallow over the past decade and a half, since VA's last construction project. H.R. 5815 would establish within the VA a senior Civil Service position whose role would be to provide department-wide executive leadership over all construction and facility management.

Mr. Speaker, the total cost of this legislation is approximately $2.4 billion.

Shortly I will turn to my distinguished colleague, Mr. BROWN of South Carolina, chairman of the Subcommittee on Health, for a detailed explanation of the bill.

Mr. Speaker, I reserve the balance of my time

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 5815. This legislation will authorize the Department of Veterans Affairs major medical facility projects and leases for fiscal year 2006 and 2007. I wish to commend my good friend and colleague, the chairman of the committee, Chairman BUYER, for his willingness to bring this legislation forward to the House. It is an excellent piece of legislation. I want to commend also a good friend and colleague, the chairman of the Health Subcommittee, HENRY BROWN of South Carolina, for his work on this legislation as well.

It is a good bill. It is long overdue that the Committee on Veterans Affairs and this Congress get back to our job of authorizing construction of veterans medical facilities. This bill takes important steps forward in rebuilding the VA's presence in New Orleans and Mississippi. It is important that we do all that we can to help our veterans in the Gulf region. This bill also authorizes many of the VA's most urgent projects, projects whose authorization expires at the end of the month.

I am eagerly awaiting further study and discussion of possible collaborative efforts of the VA that may result in both enhanced care for patients and savings for our taxpayers. Although I am excited about these possibilities, we must also make sure that the needs of veterans are fully met and that the veterans health care system retains its distinct identity as a health care system dedicated to the unique needs of our veterans.

If this health care system is to maintain its position at the forefront of American medicine, then we must make prudent investments in the infrastructure that will enable this care to take place. We must modernize these facilities that are antiquated, we must build new facilities in areas that are seeing increased numbers of veterans and we must take steps to ensure that the underserved areas do not remain underserved for long.

I would like to thank the staff of both sides of the aisle for their hard work on this legislation. They put a lot of time and effort in this legislation.

This is a good, bipartisan bill, and I hope our committee can bring more good bills like this one to the floor before the end of the year. I urge my colleagues to support H.R. 5815.

Mr. BUYER. Mr. Speaker, I yield 6½ minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker. I thank the gentleman for yielding me this time. I want to thank our committee chairman, Mr. BUYER, for all of his hard work in bringing this bill to the House floor this morning. Also I would like to recognize the work of my good friend and ranking member of the subcommittee, Mr. MICHAUD of Maine, for his contribution and bipartisanship and cooperation in moving this bill forward.

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I believe it is vital that VA better manage their medical facility capital assets to meet the needs of our Nation's veterans. VA has not constructed a new hospital in nearly 15 years, and as a result, a good amount of this institutional memory has been lost. It is important that we reassemble the processes that will allow VA to build appropriately sized facilities where they are truly needed and, at the same time, be prudent stewards of the taxpayers' money. Opportunities exist to reevaluate the traditional thinking and create new models for facility financing and construction that take full advantage of existing and potential collaborative relationships with medical universities, research partners, and other nonprofit organizations.

My bill, H.R. 5815, as amended, would ensure that major medical facility projects are appropriately prioritized and support the out-year health care demands of the veteran population. It would reinstitute a sense of centralized, consolidated institutional knowledge within the VA in the areas of construction and project management and also require VA to embrace opportunities to improve the quality of the care delivered through collaborative partnerships.

Collaboration is becoming increasingly essential in delivering health care across the Nation. So long as we remain true to the distinct identity of the VA, and so long as we ensure the continued quality associated with VA care, VA collaboration on joint ventures with its extensive medical university affiliations and the Department of Defense can be mutually advantageous for all organizations by reducing capital and operational costs and eliminating duplications of clinical infrastructure such as operating rooms, labs, and expensive medical equipment.

Let me briefly highlight some of the measures included in the bill. H.R. 5815 would authorize a total of about $2.4 billion for VA medical facility construction projects and leases.

Section 2 of the bill would authorize $310 million to restore the VA medical center in Biloxi, Mississippi, and consolidate the services performed in Gulfport, Mississippi because of the damage from Hurricane Katrina. The project authorized may only be carried out as part of the joint-use facility shared by VA with Keesler Air Force Base, which is also in Biloxi and located in very close proximity to the existing VA medical center.

Section 3 of the bill would authorize $100 million for VA to enter into an agreement with the Louisiana State University to design, construct, and operate a co-located, joint-use medical facility in or near New Orleans to replace the medical center damaged by Hurricane Katrina in August of 2005. The $100 million for advance planning and design effectively places a ceiling on how much can be expended while LSU and VA work toward a viable, collaborative model of care. This allows Congress the ability to assess progress and exercise prudent oversight prior to the actual construction of the facility.

Section 4 of the bill would authorize $70 million for VA to enter into an agreement with the Medical University of South Carolina to design, construct, and operate a co-located, joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson VA Medical Center. Similar to New Orleans, this provision allows the Department and Medical University the opportunity to thoroughly examine the opportunities and benefits that may exist as a result of co-location, while only providing the funding necessary to plan and design a new facility. I would like to share my special thanks with the chairman of the committee, STEVE BUYER, for his diligence on this project.

We have come a long way with the VA over the past years, and I appreciate the momentum you have helped provide. Thank you, Mr. Chairman.

Section 5 of the bill would authorize $98 million for VA to purchase a site for the replacement of the VA medical center in Denver, Colorado. It would also require VA to submit a report to this committee and our Senate counterpart on the viability of entering into a public-private partnership for the construction and operation of the anticipated replacement facility. This would allow the taxpayers a reprieve from front-end loading the capital costs associated with building a state-of-the-art facility.

Section 6 of the bill would extend authorization for 17 major medical facility construction projects previously authorized under Public Law 108-170, but for which VA is unlikely to have contracts awarded by the end of this fiscal year. The bill would authorize $1.76 billion for these projects. The projects include the construction of new medical centers in Las Vegas, Nevada, and Orlando, Florida, and the expansion of the Spinal Cord Injury Center in Tampa, Florida.

Section 7 of the bill would authorize the appropriation of $52 million and give VA the authorization to enter into certain major medical facility leases in eight different areas for needed outpatient clinics.

Section 9 of the bill expresses the sense of Congress that VA should take steps to explore all options prior to our approval of funding expensive renovations in San Juan, Puerto Rico, that in the end will still fall short of the capacity needed to handle the projected workload for the region. VA would be required to provide a report on the various options available, including the option of a public or nonprofit organization partnership to construct and operate a new facility that would replace the current medical center.

Section 11 of the bill would establish within VA a new career position with responsibility for construction and facilities management across all segments of the Department.

Mr. Speaker, this is a carefully developed bill that represents the diligence and bipartisan work of the committee in this jurisdiction over VA construction matters. The key provisions of H.R. 5815 are supported by the administration, and I urge my colleagues to join me in support of this legislation.

Mr. MICHAUD. Mr. Speaker, I yield 4 minutes to the good gentleman from California, BOB FILNER

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding and thank the committee and the Chair for moving this bill forward.

I rise also in support of H.R. 5815. It has been some time now since Congress acted to address the health care infrastructure of the Department of Veterans Affairs. I am pleased, along with everyone else, that the Committee on Veterans' Affairs has reasserted its traditional role in this area.

We have supported the CARES process, the Capital Asset Realignment for Enhanced Services, but have always maintained that the most important part of that acronym is at the end, that is, "enhanced services." Realignment is certainly essential, but enhanced services are critical.

As the CARES report to the Secretary stated in 2004: "VA infrastructure and support facilities, many built in the aftermath of World War II, are not all configured for contemporary health care delivery, and some are no longer appropriately located. Moreover, with an average age exceeding 50 years, these buildings are becoming more costly to maintain."

We all know that VA health care is a national asset. Our committee has been trying to ensure that veterans receive the health care they have earned and deserve. While health care funding should remain our biggest priority, we must also see to it that the facilities where veterans receive this health care are modern and up to date, as well as conveniently located to their place of residence. It is difficult to provide the most modern health care in facilities that are half a century old. It is time that we recognize this and move forward in bringing the aging VA infrastructure up to the standards of the 21st century.

This bill is an important step in the process. It provides the authorization for the VA to complete the projects it has started. It provides the authorization for us to rebuild VA facilities that were destroyed by Hurricane Katrina, and it provides authority to further the VA's collaborative efforts, efforts that hold the promise of enhancing health care for our veterans while maintaining the unique identity of the VA health care system.

We must ensure that VA construction projects are authorized, that the resources are provided to quickly complete them, and that we provide all the resources needed to maintain high quality health care in the Veterans Administration. We must keep our promises to the men and women who have served our Nation in the past and, of course, are serving us today.

So I thank my colleagues on the Veterans' Affairs Committee for their work on this issue and urge speedy passage of this important legislation

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentlewoman and fighter for veterans issues from the great State of Florida, CORRINE BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am pleased to support this bill and the hard work put in by Chairman BROWN and Ranking Member MICHAUD.

I am especially pleased that the committee has chosen to authorize the construction of a new medical center facility in Orlando, Florida, for $377.7 million and to require the facility to be located at the site in Lake Nona known as site selection C.

It has been documented for 25 years, let me repeat, 25 years, that a VA hospital is badly needed in central Florida. As a 14-year member of the Veterans' Affairs Committee, I have been working to obtain a hospital in this area, something that has always been one of my top committee priorities. When the Naval Training Center was closed, I was excited to work with former Secretary Jesse Brown to open the clinic that was badly needed for central Florida veterans. It is time for a full medical center.

It is important that the veterans of the central Florida region have a VA medical center that will serve all the needs to provide the type of health care that the VA is known for.

I am especially pleased that the VA medical center will be co-located with the new Florida State medical school near an urban medical complex, in an area where doctors and research professors can work collaboratively on the needs of our area veterans. As many studies have shown, teaching hospitals give the best care and for the veterans to have access to this care and the veterans to have the same access is invaluable. It is the ultimate urban model, one that needs to be followed at all levels of medical treatment from Florida and throughout the Nation.

The many hearings we have held to discuss the benefits of working together have shown the benefits, and the path has been set for success in other institutions. This is a win-win for everyone in the VA system in the central Florida area, and the veterans are truly deserving of this facility.

Again, this is a great day and long overdue day for the central Florida community and for central Florida veterans. It is also a great day for all veterans from all over the Nation who will come to central Florida.

Thank you again, Mr. Chairman and Mr. Ranking Member.

Mr. BUYER. Mr. Speaker, at this time I yield 2½ minutes to the delegate from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Veterans Affairs Medical Facility Authorization Act. This bipartisan proposal, which I am honored to cosponsor with Chairman BROWN and Ranking Member MICHAUD, would authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007.

As Puerto Rico's sole representative in Congress, I want to thank Chairman BROWN and Ranking Member MICHAUD for agreeing to include section 9 of this bill. This section recognizes the need for medical facility improvements in San Juan, Puerto Rico. I request that the Secretary of Veterans Affairs take steps to explore all options for addressing these concerns, including the option of a public/private partnership to construct and operate a facility that would replace the current Department of Veterans Affairs medical center in San Juan, Puerto Rico. The San Juan VA Medical Center is a 319-acute-care-bed facility with documented condition deficiencies.

In October of 2002, a decision was made to develop a two-phased strategy for the San Juan VA Medical Center: phase one, a new six-story tower with 314 beds; phase two, a main building renovation that will include asbestos abatement, sprinklers, utility improvements, and would correct seismic deficiencies.

On April 14, 2006, an $84.05 million construction contract was awarded for phase one. The building is expected to be completed in May 2009. The existing facility has approximately 630,845 gross square feet, and the proposed new tower would provide an additional 250,000 feet. However, the CARES review determined that San Juan, based on current and projected workload, requires a total of 1,283,547 gross square feet to efficiently service our veterans. The current two-phase plan still falls far short of the requirements identified under CARES by nearly 402,702 gross square feet.

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Given the documented substantial facility deficiencies, I am concerned about the U.S. taxpayers continuing to fund expensive renovations in San Juan which will ultimately fail to meet the capacity needed to handle the predicted workload.

For this reason, this bill requires that no later than 180 days after the date of the enactment of this act, the Secretary of Veterans Affairs shall submit to the Committee of Veterans' Affairs of the House and the Senate a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center in Puerto Rico.

Mr. Speaker, Puerto Rican veterans have served with honor and distinction in the Armed Forces of the United States in all wars and conflicts since 1917. Currently, over 9,000 of our men and women are active in our Nation's war on terrorism. Puerto Ricans have always responded to the call of defending our Nation, ranking number sixth in per capita contribution in Army, Reserve, and National Guard, fourth in the Reserve deployments when compared to units, and four Medals of Honor in Korea.

In closing, I would like to once again thank Chairmen BUYER and BROWN, Ranking Members EVANS and MICHAUD, and committee staff for their report and their fine work.

Mr. BUYER. I thank the delegate for his work on this bill.

I yield 1¼ minutes to Mr. STEARNS of Florida

Mr. STEARNS. Mr. Speaker, I appreciate the time from my distinguished colleague.

I am delighted today that we are voting today on H.R. 5815 that includes about $85 million for the Gainesville, Florida Malcom Randall Medical Center to correct patient privacy deficiencies. My colleagues, north Florida and south Georgia veterans rely on this hospital, and it will be well served by this appropriation. Further, this bill authorizes a long-awaited hospital in Orlando. And like the hospital in Gainesville, there is a synergistic collaboration of VA, academia, and industry research all coming together to make things better.

We initiated the Capital Asset Realignment for Enhanced Services (CARES) process a few years ago. It is a comprehensive, objective systemwide approach to projecting into the future the appropriate function, size, and location of VA facilities. Out of CARES and then-Secretary Principi's recommendation came the decisions on which we are voting today. It was carefully thought out, and I commend the chairman.

What we learned from CARES is nothing we don't all know: veterans, like many seniors, are retiring to Florida. Every day they are crossing the border coming into our hospitals in the southern States, and we need to put the care where the veterans are coming and where they are located, Mr. Speaker. So I look forward to voting on this, and I appreciate the chairman's help

Mr. MICHAUD. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Nevada who has been a true advocate for veterans health care, Congresswoman SHELLEY BERKLEY.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this remarkably good piece of legislation, and I would like to thank both Mr. BROWN and Mr. MICHAUD, in particular the chairman Mr. BUYER and our ranking member Mr. FILNER, for bringing us to this point with this legislation.

I had the great pleasure of hosting both Mr. FILNER and Mr. BUYER in Las Vegas so they could see for themselves firsthand what the needs of my veterans were. The day that Mr. BUYER was touring our shared VA hospital facility, the hospital facility was on divert, and unfortunately every other hospital in the Las Vegas area was also on divert. It is a very common occurrence in the fastest growing community in the United States, and that is why this is such an important piece of legislation.

I represent the Las Vegas area of the State of Nevada. It is the fastest growing community in the United States. But I also have the fastest growing veterans population in the United States, and no health care facilities in which to treat these 200,000-plus veterans that call southern Nevada home.

After the CARES study, it was determined that Las Vegas was indeed entitled to an entire medical complex, and I am very happy to say that this piece of legislation authorizes a medical complex that is comprised of three buildings, an 80-bed VA hospital, full-service VA hospital, a full-service outpatient clinic to take care of the needs of our veterans, and a 120-bed long-term facility which is so desperately needed in the southern Nevada area.

It will be located on 147 acres in north Las Vegas on the corner of the 215 and Pecos Road. This land has already been transferred to the VA, so we don't have to worry about the land. This land has already been blessed by the Southern Nevada Paiute Tribe in a remarkable ceremony. We have already been allocated $259 million, and the VA Secretary in his testimony in front of our committee has stated on numerous occasions that the balance of the amount to finish this VA medical complex will be contained in the 2008 budget. I am absolutely delighted to be able to go back to the veterans in southern Nevada and let them know that my colleagues in the United States Congress recognized their needs and are answering the call and providing the needs for our veterans.

I am looking forward to the groundbreaking that will be taking place in October. I am waiting for the VA Secretary to let us know when this groundbreaking will take place. We will do vertical construction at the beginning of next year, and hopefully this complex will be completed for our veterans in 2010.

Mr. BUYER. I yield to Mr. FEENEY of Florida 2 minutes.

Mr. FEENEY. Mr. Speaker, I want to thank Chairman BUYER, I want to thank Chairman BROWN, and I want to thank Ranking Member MICHAUD, because as several of my colleagues from central Florida have said, our community in central Florida, which is home to almost 850,000 veterans, has for 30 years waited to get service that much of the rest of the country has enjoyed.

Over 45 percent of our veterans are underserved, according to the veterans' own criteria in having to travel more than 2 hours for treatment. That doesn't include the many people that call central Florida their winter home from all over the districts from my friends around the rest of the country. It doesn't include the veterans that come as tourists that need immediate attention. We will be able to finally, after three decades, provide the attention that these much deserved veterans need.

I would tell you that over 50 percent of our veterans have a service-connected disability; 18 percent of them have posttraumatic stress syndrome, and it is very difficult for them to travel as far as Jacksonville or Tampa or beyond. We are the largest metropolitan area in the country that is not currently served by a VA medical center. We thank the CARES commission. We congratulate our friends in Las Vegas for their much needed funding for a new hospital, and we are very, very grateful for our colleagues.

I will finish by saying that this site is a very, very exciting site. Five years ago, there was simply nothing existing here. Within 5 years, we will have a University of Central Florida brand-new medical school. We will have a Burnham Institute, one of the finest research medical facilities in the entire world, all sorts of spin-off businesses. The University of Central Florida, the University of Florida, probably Florida State University will all have medical research facilities located nearby.

In sum I would say that, out of nowhere, we have built a medical city, and in the midst of it our great central Florida veterans will be being treated. They will remember what we have done here today. Again, I express my appreciation for all of you

Today, there are more than 26.5 million veterans living in the United States and Puerto Rico with more than 1.8 million of them residing in the State of Florida. That is the second highest total in America, only behind California. More than one-third of these live in the Central Florida area alone. This number does not include those veterans who choose to make Florida their home during the winter months of the year and those veterans who visit the numerous vacation areas in Central Florida, which can number in the tens of thousands.

According to the VA, Central Florida is the number one destination for combat veterans and veterans 65 years of age or older. It is also the number one area for veterans who have 50 percent or more service connected disability, and 18 percent of our veterans have post traumatic stress disorder (PTSD).

Yet Orlando is the largest metropolitan area in the country that is not serviced by a VA medical center. In 2004, Orlando and its surrounding area was identified by the Department of Veterans Affairs through the Capital Asset Realignment for Enhanced Services (CARES) Commission as an area in need of a new VA medical center. CARES was intended to be a comprehensive, system-wide approach, identifying the demand for VA care and projecting into the future the appropriate function, size, and location for VA facilities. At this same time, CARES identified the need for a new medical complex in Las Vegas, Nevada. This need was appropriate and warranted, and the facility in Las Vegas has received funding and is scheduled to break ground this year. However, a hospital in Central Florida still remains an idea.

Orlando area veterans along with the 128 active veterans service organizations in the Central Florida region average 2 hours of travel time to get to VA hospitals located in Tampa, Gainesville, and Jacksonville. This includes veterans who live in Orange, Seminole, Brevard, and Volusia counties. In fact, only 45% of our veterans are within the VA's access standards for hospital care. An Orlando VA medical center would cut most drive times in half, making it more convenient and cut down travel costs. A closer facility would also mean veterans would pursue the medical services provided by the VA and lead to a better quality of life, which they deserve.

Concerns have arisen from Central Florida veterans associations in the area that a VA medical center will not come to fruition. At a May 1st public hearing administered by the Orlando VA Hospital Site Selection Committee, many veterans were accusing lawmakers of not caring for veterans because of the slow progress that has been made.

As of now, $25 million had been authorized by the VA for the Orlando VA Medical Center to assist in site selection, design, and planning. Choosing a site needs to be done while balancing the accessibility needs of Central Florida's veterans, along with the long-term economic impact the hospital will have on the State. This is essential as we look for ways to leverage funds to maximize investment benefit.

This bill would authorize more than $377 million for the construction of this desperately needed facility at the Lake Nona site. This site will include a proposed medical school for the University of Central Florida and the future site of a laboratory research facility from the Bumha Institute, one of the world's leading healthcare and cancer research institutes.

This stunning trifecta for Orlando: the VA hospital, the UCF Medical School, and the Bumham Institute will be valuable to both local veterans and the VA, as the medical school and research environment will provide insight into innovative and cutting-edge technologies which could serve as a vehicle for sharing expensive medical equipment. We also have confirmation from Orlando's Florida hospital that they look forward to partnering with the VA to help share in the costs of diagnostic equipment and contribute to residency and staffing needs. This commitment will ensure that those who have served our country have access to additional resources to further enhance the medical services the VA may offer to them.

Veterans in Central Florida have been waiting for nearly three decades for a new complex that has continuously met delays. I appreciate this opportunity to express Central Florida's immediate and urgent need for a medical facility and I strongly urge passage of this bill so that our growing veterans' population may finally have appropriate access to vital health care services.

Mr. MICHAUD. Mr. Speaker, once again I would like to thank the good chairman of the committee. Chairman BUYER, and chairman of the House Subcommittee, HENRY BROWN, for their hard work that they have done on this legislation, really making it a concerted effort to bringing on board today so that we can vote on this legislation. But, once again, the staff. I know this is not an easy process. The staff on both sides of the aisle have worked very diligently in this effort. So I do want to commend the staff on both sides of the aisle, and I really appreciate the chairman's strong advocacy for veterans and veterans issues, and enjoyed working with him on this legislation.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. MICHAUD. I yield to the gentleman from Indiana.

Mr. BUYER. Likewise, you do such good because you are a genuine human being, and I want to thank you for your leadership. And it was a treat and joy to work with you and Chairman BROWN on this, along with your staff.

I appreciate you also recognizing the staff. Mr. Tucker who is sitting there next to you, when I think of his work, and Mr. Weekly and Ms. Dunn, but also that of Jim Lariviere. Jim who now has been activated as a colonel in the Marine Corps in Afghanistan, Kelly Craven and Jim Holley who is also here on the floor for their hard work.

But I also want to pause and, if I might, this is a pretty large bill and we have had to work with a lot of different Members. So if I might, I would like to thank, in particular, Mr. MICHAUD for your work. I want to thank Mr. EVANS for his bipartisanship and his good work and his leadership. I also want to thank Chairman BROWN for his work on the Charleston project, Mr. FORTUÑO for his work in Puerto Rico, Ms. BERKLEY in Las Vegas, Mr. BEAUPREZ in Denver, Mr. BAKER for New Orleans.

And we got a full court press when it came to Orlando. We had leadership of Mr. STEARNS, Mr. FEENEY, Ms. BROWN, Chairman MILLER, Mr. KELLER, Chairman BILIRAKIS, and Ms. GINNY BROWN-WAITE. So we got the full court press when it came to Orlando; we got the message. And it was just a real treat in working with all of them, and I thank the gentleman for recognizing them.

Mr. MICHAUD. And, likewise, it has been a real treat. And even though I do not represent the State of Florida, there are a lot of snow birds from the State of Maine, veterans that go to Florida. So I have heard from my veterans as well as far as the facilities in Florida. I really appreciate your comments, Mr. Chairman.

Mr. Speaker, I would yield back the balance of my time.

Mr. BUYER. Mr. Speaker, H.R. 5815 is a well-thought-out bill. It is the product of thorough bipartisan collaboration. I urge my colleagues to act favorably now and move this legislation to the Senate so that we can give our veterans the assurances of new and improved medical facilities

Mr. EVANS. Mr. Speaker, I am pleased to rise in support of H.R. 5815, the VA construction authorization bill. I commend my colleagues on the Committee in producing this important piece of legislation.

I am glad to see Congress once again fulfilling its responsibility to authorize new health care facilities for veterans. This is an important task. Veterans deserve the highest quality of health care.

I urge my colleagues to support this bill.

Mr. BUYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 5815, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material relative to H.R. 5815, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 996, by the yeas and nays; adopting H. Res. 996, if ordered; and suspending the rules and passing H.R. 4893, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes may be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House

Resolution 996, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 191, not voting 18, as follows

[Roll No. 438]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—18

Beauprez
Brown (OH)
Cardin
Davis (FL)
Engel
Frank (MA)
Green (WI)
Harris
Johnson, Sam
Keller
Ney
Nussle
Owens
Sabo
Stark
Strickland
Watson
Wynn

□ 1354

Mr. HIGGINS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, Mr. BERRY, Ms. SCHWARTZ of Pennsylvania, Mr. ACKERMAN, and Mr. LARSON Connecticut changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed one rollcall vote. Had I been present, I would have voted "nay" on rollcall vote No. 438.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESTRICTING INDIAN GAMING TO HOMELANDS OF TRIBES ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the bill, H.R. 4893, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 4893, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 247, nays 171, not voting 15, as follows

[Roll No. 439]

YEAS—247

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chocola
Coble
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri

Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stearns
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—171

Allen
Baird
Baldwin
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Cuellar
Cummings
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Kuhl (NY)
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Rangel
Renzi
Reyes
Reynolds
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stupak
Sweeney
Tanner
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—15

Davis (FL)
Engel
Green (WI)
Harris
Johnson, Sam
Keller
Ney
Nussle
Owens
Ros-Lehtinen
Ruppersberger
Sabo
Strickland
Watson
Wynn

☐ 1423

Mr. McHUGH and Mrs. KELLY changed their vote from "yea" to "nay."

Mr. ENGLISH of Pennsylvania, Mr. McINTYRE and Mr. FOSSELLA changed their vote from "nay" to "yea."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Wednesday morning, September 13, 2006. As a result, I was not recorded for rollcall votes Nos. 438 and 439. Had I been present, I would have voted "aye" on rollcall Nos. 438 and 439.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. KING of New York. Mr. Speaker, as the designee of the majority leader and pursuant to H. Res. 996, I call up the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows

H. RES. 994

Whereas on the morning of September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, D.C.;

Whereas the heroic actions of the passengers and crew aboard United Flight 93 prevented it from being used as a weapon against America and ultimately led the terrorists to crash the aircraft into a rural field in Shanksville, Pennsylvania, killing all those aboard;

Whereas nearly 3,000 innocent people were murdered in these attacks;

Whereas the terrorist attacks were an act of war by al-Qaeda, its leadership and affiliates against the United States and the many peaceful, democratic nations of the world;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles, values and freedoms of the American people and to intimidate the Nation and its allies;

Whereas when the gravest moments came that day, first responders and many ordinary citizens, relying on courage, instinct, and concern for their fellow man, rushed toward the flaming buildings in order to rescue the victims of the attacks;

Whereas in the days subsequent to the brutal attacks on the Nation, the Government vowed never to be caught off guard again, to take the fight to the terrorists, and to take immediate measures to prepare and protect the Nation against a new type of faceless, inhuman, and amorphous enemy committed to the death and destruction of the American way of life;

Whereas Congress passed, and the President signed, numerous laws to assist victims, combat the forces of terrorism, protect the Homeland and support the members of the Armed Forces who defend American interests at home and abroad, including the USA PATRIOT Act of 2001 and its 2006 reauthorization, the Homeland Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Maritime Transportation Security Act of 2002, and the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas the House of Representatives in the 109th Congress passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, the SAFE Port Act of 2006, and the 21st Century Emergency Communications Act of 2006;

Whereas terrorist attacks that have occurred since September 11, 2001, in Egypt, India, Indonesia, Jordan, Spain, the United Kingdom and elsewhere, remind all Americans of the brutal intentions of the terrorists and the ever-present threat they pose to the principles of freedom;

Whereas British authorities, in cooperation with United States and Pakistani officials, recently disrupted an airline terror plot to commit mass murder by blowing up civilian aircraft bound for the United States;

Whereas Federal agencies, including those within the Intelligence Community, the Department of Justice, and the Department of Homeland Security, worked effectively with American allies to investigate and disrupt the airline terror plot and to implement appropriate security procedures in response to the plot;

Whereas United States law enforcement and intelligence agencies and allies of the United States around the world have worked together to detect and disrupt terrorist networks and numerous terror plots since September 11, 2001, including a plan to attack targets on the west coast of the United States using hijacked aircraft in 2002, a plan to attack targets on the east coast of the United States using hijacked civilian aircraft in 2003, a plan to blow up apartment buildings in the United States in 2002, a plan to attack urban targets in the United Kingdom using explosives in 2004, a plan to attack Westerners in Karachi, Pakistan, in 2003, a plan to attack Heathrow Airport using hijacked aircraft in 2003, a plan to conduct large-scale bombings in the United Kingdom in 2004, a plan to attack ships in the Arabian Gulf in 2002, a plan to attack ships in the Straits of Hormuz in 2002, a plan to attack a United States tourist site outside the United States in 2003, a plan to attack Queen Alia Airport in Jordan in 2006, a plan to attack high-profile buildings in Ontario, Canada, in 2006, and a plan to attack an El Al aircraft in 2006;

Whereas the Nation is indebted to the brave military, intelligence, and law enforcement personnel serving in Afghanistan, Iraq, and elsewhere who are on the front lines of the global war on terrorism;

Whereas the Nation is safer than it was on September 11, 2001, but more must always be done because the terrorist threat is latently entrenched, nimble, resourceful, and dedicated to the murder of Americans and the destruction of freedom; and

Whereas the passage of five years has not diminished the pain caused by the senseless loss of nearly 3,000 persons killed on September 11, 2001: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the House of Representatives—

(1) continues to recognize September 11 as a day to remember and mourn those who lost their lives that fateful day;

(2) encourages Americans to make September 11 a day of national service;

(3) extends its deepest sympathies to the spouses, children, mothers, fathers, and other loved ones of the victims of September 11, 2001;

(4) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and bravely risked their own lives and health following the September 11, 2001 attacks;

(5) extends its deepest gratitude to military, intelligence and law enforcement personnel serving both at home and abroad in the global war on terrorism and for the sacrifices of their families and loved ones;

(6) expresses its gratitude to all foreign nations and their citizens who have assisted and continue to assist the United States in the global war on terrorism;

(7) vows that it will remain vigilant in efforts to provide the Federal Government with all the tools necessary to fight and win the global war on terrorism; and

(8) reaffirms that the American people will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day, will continue to fight the war on terrorism in their memory, and will never succumb to the cause of the terrorists.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 996, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 2 hours.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks and include extraneous material on H. Res. 994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, it is my privilege to yield 1 minute to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, it was a day, September 11, 2001, of unforgettable horror and unforgettable heroes. It was the day our buildings fell, the day our people rose. The fear and anguish that we felt that bright blue morning 5 years ago will never leave us, but the courage and the iron resolve that carried us through the hours and days that followed must also remain.

The war on terror, today being fought here in our homeland, and around the world, must be won. Five years after 9/11, America is safer and much more alert to the dangers that lurk in the darker corners of our world.

Those dangers yet exist in Afghanistan and Iraq and Iran and Syria, Lebanon and elsewhere. They call themselves al Qaeda and Hamas and Hezbollah and many other names.

Mr. Speaker, their differences of names and nationality neither erase nor even obscure the menacing ideology that binds them together as a single indistinguishable enemy of freedom and justice and peace.

This ideology of evil seeks not simply to dominate, but to destroy the will of all mankind, to control at the tip of a sword our very thought, word and deed. Their ultimatum is simple: submit or die.

Beginning on the morning of September 11, 2001, aboard United Flight 93 in the skies over Pennsylvania, America decided to take a third option. We decided to fight back. Despite the overwhelming odds, despite circumstances that no other nation and no other military could hope to overcome, our resolve has not broken.

In the 5 years since 9/11, our military and our intelligence services have thwarted dozens of attacks, large and small. Their efforts have saved countless lives. Along with our coalition partners, we have overthrown dangerous dictatorships in Afghanistan and Iraq and started to free people of those nations on a road to democracy.

These facts are all laid out in the resolution before us. But as important as it is to recite what we have done, it is more important for this House to assert what it intends to do.

Let me quote from it. The House of Representatives "reaffirms that the American people will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day, and will continue to fight the war on terrorism in their memory, and will never succumb to the cause of the terrorists."

To me, and I think to most Americans, after 5 years of security and success, a lapse in our resolve is unthinkable. Victory is not yet assured, and victory without resolve is impossible.

Adoption of this resolution today will be a signal to our Nation, to our troops, to our allies around the world, and especially to our enemies, that we will never forget and we will never surrender.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in honor of all those whose lives were affected by September 11, 2001. I rise in memory of those who lost their lives that fateful day. I rise in support of the families and friends who lost loved ones and exhibited courage and strength in the face of adversity, and I rise in support of the firemen, police, EMTs, soldiers and others who put lives at risk every day to protect our Nation against terrorism.

☐ 1430

Five years ago, every town, small and large, was jolted by 9/11. In the days and months that followed, Members of this very body vowed to do whatever it took to ensure that an attack like 9/11 never repeated itself. We joined hands and crossed party lines to stand up against an enemy that did not see us as Democrats or Republicans, but only as Americans. We made promises and swore that we would do everything we could to secure America.

Five years later, we are still making promises and America is still not as safe as it should be. And five years later, Mr. Speaker, the bipartisanship we had after 9/11 is mostly gone.

Indeed, just yesterday, I was disappointed to read that my colleagues across the aisle called Democrats "clueless" on national security. Meanwhile, the House majority leader had the audacity to question whether Democrats were "more interested in safeguarding the rights of accused terrorists than protecting Americans."

All I can say is, shame on you all for putting politics and partisanship above the security of our communities. Shame on you for using the memory of 9/11 during a charged political season as a coverup for Congress' do-nothing approach to homeland security.

There is nothing wrong with drafting a bipartisan resolution to honor our Nation and respect the memory of 9/11, but there is something wrong when this body takes upon itself to pat itself on the back about a few past deeds when we have left the bulk of the work of homeland security unfinished.

I ask anyone in this room to tell me whether this resolution gives first responders effective interoperability so that they have the tools and funding to talk to one another, or provide for a sufficient number of Border Patrol or ICE agents as well as equipment and technology so we don't have to tax an overworked National Guard to defend the border, or whether or not this resolution provides adequate funding for protecting our skies, our subways and our ports, or whether or not this resolution reverses the ongoing trend of wasting homeland security funds on bloated Beltway contractors that are making out with taxpayer dollars while security is left along the wayside. I think not, Mr. Speaker.

Eleanor Roosevelt once said, "What you don't do can be a destructive force," and that is what I fear. What this Congress does not do today will leave us less secure tomorrow.

Mr. Speaker, last Friday I sent a letter to you urging that the House act on a number of proposed homeland security measures that have been offered in this Congress, some dating back as early as 2005. My letter details 21 specific bills that have been written by Members of Congress to protect our country and close security gaps plaguing our Nation's rail and mass transit security, emergency communications, chemical facilities security, cargo container security and much more. I have not yet heard back on my letter. These bills deserve an up or down vote or consideration as stand alone measures by this House.

The leaders of the 9/11 Commission said earlier this week that our Nation is still not as safe or prepared as it can be because we have failed to fulfill their "most elementary" recommendations. 9/11 Commission Chairman Kean added that "If everybody in Congress is for recommendations, what happened? How come they're not passed?"

Mr. Speaker, Democrats have already offered to fulfill the Commission's recommendations through these measures listed in my letter. Now is the time for action.

That said, Mr. Speaker, I am aware that the Republican leadership may push through a number of security measures in the House in the next 2 weeks to address certain vulnerabilities in an attempt to show that this body cares about security. While I am happy that we are finally seeing some action on some critical homeland security issues, I am concerned that what will come before this body are shell bills that claim to secure our Nation without allocating the funding, manpower or technology necessary.

Indeed, debate is ongoing right now to include FEMA reorganization in the Homeland Security appropriations bill, and my colleagues across the aisle have said that they won't provide funding for improving interoperability of first responder communication systems. Certainly we all remember the failures of 9/11, when many first responders lost their lives because communications didn't work. Yet my colleagues across the aisle are refusing to include interoperability funding in the proposed FEMA reorganization, because the White House doesn't want it.

"Security on the cheap" is no way to legislate our Nation's future. Americans are tired of Congress giving itself accolades while the Nation's business goes unfinished. America wants Congress to keep its promises and give all our citizens a country as secure as it needs to be.

Despite my Republican colleagues saying we Democrats don't have a clue about how to make our country safer, here it is: Join us and pass these 21 measures that provide real security to our Nation. Let's finally listen to the true bipartisan experts on this issue, the 9/11 Commission, and move forward with legislation to implement the 9/11 Commission recommendations.

Mr. Speaker, I reserve the balance of my time

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 9/11, September 11, 2001, was a day unlike any in our history. It was a day which saw the worst tragedy befall our Nation. It was a day and the days thereafter which demonstrated the very best in America, the heroism, the courage, the willingness to fight back, the determination never again to allow ourselves to be attacked the way we were on that day.

Since that time, Congress has achieved a lot. The purpose of this resolution today was to show that we are not just going to lament what happened on September 11, we are not just going to mourn what happened on September 11, but we are going to lay the record out as to what has been done and what should be done. And, quite frankly, as the prime author of this resolution, we did not in any way attempt to make it contentious.

For instance, I really wonder why at this stage on the fifth anniversary of September 11 my friends in the opposition have chosen to draw the line on this resolution, when 2 years ago, in a bipartisan resolution which was overwhelmingly adopted, there were far more, if you want to call them, partisan matters included. I don't consider them partisan. But if they are applying the standard they are applying today to the 2004 resolution, where it went through so many items, as the war in Iraq, the war in Afghanistan, Libya, port security, border security, Terrorist Threat Information Center, going after financial assets, all of those matters, very few of which are mentioned in our resolution today.

But for some reason, I guess with election day less than 60 days away, they have chosen to say what was nonpartisan 2 years ago is extremely partisan today.

I regret that, because there is a lot that we still have to do as a Congress, but there is much we achieved, and I believe it is important for us not to just talk about the horror of September 11, but to chronicle for history what we have done, what we intend to do and let history be our judge.

That is why we included the PATRIOT Act, that is why we included the Maritime Security Act, the intelligence reform and port security legislation, because we do believe they are significant achievements by Congress.

Now, maybe history will show it was not right to break down the wall between the FBI and CIA, or it was not right to have to have intelligence reform, but I am content and I think we have an obligation to lay that out and let the American people decide and let history decide.

If we wanted to make this partisan, we could have certainly put in about the NSA electronic surveillance, which the overwhelming majority of Americans support because they believe it makes common sense to listen to the conversations of foreign terrorists. But because of the controversy of that, it was not put in. Nor was the SWIFT Plan, which was illegally disclosed by the New York Times. Did we include that in our resolution, even though that has also been extraordinarily effective?

As far as the issue of whether or not we are safer today than on September 11, both the chairman and cochairman of the 9/11 Commission say we are, the junior Senator from New York says we are, any number of people say we are. We can debate that. But I think it is certainly fair comment to put that in this 9/11 resolution.

Mr. Speaker, I will end on this before I finish my remarks. But I just want to say no one has any monopoly on grief in this Chamber. I lost well over 150 friends, neighbors and constituents on September 11, 2001. I spent all day Monday at cemeteries and commemorations and meeting with families.

I think it is really wrong to somehow attack this resolution as our attempt to be partisan. We could have found much more ways to be partisan if we wanted to. It was an attempt to come together. For whatever reason, the opposition has chosen to draw the line today on the fifth anniversary, when they could have done it 2 years ago. For whatever reason they decided now is the time. I think history will show they are wrong.

Mr. Speaker, I reserve the balance of my time

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud at this time to yield such time as he may consume to the chairman of the Democratic Caucus, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I would like to thank my friend Mr. THOMPSON for yielding me this time.

Mr. Speaker, 5 years after 9/11, we have still failed to capture or kill Osama bin Laden. We have not destroyed al Qaeda. A new Pentagon report shows that the situation in Iraq is worsening, with the number of attacks against Americans and Iraqis climbing to the highest average per week since the war began; 2,700 United States soldiers have died in Iraq, over 20,000 have been wounded; and United States taxpayers have paid more than $300 billion for the Iraq war. Yet we are spending 4 hours debating a partisan resolution about one of the most tragic days in American history.

Mr. Speaker, now is not the time to divide the country. Slogans and partisanship will not bring us victory. "Stay the course" and "you are either with us or against us" are not military strategies.

Five years after 9/11, we must be clear: The war in Iraq has distracted us from finding Osama bin Laden, dismantling al Qaeda and fighting the war on terrorism. We must put the future of Iraq in the hands of the Iraqis so we can focus on our primary goal, winning the war on terrorism. We must end the stonewalling and pass the 9/11 Commission recommendations.

But the Republican leadership keeps fighting the wrong battles. They announced yesterday a war against Democrats on security.

Mr. Speaker, our Nation is engaged in a war against a real and brutal enemy who finds pleasure in taking innocent life and who works every day to undermine the freedom and democracy we hold dear. I suggest the Republican leadership focus its energy on fighting that enemy, not their fellow Americans.

As this Nation faces the greatest challenge of our generation, defeating terrorism, our leaders must preach strength and unity, not partisanship and divisiveness.

Mr. KING of New York. Mr. Speaker, I am privileged to yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for the time.

Mr. Speaker, 5 years ago this week our Nation suffered an unspeakable terrorist attack that resulted in the deaths of almost 3,000 Americans. This resolution is to honor them.

No American will ever forget the horror of that day, but neither will we forget what else we saw in the days that followed: The courage, the generosity, the selflessness of ordinary Americans who raced in to help in any way they possibly could.

One of those heroes lives in my own backyard. Sergeant Jason Thomas, a former marine who upon learning of the hit on Tower 1, raced to Ground Zero, donning his marine uniform which was in the trunk of his car, to join the search for survivors.

His seemingly illogical instinct to race into that danger saved the lives of two Port Authority police officers who were trapped beneath 20 feet of debris when the towers collapsed. Yet he asked for no notice, no thanks, no praise. No one even knew of his bravery.

As remarkable as Sergeant Thomas' story is, it is just one of the hundreds and thousands of stories of courage and compassion that came out of that day. Mr. Speaker, the hijackers hoped to terrorize and demoralize our Nation. Instead, they brought out the very best that is in us.

☐ 1445

Inspired by the heroes of 9/11, today we reaffirm our commitment to defending our liberty from every threat and combating the evil of terrorism wherever it is found. And it is sad that there are so many "shame on you's" and finger-shakings going on. And I say shame on those who continue the constant drumbeat to dampen this country's spirit and to demoralize those men and women who are so bravely defending us from the terror that could strike again.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, there is no Democratic or Republican way to honor America. Let's get that straight.

This legislation minimizes the hurt of the families of 9/11. I make that contention. This is not acceptable. I don't say this as a Democrat. I am proud of that fact. I say this as an American who believes in God.

My friend, the gentleman from New York, is absolutely wrong when he says this is the same legislation as 2 years ago. I can agree with all of the "resolves" in this legislation, but when you look back into the "whereases," to be very specific, the legislation 2 years ago had nothing in there about immigration when your party does not even agree on a position nor does ours. Why do we put in such a politically contentious issue when basically what we are saying here is we feel your hurt, families, and we want you to know we honor this?

Today I harbor great disappointment. I really do. The possibility for reaching true bipartisanship, which was done in the Senate, has been thwarted. A long list of shameful acts on this floor continues. We could have honored the lives lost during the terrorist attacks 5 years ago by voting on a truly bipartisan bill. When there is an opportunity for crass, in many ways cynical, politics in regard to security, these gentlemen and ladies have taken it. For shame.

Placing a commendation for this immigration security bill that barely passed the House last year within this resolution is from left field. We all know that the bill we are lauding here is one of the most divisive, mean-spirited pieces of legislation we have seen in recent years. So it is the "resolved" in this resolution that we agree with, but the "whereases" leave much to be desired. Inserting this in this 9/11 anniversary resolution is simply wrong. It is so typical of what we have come to expect.

We should be concerned about what the 9/11 Commission Public Discourse Project has given Congress for its efforts on homeland security. We should try in a bipartisan fashion to correct the D's and the F's, and many of us on both sides of the aisle have attempted to do that. Maybe we could actually improve how we screen baggage and cargo. Maybe we could address the vulnerabilities presented to our rail and our mass transit problems. Maybe, just maybe, we should finally give out grants to States and locals based on risk.

So I say, Mr. Speaker, in conclusion, I think we could have done better, particularly on this hurtful incident in our country's history. And that is my point today.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would remind the gentleman from New Jersey that the resolution he voted for 2 years, the 9/11 commemoration resolution, specifically said that Iraq was part of the war on terrorism, that the capture of Saddam Hussein was part of the war against terrorism, all in the "whereases" clauses. It also cited the fact of port security achievements we had made there. It mentioned the Terrorist Threat Integration Center, all of which was there in that resolution 2 years ago, which for whatever reason they did not object to then.

And I would say one of the reasons we didn't put the immigration bill in the legislation 2 years ago, it was not passed until last year, and the 9/11 Commission specifically stated that addressing border security is a major element of homeland security

Mr. Speaker, I yield 2½ minutes to the gentleman from California, the chairman of the subcommittee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, like many, I was affected by 9/11. As a matter of fact, that is the reason I decided to return to public service and sought an opportunity to serve in this body after a 16-year absence. I have spent a considerable amount of time with my colleagues on both sides of the aisle attempting to fulfill my obligation in that regard. And I am reminded, basically because of my service as attorney general of California, that oftentimes we not only need to mark something that has happened in the past but we need to also talk about the things that we have effectively done to respond to whatever challenges occurred out of that event, because if we do not, we fail to help lead the people, that is, we fail to tell our constituents that those sacrifices that they have made, the programs that they have enacted through us, have had merit. Because if you do not do that, after a while those you seek to represent have no sense that we are actually doing something effective.

So it seems to me very much appropriate, not shameful, that the chairman of my committee would construct this resolution that not only cites the tragedy of 9/11 but talks about the efforts we have made in this Congress, with the executive branch, to respond to the challenges that came out of that tragedy.

Earlier this year the House overwhelmingly passed the SAFE Port Act on a bipartisan basis, 421–2. This act addresses port security defenses within and beyond U.S. ports. As a matter of fact, as we are now speaking, the United States Senate is dealing with that.

We have taken steps to prevent our own facilities from being used against us as weapons of mass destruction and to protect our critical infrastructure. A few months ago our committee passed legislation to guard against terrorist attacks on our chemical facilities on a bipartisan basis.

Finally, we have taken steps, as importantly, to respond to the suggestion by the 9/11 Commission to do something about securing our country by preventing terrorists and their weapons from being smuggled across the borders. So that is the reason why, in fact, we have this included in this resolution.

So, Mr. Speaker, rather than taking exception to this resolution, I would hope that we would join together on a bipartisan basis to say certainly the journey has not ended, but we have done a lot. And anyone who stands here and says that we are not safer today than we were on 9/11 either is tragically uninformed or is intentionally misinforming the American people.

Yes, we have more to do. But we should look back on those things that we have joined together to do successfully.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL) for a response.

Mr. PASCRELL. Mr. Speaker, there is a difference between what the Senate passed unanimously and what we are discussing today.

You will admit that.

And you did not mention the specific item that I mentioned and my problem with the legislation "whereases" is on the immigration legislation, which was passed last year. You know quite well it is a contentious subject on your side as well as in the entire Congress.

I have mentioned nothing about the other things and have no problems with the other things that you mentioned, but I think that is enough for me to express myself, and I want to just correct the gentleman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY)

Mr. MARKEY. Mr. Speaker, the Republican Party has taken an opportunity to make a positive contribution to the commemoration of the 9/11 anniversary and turned it into a partisan ploy that divides our country and this Congress. What a huge missed opportunity and disservice to our Nation.

At the same time, they have undertaken a coordinated, cynical, political campaign to impugn the patriotism of any Democrat who dares to question, dares to criticize, dares to suggest that there may be a better, safer way of protecting our country.

The Republicans include in this resolution legislation that divides our country, not just Democrats and Republicans in Congress; but they include in this resolution the Republican border security bill, the PATRIOT Act, other bills that they know divide Democrats from Republicans and Americans from other Americans.

If they want to go down the path, there are other issues that divide Democrats from Republicans. Democrats want to implement all of the recommendations of the 9/11 Commission. They want to make sure that every one of them is put on the books. The Republicans oppose implementing all of the recommendations of the 9/11 Commission.

In other areas they oppose having full security built around chemical plants in the United States. There are nightclubs in New York City that are harder to get into than chemical plants in our country.

Nuclear power plants, they oppose the hardening of the spent fuel facilities next to nuclear power plants in our country. They nickel and dime security for public transit. They refuse to support the requirement that hazardous materials, where possible, are shipped around densely populated areas instead of through them in our country.

In aviation they still oppose screening of the cargo which goes on to passenger planes in our country. Each one of us has to take off our shoes, has to put our bag through security, and then nearly 6 billion pounds of cargo are placed under the feet of passengers on planes across our country.

And then, unbelievably, rejecting the recommendation of the 9/11 Commission, knowing that al Qaeda puts at the top of their terrorist target list putting a nuclear bomb on a cargo container in a ship and bringing it into port in the United States, the Republicans object to the requirement that all of these containers be screened in ports overseas before they are ever allowed to leave for the United States. They say it is too expensive. Well, the price we will pay in security for the Republicans objecting to the screening for a nuclear bomb is that when a nuclear bomb goes off in an American city, as Vice President CHENEY said, more deaths will occur than all the lives that were lost in all the battles that the United States fought all the way back to the Revolutionary War. They refuse to impose this mandate for screening of nuclear bombs in cargo container ships. They want to screen it after it gets to a port in the United States. By then it is too late. The 9/11 Commission says screen for nuclear bombs as they are being put into containers overseas before they take off for the ports of the United States.

This resolution is just a complete and total undermining of the solidarity which we should have on this occasion of the fifth anniversary of that loss of life

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would remind my friend from Massachusetts, or at least suggest to him, that you don't have to agree with every word of every resolution to vote for it.

For instance, the overwhelming majority of Democrats voted for the 9/11 resolution 2 years ago, which specifically cited the war in Iraq as being an effective part of the war against terrorism. It also cited the arrest of Saddam Hussein and also cited the many accomplishments that had been made by Congress, and they voted for that then. For some reason they have now chosen to make this a very partisan issue.

Also, the gentleman said that Democrats have supported every recommendation of the 9/11 Commission. In fact, 152 Democrats voted against the REAL ID Act, which was supported by the 9/11 Commission.

And as far as the whole issue of the nuclear screening, even the Washington Post said that is nothing but a grandstand.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

□ 1500

Mr. McCAUL of Texas. Mr. Speaker, we stand here today not as Republicans or Democrats, but united as Americans to remember the events of September 11, as it should be.

I find this debate should not fall into election year politics. It is fitting the resolution contains border security in it, as the 9/11 Commission recommended border security. It is an issue of national security.

Five years ago this week, our generation was defined by the heroic actions of the hundreds of first responders, brave Americans, and innocent victims who gave their lives on 9/11. That day, 19 al Qaeda hijackers murdered nearly 3,000 Americans. Those terrorists had a simple cause, inflict the highest loss of life and the most damage they could to our Nation. They may have succeeded in murdering thousands of people going about their daily lives, but they failed miserably to defeat the patriotic spirit of America and of freedom everywhere.

When we remember the events of September 11, we must also remember the police officers and firefighters that responded to the attacks on the World Trade Center and the Pentagon who went in to save lives but gave their own lives in the process. We must remember the first responders from every corner of our Nation who came to Ground Zero in the days after to lend their strength, their skills, and their support. And we must remember the innocent people, the husbands and wives, the parents and children, and the entire families who were ripped apart that fateful day that the Towers fell. We must always remember. We will never forget and we will never surrender. That is our duty as Americans, and that is our charge as patriots.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Speaker, today I rise to join my colleagues and millions of Americans in mourning and honoring those who bravely lost their lives on September 11, 5 years ago. Their memories must be honored and they must not be forgotten, and we must ensure that they did not die in vain. It is our job as elected officials to learn from those vulnerabilities that terrorists were able to exploit to ensure that similar tragedies never happen again.

Unfortunately, the resolution before us today places politics ahead of honoring our fallen heroes, and it does nothing to ensure that our Nation becomes safer. It is nothing but a divisive and partisan measure that allows Republicans to pat themselves on the back and give them peace of mind. Well, I refuse to be complacent. There is simply too much that remains to be done to secure our homeland. We need to get back on track in implementing the 9/11 Commission's recommendations. Our borders, ports, and virtually every entry into our country remain unsecured, and the 9/11 Public Discourse Project has given the administration a D on their efforts to protect against weapons of mass destruction.

Mr. Speaker, one of the worst case scenarios experts fear is that terrorists would be able to smuggle nuclear material across our borders or through our ports. This is an unacceptable reality. As the lead Democrat on the Subcommittee for the Prevention of Nuclear and Biological Attack, I have called for the installation of radiation portal monitors at designated ports of entry to screen all inbound cargo for radiological and nuclear materials in and at our border crossings. Mr. Speaker, we need to significantly strengthen our radiation detection technology, and we need to do it now. Five years after the terrorists attacked our country, we still lack the capability to identify exactly what comes through our ports.

I urge my colleagues to refocus our efforts on implementing the recommendations of the 9/11 Commission, as this is truly the way to honor the heroes who lost their lives on that devastating day 5 years ago.

Mr. KING of New York. Mr. Speaker, again I would remind my friends on the Democratic side that the resolution that the overwhelming majority of them voted for 2 years ago, for instance, on the issue of port security, in the whereas clauses specifically cited the innovative programs which have done so much to make our ports more secure and to screen cargo. And, again, we don't have to agree with every aspect of every bill, but if it was good enough 2 years ago for them to cite it, I don't know why it suddenly now becomes such an extreme partisan issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, who I must say is an extremely strong and very independent voice and advocate for Homeland Security

Mr. SHAYS. I thank my chairman of the Homeland Security Committee for yielding to me, I thank him for his sincerity, I thank him for his good work, and I thank him for reaching out to the other side of the aisle on every occasion. I am sorry he is having to deal with the criticism that he is now having to deal with. But this is close, I guess, to an election time.

As chairman of the 9/11 Caucus and chairman of the National Security Emerging Threats and International Relations Subcommittee, I rise to salute and honor the 2,976 individuals who lost their lives on this fateful day, 81 who were residents of the 17 towns I am privileged to represent. I salute the first responders who did what first responders do, run into danger while those they seek to protect run out. I salute as well all who labored after the buildings imploded to first save lives and then ultimately find the body parts of those who perished.

Many of these individuals, particularly those who labored on this site during the first few weeks and months breathing highly toxic air, now find their own lives at risk. May God bless them, may God bless those who perished on September 11, and may God bless this great and enduring county. I thank you very much

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentleman from Los Angeles (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Speaker, House Resolution 994 was our opportunity in this House for the Members of the House of Representatives to speak, not as Republicans, not as Democrats, not as conservatives or liberals, but as proud Americans, one Nation commemorating the events of 9/11.

That is in fact what the 100 Members of the other body, the Senate, did when they unanimously, 100 Members, passed their resolution commemorating America's faith, its determination, and certainly our response to the vicious attacks perpetrated on 9/11.

We could have demonstrated our faith in our country by acknowledging the heroes, all of them, the men and women who gave their lives on 9/11. We could have acknowledged the families who have suffered tremendous loss. We could have acknowledged our law enforcement and military personnel, our safety servicemembers, those who work every day to protect us. Instead, cloaked within this resolution in this House is language that is controversial, that is not supported by many Members in this House, that indeed is not supported by many people in the public, and it is cloaked within the words to commemorate the events and the people that make us proud about how we responded on September 11, 2001.

Many believe in this country that we are not as safe as we should be. Many of us believe that we have a right to be tough today as we respond to those who wish to harm us. Many of us believe we must act smartly as we respond to those who wish to harm us. But many of us believe we need to have a great deal more hope that we can do things in a better way. And, unfortunately, today we must report to the world, as did the 9/11 Commission that explored the events after 9/11 and our response, that indeed today we have failed our people in responding adequately with the government that we have with us today.

Five years after 9/11, the members of the 10-member bipartisan Commission on 9/11 issued a report card on how the Federal Government has responded to their recommendations. Their report card included five Fs, 12 Ds, and two incompletes. It is irresponsible for this resolution today to say the Nation is safer than it was on September 11, 2001, when there is still so much work ahead of us and so much that is preoccupying our time outside of our own domestic borders.

Our failures are critical. Today, only one in every 16 cargo containers that come into all of our ports throughout our Nation are ever inspected before they enter into our territories. Today in America we talk about our broken immigration system, and yet today we stand some 11 days before we are closing this 2-year legislative session without having addressed comprehensive immigration reform the way the American public has demanded, and today we know that there are some 10 to 20 million people who live in the shadows of America working every day in this country, not able to come out because they don't have documents to be here but still working, and we go on and do nothing to address the fact that there are some 12 million people who live in our shadows. We don't know what they are doing, we don't know how they are doing. And today we have a resolution that doesn't treat all of these different issues that are coming before us.

Mr. Speaker, we could do this much differently. If you talk to America's troops in Iraq and throughout the world, they could give you some answers of what we should be doing. If you talk to the American families who suffered from 9/11, they could tell you what we could be doing. I believe we should be not speaking politics, and I urge my colleagues to let's move forward together bipartisanly to move forward commemorations that really do have the support of all Americans.

Mr. KING of New York. Mr. Speaker, I would just again remind my friends on the other side that we are definitely safer than we were on September 11. It is not just me saying that or the Republican majority saying that. It is the chairman and cochairman of the 9/11 Commission, people such as the junior Senator from New York who was saying that.

As far as our resolution, it certainly goes out of its way, and appropriately so, to extend the deepest sympathies to all those who lost their lives, to their family members and friends. It honors the heroic actions of the first responders.

If we made a mistake in drafting this resolution, it was I guess laboring under the misconception that the people on the other side would adhere to the same standards and principles that we set for ourselves 2 years ago when we adopted the 9/11 resolution at that time, which again goes into far more detail than anything we mentioned at all today.

And I would also mention to the gentleman from California who said that we should speak to the families of those who lost relatives on September 11. I spent Monday morning to night with those families, and I can tell you, after speaking with them, I am more proud than ever to have introduced and sponsored this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the chairman of the committee who has worked very, very hard on these issues and trying to put together bipartisan agreement on many of the issues that come before our committee.

Five years later, the terrible events of September 11 are still fresh in the minds of Americans. On the same day we saw heroism and sorrow of so many, we saw the hatred and evil of a few. These events served as notice to our Nation that we were not as secure as we had thought.

In response, our country has made substantial progress towards securing our borders, infrastructure, and airlines. There is still a ways to go, but we are safer today than we were on September 10.

Despite chaos surrounding the events of September 11, America showed great, great strength. We witnessed an outpouring of goodwill, patriotism, and togetherness all across the country. In the face of such adversity, Americans came together under a unified front. Republicans and Democrats worked side by side to address the critical needs of those people devastated by terrorist attacks.

Listen up, America. Today, 5 years later, partisanship and political bickering have replaced the solidarity the entire world once witnessed.

☐ 1515

This is the last thing that our country needs.

This past Monday, many of us were back in our districts attending events relating to the tragic events of 9/11. There are many first responders who previously, I admit, probably lived in the chairman's district and other areas around New York City who have since moved to Florida. Many of them retired after seeing the tragic events of 9/11, after working hard, very, very hard at the site of the World Trade Center. They moved to other States. Many of them also moved because they lost loved ones in 9/11, and they could not be there. They just could not be there every single day to see the hole where the World Trade Center once was.

Those are the people who gave so much, who lost their family members, that we should be consoling today, and certainly, this resolution does exactly that.

Mr. Speaker, in these trying times it is important that we remember that all Americans are in this fight against terrorism together. I ask that my colleagues find it within themselves to put aside their political differences and do what is best for the United States of America, and that is to vote for this resolution.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, like many of my colleagues, I spent Monday commemorating the horrific attacks on our Nation 5 years ago. It was a day to reflect on the courage and the compassion demonstrated on September 11, 2001, by police officers, firefighters, medical personnel and average, ordinary citizens.

It was also a day to remember those who could not be saved and to say a prayer for the families, especially the young children, who were left behind.

But with this resolution, the Republican leadership has chosen to exploit a national day of mourning to again justify the occupation of Iraq, a disastrous policy and a failure that has led to untold death and destruction, a policy which has been rejected by the American people.

Again, the Republican leadership is trying to blur the distinction between Osama bin Laden and Saddam Hussein, even though it has been well-established that one had nothing to do with the other.

The fact is, we never honored the memory of the victims of 9/11 by finishing the job in Afghanistan. Bin Laden remains on the run, even though we had him surrounded in Tora Bora nearly 5 years ago.

Far from some paragon of freedom, much of Afghanistan is still dominated by Taliban rebels and warlords, with the opium trade remaining the country's dominant economic force.

From 9/11 on, the President and the Republican leadership have used that day of terror to run roughshod over the Constitution; wiretapping American citizens without a warrant and setting up secret gulags around the world.

This 5-year anniversary cried out for genuine bipartisan leadership to comfort the Nation while acting intelligently, rather than impulsively, in the face of new security threats.

To this day, however, the Republicans use 9/11 as a talking point to make a dishonest argument.

It is shameful that some are taking one of the gravest moments in our Nation's history to pursue their own political agendas. It is with great sadness that I rise in opposition to this bill.

This Congress owes it to those who gave their lives on the hallowed ground in New York, in Washington and in Pennsylvania to consider a balanced bill, a bill which truly honors their memories.

How dare anyone try to capitalize on the heartbreaking events of September 11.

Shame on this Congress if this bill passes and shame on those who let politics get in the way of a solemn opportunity in order to honor the very innocent victims of September 11.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would just urge my friends on the other side to perhaps read the resolution instead of just reading Democratic talking points.

The fact is there was nothing in this resolution at all that talks about the war in Iraq other than to commend the soldiers who are fighting in Iraq and Afghanistan, but the overwhelming majority of Democrats 2 years ago did vote for the resolution which said Iraq was an integral part of the war against terrorism. Again, I wonder why this disconnect between 2004 and 2006.

Also, the gentlewoman from California seems very concerned about the fact that bin Laden has not been captured. Yet, the leader of her party yesterday said that capturing bin Laden would have no impact on the security of the United States.

Also, talking of the families, as far as the impact this would have on the families, this resolution, I have talked to the families in my district, the Boyle family, the Haskell family, the Cain family, the Vigiano family, or the Howard family, or any of them, who I can assure you strongly stand behind this resolution

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, it is truly fitting and proper that we pause to recognize the fifth anniversary of the tragic and cowardly acts of 9/11, and it is important for a number of reasons. It is important for reasons of memory and of gratitude and of resolve.

For we must remember and celebrate the lives of those unmercifully taken from us on 9/11. Their deaths must always bring focus to the challenge and the enemy that our Nation faces. This is a real war. Not recognizing that fact presents grave peril to our Nation. Yes, we must remember.

We must also be forever grateful to those who ran toward danger to help those in need, to be forever grateful to the heroes of Flight 93 whose collective action resulted in the first victory in what is truly the war for the free world, and to be forever grateful to our fellow citizens, men and women in our military, first responders, intelligence communities and communities large and small across this Nation, who courageously labor to keep us safe and free.

Finally, Mr. Speaker, we must resolve to recognize the gravity of the challenge and the enemy that we face, and with unity as a Nation, continually gather the will, the strength and the courage to defeat our enemy at every single turn. This is not a war we desired. However, it is a war in which we must prevail.

May we always remember, may we always give thanks, and may we always be resolved so that generations of Americans yet born may know the opportunity, the responsibility, the freedom and the liberty that we so cherish.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. LANTOS) and for him to be the manager.

The SPEAKER pro tempore. Without objection, the gentleman from California will be recognized to control the remainder of the time of the gentleman from Mississippi.

There was no objection.

Mr. LANTOS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, from the day of America's birth, our story in this country has been one of heroism. Our movies, our literature, our music paint a colorful panorama of the dreams and inspirations of the men and women who built our Nation up with their own blood and sweat, ingenuity and spirit, courage and perseverance. Ours is a rich and proud history.

The efforts and actions following the tragic events of September 11 have magnified our sense of heroism. The men and women who perished that day have left an indelible mark on the American psyche. The men and women who were helpless victims of the attacks and the brave first responders who rushed into those burning buildings to save them have redefined heroism.

This week, as we mark the fifth anniversary of their last day, we ask God's continued blessing on their souls. We also ask that God continue to shed grace on the families that were left behind. Those families who stood watch by makeshift memorials to their children, their spouses, their parents and the loved ones, they are also heroes. They were the rock, the foundation upon which America rose to even greater heights than ever before. And now we should come together to be their strength.

To those spouses and children who patiently awaited word that their firefighter would emerge from the rubble, to those parents who painfully watched those towering buildings crumble down knowing that your child worked on one of those floors, you are strangers to us no longer. You are family to us all.

September 11 was a day of great tragedy in America and to the world, but in true American spirit it has become a day of great inspiration as well. The lives that were lost shall not have been lost in vain. Let them be what motivates us to live better, to dream bigger and to believe in our own destiny.

Let the angels who carried all those who are lost to peace that fateful day, who cried tears of pain for the lost here on Earth, they also cry tears of joy for heaven's gain.

May we work together on this floor and this House so that someday no child will have to ask again is my daddy coming home.

May God bless the victims of September 11, both those still with us today and those who have moved to a better place. May God bless the men and women fighting overseas, both here and abroad, and may God bless the United States of America

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on September 11, 2001, terrorists murdered nearly 3,000 of our fellow Americans who were simply going about their everyday, daily lives. Their goal: to attack our freedom and change our way of life.

They believed America to be decadent and weak. They believed that we would not forcefully respond. They believed that America would recoil or retreat, and they could not have been more wrong.

That horrible day broke our hearts, but out of our collective broken heart came everything that is great about this great Nation, America.

Police officers and firefighters ran into burning buildings, risking their lives to save people they did not know. The passengers aboard United Flight 93 who, knowing the intention of the terrorists, built the resolve that they would not allow the terrorists to determine their fate, they fought back to give America our first victory in the war on terror.

This resolution shows that we in this House share that resolve to defeat terror. This resolution honors the victims of 9/11 and the sacrifice of so many who have fought for our freedom since that day.

Mr. Speaker, I urge all our colleagues to support this resolution.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, quite frankly I have been both shocked and disappointed by the reaction we have seen on the House floor today. Not that we cannot have honest differences over the resolution, not that we cannot have honest differences about various whereas clauses. I have certainly voted for many resolutions where I did not agree with everything that was in there. I have also opposed certain resolutions because there was too much in there that I could not support, without questioning the motives and impugning the character of those who drafted the resolution.

Quite frankly, in working on this resolution and working with the Speaker and working with Members on the other side, the model that we tried to use in putting this resolution together was the resolution which was adopted 2 years ago which did have some contentious language in it, but quite frankly listed far more achievements, if you will, or far more actions taken by the Congress than ours did today.

What we did today was try to strike the balance by commemorating the memories of those who died, by honoring those who gave their lives, by expressing our deep sorrow and support and solidarity with the families who lost relatives on September 11 and lost friends on September 11.

□ 1530

And then also, not just rely on words but also to show actions, and lay out how we in Congress have tried to deal with the issues that involve homeland security and fighting terrorism.

We did avoid any reference to the war in Iraq, other than to say we support the men and women who are fighting in Iraq and Afghanistan. No mention at all of Iraq being part of the war against terrorism. No mention at all of the NSA electronic surveillance program. No mention at all of the swift program.

What we did was try to lay out exactly what Congress has done so it would be out there for history to see what we have done, what we have tried to do, where we have succeeded, perhaps where we haven't. I am content to let history be our judge.

But to somehow say this is part of some conspiracy or campaign, to me, it really does cheapen the memory of September 11. As I said before, no one has a monopoly on grief. I certainly lost many, many friends and neighbors and constituents on September 11, as did other Members of this body. And probably everyone here at least knows someone who died that day, or knows someone who knows someone who died that day or suffered from the horrific events of September 11.

I really thought on September 11 and September 12, 2001 that we would try to work together. This resolution is an attempt to do that, an honest attempt from the heart to do it. I am proud of this resolution. I urge the adoption of this resolution so we can send a message not just to those who died on September 11, to the families of those who died on September 11, but indeed a message to the world that we are united against Islamic terrorism. We are united as one to prevent another attack from ever occurring in this country. And there has not been an attack for 5 years.

And, yes, there is much more that must be done, that has to be done. We are safer than we were on September 11, but not as safe as we should be. There is so much more that we can do, but we have made this start. Let us stand behind what we have done together. Those honest differences that we have, let us treat them as honest differences and not try to make shameful partisan attacks.

So with that, Mr. Speaker, I urge adoption of the resolution, and I pray to God that we will find a way to come together and not resort to the type of cheap demagoguery that I think characterized the debate on the floor today

Mr. Speaker, I yield 28 minutes to the gentleman from Illinois (Mr. HYDE), the chairman of the International Relations Committee, who will do so much to elevate the level of rhetoric on our side than what we have seen in the last half hour from me; 28 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Intelligence Committee; and the balance of the time to the gentleman from North Carolina (Mr. COBLE); and I ask unanimous consent that each Member be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will be recognized for 28 minutes of the time controlled by the gentleman from New York; the gentleman from Michigan (Mr. HOEKSTRA) will be recognized for 28 minutes; and the gentleman from North Carolina will be recognized for 35 minutes, to control the remaining time.

The Chair recognizes the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

It has been 5 years since the world watched the impossible happen, and yet it is difficult to believe that the days and months have passed so quickly. The calendar's relentless progress gradually consigns all mortal events to the past, whether tragedies or triumphs. But we would deceive ourselves were we to believe that the consequences of those events will fade as well, for we will continue to live with them all of our lives.

Modern communications have brought us many new and wonderful things, but they have also made possible the communal experience of tragedy. In this new age, distance will no longer spare us, nor can an absence of personal ties insulate us from sorrow. All who witnessed the events of September 11 still bear the scars of seeing inconceivable images and impossible events unfold in real time. But our own experiences, however painful, can't compare with those of the innocents who bore the horror directly, nor with those of their families and friends who were suddenly and violently severed from their former lives and from the touch of those deeply loved.

We Americans are practical. Instead of resigning ourselves to the difficulties of life, we instinctively seek to identify problems in order to focus our efforts and move towards solutions. And over the past 5 years we have done so. We have come to know our enemies and direct our determination and resources to uncovering their hiding places and their plans. We are deeply engaged in designing and implementing measures to destroy their ability to harm us. The challenge is an entirely new one for us, but one which gains in clarity with each day. I hope all of us now are aware that in addition to our successes, we must prepare for the likelihood of failures in a struggle that may have no end.

By infusing purpose, action can thus fill many voids. But the need remains to understand what happened and to comprehend the meaning of the events of that day. Here, words give way to silence, for reflection is the predicate to understanding.

Our modern rational world once promised, in time, to reveal all secrets to us. But can we still cling to that belief now that we have been confronted with things we thought long past, vanquished and erased from the world by reason and light?

The modern world has seen many efforts to eliminate God from our lives, but we have not been able to eliminate evil. The last century was unparalleled in human history in its celebration of the savagery that human beings can wreak upon one another. We had hoped that we might escape that fate in this century, but now we know that we will not. We have been forcibly awakened from our dreams of an earthly heaven by the bitter knowledge that evil still roams freely in our world.

We can't allow ourselves to be paralyzed with despair or fear, but neither can we permit our natural optimism to shield us from the realities of the world. If there is any useful thing to be drawn from this terrible experience, it is that we have been given an unmistakable warning that in this new century unknown and fearsome challenges await us, challenges that will impose the severest tests on our national character.

Knowing this, we have a duty to prepare ourselves to defend not only lives and those of our children, not only our beloved country, not even our freedoms, but civilization itself.

We are Rome, beset by new barbarians who are driven and sustained by their savage hatred of us, of our happiness and our success of the promise America represents for the world. For our enemies have no aim but destruction. Nothing to offer but a forced march back to a bleak and dismal past. Theirs is a world without light, their all-encompassing hatred a repudiation of any saving grace. Their victory would impose a new Dark Age. But this time, perhaps an endless one. They are enemies of the future itself.

As we resolve ourselves to our task, as we grieve for all those linked to us by tragedy, we may also see ourselves more truly and thereby understand that our great strengths are interwoven with many fragile things. The threats we face have given us a greater sense of how rare and wonderful is the world we have made, and of our responsibility to protect it from the storms outside. For we need but shield our eyes, lay down our burden, and it will vanish into air, a world in which those we remember today were once allowed to be innocents.

It is for these reasons that we remember our 3,000 fellow citizens who, asking nothing other than to live their lives in peace, were brutally murdered by men without conscience or mercy. We remember because, in Lincoln's phrase, "the mystic chords of memory" forever bind us to the victims and the heroes of September 11 and to all Americans, from the honored past to the living present. We remember because to forget them would be to betray our own selves and our duty to the generations to come.

May those who died in the attacks of September 11, 2001, rest in the mercy of God. May those of us who remain be steadfast, courageous, and live lives worthy of their great sacrifice.

Mr. Speaker, I reserve the balance of my time

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and let me first commend my dear friend from Illinois, the distinguished chairman of our committee, on his powerful and eloquent statement.

Mr. Speaker, on the fifth anniversary of the September 11 attacks, our colleagues in the other Chamber unanimously passed the resolution calling for a day of remembrance throughout this great Nation. Their beautifully crafted and clearly heartfelt statement expressed condolences to the families of those who were lost, respect for those who lived through the ordeal, and the renewed commitment to support whatever steps are needed to defeat terrorists who plot against the people of this country.

And here we are in this House, 2 days later, some may say 2 days late, deliberating over a document that mocks the concept of commemoration. The resolution before us includes claims known to be divisive, not among congressional Democrats but among the American people. And we should all recognize that certain legislation referenced in this resolution was not the product of a proud bipartisan majority, but the object of deep and great controversy that remains with us today.

Mr. Speaker, this should be a time for solemnity, not self-congratulation, and most certainly not political tactics cooked up in the back rooms of the RNC or the bowels of the White House. We must all agree to that.

The focus today should be on the victims and heroes of the 9/11 attack and the families they left behind. We commit to memory the thousands who died or were injured 5 years ago. They included firemen, who voluntarily rushed with their heavy gear up the stairs of the Twin Towers and into the flames, all the while urging the people they served to move faster to safety below.

We remember the police officers who put their lives on the line every single day and lost them all at once when the towers collapsed.

We think of the people at the Pentagon, just across the river from here, military as well as civilian, who were on duty when their fortress was breached and their world, and ours, imploded.

We recall the passengers and the crew trapped on airplanes turned into missiles, helpless and hurting as they used whatever means that were available to them to get word to their families or to affect some sort of rescue. And in this House in particular, Mr. Speaker, we ought never to forget the brave souls on United Flight 93, which was on a path toward Washington and may well have been headed for our Capitol. Among their number were those who overcame panic, said good-bye to their loved ones, and gave their lives to remove a threat to our Nation from the skies.

□ 1545

Our hearts go out to all of these heroes and victims and survivors, along with their families, who have suffered at the hands of thugs who wish nothing but harm to us all.

We also take time to remember those Americans in our Armed Services who choose to risk everything to ensure our safety, our peace, and our liberty, and to the U.S. diplomats and intelligence officers who face countless dangers to protect our Nation.

The greatest honor we can pay to all those currently serving our Nation in battle, to those who perished on that fateful day 5 years ago, is to recommit ourselves to providing true security to the American people.

Progress has been made to protect our homeland, Mr. Speaker, but much more needs to be done. We must ensure that our first responders are well prepared, that funds for homeland security are distributed on the basis of risk, not on a per capita or on a political basis. Our ports are still not visually examining 95 percent of the cargo that passes through, and the administration has yet to implement the many excellent and considered recommendations of the bipartisan 9/11 Commission.

If we are serious about making our country safer, these and many other issues must be addressed.

Mr. Speaker, 5 years ago we all met on this spot as our Nation came to recognize the magnitude of the struggle we were starting in earnest against the enemies of tolerance and progress and peace and freedom. We engaged in the most sobering and moving debate that I have ever witnessed on the floor of this House in the more than a quarter century that I have had the privilege to serve here as a Member.

With this fifth anniversary of the terrorist mass murder of September 11, it is only right that we remember the victims, we honor the heroes, and we contemplate the lessons. We are still engaged in the battle against terrorism, and we are a long way from victory.

I deeply regret that the resolution before the House goes needlessly beyond the necessary and appropriate sentiments for such an occasion and includes pointless boasts about the actions taken by a narrow majority of our Members, along with rhetoric that has been crafted deliberately to divide us.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to share this same floor with our distinguished chairman of the House International Relations Committee. Today we had what probably would be the last markup of the session and the last markup of his incredible tenure as chairman of our committee and great statesman of our country.

Mr. Speaker, I rise today in strong support of this resolution to reaffirm our country's commitment to freedom, to democracy and to the right to live without fear, free from the threat of Islamic jihadists.

I rise to pay homage to those at the forefront against this insidious enemy. And more importantly, I rise today to honor the victims and the heroes of this deplorable attack against our Nation on that fateful day 5 years ago. Those who died working in the towers, spent their days helping our country grow financially and globally, while those in the Pentagon worked to defend it. The brave men and women on Flight 93 and the first responders sacrificed themselves for others, sending a strong message to the jihadists worldwide that America would not be intimidated.

The resolution before us recognizes the threat that we face today against Islamic terrorism. It is essential that not only Americans but indeed citizens from all countries acknowledge the imminent threat of these radical ideologies that are manipulating Islam for their own selfish destructive ends. These jihadists didn't just declare war on the United States, but on the West as a whole. Lady Thatcher recently said in a statement released during her visit when she was accompanying President Bush and the First Lady at the 9/11 remembrance ceremony, "That heinous attack on America was an attack on us all."

Ultimately it will be our strength of character and our moral fiber, our unity of purpose which will help freedom prevail over tyranny and help us triumph over evil. As Thomas Jefferson wrote in 1811: "It is impossible to subdue a people acting with an undivided will."

We must never forget the sacrifices of all who died on September 11. They were not just victims, they were the first warriors in the new struggle of our survival.

With today's discussion taking place in the shadow of this sad fifth anniversary of the September 11 attack, it will help us to remember the brutal nature of these extremists. It will provide us greater insight into their nature in order to refine our policies and defeat them.

We must never, never forget. We must remain vigilant. The enemy is just waiting for us to flinch, before its agents descend like vultures to prey on our weakness.

Some are prepared to murder in what they feel are their religious duty. Others are supportive or protective of these jihadists. Still others do not embrace the tactics employed by the jihadists, but share the convictions and the perceptions of these extremists. We must remain vigilant and I hope that all of our colleagues support this strong resolution before us today

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to my good friend, our distinguished colleague from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank my good friend, Mr. LANTOS, Mr. HYDE and Ms. ROS-LEHTINEN.

I want to present a different perspective here because I think it is possible to address 9/11 in a way that is not particularly partisan, and maybe it is time that we do that as a Nation.

As jarring as 9/11 was to all of us, what is even more jarring is that many of us have forgotten who we were on 9/10, what our dreams and aspirations were for America before 9/11.

I ask you to think about this because if we are going to create for America a new direction, it is really imperative that we reconnect with the high aspirations that we had for ourselves, for our community, our Nation and the world. 9/11 caused a truncation of that kind of thinking, and it really detached us from our higher aspirations.

It was many years ago on September 13, 1814, that Francis Scott Key was inspired by the American defense of Fort McHenry to write the Star-Spangled Banner. We should remember that the Star-Spangled Banner is a map to our future, it is not just about the past because Francis Scott Key raised the question: "O say, does that star-spangled banner yet wave o'er the land of the free and the home of the brave?"

In that he made a connection between freedom and bravery, between freedom and courage.

We have a moment in this country's history that challenged us to our core on September 11: but we should never let it be a point at which we cause ourselves to be so fixed that we forget who we were on September 10.

For that reason, Mr. Chairman, my wife came up with this idea that I want to share with you right now. It is to create what is called a 9/10 Forum, discussions all over the country, Republicans, Democrats, whatever your politics, so we can reconnect with the deeper truths of who we are. In a 9/10 Forum, we would talk about who we are as Americans. It goes way beyond Republicans and Democrats, to create new possibilities and a new future for America.

The 9/10 Forum is born of this idea that there is something more essential in all of us than the partisan politics that has racked this Nation for the last few years. We need to find a way to transform this tragedy, but we can do it in a way that remembers the strength of who we are and who we were. So we are having discussions like this around the country, but it is important that we bring it into this forum. We can find our way. We can become secure again. We need to remember those times in our lives when we felt the most secure, felt courage and felt a deep love of our country.

I think that Lincoln, who looked at a Nation that had been racked by a Civil War, at his second inaugural Lincoln said "with malice towards none and charity towards all." I think that could be a guiding principle for America as we seek to heal our Nation in the face of this great tragedy of 9/11.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on September 11 I saw things I never thought I would live to see and pray I will never see again. I was here on Capitol Hill standing under a tree at 10 in the morning as I saw columns of smoke billow out of the Pentagon in what was the first attack on this Nation's capital since 1812. People were running in every direction. Jet fighter aircraft were at virtually treetop level. It was the sight and sounds of war.

And then 10 days later I accompanied more than 100 of my colleagues as we walked through the ashes of Ground Zero and saw the horror of what for all the world was the front door of hell in the ashes of the World Trade Center.

I saw the firefighters launching themselves into a scene there and at the Pentagon that was still aflame. I have seen Americans launch themselves into recruiting stations to respond in the last 5 years. And I also saw one unusual and extraordinary sight which has shaped my career since, and that is on that day, September 11, 2001, I saw Republicans and Democrats completely set aside their differences and work in the national interest, to pray together, to sing together, to set aside whatever might be contentious among us and do that which is necessary to heal our Nation and to launch a counter strike against our enemies. For that day truly, there were no Republicans in Washington, there were no Democrats in Washington, there were just Americans. I live to see that, and it gives me hope as we go into the contentious debates of our time.

In my four trips to Afghanistan and Iraq, I have also seen the extraordinary bravery and commitment of the American soldier. I am convinced that we are winning the war on terror because of the courage and valor of the men and women in uniform, both home and abroad. It is to them that I will close my remarks today.

When I went home that afternoon on September 11 and sat down with my three small children and wife to tell them what was happening, that we were likely going to war, Audrey, my 6-year-old daughter, grabbed me by the leg and said, "Daddy, if we have to make a war, do you have to go?"

I buckled down on my knee and I gave her a hug and I told her, "No, daddy's too old." But not a day has gone by in the last 5 years, Mr. Speaker, that I haven't thought about all of the daddies and moms and sons and daughters who answered that with a "yes," and some of them with a "yes" that rings into eternity.

And so we remember those that fell on 9/11, the victims. We remember the brave soldiers who have fought the war since, and we commend them this day as we remember 9/11.

☐ 1600

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the distinguished Democratic whip, my good friend from the State of Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, our commemoration of September 11 is a solemn occasion. It is a day of remembrance and a day of resolve. We remember those, Mr. Speaker, who perished or were injured 5 years ago in New York, Virginia at the Pentagon, and Pennsylvania due to the evil acts of men consumed by a murderous ideology filled with hate.

We mourn the loss of the innocent, and we pray for their loved ones. We also recall with pride, yes, with sorrow as well, though, the heroism of our first responder, and in many cases civilians turned rescuers, who put their own lives in harm's way as they sought to help others. Their selflessness on a day of fire, destruction and death reminds us of the courageous American spirit, and it renews our faith in humankind.

The commemoration of 9/11 also is a time for this Congress to express our collective national resolve. We resolved to protect the American people and our beloved homeland and to combat and defeat the perpetrators of terrorism and tyranny, and to fight for freedom, for democracy, for respect for human rights, and for the rule of law.

Now, the resolution before us today in many respects is not objectionable. Indeed, I will vote for this resolution. I do not quarrel, for example, with the propriety or the sentiments expressed in any of the resolved clauses in this measure. This resolution commemorating the worst terrorist attack on American soil in our history, a wound that has not yet healed, ought to be a unifying document that virtually every single Member of this House can support without reservation.

I regret, therefore, that in my discussions with the majority leader, and in Ms. PELOSI's discussion with the Speaker, that the Republicans did not see fit to make this a fully bipartisan resolution.

While I will support it, I lament the continuing partisanship which seeks to divide this House in sentiments that ought to see a unified House. I lament the fact that in the face of a Nation at war that we are not working to bring us together. But that effort was not made; and it is a failure of leadership, in my opinion.

Despite the fact that the Senate passed a 9/11 resolution this year by unanimous consent, and despite the fact that this body passed a 9/11 resolution last year by a vote of 402–6, the Republican leadership still attempts to gain political advantage through this measure. I think that is unfortunate.

I am going to support this measure, but there are conclusions in the "whereas" clauses with which I do not agree and which were not necessary for expressing our remembrance and our resolve. The majority presents a resolution that includes extraneous and inappropriate, divisive, self-serving and, in my opinion, politically motivated language. How sad that you would do that in a resolution that seeks to express the unanimous opinion of the representatives of the American people.

I ask my Republican friends what is the point of including a reference in this resolution to controversial legislation that has not even become law.

Specifically, I refer to the mention in the House Republicans' immigration reform bill. That bill was controversial in this House. That bill has not passed the Senate. That bill has been rejected, essentially, by the Senate. They have come together with a compromise with which the House has not agreed. Yet we reference in this resolution that which seeks to express our united opinion. How sad.

The reference to this bill, which is opposed by even many Republicans, has no place in a resolution commemorating this solemn occasion, not withstanding the importance of that particular issue.

It is deeply regrettable, Mr. Speaker, that on this, the fifth anniversary of the worst terrorist attack in our history, that the Republican leadership has made political expedience a priority. I lament that, but I will vote for this because I do not want any confusion among those whom we confront.

I want no confusion on those we confront. I want no confusion by terrorists who wish us ill. I want no confusion that we are not united, not just as a Congress but as a American people, and a resolve to defeat and deter terrorists and protect our people and our great country.

Like the Senate, we should be voting on a resolution designed to inspire and demonstrate unity, not division

Mr. HYDE. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in support of H. Res. 994. This week we solemnly remember those Americans who lost their lives 5 years ago when our Nation came under attack by enemies of freedom. Their families and loved ones will always remain in our prayers.

The terrorists underestimated our country on that fateful day, Mr. Speaker. They thought our spirit could be broken and our Nation divided. While our hearts continue to break for those we lost, our American spirit is strong. While we may disagree on some issues, we stand united in the desire to protect our Nation.

Mr. Speaker, on September 11, 2001, America witnessed horrifying, cowardly acts of evil and responded with heroism and courage. The passengers aboard United 93 were the first to fight back in this war on terror.

Over the past 5 years, we have taken the fight to the terrorists. We are fighting them in the streets of Afghanistan and in Iraq so we will never have to witness the evil in our city streets again.

As we remember the innocent victims of September 11, we also remember all of those brave souls who have lost their lives in defense of this country. America will never retreat in the face of adversity, Mr. Speaker. We will answer the call of history, and we will prevail in this war on terror.

I ask my colleagues to unanimously support H. Res. 994.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 1½ minutes to my good friend and neighbor, the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank Mr. LANTOS for yielding and for your leadership and for your commitment to global peace and security.

Today we should be reflecting on the fifth anniversary of the terrible terrorist attacks of September 11, 2001. It should be a time when we come together as a Nation to grieve and to remember the men, women and children who lost their lives that day. It should also be a time to honor the courage and the heroism of our first responders and those who put themselves in harm's way to help and to save others.

Instead, we have before us a resolution that simply politicizes the somber occasion. What is glaring today is that the Bush administration's complete failure in apprehending Osama bin Laden, once again, is before us. Even worse, the Bush administration pulled our troops out of Afghanistan to put them into Iraq, which had nothing to do with the tragic attacks of 9/11. Even the President acknowledged this.

Unfortunately, our country is less safe today than it was 5 years ago. Iraq has become a haven for terrorists. It was not before 9/11. This Congress and this administration gets Ds and Fs in implementing the 9/11 Commission's recommendations.

Yet the Republican majority hasn't received the message. It chooses willfully to ignore it. By politicizing this resolution, the Republican majority seeks to detract from their utter complicity in this failed war and their utter failure to demand accountability for this war. The memories of those who lost their lives in New York and the Pentagon and Shanksville, Pennsylvania, deserve better.

We should be united as a country in commemorating those who paid the supreme price on that day 5 years ago. Yet today, once again, because of this resolution and the divisiveness of it, we are divided

Mr. HYDE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this resolution marking the fifth anniversary of the al Qaeda terrorist attacks on the United States, and, inevitably, Americans are asking are we safer today. Yes, we are.

But the unfortunate reality is that this threat to our country continues. Last week, my terrorism subcommittee held a hearing on this threat. We heard the point made that to fight terrorism effectively, we must identify the enemy. As reported by the 9/11 Commission, the catastrophic threat of this moment in history, they say, is Islamist terrorism, especially al Qaeda and its organization. This threat, mounted for years, going largely ignored.

Many witnesses observed that al Qaeda, now under attack by the United States and others, has had to reconfigure. But just as the terrorists have evolved, we must evolve too. The desperate need today is to find out who the terrorists are.

To do this, we need powerful tools, and they have included the USA PATRIOT Act and other programs we passed.

With WMD proliferating, such efforts are all the more important. One area where we did receive a good grade from the 9/11 Commission was on our legislation for a REAL ID Act, to make certain that the next Mohammed Atta and his team of 15 couldn't obtain 60 phony driver's licenses. We established those Federal standards for State driver's licenses to make sure that again they couldn't use something like that to plan and attack and then board jetliners to attack the United States.

We made certain also that we passed the PATRIOT Act. Frankly, I believe that most Americans are glad that we have the PATRIOT Act to break down barriers between intelligence and law enforcement officials that hampered their efforts before 9/11.

Before the PATRIOT Act, these same tools were already being used to go after drug traffickers. Now, with the PATRIOT Act, we have applied those approaches to terrorists, and Americans are safer for it.

I believe we need border security, like the House-passed legislation. Frankly, if that legislation were taken up in the Senate, we would get better grades from the 9/11 Commission. Why? Because the 9/11 Commission understood that border security has become national security.

This resolution remembers those who lost their lives on 9/11. That was 3,000 people. Countless more were scarred on that day. But September 11 is also a call to action for our country and a day to recognize those who are in the field taking on Islamist terrorism, including law enforcement officers, Border Patrol officers, and our Armed Forces.

We saw many acts of heroism on September 11. We had acts of heroism on September 11, 2006, also, many in faraway lands, and we will see more acts of terrorism in the days and years ahead.

Mr. Speaker, as summed up recently by a top British official, the threat from Islamist terrorists is real. It is here. It is deadly. And, as he said, it is enduring.

□ 1615

That it is. But it is not as enduring as the spirit of our Nation so evident on 9/11. We will prevail.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend, our distinguished colleague from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to honor those who lost their lives on September 11, 2001, and those who risked their lives in the fight on terrorism. I also rise today to discuss the slow pace, or rather the lack of pace, in the reforms called for by the 9/11 Commission.

The 9/11 Commission was chartered by Congress to examine and report on the facts and causes relating to the terrorist attacks of September 11, 2001. What of those recommendations have we enacted? Every time the polls go down for the Bush administration a new threat is discovered.

Since September 11, in fact, I have been lobbying the Bush administration for additional security funding for our Nation's ports and other areas of our Nation's infrastructure, such as freight and passenger rail, our subway system, busses, tunnels and bridges. There are other areas of vulnerability that are outside of aviation security.

The Bush administration has been telling the American people that they are checking only 3 to 4 percent of all cargo that comes into our ports, but in reality all they are checking is the manifest that lists the inventories of the ship.

Now, I think the American people are smart enough to know that if reading a piece of paper provided by the shipper is what passes for port security, then we are all in trouble.

We spent $4.4 billion alone on aviation security, while only $36 million is being spent on all surface transportation security programs. And with respect to our Nation's ports, which serve as the main economic engine for many of the areas in which they are found, an attack would not only be extremely dangerous to the local citizens, but economically disastrous as well.

The Bush administration and the Republicans talk a great talk about security, but they do not, and I repeat, do not walk the walk.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the chairman.

As Manhattan's skyline fell down, Americans stood up. We took to our feet and raised the flag, pledging solidarity to our Nation and our fellow countrymen and our values. But foremost, we pledged solidarity with our fellow Americans.

On that day we confirmed what we had long known: Being an American is more than simply a title; it is a duty. And the images of first responders risking their lives, their safety, rushing headlong into crumbling towers, affirm that courage, that honor, that privilege that we have to call ourselves Americans.

The events of that day didn't begin, but certainly brought to the forefront the war we have with Islamic extremists, an enemy that despises the very idea of America. History shows that every American generation is tasked with defending the ideals of America. And, make no mistake about it, this challenge, this fight, is our generational challenge.

These events, now woven into the fabric of America, the fabric of human history, will not be remembered for the destruction that occurred 5 years ago. It will not be remembered for the destruction that transpired on that sad day. It will be remembered for the compassion that followed and the unity which we have as Americans. And the world will know for generations to come that as Manhattan's skyline fell down, Americans stood up

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the gentlewoman from California (Ms. HARMAN) be permitted to control the balance of the time of the minority leader.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. HARMAN) will control the balance of the time, which is 1 hour and 14 minutes.

There was no objection.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank Chairman HYDE for the time. I hope my colleagues will all join in support of H. Res. 994.

Mr. Speaker, 5 years ago I stood on the House floor and proclaimed that I was not without hope for America's ability to eliminate the scourge of terrorism. I was convinced that the people of this great Nation would, much like they did on December 8, 1941, come together to defeat a common enemy rooted in intolerance and fear.

To be sure, much is left to be accomplished. We cannot, we must not, ever forget the prayers we said that day, the tears we shed, and the memories of those who now belong to the ages.

Yes, Osama bin Laden has yet to personally receive justice, but over the course of the last 5 years, the international communications, financing, state sponsorship and success that al Qaeda enjoyed on September 11 has been significantly degraded. The world now knows that America will not bow to the forces of evil, but will instead fight until evil has been eradicated.

Congress has, as this resolution indicates, provided many of the necessary tools, but the people themselves also deserve most of the credit for this Nation's progress. While the threat of terrorism continues to loom in the distance, I believe we are safer as a nation because the people of this country are paying attention. They are the soldiers, they are the intelligence gatherers and they are the first line of defense. They are the personnel who were given a responsibility on September 11, 2001, to finally take the fight to terrorism, and they are succeeding.

Five years later I have seen an America that has exceeded our expectations. Rather than cowering to those who blackened the beautiful New York skyline on that day, the American people are emboldened in their resolve to live free and prosperous lives. They have renewed their faith and our faith in the hope of democracy. Freedom, as I stated then, continues to work

Mr. HYDE. Mr. Speaker, I am very pleased to yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON).

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished leader for yielding the time. I rise in support of this legislation.

Mr. Speaker, I was at the site of 9/11, but the first time I was there in 1993, and I went because that was the first time bin Laden hit us. Representing all the first responders in America, I go to where they are, not with the cameras and the TV lights blaring, but as one of them.

I went in 1993 when Howard Safer, the Fire Commissioner for New York, asked me to go down to Ground Zero to see the damage caused by the first hit of the terrorists against us. And the young firefighter who took me through that complex was a man by the name of Ray Downey. Ray Downey became one of my best friends. He didn't live in my district, he lived in New York.

But Ray Downey was an active firefighter, a former marine, who told me the lessons that we should learn because he said, "Curt, you have to understand, bin Laden is going to hit us again and again and again," and, boy, was he right. They hit us at the Khobar Towers, they hit us at the African embassies. They bombed the USS *Cole*. And what was our response? Nothing. We shook our head in disbelief.

So it was with a great deal of sadness on September 11 that I was called while walking out of the Capitol building and I was told that Ray Downey had been killed. You see, Mr. Speaker, on September 11, Ray Downey was the Chief of all rescue for the New York City Fire Department. He was the guy at the base of the tower that was overseeing the largest and most successful rescue in the history of mankind. 70,000 people were brought out alive. Ray Downey was killed.

I went to New York the next day. I did not wait again for the cameras and the suits. I went up as a member of the first responder community and at Ground Zero I spent the whole day.

As they took me around the back of these two seven-story piles of rubble, after being briefed by Joe Allbaugh, the head of FEMA, I saw two firefighters on their knees sifting through the debris with their hands. As I got closer I could read their turnout gear, and there were the names Downey and Downey.

You see, Mr. Speaker, two of Ray Downey's five kids are also firefighters, today they are battalion chiefs in New York, and there they were looking for their father. In fact, I brought Ray's family and his widow down to my district one month after 9/11 and we honored them as American heroes.

I tell you all of this, Mr. Speaker, because the passion that I have for the first responders is the reason I come to the floor today to honor the memory of those who paid the ultimate price.

The last thing we should be doing is playing politics with this. After all, it was in 1995, I think there was a different President back then, when the Public Safety Wireless Advisory Committee said that we didn't have an interoperable communications system, and we did nothing about it. In fact, it wasn't until Jane Harman and I introduced legislation that passed last December that in fact corrected that problem and put $1 billion on the table.

It was in 1999 that I sat in my office on November 4 with the Deputy Head of the CIA and the Deputy Director of the FBI and the Deputy Secretary of Defense to convince them to have an interoperable capability linking all 33 classified systems together. And you know what the CIA said, Mr. Speaker? They said, "Congressman, we don't need that. Even though there are emerging transnational terrorist threats, we don't need that capability." It was the single biggest failure on 9/11 not to have that interoperable capability to link together 33 classified systems.

Mr. Speaker, all of us could have done a better job. When my colleagues on the other side were in charge, they didn't fund a dime for the first responders, not one dime of money. We did that in 2000, one year before 9/11, when working with Republicans and Democrats we put into place both the Assistance to Firefighter Grant Program and the SAFER Program.

I couldn't believe the rhetoric last night I heard on the House floor, because it was Democrats and Republicans together who did that. But it was Republican leadership who made it happen.

I am proud of our record. I am proud of the fact that today we have linked up the 33 classified systems. First of all it was the TTIC, the Terrorism Threat Integration Center. Today it is the NCTC, the National Counterterrorism Center.

I am proud of the fact that we have put together almost $4 billion to 24,000 of our 32,000 fire and EMS departments around the country. I am proud of the fact that Democrats and Republicans finally have solved the problem of putting money with interoperable communications together.

I am also a little frustrated. We hear our colleagues on the other side. The Gilmore Commission, which Ray Downey encouraged me to put into law, which I did, made three reports before 9/11, most of them in the previous administration. Forty percent of the 9/11 recommendations had already been made by the Gilmore Commission before 9/11 ever happened. But we don't hear that today on the House floor, that there were recommendations that we could have put into place before 9/11 and we didn't do it.

So stop the blame. This is not fair to Ray Downey and his family. It is not fair to my constituent Michael Horrocks, who left behind two kids and a wife. What was his mistake on 9/11? He climbed in the front seat of one of United's planes and he had his throat slit as the plane traveled into the Trade Center towers.

This resolution needs our support in a bipartisan way. That is the only way we can protect America.

Ms. HARMAN. Mr. Speaker, I reserve my time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) will control the next block of time for the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I look forward to roughly the next hour of time that we will spend here on the floor, myself and our ranking member and the members of the Intelligence Committee, to remember those who died, those who served on 9/11, the tremendous work of hundreds of thousands of people in our military forces and the folks who are working in the intelligence community that have helped keep this country safe over the last 5 years.

I know that there are disagreements about some of the strategy, some of the particulars, some of the execution and those types of things, but much as in my home district on Monday, I hope that that spirit can continue through the next hour.

□ 1630

Monday was kind of one of those days where we recognized that in many ways it was kind of a sacred day. People took the day off from partisan politics, and we reflected back on what happened 5 years earlier when we were so brutally attacked, where almost 3,000 Americans lost their lives. Many of us recounted the places where we were, the things that we were doing, and how in comparison those things were so minor to what happened and how that transformed America.

And perhaps for so ever a brief moment, or briefer than what we would have hoped or envisioned, it brought America together and focused us on who we are and focused us on the threat that we had faced, that we now face, a threat that we had all witnessed and experienced maybe as early as 1979 when the embassy in Iran was seized. Perhaps it was when Hezbollah attacked our Marine barracks in 1983. But regardless of the times leading up to 2001, we recognized that that was history, 9/11 is today, and that we were going to be facing some serious challenges in the future. And this is very, very hard.

It is a different kind of enemy than we had ever faced before. It is an enemy that does not wear uniforms. It is an enemy that does not have a government as we know it. It is an enemy that does not represent a specific geographic territory. It does not have a capital. It does not have bureaucracies. It has not signed on to any international agreements, as ironic as it may sound, international agreements as to how we will fight and conduct wars. It is an organization that celebrates the deaths of its suicide bombers. It is in sharp contrast to who we are and what we have done.

We responded. The ranking member and I, along with Senator LIEBERMAN and Senator COLLINS, worked on a project that many said could not be done, on a project that for almost 50 years had never been done, which was the reform of an intelligence community, an intelligence community that needed to respond to the threats that radical Islam posed. We have made much progress in that area. But as we both had said in a report that was issued in a bipartisan way from our committee, there is still much work to be done.

The bottom line is we continue to be a Nation at war. We continue to be a Nation at risk. We continue to, I believe, be a Nation that is united in a desire to win this war, recognizing that there are real differences about how we will fight this war to be successful and to be consistent with American ideals. Because the biggest tribute that we can leave to the victims of 9/11 is to make sure that we win this war but also to make sure that we do not change how we are as we go about winning that war.

Mr. Speaker, I reserve the balance of my time

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nothing we say today can erase the pain that America felt on September 11, 2001. No resolution we pass, no speech we make can bring back the loved ones we lost or repay the heroes who rushed to their rescue.

As I stood at Ground Zero again on Monday amidst the anguished faces, the shopworn photos of loved ones lost, the sad music, the reading of names, flags everywhere, the memories of 5 years ago came rushing back. The frantic calls to my children in New York and Washington. The disbelief that we could be so vulnerable. And as the day wore on, the immense sadness for 3,000 innocent victims and the resolve to demonstrate that this Congress would not bow to terror.

This resolution, however, contains more than memories. It makes a statement about how much progress we have made in this House.

The sad, unalterable fact is that 5 years after 9/11 we have not made as much progress as this resolution claims. We have not brought to justice the most senior leaders responsible for the attacks. We have not plugged some gaping holes in our homeland defense, and we have not shared the sacrifice or stayed united as a Nation in the face of grave danger.

As ranking member on the Intelligence Committee, I want to focus my remarks on how this House has responded to the major intelligence failures of our time, the tragic failure to connect the dots of the 9/11 plot; the inexcusable failure to recognize that Saddam Hussein did not have WMD; and the catastrophic failure to predict the violence insurgency that would follow our military action in Iraq, and take the prudent steps necessary to prevent it.

The news, Mr. Speaker, is uneven. I believe our committee did a good job of assessing the performance of the FBI, CIA, and NSA leading up to 9/11; and so did the Congressional Joint Inquiry into 9/11, which held 24 days of hearings, including 9 days of open hearings, provided an excellent, bipartisan report with legislative recommendations, and was the basis for the 9/11 Commission's final report.

Over major opposition from some in this body, Congress acted on some of those recommendations and, as our chairman just said, created a Director of National Intelligence and a National Counterterrorism Center, thanks to the courageous lobbying of the 9/11 family members. Our current chairman and I helped lead that effort, and I am very proud of what we did.

As for WMD failures, our committee was the first to document that clandestine sources in Iraq were thin and that the analysis was poor. But then our former chairman shut down the House's inquiry into Iraq WMD. And again in this Congress, our current chairman ceded jurisdiction on this critically important issue to our counterparts in the other body.

Just last Friday that committee released a compelling report showing that our sources were unreliable and that facts claimed by this administration are not supported by the intelligence. According to that report and other available sources, there were no links between al Qaeda and Iraq before 9/11. Yet as recently as last Sunday, the Vice President said "we don't know" whether Mohammed Atta ever met with an Iraqi intelligence officer in Prague. Mr. Speaker, we do know. We know the meeting never took place, and yet the Vice President refuses to acknowledge the facts.

It is one thing to have inadequate intelligence. In an intelligence war, you are never going to have pristine intelligence. But it is another thing to ignore professional intelligence assessments, make end-runs around intelligence agencies, issue hyped statements about intelligence, and use intelligence for partisan gain.

The third failure, the failure to predict and prevent the insurgency, has been in some ways the most painful. More than 2,500 U.S. personnel have been killed since President Bush declared "Mission Accomplished" in May 2003, nearly as many as died on 9/11.

Our committee has conducted virtually no oversight over this particular failure. We have not examined whether the intelligence on the insurgency was flawed or whether policymakers deliberately ignored warnings and professional assessments.

Press reports indicate that the administration may still be trying to paint a rosy picture of the situation in Iraq. The August casualty reporting excluded statistics on people killed by bombs, mortars, rockets, and other mass attacks. The result is that the August statistics for murder rates in Baghdad appear 52 percent lower than the daily rate for July. Mr. Speaker, I do not think policymakers should engage in creative accounting when it comes to the lives of our sons and daughters or the lives of innocent Iraqis.

According to some reports, a draft "National Intelligence Estimate on Iraq," which reportedly paints a very negative picture of the situation there now, is being held by the administration until after the November election. If that reporting is true, it is deeply troubling and could needlessly endanger the lives of our military and intelligence professionals in the field. And, Mr. Speaker, it would also keep Congress in the dark one more time.

Mr. Speaker, I often say that the point of looking back is to look forward to avoid making the same mistakes again. North Korea is test-firing missiles. Iran is defying the world community on its nuclear program. Yet we do not have solid intelligence on either target. Mr. Speaker, good intelligence leads to good policy.

But instead of insisting on better intelligence, our committee may rush through dangerous legislation on warrantless surveillance without any testimony from administration witnesses. We are issuing staff-written "brochures" hyping the threats posed by al Qaeda, Iran, and North Korea that do little to explain how little we truly know. It is no wonder that the 9/11 Commission gave Congress a D for intelligence oversight reform.

Mr. Speaker, I will conclude where I began. 9/11 forged our Nation into common purpose. It brought out a common humanity and engendered a common resolve to protect America. Our response to 9/11 has been and will continue to be a measure of us. Mr. Speaker, what we should really resolve to do today is to do better together.

At Ground Zero on Monday, the survivors shared something so precious: the hope that their grief and suffering would inspire a Nation to prevent another attack. They were all ages, all colors, all religions, and all backgrounds. The one thing they were not was partisan

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 2 minutes to our colleague, Mrs. DAVIS.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in strong support of House Resolution 994.

The terrorist attacks upon our country changed the way that we live forever and provided us with a cruel reminder that freedom and liberty have a price. The attacks reminded us there are extremists in this world that would do anything, including sacrificing their own lives to destroy ours and our way of life. The attacks reminded us that democracy and the benefits of a free government cannot be taken for granted and must continually be fought for.

Mr. Speaker, we are safer than we were 5 years ago. But until we can say with confidence that we are safe, the constant fight for freedom can never end. Until families can go to bed at night feeling secure, we cannot stop the fight for freedom. Until our young people can know without a doubt that America holds a safe, prosperous future for them, our battle can never cease.

We in Congress are tasked by the Constitution to defend the homeland, and we take this task very seriously. Our men and women in uniform are getting the job done, and our first responders have answered the call. Our intelligence forces have played a vast role in protecting America. And together we are safer today.

However, we must remain vigilant and prepare to fight these radical Islamic terrorists whenever and wherever they may strike. Retreat has never made us stronger and, by Osama bin Laden's own words, is a sign of America's weakness.

□ 1645

There is no room for halfway approaches here. We must do what is needed to protect our country. We are using and must continue to use both diplomatic and military measures and tools available to protect America.

As we look back 5 years ago this week, we must remember the horrors of that time. But more importantly, we must remember the resolve adopted by all of us to defend freedom and fight with all our might to combat the forces that look to destroy us. It is through vigilance and the passion for freedom that we will win this war and truly make America safe.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield to a dear friend, the ranking member on the Armed Services Committee, Mr. SKELTON, 4 minutes.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman, my good friend from California.

Mr. Speaker, I rise to recognize September 11 as a national day of mourning, to commemorate and honor America's 5-year-long national sacrifice, and to warn of clear and present danger in the days ahead.

Our Nation will never forget the terrorist attacks on September 11, 2001. Nearly 3,000 innocent Americans perished in that day, and the lives of many thousands more were forever changed. The tools and the national power were mobilized to bring justice to those responsible.

To each and all experiencing personal loss, we honor and we pay respect. To each and all responding to the call of duty, we extend a note of appreciation. Their sacrifice in our Nation's initial response led to a successful military strike against terror strongholds in Afghanistan. As we all agreed, it was an impressive operational display of technological might. It was swift and it was right, and it enjoyed widespread support among the world's family and nations. In short, it was a step toward a more safe and secure environment for Americans.

Mr. Speaker, in the past 5 years, much of the initial gain has been squandered. We have failed to implement the recommendations of the 9/11 Commission. We found ourselves bogged down in a costly war in Iraq that detracts from our pursuit of those responsible for attacking American soil. We are also facing a resurgence in Afghanistan.

Our Nation is engaged in two wars, the first against terrorism; and the second, a war of choice to effect a regime change in Iraq, has dragged us into a sectarian clash on the verge of civil war. The war on terrorism rightfully continues, and by all account remains a war of necessity. In contrast, the war in Iraq was initiated with faulty intelligence, without proper planning and aftermath, that is, after the initial strike planning has created for our Nation a strategic risk.

More than 40 percent of Army and Marine Corps ground equipment is committed to the combat theater. That equipment is wearing out, according to experts, nine times faster than the normal rate. Not one Army combat brigade in the continental United States is fully ready for its wartime mission.

Simply put, the war in Iraq has sapped our strategic base and threatens to break our Army. Regrettably, our Nation is not safer than it was on September 10, 5 years ago. Because this war of choice has tapped our resources, our Nation's ability to confront future security challenges, it is less than it was only 5 years ago. That is a sad commentary, but sadly true.

As we commemorate the heroes of September 11 and beyond, let us not forget the solemn oath to protect and defend this Nation and to protect and defend our Constitution. Let us not forget our responsibility to take every step necessary to make America stronger, not weaker, than before. And let us never forget our duty to prevent the occurrence of another similar tragedy. We must have the best, we must have the most capable military to meet any threat that faces this wonderful Nation. If we fail in this endeavor, then we will surely have failed to honor the memory of those who have fallen

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the majority whip, Mr. BLUNT.

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, today we live in a country of great opportunity, we live in a country of great freedom, but we live in a dangerous world. We came face to face with that danger 5 years ago, we came face to face with the evil in the world 5 years ago, and today we commemorate what we have done in the last minutes and hours and what we have done in the last years to try to prevent that evil from replicating itself again.

For years before 9/11, we pretended that evil somehow didn't exist; or if it did exist, it couldn't touch us. A series of events that government after government in our country chose to minimize or ignore led to 9/11. The bombing of the barracks at Beirut, the bombing of the barracks at Khobar Towers, the attack on the USS *Cole*, the attack on two of our embassies, the first attack on the World Trade Center were all part of a concentrated effort of a narrow sliver of totalitarian activists that don't like the way we live and don't like who we are, who have vowed to destroy our very way of life.

Now, it is nice, whether it is at work or whether it is at home or in your neighborhood, to pretend you don't have enemies in the world. But we do have enemies in the world. As the Prime Minister of Iraq said when he spoke to this body just weeks ago: this is not Islam, it is a perverted view, I think he said specifically as was translated, a false view or a fake view of Islam. But there are people who believe it. There are people who believe that we, because of who we are, are their sworn enemies.

And this resolution today just commemorates the great work of those individuals that we recognize, those individuals that we recognize who defend our country, who defend our freedom, who defend our flag; those individuals we recognize who take chances every day to find out the information that we need to find out on a human level, from those people every day who analyze the things that need to be analyzed and those resources we have given them to be able to make those choices, whether it was the PATRIOT Act or the other things that we have done since 9/11 that bring terrorism to the level of other crimes, even though the danger of terrorism may be much more dangerous than those crimes that various investigative arms of our government and the tools that they had available to them were given after 9/11.

We need to continue to move forward and we need to continue to be committed somewhat, and many people have said that someone had to be the first person that said we have to be right every single time, the terrorists only have to be right once.

Nobody will stand here today in good conscience and say a terrorist attack can't happen again. But we can say in good conscience that we will do everything we possibly can to prevent that attack from happening again. We will do everything we can possibly do, from naively looking at the present and assuming that we won't have enemies in the future. We need to address our enemies; we need to address the world the way we find it. Thank goodness for the many American men and women and our allies overseas who joined us in trying to prevent the cowardly terrorist attacks that happened in this country 5 years ago and other countries since then

Ms. HARMAN. Mr. Speaker, I yield to a great member of our committee, the gentleman from Massachusetts (Mr. TIERNEY) for 3 minutes.

Mr. TIERNEY. Mr. Speaker, I thank my colleague from California.

Mr. Speaker, many Members recently voted against the previous question on the rule. We did so because we wanted a substitute, a resolution that mirrored Senate Resolution 565, which was a measure which was bipartisan and which was designed to unite this Congress and the country. That is the way in fact that we wish to remember and honor those 9/11 victims.

Unfortunately, the Speaker and the majority of the House have chosen division and partisanship. The gentleman from Michigan mentioned a moment ago that on Monday, September 11, the Nation took off a day from partisanship. We only wish that the Speaker had joined in that. But by proposing a resolution referring to issues that are partisan and divisive, once again, a chance for unity has been missed not in the Senate but here in the House.

New York Times columnist Frank Rich this past Sunday recalled FDR's use of the phrase "the warm courage of national unity in a time of challenge." That is exactly what we need in these times of challenge.

FDR mentioned his realization of our interdependence on each other, that we cannot merely take but that we must give as well; and that if we are going to move forward, we must move as a trained and loyal army willing to sacrifice for the good of a common discipline.

Since September 11, this Nation has not been called to that higher unity and shared sacrifice. Instead, we have seen divisive legislation and tax cuts favoring the few. We should instead honor the fallen victims of 9/11 and their families' sacrifices and the first responders and our military and our intelligence communities for their bipartisan efforts. We should resolve to implement the recommendations of the 9/11 Commission.

Now, Chairmen Kean and Hamilton wrote on September 11, 2006, that their commission's December report card on implementation garnered 10 C's, 12 D's, and 4 F's. And they listed there as still remaining to be done at least 10 things, the acceptance of which and the completion of which would in fact honor the September 11 people.

We should allocate our homeland security dollars wisely, because now they are being spread around like revenue sharing. States have to be held to create and practice emergency response plans. Congress shouldn't wait until 2009, three years from now, to give first responders a slice of the broadest spectrum for emergency communication.

We still need to do a better job with information sharing among government agencies, particularly those at the State and local levels. The FBI reform must be sped up even as it moves in the right direction. The Privacy and Civil Liberties Oversight Board must be empowered as a strong voice on behalf of individual and civil liberties, especially as the executive gets stronger authorities. We need to better screen passengers against a comprehensive terrorist watch list before they board craft. We need to do a better job of reaching out to the Muslim world so that America can be seen as a source of hope and opportunity and not despair.

Congress needs to reform itself. The oversight committees need stronger powers over budgets and jurisdictions. And the prevention of terrorists' access to nuclear weapons must be elevated above all other problems of national security. To do all this, we need the warm courage of unity, not partisanship, not divisive resolutions.

Mr. Speaker, this would be an excellent time for the leadership of this House to match rhetoric with unifying actions.

Mr. HOEKSTRA. I would like to yield 2 minutes to my colleague, a member of the committee, Mr. MCHUGH.

Mr. MCHUGH. Mr. Speaker, as a New Yorker, this past Monday had a particular impact on me and on my fellow New Yorkers. It is obviously a time of great sorrow and sadness and reflection for each and every American. But of the 2,997 who perished that day, a large number and obviously the main focus of the attack was in our State.

There is little we can do to rewind that as a day and as the circumstances that led up to it. I noted my good friend, the gentlewoman from California's remarks about intelligence failures, and she is right. They are real and they were longstanding. You heard the majority whip of the House speak of the attacks that were levied against this country that, frankly, the intelligence systems were not up to providing long before this particular era, long before we were in Iraq: the USS Cole, the attack on our two embassies, the first World Trade Center attack, Khobar Towers, and on and on and on.

□ 1700

If 9/11 teaches us anything, it is that as Americans, and particularly as ones who have the great honor and great responsibility of representing the people of this Nation, we must continue as we did on that day, September 11, to work together to make us safe.

We are safer. We can never be safe. This land is too free, too open, too many opportunities that we enjoy and our basic liberties to ever be fully safe, but we can be, as I would argue we are today, safer.

I would hope we would be even safer tomorrow and the day after that, but to do that, we are going to have to continue our joint initiatives.

We have come a long way. We have instilled leadership and coordination of multiple agencies. We have addressed how terrorism information gets to the analysts and the policymakers who need that information most. We have had to change the culture of the FBI from one of being single-minded in a criminal investigation agency to one that pursues those who wish to harm us through proactive intelligence investigations.

We have done these things. We need to continue. We must make 9/11 a rallying cry for a safer tomorrow.

Ms. HARMAN. Mr. Speaker, I yield to Mr. GENE GREEN of Texas for a unanimous consent request.

Mr. GENE GREEN of Texas. Mr. Speaker, I will place a statement in the RECORD on H. Res. 994 on the 9/11 5-year anniversary at this point

Mr. Speaker, on Monday, this Nation took time to remember the events of five years earlier on September 11, 2001—events that changed the way we viewed the world and our own Nation. Our prayers are with the families of those that lost their lives that day. We never imagined that something like that could happen on American soil and it is still hard to comprehend the number of innocent lives lost that day.

The five year anniversary brought back memories of planes crashing into the World Trade Center Building, the Pentagon, and Flight 93 going down in Pennsylvania, but more importantly, we remembered the images of the brave Americans—fire fighters, law enforcement, medical personnel, and everyday citizens—that rushed to help their fellow Americans that were injured or trapped in the rubble of the fallen buildings.

The courage these individuals showed is the reason the terrorists were not successful in weakening our Nation. They took innocent American lives and destroyed our buildings that day, but they did not destroy our Nation's resolve because Americans will always answer the call and the first responders that day did so selflessly in an environment of chaos and uncertainty.

Over the past five years we have seen this country grow stronger in the face of the new threat that became apparent that day. As citizens we are more vigilant and as a Nation we have committed to a new war to fight terrorism across the globe.

The attacks in Spain, Jordan, Britain and elsewhere since 9/11 demonstrate that we are not alone in this fight and that we have not deterred the terrorists' intentions or will to carry out attacks against innocent people. We will continue to hunt down terrorists and terrorist cells where they are and we will lead the world in defeating their ideology.

We all have different ideas about how to do this. Over the past five years, we have seen heated debates in this House, throughout our government, and across the Nation over how to best protect our country, secure our borders, patrol our ports, and carry out the war against these extremists while protecting the American way of life and our individual liberties. But this tragedy reminded us that we are all Americans first and foremost. We may not always agree on how best to do this, but the goal of every person here is the same: to succeed in protecting our country, our way of life, and preventing another 9/11.

No one will forget where they were, or what they were doing when they learned of the attacks. This anniversary marks one of the gravest days in our Nation's history, but it also reminds us of the bravery displayed by those that reacted to the tragedy with unwavering courage and heroism.

Mr. Speaker, September 11, 2001 is five years behind us, but it will guide us for the foreseeable future. I pray for the families that lost loved ones that day and I thank those that

served bravely. God be with those that are not here because of 9/11 and God bless America.

Ms. HARMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I rise in support of the victims of 9/11 al Qaeda attacks, as well as the family members who mourn them, the first responders who helped their communities recover, and the brave men and women in the armed services who are risking their lives to make us safer.

Honoring the memories of those who gave their lives on September 11 should not, however, be a once-a-year endeavor. This should not be an occasion for speeches and ceremonies. Talk is cheap, but our actions, what we do in the war on terror, that is what speaks volumes. Through our actions, we honor our dead. I would like to talk about a couple of ways in which we could better honor their memories, ways in which we can actually act.

After September 11, we began a war of necessity, the war on terror. The whole world was with us. We made enormous strides quickly in Afghanistan in that war, but then we began another war, a war of choice, in Iraq. Now, because more than 130,000 of our troops are bogged down in Iraq, we have punted the ball in Afghanistan.

Let me be clear. Today, we are in danger in Afghanistan, the original breeding ground for al Qaeda. The Taliban is gaining ground and inflicting casualties on coalition forces. If we need reinforcements, will we have them? The major victory in the war of necessity, the war on terror, that was so close now appears to be fading because we are bogged down in a war of choice in Iraq.

The best way to honor our departed heroes and friends is by winning that war of necessity. The terrorists started the war on September 11, but if we set our priorities right we can finish it.

The men and women who died on September 11 deserve victory in the war on terror, our war of necessity. They deserve more than empty rhetoric. They deserve more than talking points and slogans. They deserve more than chicken hawk mud slinging. They also deserve more than insulting those as unpatriotic or weak anyone who dares to say that we need to make some changes in the way we are fighting the war of necessity. And finally, they deserve more than siphoning off resources from the war of necessity by a war of choice.

Yes, talk is cheap. If we want to remember those who died on September 11, let us give them a victory.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to my colleague from the great State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, today is really an important day because what we celebrate today are those people who sacrificed of themselves and gave of their all to save the lives of someone else, and that is the real difference between us and our enemy. We celebrate those who save lives. They celebrate those who take lives. That is the difference to remember.

Al Qaeda has a very radical plan, and this attack was not just to poke America in the eye and to kill our civilians. It was to obtain a goal, a goal that they had publicly stated, a tale of faith that ranges from all of the Mideast, northern Africa, southern parts of Europe, including Spain and Indonesia.

This is a war not only of ideology but about a political geography that they believe they own and they are willing to kill Jews and Christians and men and women and Muslims to get it.

Amrullah Saleh visited the United States. He is now head of the intelligence services in Afghanistan, and he said when he was visiting here, "Only we in Afghanistan have seen what happens when Osama bin Laden is king or prime minister or commander-in-chief of a nation. Our freedom, our culture, our way of life was completely taken from us."

Under the Taliban, it was against the law to teach women to read or to drive. They could not go outside unless they were escorted by a male relative. They had burned buses because they were a modern necessity. They could not listen to music, watch movies or television, shave or use the Internet.

Osama bin Laden said, "The war is for you or for us to win. If we win, it means your defeat and your disgrace forever."

Strong words by a cowardly enemy, but we know that threat is real, and sometimes we get lost in the haggling when we all know that this is the time that we pull together and celebrate those who celebrate life, pull together against those who celebrate death.

Today is our day that we rededicate ourselves to the task of protecting and defending this Nation against a vicious and merciless enemy. We must not forget and we must do what it takes to prevail against those perpetrators of 9/11.

This is what we commemorate in today's resolution, and I would urge all of us to remember who the enemy is

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, first, I thank Ranking Member HARMAN, and Mr. Speaker, I rise in support of the heroes of September 11.

Our citizens will forever remember September 11 as a day on which our values, our liberties, and our freedoms were attacked.

Our Nation's intelligence agencies and law enforcement officials learned to do business differently after 9/11.

We learned we need to give our law enforcement and intelligence agencies more powerful and flexible, modern tools to detect terrorists' plans and intentions.

As a former prosecutor, I understand the need to balance tough justice issues for criminals but also to respect human rights.

By the same logic, we have to learn what terrorists are plotting before they act so that we can keep the country safe, but we have to fight terrorists in a way that also protects Americans' rights. In passing the PATRIOT Act, Congress struck a balance between civil liberties and strong law enforcement. Not a perfect balance but a good one.

However, not every effort strikes this balance. The President ordered the National Security Agency to conduct a surveillance program in a way that avoids certain required constitutional checks and balances. The House Intelligence Committee could not oversee the NSA program because most of us were not briefed. At the administration's direction, the judicial branch, in the form of the FISA court, was bypassed.

If the administration needs new authorities to monitor terrorists, they should ask Congress for them. I see no reason, however, why this program could not be conducted under the rubric of the Foreign Intelligence Surveillance Act.

The district I represent includes NSA. So I have a special interest in the men and women of the NSA who professionally and honorably serve their country, often in secret. They should not have to worry if they are breaking the law when they follow instructions of the White House and the Attorney General.

Our counterterrorism efforts must be governed by the rule of law. To do otherwise would dishonor the heroes of September 11 and their loved ones.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT), another member of the Intelligence Committee

Mr. TIAHRT. Mr. Speaker, I thank the chairman.

On September 11, 2001, life in America was irreversibly changed. That day we were drawn into a war to confront a threat we did not fully understand.

Although we still cannot fully understand why terrorists hate our way of life so much, we do understand this much. We are still very much at war. Almost 5 years after the attacks on September 11, 2001, Islamic extremist groups continue to represent the most immediate threat to the United States and our allies. They have struck London, Madrid, and have bombed restaurants and hotels in the Middle East, Asia, and Africa. At the urging of Osama bin Laden, every American man, woman and child has become a legitimate target for their jihad, and American interests continue to be targeted by al Qaeda affiliates around the globe.

This year alone we have unearthed terrorist plots in Canada and the U.K. that remind us just how close the terrorist threat is as these individuals did travel into the United States with some frequency.

Mr. Speaker, we are blessed with an outstanding military that has taken the battle to the enemy, in places where every American carries a gun, rather than on the streets of New York, Washington, or Wichita, Kansas.

But the United States remains a Nation at war, a war for which we did not ask. We are safer, though, not simply because there has been no successful attack on U.S. soil since September 11, 2001. We are safer today because of the professionals of the worldwide network of intelligence, military and law enforcement officials who continue to pressure and strike al Qaeda and its followers.

We have turned a corner, and we must continue to pressure these radical Islamic organizations until victory on all fronts for freedom-loving people around the world is assured.

September 11, 2001, showed us the danger of Islamic terrorism. It also taught us that the deficiencies in our own system made it possible for terrorists to operate right under our noses.

Our most important duty as Members of Congress is to protect our Nation from ever experiencing that lesson again. For that reason, we must continue to focus on improving our national security, our homeland security, and our intelligence systems so that we can beat this threat, not only today and tomorrow but for the future, for our children and grandchildren.

I thank the chairman

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 2½ minutes to the gentleman from New Jersey (Mr. HOLT), ranking member on our Intelligence Policy Subcommittee.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentlewoman from California.

Like every American, I spent the past week reflecting on that terrible day 5 years ago. I too attended a number of memorials and observances during the week. We came out of 9/11/2001 mourning with the families, praising the first responders, and vowing to catch and punish those responsible and vowing to do everything possible to prevent a recurrence.

For the families affected, well over 100 in my district in central New Jersey alone, the pain will never go away. The hole in their hearts and their lives is mirrored by the void that remains at Ground Zero, and that in part is what I wanted to talk about, the unfinished work in the aftermath of September 11, 2001.

Today, Congress, following the President, has veered off course. We have engaged in a war with an undefined enemy, undefined objectives and no plan for success. We have suffered a tremendous loss of American life, money and international prestige, the latter almost entirely self-inflicted. We have alienated and embittered traditional allies, some of whom believe we might even attack them at some point in the future, and we have given our enemies, unfortunately, ample material with which they can recruit new terrorists.

The families left behind on 9/11 made a clear request of us: make Americans safer from terrorism. We have not taken those specific steps, even though we should have taken them.

What are those specific steps? Well, my friend from Ohio, the majority leader, and the chairman, they know. Every Member knows. The bipartisan 9/11 Commission worked hard and well and presented a specific list on everything from securing our borders to screening shipments in ports.

☐ 1715

By the way, the list did not include a suggestion that we invade Iraq.

The commission gave these specific recommendations, a blueprint on how to protect Americans. Not long ago, the 9/11 Commission gave the government about two dozen inadequate grades for failing to take those specific steps to protect Americans.

So instead of self-congratulatory and divisive resolutions, let us have an up-or-down vote to implement each of their recommendations.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to a member of our leadership, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding, and I wanted to say that there have been a lot of steps we have taken since 9/11. Many of these steps have been taken against the Democrat leadership's will. I think it is sad that so soon after 9/11 there seemed to be so much partisan division, and yet there still was some bipartisan unity.

We were able to, for example, increase funding for first responders on homeland security. We were able to pass the PATRIOT Act. We were able to pass the REAL ID Act that revamps the requirements for State identification cards. We passed the Homeland Security Act of 2002, which established the U.S. Department of Homeland Security. And we passed more border security, including physical barriers, more Border Patrol agents, and more state-of-the-art technology. We ended the catch-and-release program. Unfortunately, 164 Democrats voted against it. We passed the Safe Port Act, which enhances our port safety. We did the Intelligence Reform and Terrorism Prevention Act of 2004, which set up a lot of intelligence-gathering information, and part of this was the NSA program on surveillance.

And I want to say this, that I don't want the Federal Government listening to any conversation that I might have or you may have or constituents may have. But if they are suspected terrorists, and they are calling to Baghdad, I kind of want Uncle Sam to know about that.

I was actually shocked to hear that on Monday NANCY PELOSI, the leader of the Democrat Party, said that capturing Osama bin Laden would not make the world more safe. I was appalled that a Member of Congress would say such a thing. But I want you to know that that is a minority opinion. Most Democrats, most Republicans think capturing Osama bin Laden would be a good thing for the world's security and would, in fact, make the world safer. And I am glad that we have these intelligence surveillance programs so that we can close in on him.

I am also glad that we passed the BioShield program to enhance our defense against chemical and biological weapons. We have also passed an Emergency Communications Act that will help us communicate during times of disaster, and a Maritime Security Act.

All of these are done in reaction to 9/11, but also looking to prevent future attacks, and I think we are moving in the right direction. A lot of work has yet to be done, but we have got to stay the fight and we need to be unified.

Mr. Speaker, I submit for the RECORD an Associated Press article regarding events leading up to September 11, and a document entitled "The Post-9/11 Facts."

TIMELINE: KEY EVENTS LEADING UP TO SEPT. 11

Chronology of some key events in U.S. relations with Islamic groups and with Usama bin Laden before Sept. 11, 2001:

Feb. 26, 1993—Bomb explodes in garage under World Trade Center, killing six and injuring more than 1,000. Group of Islamic extremists later convicted.

Nov. 13, 1995—Seven people, including five Americans, killed when two bombs explode at U.S.-Saudi military facility in Riyadh, Saudi Arabia. Usama bin Laden blamed for attack.

Sept. 27, 1996—Taliban, suspected of giving refuge to bin Laden, completes takeover of Kabul, Afghanistan.

June 25, 1996—Bin Laden followers detonate bomb at U.S. military base near Ohahran, Saudi Arabia, killing 19 American soldiers and wounding hundreds of Americans and Saudi Arabians.

Aug. 7, 1998—U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, bombed, killing more than 250 people, including 12 Americans, and injuring 5,000. In retaliation, United States launches airstrikes against suspected terrorist camps in Sudan and Afghanistan.

Aug. 28, 1998—FBI accuses bin Laden of having declared "jihad," or holy war, against United States. Complaint also alleges bin Laden founded Al Qaeda that year to promote Islamic fundamentalism and force non-Muslims out of Muslim countries.

Nov. 4, 1998—Bin Laden charged with ordering embassy bombings.

Oct. 12, 2000—Suicide bombers in Yemen attack U.S. Navy destroyer USS *Cole*, killing

17 sailors. Officials suspect bin Laden involvement.

Jan. 15, 2001—U.N. imposes new economic sanctions against Taliban for refusing to turn over bin Laden for trial.

THE POST 9/11 FACTS

Legislative accomplishments since 9/11:

Major Legislation Enacted: the USA PATRIOT Act of 2001 and its 2006 reauthorization; the Homeland Security Act of 2002; the Enhanced Border Security and Visa Entry Reform Act of 2002; the Maritime Transportation Security Act of 2002; and the Intelligence Reform and Terrorism Prevention Act of 2004.

House-passed (109th Congress): the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005; the SAFE Port Act of 2006; and the 21st Century Emergency Communications Act of 2006.

Institutional Reforms: creation of the Department of Homeland Security; creation of the Office of the Director of National Intelligence; creation of the National Counterterrorism Center; creation of the Terrorist Screening Center; and creation of the U.S. Northern Command (USNORTHCOM).

Presidential Programs:

Terrorist Surveillance Program, the communications surveillance program used to listen in on international phone calls coming into or out of the United States when one of the parties is a suspected terrorist.

Swift Program, the financial surveillance program used to track the financial transactions of persons suspected of terrorist activities.

Terrorist Detainee Program, intelligence gathered from detainees have yielded crucial information that would have been unobtainable from other sources.

Grants: The Department of Homeland Security has allocated more than $18 billion to states and localities in assistance and direct support for terrorism preparedness since September 11, 2001 through FY 06. Additional billions have been allocated by the Departments of Health and Human Services and Justice.

Al-Qaeda: With the removal of the Taliban, Afghanistan is no longer a safe haven for al-Qaeda and there are no functioning al-Qaeda training camps.

The al-Qaeda network has been significantly degraded since 9/11. Most of those in al-Qaeda responsible for the September 11 attacks have been captured or killed including:

Khalid Shaykh Muhammad, mastermind of the 9/11 attacks.

Ramzi Bin-al-Shibh, a coordinator of the 9/11 attacks.

Ali Abd al-Aziz Ali, nephew of Khalid Shaykh Muhammad and assisted his uncle with various plots including the 9/11 attacks.

Mustafa Ahmed al-Hawsawi, was a communications link between Khalid Shaykh Muhammad and the 9/11 hijackers.

Walid Ba' Attash, assisted with planning of the USS *Cole* bombing and helped Osama bin Laden select operatives for the 9/11 attacks.

Abu Zubaydah, a senior operative for al-Qaeda.

Hamza Rabia, a key external operations commander for al-Qaeda (killed).

Abu Faraj al-Libi, a key al-Qaeda operational commander (killed).

Majid Khan, helped Khalid Shaykh Muhammad research possible attacks in U.S.

Hambali, mastermind of the 2002 Bali nightclub attack that killed 200.

Lillie, associate of Hambali.

Zubair, associate of senior al-Qaeda operatives.

Abu Faraj al-Libbi, a Libyan subordinate of Osama bin Laden.

Ahmed Khalfam Ghailani, suspect in the 1998 US embassy bombings in Kenya and Tanzania.

Gouled Hassan Dourad, helped support al-Qaeda in Somalia.

Mohammed Atef, al-Qaeda's senior field commander (killed).

Abd al-Rahim al Nashiri, planned and organized bombing of USS *Cole*.

Abu Issa al-Hindi, planner of reconnaissance of U.S. financial institutions.

Abu Musab al-Zarqawi, operational commander of the terrorist movement in Iraq (killed).

Terror Attacks prior to 9/11:

The U.S. and its interests were attacked by terrorists prior to September 11, 2001: April, 1983, 63 people died at U.S. Embassy in Beirut; October, 1983, 241 died at U.S. Marine barracks in Beirut; February, 1983, six people were killed at the World Trade Center in New York City; June, 1996, 19 American servicemen died in bombing at Khobar Towers in Saudi Arabia; August, 1998, 224 people died at the U.S. embassies in Kenya and Tanzania and October, 2000, 17 people died on the USS *Cole* in Yemen.

Terror Attacks since 9/11: Bali, 2002, 2005; Madrid, 2004; London, 2005; Egypt, 2004, 2005; Russia, 2004; Jordan, 2005; and India, 2006.

Terror Plots Foiled:

Plan to attack targets on the West Coast of the U.S. using hijacked aircraft in 2002.

Plan to attack targets on the East Coast of the U.S. using hijacked civilian aircraft in 2003.

Plan to blow up apartment buildings in the U.S. in 2002.

Plan to attack urban targets in the United Kingdom using explosives in 2004.

Plan to attack Westerners in Karachi, Pakistan in 2003.

Plan to attack Heathrow Airport using hijacked aircraft in 2003.

Plan to conduct large-scale bombings in the United Kingdom in 2004.

Plan to attack ships in the Arabian Gulf in 2002.

Plan to attack ships in the Straits of Hormuz in 2002.

Plan to attack a U.S. tourist site outside the U.S. in 2003.

Plan to attack Queen Alia Airport in Jordan in 2006.

Plan to attack high-profile buildings in Ontario, Canada in 2006.

Plan to attack an El Al aircraft in 2006.

Plan to blow up civilian aircraft bound for the U.S. over the Atlantic Ocean in 2006.

Other Points:

According to a New York Times/CBS Poll of the Nation and New York City specifically (The New York Times, September 7, 2006):

New York City: 66% of New Yorkers are still 'very concerned' about another terrorist attack in New York City; nearly a third of New Yorkers think about September 11 every day; nearly a third of New Yorkers have not yet resumed their normal routines nationally; 75% of Americans said their daily life had largely returned to normal; and 22% of people were still 'very concerned' about another terrorist attack.

According to a recent study released by Mount Sinai Medical Center in New York (The New York Times, September 6, 2006), about 70% of a 10,000-person sampling of workers who labored at Ground Zero (excluding NYFD), have developed new or substantially worsened respiratory problems.

Ms. HARMAN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentlewoman from California has 51½ minutes; the gentleman from Michigan has 9¼ minutes remaining. There is 35 minutes that has been yielded to the Judiciary Committee following his 9¼ minutes.

Ms. HARMAN. Mr. Speaker, I just have a very short closing comment to make for our portion of the debate, and then I plan to yield the remainder of my time to the ranking member on the Judiciary Committee. So I will make those comments now.

Mr. Speaker, let me close this portion of the debate by once again paying tribute to those who lost their lives on 9/11, to those who came to their rescue, and to those sent to the front lines in the 5 years since. The individual stories of bravery and heroism have provided some measure of light in an otherwise dark, dark chapter.

Five years ago, Mr. Speaker, Members of this body stood shoulder to shoulder on the steps of the Capitol in a show of bipartisan unity. We actually did that again on Monday, but I am not sure we recovered the spirit that we had 5 years ago. How I wish we could have, as another member of our committee said, considered a different resolution today, the one that passed the other body by unanimous consent and that was cosponsored by every single Member.

Mr. Speaker, let us not use 9/11 for political fodder. Let us speak with one voice. We owe the American people nothing less.

Mr. Speaker, it is now my pleasure to yield the remainder of the time on our side to my good friend, Mr. CONYERS, the ranking member on the House Judiciary Committee and coauthor, with me, of H.R. 5371, the LISTEN Act, legislation supported by many of our Members and a broad range of civil liberties groups that would require the so-called NSA program to comply fully with the Foreign Intelligence Surveillance Act as presently drafted.

Mr. HOEKSTRA. Mr. Speaker, I welcome to this discussion and debate my colleague from the State of Michigan (Mr. CONYERS), who is also a great cosponsor of our Federal Prison Industries legislation, which we will consider tomorrow. You have good friends on the Intelligence Committee, my friend.

Mr. Speaker, I would like to yield 2 minutes to my colleague from the State of Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Speaker, I rise today in strong support of House Resolution 994, commemorating the cowardly September 11, 2001, attacks on the United States. Many Americans think the war on terror we are fighting began on September 11, 2001. However, 9/11 was just the deadliest attack in a war that began over 25 years ago.

For the first 20 years, we allowed terrorists to fight this war on their terms.

9/11 served as a wake-up call for us in the sense that we could no longer afford to sit on our hands and let terrorists continue to kill Americans and kill Americans and kill Americans. Under the leadership of President Bush, and with the support of this Republican-led Congress, we took the fight to the terrorists.

In Afghanistan, Operation Enduring Freedom removed the oppressive Taliban regime that ruled the Afghan people with brutality. In Iraq, we continue to make progress after a series of historic elections in which millions of Iraqis defied the threats of terrorism and voted to establish a national assembly. While much remains to be done in Iraq, it is important that we continue to remain there against those who want to cast Iraq into a civil war.

Mr. Speaker, we have accomplished so much in the global war on terror. We have significantly degraded the al Qaeda network by capturing and killing many of their leaders and associates. Despite these successes, the terrorists remain committed to launching another attack. It is not a question of if, but rather when.

As we mark the anniversary of these attacks, we must remain resolute to fight and win this war against terror. Mr. Speaker, this war on terror must be fought. We can do it in the streets of our own towns, or we can fight the terrorists wherever they are. Either way, it has to be done.

I urge my colleagues to support this resolution

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to our colleague Mr. ISSA.

Mr. ISSA. Mr. Speaker, I thank the chairman for yielding to me. I am part of the class that came in and were freshmen, we were just getting our feet wet at that time in Judiciary and International Relations, when September 11 occurred. For the class of 2000 that came in with the President, this has been our entire career. So I don't have a reference point that is particularly good of how the House was before, but I did watch a profound change, a focus after September 11 that I am very proud of.

And I stand before this body today in hopes that after this election and after this resolution passes we will get back to being the Congress that we were after September 11. Because after September 11, we came together. We accepted the compromises necessary to go out and find out who killed us, who hated us, who wanted to kill us, who would be next, and where they would attack.

Today, serving on the Select Intelligence Committee, I am concerned that partisan bickering, that in fact those who want to change who runs the Congress or those who want to retain it have begun to look in those terms rather than in terms of how do we keep America safe.

So I look forward to this passage, I look forward to going back to work, and I look forward to in fact the Congress, on a bipartisan basis, coming back together in a way that we have not been. And I am deeply disturbed at some of the statements made here today, because I think that for those who listen throughout America, Mr. Speaker, they are going to hear that many are, like me, concerned for America, concerned that we come together and we continue to do the people's work of making this country safe in the war on terrorism. And I hope that those who speak out with other ideas are also considered.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since 9/11, we have made a tremendous amount of progress against this war on radical Islam. We have recognized that it is a war. We are not sure exactly when this war began. Did it begin in 1979 when radical Islamists took over our embassy in Iran? Did it begin in the early 1980s, when Hezbollah attacked our barracks in Beirut, killing over 240 Marines? Did it begin in the early 1990s, when the World Trade Centers were attacked for the first time? Or did it begin when our embassies in Africa were attacked, our barracks in Saudi Arabia, the USS *Cole*? Or did it really finally begin on 9/11 in 2001? How about when bin Laden issued his fatwa in 1996, where he declared war against the West?

Since 9/11, there has never been any question that we are a Nation at war. While for much of the 1990s we ignored this threat and did not respond effectively to it, since 9/11 we have. We have put in place many things where we have recognized that we face a very dangerous and a very different kind of enemy than we have ever faced before. We have recognized that this is a global enemy.

Take a look at the progress we have made in fighting this very strange enemy. It was only 4 weeks ago that a very similar plot was disrupted and stopped in the United Kingdom: a global plot, with leadership, financing, and direction perhaps coming out of Pakistan, and the perpetrators of the plot living in the United Kingdom. A very different and a very dangerous type of terrorist. A home-grown terrorist.

□ 1730

These were not people going through the U.K. from some other country, these were people whose parents, maybe their grandparents, had moved to the U.K. They had gone to their schools and established their families, they were working.

But 4 weeks ago, they were in the final stages of putting together a plot that might have taken down 10 to 12 planes with a loss of life that would have been as great as what we suffered on 9/11. The plot was stopped. Why, because we had foreign intelligence communities of Pakistan, the United Kingdom and the U.S. working seamlessly together. That couldn't have happened on 9/11.

We also had foreign intelligence working with law enforcement. There is no wall anymore between foreign intelligence and law enforcement. Again, it is a seamless operation enabling people to work effectively together.

On a third principle, we are now on offense. No longer will radical Islam have a safe haven where they can plan, where they can train and prepare to attack the West again. Our intelligence community, our armed services, they are on offense finding these individuals where they are. And our intelligence community and other law enforcement agencies have put in place the tools necessary to wage this war effectively. That's the testimony and the testament to the people of 9/11. We have responded to that, to the horrific attack of 9/11.

Those are the things that we as a government can do. It hasn't been perfect. This is a very, very difficult enemy but we are making progress. These are the things that man can do and government can do as we try to create a world that will be safer for our families, for our kids, for our neighbors and that will make the world a safer place.

But one of the things that I believe that many who died on 9/11 believed, and their families believe, and one of the things that is very interesting is that one of the most common things between the Islamic faith, the Jewish faith and the Christian faith is that we all view Jesus as a great teacher.

As a closing comment I would like to leave a quote from the book "Light Force": "I pray that the message of the Prince of Peace will again be a light from Bethlehem to all corners of the world."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) will control the remainder of the time on the minority side, 50 minutes, and the gentleman from North Carolina (Mr. COBLE) on behalf of the Judiciary Committee will control 35 minutes.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 994. I will never forget, and neither will you, the sense of helplessness as we watched the events of September 11 unfold before our very eyes. As the entire world witnesses the unthinkable, we in the United States could only look to one another and pray for the strength and courage to cope with what was happening.

I don't know if there is anything that the Congress or the President could do short of capturing Osama bin Laden that everyone would agree was an appropriate response. Our critics claim we are no safer now than before the attacks of 9/11. Although there is no measure to evaluate our efforts in the war on terrorism, I do suggest that the absence of additional attacks in the United States and the apprehension of would-be attackers throughout the world bodes well for the actions we have taken.

Mr. Speaker, the legislative effort by the Committee on the Judiciary and the Congress to secure our Nation and prevent another attack on our homeland is unparalleled during my tenure in this House. Unfortunately, we know weaknesses exist. Our borders are porous, and my Coast Guard instincts fear that the enemy may be focusing his next attack on one of our ports.

I have repeatedly expressed concern about overcrowding in our prisons which may be a ticking bomb waiting to explode. Recent media reports detail that our prisons may be fertile ground for terrorist groups interested in recruiting new members. The plot to blow up jetliners recently prevented by British authorities underscores the urgency of this situation.

I fear there are many other security gaps that terrorists have already planned to exploit. We have to stay one step ahead of those people who would do us harm. This is like no other challenge this country has ever faced. These enemies would like to walk into this Chamber today, destroy all of us, and at the same time destroy themselves in an activity that would be generously laced with evil.

The only way we can defend ourselves is to improvise and continue to adjust to their changing threats. I support this resolution and I thank my Republican and Democratic colleagues for their work to defend our homeland.

I also want to express thanks to our constituents for their patience and understanding with our shortcomings and their recognition of our successes in our war against terrorism. After all, Mr. Speaker, it is they who we are trying to protect.

Mr. Speaker, I reserve the balance of my time

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, and ladies and gentlemen of the House, 5 years have passed since the tragedy of 9/11; September 11, 2001, when the whole country remembers where we were, the images we saw on television, and the pain we felt in our hearts. That day will be remembered forever as a day of mourning, of suffering, and of incalculable loss.

Today as a Nation, we mourned with those who lost loved ones and for those who gave their lives that day to save others. We forgot our differences, uniting behind a common purpose seeking justice.

As I look back on that day, I remember the promise we showed as a Nation and the strength we exhibited when joining together in the days and the weeks after the horrific attacks of September 11. Members of both political parties recognized the need to ensure that law enforcement had the tools and the resources to respond to terrorist threats while at the same time respecting our Nation's core constitutional values.

But I also remember Keith Olbermann of MSNBC who in his criticisms, in his special comment section made this observation about Abraham Lincoln: "At the dedication of the Gettysburg Memorial, barely 4 months after the last soldier staggered from another Pennsylvania field, Mr. Lincoln said 'We cannot dedicate, we cannot consecrate, we cannot hallow, this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract.'

"Lincoln used those words to immortalize their sacrifice.

"Today our leaders could use those same words to rationalize their inaction. We cannot dedicate, we cannot consecrate, we cannot hallow this ground, so we won't.

"Instead," Olbermann said, "they bicker and buck-pass. They thwart private efforts, and jostle to claim credit for initiatives that go nowhere. They spend money on irrelevant wars, and elaborate self-congratulations, and buying off columnists to write how good a job they are doing instead of doing any job at all."

Unfortunately, 5 years later it seems that we have lost our way. It is most unfortunate that the situation has become so dire that the majority and minority parties can't even come together on a simple resolution to commemorate the tragic and pivotal day in our Nation's history.

We were able to do so in the past. The other body was able to do so earlier this week. But for some reason the majority insisted on changing the text of prior resolutions and adding superfluous language touting their legislative record.

I wish I could say this was the only instance in which the majority party has sought to politicize the events of September 11, but that would not be accurate. One need only go back as far as Monday of this week when the President used a nationwide speech to somehow equate the situation in Iraq with September 11.

And last weekend, the Vice President also sought to link the war in Iraq with the September 11 attack even though a bipartisan Senate report just a few days earlier had again thoroughly debunked that myth. And there are other things that I will not bother to bring up now.

But the Secretary of Defense has compared the principal critics of the war with the appeasers of the despotic Nazi regime. Some on the other side have asserted that those who speak in favor of constitutional rights put forward by the Founding Fathers are somehow soft on terrorism.

In 2002, they even questioned the patriotism of the then-junior Senator of Georgia, a war veteran who lost his arms and legs fighting for our Nation in battle, because he insisted on protecting worker rights as part of a bill creating the Homeland Security Committee.

So it is altogether fitting and appropriate that we remember the dead, the wounded, and the families of the tragedy of September 11. But surely we can do so without also seeking to trumpet our legislation or inserting unnecessary spin and public relations language into the resolution.

If there was anything that should bring us together as a Nation, it would be the commemoration of September 11. I hope, I pray that we can do a better job for the American people in the future.

And so, my colleagues, I ask of you, let's commemorate 9/11 the right way.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. KING) who sits on the Judiciary, Agriculture and Small Business Committees.

Mr. KING of Iowa. Mr. Speaker, I thank Mr. COBLE for recognizing me and giving me the privilege to speak on this issue today before this Congress.

Mr. Speaker, since the attacks by al Qaeda on September 11, 2001, future attacks on American soil and around the world have been thwarted by intelligence gathered by terrorist detainees. These terrorists have confirmed that al Qaeda operatives are relentlessly planning and pursuing future attacks against our citizens and infrastructure that could dwarf in comparison the destruction caused 5 years ago about now.

Information gathered from terrorists detainees has led to the capture of other al Qaeda terrorists, such as those held by the CIA and currently transferred to Guantanamo Bay. I have here some pictures of these individuals to help familiarize the Congress and the people with the kind of enemy we are up against.

□ 1745

This is a picture of Khalid Shaykh Muhammad, commonly known as the mastermind of the 9/11 attacks, those cowardly attacks on the United States. There is a long list of the transgressions of Khalid Shaykh Mohammed, including his role in the failed Bojinka plot, which was designed to detonate explosives on commercial airliners over the Pacific.

He asked Osama bin Laden for the manpower and the funds to carry out the attacks on the United States on

9/11. He plotted several other attacks, and he is, right now, under the custody of the United States of America, in the process of being brought to justice.

This is Abu Faraj al-Libi. Al-Libi had direct operational responsibilities, and he serves as a trainer at al Qaeda training camps in Afghanistan. He is another individual who is dangerous who plotted against the United States, who had no motivation, from my value system, to do so.

Another terrorist, Abu Zubaydah. Zubaydah was the third detainee here and was, at the time of his capture, trying to organize a terrorist attack in Israel. As well, he has been active in smuggling terrorists, and dangerous chemicals for the purpose of manufacturing weapons, into Afghanistan.

Then I would submit the fourth terrorist, being Ramzi Bin al-Shibh. Ramzi pledged allegiance to Osama bin Laden in person and accepted proposals to martyr himself in an operation against the U.S. Ramzi was the primary communications intermediary between the 9/11 hijackers and al Qaeda leadership in Afghanistan.

He relayed messages by e-mail and by cell phone. This man knows a lot about the terrorist network, and I believe we have learned a lot from him, but he needs to face justice as well.

Mr. Speaker, this is the face of the enemy in this global war on terror. It is a unique war in our time. Past wars have always been against a clear enemy, which had been another sovereign nation; but we are now fighting a hateful ideology that infiltrates many different nations.

Unfortunately, sometimes surveillance programs are not as tight as they need to be. We need to turn them up.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, the events of 9/11 were a tragedy and continue to affect Americans and our way of life today. On the anniversary of this sad day, we should be coming together, in a display of unity, understanding and common values, commending those selfless firefighters, police officers and others who provided aid without regard to their own lives, honoring the memory of those who are not with us today, and consulting those who continue to grieve.

Instead, the majority in this body has used this day in our history as an excuse to create more partisan legislation and mislead the American people about the state of America's safety. I am saddened by the use of 9/11 in this distorted manner, and I ask my colleagues to consider, instead, taking action that is more appropriate to mark this tragic event in our lifetime and to prepare ourselves against another such tragedy.

Mr. COBLE. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Texas (Mr. GOHMERT), who sits as a member of the Judiciary, Resources and Small Business Committees.

Mr. GOHMERT. There are many now who want to blame our current President and the Secretary of Defense or the prior President and his hapless administration for the brutal 9/11 attacks. There were certainly things that could have been done better over the last 30 years, but playing the blame game now can cause us to lose sight of the following truth:

No U.S. President destroyed our buildings on 9/11. No Secretary of Defense killed innocent people on 9/11. Those acts of hatred were committed by terrorists, by jihadists who want to destroy, pure and simple, our way of life.

An example on September 11, a brilliant mathematician from Tyler, Texas, Brian Jack, was a Ph.D., worked for the Department of Defense. He, ironically that day, left and did not go to the Pentagon. He went and got on an airplane. Yet evil, terrible men hijacked that airplane and flew it and crashed it into the very spot where he would have been working, killing him. That, my friends, was an act of war. We should not be blaming any American for it.

Brian, and all of those who died that horrible day, deserved better. We need to unite now. We need to recognize that terrorist Islamic extremists killed Americans and are at war with us. We must weigh into that and blame them, go after them and not each other.

Bashing our leaders, instead of showing our brutal enemies our steadfast resolve, is truly the hobgoblin of little minds. That is putting the desire for a new Speaker or other leaders above pursuit of our mutual and destructive enemy.

Our protectors deserve to be honored, not slandered. They deserve to have people come to this very floor of the House of Representatives and rave about every medal won, about every good deed, about every life saved by our servicemembers and not verbally abuse themselves.

Remember September 11, the feelings you had that day. Most of us did not see the first plane crash, but we were horrified to see a second plane crash and then to see the results of a plane flying into the Pentagon, and then to hear about a missing plane over Pennsylvania. We began to see what looked like clothing falling off the top of the tower, the Twin Towers, and then we realized to our horror, O Father God, there are people in those clothes.

Then we wept to realize the true depth and the destruction occurring. At the end of that day, no one believed we would go 5 years without having another act of terror. Do you remember the day after September 11?

Do you remember when so many of us came together and held hands and prayed and sang praises. That is the America that will defeat our foes. But you remember that day, September 12, there were Euro Americans, African Americans, Hispanic Americans, Native Americans, these were all, we were just Americans. There were no hyphenated Americans.

That is the America I want for my children and their children. That is the America that will defeat all foes, foreign and domestic, and that is what will allow God to continue to bless America

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the ranking subcommittee chairman of the Committee on the Constitution in the House Judiciary Committee, the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is altogether fitting that we adopt the resolution commemorating the fifth anniversary of the terrorist attacks against the United States and specifically against the World Trade Center in my district on September 11, 2001.

The attacks were unprovoked, dastardly and a notice to us all that we are not, at our choosing, at war. Since that day, this Congress has taken many actions in response, some of which I agreed with, some of which I did not. I resent the Republican leadership's inclusion in this resolution of references to controversial legislation, as if to imply that any patriotic American who was appalled at the attacks on our country and who believes we must take resolute actions to defend ourselves must approve of all this legislation, and anyone who doesn't is either unpatriotic or foolish.

It may be, though I do not believe it so, that all this legislation was wise and appropriate. But that was a highly debatable proposition and should not be in this resolution.

The resolution quite correctly "honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers and others, who aided the innocent victims and bravely risked their own lives and health following the September 11, 2001, attacks." Unfortunately, unless Congress acts quickly, future generations will regard this resolution as the culmination of 5 years of hypocrisy and betrayal.

While we praised the first responders, the Federal Government has betrayed their trust by first lying to them and causing them to work in conditions that destroyed the health of many and risked the lives of thousands. It has conducted a coverup that continues to this day. It has denied the reality of the resulting illnesses and has provided almost no help to assist with the medical and other costs imposed on thousands of first responders. It is not just the first responders.

Many resident school children and people who worked or lived near Ground Zero are still suffering from the devastating environmental effects of the attacks. In the days following the attacks, former EPA Administrator Christine Todd Whitman repeatedly declared the air safe to breathe.

A Federal judge found that "Whitman's deliberate and misleading statements to the press, where she reassured the public that the air was safe to breathe around Lower Manhattan and Brooklyn, and there would be no health risk for those returning to those areas, shocked the conscience." The EPA Inspector General confirmed the EPA's wrongdoing and reported 3 years ago that the White House had instructed EPA to downplay air quality concerns.

For this, Whitman and anyone at the White House who was involved ought to be criminally prosecuted, and I have demanded an independent counsel to look into this. Now thousands of people are sick and some have died from World Trade Center contamination because of the actions of the Federal Government in telling them to work and live in contaminated environments.

Studies come out every year showing that most of the people exposed to 9/11 dust and debris continue to suffer adverse health effects. On September 5, 2006, Mount Sinai Medical Center released a study that found that 70 percent of the first responders suffer lung problems because of their work at Ground Zero. Information collected about the health effects on residents, people who work in the area, and school children, show similar patterns.

This resolution before us today claims to honor the heroes of 9/11, but that is just sheer hypocrisy if we do not at the least provide health care for these people as they struggle with the effects of the attacks and of the betrayal by their own government. As Americans, let us resolve that just as we showed exemplary valor and compassion in the aftermath of the terrorist attacks, we should do the same for those who continue to suffer the health effects of living and working in a toxic environment.

Abraham Lincoln said that it was our job, our duty, to care for him who shall have borne the battle, and this we must do. We ought to provide comprehensive health care benefits for all those who are suffering. I suggest the easiest way to do this would be to extend Medicare benefits to those with 9/11-related illness who were exposed to World Trade Center dust.

I have introduced such a bill and urge my colleagues to support it and pass it without delay. As we mark this fifth anniversary, we still are not safe. We are not safer than we were on September 11, 2001, as this resolution claims.

The President and this Congress refused to do what we must to make us safe. We are not securing all the nuclear material in the former Soviet Union before it is smuggled to al Qaeda to make nuclear bombs. We are not screening all of the 12 million shipping containers coming into our ports to make sure that they do not contain nuclear or biological or chemical weapons. We are not hardening our nuclear and chemical plants from sabotage that could kill tens of thousands of Americans. We can and must do better. Now, the specific resolution before us ought to pass because we cannot let this occasion go unmarked.

But because of the cynical manipulation of the rules of the House two months before an election, the Republican leadership is using the memories of my murdered constituents to try to score political points. I find this offensive, and I for one will not fall for it.

I will not vote against the victims and heroes of 9/11 simply because the leadership distilled the resolution with highly charged political rhetoric. This type of resolution is not the way I would have chosen to honor 9/11, a day marked by unquestionable national unity.

Nonetheless, out of the respect for the families of the victims, and on behalf of all Americans, I urge my colleagues to see past the obviously political paragraphs inserted into the resolution and come together to support passage of the resolution that should really only be known for honoring a tragic day in American history.

In order that this resolution not go down in history as hypocritical, I urge my colleagues to join, finally, in helping the victims of 9/11, the victims of our government's inaction and betrayal after 9/11. My thoughts and prayers, as ever, are with the families and friends of those we lost.

Mr. COBLE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE), a member of the Judiciary Committee and Chair of the House Agriculture Committee.

□ 1800

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of this important resolution.

Five years ago, America's collective national memory was seared with devastating images of crumbling skyscrapers, a smoldering Pennsylvania field, and the very symbol of our military might ablaze. The terrorists who perpetrated these acts sought to instill fear in the hearts of Americans, perceiving us as weak, unwilling or unable to fight back, thinking us content to shrink from the international stage. In this, they misjudged.

Hours after the attacks, homemade banners fluttered over railings of highway overpasses. Old Glory was flown proudly from porches and storefronts alike. Out of the ashes, Americans united, and found strength.

Since that deadly strike, America has been diligently working to eliminate the scourge of terrorism while making sure that the individual liberties of Americans are protected.

We established the Department of Homeland Security to coordinate our national antiterrorism efforts and increase information sharing among our intelligence agencies. We also created a specific committee in the House of Representatives to address homeland security issues and conduct oversight of that agency. We also enacted the PATRIOT Act, which contains important tools to fight terrorism, including the application of traditional wiretap and other electronic surveillance authority to new technologies such as the Internet, as well as the authority for Federal law enforcement officials to share foreign intelligence information with other government agencies to protect national defense. In addition, we enhanced the penalties for money laundering and for financing terrorists and increased the maximum criminal penalties for terrorist offenses.

While these tools are extremely important in the war on terror and have undoubtedly helped ensure that no further attacks have occurred on U.S. soil to date, the Congress has aggressively conducted oversight of this new law to ensure that civil liberties are not trampled.

From October 2001 through the end of 2005, Congress engaged in over 50 items of terrorism-related oversight, including letters to the Justice Department, oversight hearings and briefings. During the consideration of the PATRIOT Act reauthorization last year, the Judiciary Committee conducted 13 oversight hearings and received testimony from 36 witnesses, including extensive testimony from Attorney General Gonzales.

We must never forget the devastation of September 11 and we must remain vigilant in our quest to eliminate those forces that use terror to further their political and ideological goals.

I urge my colleagues to join in support of this resolution and to join together in remaining vigilant and protecting freedom.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I almost didn't want to talk about this, it is so painful for many of us to remember those tragic days and those tragic events. Monday was a very difficult day, and I thank my colleagues. Many of you came to New York to remember. Our President was there, and many others. It has been 5 years, and we spent the day with families and had many memorial ceremonies.

But it is important to remember that although it was a tragic loss, it was also considered by some to be the greatest rescue effort in our history. On 9/12, when I was in various meetings with government officials, they estimated that 25,000 people had died in the towers. But because of the heroic efforts by many, that number fell to almost 3,000. So on that fateful day, almost 3,000 lost their lives, but many thousands more lost their health. We have to remember that these heroes/heroines need to be taken care of.

To this day, not one single Federal dollar has been spent on the health care of the 9/11 responders who need our help. We need to change that. We need to stand by them and give them the support that they need.

Because of the efforts in this Congress, and I thank my colleagues, never have we been more united or determined. We came together and provided a lot of relief and support to New York, and I deeply thank you on behalf of all of my constituents and all New Yorkers.

But we have to remember that many people are sick. In the study that came out of Mount Sinai that was funded by this Congress, $90 million to track the health of the people, over half are still sick. Seventy percent are very sick and 40 percent have no health care.

We need to change that. We need to stand together and help these people, as we stood together after 9/11 to help our country

In my hometown, nearly 3,000 of our neighbors, responders and friends were killed by the despicable terrorist acts of 9/11. They may be gone, but their memories are forever alive, especially when we honor them, as we do today. In reading this resolution before us, four words that are particularly poignant were our call for unity immediately after 9/11—"We will never forget."

When recovering and moving forward from 9/11, we must live by this mantra.

"We will never forget" means heeding the lessons 9/11 taught us about our security. Our deficiencies were expertly explained by the bipartisan 9/11 commission, and their recommendations provided a blueprint to make us safer. Two years ago, I helped pass the intelligence reform bill that implemented some of the commission's recommendations, but it took a monumental struggle. And since then, not a single remaining recommendation—of which there are many—has been implemented.

In its final progress report, the commission gave the government more F's than A's. The blueprint is sitting on the shelf, collecting dust. We cannot forget its existence.

"We will never forget" also means taking care of those who continue to suffer, even now. Thousands of responders, residents and workers who were at or near Ground Zero and inhaled the toxic dust are developing serious illnesses—and some are dying.

Many Americans became aware of their plight before of their plight before the fifth anniversary, but now the news cycle has changed. The ailing men and women are out of the headlines again, but they still suffer and struggle to get help.

Before the Federal Government failed to respond to the victims of Hurricane Katrina, it was failing to respond to the obvious and growing 9/11 health crisis affecting some of our bravest Americans. This is like Katrina in slow motion.

For five years, the Federal Government has either denied the problem or reluctantly offered weak assistance. The ailing men and women need their government to roll up its sleeves and tackle the problem with all its might, just like our responders did when acting for our country. Instead, their government is tiptoeing around the crisis.

"We will never forget" means ensuring everyone who was exposed to toxins is examined and everyone who is sick is treated. It is just that simple.

Mr. COBLE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY), who sits on the Energy and Commerce Committee.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN), and that he may yield time to Members seeking to speak.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. DANIEL E. LUNGREN) will control the remainder of the time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania for 3 minutes.

Mr. MURPHY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, September 11, 2001, is a date which we will remember for many things. I will now remember it in a different way, because on September 11, 2006, I traveled with several other people to Shanksville to watch the families commemorate the fifth anniversary of this tragedy.

Where I was sitting, I spent much of that ceremony looking at their tear-filled eyes, the husbands, the wives, the fathers, the mothers, their brothers and sisters, the cousins, the sons and daughters, and knowing that much of what they must have been thinking then and now is what happened and what we will do to prevent it from happening again?

I also know that on September 11, 2001, as that plane, Flight 93, was flying back towards Washington, DC, it flew over areas south of Pittsburgh, and I could not help but think as they passed over our homes and schools that passengers on that plane delayed their action until they got away from populated areas. But what they did that day was they began an offense against what we have been taking for granted for 30 years.

For 30 years, the kidnapping in Iran, the USS *Cole* bombing, the bombing of the Khobar Towers, the bombings of our embassies, the bombing of the Marine barracks, for 30 years we did relatively nothing but fight back by taking people to court. And that did not work.

It is important that we see this as a battle, as part of a longer struggle to fight those radical extreme elements of Islamic fascists who want to take this as a war. Not all Muslims, but that small element that we must fight against.

We agree we have to win. But what we don't agree with is that we have to fight, we have to interrogate, we have to detain, we have to listen in on and we have to track their financial records. And that is why the acts this Congress has passed, the PATRIOT Act, intelligence reform, border security, are all an important part of us taking the fight back.

What we will learn from September 11 should be not just a day which stands alone, but like other September 11ths, this one, the battles that took place in New York and the Pentagon and Shanksville, September 11, at the Battle of Brandywine in 1777, that is not a stand-alone date, but it is a date of which we acknowledge the change of what happened to the American colonial forces in the Revolutionary War. Or September 11, 1683, a turning point for the Ottoman Empire in the Battle of Vienna. It ended the siege of the Turks and the turning point of a 300-year struggle, of which at that time those forces sought to control Europe.

For the families of 9/11, we must continue to recognize that all of this is part of a larger battle, not a single act, and if we sit back and we do nothing beyond that, we will not really be acknowledging all that these victims need. It is part of a battle we have to continue to fight.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from New York (Mr. HINCHEY), a distinguished member of the Appropriations Committee.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to my dear friend and colleague, the chairman of the Judiciary Committee, for providing us with this opportunity to speak.

Five years and 2 days after the brutal and vicious attack of September 11, 2001, it is impossible to contemplate this resolution without being aware, fully aware, of the way in which our government has failed.

Less than 4 months after that attack, I was in Afghanistan, thanks to the initiative and leadership of my friend and colleague, Representative JIM KOLBE from Arizona, who organized that mission. We met with President Karzai, among others, and with the new leaders of the country at that time. And when we asked him what was the most important thing that we could do to help his country now after the Taliban had been chased out and Osama bin

Laden was on the run, he said. "Security. Help us with security. Make sure we are secure. We will be able to take care of everything else."

We have failed. Afghanistan is not secure under this government that we allowed to be put in there. It is not secure. The Taliban is reemerging. The warlords are back. More and more heroin is being produced in that country. The situation is becoming increasingly chaotic and increasingly dangerous. And that is just one example of the failure of this government.

While we were there, decisions were being made by the administration not to pursue Osama bin Laden, not to capture Osama bin Laden, and the likelihood motivating that decision was that if he were to be captured then that would have made it extremely difficult for the administration to attempt to justify their intention of attacking Iraq, which they intended to do at that moment and even earlier.

The situation in Iraq now has deteriorated seriously. We are confronting there a civil war. In spite of the fact that this Congress has appropriated more than $300 billion for the rebuilding of that country, that rebuilding has not occurred. Most of the electricity is not back on, most of the basic infrastructure is not in place, and the security situation there continues to deteriorate. There is no plan by the Pentagon or by this administration for dealing with the circumstances there. Once again the hallmark of this government is failure.

We are also now confronting difficulties in other situations because of this, because of the lack of leadership and because of the failure. North Korea has resumed its nuclear program. They may have as many as five or six nuclear warheads produced already. The world is a much more dangerous place as a result of the failure of this government.

Iran is now resuming its nuclear operations, and they will be in a position to produce nuclear weapons within the next several years, perhaps within the next 5 years, or maybe sooner. The world is a much more dangerous place than it was.

This administration and this Congress have failed miserably to protect the people of this country, to make us safer and to make the world a safer place. In fact, the situation is precisely opposite. The circumstances continue to deteriorate, day in and day out. And there is no plan. They have no plan for improving the situation, no plan for making things better, no plan for withdrawing our forces, no plan for strengthening the government in Iraq as they go deeper and deeper into civil war.

This Congress has failed miserably. It has failed miserably initially because it has failed to confront the administration in the deceptive way in which they justify the attack against Iraq, when Iraq had absolutely nothing to do with the attack of September 11; how they focused attention away from the perpetrators of that attack, the al Qaeda network and Osama bin Laden, for the personal and political reasons of the administration and focused them on Iraq.

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There was no justification for that. And the responsibility of this House of Representatives to ensure that this House is not misled by an administration has been put aside. There has been no investigation of the way in which the administration misled the Congress. There has been no investigation of the way in which the administration presented the so-called intelligence to the Congress which was completely falsified. And when they presented it, they knew it was falsified. This House of Representatives has failed the people of our country.

Under the Constitution, we have an obligation to oversee the executive branch, to make certain that the executive branch is behaving in a lawful way, to make certain that the executive branch is organized and conducting itself in accordance with the law and that it is not violating the law by deceiving the Congress and the American people, which it has done. And the consequences of that deception is now being felt by everyone in this country, and the consequences will become deeper and deeper over time because there is no plan by this administration to alter the circumstances and to improve them.

So as we deal with this resolution, we ought to recognize how we ought to be dealing with our obligations and responsibilities as the legislative branch of this government, the branch that has the responsibility to make the law and to oversee the operation of those laws and how that operation has been mishandled by this House. It must stop. It has to end.

We have to stand up to our obligations and responsibilities under the Constitution and under the law, and our failure to do so places the people of this country in increasing jeopardy more and more every day.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am now pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), member of the Appropriations Committee and vice chairman of the Subcommittee on Defense Appropriations.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of this resolution marking the fifth anniversary of the vicious attacks on America.

It was 5 years ago this past Monday, our Nation utterly changed as tragedy struck in the streets of Lower Manhattan, the fields of Pennsylvania, and at the Pentagon.

On that day we also saw good rise in the face of evil and heroes rise in the face of danger. In Lower Manhattan, many of our brave first responders knew the risks they were taking, but they were determined to do their job. Police officers and EMS workers escorted workers out of the burning buildings as firefighters raced up stairwells of these same buildings to rescue those trapped high above.

When the day was over and as we learned more about the tragic and, yes, murderous attacks, we lost nearly 3,000 Americans, including 700 from my home State of New Jersey, and that is why I am here this afternoon. We witnessed neighbors and friends consoling one another and watched as Americans from all walks of life stood united.

As America rebounds and recovers, our Nation is responding to these acts of terrorism with the might of our military.

The war we continue to fight today began before September 11, as others have stated. But on September 11 it began without provocation and without warning. It was not a war of our choosing, but rather was made our priority. It was the slaughter of innocents by people with a twisted sense of religion who play by no rules.

So many of our heroes currently fighting terrorism around the globe put their lives on hold after September 11 to join the Guard and Reserve to serve our country and defend our freedom. They serve side by side with the regular military, volunteers all. We see the character and resolve of America in these brave young men and women, and we are grateful for their service and sacrifice and that of their families each and every day. They truly are doing the work of freedom, and they deserve our support and prayers.

May God bless those who continue to defend those freedoms, and may we never forget September 11, 2001, and those who lost their lives on that day of infamy.

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, the ranking member on the Subcommittee on Immigration of the House Judiciary Committee

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member and my colleagues who are here.

There is not a single heart of a Member of this body that I would challenge on the basis of their commitment, their passion, and the sense of loss that we have experienced through these 5 years and now on the commemoration of this 5th year and certainly on 9/11. So I will read a section from this resolution, and I am going to attest to my complete loyalty and commitment to this language: That we reaffirm "that the American people will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day," that we "will continue to fight the war on terrorism in their memory, and will never succumb to the cause of the terrorists." That should have been the guiding moral standard by which this body continued to do its work after 9/11.

I rise today, Mr. Speaker, to offer my deepest sympathy and empathy to those who still grieve. The families who lost their loved ones in the World Trade towers, those who lost their loved ones in United Flight 93, American Airlines 77, American Airlines 11, and United Airlines 175, and as well those who have since lost their lives, who may have lost their lives because they were first responders and they suffered terrible injuries that caused an early demise.

I wish we could bring them back, frankly. I wish we could tell them how much we appreciated them. I wish the children who had lost their family members, their moms, their dads, their grandparents, and others could again have the joy of hugging them and showing the love. But, unfortunately, we stand here acknowledging that this tragedy will live with us forever.

We noticed on September 11 we were not Democrats or Republicans. We were not red States or blue States. We made a commitment that we were going to do the right thing, and I can remember the sense of urgency of a united America as we instigated Operation Enduring Freedom and pursued the enemy and were diligent as we toppled the Taliban and liberated Afghanistan, and as has been said, we were hard fast on the heels of Osama bin Laden. But, Mr. Speaker, I think it would be both remiss and dishonest to not challenge us and ask the question, where are we today?

I recently came back from Afghanistan and Iraq, and it is interesting, as I listened to the distinguished gentleman from New York, the same question was asked of us by President Karzai. He gave the same answer, and that answer was that we need security. At the time we visited, the poppy fields were raging. The Taliban was alive and well. Members of the Afghanistan Parliament asked us whether or not they could have us provide security so that they could go home to their districts. All is not well. And, frankly, I believe it is important to note, Mr. Speaker, that it was not well because we detoured from our task. The commitment we gave on the steps of the United States Capitol, as we sang "God Bless America," to fight the terrorists was not kept because instead of staying the course in Afghanistan, we moved the ball. We detoured. We used up resources. We used up international capital. We used up the ability to do the job.

And I say that because I do it in the memory of the first responders, who still some of them are looking for health care benefits that we have not been able to give them. I say that in the name of an unwieldy war in Iraq that had nothing to do with the immediacy of the war on terror, a costly diversion, probably where the money for Afghanistan has gone, $308.58 billion. This red clearly gives us the picture. This is Iraq, a country that could afford to pay for many of its own needs. And in the course of that, we have failed. Our border enforcement and immigration enforcement have fallen drastically under this administration. Between 1999 and 2004, work-site immigration enforcement operations against companies were scaled back 99 percent by the Immigration and Naturalization Service, which subsequently was merged into the Department of Homeland Security. In 1999 the United States initiated fines against 417 companies. In 2004 it issued fines against only three. Years of neglect have brought us where we are today.

We know that Democrats offered amendments where there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders. And yet we failed. There is a concept called OTMs. Now we hear a raging voice on OTMs, "other than Mexicans," who come across the border who may, in fact, be the very ones who are here to do us harm. Those very porous aspects of our border have been defeated and the resources for such have been defeated time and time and time again.

So what we find is that 84 percent of the experts said we are losing the war on terror, 86 percent said that the world is becoming more dangerous for the U.S. and the American people, and 57 percent consider an attack on the scale of the London bombing against the U.S. to be likely or certain by the end of the year.

I stand committed and wedded to the concluding language of this resolution. We will not let the terrorists win. But the debt that we owe those who lost their lives on 9/11 has not yet been paid, and this Congress is at fault. This majority is at fault. And I beg today, as we vote on this resolution with all of its inadequacies in terms of its language, that our single commitment should be as every Member has stood on this floor to those who lost their lives and to the first responders. Can we, Mr. Speaker, do our job today? Can we do it united? Can we do it on behalf of those who sacrificed? Can we do the right thing

Mr. Speaker, I rise to speak on H. Res. 994, a resolution purporting to express the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched by Osama bin Ladin and al-Qaeda against the United States on September 11, 2006.

Mr. Speaker, in the life of this Nation there have been a few events of such consequence and moment that they have a transformative impact on the people of the country. For my parents' generation the death of President Franklin Roosevelt was such an occasion. For my generation, the assassination of President Kennedy in 1963 is a moment that lives with us forever. The explosion of the Shuttle Challenger in 1986 left a traumatic and indelible impression on my children's generation. The morning of September 11, 2001 is a day all living Americans will remember forever. Because not since Pearl Harbor have we witnessed such a dastardly and deadly attack on American soil.

As I stand here today, my heart still grieves for those who perished on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175. When the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City and the Pentagon and in the grassy fields of Shanksville, Pennsylvania. How I wish we could have hugged and kissed and held each of the victims one last time.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Mr. Speaker, as hard as it is to believe, out of a tragedy so overwhelming and horrific, something good and great emerged. In the aftermath of September 11, there were no Republicans or Democrats. There were no Northerners or Southerners or West or East Coasters. We were not Red State or Blue State. We were all simply Americans. On that day, we were united in our shock and anger and sadness. More importantly, we were united in our resolve to defend our country and protect the freedoms that has made America the greatest country in the history of the world. We lit candles, held hands, helped neighbors, and prayed for our country and its leaders.

A united America can never be defeated as Operation Enduring Freedom showed. The brave and valiant armed forces of the United States swiftly toppled the Taliban and liberated Afghanistan and was hard on the heels of Osama bin Ladin, who was trapped in Tora Bora. But before they could bring this mass murderer to justice, they were inexplicably diverted to Iraq, where the President had launched a new war against an enemy that posed no immediate threat to the security of America and had no involvement in the attack of September 11. In dividing our armed forces between Afghanistan and Iraq, this Administration divided the American people and alienated friendly nations who were helping us to win the Global War on Terror.

Victory in the Global War on Terror is the best way to honor those who lost and gave their lives on September 11. Ensuring that America is safe and secure and protected from another attack on American soil is the least we owe to the heroic passengers on Flight 93 and to the brave firefighters of the

FDNY and officers of the NYPD and the officers and civilians we lost in the Pentagon who gave faithful service to our Nation.

So, Mr. Speaker, as we reflect back on the history-changing day 5 years ago, we need to ask ourselves today this haunting question: have we done everything necessary to make America as safe as it can be? The sad truth is we have not. Osama bin Ladin is still at large. Our seaports and trains and chemical plants are still vulnerable.

And most important, our borders are not as secure as they could be.

In recent months, the American public has been focusing on the lack of security we have on the Nation's borders. Four-and-a-half years after 9/11, it is clear that our borders remain alarmingly porous and that much needs to be done to truly make our borders secure.

The fact that our border is porous is not the fault of our hard-working Border Patrol agents and Customs and Immigration agents, who are doing the best they can with the staffing levels and resources that they have been provided. Rather, it is the result of the neglect and underfunding of border security over the last 4½ years by the Bush Administration and Congressional Republicans—who have failed to provide our border security agencies the resources and personnel they need to succeed in their mission.

Indeed, under this Administration and this Republican-led Congress, from 9/11 through April 2006, only 1,641 new Border Patrol agents had been hired—which is less than a 17 percent increase in 4½ years. Furthermore, border enforcement and immigration enforcement have fallen drastically under the Bush Administration. For example, between 1999 and 2004, worksite immigration enforcement operations against companies were scaled back 99 percent by the Immigration and Naturalization Service, which subsequently was merged into the Department of Homeland Security. In 1999, the United States initiated fines against 417 companies. In 2004, it issued fine notices to only three.

After years of neglect, Congressional Republicans and President Bush are now busying themselves with speeches about the importance of border security—but the question remains: where have the Republicans been for the past 4½ years?

Over the past 4½ years, Democrats have been attempting to highlight the serious security gaps that exist along both our southern and northern borders—and have been attempting to get the GaP-controlled Congress to focus on targeting resources on unfilled gaps. But the Republicans time and again resisted efforts to enhance border security and provide our borders the agents, equipment, and state-of-the-art technology that our borders so desperately need.

Seven times over the last 4½ years, Democrats have offered amendments to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican Majority.

Mr. Speaker, consider these examples of the majority's failure to provide leadership for America on border security since 9/11.

1. 2001 Vote #454—November 28, 2001—H.R. 3338, FY 2002 Defense Appropriations/Emergency Supplemental: Republicans voted against consideration of an amendment that would have added $223 million for border security—to help meet the promises in the 2001 PATRIOT Act on border staffing and to build needed border facilities. After 9/11, experts recognized that the porousness of the northern border represented a major security threat to the United States. And everyone remembered the attempt by an Islamic extremist to get a large amount of explosives across the Canadian border in December 1999 to blow up the Los Angeles Airport in the Millennium bombing plot. Recognizing these concerns, Congress included a provision in the PATRIOT Act mandating the tripling of the number of border agents and inspectors along the northern border. This amendment included $145 million to make a down payment on the promise of Congress in the PATRIOT Act to triple northern border personnel, which the bill failed to do, and to purchase surveillance equipment. The amendment also included $78 million for the highest priority facility needs of the Border Patrol and other parts of the INS—particularly the Border Patrol's detention facility needs.

2. 2003 Vote #301—June 24, 2003—H.R. 2555, FY 2004 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $300 million for border security, including making a further downpayment on the promise of Congress in the 2001 PATRIOT Act to triple the number of border agents and inspectors along the northern border. The amendment was critically needed because the level of northern border personnel funded in the Republican bill was about 30 percent below the commitment made in the PATRIOT Act.

3. 2003 Vote #305—June 24, 2003—H.R. 2555, FY 2004 Homeland Security Appropriations: This vote was regarding the same amendment as 2003 Vote #301 above. On a vote on appealing the ruling of the chair, Republicans once again voted against consideration of this amendment that would have added $300 million for enhancing border security, including adding border agents and inspectors along the northern border.

4. 2004 Vote #243—June 16, 2004—H.R. 4567, FY 2005 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $750 million for border security—to help meet the promises in the PATRIOT Act on border staffing, better monitor our borders, and deploy radiation portal monitors. Under the GOP bill, the level of northern border personnel funded was still about 30 percent below the commitment made in the PATRIOT Act—so the amendment was designed to help Congress keep its promise. The $750 million would also have been used for giving Border Patrol more of the equipment they critically needed—including air stations for air patrols, radiation portal monitors, and state-of-the-art surveillance equipment.

5. 2005 Vote #160—May 5, 2005—H.R. 1268, FY 2005 Supplemental Appropriations Conference Report: Republicans voted against a motion to send the report back to conference with instructions to add $284 million for border security measures—that would bring funding for border security in the conference report up to the level in the Senate-passed bill. The $284 million included the funding for 550 additional Border Patrol agents and 200 additional immigration agents that was included in the Senate bill. It also included the funding in the Senate bill for unmanned border aerial vehicles, which have been used successfully in Arizona to assist in surveillance.

6. For FY 2006 and FY 2007, Republicans Have Repeatedly Broken the Promises They Made on Border Security in the Intelligence Reform (9/11) Act of 2004: In December 2004, the Congress enacted the Intelligence Reform (or

9/11) Act (PL 108–458). One of the key commitments Congress made in that Act was to beef up border security measures. This included the specific promise of providing 2,000 additional Border Patrol agents, 800 additional immigration agents, and 8,000 additional detention beds per year from FY 2006 through FY 2010. And yet, both for FY 2006 and FY 2007, the Republican Congress has repeatedly voted against efforts to meet this mandate, as seen below.

7. 2005 Vote #174—May 17, 2005—H.R. 2360, FY 2006 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $400 million for border security, to meet the promises Congress made on additional Border Patrol agents, immigration agents, and detention beds in the 9/11 Act. First, the President's budget for 2006 broke the promise of the 9/11 Act by providing funding for only 210 new Border Patrol agents in 2006—1,790 below the number promised. The Republican appropriations bill was better than the President's budget, funding 1,000 new agents—but this was still 1,000 agents short of the promise made in the 9/11 Act. The Republican bill also broke the promises on immigration agents and detention beds. This amendment was designed to live up to the commitments of the 9/11 Act. It added funding for Border Patrol agents, and also added funding for 600 additional immigration agents to get to the 800 promised and added funding for 4,000 additional detention beds to get to the 8,000 promised.

8. 2005 Vote #187—May 18, 2005—H.R. 1817, FY 2006 Homeland Security Authorization: Republicans voted against a Democratic substitute to the Homeland Security Authorization bill that was designed to fulfill the promises in the 9/11 Act. For example, the Democratic substitute included a full authorization for funding a total of 800 additional immigration agents for 2006 promised in the 9/11 Act and a full authorization for funding a total of 8,000 additional detention beds for 2006 promised in the 9/11 Act.

9. 2005 Vote #188—May 18, 2005—H.R. 1817, FY 2006 Homeland Security Authorization: Similarly, Republicans voted against a motion to recommit the Homeland Security Authorization bill with instructions to report it back immediately with instructions to add 15 mandates from the Intelligence Reform (or 9/11) Act that had not been included in the Republican bill, including full authorization for funding a total of 800 additional immigration

agents for 2006 and full authorization for funding a total of 8,000 additional detention beds for 2006.

10. 2006 Vote #56—March 16, 2006—H.R. 4939, FY 2006 Supplemental Appropriations: Republicans defeated an amendment to H.R. 4939, FY 2006 Supplemental Appropriations, offered by Representative MARTIN SABO, which would have added $600 million for border security measures to the bill. The $600 million included $400 million for installation of 1,500 radiation portal monitors at locations along the border and $200 million for additional air patrols and other aviation assets at our land borders.

11. 2006 Vote #210—May 25, 2006—H.R. 5441, FY 2007 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $2.1 billion for border security, including $1.5 billion to meet the promises Congress made on additional Border Patrol agents, immigration agents, and detention beds in the 9/11 Act. The Republican Congress has failed to meet these mandates for both 2006 and 2007. This amendment provided enough funding to address the cumulative shortfalls that have resulted from underfunding in both 2006 and 2007.

For example, on Border Patrol agents, the Republican Congress had funded only 1,000 additional agents for 2006 and was funding only 1,200 additional agents for 2007—leaving the Congress 1,800 agents short of what it had promised in the 9/11 Act. Hence, the amendment provided funding for these 1,800 additional agents. Similarly, the amendment also funded the nearly 500 additional immigration agents and 9,000 additional detention beds beyond those in the bill that were promised by the 9/11 Act. The amendment also included $610 million to further increase border detection capabilities, including funding more radiation portal monitors along the borders and providing additional air patrols along the borders.

CONCLUSION

I believe it is the resolve of all Members of this House and of all Americans to prevail in the Global War on Terrorism. I believe all Americans want their country to remain safe, free, and invulnerable to another cowardly attack like the one we witnessed 5 years ago. We owe that much to the Americans who lost and gave their lives. We owe it to them to ensure that their children and loved ones will never again experience such pain, suffering, and loss. We can do this. We must do this. But to bring this new future into being, we need a new direction from the present course.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the distinguished gentleman from Florida, the former chairman of the Appropriations Committee, Mr. YOUNG.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of House Resolution 994

Mr. Speaker, I rise in strong support of House Resolution 994, legislation that recognizes September 11th as a national day of mourning and service in remembrance of those who lost their lives in the terrorist attacks on that dark day in American history and of those too who have paid the ultimate price in our ongoing war against global terrorism.

With this resolution, we also honor the heroic actions of the first responders, law enforcement personnel, volunteers and others who aided the innocent victims and bravely risked their own lives and health to help the victims of terrorist attacks in our Nation's Capital, New York City, and the fields of Pennsylvania.

We also express our ongoing thanks for our men and women who serve our Nation in uniform in military service, as intelligence personnel, and as law enforcement officials as they continue to put their lives on the line every day here at home and around the world in the war on terrorism. This is indeed a global war and we also give thanks for all the nations of the world who have joined in this effort.

These efforts have met with tremendous success as our combined forces have thwarted a number of major terrorist organizations and specific planned attacks against American targets and our allies. We cannot, however, lessen our resolve if we are to successfully search out and eliminate these terrorists and their terror cells.

In adopting this resolution, we vow to remain vigilant in this war against terrorists and commit to providing every resource they require to win this fight. We also reaffirm our commitment to never forget the tragic loss of human life on September 11th and in doing so continue to fight the war against terrorists in their memory, never succumbing to the fear they generate.

Mr. Speaker, on that dark day, the American people came together as one in a way we have never seen in our Nation's history. We put politics and ideology aside and focused our attention on securing our Nation, healing our wounded, and consoling our grieving.

My hometown newspaper The St. Petersburg Times was right on the mark in its editorial Monday, saying, "On this anniversary, we would do well to put aside our rancorous divisions and crazy conspiracy theories and reflect on that post–9/11 period when Americans came together in purpose and spirit and much of the world felt our pain, even if it all was too brief. That memory is worth holding on to."

This editorial, which I will include in its entirety following my remarks, correctly states that we can never go all the way back to the way things were before terrorists struck here on our soil. However, the Times calls upon us as a nation to go back to that time five years ago in renewing our national unity to secure our shores and rebuff the threat of fear and destruction from cowardly terrorists in saying: "But we can—and we must—hold on to the values and the spirit that some call American exceptionalism. The terrorists would like nothing better than to see us surrender our most precious freedoms and bedrock values to fear. So on this fifth anniversary of that day of unspeakable savagery, let us remember how we felt on Sept. 12, 2001, not the fear and heartbreak so much as the unity and purpose we shared. Only then can we take a full measure of our loss."

Mr. Speaker, we recall that after 9/11 my colleagues and I in the Congress authorized the President to do whatever he deemed necessary to fight this new war on terrorism. Those who are engaged in this war today are patriots and we must all support them. While I support our current operations, I know that we have people in this country who disagree with our current war on terror. And you know what? They are patriots too. Those who agree with the President, they are patriots. Those who disagree with the President, they are patriots. Those who agree with me are patriots. Those who disagree with me are patriots. Republicans, Democrats, liberals, conservatives, we are concerned about our homeland and our security. And by and large everyone who remains engaged in this great debate is showing themselves to be patriots in their care and concern for our country and our men and women in uniform.

Let that be one of the most important lessons of September 11, 2001. While we may continue to disagree at times, let us give thanks for the freedom to disagree and at the end of the day come together in unity to support the brave men and women in all branches of service who fight the scourge of terrorism here and abroad. This can and should be the lasting tribute to all those who lost their lives five years ago.

[From the St. Petersburg Times, Sept. 11, 2006]

FREEDOM FROM FEAR

Five years ago today, on a lovely September morning, bolts of terror came out of a clear, blue sky. Nineteen men armed only with box cutters hijacked four passenger airliners and rammed three of them into the symbols of American military and financial might. Two of the planes flew into the twin towers of the World Trade Center in New York in a horrifying spectacle. A third plane demolished a wing of the Pentagon. A fourth, United Flight 93, believed to be headed for Washington, crashed in a field in Pennsylvania after passengers rose up against the hijackers. In less than an hour, 3,000 people died that day.

That was the day terrorism came to America, and we haven't been the same since. Neither has much of the world. Since then, terrorists have struck in London and Madrid and Indonesia, among other places—nothing as spectacular as 9/11 but still lethal to hundreds of innocents. But they have not hit the United States again, not that anyone doubts that they have been trying. President Bush said last week that scores of terrorist plots have been foiled, and that while America is safer than it was five years ago, it is still not safe. Will it ever be in a world of suicidal maniacs?

On this anniversary, we would do well to put aside our rancorous divisions and crazy conspiracy theories and reflect on that post-9/11 period when Americans came together in purpose and spirit and much of the world felt our pain, even if it all was too brief. That memory is worth holding on to.

There was something unreal about watching the horror of that day unfold on television. Who can forget the sight of people leaping to their deaths from the top floors of the burning twin towers? Or of the first responders—firefighters, police officers and rescue workers—who heroically braved smoke and fire and dust in their desperate attempt to reach any survivors? Americans lined up to donate blood and gave generously to aid the families of the victims. We knew the endless kindness of strangers. In Washington, bitter partisanship gave way to unity and the debate over domestic priorities was crushed by the question of how to protect the homeland from madmen bent on mass destruction.

The world wept with us and for us as they saw America as a victim instead of an arrogant superpower. Iranians held candlelight vigils to express support for the American people. Germans marched in the street to show solidarity. In France, a front-page editorial in Le Monde, reliably anti-American on most things, proclaimed: "We Are All Americans." The world stayed with us when Bush launched a "just war" in Afghanistan, where the Taliban was protecting Osama bin Laden and his al-Qaida terrorists.

Sadly, the good that came out of 9/11 was not to last. It began to unravel after the president, with the approval of most congressional Democrats, chose to go to war against Iraq, which had nothing to do with the 9/11 attacks. World opinion turned against us, and as Iraq became a huge debacle, Americans turned on each other.

America has taken quite a beating in world opinion in recent years on everything from prisoner abuse at Abu Ghraib and Guantanamo to secret CIA prisons abroad and warrantless eavesdropping at home. The debate over balancing our liberties and our security rages on in Washington, and America's image in the world has been badly tarnished.

We can never go back to the way things were before 9/11—or even to the way we were in the immediate aftermath of that calamity. It's hard to imagine a future not chilled by the threat of terrorism, which started as a cause and has now metastasized into a mentality among Islamic extremists.

But we can—and we must—hold on to the values and the spirit that some call American exceptionalism. The terrorists would like nothing better than to see us surrender our most precious freedoms and bedrock values to fear.

So on this fifth anniversary of that day of unspeakable savagery, let us remember how we felt on Sept. 12, 2001, not the fear and heartbreak so much as the unity and purpose we shared. Only then can we take a full measure of our loss.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am now pleased to yield 2½ minutes to the distinguished gentleman from Florida (Mr. BILIRAKIS), a member of the Energy and Commerce Committee and vice chairman of the Veterans' Affairs Committee.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are here today to commemorate the fateful events of a beautiful September morning. For most of us in this Chamber, September 11, 2001, started out like any other warm, sunny Tuesday morning. We were going about our daily business, meeting with constituents, and participating in committee hearings. The hint of fall hung in the air as we attended to pressing needs and kept tight schedules.

But everything changed in an instant. The images of the burning World Trade Center towers and the Pentagon rocked us to the core, shaking our sense of calm and filling us with fear, confusion, and heartbreak. Instead of arguing about some partisan issue or another, we spent the day consoling our families, our constituents, and each other. The entire country grieved as one for those who had perished.

Our hearts were broken that day, but they were not destroyed. We witnessed a rebirth of sorts in this Nation, Americans young and old finding common ground in their grief and fear, united in ways we never expected. They gave of themselves sacrificially to meet the needs of others. Houses of worship were packed with people praying for those who had lost loved ones in the buildings or on the planes.

In the days following September 11, we were inspired by the stories of valiant first responders and heroic Americans who thought little of their own welfare as they rescued others and brought down hijacked planes. We owe them a tremendous debt of gratitude. Their actions gave us hope in the American spirit and resolve to ensure that something like this never happened again.

Five years have passed, and we have made great strides in securing our homeland and protecting the American people from harm. We have passed laws designed to prevent acts of terrorism.

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Our law enforcement and intelligence communities have disrupted terrorist plots. Our brave men and women in uniform have taken the fight to the terrorists abroad so we don't have to fight on our Nation's soil. The American people have resumed their daily activities even while continuing to grieve and comforting those who still mourn.

Mr. Speaker, the terrorists who committed the heinous atrocities on September 11 thought they would break the American spirit and send us whimpering into the history books with our tails between our legs. They were wrong. We have acted and will continue to act decisively against anyone who preys upon the innocent and threatens our freedom. The heart of America beats strong of our good and compassionate people. We will not be silenced and we will not back down. May God continue to bless the United States of America.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the minority leader of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, 5 years ago on Monday, on the day the terrorists attacked our Nation, Members of Congress gathered on the steps of the Capitol and sang God Bless America. Many speakers today have referenced that moment, because I think it had a profound effect on all of us. We really did need God's blessing. We put aside partisanship to respond with one voice that we would do everything in our power to ensure that our Nation would be fully healed and fully safe, and that the American people would know that we were working hard to bring those who were responsible for 9/11 to justice.

Today, we should have embraced that same spirit of 5 years ago on the steps of the Capitol. The United States Senate did. This week, they passed a resolution which mourned the innocent victims of the attacks, consoled their families, praised our troops for their valor, underscored our resolve to find all of those responsible for the attacks and bring them to justice, and emphasized our commitment to stopping terrorists who would harm the American people. Democrats and Republicans alike in the Senate came together in support of that resolution.

I would have hoped that that could have come to the floor here. We were prepared to support that, Democrats were, but the Republican leadership refused.

Instead, the Republican leadership gave us a resolution here this evening which is self-congratulatory. It praises Congress, for some reason. Instead of having the focus on the innocent victims of 9/11, it talks about the accomplishments of this Congress. I can't even imagine why they thought that was a good idea. But since they opened the door to what they have done, they have opened the door to what they have not done.

Two years ago, the bipartisan, independent 9/11 Commission concluded that the American people were failed by their government on 9/11. To prevent future similar incidents and failures, the Commission made 41 recommendations. Last December, the same independent Commission issued a report card on the implementation of those recommendations. Sixteen grades that were awarded were either D's and F's, and others were incompletes. In May of this year, the Commissioners reviewed the record on implementation once again; their conclusion on the poor grades, no progress.

Two days ago, the Commission's chairman and vice chairman, Democrat and Republican or Republican and Democrat, wrote about the December report card in an op ed in the Boston Globe, and I quote: "What we argued then is still true now; Americans are safer, but they are not yet safe." And concluded, "Our sense of national urgency is lacking."

Mr. Speaker, we have lost our focus on terrorism since the invasion of Iraq, and that is one of the chief reasons that the 9/11 Commission's report card reflected so poorly on the Bush administration and on the Republican Congress.

Our focus should have continued to be on Afghanistan. The war in Iraq is the wrong war. No matter how many times the President wants to say it, the war in Iraq is not the war on terror. The war in Afghanistan was. We had the opportunity to destroy al Qaeda in Afghanistan, and we missed the opportunity because we lost our focus. Instead, 5 years later, the Taliban is on the resurgence, violence has increased, the poppy crop, the opium crop is all pervasive.

Think of this. Afghanistan now supplies 90 percent of the opium supply to the world. 90 percent. The increase in just the last couple of years is 50 percent. They went from 4,000 metric tons to 6,100 metric tons of cultivation. This is what is happening in Afghanistan

A missed opportunity to crush al Qaeda, an increase in violence, a rising resurgence in the Taliban, and the increase in the poppy crop.

Mr. Speaker, let us use the occasion that we have as we consider this flawed resolution to resolve to do better. Let us honor the memories of the innocent victims of 9/11 attacks and their families by doing the unfinished business of the 9/11 Commission. We have heard about it all day, it is in the public domain, it was in their best selling book a couple of years ago, and we still haven't gotten it done.

Isn't it hard to believe and to know that 5 years after 9/11 we still do not have real-time, that means immediate communication, among police, fire, and other first responders. We paid a price for this with Hurricane Katrina. Five years later, we still do not have the screening at our ports that we should have; we are at 5 percent, we should be at 100 percent of screening. That is possible, it is affordable, and it is technologically available to us.

Five years after 9/11, we still do not have our borders secure. We have not mandated, because this Congress refuses to do so and this administration does, too, we still have not mandated the private sector to protect our nuclear and chemical power plants.

The list goes on of shortcomings. The 9/11 Commission said we should increase the pace of reform at the FBI. There are so many things that are lacking in what we are doing to protect the American people. The biggest threat to the security and safety of the American people is the proliferation of weapons of mass destruction, the unsafeguarded radioactive material that is out there. For about $10 billion, about a month in Iraq, we could buy up all of the known radioactive material that is out there that could fall into the hands of the terrorists. It is a lot of money. It is a small price to pay for the safety of the American people. And yet, for reasons that are hard to explain to anyone, we have refused over and over again to pass legislation that would appropriate the resources to do that.

Taking the actions to correct the unfinished business of the 9/11 Commission and others recommended by the Commission other than what I mentioned is consistent with the sacrifices of the people in New York and Virginia and Pennsylvania on 9/11, and the sacrifices made since then by the men and women serving in our Armed Forces. And God bless them. They have done a magnificent job for our country. We have to do better by them. We owe it to each and every one of them to do everything we can as quickly as we can to make America safe.

Mr. Speaker, it all comes down to the personal, now. Doesn't it? As we think back 5 years, we think about those families. Nearly 3,000 people were killed that day. Two thousand children lost their parents. The emotional toll is just incalculable. And yet, as our colleague Congresswoman MALONEY has pointed out, from New York, the heroes and heroines of 9/11, Congressman NADLER as well, are not having their needs met. It is the responsibility of government to meet the health care needs of the people who risked their lives, who went in there without even a thought of whether they would help save a life or not. And now, without a thought, their needs are ignored. We have an opportunity to do better by them. We owe them that obligation, because with all the talk that we can do about initiatives and proclamations and honoring and the rest, it all comes down to the people, to the personal, to the impact on their lives.

Of course we will vote for this flawed resolution. It could be better. But just because the Republicans decided that they wanted to praise themselves instead of focusing on the business at hand doesn't mean that we won't support it.

But as we vote for it, I call upon the Speaker of the House to bring to this floor before we adjourn for the elections legislation to enact the 9/11 Commission recommendations. We have all the time in the world to do it. Nothing is more important than the safety of the American people. We have no greater responsibility as elected officials than to provide for that public safety and the national security of our country, because nothing else matters if we don't protect the American people. Instead, we have ignored those needs. We are cutting the COPS programs so the neighborhoods are not safer. We are making matters worse. We have the opportunity to make matters better. If we do pass them, only then will we truly be honoring the memory of those who died. Only then will we truly be keeping our promise to their families that we will make America as safe as we can be.

I urge my colleagues to support this resolution today, but join me in bipartisanship. We can do this in a bipartisan way without controversy. The list is clear. The support is there. The need is urgent. I urge the Speaker once again to bring the 9/11 Commission's recommendations to the floor to make America safer, to bring some peace to the families of 9/11, and to bring to justice those who are responsible for those heinous acts 5 years ago.

Mr. DANIEL E. LUNGREN of California. I now yield 2 minutes to the distinguished gentleman from Nebraska (Mr. FORTENBERRY), a member of the Agriculture, International Relations, and Small Business Committees.

Mr. FORTENBERRY. Mr. Speaker, today we remember those who died tragically on September 11, 2001, and the family members who continue to mourn such terrible loss. We honor the strength of these Americans, and we also thank the brave men and women defending America today from those who continue to seek to do us harm.

Mr. Speaker, we live in a very special place. We live in a country that is built on the fundamental principle that all persons have inherent dignity and rights. The freedoms we enjoy depend upon this fundamental principle. And as many did in the aftermath of the 9/11 attacks, Americans are willing to risk their lives for the sake of their fellow citizens, for the good of the country, family, and community.

Last week, I had the privilege of formally welcoming home the soldiers of the 67th Area Support Group of the Nebraska National Guard as they all returned home safely from over a year-long deployment. What a beautiful scene, families reunited, husbands and wives in loving embraces, children scrambling to meet the mom or dad they had known only through letters or photos for the past year, parents taking up young children in their arms perhaps for the very first time.

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In their commitment and patriotism, these soldiers had given more than a year away to family and home to serve their country. Many of our military service personnel will tell you that their service is driven by the events of that fateful day 5 years ago. They sacrifice so much personally to help protect our Nation.

Fortunately, there has not been another attack on America for 5 years. This is not due to wishful thinking. This is due to the extraordinary effort to rethink and reform our national security efforts. Our military, our homeland security forces, police officers, firefighters, and emergency first responders have all played a very important role in protecting our country.

Their work helps make America safer. Their sacrifice keeps our families more secure, and the compassion, resolve and support from the American people give their work all the more meaning and help keep our Nation strong.

We have faced difficult challenges of worldwide significance in the recent past: World War II and the Cold War. We prevailed then, and we must prevail now for the good of our country and the hope of a more peaceful world.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, 5 years ago there were a lot of questions as to who attacked us and why we were attacked. Answers came to that in fairly short order, but the question of why still remained and what those who attacked us had in order for us in the future.

In the book, "Nuclear Terrorism," there is a citation to Osama bin Laden's official press spokesman Suleiman Abu Gheith making a chilling announcement on the now defunct al Qaeda-associated Web site, and these are his words.

"We have the right," he said, "to kill 4 million Americans, 2 million of them children." Let me repeat that. The spokesman for Osama bin Laden said on their Web site, "We have the right to kill 4 million Americans, 2 million of them children, and to exile twice as many and wound and cripple hundreds of thousands."

He went on the Web site to explain what justified it, and these are his words. "America with the collaboration of the Jews is the leader of corruption and the breakdown of values, whether moral, ideological, political, or economic corruption. It disseminates abomination and licentiousness among the people via the cheap media and the vile curricula. America is the reason for all oppression, injustice, licentiousness, or suppression that is the Muslim's lot. It stands behind all the disasters that were caused and are still being caused to the Muslims; it is immersed in the blood of Muslims and cannot hide this."

Why do I mention this? I mention it because the threat is clear. They have officially said that they would not feel that they have succeeded until they have taken 1,400 assaults similar to those of 9/11, because that is what would be required, 1,400 times the loss of life that we had on 9/11.

They do not refer to any cleavage between Democrats and Republicans. They do not say they do this because of what this administration did or that administration did or because of what the Democrats did in the Congress or the Republicans. They did that because they reject everything we stand for.

That is why we bring this resolution to the floor. This resolution is brought to the floor in recognition of the threat against us, the challenges it presents and what we have done working together, Republicans and Democrats, men and women who are Americans first to try and respond to that threat for ourselves, our children and our grandchildren.

We need to remind the American people of the affirmative steps that we have taken: the PATRIOT Act, which changed the way we dealt with the threat of terrorism; other programs that we have supported and the administration has carried out.

So this is not a fight over partisanship. This is not a suggestion of one-upsmanship. This is a recognition of the threat that faces us as Americans, and we are committed and united as Americans to respond to that.

That is what this resolution stands for. That is what it says. That is why we bring it to the floor, to ask all Members to support it so that we can show that there is unity in this body, not division, so that we can show that we understand the challenges that we face and that we are up to the challenges that face us as a Nation.

We can do no less than our parents' generation did in responding to the totalitarianism of their time as we respond to the totalitarianism of our time.

Mr. Speaker, this is not an effort to divide. It is an effort to unify. It is an effort to show the American people that we are together in this fight and we shall continue this fight

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, remembrance is a solemn obligation, a duty owed by every obligation to those whose honor, love and sacrifice light our way today. To the 2,996 souls who perished on September 11, we owe more than political rhetoric, more than annual ritual. They are remembered best, they live, not just what we say but in what we do to build a safer, more peaceful world.

So the resolution before us today rightly speaks of actions taken, and calls for all Americans to act in the generous, unified spirit born that deadly day. In calling for September 11 to be observed as a day of national service, we seek to build a living monument to all those who have died in the long simmering war that erupted onto our shores 5 years ago. Good done in their name has a special power against the evil we fight.

9/11 brought that evil home: to homes in New York, Pennsylvania and Virginia, and to shocked and grieving homes across our Nation. "Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger. With confidence in our Armed Forces, with the unbounding determination of our people, we will gain the inevitable triumph, so help us God." That was spoken the day after the attack on Pearl Harbor. President Franklin Roosevelt's words evoke the realism and optimism needed to meet our present peril.

As then, we are at war and no political difference or debate can detract from the heroic work done every day by the men and women of America's military. The 184 people who gave their lives at the Pentagon 5 years ago fought on an unexpected battlefield, but toiled until the end in loyal service to the national ideals, liberty and justice, to which we pledge allegiance each day in this Chamber. Let us pledge in their memory to honor and support all those who fight to defend America and advance freedom.

Unlike the last global conflict, this war is being waged surreptitiously, the enemy lurking among us in shadowy networks and across cyberspace. On 9/11 America's first responders got a bitter taste of this new era, but their valor and grit carried us all through that day and those that followed. In memory of their fallen comrades, let us pledge through this resolution to honor and support the work of the public safety and public health professionals who work every day to protect us from terrorist attacks.

This resolution is also an opportunity to renew the sense of urgency forged in the crumbling inferno of the Twin Towers. With each passing year, what looked hugely urgent after 9/11 tends to get smaller in the viewfinder as more current problems loom large. But while we lose sight of the threat, an enemy who relentlessly worked to transform airplanes into guided missiles is maniacally focused on other ways to harm us.

Distance from the tragedy of 9/11 has also allowed some politics to seep into our security equations. Our vulnerabilities are many, and always will be. There will always be risks and there will always be those eager to take advantage of them. To those seeking to exploit fears rather than build trust, the glass will always be half empty. But genuine security after 9/11 is not a static goal or measurement; it is a process and a mindset. If we stay alert, get good intelligence on the evolving threat, and take the prudent precautions we are willing to tolerate and able to afford without crashing the economy or terrorizing ourselves, we will be safe. It is more than luck there has not been another major attack since 9/11.

So we remember and we pray for the dead and their families, friends and colleagues. And, as we face the certain challenges of an uncertain future, we take solace in the ancient Hebrew lesson, "There are stars whose light only reaches the earth long after they have fallen apart. There are people whose remembrance gives light in this world long after they have passed away. Their light shines in our darkest nights on the road we must follow."

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this has been an important discussion between ourselves. I feel better now that we have resolved to overlook those parts of this resolution that could be called congratulatory to the executive branch, to the Congress, to any parties.

We come together now to remember and memorialize once again the great contributions of those who served on the front lines and those who gave their lives and the families of those who died in this great tragedy of 9/11/01.

Mr. Speaker, it is in that spirit that we on this side yield back the balance of our time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we yield the balance of our time to the gentleman from Ohio (Mr. BOEHNER), the distinguished majority leader.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from California for yielding the time, and today, the people's House has taken up legislation marking the 5-year anniversary of the terror attacks of September 11, 2001.

We remember the lives of the victims, the many moms, dads, children, grandparents, friends and neighbors, and we honor the police officers and the firefighters, and we salute their bravery and the sacrifices of these rescue workers, the EMT personnel and first responders who were there that day.

We offer America's sons and daughters in uniform our deepest gratitude, many of them on the other side of the world sacrificing so much so very far away from home.

Words can hardly capture the magnitude of horror that we suffered on that Tuesday morning 5 years ago. Much like finding out about the bombing of Pearl Harbor or the assassination of President Kennedy, all of us remember exactly where we were when we first heard that multiple planes had attacked the World Trade Center and the Pentagon in a massive, elaborate and coordinated attack from terrorists.

On September 11, 2001, we came face-to-face with evil but it was not the first time. During the 1990s, enemies of freedom used terror and violence in futile attempts to intimidate the United States and other countries around the world in the cause of freedom.

On February 26, 1993, the first World Trade Center bombing killed six people and injured more than 1,000 others.

On June 25, 1996, the Khobar Towers bombing in Saudi Arabia killed 20 people and injured 372 more.

On June 7, 1998, the Kenya embassy bombing killed 213 people and injured some 5,000 others.

On June 7, the same day, our embassy in Tanzania was bombed, killing 11 people and injuring 68.

And then on October 12, 2000, the USS *Cole* was bombed off the coast of Yemen, killing 17 people and injuring 39.

What was our response? During the 1990s, world leaders looked up at the problem of radical Islamic terrorism, they looked up, they looked away, and they hoped the problem would go away. This reaction led al Qaeda and others to believe they could attack us repeatedly, indefinitely and with impunity.

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But they were wrong. On September 11, the terrorists targeted symbols of American strength and prosperity as an attack on our principles, our values, and our freedoms as an American people. Their aim was to shake our will and to intimidate our allies. But as the skies darkened over New York, Washington, and Pennsylvania, we made a simple vow: never again.

In a post-9/11 world, doing nothing is no longer an option. In a post-9/11 world, closing your eyes and hoping for the best is not an option. In a post-9/11 world, weakness in the face of evil is not an option.

Five years later, we have made significant progress in confronting those who would attack us again. When he addressed Congress in the days immediately following the attacks, President Bush said: "Whether we bring our enemies to justice or bring justice to our enemies, justice will be done." We have done just that.

Unlike the previous strikes by al Qaeda against our embassies, the USS *Cole*, and so on. September 11 brought a broad and global response from the United States. Congress acted swiftly in approving the USA PATRIOT Act, legislation providing law enforcement with the tools necessary to prevent another attack. We have waged two conflicts, one in Afghanistan, another in Iraq, liberating more than 50 million people and crushing despotic regimes with links to terrorist activities and a thirst for weapons of mass destruction.

We have more work to do, but our progress has been steady, and it has been measurable. The U.S. Department of Justice has convicted 253 defendants on terror-related charges, and our intelligence agencies and law enforcement working together have disrupted more than 150 terrorist threats and cells here in America, including plans to attack targets on both coasts using hijacked aircraft and plans to blow up apartment buildings here in our country.

Just last month, British and American intelligence officials, using the sort of tools we provided President Bush, thwarted a plot to bomb multiple American airliners headed from London.

This resolution today affirms the commitment of Congress to remain vigilant in efforts to provide law enforcement and our Armed Forces with all the tools necessary to fight and win the global war on terrorism. We have engaged in dramatic efforts to secure our ports and borders, with legislation on the way that will provide more Border Patrol agents, additional fencing and surveillance, and enhanced State and local law enforcement authority.

The House will vote next week on legislation authorizing military tribunals for terrorists, such as the alleged September 11 mastermind, Khalid Shaykh Mohammad. We are designing a system that not only brings these terrorists to justice but gives the President the tools that he needs to continue preventing terrorist plots before they happen.

Prevention must be the standard and prevention must be our goal. No longer can we simply respond to attacks. We must actively engage the enemy and seek to disrupt and thwart their twisted plans. We must continue to adapt and move forward, we must not yield, we must not grow complacent, and we must not rest until this threat is vanquished.

September 11 revealed for all to see the ruthless barbarity of an enemy that wishes to end America's way of life. Most of the nearly 3,000 who perished were regular folks going about their regular business. Others were the first heroes of the war on terror, climbing the stairs to the Twin Towers to help evacuate trapped workers or administering first aid to those at the scene. All of them were victims of a radical and poisonous ideology that we must be eternally committed to defeating.

This is our defining task in the early years of the 21st century, crushing the deadly and poisonous ideology of radical terrorism, and freeing from tyranny the millions threatened with its bondage is an effort for which the United States and her allies are uniquely suited. We are the primary target of radical terrorists, the leader of nations, with the capability and the fortitude to wage a prolonged fight. In my view, we must not shy away, if only so our children and their children may live in peace.

One of the last lines in the "Battle Hymn of the Republic" goes: "As He died to make men holy, let us live to make men free." I can think of no better tribute to those who perished in the merciless attacks of September 11 or in the 5 years since than to do just that: to live and to fight for the freedoms that we cherish and for which they have all given their lives

Mr. DEFAZIO. Mr. Speaker, I rise today to discuss H. Res. 994, legislation commemorating the fifth anniversary of the September 11, 2001, terrorist attacks against our country.

I remember September 11, 2001, vividly. The weather in our nation's capital was warm and sunny. I was giving a speech on the House floor against privatizing Social Security. After I finished, the House clerk told me there had been a plane crash in New York. I asked what the weather was at the time of the crash. He said it was sunny and clear. I thought a crash in good weather was strange. I returned to the office in time to see the second plane hit the World Trade Center, and my office received a call from another congressional office saying there was smoke at the Pentagon. At that point, we knew our country was under attack. The Capitol Police then mandated the evacuation of the Capitol and all congressional office buildings.

I am profoundly grateful that the passengers aboard United Airlines Flight 93 bravely fought back, thinking of the safety of others, not of their own well-being. Their actions saved the lives of untold numbers of us who were in Washington, D.C. that day.

The resolution on the floor today appropriately honors those who lost their lives due to these heinous attacks. Thousands of husbands, fathers, mothers, wives, daughters, sisters, brothers, children, grandparents and others were lost on that day. We must never forget those individuals and their families.

The resolution before us today also appropriately honors the heroic actions and sacrifices of our men and women in the U.S. military and their families. I have had the privilege of visiting with our men and women in uniform, both here at home and in a war zone. I am continually awed by the professionalism, determination, and commitment of our troops.

I am also pleased that H. Res. 994 acknowledges the service and sacrifice of the first responders—emergency personnel, fire fighters, police officers, and others—who aided the innocent victims of the terrorist attacks. While these individuals humbly say they were merely doing their jobs that day, their selfless actions embody some of the best qualities of the American people.

The resolution congratulates the Congress and the President for various steps taken to improve the security of the American people in the wake of September 11th. Personally, I don't believe the self-congratulation is justified. While Congress has adopted some piecemeal improvements on the security front, al-Qaeda will not wait for us to make gradual improvements. Security must be improved today, not after the next attack

Aviation security is not what it should be. Security screeners need upgraded equipment. We need to deploy technology to detect plastic, liquid and gel-like explosives carried onboard planes. All cargo baggage carried on passenger planes must be thoroughly screened for explosives. We need effective countermeasures and international agreements to reduce the threat of shoulder-fired missiles. The arbitrary cap on the number of security screeners should be lifted.

A fully unified terrorist watch list that is electronically accessible to necessary federal and state officials for real-time searches must be put in place now.

Border security is still notably lacking, five years after 9/11. I voted in favor of the immigration reform legislation in the House that included a number of provisions to improve border security. I have also voted for a number of efforts to increase funding for the border patrol, technology to improve border security, and other immigration enforcement measures. Regrettably, too often, this Congress has prioritized tax cuts for millionaires over adequately funding border security.

Astonishingly, on the fifth anniversary of the attacks, America's police, firefighters, and emergency response personnel still lack the fundamental ability to communicate with each other by radio. Congress must increase funding to help states and local governments purchase essential equipment.

Our nation has 95,000 miles of coastline and 361 ports. Yet, the federal government will spend only $168 million on port security grants this year while spending $10 billion to develop a missile defense system that doesn't work and is irrelevant to the threat posed by al-Qaeda. Congress should increase funding for radiation detection equipment to screen every cargo container, beef up the presence of U.S. inspectors at foreign ports to inspect cargo destined for the U.S., and enhance the Coast Guard fleet.

Five times as many Americans travel on trains and transit each day as on planes, but less than one percent of the transportation security budget goes to non-aviation programs. Congress and the Administration should increase funding for passenger rail and transit security. A baseline level of security for the transit systems in the 50 largest metropolitan areas would cost $2 billion.

Most of the 20 tons of nuclear material at 130 facilities in 40 countries has no more security than a night watchman and a chain link fence. In 2001, a bipartisan commission recommended tripling funding to $3 million a year for programs to help secure nuclear materials around the world from terrorists.

Finally, I want to say that I am disappointed that H. Res. 994 contains a handful of whereas clauses of dubious accuracy.

For example, one clause implies a link between al-Qaeda and Iraq, and Iraq and the September 11th attacks. A variety of experts, including the 9/11 Commission, the CIA, the Senate Intelligence Committee, and others, most recently the President, have concluded there was no cooperation between Iraq and al-Qaeda on the September 11, 2001, attacks or anything else. It is also inappropriate to link Iraq to the global war against al-Qaeda. Iraq did not pose an urgent threat to our national security. Iraq did not have ties to al-Qaeda. Iraq had not attacked the United States, nor is there any evidence Iraq planned to attack us. Iraq did not have weapons of mass destruction, nor any delivery system capable of attacking us.

I supported the war against the Taliban and al-Qaeda in Afghanistan, and I continue to support military action against al-Qaeda. But, to use a resolution commemorating the anniversary of 9/11 to peddle discredited theories about Iraq in order to cover for the failures of the Bush administration in Iraq and justify the diversion of resources from the war against our real national security threat—al-Qaeda—does a disservice to the American people.

And, I think the inclusion of the PATRIOT Act in the list of legislation that has helped in the war on terror is questionable to say the least. The PATRIOT Act did make a few reasonable improvements in our ability to go after terrorists using new technologies. But it also contained provisions that do nothing to enhance our security while posing a significant risk to the freedoms and liberties of law-abiding Americans. It is for the latter reason that I opposed the bill.

A lot has been made of the PATRIOT Act supposedly knocking down a wall that prohibited cooperation between the FBI and the CIA. In reality, the so-called wall was not really a wall at all. It was not a legal barrier, it was a cultural one. The PATRIOT Act was not necessary to get the FBI and CIA to cooperate. A change in culture was. Even today, cooperation among intelligence agencies and law enforcement is not what it should be.

I will vote in favor of H. Res. 994 because I want to honor those I mentioned at the outset of my statement—those who lost their lives in the attacks, those who tried valiantly to save lives on that day, and our men and women in uniform. But, I want to state for the record that I disagree with some of the rhetoric in the resolution.

Ms. ESHOO. Mr. Speaker, today we join together to honor the nearly 3,000 people who perished in the heinous attach on our country five years ago. The images of that day remain vivid in our minds, as do the emotions we all felt—the shock the grief—as we realized that a handful of terrorists plotting halfway around the world were capable of destroying so many innocent lives on American soil. September 11, 2001, shattered the illusion that our homeland would always provide safe sanctuary from those who would do us harm.

Five years later, we also remember how the events of September 11 brought our country together. As we did after Pearl Harbor, American showed its true colors. After the twin towers fell, we put aside our political differences to unite behind a pledge to make our country safer and to track down and punish those responsible for the attacks. With the world on our side, we had a unique opportunity to marshal our vast resources to destroy the al Qaeda terrorist network for good.

We made a good start. At home, we moved quickly to tighten airport security and to reorganize our homeland defenses and intelligence infrastructure to close gaps that enabled the terrorists to use our own commercial airliners as weapons against us. Overseas, wording with our allies, our military tools the fight to al Qaeda and the Taliban, who had provided safe harbor to the terrorists and their training camps in Afghanistan for far too long.

Today, however, it is clear that we have failed to finish the job we needed to do. Instead of committing our forces to pursuing al Qaeda's leaders—including Osama bin Laden, who is still at large—we embarked on an unnecessary war of choice in Iraq that has squandered our resources and the world's goodwill without making us measurably safer.

Domestically, we've spent billions to secure our airports, but we've neglected the security of our ports and the cyber security of our technological infrastructure and communications network. Chronic underfunding and lax security standards have left our nation's ports and cargo containers a soft underbelly, and the President's ongoing failure to appoint an Assistant Homeland Security Secretary for Cyber Security has created a leadership void in this critical sector, leaving us vulnerable to a telecom disaster on the scale of an "electronic Pearl Harbor."

It's not too late to change course to do what must be done to prevail in the real war against terrorism.

We must recommit to finishing the job in Afghanistan, to fully funding our counterterrorism intelligence programs at home and abroad, to increasing the size of our Special Forces, to improving our human intelligence capability and to securing nuclear materials around the world.

Only then will we truly be able to say that we have fully honored those who lost their lives on September 11.

Ms. SOLIS. Mr. Speaker, five years ago, democracy and freedom were attacked when terrorists destroyed nearly 3,000 innocent lives in New York, Washington, and Pennsylvania. We mourn the passing of those taken too soon, celebrate the lives of the scores of volunteers and first responders who helped victims and their families, and vow to never forget the fateful day that changed the lives of millions of Americans. Today, Congress had an opportunity to do the right thing and remember September 11 without partisan motives or divisive tactics. Yet, H.R. 994 was motivated more by upcoming elections than honor and remembrance.

Today's 9–11 resolution to honor the victims and heroes of 9–11 includes controversial legislation which criminalizes immigrant families and strips Americans of those civil liberties which are the very fabric of our democracy. It links the thoughts and prayers for servicemen and women with efforts to deport the families of immigrant soldiers—many of whom are not U.S. citizens. The resolution also defends the practice of wiretapping—an invasion of privacy which neither Congress nor the courts have either expressly or implicitly approved and which undermines the right to privacy.

Debates about immigration and civil rights are important to the future and fabric of our country. America needs comprehensive immigration reform; policies which provide strong support for a more intelligent and realistic approach to controlling immigration, including enhanced border security, workplace and employer enforcement, and earned legalization for immigrants with a path to citizenship. But an enforcement only approach, such as H.R. 4437, has failed in the pass and is doomed to fail again.

We need a new direction for America's security and there are several steps that Congress must take now to keep our country safe. We must guard against future attacks by implementing all of the 9–11 Commission recommendations, screening 100 percent of containers and cargo bound for the United States in ships and planes, and ensuring our first responders have the training, equipment and technology they need. Yet our Nation will be not become more secure by partisan resolutions endorsing failed immigration approaches and programs which threaten our civil liberties.

As we remember the past, we must look toward the future to ensure our Nation and our world is safer. We must, at the same time, protect that which makes America's democracy so great—our civil liberties, and lead the world toward peace through diplomacy. Five years ago, families, friends, and strangers joined together to care for the fallen. This resolution is an attempt to divide that spirit. As we move forward, let us not forget the spirit of community which we embraced that day and work together to bring peace for future generations.

Mr. WELDON of Florida. Mr. Speaker, I stand in strong support of this resolution. It is critical that we, as a Nation, remember what took place on September 11, 2001—a day when we "woke up" to the fact that we were in a war that had been declared against us years before.

September 11th of every year should be a day to remember those who were lost on that day. But September 11th should also be a day when we reflect and remember why we are engaged in this War on Terror. We must continue to fight—aggressively—to ensure the defeat of Radical Islamic terrorists whose aim is to kill Americans.

As we commemorate the 5-year anniversary of that awful day, our thoughts and prayers are especially with those who lost loved ones; the spouses, children, and parents who are left behind. For their sake, and the sake of all Americans, we must not allow the passage of time to erode our resolve to remain vigilant in the War on Terror so that Americans will not relive similar attacks in the future.

We, at home in the comfort and security of the United States, have become complacent in our security. That is a dangerous place to be. That is where we were for several years leading up to 9–11, when several terrorist attacks on the U.S.—including attempts on our homeland—took place. But our government failed to act with resolve.

We must remember what we felt the days immediately after 9–11 . . . when we all felt, for the first time for many of us, that we were not safe in our own country. The anthrax attacks, stories and rumors that al-Qaida possessed old Soviet suitcase nuclear weapons—those were the stories of the time.

Because of the Homeland Security measures we have implemented and the War on Terror we are conducting—both militarily and non-militarily—we are once again in a period of calm.

There are those who believe that this period of calm is the time to pull back, and this undermines our resolve. No one wants to live in a constant state of fear, but we cannot be lulled into adopting a September 10th mindset.

It would be irresponsible to assume or "hope" that no one wants to strike us, once again, and kill even more Americans than were killed on 9–11.

And kill us is what they want to do. They want to kill all the "infidels"—a category that includes not just Americans, but people of all the world's free nations, and even Muslims who reject their militant vision for Islam. I fear that we have also lost the unity that existed after 9–11.

We must remember—whether in political or personal spheres of life—that we are all in this together. Whether Republican or Democrat, religious or atheist, we are all targets of this radical group.

And we must remember that it matters not whether we are fighting in Iraq—or any other country, for that matter—that makes us a target for the terrorists. Countries that have nothing to do with Iraq and Afghanistan are also experiencing terrorists incidents.

And while we are remembering the 5th Anniversary of 9–11, we must also remember that Iraq is a central part of the War on Terror.

President Bush is correct when he stated earlier this week in his address to the Nation that even if we pull out of Iraq, the terrorists would not leave us alone. They will never leave us alone.

For al-Qaida, Iraq is not a distraction, it is the central battlefield where the outcome of this struggle will be decided. Just read the comments from their leaders, don't take my word for it.

If they win in Iraq, they will establish a safe haven for terrorists and terrorist-training, much like Afghanistan was prior to 9–11. Iraq would become a factory for terrorists and weapons of mass destruction which they would export. This idea comes not from George Bush, but from Osama bin Laden and al-Qaida itself.

There is a clear link—withdrawing our troops before Iraq is fully stabilized would be a disaster for our safety here at home. We must remain vigilant at home, finish the job in Iraq and Afghanistan, and remain decisive in all our efforts in the War on Terror. Doing any less will weaken our security.

September 11th should remind us that we have real enemies in the world and that a September 10th mindset is unrealistic, irresponsible, and will only jeopardize the lives of the American people. We must remember that it was not the intention of the radical Islamic terrorists to kill 2,973 people that day in 2001. It was their intention to kill many, many more.

I will fulfill my oath of office to protect the American people from all enemies, foreign and domestic. Again, we must not allow the passage of time to erode our resolve to win the War on Terror.

On September 11, 2001 we finally woke up to the fact that we were at war . . . let's not be lulled back to sleep and back to disunity.

I urge the adoption of this resolution.

Mr. DINGELL. Mr. Speaker, I do not know if there is a more tragic day in the history of our Nation than September 11, 2001. Three thousand lives were snuffed out in the largest mass murder we have ever witnessed.

We are still grieving what was lost that day. The heroics of the fire fighters ascended the Twin Towers and the first responders who came to the Pentagon will never be forgotten. The passengers of United 93, who gave their lives to save ours, are heroes without parallel.

But I am saddened that the Republican leadership, rather than honoring the heroes and the victims of that day decided to offer a resolution that seems to be written by an RNC focus group rather than out of respect for the solemnity of the day.

When I woke up on September 12, 2001 this nation was as united as I had seen it since December 7, 1941. The intense partisan divide vanished overnight and was replaced by a national consensus. Political opportunism was replaced by notions of shared sacrifice for a common good.

Internationally, America had the world's sympathy. From London, to Tel Aviv, to Tehran spontaneous support rallies took place. American tourists spoke of hugs and flowers from complete strangers; in these days we had a chance to bring the world together.

Now we are more divided, more polarized, and more conflicted, at home and abroad, then ever before. The unanimity of purpose that we had on September 12 has been replaced by partisanship, and that partisanship has interfered with the very important work we must engage in to make this nation safe from terrorism.

Making America safe is work that cannot be reduced to simple slogans. Five years after however, Republican leadership has offered rhetoric but little more. We have yet to fully consider all of the bi-partisan recommendations of the 9/11 Commission. Our ports still do not inspect even ten percent of the cargo that comes into them; air cargo is unscreened; and nuclear material across the world remains unguarded.

In Afghanistan, the war with Al Qaeda and the Taliban is at risk of unraveling. Radicals are once again barring girls from schools; the reconstruction has stopped; and terrorists are targeting the elected government.

There have been victories, but much more needs to be done. Symbolic resolutions are a poor substitute for concrete policy. Our struggle to make America safe and to discredit the terrorist ideology will be a long one. It takes more than rhetoric.

It takes actions like fully funding our security needs; making sure our armed forces have the resources they need; supporting our intelligence agencies; and having a foreign policy that changes societies through good will and diplomacy rather than at gun point.

Our thoughts and prayers are with the families who lost loved ones that day and those Americans who continue to risk their lives for our safety here at home.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to join my colleagues in marking the fifth anniversary of the September 11, 2001 terrorist attacks. Today we pause, as the nation did on Monday, to honor the brave Americans who lost their lives in New York, Washington, and Pennsylvania on that tragic day.

As we debate this resolution we cannot help but remember the chaos, fee and violence we faced 5 years ago. Terrorists struck the World Trade Center and the Pentagon, symbols of our economic and military strength, in an attempt to destroy our most basic freedoms and values. Yet, as we look back we also vividly recall that in the midst of the unprecedented horror of that day, we see the very best of America: Firefighters and first responders rushing into danger, airline passengers sacrificing themselves to save others, and Americans coming together in unity and common purpose.

It is in this spirit that we not only look back at the past 5 years but also look forward to the difficult challenges ahead of us and the sober reminder that the terrorist threat against our nation is still very real. Last month's disrupted plot to attack airliners reminds us why it is even more important today that we rededicate ourselves to securing our homeland by fully implementing all of the recommendations of the 9/11 Commission and closing the gaps that still exist in our aviation, transit and port security. While there may be disagreement over whether or not we are safer today, we can all agree that much more needs to be done to protect and defend the American people.

The War on Terror that started on that fateful day five years ago is still far from finished. The threat posed by Al Qaeda and other terrorist organizations remains very real. Osama bin Laden and many of his allies are still at large, yet his trail has grown "stone cold" over the past two years and the CIA has shut down their unit responsible for tracking him. Afghanistan has become the forgotten front in the war on terror, pushed aside in favor of a war of choice against a country that posed no real threat to our nation and in which we find ourselves mired in a seemingly endless occupation. The Taliban, the former rulers of Afghanistan who supported Al Qaeda's attack on our nation, has grown again in strength as we have grown distracted by Iraq.

This is a time of great consequence for our nation. Unfortunately, slogans and partisan attacks have once again become substitutes here for serious debate on the national security challenges we face. This is clearly evident in the resolution before us, which contains divisive language designed to score political points instead of bringing this country together. As we move ahead, I hope that we can remember that which unites us as Americans and not which divides us as partisans.

Mr. BLUMENAUER. Mr. Speaker, H. Res. 994 states that America is safer today than it was on September 11th, 2001. This is hardly clear considering that the 9/11 Commission has given failing grades to how the government has responded to security needs.

Today, NATO lacks the troop strength in Afghanistan to combat the Taliban along the southern region. Today, we continue to fight a war of choice in Iraq longer than we have fought World War II. Today, 2,673 soldiers have died while our military continues to be stretched. And, today, Iran and North Korea continue to develop their nuclear technology unabated.

Here at home the situation is also troubling. Instead of debating any meaningful legislation for the American people, we spend our time debating things such as Horse Slaughter and Indian Gaming. We have yet to implement the 9/11 Commission's recommendations such as improving emergency communication technology that directly led to the deaths of many of our brave first responders on that sad day. Instead, the Majority party prefers to attempt to score some political points rather than doing the job the American people have sent us here to accomplish.

Today's resolution should have been a bipartisan effort to honor those who died and the family and friends they left behind. Sadly though, the Majority party has made it yet another day of divisive politics.

Mr. MICHAUD. Mr. Speaker, I rise today to remember the terrible events of September 11, 2001. On that day, murderers hijacked four planes. They flew two into the World Trade Center and one into the Pentagon. Only the heroic actions of the passengers of United Flight 93 prevented the fourth from reaching its destructive destination in Washington, DC. Nearly 3,000 innocent people lost their lives in these senseless acts of violence.

Today, I stand with all America, and much of the world, to mourn and remember that terrible day. We mourn our loved ones who are no longer with us, but we remember the courage of the firefighters, police officers and other first responders who rushed into burning buildings to save lives. We mourn our lost innocence and sense of security, but we remember the resolve of our Nation and the strength of our spirit. I stand with all America looking to the future for a united strategy to ensure the safety of our country and defeat of violent, radical ideologies that threaten our way of life.

At this moment, we should be working together. We should be searching for the unity that we felt after September 11th. Unfortunately, and unlike the Senate which earlier this week passed a bipartisan resolution that I support, the House Leadership decided to turn this most solemn of moments into a bid to score partisan points.

This resolution is a disappointing attempt to justify failed foreign policies that have not made our country safer. Five years later, world opinion towards us is overwhelmingly negative. The war in Iraq was based on inaccurate intelligence and incorrect assumptions about how successful our exercise in democratic nation-building can be. Al-Qaeda had no presence in Iraq before our invasion. The terrorist organization is now firmly entrenched carrying out murderous attacks, recruiting new members and gaining deadly combat experience. Iraq is stumbling towards civil war because of the mismanagement of the civilian leadership at the Pentagon.

We have not found Osama bin Laden and brought him to justice. Instead, our flawed foreign policy provides bin Laden and his followers with fertile ground for new terrorist recruitment and training.

We have failed to fully implement the recommendations of the bi-partisan 9/11 Commission. We have not done enough to secure our ports or major transportation networks. Thousands of tons of cargo arrive in the U.S. each day without being thoroughly examined. Our borders are porous and no real solutions to secure them have been reached.

Despite the great work and dedication of our first responders, intelligence community and military personnel, this government has failed to meet the challenges of making our nation secure. We have also not offered any help to firefighters and other first-responders, who so selflessly rushed to the aid of their fellow Americans, and now are suffering from respiratory ailments and post-traumatic stress. As Tom Kean, Co-Chair of the 9/11 Commission recently stated, "We are not protecting our own people in our own country. The government is not doing its job."

At such a solemn moment, we should make every effort to unite to overcome the challenges that we face from a very real and terrible enemy. The Senate drafted and unanimously supported a respectful, honest and appropriate resolution remembering one of the worst days in American history. I am disappointed that we could not do the same in this body.

Mr. STARK. Mr. Speaker, I rise in opposition to a misguided resolution that caters to partisan politics more than it honors the victims of 9/11 and the sacrifices of our brave men and women in uniform.

The fifth anniversary of a national tragedy should be a time for bipartisan unity. But rather than follow the example of the Senate Republican and Democratic leadership and introduce a 9/11 Anniversary resolution designed to bring America together, House Republicans insisted on a divisive and partisan resolution.

Unfortunately, H. Res. 944 praises both a Patriot Act that undermines the most basic of our civil liberties and a hateful immigration bill that makes the provision of humanitarian services to undocumented workers a crime. It goes on to wrongly characterize Iraq as a "front line" response to 9/11 and ineffectually attempts to equate the distinct wars in Iraq and Afghanistan as part of a single conflict.

I would have liked nothing more than to today vote to honor the selflessness and sacrifice many demonstrated on and after the attacks. I encourage Americans to make September 11 a day of national service. But I cannot vote for a politically charged resolution that celebrates policies my constituents and I vehemently oppose.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today to remember and honor the people who lost their lives in the September 11, 2001, terrorist attack.

The victims of September 11th came from all walks of life and each and every one of them is sorely missed by the friends, family, and this country.

I would also like to honor the many brave first responders and volunteers that selflessly rushed to help save lives during the attack, and everyone who has worked to help individuals, families, cities, and our whole country start to recover and heal in the months and years since September 11th 2001.

Today the House was supposed to bring up a bill to honor the victims of 9/11, and all those who helped to respond after the attack.

Instead, the Republican Majority has brought up H. Res. 994, a politically divisive bill. A bill which is more of an exercise in self-congratulation, than a solemn and respectful memorial. I regret to say it, the Majority has, once again, chosen to use this occasion to score political points, to drive a wedge between Americans by talking about politics, instead of bringing us together as we were on September 11th.

This is not a time for partisanship.

This is a time to come together to honor the people who gave so much on 9/11.

If we are going to use this occasion to talk policy, then we should be looking ahead. Talking about what we can do in the future to prevent another terrorist attack, like passing a law which implements ALL of the 9/11 Commission recommendations.

There is much left that needs to be done on that front:

We need to ensure that all cargo and people passing through our border are screened and accounted for.

We need a law to increase the security of our rail and mass transit systems to ensure that we do not experience an attack like the ones that occurred in Madrid, London, and Mumbai.

We need to ensure that our law enforcement agencies have interoperable communication so that they can respond quickly and work together to save lives during any incident.

Together, I am confident, that we can implement all of the 9/11 Commission recommendations and prevent future terrorist attacks. And if we do that, we will truly honor the memories of 9/11.

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to this resolution, as I strongly feel that we need to be careful about how we commemorate the tragic events of September 11, 2001. Several times over the past four years I have voted in favor of these annual 9/11 resolutions because they simply commemorated the tragic event and urged our continued vigilance in an increasingly dangerous world. I believe using the event to promote particular legislation or foreign policies, however, denigrates the memory of those who perished in that attack.

Much of the legislation referenced in this legislation is legislation that I supported. For example, I voted in favor of the Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005 and for the SAFE Port Act of 2006. I continue to support measures that help secure our borders and thereby make us less vulnerable to future foreign attack. However, I find it particularly unacceptable to heap praise on the PATRIOT Act, as this bill does. This act expanded the federal government's power to an unprecedented degree at the expense not of foreign terrorists, but of law-abiding American citizens. It opened average Americans up to wide-ranging government snooping and surveillance in matters completely unrelated to terrorism. For example, the "sneak and peek" provisions of the PATRIOT Act allow law enforcement to enter someone's home without a warrant, search that property, and never inform that citizen they had been there. Also, libraries and book stores can be forced to provide the government with citizens' borrowing and purchasing history without showing probable cause. I see no reason to applaud such an un-American piece of legislation.

Mr. Speaker, I believe we should show due respect the victims of the attacks of September 11, 2001. Congress patting itself on the back over legislation it has passed since then strikes me as disrespectful to those who suffered and continue to suffer from the attacks on New York and the Pentagon.

Mr. KIND. Mr. Speaker, I rise today in support of House Resolution 994, "expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001."

The terrorist attacks in New York and Washington, D.C. on September 11, 2001, were monstrous and cowardly acts that will be forever etched in our national memory. In remembrance of that tragic day, I wish to express my condolences, and the condolences of a mournful nation, to all those who suffered losses. Today, America again honors the courage and bravery of those who willingly risked their lives to save others and recognizes those dedicated men and women in service now, defending worldwide peace and security.

In the 5 years since the appalling acts of September 11th, our country has been fighting a global war on terrorism to protect America and our friends and allies. On July 22, 2004, the independent and bipartisan 9/11 Commission provided a full and complete report to Congress and the American public regarding the failures of the government and included 41 recommendations to improve homeland security. I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use the report to make certain such attacks never happen again. That is why I fully supported the unanimous and bipartisan recommendations of the 9/11 Commission and supported passage of H.R. 10 in December of 2004 to implement the recommendations of the 9/11 Commission. Almost 2 years have passed since passage of H.R. 10, and yet the President still has not fully implemented these recommendations.

In addition, despite the ongoing war in Iraq, I am very concerned that the main threat against the United States, al Qaeda, is still a global threat with global reach, and that the person who was directly responsible for 9/11, Osama bin Laden, is still at large. I believe the President has taken his eye off the ball in Afghanistan and is not doing everything in his power to bring those responsible for 9/11 to justice. It sends a terrible message to would-be terrorists who may be interested in striking us that all they have to do is go in hiding and lay low until our attention and resources are directed elsewhere.

Additionally, the big winners are countries with nuclear ambitions, like Iran and North Korea. Our message to the world during the Iraq and Afghanistan wars has been, if you have nuclear weapons we will not attack you, but if you do we will stay away. This sends the message to would-be terrorists that if they do not arm themselves, there is a potential for the United States to attack.

The President should have, with the support of the American people and international community which we enjoyed at the time, made it our mission to never rest, never sleep until those responsible for 9/11 were brought to justice. Instead, he diverted precious resources and personnel from Afghanistan and redirected them into Iraq. As a consequence, Osama bin Laden is still at large, the Taliban are reconstituting themselves, and al Qaeda remains a global threat.

Furthermore, last week NATO's top operational commander in Afghanistan, U.S. General James Jones, appealed for 2,500 more troops, saying the force was about 15 percent short of full strength. Once again, the President has failed to respond to a call from military commanders for reinforcements to try to quell the Taliban insurgency in southern Afghanistan, by denying the request for more troops. If as the President said on September 11, 2006, when speaking about bin Laden and other terrorists is true, "Our message to them is clear: No matter how long it takes, America will find you, and we will bring you to justice." Then we should be sending in these additional troops to Afghanistan, not ignoring another plea from our military commanders.

On this solemn day, I again stand up to recognize our brave men and women that tragically lost their lives on that fateful day in September of 2001. I wish to show my deepest appreciation to our military men and women fighting terrorism around the world. I feel the best tribute we as a Nation can give them and their families is to redirect our focus to bringing those responsible for the attacks against us on September 11th to justice. The opportunity has not yet passed to make serious and thoughtful change and to ensure that another tragedy does not befall our Nation.

May God bless our men and women in uniform and their families during this difficult time. May God provide his special blessings and care for those who fell in the line of duty. And may God continue to bless these United States of America.

Mr. GALLEGLY. Mr. Speaker, I rise today to pay tribute to the nearly 3,000 innocent victims of the September 11 hijackers. It is only right that we remember September 11, its victims, and its heroes.

My East coast home is only a few blocks from the Pentagon. On that day I could see the black smoke billowing from its side, smell the acrid fumes of burning jet fuel, and hear the sounds of rescue and recovery. The smoke eventually faded, but the memory never will.

The United States is safer today than it was 5 years ago, but we are not safe. And we will not be safe until our enemies are defeated.

Just a month ago, British authorities, with help from United States intelligence agencies, stopped a plot to blow up numerous airliners flying from London to the United States. An al Qaeda tape released on the anniversary of September 11 warned of renewed attacks.

Our enemies are plotting constantly, and we must remain constantly vigilant.

Mr. Speaker, 5 years ago, we stood on the Capitol steps in a bipartisan show of strength and solidarity. We vowed then—and in the days, months, and years after—that cowardly thugs would not succeed in destroying our resolve to live in freedom and peace.

That resolve remains. There are honest disagreements about how to prosecute the war, but there is no disagreement that we will ultimately succeed.

We are Americans. We do not bow to terrorists.

The heroes who died in four planes and three buildings on September 11 will never be forgotten. May they forever rest in peace.

Mr. SHUSTER. Mr. Speaker, I rise in solemn support of this resolution

Five years after worst terror attack in U.S. history, the American people's steadfast support for the families and victims of 9/11 is a symbol of the perseverance that we, as a country, have maintained.

The memorial services held around the country on Monday were a sobering reminder of the horror we, as a nation, faced that day.

Ground Zero in New York, the Pentagon here in Washington, and Shanksville, Pennsylvania are sacred ground. I am proud to represent Shanksville, Pennsylvania in Congress—the heroes of Flight 93 did what all Americans hope and pray they would have the courage to do in the face of terror. They stood up for freedom and sacrificed themselves to save countless others. They were the first counter-attack in the War on Terror.

Flight 93 was believed to be headed for the Capitol that ill-fated day five years ago. Many of us here today may have been in mortal danger had it not been for the brave passengers on that flight.

I would like to thank the heroes of Flight 93 and their families for their sacrifice, for being the first line of defense against terror, and for showing the world our strength, our resolve and our courage as Americans.

My prayers are with the families of the victims of 9/11.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H. Res. 994. This week, all Americans pause and remember the heroes of September 11, 2001. We honor their sacrifices, recall their courage, and pay tribute to their legacy. On that day five years ago, the strength of our nation was challenged and our resolve tested. The gallant actions of our fellow Americans showcased the resilience of our spirit and reinforced our ideals of life, liberty, and democracy.

The United States today is a nation far different than it was five years ago. We have come to recognize the dangers that hate and terrorism impose upon peaceful and freedom-loving people worldwide. We are better informed of terrorist threats and better organized to deter these dangers. Most importantly, we have learned that the Global War on Terror, this great struggle of our time, is a fight best waged on foreign soil, out of the reach of American streets, American neighborhoods, and American families.

As we pay tribute to the memory of September 11, 2001, Congress will take up several measures to ensure that our homeland is secure. These measures are designed to combat a new enemy that hides from sight, attacks the weak and unprotected, and uses innocent civilians as human shields. To prevent future terrorist attacks, we are working to disrupt terrorist activities internationally and domestically, including stopping terrorist networks and their financing schemes and securing our borders and critical infrastructure.

September 11, 2001 was a watershed moment in American history, when the defenders of freedom and democracy began the long struggle against fear and tyranny. Five years later, we pause as a nation to honor the memory of those who lost their lives that day and all those who have since made the ultimate sacrifice in the name of liberty. In addition, we honor the brave actions of all of our servicemembers during the War on Terror. Day in and day out, our military forces are making significant progress in weeding out violence and extremism, promoting peace, and training domestic security forces. Their actions have safeguarded life, liberty, and democracy for all Americans and prevented fear and violence from taking hold in America.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of House Resolution 994, introduced by Homeland Security Committee Chairman PETER KING, observing the fifth anniversary of the September 11, 2001, terrorist attacks against the United States.

On September 11, 2001, we were brought face to face with an elusive and dangerous enemy. As the world watched, America responded to these heinous attacks with a united front. We could no longer pretend that our oceans protected us from evil. We were determined to find the terrorists and bring them to justice. We would leave no rock unturned.

While the face of America was strong, the hearts of America were heavy. Nearly 3,000 people lost their lives that fateful day. The families of those who lost loved ones continued to grieve, and America grieves with them.

Five years later, we must maintain our resolve to defeat extremism worldwide and protect American families here at home. I am grateful our family is participating in the Global War on Terrorism with four sons currently in the military and my oldest son, Alan, served for a year in Iraq knowing this is the central front of the War on Terrorism as proclaimed by Osama Bin Laden.

Ms. BEAN. Mr. Speaker, every one of us in this chamber mourns the murder of the nearly 3,000 innocent people on September 11th. We all want to take the fight to the terrorists and protect America from those bent on harming us. Each of us wants to commemorate the deaths of the innocent and reaffirm our creed to never forget with an honest, humble, nonpartisan Resolution.

We have shared goals, and we can come together and write a Resolution we can all support and of which the American people can be proud.

I am saddened today that partisan politics have entered into the debate of this Resolution today, and that language was deliberately used in this Resolution which is devisive and unnecessary.

Mr. Speaker, I will vote for this Resolution, but I regret that it could not have been more unifying, and I regret that the debate in the House could not have risen above the political fray for just one day.

Ms. BALDWIN. Mr. Speaker, on the fifth anniversary of the worst attack on American soil, my Republican colleagues have disgracefully politicized what should have been a solemn and sincere resolution. This week we are mourning the tragic loses of innocent lives as well as commemorating the unsurpassed heroism that was on display that day. We are expressing our gratitude to our Nation's law enforcement officers for their tireless dedication to make our country safer; and we are reaffirming our Nation's resolve to combat terrorism and secure our homeland. But rather than offering a bipartisan resolution that unites us on this solemn occasion, the Republican leadership converted the bill into an endorsement of the PATRIOT Act, punitive immigration bills, and other highly controversial measures, which many of my constituents oppose. This bill was cynically transformed from a memorial resolution to an endorsement of President Bush's failed policies. The Republicans show enormous disrespect to the 9/11 victims and families by playing election year politics with something as solemn as the fifth anniversary of 9/11; I will vote against the bill.

Mr. FORTENBERRY. Mr. Speaker, today we remember those who died tragically on September 11, 2001—and the family members who continue to mourn such terrible loss. We honor the strength of these Americans and we also thank the brave men and women defending America today from thosse who continue to seek to do us harm.

We live in a very special place. We live in a country that is built on the fundamental principle that all persons have inherent dignity and rights. The freedoms we enjoy depend on this fundamental principle. As many did in the immediate aftermath of the 9/11 attacks, Americans are willing to risk their lives for the sake of their fellow citizens—for the good of country, family, and community.

Last week I had the privilege of formally welcoming home the soldiers of the 67th Area Support Group of the Nebraska National Guard as they all returned home safely from a yearlong deployment.

What a beautiful scene! Families reunited . . . husbands and wives in loving embraces, children scrambling to greet the mom or dad they'd known only through letters and photos the year before. Parents taking up young children in their arms, some perhaps for the first time.

In their commitment and patriotism, these soldiers had given a year away from families and homes to serve their country. Many of our military service personnel will tell you that their service is driven by the events of that fateful day five years ago. They sacrifice so much personally to help protect our Nation.

Fortunately there has not been an attack on America for five years. This is not due to wishful thinking. This is due to the extraordinary effort to rethink and reform our national security efforts. Our military, our homeland security forces, police officers, firefighters, and emergency first responders have all played a very important role in protecting America.

Their work helps make America safer—their sacrifice keeps our families more secure.

And the compassion, sacrifice, and resolve of the American people help make our Nation great. We have faced difficult challenges of worldwide significance in the past—World War II and the Cold War. We prevailed then and we must now prevail for the good of our country and the hope of a more peaceful world.

Ms. FOXX. Mr. Speaker, it is with great honor and humility that I rise today to commemorate the lives of the thousands of victims and heroes of the terrorist attacks on September 11, 2001. I extend my heartfelt condolences to the loved ones of those whose lives were needlessly cut short on that day. In addition, I rise to pay tribute to those who have died at the hands of the same threat which brought the September 11th attacks. From 1983, with the bombing of the Marine barracks in Beirut, Lebanon killing 241 American service members, to the 1993 bombing of the World Trade Center, killing six, Islamic fascists have continued with attacks against the United States at the Khobar Towers in Saudi Arabia, our embassies in Kenya and Tanzania, and the USS *Cole* in Yemen. I mention these events because it is essential for Americans to remember that the threat responsible for perpetuating these attacks is the same unending threat against which we are fighting today in the Global War on Terror. This enemy is methodical, patient, determined, and bound by one unifying purpose: the complete annihilation of all who do not subscribe to their warped vision of Islam by pursuing a murderous ideology.

While some setacks have occurred in our efforts, we have made tremendous progress in confronting this threat, head-on. We must acknowledge the steadfast resolution of the Administration and the commitment and diligence of those in our intelligence community. Over the past five years, the Republican-led Congress has spent over $150 billion on homeland security. Congressional action on a variety of policies has provided those in our intelligence community with the critical tools needed to prevent future terrorist attacks on our homeland. Today, our service men and women are engaging the enemy abroad so the terrorists will not bring their violence to America. Because of the exemplary service of those in our military, the terrorists can no longer establish safe havens in areas of the Middle East where they once roamed freely.

Our message to the families and friends of those who fell on September 11th, is that America remains united in ensuring your sacrifices and those of your loved ones were not made in vain. America will always cherish the memories of these heroes and will remain committed to defending the principles for which this Nation stands, including principles as fundamental as individual liberty, justice, and the rule of law.

Mr. ETHERIDGE. Mr. Speaker, today the House considered House Resolution 994, to commemorate the fifth anniversary of the tragic events of September 11, 2001. Most of us were here in Washington on that fateful day, and after the attacks we knew our lives had changed forever. Although I may not agree with every provision of this resolution, I voted for it to support our troops and to commemorate that tragic day.

House Resolution 994 is an effort to honor those thousands of innocent people who lost their lives that day as well as remember the bravery and sacrifice of the fire fighters, law enforcement officers and rescue personnel who worked feverishly to save them.

This resolution also recognizes the brave men and women of our armed services who responded with authority, precision and when needed, force, to root out the cowardly perpetrators and protect Americans and our interests both here and abroad.

Although we pause on September 11th to reflect and say thanks, on this day we must also renew our commitment to securing the homeland and protecting our values every day.

It is our responsibility to remove bureaucratic roadblocks and provide our Nation's first responders with the interoperable communications equipment they so sorely need.

We must seek the correct balance between securing our Nation and protecting the civil rights that serve as the basis of our enduring democracy.

And we must honor our commitment with continued support of our troops overseas.

It seems like only yesterday when this Nation joined together in recognition that the forces that divide us from one another can never overcome the transcendent unity we have as Americans.

Five years ago Members of Congress stood shoulder to shoulder on the step of this Capitol and pledged to work together to remember this day and honor the sacrifice of the fallen.

This is a pledge we should remember every day and not just once a year.

Ms. LUCILLE ROYBAL-ALLARD. Mr. Speaker, I rise today to remember the men, women, and children who lost their lives in the September 11, 2001 terrorist attacks on America and to honor the heroic efforts of our first responders on that fateful day.

It is more than fitting that the resolution before us today remember the innocent victims of September 11 and pay tribute to the countless first responders who at their own peril responded to the horror of that day.

It is unfortunate then that the Republican leadership has chosen this solemn time to play politics and divide this House by inserting into this legislation references to several controversial and partisan pieces of legislation.

It is true that Democrats and Republicans disagree over the policies of the administration and the Republican leadership. These policy differences include the Republican budget cuts in time of war, the failure to ensure the safety of our seaports, the failure to fully inspect aviation cargo against terrorist attacks, and the failure to provide our first responders with critical resources and equipment to adequately respond to a disaster.

It is also true that Democrats have a new direction to address these and other security concerns and the failures of this administration to adequately prepare our country for another large scale disaster. But the Republican leadership dishonors the spirit of this solemn anniversary by including divisive language in this resolution.

Controversial issues, such as certain provisions of the PATRIOT Act and the Border Protection Act, have no place in a resolution that commemorates the events of September 11, 2001. And I deeply regret that my Republican colleagues have unnecessarily cast a shadow on this solemn anniversary.

On the fifth anniversary of the September attacks, let us remember 9/11 not with political shenanigans but by respectfully remembering those who lost their lives and by honoring them with legislation that provides real homeland security for the families and friends they left behind and all Americans.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 996, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 22, answered "present" 1, not voting 15, as follows

[Roll No. 440]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier

Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—22

Baldwin
Blumenauer
Davis (IL)
Frank (MA)
Grijalva
Gutierrez
Hinchey
Honda
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Michaud
Paul
Schakowsky
Scott (VA)
Stark
Watt
Woolsey

ANSWERED "PRESENT"—1

Capuano

NOT VOTING—15

Davis (FL)
Evans
Harman
Johnson, Sam
Keller
Lowey
Moran (VA)
Ney
Nussle
Owens
Solis
Strickland
Watson
Weiner
Wynn

□ 1932

Mr. DAVIS of Illinois changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 440 on H. Res. 994—9/11 Resolution, I was unavoidably detained. Had I been present, I would have voted "nay."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 114. Concurrent resolution providing for corrections to the enrollment of the bill S. 2590.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2590) to require full disclosure of all entities and organizations receiving Federal funds.

The Clerk read as follows:

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Funding Accountability and Transparency Act of 2006".

SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity"—

(A) includes, whether for profit or nonprofit—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) a sole proprietorship;

(vii) any other legal business entity;

(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

(ix) any State or locality;

(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and

(C) does not include—

(i) an individual recipient of Federal assistance; or

(ii) a Federal employee.

(2) FEDERAL AWARD.—The term "Federal award"—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards, cooperative agreements, purchase orders, task orders, delivery orders, and other forms of financial assistance;

(B) does not include individual transactions below $25,000; and

(C) before October 1, 2008, does not include credit card transactions.

(3) SEARCHABLE WEBSITE.—The term "searchable website" means a website that allows the public to—

(A) search Federal funding by any element required by subsection (b)(1);

(B) ascertain through a single search the total amount of Federal funding awarded to an entity, by fiscal year; and

(C) download data included in subparagraph (A) included in the outcome from searches.

(b) IN GENERAL.—

(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section and section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

(A) the name of the entity receiving the award;

(B) the amount of the award;

(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and

(F) any other relevant information specified by the Office of Management and Budget.

(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

(3) DESIGNATION OF AGENCIES.—The Director of the Office of Management and Budget is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support

of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director of the Office of Management and Budget under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

(c) WEBSITE.—The website established under this section—

(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a single search;

(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required in subsection (b)(1) cannot be searched electronically by field in a single search;

(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting.

(d) SUBAWARD DATA.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—Not later than July 1, 2007, the Director of the Office of Management and Budget shall commence a pilot program to—

(i) test the collection and accession of data about subgrants and subcontracts; and

(ii) determine how to implement a subaward reporting program across the Federal Government, including—

(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

(2) REPORTING OF SUBAWARDS.—

(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director of the Office of Management and Budget—

(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director of the Office of Management and Budget may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

(e) EXCEPTION.—Any entity that demonstrates to the Director of the Office of Management and Budget that the gross income, from all sources, for such entity did not exceed $300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

(g) REPORT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives an annual report regarding the implementation of the website established under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make each report submitted under paragraph (1) publicly available on the website established under this section.

SEC. 3. CLASSIFIED INFORMATION.

Nothing in this Act shall require the disclosure of classified information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Majority Whip ROY BLUNT and I originally introduced H.R. 5060 to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user-friendly form. Our bill passed the House on June 21, 2006.

Today, we are taking up the Senate companion bill, S. 2590, introduced by Senator COBURN and Senator OBAMA, which would require Federal financial assistance data, as well as data about government contracts, to be available for public access.

This bill would require the Office of Management and Budget to create a Web site listing all grant awards and contracts in a manner that would be easily accessible and free of charge. In a nutshell, this is about information to taxpayers about how their hard-earned dollars are being spent. Each award or contract would have to be listed on the Web site within 30 days of enactment of this act. Currently, no such real-time disclosure is required to grant awards, and data that is available often is not timely.

Further, there is no central database of all entities receiving Federal funds, including the nearly 30,000 organizations that are awarded nearly $300 billion in Federal grants each year. In fact, several agencies have taken different approaches to publicizing information about grantees, and all too often little or no information is available online.

This legislation puts into place a framework that sheds light on the Federal grant process, allowing anyone with access to the Internet the ability to review and search financial assistance rewards. Sunshine, Mr. Speaker, is the best disinfectant. This legislation will provide greater transparency in the grant-making process and require continued improvement of the already existing, but inadequate transparency, in Federal contract awards.

I want to thank the gentleman from Missouri for recognizing the importance of this issue. I want to congratulate him on bringing this measure forward. I also want to thank our ranking member, Mr. WAXMAN, for reaching across the aisle to move this legislation forward in a timely manner.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, S. 2590 calls for the creation of a new searchable database of all Federal grants and contracts to be made publicly available on the Internet. This will require the Office of Management and Budget to develop a database that can be useful to individuals and organizations researching Federal grant funding. In addition, it should allow the public to better access information about the billions of dollars spent on Federal contracting.

I would like to highlight one important difference between this bill and H.R. 5060, which passed the House in June. The database created under H.R. 5060 was missing a key component, information about Federal contract spending. Contract information is essential to meaningful public oversight. As Federal contract spending increases, and from 2000 to 2005, it has soared by 86 percent from $203.2 billion to $377.5 billion. There is a vital need for the public to be able to track and understand this spending.

I want to thank Chairman DAVIS and Majority Whip BLUNT for reconsidering their position on the contract information issue and hope that our efforts today will make Federal contract information freely and easily accessible to the public.

I also want to commend the hard work of Senator COBURN and Senator OBAMA on this legislation. As Members of Congress, we have a responsibility to increase public understanding of Federal spending and public access to information about how taxpayer dollars are spent.

Currently, the public has access to a grants data system, the Federal Assistance Award Data System, that provides limited information about domestic grants. But this system is unwieldy and difficult to use. In addition, there is a publicly available database of contracts, the Federal Procurement Data System, FPDS; but it is too plagued with problems.

So, today, we try to improve on those systems. The key to success will be implementation. Without it, we will be where we are now, with poor access to information. If implemented properly, public oversight of Federal spending will, indeed, increase.

In closing, I must admit that I find it incredible that it has taken an act of Congress to make this information public. All of this information should be already available to the public. This is just one victory in our continuing fight for public access to government information.

Mr. Speaker, I reserve the balance of my time

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he might consume to the gentleman from Missouri (Mr. BLUNT), who has had a lot to do with originating this bill in the House and helping us work out the details with the Senate.

Mr. BLUNT. Chairman DAVIS, thank you for yielding, and thank you for your great work on this bill.

Mr. Speaker, this week we are having a discussion in the House about earmarks and earmark reform. Yet there is another process in the Federal Government that, despite spending $300 billion a year, has almost no access as we stand here today. Each year the Federal Government gives out thousands of grants to various organizations and entities. All told, some 30,000 organizations a year receive grants. Yet there is no central system available to the public or even to the Congress to determine who is receiving these taxpayer funds and how they are being spent.

That is why Chairman DAVIS and I introduced, and in June the House passed, H.R. 5060 with the support of Mr. WAXMAN and Mr. DAVIS of Illinois. This was a bill to require a publicly searchable database of all Federal grants. Our colleagues in the other body, led by Senator COBURN and Senator OBAMA, passed a slightly different bill that established a similar but different database for grants and Federal contracts.

Last week we were able to collectively announce a final agreement representing the best element of both bills. Our agreement requires the Office of Management and Budget to establish a searchable Web site listing all recipients of Federal financial assistance such as loans and grants, as well as a separate database covering all contracts over the $25,000 reporting threshold.

This site will provide an invaluable tool enabling the Congress, the public, and the media to easily determine who is receiving taxpayer funds and doing business with the government. This information will be critical in uncovering wasteful spending and ensuring compliance with existing Federal laws.

There are numerous examples of wasteful government grants, such as millions of dollars spent with the National Institute of Mental Health to study what makes a meaningful day for college students, or to study how college students decorate their dorm rooms. There was even one example of a grant for $700,000 at the EPA where the grant was given without any knowledge, apparently, of what work was to be performed as a result of the grant.

The bill we are passing today will empower everyone with access to the Internet to begin reviewing the Federal grants and other forms of taxpayer assistance to look for waste, fraud, abuse or just to simply know who, in their community, or in other communities they are aware of, are receiving these grants. This legislation will also help to ensure that Federal laws are adhered to by those receiving taxpayer funds.

Frequently, Federal law imposes various restrictions or requirements on Federal grantees. For example, the Congress has entities or has required that entities receiving funds under our Global AIDS Program have a firm policy opposing prostitution and sex trafficking.

Yet last year, the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources uncovered that a USAID grantee was subcontracting taxpayer funds to, in fact, a pro-prostitution organization. Our bill required grantees to also disclose their subgrantees, thus making it easier to ensure compliance with important Federal policies, like those applicable to the Global AIDS Program.

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This legislation will also ensure compliance with existing lobbying restrictions. The 1995 Lobbying Disclosure Act prohibits 501(c)4 organizations from receiving Federal grants and lobbying, even with their own funds.

The restriction has been difficult to enforce. The Inspector General for the EPA determined in 2004, for example, that for 5 years the Consumer Federation of America had spent some of the $5 million it received in Federal grants to lobby the government. A central database of entities receiving Federal grants would provide an important tool to ensure compliance with existing law.

It is my belief that this bill will provide important information to all Americans and serve as a powerful tool to improve how government spends precious taxpayer funds.

I want to thank Chairman DAVIS and Ranking Member WAXMAN for their assistance in moving this legislation forward, and in particular I want to thank the staff of the Government Reform Committee, particularly Ellen Brown, John Brosnan and Ed Puccarella, for their efforts.

I urge passage of this important legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TOM DAVIS of Virginia. I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I first want to thank our majority whip, the chairman of Government Reform Committee and Senator COBURN in particular for the way they moved this bill, introduced the bill and moved this bill through. We all realize that the government needs to be more transparent and we are working towards those directions.

But as you heard Mr. BLUNT mention earlier, our subcommittee, the one that I chair, had one of the more frustrating experiences. Chairman DAVIS, myself, many of the subcommittee chairmen in Government Reform's job is to do oversight over the executive branch, and it is very hard to get the data we need to do proper oversight.

We started in December, actually October 6, 2005, to ask USAID for some information on whether they were following congressional guidelines as far as a particular group and program that we had been tipped off may not have been following those guidelines. USAID at the meeting denied they were funding this organization.

We asked them for documentation. They said documentation didn't exist. My staff director, Marc Wheat, and our hard-working staff, dug up on Google in actuality documents that the State Department said didn't exist. We also had people from other agencies that leaked us documents. So they in effect came to us and told us a mistruth about what existed and didn't exist. They also buried it in subcontractors.

This organization, SANGRAM, had in fact been a high risk candidate already because they had publicly opposed having prostitution be illegal. They had written, We believe that when involuntarily initiation into prostitution occurs, a process of socialization within the institution of prostitution exists, whereby the involuntary nature of the business changes increasingly into one of active acceptance, not necessarily with resignation. This is not a coercive process." In other words, they believe prostitution is a legitimate form of a job.

Now, that is contrary to Federal law. But even though this group had taken that position and even though our government had let them participate, they had tried to disguise in the grant process who was getting the money. We had a case of an organization that went in to rescue some women from prostitution, and when they were rescued, this organization, funded with taxpayer dollars, contrary to U.S. law, went and took the women back into prostitution in Asia.

We cannot on the one hand be trying to get women out of prostitution, and on the other hand be funding it contrary to law. The fundamental problem here was we couldn't follow the grants.

The reason you need transparency and the reason we need transparency in the executive branch and the reason we need transparency in the legislative branch is so we can at least see where the money goes. Then you can debate with your politicians whether it is the right policy or the wrong policy. But when you can't find where the money goes, it is impossible to do responsible legislation and absolutely impossible to do responsible oversight.

I thank the chairman of the Government Reform Committee for making the executive branch be accountable as well, and for our leader and for the cooperation of the Democrats on this issue. This should be a bipartisan effort. Let the sun shine on all earmarks and let the sun shine on all grants

Mr. Speaker, I rise in support of S. 2590, Federal Funding Accountability and Transparency Act. The database envisioned in this act will be a vital tool for creating a more open spending process.

As we all know, government spending is often an impenetrable web of confusion and dead-ends. Exactly who receives taxpayer money may be difficult to ascertain. In some instances, agencies cannot answer definitively if an organization receives taxpayer funding or not. Such messy records and bookkeeping would not be tolerated in the private sector. Furthermore, the government does not allow the private sector to keep such abysmal records. Establishing the database proposed in this bill will cut through this web and allow easy access to who receives money and for what purpose. The need for this type of system will help not only in area of earmarks, but also in the awarding of government grants and contracts.

The necessity of such a database is best illustrated by an exchange between USAID and the Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources. In my capacity as Chairman of the subcommittee, on October 6, 2005, I sent a letter to USAID seeking information about its funding of the pro-prostitution non-governmental organization called SANGRAM in violation of Public Law 108–25, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

According to an unclassified State Department memorandum obtained by subcommittee staff, Restore International, an anti-trafficking NGO that works with law enforcement agencies in India, was "confronted by a USAID-funded NGO [SANGRAM] while the former attempted to rescue and provide long-term care for child victims of sex trafficking. The confrontation led to the release of 17 minor girls—victims of trafficking—into the hands of traffickers and trafficking accomplices." According to this memorandum, SANGRAM "allowed a brothel keeper into a shelter to pressure the girls not to cooperate with counselors. The girls are now back in the brothels, being subjected to rape for profit."

On November 16, 2005, a USAID briefer asserted to Government Reform Committee staff that USAID had "nothing to do with" the grant to the pro-prostitution SANGRAM, and that the Committee's inquiries were "destructive." The Subcommittee is now in possession of documents that demonstrate that USAID must provide a revised briefing to Congress on its true role.

These documents prove that USAID money financed the pro-prostitution SANGRAM through a second organization named Avert, which was established with the assistance of four USAID employees as a pass-through entity. USAID has held the ex-officio Vice Chairmanship of Avert since inception.

According to these documents, the USAID board member of Avert voted twice to award funding to SANGRAM (July 27, 2002 and again on December 3, 2004), the last time being some 18 months after the provisions of Public Law 108–25 prohibited taxpayer funding of pro-prostitution groups like SANGRAM.

That SANGRAM was a high-risk candidate for not complying with Public Law 108–25 should not have been a surprise to USAID. SANGRAM was a cosigner, along with many other high-risk candidates, of a May 18, 2005 letter to President Bush opposing the anti-prostitution pledge. Subcommittee staff found posted on a USAID-sponsored Web site, a 5-year-old report from SANGRAM that states: "We believe that when involuntary initiation into prostitution occurs, a process of socialization within the institution of prostitution exists, whereby the involuntary nature of the business changes increasingly into one of active acceptance, not necessarily with resignation. This is not a coercive process."

I agree with President Bush that "It takes a special kind of depravity to exploit and hurt the most vulnerable members of society. Human traffickers rob children of their innocence; they expose them to the worst of life before they have seen much of life. Traffickers tear families apart. They treat their victims as nothing more than goods and commodities for sale to the highest bidder." It is inconceivable that an organization like SANGRAM could have received funding from the American taxpayer had USAID put in place an adequate management system to carry out Public Law 108–25.

On December 13, 2005, a large briefing team from the Department of State and USAID met with staff from the Subcommittee I chair concerning this matter, in order to demonstrate ownership of the problem and to layout corrective measures being taken. To my dismay and astonishment, the briefers were not prepared to discuss (and exhibited little knowledge of) the pass-through entity known as Avert that USAID established and which served as the mechanism whereby NGOs in India were monitored and financed with American tax dollars. Subcommittee staff knew more than the State/USAID briefing team about this matter thanks to Google searches on the web for critical documents that had not been provided to the Subcommittee by the Administration.

In the months since that December 13 appeal was made for an electronic registry, the Subcommittee request has inspired two pieces of legislation: first in the other body, and the second we are debating here today. This scandal of financing pro-prostitution groups by USAID was highlighted by the authors in both chambers as illustrating the need for this legislation.

I urge the swift passage of this legislation. If we are going to continue to spend tax-payer money, the American people deserve to know how it is being spent and by whom. Flagrantly disgusting examples of the misuse of taxpayer funds must be made known and eliminated.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close by just simply saying that I don't believe that we can overemphasize the importance of transparency in government, and especially as it relates to contracting. I would urge passage of this legislation. I am proud to be a cosponsor of it

Mr. WAXMAN. Mr. Speaker, the bill we are considering today, S. 2950, requires the Office of Management and Budget to create a searchable database of federal grants and contracts accessible to the public on the Internet. I am pleased to support this bill.

In June, the House considered a watered down version of this bill, H.R. 5060. The House bill included only grants, leaving out hundreds of billions of dollars in annual spending on federal contracts. At the time, I urged Chairman DAVIS to work with me to include contract disclosure in the legislation.

The bill before us today is stronger and more comprehensive than the bill passed by the House in June. While the House bill covered only grants, the database created under this legislation will include all federal grants and contracts. If this bill is implemented properly, any citizen with Internet access will be able to examine a comprehensive set of records for information about federal spending. For each grant or contract awarded, the database will include details about the recipient of the award, as well as the amount of the award, the purpose of the funding action, and other relevant information.

There has been considerable confusion about what this bill does and does not do. The information that this bill requires to be posted on the Internet is not secret. In fact, there are existing databases that are accessible to Congress and the public that are already required to include the information covered in this bill.

Under current law, for example, there is a federal procurement database maintained by the General Services Administration. This database, called the Federal Procurement Data System, is required to contain significant amount of information about each federal contract.

Similarly, there is a grants database maintained by the Census Bureau, the Federal Assistance Data System, which collects information about domestic financial assistance awards. In addition, grants.gov and various databases maintained by individual agencies, contain some of this information.

But these databases don't always contain the information that they are supposed to contain. They aren't always kept up to date. And they can be difficult to use.

In essence, what this bill does is require that these existing databases be compiled into a new database that is more organized and more accessible.

Ordinarily, I would not be in favor of legislation that requires the government to spend money repackaging data that is already in existence. But this bill is an exception. The current state of the existing databases is so poor that Congress is justified in passing new legislation.

Ultimately, implementation will be key to the success of this bill. If the administration is not committed to making the legislation work, all we will get is another incomplete and hard-to-use database. My hope is that by passing this bill with broad, bipartisan support, we are sending a signal to the administration that it needs to do a better job.

Members of Congress from both parties and both the House and Senate have worked hard to make this bill a reality. I want to compliment Senator OBAMA and Senator COBURN, in particular, for their leadership. They put aside partisanship to forge the bill we are considering today. I also want to thank Chairman DAVIS for agreeing to expand the scope of this bill to cover contracts.

The legislation we are passing today is not comprehensive reform; it will not restore honesty and accountability in government. It's a modest, bipartisan step in the direction of open government. But in the climate we're currently in, even a small step forward is worth supporting and celebrating.

I urge support of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge all Members to support the passage of S. 2590.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 2590.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CORRECTING ENROLLMENT OF S. 2590, FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 114) providing for corrections to the enrollment of the bill S. 2590, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill S. 2590, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike paragraphs (2) and (3) and insert the following:

"(2) FEDERAL AWARD.—The term 'Federal award'—

"(A) means Federal financial assistance and expenditures that—

"(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

"(B) does not include individual transactions below $25,000; and

"(C) before October 1, 2008, does not include credit card transactions.

"(3) SEARCHABLE WEBSITE.—The term 'searchable website' means a website that allows the public to—

"(A) search and aggregate Federal funding by any element required by subsection (b)(1);

"(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

"(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

"(D) download data included in subparagraph (A) included in the outcome from searches.".

(2) In section 2(b)(1), strike "section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note)," and insert "section, section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.),".

(3) In section 2, strike subsection (c) and insert the following:

"(c) WEBSITE.—The website established under this section—

"(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

"(A) specify such search shall be confined to Federal contracts and subcontracts;

"(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

"(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

"(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

"(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).".

(4) Add at the end the following:

"SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

"Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

THOMAS J. MANTON POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6033) to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

The Clerk read as follows

H.R. 6033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THOMAS J. MANTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, shall be known and designated as the "Thomas J. Manton Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Thomas J. Manton Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6033, offered by the distinguished gentleman from New York (Mr. CROWLEY) would designate the post office building in Woodside, New York, as the Thomas J. Manton Post Office Building.

Mr. Manton passed away in July of this year. The attendance of over 800 people at his service was a testament to his lasting impact as a public servant and friend to the New York community.

His history of public service began with his time in the Marine Corps and continued until his final day as Chair of the Queens County Democratic Organization. He also worked as a New York City police officer while simultaneously attending law school, and in 1970 he began the first of what would be 14 years as a New York City Council Member. In 1985, he was elected to Congress, where he served his country and constituents until 1999.

A steadfast advocate of diversity, Mr. Manton balanced the needs of the people from multiple backgrounds with heartfelt understanding and great compassion. His constituents remember him as a humanitarian and advocate who was never too busy to return a phone call or share his time.

With gratitude for his devotion and service to our country, I would ask all Members to join me in supporting H.R. 3063

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this resolution, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague for yielding me this time.

Mr. Speaker, I rise, and it is an honor for me to rise this evening, in support of H.R. 6033, legislation, as duly noted by my friend Mr. DAVIS, to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the Thomas J. Manton Post Office Building.

I want to first extend my sincere thanks and gratitude to Chairman TOM DAVIS for his expediting this legislation to the floor. As was mentioned, Tom Manton died only recently, at the end of July, and to have this bill on the floor as quickly as we have, I owe a great deal of debt to TOM. Thank you, Mr. DAVIS, for your work on this.

I also want to thank the ranking member, Mr. HENRY WAXMAN, again a gentleman who saw fit to move this legislation quickly; the majority leader, JOHN BOEHNER, as well and his office. In particular I want to thank Denise Wilson of the Government Reform staff as well for her helping move this forward. I want to thank our leader, NANCY PELOSI, and Chairman BARTON and Ranking Member JOHN DINGELL for their help in moving this expeditiously to the floor.

I also want to thank all my colleagues from New York who unanimously supported this renaming, but particularly I want to thank the dean of our delegation from Long Island and Queens County, Representative GARY ACKERMAN, as well as CAROLYN MALONEY, NYDIA VELÁZQUEZ, GREG MEEKS, ANTHONY WEINER, and, of course, we can't forget the dean of the New York delegation, CHARLIE RANGEL, but all New Yorkers, with the support of both Democrat and Republican, without cause. NITA LOWEY, for her work and for all their friendship with Tom Manton and their kind words back in July when this House recognized his passing.

I appreciate that. My constituents certainly appreciate that as well. I know that the Manton family, in particular Diane Manton, is very appreciative of the honor that we bestow upon her late, great husband, former Congressman Tom Manton.

Many of my colleagues in Congress are familiar with the exemplary service of former Congressman Tom Manton because you served with him. But for those who don't recall, he served with honor and distinction in the United States House of Representatives from 1984 to 1999. He replaced the then legendary former Congresswoman Geraldine Ferraro.

Before that, Tom Manton came from humble Irish American roots. He loved his country, America, and certainly loved his ancestral homeland of Ireland as well, and that was reflected in the community he grew up in. Woodside, New York, was and still remains a community that has an Irish flavor to it.

Tom Manton served the City of New York first as a member of the New York City Police Department. He had worked for a time for IBM and there had been some discussion at one time that he sold computers for IBM. Let me just make it perfectly clear. When Tom Manton worked for IBM, computers were bigger than this room. He did not sell computers for IBM. I think it was he sold typewriters for IBM. It is important to make that distinction.

But after that he had gone to law school at St. John's and he graduated and ran for the New York City Council and served there with distinction for 15 years before coming on to serve here in the House of Representatives.

As I mentioned before, the neighborhood that this Post Office is located in, if you took a dart and threw it at the map of New York City and you hit bullseye, you would be right in Woodside-Queens, New York, as I mentioned before, a community that is known for its Irish American community and one of the still largest concentrations of Irish American immigrants in our Nation today. Woodside is also my hometown, my home neighborhood.

It is also very diverse. It is a multiethnic neighborhood, and an ever-changing part of my district, as it was for Tom Manton, and is often the first stop for new immigrants to our great country.

While we may hear less Irish and Italian accents and more Turkish, Bengali, Hindi and Spanish in local stores, the neighborhood of Woodside is as vibrant today as it was when I was a young child and it was when Tom Manton served as its legislator.

Naming this Post Office after Tom Manton, again, the son of Irish immigrants, who rose to serve in these hallowed halls, is a perfect reminder to that potential that exists for all immigrants and their children today in the United States that it is as unlimited as it was for Tom Manton and as it was for his parents to see him become a Member of Congress, as it is for my parents to be here to see me become a Member of Congress and for previous generations.

I want to thank all my colleagues again for their expediting this legislation. Tom Manton was more than my predecessor. He was my counsel, he was my mentor, and, more importantly, he was my friend. For you to recognize him in this way and in such a manner does more in many respects to my own heart, and I really appreciate this.

Again, on behalf of the Manton family, and in particular Diane Manton, his wife, and his children and his grandchildren and the people of the Seventh Congressional District, in particular Woodside, I thank this entire Congress for its unanimous support for renaming this Post Office after Tom Manton.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend for his very moving words. This is a tough partisan area right now, we even argued over a 9/11 resolution a minute ago, where partisanship sometimes gets in the way of other things.

Even though Tom Manton was a strong Democrat and a Democratic leader, he never let his partisanship get in the way of getting good results for his constituency and for the country. So this is a fitting memory to his legacy that he leaves here, and I join you. He was our friend on this side of the aisle as well.

Tonight we moved this quickly, Republicans and Democrats, in his honor, because of the great man that he was. I thank my friend for introducing the resolution.

Mr. Speaker, I have no other speakers at this moment, so I yield back the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Government Reform Committee, I am pleased to join my colleagues in consideration of H.R. 6033, which names a postal facility in Woodside, New York, after the late Thomas J. Manton, former Member of Congress, who represented the Seventh Congressional District of New York.

I know that Representative CROWLEY has spoken eloquently about all of the exploits and all of what Representative Manton meant to New York. I know that there were a number of other New Yorkers who had intended to be here and probably were not able to make it. I know that Representative CAROLINE MALONEY had intended to be here and Representative NITA LOWEY had intended to be here, because they had indicated that they too wanted to express their appreciation for the tremendous and outstanding service that was indeed provided. And so just on their behalf and on behalf of all of the others who would want to have expressed themselves and could not, I would join with Representative CROWLEY and Chairman DAVIS in urging swift passage of this bill as we honor the life and the legacy of a true American and a great friend to all, Representative Thomas Manton

Mr. OXLEY. Mr. Speaker, today I rise in strong support of H.R. 6033, the Thomas J. Manton Post Office Building Designation Act. The legislation would designate a United States Postal Service Office in New York as the Thomas J. Manton Post Office Building.

Thomas Manton served this country with honor and integrity. He was a true public servant.

His distinguished public servant career includes: serving in the military, police officer with the New York City Police Department, serving in the New York City Council and being a Member of Congress representing the people of New York's 7th congressional district. Thomas Manton always fought for the people he represented and New Yorkers are better off because of his work.

I am honored to have worked with Thomas Manton while he was in Congress. We were both members of the Energy and Commerce Committee, and he was ranking member on the Subcommittee that I chaired. We sat through many long hearings together.

Throughout his life he approached his work with integrity. The dedication in Thomas Manton's honor will preserve his legacy and remind his constituents of his long and distinguished public career.

I urge my colleagues to vote "yes" on this legislation.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of H.R. 6033, a bill that would designate the United States Postal Service facility at 39–25 61st Street, in Woodside, Queens, New York City the "Thomas J. Manton Post Office Building." It is more than fitting that a federal facility will be named after Tom in a community that he so ably represented for so many years.

Tom lived a life seemingly from a movie script: a son of Irish immigrants; educated at St. John's University; earned his law degree at night from St. John's; Marine Corps Flight Navigator; New York City Police Officer; New York City Councilman from Queens; Member of Congress; and Queens County Democratic Chairman. Tom Manton's life was a perfect realization of the American Dream, and having achieved the American Dream himself, Tom always worked to ensure that everyone, native born and immigrant alike, had the opportunity to live the American Dream as well.

When Tom Manton became Chairman of the Queens County Democratic organization, he immediately revitalized a local party beset by front-page problems and the loss of public trust. Tom turned the party organization around while at the same time insisting on increasing its diversity to reflect the borough of Queens. Tom recruited and helped numerous political candidates from different ethnic backgrounds. As a result of Tom's hard work, discipline, and commitment, the Queens Democratic Committee is currently one of the strongest party organizations in the country.

In Congress, Tom was a tireless advocate for the people of New York. On the Committee on Energy and Commerce, Tom worked to help his constituents by bringing jobs and opportunity to his congressional district. Like many others, I turned to Tom for advice and guidance and found him to be a stand-up guy, the real deal. His word and handshake was his bond. Tom characteristically worked quietly behind the curtain, rather than grandstanding in front of the cameras. So, he might be a little embarrassed about having a federal facility named after him. But, Tom also believed in our government, and its ability to help each of us achieve our dreams of prosperity and justice for all Americans.

Mr. Speaker, Tom Manton's life of hard work, perseverance, and selflessness brought integrity and dignity to public office. It is appropriate that we pay tribute to his memory by naming this post office in Woodside, Queens in his honor. I urge my colleagues to support H.R. 6033.

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in supporting H.R. 6033 which would designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

As you know, we lost our dear friend Tom just a few short months ago, and I cannot think of a more fitting tribute to one of the most distinguished Members who ever served in this great House, than to see this renaming become a reality.

The character of Tom Manton's life might be summed up in a few words: he was a man of great commitment, hard-working, an inspiring leader, and he was dearly passionate about the causes he believed in and the work he did on behalf of his constituency.

Manton was a man of great intellect. During seven terms in Congress, from 1985 to 1998, he was an important figure on reauthorization of the Superfund program, which provides for the cleanup of uncontrolled or abandoned hazardous waste sites. However, most of his legislative initiatives were focused on various local issues: stopping the Long Island Rail Road from building a waste-transfer station in western Queens, barring the creation of composting plants for sewage sludge in New York City, and using amendments to the Clean Air Act to aid local businesses. As well, he also sponsored a law that made benefits to permanently injured police officers, on par with payments to officers killed in the line of duty.

This loving husband and devoted father was also a very dear friend and colleague to me through all the years we worked together here in the Congress.

It was my privilege to know him and to work with him on matters involving not only our Nation, but the great State of New York. He combined with his charm, an unlimited energy and the highest integrity and work ethic.

Tom Manton was indeed a well respected and revered Member of this institution who gave of himself diligently, and was ever zealous to carry through to its ultimate conclusion, the cause of those who would benefit from his direction. No one is likely to forget neither the courage of his faith nor the warmth of his friendship.

In Tom's memory, let us move this bill forward.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6033.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MELANCON

Mr. MELANCON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Melancon moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2864 be instructed to agree to provisions that will provide protection to communities located in the coastal area of Louisiana and Mississippi from the storm surge of a category 5 hurricane.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Tennessee (Mr. DUNCAN) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

I come here today in support of building a comprehensive hurricane protection system for the gulf coast. For years we in Congress have focused on various wants for our constituents. Today we have the opportunity to focus on the Nation's needs.

Earlier this year, I introduced in Congress the Meeting Authorization Requirements for Our Coast, or MARC, Act. This legislation would have authorized a comprehensive hurricane protection system for the gulf coast. Today's motion is a continuation of that effort.

Building a hurricane protection system that can protect our coastal citizens and businesses from category five hurricanes is the most important need in the U.S. Gulf Coast States. In Louisiana alone there are currently 200,000 people that have no protection, zero, from the next deadly hurricane. If Hurricane Katrina hit Louisiana just a few miles to the west, the devastation would have been like nothing you have seen on TV, and building a category five hurricane protection system will save the lives of these people in future events.

But a comprehensive hurricane protection system is also vital to supporting and safeguarding our Nation's energy supply. Louisiana has a long and distinguished history of oil and gas production, both on and offshore. Among the 50 States, we are first in crude oil production, second in natural gas production, and second in total energy production. Currently, approximately 34 percent of the Nation's natural gas supply and almost 30 percent of the Nation's crude oil supply is either produced in Louisiana, produced offshore Louisiana, or moves through the State and its coastal wetlands. Together with the infrastructure in the rest of the State, this production is connected to nearly 50 percent of the total refining capacity of this entire country.

Based on its energy-producing value to the Nation, acre for acre, Louisiana is the most valuable real estate in the Nation. Louisiana has 17 petroleum refineries, most of them large, world-scale facilities. These refineries have a combined crude oil distillation capacity of approximately 2.77 million barrels per day, which is 16.2 percent of the total U.S. refinery capacity of 17.1 million barrels a day, the second highest in this Nation. Two of the four Strategic Petroleum Reserve storage facilities are in south Louisiana along our coast. Just last week Chevron announced it discovered a deepwater oil and gas field off Louisiana's coast that could account for as much as 50 percent of our Nation's known reserves. The field would be largely serviced by Louisiana ports, ports that remain highly vulnerable. Louisiana is crucial to all parts of America because of its working "energy coast," and we need your help.

Supporting our Nation's energy needs has come at a price. In the past century, Louisiana has lost 1.2 million acres of coastal wetlands and barrier islands and stands to lose hundreds of thousands more acres if measures to stop the loss are not taken. That is a football field of land every 38 seconds along our vanishing coast. Without this protected buffer, Louisiana's people, businesses, and energy infrastructure are much more vulnerable to storm surges and hurricane-related flooding.

Comprehensive hurricane protection combined with coastal restoration will offer truly adequate hurricane protection necessary to protect the lives of over 2 million residents, over 50 percent of the State's population, and the entire infrastructure that supports our Nation's energy needs.

Some of my colleagues might question the cost of a comprehensive hurricane protection system. In response I say that you can pay now or you can pay much higher later. You can pay to build a category five protection system today or you could pay later with a disrupted national energy supply, ruined businesses, lives lost, and hundreds of billions of dollars of recovery costs to the citizens of this country.

The gulf coast has worked tirelessly and quietly for generations to provide the rest of the Nation with energy and transportation services needed to keep industry around the country on pace. Only now in this time of need does the gulf coast ask for something back, a category five hurricane protection system to protect lives, property, and energy production for future storms.

Mr. Speaker, I reserve the balance of my time

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I am delighted we are moving to conference on the Water Resources Development Act. This is a very important piece of legislation that makes investments all around America. The projects in these bills will reduce transportation costs, protect our homes and businesses from damaging floods, and improve our environment for a better quality of life. The Water Resources Development Act is important legislation for the entire country.

The people of Louisiana and Mississippi suffered greatly from Hurricane Katrina last year. A great deal has been done by the Army Corps of Engineers to restore the hurricane protection works in the New Orleans area, but there is still much to do.

While I support the motion to instruct, I believe we have to recognize that there will be residual risk associated with any hurricane protection project we build. New Orleans needs to consider smart ways to rebuild that put fewer of their citizens at risk.

We also must recognize that the damaging effect of a hurricane is not measured strictly by its category, which basically measures wind speed. Other factors such as how fast it moves, how much rain is associated with it, what direction it takes, and how big a storm surge it is able to generate all contribute to whether a category five hurricane will be catastrophic or just very bad.

We are talking about protecting an important and unique region of our country, but we also have only a slight understanding at this point of how much money we will need to spend. It will certainly be tens of billions of dollars. And I will remind Members that there are other great cities in America at risk of flooding, some at higher risk than New Orleans.

While I would hope that there will be serious urban planning going on at the local level, I believe we need a well-thought-out plan for additional hurricane protection in this region of the gulf. It must be a comprehensive plan that also recognizes the navigation needs of one of America's great ports and waterways as well as the ecological importance of the coastal marshes.

I want to assure Mr. MELANCON that I will work in conference to make sure that the Corps of Engineers gets the authority it needs to provide the appropriate protection for coastal Louisiana and Mississippi

Mr. CONYERS. Mr. Speaker, we were all horrified a year ago when New Orleans' levies broke under the force of the winds and storm surges caused by Hurricane Katrina. Katrina was at Category 3 strength when it made landfall that fateful day, yet it wrought destruction beyond our imagination. In the face of the devastation we witnessed, it borders on the absurd to consider authorizing levee funding for New Orleans at anything less than the Category 5 level. For that reason, I rise in strong support of the Melancon Motion to Instruct the WRDA conferees.

Mr. Speaker, past authorizations for hurricane protection took into account vast marshes and wetlands, as well as barrier islands that could absorb most of the force of tidal surges. Louisiana has lost 1.2 million acres of this land due to economic development in the past century, and stands to lose another 435,000 acres if measures to stop the loss aren't taken. Without this protective buffer, the people of Louisiana are that much more vulnerable to storm surges and other hurricane-related flooding.

Coastal and wetlands restoration combined with a strong levy system will offer the hurricane protection necessary to protect the lives of over 2 million residents and the nation's industries. However, we cannot rebuild all of the wetlands lost in the near term, so we must compensate with stronger, better levee protection. The Army Corps of Engineers has worked hard to bring levees back up to pre-Katrina standards, but we've already seen what that level of protection does—nothing. Anything less than Category 5 levee protection is totally inadequate and would be an insult to the memory of the more than 700 New Orleanians who lost their lives a year ago.

Mr. JEFFERSON. Mr. Speaker, I rise today to request the conferees on the Water Development Resources Act guarantee levee protection at a Category 5 level. Hurricane Katrina served as a stark reminder that our levee system in south Louisiana is inadequate. We are responsible for ensuring the safety of its residents, and today we can make a commitment that they are not forgotten.

The economic and environmental benefits that south Louisiana provides to the nation are substantial. Coastal Louisiana produces over 30% of our nation's seafood, including 50% of our shrimp crop. Our wetlands are home to over 79 endangered species and serve as a vital habitat for migratory birds. The network of interconnected waterways and presence of several major port facilities are an important hub in our maritime industry. Over 70% of the grain produced in the United States travels through the area. 30% of our domestic crude oil and 34% of our natural gas is produced by or travels through south Louisiana, making us a centerpiece in America's Energy Coast. In addition to transporting much of our domestic oil supply, coastal Louisiana also refines 16% of our petroleum products. Knowing this, we must ensure that this valuable part of our nation's infrastructure remains intact and its people remain protected.

Our current levee system in New Orleans dates back to the 1960s, and since then our whole environment has changed. The loss of coastal barrier islands and the erosion of our wetlands have led to a weakened first line of defense against hurricanes. These islands and wetlands help absorb the storm's tidal surge and weaken the strength of an approaching storm. We are losing our wetlands at a rate of 25 to 30 square miles per year, while we are making areas further inland more susceptible to flooding. We have seen hurricanes become more powerful and more frequent as the years go by. The risk of hurricanes will always be present in south Louisiana, it is up to us to decide how to best mitigate their destructive impacts.

Looking at this situation, I am reminded of what I saw firsthand in the Netherlands. After the devastating North Sea floods of 1953, that nation committed itself to a system of water management projects that would ensure such a flood never happened again. Although the cost was high, their determination to provide absolute protection was justified. As a result, the Netherlands now has a significant number of its citizens living and produces 70% of its $480 billion GDP in areas that are fifteen to twenty feet below sea level, safely protected by flood control projects. By comparison, the lowest areas of New Orleans are only four and a half feet below sea level. Protecting the city is not beyond our technological capabilities, it is simply a matter of making the commitment necessary to do so. While the cost may seem substantial now, it pales in comparison to the cost we would face in human and economic losses should another hurricane strike south Louisiana directly.

Mr. Speaker, it is time to get it right. We must ensure the safety of the city of New Orleans and the rest of the Gulf Coast, because we have seen the horrible effects of substandard, poorly designed, inadequate levee protection in the face of a powerful storm. A working flood control system for south Louisiana begins with sound levees. I urge the conferees to support levee protection against a Category 5 storm surge.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support Congressman MELANCON's motion to instruct conferees on H.R. 2864. This motion would direct conferees to accept provisions that will protect coastal communities in Louisiana and Mississippi from the storm surge of a category 5 hurricane.

Hurricane Katrina hit the Gulf on August 29, 2005, and was a category 3 hurricane that did not even directly hit the affected areas.

Yet, Katrina was able to inflict monstrous and unimaginable damage upon Louisiana and the Gulf Coast of Mississippi. One year after Hurricane Katrina, the area remains a terrible, twisted portrait of lives and families and whole communities washed away; home by home, block by block, neighborhood by neighborhood.

As a result of Hurricane Katrina:

More than 1,000 people died.

The total number of immediately displaced people has never been determined. Estimates range from the hundreds of thousands to the millions.

The Louisiana parishes of Orleans and St. Bernard were especially hard hit by flooding, with an estimated 77% of Orleans's population affected, and nearly all residents of St. Bernard.

In Mississippi, 55% of Hancock County's population is estimated to have been affected by flooding and/or structural damage.

In the greater New Orleans area alone, there were 160,000 homes and apartments destroyed or heavily damaged by the storm.

The metro New Orleans area has lost approximately 400,000 residents.

The National Flood Insurance Program has paid out $17 billion in property damage claims in Louisiana alone, only a fraction of total damage.

Hospital capacity in Orleans parish dropped in half immediately after the storm. In St. Bernard, there are still no hospitals open.

The Army Corps of Engineers has only begun to raise sinking levees and deal with unfinished hurricane protection and flood prevention projects. But, they're only rebuilding the levees to withstand a Category 3 storm, Katrina's level. Prudent planning and common sense would dictate that they be raised to Category 5 levels to protect the more than two million residents along these coasts.

I urge my colleagues to support and vote for this motion to instruct.

Mr. OBERSTAR. Mr. Speaker, I rise to support this motion, offered by the gentleman from Louisiana (Mr. MELANCON), to instruct the House conferees to support the maximum level of hurricane and storm damage protection for the communities of coastal Louisiana and Mississippi.

Two weeks ago, this nation honored the 1 year anniversary of Hurricane Katrina, and the devastating impact this storm had on the Gulf Coast communities. Over the past year, we have had the ability to reflect on the lives and livelihoods that were forever changed by Hurricane Katrina, as well as on efforts to restore some sense of normalcy to the families and communities impacted by the storm. Few national efforts have been more important than those to rebuild the City of New Orleans, and the surrounding communities of Louisiana, Mississippi, and Alabama.

Not surprisingly, in the days immediately following Katrina's devastation, the Federal government spoke with one voice to support the rebuilding of Gulf Coast communities.

President Bush assured the residents of New Orleans and the outlying parishes, including St. Bernard and Plaquemine parishes, that "people are paying attention to them," and it was the Federal government's duty to "help the good folks of this part of the world to get back on their feet."

A few days later, the President stood in Jackson Square, New Orleans, and made a commitment to rebuild Gulf Coast communities "better and stronger than before the storm."

Recognizing the importance of flood protection of the Gulf Coast communities, the President assured its citizens that the "Corps of Engineers will work at [the side of state and local officials] to make the flood protection system stronger than it has ever been before."

Unfortunately, in the time that has elapsed since the President proclaimed these words from the heart of New Orleans, the administration's commitment to the Gulf Coast communities has wavered, and his pledge to rebuild all of the affected communities "better and stronger than before the storm" has fallen by the wayside—promises that have fallen victim to politics, and a renewed interest in fiscal conservatism.

While the administration may waiver in its commitment to help the families affected by Hurricane Katrina, I support this motion to instruct the conferees to renew Congressional commitment to adequately protect the entire Gulf Coast region.

Mr. Speaker, I find it ironic that this administration, which has gone on the offensive criticizing any individual who would question U.S. policy in Iraq as "cutting and running" would feel comfortable walking away from the plight of its own citizenry in the wake of Hurricane Katrina.

On Monday night, marking the fifth anniversary of the September 11th attacks, President Bush, speaking of Iraq, proclaimed to the American people that "We would not leave until the work is done." However, it would appear that the message to the residents of in many Gulf coast communities is that the U.S. government will leave before the work has even commenced—and you may be on your own in rebuilding your lives.

That is unconscionable.

Mr. Speaker, one of the lessons learned from experiences of Hurricane Katrina is the importance of well designed, and properly maintained flood control structures in protecting lives and livelihoods in the coastal areas of Louisiana and Mississippi. These structures literally define the areas considered safe for homes and businesses to locate, and without which, communities, such as the City of New Orleans, could not exist.

While Hurricane Katrina did not destroy all of the more than 350 miles of flood control structures protecting southeast Louisiana, it did expose the weaknesses in a system vital to the more than one million residents of the region. Katrina was also a stark reminder of the importance of proper planning, construction, and maintenance of flood protection projects, because these projects literally protect the lives of families living behind these structures.

Mr. Speaker, this motion to instruct the conferees on H.R. 2864, the Water Resources Development Act of 2005, is important for two reasons.

First, it renews the commitment of Congress to provide the maximum level of flood protection for areas impacted by Hurricane Katrina to help its citizens restore their lives and livelihoods. Without adequate flood protection, many citizens of the Gulf Coast simply cannot start the process of trying to rebuild their lives, because, without protection against flood and storm surge, they may be unable to obtain affordable flood insurance, mortgages, or other financial arrangements necessary to begin the process of rebuilding.

This fact is especially true for the residents of St. Bernard Parish, which I inspected on foot this past April, and Lower Plaquemines Parish, Louisiana—the communities that bore the initial force of Hurricane Katrina. In Plaquemines Parish, close to one-half of all residents experienced some flooding or structural damage to their homes, and in St. Bernard Parish and the Lower 9th Ward, this number is close to 100 percent of homes.

It is inconceivable that this administration would walk away from communities that experienced such a traumatic devastation, especially after reassuring citizens that the government would help rebuild their communities "better and stronger than before the storm," We, in Congress, need to stand with one voice in support of rebuilding all of the communities affected by this storm.

The second reason for supporting this motion is that it draws attention to the fact that hurricanes are more than just high wind events, but also carry the threat of massive storm surges. It is these "walls of water" that caused the greatest extent of the damage from Hurricane Katrina.

Those most affected by the hurricane are well aware of the impact of storm surges, and the headaches that have ensued in the aftermath trying to rebuild these communities. I have heard numerous stories of the difficulty in convincing insurance companies that hurricane damage can take the form both of wind damage and flooding damage. Any Member of Congress that has visited this region has heard that insurance companies are balking at settling claims for water damage, arguing that these damages are not covered by storm policies, because they are not wind damage.

However, a storm surge is the direct result of wind-driven water. As Hurricane Katrina moved into the Gulf of Mexico, it pushed water in front of the storm, and caused the sea to rise by as much as 25 feet in areas of coastal Mississippi. But for the hurricane, there would have been no storm surge.

As we move forward with efforts to protect communities along the Gulf Coast, we must be mindful of the impact both from a hurricane's winds, but also of the impact that such massive storms can cause from wind-driven waters. In authorizing new or restored flood protection projects to protect the communities of the Gulf region, the Corps must ensure that projects are designed and constructed to protect against both the dangers of hurricane force winds, but also the threat of massive storm-driven waters resulting from these storms.

Mr. Speaker, I urge my colleagues to support this motion to instruct, and to renew the Congressional commitment to restore the lives and livelihoods of all residents impacted by Hurricane Katrina.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Louisiana (Mr. MELANCON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MELANCON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2784) to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding.

The Clerk read as follows

S. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fourteenth Dalai Lama Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that Tenzin Gyatso, the Fourteenth Dalai Lama—

(1) is recognized in the United States and throughout the world as a leading figure of moral and religious authority;

(2) is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China;

(3) has led the effort to preserve the rich cultural, religious, and linguistic heritage of the Tibetan people and to promote the safeguarding of other endangered cultures throughout the world;

(4) was awarded the Nobel Peace Prize in 1989 for his efforts to promote peace and nonviolence throughout the globe, and to find democratic reconciliation for the Tibetan people through his "Middle Way" approach;

(5) has significantly advanced the goal of greater understanding, tolerance, harmony, and respect among the different religious faiths of the world through interfaith dialogue and outreach to other religious leaders; and

(6) has used his moral authority to promote the concept of universal responsibility as a guiding tenet for how human beings should treat one another and the planet we share.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring contributions to peace and religious understanding.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United

States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

As the House author of this legislation, I rise in strong support of Senate bill 2784, the 14th Dalai Lama Congressional Gold Medal Act.

I would like to thank my dear friend and colleague, the ranking member of International Relations Committee, Congressman TOM LANTOS, for his dedicated work on this legislation as the Democratic lead of this House bill. I also would like to commend the Financial Services chairman, MICHAEL OXLEY, and his staff for their great work on this resolution as well as the House leadership and their staff for their assistance in bringing this important legislation to the floor.

Mr. Speaker, as a senior member of the House International Relations Committee and as a member of the Congressional Human Rights Caucus, I have had the opportunity to meet personally with the Dalai Lama on several occasions, most recently in November 2005, when he spoke to Congress on issues relating to democracy, human rights, and Tibet.

Born to a peasant family, His Holiness was recognized at the age of two, in accordance with the tradition of Tibet, as the reincarnation of his predecessor, the 13th Dalai Lama, and thus an incarnation of the Buddha of Compassion.

His enthronement ceremony took place in the capital of Tibet on February 22, 1940, at the tender age of five. A decade later, on November 17, 1950, His Holiness was called upon to assume the position of head of state for the people of Tibet.

His Holiness is the embodiment of serenity and understandings. His inner peace and calm demeanor give us hope that a resolution can be reached on the issue of Tibet. As the 14th Dalai Lama, he is the manifestation of compassion. To look at him is to understand the meaning of Dalai Lama, which is "Oceans of Wisdom."

By awarding the Dalai Lama with the Congressional Gold Medal, we are recognizing his lifelong advocacy on behalf of peace, tolerance, human rights, nonviolence, and religious understanding throughout the world. By definition, a Congressional Gold Medal is the highest expression by Congress of national appreciation for the most heroic, courageous, and outstanding individuals.

Given the overwhelming support of this legislation as evidenced by the bipartisan support of 312 cosponsors in the House companion legislation, I am confident that Members of this Chamber deem that the Dalai Lama is indeed such an individual.

□ 2015

However, we are not the first to recognize the tremendous achievements of this humble man. In 1989, the 14th Dalai Lama received the Nobel Peace Prize for his work bringing democracy and freedom to his people. In the recommendation, the committee members of the Nobel Prize wrote: "The committee wants to emphasize the fact that the Dalai Lama in his struggle for the liberation of Tibet consistently has opposed the use of violence. He has instead advocated peaceful solutions based upon tolerance and mutual respect in order to preserve the historical and cultural heritage of his people."

The 14th Dalai Lama Congressional Gold Medal Act comes at a crucial and hopeful turning point in the ongoing negotiations between the Dalai Lama's representatives and the People's Republic of China.

In a speech delivered following His Holiness' acceptance of the Nobel Peace Prize, he said, "It is my dream that the entire Tibetan plateau should become a free refuge where humanity and nature can live in peace and in harmonious balance. It would be a place," he continues, "where people from all over the world could come to seek the true meaning of peace within themselves, away from the tension and pressures that occur in much of the rest of the world. Tibet could indeed become a creative center for the promotion and development of peace," he concluded.

Join me, I ask my colleagues, in paying homage to this fearless leader who has led the efforts to preserve the rich cultural, spiritual, and linguistic heritage of the people of Tibet while also promoting the safeguarding of other endangered cultures throughout the world.

Mr. Speaker, I urge my colleagues to join me in voting "yes" on the 14th Dalai Lama Congressional Gold Medal Act.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important piece of legislation recognizing one of the truly great advocates of human rights in our time, a man who in the face of enormous adversity generated by the People's Republic of China's oppression has really held forth the banner of human rights.

I therefore am delighted to yield as much time as he may consume to our champion of human rights here in the House of Representatives, the ranking member of the Committee on International Relations who has for his entire life been a very vigorous defender of the cause of freedom in a variety of also adverse circumstances, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I rise in strong support of our legislation to award the Congressional Gold Medal to His Holiness the Dalai Lama.

I would first like to express my great appreciation to my dear friend Congressman BARNEY FRANK not only for yielding me some time, but, far more importantly, for being a tireless champion in advancing human rights. Let me also thank the chairman of the Financial Services Committee, my friend, Mr. OXLEY, for expediting consideration of this legislation, as well as my colleague from the International Relations Committee, ILEANA ROS-LEHTINEN, and for her leadership on this legislation on behalf of the Tibetan people and all human rights issues.

Mr. Speaker, 19 years ago this month, His Holiness the Dalai Lama at the invitation of my wife, Annette, addressed the Congressional Human Rights Caucus that I cofounded and which I currently chair with our colleague FRANK WOLF. The historic speech His Holiness delivered was his first major policy address outside of India and the first time he had ever appeared before the Congress.

The Dalai Lama unveiled his Five Point Peace Plan for Tibet. We did not know it at the time, but what we heard was to become the foundation for the Dalai Lama's fight on behalf of the people of Tibet.

While we were welcoming His Holiness on Capitol Hill, the State Department and the White House refused to meet with him. The individuals responsible for crafting our foreign policy back then crouched under their desks unwilling to risk the ire of the Chinese Government by meeting with the true leader of the Tibetan people.

Nearly two decades later, His Holiness regularly meets with Presidents and Secretaries of State. During his last visit to Washington, this brave man, small of stature but with an infinite heart, was greeted by dozens of Members of Congress. Tens of thousands of Washington residents packed an auditorium for several nights to hear his words of wisdom.

His Holiness has used his international acclaim to speak out forcefully against the cultural and religious annihilation of the Tibetan people. Rather than resorting to force, the Dalai Lama has actively pursued a negotiated solution to the Tibetan issue with the Chinese Government. In five rounds of discussions, representatives of the Dalai Lama have argued with determination to the Chinese that the Tibetan people must have true religious, cultural, and economic autonomy, and that the current marginalization of the Tibetan people in their own land must end.

Awarding the Congressional Gold Medal to His Holiness the Dalai Lama will send a strong signal of congressional support for a negotiated settlement to the Tibetan issue that preserves Tibetan culture and promotes genuine autonomy for the long-suffering people of Tibet.

Through his words and through his deeds, the Dalai Lama has made an enduring contribution to peace, nonviolence, human rights, and religious understanding. With our action here today, Mr. Speaker, His Holiness will join the ranks of Pope John Paul II, Elie Wiesel, Nelson Mandela, and Mother Teresa, all of whom have been awarded the Congressional Gold Medal, a pantheon of peacemakers. I strongly support passage of this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield to another staunch defender of human rights throughout the world, the gentleman from Ohio (Mr. KUCINICH), such time as he may consume.

Mr. KUCINICH. I want to thank the gentleman from Massachusetts for his own commitment to human rights and thank Mr. LANTOS for the lifetime of work that characterizes not only himself but Mrs. Lantos as well.

This is an important moment for this Congress because through recognizing the Dalai Lama with the Congressional Gold Medal, we also recognize his lifetime of work which has been about elevating the human spirit. Because in that we transcend the little labels of Democrat and Republican, liberal and conservative, and we come to an understanding of human unity, those principles which unite us all. We learn through celebrating the Dalai Lama's life and his contributions the transformative power of love, the transformative power of compassion.

In his work, he has challenged us to look at those things in our lives which cause anger, to look at those things in our lives which relate to negativity, and to consciously work on those things so that we become more perfect. Wasn't that really the message of our Founders with respect to the creation of the United States itself, that the work of our government should ever be to form a more perfect Union?

So it is that the spiritual work of the Dalai Lama informs all of us that we can perfect ourselves, that we can practice daily, taking a walk down the path towards a more meaningful life. He teaches us patience. And certainly, in this great body, patience is something that lends us to understanding of each other, to having compassion for each other.

This is an important moment for this Congress, when we understand that the Dalai Lama's teachings involve karma, an understanding of the power and the consequences of every thought, word, and deed, knowing that for every action there might be another action that follows. The symmetry between Buddhism and some of the teachings of Christianity is instructive here. Buddhists talk, and the Dalai Lama talks, about the law of karma. Christianity, we know of teachings that say as you sow, so shall you reap. So much of our lives are penetrated by spiritual dimensions that we often don't pay much attention to. But in moments like this when we celebrate the life and the work of a single person, we come to an understanding of not only his relationship to us and our relationship to him, but of our relationship to each other. And so when we celebrate him, we are celebrating ourselves, too, and our higher potential, not only as public servants but as human beings.

The Dalai Lama speaks about a path to tranquility. Is it possible in a public forum which is centered on such vigorous debate that we can find tranquility? His teachings would say, yes, because tranquility is an inner condition.

So, Mr. Speaker, the honorable ILEANA ROS-LEHTINEN, our leader Ms. PELOSI, this is an important moment for this Congress, and I am proud to play a small part in recognizing the great work and person of the Dalai Lama.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman. And to close out our side here, and I think the debate, I yield such time as she may consume to a woman who has not only been a leader in human rights but was an early advocate and personal friend of the Dalai Lama.

Let me say, Mr. Speaker, that a few years ago when he spoke at Brandeis University in the district of my colleague, Mr. MARKEY and I were there to meet him, and he had taken a stand that may have been a little controversial. And the first thing he said to me was, this was years before the gentlewoman from California had ascended to leadership. He said, "Congressman, please tell NANCY PELOSI not to be angry; I am going to explain this to her." So when the Dalai Lama is concerned about her opinion of him, I think that says a great deal about her own commitment and dedication. And, of course, he did explain; and, no, she was not angry. She respected him then, she respects him now, and I am delighted to yield to her such time as she may consume.

Ms. PELOSI. Well, at the time I think the message that I told myself was, we can't be holier than His Holiness. If it is okay with him, it was okay with me.

I thank the gentleman for yielding, and I thank him for all of his leadership and assistance in bringing this important legislation to the floor. And I also commend Congresswoman ILEANA ROS-LEHTINEN for her leadership, not only on bringing the legislation, but her work on this important issue. TOM LANTOS, FRANK WOLF have just been relentless for His Holiness; and in the Senate, Senator DIANNE FEINSTEIN who represents California in the U.S. Senate but is a close personal friend also of His Holiness.

The Congressional Gold Medal is the most distinguished award bestowed by the United States Congress. It is reserved for the most heroic, most courageous, most outstanding individuals who have made lasting contributions to society, individuals such as John Paul II, Mother Teresa, Elie Wiesel, and Nelson Mandela.

Today, by honoring His Holiness the Dalai Lama, we not only honor him, but we add luster to this Congressional Gold Medal. We honor our Nation and the American people by awarding it to His Holiness. I am proud to be an original cosponsor of this legislation.

His Holiness often described himself in the following way: "I am just a simple monk, no more, no less." But he represents much more to people throughout the world.

☐ 2030

Tibetan Buddhists believe that the Dalai Lama is the earthly manifestation of the living Buddha. On the world stage, he is seen as the head of state and the spiritual leader of the Tibetan people. For millions, he is seen as a source of spiritual refuge and a connection to inner peace and harmony, that my colleague Mr. KUCINICH was discussing.

His Holiness has traveled the world, building bridges between and among the different faiths. He has used his position to promote wisdom, compassion and nonviolence as a solution, not only in Tibet, but to other world conflicts.

His leadership is not only in the area of faith and harmony among people, but also in protecting the environment. I remember it was a great joy seeing him speak at the Earth Summit in Rio in 1992.

The Dalai Lama has made the human rights situation in Tibet an issue of international concern. Indeed, the situation in Tibet is a challenge to the conscience of the world. Under Chinese occupation, hundreds of thousands of Tibetans have died. Freedom to practice their religion and political expression have been severely curtailed. So powerful is the image of the Dalai Lama that Tibetans are imprisoned for simply owning a picture of him.

As a new Member of Congress in 1987, I was in attendance, at the invitation of my colleague from San Francisco TOM LANTOS, when the Dalai Lama proposed the historic Five-Point Peace Plan toward resolving the future status of Tibet. The Dalai Lama proposed a "Middle Way Approach" that seeks genuine autonomy for Tibetans within the framework of the People's Republic of China. Autonomy, not independence.

In recent years, Tibetan envoys have traveled to China for five rounds of discussions on the status of Tibet. While open dialogue is a first step, it is clear that the Chinese government has been stalling all along.

The Chinese are missing an historic opportunity to negotiate with a partner who has the authority and the legitimacy to implement a comprehensive agreement. The Chinese are missing an opportunity for a solution that would ensure internal stability in Tibet and bolster China's reputation in the world.

The Dalai Lama has asked for international support for his efforts to engage the Chinese government. I am proud to say that the U.S. Congress has been a bedrock of support for the Tibetan cause. By awarding the gold medal to the Dalai Lama, Congress is sending an important signal of support for going further.

This is not the first gift our country has given to His Holiness. Of course, for many years and decades, we have given the gift of respect, of reverence and appreciation for all that His Holiness is and does. But when he was a little boy, the special relationship he had with America was demonstrated when Franklin Roosevelt, as President of the United States, gave His Holiness one of his favorite gifts which was a gold watch which had the phases of the Moon on the watch. It was a wonderful thing, a gift from the President to this little boy who had been named the Dalai Lama.

When His Holiness was driven out of Tibet by the Chinese invasion, it was one of the few things that he carried with him. So he had the gold watch, and now all these many years later, out of respect and reverence for him, he will have the Congressional Goeld Medal.

I urge my colleagues to support it and look forward to the day when we can present it to him in the halls of Congress.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I consume just to express to the government of the People's Republic of China, on behalf I think of this entire House, a plea that they understand that their desire to be recognized as a great Nation, their security in this world will be enhanced, not diminished, if they reach out to this great leader who has moved in a direction beyond what some would want him to go to try and reach a compromise involving autonomy for the people of Tibet.

It is simply unbecoming for a Nation with the economic might of China, with the potential military might of China to appear to be frightened of this gentle, loving advocate of human dignity.

So we urge the Chinese Government, the entire House does, to reconsider its unwillingness to meet halfway as the Dalai Lama has agreed to do, and to give him the ability to return to Tibet, to a people that yearns for him, to reconcile with the people of Tibet and with the Dalai Lama, and the Chinese Government will be the beneficiaries, not the victims.

Mr. Speaker, I am glad that the House is able to pass this bill, unanimously I believe we will be doing it

Mr. OXLEY. Mr. Speaker, I rise today to urge support of S. 2784, the "Fourteenth Dalai Lama Congressional Gold Medal Act," and urge its immediate passage.

This legislation was introduced by the Senator from California, Mrs. FEINSTEIN, and is identical to H.R. 4562, introduced by the gentle lady from Florida, Ms. ROS-LEHTINEN. The House version currently has 312 co-sponsors, is compliant with all House and Financial Services Committee rules, and has been scored as budget-neutral by CBO.

Under the legislation, the Speaker and the President Pro Tempore of the Senate are authorized to present, on behalf of Congress, a gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, or spiritual, cultural and, in effect, governmental leader of Tibet, who has lived in exile from his native country since 1959, when he fled the power of the People's Republic of China.

Mr. Speaker, the Dalai Lama has spent the 47 years of his exile peacefully seeking to establish a form of autonomous self rule for Tibet. In doing so, he has earned the great respect of the world community for the quiet, disciplined and non-violent way he has chosen to lead his struggle—in fact, the respect is so great that in 1989, he was awarded the Nobel Peace Prize. The Nobel Committee said the award came "for his consistent resistance to the use of violence in his people's struggle to regain their liberty . . . He has instead advocated peaceful solutions based upon tolerance and mutual respect in order to preserve the historical and cultural heritage of his people."

Mr. Speaker, Tibet is a long way from the United States, and a far different land about which most Americans know little. But the Dalai Lama's basic beliefs—peace, human rights, preservation of culture and of the environment, and the promotion of harmony and respect among religions—are so familiar to all of us that we may feel we know this quiet man in some special way, and he us. In fact, at a ceremony in the Capitol Rotunda in 1991, the Dalai Lama said of his childhood view of the United States: "What truly inspired me were your ideas of freedom and democracy. I felt that your principles were identical to my own, the Buddhist belief in fundamental human rights, freedom, equality, tolerance and compassion for all."

Mr. Speaker, the Congressional Gold Medal is the highest civilian honor the Congress can bestow. Previous recipients have included Pope John Paul II, Mother Teresa and Elie Wiesel. His Holiness, the Fourteenth Dalai Lama, stands with them in his beliefs, and in the way his life embodies them. It is appropriate and, perhaps, overdue that we confer upon him this medal, this mark of respect and admiration. I urge immediate passage of this bill.

Mr. PAUL. Mr. Speaker, with great sadness I must rise to oppose this measure granting a congressional gold medal to the 14th Dalai Lama. While I greatly admire and respect His Holiness the Dalai Lama, and fully recognize his tremendous status both as a Buddhist leader and international advocate for peace, I must object to the manner in which this body chooses to honor him.

I wonder if my colleagues see the irony in honoring a devout Buddhist monk with a material gift of gold. The Buddhist tradition, of course, eschews worldly possessions in favor of purity of thought and action. Buddhism urges its practitioners to alleviate the suffering of others whenever possible. I'm sure His Holiness the Dalai Lama would rather see $30,000 spent to help those less fortunate, rather than for a feel-good congressional gesture.

We cannot forget that Congress has no authority under the Constitution to spend taxpayer money on medals and awards, no matter how richly deserved. And I reiterate my offer of $100 from my own pocket to pay for this medal—if members wish to honor the Dalai Lama, all we need to do is pay for it ourselves. If all 435 of us contribute, the cost will be roughly $70 each. So while a gold medal sounds like a great idea, it becomes a bit strange when we see the actual cost involved.

If Congress truly wishes to honor the Dalai Lama, it could instead start by showing more respect for his views in the areas of foreign policy, war, and terrorism. The bellicosity often demonstrated on the floor of this institution toward entire nations and their people conflicts sharply with the peaceful teachings of the Dalai Lama.

Consider the following words of His Holiness:

"When September 11 happened, the next day I wrote a letter to President Bush as a friend—because I know him personally. I wrote this letter and expressed, besides my condolences and sadness, a countermeasure to this tragedy: a nonviolent response because that would have been more effective. So this is my stance. And then just before the Iraq crisis started, millions of people from countries like Australia and America expressed their opposition to violence. I really admired and appreciated this."

"When the war started, some people immediately asked me if it was justified or not, whether it was right or wrong. In principle, any resort to violence is wrong."

Consider also these thoughts from the Dalai Lama regarding the terrible pointlessness of war:

"We have seen that we cannot solve human problems by fighting. Problems resulting from differences in opinion must be resolved through the gradual process of dialogue. Undoubtedly, wars produce victors and losers; but only temporarily. Victory or defeat resulting from wars cannot be long-lasting. Secondly, our world has become so interdependent that the defeat of one country must impact the rest of the world, or cause all of us to suffer losses either directly or indirectly."

"Today, the world is so small and so interdependent that the concept of war has become anachronistic, an outmoded approach. As a rule, we always talk about reform and changes. Among the old traditions, there are many aspects that are either ill-suited to our present reality or are counterproductive due to their shortsightedness. These, we have consigned to the dustbin of history. War too should be relegated to the dustbin of history."

"Of course, the militaristic tradition may not end easily. But, let us think of this. If there were bloodshed, people in positions of power, or those who are responsible, will find safe places; they will escape the consequent hardship. They will find safety for themselves, one way or the other. But what about the poor people, the defenseless people, the children, the old and infirm. They are the ones who will have to bear the brunt of devastation. When weapons are fired, the result will be death and destruction. Weapons will not discriminate between the innocent and guilty. A missile, once fired, will show no respect to the innocent, poor, defenseless, or those worthy of compassion. Therefore, the real losers will be the poor and defenseless, ones who are completely innocent, and those who lead a hand-to-mouth existence."

Mr. Speaker, in closing let me join my colleagues in stating my tremendous respect for His Holiness the Dalai Lama. While I cannot agree with forcible taxation to pay for gold medals, I certainly hope Congress takes the teaching of His Holiness to heart and begins to rethink our aggressive, interventionist foreign policy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of S. 2784, which authorizes the awarding of the Congressional Gold Medal to Tenzin Gyatso, the 14th Dalai Lama. The Congressional Gold Medal is the highest expression of national appreciation for exceptional service and for lifetime contributions. The medal has been awarded to individuals from all walks of life. Dr. Martin Luther King, Jr. and Coretta Scott King, Pope John Paul II, the Navajo Code Talkers, Rosa Parks, Frank Sinatra, and Elie Wiesel are among those who have been honored. The Dalai Lama is well qualified to join the list of individuals who have received this most distinguished of honors.

Tenzin Gyatso, the Fourteenth Dalai Lama is recognized in the United States and throughout the world as a leading figure of moral and religious authority. He is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China.

This Dalai Lama has led the effort to preserve the rich cultural, religious, and linguistic heritage of the Tibetan people and to promote the safeguarding of other endangered cultures throughout the world.

For his efforts on behalf of humanity, this Dalai Lama was awarded the Nobel Peace Prize in 1989. His efforts to promote peace and nonviolence throughout the globe, and to find democratic reconciliation for the Tibetan people through his "Middle Way" approach has won him world-wide acclaim.

This Dalai Lama has significantly advanced the goal of greater understanding, tolerance, harmony, and respect among the different religious faiths of the world through interfaith dialogue and outreach to other religious leaders and, perhaps most important, he has used his moral authority to promote the concept of universal responsibility as a guiding tenet for how human beings should treat one another and the planet we share.

For these reasons, I strongly support S. 2784 and urge my colleagues to join me in voting to award the Congressional Gold Medal to Tenzin Gyatso, the 14th Dalai Lama.

Mr. WOLF. Mr. Speaker, I rise in support of S. 2784 to award a congressional gold metal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

I am honored to support the Dalai Lama to receive the Congressional Gold Metal. He has dedicated himself to the Tibetan people and the pursuit freedom. He is the head of state and spiritual leader of the Tibetan people—the epitome of strength and courage, revered around the world for his commitment to the cause of human rights and religious freedom—a man who wants only to be able to return to his country in peace and to lead his people in the practice of their religion. He had led the effort to preserve the rich cultural heritage of the Tibetan people.

I traveled to Tibet in 1997 and saw with my own eyes the suffering the Tibetan people endure. I visited monasteries and talked with many people. Several monks spoke to me in secret and shared with me the horrors taking place in Tibet. I heard stories of monks and nuns who were dragged away to prison and tortured.

These monks and nuns are not alone. Religious persecution is spread across China. Catholic bishops are in prisons and labor camps. Protestant House Church leaders are routinely harassed and detained. Large numbers of Muslims in China are in prison because of their faith. Young Muslim Uighur boys and girls are not even allowed to enter a mosque until they are 18-years-old.

I have been standing on the floor of this House talking about human rights in China and the Dalai Lama for two decades. The world is now looking for resolutions to the human rights problems in China and Tibet. There has been a dialogue taking place between the Dalai Lama's envoys and the Chinese, and that is good. But we now need to see some concrete results from these talks. The Tibetan people deserve to live in peace.

I am proud to support the Dalai Lama for the Congressional Gold Medal. He has kept the cause of human rights alive in Tibet and in other places around the globe. He is a true hero to me and many others throughout the world.

Mrs. MALONEY. Mr. Speaker, I fully support this legislation to bestow the Congressional Gold Medal upon Tenzin Gyatso, the 14th Dalai Lama. His Holiness is a spiritual beacon for thousands, and he has traveled the world to develop common ground among different faiths. He stands for and embodies peace and harmony.

I also honor the Dalai Lama for his continuing work to expand freedoms for the Tibetan people. Under Chinese rule, the human rights situation in Tibet is reprehensible—religious and political freedoms are severely curtailed and thousands of Tibetans have died. Practicing compassion and non-violence, the Dalai Lama has met with world leaders and has attempted to engage the Chinese government to reach a solution that will give freedom to his people. Regrettably, the Chinese government has been stubborn in its resistence, but I hope they will soon have a change of mind and heart about the situation in Tibet.

As a spiritual force and as a head of state, the Dalai Lama shows us all the meaning of peace and compassion. He deserves this honor, and I thank the leadership for bringing the bill before us.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 2784.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING THANKS TO DEFENSE POW/MISSING PERSONNEL OFFICE FOR EFFORTS TO ACHIEVE ACCOUNTING OF ALL AMERICANS UNACCOUNTED FOR AS A RESULT OF THE VIETNAM WAR

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 444) extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War, as amended.

The Clerk read as follows

H. CON. RES. 444

Whereas the Defense POW/Missing Personnel Office (DPMO), an element of the Office of the Secretary of Defense, exercises policy, control and oversight within the Department of Defense of the process of investigation, analysis, recovery, and fullest possible accounting of Americans missing as a result of the Nation's previous wars and conflicts;

Whereas the Joint POW/MIA Accounting Command (JPAC), located on the island of Oahu in Hawaii, is charged with the mission of conducting investigations, analysis, recovery, and identifications to achieve the fullest possible accounting of all Americans missing as a result of the Nation's wars and conflicts;

Whereas the laboratory portion of that command, referred to as the Central Identification Laboratory, is the largest forensic anthropology laboratory in the world;

Whereas the Armed Forces DNA Identification Laboratory (AFDIL), located in Rockville, Maryland, is one of the leading laboratories in the world for processing degraded skeletal remains and family references for mitochondrial DNA;

Whereas the Air Force Life Sciences Equipment Laboratory (LSEL), located in San Antonio, Texas, houses the most comprehensive technical library and collection of life sciences equipment used by the Armed Forces, to include analysts for artifact identification;

Whereas National POW/MIA Recognition Day is one of the six days specified in section 902 of title 36, United States Code, as days on which the National League of Families POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, post offices, and military installations;

Whereas as of September 15, 2006, the remains of 60 Americans unaccounted for from the Korean War have been recovered, and these remains have been repatriated, identified, and returned to their families;

Whereas as of September 15, 2006, the remains of more than 375 Americans unaccounted for from World War II, the Cold War, and other conflicts fought by the United States have been recovered throughout the world, and these remains have been repatriated, identified, and returned to their families;

Whereas the improved access of representatives of the United States to information in the Socialist Republic of Vietnam, the Lao People's Democratic Republic, and the Kingdom of Cambodia has resulted in the recovery and repatriation of the remains of Americans unaccounted for from the Vietnam War;

Whereas as of September 15, 2006, 216 Joint Field Actions have been conducted in Vietnam, Laos, and Cambodia, which has resulted in the recovery of the remains of 841 Americans unaccounted for from the Vietnam War, and these remains have been repatriated, identified, and returned to their families;

Whereas the United States has a historic commitment to the recovery of, and the fullest accounting of, Americans who are missing as a result of the Nation's wars and conflicts; and

Whereas every member of the United States Armed Forces who is unaccounted for as a result of service to the Nation is equally important, regardless of the time or place of the war or conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by section 902 of title 36, United States Code, as days on which the National League of Families POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, military installations, and post offices;

(2) applauds the personnel of the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments for continuing their mission of achieving the fullest possible accounting of all Americans unaccounted for as a result of the Nation's previous wars and conflicts;

(3) extends its appreciation and the appreciation of the people of the United States to the personnel of those offices, commands, and laboratories in the United States, the Socialist Republic of Vietnam, the Lao People's Democratic Republic, and the Kingdom of Cambodia for their efforts to achieve the fullest possible accounting of all Americans who remain unaccounted for as a result of the Vietnam War;

(4) encourages the United States Government to use all available means to continue the mission described in paragraph (2) at current or greater levels until the fullest possible accounting missing Americans is achieved;

(5) recognizes that the efforts and involvement of POW/MIA families and veterans contribute significantly to the fullest possible accounting of missing Americans;

(6) recognizes the assistance of host nations in supporting the efforts of the United States Government to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Nation's previous wars and conflicts;

(7) extends its appreciation to Vietnam, Laos, and Cambodia for continued assistance and cooperation in the humane recovery, repatriation, and identification of the remains of Americas still unaccounted for from the Vietnam War; and

(8) encourages all host nations to assist and cooperate in the humane recovery, repatriation, and identification of the remains of Americans unaccounted for as a result of the Nation's previous wars and conflicts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

I am honored to rise in support of H. Con. Res. 444, recognizing the difficult, demanding and essential work of the Defense/POW Missing Personnel Office, or DPMO, and all the others devoted to bringing home fallen U.S. servicemembers. DPMO makes sure that none of our men and women in uniform are forgotten or left behind on the field of battle.

This Friday, we will observe National POW/MIA Recognition Day, and I am pleased that passage of this resolution will send a message of sincere thanks to all who remain dedicated, vigilant and loyal to unaccounted for Americans.

Although he cannot be here with us tonight, I would like to recognize my colleague and fellow Vietnam veteran Congressman LANE EVANS, who was a cosponsor of this resolution and a fellow member of the House Armed Services Committee. My good friend from Illinois also shares with me co-chair responsibilities on the United States-Vietnam Congressional Caucus which we established several years ago. Congressman EVANS is retiring at the end of this Congress, and I thank him for his friendship and for his service. He is a former marine, and he has been a great friend to members of all the branches of service. I say to him tonight, LANE, Semper Fi.

This resolution tonight is especially meaningful to Connecticut's Second District. In June 1972, CPT Arnold Holm of Waterford, Connecticut, was shot down over the central highlands of Vietnam. Captain Holm and the two members of his flight crew, PFC Wayne Bibbs and SP4 Robin Yeakley, were officially listed as missing in action.

Numerous searches for the crash site of their helicopter were unsuccessful, but the dedicated individuals of the DPMO did not give up. Just a few weeks ago, nearly 35 years after the helicopter was shot down, the field team in Vietnam appears to have located Captain Holm's crash site. I cannot tell you what this means to his wife Margarete Holm and to the family. It brings a sense of closure that is indescribable to anyone who has not experienced the profound emotions of personal loss that goes with having a family member as missing in action.

This resolution gives thanks to all of those who have worked to bring home America's POWs and MIAs. It reaffirms our commitment to our fellow Americans who have earned the right to be called heroes.

Americans are unique in this regard because we never leave our own behind. It is part of our national character that we do not write off those lost in defense of our Nation, no matter where they are, no matter how long they have been lost.

The U.S. Army Central Identification Laboratory located in Hawaii has an important mission. Their task is to search for, recover and identify the remains of servicemembers, certain civilian personnel and allied personnel unaccounted for from World War II, the Korean War, Vietnam War and all other conflicts. DPMO has brought home and identified hundreds of previously unaccounted for servicemembers, which is a costly and dangerous assignment. Americans, Vietnamese and others have lost their lives in search of their lost brothers, but we continue to support their mission because their work is a critical element of who we are.

DPMO's mission is critical to the military families who live with ambiguity and await closure. By continuing the search, we honor their service and their sacrifice.

I have already shared the story of Captain Holm. I have another. Robert Dumas lives in Canterbury, Connecticut. For more than 50 years, he has been searching for his brother Roger, who was a POW in Korea. He has been to Washington, D.C., more than 100 times and has met with Members of Congress and anyone else who might be able to help him uncover the fate of his brother. Bob Dumas promised his mother on her deathbed that he would never abandon the effort to find his brother, and he has kept his word. That is what this resolution is all about, keeping our word to those who have served and to their families.

Men like Roger Dumas, Arnie Holm and millions of others throughout our Nation's history have put their lives on the line for us. Some of them never returned and the fate of the others remains uncertain, but we owe it to them and to their families to try to bring them home.

The governments of Vietnam and Laos and Cambodia and other Nations throughout Southeast Asia also deserve our thanks. They have been instrumental in the search for missing U.S. servicemembers. In many cases, Vietnamese soldiers and officials have risked and lost their lives in the pursuit of American POWs and MIA remains.

When I put my dog tags on over 40 years ago, I noticed that they did not give any indication of my political affiliation, and when you visit the graves of our heroes at nearby Arlington Cemetery you will notice the same thing. None of the markers identify the soldiers' political affiliations. We do not wear the uniform of our country as members of a political party but as Americans. We do not continue to search for our missing servicemen and women as members of a political party but as Americans.

We will continue to support the efforts of the DPMO all around the world because these efforts are important. We will never give up the work, the hope or the commitment, and I ask all of my colleagues to join in support of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 444 and thank my friend Mr. SIMMONS from Connecticut for bringing this resolution forward this evening.

Mr. Speaker, this resolution is an expression of appreciation of the Congress and the Nation to the personnel of the Department of Defense organizations and military departments who are engaged in the mission to achieve the fullest possible accounting for all unaccounted servicemembers in past and current conflicts.

It also recognizes the POW/MIA families and the veterans for their support and foreign Nations that have assisted in these endeavors, and so I am pleased to join my friend from Connecticut in support of this measure, and I thank him for bringing it forward.

Mr. Speaker, on the third Friday of each September our Nation pays tribute to our prisoners of war and those still missing in action during National POW/MIA Recognition Day. On September 15, we will honor America's POWs and all those who have worked and continue the effort to leave no servicemember behind.

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There are thousands of people that support these efforts, from teams on the ground who conduct investigations, analysis and recovery, to those within the Department of Defense Mission Personnel Office, who are responsible for developing the policies and the controls and oversight. Each and every day these dedicated individuals are working to bring home our missing sons and daughters who have served their Nation in uniform.

The joint POW/MIA Accounting Command in Hawaii oversees these missions. The Central Identification Laboratory is the largest forensic anthropology laboratory in the world. The Armed Forces DNA Identification Laboratory in Maryland is one of the leading laboratories in the world that handles degraded skeletal remains to determine DNA results, and the Air Force Life Sciences Equipment Laboratory in Texas is home to the most comprehensive technical library and collection of life sciences equipment used by the Armed Forces.

But all of our efforts would be for naught, Mr. Speaker, if we did not have the support and cooperation of other nations, such as the Laos People's Democratic Republic, the Socialist Republic of Vietnam, and the Kingdom of Cambodia, in helping us achieve the fullest possible accounting of all Americans who remain unaccounted from past and current conflicts.

However, even with the state-of-the-art laboratories and highly trained personnel and the support of foreign nations, we could not be successful as we have been without the support of the families. Yes, the families and the loved ones of those missing in action and those who were captured and returned home. The support of these families and that of our POWs has been immeasurable. We would not be here today in support of National POW/MIA Recognition Day without their encouragement and without their advocacy.

On Friday, National POW/MIA Recognition Day will be one of the six days specified by law that the National League of Families POW/MIA flag is required to be flown over certain Federal buildings, over certain national cemeteries, military installations, and post offices. The flag will fly as a reminder for all Americans to remember those who remain missing in action and those who were captured and have returned home.

And so, Mr. Speaker, let us also take this special moment to recognize those of the current conflict, the current conflict who remain missing: SGT Keith "Matt" Maupin, United States Army Reserves, and MAJ Jill Metzger, United States Air Force. Our thoughts and our prayers are with them and with their families and the families of those whose loved ones remain missing from previous conflicts.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMMONS. Mr. Speaker, I would simply like to close by thanking my colleague, the gentleman from North Carolina, who serves with great distinction on the House Armed Services Committee, serves our country in a bipartisan fashion, for his contribution and his cooperation on this resolution here tonight.

Mr. EVANS. Mr. Speaker, on June 29, 2006, my colleague, Mr. SIMMONS, and I introduced H. Con. Res. 444, extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Nation's previous wars and conflicts. I am honored to stand before you today in support of this resolution.

On Friday we will celebrate National POW/MIA Recognition Day. As a Vietnam-era veteran I am deeply touched by the opportunity to discuss this resolution on the floor so close to this important day of recognition. It is difficult for me to understand that over 30 years after the end of hostilities in Vietnam, 1,802 Americans are still unaccounted for in Southeast Asia. It is only through the hard work and cooperation of the people, officials and governments of Vietnam and the United States that the remains of 604 Americans have been identified and returned to the United States. They are the heroes who are helping to bring closure and peace to so many American families.

I urge all my colleagues to vote in support of this long overdue recognition and send a heartfelt message to all the individuals involved in the identification and recovery efforts that a thankful Nation values and appreciates the work they do.

Mr. BUTTERFIELD. Mr. Speaker, I was pleased to learn of the recovery of one of our Nation's fighting women who had been missing in Kyrgyzstan for more than 3 days. After being kidnapped, Maj. Metzger spent 80 hours in captivity before escaping her abductors. Her resilience is remarkable and her resolve serves as another example of the superior character of the men and women of our Air Force and our other Armed Services.

I am most pleased to hear of her safe return. I wish the very best for the Metzger family, and continue to pray for the safe return of Sergeant Keith "Matt" Maupin, United States Army Reserves, who has been missing since April of 2004.

Mr. SIMMONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUTTERFIELD. Likewise, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 444, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution extending the appreciation of Congress and the Nation to the Department of Defense organizations, military departments, and personnel engaged in the mission to achieve the fullest possible accounting for all Americans unaccounted for as a result of the Nation's wars, to the POW/MIA families and veterans who support the mission, and to foreign nations that assist in the mission.".

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each

NARCOTICS PROBLEM IN AFGHANISTAN

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to claim Mr. POE's time.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

IN MEMORY OF TOM JEHL

Mr. SOUDER. Mr. Speaker, my subject for tonight is on Afghanistan and the narcotics problem, but before I address that, I would like to insert into the RECORD an excellent newspaper article about Tom Jehl, who died Tuesday in Fort Wayne.

He had this tremendous love for the University of St. Francis and Fort Wayne football team, and that love and this story is about how it kept him alive in the drive for the national championship, and how this year it is the inspiration for that team.

This is in NAIA, not Notre Dame's division. They will be the national champ in that division, but the University of St. Francis has been in the championship for the last few years, and Tom Jehl was their biggest cheerleader, and he is going to be sorely missed in Fort Wayne, and I hope it inspires the team, the Cougars, to go all the way this year.

[From the Fort Wayne News—Sentinel, Sept. 13, 2006]

In January 2005, Fort Wayne businessman and Lifetime Sports Academy co-founder Tom Jehl was diagnosed with aggressive strains of carcinoma and sarcoma cancers. A few weeks later, doctors at the Mayo Clinic told Jehl he had six months to live.

Jehl died Tuesday at age 76. This story is how he turned that prediction into 21 months with the help of some young friends.

When Jehl was informed of his diagnosis, one of the first people he called was University of Saint Francis Football coach Kevin Donley. The pair had met eight years earlier while waiting to participate in an hour-long radio sports show.

"I didn't know anything about Lifetime Sports Academy and Tom Jehl," Donley said, "and he didn't know anything about me and thought I was a fool to start a football team at Saint Francis. I thought, 'This guy's getting a half-hour of my deal,' and he's thinking, 'I'm getting a half-hour of his deal and they'll never play a game.'"

Almost, but not quite.

"I was trying not to listen to him," Jehl said a few weeks ago, laughing. "Out of the corner of my ear I hear him say 'We intend to win a national championship,' and I was like, Oh, brother, are we bringing a caseload to Fort Wayne! And he's on before me?'"

A former Central Catholic quarterback, class of 1948, Jehl's first love was football. He played his college ball at Loras College in Dubuque, Iowa, before joining the Air Force, and it had always been his dream that Fort Wayne high school players would have a closer option. A few weeks after their meeting, Jehl walked into Donley's office and asked how he could help.

Over the next few years, Jehl helped the school name the football stadium after Bishop John M. D'Arcy and then was the major contributor to get artificial turf for the stadium.

"I don't think we'd be where we are with our football program without him," Donley said. "He's been such a mentor to me and a friend to me and has helped me in this community to know what the heck to do. He turned out to be one of the best friends I have in life."

In April 2005, Donley and Saint Francis President Sister M. Elise Kriss asked Jehl to attend a healing prayer Mass at Trinity Hall. When Jehl and his wife, Marg, arrived early, Kriss said Donley wanted them to stop by a spring football practice.

As Jehl approached the field, Donley dismissed the players. The Jehls and Kriss walked to the front of the building where the team was waiting, pointing up to "Tom Jehl Football Complex" posted on the side of the building.

"I had no clue," Jehl said. "I never heard a cheer so loud in all my life. Then I thought, 'What the heck am I going to say?'"

Afterward Donley made a few remarks, talking about how the players had been praying for Jehl every day and were dedicating the season to him.

Jehl remembered making a few comments, mostly saying the right things, including telling the players maybe he could make it to the first game in September.

"Mr. Jehl, the final game is Dec. 15, and you aren't getting off the hook until then," linebacker Brian Kurtz said. "You're going to be around here until Dec. 15, and we're going to win it all for you."

The players presented Jehl with a silver ring from their runner-up finish in 2004 and told him the goal was to get him a gold one the next season. Jehl said he'd try. After all, the Cougars had lost the title in the final seconds and would be favored to return to the championship game.

"I kind of got revved up a little bit, and I had been pretty negative about the whole future of my health," Jehl said. "I wasn't doing myself any good walking around and talking about my time period and such. About a week after the Mass, I began to change completely. I figured they went to all that trouble, so who was I to walk around with such a negative attitude?"

The doctors' prognosis never wavered, but Jehl kept fighting with natural herbs, prayers and encouragement.

Inhaling energy from the children at Lifetime Sports Academy, he made it through the summer as the Cougars prepared for another title try. With Jehl watching every game from the sidelines, the Cougars kept rolling.

"It was like living in one of the most unbelievable stories of all time, and I felt it all the way," Jehl said. "They knew I was there, and I knew they were there. They put their heart into it, and many said they'd be praying for me every day."

The Cougars again reached the national title game. Jehl flew to the game with friends and gave a pre-game prayer, saying "Let's finish the job," at the end.

This time the score wasn't so close. Carroll College won 27-10.

After the game, Jehl didn't say anything to the players, just climbed on the plane for the ride home. He knew there was nothing he could say.

"The other team was more ready for us," he said. "It was a good fight, and a couple of plays turned things around. They came that close. I think that if they had won that game, I'd have been cured right there."

But the cancer was spreading, and Jehl spent more time than ever this summer at Lifetime Sports Academy, talking with coaches and enjoying the kids.

Though he was unable to go to the Cougars' season-opening game in Iowa last Saturday, he attended the Saint Francis preseason scrimmage two weeks ago, 15 months past his original diagnosis.

NARCOTICS PROBLEM IN AFGHANISTAN

Unfortunately, Mr. Speaker, the temptation in Afghanistan right now is to say, I told you so. I have been trying not to jump up and down and say, I told you so, but I can't resist doing it at least once: I told you so.

In the narcotics committee, we have been raising for years, since we went into Afghanistan, that the heroin problem was going to lead to a rerise of the Taliban. It was inevitable. Now, there are broad strategies in Afghanistan that are very complex. Afghanistan has never really been governed as a nation. It has always been much more tribal even than what now people are becoming familiar with between the Kurds the Shia and the Sunni in Iraq.

And for those who say in Iraq we should have allowed the Baaths into the government, we should have let more territorial control, well, we did that in Afghanistan. So we tried both ways. In Afghanistan, President Karzai, a good man, a dedicated man who has understood the battle, has tried to work with the tribal leaders in the region. But in those regions, in the absence of a workable economy at this point, they went from a somewhat large narcotics country to the dominant heroin country in the world.

Let me give you some idea of that scale. Under the Taliban, they had produced, let's take this on an equivalency because I can't remember the numbers off the top of my head, but let's say 20 million hectare, or 100,000 hectares and 20 million tons of whatever the quantity of heroin is. A number of 20. Then they went down to zero. When the government changed in Afghanistan, initially there wasn't a growth in heroin, but it went up by a factor of three times. Then it went up again by a factor of four times what it was under the Taliban, an equivalent of 60, then an equivalent of 80 if you use a 20 base number.

Now, supposedly, this was getting stabilized. But again this year, the UNDCP, the narcotics office of the Department of the U.N., is saying that it rose 59 percent again. Now, 59 percent is an extraordinary number, but over a base that is four times the previous world record and now it is up 59 percent again, what you see is that what used to be the grain and bread basket of the world, down around Kandahar and the Helmand Province, is now heroin as far as the eye can see.

Afghanistan has not always been the heroin center of the world. They have always had some heroin, but they had it up and down over the years. Since we have moved in there, because the Department of Defense, and particularly the British, who had charge of this, have neglected to do the spray operations, have neglected to go after this, they now have a problem that is nearly insurmountable, and now it has spread to the Taliban.

Congressman HOEKSTRA as well as Congressman SHADEGG and Congressman RUPPERSBERGER and I were what may be the only delegation that will ever get into Helmand. With the battle between the State Department and the Defense Department, finally the State Department did let us get on the ground. We got down to Helmand. I have been to Colombia 12 times. I have been in Afghanistan before. But when we got down in the Kandahar-Helmand region, we got up in a Black Hawk and went for 45 minutes, and as far as the eye could see there was heroin, with poppies coming out.

And when you see the immensity of the heroin problem, that is going to move in to all the nations around it, spread from Afghanistan into the other stans, Uzbekistan and Kazihkstan, and move on into Turkey and into Europe. It is going to corrupt. It is not like Colombia, where you had the Medellin cartel and the Cali cartel. Here you don't have that same type of one dominant country moving through. The Afghans don't manage the heroin all the way through. It is going to corrupt the entire eastern side of Europe and move into Asia.

On top of that, it is corrupting the government inside. And every time I have gone to Afghanistan, I have asked the same question. They say, well, these guys have really sophisticated weapons. They are getting IEDs similar to what we see in Iraq. They are getting new rocket launchers that can take our airplanes out. What do you think they are buying them with? Do you think they are making Dell Computers in Afghanistan? Do you think they are making plastic parts for the auto industry in Afghanistan? No, they are buying them with heroin.

And we have been asleep. The British have been asleep, NATO's been asleep, and the U.N.'s been asleep while the heroin is on the ground growing in massive quantities and now funding the killing of troops from my district. Men and women from my district are being shot at with heroin money because of the addiction around the world and because our governments wouldn't act.

Now, there are some things we can do. First off, we need the Department of Defense and our Federal agencies, and particularly the British, who are extremely frustrating in this process, and the NATO people that are taking over to start to recognize that narcotics is the core funding of terrorism in Afghanistan. They have no other income.

Secondly, we need back the Schumer amendment in the DOD appropriations bill that put $700 million towards the drug problem in Afghanistan. And I am not always a big ally of Senator SCHUMER, but we need to back his amendment here. He is right. We need a unified campaign like in Colombia, where drugs and terror are treated the same way.

This is an inseparable problem, and we better get it now or we will never get Afghanistan back

THE PROBLEM

Counter-narcotics efforts in Afghanistan are failing. A recent report by the United Nations Office on Drugs and Crime (UNODC) indicated that opium cultivation rose 59% in the past year. . . . from 104,000 to 165,000 hectares.

Afghanistan is producing 92% of the world's opiates including heroin and this total actually exceeds global consumption by an astounding 30%.

The problem is particularly acute in the southern provinces and most notably in Helmand. If one considered Helmand an independent nation, it would be the world's second largest opium producer following the rest of Afghanistan.

Afghanistan's central government has been unable to exert enough influence to stem the rising opium tide and this has fueled rampant corruption at the provincial level.

WHY IT'S IMPORTANT

This rise in opium production coincides with a resurgence of Taliban inspired violence especially prevalent in Afghanistan's southern provinces. The drug profits, totaling at least a third of Afghanistan's GDP, are fueling a deadly insurgency that has reached unprecedented levels since we toppled the Taliban regime in 2001. American and allied soldiers are fighting and dying every day because of this illicit relationship.

In a larger sense, the Taliban's resurrection is threatening Afghanistan's emerging democracy and restricting the growth of legitimate trade and commerce. It's no coincidence that the largest increases in opium production occurred in the areas where the central government is weak and the Taliban is strong.

At the provincial level, there is widespread corruption between government officials, narco-traffickers, tribal leaders and Taliban insurgents. The Taliban is encouraging farmers to grow poppy while providing protection for narcotics shipments through Afghanistan. This symbiotic relationship is destroying the fabric of Afghan democracy and threatening to reverse all of the nation's progress since 2001.

Afghanistan's drug based economy is destabilizing the entire region and providing the financial means for a return of radical Islamic fundamentalism to this fledgling democracy.

THE WAY FORWARD

The Department of Defense (DOD) and other federal agencies need to accept that narcotics smuggling in Afghanistan is fueling the Taliban-led insurgency. Defeating the Taliban is impossible without simultaneously addressing the drug problem so the DOD must play a greater role in non-eradication efforts.

On September 7th, the Schumer amendment was inserted into the DOD appropriations bill for $700 million towards the drug problem in Afghanistan. At conference, I recommend mandating this funding to jump-start a new, counter-narcotics policy in Afghanistan.

Since narcotics and terrorist operatives function in a mutually beneficial and symbiotic fashion, our national policy must shift toward a "Unified Campaign" against drugs and terror similar to the initiative in Colombia which has yielded significant results. Our national policy should not focus solely on eradication. Instead, the DOD must be mandated to support other federal/international agencies in pursuit of narcotics traffickers as well as terrorist organizations. More specifically:

Purchase or lease adequate DEA helicopter lift and support gun ships to support enforcement actions against drug kingpins (also known as High Valued Targets or HVTs) or heroin labs.

Utilize the State Department's ten Huey II helicopters, currently being used for eradication, to support DEA law enforcement operations.

Purchase an adequate number of counter-narcotic canines to support all drug enforcement operations including airport security/cargo inspection and road check-points.

Provide $18.5 million for the DEA to create human-intelligence networks.

The successful counter-narcotics lessons from Colombia are also clear. Upon the U.S. Congress' request, the Colombian National Police visited Afghanistan in July 2006 and made several recommendations to curb the narcotics problem. The Colombian police are experts at dealing with the terrorism and drug nexus so we should give great weight to their recommendations. They encouraged the Afghan police to develop their investigative and intelligence collection techniques to exploit human informants in order to take-down drug kingpins as well as to trace and eliminate the trafficking networks. In addition, the Afghan police needs to learn how to develop legal cases in order prosecute major drug kingpins.

A key mechanism of the DOD's efforts is the use of the Central Transfer Account (CTA). This account was developed to preserve the integrity of the Department's counter-narcotics efforts and should remain firewalled from other uses. A recent reorganization proposal within DOD to expand the Deputy Assistant Secretary of Defense (DASD) for Counter-Narcotics responsibilities to also include counter-proliferation and other unspecified "global threats", derails the singular focus of the CTA. If the CTA's resources are combined with other responsibilities, such as the Nunn-Lugar program which focuses on dismantling Soviet-era nuclear warheads, the DOD's counter-narcotics mission would be seriously distracted if not compromised. Counter-proliferation and counter-narcotics are distinct activities and the DOD should not combine both functions under one office.

Finally, provincial corruption is the lubrication which keeps the narcotics engine running in Afghanistan. The potential profits from narcotics trafficking are a compelling temptation to many officials in this poverty stricken nation. Unless the Afghanistan government, with the support of the international community, can root out corruption at all levels and successfully prosecute those who violate their own laws, we'll struggle to gain any ground.

CONCLUSION

Narcotics smuggling is feeding the terrorist insurgency in Afghanistan. The two activities are inextricably linked and must be combated in a unified fashion.

We must succeed in Afghanistan. The maintenance of a stable and democratic Afghanistan is pivotal for regional and global security.

TRIBUTE TO FRANK WALKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, as a member of the House Resources Subcommittee of National Parks, I have had the privilege to visit many of our Nation's National Parks. From my own personal experiences, I have come to love the beauty of these parks and am grateful for the recreational opportunities they have to offer. Over 100 years ago, our predecessors displayed historic vision and took a bold step forward in a quest for protecting our Nation's natural wonders.

On March 1, 1872, Congress established the Yellowstone National Park, our Nation's first and still one of our most beautiful and pristine national parks. President Theodore Roosevelt strengthened our Nation's conservation system through the Antiquities Act of 1906, creating 18 national monuments by the end of his presidency, including the beautiful cliffs of Mesa Verde National Park in southwestern Colorado, Arizona's Petrified Forest, and our own natural wonder, the Grand Canyon. These monuments laid the groundwork for our current park system, a vision completed in 1916 as President Woodrow Wilson established the National Park Service.

There are thousands of individuals in the National Park Service as well as volunteers like Friends of our Parks, who dedicate their talent and lives to our National Parks. Without all of their hard work and dedication, our National Parks could not retain their immaculate beauty, nor could they continue to provide critical habitat for our nation's world-renowned wildlife. It is because of the work of these individuals that I, as well as my children and my grandchildren, will be able to enjoy the Park System. Today, there are 390 National Parks throughout America, with at least one in nearly every state and U.S. territory. These parks attract over 280 million visitors every year, for their beauty and their recreational opportunities. These figures far exceed any expectations that Presidents Roosevelt and Wilson may have had. Our National Park System is truly a triumph of American vision and commitment to responsible stewardship of our unparalleled natural heritage.

I rise today to not only emphasize the importance of our National Parks, but also to honor those who work to protect these invaluable resources. I would like to especially commend Frank Walker, who I recently met while on my family vacation to Yellowstone National Park in early August. Frank has dedicated over 39 years of his life to protecting our Nation's historical National Parks.

An avid outdoorsman and wildlife lover, Frank studied biology at the New Mexico State University. He then embarked on his career and years of service as a seasonal ranger at Yellowstone National Park in 1967, and he received his first permanent position in 1970, serving as a park technician at the White Sands National Monument in New Mexico. His success and dedication continually earned him challenging and rewarding positions all over the country. Frank has worked at the Jefferson National Expansion Memorial in Missouri, the Gulf Islands National Seashore in Mississippi, the Fort Clatsop National Memorial in Oregon, the Nez Perce National Historical Park in Idaho, and the Saguaro National Park in Arizona. After working for over two decades outside the prestigious Yellowstone National Park, Frank returned to Yellowstone in June 2001 as the Acting Superintendent, and he was promoted to his current position of Deputy Superintendent in February of 2002.

Frank has rightfully received numerous awards for his hard work and dedication to protecting our Nation's resources. These awards include the Interior Meritorious Service Award, the General Council Award from the Nez Perce Tribe, the Vail Partnership Award, the Western Region-Superintendent's Award for Cultural Resources Stewardship, and in 1985 the Southwest Region's Freeman Tilden Award.

Just as these awards have done, I want to honor Frank here today. I wish to congratulate him on his retirement and thank him for his life's dedication to our Nation's parks. It is because of his work, and the work of his colleagues, that America's resources will be enjoyed by future generations. I wish Frank and his wife, Judy, his two sons, Mark and Phillip, and his daughter, Kathy, all the luck and well-being in the future, and it is my hope that his work will inspire others to continue to protect our National Parks and other natural resources.

9/11 TRAGEDIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we have seen these past few days events to remember the tragic incidents of September 11. And, frankly, when we were reliving that tragic day, among the many things that crossed my mind was the realization that thousands of Americans died. Thousands of Americans died in their place of work for the simple sin, their only crime being that they were free people who live in a free country. They were people who love freedom, and their only crime was that that morning, like every other morning, they went to work so that they could help their family, they could feed their children, they could pay their bills, and they could continue to live and prosper in freedom.

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Mr. Speaker, 9/11 was not the only attack against America. It was the largest attack, the terrorists' most successful attack against America, but by no means was it the only attack or the first attack against America.

The problem, Mr. Speaker, however, was that America did not realize until that horrendous wake-up call of 9/11 that there were a number of radicals around this world who had already for a generation declared war. They had declared war against the United States and our allies for the simple reason that we live in freedom, that we cherish freedom, that women can work and live in freedom and have equal rights to men. For those reasons, there is a group of people who declared war against the United States. Not only did they declare it verbally, as they did, but they did so in actions. And again, we just didn't wake up to that realization.

When President Jimmy Carter withdrew the United States' support from the Shah of Iran, in essence facilitating and allowing the Ayatollah Khomeini to take power in Iran, he didn't realize the type of enemy we were dealing with.

More recently, in February of 1993 when the first bombing of the World Trade Center took place killing six people, the United States didn't realize who the enemy was, and we didn't fight back. But the killers persisted in trying to kill Americans.

In October of 1993, in Somalia 18 valuable, decent brave American soldiers were killed. Osama bin Laden later personally claimed credit for organizing the Somalia fighters. We didn't fight. On the contrary, we withdrew immediately from Somalia. I will quote what bin Laden said about our withdrawal. He said, "America exited, dragging its tail in failure, defeat and ruin. Caring for nothing, America left faster than anyone expected." Again, we didn't fight.

In June 1996, a truck bombing in the Khobar Towers barracks in Saudi Arabia, killing 19 Americans and we did nothing. We did not fight back. But the killers were not content. They kept trying to kill Americans.

And then in August 1998, the bombing of the U.S. embassies in Tanzania and Kenya where 224 people were killed, including many Americans, we didn't fight back. We did nothing.

In December 1999, the plot to bomb the Millennium celebrations in Seattle that was foiled when custom agents arrested an Algerian person smuggling explosives into the United States. The killers continued to persist, and we were not fighting back.

And then of course the tragic bombing of the USS *Cole* in the port of Yemen where U.S. 17 sailors were killed, and we did not fight back. But the killers were not satisfied and they continued to persist.

And then of course we got the big wake-up call, September 11, 2001, the destruction of the World Trade Center, the attack on the Pentagon where a total of 2,992 Americans were murdered on that horrendous day. Finally, America woke up to the realization that there had been a war declared on our country and our way of life and it was time that we fought back, that we started bringing justice to those terrorists wherever they may be so we would not have to fight them here on our streets, so we would not have to deal with another September 11 or another World Trade Center explosion like the first time or another attempt on the celebrations like those in Seattle.

America started fighting back finally because we found out that these killers are not going to stop if we don't fight because that is what we always did. We didn't fight back. In many cases we withdrew. Did that appease them? No. It emboldened them, like bin Laden said.

After that then, after September 11, this President and this Congress decided to fight back and decided to remove the Taliban from power. Our brave men and women in uniform have done an incredible job under the most difficult circumstances and removed the Taliban and that which was a state sponsor of terrorism is no longer a state sponsor of terrorism, and there is a struggling democracy that is gaining ground and taking root in that land where al Qaeda used that land to plan the horrible events of 9/11.

Also on a bipartisan vote of this House and the Senate there was a vote to basically remove a state sponsor of terrorism and a threat that was Saddam Hussein. Let me read a quote from December 16, 1998 about why Saddam Hussein was dangerous and what the bipartisan attitude here in Congress was. "The hard fact is that as long as Saddam remains in power he threatens the well-being of his people, the peace of his region, and the security of the world. The best way to end that threat once and for all is with a new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the rights of its people."

That was not President Bush that I quoted, that was President Bill Clinton that I quoted when he mentioned the only way was to remove Saddam Hussein.

Let me read another quote on how Congress and the country was united against international terrorism. "Saddam Hussein in effect has thumbed his nose at the world community, and I think the President is approaching this in the right fashion." That is Senator REID, the now-minority leader in the Senate.

Let me give another quote about how the country felt in a bipartisan, unified, united front against international terrorism and against that state sponsor of terrorism that was Saddam Hussein. "I can support the President. I can support an action against Saddam Hussein because I think it is in the long-term interest of our national security." That is a quote from NBC Meet the Press, Senator HILLARY CLINTON. There was bipartisan support because there was a realization that Saddam Hussein was so dangerous.

One last quote, Mr. Speaker. This is I think a very powerful quote. "It would be unrealistic, if not downright foolish, to believe we can claim victory on the war on terrorism and a more secure world if Saddam Hussein is still in power 5 years from now." That sounds like I plagiarized President Bush; but no, that was by Senator JOE BIDEN in February of 2002.

Again, as Senator JOE BIDEN said, and I think it is worthwhile reading that quote again. He mentions that we cannot claim victory, in his words, he says, "the war on terrorism and a more secure world if Saddam Hussein is still in power." JOE BIDEN understood that Saddam Hussein, a state sponsor of terrorism, the leader of that terrorism, had to go for our national security and for the fight, as he said, against international terrorism.

It saddens me to see now how the very same people who I just read their quotes who were so united, who so supported this country's efforts in the fight against terrorism, including in the fight against Saddam Hussein, recognizing that he was a major state sponsor of terrorism, where Senator BIDEN says we cannot win or claim victory. And I will quote him again. "It is unrealistic, if not downright foolish, to believe that we can claim victory on the war on terrorism and a more secure world if Saddam Hussein is still in power."

Yes, that was the consensus. So what happened? I keep hearing now the country is divided. But the President has not changed his tune. The President agrees with what these fine Members of Congress from the other party said and believed and were sure of because they were right then. The United States is the source of good for the entire world. For all of the oppressed people, we are the source of good and the source of light, the beacon of light for the entire world.

When you had a regime like the Taliban or a regime like Saddam Hussein, it was a threat to our national security, as Senator CLINTON said and as Senator BIDEN said and as Senator REID said. But all of a sudden, when things get a little bit more difficult, then all of a sudden, oh, everything they said, everything they believed in, year after year, is thrown out the window because it is election season, because it is an election year.

The reality, Mr. Speaker, is that we are at war. The reality is that we have people, men and women in uniform, in harm's way doing an incredible job. The reality is we are winning the war against terrorism, against these evil thugs who murder, have murdered and would like to continue murdering Americans if they could.

I would like to talk about some of the many accomplishments, which is why we have not had another attack on U.S. soil despite the attempts of the terrorists because of what this Congress did under the leadership, the Republican leadership and the leadership of the President.

But before I go into more detail, I would like to yield to a man who is a leader on the fight for human rights anywhere around the world where human rights are violated, the gentleman from Tennessee (Mr. WAMP). It is a privilege to have you here, sir.

Mr. WAMP. I thank the gentleman for yielding, especially given the relationship I have with he and his brother because I am the middle of three sons. I have brothers on both sides of my life, and I know the bond between brothers and it is a privilege to serve with you and your brother and to fight the good fight with you.

Before I begin talking about the threats we face, the vulnerabilities that we have, and frankly the courage of the men and women in uniform that stand in harm's way on behalf of a very grateful Nation, let me first honor the sacrifices of September 11.

I was here with the leadership on the steps Monday night when a bipartisan group of Members of the House and Senate came together with extraordinary unity again to honor what happened because one of the great things I came away with on September 11 and that whole experience is that love overcomes fear, and really the only more powerful thing in the world than fear is love. Our country came together in a remarkable way. I feel even the greatest generation, which set the standard for sacrifice and courage in our country, was impressed with the bravery and the willingness to lay their life down of all of the first responders that entered burning buildings following the scriptural call that says, "No greater love hath any man than to lay down his life for a friend," and in this case lay down their life for people they never knew or would know.

We saw extraordinary heroism in the wake of September 11. That is what the character of this great Nation is all about. Just like in our own personal life, we gain our character out of these struggles. And boy, this has been a struggle. But I just want to pay tribute to all of those first responders. It seems that we still don't fully appreciate the heroism of men and women in uniform. It is not just soldiers, sailors, airmen and Marines, it is those first responders at the local level that have now stepped up in an amazing way, and so we pay tribute to that as we begin.

But I came last week on Wednesday night and talked about the threats and specifically jihadism, which is really the great threat. As I was preparing some notes to come over tonight, I saw a scroll on Fox News that today the Pope spoke out and condemned fanaticism in the Islamic world and said we must be careful of this call for a holy war. I don't want to paraphrase the Pope, but I am really grateful to see that because I asked the question when we are looking at jihadism, or what they call in other countries the Islamists, which are the radicals in Islam that promote jihadism, waging war against anyone who doesn't believe as they believe, my question for all of the religious leaders in Islam is: Where are the mullahs?

□ 2115

Where are they in condemning suicide bombers and condemning this kind of violence and condemning this full-scale assault on people and nations that do not agree with them on their world view? That is the enemy, jihadism.

Last week I talked about how it is spreading like wildfire through Great Britain and Europe. A book called "Londonistan," talking about how jihadism has spread in London and Great Britain, calling even members of the Parliament like George Galloway by name in the book, and then his name surfaces in the conversation of the 24 hijackers who were apprehended just a month ago; talking about a book called "While Europe Slept" about other European countries that have, in the name of tolerance, just almost ignored the incredible rise of jihadism throughout Europe, and how this is a rampant problem.

Today I wanted to bring some more information to the floor from other writers that I have come across that I think is helpful.

The American Enterprise Institute, which is not exactly a conservative bastion or defender of this administration, one of their top analysts writes this, and I think it is instructive. Hamas and Hezbollah see themselves as part of a global movement of jihad. Hamas is, in fact, the Palestinian arm of the Muslim Brotherhood, founded in Egypt, with affiliates across the Muslim world. Although the Muslim Brotherhood in Egypt renounced violence in order to survive fierce government repression, it supports violence and terrorism in other places. Hezbollah was founded by Iran. These groups take pride in being the brothers and comrades-in-arms of the terrorists who attacked New York, Washington, London, Madrid, Bombay, Bali; and they celebrated when those atrocities happened.

As they also say, quite openly, they are aiming to establish a new caliphate that would create what they view as the golden age of Islam, and they want this caliphate to rule over all the lands of the Muslim empires of the past, from Morocco in Spain to the west, to the Philippines in the east, taking in the southern half of Europe, the northern half of Africa and most of Asia.

Now, as I said last week, we intercepted a letter between Zarqawi and Zawahiri before we killed Zarqawi. In that letter, it says exactly this, use the infidels', us, presence in the Middle East, to expand the caliphate, revive the caliphate, and they said in the letter, from Morocco to Indonesia, this same extraordinarily large territory, which they considered their rule, their empire.

So, if anyone is naive enough to think that this is all about our presence in Iraq, they are in denial. They are simply not wanting to face the facts of the threats of jihadism spreading around the world. That is really the enemy. We talk about a war on terror, but terror is a tactic used by the enemy. The enemy are the jihadists, and this is an aggressive plan. The Wall Street Journal editorialized 2 weeks ago and said that some people have an aversion to conflict. We just don't want to face this.

I mean, 5 years after September 11, in amazing unity, and I am grateful for that, in a bipartisan way we gathered. But some people that gathered don't want to face the facts that these threats are growing. History will sort out what caused it to grow and whether things that we have done or said aggravated it. But the truth is, it is a real threat.

You know, Mr. Speaker, a very prominent Tennessean, the former Vice President of the United States, he has a movie out called "An Inconvenient Truth."

I am glad that we talk about global warming. We had a great hearing today on it and talked about nuclear energy. Even the founder of Greenpeace reported today, at our hearing, the concept of nuclear energy to reduce CO_2 emissions to clean up the global air quality and save the planet. Nuclear energy is a solution. We need to face that.

But I want to tell you about another inconvenient truth. It is an inconvenient truth that over half of the Democrats in the United States Senate voted to remove Saddam Hussein by force, and almost half the Democrats in this House voted to remove Saddam Hussein by force, and now a whole lot of them are wanting to either leave early or publicly tell the world that it was a mistake.

Now, let me tell you, when you vote to do something, you need to understand when you vote to remove Saddam Hussein, a dictator, a tyrant, a genocidal mass murderer, who had invaded other countries and had built up its guard around Baghdad to protect his empire, that it is not going to be easy, and it could be tough. It could require extraordinary sacrifice and we, as a Nation, voted to do it, and it is an inconvenient truth for them that they voted to do it, because it would be real easy just to erase that and say, oh, I don't have anything to do with that. But we agreed to do it, and why can't we, any more in this country, stand at the water's edge together when men and women are in harm's way on our behalf at this critical moment in history.

Now, let me just get to our vulnerabilities. Maybe I should come back to our vulnerabilities.

Mr. MARIO DIAZ-BALART of Florida. If I may, I would like to, because I think the gentleman from Tennessee brings up some really, really important points, I guess that some of the fine men and women on the Democratic Party side believe that if we just went away, if the United States just left the Middle East, I assume that would be stop supporting Israel, I don't know.

But if we just pulled back from the Middle East as some have said, some have said we should pull back to Japan, to Okinawa, which, by the way, in military terms for the Navy is farther away than the Navy yards here in Virginia. So in other words if we left there, if we were just good, if we just behaved, that these terrorists would leave us alone, that they would go away.

I mentioned a little while ago a list of attacks against America that were way before 9/11, way before we were in Iraq. But I guess some just believed naively that if we just left Iraq, just left Afghanistan, that everything would be hunky dory

Yet, I think it is important to kind of listen to what our enemy is saying. When you have Hezbollah leader Nasrallah saying, "Death to America," and let me quote him, regardless, this is a quote, regardless of how the world has changed after 9/11, after the 11th of September, death to America will remain a reverberating and powerful slogan. Death to America.

I guess some believe that he doesn't really mean it, that if we just, I don't know, retracted from the world that they would go away, bin Laden, who, by the way, very cleverly, started a media campaign to try to divide our country, very effectively, I might add. Let me quote you about that, by the way, what bin Laden said. He said, al Qaeda intends to launch a, quote, media campaign to create a wedge between the American people and their government.

He also said that the media campaign, and I am quoting him now, aimed at creating pressure from the American people on the American Government to stop their campaign. There are some that, I guess, because they are naive, are doing exactly, exactly what our enemy says that has to happen in order to defeat the United States, in order to defeat the United States.

Let us be very clear that the terrorists' aim, the aim of the terrorists is total destruction of the United States of our way of life and everything that we believe in. It is not because we may have been in Iraq; it is not because we support Israel. All those things, obviously, upset them.

But let me quote Osama bin Laden again, where he says, quote, the war is for you or for us to win, talking about the West. If we win, if we win it, it means your defeat and disgrace forever. That is how they think.

So I don't understand how, when there was such a consensus, how everybody understood that, how the terrorists continue to do the same thing, how to kill Americans, but because of the efforts of this President and this Congress, they have not been able to do so here, and the terrorists continue to say what they are going to do.

How is it possible that some refused to listen, like I guess happened in the 1930s, when some refused to listen to Winston Churchill when he said there is an evil out there, the Nazis. They are not going to go away, we have to confront them.

So I kind of pose that as a question to my colleague from Tennessee, because I don't get it, I don't get it. How much clearer can the actions and the words of the terrorists be before some of our men and women get it, understand it. Realize that we are not the bad guys, we are the good guys. It is the terrorists that we are fighting, and they are not going to stop, they are not going to go away if we just send our troops to Okinawa and Japan and pretend that they no longer exist. I mean, I don't get it.

Mr. WAMP. I think it was General Casey who said if we leave Iraq prematurely, they will follow us home. I will finish what the American Enterprise Institute analyst said about this presence in Iraq. He said jihadists from around the world have flocked to Iraq to fight America and its allies. They believe they will win and drive the infidels from Mesopotamia, the name they use to emphasize that they have no regard for modern national identities.

If they succeed in Iraq, they say they will use it as a base from which to conquer the rest of the lands surrounding the Persian Gulf, a jumping off point for further conquest. In Time magazine Sunday, Max Boot writes this. He says, if we believe that wholeheartedly supporting friendly dictators works, we should remember that our support for the Shah of Iran in the 1970s and Yasser Arafat in the 1990s has taught us that secular strongmen cannot keep the lid on forever.

Either we push for change now, or we risk a fundamentalist explosion later on, and we need to be honest with the American people, to my friend from Florida, and let the people know that we have difficult days ahead. I have been on the Homeland Security appropriations subcommittee for 4 years. I have been briefed at the highest level. I have been to the United Nations, I have met with our allies from Europe and the Middle East.

I have got deeply into the issue of the nuclear threats and how terrorists are very interested in the A.Q. Kahn network, an international nuclear arms broker who is now, frankly, under house arrest in Pakistan, and how Libya gave up their nuclear weapons. The greatest threat of all is that these jihadists are able to get a nuclear weapon. We had better emphasize our security for the future of the free world.

Mr. MARIO DIAZ-BALART of Florida. Look, it is clear who our enemy is. It is clear that they have been there before Iraq, before the liberation of Iraq. Before Afghanistan, they were in Iraq. They have killed Americans for a generation. They are not going to go away if we just wish them to go away. But luckily we have had some great success. Is there a reason why there has not been an attack on American soil?

To talk a little bit about that, I would like to recognize a person who I greatly admire from the great State of New Jersey, but Mr. GARRETT has been a leader, particularly on cutting government waste, on fighting for the little guy for small business. I would like to recognize him. Maybe he could tell us a little bit about why we are succeeding, why we haven't had an attack. What is it that we have done that is working.

With that, I would like to yield to Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank you for that. I thank the gentleman from Florida for bringing this matter to the floor tonight, and I appreciate your comment "fighting for the little guy" with regard to the economic issue, and I think we are all fighting for the little guy and the middle guy and the big guy in the sense that we want to have security here at home for America.

What I would like to do, if I may, just spend a couple of minutes speaking about some of the strides we have made in this country through the efforts of this House to make America stronger. I will touch on some of the comments made on the other side of the aisle where they are saying we have not made improvements, specifically in the area of port security.

I represent the Fifth Congressional District in New Jersey, the very top of the State of New Jersey. The people I represent in the Fifth District of New Jersey remember all too well the events of September 11. We live in the shadows, really, of the former World Trade Center as well as three major airports, the second busiest port in the Nation, Newark, and a number of national landmarks as well, such as the Statue of Liberty. So the threat of another attack in our area looms very large in our daily lives. Ensuring that government is doing its best to prevent terror attacks and prepare should the worst occur is more than just an important part of my work here in Washington.

It is a matter of life and death for my neighbors and fellow New Jerseyans. This last Wednesday I had the opportunity to tour Newark Seaport, along with U.S. customs and border protection officials. Basically, I went there to assess current procedures and technologies, since I had been there several years before, to see what they are using now to detect and prevent future threats.

While I was there, there was obviously, still, always things that we can do to make our security more airtight. But what I saw on this tour was encouraging, to say the least. You know, terrorists consistently alter their techniques and targets that keep Americans guessing where and when they might attack next and where we might be most vulnerable.

□ 2130

So that means that we must remain one step ahead of them in every facet, and the funding we have allocated towards port security has really gone a large step in that direction.

When we awoke to the very real dangers of the contemporary world on September 11, 2001, you can say we were shocked to discover the dangers hidden in our unsecured trade infrastructure. But today we have a layered approach to port security that has significantly increased our safety, an approach that is improving daily with the development of new tools, new technology, new methods to ensure that our trade is safe, yet as efficient as possible.

Right now, and I want to make a note of this, right now 100 percent of all containers coming into ports shipped to the U.S. receive a risk assessment. Each and every container must have a detailed manifest that accurately depicts what is being shipped in it and we know who is sending it and receiving that container as well. We also have detailed data on their shipping habits in the past and we can prioritize our inspection efforts now.

So the threat of weapons of mass destruction in the past has led to the efforts to push our borders actually out past where our borders are, all the way back to where the manufacturers who are building those items come from, whether it is in another country or another continent, all those items that come into this country for our consumption.

We now have CBP officers at 44 ports around the world. That is up from zero prior to 2001. By the end of this year, CBP will have officers at 50 ports around the world. That represents 90 percent of all the trade bound for the U.S.

These officers work with the host countries there, and what they do is they inspect the containers before they are even loaded. Then there is radiation detectors at each of these ports to ensure that the trucks entering the port are scanned for the most dangerous of weapons.

As I said before, the terrorist seeks to exploit whatever our weakest link is and find the easiest way to find access to our Nation. Our allies and trading partners have recognized the great risk to worldwide trade posed by terrorists, and they are now volunteering with our Customs Trade-Partnership Against Terrorism Plan, that is the CT-PAT.

This effort allows us to work all the way back with the shippers, the manufacturers, to secure every aspect of trade, from the factory to the railcar to the truck all the way right here to our port. So by strengthening the security before even shipping items reach our stateside ports, we make our ports dramatically safer.

This goes to a point made on the other side saying that all the security at our ports now, when it comes to items coming into our country, are done at our ports. The fact of the matter is that is absolutely wrong, what they were saying. To reiterate, 44 ports around the world right now, it is going to be up to 50 by the end of the year, 90 percent of everything coming into this country.

After the attacks on September 11, the Federal Government invested millions of dollars into new technology to enhance our port security. Scanning equipment that was unheard of literally 5 years ago is now installed and working in each of these ports. I have seen this stuff. It is amazing.

The latest scanning technology can not only detect radiation, but it can even determine what type of radiation is present within that container by simply a single sweep of that container. It is fascinating. If you are not an engineer, as I am not, it is just amazing what they can do.

Now what they have is new technology, even newer than just a couple of years ago, and what they have done is replaced a three-step process down to a one-step process. So now the entire scan is done in one step, not three, and what this does, of course, is give the agents even more time to scan more containers.

In the State of New Jersey, where I am from, we are fortunate to have Rutgers University. What our university has done through Federal funding is establish a multi-disciplinary Port Security Laboratory and research facility, which I had the opportunity to look at as well. They are using homeland security funds to develop still better detection systems for the future in tracking container ships.

There are also private companies out there as well, besides universities. One such company is SI International. This company, that I had the opportunity to check out as well, they are engaged in some of the most amazing and greatest advances in military technology and they are turning to homeland security that I have ever seen or any of us have seen before, coming up daily with better innovations.

So I sit back not as an engineer just to marvel at this and I applaud all of the brilliant minds for their efforts to make Americans safer. As one Member of Congress, I sleep a little bit better knowing there are great minds out there that are working on these projects from a technical point of view.

We have come great strides, made great improvements since 9/11, and it is in part because of the actions of this House. Just recently, as you know, we have invested $1.2 billion in further appropriations to go for the Security and Accountability of Every Port Act to make sure all the ports have the latest in technology, training and personnel at them.

We must agree here today that we will continue to ensure that our homeland security officials have those resources to prevent future terrorist attacks from using our global trade system ever to take lives of Americans again.

With that, I appreciate again your efforts here on the floor tonight, and applaud your work.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the gentleman from New Jersey for bringing up those important points. The ports are such a huge part of our economy and the steps that have been taken to strengthen our ports

But there is so much more that has been done, the funding for the first responders in homeland security. Through a variety of programs, these are amazing programs. Over $30 billion in Federal funding has been allocated for the first responders since 2001.

The U.S. PATRIOT Act of 2001, which was reauthorized recently, which is obviously a key tool in preventing another domestic terrorist attack. By the way, that was a bill that was reauthorized, and 156 House Democrats voted to oppose the reauthorization of that essential tool to fight terrorism here, so the terrorism doesn't hit us here specifically.

So much more. The Homeland Security Act of 2002, which established the U.S. Department of Homeland Security as an executive department of the U.S., and tasked that department with preventing domestic terrorist attacks. That was opposed by 120 House Democrats who voted no against the creation of that department to protect the homeland against domestic terrorist attacks. Thank God, thank God, the majority prevailed and that took place.

The SAFE Port Act the Congressman just mentioned. The Intelligence Reform and Terrorism Prevention Act of 2004, which made important reforms in the intelligence community, including the creation of the Director of National Intelligence to coordinate and oversee all intelligence-related gathering. A huge issue that this Congress got done, which is why we are a little safer.

Project BioShield, which delivered $5.6 billion, with a B, to enhance research and development and procurement and the use of biomedical countermeasures to keep us safer.

There are so many other issues that we have done, which is why America is safer now than it was before 9/11, despite the fact that many of those key pieces of legislation, the Democrats opposed them every single step of the way. They always opposed them. But we have to do more, such things as emergency communications, which we have to do better at.

The reason we have to do more, Mr. Speaker, is because the terrorists, they are not this little rag-tag group of people. They are organized. They are funded. They are out there. As a matter of fact, I understand there is a number of them meeting, state sponsors of terrorism, that are meeting really close to our shores here off the United States.

To give us an idea of who they are and what they are doing and how we have to be vigilant, I would like to now recognize the vice chairman of the House Rules Committee, the gentleman from Florida, Mr. LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART. Thank you very much. I want to commend you and all of the distinguished colleagues who have spoken in this hour on this special order on this ultimately important matter, especially always important, but especially in this week when we recall one of the greatly tragic dates in our history.

There have been other dates in our history that have been tragic, but in terms of an attack on unarmed civilians, September 11, 2001, is without precedent in terms of not only the cruelty with which harm was inflicted that day upon thousands of families, upon our great Nation, but in a cowardly way, in this way of unfortunately the new war, the war upon values, the war upon our way of life, the war where civilians are not only fair game, but the primary objective of the enemy.

We have to learn from history in order to be able to act as effectively as possible to protect the homeland. We have to learn from history. Sometimes we even have to learn from the strangest sources, most unorthodox sources, the animal kingdom. The ostrich, for example.

The ostrich, when in fear, adopts a curious position. It hides its head in the soil. Not only by doing so does it adopt physically a peculiar position, but it diminishes its security by doing so because it has not the ability to see what is happening in its surroundings.

So even from sources as unorthodox and unexpected as the animal kingdom, specifically with the ostrich, we have to learn, because I would maintain, always respectfully, that some have adopted the position of the ostrich with regard to political positions and positions with regard to public policy, even as important as with regard to our national security. Hiding our heads in the soil, in the sand, to avoid seeing the fact that we have many enemies, is not an appropriate, not only physical position, but one that is conducive to security.

On the contrary, we have many enemies. In recent history the enemy was acting with impunity. When the enemy acted in 1993, I remember I had just arrived in this Congress, Mr. Speaker. I had just arrived and we were meeting.

I remember the Speaker-to-be Newt Gingrich, who at that time was not yet Speaker, was addressing us in a retreat in February of 1993. I had just arrived the previous month to this Congress. As he spoke, the news arrived about a dreadful terrorist attack upon civilians in New York City. I recall how then Congressman Newt Gingrich, who was to be the Speaker in the next Congress, addressed us and very calmly and with great wisdom told us that we were living in a new era, an era that included the savage attacks upon unarmed civilians by cowardly enemies. February 1993.

The reality of the matter is that the enemy saw that it could act with impunity. And the years passed, and the enemy attacked again with impunity. And the enemy attacked again with impunity, attacked American embassies in different countries with impunity. The enemy went so far as to attack a vessel of the United States Navy, killing many sailors of the USS *Cole*, inflicting great harm upon the United States.

The enemy acted with impunity. The enemy was convinced that it could continue to act with impunity, so it organized what became the most horrendous attack upon unarmed civilians in the history of the United States.

□ 2145

And the enemy was convinced that it could continue to act with impunity. The enemy miscalculated because a new day had arrived in the United States of America and thus a new day had arrived in the world. The free world led as it is, and it must be by the United States of America. The enemy miscalculated.

So from where the enemy had prepared the most horrendous attack upon civilians in history, thousands of miles away in terrorist training camps in a desolate country with a great people and a great history but a country that has suffered much, in Afghanistan.

The enemy was convinced that geography, distance, and history, especially the lessons of recent history, would continue to protect it. But a new day had arrived, and, of course, the enemy did not act on September 11, 2001, with impunity. It acted in a cowardly way but not with impunity. And the United States of America, led by the Commander in Chief, attacked the enemy in Afghanistan and subsequently attacked the enemy in Iraq.

And today the reality of the matter is that those who would like to and who dream and who, if they can, they actually plan to attack unarmed civilians in American towns and cities, those terrorists to a great extent today are occupied, trying to defeat, trying to inflict damage upon the United States Armed Forces in Iraq and our allies in Iraq, not in American towns and cities. And the fact that there has been no attack upon American civilians, American towns and cities for 5 years, the anniversary that we commemorate this year, is not by chance nor is it by luck. It is by hard work.

Mr. GARRETT, I am so glad that he spoke, whom I admire so much, like Mr. WAMP, who is here also. And Mr. GARRETT talked about the actions of this Congress. I was tasked by Speaker HASTERT in the last Congress to chair the subcommittee of the then temporary Homeland Security Committee that Speaker HASTERT created. I was tasked with the job, a difficult job, among the most difficult jobs I have ever had because it is always difficult when you are dealing with committee chairmen and jurisdiction. It is a very difficult task. But he asked me to help him to create a permanent Homeland Security Committee. And in the last Congress that was what took up most of my time, and we succeeded, with the leadership of Speaker HASTERT and with the help of the majority of our colleagues. We succeeded. We created a permanent Homeland Security Committee.

And we have taken other steps that Mr. GARRETT outlined, the PATRIOT Act and its reauthorization and many other steps, to try to make the homeland, the people of the United States of America as secure as possible. And we are more secure. We are safer today than we were 5 years ago.

But when we see, as was pointed out, and it does not surprise me, but it is very rare to see the media talking about the fact that 90 miles from the shores of the United States this week, celebrating the fifth anniversary of 9/11, all of the state sponsors of terrorism throughout the world have gathered, and they are now gathering, receiving instructions and receiving orientation and inspiration from themselves and coordinating. They are today 90 miles from the shores of the United States. I think it is called, under the umbrella of the United Nations, the Summit of Nonaligned Countries. How interesting. Nonaligned.

You have Mr. Ahmadinejad, who does not stop in his extraordinary pursuit of the atomic weapon and publicly says that he wishes to wipe from the face of the map a democracy and friend of the United States, Israel. You have Mr. Ahmadinejad now receiving inspiration as we speak, receiving inspiration and guidance from the other state sponsors of terrorism. And, of course, the state sponsor of terrorism with all that experience, the dictator in Havana with 47 years of experience exporting terrorism, attacking the United States of America in every form and every way possible as long as he can protect his totalitarian power.

Mr. Ahmadinejad is there now, as is Mr. Chavez and all of the other state sponsors of terrorism. They are there. The North Koreans, the Syrians. You name them, Mr. Speaker, they are there.

So the enemies, our enemies, the enemies of freedom, they haven't stopped in their efforts. So we must not stop either, working to protect not only the national security of this great land but the security and the safety of the people of this great land and of all of the freedom-loving people in the world as we work to expand that sacred right of freedom that all people are entitled to, including those who are oppressed by those state sponsors of terrorism. They may be oppressed by totalitarian states, but they have freedom in their hearts and they long to be free, and they deserve our support and they always will have it.

I appreciate your convening us this evening on this ultimately important subject.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from Florida.

He mentioned how America had been attacked so many times with impunity, and yet some in this country still do not understand that we are at war. But listen to what our enemy is saying. Bin Laden calls the war against terrorism in Iraq the Third World War, and yet some in our country still refuse to admit that we are at war.

And he talks about how in Iraq the whole world is watching this war and the two adversaries, the Islamic nation on the one hand and the United States and its allies on the other. And he goes on to say, Mr. bin Laden does, it is either victory and glory or misery and humiliation.

What is hard for me to believe, though, is that Members of this body and of the Senate, and I think it is very important to be respectful of this institution, but there is a Member of the Senate who said that it would be unrealistic, if not downright foolish, in other words, you would be a fool, to believe that we can claim victory in the war on terrorism and a more secure world, that you would be a fool, according to this prestigious, recognized Democratic leader, if Saddam Hussein is still in power. You would be a fool is what Mr. BIDEN said. And yet now how is it possible

I would never say that those who said that and now have changed their minds are fools. But that is what Mr. BIDEN said. You would have to be a fool to believe that Saddam Hussein could have stayed in power and we could have been victorious in the war on terrorism. And I have a hard time believing how they don't unite with the President of the United States to support our troops on the field while we are at war.

Mr. Speaker, I will now yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding.

And I will take us through the balance of our hour here in just a couple of minutes. I want to make myself perfectly clear as we close.

The enemy is not the Democratic Party. The enemy is al Qaeda, Hezbollah, Hamas, the jihadists. They are the enemy. Our opponents here in this very healthy discussion are the Democrats. But I have to say I believe deep in my soul that the members of the minority party in Washington who believe that we should pull out of Iraq by a date certain are wrong. Senator LIEBERMAN is right; Ned Lamont is wrong. And there is disagreement in their party over this, but it is a matter of life and death, war and peace, tyranny and freedom; and Ned Lamont and that mentality is wrong. We cannot afford to fail in Iraq.

I also want to talk about our vulnerabilities briefly. The border is a vulnerability. We had testimony yesterday by DUNCAN HUNTER, the chairman of the Armed Services Committee; and HAROLD ROGERS, my chairman of Homeland Security appropriations, about how the southern Border is being infiltrated by people not just from Mexico and Central America but from all over the world; and it is a vulnerability for us.

But I want to say it goes unreported, underreported that tremendous progress has been made, especially in the last 12 months. We heard the testimony yesterday, crystal clear, we now do not catch and release. Ninety-nine percent last month, certified, illegals coming across the border were detained and held to be returned to their country of origin, and the word is out. That is a tremendous deterrent, and the numbers are way down of people coming across the border. The fence below San Diego, two tiered, is making a big difference. The National Guard is making a difference. Billions of dollars having been spent is making a difference. As you heard the gentleman from New Jersey say, our ports are more secure. And most importantly, we are in the intelligence business again because that is why we failed prior to September 11.

And I want to close with this for our troops: John Stuart Mill said this: "War is an ugly thing, but not the ugliest of things." He said: "The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse." He said: "The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of ever being free unless those very freedoms are made and kept so by the exertions of better men than himself."

And those people are our soldiers, sailors, airmen, and marines. And we hail them and thank them for their courage and their sacrifice.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

Mr. SESSIONS (during Special Order of Mr. MARIO DIAZ-BALART of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–653) on the resolution (H. Res. 1002) providing for consideration of the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE ADOPTION OF H. RES. 1000, PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. SESSIONS (during Special Order of Mr. MARIO DIAZ-BALART of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–654) on the resolution (H. Res. 1003) providing for the adoption of the resolution (H. Res. 1000) providing for earmarking reform in the House of Representatives, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL 2 A.M., THURSDAY, SEPTEMBER 14, 2006, TO FILE REPORT ON H. RES. 1000, PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. SESSIONS (during Special Order of Mr. MARIO DIAZ-BALART of Florida). Mr. Speaker, I ask unanimous consent that the Committee on Rules have until 2 a.m. on September 14, 2006, to file their report to accompany House Resolution 1000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor coming before the House once again, and I must say that I am excited about being here tonight. It is another great day in this great country of ours.

And as you know, the 30-something Working Group, we come to the floor to share with the American people, not just Democrats but Republicans, Independents, those that are thinking about voting, those that have been turned off by political processes who are thinking about being engaged in the political process once again.

To those Americans who are not registered to vote, I would encourage them to register to vote. They can still vote in the upcoming November elections because there is a lot being said on the floor, Mr. Speaker, and we talked last night, the 30-something Working Group. We took 2 hours last night talking about the initiatives that we have with our Real Security Plan, talking about the memory and the sacrifice of those that gave their lives on 9/11 and those that are still living with the effects of 9/11, whether it be losing a family member or a first responder or someone that worked in the World Trade Center or was around the plane going down in Pennsylvania or the Pentagon here in Washington, D.C., those that are still living through it.

Today we had a resolution on the floor, Mr. Speaker, that dealt with addressing the memory of those that lost their lives on 9/11 and things that we have to do. The Republican majority found it fit to kind of put in a resolution about some things that they thought that they accomplished as it relates to making America safer. Some of that I join with them on as an American and as a Member of Congress, but a lot of it has not been achieved.

□ 2200

We have the 9/11 Commission Report that came out that said that we have to not only inspect 100 percent of cargo containers that are on ships and 100 percent of those cargo containers that go in the bellies of airplanes that are flying throughout the United States of America, it is still not accomplished today. We still have a dismal amount of Border Patrol officers to protect American borders. Democrats, we have asked for 2,000 Border Patrol officers; the President's budget request to this Congress was only 215 or 216 Border Patrol officers.

Now, the Republican majority can come to the floor night after night, day after day, do 5-minute speeches, 1-minute speeches, or take a special order and talk a good game. But I used to be a football player, Mr. Speaker. I played for Florida A&M Rattlers. I was an outside linebacker. And before the game, you would read all about what the other team is saying and all of the talking and taunting. And then you have folks that tailgate before the game, and the bus would roll in and they would talk about what they are going to do to us, and then the coach would talk about how better the other team is. But it really doesn't count until that whistle blows and that kick-off takes place and that you have an opportunity to get out there and hit somebody. And when you hit somebody and when you run the ball down the field and you end up winning the game, all of that talk was for naught.

But what is unfortunate about this situation, even though I use that analogy, Mr. Speaker, this is not a game, this is for real. This is flesh and blood. This is flesh and blood. And the bottom line is, is that one can come to the floor and talk about, well, you know, Democrats and this, that, and the other, and they are holding us back. What are we holding the Republican majority back from, Mr. Speaker? That is what I want to know. That is the prevailing question here.

The bottom line, the Republicans in this House have been in this control for double digit years. So who is holding them back? Now, let's talk a little bit about control. I want to make sure that every Member understands what control and majority means.

The majority means that any amendment, any bill, any appropriations that you want funded will be funded because you are in the majority. You have more numbers than the Democrats do at this particular time in the House.

Why are the American people saying that they want change? Why are the American people saying that they want to move in a new direction? They want to move in a new direction because they want accountability. They want oversight. They want Article I, Section 1 of the U.S. Constitution to be adhered to. They want to make sure that their vote counts here in the U.S. House of Representatives. Right now, it is just a lot of talk. And I can tell you, as a Member of the House and someone that studies what happens here on this floor and what does not happen here on this floor, I feel it is my obligation not as a Member of Congress but as an American to be able to come to this floor and say that it is just not happening.

We can talk about the facts, and like we do every night we talk about the facts. We have the vote number, down to the vote number when we start talking about border protection. No one can come on this floor in the Republican majority side and say that we have done an outstanding job as it relates to protecting our borders, period, dot. They cannot because they have not done it, Mr. Speaker, and they know it.

So I guess spending the time of 9/11, the fifth anniversary, coming to the floor, having control of a resolution dealing with the issue on 9/11, you can put anything that you want to put in it because you have the majority. It doesn't necessarily mean that it is true. And if the Americans want to move in a new direction, they will have an opportunity. And as we start looking at this whole piece on a new direction and real security, you go on HouseDemocrats.gov. I challenge the Republican majority to go on HouseDemocrats.gov, I challenge the Republicans to pick up the Democrats' bill here on this floor that fully implements the 9/11 recommendations. I ask the Republicans to do that, because it was a bipartisan commission that is respected by this whole country, had a Republican chair and a Democratic vice chair, and had former Members of Congress, members of the Intelligence Committee, the National Security Director come before them and the President of these United States come before them, 9/11 survivors come before them, clandestine organizations that we have within the Federal Government come before them. We have a number of individuals that put forth testimony, frontline first responders that came before them, individuals in academia who have been looking at this issue of homeland security come before them, and they put forth this document called the 9/11 Report, which was a book. Americans can go out to Barnes and Noble or what have you and go out and buy it, go on Yahoo and buy it. It was ready and accessible, and a number of Americans picked up and read it. And in that book, in that text and body: Safety for America.

What do we do in a democracy when the Congress put forth in the Commission to find out what we need to do? We try to implement at least 95 percent or 100 percent of it. But as I stand here today, Mr. Speaker, very little of that has been implemented as it relates to real security.

The Brits ended up intercepting a plot as relates to liquid explosives. Just today, Mr. Speaker, I am the ranking member of the Oversight Committee on Homeland Security, Management Integration and Oversight, and I must say that that in that committee the Under Secretary said, well, we are now starting to do tests as it relates to liquid explosives, 5 years later, Mr. Speaker. Foot dragging process. And we start talking about the whole issue of how do we get technology involved and how do we get industry involved in helping us resolve threats to the United States, 5 years later.

Do you know why the Department of Homeland Security is foot dragging on this issue? It is the fact that they don't have Members of Congress that are willing to call them out on the carpet and say that we are willing t protect Americans now. We don't want to wait to be a Monday morning quarterback. Mr. RYAN, we don't want to talk about, well, you know, we could have, should have done it, and then we have another commission, it may not be named 9/11, it may be 10/11 that will come forth with a report saying that we found the Department of Homeland Security didn't prioritize the issue on liquid explosives because they felt that there were other threats that are out there.

Well, the bottom line is this: The oversight is not happening, and this Republican Congress has rubber stamped everything that President Bush has handed down and said, so shall it be written, so shall it be done. Let's do it the way you originally wrote it; we are not going to ask any questions, you are the President of the United States. Forget about our legislative responsibilities, forget about oversight, and forget about moving in a new direction.

The bottom line is this. The leader took this podium on this floor here today down in the well and said, if you really want to honor those individuals that have lost their lives on 9/11, if you want to honor those first responders, if you want to honor every American that is fighting abroad as it relates to Afghanistan and the war in Iraq, then implement what the 9/11 Commission called for.

We have got American passengers, we have individuals, law-abiding citizens taking off shoes, giving up hand sanitizer, gulping down water before they get through security screening; meanwhile, containers unchecked, unchecked, there can be 10,000 explosives in the container. We would never know it because we haven't prioritized. We haven't said that we are willing to implement what the 9/11 Commission called for. I don't want to give the 9/11 Commission an opportunity to say, we told the Congress to do it and they didn't do it. I wish they would say we told the Republican majority to do it and they didn't do it.

So, one can get on the floor and say all they have to say, but the facts are this. The fact is that they have not implemented the 9/11 Commission Report. They have not implemented making sure that we go beyond 6 percent of containers that are going throughout the United States of America on 18-wheelers. I used to be a State trooper. They move throughout this country, in the heartland of this country, into the ports of major cities, and they are unchecked. I don't want to be able to say I told you so. I want to see it implemented.

Now, Mr. Speaker, I said last night, Mr. RYAN, I am done with asking the Republican majority to do the right thing. They have had double digit years to do it. They don't have the will nor the desire to do it. But they do have the will to come to the floor, Mr. RYAN, and to try to say, well, you know, we are doing all we can and the Democrats are holding us back. How can we hold the Republican majority back from securing America? That is not possible when you are in the minority.

The bottom line is, is that Republicans, Independents, Democrats, those that are thinking about voting, those that have not voted in a number of years will show up at the polls to put this country in a new direction. If you allow this kind of landslide policy making, this K Street Project policy making, pay-to-play, here on this floor, then we are going to find ourselves in a dismal situation.

I don't have to say it. Republicans are saying it. Independents are saying it, the media is saying it as you pick up the paper, as you turn on the news. So, you know, it is not like this is a Democrat-Republican issue. I will go ahead and give the benefit of the doubt, Mr. Speaker, and say that there are some Republicans that see it the way that we see it on this side of the aisle that we need to do better by the American people. But, guess what, they are not in the majority; they are not in the leadership of the American Congress. They are not the individuals that move policy through this process. We have the will and the desire to work in a bipartisan way if given the opportunity to make sure that we honor our member and women that have served in the military, that are now serving right now. There are men and women that have sand in their teeth.

Mr. RYAN and I have been to Iraq. I have been to Afghanistan, I have been in the Middle East talking to these leaders. I have been to Central Command. I have been there in Qatar, and I have talked to these individuals, and they are dedicated and they have the will and the desire to follow up. But when we have a Secretary of Defense that is saying that he is going to fire the next person that starts talking about how do we move out of Iraq and how do we replace the force there to be able to empower the Iraqi people. I have a problem with that. And the only reason why Secretary Rumsfeld is not front and center in front of the Armed Services Committee is the fact that Republicans have control of this House; otherwise, there will be Article I, Section 1 of the U.S. Constitution that is blood, sweat, and tears that are on that Constitution right now that he will be front and center making a statement like that. The Secretary of Defense of the United States of America said, if one other person comes to him talking about how are we going to have this transfer of power, how are we going to draw down and redeploy U.S. troops, that they are going to be fired. That is not a democracy, that is kingdom politics, Mr. Speaker. And I will tell you this. The only people that can bring the kind of paradigm shift that we need in America right now is the American people. We can't count on the Republican Congress to do it. They have already shown that they cannot do it.

The attacks on U.S. troops are well above 700 attacks a week and climbing. Al Qaeda is sending more troops, more individuals to Iraq to train to carry out terror throughout the globe. And the bottom line is, the President said some sort of statement yesterday. Well, you know, if we were to redeploy troops or we were to leave Iraq, then they will follow us to the United States.

Well, you know something? We have this big department that is called the Department of Homeland Security that is supposed to protect Americans. And I can tell you this, under a Democratic controlled Congress we have already said within the 100 hours that full implementation of the 9/11 Commission Report will be implemented by this House and the Senate. We have already said it and we will do it, just like we balanced the budget without one Republican vote.

□ 2215

Mr. Speaker, the facts are on this side of the aisle. The will and the desire is on this side of the aisle. I am excited. I thank God that He preserved life long enough for me to make it here tonight to be able to share the sentiments on behalf of those that are on the National Security Committee, on behalf of U.S. troops in Afghanistan right now that are saying, "We need help." On behalf of those veterans, individuals who can't even walk straight right now, individuals that are still going through reflection, or memorizing what they went through in past conflicts. Those individuals in the PFWs, those individuals that possess what this country is all about and allowed us to salute one flag. On behalf of them, Mr. Speaker, I come tonight with the truth, to say we stand up for those individuals and for those Americans that prayed up our troops over the years: World War I. World War II. You name it. Korea. You name it. Grenada. You name it. Somalia. You name it. Gulf War I. You name it. We come to the floor on behalf of those individuals, those individuals who are veterans right now that have to wait twice a month for the veterans' assistance center to open, for the VA clinic to open in their rural America area, for those individuals that have to wait 4 months to be able to see an ophthalmologist, who served our country. We come to the floor for them. We come to the floor on behalf of those families that are praying for their loved ones that are in harm's way right now and making sure that we don't allow their sacrifice and their commitment to go to the side because someone came to the floor of the House to say that, Oh, well, yeah, we have al Qaeda and this, that and the other. We have to worry about those Democrats over there.

You don't need to worry about us, Republican majority. You need to worry about the American people and what they think and what they feel. And when they show up on Tuesday, come this November, they will let you know how they feel. They no longer want a rubber-stamp Congress. They want a Congress that is going to legislate and oversight on behalf of the American people, regardless of who they may be.

And so, Mr. Speaker, I am excited about being here tonight. I think I have said that about three times. I think it is important that we continue to come to the floor and give validation to those individuals that need the representation, if they are in our districts or not. They are Americans and they deserve it.

Mr. RYAN of Ohio. I appreciate the gentleman's passion and want to thank you for inviting me to be down here with you again.

I think what you are trying to say is that this Congress, this President, has really put us and the American people in a lose-lose situation. Good Presidents and a good Congress do not put the American people and their military operation in a lose-lose situation. And now they have reverted back to just saying, Democrats don't care about national security. Democrats are more in favor of protecting the terrorists. Just name calling. It is like you are on the playground again.

The thing that we have to look at is the record. The record does not lie. And what the generals are telling the civilian side what to do and the civilian side not listening, as you expressed earlier. But here is what we are hearing from former generals who, once they get out, can all of a sudden start speaking the truth. Like General Shinseki tried to say to Rumsfeld, "You've got to send in a few hundred thousand troops." And Secretary Rumsfeld, Mr. Speaker, said, "No, no, no. Don't worry. We can do this on the cheap." Rumsfeld was wrong and Shinseki all of a sudden kind of disappears. Look what is happening now.

Lieutenant General Newbold: "What we are living with now is the consequences of successive policy failures." This man was the top operations officer for the Joint Chiefs, commanding general for the First Marine Division, Legion of Merit Navy and Marine Corps commendation medal.

How about General Eaton: "2½ more years of that leadership was too long for my Nation, for my Army and for my family."

These are generals.

How about General Riggs: "They only need the military advice when it satisfies their agenda."

I think what we want to do, Mr. Speaker, is get out of the politics and let's start solving problems. Seven hundred thousand people per Congressal district vote for us to come down here and fix problems, not to play politics with what is going on. And this has been all politics, all the time, from this administration. It doesn't matter if what they are saying is even remotely close to being based in reality. It doesn't matter what the facts on the ground are. You can sit here and say, the Democrats this and the Democrats that.

You're in charge of the House, the Senate and the White House. Don't go blame the minority party for your failures. That is what has happened here. I will be happy to yield.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

Mr. RYAN of Ohio. The debate coming out of D.C. and the old Potomac two-step is, "We'll blame the Democrats." What are you going to blame the Democrats for? We have bills sitting in committee. No one has given them even one hearing in a committee. We have got discharge petitions sitting over here for veterans benefits and all kinds of other things. They never see the light of day. We are the minority party. You can't blame us. You can try, but you can't blame us. Take responsibility for your actions. And if you solve problems, the American people would return you back. But you haven't.

Just look. The failure to execute basic governmental programs. Look at homeland security. Look at Katrina. Look at the war. You got Newt Gingrich, the father of the Republican revolution in 1994, basically saying, "Vote the Republicans out." Here is what Speaker Gingrich said in the Wall Street Journal just a couple of days ago. Just consider the following, he says:

"Osama bin Laden is still at large. Afghanistan is still insecure. Iraq is still violent. North Korea and Iran still building nuclear weapons and missiles. Terrorist recruiting still occurring in the U.S., Canada, Great Britain and across the planet."

This is not a Democrat. This is someone who cares about his country and saying, "We may even disagree on how to fix the problem, but can we please admit that we have got some serious problems in 2006 in the United States of America? We have a government that doesn't work because it thinks the government is built on a concept of an economy that was 1950. It doesn't work." This is from a few months ago, about the Republican majority.

"They are seen by the country as being in charge of a government that can't function."

We don't need to make this up. We don't need to create this. This is not fiction. This is about what is happening here. We come down here, Mr. Speaker, because we want to start solving these problems. When we are not included in the debate, you are basically saying half of the country has no solutions. Well, we have solutions. When we get in charge next year, we are going to show the American people our ability to govern. We are not trying to obstruct. We couldn't even obstruct if we wanted to. All we are saying is, every single aspect of the neoconservative political agenda has been implemented and it is not benefiting the American people.

Look at your energy costs. Look at your health care costs. Look at your tuition costs. Look at your tax burden. Look at the inefficiency of government. Look at how your government responds to natural disasters. Look how your government handles its foreign policy. Look at the prewar plan. When you have a problem with your political system and your leadership, when you have the Secretary of Defense. Just think about this. There is a problem when the Secretary of Defense wants to invade a country and doesn't want anyone around him talking about how we are going to get out once the war is over. We have got the best military machine the planet has ever seen. We knew we were going to march right to Baghdad. We didn't know it was going to be as quick as it was but we knew it would be quick. Certainly the Iraqis weren't going to be able to stop us. And then the Secretary of Defense, used to be called the Secretary of War, the same position. But the Secretary of Defense tells everyone around him that we're not allowed to talk about a postwar plan.

What? Mr. Speaker, that is crazy.

Mr. MEEK of Florida. I have to come in at this point.

Mr. RYAN of Ohio. Come in.

Mr. MEEK of Florida. You are making a great point, but I just have to come in at this point.

Mr. RYAN of Ohio. Supplement.

Mr. MEEK of Florida. Mr. Speaker, the bottom line is over at the Department of Defense, it is almost like having what they call a 501(c)(3), kind of a community group that goes out and does good on behalf of the community. You go out and you pick board members to be on your board of this 501(c)(3). Let's just say it is the Boys Club or the Girls Club of America. You are the chairman of the board. You are saying, "I'm going to get everyone that says yes and agrees with me. I don't want anyone to disagree with me." We do know for any great organization that you need individuals that are going to question your original thoughts.

What we have now in America, in the Department of Defense and in this government, this Federal Government of ours, is a "yes" board of directors. The U.S. Congress, the Republican majority, is a "yes" board. They are a rubber-stamp board. They do anything and everything the President of the United States says, does, or whoever his advisers may say we should do.

But what is unfortunate is the fact that we are the superpower of the world and we are the United States of America. This is not the Boys and Girls Club. This is not One-Two-Three 501(c)(3), we want to do good for you. This is national security. This is protecting women and children. This is making sure that our troops that have gone in past conflicts, that their memory is not stepped upon. This is making sure that individuals have health care. This is making sure that small businesses are able to provide health care. This is making sure that we balance the budget. This is not a 501(c)(3). This is the government of the United States of America.

And when you have the Secretary of Defense saying, "If anyone comes to me that doesn't believe in what I believe in, you can get out of here. If you want to talk about an exit strategy or redeployment of troops in Iraq, you can't be around me. You're fired." And all you hear is cricket sounds from the Republican majority. Quiet. No one is saying anything. No one is doing anything. No one called a hearing. No one called the Secretary to the United States Congress to say, "Excuse me, Mr. Secretary. Wait a minute. I heard you give speeches saying that whatever the men and women need and the commanders need on the ground in Iraq, that you're here to hear their call. You want to hear from them."

The President of these United States, the Commander in Chief, said, "Whatever our commanders tell us on the ground or over at the Pentagon, we're here to take on their recommendations."

But, Mr. Speaker, things have gotten so bold now, because no one is here to question kingdom politics here in Washington, D.C. So shall it be written, so shall it be done politics from the White House and from the Pentagon. And so that the Secretary of Defense feels so confident that he can publicly say, anyone who has anything to say about redeployment of troops in the Pentagon, they are gone. That is not a democracy. That is a rubber-stamp democracy.

Mr. RYAN of Ohio. I want to share a couple of other of these quotes that support what you are saying. Here is from General Batiste: "Rumsfeld and his team turned what should have been a deliberate victory in Iraq into a prolonged challenge."

General Zinni: "We are paying the price for the lack of credible planning or the lack of a plan. Ten years' worth of planning were thrown away."

How about General Swannack: "I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq." That was from the New York Times in April. And on and on and on.

But here is the point I want to make before we yield to our other good friend from Florida about just not listening and not even accepting facts presented by nonpartisan people.

□ 2230

The 9/11 Commission was a bipartisan group that said you need to implement these. After months and months of study on what happened on 9/11, this is what you need to implement. And it has not been done.

And then the Senate Intelligence Committee comes out and says there was no tie between Saddam and al Qaeda, and yet the administration goes out and continues to perpetuate falsehoods. Excuse me, but, I mean, come on. It was the Senate Intelligence Committee report, and the Senate is controlled by Republicans. That was basically a Republican report and a nonpartisan report, and yet they continue to just go on and say things that just don't match with reality.

I yield to my friend from Florida.

Ms. WASSERMAN SCHULTZ. Well, thank you, Mr. RYAN. It is wonderful to be here again with both of you, as we take the floor each night to talk to our colleagues and any Americans that might be within the sound of our voices.

Last night, we had the opportunity to talk about and reflect upon September 11 and its commemoration, and we had a commemoration of sorts on the floor this evening, Mr. RYAN and Mr. MEEK. I thought it was really interesting that the majority, Republican majority, felt it necessary to politicize what should have been a solemn and commemorative event, and a solemn and commemorative resolution with their ra-ra stuff on some of the most controversial legislation that has come off this floor related to so-called national security.

And on Monday, when we were in our home communities, I was in south Florida with our first responders in my community. And I told you both last night that again and again all day on Monday people asked me, well, Debbie, are we safer than we were 5 years ago? And, you know, that was such an incredibly difficult question to field because you want to tell them, yes, we are safer. We are elected officials, and the public puts their trust in us, and it is our job to be able to unequivocally say, yes, we are safer. But here is the rhetorical questions I will ask you. Have we captured Osama bin Laden? Have we smoked out the terrorists, as the President promised? Three years after "mission accomplished," do we even know what the mission is? A year after the last throes of the insurgency in Iraq, are we closer to the date that our troops can come home? Does the President still want the insurgents to "bring it on?"

If you look at the point shortly after we toppled the Taliban in Afghanistan, we have made one misstep after another after another. I mean, repeatedly. I would be hard-pressed to think of a way in which the aftermath of September 11 and the last 5 years could have been handled worse than it has been. I mean, are we truly resting the sum total of our national security on whether we take our shoes off when we go through the magnetometer at the airport, or whether we check our Coke at the door?

I mean, if you asked Americans, as we walked down a city block, what they could put their arms around and tangibly identify as the national security steps we have taken, that is what most people would name.

Basically, the war on terror is a junkyard of missed opportunities. That is exactly what we have been doing since 9/11, squandering opportunity. And last night, Mr. MEEK, we talked about how unified and patriotic the country felt and our citizens felt after 9/11. You never had a less partisan environment or a more unified American environment than the hours and days after 9/11, and weeks and months.

In that whole year following 9/11, people drove around and you had American flags on either side of every car, and this President and this Republican majority squandered those opportunities to really bring the country together by adopting the bipartisan recommendations of the 9/11 Commission, which is why that commission was created, in spite of the President's objections, who didn't want the 9/11 Commission to even exist in the first place.

But then, finally, he really had to grudgingly agree he would be supportive of it. And to this day, in 2006, September 13, 2006, we have not fully implemented it. We have not even come close to implementing their recommendations. Squandered and missed opportunities. It is just disgusting.

So no, sadly, the answer I had to give my constituents was, well, we are somewhat safer. We are safer in spots, but there are major, major gaps. And it doesn't have to be that way, Mr. MEEK. It really doesn't.

Mr. RYAN of Ohio. If I may inject here, the last attack, the attack prior to 9/11, was in 1993. This is a very patient group. Just because we haven't been hit yet does not mean we are executing the plan properly. And to just dismiss the 9/11 report and continue down the road of ignoring what the experts are telling us from Iraq and from everything else puts us in a certain amount of danger.

And you have the charts that we have shown night after night that are on our Web site, housedemocrats.gov/30something, night in and night out, about the ports and the amount of ships coming in and cargo that are coming in that are not checked, Mr. MEEK. You guys are in Florida, we have Lake Erie in Ohio. I mean, this country is surrounded by cargo coming in and out of our ports, for us not to check it all.

And then, when you think about what we are spending in Iraq, $2 billion a week, $8 billion a month, and what we could do with that money on addressing the issue of our ports, on our homeland security, on our first responders, on making sure everyone has the proper radios and the proper equipment to coordinate these kind of things: what we could do with technology at the borders, at our airports, the retinal scans, and all kinds of things that could spring up and even have some economic stimulus.

What economic stimulus are we getting out of Iraq right now? Nothing. Nothing. It is like putting money and just flushing it. And so I think it is time, and I yield to my friend, but I think it is time that we start straightening this out.

Ms. WASSERMAN SCHULTZ. I will just jump in on one thing. As you watch what they are doing unfold, because, again, we always remind people we don't have any control over this process right now. Hopefully, after November 7, we will be given that opportunity, because the American people, we know, want a new direction. But, Mr. MEEK, I don't know if you had a chance to read one of our papers in south Florida, the Sun Sentinel, the other day, but one of the Members in our delegation on the Republican side actually said the war in Iraq is over. He was actually quoted as saying the war in Iraq is over and that we won the war, and that now we are fighting a faceless enemy. Which is absolutely true, we are fighting a faceless enemy.

But I was flying here and reading the newspaper, reading that article, and wondering what planet this person was on and whether there an alternate universe he was observing. Because anyone that we know, no matter what their party affiliation, clearly recognizes that we are at war. This is called the war in Iraq. This is major, major conflict, where more than 2,600 troops have been killed. Ask the families of those troops whether they think the war is over. How about the wounded, the more than 20,000 wounded, whether they think the war is over and we won.

If that is the reality that our Republican colleagues are operating under, no wonder they are taking us in the direction that we are going in.

Mr. RYAN of Ohio. And let us look at the colossal failure that has been made here. We have now, because of the decimation in Iraq and the inability of a post-war plan that Rumsfeld didn't want anyone to talk about, and not propping up some government there to combat Iran, now you have Iran as the major player in this region. And they are talking about nuclear weapons, they are funding terrorists through the back door in Iraq through Hamas. Through all of the terrorist organizations in the Middle East, Iran is the one stoking this fire.

We have put ourselves in such a position of weakness. Now, we have troops there and troops in Afghanistan, too, so what if something else happens? And I think it is interesting, and our ranking member on the Armed Services Committee, Mr. SKELTON, has been talking about this for a long time, and it is difficult to even fathom this, but one-half of all Army units, deployed and nondeployed, Active and Reserve, one-half of all Army units received the lowest readiness rating any fully formed unit can receive, with a decline in levels that haven't been seen since Vietnam.

So our army is not ready. Not only are we in a quagmire in Iraq, we have problems in Afghanistan, the poppy crop is growing like gang busters, it is a major parts of their underground economy that is going to the terrorists, now our army is not meeting the readiness capabilities in case something else happens.

And we are in a position of weakness with China because we are borrowing billions of dollars from them, so how do you negotiate with all these people from a position of weakness? You can't. It has been America that has always balanced the budgets so we didn't have to borrow money from people; very selective in our foreign policy; making sure we had friends and allies. All down the tubes in one presidency.

Yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, I don't give the President total credit for all of this. He couldn't do it by himself. You have to have a rubber stamp Congress to give you full power, full power to be able to take the country down the track it has gone down. And the bottom line is that a Republican majority, from the leadership on down to the newly elected member of the Republican conference, has to take credit for giving the President the kind of power that he has right now.

We are fighting wars abroad for "democracy," when here at home we don't celebrate that very democracy that so many people speak of. We have individuals that are on their third and fourth deployment. I am on the Armed Services Committee, so I get the reports. I get the letters from my constituents saying my husband, my wife, my mother, my dad, my niece, my uncle, my next-door neighbor is on his way back to Iraq again. Because we went alone. We didn't go with a true coalition.

So I think it would be hard, if I was a part of the Republican majority, to try to muster up some talking points for the floor right now; to be able to say, well, okay, some of this stuff is not believable, so let's try to attack some members of the Democratic caucus. Let's try to muster up and embellish a "record" on possibly being weak on terrorism or being weak on national security. That's where the Republican majority is now. Mr. Speaker, they are gasping for political air right now.

But you know what is so important about this issue and this discussion about national security is that it is supposed to be nonpolitical. And, unfortunately, it is. And that is because the majority hasn't allowed bipartisanship in this House for so many years, and so they can hang it around their neck and say it is our war. It is our failure as it relates to national security and border security. Don't act like it is a crisis right now. You allowed it to happen under your watch. You have been the rubber stamp Congress.

Now, Mr. RYAN and Ms. WASSERMAN SCHULTZ, let me just tell you what the rubber stamp Congress has accomplished borrowing $1.05 trillion from foreign nations in 4 years. In more than 224 years of this country's history, with 42 presidents, $1.01 trillion they were able to borrow in 4 years, and this Republican Congress and the President has allowed that to happen.

These are the countries here that own a part of the American apple pie: Japan, China, the U.K., the Caribbean, Taiwan, Germany, and OPEC nations. You know, this whole oil thing that we will talk about in a minute. Korea and Canada. They all have their hands in the pockets of the U.S. taxpayers, not because of the U.S. taxpayers but because of the Republican majority's out-of-control spending.

Oil companies? Oh, wow. At this time in history, when they unearth what happened under this Republican majority and this Presidency, they will see these record breaking profits. There was a meeting in the White House, I have the article to prove it, and I talk about it all time. It was a special meeting that took place in the White House, and the Vice President's aides and all met. And then the policymakers came here to the Congress, to the rubber stamp Congress.

Now, let me set this up here, because we believe in the 30-something Working Group, in third-party validators. Washington Post, Wednesday, November 16, 2005. White House document shows that executives from big oil companies met with Vice President CHENEY's Energy Task Force in 2001, something long expected by environmentalists but denied as recently as last week by the White House. Last week, industry officials testified before Congress. Document obtained by the Post on November 2005 shows that officials from Exxon Mobil, Phillips, Shell Oil Companies, and BP of America met in the White House complex with Cheney aides to develop a national energy policy, parts of which became law, and parts of which are still being debated in Congress.

□ 2245

That was 2001, Mr. Speaker. Look what happened:

2002, $34 billion, record-breaking profits; 2003, $53 billion; 2004, $84 billion; 2005, $113 billion in profits for oil companies. Meanwhile, average Americans are spending through the nose and trying to make it to work and to drop their kids off.

Look what happened here. This is what happened under the Republican majority and a rubber stamp Congress. So shall it be written and so shall it be done.

E-85, we talk about alternative fuels, flex vehicles. Every magazine I open talks about flex vehicles. Here is the bottom line. The Republican Congress have allowed these oil companies to be able to do anything they want to do when they want to do it. This is an actual pump here at an Exxon-Mobil station. It says you cannot use your Mobil credit card to buy E-85. Meanwhile, we can continue to feed off the Saudi Arabian Middle East, what got us in this thing in the first place policies. You can use your oil card there. You can buy a bag of chips, you can buy a carton cigarettes, but E-85 that is produced in the Midwest versus the Middle East, you cannot use your Mobil credit card for that.

And on retirement packages, and I don't know very much about Lee Raymond, but the bottom line is he is a retired executive from Exxon-Mobil with a $398 million retirement package and a $2 million tax break. This is what happens with a Republican majority.

Again, the Republican majority rubber stamp, don't worry about balancing the budget. Democrats, we tried to balance the budget. We have done it before. We have tried to do it under this Republican majority. Not one Republican vote to balance the budget on rollcall vote 87, March 17, 2005.

Ranking Member SPRATT and the Budget Committee put it forth again. Failed. Not one Republican vote on rollcall vote 91 in 2004. Their will and desire is not there. The American people deserve balance.

Minimum wage. Yes, there was some bill that came up before we left for the break to talk about minimum wage, a bill that the Republican majority knew that the Senate would not take up and would never make it to the President's desk. But because we were hammering them on it, they said let's pass this. They added all kinds of stuff. It is called the Potomac two-step.

This chart, the bottom line is these are not minimum wage increases, these are increases for Members of Congress. This is our pay. This is what we make. Oh, look at them. Since 1997 there hasn't been an increase in the minimum wage, and you not a minimum wage worker right now, and I am not talking to the Members of Congress, I am talking to the American people, the bottom line is if the minimum wage goes up, and that means if you are a salaried worker, then your wages will go up. But the bottom line is that it is a fact that the Republican Congress has said not over our dead body. We are going to get our increase, but we are not going to give the American people a minimum wage increase. It goes on and on and on.

I am going to close with this, the Prime Minister of Iraq and the President of Iran. Mr. DELAHUNT brought this picture out last night. I don't care whichever way you cut, $300 billion of spending, over 2,000 troops, thousands and thousands of American troops injured, here in Washington, D.C. "stay the course," no plan.

The Secretary of Defense says if you talk about or say anything about redeployment of troops or withdrawing from Iraq, you are fired. No question from the Congress, no response from the Congress. The Secretary of Defense is not called to the Hill immediately. The Republican Congress, what are they saying? They are saying nothing, Mr. Speaker. So accountability is not there. They are embracing and guess what, this is a la the U.S. taxpayer through the Republican majority because of a lack of diplomacy and a lack of plan and going to a war of choice versus after Osama bin Laden in Afghanistan and giving those troops in Afghanistan the support they need.

So Ms. WASSERMAN SCHULTZ, Mr. RYAN, I rest my case. The bottom line is that was not a message for Democrats or Republicans. It was not a message for Independents or the Green Party or other party affiliations. That is a message for Americans. The bottom line is whatever you may feel, if you are a member of the Republican Executive Committee or you have always voted Republican or you always voted Independent, you have to have issues with what the facts are.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. I want to pick up on the litany of issues you were going through because we need to zero in on how we make ourselves safer because the other side is going to spend a lot of time and they are spending a lot of time claiming they are the party of national security and they are the ones that need to be entrusted to keep us safe.

The last time I checked, that is who was in charge of keeping us safe, and they are not doing such a hot job. Mr. RYAN talked about how we like to use third party validators here. We absolutely do. I am going to use a third-party validator of Governor Kean, former Governor Kean of New Jersey who co-chaired the bipartisan 9/11 Commission and Lee Hamilton, a former well-respected Democratic Congressman who was the other co-chair of the 9/11 Commission. Here is what they said on Monday, September 11, 2006. "As we mark the fifth anniversary of the terrorist attacks, Americans ask: Are we safer? Two years ago, the 9/11 Commission found that our government failed in its duty to protect us. The commission, which the two of us led, made 41 recommendations to ensure that this Nation does everything possible to protect its people.

"Many of our recommendations, including those to reorganize the intelligence community, were written into law. Yet no law is self-executing. Implementation is often the harder step."

We know that implementation is the job of the Congress. The 9/11 Commission couldn't recommend things into thin air and suddenly they would happen. They have to be adopted into law and funded.

They continued, "We issued a report card on our recommendations in December. It included 10 Cs, 12 Ds, and 4 Fs. What we argued then," and this was September 11, 2006, 2 days ago, "is still true now: Americans are safer, but we are not yet safe.

"So what do we need to do?" This is their words, not ours.

"First, homeland security dollars must be allocated wisely. Right now, those funds are spread around like revenue-sharing projects." We are basically using the opportunity to spend money on homeland security for turkeys, we used to call them in Florida. We call them earmarks here. That means little itty-bitty projects, and every Member knows that there are potential security targets in their own district, but we don't nitpick homeland security. You don't spread the money around so thinly so you never make truly one area or region or community truly safe.

They said that until Congress passes a law to allocate funding on the basis of risk and vulnerabilities, scarce dollars will continue to be squandered.

"Second, States and localities need to have emergency response plans and practice them regularly. Hurricane Katrina taught us a lesson that we should have learned from September 11: From the moment disaster strikes, all first responders need to know what to do and who is in charge."

Do they know that? No.

"Third, we called on Congress to give first responders a slice of the broadcast spectrum ideal for emergency communications." That won't happen until 2009. What in God's name are we waiting for? 2009? What happened to the interoperability in communications that was so essential that was the major problem on 9/11?

I don't have time to go through all of the recommendations, Mr. MEEK, because homeland security is so woefully lacking and the congressional leadership here has done, I can't even use that word, congressional leadership has done such a poor job of implementing their recommendations and making us safer that it is laughable. It is ridiculous. It is outrageous for them to suggest that they are the party of national security and safety. I could go on and on.

Mr. RYAN of Ohio. Mr. Speaker, I want to share as we end here from the Newt Gingrich commentary from the Wall Street Journal where he talks about some of this stuff, about trying to figure out what the solutions are by figuring or understanding what the problems are.

Then he talks about, and this is his advice to George Bush, "Then he should announce an honest review of what has not worked in the first 5 years of the war." That is what we have been saying. Let's find out what has not been working. Based on the findings, he should initiate a sweeping transformation of the White House national security apparatus. Good idea.

The current hopelessly slow and inefficient interagency system should be replaced by a new metrics-based and ruthlessly disciplined integrated system of accountability. That is what we want to do. Accountability. Let's sit down and have hearings and figure this out. The House of Representatives has a role to play in this oversight. The President should insist upon creating a new, aggressive, entrepreneurial national security system. It is time to do this.

Following this initiative, the President should propose a dramatic and deep overhaul of homeland security grounded in metrics-based performance to create a system capable of meeting the seriousness of the threat.

This is about reforming the institution of government. The former Speaker understands it. The Democratic Party understands it, and the only people who seem not to get it are the people who serve in this administration and the high levels of this Congress. I hope it changes. All of the charts that we are using tonight are available on this website, www.HouseDemocrats.gov/30Something. It has been an enjoyable evening once again.

Mr. MEEK of Florida. Mr. RYAN, I want to say that Ms. WASSERMAN SCHULTZ is going to get an opportunity to go through her homeland security piece when we are on the floor again.

I want to encourage members to go on HouseDemocrats.gov and get a copy of the real security plan that we have here. We even have it in Spanish. Also energizing America is on there, and also an innovation agenda that has a lot of CEOs and leaders in the education field. They say they endorse our plan.

With that, we thank the Democratic leadership for allowing us to have this time. It is an honor to address the House once again.

THE ROAD TO AFFORDABLE HEALTH CARE

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I too would like to say it is a privilege to come to the floor of the House and be able to address the House on important matters of the day.

In my first term in the House, the 108th Congress, and my background is actually as a physician, and when I came to Congress in 2003, one of the things that you do with a doctor when you put them in Congress is put them on the Transportation Committee. So I had a very good session of Congress on the Transportation Committee. I was fortunate enough after my reelection in 2004 to be placed on the Energy and Commerce Committee on the Subcommittee on Health. So having had experience in Congress on both roads and now health, what I thought I would talk about tonight is the road to affordable health care.

Some of the things that I want to talk about tonight are the overall affordability of health care and where we are in this country and where we are going. I want to talk about the public versus the private systems in this country. We obviously need to talk about the uninsured and some of the programs to help with the uninsured, federally qualified health centers, association health plans and health savings accounts.

□ 2300

You almost can't talk about health care in this country without talking about liability reform, and, indeed, we do need to touch on that, and the sustainable growth rate, patient access for Medicare patients, how physicians are reimbursed under the Medicare system, an item that is becoming of critical importance if we want to keep some of our best doctors providing care for some of our most complex and challenging patients.

Information technology has been one of the buzzwords up here ever since I started my time in Congress, and, indeed, we need to talk about that. Preparedness, whether it be from terrorism, whether it be from natural disaster, or whether it be from an outside source like the worldwide flu pandemic that hit this country in 1918, we need to be prepared for that should it happen.

We need to talk a little bit about the number of State mandates that are on insurance policies that tend to drive the cost of health insurance up and thereby reduce the overall affordability of health care.

There are some interesting things that are being done in some of the States as they approach some of the difficulties they had in providing health care to their citizens. I would like to particularly talk about Governor Mitt Romney's plan up in Massachusetts that provides for personal responsibility in health care.

Finally, if there is time, we will talk a little bit about the reauthorization of trauma centers in this country. We will talk a little bit about transparency, raise transparency for price cost and quality in our health care system and maybe just a little bit about long-term care, because that is one of the drivers that is going to vastly increase the cost of Medicare and Medicaid as more and more baby boomers retire.

Let me just remove this for a minute so it is not distracting to any other Member of the House who might happen to come by and look at it.

We talk about the current problem facing us. We spend a fair amount of money in this country on health care. We have a gross domestic product of upwards of $11 trillion, and we spend about 16 percent of that on health care; $1.4 trillion is spent on health care in this country. In fact, Medicare and Medicaid alone in our HHS appropriations bill, which we have yet to pass, that bill will probably be upwards of $660 billion just for Medicare and Medicaid.

Of course, we have the Indian health service, the veterans health service, Federal prisons also providing health care, so there is a significant chunk of this Nation's health care that is already borne by the Federal Government. The other approximately 50 percent is broken down to that care that is just simply not compensated or not remunerated. You might call it charity care or just simply uncompensated care. Some of it is paid for out of pocket or self-pay, and certainly the lion's share is borne by the private insurance market in this country.

Well, between the public and the private sectors, how is the best way to get more health care coverage into the hands of more people? Should we just simply expand the public sector to the point where it encompasses all or nearly all of the health care expenditures in this country, a so-called Canadian system? I don't think so. Even the Canadian Supreme Court in 2004 and 2005 said that they had a problem with access in their country, and, in fact, access to a waiting list did not equate to access to care.

In the British national health service, some of the most expensive care in the world is in Great Britain. They have a two-tier system. They have their national health service, and then they have private care, and that private care in that country, the cost for that, has gone significantly up. The waiting time for someone who is over 80 years of age, that becomes really problematic. You put someone over 80 years of age on a waiting list for a procedure, a hip replacement, a heart bypass, and the likelihood of them being able to sustain themselves until they receive that service starts to go down. That's unfair as well.

Well, what about the private sector? I believe that we have the best health care system in the world in this country, largely because of contributions of the private sector.

We have more innovation in this country than almost anywhere else in the world. We have the ability to integrate new technologies rapidly into the treatment rooms, the operating rooms, into the health care system in general in this country.

Finally, because we have such a significant component that is borne by the private sector, we have willing sellers and willing buyers. The waiting list is not as big an issue, if an issue at all, in most parts of this country.

Some of the other things that we will talk about, as we talk about expanding the private sector, or at least maintaining the component of the private sector in this country, is the little bit of the history of what we called at one time "medical savings accounts." We now refer to them as health savings accounts as they were expanded significantly under the Medicare Modernization Act of 2003.

But the old medical savings accounts had a lot of restrictions on them. There weren't many companies who stepped up and provided that type of an insurance product, and, as a consequence, you never saw the savings with medical savings accounts that, really, should have been there.

I will contrast that with health savings accounts now. You can go to your search engine, you can type in "health savings account" into Google, and you are offered a vast array of different companies and plans that sell, market on the Internet. With, in fact, the competitive power of the Internet, many of these plans, these high-deductible health savings account plans are priced well within reach, of, say, a young person just getting out of college.

Contrast that with the mid-1990s when a young person getting out of college who didn't have an employer-based health insurance, who just wanted to go buy an individual policy. I know, because I had experience with that in my own family, you just almost could not buy an individual health insurance policy for a single individual in the marketplace. No one was interested in selling that to you at any price. But now you can go on the Internet, and you can find a lot of products that are available.

The last time I looked, which, albeit it was a couple of months ago, but for a young person, 25 years, male, in the State of Texas, for a high-deductible plan, would range between $50 and $60. There were some that were even cheaper, but they were companies that I didn't recognize the name of, and I certainly wouldn't recommend that someone buy from someone they have never heard of before. But there were some reputable names, named insurance companies that had providers, provider lists that were more than adequate, that were for sale at a price that I would consider affordable for a young entrepreneur just perhaps starting their own business or leaving the protective fold of a group health plan from their employer.

How we keep the private sector involved and keep health care affordable is truly one of the challenges that we in this Congress, not just Republicans and not just Democrats, but both sides of the aisle, need to take on and meet head on.

Some of the downsides of going to a completel nationalized system is I am afraid we will lose a lot of the energy toward innovation. When you stop and think about it, we have had three Presidents in my lifetime who have espoused programs of a nationalized health insurance, President Truman, President Nixon and President Clinton most recently.

Under Truman, if they had gotten their way and nationalized health care, what if, what if we had stifled innovation with that type of maneuver? The antibiotics that we used today would be penicillin and tetracycline, those that were most commonly in use in the late 1940s and early 1950s.

Under the Nixon administration, what if they had gotten their way with the nationalized health insurance with, again, a chilling effect on innovation? We might be looking at treating psychiatric illness still with Thorazine rather than having the availability of the very potent antipsychotics and the selective serotonin reuptake inhibitors that we have now today. During the Clinton administration in the 1990s, there are just untold innovations that have happened.

Even in the last 15 years, there are innovations in the treatment of arthritis, innovations in the treatment of osteoporosis. In fact, if innovation had been stifled in 1992, osteoporosis would be treated today with estrogen replacement and pain medicines, as opposed to having the newer phosphonates or medicines like Fosamax and Actonel and Boniva that are available to us today.

When we look at the uninsured in this country, it is an election year, so we can certainly expect the number to go up. The most recent U.S. Census Bureau was 46 million people uninsured.

Interestingly enough, between the years 2004 and 2005, there were 1 million more people who had health insurance in 2005 than had it in 2004, and I suspect the reason for that was because of the expansion of health savings accounts.

But when someone is labeled uninsured, it means that for any portion of a year they lacked health insurance. It doesn't always mean, though, that they have no access to health care. Access to health care, I will tell you as someone who made a career of being a physician, access to health care is uniformly available. It may be expensive care, it may be care that is accessed far later in the course of the disease than anyone would recommend, but access to health care does not, or not having health insurance, does not equate to not having access to health care.

In fact, this Congress in the 1980s mandated that anyone arriving in an emergency room would have access to health care, whether or not they had the ability to pay for it. In fact, as a physician, I was required to respond to that patient within 30 minutes or a reasonable timeframe or face some rather significant civil money penalties. So lack of insurance does not equate to lacking access to health care.

We also have a system in this country, under the Federally qualified health center system, that provides health care and continuation of care in a medical home to between 15 and 17 million recipients. That is a significant number of people who lack health insurance but have access to a medical home and have access to care when they need it and, in fact, have continuity of care that in a lot of cases rivals that of any HMO out there.

There are some things we could do, I think, to strengthen the ability of federally qualified health centers to provide care when it is needed. I represent an area of north Texas, Denton County, Tarrant County. Fort Worth is the largest city in my district.

Last year when Hurricane Katrina hit the gulf coast, we had a number of persons who were displaced by Hurricane Katrina, who came to the Dallas-Fort Worth area, individuals who came needing medical services and not being able to wait the 6 to 8 years that is now required to set up a federally qualified health center.

Indeed, last year, the Deficit Reduction Act, I tried to introduce amendments that would streamline the process of setting up a federally qualified health care that would make more of those facilities available to more patients so that they could have more services available to them.

Unfortunately, those amendments did not stand during the conference report. But there is still an opportunity to work on streamlining the startup procedures for federally qualified health centers. Indeed, in my district I am working on a couple of those even as we speak.

Another issue is having affordable products for companies to sell. You got 46 million uninsured. Don't think that Aetna Life and Casualty wouldn't look at that as potential market share if we would provide them the tools that they need to have an affordable policy available to individuals.

We will talk about this a little bit more in just a moment, but to give some relief for some of the mandates that are put on insurance companies, where they have to offer brow lifts and involved infertility treatments to every person who purchases their insurance when it may not be necessary, and, indeed, the cost of adding those benefits may be keeping insurance benefits from a greater segment of the population.

On the concept of health savings accounts, we did expand them significantly during the Medicare Modernization Act. There, in fact, is legislation out there this year. ERIC CANTOR, from Virginia, and myself have introduced legislation to expand and make a little bit more flexible the health savings account.

□ 2315

One of the things, in the interest of full disclosure, some employers will provide employees an amount of money to have each year to perhaps pay incidentals or eyeglasses or maybe even help pay for a higher deductible that is selected to offset some of the cost of the insurance premiums, these so-called use-it-or-lose-it funds that a company might provide a patient every year. But when you get toward the end of the year, and gosh, nobody wants to lose that money, they want to get the use of that money, it may be as much as $1,800 or $2,000, so we actually incent people to go out and spend more money on health care that perhaps they might not even need.

There was a big, full-page ad in the Dallas Morning News right before I left to come back up here about a doctor who provides refractive surgery, or LASIK, for someone's eyes, and if you have a use-it-or-lose-it policy at your work, look into buying yourself LASIK for Christmas this year, because you will lose that money if you don't spend it. Again, a kind of the wrong incentive and the wrong message to send to employees that yes, you have to spend at least $2,000 on health care every year or you are going to be penalized.

For people who are young and healthy who feel that they are bulletproof and they don't even need to buy insurance, making these HSA premiums payable with pre-tax dollars would be a powerful incentive to get these individuals to buy into the concept that they do need to insure themselves.

For low-income individuals, people who don't make enough money to even cover the relatively low cost of a Health Savings Account insurance premium, provide them with a prefundable tax credit or a voucher, if you will, to be able to buy that insurance, or perhaps at least buy down the cost of the insurance premium for someone who is not unemployed but doesn't make enough money to pay for health insurance.

What about someone who has got a chronic disease? A Health Savings Account may not be the best option for them. It might be, if we allowed employers to make a larger contribution, a larger or greater HSA contribution for someone with a chronic illness, say someone with diabetes, someone who is in remission from leukemia, a valuable employee that an employer wants to be able to keep on the payroll and keep on providing their insurance benefit and would welcome the opportunity to be able to buy one of these lower cost Health Savings Accounts and yet contribute a greater amount to that person's deductible.

Allowing flexibility to coordinate Health Savings Accounts with existing health coverage, like a flexible spending account or a health reimbursement account, and allowing early retirees to use HSA savings to pay for insurance coverage premiums until they are of an age that they can be covered on Medicare.

But probably the most powerful tool that we could employ is providing a pre-tax treatment of health care expenses incurred under HSA compatible plans. That has been something that has met with some resistance, but truly I think it is time to investigate that and take that up.

Association Health Plans. You hear it talked about. I have heard it talked about every year since I have been in Congress. Over 60 percent of all uninsured workers are employed by small businesses with fewer than 100 employees. But what if we were to give small business, give those small employers the ability to pool together, and if they are of a similar business model, say they are chambers of commerce, or say they are realtors, or say they are physicians or dentists offices, if they could pool together to be able to get the purchasing power of a larger entity, then they would be able to command more control in the insurance market and command a more cost-effective premium.

What if we allowed them to do this across State lines? That has been the difficulty in allowing, or for the Senate or the other body to allow the institution of Health Savings Accounts. They came very close this past year. I know they worked very hard on that over there.

Association Health Plans may not immediately bring down the number of uninsured like expanding Health Savings Accounts will, but allowing Association Health Plans would provide some measure of stability and affordability in insurance premiums that would allow small businesses more certainty in that market and would keep them from leaving the health insurance market for their employees.

Well, as promised, it is almost impossible to talk about the affordability of health care and not bring up the question of liability, medical liability reform. We have done that I don't know how many times on the House side.

Some states, my home State of Texas, has made great strides in improving the liability picture back home in the State of Texas. But these State-by-State solutions are in constant jeopardy by special interests who will reappear every legislative session to try to undo, for example, the good that they did in my home State of Texas.

When we passed H.R. 5, which was the Medical Liability Reform Act in this body in 2003, the Congressional Budget Office scored that as a savings of $15 billion over 5 years. I believe the amount really will turn out to be much greater than that because of the pernicious effect from a spending standpoint of defensive medicine. In fact, a study done out of Stanford, California, in 1996, in the Medicare population alone showed that the practice of defensive medicine cost about $30 billion a year in 1996 dollars to the Medicare system. So there would be a significant cost savings across the board in this country if we would be able to pass some type of meaningful liability reform. We are wasting money by not pushing for this on a national level.

What happens if we don't change? Well, several years ago when I was on the transportation committee we had a field hearing up in ANWR. On the way back we stopped in Nome, Alaska, for lunch and kind of had a Chamber of Commerce type lunch there in Nome, Alaska.

Because it is unusual to have a congressional delegation come through Nome, Alaska, all of the people turned out for that, including all 19 members of the medical staff of the hospital there at Nome. They spoke to me with great concern saying, I hope you will be able to get that medical liability bill passed, because we can't afford the insurance premiums for an anesthesiologist at our hospital.

I said to the person sitting next to me, what kind of medicine do you practice, sir? He said I am an OB–GYN, just like you.

How do you practice OB–GYN without an anesthesiologist in your hospital? Forget an epidural for pain relief during labor. What do you do if the patient requires a C-section?

He said, we get an airplane and take the patient to Anchorage.

Anchorage is an hour-and-a-half away, and that is if the weather is good. Nome, Alaska, as I understand it, has episodes of bad weather where aircraft can't take off. I fail to see, Madam Speaker, how we are furthering the cause of medical safety, patient safety, by allowing this system to continue.

In addition, the head of one of the residency programs in New York was speaking with me one night. I asked if the medical liability climate was affecting their ability to get OB–GYN residents into their program. It was related to me that evening that, well, Congressman, we are taking people into our program that we wouldn't have interviewed 5 years ago.

Wait a minute. These are our children's doctors they are educating today. How are we furthering the cause of patient safety, how are we enhancing patient safety by allowing that system to continue? The best and the brightest are not going to go into fields like OB-GYN or neurosurgery, so-called high-risk specialties that might expose them to a greater degree of liability peril.

Well, in Texas, we did do what I consider a very good thing as far as medical liability was concerned, and we did pass a so-called cap in Texas, a cap on non-economic damages.

It was a little different from the House-passed bill. The House-passed bill was a $250,000 cap on non-economic damages. In Texas we passed a bill that would cap $250,000 of non-economic damages for the doctor, another $250,000 for the hospital, and another $250,000 for a second hospital or nursing home, if one was involved. This bill required the passage of a constitutional amendment in Texas in 2003, and it did indeed pass, and now Texas is well into its third year of this medical liability reform.

What have been the results? Texas Medical Liability Trust, my old insurer of record when I left the practice of medicine in early 2003, the cost for premiums from Texas Medical Liability Trust, coupled with the rebates that had been given to doctors who were their customers over the last 3 years, have now totaled to over 20 percent. That is significant, because in the 2 years before I left the practice of medicine, my rates went up by 20 percent and 30 percent for those 2 years before I left the active clinical practice of medicine. So it is a significant change that has happened in Texas.

One of the major advantages has been what has happened with mid-sized, not-for-profit hospitals who were self-insuring for medical liability before. Many of these smaller hospitals have found millions of dollars that are now returned to them in medical liability premiums that are available for capital expansion, to hire more nurses, the kinds of things you want your mid-size, not-for-profit community hospital to be able to do.

We have some other options in our Committee on Energy and Commerce on our Health Subcommittee. We have talked about some of the other options. Arbitration, mediation, certainly if there could be an expansion of those to allow for an earlier settlement or even the concept of an early offer for someone who actually has been harmed.

One of the really unspoken but one of the significant downsides of our medical liability system is it takes on the average of almost 8 years for a patient who is truly harmed to receive any type of compensation. Then the amount of compensation they receive is strikingly reduced by legal fees and court costs and preparation costs and all of the things that go into that. So there is a very lengthy process that doesn't really help anyone as far as getting money to someone who is truly injured.

The concept of an early offer or even arbitration or mediation, we will have to make some adjustments to what is referred to as the National Practitioner Data Bank, and hopefully my committee will be able to take that up in the near future.

Let's shift gears for just a minute and talk a little bit about something that significantly affects patient access to physicians, and that is the proposed reductions in physician payment that are going to occur under the Medicare system, the so-called reductions because of the sustainable growth rate formula, something that I believe needs to be fixed and it needs to be fixed this year.

Under the sustainable growth rate formula, physicians' compensation is basically set. It is an attempt to limit the amount of expenditures of medical care under the Medicare system by controlling volume and intensity of services.

Other parts of medical care delivered under the Medicare system, the year-over-year rate is calculated based on the cost of input, a market basket type of update that is based on medical inflation. This rather graphically shows the results of the two different types of formulas.

Compare the reimbursement for the Medicare Advantage Plans, compare the reimbursement rates for hospitals or nursing homes with the reimbursement rate of physicians. This blue line here represents the year 2002. That was the first year that a cut was allowed to proceed under the sustainable growth rate formula. It was about 4.4 percent, what is euphemistically referred to as a "negative update."

The next 3 years, Congress came in at the last minute and said, we will give you a little bit of a bump up. As you can see, a little bit less than 2 percent for each of those years.

Last year, we held the SGR rate at a zero percent update. It didn't go up or down. Almost anywhere else in Washington, if you hold spending level for a year, you are accused of having cut benefits. But that is what we did for our physicians last year. And really part of that story is we didn't do it by January 1, we had to come back after the first of the year to provide that zero percent update. In reality, January 1 physicians got again a 4.4 percent negative update.

□ 2330

Yes, the administrator of the Center for Medicare and Medicaid Services did come in and say that as long as Congress does what it is supposed to do at the end of January, which we did, that CMS would come back and reimburse physicians for that amount of money to bring them up to that zero percent. Unfortunately, there are many private insurance companies out there that pay into Medicare; so doctors took a pay cut for other private insurance, which was never the intent of this Congress. It was never the intent of the administration of the Senate, but nevertheless, that is what we did.

The purple line here represents the proposed 5.1 percent negative update that is to go into effect if we do not affirmatively do something before January 1, and that is why I say it is incumbent upon us to do something, in fact, this month before we wrap things up on the 30th of September.

I would just like to make a couple more points about this graph. Cutting Medicare rates hurts all physicians and patients. Private health plans and other government programs follow Medicare's reimbursement trends. They look at Medicare's reimbursement rates, and they structure their plans to pay physicians the same, regardless of how much it costs the physician to provide the care. TRICARE, for example, reimburses at a rate that is 85 percent of Medicare. Many of the private plans will reimburse at rates that vary between 85 percent and 120 percent of Medicare. But, again, it was never the intention of this Congress to provide a break for private insurance with the SGR formula.

Setting up the silos for Medicare reimbursement is itself flawed. We have a silo for the Medicare Advantage programs, a funding silo for hospitals, for nursing homes, and physicians. With more procedures and more services being delivered outside of hospitals, the payments should be based on the highest quality and most cost-effective treatment setting. Elements of the sustainable growth rate formula originally were designed to control utilization by reducing physician fees. The primary drivers of utilization, however, are new, improved technologies, patients' increased awareness of treatment options, and the general shift from inpatient to outpatient care. Physicians control none of these factors.

And there is even one more factor over which physicians have no control, and those are the mandates that this Congress puts on Medicare for types of medical care that have to be included. The Welcome to Medicare Physical, I personally think that is a good idea. I think you are going to pick up problems where you can more timely diagnose and treat those problems. But it costs money and that money comes out of the physicians' position of the SGR formula.

Again, in the Deficit Reduction Act, we passed a measure that would require every person on Medicare to have an EKG at age 65. That money comes from somewhere. It does not come out of the hospitals. It does not come out of the Medicare Advantage plans. It comes out of the physicians' part of the sustainable growth rate.

We also decided that everyone should have a screening for an abdominal aortic aneurism. It may or may not be worthwhile, but that money is going to be taken out of the physicians' portion of the SGR formula. And, again, physicians have no control over that utilization.

The legislation introduced right at the end of July, H.R. 5866, would put the focus to ensure that elderly patients have better access to the health care they need.

Four goals of this legislation: ensure that physicians receive a full and fair payment for services rendered; create quality performance measures that keep consumers informed; improve the quality improvement organizations' overall accountability and flexibility; and, finally, find reasonable methods, reasonable offsets for paying for these benefits.

For fixing the SGR, for title I of that bill, it ends the application of the sustainable growth rate formula January 1. So January 1, instead of a pay cut, SGR would go away. It substitutes for the sustainable growth rate formula a different formula. One that was derived by a group called MedPAC, the Medicare Payment Physicians Advisory Commission, called the Medicare economic index. And this shifts physician compensation so it will more closely mirror hospitals and Medicare Advantage plans. It bases updates and physicians' compensation on the market basket.

What does it cost to deliver the care and how much did that cost increase over the past year based on medical inflation? That is the Medicare economic index. We will use the Medicare economic index minus 1 percent, which will be an increase of about 2 percent for physicians for the year 2007. And it basically puts us back on a more market-sensitive system. What is health care inflation? What is it costing the hospitals, the Medicare Advantage plans, and the doctors to deliver the care and compensate them accordingly? Under the quality measures, in conjunction with physician specialty organizations, it creates a voluntary system of evidenced-based quality measures. It gives doctors feedback on their performance. As a physician, you are always wondering how you are doing; how do you compare to your peers; how do patients rate you. This is information that we are always seeking. It also allows patients to be selective. If a doctor elects not to voluntarily report, that information could be available to patients when they make their selection as to what physician they see.

There will be offsets in the bill. Currently, the offsets that are made are looking at the Medicare Stabilization Fund from the Medicare Modernization Act and eliminating the double payment for medical education costs in the Medicare Advantage plans.

The important thing here is it keeps the power in the health care community. It does not devolve that power to the Federal Government. And it is just a start. It is a start on the path of developing a product that will ultimately be satisfactory to all of the stakeholders.

A quote from the AMA news: "We are encouraged by the introduction of this legislation that would replace the current flawed Medicare formula," from the AMA Chair, Dr. Cecil B. Wilson.

One of the things that is talked about a lot here on the House floor, and, in fact, we passed H.R. 4157 in July, which is the Health Information Technology Promotion Act, there is no question that health information technology holds a great deal of promise for being able to streamline the delivery of medical care to provide a method of continuity of care if something happens. With electronic medical records, those are then available online. And if something happens to a patient's original medical record, all is not lost. You can go to a safe, secure, sequestered Web site in order to retrieve that patient's medical data.

I will admit I came late to the table on health information technology and its promise to improve medical care in this country. My own attempts at electronic medical records, electronic prescribing seemed to increase the time involved with every patient interaction. And, of course, there is no additional compensation for that increased time with every patient interaction.

But last January, my committee, the Oversight an Investigations Subcommittee of Energy and Commerce, went to New Orleans and had an opportunity to visit Charity Hospital. And there in the basement in Charity Hospital we were still walking through water that was still in some places ankle deep, looking in the medical records room there in the basement of Charity Hospital. Here were rows and rows and rows of medical records that were absolutely ruined when the basement flooded and the water came in and now had black mold growing up and down the sides to some places where you couldn't even read those bright pastel numbers that were on the sides of medical records.

Clearly, Katrina showed us how vulnerable our medical data can be even in a venerable institution like Charity Hospital in New Orleans that you just assume is always going to be there and those records are always going to be there. Well, this time they weren't. And when some of those individuals came to Texas and came to north Texas, it made delivery of their medical care much more difficult.

The bill that we passed does provide for updating some standards, reporting on the American health information community, with a strategic plan for coordinating the implementation of health information technology.

Well, talking about Charity Hospital, talking about New Orleans, I mentioned that we were going to discuss preparedness. And we are just beyond the 1-year anniversary of Hurricane Katrina. We have to step back and ask what we have learned. While we watched that hurricane, my wife and I, coming up the Gulf of Mexico, it was almost like watching a train wreck in process. We were transfixed by the hourly reports of the progress of the hurricane. It looked like it was just going to hit the central city of New Orleans and just at the last minute took a little bit of a turn back to the east, and the central city of New Orleans was spared. And I think the headline in my paper was "Bullet Dodged," or something to that effect. It was only later, not even that day but the next day, on Tuesday, when we realized how serious the situation had become because of the flooding caused by the breaches in the levees.

Back in my district, my home district in north Texas, we watched, of course, as people were taken into the Astrodome and then, of course, as the waters rose. And people who had not left the city of New Orleans had to be evacuated. Many of them were evacuated to Dallas, Texas, to Fort Worth, Texas, where my district office is in southern Fort Worth. A gymnasium on the same campus where my district office is was converted to a shelter for individuals who had been displaced. We set up 250 pallets that night. We had chicken dinners that were donated by a restaurant, waiting for displaced persons from Katrina when they arrived. Some very tragic stories from some of the individuals who arrived there over the next couple of days.

I got a call from my staff, and they asked me how soon can a woman who has had a C-section sleep on the floor? I said, why do you want to know this information? They said, well, we have three women here who just had C-sections, and we want to know if we can put them on pallets or if we have to find cots for them.

I said, I will be right there.

One of these individuals, her baby had been in intensive care. They were separated in the process of the evacuation. And it was only after several days with my staff spending every hour on the phone that we were finally able to reunite mother and baby. And just this past week they had a 1-year anniversary there in Mississippi with mother and baby, celebrating the anniversary of not the child's birth, but the mother and baby getting back together after the hurricane was over.

The Dallas County Medical Society, on a holiday weekend, Labor Day weekend, the blast fax went out to probably 800 members of the Dallas County Medical Society. A quarter of them showed up in the parking lot of Reunion Arena to help with the medical care for people who had been evacuated from the Louisiana Gulf Coast. What a tremendous story of all of the individuals getting off the buses that evening. They had a triage desk set up. If someone had been off their meds and simply needed meds, there was a mobile pharmacy set up where they could be administered those medications.

And of all of the people who got off the buses that night, in the thousands, only about 200 required hospitalization as a result of having been in a shelter and off their medications for several days. The doctors that were there did a tremendous job of identifying who was sick and who was simply in need of a hot shower and a warm place to sleep and getting back on their medications.

One of the other great stories was there was a lot of fear with this many people crowded into a shelter, would there be an outbreak of transmissible illnesses like gastrointestinal illnesses, infectious diarrhea? They had hand sanitizers. You could not walk 10 feet without someone putting a bottle of hand sanitizer in your hand. People used them repeatedly throughout the day and night, and as a consequence, only a very limited number of people actually had any type of gastrointestinal illness. They were quickly sequestered in another facility, and as a consequence, a public health crisis was averted.

In follow-up, I have traveled to New Orleans twice in the past year, once in October at the request of one of the hospitals down there to try to get some help for their medical providers. And then in January, as I mentioned, our Oversight and Investigation Subcommittee went to New Orleans, and we had a hearing down there. It really was remarkable to see what the difference in preparedness between the Charity Hospital and the private hospitals, Tulane University Medical Center.

HCA hadn't planned necessarily for a hurricane, but they had some disaster plans in place. They had been rehearsed. They had been practiced. And as a consequence, when we were there in January, they were about ready to open their emergency room again. Charity Hospital still appeared to be light years away from being able to reopen.

□ 2345

So some of the lessons that came out of that trip down there were when you have disaster plans, when you have preparedness plans, it is not good enough to just have them and have them on the shelf. And I heard this from nursing homes, and I heard this from hospitals that, unfortunately, there were places that had purchased disaster plans but no one had looked at them. You have got to take them off the shelf, you have got to break the seal, you have got to break the shrink wrap that surrounds them, and you have got to practice them.

Our chairman of the House Government Reform Committee held a series of hearings on what happened in the aftermath of Hurricane Katrina. And for any House Member who hasn't read or at least looked at that publication that they put out as a result of those hearings, the title was "Failure of Initiative." That is truly an outstanding work that Chairman DAVIS did, and I know every House Member got a copy of that and I would recommend that they look at that. Remember, this was a committee, a special select committee. It was bipartisan, though many people on the other side of the aisle chose not to participate. It wasn't an unelected, unaccountable commission like the 9/11 Commission. These were our House Members who were truly interested in what happened in the aftermath of Katrina and were very interested in getting it right.

As you think about Hurricane Katrina, as you think about 9/11 and some of the disasters that have befallen not just this country but the world, with the tsunami right after Christmas in 2004, the fact of the matter is we just can't afford to fail next time, whether it is a hurricane, whether it is a terrorist, or whether in fact it is a problem with a worldwide pandemic.

And I won't spend a lot of time on this, because I can talk about the avian flu for an hour in and of its own right, but just a couple of points. As of September 8, 2006, just last week, the World Health Organization had confirmed 244 human cases of avian flu with 143 deaths.

What is so remarkable about this illness is that it seems to be so lethal. That is an over-50 percent mortality rate for influenza. That is unbelievable to have that type of mortality rate.

During the summer months on a trip over to Iraq and Afghanistan, I was actually able to stop in Geneva for a few hours and talk to some of the folks at the World Health Organization. At that time, when I was there, there were coordinating efforts between 192 different countries. Dr. Michael Ryan, who is the director of the Strategic Health Operations Center, provides strategic support and global coordination to the World Health Organization, the Center for Disease Control, and our own Health and Human Services Administration. Dr. Ryan, I should point out, is on loan to the World Health Organization from the Centers for Disease Control. And the idea is that we won't reinvent a global CDC over there, but we will take the expertise of the CDC, apply it to the World Health Organization, and allow them a greater reach as far as monitoring and notifying.

The concept is to control the disease at its source, culling of infected avian populations, isolation of infected avian populations, or humans should they become infected, vaccination and antivirals for people who are exposed or infected. We need intelligence, we need verification, and we need assessment, and we need a response, all of which can act globally, because as this map shows, it is indeed a global issue.

This shows eight areas where the avian flu has occurred and areas where human cases have occurred. If you notice the time line, the arrows are pointing from east to west. And with the migratory flyways, it is possible that in wild birds and wild water fowl, the carriage of this disease could occur from the eastern hemisphere to the western hemisphere perhaps as early as this fall or winter. To date, it has not been detected in the western hemisphere. To date, there has not been an easy or facile transmission from human-to-human. Human-to-human transmission only occurs with great difficulty. The virus hasn't undergone that mutation that would allow for facile transmission from human to human.

But clearly, with a disease that is so widespread in the avian population and with a disease that has shown such a striking lethality rate, it is critical to keep the surveillance up and to make certain that other countries do what they are supposed to do in this regard. International transparency is absolutely key. A country keeping silent on a problem it is having with this illness is not only not acceptable, but it may be lethal to other areas in the world as well.

It is already a pandemic in birds but not in humans. The best way to prevent a pandemic is to control it in animals before effective human-to-human transmission occurs, meaning to minimize cross-species contact and make certain that in countries where avian populations are infected that there is the proper culling of avian populations, and that it is done safely without unduly exposing those people who are handling the infected birds.

Protecting North and South America from this global health threat, all of the outbreaks have been contained so far. Indonesia was a point of particular concern a few months ago where many people appeared to be infected in a cluster, but it does appear that those were all a direct result of either living with infected birds or close human-to-human proximity that allowed for that human-to-human transmission.

Clearly, we have got to prevent the spread to the United States and Central and South America. The disease at this point may know no boundaries because of its distribution in the avian population. And other countries, it is critical we have got to monitor the disease at the border.

I did also take a trip just up the street to Bethesda, Maryland to meet with Dr. Anthony Fauci to talk with him about a vaccine development. There are some remarkable things that are going on as far as vaccine development.

I guess one of the important aspects of bird flu is we are going to develop more capacity for delivering more vaccine for just the regular flu as a consequence for the preparedness that is happening with getting ready for the possibility of a worldwide pandemic.

This may not be the one. Avian flu may sputter out and never be the pandemic that everyone fears. But the fact remains that almost for every century that anyone has kept track, about three pandemics per hundred years do occur. We did indeed have three during the last century, and even a relatively mild pandemic of the Hong Kong flu still claimed 50,000 lives in this country. So it is a matter of no small importance.

Additionally, we have got to be certain that, just like the nursing home in Louisiana that left their disaster preparedness plan on the shelf with the shrink wrap still on it, we have got to be certain that we take those plans down and we talk to our local first responders, our local health departments. And I had such a roundtable just last week in my district, very well received by the folks at the health department, by the administrators in all three hospitals in one of my counties. I wish we had a little more participation of the medical staff, but we did have some and I did at least receive an invitation to talk at one of thei medical staff meetings.

But the key for us here in Congress is when faced with whether it be the avian flu, terrorist attack, another hurricane, we have got to be honest. No spin, no sugar-coating, no BS. And, above all, we have to communicate with our constituents and with our first responders back at home.

One other thing that I want to talk about as time runs short here is, and I mentioned this earlier, about a bill that is out there to reduce or restructure the number of mandates that are on health insurance. Again, Aetna Life and Casualty might look at 46 million uninsured individuals as potential market share if they only had a product that they could sell.

Now, in our Committee on Energy and Commerce we had a debate on a bill that would reduce significantly the number of State mandates on insurance policies in the individual market. This wasn't even discussed in the group health insurance market, but just the individual market. It was a pretty contentious debate and there wasn't a lot of agreement across both sides of the aisle, and that is unfortunate, because when the American people watch what this body does, they are really not interested in the tennis match or volleyball match that goes on from one side or the other. They want results. They want more affordable health care, health insurance. They want Aetna Life and Casualty to be able to look at that 46 million uninsured as a potential market share.

Well, what if we could get together across the aisle and discuss what is that basic package of benefits that we would like to see available in a health insurance policy, one that could be sold on the Internet from State to State. It seems like an almost impossible task, or at least it seemed almost impossible that night when we were debating this bill in the Energy and Commerce Committee. But the fact is we have already done that work. I say "we." I wasn't here 30 or 40 years ago when the federally qualified health center statutes were first written. But in fact, in that statute in law is identified a basic package of benefits that has to be offered at every federally qualified health center.

Well, we have already agreed then in principle what that basic package of information is. Now, the information may be 30 or 40 years old, but perhaps we could sit down and decide which of those things we could eliminate because they are no longer necessary, which of those things we would have to add because we have learned some stuff since then, and then go to our private insurers and say, here is a basic package of benefits that, if you will abide by these rules and make certain people know what they are buying, that there is full disclosure about what is covered and what is not covered in these insurance policies, that you can then market this to the uninsured. And then give individuals who are unemployed a voucher or a pre-fundable tax credit to purchase that insurance. Or give that family that is of a low-wage earner, give them some additional health, buy down that premium.

These are the types of concepts that, really, the American people are anxious to see us work on, and I for one would really welcome the day that we could do that.

Just one last brief thing about the Medicare part D, the Medicare prescription drug program that actually started the first of this year. At the end of the enrollment period, well over 38 million people had prescription drug coverage under Medicare. This was the population, the Medicare population that was the largest population that didn't have access to a prescription drug plan if their employer or retiree insurance did not offer it.

This is a tremendous benefit. We will and do hear a lot of discussion about people who are caught in the so-called gap coverage. But remember, there are plans out there that if a person is willing to consider a generic compound, there are plenty of plans that cover in the gap; and in my home State of Texas, there was at least one insurance company that would cover both brand and generic in the gap.

So I would encourage people who have looked at the difficulty they are having with the so-called donut hole, when they re-up on their insurance plan, their prescription drug plan in November in that open enrollment period, look at one of those plans that will provide for coverage in the gap.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today after 2:30 p.m. on account of illness.

Mr. KELLER (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUTTERFIELD) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 19 and 20.

Mr. WAMP, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 14.

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 14, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9321. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Joint Final Rules: Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities [Release No. 34-54106; File No. S7-07-06] (RIN: 3235-AJ54) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9322. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Options Transactions — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9323. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Cooperative Marketing Associations (RIN: 0560-AH42) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9324. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans — Retaining PLP Status and Payment of Interest Accrued During Bankruptcy and Redemption Rights Periods (RIN: 0560-AH07) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9325. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Blueberry Promotion, Research, and Information Order; Amendment No. 2 To Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership [Doc. No. FV-03-701-FR] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9326. A letter from the Administrator, Cotton Programs, Department of Agriculture, transmitting the Department's final rule — User Fees for 2006 Crop Cotton Classification Services to Growers [CN-06-001] (RIN: 0581-AC58) received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9327. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Amendment to the Beet Promotion and Research Rules and Regulations — Final Rule [No. LS-01-06] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9328. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Temporary Relaxation of the Minimum Grade Requirement [Docket No. FV06-922-2 IFR] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9329. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From Certain Central American Countries [Docket No. APHIS-2006-0009] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9330. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Untreated Oranges, Tangerines, and Grapefruit From Mexico Tansiting the United States to Foreign Countries [Docket No. 00-086-2] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9331. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Agricultural Inspection and AQI User Fees Along the U.S./Canada Border [Docket No. APHIS 2006-0096] (RIN: 0579-AC06) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9332. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Ceritification; Mica-Based Pearlescent Pigments [Docket No. 1998C] received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9333. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpuroximate; Pesticide Tolerance [EPA-HQ-OPP-2006-0216; FRL-8087-6] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9334. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Kresoxim-methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0333; FRL-8088-1] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9335. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Phosphorous Acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0561; FRL-8084-3] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9336. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Quinoxyfen; Pesticide Tolerance [EPA-HQ-OPP-2006-0167; FRL-8088-8] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9337. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1263] received August 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9338. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1247] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9339. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1265] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9340. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7937] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9341. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9342. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9343. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7929] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9344. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7927] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9345. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7786] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9346. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7652] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9347. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7931] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9348. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9349. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9350. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7585] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9351. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9352. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates (RIN: 3133-AD26) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9353. A letter from the Chief, Program Analysis and Monitoring Branch, Department of Agriculture, transmitting the Department's final rule — State Administrative Expense Funds (RIN: 0584-AD53) received

August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9354. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstrations for Assistive Technology Reutilization — received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9355. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstrations for Assistive Technology Reutilization — received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9356. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9357. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Duties of Plan Sponsor Following Mass Withdrawal (RIN: 1212-AA55) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9358. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Renewable Energy Production Incentives (RIN: 1904-AB62) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9359. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Supplemental Standards of Ethical Conduct for Employees of the Department of Energy and Residual Department Standards Regulation (RIN: 1990-AA19) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9360. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Nasal Decongestant Products [Docket No. 1976N-0052N] (RIN: 0910-AR34) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9361. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Fecel Calprotectin Immunological Test Systems [Docket No. 2006N-0276] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9362. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [Docket No. EPA-R08-OAR-2004-MT-0001, FRL-8202-1] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9363. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-0098) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9364. A letter from the Chief, Division of Policy and Directives Management, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Revision of Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest Regulations (RIN: 1018-AU56) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9365. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants: Special Rule for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter (RIN: 1018-AU21) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9366. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Gila Trout (Oncorhynchus gilae) from Endangered to Threatened; Special Rule for Gila Trout in New Mexico and Arizona (RIN: 1018-AH57) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9367. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Continous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AU42) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9368. A letter from the Secretary, Department of the Interior, transmitting the Department's final rule -- Subsistence Management Regulations for Public Lands in Alaska, Subpart A; Makhnati Island Area (RIN: 1018-AU70) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9369. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AU42) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9370. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement [CMS-6026-IFC2] (RIN: 0938-AN77) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4893. A bill to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming; with an amendment (Rept. 109–650). Referred to the Committee of the whole House on the State of the Union.

Mr. BUYER: Committee on Veterans' Affairs. H.R. 5835. A bill to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes; with an amendment (Rept. 109–651 Pt. 1). Order to be printed.

Mr. TOM DAVIS of Virginia. Committee on Government Reform. H.R. 1167. A bill to amend the Trust in Regulating Act to make permanent the pilot projects for the report on rules; with amendments (Rept. 109–652). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 1002. Resolution providing for consideration of the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States (Rept. 109–653). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 1003. Resolution providing for the adoption of the resolution (H. Res. 1000) providing for earmarking reform in the House of Representatives (Rept. 109–654). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 1000. Resolution providing for earmarking reform in the House of Representatives; with an amendment (Rept. 109–655). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Government Reform discharged from further consideration. H.R. 5835 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, and Mr. PAYNE):

H.R. 6060. A bill to authorize certain activities by the Department of State, and for other purposes; to the Committee on International Relations.

By Mr. KING of New York (for himself, Mr. DREIER, Mr. HUNTER, Mr. BOEHNER, Mr. BLUNT, Mr. SMITH of Texas, Ms. HARRIS, Mr. PUTNAM, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. TANCREDO, Mr. KLINE, Ms. PRYCE of Ohio, Mr. PORTER, Mr. TAYLOR of North Carolina, Mr. CHOCOLA, Mr. BILBRAY, Mr. ENGLISH of Pennsylvania, Mr. LINDER, Ms. GINNY BROWN-WAITE of Florida, Mr. BOSWELL, Mr. ROYCE, Mr. HERGER, Mr. GARY G. MILLER of California, and Mr. SOUDER):

H.R. 6061. A bill to establish operational control over the international land and maritime borders of the United States; to the Committee on Homeland Security.

By Mr. FRANK of Massachusetts (for himself and Mr. OXLEY):

H.R. 6062. A bill to enhance community development investments by financial institutions, and for other purposes; to the Committee on Financial Services.

By Mr. PICKERING (for himself, Ms. Eshoo, Mr. Hayworth, and Mr. Tanner):

H.R. 6063. A bill to amend title XVIII of the Social Security Act to provide for coverage of remote patient management services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. Saxton, Mr. Allen, Mr. Andrews, Ms. Baldwin, Mr. Bass, Mr. Bishop of New York, Mr. Boehlert, Mr. Bradley of New Hampshire, Mr. Case, Mr. Chandler, Mr. Dingell, Mr. Farr, Mr. Fitzpatrick of Pennsylvania, Mr. Gerlach, Mr. Holt, Ms. Kaptur, Mrs. Kelly, Mr. Kolbe, Mr. LoBiondo, Ms. McCollum of Minnesota, Mr. Michaud, Mrs. Napolitano, Mr. Oberstar, Mr. Smith of Washington, Mrs. Tauscher, Mr. Udall of Colorado, Mr. Van Hollen, and Mr. Walsh):

H.R. 6064. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 6065. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the payment of premiums for high deductible health plans, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 6066. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYAN of Ohio (for himself, Mr. Langevin, Ms. Kaptur, Ms. DeLauro, Ms. Herseth, Mr. Emanuel, Mr. Larson of Connecticut, Mr. Clyburn, Mr. Strickland, Mr. Ford, Mr. Obey, and Ms. Eshoo):

H.R. 6067. A bill to provide for programs that reduce the number of unplanned pregnancies, reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 6068. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. Cardoza, Mr. Obey, Ms. Norton, and Mr. Tierney):

H.R. 6069. A bill to reform acquisition practices of the Federal Government; to the Committee on Government Reform, and in addition to the Committees on Armed Services, Rules, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H. Con. Res. 470. Concurrent resolution expressing the sense of Congress that the President should immediately replace the Secretary of Defense, Donald Rumsfeld; to the Committee on Armed Services.

By Mr. FOLEY (for himself, Mr. Clyburn, Mr. Shaw, Mr. Baca, Mr. Ramstad, Mr. Meeks of New York, Mr. Snyder, Mr. Wilson of South Carolina, Mr. McIntyre, Mr. Mica, Mr. Camp of Michigan, Mr. Bonner, Mr. Boozman, Mr. Gene Green of Texas, Mr. Hoekstra, Mr. Knollenberg, Mr. Forbes, Mr. Rogers of Michigan, Mr. Filner, Mr. Ross, Mr. Boehlert, Mr. Crenshaw, Mr. Ferguson, Mr. Ortiz, Mr. Walsh, Mr. Brown of South Carolina, and Mr. Buyer):

H. Con. Res. 471. Concurrent resolution congratulating The Professional Golfers' Association of America on its 90th anniversary and commending the members of The Professional Golfers' Association of America and The PGA Foundation for the charitable contributions they provide to the United States; to the Committee on Government Reform.

By Mr. STARK (for himself and Mr. Conyers):

H. Con. Res. 472. Concurrent resolution recognizing the independence of the courts of the United States; to the Committee on the Judiciary.

By Mr. DREIER (for himself, Mr. Hastert, Mr. Boehner, Mr. Blunt, Mr. Cantor, Mr. Putnam, Mr. Lincoln Diaz-Balart of Florida, Mr. Hastings of Washington, Mr. Sessions, Mrs. Capito, Mr. Bishop of Utah, Mr. Gingrey, Mr. Flake, Mr. Fitzpatrick of Pennsylvania, Mr. Kirk, Mr. Kennedy of Minnesota, Mr. Campbell of California, Mr. Feeney, Mr. Shaw, Mr. Davis of Kentucky, Mr. Reichert, Mr. Renzi, Mr. Conaway, Mr. Hefley, Mr. Bilbray, Mr. Inglis of South Carolina, Mr. Mario Diaz-Balart of Florida, Mrs. Drake, Mr. Ryan of Wisconsin, Ms. Hart, Mr. Kline, Mr. Souder, Mr. Shadegg, Mrs. Blackburn, Mr. Pitts, Mr. Issa, Mr. Kuhl of New York, Mr. Price of Georgia, Mr. King of Iowa, Mr. Hensarling, Mr. Pence, Mr. McCaul of Texas, Mr. Smith of Texas, Mr. Bartlett of Maryland, Mrs. Jo Ann Davis of Virginia, Mr. Pearce, Mr. Terry, Mr. Sam Johnson of Texas, Mrs. Biggert, Mr. Gutknecht, Mr. Rohrabacher, Mr. McHenry, Mr. Neugebauer, Mr. Brady of Texas, Mr. Herger, and Mr. Goodlatte):

H. Res. 1000. A resolution providing for earmarking reform in the House of Representatives; to the Committee on Rules.

By Mr. LEWIS of California:

H. Res. 1001. A resolution providing for earmarking reform in the House of Representatives; to the Committee on Rules.

By Mr. FERGUSON (for himself, Mr. Garrett of New Jersey, Mr. Payne, Mr. LoBiondo, Mr. Andrews, and Mr. Saxton):

H. Res. 1004. A resolution recognizing the historical significance of the Washington-Rochambeau march through New Jersey in 1781 as part of the march of American and French forces from Rhode Island to Virginia that culminated in the American victory at Yorktown, Virginia, in October 1781; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Mr. Etheridge, Ms. Pelosi, Mr. Hoyer, Mr. Clyburn, Mr. Larson of Connecticut, Mr. Peterson of Minnesota, Ms. DeLauro, Ms. Kaptur, Mr. Higgins, Mr. Pomeroy, Mr. Boswell, Mr. Tanner, Mr. Skelton, Mr. Berry, Mr. Ross, Mr. Grijalva, Mr. Lewis of Georgia, and Ms. Woolsey):

H. Res. 1005. A resolution expressing the sense of the House of Representatives that September should be established a National "Rural America Month"; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Rothman, Ms. Jackson-Lee of Texas, Mr. Honda, Ms. McCollum of Minnesota, Mr. Holt, Mr. Payne, Mr. Lantos, Ms. Lee, Mr. Serrano, and Mr. Conyers):

H. Res. 1006. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mrs. LOWEY:

H. Res. 1007. A resolution providing for consideration of the bill (H.R. 5147) to amend part B of title XVIII of the Social Security Act to repeal the income-related increase in part B premiums that was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); to the Committee on Rules.

By Mr. MOORE of Kansas (for himself, Mr. Barrow, Mr. Salazar, Mr. Cuellar, Mr. Frank of Massachusetts, Mr. Nadler, Mr. Doggett, Ms. Jackson-Lee of Texas, Mr. Delahunt, Ms. Hooley, Ms. Berkley, Mrs. Napolitano, Mr. Israel, and Mr. Van Hollen):

H. Res. 1008. A resolution amending the Rules of the House of Representatives to provide for transparency of earmarks requests; to the Committee on Rules.

By Mr. PORTER (for himself and Mr. Tiberi):

H. Res. 1009. A resolution supporting efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for homeless youth and youth in other high-risk situations; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Goode.

H.R. 97: Mr. Gonzalez.

H.R. 363: Mrs. Tauscher.

H.R. 500: Mr. Kline.

H.R. 517: Mr. Strickland, Mr. Meek of Florida, Mr. Green of Wisconsin, and Mr. Jones of North Carolina.

H.R. 611: Mr. Delahunt and Mr. Wexler.

H.R. 615: Mr. Brown of South Carolina.

H.R. 874: Mr. Gilchrest.

H.R. 920: Mr. Calvert.

H.R. 959: Mr. Peterson of Pennsylvania.

H.R. 968: Mr. Cramer, Mr. Boren, and Mr. Simmons.

H.R. 1000: Ms. SLAUGHTER.

H.R. 1184: Mr. CLAY.

H.R. 1251: Mr. HINCHEY.

H.R. 1471: Mr. SCOTT of Virginia, Mrs. LOWEY, Mr. SHIMKUS, Ms. SLAUGHTER, and Mrs. CUBIN.

H.R. 1498: Mr. YOUNG of Florida.

H.R. 1694: Mr. WEINER.

H.R. 2231: Mrs. EMERSON.

H.R. 2238: Mr. SPRATT.

H.R. 2257: Mr. RUPPERSBERGER.

H.R. 2421: Mr. HEFLEY, Mr. KELLER, and Mr. GUTKNECHT.

H.R. 2567: Mrs. SCHMIDT, Mrs. MALONEY, and Mr. KLINE.

H.R. 2682: Mrs. BIGGERT.

H.R. 2719: Mr. RUSH and Mr. HASTINGS of Florida.

H.R. 2804: Mr. BONNER.

H.R. 2861: Mr. GENE GREEN of Texas, Mr. WAMP, and Mr. BOUCHER.

H.R. 2928: Mr. SPRATT.

H.R. 3162: Mr. SCOTT of Georgia.

H.R. 3183: Ms. WATSON, Ms. HOOLEY, and Mr. WU.

H.R. 3436: Mr. SHERWOOD.

H.R. 3479: Mr. EDWARDS.

H.R. 3569: Mr. NADLER.

H.R. 3931: Mr. NORWOOD.

H.R. 3954: Mr. TIERNEY.

H.R. 4033: Mr. POMEROY, Mr. PITTS, and Mr. SPRATT.

H.R. 4042: Mr. CLAY.

H.R. 4063: Mr. HINCHEY.

H.R. 4098: Mr. OBERSTAR.

H.R. 4137: Mr. SCOTT of Georgia.

H.R. 4212: Ms. MCCOLLUM of Minnesota.

H.R. 4217: Mr. BACHUS and Mr. WILSON of South Carolina.

H.R. 4259: Mr. DELAHUNT.

H.R. 4341: Mr. TIBERI.

H.R. 4550: Ms. SOLIS.

H.R. 4562: Mr. KINGSTON.

H.R. 4597: Mr. SHERMAN, Mr. DOYLE, Ms. CARSON, Ms. HARRIS, Mr. BAIRD, and Mr. JONES of North Carolina.

H.R. 4651: Ms. WATSON, Ms. ESHOO, and Mr. SCOTT of Georgia.

H.R. 4720: Mr. HUNTER and Mr. BILBRAY.

H.R. 4730: Mr. TERRY.

H.R. 4751: Mrs. JO ANN DAVIS of Virginia, Mr. TERRY, Mr. WOLF, and Mr. CARDOZA.

H.R. 4769: Mr. CAPUANO.

H.R. 4771: Mr. WALSH.

H.R. 4844: Ms. GINNY BROWN-WAITE of Florida and Mr. EHLERS.

H.R. 4893: Mr. ISSA.

H.R. 4896: Mr. MORAN of Virginia.

H.R. 4903: Mr. FRANK of Massachusetts.

H.R. 5005: Mr. CARDOZA.

H.R. 5092: Mr. DEFAZIO, Mr. ISSA, Mr. BILBRAY, Mr. FORD, Mr. PENCE, Mr. PORTER, Mr. BURGESS, Mr. RYUN of Kansas, and Mr. SPRATT.

H.R. 5099: Mr. BARROW and Ms. PELOSI.

H.R. 5139: Mr. KILDEE, Mrs. MCCARTHY, Mr. HIGGINS, and Ms. MCCOLLUM of Minnesota.

H.R. 5147: Mr. HINCHEY, Mrs. MCCARTHY, Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. ISRAEL, and Mr. LEWIS of Georgia.

H.R. 5171: Mr. MCHUGH.

H.R. 5185: Mr. ANDREWS.

H.R. 5250: Mr. RUPPERSBERGER.

H.R. 5280: Mr. TERRY, Ms. ESHOO, Mr. PETERSON of Minnesota, and Mr. BACA.

H.R. 5295: Mr. GERLACH and Mr. SHIMKUS.

H.R. 5312: Mr. GRIJALVA.

H.R. 5348: Mr. PASTOR and Ms. SLAUGHTER.

H.R. 5442: Mr. RUPPERSBERGER and Mr. WOLF.

H.R. 5465: Mr. HAYWORTH.

H.R. 5493: Mr. REHBERG.

H.R. 5500: Mrs. KELLY and Mr. BASS.

H.R. 5549: Mr. GERLACH.

H.R. 5554: Mr. KELLER and Mr. BISHOP of Utah.

H.R. 5580: Mr. ISRAEL.

H.R. 5624: Mr. NEUGEBAUER, Mr. CARDOZA, and Mr. STEARNS.

H.R. 5633: Mr. MCCOTTER.

H.R. 5635: Mr. EDWARDS, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. BAIRD, Mr. MARSHALL, Mr. FORD, Mr. BOUCHER, Mr. DEFAZIO, and Mrs. CHRISTENSEN.

H.R. 5698: Mr. RAMSTAD.

H.R. 5699: Ms. BALDWIN.

H.R. 5702: Mr. POE.

H.R. 5704: Mr. BECERRA, Mr. BOOZMAN, and Mr. WALSH.

H.R. 5707: Mr. RAHALL.

H.R. 5709: Mr. ROTHMAN, Mr. BISHOP of Utah, and Mr. WELDON of Pennsylvania.

H.R. 5718: Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. MCHENRY, Mrs. MYRICK, and Mr. MCINTYRE.

H.R. 5733: Mr. MOORE of Kansas, Mr. REHBERG, and Mrs. CAPITO.

H.R. 5740: Mr. GERLACH.

H.R. 5746: Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Ms. WATSON, Mr. LAHOOD, and Mr. FORTENBERRY.

H.R. 5751: Mr. GOHMERT, Mr. PITTS, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. BARTLETT of Maryland.

H.R. 5782: Mr. MCCOTTER.

H.R. 5795: Mr. GORDON, Mr. INSLEE, and Mr. SCOTT of Georgia.

H.R. 5835: Mr. RENZI and Mr. EVERETT.

H.R. 5862: Mr. HENSARLING.

H.R. 5888: Mr. TIBERI and Ms. SCHWARTZ of Pennsylvania.

H.R. 5896: Mr. PASTOR.

H.R. 5906: Mr. OBERSTAR.

H.R. 5931: Mr. SANDERS.

H.R. 5940: Mr. LANGEVIN and Mr. WEXLER.

H.R. 5955: Mr. BISHOP of Utah.

H.R. 5965: Mr. GEORGE MILLER of California, Mr. CARDOZA, Mr. POMEROY, Mr. SNYDER, Ms. HOOLEY, and Mr. CAPUANO.

H.R. 6029: Mrs. CUBIN, Mr. HAYWORTH, Mr. RENZI, Mr. PEARCE, Mr. GRIJALVA, Mr. COSTA, and Mr. CARDOZA.

H.R. 6030: Mr. GILCHREST, Ms. HOOLEY, Mr. EVANS, and Mr. CAMP of Michigan.

H.R. 6032: Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. MCGOVERN, and Mr. GOODE.

H.R. 6033: Ms. KAPTUR.

H.R. 6038: Mr. MCGOVERN, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. WATSON, Ms. LEE, and Mrs. CHRISTENSEN.

H.R. 6039: Mr. PAUL.

H.R. 6042: Mr. DUNCAN.

H.R. 6054: Mr. RENZI.

H. Con. Res. 278: Mr. POE.

H. Con. Res. 317: Mr. SCHIFF.

H. Con. Res. 340: Mr. LEACH, Mr. BASS, Mr. CLEAVER, Mr. STARK, and Mr. SMITH of New Jersey.

H. Con. Res. 388: Ms. BORDALLO.

H. Con. Res. 404: Mr. SNYDER, Mr. BAIRD, Mr. BERMAN, Ms. ESHOO, Mr. SCOTT of Georgia, Mr. CAPUANO, Mr. SMITH of Washington, Mr. TIERNEY, Mr. BOUCHER, Mr. GEORGE MILLER of California, and Mr. CROWLEY.

H. Con. Res. 444: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 465: Mr. HOLT and Mr. BOUCHER.

H. Res. 194: Mr. WEXLER.

H. Res. 518: Ms. BORDALLO, Mr. BOOZMAN, and Mr. WALSH.

H. Res. 526: Mr. LOBIONDO.

H. Res. 622: Mr. BILBRAY, Ms. SOLIS, and Ms. BERKLEY.

H. Res. 723: Mr. LATHAM, Ms. JACKSON-LEE of Texas, and Mr. PALLONE.

H. Res. 745: Mr. SMITH of New Jersey.

H. Res. 888: Mr. HONDA, Mr. PRICE of North Carolina, and Mr. LEWIS of Georgia.

H. Res. 940: Mr. PAYNE.

H. Res. 942: Mr. POE, Mr. HYDE, Mr. PENCE, Mr. BURTON of Indiana, Mr. CHABOT, Mr. ISSA, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. FEENEY, Mr. JENKINS, Mr. BACHUS, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, Mr. FORBES, Ms. HARRIS, Ms. ROS-LEHTINEN, Mr. LANTOS, Ms. FOXX, Mr. SMITH of New Jersey, Mr. TERRY, and Mr. SHERMAN.

H. Res. 943: Mr. UPTON.

H. Res. 969: Mr. ENGLISH of Pennsylvania, Mr. ROGERS of Alabama, Mr. GONZALEZ, and Mr. MEEK of Florida.

H. Res. 973: Mr. CASE, Mr. SHERMAN, Mr. BISHOP of New York, Mrs. DRAKE, Mr. LAHOOD, and Mr. BECERRA.

H. Res. 989: Mr. NEUGEBAUER, Mr. RYUN of Kansas, Mr. GOHMERT, Mr. ROYCE, Mr. PITTS, Mrs. MYRICK, Mr. FEENEY, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. GUTKNECHT, and Mr. CONAWAY.

EXTENSIONS OF REMARKS

HONORING STANFORD NEWMAN

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Stanford Newman, a man who transformed the Tampa Bay community and the cigar industry during his more than 70 years as head of the J.C. Newman Cigar Co., based in Ybor City.

Son of a Hungarian immigrant, Stanford worked in the family business alongside his father, and then his two sons, and built J.C. Newman Cigar Co. into one of the largest manufacturers and distributors of cigars. The company, which owns Cuesta-Rey and Diamond Crown Cigars, is recognized by cigar aficionados across the globe.

Even at 90 years old, Stanford continued to go to work 5 days a week, serving as chairman of the company. During his tenure, Stanford successfully guided his company through tremendous changes in the cigar industry, most notably, the Cuban embargo, which forced Newman to abandon the use of the Cuban tobacco leaf in their cigars. Not only did Stanford rise to meet this and many other challenges, but he went on to see his business flourish in the 1970s, when his Cuesta-Rey #95 cigar became the largest selling premium cigar in the nation.

Stanford's leadership did not stop at the company doors. He served as President of the Cigar Manufacturers Association of Tampa for more than 20 years and Board member of the Cigar Association of America for more than 56 years. His success and contributions earned him the 2001 Ernst and Young Florida Entrepreneur of the Year title and induction into the Cigar Aficionado's Hall of Fame.

Fortunately for the people of Tampa Bay, Stanford was not just a cornerstone of the cigar industry—he was a cornerstone of our community as well. Stanford dedicated his time, talent, and money to improving this community in countless ways.

He served as board member of the Tampa Chamber of Commerce and Second National Bank of Tampa. Stanford was a member of the board of trustees at Congregation Schaarai Zedek, a longtime member of Tampa's Rotary Club and a Paul Harris Fellow. He was one of the founders of the Ybor City State Museum, treasurer of the Berkeley Preparatory School and president of the Dad's Club. In addition, Stanford served as longtime director of the Latin America Fiesta and was a member of the Ye Mystic Krewe of Gasparilla, as well as a number of Tampa's social organizations.

It is particularly fitting that Stanford continues to serve his fellow man in death as he did in his long, rich life. Stanford donated his liver to a transplant patient upon his passing.

Mr. Speaker, Stanford Newman was an icon in the cigar industry and in Tampa Bay. His contributions to our community's economy and culture will leave a lasting impression. On behalf of the entire Tampa Bay community, I extend my deepest sympathies to his family.

TRIBUTE TO KANSAS AFL–CIO EXECUTIVE SECRETARY-TREASURER JIM DEHOFF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to commend Jim DeHoff, who is retiring after almost 20 years as Executive Secretary-Treasurer of the Kansas AFL–CIO.

Mr. DeHoff has served as Executive Secretary-Treasurer of the Kansas AFL–CIO since 1987. Previously, he served as Vice-President of the Kansas State Pipetrades Association, and served on the Lawrence Central Labor Council and the State of Kansas Apprenticeship Council.

Throughout his career, Mr. DeHoff was committed to the working families of Kansas, and to providing them with a safer workplace, job opportunities and health care.

In recent years, Mr. DeHoff worked tirelessly to unite all working men and women and to resolve some of the divisions among various labor organizations.

Working families in Kansas owe much to Jim DeHoff for the opportunities and benefits they now enjoy. All of Kansas is a better place to live and work thanks to the efforts of men like Jim.

I wish Jim the very best in a retirement well earned and deserved.

IN HONOR OF VENTURA COUNTY SHERIFF BOB BROOKS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GALLEGLY. Mr. Speaker, I rise to honor my good friend, Bob Brooks, Sheriff of Ventura County, California.

Sheriff Brooks will be honored this Saturday at the Southeast Ventura County YMCA Leadership Award Banquet. The theme for the evening is "Touching Lives, Creating Peaceful Communities." They couldn't have picked a better theme with which to honor Bob Brooks. He is a dedicated husband and father, professional law enforcement executive, and community leader.

Bob Brooks is a 45-year resident of Ventura County and a 33-year veteran of the Ventura County Sheriff's Department. He has served as the county's elected sheriff since June 27, 1998.

Under his guidance, Ventura County is routinely rated one of the safest counties in the United States, despite the challenges of a growing gang presence in some parts of the county and the ever-present threat of terrorism. He oversees 1,200 sworn and civilian employees, 2,000 volunteers, and a budget of $187 million.

Bob's success comes partly from a supportive community of 800,000 people, but also from his own dedication to law enforcement.

Having already earned a bachelor's degree in Public Administration and a master's in Organizational Management, Bob is now pursuing a master's in Homeland Security from the Naval Post Graduate School. He is also a graduate of the National Sheriff's Institute, the National Executive Institute, and the P.O.S.T. Command College, where he graduated with distinction.

Because of his knowledge, experience, and success, Bob is in demand as a speaker at symposiums and seminars, has taught at colleges and universities, and has published articles in law enforcement, Department of Defense, and educational publications.

In his spare time, he serves on the Board of Directors of several professional, educational, and charitable organizations, including the YMCA, past president of the Ventura County Boy Scouts of America, and Executive Board memberships for the California State Sheriffs' Association and the Major County Sheriffs' Association.

Sheriff Brooks is also an honorary Rotarian and attends Sonrise Christian Fellowship. Bob and Debbie have been married 36 years and have two grown sons. In keeping with Bob's example of serving his community, Jeff is employed by the Ventura Police Department and Brian by the County of Ventura.

"Touching Lives, Creating Peaceful Communities." That's Bob Brooks. Mr. Speaker, I ask my colleagues to join me in congratulating Ventura County Sheriff Bob Brooks on this most deserved honor.

TRIBUTE TO JOHN B. DEAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge John B. Dean, Chief of Police of the Waterford Police Department, upon his retirement from a distinguished career in public service.

From a young age, Chief Dean dedicated his life to protecting the citizens of Michigan. At age 15, he enrolled as a cadet in the Waterford Police Department before enlisting in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the United States Marine Corps. Following his military service, Chief Dean first joined the Detroit Police Department before returning to Waterford in 1975, where he continued his career in law enforcement. Over the next three decades, Chief Dean advanced through the ranks of the Waterford Police Department, eventually serving as a Patrol Officer, Undercover Officer, Patrol Sergeant, Detective Sergeant, Youth Liaison Officer, Patrol Lieutenant, and Detective Bureau Commander. In January of 2000, he was promoted to Chief of Police.

A Central Michigan University alumnus and graduate of the F.B.I. National Academy, Chief Dean also served on the Police and Fire Pension Board of Waterford Township, Board of Directors of the Boy Scouts of America, Board of Directors of the Oakland County Chiefs of Police, the State Police Advisory Board, and as Treasurer of the Michigan Association of Public Employee Retirement Systems. For his tireless service to the community, Chief Dean has been recognized with the Officer of the Year Award; the Medal for Bravery; the Meritorious Service Award; and was named Waterford Employee of the Year.

Mr. Speaker, for 31 years, Chief John B. Dean has unwaveringly upheld his oath to protect and defend the citizens of Michigan. As he enters the next phase of his life, he leaves behind a legacy of dedication, honor, and courage. Today, I ask my colleagues to join me in congratulating Chief Dean upon his retirement and recognizing his years of loyal service to our community and our country.

TRIBUTE TO GERALDINE BARNES

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Geraldine Barnes, a tireless activist in the West Tampa community, who lost her battle with colon cancer last month.

A Middleton High School and Hillsborough Community College graduate, Geraldine dedicated her life to helping improve her community. She worked for Hillsborough County as a community organization specialist for 36 years, served on the Tampa Housing Authority board for more than a decade, helped initiate the West Tampa Community Development Corp. to drive the rehabilitation of West Tampa, and worked at the West Tampa Neighborhood Service Center, providing services to low-income residents.

Young or old, Geraldine served anyone in need, always with a focus on strengthening her community, improving opportunities for its residents and giving the people of West Tampa a voice. Even throughout her struggle with cancer, Geraldine continued to volunteer her time and her strength.

We all owe a debt of gratitude to Geraldine Barnes, not only for her tireless efforts on our behalf, but also for the example she has set for all of us to follow. On behalf of the Tampa Bay community, I extend my deepest sympathies to Geraldine's family.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. MOORE of Kansas. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 219th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vitafoundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on September 7, 2006:

H. Res. 981, Providing for the consideration of the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption (rollcall vote 430). Had I been present, I would have voted "aye."

On Agreeing to the Goodlatte of Virginia Amendment to H.R. 503 (rollcall vote 431). Had I been present, I would have voted "nay."

On Agreeing to the King of Iowa Amendment to H.R. 503 (rollcall vote 432). Had I been present, I would have voted "nay."

H.R. 503, On Passage of the Horse Protection Act (rollcall vote 433). Had I been present, I would have voted "aye."

H.R. 5122, On Motion to Instruct Conferees on the National Defense Authorization Act for Fiscal Year 2007 (rollcall vote 434). Had I been present, I would have voted "nay."

H.R. 5122, On Closing Portions of the Conference P National Defense Authorization Act for Fiscal Year 2007 (rollcall vote 435). Had I been present, I would have voted "aye."

TRIBUTE TO JUSTO "BILL" NORIEGA

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Justo "Bill" Noriega, of Brandon, Florida, a pharmacist and family businessman who dedicated his life to helping his customers and his community.

Born in Ybor City, Bill earned his pharmacy degree at the University of Florida, graduating with high honors. Bill set up shop in the heart of Brandon, founding Bill's Prescription Center 50 years ago and working there until his cancer forced him to stay home.

Even in the face of growing competition, Bill's Prescription Center continues to be one of Brandon's longest-operating family businesses because of Bill's dedication to his customers. Bill took time with everyone who walked through his door—carefully listening to their concerns and patiently answering their questions—and he was known for helping patients who were unable to pay for their prescriptions. Always a servant to the community, Bill made sure his business continued delivering medicines to homebound customers, and his generosity extended beyond the pharmacy doors through his support of numerous community organizations.

On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathies to the Noriega family. Bill was a role model for all of us, and I know that under his son John's watch, Bill's legacy of service will continue at Bill's Prescription Center.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Tuesday, September 12, 2006, the House had a vote on rollcall 437, H. Res. 175, recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001. I would have voted "yea."

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GRAVES. Mr. Speaker, on Thursday, July 13, 2006, I had to tend to some family matters and thus missed rollcall votes Nos. 370, 371, 372, 373 and 374. Had I been present, I would have voted "yea" on all votes.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes 436 and 437. Had I been present, I would have voted "yea" on votes: roll No. 436 and roll No. 437.

IN HONOR OF SANTA CRUZ COUNTY DOMINICAN HOSPITAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Dominican Hospital on 65 years of high quality, passionate, and kindhearted healthcare in Santa Cruz County. Created by six Dominican Sisters from Adrian, Michigan, the Catholic hospital was duly named "Sisters Hospital." Today, the hospital continues to approach the healthcare needs of the region by partnering faith with scientific innovations.

Since its inception in 1941, "Dominican Santa Cruz Hospital" has consistently delivered comprehensive and modern medical care for the county. Part of the compassionate mission of Dominican Hospital is to "improve the health of the people of the greater Santa Cruz area, without distinguishing by race, creed, or source of payment . . ." The hospital is known for partnering with other healthcare providers in order to improve the quality of life for those who are less fortunate.

In 1951, "Sisters Hospital" became aware of the ever growing needs within the community for a comprehensive healthcare institution. Due to this realization, the hospital decided to expand its services and obtain a new location. The hospital acquired its Soquel Avenue location and renamed itself, Dominican Santa Cruz Hospital.

In 1984, Dominican Santa Cruz Hospital, in a partnership with the County of Santa Cruz, agreed to provide the first inpatient mental health services program in the county. This was in response to the ever growing needs the hospital saw emerging within the community. Dominican Hospital, time and time again, proves its love for the community by constantly evaluating and reacting to the needs of the people, and I am very grateful to them.

The hospital again expanded its services in 1988. It introduced the county to its first cardiac program. It also created Dominican Oaks, an assisted and independent living community, providing 206 residents with comprehensive medical support. Dominican also joined forces with Catholic Healthcare West, a hospital system of similar values and visions with locations throughout California, Arizona, and Nevada.

Dominican Hospital now serves about 150,000 patients annually, has birthed over 75,000 children, and currently counts 379 beds on two campuses. The medical specialties available at the hospital are numerous. They include, but are not limited to, complete Emergency Services, a renowned Intensive Care Service, the only Level 2 and Level 3 Neonatal Intensive Care Nursery in the county, Behavioral Health Services, and an array of outreach services, and educational options focusing on community needs and healtb prevention.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, during an absence yesterday, I regrettably missed rollcall votes 436–437. Had I been present, I would have voted in the following manner: rollcall No. 436: "yea" and rollcall No. 437: "yea."

TRIBUTE TO ROBERT L. COLE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. LEVIN. Mr. Speaker, I rise today to honor the career of Robert L. Cole upon his retirement as the president of Peoples State Bank located in Madison Heights, Michigan.

Bob Cole has served as president of the Peoples State Bank for 10 years during which time this community bank grew from $202 million in assets and 5 branches into a vibrant financial institution with $500 million in assets and 12 branches in the southeast Michigan area.

Under Mr. Cole's leadership, the bank has played a major role in the local community. When a fire destroyed the municipal garage of Madison Heights in 2003, the bank donated $5,000 for a portion of the destroyed equipment. The bank extended loans to non-profit organizations in the Detroit area assisting young people to obtain marketable work skills, provided loans to a non-profit community organization for building improvements to its Head Start program as well as donated over $100,000 to various organizations that support affordable housing, low-income health care, food banks, homeless shelters, and small business development centers.

Bob Cole's career tracks the development of community banking in Michigan. Born in Howell, Michigan, and raised on a family farm, he graduated from Western Michigan and went to work as a banker in Fenton. In 1974, he became president of the First National Bank of Fenton. In 1987, he became president of the State Bank of Fenton and took it from $62 million in assets to $225 million. In 1996, he joined Peoples State Bank as president and CEO. In that role he modernized the institution, grew the bank into new communities, at the same time deepening the commitment of Peoples to serve the ethnic and small business markets of the Detroit Metropolitan area.

Bob Cole was attracted to community banking because of his strong sense of community. His involvement includes: past president of the Fenton Chamber of Commerce, Kiwanis, board of governors of the Fenton Community Center, Fenton Community Foundation, Madison Heights and Hazel Park Chambers of Commerce, past president and board member of the Michigan County Bankers, member of the Michigan Association of Community Bankers, and the Michigan Bankers Association. He is a recipient of the City of Fenton "Man of the Year" award.

Mr. Speaker, the residents of the 12th Congressional District have benefited from the leadership of Bob Cole in the field of community banking and I rise to pay tribute to his career and wish him good health and much happiness in his retirement.

HONORING FATHER JOSEPH WEITENSTEINER

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize Father Joseph Weitensteiner in honor of his retirement after almost 50 years of service to the Morning Star Boys Ranch. Through his dedication to the Morning Star Boys Ranch, and the greater Spokane community, nearly 1,300 boys have benefited from the care and oversight he has given them through the services offered by the ranch.

Father Weitensteiner's career began in 1957 when he became the ranch's first counselor. After completing studies for the priesthood, Father Joe was ordained on May 14, 1966, and was soon named Morning Star director. As director of the Morning Star Boys Ranch, many recognized Father Joe as the reason why the ranch has earned an excellent reputation for turning around the lives of hundreds of young men.

Throughout his five decades of service, Father Joe has not only been recognized for his leadership by his colleagues and Morning Star alumni, but has also been honored by numerous civic, educational, legal, and child care entities.

Mr. Speaker, I rise today to acknowledge Father Joseph Weitensteiner for his leadership in our community and to thank him for the significant role he has played in mentoring and leading the many young men who have lived at the Morning Star Boys Ranch. I invite my colleagues to join me in congratulating Father Joe as he celebrates nearly 50 years of exceptional service to our community.

HONORING JEFFREY MESTON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with pleasure today to honor Jeffrey Meston, one of our community's heroes. He is retiring as Chief of the Fire District in Novato, California, where his service to both the department and community has been an inspiration to all who worked with him.

Jeff started his career in 1976, working 10 years in Corte Madera and 20 in Novato. He became Chief of the Novato Fire District in 1999. His commitment to the community, to professional excellence, and to all firefighters is evident in his work. Locally, he has been president of the Marin County Fire Chief's Association and the Rotary Club of Ignacio as well as Treasurer of the Novato Chamber of Commerce. On the State level he serves as the chair of the Legislative Task Force and an Area Director for the Fire Districts Association of California and the Training Section Chief for the California Fire Chiefs Association. He is also nationally recognized as a course developer and speaker.

If you could hear him speak, as I have, you would understand why he is in high demand. In November, 2003, Jeff organized a moving memorial service for one of his own, Steve Rucker, a Novato firefighter killed battling wildfires in Southern California. He then related how he had taken Steve under his wing and added, "Steve was probably the most genuine, decent and straightforward human being I've ever known. There were never any hidden agendas with Steve—qualities which made him easy to tease, but easy to love like a brother . . . I never knew anyone who wanted to be a firefighter as much as Steve. Steve lived and breathed his dream."

After Rucker's death, which may have been caused by lack of communication with State firefighters, Jeff advocated for better systems to prevent such tragedies in the future. "Rarely a day goes by when we don't think of him (Steve)," he says.

One of Jeff's proudest accomplishments is the development of a new operating culture called "Novato Way" which asks district personnel to go out of their way to provide superior customer service, from rescuing cats to passing the hat for a resident in need of a boost. The department gives back to the community in many ways and enjoys broad support in return.

Jeff holds a Masters Degree in Public Administration, is a State Certified Fire Chief, and has completed his Chief Fire Officer Designation by the International Association of Fire Chiefs. He also helped Fireman's Fund Insurance Company craft its Fireman's Fund Heritage program which awards millions of dollars in grants to fire departments and fire and burn prevention organizations across the country each year. Jeff continues his involvement, serving on the Heritage Advisory Committee, along with other national leaders in the fire service, to provide strategic guidance for the program.

Mr. Speaker, Jeff Meston says he plans to travel in retirement—and write a fire science textbook. His experience will make the textbook an important resource, and his deep appreciation for the job our firefighters do will make it invaluable. Jeff is definitely one of my heroes.

INTRODUCING A CONCURRENT RESOLUTION RECOGNIZING THE INDEPENDENCE OF THE COURTS OF THE UNITED STATES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. STARK. Mr. Speaker, I am proud to introduce a Concurrent Resolution recognizing the independence of the courts of the United States, which I authored in response to recent "court-stripping" bills such as the Pledge Protection Act and the Marriage Protection Act of 2004. These bills threaten the foundation of American government by stifling productive discussion of social issues and undermining our system of checks and balances.

As explained in the resolution, the function of the Judiciary is to review the constitutionality of laws. It is thus undemocratic and blatantly partisan to use a procedural trick to protect certain legislation from being questioned in court. Not only does this indirectly violate the Constitution by devaluing the Judicial Branch, it also renders the entire document meaningless since constitutionality is no longer a standard by which all laws must be judged.

Moreover, as courts become functionally irrelevant when faced with certain Acts of Congress, minorities have no recourse and cannot challenge oppressive laws. The view endorsed by "court-stripping"—that a legislative vote constitutes the whole of American democracy—is myopic because it ignores that the Constitution guarantees certain rights to all, regardless of the whims of the majority. These rights must be protected by the Judiciary. I am sure my colleagues agree with me that the popular choice is not always the right one, and that a Congressional majority is not the arbiter of universal truth.

Discrepancies between Acts of Congress and the Constitution can always exist, so a body is necessary to adjudicate conflicts between the two sets of laws. Because courts fill this vital role and maintain American democracy, I strongly urge all of my colleagues to support this important legislation.

TRIBUTE TO RABBI SOLOMON SCHIFF OF MIAMI

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Rabbi Solomon Schiff who, after more than 40 years of public service, interfaith cooperation and community achievement will be retiring from his leadership positions with the Greater Miami Jewish Federation.

By any standard, Rabbi Schiff has had a remarkable career. He has served as Executive Vice President of the Rabbinical Association of Greater Miami for 42 years and as Director of Chaplaincy for the Greater Miami Jewish Federation.

He has served as Chairman of the Dade County Community Relations Board, as President of the National Association of Jewish Chaplains and as Director of Chaplaincy for Mount Sinai Medical Center.

Throughout his career, Rabbi Schiff has been honored for his dedication and community leadership. He has been awarded the Distinguished Community Leadership Service Award from the National Conference of Community and Justice and the Peacemaker Award from St. Thomas University. Rabbi Schiff received these awards for his efforts to develop an open dialogue between the Christian and Jewish communities in the Miami area. Rabbi Schiff was recognized as the "2005 Man of the Year" by the Men's Club of Douglas Gardens and has received a Special Recognition from the Founders of the Miami Jewish Home and Hospital for the Aged at Douglas Gardens.

Rabbi Schiff also has made great contributions to the community through his service. He was appointed by President George H.W. Bush in 1992 to serve on the "We Will Rebuild Committee." This committee helped restore the areas in South Florida that were severely damaged by Hurricane Andrew. Lawton Chiles, the late Governor of Florida, appointed Rabbi Schiff to serve on a task force to study the problem of homelessness in Miami. Thanks to that task force, two new homeless assistance centers were created in Miami-Dade County. More recently, Florida Governor Jeb Bush appointed him to the Governor's Faith-Based Advisory Board.

Rabbi Schiff also has served as a guest chaplain for the United States Senate in July of 1999 and for the United States House of Representatives on several occasions.

We pay tribute to him for his service and thank his wife, Shirley, his three grown sons, Elliot, Jeffrey and Steven, and their seven grandchildren for sharing him with a grateful community. Mr. Speaker, Rabbi Schiff has set a high standard of service for us all. I wish him happiness and success in the future.

TRIBUTE TO WILLIAM OSKAR GOGGINS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor William Oskar Goggins for the kindness and influence he showed the world during his 43 years here.

Billy was born at St Mary's Hospital in San Francisco, CA on Sunday, May 10, 1963—on Mother's Day. He was the first child of Patrick & Ute Goggins, both very well-known and respected individuals in the Bay Area and beyond.

From the hospital he was carried right into a civil rights demonstration in Golden Gate Park. Billy took his first trip to Ireland at 4 years old to meet his family relatives in the west of Ireland in County Mayo. Annual family trips by car to Montana & Dakota included reunions in the Bear's Paw Mountains, hi-balling on the Iron Road, the old Great Northern Railway and running brave with Chippewa, Cree, Blackfoot and Sioux Indian friends. The Goggins' adventured on two-month road trips to Baja and the Pacific Coast of Mexico where mother Ute painted, and sisters Cathy & Aimee followed in Bill's energetic footsteps. Billy toiled in family vineyards in Germany with equally embracing relatives. These things were the soul of his education.

Over the years Bill played soccer, drew cartoons, tutored younger students from Mill Valley and Marin City, played volleyball at Stinson Beach, surfed in Bolinas, and much much more. He graduated from Tamalpais High School as a National Merit Scholar and Salutatorian.

Summer jobs were at Bancroft-Whitney legal publishers, San Francisco and Wausau Paper Mill, Wisconsin. He worked at numerous restaurants including the Book Depot Cafe and Avenue Grill in Mill Valley, and Embarko in San Francisco. He also volunteered at St. Anthony Dining Room in the Tenderloin, providing free meals for the homeless.

Bill attended Georgetown University School of Foreign Service and San Francisco State University, Departments of Communication and Philosophy. He began his vital journalism career with Frisko Kids, KALW radio, and then moved on to the old SF Weekly.

Former SF Weekly editor and colleague Andrew O'Hehir remembers, "Of course he worked harder than anyone and became essential, and in three years moved from all-purpose intern to copy editor to running the Arts & Entertainment section. I can't remember exactly when he became the go-to guy for headline copy, but I'd say that by the time he'd been there a year, he was writing half the heads in the paper."

Bill thrived at Wired for 10 years. He started as a freelance copy editor and rose to become deputy editor. Bill served as a special link between the digital industry's pace-setting magazine in the center of San Francisco's media gulch and an eager, educated national and international readership. His colleagues admired him tremendously.

"Bill was that rarest of things: a true original," says Chris Anderson, the magazine's editor in chief. "He was brilliant, witty and culturally omnivorous, all of which combined in his signature headlines. They usually worked on at least three levels of meaning, from some remixed cultural reference to at least one pun. In many ways his winking style and clever turns of phrase became Wired house style for nearly a decade, and to look at our covers and headlines over those years is to hear Bill's voice again."

Bill's voice also made its mark through the alternative dot-com generation's website Suck.com where he wrote under the name 'Bartelby'. Bill recently enjoyed writing and editing with the new magazine Todo, and they remember him not just as a logophile, a wordsmith, a gifted editor, a true friend; but also as "one who tirelessly pursues perfection, fraternity and goodness."

A real linguist (German, Spanish and Bill-English) and traveler—Bill visited Tunisia, the Philippines, Bahamas, Mexico, Canada, and all over the United States and Europe. He was a dual citizen of the U.S. and Ireland. Bill was a citizen of the world.

Bill was a San Franciscan through and through. He openly embraced and explored all of the city's neighborhoods. He was an avid supporter of the arts, with active memberships to many museums and regular attendance at the symphony, opera, ballet, varied theatres and clubs.

Bill participated with his family and compatriots in the antiwar demonstrations from the Vietnam era to Iraq of today.

My daughter, Amy Critchett, had the good fortune to be a friend with and to work with Bill at Wired for many years. "Bill Goggins made work seem like work—because it was and he was so incredibly good at what he did—but with him around there was always a twist of irony and a splash of curly-haired, smiling-cheeked sunshine not far away," according to Amy. "Get ready to laugh all you up there."

Bill inexplicably collapsed and passed away suddenly during mile 24 of the San Francisco Marathon Benefit for Cancer on Sunday, July 30, 2006. He was in fit condition and many knew him as a wonderful, companionable runner, reconciled, strong and happy.

An outpouring of hundreds from around the globe, representing family, friends, colleagues, public officials on local, state and national levels, ambassadors, the Irish and British governments, the Democratic party, and diverse cultural non-profit organizations attended a memorial mass held at our Lady of Mount Carmel Church and a life celebration at the Outdoor Art Club in Mill Valley on August 4, 2006. Billy was a deeply-loved member of a very close family. He supported all of them individually and together—helping hang his mother Ute's art shows, assisting his father Pat with community outreach via organizations such as the Irish Forum, Irish Mexican Association, and Irish Literary and Historical Society to name a few, being the proud uncle to sister Cathy's two children, Lina Rose and Dominic Chester, and showing up for sister Aimee's various work events or helping edit her writing.

Bill believed in justice, peace and humanity. He connected with people everywhere he went. No one and nothing escaped his keen eye and warm words. His sense of community was broad and all-encompassing. Bill was a man of grace. He chipped in for everyone.

He had old-fashioned manners, was a staunch listener and he gave of himself enormously. His roughish grin, sparkle in his eye and love of discussion and opinion will live on with us forever.

Mr. Speaker, Bill had enormous integrity and loyalty, and taught us all how to be total human beings. To be fearless, to be bold, to be true to yourself. To be both gracious and outspoken. To pursue what matters in life and cherish each other. Bill knew all of these things and helped us be them too. Bill lived his life and made all of us proud. He will be deeply missed by many.

INTRODUCING THE REMOTE MONITORING ACCESS ACT OF 2006

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. PICKERING. Mr. Speaker, we in this country, unfortunately, don't always do what's good for us. The benefits of a regular check up are well known, but for one reason or another millions of Americans will only visit their physician when they think something is serious enough that they feel they have no choice.

I can only imagine how the reluctance to visit a doctor is exacerbated for the millions of people in the United States with chronic conditions—such as diabetes, congestive heart failure and arrhythmia—who need to see their physicians on a regular basis. The situation is even worse for seniors who have difficulties moving around or lack the means or resources to make frequent trips to the doctor.

Government statistics show that maintaining mobility is a serious challenge for many seniors: Over 20 percent of people 65 and older have difficulty going outside the home; approximately 17 percent of men and 28 percent of women find it very difficult or are unable to walk just three city blocks; every 10 years after reaching the age of 65 the odds of losing mobility double.

People who live in rural areas can face serious health care consequences because of the lack of easily accessible services. One out of every five Americans lives in rural areas; however, only one out of every 10 physicians practices in rural areas. Forty percent of our rural population lives in a medically underserved area, with access to care an average of 30 miles away.

I'm proud to stand here as a lead sponsor of the Remote Monitoring Access Act of 2006 because I believe this legislation will promote technologies that have the potential to transform how health care providers and their patients—particularly seniors with chronic conditions—communicate and manage their conditions.

Remote monitoring technologies collect, analyze and transmit vital patient information to health care providers hundreds of miles away, allowing physicians to manage a patient's condition in a more consistent and real-time fashion. This technology can not only improve the quality of care given to patients, it also reduces the need for frequent visits to the doctor's office, costly emergency room visits, and unnecessary hospitalizations.

Remote monitoring technologies allow patients to be in constant contact with their doctors without leaving the comfort of their homes. For seniors who find travel difficult or hard to afford, this will provide welcome relief. Beyond improving quality of life, remote monitoring technologies also improve quality of care, as physicians will be able to more closely monitor their patients and, by receiving more up-to-date information, detect and treat their patients' conditions earlier.

Remote monitoring technologies will bring 21st century health care to every individual regardless of their location, mobility, or age. The expertise of physicians and specialists and the resources of health care institutions will no longer be limited by geographic location but can be harnessed to help many more patients.

Currently, Medicare payments are primarily provided for face-to-face meetings between physicians and patients. The current system offers no incentives for physicians to adopt remote monitoring technologies even though they may provide better clinical information and save physicians time.

In addition, the payments often do not pay for the clinician time involved in non-face-to-face interactions that are necessary for interpreting and responding to data received via remote monitoring technologies.

Consequently, the Medicare payments may not adequately reflect the value of patient management services involving remote monitoring technologies.

The Remote Monitoring Access Act of 2006 will fix this gap in the Medicare payment system. This bipartisan legislation would provide reimbursement under the Medicare physician fee schedule for remote patient management services used to manage specific medical conditions such as diabetes, cardiac arrhythmia, congestive heart failure and sleep apnea, as well any other condition the Secretary of Health and Human Services determines appropriate.

This bill also requires the HHS Secretary to develop standards of care and quality for the remote management services provided for each medical condition covered.

Cardiac arrhythmia, or abnormal heart rhythm, is just one of the chronic conditions that can be better managed through remote monitoring technologies. Cardiac arrhythmias affect more than five million people nationwide, and result in more than 1.2 million hospitalizations and 400,000 deaths each year in the United States atrial fibrillation, the most common form of cardiac arrhythmia, is also a leading indicator of stroke, with about 15 percent (or 105,000) of strokes occurring in people with atrial fibrillation.

The Remote Patient Monitoring Act will promote greater adoption and use of remote monitoring technologies so that patients suffering from cardiac arrhythmias, with their physicians, will be able to better manage this chronic condition.

I would like to thank my colleagues, Representative ESHOO, Representative HAYWORTH, and Representative TANNER, for joining with me to support this important legislation. I look forward to working with other Members of the House to ensure passage of this measure which will help millions of patients in the United States have better access to the latest medical technology and information.

REMEMBERING THE HEROES OF 9-11

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. PLATTS. Mr. Speaker, September 11, 2001 remains a day of both indescribable tragedy and awe-inspiring heroism in our Nation's mind. We mourn for the victims of the terrorist attacks that day, and keep their families in our prayers. But we also remember the heroism displayed by so many.

No one will forget, not ever, the courage seen on 9-11. Courage seen in the actions of firefighters and police officers, Pentagon employees, and everyday citizens. Courage seen by the choices these heroes made—to rush to the aid of others, to enter into burning buildings, to resist the hijackers of Flight 93. Many who work in the Capitol Building, both Members of Congress and staff, remember well that this symbol of democracy was most likely a target too—a target avoided only because of the heroes of Flight 93. We owe these heroes more than words can provide. We owe all these heroes more than words can provide.

We are fortunate that five years have passed without another terrorist strike on our own soil. We owe this to all those on the front lines of the War on Terror—in the military, law enforcement, and intelligence agencies. We should remember them, and their service, on this day too. We should ensure they are well-equipped, have the tools needed for their mission, and are properly recognized. They stand on the line for us—on behalf of life and hope, against an ideology that embraces death and hate.

The heroism of 9-11 is now part of what Lincoln called "the mystic chords of memory." As time passes, the partisan disagreements of our day will fade into obscurity. But the heroism seen on 9-11 will not. Future generations of Americans, committed to the promise of a better world, united by the sacrifices of previous generations, will remember the heroes of September 11.

TRIBUTE TO DR. J. KENT MARLOR OF REXBURG, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to Dr. J. Kent Marlor of Rexburg, Idaho. On August 24, 2006, Dr. Marlor retired from a 43-year career as a professor of Political Science at Ricks College and later Brigham Young University—Idaho.

Throughout his career, Dr. Marlor has proven himself to be a significant member of the academic community. His contributions have included detailed and important research and publications regarding the government's role in wildlife and public land management. Just as important as his intellectual contributions, Dr. Marlor has greatly contributed to the future of his students. He has been an advisor, guide, and most importantly a friend to countless students pursuing their educations. Due to Dr. Marlor's tireless concern for his students' wellbeing, many of them have gone on to a variety of successful careers in government, law, and education. In fact, several of his former students have been employed here on Capitol Hill and in other branches and departments of the government.

Dr. Marlor has positively contributed to the youth of Idaho not only through his teaching career, but also through his dedicated service in the Boy Scouts of America. For twenty-five years Dr. Marlor, an Eagle Scout himself, has selflessly served as a scoutmaster and on several scouting committees. For his devoted service, he has been awarded the prestigious Silver Beaver Award by the Boy Scouts of America.

Dr. Marlor's contributions have extended to Idaho's great natural environment as well. He has been a lifelong outdoor enthusiast and for many years has selflessly donated his time and efforts to conservation and wildlife management in Idaho. Dr. Marlor has served as a chairman on the Idaho Wildlife Council, the Idaho Fish and Game Advisory Committee, and he is currently the president of the Idaho Wildlife Federation. Due to his leadership in this field, Idahoans for generations to come can be ensured a continuation of Idaho's rugged outdoor legacy.

Mr. Speaker, I am proud to have such a distinguished and dedicated constituent residing within Idaho's 2nd Congressional District. It is dedicated educators and volunteers like Dr. Marlor that ensure the continued success of our great nation. His contributions have been immeasurable. Men like Dr. Marlor rarely rest, and I am certain he will continue to positively contribute to Idaho and the Nation in his retirement.

WELCOME TO PRESIDENT ROH MOO-HYUN OF THE REPUBLIC OF KOREA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. HYDE. Mr. Speaker, as you are aware, President Roh Moo-hyun of the Republic of Korea is scheduled to visit the United States from September 12-15, 2006, for a summit meeting with President George W. Bush. After meetings in Washington with President Bush and Members of the Congressional Leadership, President Roh will travel to San Francisco.

Mr. Speaker, recently I had the privilege of visiting South Korea and meeting with President Roh and other Korean officials, as well as with U.S. soldiers and members of the diplomatic community. The Korean people treated us with a warmth and hospitality, for which I am deeply grateful.

While in South Korea, I had an opportunity to lay a wreath in tribute to GEN Douglas MacArthur at his statue at Incheon harbor. The statue was erected by the citizens of the city of Incheon to commemorate the General's vital leadership during the Korean war, including his implementation of the daring landing at Incheon in the darkest days of the Korean war. In his farewell address before this Congress in 1951, General MacArthur said:

"Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery."

Korea and the United States have been allies and friends for more than half a century. Our economic ties are strong. With a per capita income of $14,162, South Korea is the world's eleventh-largest economy and the seventh largest trading partner of the United States, with a trade volume amounting to over $72 billion each year. The United States and South Korea are currently engaged in negotiations that will lead to a U.S.-Korea Free Trade Agreement, which will further solidify and expand U.S.-Korean economic ties.

With a population of well over 1 million, the Korean-American community has become, in the past century, a vital and important part of the American mosaic. The greater Los Angeles area, with its vibrant Korean-American community, is now one of the world's centers of Korean culture. But Korean-Americans are not only found in California. From Hawaii, east to New York, and from Alaska down to Florida, Korean-Americans are making a critical contribution to the United States in such diverse fields as medicine, education, science, engineering, martial arts, small business enterprises, entrepreneurship, music and the fine arts. America has been enriched by the Korean-American community's many contributions, and its existence has bonded us even closer to the Korean peninsula across the Pacific.

It should come as no surprise, then, that the United States is also a popular destination for travelers from South Korea, whether they are coming here to visit their family members who have become part of the American community, attending U.S. colleges and universities, or meeting with business colleagues in the pursuit of greater trade and investment.

The U.S. consular section at our Embassy in Seoul is the busiest non-immigrant visa issuing post in the world, processing between 1,800 and 2,000 visa applications each day. It is clear that South Koreans want to visit the United States, and they have good reasons for doing so.

There are currently efforts underway to bring South Korea under the umbrella of the U.S. Visa Waiver Program, which already applies to 27 other countries, including the United Kingdom, France, Canada, and Japan. This program, established in 1986 with the objective of promoting better relations with U.S. allies, also eliminates unnecessary barriers to travel, stimulates the tourism industry, and permits the U.S. Department of State to focus consular resources in other areas.

The South Korean government has made it clear that it intends to meet all of the statutory and regulatory requirements of the Visa Waiver Program. Seoul is working with the Departments of Homeland Security, Justice, and State in a diligent fashion to make sure that relevant South Korean governmental agencies have implemented the most up-to-date passport controls, using biometric and other technologies to prevent fraud and abuse. Mr. Speaker, I am almost certain that the Republic of Korea's entry into the Visa Waiver Program will be one of the topics discussed by President Roh and President Bush during their summit meeting this month.

There are, of course, other issues that certainly will be discussed at the White House by President Bush and President Roh, including the free trade negotiations, North Korean nuclear weapons development, and South Korea's active participation in the global War on Terrorism and its contributions to the war effort in Iraq. The United States and South Korea have enjoyed a long and productive alliance, which, based on blood ties forged in the Korean War, will deepen into the indefinite future.

The frequent meetings of U.S. and Korean leaders are a clear manifestation of the close relationship shared by our two countries. Therefore, Mr. Speaker, let me take this opportunity to welcome the President of the Republic of Korea, Roh Moo-hyun, to the United States as he visits Washington, D.C. and the Golden State of California. I invite all Members of the House to join me in offering President Roh our best wishes and hospitality as he visits our Nation's Capital.

CONGRATULATING THE ST. PAUL PUBLIC SCHOOLS ON THEIR 150TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, today I rise to congratulate the St. Paul Public Schools on their 150th anniversary. On the first day of this school year, more than 41,000 kindergarten through 12th graders entered one of the doors of the more than 70 schools staffed by more than 6,500 teachers and personnel in the St. Paul Public Schools. This school year marks 150 years of the district's commitment to educating the families of St. Paul and creating public spaces for civic and community engagement.

St. Paul Public Schools have a proud history. Harriet Bishop, originally a teacher in Vermont, traveled to St. Paul in the late 1840s and is credited with starting the first public school in St. Paul. It was in 1856 that a school district was formed in St. Paul in order to attract settlers and to educate the frontier children. Even before Minnesota was admitted into the Union as a State, the people understood the importance of education.

Over the past 150 years, the St. Paul Public Schools have created a "world of opportunities" for their students, teachers, staff, and community members. And the world has also come to St. Paul Public Schools. More than 80 native languages are spoken in its classrooms. And each year, St. Paul elementary, middle, and high schools welcome a more diverse student body. And, this school year, the St. Paul Public Schools' Language Academies will teach English to 1,650 new Americans.

As good stewards of public resources, St. Paul Public Schools are an integral part of our neighborhoods. They provide safe spaces for our children and youth to grow and learn where teachers and staff offer an enriched environment for students to develop into healthy, contributing adults. St. Paul Public Schools also provide the needed public community spaces to support a strong and engaged citizenry that is needed to support a strong democracy.

In honor of the students, parents, families, and St. Paul Public Schools teachers and staff, I submit this statement for the official CONGRESSIONAL RECORD. I look forward to continued celebrations of success and milestones in the education of the people of St. Paul.

A SPECIAL RECOGNITION TO THE MEN AND WOMEN OF BACHMAN'S BATTERY VETERAN'S FUNERAL DETAIL VOLUNTEERS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I rise to pay tribute to a group of South Carolinians who, for 10 years, have provided burial honors details through the South Carolina Military Department's Caisson Detachment for those killed in the line of duty, whether a member of the police, military, or civil service. How blessed our State and community are to have Steve Riggs, its founder, Jim Kenney, and their Bachman's Battery volunteers, gathered from far and wide, to provide this special service. For those who may not be familiar with the detachment's namesake, Bachman's Battery, in the War Between the States, Captain William K. Bachman commanded South Carolina's German Artillery, Battery B, part of the incomparable Hampton Legion. It came to be known as Bachman's Battery. Captain Bachman was the son of the prominent pastor of Charleston's St John's Lutheran Church, Dr. John Bachman. The Rev. Dr. Bachman, born in New York, was also a scientist and an associate of naturalist John James Audubon. His sisters were both married to Audubon's sons and his father has several species of birds named for him. To all of the Bachman Battery volunteers, thank you for your continued service in final tribute to the families of those who served.

Bachman's Battery—Veterans' Funeral Detail Volunteers List: Stephen R. Riggs, Eric Klatt, John Shuler, James A. Kenney, Lindsey E. Riggs, James Andrews, Archie D. Willis III, Theodore Phillips, Mark Shambley, Keith Purdy, Jay Ford, Mark D. Herron,

Jim Shelby, Jr., David M. Riggs, A.C. Fiveashe, W. Thomas Shealy, Kevin Shiflet, E.G. Sturgis, Michael Lussier, James J. Walker, Jr., John T. McNeill, Stephen M. Riggs, Richard Hippey.

TRIBUTE TO MONROE SWEETLAND

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to honor a great man, Monroe Sweetland. A political renaissance man who positively affected the lives of generations of Oregon students through his commitment to higher education.

A native of Salem, Oregon, Mr. Sweetland was a walking history book of Oregon and national politics. A former Oregon legislator, newspaper publisher, and education advocate, he counted among his friends many illustrious members of the national Democratic Party, including Eleanor Roosevelt, Harry Truman, John F. Kennedy, and Hubert Humphrey.

Despite the accolades and attention, Mr. Sweetland always considered the work that he did in the field of education to be his most important.

Through his efforts Portland State University was transformed from a struggling city college into a full-fledged urban university, thereby giving countless students the opportunity to study at a first-class institution.

In the mid 1960s Mr. Sweetland's career shifted beyond Oregon and he became the National Education Association's political director for 13 western States. It was in this capacity that he initiated what became the Bilingual Education Act of 1968, which provided Federal money to encourage school districts to try approaches such as teaching English as a second language.

His work at the NEA merely exemplified the compassion that he felt for all people, regardless of skin color. He was a vocal critic of the internment of Japanese Americans during World War II and is credited with helping build support for a civil rights bill passed by the Oregon Legislature in 1953, after 17 civil rights bills had been unsuccessful.

I know that I am joined by my fellow Oregonians, and many others across the country, when I express my deepest condolences to Monroe Sweetland's family for their loss.

Oregon has lost one of its greatest citizens, a person whose influence will continue to be felt for years to come, and we, as a State, are greater for his presence and lesser for his passing.

ADMINISTRATION STEM CELL VETO: "ASSAULT ON SCIENCE"

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to bring my colleagues' attention to the editorial entitled "Assault on Science," which was published on July 21, 2006 in the Baytown Sun. The editorial, which calls the President's veto of legislation to expand Federal embryonic stem cell research "a blow against scientific progress and human health," mirrors the views of more than 70 percent of the American public who support expanded embryonic stem cell research. I encourage each of my colleagues to read this well-written piece and ask unanimous consent that a copy of it be placed in the RECORD.

> [From the Baytown Sun, July 21, 2006]
>
> ASSAULT ON SCIENCE
>
> (By David Bloom)
>
> President Bush used his first veto Wednesday to block a bill that would have lifted some federal restrictions on funding for stem cell research that most Americans support.
>
> In vetoing the bill, Bush made good on a promise he made in 2001 to limit federally funded embryonic research to the stem cell lines that had been created by the time. He also landed quite a blow against scientific progress and human health.
>
> Bush and other opponents of embryonic stem cell research claim that their position is rooted in a respect for human life. They say that the embryos destroyed in the process of extracting stem cells are human beings with a right to life.
>
> In truth, clinics destroy thousands upon thousands of embryos every year, the leftovers of the in-vitro fertilization process. The bill would have allowed federal funding only for stem cell lines made from embryos headed for destruction, not adoption. Thus, no lives will be saved by the president's veto.
>
> Further, embryos used in embryonic stem cell research are not human beings—not in any rational sense of the term. These embryos are smaller than a grain of sand, and consist of at most a few hundred undifferentiated cells.
>
> While they have the potential to become human beings—if implanted in a woman's uterus and brought to term—they are nowhere near actual human beings.
>
> No one knows for certain all that can be helped by stem cells. Most scientists believe they hold extraordinary healing powers and may aid everything from brain function impaired by Alzheimer's and Parkinson's to pancreas function limited by diabetes and heart function after a heart attack.
>
> It is revealing that Bush has used his first veto to oppose potentially life-saving research to shore up his support among people who regard destruction of an embryo as abortion.
>
> Anyone who truly cares about human life should condemn this religious assault on medical progress.
>
> Granted, it's difficult to balance the moral, ethical and economic considerations in life sciences research. Elected officials must set policy that is flexible but consistent with historic national values.
>
> But in this case, the president's beliefs and his aim for better poll numbers are preventing research that offers hope to many ailing people.

HONORING THE 60TH ANNIVERSARY OF THE FRENCH VILLAGE FIRE DEPARTMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 60th anniversary of the French Village Fire Department located in St. Clair County, Illinois.

In 1946, residents in the Dutch Hollow and French Village neighborhoods took action to provide fire protection for their communities by forming the French Village Fire Department. Initial funding for this new department came from bake sales and raffles, but they were able to purchase a fire engine from Towers Fire Apparatus in nearby Freeburg, Illinois. The first firehouse was located on a resident's property off Rural Route 5, which is now 2nd Avenue in Fairview Heights.

Raising funds for the department was a struggle during the early years in the late 1940s and early 1950s. Picnics, dances and fish fries were some of the fund-raising activities that were required to keep the department operational. Through an election in 1953, the French Village Fire District was formed. This provided tax revenue so that the fire department could begin to plan for equipment, supplies, and ongoing operations.

In addition to growth in residential property, the early years were also marked by tragedy. In 1952, firemen Frank Robinson and Francis Johnson, Jr., lost their lives when their fire truck was struck while en route to a call. In 1954, another firefighter, Paul Hodson, suffered a fatal heart attack while fighting a vehicle fire. This second tragedy provided the stimulus for the department to provide better emergency care.

The next decades saw continued growth for the French Village Fire Department. Additional trucks and advanced equipment were added to keep pace with the growing population as well as the new advances in technology.

In the 1980s an effort at the ballot to disband the department was defeated and a bond issue was passed to replace aging equipment and build a second fire station. The 1990s saw the opening of the new station and the department's 50th anniversary. In the new century, the French Village Fire Department continued to expand and improve with the addition of a 75-ft. aerial ladder.

The French Village Fire Department has been a shining example of dedication and professionalism, made possible by the sacrifices that their firefighters and their families have made since 1946. Their compassion, valor, and unselfish acts of courage make each of them an everyday hero.

I ask my colleagues to join me in honoring the 60th anniversary of the French Village Fire Department and to wish the best to them for continued service in the future.

PENSION PROTECTION ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. HOLT. Mr. Speaker, last month President Bush signed into law the so-called Pension Protection Act. I opposed this legislation because it fails to address America's retirement security crisis—in fact, it accelerates the move away from defined-benefit pension plans and it makes it easier for companies to eliminate pensions or dump their obligations onto the backs of taxpayers. It also treats the pensions of CEOs and top executives as more sacred than those of workers.

The Federal Government should ensure that, after 30 years of service, workers will receive the pensions that they have been promised and that they have earned. Unfortunately, this bill does not live up to that responsibility. I opposed this legislation when it originally passed the House, and I had hoped that its shortcomings would be addressed in conference. I am disappointed that Democrats were excluded from the conference committee. This exclusion was a disservice to all American workers who will not benefit from their knowledge and experience in the subject.

Unfortunately, the shortcomings of the House bill were not addressed in conference. Far from protecting pensions for American workers, this legislation will allow companies to under-fund plans by simply promising to increase the contributions in future years. As the financial obligations on these companies grow, however, they will likely freeze or terminate pension plans, as they no longer make business sense to continue.

Some provisions blatantly discriminate against workers in favor of executives. The legislation allows plans that are only 60 percent funded to continue increasing the lavish benefits that executives enjoy. However, a plan must be 80 percent funded before employees can get any additional assistance. It is fundamentally unfair to hold these two groups to two different standards.

Most troubling to me is how American workers and retirees are increasingly being told, "You are on your own." As President Bush continues to advocate privatization of Social Security, and more and more companies convert their defined-benefit pensions to defined-contribution plans, retirees are having the rug pulled from under their feet. We have failed to apply the lesson that broad-based economic security facilitates sustainable growth, innovation, and productivity.

America's employees deserve retirement security. President Bush should have signed a bill that would protect employees, discourage companies from freezing or terminating their plans, address the financial shortfall at the Federal Pension Benefit Guarantee Corporation, and treat all employees equally.

Although the "Pension Protection Act" is now law, our commitment to employees who are so integral to our economy is not fulfilled. As we come off of Labor Day, I urge this body to assure the financial security of American employees through policies that achieve economic growth that is broad-based, not concentrated at the top of the income ladder.

TRIBUTE TO CHLOE JANE SWEET

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise today to honor the birth of Chloe Jane Sweet. Chloe was born on September 3, 2006 to her very proud parents and my good friends, Julie and Chad.

There is no accomplishment or gift greater in life than the birth of a son or daughter. As the father of five wonderful children who are the light of my life, I know how happy and fulfilled Julie and Chad are to have a healthy and beautiful newborn baby daughter.

It is my hope, and the hope of all of their friends and family, that they continue to be blessed with the great fortune they have enjoyed in the birth of Chloe Jane.

Linda, my children and I wish them all the best as Julie and Chad begin their lives as Chloe's parents, and as Chloe begins her life as their daughter.

IN HONOR OF THE FIFTH ANNIVERSARY OF SEPTEMBER 11, 2001

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2001

Mr. MATHESON. Mr. Speaker, this anniversary is first, last, and always, a day of remembrance. The shock and horror of that day has diminished. But the sorrow and sadness is still present in our hearts. The mountains of debris are gone from the place where the towers of the World Trade Center once defined the skyline. But Ground Zero and a field near Shanksville, Pennsylvania, are burial grounds still, where grief is palpable. Two Utahns were aboard one of the hijacked planes that struck the first Tower; another Utahn died at his job in the Pentagon when a third jet crashed into it. People from many other countries also died that morning. In the hours and days following the tragedy, it seemed that much of the world mourned.

The passing days brought much heartache and—ever so gradually—glimmers of hope. The heroes of 9/11—members of the New York and Port Authority police departments, and the New York City Firefighters—replaced the frightening images of the hijackers. From across this country, ordinary people put comfortable lives on hold in order to join the rescue and recovery effort. Twenty people were pulled alive from the debris. For a time, all Americans put aside their differences and united in the desire to make life better for the survivors.

The families and friends of the victims of 9/11 will always—in the words of poet ee cummings "carry your heart (I carry it in my heart)." For the rest of us, a fitting tribute to their memory may be to renew our desire to put aside contention and partisanship. We honor them when we adopt their "can-do" spirit and strive—as one nation—to make America the beacon of hope it has always been.

HONORING MARY ELLEN MENAPACE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to honor Mary Ellen Menapace, who was chosen "New Mexico's Outstanding Older Worker of 2006." At the young age of 87, she continues to work and is currently the deputy village clerk of the village of Roy, located in eastern New Mexico, serving the residents with great honor, pride and distinction.

With only a few years' exception, Mrs. Menapace has worked continually since she was a high school student. She was only 17 when she began her first full-time job. Beginning in 1934, Mrs. Menapace's positions have been many and varied, including employment for the New Mexico State Health and Welfare Department, an abstract company, the Selective Service System during World War II and as a deputy county and court clerk, payroll clerk, secretary and an office manager. She proudly states that the key to her professional longevity and success has been the enjoyment she experienced in each and every job, and the total dedication she always gave during her many years of employment.

Noting all the advancements that have transpired in the workplace since high school, Mrs. Menapace's early years involved the use of a manual typewriter rather than a computer, carbon paper instead of a copier, and Gregg shorthand instead of e-mail. As the years passed, she committed to being the best she could be in every position she ever held. In order to accomplish that goal, and as office work became more technically advanced, Mrs. Menapace diligently took advantage of all training provided in order to enhance her knowledge and to improve her skills.

Mrs. Menapace could have completely retired at many junctures but instead chose to continue contributing to the betterment of her community. Her current position requires that she locate resources to fund village projects. One particular example of her success was securing grants to purchase trees and flowers to landscape both the main street and village park of Roy as part of the "Keep New Mexico Beautiful" State program. Another accomplishment was securing funds to purchase 75 trees that were planted to shield and shelter Roy's solid waste station.

Mary Ellen Menapace is truly a most remarkable lady. She helped support her parents and siblings during the Great Depression, was the sole provider for her own family during her husband's long illness and subsequent death, and is, herself, a cancer survivor. A devoted grandmother, she takes great pride and gratification that her later employment enabled her to raise and educate a grandson as well as assist a granddaughter-in-law in finishing law school. With all these responsibilities, Mrs. Menapace has somehow managed to be active in her community, in civic and professional organizations, and in her church. Another amazing talent is writing award-winning poetry and short stories, a gift she inherited from her father, who, she proudly proclaims, was also an agriculture and veterinary science visionary.

Mr. Speaker, I respectfully request that all my colleagues join me in giving tribute to Mary Ellen Menapace. She is an invaluable employee, a loving family member, a devoted member of her community, an exceptional New Mexican, and an honored American.

A TRIBUTE TO DR. JESUS M. SIERRA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Dr. Jesus M. Sierra, beloved husband of Catherine. M. Mass Sierra for 24 years, loving father of Jesus M. Sierra Jr., Abraham Sierra, Marta I. Sierra, Janina E. Sierra, Nicholas Sierra, and Adam Eric, and caring grandfather of 11, who passed away on Sunday August 13, 2006.

Dr. Sierra was the founder and former Executive Director of the Asociacion Puertorriquenos en Marcha (APM). A tireless advocate of Latino rights, his contribution to his dearly loved Puerto Rican community cannot be measured. His deep belief in the provision of critical needs: health, human services, and housing drove his work with the APM. Jesus was a pioneer in his efforts to help Philadelphia's poorest citizens advocating the use of economic development tools to fight racism, create equal opportunity for Latinos, and to generate change.

His founding of the APM is an accomplishment that will continue to have a positive impact into the future. Jesus headed this organization for 33 years and his indefatigable labors in building it from a two person office on Germantown Avenue to the largest non-profit development corporation in Pennsylvania is to be admired. His work directly saved countless lives and has contribution will continue to provide hope to thousands more. In tribute to a wonderful father, husband, and pillar of the Puerto Rican Community, I ask that you and my other distinguished colleagues rise to honor him and all of his accomplishments.

THE LOSS OF SGT. MOISES JAZMIN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave soldier in Iraq, Sergeant Moises Jazmin, a Rhode Island resident who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

Sergeant Jazmin grew up in Providence, RI, and attended Central High School until he enlisted in the Army at the age of 17. He is remembered as a committed and loving member of his tight-knit family.

Sergeant Jazmin was serving in Iraq in the 1st Battalion, 66th Armor Regiment, 1st Brigade of the 4th Infantry Division. On Sunday, August 27, he was on patrol when an improvised explosive device detonated near their Bradley Fighting Vehicle. The blast killed him and three other soldiers in his unit.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Sergeant Jazmin's nation called him to duty, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Sergeant Jazmin is survived by his parents, Leon and Rosa, and many other friends and family members. May we keep his loved ones in our thoughts and prayers as they endure this difficult period. We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

JACK HARDIN DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. RAHALL. Mr. Speaker, I rise today in honor of "Jack Hardin Day" which was celebrated in many towns in my District recently. No one is more deserving of this honor than the man for which the day was named—a man who has served southern West Virginia, both as a journalist and as a community activist, for more than 50 years.

Jack Hardin is an icon, an institution, to the people of Huntington, WV, and beyond. It was fitting then, that on Jack Hardin Day, also Jack's 80th birthday, the members of the community came together for a good-natured roasting of their favorite son. It is also fitting that the proceeds of this roast went to an important charity—the Hospitality House of Huntington. Jack wouldn't have had it any other way.

While I was unable to attend the roast of my friend Jack Hardin, I would have loved to have been there to hear the tales, the teasing and what I am sure was a good amount of praise for a man who has become a role model to so many.

Jack Hardin is a moral man, a family man, and southern West Virginia is lucky to have him. I thank Jack for his contributions to our area over the years and commend the community of Huntington and Jack's family for coming together to put together a celebration worthy of such a man.

May this be the first of many "Jack Hardin Days."

9/11 FIVE-YEAR ANNIVERSARY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, this week we mark the fifth anniversary of the tragic and unprecedented events of September 11, 2001. On this fateful day, we lost not only thousands of our fellow citizens, but a piece of our innocence as well.

On behalf of my constituents of the 37th District of California, I affirm that we will not forget those who lost their lives on that dreadful day. We offer our heartfelt prayers to the families of the victims, and assure them that time has not dulled our deepest sympathies. We shall never fully recover from the loss of so many of our best and bravest and brightest.

This attack on our homeland showed us that great vigilance and effort are required to prevent terrorists from realizing their murderous aims. This important lesson was paid for dearly, and we owe it to all those who lost their lives to continue to work to protect our country from another attack.

In particular, I am acutely aware of the need to secure our Nation's ports, as my District is adjacent to the Port of Long Beach and the Port of Los Angeles, which are among our Nation's busiest. Some 95 percent of American trade enters the U.S. through 1 of 361 seaports on board over 8,500 foreign vessels and makes more than 55,000 port calls per year, which total worth is nearly $1 trillion. It is our duty to protect America's ports which remain highly vulnerable targets. In fact, over 52 percent of all waterborne cargo moves through the Ports of Long Beach and Los Angeles alone. Securing these and the rest of America's ports as well as the economic contributions they make must remain a top priority for each of us.

As such, I am pleased that Congress is finally working on a bipartisan basis to address this gaping hole in our security. I am a proud supporter of the SAFE Port Act, which would appropriate a dedicated stream of port security funding. I look forward to continuing to work on this important issue with my colleagues from both sides of the aisle.

I appeal to all Members of Congress to work toward these goals in the spirit of unity that we felt so poignantly 5 years ago in the wake of the terrorist attacks. This is really the greatest honor we could offer the victims of that day.

THE LOSS OF LANCE CORPORAL ERIC VALDEPEÑAS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave Marine in Iraq, Lance Corporal Eric Valdepeñas, who served his country with dignity and honor. I join his family and the people of Rhode Island and Massachusetts in mourning this great loss.

Lance Corporal Valdepeñas, a resident of Seekonk, Massachusetts, was a graduate of Bishop Hendricken High School in Warwick, Rhode Island, my own alma mater. He was an honors student and co-captain of the school's championship lacrosse team. He is remembered by his teachers and classmates as having tremendous energy and an exceptional character. After high school, he attended the University of Massachusetts at Amherst and was pursuing an engineering degree when his Marine Reserve unit was called up in December 2005.

Lance Corporal Valdepeñas served with the 1st Battalion, 25th Marine Regiment, 4th Marine Division. He demonstrated the same commitment and positive attitude in Iraq that his family and friends knew well, and he earned numerous military awards, including the Purple Heart. On September 4, while on patrol in al Anbar province, an improvised explosive device detonated next to his vehicle, killing him and two other Marines.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Lance Corporal Valdepeñas's nation called him to duty, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

He is survived by his parents, Jesus and Ann-Marie, and seven siblings Marie Drury, Karen Ing, Nora Lough, and Teresa, Edna-Anne, Neil, and Sean Valdepeñas. They will remember his great love for his family, his loyalty and his kindness. May we keep them and other friends and family in our thoughts and prayers as they endure this difficult period. We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

A TRIBUTE TO ANTHONY J. STAGLIANO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to celebrate my friend Anthony Stagliano's 50th year in America. Fifty years ago a 9-year-old Anthony said goodbye to his father in Naples, Italy and boarded a ship to the United States of America. Little Anthony came to America seeking a land of opportunity and found it in Philadelphia. Anthony quickly mastered the English language and went on to graduate from Bok Vocational High School.

Anthony is a devoted family man married to his beloved American beauty Joanne. They have been fortunate to be blessed with four children—Maria, Angela, Gina, and Anthony, Jr. who have each graduated from college.

Anthony Stagliano served his country in the United States Army from 1961–1963. He also took an interest in civic affairs, having served as a committee person for over 30 years. He was an exemplar Temple University Corrections officer, Philadelphia Housing Authority officer, and was on the Court tipstaff. He is currently serving the Philadelphia City Council as the Sergeant-at-Arms.

It is an honor to recognize a person who exemplifies the positive impact immigrants can have on the United States. Anthony's service to the City of Philadelphia, military service, and wonderful family are to be praised. I ask you and my other distinguished colleagues to join me in commending Anthony Stagliano for his 50 years of contribution to our country.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mrs. MALONEY. Mr. Speaker, on September 12, 2006, I missed rollcall votes numbered 436 and 437. Rollcall vote 436 was on the motion to suspend the rules and pass as amended H.R. 5428, a bill to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building." Rollcall vote 437 was on the motion to suspend the rules and pass H. Res. 175, a bill to recognize the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001.

Had I been present I would have voted "yea" on rollcall votes 436 and 437.

HEALTH INFORMATION TECHNOLOGY PROMOTION ACT (H.R. 4157)

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. HOLT. Mr. Speaker, I rise in strong support of health information technology, which holds great promise for reducing medical errors, lowering costs, expediting diagnoses and treatments, and facilitating quality care. However, I must oppose this legislation due to the complete lack of a mechanism for safeguarding patient privacy, opening up the dangerous possibility of identity theft or personal infringement.

Estimates vary as to the amount of money that health information technology will save our healthcare system, but it could surely be in the tens of billions of dollars. Making health information accessible electronically by health care providers with the proper clearance would improve the quality of care by getting providers to patients' medical history quickly and efficiently. This would reduce medical errors, increase patient satisfaction, and decrease the number of lawsuits.

Unfortunately, the bill that the House passed will not accomplish any of these goals. Providers do not have access to any funding assistance, which they will need to purchase health information technology. We should be making grants and loans available to physicians so that they can take advantage of the promise of health IT, realizing the promise of improved care.

A larger problem is that this bill will jeopardize the privacy of medical records. We have all seen the unconscionable and irresponsible loss of sensitive personal information by federal agencies like the Veterans Administration, Centers for Medicare and Medicaid Services, and the Department of Transportation. This loss of personal information is a breach of trust by the federal government. Passing this legislation without reasonable privacy safeguards will only put patients at greater risk.

We should be doing more to protect the patients' names, medical history, and financial information. Unfortunately, this legislation abdicates that responsibility. The Rules Committee even disallowed consideration of amendments to accomplish that reasonable and important goal. Whereas the Senate worked on a bipartisan basis to pass a comprehensive and responsible bill, the House has wasted an opportunity to improve healthcare and reduce costs for all Americans.

I support health information technology, and I believe in the promise that it holds. Unfortunately, I cannot support legislation that makes American patients more likely to have their personal information stolen and their privacy violated.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 14, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 19

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Bantz J. Craddock, USA, for reappointment to be general and to be Commander, U.S. European Command, Vice Admiral James G. Stavridis, USN for appointment to be admiral and to be Commander, U.S. Southern Command, Nelson M. Ford, of Virginia, to be Assistant Secretary of the Army for Financial Management and Comptroller, and Ronald J. James, of Ohio, to be Assistant Secretary of the Army for Manpower and Reserve Affairs.

SH-216

Judiciary

To hold hearings to examine understanding the financial and human impact of criminal activity relating to the cost of crime.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine combating child pornography by eliminating pornographers' access to the financial payment system.

SD-538

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Homeland Security and Governmental Affairs

To hold hearings to examine if terrorist cells are forming in U.S. cell blocks relating to prison radicalization.

SD–342

2 p.m.

Judiciary

To hold hearings to examine judicial nominations.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine online child pornography.

SR–253

SEPTEMBER 20

9:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine U.S. international broadcasts into Iran, focusing on financial investment of the American taxpayer for international broadcasting into Iran, whether the appropriate management and accountability controls exist within U.S. international broadcasting, and whether the content of the broadcasts promote international security and U.S. foreign policy.

SD–342

Judiciary

To hold hearings to examine preserving effective Federal law enforcement relating to reporters' privilege legislation.

SD–226

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine S. 2322, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, S. 1531, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, S. 3771, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, S. 1325, to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, H.R. 5074, to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and the nominations of Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor, Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities, Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors, and Gerald Walpin, of New York, to be Inspector General, both of the Corporation for National and Community Service, Roger L. Hunt, of Nevada, John E. Kidde, of California, and John Peyton, of Florida, each to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education, Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board, Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board, Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, Peter W. Tredick, of California, to be a Member of the National Mediation Board, nominations in the Public Health Service Corps, and other pending nominations.

SD–430

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

Economic Policy Subcommittee

To hold joint hearings to examine assessing non-traditional mortgage products.

SD–538

Commerce, Science, and Transportation

Trade, Tourism, and Economic Development Subcommittee

To hold hearings to examine the future of ICANN relating to Internet governance.

SR–253

Veterans' Affairs

To hold hearings to examine the legislative presentation of the American Legion.

SD–106

2 p.m.

Judiciary

To hold hearings to examine the proposal to restructure the Ninth Circuit.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine nominations.

SR–253

Environment and Public Works

To hold hearings to examine approaches embodied in the Asia Pacific Partnership.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine assessing Spiral 1.1 of the National Security Personnel System.

SD–342

3:30 p.m.

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

SEPTEMBER 21

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, Department of the Interior.

SD–628

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine progress of the Capitol Visitor Center construction.

SD–138

2:30 p.m.

Intelligence

To hold closed hearings to examine intelligence matters.

SH–219

SEPTEMBER 26

3:15 p.m.

Commerce, Science, and Transportation

Foreign Relations

To hold joint hearings to examine International polar year.

SR–253

SEPTEMBER 27

10 a.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon.

SD–628

SEPTEMBER 28

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine new aircraft in the National Airspace System.

SR–253

SENATE—*Thursday, September 14, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our God and Father, in whom we find life everlasting, we praise You as the one and only God who brings order out of chaos. In our tumultuous world, You alone are changeless.

Guide our Senators today. Work within them that they may choose to make You the fixed star of their hope. Empower them with unwavering faith to manage the unfolding challenges of our times. Forgive them for duties unattended, obligations unmet, and responsibilities ignored. Impart to them discernment to do their best and to find their highest joy in pleasing You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 14, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following a brief period of morning business, we will resume consideration of the port security bill, with an hour of debate equally divided, followed by a vote on the motion to invoke cloture on the bill. That cloture vote should occur at approximately 11 this morning, and that will be the first vote of today's session. I anticipate that cloture will be invoked, and I encourage all Senators to vote in favor of cloture. The bill managers have been diligently working through the amendments and working through the bill. If we invoke cloture, we expect to complete the bill at a reasonable time today. I encourage all of our colleagues to help the managers so we can finish that bill sometime in the late afternoon today. It means not doing our usual thing of trying to talk and spend a lot of time and then voting later into the night. We really do want to finish this late this afternoon. Senators are reminded that rollcall votes are likely throughout the day and that the filing deadline for second-degree amendments is 10 a.m. this morning.

SAFETY AND SECURITY OF THE AMERICAN PEOPLE

Mr. FRIST. Mr. President, for this month's session of 4 weeks on the floor of the Senate prior to our recess for the elections, we have focused and will continue to focus on the safety and security of the American people.

There are a lot of issues that need to be dealt with that we are dealing with in committees and in conference, but the focus on the floor very much is the safety and security of families listening right now, and to our colleagues and their families. We know, having seen what had come close to happening with the events in Great Britain in terms of the terrorist attacks and the plot there that was foiled, we are at risk in this country. Therefore, it is our obligation to address these issues and to do it in a way where we know we are equipped to both obtain information that can undercut these plots and foil the terrorists in whatever activity they are dreaming up.

In addition, we have a challenge that is being addressed in committee today, was addressed in committee in the House yesterday, in terms of the terrorist tribunals and military commissions. It needs to be understood by my colleagues and the American people that the detainees we have today—the enemy combatants, people who have wished us harm, people who planned the 9/11 attack—until we act in Congress, in this Senate, they simply cannot be tried. They cannot be brought to justice. That is where we are today. That is why there is so much appropriate focus on making sure our Government, our military personnel, our intelligence officers have the tools they need to keep us safe.

So those two issues, the surveillance issue and the military commissions and tribunals, are issues we are addressing, again, in committee. The President has placed a bill before this body. I introduced it about a week and a half ago. That language is available, and I encourage my colleagues to study that.

Mr. President, that brings me to the issues of security that I mentioned in terms of surveillance, the detainees who are at Guantánamo Bay. Senator MCCONNELL and Senator SPECTER and I actually visited that naval base last week and learned a lot.

We have border security we are addressing in the Department of Defense appropriations bill that we passed a week and a half ago that is in conference and in our Homeland Security appropriations bill, both of which aggressively address border security. So we have border security. We have port security. We have the military commissions that are being addressed for those individuals at Guantánamo Bay. We have support for our troops in terms of maintaining our security through the Department of Defense appropriations bill that is currently in conference. And then we have the whole issue of surveillance.

Today we are going to finish on port security. We all know—and we are reminded by the events surrounding our reminiscences of 9/11 with that fifth anniversary—we are fighting a war against radical ideologues. These are militant extremists, and they have a single-minded goal of destroying our Nation. Increasingly, people are realizing that, but it is taking these reminiscences and the remembering of the great tragedy of 9/11, coupled with the reality of what very well could have happened to hundreds and, indeed, thousands of Americans if that plot had not been uncovered by the British.

We know the terrorists are not going to stop. And it is not just a war in one part of the world, it is a war against an ideology. They are not going to stop at anything. The enemy is creative. I mentioned the attacks that could have emerged out of the plot which was uncovered by the British. Who would have ever deemed imaginable a day when business travelers could not be carrying contact lens solution in their carry-on. It is because of an attempt with a "Gatorade" bomb.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The terrorists are always thinking. They are always thinking of how they can stay one step ahead of even what our imagination is. They are searching for our weak points. They are seeking ways to exploit our weak points. That is why we have to remain vigilant, and that is why we have to address these issues on the floor. The substance of the bill that is on the floor does just that, the port security bill. That is vigilance.

Nowhere is it clearer to me that we have to be vigilant than at America's 300 maritime ports of entry. We talk about border security. Well, part of border security is port security. It is a border we have to close and appropriately monitor to prevent the terrorists from doing us harm.

These ports are economic centers. As economic centers, our more than 300 sea and river ports are targets in and of themselves. For people who want to hurt us, want to hurt our economy, they can become a target. These ports become even more attractive when they are close to urban centers. These ports facilitate the rapid dissemination of cargo from around the globe to each of our cities and towns. Thus, we know the terrorists, when they want to hurt us, would potentially address these ports.

We have done a lot to secure our ports, but the fact remains, they are too porous. That brings us back to the importance of this bill. The bill before us plugs the holes that exist. It toughens security standards for all cargo. And it strengthens and improves programs designed to screen cargo at foreign ports and secures the international supply chain from the very start to the very end.

Technologies have advanced. We have developed more accurate detection tools. But we are not using those tools throughout our system. We are not using them universally. Terrorists have access to stealthier weapons, and that is a huge vulnerability just asking to be exploited if we do not keep up, if we do not keep pace. That is why we must pass this bill tonight.

The bill establishes a risk-based grant program to help assist ports with training personnel and implementing new security standards. The men and women who operate our ports are our first line of defense. We have entrusted these stewards of security with a serious, with a grave responsibility.

Accordingly, the bill ensures that the Department of Homeland Security will move forward with background checks for all port workers so we know who is on the ground at these critical facilities. It sets up procedures for resuming port operations and trade safely and quickly after a terrorist attack to help minimize any effect or any shock to our economy. It establishes the appropriate protocols to ensure that if a terrorist does strike, our ports are not closed longer than necessary.

And importantly, we also need protocols in place so we do not reopen ports too early. An incident at a port could be a red herring, a distraction to disguise other, more damaging terrorist activities.

These are just a few of the highlights of the Port Security Improvement Act. At its core, it is a multipronged approach to plugging the holes that exist in port security. It institutionalizes multiple and redundant security layers. From the factory of origin to cargo container, from cargo container to port warehouse, from port warehouse to cargo ship, from cargo ship to the port of calling, and from the port of calling to the final destination, at each step this bill toughens our standards. We are making it harder for a terrorist's dirty bomb to hide anonymously in a cargo container. We are making it harder for terrorists to tamper with cargo containers. We are making it harder for terrorists to use our ports as target practice. And we are making it harder for terrorists to use our ports to stealthily gain access to the rest of our homeland.

The terrorists we face have a radical agenda. They are ever-vigilant in monitoring and assessing our weaknesses and always looking for new ways to harm us. We must be ever-vigilant in identifying our weaknesses and minimizing and eradicating them. That is what this Port Security Improvement Act does. It is my hope my colleagues will join me in supporting it and in passing this important piece of legislation this afternoon.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPUBLICANS ARE COMMITTED TO MAKING AMERICA SAFER

Mr. DEMINT. Mr. President, I said yesterday I am thankful to be part of the Republican majority that understands that September 11, 2001, changed the way that we must look at the world. Republicans are committed to taking action and not just talking about making America safer.

We must track, capture, and eliminate our terrorist enemies before they attack us. We must provide the President and our military with every legal tool available to fight this war against Islamic extremists, and we must secure our homeland by securing our borders and ports.

Unfortunately, the Democratic Party does not seem to understand the true threat that we face with Islamic extremists. Instead, Senate Democrats continue to prove that they are dangerously naive about the grave danger of global terrorism.

Radical Islamic jihadists have made no secret of their goal, which is the complete subjugation of the world to their extreme form of Islamic nationalism.

Osama bin Laden said the attacks of 9/11 were "an unparalleled and magnificent feat of valor" and "a great step toward the unity of Muslims."

According to the al-Qaida charter:

> There will be continuing enmity until everybody believes in Allah. We will not meet [the enemy] halfway, and there will be no room for dialog with them.

The Iranian President has called for a world "without the United States and Zionism," saying that the West's "doomed destiny will be annihilation, misfortune, and abjectness," and telling other nations that in order to have good relations with Iran, they must "bow down before the greatness of the Iranian nation and surrender."

Horrendous attacks in India, Madrid, London, as well as recent arrests in Canada, Miami, and the foiled London airplane plot have shown that terrorists and their state sponsors have the determination to back up their rhetoric with action.

President Bush and my Republican colleagues have proved that we understand the nature of the enemy we are facing and that we must be just as determined as they are.

Let's be clear. Republicans are not the ones fighting to preserve the status quo. Preserving the status quo is what we did for 8 long years under the Clinton administration—simply responding with a law enforcement mindset while Islamic extremists attacked us and built and financed their worldwide network of terror.

Now Democrats would have us return to the Clinton status quo—a pre-September 11, head-in-the-sand philosophy of "don't listen, don't track, don't challenge."

Republicans understand the world changed on September 11 and that we are fighting a dynamic and committed enemy. As we have responded to terrorists, they have adjusted their tactics, and we are continually evaluating and adapting our strategy to meet this evolving threat.

If we don't show the resolve to defeat radical Islamic terrorists in Afghanistan, Iraq, and Lebanon, we will never defeat them anywhere. No one understands the stakes better than the terrorists. That is why there is no in-between choice in Iraq. Either we cut and run and allow it to become a safe haven for terrorism and staging grounds for future attacks or we stay until victory over the terrorists is achieved and Iraq is a stable partner in democracy.

Republicans have proved that we will do what it takes to secure our homeland from all enemies. We are committed to completing our current mission in Iraq and Afghanistan with victory and honor and to create a new generation of freedom and security, of peace and prosperity, for America and the world.

The unfortunate truth is that when it comes to securing America's homeland, the Democrats are dangerously naive. They think if we pull out of Iraq, the terrorists will leave us alone. They have abandoned those in their own party who dare to disagree with the most radical liberals of the far left. Democrats, with the help of their misguided allies, such as media outlets like the New York Times, have signaled to the terrorists that America is tired, discouraged, and ready to quit, encouraging the terrorists to expand their attacks around the world.

Not content to simply heckle from the sidelines, Democrats have actively fought to block the tools that are critical to stopping future attacks. In fact, Senate Democrats united this week in opposition to the terrorist surveillance program, proposing an amendment to the port security bill that denounces this program that has saved American lives.

Just last Thursday, Democrats showed their continued tendency to flip-flop when they issued a media statement outlining their latest security agenda, pledging to "work to . . . ensure our intelligence agencies have the tools they need to defeat the terrorists." Then, 1 short hour later, they again played procedural games to block the Judiciary Committee from further consideration of the National Security Surveillance Act of 2006.

The Senator from Texas, Mr. CORNYN, got it right when he said:

> It's little wonder that Democrats have a credibility gap with the American people on the issue of national security. Saying one thing [and then] doing another . . . doesn't help our efforts to win this war.

This week, Senate Democrats continued to prove they are willing to put politics ahead of the security and safety of American families by trying to kill the port security bill with partisan amendments.

The Senator from New York, Mr. SCHUMER, openly admitted the Democratic strategy of playing politics with national security. Yesterday, Congress Daily reported Senator SCHUMER "conceded Democrats were seeking to score political points" and quoted my Democratic colleague saying: "This is politics at its very best."

I believe the American people have a different view of the partisan games the Senate Democrats are playing. I think they believe that this is politics at its very worst.

If Democrats spent half as much time fighting terrorists as they do this administration, America would win this war a lot faster.

Democrats claim to be the ones listening to the American people, but, unfortunately, they are just posturing to win an election. Mr. President, I invite my Democratic colleagues to stop these political games and to join us in helping to win this war on terror and securing America's homeland.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 4 minutes 25 seconds remaining.

Mr. ENSIGN. I ask unanimous consent for an additional 5 minutes on each side for morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. Mr. President, I didn't hear the request.

The ACTING PRESIDENT pro tempore. The Senator has asked unanimous consent that each side have 5 additional minutes for morning business.

Ms. LANDRIEU. I have no objection.

AMERICA'S STATUS IN FIGHTING TERRORISM

Mr. ENSIGN. Mr. President, I rise this morning to talk about our status in this fight against Islamic extremism around the world.

When the terrorists struck the World Trade Center on September 11, 2001, America was forced to realize that we were at war. We did not ask for this war. This conflict was brought to us by individuals who believe that America is evil. This is an enemy that hates us because we are a free nation, and our citizens are free to pursue their dreams and chart their own destiny.

The day the World Trade Center towers fell, our world—or at least our comprehension of it—changed forever. Our enemy stepped onto our soil, destroyed our buildings, killed more than 3,000 of our citizens, and made clear their intentions. They want nothing less than to cause our demise.

The world has changed much since that horrific day. Unfortunately, the will to fight extremists who planned and executed September 11, and many other attacks around the globe, has wavered since then. The united resolve of many nations has softened dramatically.

As Americans, we have no choice but to lead the way with an unwavering commitment to this fight. Remember, they asked for this fight. They, long ago, declared war on America and the free world and long before September 11 began attacking and killing our citizens.

They challenged us many times over the years and received little more than empty rhetoric and a slap on the wrist for such atrocities as striking the USS Cole, the first World Trade Center bombings, destruction of the Khobar Towers in Saudi Arabia and the Marine barracks in Lebanon; and, of course, they attacked our Embassies in Africa.

We were at war, but we didn't even know it. For too long we ignored the words of these terrorists. We attributed their declarations of hate as mere rantings of lunatics.

Time has shown us that the words of these Islamic extremists must be taken seriously, and we must continue to act decisively to stop them from achieving their aims.

In an effort to steal our collective resolve, it is important to remind ourselves just who the enemy really is in this global war against Islamic fascism. For too long America has seen our enemies through a prism that casts them in the mold of conventional powers, but the Islamic fascists are a different breed. They fight for no flag, nor do they adhere to any international agreement. They fight outside the box; whereas, our sense of what is right and wrong constrains us to adhere to recognized rules of engagement.

We all know the self-professed leader of al-Qaida is Osama bin Laden. His call to arms for his disciples is: Death is better than living on this Earth with the unbelievers amongst us.

We know Iraq is central to the war on terror because Osama bin Laden said it is. He said:

> The most serious issue today for the whole world is this third world war that is raging in Iraq.

Zawahiri, Osama bin Laden's deputy, described Iraq as "the place for the greatest battle of Islam in this era."

Remember the blind sheikh? He was responsible for the 1993 World Trade Center bombing. From his prison cell, he has called on Muslims everywhere to "tear them apart, ruin their economy, instigate against their corporations, destroy their embassies, attack their interests, sink their ships, and shoot down their airplanes; kill them on land, at sea, in the air; kill them wherever you find them."

Those were their words, Mr. President. We are at war with an enemy that wants to see America wiped off the map. This is an enemy bent on destruction and Islamic domination—or at least their vision of Islam. Their goal is to establish a violent political utopia across the Middle East—which they call a caliphate—where all would be ruled according to their hateful ideology.

Osama bin Laden has called the 9/11 attacks, in his words, "a great step toward the unity of Muslims and establishing the righteous caliphate." There are reports that some of Osama bin Laden's supporters believe that he is the Mahdi, the 12th Imam. The Mahdi will lead believers in Islam to victory over the infidels, ushering in an era of peace and justice.

Even Iran's President is on record as instructing America, in his words:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

Those are the Iranian President's own words. It is not farfetched to believe that with nuclear weapons in his possession, he would use them to usher in this cataclysmic confrontation that he seeks. We must take these threats seriously and act accordingly.

Remember, the terrorists are traitors to their own faith trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists and every government that supports them.

The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military leaders, ordinary troops, and civilians, including women and children. They want to overthrow existing governments in many Muslim countries such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa. These terrorists kill not merely to end lives but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us because we stand in their way.

We cannot be deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century.

By sacrificing human life to serve their radical visions, by abandoning every value except power, they follow the path of fascism and Nazism and totalitarianism. They will follow that path all the way to where it ends: In history's unmarked graves of discarded lies.

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight for all who believe in progress and pluralism, tolerance, and freedom.

The war we fight today is more than a military conflict; it is the decisive ideological struggle of the 21st century. Make no mistake: this is an enemy we cannot appease; this is an enemy we must defeat.

On September 11, 2001, and the days immediately following, this country stood united. We stood ready to protect all Americans. We must continue to show a united front against this enemy. We must understand that what we say has great consequences. If our enemy sees the country divided, it will also see an opportunity and a path to victory.

During our Civil War, General Lee often read northern papers to gauge the mood of the population in the North. As he saw the political discourse and the division among northern leaders prior to Gettysburg, he believed that it would take only one more victory to win the war. Lucky for us, the victory never came, but we can learn from Lee's lesson.

Mr. President, I ask unanimous consent for 30 more seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, al-Qaida reads our newspapers and watches our television stations. They see the lack of resolve in some of our leaders and they seek to exploit it. This is the time to lead, a time to unite, and a time to defeat an enemy that wants to bring an end to freedom around the world. We must lay down our party labels as Republicans, Democrats, or Independents and become Americans. We must not tire. We must not falter. We cannot fail.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

OSAMA BIN LADEN STILL LOOSE

Ms. LANDRIEU. Mr. President, I came to the floor to speak briefly about one of our outstanding superintendents in Louisiana and to pay tribute to an accomplishment that has been made on education. But in light of the rantings that went on for the last 30 minutes in the Chamber from my two colleagues on the other side, I would like to state for the record that America is not tired of fighting terrorism. America is tired of the wrong-headed and bone-headed leadership of the Republican Party that has sent $6.5 billion a month to Iraq, when the front line was Afghanistan and Saudi Arabia. America is tired of leadership which led this country to attack Saddam Hussein when we were attacked by Osama bin Laden, and which captured a man who did not attack the country and left loose a man who did.

Americans are tired of bone-headed Republican leadership that alienates our allies when we need them the most. And Americans are most certainly tired of leadership that, despite documented mistake after mistake after mistake after mistake after mistake—and even their own party admitting mistakes—never admits that they do anything wrong. That is the kind of leadership Americans are tired of.

I didn't come to the Senate to have partisan rantings on the floor, but I most certainly am not going to sit here as a Democrat and let the Republican leadership come to the floor and talk about how Democrats are not making us safe. They are the ones who are in charge, and Osama bin Laden is still loose.

RECOGNIZING LOUISIANA'S MADISON PARISH SCHOOL DISTRICT

Ms. LANDRIEU. Mr. President, now I will speak about what I came to the floor to speak about. We have had a very difficult time in Louisiana and Mississippi and the gulf coast this year, in part because our resources are short because our country is involved in so many other things, and I can appreciate and understand the dilemmas. But we still have a great effort underway to rebuild Louisiana, Mississippi, and the gulf coast. So we have been moving steadily ahead in fits and starts because, of course, this was an unprecedented disaster. And while it really wasn't a natural disaster for Louisiana, it was a manmade disaster because our city went under water and the region, counties in Mississippi and parishes in Louisiana—for instance, one of our parishes, not New Orleans which we have heard a lot about, but St. Bernard Parish which sits right outside of New Orleans, 75,000 people live there, and every home was destroyed and every church was ruined and every business was destroyed. They were ruined not just because of the storms and the hurricanes which come and there is nothing much we can do to stop them, but because the levees broke which the Federal Government is supposed to maintain, and because of spending money in other places and not protecting people in their homes.

So as my colleagues know, we had water 15 feet high that stood for up to 6 to 8 and sometimes 10 weeks in some places. Our communities have been struggling with how we might better approach the recovery should something—and I see my colleague from Seattle, WA—should a tsunami hit Seattle, which is a major, very important American city, or should a category 5 storm hit Long Island like it did in 1938 when only a few hundred thousand people lived there but now millions of people do. We need to do a better job of responding. So Congress has been involved in that for this last year, and I predict will be involved in it for many years to come until we get it right.

But one of the things that we did get right is that the northern parishes of Louisiana came to the aid of those from the southern parishes, and one of those parishes that I am here to speak briefly about is Madison Parish. It is a small parish up in the northeastern part of our State, and it is a poor parish. It has great natural resources and very vibrant and vital agricultural land, but it is quite poor, generally. It is a district with only 3,000 students in school. But as the people fled from south Louisiana and south Mississippi and southeastern Texas to flee from the rising water of the storms, many of them found their way to Madison Parish.

Madison Parish superintendent Michael Johnson led this effort to absorb several hundred students into a very small school system that was already overburdened. The storm didn't, of course, hit Madison Parish directly but, of course, indirectly they were impacted by some high winds that made it up to north Louisiana, and were mostly impacted by students and families who ran there for shelter. There were many shelters put up. Superintendent Johnson, as many superintendents in north Louisiana, reached out their hands and, without a lot of help, without any textbooks, without a lot of information about how this was supposed to happen, took the children in. Not only did children find a safe place in Madison Parish school systems to attend school because their schools in south Louisiana were ruined, but with all of this, Madison Parish was one of the parishes that improved their test scores substantially on the last LEAP test given in Louisiana. Not only did their scores improve, but students and educators in Madison Parish at the same time were welcoming evacuated children with open arms.

Madison Parish is not the only parish that saw a substantial rise in test scores this year. Beauregard Parish has also done well. We are very proud of all of our school systems that did better in a very difficult year, but most certainly we are proud of those small, poor, rural school systems that, with good leadership, are making substantial progress.

We don't talk enough about education on the floor of the Senate, in my view, and we don't often at all talk about the small areas of our country that are making extraordinary progress in less populated areas. We talk a lot about New York and Chicago and Los Angeles, but we don't always get to hear about small places that are not even recognizable sometimes to many people on the map. But since I visited Madison Parish recently and had a great tour of north Louisiana, I thought I would take a minute to come and praise publicly this particular superintendent and to call attention to many of our superintendents who, despite the fact that we keep cutting their Federal funding, are managing to meet these high standards and to lift their children up and to make their school system and others better for the future of our States and our region.

Superintendent Johnson has been the impetuous for Madison Parish's recent success. Interestingly, Superintendent Johnson was working as superintendent of schools for New York City's District 29 when terrorists attacked the World Trade Center on September 11, 2001. Superintendent Johnson took over in August before Hurricanes Katrina and Rita hit and proceeded with the same positive energy he embodied in New York. The Madison Parish School District now has improved their LEAP test scores by reducing the percentage of students scoring Unsatisfactory and increased the percentage of students scoring Basic and above. They have also reduced suspensions at the elementary and middle school levels.

Not only have their scores improved, but the students and educators of Madison Parish have welcomed the evacuated children with open arms. Under Superintendent Johnson's leadership, they used their resources to provide the children lunch, buy clothes, books and other necessary items. They provided increased after school programs so these students would spend less time in shelters and have some sense of normalcy. The students and staff helped the displaced children and teachers begin to replace their personal possessions and helped them work through their feelings in the crisis. This was something that Superintendent Johnson understood very well from his experiences in New York and added to his success in caring for the children taken in after Hurricanes Katrina and Rita by Madison Parish.

As students come back into southern Louisiana and begin the new school year, I would like to recognize how beautifully our students were welcomed into schools systems like Madison Parish. Superintendent Johnson and his community are an example of the best in our society—the generosity and compassion that is found in the hearts of our people. I also want all of us to look to the Madison Parish School System and to Superintendent Michael Johnson as an example of how a low performing school can, not only turn their scores around, but offer help to those students who are less fortunate.

Thank you to all students, teachers, principals and superintendents who have taken that extra step and worked harder, improved their test scores and opened their arms and hearts to those who were affected by the storms. We should all live by this example. In closing, I would like to express my gratitude to the Madison Parish schools system and to Superintendent Michael Johnson for taking education seriously and improving their test scores while providing a safe, healthy learning environment for all children.

Mr. President, I yield the floor.

REMEMBERING ANN RICHARDS

Mrs. MURRAY. Mr. President, I rise this morning on a very sad note for all of us who knew a very special, wonderful woman by the name of Governor Ann Richards. Last night she left this world, but she left behind a tremendous spirit that many of us will carry on. She was the kind of woman who could walk into a room and light it up, no matter where she was. She was a Governor of Texas, and I know that State knew and loved her well, but the rest of the country also loved her.

I was privileged to know this wonderful, compassionate human being. She made me laugh, she made me think, and she made me remember what I cared most about in this country. Her loss is a tragic one certainly for the State of Texas, certainly for the country, but absolutely for every one of us who knew her.

I know many people will be speaking throughout the next several days about the loss of Governor Richards, but I just wanted, on behalf of so many of us who cared for her so much, to express our condolences to all of her family, to her friends, to everyone who knew her, and to let them know that we will not forget and we will continue to carry her message of hope and passion as we continue in our lives.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, how much time do the Democrats have remaining?

The ACTING PRESIDENT pro tempore. There is 10 minutes remaining.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 4 minutes of that time, if I could.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I would like to take a few minutes to add to Senator MURRAY's heartfelt and beautiful tribute to Governor Ann Richards. Many of us woke up this morning to read the newspaper and were stunned by the news that Governor Richards had passed away.

Many of us, of course, knew of her illness and that she struggled with it and fought it bravely, but I am not sure how many understood how close she was to death's door.

As a neighbor of hers who grew up right over the border from Texas, and as a young woman in the legislature, Ann Richards was at the top of the list of women I looked to early in my career. I did not have too many women to look to because there were just not that many women in public office in this country in 1976, the year when Governor Richards started her political career as Travis County Commissioner. There were 604 women in state legislatures nationwide. Not only was she an outstanding leader but she was an extraordinary administrator. I remember her days as State treasurer of Texas and followed many of her guidelines to leadership in trying to manage the budget of Texas. I followed that lead in trying to manage the budget of Louisiana. She showed that women could not only hold county commissioner seats, but high-level executive offices, managing finances and money. She become Governor of one of the largest States in America and served with extraordinary ability.

But more than just her service to the public at large, which was tremendous to the State of Texas and the country, Ann Richards encouraged women to think of things that had never been thought of before that women could to serve in corporate board rooms and as Governors and, hopefully, one day as President of the United States. And today, thanks to women like her, 1,686 women serve in state legislatures across the country. Without women such as Ann Richards, those dreams would never materialize or would be decades away.

There was a quote in the paper that I chuckled at because Governor Richards said once she didn't want to be remembered for keeping a clean house. She thought that women should be remembered for things greater than just how well they could vacuum how well they could cook or how well they could do things associated with the home.

While I do not in any way diminish the contribution that we make as wives and as mothers or diminish any of the things that we do inside of our homes that keep our families happy and keep our society going, I want to say emphatically that I agree with her. I hope women who are born and grow up today really think about what they want their tombstone to say.

Ann was always that kind of woman. She was born not only to be all a woman could be, but all a person could be, all a leader could be. Very few women in the generations that I am familiar with have accomplished that as well as she did. It is with great sadness that we recognize her passing, and I am sure there will be a more formal recognition in the Senate Chamber among men and women remembering the contributions this extraordinary American made to our country, to the world, to women and girls everywhere.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Schumer modified amendment No. 4930 to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading.

Murray (for Stabenow) amendment No. 4967 to authorize grants for interoperable communications.

Nelson (NE) modified amendment No. 4945 to provide emergency agricultural disaster assistance.

DeMint amendment No. 4970 to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Clinton/Dole amendment No. 4957 to facilitate nationwide availability of 2-1-1 telephone service for information on and referral to human services, including volunteer opportunities related to human services.

Clinton amendment No. 4943 to fund additional research to improve the detection of explosive materials at airport security checkpoints.

Clinton/Schumer amendment No. 4958 to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. CARPER. I thank my colleagues for yielding.

Mr. President, earlier this week we all commemorated the fifth anniversary of 9/11. Much of that day was spent here and around the country discussing whether after 5 years we are safer and whether we are safe enough. While we have made real progress with respect to the security of our nuclear powerplants, with respect to airport security, far too little has been done to secure our Nation's seaports, railways, transit systems and, I might add, hundreds of chemical plants around this country.

After 9/11 we also recognized the need to protect our seaports. In 2002 we passed the Maritime Transportation Security Act, which was the start of developing a national and regional maritime security plan or plans. This legislation also required the Department of Homeland Security to help ports develop individual security plans and directed Customs and Border Protection to design a system for receiving information on ships' cargoes before they docked at a U.S. port.

Now, 4 years later, we are finally taking the next step. Still, port security has never received the same level of attention as airport security, and part of this is because 9/11 tragically exposed the vulnerabilities of our ports and it has been burned into our memories. I think it is also because most Americans do not have any direct interaction with a seaport on a daily basis, a weekly basis, a monthly basis or, in some cases, ever. However, a growing number of Americans have begun to recognize what an appealing target our seaports can be for terrorists.

First of all, many ports, including the ones we have in my State and the States of New Hampshire, Maine, and Washington, are located in or near densely populated urban areas. Also, ports are vital to the economy of our country. They are used by farmers to try to get their products to market and also industry to export products, but also we import everything from chemicals to oil and gas. As a result, many of us have concluded we must place a higher priority on addressing any vulnerability at our ports before any terrorist attack takes advantage of them. I applaud the work of Senator COLLINS and the great work Senator LIEBERMAN has done with her helping to craft this, and also the staffs and Senator MURRAY and her staff.

The American Association of Port Authorities believes that to do so will require roughly $400 million a year for physical enhancements for ports in this country. The bill before us would authorize Congress to do just that.

Now, $400 million is a lot of money, but it is significantly cheaper, I think we will agree, than responding to a devastating attack after the fact. My port, the Port of Wilmington, has received about $2 million since 9/11. The State has provided a fair amount of money, as has our port authority. These funds have been used, in part, to help build a gated entrance with cameras, with security checks, and to fence and light the port's perimeter.

While we are grateful to receive Federal support for these important security measures, our port, like many others, will require additional assistance. Some of that we should provide ourselves within our State. For some of that we look to the Federal Government for help. Obviously there is not enough funding for everyone to get everything they need. However, ports in Oklahoma, ports in Kansas, ports in Tennessee and Kentucky have all received port security grants over the years, as have ports along the eastern and western gulf coast. At the same time, the Port of Wilmington—I am told it is the busiest port on the Delaware River and the port of entry for much of our Nation's food supply, especially for the east coast—has been forced to make do with less. Therefore, I am pleased this bill requires the Department of Homeland Security to conduct a risk analysis of our Nation's seaports and establish a priority for security funding.

The Port of Wilmington also participated in something called a Transportation Security Administration pilot program, a program designed to screen port workers and block individuals with a terrorist connection from accessing sensitive areas at our ports. This pilot program was supposed to be the first step toward establishing a national program, with identification cards and equipment that could read biometric information, such as fingerprints and retinal patterns. But the Department of Homeland Security ended this pilot program before the national screening and identification system was ready. The national system was supposed to be implemented by last summer, but it has yet to occur. The implementation date, I am sorry to say, continues to slip. Now we are being told the ports will receive official identification cards by the end of this year, but the essential card readers will not be ready until sometime next year. That doesn't make a lot of sense.

This program is moving forward far too slowly, and that is why I offered an amendment, when the Homeland Security and Governmental Affairs Committee debated port security, to require the Department of Homeland Security to issue its regulations on the worker screening program not next year but by the end of this year. The bill before us today takes a slightly different approach but still addresses the need to get this important program up and running as soon as possible. Under the Port Security Improvement Act, this bill, the Department of Homeland Security would be required to fully implement the worker credentialing program at 10 ports by next summer and at all ports by January 1, 2009.

Let me conclude by saying that this week we have also passed rail and transit security amendments, something that is long overdue. I strongly support them. After the train bombing in Madrid 2 years ago and the London Underground attacks last summer, many of us hoped we would take steps to prevent a similar kind of attack here. But to date, the Federal Government has done far too little to address transit and rail security needs in this country. In fact, rail and transit security received less than 3 percent of the funding that has been dedicated thus far to airport security.

I want to be honest with you. Protecting our rail and transit lines will not be an easy task. Almost 10 billion transit trips were taken in 2004, and transit accommodates more than 16 times the number of daily travelers than do our Nation's airlines—16 times. There are more and more people using rail transit every day so they can avoid traffic and high gasoline prices. Also, it is much more difficult to protect an open system such as the ones at bus stops and train stations than it is to guard the closed systems we have at airports. You cannot physically check every bag that is brought onto a commuter train or ID every person who boards a bus, nor do I believe we ought to. The rail transit systems can only work if they are fluid. I believe long lines of people taking off their shoes to get on a train or bus would render them largely unworkable.

As much as anything, though, what we need to do in order to reduce the likelihood of a debilitating attack on our transit and rail systems is to improve surveillance, more security officers, use of canines, and heavy reliance on the use of new technologies. This requires strong leadership, vision, and enthusiasm for attacking the unique challenges of securing rail and transit.

It also requires effective partnerships. The Federal Government needs to be one of those principal partners. So far, the Department of Homeland Security has only shown a strong appetite for preventing the sort of attack that led to its creation. The White House proposes lumping together all nonaviation security into one competitive grant program, with less than 15 percent of the funding proposed for aircraft security. That is less than 15 percent for all of them—transit, ports, rail, and so forth.

Further, the tiny sums that have been appropriated for rail security have been very slow to move. Last year, the Department of Homeland Security took 9 months just to start sending appropriated funds to State and local transit authorities. I realize they can't turn the spigot on overnight, but 9 months? We can do better than that, and we need to. Rail and transit security should not be controversial issues. We know we need to upgrade the emergency exits and surveillance equipment at train stations. Further, we need to hire more police officers, we need to train and deploy more bomb-sniffing dogs, and we have to develop more sophisticated equipment that would allow us to detect threats without unduly slowing commute times. It will require smart people, a strong focus, and good leadership. That is why we must pass rail security legislation that lays out a national approach and framework.

While I am very happy we adopted the rail and transit security amendment to this bill, I simply cannot understand why this legislation has been so difficult to get passed and signed into law. What is controversial about hiring bomb-sniffing dogs or improving surveillance? Nothing. The threat has simply not been taken seriously.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. CARPER. I hope this casual approach to a dangerous threat ends with the adoption of the rail and security amendments this week. I strongly support their passage and urge our leadership to fight to maintain them in the bill with the amendments we send to the President.

In conclusion, it has been 5 years since 9/11; 5 years of hearing that we need to take threats seriously and realize we live in a dangerous world. It is time we act on those words and protect the millions of Americans who rely on rail and transit every day, and on our ports, just as this legislation would better protect our ports and the communities around them in the years ahead.

Mr. President, I yield my time.

Ms. COLLINS. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we are in a time where we have equally divided time, and I am going to give 5 minutes to the Senator from Arkansas off of our time and ask unanimous consent that any quorum calls that occur from here on are equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized for 5 minutes.

AMENDMENT NO. 4959

Mr. PRYOR. Mr. President, I thank the managers of this legislation. They have done a fantastic job in getting us to where we are today. Also, I thank Senator TALENT of Missouri, who has been my cosponsor on the amendment I wish to visit with you about, very briefly, today.

Port Security remains a major vulnerability for this country, and tied to port security is trucking security.

The 9/11 Commission identified foreign trucking entities entering the United States as a top homeland security concern. The DOT inspector general has recommended that various security enhancements to the trucking security provisions in this bill be made. This goes back to 2004, but they have largely been ignored since that time.

If you look at the reality of the situation in which we find ourselves today, we have NAFTA, where NAFTA allows foreign trucks to come into the United States within 25 miles of the U.S. border. They can pass between Mexico and Canada. But what we have found in reality is that, although most are playing by the rules, and that is good, there are some truckdrivers and trucking companies violating the provisions of U.S. law by delivering goods and picking up goods far outside the scope of where they are supposed to do it.

Trucking is very important to this country. It may not be very exciting to some people, but it is very important to this country because 70 percent of our Nation's cargo is carried by truck.

It is also important to homeland security because trucks have been used in terrorist attacks in years past. What Senator TALENT and I are trying to do with our amendment—and the managers have graciously agreed to accept it in the managers' package—is to direct the Department of Transportation and the Department of Homeland Security to first verify legal status of all licensed commercial truck drivers operating in the United States. Right now there are about 11 million of those, and there are about 40,000 new ones every month.

First, we have to verify legal status.

Second, we eliminate commercial driver's license fraud. Of course, we know that it is not perfect. We will probably not eliminate every single incident of that, but we are going to make a very serious stab at eliminating as much as possible.

Third—this is very important—we give State governments and local law enforcement uniform guidelines and tools for enforcing immigration violations by truckers who are operating beyond the scope of their authority.

This is something that we have seen in Arkansas—I am sure that Senator TALENT has seen it in Missouri—and all around the country. People on the ground down in the trenches, local law enforcement—in our case, it is the highway police—don't have any clear direction on what they can do if they find someone who is driving illegally under these circumstances.

We do all this and give them 1 year to comply with this amendment.

We are basically taking areas that have been identified by the 9/11 Commission or by the DOT inspector general, and we are holding DOT's and DHS's feet to the fire to make sure they do the right thing when it comes to immigration and homeland security. It is a win-win-win across the board. It is good for the United States economy, it is good for our trucking industry, and it is good for United States security and homeland security. It will reward the good guys and punish the bad guys.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I commend the Senator from Arkansas for his involvement on this issue. He is a terrific member of the Homeland Security Committee. I appreciate his many contributions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5016, 5017, 5018, AND 5001, EN BLOC

Mr. STEVENS. Mr. President, I send three amendments to the desk for myself, Senator GRASSLEY and Senator SNOWE.

There is a Wyden amendment, No. 5001, at the desk.

Mrs. MURRAY. Mr. President, if the Senator will withhold for 1 minute until we have a chance to see what those are. I don't have the package in front of me.

I thank the Senator.

Mr. STEVENS. Mr. President, the Wyden amendment is on the definition of change, my amendment pertains to anchor handling, the Snowe amendment is with regard to a conveyance extension, and the Grassley amendment is with regard to technical corrections.

These were erroneously left out of the managers' package which we processed last evening.

I ask unanimous consent that these four amendments be considered as additions to the managers' package, that they be considered en bloc and agreed to en bloc, and the motions to lay on the table be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 5016

(Purpose: To provide a phased and temporary anchor movement exception for Alaska)

SEC. ——. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section, if such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

AMENDMENT NO. 5017

(Purpose: To make technical corrections)

On page 5, line 2, insert "to" before "secure".

On page 8, line 8, strike the first period and "; and".

On page 12, line 24, strike ", of this section" and insert "of this section,".

On page 16, line 15, strike "and State" and insert "State".

On page 16, line 18, after "stakeholders" insert the following: "adversely affected by a transportation security incident or transportation disruption".

On page 17, line 23, insert "Public Law 108–293" before "118".

On page 20, line 15, strike "of the Nation's commercial seaports" and insert "of the commercial seaports of the United States".

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike "(2)" and insert "(1)".

On page 27, line 23, strike "ocean-borne" and insert "oceanborne".

On page 28, line 8, strike "ocean-borne" and insert "oceanborne".

On page 29, line 5, strike ", and" and insert "and".

On page 33, line 17, after "issues", insert "resulting from a transportation security incident or transportation disruption".

On page 36, line 11, insert "the" before "Container".

On page 39, line 24, strike "ocean-borne" and insert "oceanborne".

On page 48, line 7, insert a comma after "Commissioner".

On page 69, line 3, strike "Undersecretary" and insert "Under Secretary".

On page 72, lines 18 and 19, strike "the current fiscal year" and insert "the fiscal year in which the report is filed".

On page 73, line 23, strike "the current fiscal year" and insert "the fiscal year in which the report is filed".

On page 85, line 23, strike the first period.

AMENDMENT NO. 5018

(Purpose: To change a conveyance date for Coast Guard property in Portland, Maine)

SEC. ——. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking "within 30 months from the date of conveyance." and inserting "by December 31, 2009.".

AMENDMENT NO. 5001

(Purpose: To modify the definition of the term "container security device")

On page 4, line 25, strike "a device" and all that follows through page 5, line 4, and insert the following: a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tempering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

Mr. STEVENS. I thank the Chair. I thank all concerned.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I would like to have the Chair recognize the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4923, AS MODIFIED

Mr. ISAKSON. Mr. President, I call up amendment No. 4923, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 4923.

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 4923 be modified with the Kennedy amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified, notwithstanding the filing deadline.

The amendment, as modified, is as follows:

(Purpose: To reduce the radiation exposure of maritime workers and to reimburse maritime terminal operators for additional costs associated with illnesses or injuries for which exposure to ionizing or non-ionizing radiation from cargo screening procedures required under Federal law is a contributing cause)

At the appropriate place, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Immediately upon passage of this Act, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENTS NOS. 4923, AS MODIFIED, AND 4986, AS MODIFIED

Ms. COLLINS. Mr. President, there are two amendments that have been cleared on both sides, the Isakson amendment No. 4923, as modified, and the Baucus amendment No. 4986, as modified. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. There is no modification at the desk to the Baucus amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. BAUCUS, proposes an amendment numbered 4986, as modified.

The amendment, as modified, is as follows:

(Purpose: To require that as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States, and for other purposes)

At the end of the bill, insert the following:

TITLE V—METHAMPHETAMINE

SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007, 2009, and 2011, as part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner of shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in consultation with the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1);

(B) a description of how the United States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109–177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) DEFINITION.—In this section, the term "methamphetamine precursor chemicals" means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments, as modified, are agreed to en bloc.

The amendments (Nos. 4923, as modified, and 4986, as modified) were agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, very shortly we will be voting on cloture on the Port Security Act. I urge my colleagues to support the cloture motion. We hope to be able to complete action on this bill by 5 o'clock this afternoon. We are working toward that goal.

Senator MURRAY and I are happy to talk to our colleagues, but we will be moving through the amendments at a very rapid pace after cloture is invoked, as I hope it will be. We have made great progress on this bill. It is an important bill for our homeland security, and I urge all of our colleagues to support the cloture motion.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on cloture on a very important maritime cargo security bill. This is a bill that will have a significant impact on the Nation's security, as it is implemented. A number of people have been working on the floor for the last several days to work our way through amendments. I think a lot of progress has been made, and I am very pleased with the number of improvements that have been made to this bill over the last several days.

When this bill is finally passed out of the Senate and conferenced with the House, which I hope will occur shortly, and signed by the President, we can all say that in a bipartisan way we have significantly made a difference in the lives of all Americans.

In a moment we will be voting on cloture. That means this bill is very close to the end. We have a few amendments we are going to be dealing with, but both the Republican leader and the Democratic leader have been clear they want this bill finished by early afternoon. That means if any of our colleagues on our side have an amendment they need to have discussed, they need to talk with us during this cloture vote or their amendment will not be considered. So I urge anybody on my side who has an amendment out there, an issue that needs to be dealt with, to talk with us during this coming cloture vote.

Mr. President, with that, I urge my colleagues on my side to vote for cloture and to move this very important piece of legislation forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be allowed to speak for 10 minutes as in morning business immediately after the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would not object. If the Senator could withhold for just 1 minute to let me check on my side.

Ms. COLLINS. I would be happy to withhold.

Mrs. MURRAY. Mr. President, I would ask the Senator from Maine to modify her request so that following the 10 minutes for the Senator from Pennsylvania that Senator BAUCUS be allowed to the speak for 10 minutes on our side.

The PRESIDING OFFICER. Does the Senator so modify her unanimous consent request?

Ms. COLLINS. Mr. President, I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 432, H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Bill Frist, Susan M. Collins, David Vitter, Jon Kyl, James Inhofe, Tom Coburn, Jim DeMint, Richard Burr, Wayne Allard, Ted Stevens, Craig Thomas, Richard C. Shelby, R.F. Bennett, Mike Crapo, Sam Brownback, Rick Santorum, Larry E. Craig.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4954, the Security and Accountability for Every Port Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—98

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Akaka
Chafee

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FRIST. Mr. President, I have 10 unanimous consent requests for committees to meet. They have the approval of the leaders. I ask unanimous consent that these requests be agreed to and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I would make an inquiry. I inquire of the distinguished majority leader if the Senate Armed Services Committee could be added to that list and, therefore, be able to continue our hearing.

Mr. FRIST. Mr. President, right on top of the 10 requests is the unanimous consent request that the Armed Services Committee be authorized to meet during the session.

For the information of our colleagues, there had been an objection earlier today. I talked to the appropriate Members and that was readily agreed to. So the Armed Services Committee will be able to meet accordingly any time today.

Again, for the information of our colleagues, I ask the chairman of that committee to indicate what time they will resume the meeting.

Mr. WARNER. Mr. President, I thank our distinguished leader. With the concurrence of the distinguished ranking member, Mr. LEVIN, we have agreed to resume in open session a markup in the Armed Services Committee in Hart 216 at 2:15.

Mr. LEVIN. Mr. President, will the majority leader yield?

Mr. FRIST. Yes.

Mr. LEVIN. To make sure that the record is clear, there has never been and has not been any objection—I am sure the majority leader would concur—any objection from this side at any time to the Armed Services Committee meeting today.

Mr. WARNER. Mr. President, I thank the Senator. That is well known to this Senator—that the Senator from Michigan and that side of the aisle has been totally cooperative in having a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I believe I have consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is correct.

TERRORIST SURVEILLANCE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly about two subjects: One, the legislation providing for judicial review for the President's terrorist surveillance program; and, second, what we are going to do to comply with Hamdan v. Rumsfeld.

The Judiciary Committee reported out three bills yesterday. S. 2453, which is my bill, provides that the surveillance program will be submitted to the Foreign Intelligence Surveillance Court. There is no doubt that the President's program violates the Foreign Intelligence Surveillance Act, which purports to be exclusive. But if there is constitutional authority under Article 2, that constitutional authority trumps the act. The only way there can be a determination on that is to have a court weigh the seriousness of the threat as opposed to the invasion on privacy.

This legislation, S. 2453, does not authorize the President's program, contrary to the assertions of many people. What it does is subject the President's program to judicial review. It does not mandate review because, understandably, the President does not want to curtail his institutional authority.

What I have sought to accomplish is to have this program reviewed; and the President has made a commitment, confirmed by the White House, that this program will be submitted for judicial review.

There has been a contention raised that there is an inconsistency between Senator FEINSTEIN's bill, S. 3001, and my bill, S. 2453, and it is not true. The provision in Senator FEINSTEIN's bill says that the FISA is the exclusive means for wiretapping. That is true, unless the statute is superseded by a constitutional provision.

My bill, S. 2453, says that nothing in the act limits the President's constitutional authority, because a statute cannot limit the President's constitutional authority.

We will be moving ahead, I hope shortly, with the leader calling the bill to the floor so that we can make a determination on judicial review to see to it that whatever wiretapping is going on is judicially approved. It may be that some cases will come up collaterally. There are a number of cases in district courts. The one in Portland may have standing. I do not propose, in my legislation, to strip any court of jurisdiction where a case has been started and has proceeded. I think, in the course of business, the matters ought to be referred to the FISA court, but not for any jurisdiction stripping where courts have proceeded.

With respect to the activities of the Congress seeking to comply with the ruling of the Supreme Court of the United States in Hamdan v. Rumsfeld, the primary responsibility goes to the Armed Services Committee. The Judiciary Committee does have jurisdiction because title 18 of the Criminal Code is implicated and we have jurisdiction over the interpretation of the Geneva Conventions.

There have been a number of controversial issues raised on which I would like to comment. One provision relates to classified information. It is my view that it is indispensable to have witnesses confront their accusers and know what the evidence is. Common Article 3 of the Geneva Conventions provides that there has to be an affording of all judicial guarantees which are recognized as indispensable by civilized people. I think that would include telling somebody what the evidence is before they have a significant penalty which might include the death penalty.

We have a Confidential Information Protection Act which sets the guidelines that I think ought to be applicable here. The consequence is, if you cannot produce the evidence for the defendant to hear, the case may have to be dismissed. But that will not prejudice the government here because these individuals can be detained as enemy combatants for an indefinite period of time.

So we will not disclose sources and methods; we will not release anybody; we may not convict them if we can't produce the evidence, but they will be detained and not present a threat.

There is an issue raised as to coerced confessions. I do not believe that we can tolerate that and be consistent with United States law or consistent with the Geneva Conventions. Coerced confessions are unfair and they are unreliable.

With respect to Common Article 3, the Judiciary Committee has submitted for consideration and inclusion in the legislation being considered by the Armed Services Committee amendments to section 303 on war crimes.

I ask unanimous consent that they be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, with respect to the controversy about whether there ought to be included the provisions of the Detainee Treatment Act, I believe that they should be because they further delineate what would constitute a violation of Common Article 3. But I do not believe they ought to be exclusive or foreclose other considerations under Common Article 3. In addition to the specification of the crimes under the War Crimes Act, which I have submitted, it would be useful to have the provisions of the Detainee Treatment Act included, which are the fifth amendment, the eighth amendment and the 14th amendment, where there has been considerable judicial interpretation as to what are prohibited acts.

General Hayden, Director of the CIA, thinks that is necessary in order to be able to give comprehensive advice.

I personally do not know that the interrogation has to go beyond what is in the Army Field Manual. In a visit to Guantanamo, the chief interrogator handling some 32 interrogators and thousands of interrogations thinks that the Army Field Manual is sufficient. It may or may not be. The CIA wants greater latitude, but there is some assurance of congressional oversight because the interrogation tactics have to be submitted to the Intelligence Committee. One other point that I want to comment on is my concern about the inclusion of habeas corpus relief. I believe that it is important to retain jurisdiction of the Federal courts on habeas corpus. This was a contested issue under the Detainee Treatment Act, but we have seen that the only real firm guidance has come from the Supreme Court of the United States.

In three cases regarding detainees from June of 2005, Jose Padilla, Hamdi, and the Hamdan v. Rumsfeld decision, the Congress has been unwilling or unable to act. I introduced legislation for military commissions shortly after September 11 as did other Senators. We didn't act. We punted to the Supreme Court.

These issues, regrettably, experience has shown, are just too hot to handle by the Congress. The Supreme Court of the United States under the rule of law has enforced compliance of detainees, and now compliance for those who are to be tried for war crimes under the Geneva Conventions' terms as well as under title 18.

It is simply insufficient to limit the great rift which seems embodied in our habeas corpus statute.

I have had some discussion with Senator LEVIN, who is on the floor at the present time, about offering an amendment if in fact the bill comes from the Armed Services cutting out habeas corpus.

It is my hope that we can move reasonably promptly to S. 2453 so that there may be set in motion the procedures to have the Federal courts rule on the constitutionality of the President's electronic surveillance program.

It would be highly desirable to bring the entire program under the Foreign Intelligence Surveillance Act. There are provisions in Senator FEINSTEIN's bill, S. 3001, which I have cosponsored, that I believe would enable us to bring individual live warrants for causes which originated in the United States and go overseas.

I have been advised that the calls which originate overseas are so numerous that it is not possible to have individual live warrants. So that under these circumstances the most that can be accomplished is to have the program submitted to the Foreign Intelligence Surveillance Court.

In one of the four hearings on this bill, four former judges of the FISA Court appeared and testified and commented that the bill was practical, that there was sufficient standing, that there were litigable issues and that the Foreign Intelligence Surveillance Court can handle it. They can handle it as a matter of expertise because of their extensive experience, and they can handle it because their proceedings are closed so that there is not a public disclosure of state secrets.

It may be, as I said very briefly earlier, that one of the cases coming out of Federal courts—there has been a decision from Detroit, and there is a case pending in San Francisco—my review of those cases suggests to me that the case which is coming out of Portland I think would have standing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, I thank the distinguished chairperson of the Homeland Security Committee for yielding me the time. I yield the floor.

EXHIBIT 1

SEC. 303. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

"(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character:

"(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

"(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

"(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection.

"(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, or burning any individual without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

"(6) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

"(7) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. 2246(3). Sexual assault or abuse may also include, but is not limited to forcing any person to engage in simulated sexual acts or to pose in an overtly sexual manner.

"(8) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. This provision shall not apply to prisoner exchanges during wartime. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection;"

Section 2441 of title 18, United States Code is amended by replacing the period at the end of subsection (c)(4) and adding the following new subsections:

"(5) involving 'genocide' as defined in title 18, United States Code, section 1091;

"(6) involving 'sabotage' as defined in title 18, United States Code, section 2151 et seq.; or

"(7) involving forced oaths, conversions, or renouncements of one's allegiance to a nation or religion.

Section 2441 of title 18, United States Code is amended in subsection (a) by adding "attempts to commit a war crime, or conspires to commit a war crime," after "commits a war crime."

Section 2441 of title 18, United States Code is amended by adding the following sentence at the end of subsection (b):

The circumstances referred to in subsection (a) shall also include unprovoked attacks on American citizens on domestic or foreign soil by any private army, terrorist organization, or other ideological combination or alliance where such an attack would otherwise be considered a war crime if committed by a nation state or military force.

CHAPTER 3—JUDICIAL REVIEW; MISCELLANEOUS. SEC. 301. JUDICIAL REVIEW.

COMBATANT STATUS REVIEW TRIBUNALS.—The United States Court of Appeals for the Armed Forces shall, with the United States Supreme Court upon a petition for certiorari, have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

(1) MILITARY COMMISSION.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

EXTENDERS PACKAGE

Mr. BAUCUS. Mr. President, yesterday I tried to get the Senate to pass a bill extending the 2005 expired tax provisions, what we call the extenders package. The majority leader objected at that time and stated that it was his desire that the extenders continue to be part of the so-called "trifecta" package, married with estate tax relief and a minimum wage increase. I told him yesterday of my concern that since that strategy has already failed a number of times, and I don't think there is much hope of any change, and it is time to let the popular tax extenders package pass.

I want to take the leader at his word that there is hope for change. But I also read comments yesterday by one of our Senate colleagues tasked by the majority leader to try to find a solution to all of this, and that Member of that so-called task force is quoted as saying, "My counsel is to do it in the lame duck session."

I very much oppose that. I don't think it makes any sense to push all of this in a lame duck. Let me tell you why.

Last week, I asked the IRS Commissioner at a hearing of the Finance Committee what the drop-dead date was for tax extenders. By drop-dead date, I mean what is the latest date by which the IRS can receive changes to tax law and still have time to print and distribute tax forms for the 2006 tax year. He told me October 15. That is the drop-dead date. Clearly, that is after the recess and that is why this strategy makes no sense.

It makes no sense because after that date, it is very difficult for the IRS to print up the forms and, more than that, a lot of mistakes will be made.

Yesterday, I joined my good friend, the chairman of the Finance Committee, in releasing an analysis of just how the IRS will deal with all of these changes. Let me tell you what they concluded.

Senator GRASSLEY said upon releasing this analysis that, "A delay of legislative action beyond the anticipated recess date of September 29 will cause hardship, tax compliance problems, and confusion for the millions of taxpayers who claim these widely-applicable tax benefits."

It is just a mess that we need not cause.

I also add that Senator GRASSLEY's counterpart in the House, the chairman of Ways and Means Committee, said, "My job is to be responsible to the taxpayers, not a bureaucracy to make its job easier."

I might also add that we are here to get the extenders passed for the taxpayers, to help taxpayers because taxpayers need this relief.

The chairman of the Finance Committee went on to say that, "The failure to extend expired tax cuts will at best cause administrative snafus for the IRS and at worst cause taxpayers to miss out on the tax benefits they are entitled to."

This is a taxpayer problem—one that we should address now before we recess.

I would also like to point out something else which I think is important. A resolution was passed yesterday by the House Republican Study Committee. They surveyed their members, and developed a list of five priorities. One of these priorities adopted by the 110-member group in the House Republican Study Committee was to "pass a clean tax cut extenders bill."

I would guess that group would be invested as much anyone else in passing the so-called trifecta bill, but even the 110 members in the other body have decided it is time to move on and pass the extenders.

There are more than 3 million teachers who have been buying classroom supplies who are waiting for their deduction to be restored. There are more than 12 million families in States with sales taxes, including many in the leader's home State of Tennessee, hoping they can deduct those sales taxes, just like families in income tax States. And there are more than 20,000 businesses hoping for this worker credit, that have hired the hard-to-employ workers who have been on long-term public assistance, people who simply want to get back into the workplace, and need a boost from the work opportunity credit. Those taxpayers are hoping the Senate gets this passed.

Just this morning I received a letter signed by more than 600 American companies and 164 trade associations representing thousands of small, medium, and large companies employing high-tech workers in research. They urged us to end this "cloud of uncertainty." They are very concerned we are not going to pass this in time.

As I have said a couple of times, there are companies that have to restate their financials because of Congress's failure to pass these tax incentives which expired last year. It has not been the law for about 9 months, and they have to start restating their earnings on financial reports because of Congress's ineptitude, Congress's incompetence in not passing and continuing the research and development tax credit, teachers deduction, tuition deduction, and sales tax deduction.

School started just a short while ago. There are teachers who go to Wal-Mart to get supplies for their classroom because the school district is not providing enough to them. We should be giving them a tax deduction. School started and we are not giving it to them anymore. It makes no sense. It is wrong. It shows the competency of this Congress in doing its business is now very much in question.

Mrs. LINCOLN. Will the Senator yield?

Mr. BAUCUS. I am happy to yield.

Mrs. LINCOLN. Mr. President, I compliment and applaud the leadership of Senator BAUCUS in working to get the retired tax incentives renewed.

Did I hear the Senator correctly, the welfare-to-work and work opportunity tax credits expired at the end of 2005? Is it true that these credits have expired and we in Washington have yet to renew them, and 20,000 businesses have not been able to use this important tool?

We are here to provide tools to businesses to grow the economy, to grow the jobs. I know the good Senator from Montana traveled his State, as I did in Arkansas, in August. People are concerned about the economy. They are concerned about their jobs.

We are talking 20,000 businesses? Did I hear the Senator correctly?

Mr. BAUCUS. The Senator is correct. That is the number that use this work opportunity tax credit. We are trying to employ people. People are trying to get to work.

Mrs. LINCOLN. That is amazing. The objective is to get people off welfare, get them independent and into the jobs.

I think I heard the Senator correctly, as well, because we failed to renew the teacher expense deductions, more than 3 million schoolteachers nationwide—and there are a tremendous amount of Arkansas schoolteachers who give out of their own pockets to bring those supplies in their classrooms—those teachers are going to be paying higher taxes this year if we don't act now?

Mr. BAUCUS. If we do not enact this legislation and make it retroactive this year.

Mrs. LINCOLN. Mr. President, we have had numerous opportunities to renew important tax incentives. Earlier this year we had an opportunity in the tax reconciliation. The priority was to deal with tax cuts that had not even expired or were not going to expire—the dividend deduction and the capital gains.

With tax cuts that have expired, businesses are not going to be able to take advantage of work opportunity tax credits, in research and development. We know we are falling behind in stem cell research. We have businesses that want to make those investments in research and development and be the best they can be in the global marketplace.

These businesses have not been able, is that correct, to realize that tool and use that tax deduction for at least the first three quarters of this year?

Mr. BAUCUS. That is right, at a time when other countries give very generous assistance to their companies in developing research and development so those countries can compete in the global economy.

Mrs. LINCOLN. Once again, I applaud Senator BAUCUS's leadership and his tenacity to come out and say we have a limited amount of time left.

We have businesses out there that want to grow, that need the tools to grow. Yet these issues, things that we do every year to put into the toolboxes of our business, corporate America, our teachers, and others to be able to do the incredible things that make America great. Yet we are just sitting here.

We are not doing it. They are being held hostage because we want to put all these eggs into one basket.

I have been very outspoken about my support for the estate tax reform, but there is no reason these extenders should be held hostage to all of these other things that people want to crowd into one basket.

The bottom line is, by failing to renew these incentives, as Senator BAUCUS has said, for responsible behavior such as savings and getting a college education, we are raising the taxes on many of our hard-working American families this year.

I applaud the Senator and I appreciate and am grateful for the leadership.

Mr. BAUCUS. And the answer to the Senator's implied question is, yes, all of that will occur if we do not get this passed. That is correct.

I see another colleague on the Senate floor who may have a question to ask.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I ask unanimous consent to proceed for 2 additional minutes.

Ms. COLLINS. Mr. President, I am compelled to object because we have another Senator coming over shortly for an amendment. I have promised the Senator from Nebraska and the Senator from Montana that they would have a few minutes to talk about their amendment.

Mr. BAUCUS. I say to my good friend, we are talking about 2 minutes.

Ms. COLLINS. It will come out of the time of the Senator from Nebraska because we have the Senator from New York coming at 12:45 for his amendment. I have no objection with that understanding—that it will come out of the time of the Senator from Nebraska.

Mr. BAUCUS. Mr. President, I think the Senator has a question to ask.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank my colleague.

Mr. NELSON of Nebraska. Mr. President, I thank the chairman of the committee and appreciate very much his leadership.

I rise to state I support what Senator BAUCUS has proposed. It affects a number of Nebraska teachers, Nebraska families. I appreciate what the Senator is doing.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators DURBIN, WYDEN, BIDEN, LAUTENBERG, NELSON of Nebraska, CONRAD, SARBANES, LEAHY, and BYRD be made cosponsors of my amendments Nos. 5003 and 5004.

Ms. COLLINS. I do not object.

Mr. BAUCUS. Now I proceed——

Ms. COLLINS. To the objectionable part.

Mr. BAUCUS. On the part of some.

UNANIMOUS-CONSENT REQUEST—H.R. 4096

Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendments Nos. 5003 and 5004, which is the agreed-upon tax extenders package, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate return to the port security bill—which is not objected to—and all this occur without intervening action.

Ms. COLLINS. Mr. President, on behalf of the leader, I object. The leader objected yesterday. This is the same issue. He has asked I make this objection known.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. Mr. President, at this point I suggest time be yielded to the Senator from Nebraska and the Senator from Montana to briefly discuss a pending amendment of the Senator from Nebraska.

AMENDMENT NO. 4945

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I appreciate the distinguished chairman from Maine. I ask my colleagues, Senators BURNS and CRAIG, who join with me—Senator BURNS is here—I ask unanimous consent that my amendment No. 4945 be in order notwithstanding rule XXII. I know there will be an objection to it, but I also know that Senator BURNS would like to speak to it if possible, before the objection is entered.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, a point of order does lie against this amendment because it is not germane postcloture.

Prior to objecting to the Senator's unanimous consent request, I am happy to withhold so that the Senator from Montana may address this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am very supportive of the Senator from Nebraska on this issue. I wish we could have gotten a vote and not have to deal with a point of order. I don't think the fires we have had in Montana and the dry weather we have had in Montana yield to a point of order. We do have people hurting.

I appreciate the work done by the Senator from Nebraska. We will continue this exercise, passing an emergency disaster package for agriculture before we go home. I appreciate him allowing me some time.

I pass along to the Senate and Montanans we are having a drought. In fact, our water is only testing 85 percent moisture.

I thank the Senator.

Ms. COLLINS. Mr. President, I do object to the request of the Senator from Nebraska.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. I am very sympathetic to the concerns of both Senators but, unfortunately, this does not belong on the port security bill.

Mr. President, I ask unanimous consent it be in order to make the following point of order, en bloc. I make a point of order that the following amendments are not germane postcloture: amendment No. 4967, offered by Senator STABENOW; amendment No. 4957, offered by Senator CLINTON; amendment No. 4943, offered by Senator CLINTON; and amendment No. 4958, offered by Senator CLINTON.

The PRESIDING OFFICER. The Senator is correct, the point of order is sustained, and the amendments fall, en bloc.

Ms. COLLINS. Mr. President, I further make a point of order that amendment No. 4945, offered by the Senator from Nebraska, as modified, is also not germane postcloture.

The PRESIDING OFFICER. The point of order is sustained.

Ms. COLLINS. Mr. President, thank you.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Mr. President, I rise in support of an amendment that is pending. It will be voted on at 3:30, as I understand.

The amendment is very simple. It mandates—no test study, no pilot—it mandates we inspect all cargo that comes here for nuclear weapons within 4 years.

I have offered this amendment, frankly, out of frustration. This is something that can be done. This is something that is being done. This is something where the technology is working. Yet we refuse to move forward.

I come from New York. Obviously, we lived through September 11. However, I stay up at night sometimes worried about the worst tragedy that could befall us. There is nothing worse, in my opinion—and there are a parade of "horribles" with the terrorists—than a nuclear weapon exploding in America. It would change our lives so dramatically for so long for those who survive. If we were ever going to focus on a single issue, this should be it.

But for 4 years I have come to the Senate—my good friend from Minnesota has done very good work on this, my colleague from Maine has, my colleague from Washington has.

They say: We are not ready. Let's do a pilot. Let's study it. Let's improve the technology.

My colleagues, what has changed with me is that I visited the Hong Kong Port run by Hutchison Whampoa last April, along with the Presiding Officer. And we saw it working in two lines. Trucks went through—it did not hold them up—and they were inspected for nuclear weapons in a system that everyone who has looked at it says works.

So what are we waiting for? The cost is not large. It is estimated, once it is up and running, the cost would be about $8 a container. Yet it costs $2,000 to move a container from Hong Kong to the West Coast. It works. The cost is reasonable. We are not asking the Federal Government to pay for it. In a competitive container world, it probably will not even be passed on. That minimal .2 percent addition to the cost of a container will probably not be added on.

So now is the time, my colleagues. We can have another excuse and wait another year and do another pilot, work more on the security and on the technology, or we can implement something now. The Homeland Security Department, in my opinion, is derelict in this responsibility. They have dithered and dallied. Every time we have offered amendments to put an adequate amount of money in to fund this, it has been cut by this body and by the other body.

The frustration, when we know we can really protect the people of this country and we let special interests, we let the fact that we need money for something else—although I do not know what else is more important—stand in our way. It is a monument to why people are frustrated with Washington.

Again, you and I have seen it, I say to the Presiding Officer. We have seen this technology at work. Hutchison Whampoa stands by it. Their leader was so frustrated that he implemented it himself in Hong Kong. And everyone who has studied it says it works. Would it take a little while for all these foreign ports, the 40 ports of the CSI, to set this up? Yes, but not very long. And when you compare this to the danger we face, all of the arguments against mandating that our containers be inspected for nuclear weapons fade away.

Mr. President, I salute my colleagues who have offered other amendments. I salute my colleagues who have worked on the bill. It is a good step forward. But there is a glaring deficiency. We need a mandate. We have been patient long enough. It works. It can protect us. It is not expensive. What are we waiting for?

I urge my colleagues, I hope, I pray we can have a broad bipartisan majority for this amendment because—coming from New York, I feel this keenly—we do not want to be in the "what if" situation. God forbid, the worst has happened, a nuclear weapon has been smuggled in on a container and exploded on our shores. We do not want to be in a situation where we say: What if What if we had done more. Because clearly, as of now, we are not doing enough.

I yield back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I share the deep concerns of my friend, high school classmate, colleague from New York, where I grew up, about the danger of a nuclear weapon, the danger of a weapon of mass destruction being smuggled into this country in 1 of 11 million containers. We have, no doubt, the same vision. We want America safe.

That is what we have been doing here. That is what the work of the Senator from Maine and the Senator from Washington is about and what we have put forth in the underlying bill that will change.

By the way, there were a lot of things in homeland security that I was frustrated with.

We spent 3 years, the Permanent Committee on Investigations spent 3 years on this issue, studying it, holding hearings. I encourage my colleague from New York to go to Hong Kong to take a look. My colleague and the Presider Officer went to Hong Kong and took a look at the system that is operating on 2 lanes out of 40 to see what we could do to put in place a system that would scan each and every container that goes through. It is a wonderful system.

What we need is action. That is what we did yesterday. We got action. We have in this bill a pilot project that will put in place, in mandates, in directives, not a mandate of what is going to happen in 2008 and 2010, not playing into the sloganeering of "scan every container," but the reality of action today to immediately put in place a pilot project to see if we can make it work in a wider, more systematic way.

I am taken aback when I hear my colleague talk about "we do not need any pilot projects" and "we do not need any test study." We have a system in place in Hong Kong now that is 2 lanes out of 40. It is a wonderful system. What happens is—I call it kind of a moving CAT scan—trucks come in and they kind of go through this device, ISIS device, and it takes a scan of what is inside the truck. It has a radiation portal monitor, so you end up getting images. I have watched the images. Hong Kong is a CSI—Container Security Initiative—port, so I have worked with our folks there. But when a radiation alarm goes off in Hong Kong, our folks do not have the capacity to inspect it. There is no followup from us. The images that are received are not processed by the folks in Langley or somewhere else. They are not coordinated with what we do on national security. So you have in place a concept where we have to see whether it works. That is what we should be doing: action. That is what this is about.

It was fascinating; I was reading an editorial in the New York Times and was somewhat taken aback. I am trying to understand the motivation for moving forward with this amendment. This is what I call a wave-the-magic-wand amendment, that we are going to tell people we are mandating something we have already got on the table in front of us, something to test whether it works. That is what we should be doing.

I think, by the way, people in this country are frustrated with Washington when we promise things or sloganeer about something as important as this issue and somehow project the sense we are doing something when we are not doing anything, when there is already action in place—action, action—a pilot project and then a mandate that the Department, in 120 days, tells us: OK, what are the results. Show us how you have integrated this system which is now working in two lanes in Hong Kong—not integrated into anything in our operation—show us that it works, and then requiring the Secretary of Homeland Security, every 6 months, to come back to Congress and report on the status of 100 percent scanning, with specific criteria laid out. That is good government. That is good policy. In the end, I hope it is good politics.

I worry that this is about politics. There was an editorial, I have to say, in the New York Times, I believe today, and I was somewhat taken aback. It criticized Secretary Chertoff. That is OK. The Times can do that. I have criticized him on a number of occasions. But then the editorial talks about this issue of 100 percent scanning and then raised this issue of the cost of scanning—it is a small surcharge—and then it goes on to say: When it comes to homeland security, the Bush administration has completely allowed corporate profits to trump safety—as if somehow, because the cost of this is $20 per container, that is why we are not moving forward mandating it today.

I want to step back. The way I became aware of the Hong Kong project was because of the private sector that said: Senator, you have to see this. We are willing to pay it. The cost is not an issue. The private sector is willing to pay $20 a container to ensure security. God forbid there is a nuclear device that goes off, we shut down the entire import of goods into this country, and we devastate our economy. So this is not a money issue from the private side. This is maybe the old ex-mayor in me saying: This is kind of the practicality of making sure we have something that works.

The Washington Post, in an editorial in June, said it very clearly:

> "[I]nspect 100 percent of containers" is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

The election season is upon us. It is getting very close. This body, yesterday, moved forth with an amendment to put in place a pragmatic, realistic action-oriented way in which we can move to 100 percent screening. We put in place a pilot project to make sure what we are doing works and it makes sense.

We will spend, by the way, billions on this, not in the cost of the cargo but in setting these scanning systems up in the, what, over 700 ports throughout the world. And 147 are major ports. We are going to be spending a lot of money on this, but the issue is not money, it is doing it right. Let us step away from the sloganeering.

I am going to say this as to the idea of something being half-baked. If you put something in the oven and it is going to be really tasty when it is done, it is going to be really delicious, that is something fully baked. And you make sure it is baked in a way so when you eat it, you do not get sick. Half-baked is when you get something in the end that is the right thing—we believe, in the end, each and every container will be screened.

Right now, we have in place the screening of high risk. It is in this bill. Right now, we have the Department saying, before our Homeland Security Committee, by the end of next year, each and every container will be screened for a radiologic or nuclear weapon—by next year. But it will be done in our country. The goal is to have it pushed out, to have that screening done before it gets here. We do not need a half-baked way, a sloganeering way, and to simply say we are going to mandate something in the future, without any path to get there. We have the path. We have done it right. I hope my colleagues reject the Schumer amendment and stick with what we did yesterday because it really makes sense.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Minnesota for his leadership on this issue and for his excellent comments. This issue was debated at length yesterday, so I am going to make my comments very brief.

I do oppose Senator SCHUMER's amendment. I do not think it is practical at this point to require 100 percent scanning of 11 million containers coming into this country. And it ignores the very real improvements that are included in the underlying bill.

I am disappointed to hear the Senator from New York describe our bill as yet another study or yet another pilot project. It is way more than that. It has a layered security system that greatly strengthens the Container Security Initiative, the C-TPAT Program, the automated targeting system. And it includes the provisions we added yesterday at the behest of the Senator from Minnesota that will help us move toward 100 percent scanning when it is feasible and practical, when the technology is there and able to be in an integrated system.

It also ignores the fact that our bill includes a mandate—a mandate, I would say to the Senator from New York—that the Department of Homeland Security has to install radiological monitors in the 22 busiest ports by the end of next year, which will result in 98 percent of all cargo being screened for radiation, and addresses the issue the Senator has raised about a nuclear bomb or the makings of a dirty bomb.

So this bill does a great deal. I must say, it disappoints me to hear the Senator imply that it does not, even though we disagree on this one particular issue. This has been a bipartisan bill. Senator MURRAY has worked very hard on it, as well as many of the rest of us.

But let me sum up the problems by reading from a recent letter from the World Shipping Council because I think it really says it best. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD SHIPPING COUNCIL,
September 7, 2006.

Hon. SUSAN M. COLLINS,
Chairman, Senate Committee on Homeland Security & Government Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: We understand that the Senate is expected to consider shortly legislation to enhance cargo and port security. We write to communicate the World Shipping Council's support for legislation that will enhance the security of both American ports and the international supply chain. Previously, the House of Representatives passed the SAFE Port Act (H.R. 4954). We hope that the Senate legislation will reflect in part this House bill, will further strengthen cargo and port security, and will enable this enhanced security legislation to become law this year.

During debate on this port security legislation, we understand that there may be an amendment which would propose to require 100% container inspection. Earlier this year, the House voted down a similar measure in its debate over the SAFE Port Act. Like the House, we urge you to vote No on any such amendment for the following reasons.

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports.

American commerce would be ground to a halt because there is no practical way to analyze or inspect the scanning images before vessel loading because it is too labor intensive and no technology currently exists to do the analysis, the proposal faces a dilemma that it clearly fails to address. Assuming the proponents intend that every container's scanning images must be inspected and approved before vessel loading, the costs of compliance and costs of gridlocked commerce would be enormous. It changes who the government trusts to perform container screening without a hearing, a pilot program, or a rational deliberative process.

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently. The proposal also undermines the Container Security Initiative (CSI), as CSI is an international cooperative program pursuant to which other governments have agreed to work with the U.S. government to review and inspect containers that are determined to present a security risk, not to inspect every container.

Lastly, the proposal will harm American exporters. The U.S. applies virtually no radiation screening and no inspection to its exports. The amendment proposes that the rest of the world must subject their exports to processes and procedures that the U.S. does not apply to its own commerce. Congress should expect the United States' trading partners to consider imposing reciprocal requirements on U.S. cargo should these proposals be enacted.

The SAFE Port Act established a rational and deliberative process to study and evaluate the deployment of such container inspection technology abroad and all the relevant implementation issues associated with such systems. Senate legislation that mirrors this approach is the correct way to address this important issue.

In conclusion, we look forward to working with you on the important issues of cargo and port security. And, we request that you oppose any 100% container inspection amendment.

Sincerely yours,
CHRISTOPHER L. KOCH,
President & CEO.

Ms. COLLINS. The letter reads, in part, as follows:

> One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports.
>
> . . .
>
> The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently.

It also undermines the Container Security Initiative. That is the international cooperative program where we station our inspectors in foreign ports and work with the governments that host those ports.

There are so many arguments against this amendment, Mr. President. The Washington Post said it very well in an editorial earlier this week as well. Most of all, let us remember what the implications are.

I have visited the port in Seattle and have seen the VACIS machines that do the x rays. It took approximately 4 minutes to do that x ray of the container and then another 15 minutes to analyze the image. If you do that with even the completely low-risk cargo, and you think of the fact that we have 11 million containers coming into this country, you are diverting resources away from inspections of high-risk cargo. It would create a massive backlog of cargo at our ports.

Now, as I have indicated, the technology is improving. I am glad the Senator from Minnesota set the record straight on what is and what isn't being done in Hong Kong at this time, where only two lanes are being scanned and the images are not being read and integrated into a security system. But we are going to keep improving the technology. We have a requirement that the Secretary report on this issue to us every 6 months after the pilot project in three foreign ports—after we have the results.

So we are moving in that direction, but let's do so in a practical, effective, efficient way. That is what the underlying bill does, particularly as strengthened by the Coleman-Collins-Stevens amendment.

Mr. President, we have tried very hard in this bill to make sure that we strike the right balance and put into place a security regime that is going to make our ports and our people safer. But we have done it without hampering the vital trade that manufacturers, retailers, and farmers in this Nation depend upon. I think we struck the right balance, and I am going to move to table the Schumer amendment, with the time of the vote to be determined at a mutually agreed upon time.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I want to briefly answer my colleagues. Of course, I have tremendous respect for what they have done and are trying to do. It is certainly true that my colleague from Minnesota was the first to talk about the system in Hong Kong.

I will make two points. First, it is true that we will put mandates here in the United States. We have them in New York in one of our ports. One, it is not close to being as sophisticated, effective, or as speedy as what is done in Hong Kong. It is not as good a system. Second, we don't have to debate the technicality of the system. We all know, as my friend from Minnesota said, that we have to push this outward, because if a nuclear weapon is on a container or a ship in New York Harbor that hasn't docked or been unloaded onto a truck and it explodes, the same terrible consequences exist for the people of New York, Los Angeles, Seattle, or anywhere else that has a major port.

I will make one other point. My colleagues argue for patience. My colleagues argue we have to do this in a certain way. If this were 1 year after 9/11, or 2 years after 9/11, I would agree. In fact, I did. I wanted to offer amendments like this 2, 3, and 4 years ago. But I believe this. I believe nothing will get homeland security and the shipping industry and the world community to act and get something done better than a mandate. As long as they know they can delay, as long as they can go to DHS and present 10 reasons why this should not be done, DHS, which has shown absolutely no enthusiasm for doing this, will get nothing done.

If this were danger No. 37 on the list, maybe, again, we should not have the tough measure—I would say it is tough—of imposing this. I assure my colleagues—we all know how the world works—a deadline will get DHS, the shipping industry, and all of the other players to act and get this done better than any other method.

So, again, I salute what my colleagues have done, and I remind my colleague from Maine that I have said this is a good bill. In fact, I voted for cloture, despite the urging of some of my colleagues, because I think it is a good bill. On the issue of nuclear security, of inspection of containers for radiological material, no one can say that we have done a good job—not this Senate, not the House and, most of all, not this administration and the Department of Homeland Security.

The time is now to force everybody to act. The danger is too great. I have offered this amendment after years—not months, not days, but years—of trying all of the other ways to get homeland security and, frankly, our two bodies to act. So I am grateful to my three colleagues, all of whom have done yeomen's work in this area. But we can do more. I suggest to all of my colleagues here that this amendment will get us to do a lot more than any other amendment proposed thus far.

I yield the floor.

Mr. COLEMAN. Mr. President, I reiterate the great respect I have for my colleague from New York. He is concerned about this area and he is passionate about safety.

I want to make it clear that we are not counseling patience. We are not asking for delay. It is just the opposite. What we are doing and what we have done and what we did yesterday was action. What we are objecting to is an amendment that offers no real increase in security. We are objecting to an amendment that doesn't do anything, doesn't move the ball forward. It gives an opportunity to talk about 100 percent scanning, and it may end up in some commercial somewhere. I hope that is not what this is about.

The amendment doesn't do anything. It doesn't push the ball forward. This is not about patience. I am not very patient when it comes to making sure we are doing everything possible to protect against the possibility of a nuclear weapon being smuggled into this country, and that is what this bill does.

The amendment is to put in place a pilot project, move quickly; that is what it does. The amendment is to require 100 percent screening of all high-risk containers. That is what it does. We heard in committee the other day from the Secretary of Homeland Security, saying we can have 100 percent screening of all cargo containers for radiological devices by next year.

We are not counseling patience. We are supporting action and objecting to an amendment that offers no increase in safety. It doesn't move the ball forward at all.

I yield the floor.

Ms. COLLINS. Mr. President, I will move to table the Schumer amendment, with the understanding that the time for a vote will be at a mutually agreed-upon time.

The PRESIDING OFFICER (Mr. ALEXANDER). The minority leader is recognized.

Mr. REID. What is the matter before the Senate?

The PRESIDING OFFICER. The pending amendment before the Senate is the Schumer amendment.

The Democratic leader is recognized.

Mr. REID. Mr. President, last Friday the Senate Committee on Intelligence released a bipartisan report that discussed Iraq's links to terrorism and the use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the administration chose to redact—that is a word used around here meaning to black out—important portions of these reports that a bipartisan majority of the Intelligence Committee believes could have and should have been released to the American people.

Last night, I handed a letter to the distinguished majority leader informing him of my intent to offer an amendment to declassify one of these sections.

I will, at an appropriate time, ask unanimous consent that I have the pending amendment set aside to offer my amendment. I am not going to do that right now.

I do ask unanimous consent that a copy of my letter to Senator FRIST be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 13, 2006.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: Late last week the Senate Select Committee on Intelligence on a bipartisan basis released reports that discussed Iraq's weapons of mass destruction program and its links to terrorism and the intelligence community's use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the Administration chose to classify certain important portions of these reports that should have been released to the public. A bipartisan majority of the Intelligence Committee disagreed with the Administration's decision to classify certain portions of the report's findings and conclusions and said that classifying this information is "without justification."

In my view, the Administration's decision to classify one particular portion of the report—a section discussing a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohammed Atta and an Iraqi intelligence officer—is especially troubling and lacking in justification. As you may know, as recently as this Sunday on national television, Vice President Cheney left open the possibility that such a meeting may have occurred. However, a bipartisan majority of the Intelligence Committee, after thoroughly reviewing relevant intelligence reports and assessments, concluded "no such meeting occurred." The continued classification of sections referencing this meeting only serves to prevent the American public from knowing the full facts about this matter.

The classified version of the Intelligence Committee's report, including the sections dealing with the alleged Atta meeting, are available for all Senators to review in the Committee's offices in room SH-211. I urge you to join with me to encourage all members to review his text so they understand its importance and why that text can and should be made available to the American people.

In light of the importance of this issue, I also think it is important that the Senate act to declassify those portions of the text on pages 96, 97, and 98 of the Intelligence Committee's report that are currently redacted but do not involve sources and methods.

I plan to offer an amendment on that subject to the legislation currently pending in the Senate. Notwithstanding the procedural situation on the floor, I hope you will join with me to offer this important amendment, permit the Senate to act on it, and support its swift adoption.

While I understand that S. Res. 400 spells out a process for the Senate to declassify information, that process is a lengthy one that is likely to take us well beyond your announced adjournment date for the U.S. Senate. Therefore, in light of the importance of this issue, I think it is appropriate that the Senate act expeditiously to declassify this material.

Sincerely,

HARRY REID,
U.S. Senate.

Mr. REID. Mr. President, again, before I get to the need for this amendment, let me be clear. This is about good government. It has nothing to do with politics. I notified the distinguished majority leader of my intentions to speak this afternoon, well in advance—not today; I advised him yesterday—so the majority leader—indeed, every Member of the Senate—knows this is not a partisan effort but, rather, a serious effort to ensure the Senate fulfills its responsibilities to the American people.

I sincerely hope that the majority leader has had time to think about this important amendment and will join with me today to get it agreed to.

The fact is, the White House was wrong to classify portions of the phase II report, as both Republicans and Democrats on the Intelligence Committee have said.

This chart states as follows:

> The committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the Committee concludes that the Intelligence Community's decision to classify this information is without justification.

This was made public last Friday from the report.

For the record, this is not my conclusion. This is not a Democratic conclusion. This is a bipartisan conclusion of the Republican-led Senate Intelligence Committee.

Again, here is what they said:

> The Committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the committee concludes that the Intelligence Community's decision to classify this information is without justification.

A majority of the Republicans and Democrats in the Intelligence Committee came together and concluded that the administration's decision to keep information from the American people was without justification.

We talk about redaction. It is a word we use more often than I would think we should, but we are using it here today. I will show everyone in this chart what a redaction looks like. Here is the information I had in a letter to the majority leader where I said everyone should go upstairs and look at what these redacted sentences say.

This is not just any redaction. Although, obviously, I cannot discuss the specific content of this, the Intelligence Committee's report does contain some publicly available information that I can discuss.

According to unclassified sections of the committee's report, this section contains information from a CIA document about the alleged meeting in Prague between September 11 hijacker Mohammed Atta and an Iraqi intelligence officer. That is from page 135 of the report on terrorism, page 174 of the Democratic additional views.

As we all know, the alleged meeting referenced here was an important part of this administration's case for going to war. To this day, the meeting continues to be used by the administration officials to justify why we are still engaged in a war in Iraq. Obviously, this is an important piece of information as we assess how we got where we are today in Iraq and what we need to do to go forward in Iraq.

For all my colleagues, though, I want you to know, as important as it is, I would not be here today pressing the declassification of this information if I thought disclosing it to the American people would compromise our intelligence sources and methods. It doesn't.

A number of members of the Intelligence Committee who know exactly what this blacked-out section says, and have heard the administration's case for classifying it, have told me that significant portions of this passage can be declassified immediately with no harm to our national security, no revealing of sources and methods. Nor would I be here today if I thought the process of declassifying information spelled out in S. Res. 400 would work in this case.

S. Res. 400 talks about how we declassify information. As anyone who has taken a look at S. Res. 400 will quickly see, the process is a very lengthy process—so long, in fact, that it is impossible that the Senate would be permitted to express its views on an issue prior to the majority leader's announced adjournment date.

This amendment, the Reid-Rockefeller-Levin amendment, would provide the American people with information they have a right to know now. This amendment would not harm our national security. To the contrary, it will help ensure that we have a better informed Senate debate and a better informed American public, a critical underpinning of any effective national security policy.

I express my appreciation because he has just come to the Senate, to the ranking member of the Intelligence Committee. I want the RECORD to be spread with the fact of how much I appreciate, the Democratic Senators appreciate, the Nation appreciates, the Senator's dedicated work.

It has been tough sledding. The Senator has been dignified in his approach. I so appreciate the tireless efforts of the Senator. Most Senators are in the public eye. That is our job. The Senator's job is not to be in the public eye. The Senator spends days of his legislative life in a room in the Hart Building, in secret proceedings. Nothing can be said that goes on in that room. That is where the Senator spends his time. I so appreciate the Senator's dedicated service to our country.

Before I offer this unanimous consent request to set aside the pending amendment and have my amendment heard, I ask the distinguished Senator from West Virginia if he has some remarks he would like to make.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I totally appreciate and totally do not deserve the kind comments of our leader from the State of Nevada, but I heard them and I won't forget them and I didn't mind them at all.

Before the Senate Intelligence Committee was able to release last week two sections of phase II that we have been working on in prewar intelligence in Iraq, we submitted the report to the intelligence community for declassification review.

Overall, the declassification process on the phase II report produced a final product that was a substantial improvement, I have to say, over past efforts, including the committee's heavily redacted July 2004 phase I report. Yet there were notable instances of overclassification in the final phase II report released September 8.

The committee, in its report, disagreed with the intelligence community's decision to classify certain portions of the report's findings and conclusions. In its decision to keep this information from the public, which is what this is about, the intelligence community was unable to demonstrate to the committee that disclosing the redacted—that is, what is blacked-out—the redacted information in question would compromise sensitive sources and methods or otherwise harm the national security.

The committee, therefore, on a bipartisan basis, concluded in its report, which was reported out unanimously, that the intelligence community's decision to classify this information that we are talking about is without justification. Those are the words in the report, "without justification."

The Reid-Rockefeller-Levin amendment addresses the most egregious instance in the committee's Iraq report where the cloak of classification is being used improperly to keep critical information from the American people. Specifically, the amendment seeks to overturn the intelligence community's unjustified decision to classify it—that is what this amendment is trying to do—and not only overturn, but the unjustified decision to classify in its totality the section of the Iraq report referring to a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer.

As the unclassified text of the committee report states, the CIA document referenced in these redacted paragraphs expresses concerns about the alleged Prague meeting in the context of a public speech by President Bush planned for March 14, 2003.

For the information of Senators, the committee concluded in its September 8 Iraq report that the intelligence community was correct when it assessed prior to the war that there was no credible information—I repeat, no credible information—that Iraq was complicit in or had foreknowledge of the September 11 attacks on the United States or any other al-Qaida strike. The committee also concluded in its report, after exhaustive review of relevant intelligence reporting, that the alleged Atta meeting in Prague did not occur.

Significant portions of the redacted passage of the report concerning the alleged Atta meeting, if not the entire three paragraphs, can be declassified without revealing sources and methods—that is, without compromising in any way intelligence—or otherwise harming national security. The decision to keep from the public—the public of the Senate, the public of the United States of America—this revealing information about the use of intelligence information prior to the Iraq war represents an improper use of classification authority by the intelligence community, the effect of which is to shield the White House.

I urge my colleagues to go to the Intelligence Committee offices and read the classified portions of the Iraq report—Senators can do that; all Senators can do that, do it in those particular rooms, and they can do it freely—including the sections dealing with the alleged Atta meeting. Senators should read the report and draw their own conclusions about whether information known prior to the war is being kept from the American people for reasons unrelated to protecting national security.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROCKEFELLER. I am happy to.

Mr. DURBIN. Mr. President, I would like the Senator from West Virginia to clarify one point, if he might. We have two bodies of information. One is part of the Senate Select Committee on Intelligence report—unclassified, public knowledge. We have another body of information which is classified. I would like to ask the Senator from West Virginia strictly about the first.

The Senate Select Committee on Intelligence report that was issued last week—unclassified and public knowledge, which the Senator has referred to, and particularly as it relates to the alleged meeting in Prague, the Czech Republic, involving Mr. Atta, who was one of the terrorists involved in the 9/11 attacks—if I heard the Senator from West Virginia correctly, the report of the Senate Select Committee on Intelligence, an unclassified and public report, stated no such meeting occurred; is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. DURBIN. Mr. President, I might ask the Senator from West Virginia the following: So when Mr. Tim Russert of "Meet The Press" asked Vice President DICK CHENEY, on September 10, this last Sunday, "And the meeting with Atta did not occur?" and the Vice President replied, "We don't know," does that contradict the published, unclassified report of the Senate Select Committee on Intelligence that, in fact, we do know the meeting did not occur?

Mr. ROCKEFELLER. I would say to the Senator from Illinois that he is correct, it does contradict that, and moreover this contradiction has been carried on by a number of high officials in this Government for a very long period of time in spite of intelligence which they knew which said this meeting never took place.

Mr. DURBIN. Mr. President, I thank the Senator for yielding for the question.

Mr. ROCKEFELLER. In closing, I urge my colleagues to not only read the information blacked out, redacted—those are pages 96, 97, and 98—read those of the report, but also to consider it in the context of the unclassified, publicly released section on the alleged Atta meeting in Prague that precedes these pages. It sounds complicated, but it is not. Just go read it and you will understand.

I think Senators will find the information classified by the administration on these three pages does not involve intelligence sources and methods as much as it does provide insight into the warning bells that were going off all over about the alleged Atta meeting in the context of a Presidential speech a week before the Iraq war commenced. This is information on the use of prewar intelligence which the White House does not want the American public to have because it would be embarrassing.

The Senate cannot allow this misuse of classification authority to stand. I urge my colleagues to support the Reid-Rockefeller-Levin amendment.

Mr. President, I once again thank the minority leader and yield the floor.

(At the request of Mr. ROCKEFELLER, the following statement was ordered to be printed in the RECORD.)

• Mr. LEVIN. Mr. President, this past Friday, the Senate Intelligence Committee released a report that, among other issues, looks at what we have learned after the attack on Iraq about the accuracy of prewar intelligence regarding links between Saddam Hussein and al-Qaida. The report is a devastating indictment of the Bush-Cheney administration's unrelenting and misleading effort to convince the American people that Saddam Hussein was linked with al-Qaida, the perpetrators of the 9/11 attack.

Before the war, President Bush said: "[Y]ou can't distinguish between al-Qa'ida and Saddam when you talk about the war on terror," and: "This is a man [Saddam] that we know has had connection with al-Qa'ida. This is a man who, in my judgment, would like to use al-Qa'ida as a forward army."

But the report released by the Intelligence Committee on Friday tells a different story. The report quotes the CIA's June 2002 assessment that "our assessment of al-Qa'ida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability." That same CIA report said that "the ties between Saddam and bin Ladin appear much like those between rival intelligence services."

The Intelligence Committee's report quotes a January 2003 prewar CIA assessment that "Saddam Husayn and

Usama bin Ladin are far from being natural partners;" that Saddam has "viewed Islamic extremists operating inside Iraq as a threat;" and that "the relationship between Saddam and bin Ladin appears to more closely resemble that of two independent actors trying to exploit each other."

Those accurate prewar assessments didn't stop the administration from making many false and misleading statements trying to link Saddam Hussein and al-Qaida before the war. What is doubly shocking is that the false statements continue to this day.

Just last weekend, the Vice President said on "Meet the Press" that "The evidence we also had at the time was that he [Saddam] had a relationship with al-Qaeda."

And the Secretary of State told Fox News earlier this week that "There were ties between Iraq and Al Qaida."

Just read the Senate Intelligence Committee's bipartisan report. Those statements are simply not supported by the intelligence, prewar or postwar.

Three weeks ago, the President said in a press conference that Saddam Hussein "had relations with Zarqawi" the recently killed terrorist.

The Intelligence Committee's report demonstrates that statement to be flat out false. The committee report discloses, for the first time, the CIA's previously classified October 2005 assessment that Saddam's regime "did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates."

But neither the CIA's assessment nor the committee's report has stopped the false statements. Just last Sunday, the Vice President said on "Meet the Press" that "We know that Zarqawi . . . fled and went to Baghdad and set up operations in Baghdad in the spring of '02 and was there from then, basically, until basically the time we launched into Iraq."

Just last weekend, the Secretary of State told CNN "We know that Zarqawi ran a poisons network in Iraq. . . . So was Iraq involved with terror? Absolutely, Iraq was involved with terror."

And just this week, Tony Snow, the White House spokesman said "there was a relationship" between Saddam and Zarqawi.

Don't they read the CIA's assessments? If they do and disagree, they should say so. Again, the CIA's October 2005 assessment said, flat out, Saddam's regime "did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates."

There are many more misleading statements. In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that the lead 9/11 hijacker Mohammed Atta met with an Iraqi intelligence officer in Prague in April 2001.

On December 9, 2001, Vice President CHENEY was asked about the report on "Meet the Press." The Vice President said, said that ". . . it's been pretty well confirmed that the [9/11 hijacker Mohammed Atta] did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack."

On March 24, 2002, the Vice President told "Meet the Press" that "We discovered, and it's since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague . . ."

But the Intelligence Committee's report declassifies, for the first time, a July 2002, a Defense Intelligence Agency paper that said "Muhammad Atta reportedly was identified by an asset (not an officer) of the Czech [] service only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred" and that "there is no photographic, immigration or other documentary evidence indicating Atta was in the Czech Republic during the time frame of the meeting."

Two months later, in September 2002, CIA published it's assessment that "evidence casts doubt" on the possibility that the meeting had occurred and that "The CIA and FBI have reviewed the reporting available so far and are unable to confirm that Atta met al-Ani in Prague."

None of those assessments stopped the Vice President from continuing to suggest that the report of the meeting was evidence that Saddam's regime was linked to the 9/11 attackers. On September 8, 2002, in a "Meet the Press" interview the Vice President said that the CIA considered the report of the meeting "credible," although, again, that same month the CIA said that there was evidence that "cast doubt" on it having occurred.

In January 2003, still before the war, the CIA published an assessment stating that, "A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani." The January 2003 paper stated that CIA was "increasingly skeptical that Atta traveled to Prague in 2001 or met with IIS officer al-Ani" and that "the most reliable reporting to date casts doubt on this possibility."

But the Vice President continued to be undeterred by the CIA's skepticism. In September of 2003, 8 months after the CIA said that the most reliable reporting cast doubt on the possibility of a meeting between Atta and the Iraqi intelligence officer, Vice President CHENEY was still citing it as having possibly occurred.

On January 19, 2004, a full year after the CIA expressed serious doubts about the meeting and the fact that not a shred of evidence had been found to support the claim of a meeting, the Vice President told the Rocky Mountain News that the Atta meeting was "the one that possibly tied the two [Saddam and the 9-11 attackers] together to 9/11."

Six months later, on June 17, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said "We don't know. . . . We had one report, this was the famous report on the Czech intelligence service, and we've never been able to confirm it or to knock it down. We just don't know." The Vice President may not have "known" but the intelligence community sure as heck didn't believe—for a long time before the Vice President's statement—that the meeting took place.

Now the Senate Intelligence Committee's report says that "Postwar findings . . . confirm that no such meeting occurred."

But just last Sunday, before a nationally televised audience, the Vice President was asked whether the meeting occurred. The Vice President replied "We don't know."

The Intelligence Community does know. The Senate Intelligence Committee knows. The bipartisan report we released last week says "Postwar findings . . . confirm that no such meeting occurred."

The intelligence assessments contained in the Intelligence Committee's unclassified report are an indictment of the administration's continuing misleading attempts to link Saddam Hussein to al-Qaida. Portions of the report which have been kept from public view provide some of the clearest evidence of this administration's false statements and distortions.

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from pages 96, 97, and 98 of the public report does not jeopardize any intelligence sources or methods. The continued classification of that entire portion of the report reeks of a coverup by the administration. The Senate should not go along. The public is entitled to the full picture. Unless this report is further declassified, they won't.●

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Senator LEVIN would be here, but he is, to say the least, tied up in the Armed Services Committee. He has been working with others to get a bipartisan measure to the floor so we can deal with the detainee problem that was brought to a head by the Supreme Court in the Hamdan decision.

I do wish to say that Senator LEVIN, during Senator ROCKEFELLER's incapacity, was a real stalwart working with us. He kept Senator ROCKEFELLER informed at his home on a daily basis as to what was going on in that committee. We very much appreciate Senator LEVIN's efforts. He is really overworked. He had his responsibilities for Armed Services, but he filled in very well for the distinguished Senator from West Virginia. We are glad Senator ROCKEFELLER is back and in better shape than when he left. He is stronger than ever, and we are very fortunate to be able to work on this side of the aisle with these two wonderful Senators.

Mr. President, I ask unanimous consent, notwithstanding rule XXII, that amendment No. 5005, to declassify certain text of the Report of the Select Committee on Intelligence on Post-War Findings about Iraq's weapons of mass destruction program, still be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, first, let me clarify, this is not classification——

Mr. REID. Mr. President, is there an objection or not?

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. REID. Thank you, Mr. President.

Mr. President, I regret the decision of the majority. I really do. There will be ample time for my friend from Missouri to speak. I wish to speak for a few more minutes. No matter the issue or the costs to the American people, I am sorry to say, partisanship is the order of the day in this Republican Senate. On such an important matter as this, I had hoped we could set aside our partisan differences and work together. This is not the case.

Our amendment will not be adopted, but it is not we who will pay the price. The real consequences will be paid by this institution and the American people.

The Senate has lost and the American people have lost once again because the Republicans have chosen to rubberstamp a bad decision by the Bush White House. They have put the administration's political standing ahead of this body's constitutional obligation and their own political interests ahead of the Nation's interests.

Again, the American people have lost because, again, they have been denied an opportunity to fully understand the facts behind President Bush's rush to war in Iraq. The decision to keep this revealing information from the public represents an abuse of classification authority by the Intelligence Committee. They have shielded the White House at the expense of America's security.

More than 3 years into the war in Iraq—longer than it took in World War II in the European theater—the principal underpinnings of the administration's case for war have been undermined, if not obliterated, by events on the ground and Friday's Intelligence Committee report.

We learned long ago that Saddam did not possess weapons of mass destruction, that he did not have stockpiles of chemical weapons, that he did not have stockpiles of biological weapons, and that he did not have nuclear capabilities.

Further, we know definitely from the Intelligence Committee report on Friday that another administration claim—that Saddam Hussein had ties with al-Qaida—is totally and completely unfounded. Of course, that does not stop this administration from repeating this charge. This next chart shows exactly what I am talking about. Look at what has been said in recent weeks. And the colloquy between the distinguished whip and the ranking member of the Intelligence Committee certainly showed this and will show it again.

Here is what was said:

> [Saddam Hussein] had relations with Zarqawi.

President Bush said this in August of this year, late August of this year.

The Senate Intelligence Committee report:

> [T]he Regime did not have a relationship with, harbor, or turn a blind eye toward Zarqawi.

This did not stop the President from saying "[Saddam Hussein] had relations with Zarqawi." This is not a truthful statement.

On September 10, just last Sunday, the Vice President said, on "Meet The Press," at 10:30 in the morning—he was asked the question by Tim Russert, "And the meeting with Atta did not occur?"—keep in mind, this is after the report was made public Friday, 2 days before this—and the Vice President said, "We don't know."

The Senate Intelligence Committee report says no such meeting occurred. It is against this backdrop that I offered the Reid-Rockefeller-Levin amendment. We have an administration that continues to misstate the record and prevent the public from getting additional information that will shed further light on their misstatements. And "misstatements" is an understatement. We have a Republican-controlled Congress that actively aids and abets the administration in these pursuits.

Mr. President, we need a new direction. For too long, this Republican Congress has put its own security ahead of the security of the American people. Today is a good example of that, and it is too bad for the American people.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in very strong opposition to Senator REID's amendment. The amendment simply directs the release of three pages in the classified version of the committee's phase II report on the accuracy of prewar intelligence assessments. I just think this amendment is an irresponsible, very dangerous way to seek the release of classified information and would set a very dangerous precedent.

To my knowledge, this action is unprecedented—the full Senate considering a bill that has nothing to do with the subject matter that is now being discussed and for the Senate not to declassify the information but to simply release classified information. I can probably conjure up a lot of other different attempts to do this and put the full Senate in the position of trying to release classified information.

While we are at war, what the Democratic leader is proposing is that the Congress unilaterally release information that our intelligence professionals—not the administration—that our intelligence professionals have determined to be protected from disclosure. Again, to my knowledge, the Senate has never taken such a drastic step.

Now, the Democratic leader's amendment is not about port security. In fact, the amendment will do nothing to enhance our security. The Senate should not adopt a precedent that allows one Senator to release classified information for whatever purpose that he or she would deem fit or for their own purposes.

Before I proceed any further, however, I must take issue with the manner in which the committee action on the matter of declassification has been characterized. Senator REID claims that a bipartisan majority of the Intelligence Committee voted to include in the report a statement that the committee disagreed with the administration's decision—I will repeat, the administration's decision—to classify certain portions of the report's findings and conclusions and said that classifying of this information is without justification.

In actuality it was the intelligence community, not the administration, that made the decision to protect the sensitive information contained in those three pages. That decision was based on the community's judgment—their judgment—I know Senators ROCKEFELLER, REID, and others may disagree with the community—concerning sources and methods.

More important, the committee actually classified the declassification this way, and I am quoting from our report:

> The committee recognizes that classification decisions are often difficult, requiring a careful balancing of our responsibility to protect the national security sources and methods with the need for the appropriate transparency of the intelligence activities.

That says it, and it is a very difficult task that one faces when you are approaching that kind of a challenge.

Overall, the declassification process on this report—and I am quoting again—"was a substantial improvement over past efforts."

That is what the committee said. I know that doesn't include the three pages that the Democratic leader, Senator ROCKEFELLER, and others would like to have released. It would still be classified, but it would be released in a bill that has nothing to do with intelligence matters. It is important to understand that this was a broad, bipartisan statement relating to a number of issues. Several Senators, many Senators, this Senator, had things they would have liked to have seen declassified. I worked overtime with the intelligence community in regard to the section on the Iraqi National Congress, to make sure that all of that report was in, all of the nuances and history would be declassified. Did I get everything I wanted? No, but I got a large portion of it.

The committee, however, made no specific reference to the issue that Senator REID brought to the floor today. There was that generic statement that I just said earlier. I am very familiar with the material that the Senator seeks to publicly release. I agree with the Intelligence Community that this material does contain sensitive information that would damage our intelligence sources and methods. I believe it is properly classified. I supported the report's statement that there are certain portions of the report that I believe should have been declassified. This is not one of them.

The information the Democratic leader wants to release is very sensitive. Mr. President, it is CIA operational traffic between an undercover overseas field station and CIA headquarters. This type of correspondence exists to permit the rapid informal flow of information and operational guidance needed to execute the mission of the CIA. It is not formal intelligence reporting. It is not a finished intelligence assessment drafted and coordinated to support policymakers, as has been indicated, and it is not routinely available or needed by anyone outside of the CIA. It must be handled with care.

Now, the next question, obviously, is why? Because the release of unevaluated information and CIA operational traffic would potentially damage the relationships with foreign country security services that work closely with the CIA. These foreign services do so with the expectation that their words and their actions will remain confidential. Additionally, declassification and public release of such correspondence would certainly impinge upon the speed and frankness that marks this correspondence. CIA's effectiveness is reduced when this happens.

For these reasons, and others that cannot be discussed publicly, this information should not be released. In short, this amendment would damage our sensitive sources and methods by recklessly disclosing properly classified information—again, not by the administration but by the intelligence community.

There is another way to do this. It is the proper way. A number of Members on both sides of the aisle, including this Senator, have issues concerning the declassification of these reports. They have agreed to work with the National Archives Public Interest Declassification Board, which is the proper way to do it, to review and, hopefully, further declassify some of the remaining redacted portions. This review process will look at all of the information that remains classified, not just the information singled out in Senator REID's amendment. I think this is a much more responsible approach.

I hope my colleagues will proceed in that manner. That is how we intend to proceed in the Intelligence Committee in regard to classification and declassification. I oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROBERTS. I have yielded the floor, but I will answer the Senator's question.

Mr. DURBIN. I ask the Senator because I am not on the committee, the Senate Intelligence Committee released a report last week, and he stands by the findings—at least the majority section. I asked the question of my Democratic colleague, Senator ROCKEFELLER, which I would ask of you. In that Senate Intelligence Committee report relative to the alleged meeting in Prague involving Mohammad Atta, the Senate Select Committee on Intelligence report says that no such meeting occurred. I would like to ask the Senator from Kansas this: When the Vice President was asked on Sunday on "Meet the Press" by Mr. Russert the following question: "And the meeting with Atta did not occur?" he replied, "We don't know," is that statement by the Vice President consistent with the report that you signed and issued to the public on the previous Friday?

Mr. ROBERTS. Mr. President, responding to the Senator from Illinois, that is a hypothetical. I did not watch "Meet the Press." I have not studied the Vice President's comments other than what the Senator has said. My name is not Tony Snow.

I yield the floor.

Mr. ROCKEFELLER. Will the chairman yield for another question?

Mr. ROBERTS. Yes, I certainly yield to my friend and colleague.

Mr. ROCKEFELLER. Thank you very much. I am sure that the Senator is aware, having talked about the importance of the operational cables, the foreign service, and all these kinds of things that there are in our report—or in the report there are at least 30 specific references to operational cables. I am looking at page 31 of the prewar assessment part. CIA operational table, December 2002, the INC part. And there are two on page 68—two CIA cable references that are declassified. Is the Senator aware of that, that we have done this 30 times at least in our report?

Mr. ROBERTS. It is my understanding that the operational cables and the INC reports are two separate reports.

Mr. ROCKEFELLER. That is correct. But there are 30 in various parts of this that are operational cables specifically referred to, which are——

Mr. ROBERTS. Basically, the decision is made by General Hayden in a letter I would be delighted to read on the floor of the Senate, except that it is classified. He goes down specifically, exactly the comments I have made in a very generic way as to why he didn't declassify them. One report is INC and one is on the accuracy of the prewar assessments regarding weapons of mass destruction. I don't understand the point.

By the way, the general indicated that he will provide us a letter that is not classified outlining why the CIA Director feels very strongly that this should not be released.

Mr. ROCKEFELLER. What the CIA Director reportedly is saying, and the chairman of the full committee indicates, is that operational cables cannot be identified publicly. I am saying that they are identified 30 times in our two reports.

I direct my colleagues' attention to these 30 specific examples from the committee's two reports found on page 31 of the report on Post War Findings and pages 41, 43, 67, 68, 69, 70, 72, 76, 77, 78, 80, 82, 86, 87, 104, and 107 of the INC report.

Mr. ROBERTS. Mr. President, let me say to my friend from West Virginia, however, if I might, and my friend from Illinois, I don't speak for the Vice President. I ask the Senator to address that question to the Vice President. It is the information in the cable which is classified, not the format. I think the distinguished vice chairman is talking about the format in another report as opposed to the report that Senator REID quoted from, and it is that information—the cable which is classified, again, by the intelligence community. The Senator knows how hard we have both worked to get both reports declassified, to the extent that the American people could at least know what is going on and let the chips fall where they may. That does not include, however, a decision when the DNI and the Director of Central Intelligence insist that basically the information in the cable is classified.

I suppose that in future debates on any bill—and it could be port security or the farm bill or any bill that really doesn't pertain to intelligence—somebody can say, you know, I think there is a portion of some intelligence report, or any intelligence, that ought to be released even though it is classified. If we start doing this, if we go down the slippery slope with regard to having this body in executive session or otherwise decide to release classified information, we may as well replace "E pluribus unum" up there with the New York Times. It is a dangerous precedent.

There is a way to do that. We have a committee set up to go to the review board to see if we can get the most declassification possible. I agree with the Senator that too much is classified. That is a given. In this particular case, I think you have to rely on—or you should rely on the CIA Director and the Director of National Intelligence who say we are going to lose allied support.

The Senator knows that every week we get a courtesy call from various people who come in and who are our counterparts representing other countries. The bottom line is: Why can't you Americans keep quiet? So, consequently, I think that has an aspect of this. That has entered into, I think, part of the DNI's involvement here and decisionmaking, as well as the CIA Director's involvement. It is a canard of the first order to say it was the administration. It is not. It is the people who work with this every day.

Mr. ROCKEFELLER. I say to the chairman of the full committee, is the Senator aware that on page 31, the prewar assessment part of the report, there is a reference at the bottom, as I indicated, to the CIA operational cable of December 20, 2002. The Senator indicated the substance is not included, but I will read from the report:

> In addition, the Committee is examining the facts surrounding a December 20, 2002, cable from the relevant CIA station [this is all available to the American public today] which transmitted comments from a letter to the DCI and a discussion with the Chief of Station from the head of the foreign intelligence service that handled CURVE BALL. The cable noted that the head of the foreign intelligence service intelligence said experts from a number of foreign intelligence services had analyzed the CURVE BALL information and believed "the information was plausible"—et cetera, et cetera.

In other words, the content is right here.

Mr. ROBERTS. Mr. President, I would just simply say to my distinguished friend and colleague, and to let everybody know who is listening to this debate, it is an interesting debate; it is a unique debate. It sets a precedent that I don't agree with. But simply because we are having this discussion doesn't mean we are not friends and colleagues and trying our very best to do a job under very difficult circumstances. But we do defer—or at least I think we should defer—to the intelligence professionals here who work with this material. If they make a mistake, we are all over them.

So we are at war. Let's let the Public Interest Declassification Board take a look at these reports. That was the suggestion by Senator WYDEN, picked up by Senator BOND, endorsed by myself and I think by the Senator from West Virginia. That is the proper way to go about it, not in this format, when we don't even have a bill that pertains to this and where we are setting a precedent where all of a sudden somebody can say: Oh, I think we should release even though it is classified.

Once we start down that road, I would say to my dear friend, we will never hear the end of it. We will have everything else declassified. We could conceivably, with all the furor in regards to the ABC documentary over the handling of 9/11, get into reports and get into Presidential findings and everything else. I just don't think that is appropriate. So there is a way to do it. Let's do it the proper way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to join in support of the chairman of the committee. It is important to realize this was not classified after the fact. This was classified information.

Now, we cannot say on the floor why this must remain classified. There are good and sufficient reasons for this, unlike some of the other cables which have been cited by the distinguished vice chairman of the committee, why this one should not be released.

We are witnessing something here that is very, very disturbing. The minority leader said that partisanship is the order of the day because we have objected to this unwarranted effort to misuse and abuse the intelligence process to score political points. This approach, regrettably, is something that has been used going back to 2003 when the Democratic staff in the Intelligence Committee laid out a partisan political game plan to use intelligence to try to beat President Bush and Vice President CHENEY in 2004. They laid out a game plan and they stayed on it. They stayed on it through phase I. Phase I took 2 full years during which we exhaustively examined all of the documents, interviewed anybody that might have information on whether there was an intentional misleading or misrepresentation or pressure to change the estimates of the intelligence analysts and thwart the process.

We reviewed that process exhaustively. At the end of it, our bipartisan conclusion was there was no evidence of any pressure to change findings of the Intelligence Committee; there was no effort to mislead or misuse the information of the intelligence analysts or the intelligence estimates.

Regrettably, our Democratic colleagues were not satisfied with that. They wanted to continue the battle. So we initiated a second backward look into history that I think was a tremendous waste of time—phase II—to go back and say: Well, maybe we missed something. We are going to go back and look at the intelligence prior to the commencement of Operation Iraqi Freedom and see if we can't find some misstatement, some misstep by the administration.

Well, President Bush is not running again. I don't know whether they want to try to impeach him or whether they just want to try to score points in the 2006 election campaign. But whichever thing they are doing, it is a blatant partisan effort to take what should be the bipartisan, even nonpartisan, Intelligence Committee and drag it through the political mire of name-calling and rock-throwing.

I think it is time for us to hit the baloney button on this and say: We have wasted now 2 more years in the Intelligence Committee going back and trying to defeat or impeach President Bush, and we have not been successful.

Let me mention something about this. All of this hype is about things that were added—much of it is about things that were added as comments to one of the two reports that we reported out of the Intelligence Committee. The Democrats chose to make extraneous allegations now that will be considered in a later report that is yet to be finalized by the committee, to look into statements made by administration officials and Members of Congress, to see whether they were inaccurate or if there was a misuse of the intelligence estimates that were available at the time. I have looked at them and I have seen some significant overstepping in statements that were made. Regrettably, those statements primarily came from Members of Congress, some on the other side of the aisle, who went too far. They went beyond what the intelligence estimates said.

Now, we have focused in this process on what the final intelligence estimates were. There are thousands—perhaps hundreds of thousands—at least tens of thousands of operational cables. They bring in different points of view. There are 16 different intelligence agencies that may have points of view. Do those all come to the policymakers? Of course not. The intelligence community is responsible for coming up with a National Intelligence Estimate, a community assessment that goes to the policymakers, whether that is the President, the Vice President, or this body. We get the final product.

Now, any time you want to, you can go back and look at all kinds of operational cables. You can find cables at any one time saying it is daytime and others say it is night, a third one saying it is dusk, and a fourth one saying it is dawn. But that is not what is given to the policymakers.

We ask the Intelligence Committee to use their best judgment. And as far as this cable, which has been properly classified—and we will not go into why it is properly classified—this cable was one communication to the headquarters, and it was not the only one. There were many, many more.

Looking back on it, we have a much better idea of what went on. But the whole purpose of this, the whole purpose of our Democratic colleagues in phase II, was to find grounds to defeat President Bush in 2004 or perhaps impeach him in 2006 or maybe in 2007. Well, we have been looking in the rearview mirror far too long. We have been looking backwards. We spent 2 full years, the staff of the Intelligence Committee spent hundreds of hours, reviewed tens of thousands of documents, over 1,000 interviews, and they found that there was no misuse, no abuse of the intelligence process, no pressure on the analysts.

So we have a lot of things that we ought to be doing. We have a lot of work in the Intelligence Committee because we have to implement the recommendations of the 9/11 Commission. One of the key recommendations concerning intelligence in the 9/11 Commission report was to set up a national security post in the Department of Justice to coordinate between the FBI and the CIA. Regrettably, our colleagues on the other side of the aisle are holding up the appointment of the man who is supposed to fill that position to ensure that there is good information and good exchanges of information between the FBI as a law enforcement body and the intelligence agencies. And we have a lot of other things to do because there are still problems that we have to work out in the new structure of the Director of National Intelligence.

I have been asking plaintively why we cannot look at the continuing threats, do oversight and deal with some of the questions and problems we have. The answer is we have to complete phase II, and phase II has had, again, hundreds and hundreds of hours of work by our staff, work that could have been used on other points. Regrettably, what we are hearing on the floor and what we are seeing in some of the reports coming out of the Intelligence Committee is an effort to politicize intelligence. I deeply regret the fact that so much of this has been misquoted in the report issued, the largely Democratic report issued from the intelligence community. There was a tremendous amount of cherry-picking of selected pieces of information that did not come from the National Intelligence Estimates, to say that statements by some administration officials were not based on sound evidence.

We have learned a lot. We have learned a lot since we went into Iraq. We learned that our intelligence wasn't good, state-craft and trade-craft were not properly executed. Where there were dissenting views, those dissenting views were not conveyed up the line to the policymakers. That was us and that was the administration. And we are trying to change that. We are trying to make sure that dissenting views are explored, that policymakers know if there is a division.

Now, looking back with hindsight, we could say that many of the statements made here on the floor and made by the administration were not accurate. The question is, Were they based on the best National Intelligence Estimates at the time? We found out in phase I that they were.

The effort to do more declassification is very important. The chairman of the committee, Senator ROBERTS, Senator WYDEN and I and the vice chairman have asked the Public Interest Declassification Board and the National Archives to look at and investigate what has been classified to see if more of it could be declassified. Because I, as most of my colleagues, want to have as much that is not sensitive or revealing sources and methods to be disclosed, so we can evaluate where we stand. But for this one, I understand full well the reason it is classified, and I am not going to say why. But when we disclose intelligence, we risk sources. Unfortunately, when we prosecuted the 1993 World Trade Center bombers, the prosecution had to turn over a list of 260 names of potential suspects. They turned it over in that court proceeding and, subsequently, several years later in a raid in an African nation they found in the al-Qaida playbook the names of all these people. When we disclose who we are talking to, their names get disclosed. And regrettably, some of them have been murdered. But it is not just the individual source who is at risk.

We have repeatedly chipped away at the confidence of our allies to work with us in the war on terror by disclosing sources and methods over the years. Friendly services are saying—and CIA leaders have told me directly—that our allies in the field are rethinking if and to what extent they can work with us because the Americans cannot keep a secret. This effort to declassify operational traffic involving overseas entities could devastate the confidence of our allies in cooperating with American intelligence and obliterate the confidence of American intelligence officials in the United States Congress, who will be taking their discrete communications among themselves and broadcasting it to the entire world.

I can't think right now of a single more devastating action that will reverse what we have been trying to fix in the U.S. intelligence community than this, to say that if you share anything within the intelligence community or even with the Intelligence Committee, it is going to get out. People don't want to share the most sensitive intelligence when it could get out and not only disclose the information, but put at risk the sources and methods by which it is being obtained.

For that reason, I regret that the minority leader has attempted to make a partisan battle out of something that did not have to do with the National Intelligence Estimate. It was not a final product of the Intelligence Committee. Therefore, it had no place in the effort to determine what kind of information got to the top policymakers in the administration.

There were lots of conflicting pieces of information going through the chain. What we properly looked at was how those were handled and what they gave to policymakers. There is no evidence, no evidence, none, zero, zip, none—that this evidence was ever shared with the top policymakers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I had the honor to serve on the Senate intelligence subcommittee for 4 years. It is an awesome assignment. That committee can suck up more time from a Senator's schedule than any other assignment I can think of. I easily spent half of my time in committee in the Senate Intelligence Committee room, and I am almost certain that I didn't attend half of their meetings. There were so many meetings. The information is voluminous. It is cloaked in initials and references which take the longest time to understand. I will honestly tell you by the end of my 4 years I had come to understand more and more about the intelligence community and come to understand more and more about what to look for and listen for. So my hat is off to all of my colleagues in the Senate, Democrat and Republican, who serve on this committee. It is a massive assignment, and they have a massive responsibility—to measure the efficacy of our intelligence operations as well as their reports.

I can't think of another committee in Congress—I might say the Armed Services Committee is close—that has such an awesome responsibility. I want to preface my remarks by saluting all of the members of the Intelligence Committee for giving their time to this effort.

But I will tell you, there is no more frustrating assignment in Congress either because you will sit there for hour after weary hour, day after weary day, week after week, and month after month listening to all of this information, being sworn not to repeat a word of it—imagine. The only questions you can ask are in the room. The only statements you can make are in the room. It is classified information. We wouldn't want to risk the life of a single American or ally or someone helping our cause, so we are extra careful.

I lived through this as we made the momentous and historic decision 4 years ago to go to war in Iraq. After sitting there for months, listening to the experts within the Bush administration talk about what they knew about Iraq, I drew my own conclusions from what they said. And I would walk outside that committee room stunned to hear the public statements that were being made in direct contradiction.

Elected officials and appointed officials in this administration were saying things about Iraq and its threat to the United States which were inconsistent with the information being given to us in the Senate Intelligence Committee. Yet, being sworn to secrecy, I could not say a word. It was a frustrating situation.

I reached the conclusion that the information within the room was more compelling than the headlines outside the room. I joined 22 of my colleagues in the Senate in voting against the authorization to go to war. And our subsequent investigation found that those inside the room knew a lot more than the politicians outside the room because we found no weapons of mass destruction, we found no nuclear weapons, we found no connection between al-Qaida the terrorist group responsible for 9/11—and Saddam Hussein. We found no evidence to support the notion that somehow nuclear materials were coming in from Africa to Iraq.

Despite statements made by the President in the State of the Union Address, none of that was found. So we knew, after our invasion, after careful investigation, that the statements made to the American people were wrong. The American people were misled. The American people were deceived. So the Senate Intelligence Committee set out to try to get to the bottom of it.

The first phase of its investigation was to find out what happened at the intelligence agencies. If they had conflicting information, how did this occur? I happened to be on the committee when this report was made. It was an important disclosure that, in fact, our intelligence agencies had let us down. Their information was not reliable, was not sound, and many times misled a lot of people. That is a fact.

But phase II of this investigation by the Senate Intelligence Committee was going to really talk about whether these public disclosures were made and whether they, in fact, misled the American people. It took almost 2½ years for that to be prepared, 2½ years, despite repeated promises by the chairman of the Senate Intelligence Committee that it would be a priority item and be taken care of. It is unfortunate that it took so long. It is unfortunate that the Democratic leader, Senator REID of Nevada, had to threaten a closed session of the Senate to force this issue, to finally come up with the phase II report.

But it is a good thing he did because the phase II report, which was publicized last week for all of America, in unclassified form, in public form, made it clear. The report concluded the administration relied on known fabricators and liars, including the infamous Ahmed Chalabi and his Iraqi National Congress to justify the war. Chalabi and others fed the administration consistently false information about Iraqi weapons of mass destruction and nuclear weapons.

Members of the intelligence community had warned that this Ahmed Chalabi, the darling of many people in this administration, was, in fact, a fraud. Despite this, despite this fact, this man was invited to sit in an honored place at the President's State of the Union Address.

He was unreliable. His organization was not only not trustworthy, it was penetrated by the Iranians, who sadly do not share many, if any, of our values.

But the administration still eagerly embraced this source, this unreliable, untrustworthy source. Some of the information that he gave found its way into one of the most important documents our Government issues, the National Intelligence Estimate on Iraq. That is a compilation of all the gathered intelligence from all the different reliable sources of our Government and other places, to try to have an accurate picture of the situation before a military invasion, before we risk the first American life. And the lies and fabrications and distortions of this man were part of that National Intelligence Estimate.

In fact, some of his testimony found its way into statements made by our former Secretary of State Colin Powell before the United Nations to try to justify to the world our invasion. That presentation marked a low point in what I consider an otherwise highly distinguished career of service by General Powell.

The committee report which we saw last week spells out the misinformation from Chalabi and others that was used to justify the war. It shows clearly there was no connection, none, between Saddam Hussein and al-Qaida. That is now a bipartisan conclusion. It is published. It has been verified from intelligence sources. The debate over that question should now officially end.

Mr. BOND. Mr. President, could I ask the distinguished Senator from Illinois a question? On what page is there a bipartisan statement that there was no connection between al-Qaida and Iraq?

Mr. DURBIN. I will get the page reference and give it to you in a moment.

Mr. BOND. Because we also found in there a reference that there was a meeting and two contacts.

Mr. DURBIN. Mr. President, if I might? I do control the time?

The ACTING PRESIDENT pro tempore. The Senator controls the time.

Mr. DURBIN. I will get the page reference for the Senator. I would like to continue my remarks, if I may.

The bipartisan Senate Intelligence Committee reached these conclusions but this report, especially the public version, doesn't go as far as it might. As the vice chairman, the distinguished Senator from West Virginia, and other colleagues wrote in their additional views:

> The committee's phase II investigation has been significantly limited by the majority's refusal to examine issues and documents relevant to our inquiry when the issues and documents came close to the White House.

The point that is being made today, and has been debated back and forth, is how much of this document that has not been released to the public, should be released.

As you can see, several pages, many pages, are blacked out. Information is blacked out. The official word is "redacted." So this debate has gone back and forth about how much should have been redacted, how much should have been released. I will not get into the specifics because I wouldn't want to disclose anything that I should not. But I will say the Senator from Nevada asked by his motion, his amendment, that we consider opening at least one or two pages of this report that reflect directly on statements made by the Bush administration.

The other side, Senator BOND and others, have suggested that we should not ask these questions, that we are looking in the rearview mirror about things that happened a long time ago.

I view this quite a bit differently than my colleague from Missouri. What we are talking about are statements and justifications made by this administration to justify the invasion of a country, to justify a war. I believe the greatest breach of trust in a democracy is when the leaders mislead the people, and the worst of these is when the people are misled into a war. I can think of nothing worse.

To ask specific questions about the nature of how we were misled into this war is certainly not ancient history, unworthy of comment or review. It goes to the heart of who we are and what we are as a democracy.

So many of us listened, startled by statements made by Vice President CHENEY on "Meet The Press" last Sunday. Scarcely 2 days after the report of the Senate Select Committee on Intelligence, Vice President CHENEY and other members of the administration made statements directly contradicted by the Senate Select Committee on Intelligence report that had just been released. Let me be specific.

First, if I could, the chart with the "Meet the Press" show, Mr. Russert asked the Vice President, " . . . and the meeting with Atta did not occur?"

Vice President CHENEY said, "We don't know."

This was an important meeting. It was a meeting that was suggested had occurred by the Vice President and others involving Mohamed Atta, the leader of the 19 who were responsible for the attack on September 11, a meeting which supposedly occurred in Prague. Mr. Russert is asking: Did it or did it not occur?

Vice President CHENEY says, "We don't know." He said that as of last Sunday.

The Senate Select Committee on Intelligence report says, "No such meeting occurred."

That is not the only reference. Secretary of State Condoleezza Rice, "CNN Late Edition," same day, said:

> We know that Zarqawi . . . ran a poisonous network in Iraq.

The Senate Intelligence Committee report says the following, "the regime"—in Iraq—"did not have a relationship with, harbor, or turn a blind eye towards Zarqawi."

Then, just yesterday or the day before, September 12, Tony Snow the President's Press Secretary, said "there was a relationship between Saddam and Zarqawi," directly contradicting this report.

This, sadly, is a pattern which is unacceptable. For the leaders in this administration—the Vice President, the Secretary of State, and the President's Press Secretary—to continue to mislead the American people about facts they now know are not true is unacceptable. If we are going to move forward in this country effectively, on a bipartisan basis, it has to be based on truth and honesty. As members of this administration continue to misrepresent the justification for the war on Iraq and the circumstances in Iraq, is it any wonder that a majority of the American people are now raising serious questions about their competence and judgment when it comes to these important foreign policy decisions? That is the reason for this moment on the floor today, this time that we have taken from the business of the Senate, because it really goes to the heart of the issue here. It goes to the heart of the issue which the American people are consumed with as they realize that 2,679 of our brave soldiers have now died in Iraq and 19,000 are seriously injured.

This morning, Senator OBAMA and I had a town meeting. We do each Thursday morning here. And one of those soldiers, blinded and severely injured in Iraq, came to visit with us. He was there with his wonderful and brave wife who stood by his side, and other soldiers, doing his best to get back on his feet and put his life back together.

That is what this debate is about. This isn't a waste of time over politics. It is a question about the foreign policy of this Nation, the protection of this Nation, and most importantly whether it is time to move in a new direction.

The Vice President of the United States said in the course of his appearance on "Meet the Press" when he was asked about the invasion of Iraq:

> It was the right thing to do, and if we had to do it over again we would do exactly the same thing.

Clearly, no lessons have been learned by this administration because we sent too few troops into a situation which was not clearly planned nor clearly explained to the American people. We sent them without the necessary equipment they needed to protect themselves. We shortchanged them in terms of the number of forces, equipment, and training they needed—and lives were lost.

We now know, as well, that the justification for the war did not turn out to be true. There were no weapons of mass destruction, and we are there with 145,000 of our soldiers and marines risking their lives for America, even as we stand in the safety of this country today.

I might say to the Senator from Missouri that I have just been handed by my staff a reference which he might want to consider: page 63 of the report which he signed. Page 63 said Saddam has "viewed Islamic extremists operating inside of Iraq as a threat."

That statement is inconsistent with the conspiracy theory heard through some media channels that somehow Saddam Hussein and al-Qaida were in concert working toward the devastation which occurred on 9/11.

I would suggest that there is more which I could go into and don't have the time at this moment. But the report makes it clear—and most everyone who has taken an objective view of this makes it clear—that to continue to suggest this relationship with al-Qaida is just plain wrong.

I am going to conclude because I think this is an important debate and one which should continue. It is one that continues in households across America, not just in the homes of families of soldiers, those anxious parents and loved ones praying for the safety of our men and women in uniform, but also in every other home across America that truly wants to be safe and wants to make sure that our men and women in uniform are protected, that we do everything in our power to make this a safe nation.

We have offered amendments on the Senate floor to put the 9/11 recommendations into law so we will be safe at home. Sadly, they were rejected on partisan rollcall. But I can only hope that soon we will return to the bipartisan spirit of 5 years ago when we worked together. It would be in the best interests of our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Illinois for calling my attention to page 63. I don't see the information there. It does, on page 65, talk about George Tenet saying the intelligence indicates that the two sides at various points discussed safe haven, training, and reciprocal nonaggression. And in the report there are three instances of contact cited between al-Qaida and the Iraqi Government.

I also would just follow up on my statement that some of us in this body were misled by the inaccurate intelligence estimates presented to us by the community. For example, I see this classic statement:

> When you look at what Saddam Hussein has had at his disposal in terms of chemical, biological and perhaps even nuclear weapons, we cannot ignore the threat that he poses to the region and the fact that he has fomented terrorism throughout his reign.

That was from Senator DICK DURBIN on "CNN Larry King Live," on December 21, 2001.

But I think we want to get back to the port security bill. I have been asked by Leader FRIST to pass along from a letter just received from CIA Director GEN Michael Hayden.

General Hayden said:

> The amendment offered by Senator REID, seeks to declassify and make public CIA internal communications that include personal commentary and judgment. We hold these kinds of cables to the highest standard of secrecy within our organization, and would only share them outside of CIA under certain specific conditions.
>
> I provided this information over the objection of many of my officers, after receiving assurances from the Chairman that it would be treated as highly sensitive material. That is why I am so disappointed that this amendment is being considered at this time. In addition, I am deeply disappointed that some have already characterized the cable's contents in the media.

He also talks about the information coming in from Chiefs of Station.

He said:

> No COS has ever written one of these cables expecting it to be made public, and no COS will use his channel again without fearing it will become public, if Congress demands declassification.

He also said:

> Further . . . it contains pre-decisional executive branch information.

Finally, he said:

> Lastly, a critical way in which our Nation gathers intelligence is with the support of our liaison partners. If these partners fear that their support for CIA activities will be made public, it will make them reluctant to cooperate with my agency. This will, I assure you, curtail the intelligence made available to the CIA and could create gaps in the

final intelligence made available to policymakers. I ask your help in defeating this effort in the Senate, and for your help in protecting both CIA's sources and methods as well as our ability to work cooperatively with the Oversight Committees.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to discuss the Port Security Act of 2006, the underlying bill we are discussing in the Senate here this afternoon.

I want to start by commending the steadfast dedication of my colleague, Senator MURRAY, from the State of Washington, and Senator COLLINS for their hard work in moving this legislation through the Senate, and certainly Senator STEVENS and INOUYE for their leadership on this issue.

I want to say that Senator MURRAY has done great work both here in Washington, DC, and at home in the State of Washington to close security gaps. And I have enjoyed working with her to make sure that our ports in Washington State are more secure.

Port security ought not to be an afterthought or an extra security measure when we are talking about securing our borders or securing our communities. It should be one of our key priorities. Washington State knows how critical these ports are to our economy and to our way of life. There are ports all along our shore lines from Seattle to Vancouver, Bellingham, and other cities. They create jobs. They drive economic growth for the entire northwest. And in the Seattle-Tacoma area, the ports are the third-busiest in the Nation, with over 11,000 containers passing through Seattle and Tacoma daily.

That's more than 4 million containers a year. That is more than 100,000 workers in the Puget Sound area including longshoremen and freight forwarders and others who depend on the ports of Seattle and Tacoma for their jobs. And certainly they want to see them safe and secure. Last year the ports of Seattle and Tacoma combined to move more than $45 billion in revenue from imports and $12 billion in U.S. exports. But these are not just the homes—these ports—to international trade.

Puget Sound is also the home to America's largest ferry transportation system, with more than 26 million passengers and 11 million vehicles traveling throughout Puget Sound and to and from British Colombia. Despite these numbers of trade and economic development and of passenger movement and cargo container movement, there are still clear vulnerabilities.

For too long, too little has been done, I believe, to protect our ports and to improve the protections on our ferries. This bill will take a step forward on both of those issues. Right now we are inspecting the contents of less than 3 percent of the more than 6 million containers entering our country each year. Most of this inspection occurs after the container is off loaded and sitting on the docks of a U.S. port. The reality is that by then it is too late. And so working on point-of-origin issues is very important as my colleagues, Senators MURRAY and COLLINS understand.

The Permanent Subcommittee on Investigations, which Senators COLEMAN and LEVIN lead, issued a report in March that stated we are only inspecting 0.34 percent of all containers destined for the United States overseas and of those that were considered high-risk containers, we are only inspecting about 17.5 percent.

Given this low inspection rate, it is really no surprise that each year we find illegal immigrants stowed away on cargo containers destined for the United States. This spring, 22 Chinese stowaways were apprehended at the Port of Seattle. So if illegal immigrants know that they have a good shot at entering the United States in cargo containers because of our failure to inspect the contents, it ought to be no great leap of imagination to expect that terrorist organizations might also have the same idea. In fact, the C.I.A. has reported that a weapon of mass destruction is most likely to be delivered in the United States by a cargo container entering a seaport. But the problems extend beyond our failure to inspect cargo.

We have no standards for container locks and seals. We have inadequate funding for critical research and development of screening technology. We have no international security standard for conducting terror and background checks on port workers. That is why, again, the point-of-origin issue and working internationally is so important.

The accuracy of cargo manifest information submitted to customs is also a major problem, especially when we're using this information as part of a system—the Automated Targeting System or ATS—to identify high-risk cargo. We recently, at the Port of Seattle had this made clear to us. That is when in August, Customs identified two suspicious containers and set them aside for inspection. They thought that there were things contained in there that bomb-sniffing dogs detected were explosives. Thankfully for us in the Puget Sound area, it was a false alarm.

But it made all too clear the potential for disasters at our ports with today's standards. With the high risk of terrorists placing weapons of mass destruction in containers during transit, we need to begin securing container doors with tamper-proof locks and seals, instead of what we are doing today, which sometimes can often be just a 10-cent zip lock or the equivalent.

Many containers are filled with cargo from more than one source, which also makes this transfer and tracking challenging. In fact, during a hearing before the Senate Finance Committee, the CEO of the Port of Seattle, Mic Dinsmore, put it this way—quote—"as ships make its way to the U.S., it might well stop at several other ports. Throughout this process, at least seven different handlers may have access to the containers before it even arrives in the United States. Every stage in the supply change creates additional hurdles for monitoring this cargo."

That's why we need to make improvements as this legislation does, to improve the systems that hold the shippers accountable for accurate information like is required under the Customs-Trade Partnership Against Terrorism. C-TPAT is a good start. But as has been reported, there is more to be done, particularly validating the participants of this program. Senator MURRAY has been a leader in this area in working with Operation Safe Commerce, a program to identify ways to better secure the supply chain, including cargo containers. But these threats are real, and we can't wait any longer.

This legislation makes important critical improvements to the current regime. It authorizes $400 million for port security grants and it makes improvements to the Container Security Initiative, a program that is important right now for inspecting cargo, as I said, at the point of origin; and with the Customs-Trade Partnership Against Terrorism program, the public-private initiative that secures that supply chain.

This legislation directs the department to establish minimum standards for container security, and it authorizes the Department of Homeland Security to accelerate the deployment of radiation detection equipment. It also authorizes the testing of systems to improve scanning of containers overseas. To make this possible, I was proud to cosponsor this legislation earlier this summer in directing the Department of Homeland Security to conduct a pilot program where we have seen at the Port of Hong Kong good result from this technology that I think will help us move closer to our goal for 100 percent container inspection.

Now, this pilot program is just initiated at three foreign ports, and we will need to work hard at expanding it. This underlying bill also includes language to us in improving the screening for our ferry systems in Washington state, particularly those coming into the United States from Canada. Right now some ferry runs from Canada aren't being screened for explosives before departing for the United States. In an F.B.I. Report in 2004, the National Threat Assessment named vehicle-borne explosives as the type of weapon that al-Qaida would most likely use for a maritime attack. The lack of explosives screening not just impacts the passengers on board the ferries, but those communities and coastal regions where this ferry transportation exists. That's why this inclusion in the underlying bill is so important for us in the northwest.

To build on many of the other critical provisions in this bill, there are two amendments that I offered that were included. The first would improve inspection of foreign ports, the point of origin for cargo entering the United States. The U.S. has an obligation to ensure that our international strict security standards and a way to enforce them.

We're only going to be as safe as the inspection process that our foreign partners implement. The Coast Guard is authorized under the Maritime Transportation Security Act to conduct inspections of foreign countries and their ports to validate their compliance with the International Ship and Port Facility Security code, ISPS.

Currently the Coast Guard only has 34 inspectors as part of the agency's international port security program to review the more than 140 countries that are shipping cargo to the United States. To date the Coast Guard has only been able to inspect ports in about 59 out of those 140 countries. We need to reinforce this relationship. We need to maintain a standard with these foreign governments, these ports, these private sector entities to ensure that we have adequate intelligence and security measures and that they are in place before these ships heave and are destined for the United States. That is why I am proud to sponsor an amendment with Senator SNOWE, the chairwoman of the Coast Guard Subcommittee that would authorize the Coast Guard to add additional personnel to complete the inspection of foreign ports by the end of 2008 and maintain a 2-year cycle for reinspection. Currently the Coast Guard maintains a reinspection cycle about every 4 to 5 years, so this basic step, I believe, is critical to gathering adequate information—gathering adequate information about cargo entering the United States before it reaches our ports. It also helps us identify countries who are not compliant with International standards and helps us identify those high-risk vessels and cargoes. But we have to also improve at home our ability to scan for those containers that are going to be loaded onto rail cars.

So the second amendment, that I am glad that the managers of this underlying package have accepted, directs the Department of Homeland Security to establish an Intermodal Rail Radiation Detection Test Center and test technology that can scan containers on rail for radiation. Now, currently, the U.S. Customs officials do not scan containers that are loaded directly on to rail. For us in the Pacific Northwest, this is an important issue since so much of our cargo comes through our Ports and onto rail systems and is then moved throughout the United States. Though scanning containers transported on rail cars does present a formidable challenge, we must step up to that challenge.

The 2006 Government Accountability Office report on combatting nuclear smuggling stated "to speed seaport development and to help ensure that future rail deployments proceed on time, we recommend that the Secretary of Homeland Security in cooperation with the Commissioner of C.B.P. develop procedures for effectively screening rail containers and implementing new technologies to facilitate this."

Just a few weeks ago, I had a chance to tour the Pacific Northwest National Laboratory in Richland, WA, where they are teeming with customs and—teaming with customs and border protection to develop and test this technology to scan rail transport containers for radiation. Many container ports and transport—container ports and transport companies are moving to on-dock rail systems to reduce the costs and improve efficiency and lessen the Environmental impact of using trucks. So more and more of the container business is moving towards rail. For example, the Port at Tacoma helped lead the way in this transition as the first port in the U.S. to develop an on-dock intermodal rail yard. So today, approximately 72 percent of the cargo arriving at the Port of Tacoma is transported by rail directly from the terminal. So we want to make sure that there is a screening process available that will help us make sure that the United States in cargo rail-transported shipments are more secure. This underlying language in the bill will help us get the right technology test done and the right deployment of the technology.

Since 9/11 we have taken many steps to enhance security infrastructure of our seaports, but further improvements can and must be made. We know the challenges that are facing us, and we know what would happen if a terrorist struck our ports. Millions in my State live, work, and commute around Puget Sound. Many are mere yards from the port, making it a very devastating impact on the populace of Puget Sound. If such an environmental disaster would happen. And the economic impact, I should say, would also be disastrous. We saw in 2002, when the west coast had a closure of a few of our ports, it cost our national economy $1 billion a day. So the Ports of Seattle, Tacoma, Vancouver, Everett and our other major ports are gateways to supplies and products corning to the entire Nation through the State of Washington. Without them, everything from jobs, productivity and economic growth slows down or stops. By making a real commitment to improving security at our ports and the cargoes that move throughout our country, we will have a more secure Nation. We will create jobs and a faster economic growth for the entire country. So I want to commend the managers of this legislation for their commitment in moving this legislation at this time and continuing to push on this difficult task. But I also want to remind my colleagues, as one port security expert said, Stephen Flynn of the Council on Foreign Relations—quote—"We are living on borrowed time."—So I believe the measures in this Port Security legislation are long overdue, and I hope my colleagues work to see it passed this afternoon.

Mr. President, I yield the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 4970, AS AMENDED BY AMENDMENT NO. 5007; 4942, AS MODIFIED; 4952, AS MODIFIED; 4961, AS MODIFIED; 4966, AS MODIFIED; 4997, AS MODIFIED; AND 4983, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I have another so-called managers' package, a series of amendments that have been cleared by the managers on both sides. There are three committees involved. They have been cleared on a bipartisan basis.

I will send to the desk the amendments and I will present them at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. I have the DeMint amendment No. 4970, as amended by amendment No. 5007. It is at the desk. I have the Lautenberg amendment No. 4942, as modified; the Vitter amendment No. 4952, as modified; the Vitter amendment No. 4961, as modified; the Rockefeller amendment No. 4966, as modified; the Menendez amendment No. 4997, as modified; and the Schumer amendment No. 4983, as modified.

This is a package that has been cleared totally. That is my understanding. I ask the amendments be presented en bloc, they be considered en bloc, they be agreed to en bloc, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. We will not object on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4970

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

"(A) has been convicted (or has been found not guilty by reason of insanity) of—

"(i) destruction of a vessel or maritime facility under section 2291 of title 18;

"(ii) violence against maritime navigation under section 2280 of title 18;

"(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

"(iv) interference with maritime commerce under section 2282A of title 18;

"(v) improper transportation of a hazardous material under section 46312 of title 49;

"(vi) piracy or privateering under chapter 81 of title 18;

"(vii) firing or tampering with vessels under section 2275 of title 18;

"(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

"(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

"(x) imparting or conveying false information under section 2292 of title 18;

"(xi) entry by false pretense to any seaport under section 1036 of title 18;

"(xii) murder;

"(xiii) assault with intent to murder;

"(xiv) espionage;

"(xv) sedition;

"(xvi) kidnapping or hostage taking;

"(xvii) treason;

"(xviii) rape or aggravated sexual abuse;

"(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

"(xx) extortion;

"(xxi) armed or felony unarmed robbery;

"(xxii) distribution of, or intent to distribute, a controlled substance;

"(xxiii) felony arson;

"(xxiv) a felony involving a threat;

"(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

"(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

"(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(C) otherwise poses a terrorism security risk to the United States.".

AMENDMENT NO. 5007

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

"(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

"(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

"(viii) Murder.

"(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

"(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

"(i) Assault with intent to murder.

"(ii) Kidnapping or hostage taking.

"(iii) Rape or aggravated sexual abuse.

"(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

"(I) firearms (as defined in section 921(a)(3) of title 18); and

"(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

"(v) Extortion.

"(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

"(vii) Bribery.

"(viii) Smuggling.

"(ix) Immigration violations.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

"(xi) Robbery.

"(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(xiii) Arson.

"(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

"(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

"(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

AMENDMENT NO. 4942, AS MODIFIED

At the appropriate place, insert the following:

SEC. ——. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Subject to the availability of appropriations, within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice

USCG-2006-24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

AMENDMENT NO. 4952, AS MODIFIED

On page 14, line 22, after the period, insert the following: "The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.".

AMENDMENT NO. 4961, AS MODIFIED

In the appropriate place insert the following: BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting ", energy" between "national economic" and "and strategic defense concerns.".

AMENDMENT NO. 4966, AS MODIFIED

At the appropriate place insert the following:

SEC. ——. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) IMPLEMENTATION STATUS.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

AMENDMENT NO. 4997, AS MODIFIED

On page 18, between lines 22 and 23, insert the following:

(b) RISK MANAGEMENT PLAN.—

time Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

On page 19, line 16, strike "and".

On page 19, line 18, strike the period at the end and insert "; and".

On page 19, between lines 18 and 19, insert the following:

"the Port Security Improvement Act of 2006.

On page 19, strike line 24 and insert the following:

for Preparedness, may require.

"(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.".

AMENDMENT NO. 4983, AS MODIFIED

(Purpose: To carry out an "Apollo Project" to research and develop new technology for the accurate and effective detection and prevention of nuclear and radiological threats to United States seaports)

On page 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46, United States Code, as redesignated by subsection (b), is amended by inserting ", underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology" before the semicolon at the end.

(3) USE OF FUNDS.—Amounts appropriated pursuant to this section shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $70,000,000 for fiscal years 2008 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

AMENDMENT NO. 4995

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I call up amendment No. 4995 and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4995.

(Purpose:) To require the placement of balss-resistant cargo container on all commercial passenger aircraft)

At the appropriate place, insert the following:

SEC. . BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: "Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container. The Department of Homeland Security will provide each airline with sufficient blast-resistant cargo containers 90 days after the Department of Homeland Security's pilot program is completed".

Mr. STEVENS. Mr. President, parliamentary inquiry: Is this amendment germane?

The ACTING PRESIDENT pro tempore. The amendment is not germane.

Mr. STEVENS. I make a point of order that it is not germane.

The ACTING PRESIDENT pro tempore. The point of order is sustained.

The Senator from California.

Mrs. BOXER. Mr. President, I am very disappointed. We have looked through this bill and we have seen an amendment that we believe gives Senators the opening to offer this. It was coming from the other side. It was the Burns amendment that dealt with an issue close to this. I will not argue that.

What I say to my colleagues today is this: We are very fortunate we have a homeland defense bill before the Senate. We are very fortunate Senators COLLINS and MURRAY work in a bipartisan way on a homeland security bill that deals with port security. We are further blessed that Senators have the guts to step up and offer amendments dealing with rail security and transit security. They were agreed to, thereby broadening the scope of this bill.

However, it is amazing to me that after we have observed and marked the fifth anniversary of September 11 we would turn away from a simple amendment that I am offering, which costs as much money as it takes for the war in Iraq in 5 hours—5 hours of the war in Iraq. We could take that amount of funding and make sure that on every passenger plane in this country that carries cargo there would be at least one blast-resistant cargo container.

Everyone lauded the 9/11 Commission. Let's see what they said about this.

> The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo.

That is the 9/11 Commission Report. That is dated July 22, 2004.

The other side is objecting on some thin parliamentary threat and hiding behind it. It is outrageous. I cannot wait to tell the people of this country that for 5 hours of the cost of the war in Iraq, every airplane that has cargo would have at least one blast-resistant container so that if there is a bomb on that plane it will be contained, because only the suspect cargo would go into that particular container.

I do not understand what we are doing here. We have a good bill. We can make this bill better. The first thing I heard from my colleagues on the other side of the aisle is, oh, they did not want the airlines to have to pay the $15,000 per container—$15,000. It is a $150 million aircraft, but they did not want the airlines to pay $15,000. Fine. I said we will make sure the Transportation Security Agency gets those containers to the airlines. That is fine. That is fair.

The Homeland Security Department now has a test program. We know these things work. So let all of America hear it today. For all the talk about the 9/11 Commission Report and how great it was and how fair it was and how bipartisan it was, how good it was, how clear it was, this very simple recommendation that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo, this Republican Senate would not allow a vote.

So you are going to hear all kinds of words about why it is not germane, and we are doing something else somewhere else. Do you know what? This is simple. This would do the trick. This is not costly. It would not even rate an asterisk in the Federal Government.

So I am very sad to see that we cannot vote on this amendment. But I will be back another day with it. You can be sure of that.

I thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the motion to table the SCHUMER amendment No. 4930 occur at 4 p.m., with no second degrees in order prior to that vote. I further ask consent that following that vote, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, if I could just ask that Senator SCHUMER be given 2 minutes to speak prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I modify my request to ask that there be 4 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection to there being 4 minutes equally divided between both sides before the vote?

Ms. COLLINS. No objection, and I so modify my request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, before that time commences, I want to answer the Senator from California. Canine teams are the most effective way to screen cargo transporter and passenger planes. Dogs can screen large quantities of cargo more quickly than any other available methods. One dog team can screen all the cargo on a 777 in 13 minutes.

Now, there is just no reason for these containers that the Senator from California wants to use, no reason to permit high-risk cargo aboard an aircraft. The hardened containers would only be able to contain a blast of limited quality of explosive material and would only be available for wide-body aircraft.

That amendment is not pertinent to this bill. This is not an airplane bill. This is not an aircraft bill. It is not an airline bill. It is a port and railroad security bill. That is why I objected. And I thank the Chair for ruling it was not germane.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, if I may respond, this is not my idea. I say to my good friend from Alaska, with whom I have had many good debates. This is a recommendation of the 9/11 Commission. We all know there are sniffing dogs going through the airports. I voted to make sure that happened. But we also know we are talking about a layered defense.

I want to know what the Senator from Alaska would say if this cargo blew up on a plane. I do not think he would be down here saying: Well, I supported making sure we had canine teams. I will tell you right now, either we are going to do homeland defense or we are not.

The Senator is right, this is a port security bill. But we have broadened it. I know he was not thrilled about that, and neither was the other manager. They wanted to keep it to port security. Why? Why not keep our people safe, not only when you are dealing with port security but with air security and rail security and transit security?

So this idea I have laid out here is not my idea. It is directly from the 9/11 Commission Report. And let the RECORD show that all kinds of talk about, oh, how safe we are because we have the canine teams, that is just part of a layered defense. The 9/11 Commission knows this, understands this.

It would have been very simple to have a vote on this amendment and add this very simple, inexpensive addition to this bill. But I guess it goes back to what Mr. Chertoff said the other day. I guess it just is not a priority. He said: Oh, we are going to go bankrupt protecting the people. I am basically paraphrasing what he said. Bin Laden wants us to go broke, he said. No. Bin Laden wants to kill us. Yes, he wants to kill us.

So why are we walking away from a 9/11 Commission recommendation that costs as much as 5 hours of the war in Iraq? The RECORD will show what happened here today.

Mr. President, I thank you and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 4942

Mr. LAUTENBERG. Mr. President, I just want to say a few words about an amendment, No. 4942, that was accepted in the managers' package.

On April 28 of this year, the administration announced a plan to check "all individuals seeking access to port facilities. . . ." They wanted to check all individuals seeking access to port facilities. The plan was to check these individuals' names against the terrorist watch list and to check for citizenship status. But a major loophole was created when it intentionally left out port truck drivers from this process.

Now, we are reminded that when the first attack on the World Trade Center, in 1993, took place, the explosives were hidden in a van. When the Murrah Building in Oklahoma City was blown up, the explosives were hidden in a van. And not to recognize that these trucks entering a port area could be carrying anything—whether it is taking cargo containers out of the port that had been brought to our shores from foreign ports or whether it is taking an empty cargo container back into the port—my gosh, you could almost hide a tank in one of those.

So to me it really did not make sense when the Department of Homeland Security's excuse was that it was simply too hard to do, to vet all of these truck drivers who come in, and get them an ID card to show they have been checked for any security concerns. Certainly, I do not think that is a valid excuse when it comes to protecting us from a terrorist attack. "Too hard" is never an acceptable reason. Just look at our brave troops in Iraq and in other places, places of great danger. No one is saying it is too hard. They are doing their duty to protect all of us and our interests.

One of the largest truck driver labor organizations in the world fully supports my amendment. They know they have nothing to hide, and they want to know that their workplaces are secure from terrorism.

The amendment simply requires that the IDs of truck drivers who have access to secure areas of ports be checked against terrorist watch lists and to confirm their American citizenship.

Earlier this year, DHS Customs Enforcement agents did an investigation of port truck drivers. Of about 10,000 port truck drivers working in the Port of New York and New Jersey, almost half had criminal histories. Some had been charged with the possession of millions of dollars of stolen pharmaceutical goods, or trying to smuggle cocaine and Iranian carpets into the United States.

This failure to check port truck drivers along with all other port workers is a dangerous shortcut. It is unacceptable. When it comes to protecting our security, we do not seek shortcuts. We do not want to. We want full measures taken to keep us, our families, our constituents, and the people in the area safe.

I want to thank the manager, the Senator from Maine, and Senator STEVENS from Alaska for accepting this amendment. It will help make sure our attempts for security are better fulfilled. I thank them, and I thank the chairman for working with me on this important issue. I understand there may be concerns with some technical aspects of my amendment, but I think it is clear that everyone here recognizes the problem of not checking port truck driver names against the terror watch list and for citizenship status.

Mr. STEVENS. I agree and I commit to working with the Senator to see that we do our best to make this law.

AMENDMENT NO. 4930, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, there are 4 minutes equally divided between the proponents and opponents of the Schumer amendment.

Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I will yield myself 1 minute, and then I will reserve a minute for after Senator SCHUMER speaks.

Mr. President, I urge my colleagues to join me in voting to table the amendment offered by the Senator from New York, which would require 100-percent scanning of all 11 million cargo containers entering the United States, regardless of whether they are incredibly low-risk containers or high-risk containers.

Now, the amendment that was adopted yesterday, the Coleman amendment, provides for 100-percent scanning of high-risk containers. The bill before us has a pilot program in three foreign ports to find out: Is it feasible and practical? Is the technology available? Can we, in fact, do 100-percent scanning without significantly slowing the flow of commerce? Right now it appears that we cannot do that. The technology is not there. But eventually we will be able to get to that goal. The approach in the Schumer amendment ignores the technological limitations we now have.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator reserves the remainder of her time.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized for 2 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Let me say this amendment is a very simple one. It says within 4 years we must have all of our cargo inspected for nuclear weapons. We have been trying to do this for 5 years—close to 5 years—and what we have gotten is a lot of studies, pilot projects.

And now I have seen it with my own eyes. Others have here, too. It can be done. It is done in Hong Kong on two lines. It costs about $8—once it is fully going, per container, nothing because it costs $2,000 to send a container over.

This does not cost the taxpayers any money. And this is the greatest—greatest—terrorist act that could befall us: a nuclear weapon smuggled into this country and exploded, God forbid. Can any one of us say we have done everything we can to stop it? No.

The fact that this amendment has drawn such controversy and has focused attention on the issue has shown that when you put in a deadline, you get things done.

When you do pilot projects and studies—especially because Department of Homeland Security has not done a very good job in this, the most important of areas—you will get delay. If you want to wait another 5 years, vote against this amendment. But if you care about protecting the security of America and preventing the greatest act of terror that could befall us, you will vote for this amendment to impose deadlines—because we know it can be done—and make our country more secure once and for all. We cannot afford to wait any longer, Mr. President.

I urge a "yea" vote.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 1 minute.

Ms. COLLINS. Mr. President, once again, I will explain the provisions of the bill. It has a layered system of security for our cargo and, by the end of next year, it requires that the 22 busiest ports in the United States, which handle 98 percent of all cargo containers, will have installed the equipment to screen for radiation, for radiological devices, including a nuclear device. So it is not just studies and plans, as the Senator from New York repeatedly says; it has specific mandates.

The Coleman amendment, adopted yesterday, requires 100 percent screening and scanning of all high-risk containers. But the fact is that we do not yet have feasible, efficient, practical technology in place to allow us to do 100 percent scanning of all containers without significantly slowing container movement, producing a backlog, and harming our economy.

I move to table the Schumer amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: The Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—61

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—37

Bayh
Biden
Bingaman
Boxer
Byrd
Carper
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Talent

NOT VOTING—2

Akaka
Chafee

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. There is 10 minutes equally divided to make final statements on this bill?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senate will come to order. Senators will please take their conversations off the floor.

The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that each side have 5 minutes, jointly, to make final statements on this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, there is 5 minutes equally divided.

LAND PORTS SECURITY

Mr. LEVIN. Mr. President, securing our seaports against terrorist threats is a critical issue, and I commend Chairman COLLINS and Senator LIEBERMAN for their hard work on the bill we are debating today, the Port Security Improvement Act of 2006. Senators COLLINS and LIEBERMAN have negotiated this bill not only with members of the Homeland Security and Governmental Affairs Committee but also with members of the Commerce and Finance Committees; they deserve our thanks for their tireless efforts.

While seaports are the focus of this bill, I would like to point out that land ports are equally important ports of entry into this country; they also suffer security gaps, and they also receive attention in this bill. Right now, about 11 million containers enter this country by ship through our seaports; another 11 million containers enter this country by truck through our land ports. According to the Department of Homeland Security, DHS, for example, the northern border has 6 of the top 10 truck border crossings in the country, including the No. 1 crossing point in the Nation, the Ambassador Bridge in Detroit. In fact, the Ambassador Bridge is currently the largest trade link that the United States has with another country, connecting Detroit, MI, and Windsor, Ontario with nearly 10,000 trucks crossing daily transporting goods worth nearly $110 billion per year. Over 60 percent of all trucks crossing the northern border take place in southeast Michigan.

Over the past 5 years, we have increased border staffing and security along our land borders and made progress in installing radiation detection equipment at land ports of entry. Today, for example, 100 percent of all trucks entering Michigan are screened by radiation detection equipment. But there is more to be done; we need better equipment to detect currently hard-to-detect nuclear materials and to analyze currently unreadable cargo images, such as images of trash containers on trucks entering the United States from Canada. Among other provisions, this bill directs the Secretary of DHS to enhance cargo security research, which I support.

The bill also takes a number of other steps to improve container security at land ports of entry, even though land ports are not the primary focus of this bill. Chairman COLLINS, am I correct that a few provisions in the bill would strengthen container security at both the land ports of entry as well as the seaports?

Ms. COLLINS. You are correct, Senator LEVIN. The bill contains provisions which would strengthen security measures for containers transiting either land or sea ports of entry.

Mr. LEVIN. It is my understanding that the following provisions in the bill, for example, would apply to all containers, whether they moved by truck or by ship: section 201, which would call on the DHS Secretary to establish a strategic plan to enhance the security of the international supply chain; section 211, which would codify the Customs Trade Partnership Against Terrorism Program; section 301, which would establish the Office of Cargo Security Policy; and section 303, which would increase research into ways to strengthen cargo security.

Is it your understanding that these provisions would apply to containers traveling through both the seaports and land ports?

Ms. COLLINS. Yes, it is the intent of the bill that those provisions apply to all containers, whether transiting U.S. seaports or land ports of entry.

Mr. LEVIN. I thank you for your time and for helping me to underscore an important point, that this bill would strengthen security measures for all types of shipping containers, at both sea ports and land ports of entry.

TWICS

Mr. DEMINT. Mr. President, I thank my colleagues for working with me on this important amendment. The amendment that I offered and which is included in the managers' package codifies the current proposed regulations governing the issuance of transportation worker identification credentials—often known as TWIC cards. My amendment would codify in statute a number of offenses which would bar individuals from receiving TWIC cards if they have been convicted, or found not guilty by reason of insanity, of a number of particularly heinous offenses. The amendment would also bar individuals from holding TWIC cards if they have been convicted of or found not guilty by reason of insanity within the last 7 years or have been incarcerated in the preceding 5 years for certain other offenses. This amendment will provide the Nation with assurances that the hard-working men and women at our ports are trustworthy.

It is my understanding that this language will be the Senate position in conference and that my colleagues will fight to protect this language and to ensure that the conference report contains the DeMint amendment.

I am particularly pleased to hear that Cochairman INOUYE has agreed to fight for this amendment in conference. Is that understanding correct?

Mr. INOUYE. The Senator is correct that his amendment will be the position of the Senate. I can assure the Senator I will work to protect the Senate position in conference.

Mr. DEMINT I thank my colleagues for working with me on this amendment and look forward to the port security bill's passage.

Mr. McCAIN. Mr. President, yesterday, the Senate adopted amendment No. 4951, which I offered to the Port Security Improvement Act of 2006, to require all recipients of grants from the Department of Homeland Security—DHS—to report to the Department on the expenditures made from these Federal funds.

I offered this amendment in response to recent testimony by the U.S. Government Accountability Office—GAO—which found it difficult to track expenditures made from the $11 billion in Federal grants awarded to States and localities to improve emergency preparedness, response, and recovery capabilities. Specifically, William O. Jenkins, Jr., Director of the GAO's Center for Homeland Security and Justice, stated that, "What is remarkable about the whole area of emergency preparedness and homeland security is how little we know about how states and localities (1) finance their efforts in this area, (2) have used their federal funds, and (3) are assessing the effectiveness in which they spend those funds."

Currently, the Department requires States and localities applying for grants to submit an "Investment Justification" outlining implementation plans and detailing how the Federal funds are expected to be used to meet homeland security goals, objectives, and capabilities. Additionally, the Department requires States and localities that receive funds to file a Categorical Assistance Progress Report twice a year on how the Federal assistance allocations were used to meet homeland security goals and objectives. However, grant recipients are not required to disclose specific homeland security expenditures.

Early in the formation of DHS, grant recipients were required to report expenditures for homeland security equipment, plans, training, or exercises. This amendment will simply reinstate the requirement. With such a process in place, I hope DHS and the GAO will be able to report to Congress, and the American taxpayers, on the effectiveness of the grant programs and the use of Federal funds.

I am pleased my colleagues joined me in supporting this amendment to promote greater accountability and transparency in the use of taxpayers' money.

Mr. KOHL. Mr. President, I rise to support passage of H.R. 4954, the Port Security Act. This bill will improve security at our ports and it is a step in the right direction. It will invest more money and coordinate programs to improve cargo screening, hire more personnel to increase physical security at ports, require background checks for port workers, and expedite deployment of radiation detection equipment to prevent the smuggling of nuclear material into our ports. All of these measures represent a better and smarter approach towards port security and homeland security generally. But we need to do much more.

It has been 5 years since the 9/11 attacks and sadly we still have much more to do to prevent a repeat of that catastrophe. We are troubled that this Congress has failed to implement many of the changes suggested by the 9/11 Commission more than 2 years after their final report. For example, the Commission urged us to improve border security through a more efficient entry-exit screening system. Despite the national outcry to beef up border security as we have seen during the ongoing immigration debate, we have yet to adequately address this problem.

The 9/11 Commission also recommended that we develop smarter plans to secure not only our air transportation system but also our rail and main transit systems. As the terrorist attacks in Madrid in 2004 and London in 2005 taught us, terrorists are more than willing and able to attack our trains, buses, and subway systems.

And even though we have spent billions to better protect air passengers, we must better screen for explosives in checked baggage and air cargo. The plot to use liquid explosives uncovered by British intelligence services in August revealed that we are unable to properly scan for all explosives. We can and must do more to protect these vulnerabilities against attack.

Unfortunately, what needs to be done to improve homeland security is not limited to the transportation sector. For example, we must also do more to improve security at our nuclear powerplants and chemical factories. Study after study has shown that a tragic attack on one of these facilities could kill thousands of Americans.

Such a bleak assessment of what still needs to be done—a full 5 years after 9/11—should gravely concern us. It is no wonder that a majority of Americans do not feel safer. According to an ABC News poll taken last week, 74 percent of Americans said they were concerned about the possibility of more major terrorist attacks in the United States. That same poll also found that 60 percent said more should be done to stop terrorists from striking again. Clearly, public sentiment demands that we improve homeland security. Passage of the port security bill will demonstrate that we can work together to make America safer. While this marks progress, it is just one piece of a much larger homeland security puzzle that we need to tackle. This must be our No. 1 priority and I urge my colleagues to continue working together towards this goal.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is about to pass the Port Security Improvement Act of 2006.

This week our Nation observed the tragic anniversary of September 11, 2001. Five years after that horrific attack on our country, we honor those who lost their lives, and pay tribute to the heroism of the first responders who selflessly risked, and even gave, their lives in the rescue and recovery missions. Since that day, Congress has taken some actions to improve domestic preparedness and readiness, but there is much more we must do to help protect Americans from the threat of terrorism on our own soil. We must finish the job of implementing the bipartisan September 11 Commission's recommendations, including strengthening the security of our ports. Let us not get sidetracked from what should be our No. 1 priority, the fight against terrorism, and this port security bill is a key component in that fight.

Ports are a critical part of our Nation's infrastructure and an attack on our ports would have devastating consequences for the U.S. and the global economy. It is therefore of the utmost importance that our ports have adequate security measures put in place. That is why I supported a number of good provisions in this port security bill, such as the establishment of minimum security standards for all cargo entering the U.S., the requirement of radiation screening at the 22 busiest U.S. ports, and increased funding for the important port security grant program.

I was especially gratified to support the Murray amendment that extends certain Customs and Border Protection fees. While this might not appear to be much on first glance, this amendment was the difference between just authorizing these improved protections and providing the funding to put them in place. And it provides this funding in a responsible manner without adding to the deficit.

I was disappointed that the Senate rejected an amendment offered by Senator SCHUMER, which I cosponsored, that would prohibit foreign cargo from entering the U.S. unless the container has passed through an integrated scanning system and be tested for nuclear and radiological materials. This amendment would require, within two years, every container entering the U.S. from a foreign port designated under the Container Security Initiative—CSI—to be scanned before being loaded. This would cover the vast majority of transatlantic and transpacific cargo and be scaled up to scan all cargo within 4 years.

I was also disappointed that the Senate rejected the amendment offered by Senator MENENDEZ that would have required the Department of Homeland Security to develop a plan to incrementally increase the amount of cargo scanned for all threats until 100 percent of cargo was examined. Congress needs to finish the job of implementing the bipartisan 9/11 Commission's recommendations to improve our national security, including heightened screening of cargo that passes through our Nation's ports.

I also supported the amendment of Senator REID, which contained a number of important provisions addressing national security needs that are not addressed in the underlying bill. It is unfortunate that the Senate was unwilling to expand the scope of the bill to consider other matters relevant to fighting terrorism and protecting Americans. While I did not support every provision in the Reid amendment—it did not do enough to put this administration's flawed Iraq policy on the right course, for example—the Senate missed an important opportunity when it rejected that amendment.

Mr. President, I will vote for this bill because it provides funding for many important port security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. SALAZAR. Mr. President, as this Congress comes to a close, it is important to ask: Have the Congress and the White House done everything possible to make the American people safe?

Unfortunately, I am afraid the answer is "No."

Just over a year ago, we all witnessed in horror the tragically inept response to Hurricane Katrina. Despite claims that DHS and FEMA had put their house in order after the Hurricane, just last week a GAO report raised concerns that adequate safeguards are still not in place to properly respond to a catastrophe.

Despite the fact that the 9/11 Commission gave 5 Fs and 12 Ds in its final report, an appalling number of the Commission's recommendations have still not been implemented—including recommendations regarding emergency preparedness and response, transportation security, border security, and intelligence reform.

Too many of our first responders still lack adequate equipment, resources, communications interoperability, and—just as important—training. Making matters worse, as local law enforcement agencies are forced to take on more homeland security responsibilities, the administration keeps proposing cuts to law enforcement funding.

Our borders are broken and lawless, allowing millions of people to cross the border without the government knowing who they are or why they are here. Meanwhile, border security programs remain under-funded and the National Guard has been strained to the limit.

Funding for air cargo security has declined by about 25 percent over the past 3 years, while a comprehensive baggage screening system is not expected to be in place until 2024.

Incredibly, there are still no minimum standards regulating security at our chemical facilities which remain vulnerable to attack. For reasons which I cannot understand, the Republican leadership has either refused or been unable to schedule floor time for a strong, bipartisan chemical security bill which has already been reported out of committee.

The American people deserve better. They deserve a Congress that will put partisan politics to the side and put homeland security first. So while I am proud to stand here and support this important, bipartisan port security bill, I do so with the understanding that it is only a first step on the long road toward adequately protecting our homeland.

Almost 5 years to the day after the September 11 attacks, more than 2 years after the 9/11 Commission warned us about the need to address port security, and more than half a year after the Dubai Ports World controversy brought port security to the front pages, the Senate is finally addressing this important issue.

The wait is unfortunate, because the issues at stake are serious. Over 11 million shipping containers enter the United States via our ports each year. Those containers carry roughly 2.4 billion tons of goods worth more than $1 trillion—and some expect those numbers to double over the next 20 years. It goes without saying that an attack on our ports would cause economic catastrophe.

The average shipping container originating overseas will pass through, on average, over a dozen intermediate points before it arrives in the U.S.—each providing an opportunity for terrorist infiltration. Weapons smuggled into the country through one of our ports could cause unspeakable loss of life.

Only about 6 percent of containers arriving at U.S. ports are currently inspected before they enter the country and that we do not have a comprehensive plan to restart the economy in the event of a terrorist attack on our ports.

So I am happy that we have finally taken up this important, bipartisan piece of legislation—and I commend Senators COLLINS, LIEBERMAN, MURRAY, INOUYE, and STEVENS for their leadership on the issue. And while the legislation isn't perfect, it would take important steps toward securing our ports and protecting our economy.

First, I am pleased that the bill establishes a pilot project in 3 foreign seaports to screen every container entering the United States from those ports. This is a long-overdue first step.

I am also pleased that the bill requires the screening for radiological material of each container entering the United States.

The bill also includes important provisions requiring DHS to develop enhanced protocols governing the resumption of trade in the event of an attack on our ports and a comprehensive strategic plan regarding maritime cargo security.

I am also pleased that the bill improves and expands key port security programs such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism; and that it authorizes important risk-based port security grant programs.

Improving our port security isn't impossible. Just look at Hong Kong. While we inspect only about 6 percent of incoming containers, the port of Hong Kong has implemented new screening procedures that achieve 100 percent inspection. While this bill won't get us to 100 percent inspection overnight, it is an important—and long overdue—first step.

Furthermore, I would like to thank my colleagues for supporting my amendment to create a Rural Policing Institute—RPI—at the Federal Law Enforcement Training Center, FLETC. FLETC does a fantastic job training Federal, State, and local law enforcement officials. But FLETC does not have sufficient resources dedicated specifically toward training rural law enforcement officials. So the Rural Policing Institute would evaluate the needs of rural and tribal law enforcement agencies; develop training programs designed to address the needs of rural and tribal law enforcement agencies, with a focus on combating meth, domestic violence, and school violence; export those training programs to rural and tribal law enforcement agencies; and conduct outreach to ensure that the training programs reach rural and tribal law enforcement agencies.

As Attorney General, I learned that a small investment in law enforcement training can pay great dividends. By ensuring that our rural and small town law enforcement officers have the training they need to protect their communities, the RPI will help law enforcement agencies better protect the safety and security of their communities.

Finally, I am proud to cosponsor an amendment that would make the Transportation Technology Center, Inc.—TTCI—in Pueblo, CO, a part of the National Domestic Preparedness Consortium—which is the principal organization through which the Department of Homeland Security identifies, develops, tests, and delivers training to state and local emergency responders.

The TTCI does an outstanding job training first responders from the rail and mass transit sectors, the chemical industry, government agencies, and emergency responders from around the world. Each year, roughly 1,700 first responders go to Pueblo to participate in TTCI's outstanding training programs. TTCI's inclusion in the National Domestic Preparedness Consortium will allow it to improve its already outstanding services.

Our first responders are the finest in the world, and they deserve the best possible training and facilities. This bill is an important step in that direction.

Mr. GRASSLEY. Mr. President, the Senate is about to pass the Port Security Improvement Act of 2006. This important legislation is the result of months of hard work between the Committee on Finance, which I chair, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Governmental Affairs. I thank again Chairman STEVENS and Chairman COLLINS, as well as Senator COLEMAN, Senator INOUYE and Senator LIEBERMAN, and of course Senator BAUCUS, the ranking member on the Finance Committee, for coming together with me to produce a significant and balanced piece of legislation that advances both the trade and economic security interests of our Nation.

As I have noted previously, those who intend harm to our Nation seek to inflict economic as well as physical injury. We must be mindful of both concerns as we defend the homeland. I am pleased to say that we in the Senate have done our part. The committees of jurisdiction came together, worked together, and produced a bill that will empower the Department of Homeland Security, and in particular the U.S. Customs and Border Protection, to better meet the dual responsibilities of securing the homeland and protecting the economic security of our Nation. Our legislation has been on the floor for a week, during which the Senate has worked its will. I look forward to working out our differences with the House so that we can get this legislation to the President's desk as soon as possible.

I want to take a moment to thank the many staff who have worked so hard and so long to make this legislation a reality. On the Finance Committee, that begins with my chief counsel and staff director, Kolan Davis, whose skilled leadership is key to the advancement of my agenda on the committee. My international trade counsel, Stephen Schaefer, deserves special mention. Stephen is a very smart trade counsel, a creative problem solver, and a dedicated public servant. Tiffany McCullen Atwell, my international trade policy adviser, also deserves special mention. Tiffany was tireless in her efforts and a very strong and effective advocate for the Finance Committee. Together, their hard work and advocacy contributed significantly to the development of this legislation. I also want to recognize the other members of my trade staff, David Johanson, who serves me as international trade counsel, and Claudia Bridgeford, my international trade policy assistant. Their support is critical to my success.

Senator BAUCUS's trade staff also deserves recognition. The Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, worked well with my staff throughout the process. I also appreciate the efforts of Brian Pomper, Senator BAUCUS's chief international trade counsel, and in particular Senator BAUCUS's international trade adviser, Anya Landau, who worked so closely and so well with my staff in this effort. And I want to acknowledge the other members of Senator BAUCUS's trade staff, Demetrios Marantis, Chelsea Thomas, Janis Lazda, and Mary Lisa Madell.

Finally, I would like to thank Polly Craighill, senior counsel in the Office of the Senate Legislative Counsel, for the many hours she put into drafting and improving this legislation. Not only is Polly a perfectionist, but she also drives others to meet her high expectations and for that I am personally grateful. The bill before the Senate is much improved by virtue of her patience, dedication, and expertise.

Mr. LEAHY. Mr. President, I want to offer a comment on an aspect of the port security bill, included in the managers' package. The IP-enabled voice communications and public safety provisions will encourage the use of E-911 by Voice over Internet Protocol providers. I want to thank Senator STEVENS for removing language from the initial amendment that would have delayed implementation of this public safety program. The provisions that were removed would have needlessly endangered lives. Accordingly, the modification was essential. As Americans increasingly use IP-enabled voice communications, there is an increasing necessity to ensure these callers have access to their local 911 public safety answering points in case of emergency.

The language of the initial amendment would have provided gaping loopholes for VoIP providers to avoid 911 obligations. It would have delayed the Federal Communications Commission's rules regarding implementation of 911 requirements on VoIP providers; grandfathered subscribers who signed up prior to December 31, 2005—meaning those subscribers would not be assured that when they called 911 they would reach their local first responders; and would have authorized other broad "waivers" from the rules.

I want to thank the firefighters—specifically the International Association of Fire Chiefs and the International Association of Fire Fighters—for bringing these important public safety concerns with the initial amendment to our attention. Through their diligence, we have an amendment that will promote the deployment of critical 911 services, rather than delay it. This is crucial to assist America's first responders, including local fire, EMS and police officials, in their efforts to save lives.

As the port security bill moves forward, it is critical that the compromise reflected in this important public safety amendment be maintained. I appreciate the assurances made by the managers to protect this important compromise. All Americans deserve the very best emergency response system. This amendment now helps accomplish that goal.

Mr. ISAKSON. Mr. President, today, the Senate accepted an important amendment to this port security bill to protect longshoremen and private sector marine terminal operators from any adverse consequences that could result from government cargo screening activities. The amendment was coauthored by Senator KENNEDY and myself, and I thank the distinguished Senior Senator from Massachusetts for his leadership on this issue. I also thank the floor managers, Senators COLLINS, STEVENS, COLEMAN, LIEBERMAN, INOUYE, and MURRAY for their vital assistance.

After September 11, Congress mandated that the administration begin scanning shipping containers upon their arrival at U.S. ports. In response to this congressional mandate, U.S. Customs has begun using so-called "VACIS machines" to screen cargo on U.S. marine terminals. These machines are enormous imaging systems that use gamma ray technology to produce radiographic images of the contents inside the shipping containers. Some of these systems are truck mounted and can be passed over containers and others are operated by actually driving the container through the machine. With these devices, Government officials can determine the possible presence of many types of contraband. Eventually, every port in the country will have the machines on site.

There is no question that these machines are crucial to our port and national security, but they also have the potential to expose maritime workers to low levels of radiation. The National Academy of Science recently concluded that exposure to any additional radiation above background levels poses an incremental risk to the exposed individual.

This incremental risk of exposure to radiation, regardless of how small, is enough to trigger significant liability for employers under the Longshore and Harbor Worker's Compensation Act.

The amendment that I offer today addresses the issue of this low level radiation exposure in two ways: First, it requires the Secretary of the Department of Homeland Security to develop and implement new protocols to protect the safety of port workers. If indeed it is possible that radiation exposure can be further reduced, hopefully to zero, we should do so. The tens of thousands of dedicated maritime workers in this Nation's ports deserve nothing less than to know that the Federal Government has done everything possible to prevent any exposure to additional radiation caused by these cargo screening machines.

The second part of the amendment allows the operators of marine terminals nationwide to receive financial reimbursement if their port-based employees become ill due to the low levels of radiation emitted by these machines.

Unfortunately, if we do not include this amendment today, maritime employers will be on the hook for thousands of radiation exposure claims because the Federal Government exposed their workers. Congress has placed the operators of marine terminals in a no-win situation. On one hand, we are asking the industry to support Government port security efforts, while on the other hand leaving them vulnerable to a possible litany of radiation exposure claims from their workforce if they do cooperate.

If a port worker believes that he or she was harmed because the Federal Government exposed the worker to radiation, the worker's complaint is with the Federal Government, not his or her employer.

Accordingly, I only ask for fairness for the businesses that operate marine terminals in Savannah, Boston, Seattle, and other American seaports. These businesses are in no way responsible for any radiation hazard brought about by congressional mandate. All these businesses have done is cooperate with the Federal Government. Therefore, this amendment also stipulates that the Federal Government should reimburse employers for any employee claims of injuries caused by exposure to radiation.

In closing, I thank Senator KENNEDY and his staff and the floor managers and their staff for their assistance with this important matter.

Mr. ALLEN. Mr. President, I rise today in strong support, urging passage of the Port Security Improvement Act. As an original sponsor of this measure, I am hopeful we will have a full and vigorous debate, but ultimately pass this important legislation for Virginia and America.

The Port of Virginia is a vital part of Virginia's economy, and its security is key to continued economic prosperity of Virginia. Recently, I visited the Norfolk International Terminals to see and receive briefings on what has been implemented to secure our port against terrorism and other illicit activities. Fortunately, the Virginia Port Authority has been proactive in assessing its security needs and implementing plans and infrastructure to meet those requirements. The Port of Virginia is on the leading edge of port security, which will help ensure the flow of commerce, but more importantly will ensure the safety of the American people. The Port of Virginia is an outstanding example for other ports around the country and the Port Security Improvement Act will help move other port facilities in that direction.

Following the September 11 terrorist attacks, our Government logically focused first on protecting the Nation's airports and commercial airlines. In the years since, we have received disturbing predictions and reports on the vulnerability of our Nation's ports. Claims that a nuclear weapon could be smuggled into the U.S in a container or that a biological or chemical weapon could be disbursed through our port system are grim reminders that must remain vigilant against this threat.

Since 9/11, the Congress and the administration have taken a number of steps to strengthen security at America's ports. We have required advance manifests, so we know what is supposed to be in containers reaching U.S.

shores. Our Government has also negotiated agreements with dozens of countries to allow Customs and Border Protection, CBP, personnel to inspect loaded ships destined for the United States. And we have employed scanning devices at ports around the country to detect radiation emanating from cargo. And while there is often talk that cargo entering the U.S. is not being scanned, the fact is that 70 percent of cargo arriving at U.S. ports is scanned by CBP for radiological material.

These and a number of other initiatives have vastly improved the security at our ports. However given the gravity of the threat from al-Qaida and other terrorist groups, we must continue to take steps to maximize our ability to detect and prevent potential future attacks.

To do so, the Senate Commerce, Homeland Security and Finance Committees have collaborated to craft the Port Security Improvement Act. This legislation outlines the next steps the federal government, port authorities and cargo shippers need to take to protect our country.

The bill provides that the Department of Homeland Security, DHS, develop and implement a plan to deploy radiation detection capabilities to the Nation's 22 busiest ports by 2007. In addition, the measure outlines future requirements to make sure cargo entering the U.S. by various modes of transportation is properly scanned and random physical searches are carried out where appropriate.

In the years since September 11, much has been made about how we guarantee the people entering our ports or working at out ports are not a security threat. Also, many questioned how we make sure credentials to enter ports cannot be duplicated. Our legislation, this bill, the Port Security Improvement Act would implement the Transportation Worker Identification Credential, TWIC, that DHS has been working on for the last few years. TWICs would be required at the 10 busiest ports by 2007 and the next 40 strategic ports by 2008.

Global trade has become the engine of the U.S. and global economy and our ports are the gateways that keep our economy vibrant. We all agree that security of our ports is paramount, but we must also address how new requirements impact the flow of commerce. The Port Security Improvement Act allows DHS to establish a Customs-Trade Partnership Against Terrorism—C-TPAT—program that will allow importers to cooperate with the government to secure their own supply chain. Depending on the level of cooperation and security, importers would receive a lower risk assessment as part of the algorithm DHS uses to determine what cargo requires further inspection. This provides a reasonable choice for importers—if you are as forthcoming as possible and your risk for delay will dramatically decrease, if not, your cargo could be held up to ensure its contents are safe.

We cannot ask State and local officials to fund these security improvements without assistance. However as stewards of the taxpayers, we have an obligation to use their hard-earned money as effectively as possible. Our bill would amend existing law so that future grants are allocated on a risk basis. This is an important change that will ensure we are addressing the areas most likely to come under attack.

We have made real progress in securing our ports in the last few years. And yet we all understand we still must do more to protect the American people. Passing the Port Security Improvement Act is the way to do that. I urge my colleagues to supports its passage.

In closing, I would like to thank Chairwoman COLLINS for her steady leadership on this issue. It has been a pleasure working with Senator COLLINS. She has worked diligently to build consensus among all interested parties and has produced a bill that strikes the right balance on security requirements and incentives. Senator COLLINS deserves all our admiration and gratitude for her considerate, outstanding steering of this significant measure that will protect America.

Ms. MIKULSKI. Mr. President, I rise in support of the Port Security Improvement Act because our country's ports are vital to our national security, military capability, and economy. Our economy depends on moving goods via our ports and rail. Our security depends on ports that are safe and protected from attacks. We must pass this bill to keep our ports and America safe.

Since 9/11, we have a new world order. We are fighting a global war on terror. Ports are now a high-threat target for terrorism. We need to keep our ports safe from those with predatory intent. Approximately 11 million containers come into the United States each year and 19,000 containers daily. Shippers declare what is inside, but who really knows what is in there. It could be weapons or explosives.

We need to improve our port infrastructure. This means providing personnel training and installing better gates and security cameras. We must also upgrade our technology. We need tamper-proof latches on containers to prevent terrorists from slipping bombs or weapons into a container. Yet Federal aid for port security is Spartan and skimpy. The President provided no funding for port security grants in his budget.

The Port of Baltimore just celebrated its 300th anniversary. The port is a part of me. My great-grandmother came to American through the port of Baltimore. Growing up, the port was part of my life. The longshoremen, truck drivers and Merchant Marines who worked at the port were my neighbors. They were hard working, patriotic Americans. They shopped at my father's grocery store. I knew the history of the port because it was the history of my community.

The Port of Baltimore is an economic engine for Maryland and America. It creates jobs, including 42,000 maritime-related jobs in Maryland and almost 20,000 direct jobs. The port generates nearly $6 billion a year in salaries and revenues.

I have been fighting to upgrade and protect our Port of Baltimore for more than 20 years. In the beginning, it was fixing the twists and turns in our channels that were a safety risk. Today, it is threats that were unthinkable years ago. Keeping our port and our people safe from terrorism is one of my top priorities. I have fought for more port security funding in Baltimore to upgrade entry gates and perimeter fencing, install new surveillance equipment, and purchase new patrol boats. The Coast Guard estimates that $8 billion is needed to address port security nationwide. Congress needs to listen to the Coast Guard and provide the needed funding to protect our ports.

This bill is good for the Port of Baltimore and America. It would provide $400 million in port security grants when President Bush provided no funds for these grants. Last year, the Port of Baltimore received $1 million in port security grants, but they need $7 million. It needs these funds for surveillance and explosive detection equipment, perimeter security, and computer equipment to collect cargo information. This bill would also install radiation detection equipment at the 22 largest ports in the United States, including Baltimore. It is the 14th largest port for foreign cargo. This equipment is vital to detect dirty bombs and to protect the people of Maryland and the country.

We need to make sure the Port of Baltimore and all ports across America are safe, secure, and growing. The Port of Baltimore is vital to Maryland's future because an investment in the port is an investment in the State's economy. I am proud that this is the 300th anniversary of the port, but we need to make sure that the next generation celebrates the 400th anniversary. Mr. President, it is time to make port security a priority in the Federal law books and the Federal checkbook. I urge passage of this critical and long overdue legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the attached letter from the Supply Chain Security Coalition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCSC,
September 7, 2006.

Hon. SUSAN COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: We understand that the Senate will take up port security legislation in the very near future. We are writing to express the Supply Chain Security Coalition's support for strong legislation that will improve the security of our ports and the global supply chain, while also ensuring the continued strength and vitality of the U.S. economy. Toward this end, we worked to help pass H.R. 4954, the SAFE Ports Act, which the House of Representatives approved on May 6, 2006 on a vote of 421–2. It is our hope that the Senate legislation will closely mirror those aspects of the House bill that build upon the multi-layered, risk assessment model currently used by the Department of Homeland Security and which have worked to keep our ports safe for the last several years.

However, while we strongly support improving the security of our nation's ports, we will oppose any proposal or amendment that would require all U.S. bound cargo containers to be scanned for radiation and density, so called "100% scanning" amendments. Such amendments would require every container to be scanned in a foreign port before the container is loaded on a vessel destined for the U.S. Such a mandate is unrealistic and could potentially decrease security by forcing containers to sit for extended periods of time, which would then put them at greater risk of tampering. A 100 percent scanning mandate would also divert resources away from the current successful risk assessment approach, which utilizes sophisticated risk-analysis tools to determine which containers may pose a risk and ensures that those containers are handled appropriately. Finally, such a mandate has the potential to significantly impede the flow of commerce. According to the World Shipping Council, when the U.S. Customs and Board Protection Agency (CBP) currently scans questionable cargo, it takes 1–3 days to release that container back into the stream of commerce. With 11 to 12 million containers entering the U.S. every year, it is obvious that a mandate of 100% scanning has the potential to do significant damage to the flow of goods and to the U.S. economy.

Rather than mandating 100% scanning, we believe port security legislation should authorize additional testing and evaluation of scanning technology. Both the "GreenLane Maritime Cargo Security Act" passed by the: Senate Homeland Security and Governmental Affairs Committee and the House-approved SAFE Ports Act address this issue by calling for pilot projects to test the effectiveness and operational ability to conduct 100 percent container scanning. In addition, the House bill requires the Secretary of Homeland Security to conduct an evaluation of scanning systems, taking into consideration false alarm rates and other operational issues, the impact on trade, the need for international cooperation, and the ability to integrate and deploy these systems overseas. These provisions represent the best approach to addressing this issue and will help to answer important operational and economic questions that will be critical to understanding how to effectively implement improved container scanning.

We also urge the Senate to remember that current security procedures do a great deal to ensure that U.S. bound cargo is safe. The Customs and Border Protection Agency conducts sophisticated analyses of shipment data for all U.S. bound cargo before it is loaded on vessels. This is known as the "24-Hour Rule," and with this information, CBP conducts a risk assessment through its Automated Targeting System to determine which containers pose the highest risk. One hundred percent of containers that are deemed to be "high-risk" are then inspected. In addition, CBP is in the process of deploying Radiation Portal Monitors (RPMs) at all U.S. ports and plans to have close to 100 percent implementation by the end of 2007.

We urge the Senate to pass legislation that builds on this and the other effective procedures that make up the well-established multi-layered risk assessment model used by the Department of Homeland Security (DHS), the Coast Guard, CBP and other government agencies. Congress should outline policies and goals and let DHS find the best and most effective way to meet those goals. Before any technology is mandated, the government should ensure the technology's functionality and application. In addition, government must continue to work with the private sector users of the system to determine the best methods to deploy new technologies in order to achieve maximum results.

We look forward to working with you on improving the public-private partnership to enhance supply chain security. And again, we urge you to oppose any amendment mandating 100% container scanning.

Sincerely,

Agriculture Ocean Transportation Coalition.
Airforwarders Association.
American Apparel & Footwear Association (AAFA).
American Association of Exporters and Importers.
Coalition of New England Companies for Trade.
Food Marketing Institute.
Footwear Distributors and Retailers of America.
Free Trade Alliance.
Joint Industry Group.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Customs Brokers and Forwarders Association of America.
National Fisheries Institute.
National Retail Federation.
Pacific Coast Council of Customs Brokers and Freight Forwarders.
Panasonic Corporation of North America.
Retail Industry Leaders Association.
The National Industrial Transportation League.
Transportation Intermediaries Association.
Travel Goods Association.
Travel Industry Association.
United States Association of Importers of Textiles and Apparel.
U.S. Business Alliance for Customs Modernization.
United States Chamber of Commerce.

Mr. COLEMAN. Mr. President, I rise in support of the Port Security Improvement Act of 2006.

Imagine this scenario: Shortly after 9 a.m. on a beautiful autumn day, an improvised nuclear device explodes on the National Mall in Washington, DC. Within seconds, the U.S. Capitol and the White House are flattened and a plume of radiation spreads to the surrounding suburbs. Intelligence sources quickly determine that this weapon was smuggled through a United States port in a maritime container. Unfortunately, this horrific scenario is not just a plot for the television show "24"—it is the paramount security challenge facing our Nation and should be our foremost concern.

Many experts believe that a maritime container is the ideal platform to transport nuclear or radiological material or a nuclear device into the United States. As the 9/11 Commission put it so succinctly, "opportunities to do harm are as great, or greater, in maritime or surface transportation." Since 90 percent of global trade moves in maritime containers, we can not allow these containers to be utilized to transport weapons of mass destruction. The consequences of such an event would be devastating to our way of life and our economy.

For instance, the Congressional Budget Office at my request studied the economic consequences of an attack upon the Ports of Los Angeles and Long Beach. CBO found our Nation's gross domestic product would decline by about $150 million per day for each day these two ports are closed, and that the annual cost of closing these ports would escalate to nearly $70 billion. While CBO did not analyze the cost to human life and property of such a terrorist attack, the economic impact of closing the ports could be comparable to both the attacks of 9/11 and Hurricane Katrina. We cannot afford that type of devastation.

Instead, we must secure our supply chain before we pay the high price of an attack and seek the appropriate balance between two often competing priorities: security and speed. Former Customs and Border Protection Commissioner Bonner had the vision to address this grave threat and balance those two priorities after the September 11 attacks. This balancing act resulted in the creation of two prominent homeland security programs—the Container Security Initiative, or CSI, and the Customs-Trade Partnership Against Terrorism, or C–TPAT. CSI effectively pushed our borders out by placing CBP offices in foreign ports to inspect containers before they reach our shores. C–TPAT exemplified a true public-private partnership, in which the private sector took a leading role in securing its supply chain. These programs alone are laudable—but due to the sheer magnitude of the challenge of securing the global supply chain—we must continue to improve upon these promising initiatives.

With that in mind, as chairman of the Permanent Subcommittee on Investigations, I have directed the subcommittee's 3-year effort to bolster America's port security and supply chain security. We have identified numerous weaknesses in our programs that secure the global supply chain. A brief overview of these problems illustrates the challenges confronting these efforts:

In CSI, the subcommittee found that only a de minimus number of such high-risk containers are actually inspected. In fact, the vast majority of high-risk containers are simply not inspected overseas. To make matters worse, the U.S. Government has not established minimum standards for these inspections.

The subcommittee initially found that an overwhelming proportion of C–TPAT companies enjoy the benefits before DHS conducts a thorough on-site inspection, called a validation. As of July 2006 this proportion has improved considerably to where 49 percent of the participating companies have been subjected to a validation. But this still leaves 51 percent of companies that have not been subjected to any legitimate, on-site review to ensure that their security practices pass muster.

The subcommittee found that DHS uses a flawed system to identify high-risk shipping containers entering U.S. ports. According to CBP officials, this system is largely dependent on "one of the least reliable or useful types of information for targeting purposes," including cargo manifest data and bills of lading. Moreover, the subcommittee found that this targeting system has never been tested or validated, and may not discern actual, realistic risks.

Currently, only 70 percent of cargo containers entering U.S. ports are screened for nuclear or radiological materials. One part of the problem is that the deployment of radiation detection equipment is woefully behind schedule. As of August 29, 2006, the Department of Homeland Security has deployed only 43 percent of the necessary radiation monitors at priority seaports.

These are just a handful of the significant problems the Subcommittee discovered. In short, America's supply chain security remains vulnerable to proverbial Trojan Horse—America's enemies could compromise the global supply chain to smuggle a weapon of mass destruction, WMD, or even terrorists, into this country.

This legislation tackles these concerns—and many other weaknesses—head-on.

Here are some highlights of this important legislation:

This bill addresses the problem of inadequate nuclear and radiological screening, by requiring the Secretary of DHS to develop a strategy for deployment of radiation detection capabilities and mandating that, by December 2007, all containers entering the U.S. through the busiest 22 seaports shall be examined for radiation.

The bill will require DHS to develop, implement, and update a strategic plan improve the security of the international cargo supply chain. In particular the plan will identify and address gaps, provide improvements and goals, and establish protocols for the resumption of trade after a critical incident.

Instead of the unreliable data that CBP currently demands to target high-risk containers, DHS would be required to identify and request essential information about containers moving through the international supply chain.

Under this bill, DHS would be required promulgate a rule to establish minimum standards and to procedures for securing containers in transit to the U.S.

The bill provides ongressional authorization for the CSI program, empowering CBP to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. DHS would establish standards for the use of screening and radiation detection equipment at CSI ports.

Congress also authorizes C–TPAT, the voluntary program that strengthens international supply chain and border security and facilitates the movement of secure cargo. The bill establishes certain minimum security and other requirements that applicants must meet to be eligible for C–TPAT.

As you can see from this brief recap, this bill is wide-ranging and addresses many of the critical problems facing the security of our ports. It is therefore crucial that we pass this important legislation.

Even if we pass this bill, however, our job is not yet done. We still need to look to the future and develop even more effective and advanced programs and technology. Last December, I traveled to Hong Kong to examine the world's largest port. In addition to meeting the impressive CSI team and observing the close relationship between Hong Kong Customs and CBP, I examined a promising screening concept piloted by the association that operates Hong Kong's container terminal. There, containers are screened with both x-ray and radiation detection equipment.

Effectively screening containers with both an x-ray a radiation scan is the only definitive answer to the perplexing and most important question of "what's in the box?" However, in Fiscal Year 2005, only 0.38 percent of containers were screened with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce. I believe the Hong Kong concept holds great promise to achieve this goal of enhancing inspections without impeding commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the pilot project in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology, which is described in detail in this report, holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security. These improvements would help ensure that the threat of Trojan horse infiltration by terrorists never becomes a reality.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspection and radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full scale implementation would expeditiously follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, "A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be." In other words, we cannot safeguard a post-9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

The Port Security Improvement Act of 2006 closes gaps in our homeland security and makes us safer. In closing, I want to say that it has been an honor to work with such a distinguished and bipartisan group of Senators such as Senators STEVENS, COLLINS, GRASSLEY, INOUYE, BAUCUS and LIEBERMAN. This legislation is cogent and will be effective because of the knowledge and experience of this group of Senators. I am proud to be an original sponsor of this legislation.

Mr. President, I ask unanimous consent that a Washington Post editorial dated June 1, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 1, 2006]

THE RIGHT KIND OF SECURITY

It was the Dubai port uproar that didn't roar: When a House committee voted this spring against an amendment that would have required all cargo containers bound for this country to be individually inspected in their ports of origin, Congress temporarily put to rest what could have been yet another hyped-up wave of politically motivated anxiety about American port security. Although the House later passed a bill that provides extra funding for nuclear screening and other measures, Democrats vowed to bring up the inspection issue again—and ran advertisements around the country attacking Republicans who oppose it. Before the "inspect every container" mantra becomes a national war cry, it's important to point out that this is a terrible idea.

Someday, perhaps, advanced X-ray technology may be developed to the point where it's possible to beam a scanner at each one of the 11 million U.S.-bound containers at every port in the world and obtain an instant assessment of what's inside. But while some promising technologies are available, none is perfect, and all of them require a human being to analyze the scans. This not only takes time but also presumes the existence of thousands of trained scan readers around the world. In the absence of such workers, U.S. port and customs authorities examine information about each container—where it's coming from, which shipping company is carrying it—and determine whether it is risky enough to merit inspection, either here or abroad. In practice, this results in inspections of about 5 percent of all containers. Even now, U.S. customs officers must rely on the cooperation of foreign authorities to carry out this many inspections.

Homeland security officials could do more. Only about half of incoming containers are subjected to a radiation scan, a number that should rapidly be brought up to 100 percent, as the new House bill requires. Ports are also vulnerable because drivers and dockworkers are not thoroughly screened. Raising the number of U.S. inspectors in foreign ports could also make the inspection system safer. But "inspect 100 percent of containers" is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the port security bill being considered before the Senate. This legislation is of particular importance to my home State of California, and I am deeply grateful to Senators COLLINS and MURRAY and all the others who have worked so diligently to craft this comprehensive and bipartisan effort to better protect our Nation's ports.

It is no secret that I have long considered security at our Nation's ports to be a significant hole in homeland security. The global maritime supply chain system is a vast network consisting of hundreds of ports worldwide moving millions of containers each year, and frankly I don't believe this Nation has done nearly enough since 9/11 to improve the security of our ports.

As has been repeated many times on this floor, only 5 percent of containers entering the country are inspected, meaning that millions of tons of cargo move through our ports without serious scrutiny.

With its long coastline, California is vulnerable. My home State receives containers from more than 750 different ports worldwide and is home to the Ports of Los Angeles and Long Beach, which is the busiest container port complex in the entire United States, processing 7.2 million containers in 2005.

To highlight the risk we face, I cite a Rand Corporation report released last month. If a 10-kiloton nuclear bomb, hidden in a shipping container, were to explode at the Port of Long Beach, it could kill 60,000 people instantly, expose another 150,000 to hazardous levels of radiation, and cause $1 trillion in economic losses.

Needless to say, this is an issue of great importance to my constituents and the economic welfare of the State. I believe strongly that the need for action to better protect our ports is essential and it must happen now.

I am glad to say that this port security measure takes a number of critical steps toward filling the gaps in security at our Nation's ports.

This legislation directs the Department of Homeland Security to work with State and local governments to create a strategic plan to secure our ports and prepare for a swift resumption of trade in the event of an attack. We learned by devastating experience during Hurricane Katrina what happens when Federal, State, and local governments do not have an integrated plan for responding to and recovering from a catastrophic event.

The bill authorizes $400 million in competitive grants to help ports address security vulnerabilities, $1.2 billion for rail security improvements, and $3.4 billion for mass transit security.

In addition, 1,000 more Customs and Border Protection agents will be patrolling our Nation's ports of entry thanks to this legislation.

But despite the advances of this legislation, there still remains much work to do.

We cannot stop until all containers are fully scanned for radiation and by other means including full x-rays of all containers. It was a disappointment that amendments to initiate a plan for 100 percent scanning were rejected this week.

In fact, this bill does nothing substantive to increase the number of containers inspected before reaching our shores. It is clear to me that only inspecting 5 percent of containers is unacceptable.

Moving forward, a clear test of this Congress will come when the time arrives to appropriate funds for many of the programs authorized in this bill, including grants for port security. To tell the truth, much of what is accomplished will be for naught if we don't provide the funds necessary to get the job done.

As a member of the Appropriations Committee, I plan to do whatever I can to make these funds available. They are simply too important to my State and too important to this Nation.

Again, I thank my colleagues for their efforts on this bill and express my hope that we can continue to work towards filling the gaps in security at our ports.

Mr. LIEBERMAN. Mr. President, passage of this vital port security legislation is a tremendous achievement, and I wish to extend thanks to my hardworking staff members, Jason Yanussi and Josh Levy—as well as the staff of all the involved committees—for all their effort to bring this legislation to fruition.

VISIT TO THE SENATE BY A MEMBER OF THE LEBANESE PARLIAMENT

Mr. ENZI. Mr. President, I want to announce to the Senate that we have a visiting Member of Lebanon's Parliament, Mr. Misbah Ahdab, if any Senators would like to come by and say hello.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we are on the verge of passing major port security legislation that will provide the structures and resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

I wish to thank all those who have been involved in this effort: the ranking member of the Homeland Security Committee, Senator LIEBERMAN; the Commerce Committee chairman and ranking member; Senator GRASSLEY and Senator BAUCUS on the Finance Committee. Most of all, I thank Senator PATTY MURRAY, who has been my partner in the port security legislation from conception to this day. It has been a great honor and pleasure to work with her.

I have a list of the hard-working staff, my staff on the Homeland Security Committee, who have worked on this issue. I ask unanimous consent that a list of their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORT SECURITY TEAM

Rob Strayer, Mark Winter, Jon Nass, Allison Boyd, Amy Hall, Melvin Albritton, Mark

LeDuc, Jane Alonso, Ann Fisher, John Grant, Asha Mathews, Kurt Schmautz, Jay Maroney, Amanda Wood, Jennifer Hemingway, Sarah Taylor, Brooke Hayes, Kate Alford, Amanda Hill, Priscilla Hanley, Monica Wickey, and Tom Bishop.

Detailees: Steve Midas, Coast Guard; Jennifer Boone, FBI; and Mike Moncibaiz, CBP.

Ms. COLLINS. I see our colleagues are eager to vote, so I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Hawaii?

Mr. INOUYE. Mr. President, this is a bipartisan measure. I am proud to support this bill. I believe all that has to be said has been said. But I would like to thank those on our side who have been helpful: Dabney Hegg and her baby, Sam Whitehorn, Lila Helms, Gael Sullivan, Stephen Gardner, James Assey, and Margaret Cummisky. Without their help, we would still be here.

Mrs. MURRAY. Mr. President, I add my voice to all Senators who in a bipartisan way have helped move this bill forward.

They say that "success has a thousand authors"—and that is certainly true in the 5 years I have been working on port security.

First, I thank my partner, Senator COLLINS. Last May, I sought out Senator COLLINS because I knew she cared about port security. She had worked on it at the Homeland Security Committee and she had the knowledge and leadership to help us reach this milestone. She has been a steadfast partner every day of the past 16 months that we have worked together, and I commend her and thank her.

Senators LIEBERMAN and COLEMAN were right there with us shaping this bill in the early days and helping us move it forward.

I thank Senator STEVENS and Senator INOUYE at the Commerce Committee for their hard work, leadership, and passion.

I thank Senators GRASSLEY and BAUCUS for working with us on this bill.

I thank both of our leaders—for setting aside time so we could debate the bill.

I thank all the leaders from the maritime community who have shared their ideas and expertise with me—Mic Dinsmore, Henry Yates, and Rod Hilden at the Port of Seattle; Tim Farrell, Mike Zachary, and Julie Collins at the Port of Tacoma; and also leaders at the ports of New York/New Jersey, Los Angeles, Long Beach, Charleston, Miami, and MassPort in Boston.

I want to thank security experts, especially Admiral James Loy and Dr. Stephen Flynn, for their thoughtful input on our bill.

Finally, there are a number of staff members who helped shape this bill.

Brian White—who now runs Cargo Security Policy at DHS, and Michel Bobb—who is at OMB—provided critical help.

I thank the outstanding floor staff on each side and staff from various committees who spent long hours all week working to make this bill better.

Thank you especially to: Dabney Hegg, Sam Whitehorn, Ray Shepherd, Jason Yanussi, and Ken Nahigian.

Finally, from my own staff, Jason Park and Lesley Turner have been at my side here on the floor along with Mike Spahn.

And I additionally thank Rick Desimone, Alex Glass, Pete Weissman and Matt McAlvanah from my staff.

I say to my colleagues, we are making a significant step forward in a bipartisan way this evening to finally make a difference on security in this country. I want to tell the country we still have a ways to go in getting it to conference, which I know will occur shortly, and to the President's desk, hopefully in a short amount of time as well. But I will tell you this: America can sleep better because this Congress worked together, and I thank all my colleagues.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I wish to express my appreciation to all the managers and particularly Senator MURRAY, who has worked so hard, working with these amendments through the last few days. We always say nice things about Senator INOUYE, so that is nothing new. Senator MURRAY is a wonderful legislator who does such a great job.

We look forward to going to conference. We are going to do our very best to get a conference as soon as we can. It is not easy. We have multiple committees of jurisdiction. I talked with Senator SARBANES earlier today. Even Banking is now interested in being on the conference. We are going to do our best to work something out in the near future.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product. But our ports are not isolated commercial operations. Our waterways and ports are linked to 152,000 miles of railway, 460,000 miles of underground pipelines, and 40,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports, it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions of this bill will help ensure the safety of our Nation, our cities, and our system of commerce.

Mr. President, the passage of this port security legislation by the Senate today will mark the end of a long Senate bipartisan, 3-committee process of which we all may be proud. The Commerce, Homeland, and Finance Committees have tremendous knowledge about our ports and the programs which protect and secure the international supply chain. It is a credit to this Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and develop a strong and comprehensive piece of legislation.

I thank Senator COLLINS for her steadfast dedication to this bill, as well as Senators MURRAY, LIEBERMAN, GRASSLEY, BAUCUS, and COLEMAN. And I particularly thank my great friend and Commerce Committee cochairman, Senator INOUYE, for his lasting commitment to securing our Nation's ports.

As I said, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product.

But our ports are not isolated commercial operations. Our waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines, and 45,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports; it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions in this bill will help ensure the safety of our Nation, our citizens, and our system of commerce.

This bill enhances current programs designed to gather and analyze information about cargo destined for U.S. ports, and significantly expands on the current program for randomly scanning containers. This bill moves us toward 100 percent scanning of all cargo containers entering our country once the process becomes feasible.

This bill is essential to the security of our Nation. It is my hope that the House and Senate will make this a priority and get it to the President soon.

I ask unanimous consent to have printed in the RECORD a list of the dedicated staff who worked so hard with all of us, and I yield the remainder of our time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE STAFF INVOLVED WITH PORT SECURITY

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

Senator Collins's Staff: Rob Strayer, Mark Winter, Jane Alonzo, Ann Fisher, Michael Bopp (former staff), Kathy Kraninger (former staff), Melvin Albritton.

Senator Lieberman's Staff: Jason Yanussi.

Senator Coleman's Staff: Ray Shepherd.

FINANCE COMMITTEE

Senator Grassley's Staff: Stephen Schaefer, Tiffany McCullen.

Senator Baucus's Staff: Anya Landau, Brian Pomper, Mary Lisa Madell.

COMMERCE COMMITTEE

Senator Inouye's Staff: Dabney Hegg, Sam Whitehorn, Stephen Gardner, Channon Hanna, Gael Sullivan.

Senator Stevens's Staff: Dave Wonnenberg, Ken Nahigian, Pamela Friedmann (on detail from TSA), Mark Delich, Becky Hooks.

The PRESIDING OFFICER. All time has expired. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4954) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—98

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Akaka
Chafee

The bill (H.R. 4954), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

MORNING BUSINESS

Mr. BROWNBACK. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent the following Senators be recognized to speak: myself, for 10 minutes; Senator LINCOLN, for 10 minutes; Senator DODD, for 15 minutes; and Senator STABENOW, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE PORT ACT

Mr. BROWNBACK. Mr. President, I congratulate my colleague from Maine on an excellent accomplishment, a huge vote on an important piece of legislation. It is critical. A number of colleagues, the Senator from Wyoming and others on both sides of the aisle, did so much good work on this legislation.

DARFUR

Mr. BROWNBACK. Mr. President, I will not take my colleagues' time for long, but I draw attention to a situation that has further developed—or devolved and deteriorated—and that is the situation in Darfur. It is a situation this Senate has spoken to often. We have spoken on resolutions, on amendments; we have added funds.

What we have feared is now upon us. We are now seeing in the IDP camps, the individuals that are displaced internally, diseases such as asthma, malaria, cholera and dysentery. We have had 12 humanitarian workers killed in the last 2 months. That is driving a number of the humanitarian groups out of the region. The NGO, the nongovernment organizations, currently now serve only 60 percent of the people they were serving. The Government of Sudan has reportedly resumed aerial bombings taking place in the northern and southern parts of Darfur.

The situation is growing worse. We don't know how many people have died already, but it is set to escalate rapidly. NGOs are fleeing because people are getting killed. The people are concentrated in the camps. They are now not getting food and clean water.

Now we have cholera, more misery, malaria and the numbers of people getting killed escalating dramatically. It is going to escalate further and more dramatically if we do not act.

We have the government in Khartoum saying they want the African Union troops out.

We do not have a big enough force there now. They are scheduled to leave the end of September. We have a United Nations group that is forming to go in, and the government in Khartoum, Sudan, is saying, We are not going to let them in.

We have African Union troops preparing to leave. We have the U.N. troops not yet prepared to come in or being allowed in. And we have chaos. There are a lot of people dying in this region. It is escalating. It is time we step up and push again.

This Senate has been excellent on this issue. The administration has been very good. I cite particularly Assistant Secretary Zoellick who spent a lot of time working on this issue, trying to bring people together, getting a peace agreement signed a couple of months ago. It was an important peace agreement.

The problem that has taken place now, after the peace agreement was signed, the African Union troops were starting to organize to pull out, the government of President al-Bashir in the Sudan decided: This is our time to take over because the rest of the world is looking at Lebanon, they are dealing with Hezbollah, the United States is focused on its election cycle. This is the time for us to move.

This is a very difficult, dire situation for people on the ground. I met with a number of the aid organizations today. Their people are getting killed, so they are pulling back, as I cited.

When this situation first started developing about 3 years ago, the very situation we are most concerned about is a lot of people getting into the displaced camps, not having access to clean water, disease spreading in the camps, spreading because of the concentration of individuals and the lack of sanitation and clean water, and we really get a mess. That is now where we are.

Mrs. BOXER. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mrs. BOXER. I thank Senator BROWNBACK for raising this issue. We are in a do-or-die moment. We have been there before. I am reading that certain experts are saying in 2 weeks there could be another Rwanda.

I am very glad the Senator is speaking out. I was very glad this Senate did act, as we know, on a measure last week, actually voting to send $20 million to the African nations to carry on, as my friend points out. If they do not do it, there is a void. What will fill the void will be disease, rapes, killings and, I hate to say it, continued genocide.

I am glad the Senator raised this. The hours are running short. We did vote. It is important we use our bully pulpit in whatever way we can. I personally will be going to the United Nations on Monday literally to knock on doors. I am setting up some appointments. We have to do everything we can to prevent this worsening situation from getting to the point where it is unsalvageable.

I thank the Senator for his efforts.

Mr. BROWNBACK. I thank my colleague for her interest. I wish her Godspeed in New York with the U.N.

My colleague in Connecticut will address this same topic. It is very important to speak. We need to pass the Darfur Accountability Act. It has passed here and in the House. We need to resolve the issues.

It is important that the President, in his meetings at the U.N. for General Assembly meetings, raise this issue. It is important to press the Sudanese Government to stop the aerial bombings—they can do that first and foremost—and that the African Union forces stay until a U.N. force is put in place, we pressure the Sudanese Government to accept a U.N. force, or, if not, put in targeted sanctions toward Sudanese officials preventing traveling, dealing with their own personal accounts.

There are a series of recommendations of a number of Senators addressed in a letter to the President. It is a bipartisan effort. It is a genocide already. It is one that is set to become a far worse situation.

We really need to act.

I yield to the floor to the set of speakers listed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I join my colleague from California in thanking Senator BROWNBACK for bringing this issue forward. He has been a tremendous supporter of taking action. He brings to light, tonight, the fact we have to act and we have to act expeditiously.

As the situation deteriorates, unfortunately, it moves closer toward a situation that we can do nothing about. I appreciate all of the Senator's efforts in what he is doing for the people of Darfur.

RURAL AMERICA MONTH

Mrs. LINCOLN. Mr. President, I was so pleased this week as the daughter of a seventh generation Arkansas farm family from rural eastern Arkansas, and it is with a tremendous amount of pride I come to the Senate today to applaud the passage of Senate Resolution 561 which designates September of 2006 as Rural America Month. I was pleased to introduce this resolution last week with Senator REID, Senator FRIST, and many of my colleagues.

Rural America means a tremendous amount to this Nation. It is the place where our values oftentimes begin and grow. We send people from rural America not just to the big cities of America, but all across the globe to exhibit those American values that grow and begin in rural America.

My values and my world view are directly tied to how I was raised in a small town in Helena, AR, on the Mississippi River. My upbringing gave me a deep and abiding love for the rural way of life. In rural America, you learn that in order to have good neighbors, you have to be a good neighbor. Importantly, you learn by the example set for members of the community.

Growing up, I lived within walking distance from both sets of my grandparents. I learned what it meant to be a caregiver. At the age of 14 I learned from my grandparents. I learned values, I learned stories of World War I and the experiences they had during the Depression and so many other things that I captured from a real perspective—not from a textbook.

My mother would prepare dinner for our family every night, but very often she and my aunt would go back and forth and prepare a little bit extra every other night. It was my duty and my cousin's duty to take that dinner up to my grandparents and spend time with them, valuable time, where we would make them feel better, to share part of our day and they could share a story with us. I didn't realize at that age what caregiving was all about. I do now.

Being a good neighbor is something that comes easily for rural Americans. It is taught early in life. I am proud to have had the opportunity to learn that lesson by example. I see it as a model that can be applied outside the family, outside the neighborhood and to so many relationships that we, as people of a global community, have around the world, when we listen to the comments of Senator BROWNBACK and Senator BOXER talking about our neighbors across the globe and what that means to us, what our responsibility is as a global neighbor to those people in such need of protection, of sustenance of life, of education, and the ability to build for themselves a life of independence.

My love for the rural way of life I grew up in, the values it taught me, is what drives me to want to strengthen and support rural communities all over our country. With the passage of this resolution this week, the Senate has formally acknowledged the invaluable contribution that rural America makes to our country.

The experiences in my life have shown me firsthand that the more than 55 million people residing in rural America are the embodiment of the values that make our country great: community, service, hard work, family, responsibility.

Rural America provides significant contributions to our Nation, such as the safest, most abundant and affordable food supply in the world, as well as the renewable sources of energy with the potential to significantly reduce our country's dangerous dependency on foreign oil, not to mention what we could do for our environment.

Americans residing in rural areas have also made a considerable contribution to our country's freedom. Rural Americans comprise a sizable percentage of our reserve, military force abroad and the highest concentration of military veterans live in rural communities.

Additionally, police officers, volunteer firefighters, EMTs or National Guardsmen, and members of our rural communities come together in times of national emergencies to keep our country safe. I am certainly reminded of the proud, strong, courageous firefighters, Guardsmen, ambulance drivers, and so many more that responded from Arkansas to New York during September 11 and to Louisiana during Katrina and the entire gulf coast.

I am proud of my heritage in rural America. I am pleased the Senate has acknowledged we owe rural America a considerable debt of gratitude. Rural America is critical to this Nation.

I look forward to working with my colleagues to address the challenges and the obstacles that rural America faces so all in rural America can enjoy every blessing and opportunity that our Nation has to offer.

I commend my colleagues for joining me in this special effort. I want to especially commend our leader, minority leader HARRY REID, who grew up in Searchlight, NV, who knows and understands the mentality, the values, and really has a tremendous passion for those people in rural America. I am proud to have joined he and Senator FRIST and others in bringing this resolution forward.

TRIBUTE TO ANN RICHARDS

Mrs. LINCOLN. Mr. President, I also come to the floor today to pay tribute to one of the most important and unique individuals in the history of American politics, Governor Ann Richards.

As a female politician from the South, Ann Richards was a person who I considered to be a role model. She was a great American patriot who had overcome tremendous obstacles to become a valued public servant while blazing a trail for aspiring female politicians, with wit, style, and grace like no one else could produce.

I consider it my good fortune to have come to know her over the years as a friend. While I am deeply saddened by her passing, it is so difficult not to smile whenever I think of Ann. She was remarkably gifted at using her keen sense of humor to say exactly what was on her mind and to get her point across in an effective and quotable way, proving she was truly one of a kind.

Ann Richards became the first woman elected to statewide office in Texas in more than 50 years—winning a seat as treasurer in 1982. In 1990, she became the first female to be elected Governor of the State of Texas.

As Governor, she took pride in the fact that she appointed more women and minorities to State positions than any of her predecessors. During her tenure, the Texas economy enjoyed growth, despite the trend of the slumping U.S. economy.

Additionally, her audits of the State bureaucracy saved Texans $6 billion, and her reform of the State prison system resulted in fewer violent offenders being released.

Perhaps her most remarkable achievement was maintaining the respect and admiration of Texans in the midst of not being reelected to office. The poll numbers of her popularity remained above 60 percent at that time.

Ann has been noted as saying that she did not want her tombstone to read, "She kept a really clean house," but, instead, preferred to be remembered by it reading, "She opened government to everyone."

Ann Richards will certainly be remembered as doing much more than keeping a clean house. She opened a door for me as a female politician in the South, and I know I speak for so many when I say that she continues to have my respect and my admiration.

She will certainly be dearly missed by this Senator and so many, many more across this Nation.

Thank you, Mr. President.

Mr. President, I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank our colleague from Arkansas for her eloquent comments both about rural America as well as on our wonderful friend, Ann Richards. I want to add my voice of condolence to her family and friends, not only in Texas but across this great country of ours, because she had friends that reached all across this land of ours—in fact, beyond the shores of the United States in her work after she left public life, working in the private sector as a great representative of a number of interests, including some that were offshore.

She was a remarkable person, and Senator BLANCHE LINCOLN has captured her very, very well. There are so many things I remember about her. She was a strong-willed woman. She had definite and clear views, and she was not shy about expressing them to you. But she probably had one of the best senses of humor of anyone I ever met in American politics. She could make you laugh. She could take a situation and bring up an anecdote or a story to make her point that would bring the house down.

Regardless of your point of view, Ann Richards had a gift to communicate with the American public like few other people I have ever met in public life. And it was a gift because she did so many good things with her talents.

Both as the State Treasurer of Texas and as Governor of that State, I got to know her very well, when I was the general chairman of the Democratic National Committee. She was a tremendous source of help to me in those years of 1995 and 1996 when I was campaigning and supporting Democrats across the country.

But her politics transcended partisan politics. She was beloved and admired and cared for by people of all political stripes and colors in this country. She will be sorely missed. But as Senator LINCOLN said, the memories of her are going to linger on for an awful long time. Every time you mention her name, a smile comes to your face because she brought many smiles many times on the countless occasions I heard her address audiences across the country.

I thank Senator LINCOLN and others who have spoken about her. I do not have prepared remarks, but I just wanted to express my feelings about this wonderful person.

Mrs. HUTCHISON. Mr. President, today we mourn the loss of a great Texan and certainly a trailblazer in our State. Former Governor Ann Richards passed away last night after a long battle with cancer. Today, I want to pay tribute to her because she really made a mark on our State and our Nation.

Ann Richards was the second woman to hold office in Texas as Governor and the first to be elected in her own right. When she was Governor of Texas, I was State treasurer, and we certainly had a very strong and positive working relationship. She embodied the Texas spirit as well as anyone I have ever known, and her enthusiasm for life was evident in everything she did.

I didn't agree with her on issues—sometimes I did and sometimes I didn't—but you could always respect her because she spoke straight. She told you what she could do and she told you what she couldn't do. She gave some pretty good advice along the way.

She could have chosen another career—that of entertainer—and been quite successful. She was one of the best. But instead, she chose politics—and she chose to try to make a difference in government, in our State and Nation. She was successful at that as well.

Ann Richards was born on September 1, 1933 in Lakeview, TX, very near Waco. She did grow up in Waco.

She graduated from Baylor University in 1954. She attended on a debate scholarship.

She was the mother to four children and the grandmother to eight.

One of the things she will always be remembered for is how she tried to bring women into public office—and certainly to the table—to make sure that women were represented well.

I was so struck with her after she lost the Governor's race. She, of course, lost the Governor's race the second time she ran against Governor George Bush, who became President George Bush. But I think it was the way she handled the loss that showed the real spirit that she had. She just turned the page and kept right on going.

She had a career in New York and never gave up her home in Texas. But she took New York by storm too. She was a commentator on television, always with the witty saying that people would remember.

I remember after she left the Governor's office, I was in Istanbul, Turkey. I walked into one of the markets there, and who did I see looking at rugs but Ann Richards. She was having the best time. Whatever she was doing at the time was her total absorption. She was finding out everything about those rugs.

I saw her sometimes up here in Washington when we would be working on something that would be for Texas where we would agree. She would take her side and I would take my side, working for the same cause but trying to make sure that we covered all of our respective bases.

I knew, of course, that she had cancer. I wrote her a note after the diagnosis became public.

She wrote me a note back. It was vintage Ann Richards. It was: This is just one thing you get through in life, and I'm going to get through it. She was very upbeat, very positive, just the way she would always be, tackling the task of the moment and doing it with gusto.

I did not know she was so near the end. I was sorry that it came so quickly. She will be someone whom no Texan who has ever known her or who has lived in Texas during her service will ever forget. I want to make sure the tributes to her are worthy of the contribution she made.

I yield the floor.

Mr. REID. Mr. President, I join with my distinguished colleague from Texas in expressing condolences to the bereaved family, the State of Nevada, the Democrats in the Senate and America, for the loss of Ann Richards.

She was my friend. She came to Nevada whenever I asked her to. Why did I ask her to come? Because she was entertainment plus. She was always good for a stunning speech, a stirring speech.

For those who had the good fortune this morning to listen to Public Radio, what a wonderful piece they had on Ann Richards, the many funny things she did in Texas to change the ways of Texas. She modernized Texas.

We will all miss her. It is a loss for all Americans. We are comforted to know that Ann departed this world in high spirits and humor, just as she would expect us to continue our lives.

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to the life and legacy of a truly remarkable woman—Governor Ann Richards. She will long be remembered and loved for her tireless activism, her charisma and compassion, and her excellence in governance. I will also remember her as a friend and a trailblazer. Ann Richards showed women that anything and everything was possible.

Ann Richards was an original. Yet her life was the American dream. She was born in Lacy-Lakeview, TX, to her loving parents Robert Cecil Willis and Mildred Iona Warren. As a young woman, she took an early interest in politics and participated in Girls State, a youth leadership and citizenship program for high school students. She later studied at Baylor University on a debate scholarship. After earning her teaching certificate at the University of Texas, she began her remarkable career of public service as a junior high school teacher.

Governor Richards became known as an effective advocate and an accomplished political leader. In 1976, Governor Richards successfully ran for commissioner of Travis County, the same year I won my seat in the House of Representatives. She held this post until 1982, when she was elected State Treasurer—the first woman elected to a statewide office in Texas in over 50 years. In 1991, when I was the only female Democratic Senator, Ann Richards became one of the few female Governors in the country. We showed that—together—women can make change.

As Governor of Texas, Ann Richards spearheaded an economic revitalization program that expanded Texas' economy during a nationwide recession, and also led an effort to expand State funding of public schools. In 1988, she charmed the Nation with her witty, passionate remarks as the keynote speaker at the Democratic National Convention.

People have called Ann quick-witted and feisty. Well, I happen to like feisty people. She stood up for what she believed in. She fought for what she felt was right. And she made a difference. She served her Nation and she served her State.

Governor Richards' death is a tragedy but her life was a triumph. I offer my heartfelt condolences to Governor Richards' children, who were at her bedside when she passed, to her friends, and to all those whose lives she touched. She and her family are in my thoughts and prayers at this very sad time.

Mr. KENNEDY. Mr. President, I was saddened to learn that my friend Ann Richards passed away last night after a courageous battle with cancer. She was a wonderful person and an outstanding public servant, and she will be missed.

Ann brought delight, excitement, ability, and compassion to public life, and she was an American original. To her public service was a calling, and she dedicated herself wholeheartedly to the goal of building a better future for all Americans, regardless of income, race, or gender.

She was a trailblazer in many ways, and she was also one of the last great American characters in politics, someone who projected joy and optimism even in the face of adversity. None of us who were there will ever forget her brilliant keynote address to the Democratic National Convention in 1988. She was truly one of a kind.

As Governor of Texas, she fought hard for equal opportunity, appointing more African Americans, Hispanics, and women to State office than the previous two Governors combined.

She used her skill and wit to help pass vital legislation in Congress too. I will never forget her hard work on the Civil Rights Act of 1991, the Family and Medical Leave Act, the Violence Against Women Act, and the Freedom of Access to Clinic Entrances Act.

There will never be another Ann Richards, and we will never forget her.

Mrs. FEINSTEIN. Mr. President yesterday, we lost a great politicial great woman with an incredibly energy who helped to change the attitude of Texas politics.

Ann Richards was born in Lakeview, TX, in 1933. She died yesterday, September 13, in Austin, TX, at the age of 73.

She battled cancer in the last months of her life, being diagnosed with esophageal cancer in March and undergoing chemotherapy treatments.

I would like to extend my deepest sympathy to her four children—Cecile, Daniel, Clark and Ellen—who were with her when she passed away.

Ann Richards was a homemaker and teacher before beginning her political career as a county commissioner in Travis county, TX, in 1976. Six years later, in 1982, she ran for State treasurer and won. She was reelected in 1986. Winning the office of Texas State treasurer made her the first woman elected statewide in nearly 50 years.

Like so many female politicians of our time, running for office in a male-dominated political environment took courage and determination. But Ann didn't take on these challenges only to prove that she was a worthy candidate. She wanted to show Texas, and the Nation, that all women could succeed in the same way that men had for many years. She blazed a trail for women, in politics and in life.

Two years later, in 1990, Ann Richards narrowly won the election to Governor, winning by a margin of 49 to 47 percent. Again, she fought a tough campaign battle against a male opponent. But with her fierce determination, she came out on top.

During her 4 years in the Governor's office, Ann Richards made a strong effect, championing what she referred to as the "New Texas."

As Governor, Ann Richards promoted women and minorities who historically were ignored in Texas politics; reformed the Texas prison system; backed proposals to reduce the sale of semiautomatic firearms and "cop-killer" bullets in the State; instituted the Texas State lottery to provide funding for education; revitalized the State's economy; and worked to protect the environment, particularly with a veto of legislation that would have allowed for the destruction of the Edwards Aquifer in south central Texas.

She was defeated in her 1994 reelection campaign by George W. Bush.

Near the end of her term as Governor, Ann Richards said: "I think I'd like them to remember me by saying, 'She opened government to everyone.'"

She was a popular figure in Texas politics, known for her white head of hair and her great sense of humor.

And she was daring, on the political stage and off. At the age of 60, she learned to ride a motorcycle.

Ann Richards will be missed. For her charisma, for her integrity, and for her honesty.

Mrs. BOXER. Mr. President, I rise today with a heavy heart, to pay tribute to a remarkable woman and patriot, Ann Richards.

There are so many words that I could use to describe Ann. She was vibrant, fiery, quick-witted, fearless, but for me the word that I think captures her best is genuine.

With Ann, what you saw was what you got. She had an authenticity that is rare in life, and even rarer in politics.

Even with all of her charisma and charm bubbling over, Ann would be the first to tell you that her life was not perfect and that she had made many mistakes over the years. But it was her embrace of those imperfections, and the wisdom to see that she could learn from her mistakes, that made her such a successful leader. People could relate to her.

When she won the Governor's office in 1990, Ann decided she really wanted to shake things up in Texas. So she made it her mission to appoint more minorities to State boards and commissions than any Governor before her.

According to the Houston Chronicle, about 44 percent of her appointees were female; 20 percent Hispanic; and 14 percent Black. That is in comparison to her two predecessors, who had given more than 77 percent of their appointments to White men.

So not only did Ann blaze a trail by being the first woman elected Governor of Texas in her own right, but she opened the doors of the State house to those who otherwise would have been in the back of the line.

Why? Because she understood that you can't just talk the talk, you've got to walk the walk. She knew that change was a good thing, even if it made people squirm in their boots.

There are a lot of people talking today about what a tremendous loss this is for Texas. I heard our President, George W. Bush say that, "Ann loved Texas. And Texans loved her." But I have to take that one step further and say, Ann loved America, and Americans loved Ann. She barreled her way into our hearts, and for that we have been made all the richer.

I would like to offer my sincere condolences to Ann's children: Cecile, Daniel, Clark and Ellen, her eight grandchildren, and all those who knew and loved her. She will be sorely missed, but I am sure, always remembered.

DARFUR

Mr. DODD. Mr. President, I want to spend a couple minutes talking about Darfur as well. I know my colleague from Kansas addressed this issue. I know my colleague, Senator DURBIN, as well, has been working on this issue for a long time. Many of us have been watching this situation. Senator BARACK OBAMA, I know, cares about this issue. And many members of the Foreign Relations Committee have talked about it. We heard Senator BOXER, a moment ago, talk about her deep concern.

There is a tremendous amount of interest about what is happening and great concern. It is the moral responsibility of nations around the globe to help end the genocide in Darfur.

Even as we speak here this afternoon, in the closing days of this week's work, we are moving backwards in Sudan. Earlier this week, U.N. Secretary General Kofi Annan sounded the warning that Darfur is about to enter a new phase of needless bloodshed and suffering on a catastrophic scale. I do not think we ought to let this happen. It is not just our responsibility but certainly the United States should and can take a leadership role here in marshaling the forces to stop the events as they unfold to these poor, poor people who are caught in this dreadful situation.

The blame lies squarely, of course, first and foremost, with the Sudanese Government's intransigence and murderous Darfur policy. Since February of 2003, when rebel groups attacked government outposts, the Sudanese Government has used the janjaweed militia to systematically decimate tribal groups of African descent in Darfur.

The warfare has exacted a tragic toll. Men, women, and children have been slaughtered in front of their families. Women and girls are regularly raped. Entire villages are routinely destroyed and property looted by marauding militias.

Estimates suggest that the conflict in Darfur has killed as many as 300,000 people and driven 2.5 million people out of their homes. The United States has rightly labeled the Sudanese Government's actions "genocide."

I remember, with great clarity, former Secretary of State Colin Powell appearing before a Senate committee on which I served calling the actions in Darfur genocide, loudly and clearly. And I commend him for it. He was one of the earliest voices to do so. We know what the word "genocide" means and its full ramifications.

Yet there was a glimmer of hope for the violence to end in May of this year with the conclusion of a peace agreement brokered in large part by the United States. The agreement called for a cessation of hostilities between the Sudanese Government and one of three major rebel groups in Darfur.

But it is time to face the facts in Darfur. The peace is over. In fact, it never really had a chance. Hostilities between the government and the other two rebel groups never ended and are heating up again fast in that part of the world. Thousands of Sudanese troops are massing for a fresh offensive against rebel groups. The International Rescue Committee has noted an upswing in sexual violence around refugee camps.

Meanwhile, from the very beginning, the Sudanese Government has thrown up obstacle after obstacle after obstacle in the path of the African Union peacekeeping mission in Darfur.

A New York Times report earlier this week describes these obstacles and the mission's lack of funding and authority in Darfur. A telling example is that every evening, the African Union soldiers have to turn over control of the main military airstrip in Darfur to government troops. These troops steal jet fuel from the mission and use the strip to launch attack helicopters while the African Union troops stand by helplessly. Sudanese officials have also managed to reduce the mission's already limited patrols and humanitarian efforts in Darfur.

The mission's courageous yet failing efforts to maintain the peace led the United Nations to issue Security Council Resolution 1706 on August 31 of this year. This resolution calls for the deployment of a more robust, 20,000-strong U.N. peacekeeping force.

Yet precisely because such a U.N. force would have teeth, Sudan's President has rejected it on the grounds of sovereignty. This is a flimsy excuse. There are nearly 10,000 U.N. troops stationed in southern Sudan to maintain a separate peace agreement. And now the Sudanese Government has asked African Union troops to leave by September 30—a few short days from today—when the mission's mandate expires, unless they are able to raise additional funds.

It is all too clear that the Sudanese Government is not interested in peace in Darfur. And why should it be? Sudan has friends like Russia and China who place a far greater premium in their commercial interests in the Sudan rather than on their responsibility to stop this genocide. In 2005, China purchased more than half of Sudan's oil exports, and is one of its largest suppliers of arms. Both countries, Russia and China, abstained in the most recent vote on deploying U.N. troops. They continued to give political cover to the Sudanese Government.

Yet it is also clear that the United States and the international community have a responsibility to protect and prevent genocide in Darfur. The world's heads of state affirmed this precise commitment last September as part of the Outcome Document of the High-level Plenary Meeting of the United Nations General Assembly. The document calls on the international community to protect people from "genocide, war crimes, ethnic cleansing, and crimes against humanity" on a case-by-case basis should their own governments fail to do so.

What could be more clear? What could be more precise? What could be more important for us to respond to?

The case for Darfur is painfully clear. And yet a year after making this commitment, we and the rest of the international community are already on the verge of reneging on it. Our ability to act remains hostage to a government that continues to perpetrate terrible crimes on its own people.

Yet instead of tightening the screws on this government, our administration, the administration here in the United States, unfortunately, is not doing what it ought to be doing. We are dangling the incentives of talks with President Bush before the Sudanese President in exchange for his accepting a U.N. force. It is almost unbelievable.

The administration refuses to talk directly to Iran and North Korea about their nuclear programs. And yet here it is bandying Presidential talks with the head of a regime that our own Government has declared guilty of genocide.

This is typical, unfortunately, of the administration's bumbling approach to diplomacy. It simply does not know when to talk and when to brandish the stick. Clearly, the stick is necessary here. Days and hours stand between us and an incredible mass of genocide.

The fact is, we need to take a harder approach on Sudan. So what can we do from here on? How do we ratchet up the pressure on the Sudanese Government and get it to stop?

First, I think the United States needs to expedite the appointment of a special envoy to Darfur.

Let me add, by the way, Senator BROWNBACK mentioned Bob Zoellick.

He did a fantastic job, by the way, but he is out of government now. He is in the private sector. Unfortunately, we do not have a Bob Zoellick within the administration right now who understands it and cared about this issue to the extent he did. But I believe there are people who could be asked to perform this appointment of a special envoy from the United States. That might be enough in the short term, to begin to put the brakes on.

I recently joined colleagues in sending a letter to President Bush calling for his immediate attention. With the departure of Deputy Secretary of State Bob Zoellick, who played a very important role in negotiating the May peace agreement, a vacuum has emerged that needs to be immediately filled to ensure a coordinated, focused, and effective policy.

Our Assistant Secretary of State for African affairs was made to wait 3 days—3 days—before meeting with Sudan's President, only to hear him reject the U.N. force. This special envoy must be someone of greater stature and seniority who can command an audience and forcefully convey a message. Moreover, the envoy and President Bush himself must, in concert with our allies, publicly reject Sudan's demand that African Union troops leave and insist on the deployment of U.N. forces.

Secondly, the United States needs to convince states like China and Russia and the Arab League to apply pressure on the Sudanese Government to accept a U.N. peacekeeping force. Unless Sudan feels the heat from its business partners and friends, my fear is they will not budge.

Thirdly, the United States needs to ensure that the United Nations moves forward with deploying a peacekeeping force. Should Sudan continue to put up a wall, then I think we must implement a tight sanctions regime against the Sudanese Government, rebel forces, and others responsible for the atrocities that are being committed there.

We must also consider deploying troops regardless of Sudanese consent. For many this may raise a red flag, but, again, it is an international commitment and a moral obligation agreed to under U.N. auspices.

Should the U.N. fail to rapidly muster the requisite troops, I believe we ought to deploy an interim NATO force with U.S. participation to Darfur. At a minimum, NATO forces, which already provide logistical support to the African Union mission, should enforce a no-fly zone in Darfur pursuant to U.N. Security Council Resolution 1591 to prevent military flights over Darfur.

U.S. participation, even in a limited capacity, is critical to showing the world that the U.S. is not just about fighting terrorism when it serves our interests but also about fighting injustice, terrorism and mass murder when it affects others far away from us; that the U.S. will fight for the principles of respect for human dignity and life, and not just lecture others about them.

Fourth, despite this administration's absurd rejection of International Criminal Court, the ICC can and must play a critical role in bringing to justice those responsible for committing genocide in Sudan. Last March, Darfur became the first-ever case to be referred by the U.N. Security Council to the International Criminal Court for investigation.

The U.S. unconscionably abstained on this vote. My country abstained. When it comes to conducting an investigation of the Sudanese Government for what our own Secretary of State has called genocide, we abstained.

And we wonder why public opinion of the United States around the world is dipping. One reason is because the administration talks the talk but does not walk the walk when it comes to upholding our Nation's principles. From military tribunals that don't allow due process of law to warrantless surveillance, the administration simply thinks it is above domestic and international law. Its doublespeak continues to squander our country's political and moral authority. The U.S. needs to lend its full support to the ICC's efforts to bring to justice those found guilty of genocide in Sudan.

Mr. President, 12 years after Rwanda—and I am glad my colleague from California raised Rwanda, and Senator BROWNBACK has as well, along with others in this body—we remain haunted by the massacre which occurred. Former President Bill Clinton publicly expressed his deepest regret at the U.S. and the international community's collective inaction to stop the killings in Rwanda. Twelve years from now, none of us in this body or the administration want to be forcing the same regrets about Darfur.

Yet, if we fail that—and it is not a matter of weeks or months, it is a matter of hours—then the very kinds of genocidal mass murder that occurred in Rwanda will continue to occur in Darfur and grow worse.

Sudan has been wracked by four decades of violence and instability. The scars of that war cut deep throughout their country. Currently, it is experiencing what the U.N. has described as the world's greatest humanitarian crisis. We stood by during Rwanda. We cannot stand by this time. We must not let history repeat itself. We must act. The international community has a responsibility to protect and the U.S. must lead by example. Let us not fail this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my colleague from Connecticut for that extremely eloquent, passionate, and urgent message to the administration about what needs to be done in Darfur. I could not agree more. I have come to the floor on other occasions to speak on the same issue. We know that thousands—in fact, 2 million people—find themselves in camps with no place to call home, in a situation that is absolutely outrageous.

So I thank my colleague for coming to the floor and speaking on this important subject. I am very hopeful that my colleagues on both sides of the aisle who have spoken to this will find that their words are heeded by the administration and they will act urgently to save lives and stop the genocide.

REMEMBERING ANN RICHARDS

Ms. STABENOW. Mr. President, I rise today to remember a very good friend and a wonderful woman whom Senator LINCOLN spoke about—and I know others today have—very eloquently on the floor, and that is our good, good friend Ann Richards, the former Texas Governor and treasurer, a woman who had extraordinary abilities. Her intelligence, her tenacity, and her hard work, are well known. But we all know of her sense of humor, her wit, her ability to make us smile. Even when we were trying to struggle through a difficult issue or were upset, she was able to put this in a particular frame that would allow people to in fact smile and laugh while they were trying to work through things together.

I was very pleased to have Ann Richards come to Michigan on more than one occasion to be able to help me in my effort at running for office. It was always a wonderful time. People were so excited when I would say that Governor Ann Richards was coming to Michigan. There would be excitement from women young and old, as well as from men. We always drew a great crowd. She always lived up to every expectation, in terms of the way she spoke about life, about what people are concerned about, and a combination of both outrage at those unfair things and things that ought to be changed, coupled with that sense of humor about what we go through in our daily lives, speaking about things that we could all relate to so well, with that wonderful sense of humor.

She once told me when I was working hard and had too many things to do in a day: Debbie, you should stop right now and just focus on what is next and the rest of it will take care of itself. Do your best and focus on the next hour, the next challenge, and that is how you get through effectively in life.

Those words of encouragement and advice have stuck with me to this day. Whenever I get overwhelmed, I think of Ann Richards' voice in my ear saying: Stop and take a breath and focus on what is right in front of you and do your best, and everything else will work out just fine.

We all know she was a trailblazer in Texas politics and an inspiration to all of us who have run for office and been elected to office around the country. I will never forget when she was elected. I had the opportunity to attend her inaugural ball—I should say series of balls, where everybody was all dressed up and wearing cowboy boots, and how I watched Ann, with such relish, go from ball to ball, event to event, and watched her go down the streets in the parades in Austin that day. There was such excitement, and you could tell she was thrilled. She loved Texas and she relished the opportunity to serve Texas as its Governor. It was such a wonderful weekend of events. I will always remember that.

There are so many different quotes from her that we all remember and quote ourselves. One of my favorites is the often-repeated line about Fred Astaire. She said:

> Sure, he was great; but don't forget that Ginger Rogers did everything he did backwards and in high heels.

That was Ann Richards, speaking in a way that made a point, but made everyone smile at the same time.

In many ways, we kind of came up through politics together. We were both in county commissions in the mid-1970s. We both ended up in Statewide elected office, and we both loved and love our States with a great, great passion.

Despite all of the fame—and she was famous, a well-known person, revered around the country—she was somebody who could walk into any city in the country and have people recognize her and have great respect for her. But what I admired most was how down to earth she was. Even though this is a person who was very well known, she was somebody who was always there with a smile and would say "How are you doing?" She would talk to the wait staff in a restaurant, as well as the people in her party, or would speak to whomever was around her.

She began her career as a teacher. She once said that teaching was the hardest work she had ever done and, according to her, it remained the hardest work she had done to date. She was a great teacher, but not only in the classroom. Ann Richards was a teacher to me—a teacher as it relates to women having courage, stepping out, being willing to take the slings and arrows that come with the rough and tumble world of politics, standing up for what she believed in, always being accessible and available to reach out and help those of us who asked for her help, and always relishing life to the fullest.

Ann Richards will be remembered. We are so grateful for her life, for her service, and for who she was. My thoughts and prayers go out to her children and her grandchildren.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I join my colleagues and many others across America to express our sadness over the loss of one great person: former Texas Governor Ann Richards. There she was, with her Dairy Queen hairdo, her thick Texas twang, and her lightning fast wit. She was beloved and recognized by everybody. When she would show up on Capitol Hill, people couldn't wait to come up and shake hands and see that beautiful smile. Several times she came by my office, and our visit always started with a laugh and ended with a laugh. She was just a great person to be around.

She was born Dorothy Ann Willis in 1933, in Lakeview, a farming community near Waco. She was the only child of Iona and Cecil Willis. They came from the tiny towns of Bugtussle and Hogjaw.

At Waco High School, she dropped her first name and became just Ann. She also became the Texas state debate champion.

During her senior year, she visited Washington as a delegate to Girls Nation and, on a trip to the White House, shook hands with President Truman, one of her all time heroes.

Despite her natural political talents, it never occurred to Ann Richards to run for political office herself until later in life.

In her 20s, she taught social studies in an Austin middle school for less than 2 years before she was required to resign because she was pregnant with her first child. She later described teaching as "the hardest work I had ever done."

In 1975, her husband, civil rights attorney David Richards, was approached about running for Travis County commissioner. He turned it down and said he wasn't interested, but Ann Richards was.

She won that race and went on to serve two terms as a Travis County commissioner, 8 years as Texas state treasurer, and 4 years as her State's governor.

Her 1990 election as Governor—a come-from-behind victory—made her the first woman elected governor in Texas in nearly 60 years, and the first woman to win that office without following her husband in.

As Governor, Ann Richards pursued a progressive agenda and appointed an unprecedented number of women and minorities to posts they never would have dreamed of in Texas Government.

Her family said that, as Governor, she was most proud of two actions that probably cost her re-election. She vetoed legislation that would have allowed people to carry concealed handguns. She also vetoed a bill that would have destroyed an aquifer that supplies water for much of south central Texas. She paid the political price.

Years later, when a reporter asked her what she might have done differently had she known she was going to serve only one term as Governor, Ann Richards grinned and replied: "Oh, I would probably have raised more hell."

She was not just a political hero. In speaking openly about her struggle with alcoholism, her decision, in 1980, to get sober, and the joy she discovered in sobriety, Ann Richards was also a source of inspiration as well to countless others who struggle with addiction.

Ann Richards rose to national prominence when she gave the keynote address at the 1988 Democratic National Convention. People remember a lot of things she said in that address.

That address includes some immortal lines, including her famous description of gender inequality: "Ginger Rogers did everything that Fred Astaire did. She just did it backwards and in high heels."

In other lines from that speech that are not as well remembered, Ann Richards talked about why she believed in government.

She said:

> I was born during the Depression in a little community just outside Waco, and I grew up listening to Franklin Roosevelt on the radio. It was back then that I came to understand the small truths and the hardships that bind neighbors together. Those were real people with real problems, and they had real dreams about getting out of the Depression.

She said she could still hear the voices of those "people who were living their lives as best they could."

She said: "They talked about war and Washington and what this country needed. They talked straight talk."

In politics and in her life after politics, Ann Richards used her power to try to solve the real problems of real people and enable them to live and raise their families with dignity and hope.

I'll close with one more story from Wayne Slater. He recalls that, during a public appearance several years after leaving office, Ann Richards was asked about her legacy.

She replied:

> In looking back on my life, I could of course say the predictable thing: that the greatest thing I've ever done is bear my children and have grandchildren, and all that kind of stuff. But the reality is that the greatest part of my life was the opportunity to be in public service—to make a difference for the community I live in, for the State that I love, to be able to try to make things better, whether they turned out in the fashion I expected them to or not.

Then she added:

Sometimes it's serendipitous. Good things happen accidentally. But they're not going to happen unless well-meaning people give of their time and their lives to do that.

Ann Richards earned that legacy and more. She made a difference not only for her community and her beloved State, but to our entire Nation. She touched so many lives and changed so many lives in her life. She will be greatly missed.

Our thoughts and prayers go out to her children: Cecile, Daniel, Clark and Ellen; their spouses; and Governor Richards' eight grandchildren.

There is good news in the Richards family. Cecile received an award last night from USA Action. Of course, she couldn't be there, she was at her mother's deathbed—and that is certainly understood. But a tribute was paid to her for her active work on behalf of women across America as a leader in Planned Parenthood. She is carrying on her mother's legacy, her commitment, her family's commitment to public service. I can't think of anything that would have made Ann Richards more proud.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL AMERICA MONTH

Mr. REID. Mr. President, I rise this evening to speak about an important resolution that passed the Senate last week. I introduced S. Res. 561, which designates September as Rural America Month.

I first thank the majority leader and my colleague, Senator BLANCHE LINCOLN from Arkansas, for their help in passing this resolution. For me, home means Nevada. Growing up as the son of a hard rock miner in a rural community called Searchlight, far from the bright lights of Las Vegas, has shaped my love for rural America. So when I became leader, I decided I wanted to do something to show how serious Democrats are about standing up for rural America. I couldn't think of a better person to lead this effort than BLANCHE LINCOLN from Arkansas.

I appointed her the chairman of my Rural Outreach Program, and she has done a wonderful job. She is so articulate, has that wonderful smile, and she has done things we never realized would be so effective. I publicly extend my appreciation to her for her leadership in this area. The people of Arkansas are so fortunate to have this good woman serving in the Senate.

It is our love for rural America that brings us to the Chamber today. Senator LINCOLN has been here. I appreciate her remarks very much. But it is what motivates us to support 55 million people who, like us, call rural America home. These small towns and rural communities are rich in heritage and tradition, and we need to do everything we can to protect and sustain the rural way of life.

Today, as we honor rural America, I would like to talk about some steps I believe the Senate should take to enrich rural economies, bring new and better services to small towns, enhance these pieces of fabric of America we call rural America.

During the last century, our rural communities have undergone an amazing transformation. With more than 2,000 rural counties accounting for almost 85 percent of the American landscape, the definition of what is rural often depends upon arbitrary lines of distinction. As rural economies become increasingly diversified, communities strive to adapt to the demands of a constantly evolving global community and economy. Take, for example, Elko, NV. Once, Elko was a small Basque enclave. It has grown dramatically during the past decade, and for so many years it has been growing in a way we never envisioned.

Today, Elko and the immediate vicinity produces 63 percent of the world's gold. It has recognized the challenge of relying upon the highly volatile industry, but it still carries on and does so well. The people of Elko worked together to identify local resources to foster not only growth but smart growth. As it turns out, one of Elko's most valuable assets is an unused railroad spur. Today, this is being developed and will become one of the busiest transportation hubs in the West because of the mining industry and ranching industry.

That is not all. Elko is also doing something else to capitalize on the uniqueness of their setting in the American West.

One of the reasons I am so proud of this legislation is because it honors America's farmers, ranchers, and, yes, cowboys. Farming and ranching are the foundation of rural culture in America and continue to drive the rural economy. Today, with 95 million head of cattle, beef production in the United States is an $80 billion-a-year industry. This year, Americans will consume 25 billion pounds of beef. With the livestock they raise and the responsible stewardship of public lands, American farmers and ranchers help feed families across the country and around the world. Although less than 10 percent of the world's cattle are raised in America, we produce nearly 25 percent of the world's beef supply.

For 23 years, the Western Folklife Center has hosted the National Cowboy Poetry Festival in Elko. Each year, poets, storytellers, musicians, filmmakers, dancers, and other performers descend upon the town to celebrate these American icons. The theme for this year's gathering is "The Ranch."

If you talk to ranchers and farmers this year, one of the first topics you hear is the rising cost of energy. The high cost of gasoline and diesel affects all Americans, but it hits rural America very hard. These are men and women who make a living driving tractors and other large pieces of equipment, hauling their grain and moving their livestock from place to place. This is one area in particular where we can help rural America, and I believe we should.

Instead of making farmers pay for dependence on foreign oil, it is time they were paid to make America energy independent. It is within our grasp. We are at a real turning point for alternative energy. Alternative energy technologies are finally becoming cost competitive with conventional energy sources such as oil and gas. In 2005, the three largest technology IPOs were, believe it or not, solar companies. By 2009, it is likely alternative energy technology will capture 10 percent of all capital venture investments. All of this is possible if we work together to take us in a new direction.

Another hardship faced by rural Americans is the loss of jobs. In the wake of outsourcing, rural communities have been left with the daunting task of retraining workers whose only training had been for jobs that no longer exist. For example, the manufacturing industry, which is so vital to so many small towns, has been hit the hardest, with as much as 30 percent of that sent abroad. It is not unusual for someone to work their ranch or farm but also have another job, and that has been very hurtful, with these jobs being shipped overseas. It has been particularly devastating for low-skill workers who make up more than 40 percent of all rural workers.

The problem is made worse when young unskilled workers leave the workforce in search of opportunities only available beyond the county line. While it is clear rural communities need to be more aggressive in attracting new industries, the task is easier said than done.

Prospective employers need to be assured they have a pool of talented workers. With the exodus of skilled workers and an untrained workforce, few companies are willing to roll the dice. That is too bad.

Living in rural America is something that you do not see on a balance sheet. It is only a live experience. More people should experience the joy of living in rural America.

Just as good jobs are hard to find, so is good health care and good emergency response. In many parts of the country, such as Ely, NV, when there is an emergency—whether it is a small brush fire or national catastrophe—we look to our neighbors to keep our families safe. We rely on volunteer firefighters and police officers. This fact was made painfully clear after Hurricane Katrina.

That is why I feel so strongly that the Senate must do everything it can to make sure our first responders have the tools they need to get the job done right. Volunteer fire departments depend on programs such as Fire and Citizen Corps grants. Every day, rural law enforcement officials rely on the funding that the Byrne and COPS Programs provide.

Often, when we talk about veterans issues, we are talking about rural issues. Rural America is home to many U.S. veterans. In fact, according to the Census Bureau, rural and nonmetropolitan counties account for the largest concentration of veterans.

This is true for my home State of Nevada. With more than 250,000 veterans, Nevada has the third largest population of veterans, and it continues to grow. During the last decade, Nevada saw its veterans population increase by more than 30 percent—the highest increase in the country.

That is why for so many years now, I have been pushing Congress to revisit the injustice in compensation for our nation's veterans—the ban on concurrent receipt.

As too many are well aware, disabled veterans face the obstacle of forfeiting retirement pay dollar-for-dollar if they receive disability compensation. This policy is unacceptable, and I am committed to securing fair policy to provide our veterans with the entirety of their earned compensation.

I have been fighting for five years to allow for full concurrent receipt, and despite veto threats from the administration, we have made many great strides towards fair compensation for our veterans. In 2003, Congress passed my legislation allowing disabled retired veterans with at least a fifty percent disability rating to become eligible for full concurrent receipt over a ten-year period. This measure passed despite veto threats from the Bush administration.

Most recently, I have introduced legislation—S. 558—which would provide concurrent receipt to military retirees, with 20 or more years of service, who are rated less than 50 percent. It would also eliminate the 10-year phase-in period for veterans who draw their disability and retirement pay; it will also change my 2003 bill to give full concurrent receipt to all veterans with service connected disabilities. There are currently 29 cosponsors to this legislation.

Additionally, the CARES commission on veterans' health care recognized the need for a Community Based Outpatient Clinic—CBOC—in Fallon and an expansion of services at the Reno VA Medical Center. I am committed to providing Nevada's veterans with more access to quality health care options, including a new CBOC in Elko.

And finally, no discussion of helping rural America would be complete without a discussion of Broadband.

For rural America, competition and active participation in the local and global marketplaces not only means having a computer, but also access to high-speed internet services.

Rural areas are consistently left behind urban areas when it comes to federal investment in the infrastructure systems that are essential for any economy to thrive—including telecommunications systems.

Although the Internet has touched the lives of billions of people around the globe, most of rural America has been left behind even the least developed countries.

Less than a decade ago, the Internet meant email and chat rooms. Today, access to broadband Internet is so much more. With high speed internet, incredible amounts of information can change fingers at the speed of light.

However, even in rural areas where broadband access has been introduced, problems such as affordability and adoption rates remain huge obstacles to progress/leaving dial-up the only realistic option. Affordability and adoption rates are the biggest obstacles we have.

Broadband Internet has proven itself to be a potent catalyst in job creation, economic development, and a critical component of education and public safety. In fact, the deployment of broadband service to our rural areas may be as important to economic development as rural electrification was during the Great Depression.

And so, my colleagues and I are committed to investing in innovative broadband technologies so that rural communities can begin to form new kinds of partnerships, and reach new levels of connectivity.

For example, Senator Clinton has worked to link local businesses in St. Lawrence County to global markets using eBay. Many parts of St. Lawrence County are remote, and businesses have a hard time finding customers. But not on eBay. eBay also offered training to small business owners and their employees.

Senator Clinton has also previously secured Senate passage of tax incentives for telecommunications companies to deploy broadband to rural areas. This technology will allow small businesses around New York to compete for customers around the globe.

We have seen how one small business has worked with several communities to bring free wireless internet service to nine cities in Eastern Oregon. The service is now being used to track cargo shipments on the Columbia River, monitor a munitions depot, and has improved the efficiency of the police department.

I have spent the last few moments talking about the joys and challenges felt by rural America.

As I've cited in examples today from Elko and Ely, Nevada, rural communities are coming together to create new opportunity themselves. But we here in Washington need to do everything we can to help them succeed.

We need solutions that make sense for the whole country—not just for Washington, D.C., but for places like Winnemucca, and Aurora, NE.

We can do it. And we'll be a better, stronger nation as a result.

BOXING

Mr. REID. Mr. President, I rise today to honor a momentous occasion in the history of Nevada and one of my favorite pastimes: boxing.

This September 16, 2006, marks the 100th anniversary of the longest boxing match in history fought under Queensbury rules. For more than 3 hours, two of the greatest boxers in the country squared off for 42 rounds in the booming mining community of Goldfield, NV. This fight's tremendous length might be important to the "Guinness Book of World Records," but for Nevada, it was also an important moment in race relations during a tumultuous period in our country's history.

Boxing promoters throughout the country billed the fight as one of epic proportions. Oscar Battling Nelson was one of the toughest fighters in the land. He was nicknamed "The Durable Dane" for his resilient and hard-hitting style. Rather than defeat his opponents with skill, Nelson preferred to absorb the blows of his opponents and outlast them in the ring. One biographer even went so far as to say that Nelson "gave new meaning to the word tough."

With such fabled abilities, Nelson was the early favorite to defeat his opponent, a 32-year-old African American named Joe Gans. The Baltimore native was the reigning lightweight champion and the first American-born Black man to win a boxing title. His style was a sharp contrast to The Durable Dane: Gans was quick and fast on his feet and known as "The Old Master." Rather than relying on brute strength, Gans tried to beat his opponents with skill.

Such a marquee match-up was a boxing promoter's dream and was expected to promote gold stock in the area. With a record $30,000 purse prize, the fight brought national attention to Goldfield, the largest city in Nevada at the time. But a sharp issue hung over the bout like an ominous cloud. That was the issue of race.

Before the fight began, rumors floated that Gans had thrown fights as a youth in Baltimore. So persistent were the rumors that Gans' promoter, a local saloon owner named Larry Sullivan, feared for his safety should his fighter lose. Others worried that a win by Gans could start a riot in the town.

The hostility of the town quickly evaporated once the citizens of Goldfield had an opportunity to meet Joe Gans. It was his unassuming manner—and some say a love of the craps tables—that endeared Gans to the town. Prefight negotiations only served to steer more public support to Gans' corner. Gans gave into every one of Nelson's demands, including lowering his own share of the $30,000 purse to $11,000 win or lose. He also agreed to drop his weight to 133 pounds—well below his normal fighting weight of 142 pounds.

The change in support was clearly evident to referee George Siler. He wrote: "The men who wield the pick think that Gans has been imposed upon by Nelson's manager, and they want to see him win." The Goldfield News reported the shift in support saying ". . . the camp finds itself in the unique position of wishing to see a Negro defeat a white man." By the start of the fight, the odds were 2-1 in favor of Gans.

The fight started in the afternoon under the hot Nevada sun. Some estimates place the ringside temperatures at more than 100 degrees. Nevertheless, more than 8.000 people—and an unprecedented 1.500 women—paid the pricey sum of $5 to watch the fight.

Surely, none of the spectators knew that they would witness one of the greatest fights in history. As usual, Nelson tried to outlast his opponents' barrage of uppercuts, hooks, and jabs. By the end of the seventh round, Nelson was bleeding from both ears and Gans knocked him to the mat. But the Durable Dane would not give up. He tried to pin Gans against the ropes, and again Gans knocked him to the mat in the 15th round. Nelson bounced back, winning the next three rounds. After almost 20 rounds, the sun began to set over the Columbia Mountain and it was clear that the fighters were tired.

But neither man would yield. Gans broke his hand in the 27th round but refused to go down. He continued to fight back against Nelson, showing little sign of the injury. At the end of the 30th round, Nelson hit Gans after the bell, causing uproar in the crowd. The referee, who had warned Nelson about fouls throughout the fight, gave him yet another warning. Finally, the Durable Dane began to lose his famed endurance, while Gans continued to pummel him. In the 42nd round, Nelson landed an intentional low blow on Gans. The referee called the fight in Gans' favor.

The telegraph wires carried the result of the fight across the country. And the town's support for Gans held strong. That night, the residents of Goldfield did not see Black or White: They saw a winner. Joe Gans, with his modest manner and stylish boxing, had won the town over. Siler wrote: "Goldfield is a vast camp of hero worshippers tonight, and its hero is Joe Gans . . ."

This Saturday, the boxing clubs from the University of Nevada, Reno, and the University of Nevada, Las Vegas, will fight 42 rounds in honor of the Nelson-Gans match. The sounds of the closing bell for each of those 42 rounds will be from the original 1906 bell from the fight. And later that evening in nearby Tonopah, the audience will be able to watch video footage of the historic bout.

Mr. President, the accomplishments of Joe Gans and the citizens of Goldfield are worthy for recognition before the Senate. I am pleased have the opportunity to honor this important anniversary today.

CHANGING THE TIDE

Mr. LEVIN. Mr. President, as Detroit residents cope with a rise in homicides and shootings this year, city police are joining with other law enforcement agencies in an effort to stem gun-related violence through a new program. Operation Tactical Intelligence Driven Enforcement, or TIDE, was established to help determine crime patterns, identify the city's most violent offenders and ultimately prevent crime in the city of Detroit.

Operation TIDE, which began on May 5, 2006, in the Detroit Northwestern police district, involves the coordination of 10 Federal, State and local agencies. It is designed to use the expertise of each agency to better track and share intelligence on dangerous criminals. The U.S. Attorney's Office, Wayne County Prosecutor's Office, Wayne County Sheriffs Office, U.S. Marshals Service, Federal Bureau of Investigation, Michigan State Police and U.S. Drug Enforcement Administration are all involved in the project. To date, 115 people tied to gun crimes and gang violence have been arrested. The program is funded by a $600,000 grant through the Federal Project Safe Neighborhoods campaign against guns and gang violence and is currently being expanded into the other three police districts.

Operation TIDE expands upon the current Project Safe Neighborhoods initiative strategy of suppression, deterrence, prevention/intervention, investigation, prosecution and public awareness. Project Safe Neighborhoods is a long-term campaign that has assisted in taking many violent offenders off the streets of Detroit. Since its inception in 2001, Project Safe Neighborhoods has played an important role in a 34 percent reduction in violent crime and a 73 percent increase in firearm prosecutions nationally. In the Detroit area, it has resulted in more than 800 Federal gun prosecutions. Project Safe Neighborhoods public awareness campaign has resulted in hundreds of tips leading to prosecution.

Ella Bully-Cummings, chief of the Detroit Police Department, described Operation TIDE by saying:

> Our strategy is to supercharge our crime prevention and enforcement efforts to reduce violent crimes using the intelligence and resources of all law enforcement agencies. Our police officers work every day at addressing active and potential crime in our city limits. By collecting and disseminating the acquired intelligence among partnering agencies, crime patterns will be swiftly identified.

I would like to take this opportunity to thank all the Federal, State, and local law enforcement officials for their outstanding service and their vital contributions to the safety of our communities. Their commonsense approach plays a significant role in decreasing gun violence. I am hopeful that the 109th Congress will do more to support their efforts by taking up and passing sensible gun safety legislation.

NSA-RELATED BILLS AND PROPOSED CHANGES TO WAR CRIMES ACT

Mr. LEAHY. Mr. President, earlier today the President visited Capitol Hill for a closed-door meeting with House Republicans. It is not often the President takes time out of his busy schedule to come to Congress. But to meet only with Republicans is wrong and divisive.

After his closed door meeting, the President talked about working together, in a bipartisan way. His walk does not match his talk. I wish he would act as a uniter and work with all of us on behalf of all Americans. Regrettably, it appears that, once again, this President has chosen to act in a partisan way in his role as Republican-in-Chief. That is wrong.

I hope that all Senators will recognize their responsibility to all Americans and exercise their best independent judgment, rather than taking orders from the head of their political party.

In the Judiciary Committee yesterday, Senators did exercise that kind of independent judgment when we joined together in a bipartisan way to report a bipartisan bill that would amend the Foreign Intelligence Surveillance Act and reign in the Administration's warrantless domestic wiretapping program. That bill, S. 3001, the bill cosponsored by Senator SPECTER and Senator FEINSTEIN, was the only proposal that drew bipartisan support. I urge the Majority Leader to recognize the merits of that bill and our bipartisan efforts by moving to proceed to that bill when the Senate turns its attention to these matters.

This bipartisan bill was authored by Senator FEINSTEIN, one of the few Senators being briefed on the Presidents program of domestic surveillance without warrants. It is intended to ensure our intelligence community can protect our nation with the necessary court oversight. It will bring the President's program within the law.

It stands in stark contrast to the White House-endorsed bill that grants sweeping authority to the Executive Branch for a program about which we know very little. The Bush-Cheney Administration has refused Congress's requests for information. Since when did Congress become an arm of the Executive Branch? Since when was the Senate reduced to a rubberstamp? Oversight means accountability. Oversight makes Government work better. It prevents abuses and corruption. We need Government to be as competent and accountable as it can be in fighting terrorism.

I have been attempting to clarify the facts and the law relating to the Administration's warrantless wiretapping program since it was first disclosed in December 2005. During the ensuing eight months, we have made numerous efforts to get straight answers from the Administration regarding the nature, scope and purported legal basis of this program. Our efforts were rebuffed by the most flagrant and disrespectful stonewalling of any Administration that I have seen in my 32 years in Congress.

While refusing to answer even our most basic questions about its secret spying program, the Administration claimed that Congress approved the program when it authorized the use of military force in Afghanistan—although Attorney General Gonzales had to admit that this was an "evolving" rationale not present at the time Congress considered its action. The Administration claimed that even if they violated the Foreign Intelligence Surveillance Act, the President's powers and their view of the "unitary executive" must trump the law and the authority of Congress. Not since the rationalization of Richard Nixon for actions during the White House horrors and Watergate scandal have we heard such a claim. And, of course, the Administration claimed it had all the authority it needed and no new legislation was needed.

The bill the Chairman negotiated with the White House, in my view, contains several fundamental flaws:

The bill makes compliance with FISA entirely optional, and explicitly validates the President's claim that he has unfettered authority to wiretap Americans in the name of national security. In other words, it suggests that FISA is unconstitutional—a claim for which there is no judicial precedent and very little academic support—and invites the President to ignore it.

The bill abandons the traditional, case-by-case review contemplated by FISA and introduces the concept of "program warrants." If that novel concept is constitutional—which I doubt—a single FISA court judge could approve whole programs of electronic surveillance that go far beyond the President's program.

The bill immunizes from prosecution anyone who breaks into a home or office in the United States to search for foreign intelligence information, if he is acting at the behest of the President. I would have thought that electronic surveillance is a large enough area to address in one bill. But apparently, the Administration was unwilling to address electronic surveillance without also reaching for new powers to break into Americans' homes.

We should not grant that kind of blank check to the Executive for a secret program we know little about. Instead, we should consider the bipartisan alternative the Judiciary Committee has endorsed. The Specter-Feinstein bill is an approach that seeks accountability while ensuring tools to mount a strong fight against terrorism.

The Majority Leader has an opportunity to unite the Senate and Americans around this smarter, stronger proposal that will help protect Americans as well as the values that we hold dear as a Nation. I hope that he seizes that opportunity.

On a related note, I was a little surprised to hear the Chairman say earlier today that the Judiciary Committee was forwarding proposed language changes to the War Crimes Act to the Armed Services Committee. I agree with the Chairman that amending the War Crimes Act is a matter in the jurisdiction of the Judiciary Committee, but I am very concerned about the way in which this important issue has come up.

The Chairman announced yesterday in the middle of a special business meeting that the Committee would be discussing a proposal. That was news to me and the other Democratic members of the Committee, who had not seen nor heard of the proposal. The Chairman said that a bill had been distributed Tuesday afternoon, but Democrats were not included in any such distribution.

This is a very serious issue. It certainly requires meaningful review and input from Senators of both parties. It is a subject about which I care a great deal about.

This issue is being considered by the Armed Services Committee. Senator WARNER is working with Senator LEVIN, and all members of that Committee. I understand that they are also consulting with the top military lawyer, who have been ignored by this Administration. I have seen the letters from GEN Powell and GEN Vessey on the importance of upholding our treaty obligation and acting in the best interests of protecting Americans throughout the world.

GEN Powell wrote: The world is beginning to doubt the moral basis of our fight against terrorism. To refine Common Article 3 would add to those doubts. Furthermore, it would put our own troops at risk. He speaks from the perspective of a former chairman of the Joint Chiefs of Staff and a former Secretary of State.

GEN Vessey signaled what relaxing our adherence to Common Article 3 of the Geneva Convention would do: "First, it would undermine the moral basis which has generally guided or conduct in war throughout our history. Second, it could give opponents a legal argument for the mistreatment of Americans being held prisoners in time of war."

I worked hard, along with many others of both parties, to pass the current version of the War Crimes Act. I think the current law is a good law, and the concerns that have been raised about it could best be addressed with minor adjustments, rather than with the sweeping changes suggested here.

In 1996, working with the Department of Defense, Congress passed the War Crimes Act to provide criminal penalties for certain war crimes committed by and against Americans. The next year, again with the Pentagon's support, Congress extended the War Crimes Act to violations of the baseline humanitarian protections afforded by Common Article 3 of the Geneva Conventions. Both measures were supported by a broad bipartisan consensus, and I was proud to sponsor the 1997 amendments.

The legislation was uncontroversial for a good reason. The purpose and effect of the War Crimes Act as amended was to provide for the implementation of America's commitment to the basic international standards we subscribed to when we ratified the Geneva Conventions in 1955. Those standards are truly universal: They condemn war criminals whoever and wherever they are.

That is a critically important aspect of the Geneva Conventions and our own War Crimes Act. When we are dealing with fundamental norms that define the commitments of the civilized world, we cannot have one rule for us and one for them, however we define "us" and "them."

I am disturbed by the draft legislation, which seems to narrow the scope of the War Crimes Act to exclude certain violations of the Geneva Conventions and which could have the effect of retroactively immunizing past violations that may have been committed by U.S. personnel.

The narrowing of these definitions have the potential effect of immunizing past war crimes. It also could well prevent us from prosecuting rogues who we all agree were out of line like the soldiers who mistreated prisoners at Abu Ghraib.

Many of the despicable tactics used in Abu Ghraib—the use of dogs, forced nudity, humiliation of various kinds—

do not appear to be covered by the narrow definitions this draft would incorporate into the War Crimes Act. If this were the law, and the Abu Ghraib abuses had come to light after the perpetrators left the military, they might not have been brought to justice. The President and the Republican leader have conceded that the conduct at Abu Ghraib was abhorrent, and the perpetrators did need to be brought to justice. I hope the President and Congressional Republicans will not now pass legislation that prevents us from bringing people who commit these same despicable acts to justice.

I recognize the concerns about American servicemen and women or government employees being subjected to prosecutions for conduct that could be seen as ambiguous. I believe the War Crimes Act, as is, would not support prosecutions for conduct that was less than abhorrent. Indeed, to date, the Bush Administration has not brought a single charge pursuant to the War Crimes Act.

I would support amending the War Crimes Act so that only "serious" violations of Common Article 3 of the Geneva Conventions were prosecutable under the War Crimes Act. This fix would address any legitimate fears without creating a list of covered conduct that excludes much of the conduct that is most troubling.

Let me be clear. There is no problem facing us about overzealous use of the War Crimes Act by prosecutors. In fact, as far as I can tell, the Ashcroft Justice Department and the Gonzales Justice Department have yet to file a single charge against anyone for violation of the War Crimes Act. Not only have they never charged American personnel under the Act, they have never used it to charge terrorists either.

The President and the Congress should not be in the business of immunizing people who have broken the law, made us less safe, turning world opinion against us, and undercutting our treaty obligations in ways that encourage others to ignore the protections those treaties provide to Americans. We should be very careful about any changes we make.

I yield the floor.

CRANIOFACIAL ACCEPTANCE MONTH

Mr. PRYOR. Mr. President, I rise today to call attention to the fact that September has been designated as Craniofacial Acceptance Month. Craniofacial abnormalities are abnormalities that affect the skull and face. According to the National Institute of Dental and Craniofacial Research, "craniofacial defects are among the most common of all birth defects. These disorders are often devastating to parents and children alike. Surgery, dental care, psychological counseling, and rehabilitation may help ameliorate the problems, but often at a great cost and over many years." Victims of craniofacial anomalies usually have to endure many expensive procedures throughout their lifetimes, the costs of which can add up to cost millions of dollars.

Facial deformities give their victims a variety of aesthetic and developmental problems that differ in severity and occurrence. The common condition, cleft lip, an abnormality where the lip does not completely connect, can vary from a simple disconnect to a gaping opening that goes from the lip to the nose. It is easy to understand the developmental and respiratory problems this could present. Fortunately, this condition can usually be corrected through one or two simple reconstructive surgeries. But what about other anomalies that are not as easily corrected like craniosynostosis, a condition where the soft spots of an infant's skull close too early, hindering normal brain and skull growth? Or Goldenhar syndrome, where one side of the face is underdeveloped affecting the mouth, ear and jaw? Unfortunately these do not represent the most severe or rarest craniofacial defects.

At only 10 months old, Wendelyn Osborne, who grew up in the small town of Ashdown, AR, was diagnosed with Craniometaphyseal Dysplasia, or simply CMD. CMD is a rare affliction which affects only 200 people worldwide and was depicted in the 1985 movie "Mask" starring Cher. CMD involves an overgrowth of bone which never deteriorates. This caused, in her case, an abnormal appearance, bilateral facial paralysis and deafness. Other cases can include those characteristics as well as blindness and joint pain. Yet despite the challenges she has faced, Wendelyn's life has truly been blessed. Her life expectancy was only 14 years at birth, but after 17 reconstructive surgeries and two hearing aids, Wendelyn is still alive today at the age of 40. It was not until 2003 that Wendelyn was able to meet and interact with other people with craniofacial conditions. She attended the Annual Cher's Family retreat and was introduced to CCA, the Children's Craniofacial Association. Wendelyn saw the impact of support and encouragement through the programs and the families associated with CCA, and has been active with the organization ever since.

CCA has designated September as National Craniofacial Acceptance Month in hopes of raising awareness of individuals with facial differences. It is not a secret that appearance plays a key part in how individuals are accepted in our society. People with facial differences, in addition to medical problems, have a much harder time adjusting in society and developing successful relationships. Such individuals have to deal with a series of consequences that arise from uncontrollable circumstances of their birth. Marking September as National Craniofacial Acceptance Month brings attention to an issue that can no longer be ignored.

Hopefully, by raising awareness of craniofacial defects, our larger society will begin to show understanding and acceptance of those who live with these physical, medical, and emotional challenges. Understanding and increased public awareness of craniofacial disorders and abnormalities would let people like Wendelyn Osborne and hundreds of thousands of innocent individuals know that they are not unwanted and not alone in their battle with craniofacial conditions. I would like to commend CCA on taking an important step to raise awareness about this issue. I join the Children's Craniofacial Association in looking forward to the day when our Nation will "look beyond the face, to the heart within." I salute the Children's Craniofacial Association, Wendelyn Osborne, and all of the children and adults who live with these challenges and the families and persons who support them.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR A. KROETCH

● Mr. THUNE. Mr. President, today I recognize Arthur A. Kroetch of Philip, SD, and his company Scotchman Industries, Inc. Scotchman Industries has enjoyed a long and rich history in my home State.

In October of 1956, Art Kroetch, with the help of his wife Eleanor, started a small scrap metal business in Philip. Since its start, Art's business has steadily progressed from a scrap metal business into an agricultural tool manufacturer, to a national machine tool manufacturer, and finally into what it is today, an industry leading, multinational machine tool manufacturer. Small businesses are the backbone of the great State of South Dakota and I commend Art not only for his success with Scotchman Industries, but also for his contributions to his community and State.

It gives me great pleasure to rise with the town of Philip in congratulating Scotchman Industries and Art Kroetch on 50 years of successful operation.●

TRIBUTE IN HONOR OF JUNE COLLIER FLETCHER

● Mr. SHELBY. Mr. President, today I honor June Collier Fletcher, one of Alabama's most influential women, who died on September 9, 2006. She rose from a meager upbringing to become the president and CEO of National Industries, Inc. Once the largest private employer in Montgomery, June built

National Industries from the ground up to become a major automotive supplier employing 5,000 Alabamians.

June's drive and ambition allowed her to become a leader in an industry dominated by men. Under her guidance and leadership, National Industries became a flourishing $130 million-a-year electrical connection business.

Over the years, June was recognized for her hard work, dedication, and expertise and received numerous awards and accolades. She served as a member of the Commerce Department's prestigious Industrial Policy Advisory Committee, testified before Congress on automotive issues, and was a sought-after speaker on the subject of international trade. June received the Industry Week Excellence in Management Award and was selected to the Committee of 200, an organization of the top 200 women business leaders in America.

In addition to her work in the automotive industry, she was also active in petroleum exploration and production, farming, and garment manufacturing. In the 1980s, June's company was awarded a government contract to produce chemical warfare protective clothing which was used during the first gulf war.

June was an inspiration to many and I am truly grateful for the endless contributions she made to Alabama and our Nation. She will be missed by her husband Tim Fletcher; her five children, Kara Davis, Ondi Cain, Roessler Collier, Arin Burroughs, Kohler Collier; her stepchildren, Tom Fletcher, Jr., Carrie Fletcher; her 12 grandchildren and 2 great-grandchildren. She will also be missed by her many friends and the numerous people she worked with whose lives she touched throughout her magnificent journey.•

TRIBUTE TO TAMMY MAHAN

• Mr. HARKIN. Mr. President, one of the great joys of my job as Senator is working closely with talented, dedicated Iowans from all walks of life. I would like to take a moment to salute one of those exceptional people, Tammy Mahan, an outstanding social worker, and a passionate advocate for adoption and foster care.

Tammy has dedicated her life to children, and has made a profound difference in the lives of countless foster and adopted youngsters in Iowa and across the United States. In her "day job," Tammy works at Children and Families of Iowa, where she is responsible for assisting foster parents through the licensing process.

A year ago, Tammy went beyond the call of duty by starting up a new organization in Des Moines called Elevate. Elevate is a growing team of young people who are active in a variety of important ways. They recruit families to foster or adopt teenagers. They educate legislators and the public about foster care and adoption. And they work to empower and increase the self-esteem of other teenagers who join the team as advocates. Elevate is doing wonderful things nationwide to encourage foster care and adoption. And the young people who are active in Elevate are just fantastic; they are passionate about their work, and they are setting a wonderful example for their peers.

I am deeply grateful to Tammy Mahan for all that she is doing in the community. By the way, Tammy and her husband Mitchell, are adoptive parents of two children. While it is easy for some professionals to talk the talk of youth empowerment and improving the system, Tammy and her family are walking the walk. Ghandi said that "You must be the change you want to see in the world." And that is exactly what Tammy and the young people of Elevate are doing.

This week, Tammy Mahan is in Washington to be honored for her outstanding public service. She is receiving a 2006 "Angel in Adoption" award from the Congressional Coalition on Adoption. This is an honor richly deserved. I congratulate Tammy, and I salute not only her work but also the good work being done by all the young activists in Elevate.•

HONORING DR. EDGAR WAYBURN

• Mrs. FEINSTEIN. Mr. President, I join with friends and associates across the country to honor the 100th birthday on September 17 of Dr. Edgar Wayburn of San Francisco. From the time that his appreciation of the American landscape began in Macon, GA, to his role today as honorary president of the Sierra Club, Dr. Wayburn has built a lifetime of conservation activism that has immeasurably benefited our country and the world.

Across our Nation, 100,000,000 acres of some of the most beautiful landscape in the world are protected for future generations thanks in large part to the dedicated efforts of Dr. Wayburn. Never a full-time conservationist, Dr. Wayburn has dedicated weekends and hours away from his medical practice to protecting our wild lands and wildlife.

From the Mount Tamalpais State Park in California to Admiralty Island in southeastern Alaska, Dr. Wayburn's accomplishments read as an honor roll of conservation achievements. He has been a true visionary in promotion of conservation and has inspired countless other Americans.

One example in particular uniquely epitomizes Dr. Wayburn's legacy. Driving out of San Francisco International Airport, you face west toward the hills of San Mateo County. Beyond those hills, along the coast for more than 10 miles to the south and for 75 miles to the north stands one or our country's most majestic national parks—the Golden Gate National Recreation Area. The park encompasses 80,000 acres in 3 counties and lies adjacent to Point Reyes National Seashore; thus more than 150,000 acres are preserved for habitat and wildlife and are enjoyed by more than 20 million people every year. Dr. Wayburn played an instrumental part in the founding of both of these national parks.

For over 100 years, the U.S. military fortified the region now home to the Golden Gate National Recreation Area. But in the 1960s the military became aware that its bunkers and missiles had little value for our Nation's defense and made plans to sell parts of the area's installations and fortifications.

Bay Area residents were determined that this magnificent landscape not be lost to ordinary development. Here was the chance for people to see the natural world in an urban context, to look upon the wilderness from the city, and Dr. Wayburn helped lead the way. When he learned of a farsighted Interior Department proposal to preserve underused military land across the Nation for public use and enjoyment, he became the leader of the citizens' group organized to save the land at his doorstep. He also insisted upon enlargement of the original 8,000-acre proposal.

Thanks to widespread support and the indefatigable efforts of Dr. Wayburn, the campaign to protect this invaluable natural treasure was a resounding success. Congress authorized the Golden Gate National Recreation Area in 1972, which now stands as a monument to the committed efforts of so many like Dr. Wayburn.

The story of the Golden Gate National Recreation Area stands as just one of many achievements that mark Dr. Wayburn's inimitable career.

In 1999, President Bill Clinton recognized Dr. Wayburn's lifetime of service by awarding him our Nation's highest civilian honor—the Presidential Medal of Freedom. In honoring his achievements, President Clinton counted Dr. Wayburn as the person who had saved "more of our wilderness than any other person alive." I can think of no more fitting praise to offer Dr. Wayburn.

Dr. Wayburn has created a legacy that will live on for generations to come, and he has made our Nation and our world a better place. I commend him on his efforts and offer my heartfelt gratitude for his service.•

MESSAGES FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 114. Concurrent resolution providing for corrections to the enrollment of the bill S. 2590.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5815. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 444. Concurrent resolution extending the appreciation of Congress and the Nation to the Department of Defense organizations, military departments, and personnel engaged in the mission to achieve the fullest possible accounting for all Americans unaccounted for as a result of the Nation's wars, to the POW/MIA families and veterans who support the mission, and to foreign nations that assist in the mission.

At 5:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects and improvements to rivers and harbors of the United States, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon: and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, BAKER, GARY G. MILLER of California, BROWN of South Carolina, BOOZMAN, OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. COSTELLO and BISHOP of New York.

From the Committee on Resources, for consideration of Sections 2017, 2020, 2025, and 2027 of the House bill, and sections 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. MUSGRAVE, and Mr. KIND.

ENROLLED BILLS SIGNED

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

At 6:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5815. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 444. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW Missing Personnel Office, the Joint POW MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 5689. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 3901. An original bill to authorize trial by military commission for violations of the law of war, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. MCCAIN for the Committee on Indian Affairs.

*Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST (for himself, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 3892. A bill to reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. FEINSTEIN):

S. 3893. A bill to amend the Internal Revenue Code of 1986 to increase the adjusted gross income limitation for qualified performing artists eligible for an above-the-line deduction for performance expenses; to the Committee on Finance.

By Mr. BOND (for himself, Mr. TALENT, Mr. DURBIN, and Mr. OBAMA):

S. 3894. A bill to amend the Internal Revenue Code of 1986 to alleviate poverty by encouraging the employment of residents by empowerment zone businesses through the employment of residents in designated areas of pervasive poverty, unemployment, and general distress; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3895. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 3896. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3897. A bill to amend titles XI and XVIII of the Social Security Act to provide for the sharing of certain data collected by the Centers for Medicare & Medicaid Services with certain agencies, research centers and organizations, and congressional support agencies; from the Committee on Finance; to the Committee on Finance.

By Mr. HAGEL:

S. 3898. A bill to amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself and Mr. FEINGOLD):

S. 3899. A bill to achieve balance in the foreign trade of the United States, through a market-based system of tradable certificates, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. FRIST, Mr. BURR, Mr. CORNYN, and Mr. BENNETT):

S. 3900. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

By Mr. WARNER:

S. 3901. An original bill to authorize trial by military commission for violations of the law of war, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BAUCUS:

S. 3902. A bill to provide for education competitiveness; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. Res. 570. A resolution designating the month of September as "National American History and Heritage Month"; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. SALAZAR, Mr. SANTORUM, Mrs. HUTCHISON, Mr. CRAPO, Mr. ALEXANDER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. Res. 571. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States; considered and agreed to.

By Mr. BURNS (for himself and Ms. CANTWELL):

S. Con. Res. 115. A concurrent resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 155

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 155, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from California (Mrs. BOXER), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kentucky (Mr. BUNNING), the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2707

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms. SNOWE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2750

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2750, a bill to improve access to emergency medical services through medical liability reform and additional Medicare payments.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3275

At the request of Mr. ALLEN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3519

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3628

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3628, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

AMENDMENT NO. 4923

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4923 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4945

At the request of Mr. NELSON of Nebraska, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4945 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 5003

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. LEAHY), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 5003 intended to be proposed to H.R. 4096, a bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

AMENDMENT NO. 5004

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. LEAHY), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 5004 intended to be proposed to H.R. 4096, a bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

AMENDMENT NO. 5005

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 3892. A bill to reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, one cold May morning earlier this year, a Border Patrol agent found the body of a 3-year-old boy in a blue windbreaker, his arms crossed. He had died trying to cross our southern border, the youngest victim our borders have claimed this year.

The boy's mother's name is Edith Rodriguez. She is 25 years old. She attempted to cross the border illegally, in hopes that she might escape the desperate poverty of her home state of Veracruz, Mexico. Edith hired a human smuggler—a coyote.

The coyote gave his charges an illegal drug, ephedrine, to help them keep awake and moving. But Edith and her son still could not keep up with the group. So the coyote, in a cruel and heartless act, abandoned them in the desert. Alone. With no food and little water, with a dangerous drug coursing through his system, exposed to the elements—Edith Rodriguez's little boy died.

Edith Rodriguez violated the laws of the United States when she crossed the border illegally. She was wrong to violate our border. But all should agree that her son did not deserve to die.

Here are the facts: Every 18½ hours, someone dies trying to cross the border between the United States and Mexico. About a year ago, I asked the Government Accountability Office to study the deaths that take place along America's borders.

Today, my office released that study. The results are sobering, shocking, and, I strongly believe, a cause for action. Since 1995, deaths along our borders have doubled. Despite the heroic rescue efforts of the men and women of Customs and Border Protection, things have gotten worse. In 1995, 266 people died trying to cross our borders. Last year, 427 perished.

The increases, it appears, stem largely from an increase in deaths from exposure to the elements in the Sonoran Desert in Arizona. Illegal entries, however, have not increased. Quite frankly, it is getting more dangerous to cross our border.

Until recently, CBP did not even keep a systematic count of those who died crossing our borders. We still do not have a unified national strategy for reducing the deaths. We still do not know how well our safety efforts work—if they are saving lives or not. We need to do more.

The founding document of our Nation, the Declaration of Independence, lists "life" first on the list of Government's responsibilities. The overwhelming majority of the people who cross our border do so in search of a better life. They take enormous risks and make enormous investments in hopes of helping their families.

Illegal immigration needs to stop. We must defend our borders. We must construct physical barriers, add detention beds, hire personnel, and equip them with better technology. But we have a higher moral obligation to protect the life of every person—every man, woman, and child—who sets foot on American soil. We must do everything in our power to preserve life.

That is why I propose the Border Death Reduction Act. I urge my colleagues to support it.

The law will implement the GAO's recommendations. It will require CBP to create a strategy for reducing border deaths. It will mandate a full count of deaths along the border. It will impose tough, new penalties on coyotes who abandon their charges, and it will expand the network of rescue beacons that people in trouble can use to call for help.

These beacons, I believe, are an absolutely vital link in our border security system. Let me explain. Rescue beacons are devices at prominent locations that individuals can activate when they need help. They are tall polls with lights at the top and radio transmitters inside. People in trouble can activate a beacon to let CBP know that they need help. We know that beacons work: CBP has already saved dozens of people based entirely on beacon alerts.

But individuals who activate beacons do not get a free pass. They will, of course, receive necessary medical treatment. But rescued individuals will still be detained and deported like anyone else who violates our borders.

Deploying more beacons in the desert will save lives in the desert and simultaneously improve the security of our frontiers.

We cannot delay. We should not rest. We must protect the lives of all those who set foot upon our soil. I urge my colleagues to support the Border Death Reduction Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Death Reduction Act of 2006".

SEC. 2. DEFINITION OF A RESCUE BEACON.

In this Act, the term "rescue beacon" means a clearly visible device with an internal power source that is placed in an area likely to experience extreme weather, that contains instructions for its use, and by means of lights, radio signals, and other means, allows individuals to alert the United States Customs and Border Protection of their presence.

SEC. 3. COLLECTION OF STATISTICS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Customs shall begin collecting data relevant to deaths occurring at the border between the United States and Mexico, divided by sector, and including—

(1) the causes of the deaths;

(2) the total number of deaths;

(3) the location of deaths; and

(4) demographic characteristics, including the sex and approximate age of those deceased.

(b) Development of Protocols.—The Commissioner of Customs shall develop consistent, formal, written protocols for the collection of data described in subsection (a).

SEC. 4. ANNUAL REPORT ON BORDER DEATHS.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner of Customs shall submit to the Secretary of Homeland Security a report that contains—

(1) an analysis of trends with respect to the statistics collected under section (3)(a)(1) during the preceding year;

(2) an evaluation, using multivariate statistical approaches, of the Border Safety Initiative, including any rescue beacons deployed, and any successor program designed to reduce deaths along the border described in section 3(a); and

(3) recommendations of particular actions to reduce the deaths described in section 3(a).

SEC. 5. REPORT ON BEACON PLACEMENT.

(a) Report Required.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Secretary of Homeland Security a report on enhancing the deployment of rescue beacons.

(b) Focus of Report.—Such report shall contain particular emphasis on enhancing the deployment of rescue beacons in the Tucson Sector.

(c) Contents of Report.—The report required by subsection (a) shall include—

(1) an assessment of the efficacy of the deployment of rescue beacons in light of the statistics gathered under section 3, including analysis of the locations of deaths recorded and areas frequented by illegal migrants; and

(2) recommendations on where additional rescue beacons should be placed to reduce the number of deaths in the area described by section 3 and section 5(b).

(d) Authorization of Appropriations.—There are authorized to be appropriated $500,000 to carry out the provisions of this section.

SEC. 6. DEPLOYMENT OF ENHANCED BEACON NETWORK.

(a) Deployment of Rescue Beacons.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall deploy additional rescue beacons in all areas recommended in the report required by section 5.

(b) Guidelines for Placement of Rescue Beacons.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall issue to all sector chiefs formal, written guidelines for the ongoing placement and removal of rescue beacons and the appropriate response to the activation of such beacons.

(c) Authorization of Appropriations.—There are authorized to be appropriated $1,500,000 to carry out the provisions of this section.

SEC. 7. PROHIBITION ON ABANDONMENT OF ALIENS IN A BORDER ZONE.

(a) In General.—Any person who commits an act described in section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) and abandons an alien with respect to that act in a place not within sight of a paved road or rescue beacon, shall be considered to have placed in jeopardy the life of a person as described in section 274(a)(1)(B)(iii) of such Act (8 U.S.C. 1324(a)(1)(B)(iii)).

(b) Construction.—Nothing in this section shall be construed to prohibit any person from being held in violation of section 274(a)(1)(B)(iii) of such Act (8 U.S.C. 1324 (B)(iii)).

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 3896. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to offer the Lester Nichols Presque Isle Light Station Act with my colleague, Senator LEVIN. Congressman STUPAK is introducing the companion legislation in the House of Representatives today. Our bill will restore the historic Fresnel lens to the Presque Isle lighthouse in Presque Isle Township, MI.

Michigan has the most lighthouses of any State in the Nation with a total of over 120. At one time we had over 100 manned lighthouses, more than any other State. This is not surprising considering that Michigan has 3,288 miles of shoreline along the Great Lakes. We are proud of our lighthouses and we are proud of the history and the maritime heritage that they represent. Our lighthouses are part of our identity as a State. In addition to performing as navigation aids, they remain a symbol of the importance that the Great Lakes played and continue to play in Michigan's history.

Most importantly, they are an important part of the economies of our coastal towns. Our lakeshore towns host visitors from across the country who travel to view the magnificence of our coastal areas and the lighthouses that illuminate them. These small communities are more dependent than ever on tourism dollars, and we must help them by coordinating our efforts to protect Michigan's lighthouses and promote Great Lakes' maritime culture.

In 2002 the U.S. Coast Guard, the Michigan State Historic Preservation Officer, and the township signed a memorandum of agreement stating that upon removal from the tower, the Fresnel lens would be restored by the township in a museum type setting with assistance from the Coast Guard. In 2005, the township completed their restoration work on the lens. Unfortunately, we soon learned that the Coast Guard has another policy that prevents a Fresnel lens from being replaced once it is removed from the tower.

The result is that this lighthouse has been historically compromised. Replacing the lens in its original home for the enjoyment of all who visit our historic lighthouse will not only ensure the integrity of the lighthouse, but it will enhance the function the lighthouse provides as an active navigational aid.

Very simply, our bill requires the Coast Guard to replace the restored Fresnel lens in the Presque Isle Lighthouse.

Our bill is named after Les Nichols, who through years of hard work and perseverance has led the successful effort in the restoration of the historic 3rd Order Fresnel Lens. The Fresnel lens is an integral part of the historic value of the New Presque Isle Lighthouse and will continue to attract tourists to this region of the State. Under Lester's leadership, this historic artifact will now be able to be viewed by future generations. I also want to acknowledge the work of Peter Pettalia, the Presque Isle Township Supervisor.

I hope that all of my colleagues will support this legislation and that we can move it quickly in the remaining time we have in the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lester Nichols Presque Isle Light Station Act of 2006".

SEC. 2. RETURN OF FRESNEL LENS TO PRESQUE ISLE LIGHT STATION LIGHTHOUSE, MICHIGAN.

(a) IN GENERAL.—Subject to subsection (b), the Commandant of the Coast Guard shall modify the 2004 Agreement for Outgoing Loans (AOL) with Presque Isle Township, Michigan, in order to provide for the return of the Historic Fresnel Lens to the lantern room atop the Presque Isle Light Station Lighthouse, Michigan.

(b) CONDITIONS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—Any modification under subsection (a) of the Agreement for Outgoing Loans described in that subsection shall comply with applicable provisions of section 5506 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-518), relating to the conveyance of the Presque Isle Light Station.

(2) RETENTION OF OWNERSHIP OF LENS.—Notwithstanding the return of the Historic Fresnel Lens pursuant to subsection (a), the United States shall retain ownership of the lens.

(3) CONTINUING OPERATION OF AID TO NAVIGATION.—Notwithstanding the return of the Historic Fresnel Lens pursuant to subsection (a), the active aid to navigation, together with associated electronic and lighthouse equipment, at Presque Isle Light Station Lighthouse shall continue to be operated and maintained by the United States within the Historic Third Order Fresnel Lens at the Presque Isle Light Station Lighthouse.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3897. A bill to amend titles XI and XVIII of the Social Security Act to provide for the sharing of certain data collected by the Centers for Medicare & Medicaid Services with certain agencies, research centers and organizations, and congressional support agencies; from the Committee on Finance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Montana, Senator BAUCUS, in introducing the Medicare Data Access and Research Act. Senator BAUCUS and I have long enjoyed a good working relationship in our roles as chairman and ranking member of the Finance Committee. Our work on this bill once again demonstrates our commitment to working in a bipartisan manner.

The Medicare Data Access and Research Act establishes a process through which Federal agencies and other researchers can access Medicare data for the purpose of health services research. This might seem like a pretty mundane issue to some people, but I can assure you that it is far from it. Medicare processes 500 million claims for benefits each year; millions of prescriptions have been filled under the new Medicare prescription drug benefit.

Linking data on hospital and physician services provided to Medicare beneficiaries to prescription drug data will offer a tremendous resource for researchers in our Federal agencies, as well as those based at universities and other research centers. What of research can these data support? They can support studies and analyses related to postmarketing surveillance of prescription drugs and research on drug safety. More concretely, analyzing the Medicare claims data can help agencies, such as the Food and Drug Administration FDA, identify situations like the one involving Vioxx more quickly, and provide a new valuable tool to enable the FDA to take swifter action to protect the public's health and well-being.

The Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the National Institutes of Health all have missions that require the conduct of meticulous health services research. The Medicare database and access to it established under the bill we are introducing today will help these agencies fulfill their missions to study immunization rates; to develop and monitor the use of preventive screenings; conduct research on the clinical comparative effectiveness of prescription drugs; and to help prevent, diagnose, and treat disease.

To ensure access to the data, the bill requires the Secretary of Health and Human Services to enter data release agreements on an annual basis with these agencies. In entering the data release agreements, the Secretary must take appropriate steps to protect the confidentiality of the information, while maintaining the ability of researchers at Federal agencies to conduct meaningful analyses.

The bill also permits the Secretary to enter into data use agreements to permit researchers at universities and other organizations to have access to the data. As will be the case for the Federal agencies, these researchers may only use the data for purposes of advancing the public's health. They can conduct studies on the safety, effectiveness, and quality of health services.

Some people might be concerned that these data will be given to just anyone. That is not the case. In applying for data access, researchers at universities and other organizations will have to meet strict criteria. They must have well-documented experience in analyzing the type and volume of data to be provided under the agreement. They must agree to publish and publicly disseminate their research methodology and results. They must obtain approval for their study from a review board. They must comply with all safeguards established by the Secretary to ensure the confidentiality of information. These safeguards cannot permit the disclosure of information to an extent greater than permitted by the Health Insurance Portability and Accountability Act of 1996 and the Privacy Act of 1974.

The final section of the bill ensures that congressional support agencies, including the Congressional Budget Office, the Congressional Research Service, the Government Accountability Office, and the Medicare Payment Advisory Commission, also have access to data they need to carry out their functions and responsibilities. This body depends on the research and analyses conducted by those agencies to inform our deliberations and decisions on the Medicare Program.

Last year, Senator BAUCUS and I introduced the Medicare Value-Based Purchasing Act to establish a pay for performance system under Medicare. That bill was aimed at promoting quality and ensuring value under the Medicare Program. The bill that we are introducing today complements that objective. How can we promote quality and ensure value in Medicare? By having a better understanding of what services are effective, by knowing how we can help beneficiaries avoid illness and disease, by having insight about potential over-use and under-use of health care services, and by identifying troubling trends and patterns. How can we learn about those topics? By supporting rigorous health services research.

Mr. President, the Medicare Data Access and Research Act creates a sound framework for accomplishing that objective.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Data Access and Research Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The new Medicare drug benefit under part D of title XVIII of the Social Security Act is delivered through private prescription drug plans. Private plans submit administrative and beneficiary level data to the Centers for Medicare & Medicaid Services as a condition of participation and payment in the new Medicare drug program.

(2) Data from the new Medicare drug benefit can be linked with hospital, ambulatory care, and other data to create a new comprehensive resource for the study of drug safety and effectiveness of medical care in older adults and low-income, disabled, and vulnerable populations. With appropriate protections for privacy, this data should be available to the Food and Drug Administration, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the National Institutes of Health, and university-based research centers and other research organizations interested in furthering the public health through research on the safety, effectiveness, and quality of health care services provided under the Medicare program under title XVIII of the Social Security Act.

(3) Timely and ready access to certain data from the new Medicare drug benefit will allow congressional support agencies to inform and advise Congress on the cost, scope, and impact of the new benefit and assess its quality.

SEC. 3. DRUG AND HEALTH CARE DATA RELEASE.

(a) In General.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1121 the following new sections:

“DRUG AND HEALTH CARE CLAIMS DATA RELEASE

“Sec. 1121A. (a) In General.—Notwithstanding any provision under part D of title XVIII that limits the use of prescription drug data collected under such part, for the purpose of improving the public's health, the Secretary, acting through the Centers for Medicare & Medicaid Services, shall—

“(1) enter into data release agreements on an annual basis with the agencies described in subsection (b) to provide access to relevant data submitted by prescription drug plans and MA–PD plans under part D of title XVIII, excluding negotiated price concessions under such part (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations), and linked to hospital, physician, and other relevant medical claims, utilization, and diagnostic data collected under titles XVIII and XIX, including data from the uniform reporting systems established under section 1121(a); and

“(2) permit agencies described in such subsection to link data provided under this section with other relevant health data, including survey data, vital statistics, and disease registries, as needed by the agency in order to accomplish its research objectives.

“(b) Agencies Described.—The agencies described in this subsection are as follows:

“(1) The Food and Drug Administration.

“(2) The Centers for Disease Control and Prevention.

“(3) The Agency for Healthcare Research and Quality.

“(4) The National Institutes of Health.

“(c) Use of the Data Provided.—Data provided under a data release agreement under subsection (a)(1) shall only be used for the following purposes:

“(1) FDA.—In the case of the Food and Drug Administration, to enhance post marketing surveillance by—

“(A) studying patterns of drug and vaccine utilization over time after a drug has been placed on the market;

“(B) studying health risks associated with such utilization, particularly with respect to improving the speed of risk identification in order to mitigate or resolve such risks;

“(C) studying drug utilization in order to promote consumer education that would allow consumers and health care providers to make informed product choices and informed drug compliance choices; and

“(D) performing such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

“(2) CDC.—In the case of the Centers for Disease Control and Prevention, to—

“(A) improve surveillance of clinical outbreaks and emerging threats;

“(B) study immunization rates;

“(C) study outcomes of specific diseases;

“(D) develop and monitor the use of preventive screening protocols using claims data;

“(E) study drug and medical utilization in order to promote consumer education and treatment for specific public health risks; and

“(F) perform such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

“(3) AHRQ.—In the case of the Agency for Healthcare Research and Quality, to—

“(A) carry out the Agency's research obligations under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

“(B) conduct research consistent with the Agency's mission to improve the quality, safety, efficiency, and effectiveness of health care; and

“(C) perform such other functions, consistent with the purposes of this section and such mission, as are determined appropriate by the Secretary.

“(4) NIH.—In the case of the National Institutes of Health, to—

“(A) help prevent, detect, diagnose, and treat disease and disabilities; and

“(B) perform such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

“(d) Timeframe for Data Release.—A data release agreement entered into under this section shall provide for the release of information as needed by the Agency for the uses described in subsection (c).

“(e) Data Release Procedures.—

“(1) Determining appropriate level and elements of data for release.—

“(A) In general.—The Secretary shall establish a process to determine the appropriate level and elements of data to be released to an Agency under this section in order to ensure that the Agency, and researchers within the Agency, are able to conduct meaningful analyses while maintaining the confidentiality of the data provided under the data release agreement.

“(B) Relationship to procedures for release to private researchers.—The process established under subparagraph (A) may be analogous to the process used by the Centers for Medicare & Medicaid Services for the release of data to private researchers.

“(2) Agency feedback on analyses conducted.—The Secretary shall establish a process for Agencies that are provided data under a data release agreement under this section to provide the results of the analyses conducted using such data to the Centers for Medicare & Medicaid Services for use in the administration and assessment of programs administered by the Centers for Medicare & Medicaid Services, including the program under part D of title XVIII.

“(3) Review of data procedures.—The Secretary shall establish a process to review and update the following:

“(A) The processes established under paragraphs (1)(A) and (2).

“(B) Procedures for transmission and retention of data released under this section.

“(f) Notification of Inaccuracies Discovered in Data Provided.—The Secretary shall establish procedures to ensure that an Agency that is provided data under this section notifies the Secretary of any inaccuracies discovered in the data by the Agency within a reasonable time of such discovery.

“(g) Report.—The Secretary shall include (beginning with 2007), as part of the annual report submitted to Congress under section 1875(b), an evaluation of the data release agreements entered into under subsection (a)(1), including a description of the reports and analyses conducted by agencies using data provided under such an agreement.

“(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

“RESEARCH CENTER AND ORGANIZATION DRUG AND HEALTH CARE DATA USE

“Sec. 1121B. (a) In General.—Notwithstanding any provision under part D of title XVIII that limits the use of prescription drug data collected under such part, for the purpose of improving the public's health, the Secretary shall—

“(1) enter into data use agreements with the research centers and organizations described in subsection (b) to provide access to relevant data submitted by prescription drug plans and MA–PD plans under part D of title XVIII, excluding negotiated price concessions under such part (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations), and linked to hospital, physician, and other relevant medical claims, utilization, and diagnostic data collected under titles XVIII and XIX, including data from the uniform reporting systems established under section 1121(a);

“(2) permit research centers and organizations described in such subsection to link data provided under this section with other relevant health data, including survey data, vital statistics, and disease registries, as needed by the research center or organization in order to accomplish its research objectives; and

“(3) prepare the linked sets of data described in paragraph (1) for release not later than July 1, 2007.

“(b) Research Centers and Organizations Described.—The research centers and organizations described in this subsection are as follows:

“(1) A University-based research center.

“(2) Any other research center or organization—

“(A) whose primary mission is to conduct public health research; and

“(B) which the Secretary determines can appropriately conduct analyses consistent with the purposes of this section.

"(c) USE OF DATA AND PENALTIES.—

"(1) USE OF DATA.—

"(A) IN GENERAL.—Data provided to a research center or organization under a data use agreement under this section shall be used solely for purposes of research on the safety, effectiveness, and quality of, disparities in, and related aspects of health care use by individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title, conducted for the purpose of developing and providing generalizable knowledge to inform the public health through scientific publication and other forms of public dissemination.

"(B) APPROVAL BY REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS.—Such use shall be approved by a review board for the protection of human subjects.

"(C) REVIEW PROCESS.—The Secretary shall establish a review process to ensure that—

"(i) data use agreements under this section include a detailed description of how the data is to be used under the agreement; and

"(ii) such use is consistent with the purposes described in subparagraph (A).

"(2) PENALTIES.—

"(A) IN GENERAL.—A research center or organization who knowingly or intentionally uses data provided under a data use agreement under this section for any purpose other than the purposes described in paragraph (1)(A) shall be subject, in addition to any other penalties that may be prescribed by law, to—

"(i) a civil money penalty of not less than $25,000 for each infraction; and

"(ii) disqualification from receipt of any data under this section for not less than 2 years.

"(B) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(d) RELEASE OF DATA.—

"(1) IN GENERAL.—A data use agreement entered into under subsection (a)(1) shall provide for the release of information according to a schedule approved by the Secretary under the criteria developed in accordance with paragraph (2).

"(2) CRITERIA FOR APPROVING RESEARCH APPLICATIONS.—

"(A) DEVELOPMENT.—The Secretary, in consultation with health services researchers and academicians, shall develop criteria for the approval of a data use agreement under this section.

"(B) CRITERIA.—The criteria developed under subparagraph (A) shall include the following requirements:

"(i) The research center or organization has well-documented scientific expertise, a record of scholarship on the topic of the proposed study, and a likelihood of successful publication, as demonstrated by a prior record of relevant publication by key staff and other evidence of appropriate scientific qualifications of the proposed research team.

"(ii) The research center or organization demonstrates a credible capability to conduct and complete the proposed study, including experience with scientific investigations using similar types of data.

"(iii) The research center or organization demonstrates the public health importance of the proposed study, and the potential of such study to provide public knowledge needed to improve the safety, use, and outcomes of treatments, the administration of the program under title XVIII, and the care provided to individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title.

"(iv) The research center or organization develops a data management plan that describes in detail the measures that will be implemented to safeguard the data and protect the privacy of individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title, including any proposed data linkages.

"(v) The research center or organization enters into an agreement under which the research center or organization agrees to—

"(I) place detailed results of the proposed study in the public domain through publication in a reasonable timeframe, not to exceed 1 year after completion of such study, including a thorough description of the methodology used to conduct the study;

"(II) make available to the public, without charge, any product or tool developed using the data provided under this section; and

"(III) not sell such data to other entities or create commercial data products (such as data extracts or analytical files) using such data.

"(vi) The research center or organization and the proposed research team provide assurances that such team is independent from the sources of funding or any other party and has the right to independently and freely publish the scientific findings of the study.

"(vii) Such other requirements, consistent with the purposes of this section, as the Secretary determines appropriate.

"(3) TIMELY REVIEW AND ACTION ON REQUESTS.—The Secretary shall provide for timely review of, and action on, requests for a data use agreement under this section, taking into consideration the reasonable needs of the research center or organization.

"(4) PUBLIC DISCLOSURE.—The Secretary shall make available to the public the criteria used to grant or deny data use agreements under the criteria developed under paragraph (2)(A).

"(e) FEEDBACK BY RESEARCH CENTER OR ORGANIZATION.—

"(1) NOTIFICATION OF INACCURACIES DISCOVERED IN DATA PROVIDED.—The Secretary shall establish procedures to ensure that a research center or organization that is provided data under this section notifies the Secretary of any inaccuracies discovered in the data by the center or organization within a reasonable time of such discovery.

"(2) FEEDBACK ON DATA COLLECTION.—The Secretary shall permit researchers to provide feedback on the collection of data with respect to the programs administered by the Centers for Medicare & Medicaid Services and make recommendations with respect to the collection of additional data elements with respect to such programs.

"(f) CONFIDENTIALITY.—

"(1) DETERMINING APPROPRIATE LEVEL OF DATA TO BE PROVIDED.—The Secretary shall establish a process to determine the appropriate level of data to be provided to a research center or organization under this section in order to ensure that the center or organization, and researchers within the center or organization, are able to conduct meaningful analyses while maintaining the confidentiality of the data provided under the data use agreement.

"(2) SAFEGUARDS TO PROTECT CONFIDENTIALITY OF DATA PROVIDED.—

"(A) IN GENERAL.—The Secretary shall establish safeguards to protect the confidentiality of data after it is provided to a research center or organization under this section. Such safeguards shall not provide for greater disclosure by the research center or organization than is permitted under any of the following:

"(i) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(ii) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

"(B) CONFIDENTIALITY OF PHYSICIANS AND MEDICAL PRACTICES.—The safeguards established under subparagraph (A) shall ensure that the data provided to a research center or organization under this section that identifies individual physicians or medical practices is not released by the research center or organization, or otherwise made public.

"(g) REPORT.—The Secretary shall include (beginning with 2007), as part of the annual report submitted to Congress under section 1875(b), an evaluation of the agreements entered into under subsection (a).

"(h) REASONABLE FEE.—The Secretary may charge a research center or organization a reasonable fee based on the cost of preparing and providing data to such center or organization under this section.".

(b) CRITERIA DEVELOPMENT AND PUBLICATION.—The Secretary shall develop and publish the criteria required under section 1121B(d)(2)(A) of the Social Security Act, as added by subsection (a), not later than 180 days after the date of enactment of this Act.

SEC. 4. ACCESS TO DATA ON PRESCRIPTION DRUG PLANS AND MEDICARE ADVANTAGE PLANS.

(a) IN GENERAL.—Section 1875 of the Social Security Act (42 U.S.C. 1395ll) is amended—

(1) in the heading, by inserting "TO CONGRESS; PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES" after "AND RECOMMENDATIONS"; and

(2) by adding at the end the following new subsection:

"(c) PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES.—

"(1) IN GENERAL.—Notwithstanding any provision under part D that limits the use of prescription drug data collected under such part, upon the request of a congressional support agency, the Secretary shall provide such agency with information submitted to, or compiled by, the Secretary under part D (subject to the restriction on disclosure under paragraph (2)), including—

"(A) only with respect to congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress—

"(i) aggregate negotiated prices for drugs covered under prescription drug plans and MA-PD plans; and

"(ii) bid information (described in section 1860D-11(b)(2)(C)) submitted by such plans; and

"(B) access to drug event data submitted by such plans under section 1860D-15(d)(2)(A), except, with respect to data that reveals prices negotiated with drug manufacturers, such data shall only be available to congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress.

"(2) RESTRICTION ON DATA DISCLOSURE.—

"(A) IN GENERAL.—Data provided to a congressional support agency under this subsection shall not be disclosed, reported, or released in identifiable form.

"(B) IDENTIFIABLE FORM.—For purposes of subparagraph (A), the term 'identifiable form' means any representation of information that permits identification of a specific prescription drug plan, MA-PD plan, pharmacy benefit manager, drug manufacturer, drug wholesaler, or individual enrolled in a prescription drug plan or an MA–PD plan under part D.

"(3) TIMING.—The Secretary shall release data under this subsection in a timeframe that enables congressional support agencies to complete congressional requests.

"(4) USE OF THE DATA PROVIDED.—Data provided to a congressional support agency under this subsection shall only be used by such agency for carrying out the functions and activities of the agency mandated by Congress.

"(5) CONFIDENTIALITY.—The Secretary shall establish safeguards to protect the confidentiality of data released under this subsection. Such safeguards shall not provide for greater disclosure than is permitted under any of the following:

"(A) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(B) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

"(6) DEFINITIONS.—In this subsection:

"(A) CONGRESSIONAL SUPPORT AGENCY.—The term 'Congressional support agency' means—

"(i) the Medicare Payment Advisory Commission;

"(ii) the Congressional Research Service;

"(iii) the Congressional Budget Office; and

"(iv) the Government Accountability Office.

"(B) MA-PD PLAN.—The term 'MA-PD plan' has the meaning given such term in section 1860D-1(a)(3)(C).

"(C) PRESCRIPTION DRUG PLAN.—The term 'prescription drug plan' has the meaning given such term in section 1860D-41(a)(14).".

(b) CONFORMING AMENDMENT.—Section 1805(b)(2) of the Social Security Act (42 U.S.C. 1395b–6(b)(2)) is amended by adding at the end the following new subparagraph:

"(D) PART D.—Specifically, the Commission shall review payment policies with respect to the Voluntary Prescription Drug Benefit Program under part D, including—

"(i) the factors affecting expenditures;

"(ii) payment methodologies; and

"(iii) their relationship to access and quality of care for Medicare beneficiaries.".

Mr. BAUCUS. Mr. President, today, I am pleased to join Chairman GRASSLEY in introducing the Medicare Data Access and Research Act. This bill will take an important step to advance the safety, efficacy, and quality of health care services delivered to people under the Medicare Program and it will help improve the care delivered to all Americans.

This bill requires the Secretary of Health and Human Services, HHS, to make Medicare data accessible to Federal health agencies and the health services research community for the purpose of conducting studies that will serve the public health. As the largest single payer of health care services in the United States—covering over 40 million lives, 70 million hospital days, and processing nearly a billion physician claims per year—Medicare collects and maintains a wealth of information on the health services delivered to a significant portion of the population. This information has been a national resource for research and analysis of health care. And with the addition of the Medicare prescription drug benefit, it will be the most comprehensive resource our Nation has to study the effects of diseases and the treatments we have for them.

The Centers for Medicare and Medicaid Service, CMS, currently releases certain Medicare data to the public and more comprehensive data to the research community. This bill would build on current activities by requiring CMS to link hospital claims, physician claims, and other relevant information to data collected under the new Medicare drug benefit.

In addition, the Secretary will provide yearly access to the linked Medicare dataset to all Federal health agencies within the department, such as the Food and Drug Administration, the Centers for Disease Control, the National Institutes of Health, and the Agency for Healthcare Quality and Research. These agencies will enter into data use agreements with CMS to ensure that the type and level of Medicare data shared is appropriate, that the agencies conduct research in accordance with their missions and the purpose of furthering the public health, and that the privacy of the data is protected. The goal is to give Federal health agencies another tool to evaluate the safety, efficacy, and quality of care delivered to Medicare beneficiaries—a large segment of the health system.

This bill also provides public health researchers access to the linked Medicare dataset. Expanding access to Medicare data will open up a new era in our health system. It will enable scientists to more quickly identify both short- and long-term safety concerns with drug regimens and health treatments. It will enable more treatments to be compared. And it will promote more development of guidelines, so providers and patients know more about what works best.

Some may argue that access to linked Medicare data should not be limited to researchers and should be available for commercial purposes. But the full Medicare database should be used exclusively for the public good and not for private or commercial gain. This is the crux of this bill. Hence, the bill limits the use of data to the purpose of providing "generalizable knowledge to inform the public health through scientific publication and other forms of public dissemination." Strict penalties will be imposed on any unauthorized use of the data including civil money penalties and disqualification from receiving Medicare data for at least 2 years.

CMS will publish criteria used to approve research applications to ensure that those selected are qualified and experienced to conduct analyses and maintain the confidentiality of Medicare information. Researchers will also make public their detailed results and methods within 1 year from completing their studies. They will make available to the public at no charge any tool developed through this program. They must agree not to sell data or create commercial data products using such data and abide by safeguards protecting the confidentiality of the data established by the Secretary.

The final section of the bill ensures that congressional support agencies, including the Congressional Budget Office, the Congressional Research Service, the Government Accountability Office, and the Medicare Payment Advisory Commission, also have access to the full range of data they need to carry out their functions and responsibilities. Congress depends on the research and analyses conducted by these agencies to inform our deliberations and decisions on the Medicare Program.

Last year, I worked with Senator GRASSLEY to introduce the Medicare Value-Based Purchasing Act, which establishes a pay for performance system under Medicare. An important element of that system is the collection and reporting of quality measures to CMS and to the public. The bill we are introducing today complements those activities. We can improve health care by allowing Medicare to become a value-based purchaser of services and by reporting quality measures through the Medicare Program. And we can improve health care for all by allowing rigorous health services research to be conducted using the resource of Medicare data.

Mr. President, the Medicare Data Access and Research Act will allow us to expand our knowledge of health care and improve the quality of care for all Americans.

By Mr. GREGG (for himself, Mr. FRIST, Mr. BURR, Mr. CORNYN, and Mr. BENNETT):

S. 3900. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

Mr. GREGG. Mr. President, I rise today to introduce the Medicare Quality Enhancement Act of 2006 to improve quality and reduce the cost of health care.

The Medicare Quality Enhancement Act addresses three important problems in our Nation's health care delivery system: rising costs, broad variations in the quality of care, and a lack of information on health care quality and cost.

Among the most pressing issues that need to be addressed in the area of health care is the issue of rapidly rising health care costs. The United States spends more on health care as a percentage of GDP than any other industrialized country. According to the Centers for Medicare and Medicaid Services (CMS), total health expenditures are estimated to be $2.16 trillion in 2006 and are projected to rise to over $4 trillion in 2015.

The pressures of rising health care costs are being felt by consumers, providers, employers, State and local governments, and the Federal budget alike—with no end in sight. Premiums for employer-based health insurance rose by 9.2 percent in 2005—the fifth consecutive year of increases over 9 percent. Health insurance expenses are the fastest growing expense to employers, consuming more and more of each company's bottom line.

From a Federal budget perspective, over the next 10 years, Medicare will grow on average 8.5 percent to $885 billion and Medicaid will grow similarly at 8 percent to $413 billion. These programs along with Social Security will take up 56 percent of the total budget in 2016. Such rate of growth is unsustainable.

Despite this enormous level of spending, there is wide variation in the quality of the care Americans receive. In addition to the existing crisis of ever increasing costs, we are now learning that there are vast variations in the ratio of spending to outcomes, meaning that more care is not necessarily better care. A recent report by the Dartmouth Atlas Project demonstrated this point and showed no correlation between high utilization of services and high quality of care. This information provides an opportunity to improve care and reduce costs. We simply cannot afford business as usual in health care, especially when we have no way of determining the value of what we are purchasing.

The Agency on Healthcare Research and Quality (AHRQ) also reports wide variation in health care practice. AHRQ claims that millions of Americans fail to receive necessary care resulting in complications and increased costs. Others, they say, receive health care services that are completely unnecessary, which also increases costs.

These problems are compounded by a third issue the lack of information available to consumers and purchasers on quality and cost. Currently, health care consumers do not have the tools necessary to make sound quality and cost decisions about their care. The few tools that are available to them are based on limited amounts of privately held data and their analysis is often not broad enough to provide the most accurate results.

The Medicare Quality Enhancement Act gives consumers, employers, providers and others the tools they need to begin controlling unnecessary spending; improves quality of care in our nation's health care delivery system; and provides the public with reports to make informed health care decisions.

The bill works by sharing taxpayer funded Medicare data with private sector Medicare Quality Reporting Organizations (MQROs), allowing them to develop reports to measure health care quality for the public. Consumer groups, employers, insurance companies, labor unions and others have repeatedly requested access to Medicare claims data to improve the quality of the health care provided to their members, employees, and beneficiaries and to help control the ever-rising costs of health care. The Medicare Quality Enhancement Act ensures that the data collected by Medicare and paid for by the taxpayer can be utilized by qualified organizations to measure quality and control costs while protecting beneficiary privacy.

The measure also empowers consumer groups, providers, employers, insurance plans, labor unions and others by allowing them to request health care quality and efficiency reports from the newly-formed MQROs—information that will assist in better-informed purchasing decisions. Further, the bill provides for the public release of all reports, including detailed information on the methodology, standards and measures of quality used in developing the reports ensuring the information is available for the general public. In addition, MQROs that contract with the Department of Health and Human Services will be authorized to aggregate both private and public data, providing a significantly more robust assessment of both quality and efficiency.

In the development of this bill, my first goal was to protect beneficiary privacy. Specifically, the bill limits the number of MQRO participants and explicitly holds them to the strict standards of both the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act. It also requires MQROs to have operational standards and procedures in place to provide for the security of the database. Lastly, the bill requires a privacy review by the Department of Health and Human Services of each analytical report prior to release.

The Medicare Quality Enhancement Act promotes the development of model quality standards through a newly established Quality Advisory Board within the Department of Health and Human Services and encourages the Administration to continue its extraordinary work with providers, consumers, insurers and others in the health care community toward sound quality measurement for all patients. Collaborative groups such as the Ambulatory Care Quality Alliance (AQA) and the Hospital Quality Alliance (HQA) are working hard to establish standards and the Medicare Quality Enhancement Act encourages their work to continue.

Under the bill, researchers are granted additional access to Medicare data and are allowed to report in a provider- and supplier-identifiable format as long as they meet existing strict criteria for the use of Medicare data within CMS. Some of our best information on quality and efficiency has been borne of fine academic institutions and private study and they, too, should have the opportunities to use this data to improve our health care system.

In closing, the Medicare Quality Enhancement Act is needed in order for America's health care system to improve. The public needs to understand the quality of the care they are purchasing and the time has come for the health care community to compete on quality, value, and cost payment should not simply be for the volume of care provided, but instead for the quality of the care provided.

The Medicare Quality Enhancement Act takes important steps to provide health care consumers with the information they need to make educated decisions about health care: information they already have to make decisions on nearly every other product they purchase in the marketplace. It requires that information paid for by the taxpayer and held by Medicare is fully available to improve our health care system. The public will then finally have the tools necessary to make informed health care decisions for themselves and their families.

This bill has the support of groups that represent consumers, providers, employers and insurers. I hope my colleagues will see the merit of this legislation and that it will be considered before we adjourn this year.

Mr. FRIST. Mr. President, for decades, healthcare analysts and industry experts have wondered whether healthcare should consume 16 percent of our Nation's economic output, as it currently does.

By virtually any measure, we spend more on healthcare than any other country in the world.

Consider the facts. According to the World Health Organization; we spend twice as much per person on healthcare as Britain and Japan; and we spend nearly 30 percent more than second-ranking Monaco.

In the past 5 years alone, the cost of health insurance to companies has nearly doubled—from $4,200 to $8,100 per family.

But experts also concur that rising healthcare costs does not mean the quality of healthcare is improving. Just this summer, the Institute of Medicine released the most extensive report ever on medication errors.

The results? At least 1.5 million Americans are sickened, injured, or killed each year by errors in prescribing, dispensing, and taking medications.

Errors are widespread—on average, a hospital patient is subjected to 1 error each day he or she occupies a hospital bed—and they are costly, at an estimated expense of $3.5 billion per year.

We have good reason to question the cost and quality of our healthcare services. That is why, in August, President Bush issued an executive order requiring all Federal agencies with a health insurance program to increase price transparency and provide options promoting quality and efficiency of care.

The Executive Order builds on the Federal Govermment's efforts to release Medicare payment information for individual healthcare providers.

While this is an important step toward transparency, more can be done. We need a way to analyze that data and make the results of the analysis consumer friendly, so that patients have real information they can use to make better informed healthcare decisions.

The bill before us today—of which I am a proud cosponsor—picks up where current Federal efforts leave off. The Medicare Quality Enhancement Act establishes quality transparency in the Medicare Program.

It doesn't require anything extra of providers. In fact, CMS is already collecting the data we need—because any provider that accepts Medicare patients must report quality data to CMS.

Instead, the bill requires CMS to establish public-private partnerships with Medicare quality reporting organizations, or MQROs. CMS will provide MQROs with data CMS already collects—Medicare enrollment, claims, and survey and assessment data. The MQROs will then perform the analysis.

Any entity or provider will be able to make report requests of MQROs, the results of which will be made public. The methodology an MQRO uses to analyze the data will also be made public. And providers can additionally instruct MQROs to use a certain methodology when making a report request.

I know many providers are concerned about CMS's capacity and capability to analyze healthcare quality data.

In part, that is why this bill requires CMS to contract with MQROs. The Secretary must determine that each MQRO has the research capability to conduct and complete reports as a condition for entering into the contract. MQROs must also demonstrate that they have the experience and expertise to analyze quality data.

As an additional contract requirement, each MQRO must comply with Federal privacy regulations to ensure beneficiary confidentiality. Additionally, MQROs must disclose financial interests as a condition to contract.

As a transplant surgeon, I understand the concerns and fears providers have. Many providers are worried that we aren't far enough along in terms of quality data collection to be able to analyze it.

But we must push the envelope in this area. It is my hope that provider groups will take the lead and request reports using a methodology and standards of quality that represent the best care in each of their fields.

Quality transparency is absolutely essential to improving healthcare. Without it, beneficiaries cannot make informed decisions about their healthcare.

Consumers already enjoy transparency in other industries. When we buy a new car, we can open an Internet browser and in a matter of moments can make objective side-by-side comparisons of different models—and then we can take them for a test drive.

When we need groceries, we pull out the Sunday supermarket ads to see what is on sale and where.

And when we furnish our homes, we shop around—comparing style, price, color, quality, warranty, and service.

But right now, we can't do that in healthcare. Whether it is a routine checkup or a heart transplant, we have no way of assessing how much bang we are getting for a buck.

Only when we institute quality transparency do we empower beneficiaries to make informed decisions about their healthcare.

This bill is a great step toward the goal of complete quality transparency. It is a formidable goal; that is why we are starting with something we know—Medicare.

Senator GREGG has worked long hours to bring this bill to fruition, and I thank him for his efforts. I hope our colleagues will join us in supporting this important measure.

By Mr. BAUCUS:

S. 3902. A bill to provide for education competitiveness; to the Committee on Finance.

Mr. BAUCUS. Mr. President, in August of 1802, from his desk in Monticello, President Thomas Jefferson glimpsed the future of the young American economy. He was shaken by what he saw.

Jefferson had just finished reading a book published a year earlier in London. The slim volume was the travel account of Alexander MacKenzie, a young Scotsman working in Great Britain's Canadian colonies.

In June of 1793, MacKenzie had crossed the Continental Divide at a place where it was just 3,000 feet high and easily portaged. Two weeks later, he reached the Pacific Ocean. Using a makeshift paint of vermilion and grease, Mackenzie inscribed his name on a rock to memorialize his discovery, and to claim it for Great Britain.

The economic implications of MacKenzie's discovery were enormous. In his book, MacKenzie urged the British to build on his discovery and develop a passage to the Pacific. Such a passage would give Great Britain control over much of North America's lucrative fur trade and access to the world's markets. Worse, MacKenzie's discovery threatened to stunt America's economic growth in its infancy.

MacKenzie's book lit a fire under Jefferson. That summer, he talked of little else. He enlisted the most qualified man he knew. And with him, Jefferson devised a plan for action. It was a plan to counter the economic threat from the north. It was a plan to safeguard America's economic future.

That December, President Jefferson presented his plan to Congress. It was America's first economic competitiveness plan. It called for one officer, a dozen soldiers, and $2,500.

Thomas Jefferson's economic competitiveness plan of 1802 has become better known as the Lewis and Clark Expedition. Today, we see that expedition as one of our Nation's great displays of ambition and courage. And today, we see that it laid the foundation of the United States as we know it.

Today, America faces a new competitive challenge. Our challenge is not over control of the fur trade. It comes not from an imperial power or its colony. It is not a race for territory in unexplored lands. Our challenge is far more complex. And the need to act is even more urgent.

America today faces a world more integrated, more interdependent, and more intensely competitive than ever in our history. In this world, it is our challenge to succeed. It is our challenge to leave our children and grandchildren an economy that is better than the one that we inherited.

We seek an economy that is not laden with debt, but bursting with opportunity. We seek an economy that plants the seeds of innovation and education today, knowing that generations far in the future will harvest their bounty. We seek an economy whose workers are increasingly productive, and whose skills are continuously sharpened.

Our challenge is to create an economy in which investment in our workers is our greatest asset, not our heaviest burden. Our challenge is to create an economy known for what it will be, rather than for what it was.

To realize this competitive economy, we must—like Jefferson—rise to the challenge. We must—like Jefferson—look to unknown horizons and march out to meet them. We must call upon our greatest minds and set them to creating a plan. And we must dedicate the resources necessary to implement that plan.

I have spent much of the past year planning a comprehensive competitiveness agenda. In February, I introduced the Trade Competitiveness Act, a bill to open markets and keep a level playing field for America's ranchers, farmers, and businesses.

In March, I introduced the Energy Competitiveness Act, to fund cutting edge research in energy while making alternative energies more affordable.

In April, I introduced the Savings Competitiveness Act, to create savings today, so that we may invest and innovate tomorrow.

In May, I introduced the Research Competitiveness Act, to give start-ups and universities better access to capital for research and development, and to improve and make permanent the R&D tax credit.

Today, I am introducing the fifth in this series of bills: the Education Competitiveness Act of 2006. Just as education is the foundation of a competitive economy, this legislation is the foundation of my competitiveness agenda.

Thomas Jefferson knew that it was not enough to send Lewis and Clark to the Pacific Ocean without the means to return. Lewis and Clark knew that the discoveries and contacts that they made had to be lasting to make a difference for our economy.

The Education Competitiveness Act is also designed to have a lasting effect. This legislation embraces education in its earliest stages, following through to continuing education and worker training. Each provision is designed with maximum flexibility to meet our States' unique needs. It is a bill that recognizes excellence, welcomes innovation, and rewards ambition.

The Education Competitiveness Act has seven important components.

First, it recognizes that our Nation needs to continue to bring quality teachers into the classroom. The bill funds 100,000 scholarships for future teachers of languages, early education, and science. It creates incentives for teachers to serve in rural and underserved areas. And it rapidly expands funding to advanced placement and international baccalaureate programs.

Second, the bill recognizes that early education is widely considered to be one of the best education investments that money can buy. The bill creates a flexible program of matching grants to build a national system of universal, voluntary prekindergarten. The bill sets out benchmarks for quality and provides help for States to make sure that their teachers are the best that they can be.

Third, the bill helps students to go the extra mile in their studies, by offering States the means to expand afterschool programs in everything from college test preparation to drug prevention. Summer programs get students out of the classroom for hands-on experience in science, technology, mathematics, and engineering.

Fourth, the bill looks to the needs of tomorrow's workforce. That workforce will increasingly demand technical skills based in math, science, and engineering. The bill provides a free college education to any student wishing to study science, technology, math, or engineering. In return, the student must work 4 years in that field of study. The bill offers States matching grants to establish and expand specialty math, science, and technology schools. And the bill makes young promising scientists eligible for cash grants to continue their research.

Fifth, the bill addresses the chronic neglect of our Nation's Indian education. The bill fully funds Indian colleges and makes a real commitment to the Johnson O'Malley program. The bill also increases the Pell grant to $6,000. Eighty percent of Montana's students rely on financial aid, including Pell grants.

Sixth, the Education Competitiveness Act allows American workers to continue learning. The bill funds programs to link businesses and schools, to give workers the skills that they need. Where universities and community colleges are too far away, distance learning grants will help bridge that gap.

Finally, the bill's tax provisions grant greater access to education. The bill starts by simplifying confusing tax credits and combining them into a single refundable higher education credit of up to $2,000 per student. The bill eases the burden of loan repayment by permitting graduates to deduct more of the interest paid on their student loans. And the bill increases the deductions for charitable contributions to schools as well as teachers' expenses in classrooms.

Taken together, these seven components form a bill that is both comprehensive and responsible. It is a bill that would help to secure a more competitive American economy.

I look forward to returning to the floor to describe each title in greater detail. I also look forward to discussing these proposals with my colleagues.

The Education Competitiveness Act sets out a bold agenda, to be sure. Some of its rewards may only be reaped decades from now. Some of its benefits may only be realized by our grandchildren. But I firmly believe that this is an agenda that we must begin to implement today.

Like the journey of Lewis and Clark 200 years ago, this is an agenda that portends discovery and rewards for America. It is an agenda that promises a passage to a new nation. I urge my colleagues to join me as we advance to this future, and join me in sponsoring the Education Competitiveness Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 570—DESIGNATING THE MONTH OF SEPTEMBER AS "NATIONAL AMERICAN HISTORY AND HERITAGE MONTH"

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 570

Whereas the United States has a remarkable history and a cherished legacy abounding with stories and biographies of heroes and patriots;

Whereas time has proven that, by teaching the principles of the foundation of the United States, the children of the Nation grow up to become good citizens;

Whereas George Washington stated, "A primary object . . . should be the education of our youth in the science of government";

Whereas the children of the United States have the right and the responsibility to know the history and heritage of the Nation;

Whereas, in 1952, Olga Weber, a mother and homemaker from the State of Ohio, out of concern that citizens of the United States were taking their freedoms for granted, petitioned the municipal officers of her town to establish a Constitution day in honor of the ratification of the Constitution of the United States, and further requested that the State of Ohio designate September 17, 1952, as "Constitution Day";

Whereas, in 1953, Governor Frank J. Lausche of the State of Ohio signed a law designating September 17, 1953, as "Constitution Day";

Whereas, in August 1953, Mrs. Weber urged the Senate to pass a resolution designating the period beginning September 17, 1953, and ending September 23, 1953, as "Constitution Week";

Whereas, in 1955, President Dwight D. Eisenhower signed into law the request of Mrs. Weber, and designated the period beginning September 17, 1955, and ending September 23, 1955, as "Constitution Week";

Whereas many parents have become increasingly concerned by the lack of knowledge and interest that the people of the United States have for their history and heritage;

Whereas the period beginning September 17, 2006, and ending September 23, 2006, is nationally designated as "Constitution Week";

Whereas September 17, 2006, is nationally designated as "Citizenship Day";

Whereas September 11, 2006, is nationally designated as "Patriot Day";

Whereas the Constitution of the United States was signed on September 17, 1787;

Whereas the greatest honor that the citizens of the United States can give to all of those citizens who have dedicated their lives and sacrificed so much to preserve the freedom and legacy of the United States is to remember what those citizens have done;

Whereas the designation of September as "National American History and Heritage Month" will—

(1) emphasize to the citizens of the United States the importance of knowing the history and heritage of the Nation; and

(2) pay tribute to the Founding Fathers and the many patriots, heroes, and heroines who built the Nation;

Whereas a month-long celebration honoring the history and heritage of the United States will encourage more organizations, including schools, businesses, faith communities, and individuals to get involved in programs and opportunities to incite interest and foster respect for understanding the history and heritage of the United States; and

Whereas celebrations relating to the history and heritage of the United States will encourage more individuals to engage in a study of the history, heritage, and foundation of the United States, and will instill pride in the citizens of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September as "National American History and Heritage Month";

(2) recognizes that the President issued a proclamation encouraging Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that celebrate the Constitution of the United States and reaffirm our rights and obligations as citizens of our great Nation;

(3) recognizes with great appreciation—

(A) the contributions of the millions of citizens of the United States who have devoted their lives, often at great sacrifice, to the improvement and preservation of the Nation; and

(B) those who continue to devote their lives for the betterment of the United States; and

(4) encourages more citizens of the United States to share their time, knowledge, and talents to share the light of liberty with our children, the future leaders of our Nation.

SENATE RESOLUTION 571—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF THE UNITED STATES

Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. SALAZAR, Mr. SANTORUM, Mrs. HUTCHISON, Mr. CRAPO, Mr. ALEXANDER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas from September 15, 2006, through October 15, 2006, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas, since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty";

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the Armed Forces have continued their service to the United States;

Whereas many Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 current seats in the United States Senate; and

Whereas Hispanic Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2006, through October 15, 2006, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 115—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 115

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1 in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5007. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 5008. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4923 proposed by Mr. ISAKSON to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5009. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4957 proposed by Mrs. CLINTON (for herself and Mrs. DOLE) to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5010. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4993 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5011. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4992 submitted by Mr. DEMINT and intended to be proposed to the amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5012. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5013. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5014. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5015. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4942 proposed by Mr. LAUTENBERG to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5016. Mr. STEVENS proposed an amendment to the bill H.R. 4954, supra.

SA 5017. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 4954, supra.

SA 5018. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 4954, supra.

TEXT OF AMENDMENTS

SA 5007. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

"(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

"(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

"(viii) Murder.

"(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

"(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

"(i) Assault with intent to murder.

"(ii) Kidnapping or hostage taking.

"(iii) Rape or aggravated sexual abuse.

"(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

"(I) firearms (as defined in section 921(a)(3) of title 18); and

"(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

"(v) Extortion.

"(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

"(vii) Bribery.

"(viii) Smuggling.

"(ix) Immigration violations.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

"(xi) Robbery.

"(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(xiii) Arson.

"(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

"(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

"(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

SA 5008. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4923 proposed by Mr. ISAKSON to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Before requiring any port cargo screening procedures involving the use of ionizing or non-ionizing radiation, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

SA 5009. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4957 proposed by Mrs. CLINTON (for herself and Mrs. DOLE) to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 10, line 12, and insert the following:

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2–1–1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services. Before making a payment for a year to the State under the grant, the Secretary may conduct an evaluation to ensure that the State remains eligible for the grant.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary, which shall be not more than 5 years. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT OF MATCHING RESOURCES.—The Secretary may not make a payment to a State—

(A) for a first year under a grant awarded under this section, unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources;

(B) for a second year under such a grant, unless the State ensures that at least 60 percent of those resources will be derived from other sources;

(C) for the third year under such a grant, unless the State ensures that at least 70 percent of those resources will be derived from other sources;

(D) for the fourth year under such a grant, unless the State ensures that at least 80 percent of those resources will be derived from other sources; and

(E) for the fifth year under such a grant, unless the State ensures that at least 95 percent of those resources will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirements specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a "2–1–1 Collaborative") meeting the requirements of this subsection.

(2) 2–1–1 COLLABORATIVE.—An entity shall be treated as the 2–1–1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2–1–1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2–1–1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2–1–1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2–1–1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that submit applications to make 2–1–1 telephone service available in areas that are in the planning stages of developing, or have not achieved, 2–1–1 telephone service coverage, and have met the requirements specified in subsections (c), (d), and (e).

(g) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2–1–1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2–1–1 telephone service; and

(B) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2–1–1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9–1–1 call centers, and 3–1–1 call centers, if applicable.

(h) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2–1–1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2–1–1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2-1-1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2-1-1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (g) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development for a statewide database, and database integration projects that incorporate data from different 2-1-1 programs into a single statewide database. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(i) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(j) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2-1-1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(k) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term "human services" means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term "information and referral center" means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. _2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

SA 5010. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4993 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ——. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

"(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

"(i) espionage;

"(ii) sedition;

"(iii) treason;

"(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

"(v) a crime involving a transportation security incident;

"(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

"(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

"(viii) murder;

"(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

"(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

"(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

"(xii) a kind that was the cause of a severe transportation security incident.".

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5011. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4992 submitted by Mr. DEMINT and intended to be proposed to the amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ——. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

"(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

"(i) espionage;

"(ii) sedition;

"(iii) treason;

"(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

"(v) a crime involving a transportation security incident;

"(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

"(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

"(viii) murder;

"(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

"(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

"(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

"(xii) a kind that was the cause of a severe transportation security incident.".

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5012. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ——. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) In General.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

"(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

"(i) espionage;

"(ii) sedition;

"(iii) treason;

"(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

"(v) a crime involving a transportation security incident;

"(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

"(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

"(viii) murder;

"(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

"(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

"(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

"(xii) a kind that was the cause of a severe transportation security incident.".

(b) Additional Security Risk Offenses.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) Savings Clause.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5013. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of this Act, there is appropriated $523,081,496 to make safety net payments for fiscal year 2007 under section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), to remain available until expended.

SA 5014. Mr. SMITH (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EQUIVALENCY OF MERCHANT MARINER DOCUMENTS AND TRANSPORTATION WORKER IDENTITY CREDENTIAL.

Section 7302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(h) A merchant mariner's document issued under this section shall be treated as a biometric transportation security card required by section 70105.".

SEC. . INCLUSION OF BIOMETRIC IDENTIFIER TO MERCHANT MARINER DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by adding at the end the following: "The document shall also include a biometric identifier that complies with the requirements of section 70105.".

SEC. COAST GUARD.

In issuing merchant mariner documents, the Coast Guard shall be the lead agency responsible for ensuring compliance with the requirements of section 70105 of title 46, United States Code governing issuance of biometric transportation security card.

SA 5015. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4942 proposed by Mr. Lautenberg to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning at line 1 and insert:

"Section ____. Interim Verification of Individuals—(a) Terrorist Watch List Comparison and Immigration Records Check.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) complete a comparison of each individual who has unescorted access to a secure area of a seaport facility (as designated in an approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual poses a threat; and

(2) determine whether each such individual may be denied admission to the United States, or removed from the United States, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) Continuing Requirement.—In the case of an individual who is given unescorted access to a secure area of a seaport facility after the date on which the Secretary completes the requirements of paragraph (1) and before the date on which the Secretary begins issuing transportation security cards at the seaport facility, the Secretary shall conduct a comparison of the individual against terrorist watch lists and determine whether the individual is lawfully present in the United States.

(c) Interim Final Regulations.—In order to carry out this subsection, the Secretary shall issue interim final regulations to require submission to the Secretary of information necessary to carry out the requirements of paragraph (1).

(d) Privacy Requirements.—Terrorist watch list comparisons and immigration records checks under this subsection shall be carried out in accordance with the requirements of section 552a of title 5, United States Code.

(e) Restrictions on Use and Maintenance of Information.—

(1) Restriction on Disclosure.—Information obtained by the Secretary in the course of comparing the individual against terrorist watch lists under this subsection may not be made available to the public, including the individual's employer.

(2) Confidentiality; Use.—Any information constituting grounds for prohibiting the employment of an individual in a position described in paragraph (1)(A) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. The Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

(f) Terrorist Watch Lists Defined.—In this subsection, the term 'terrorist watch lists' means all available information on known or suspected terrorists or terrorist threats."

SA 5016. Mr. STEVENS proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section. If such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

SA 5017. Mr. STEVENS (for Mr. Grassley) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 5, line 2, insert "to" before "secure".

On page 8, line 8, strike the first period and "; and".

On page 12, line 24, strike ", of this section" and insert "of this section,".

On page 16, line 15, strike "and State" and insert "State".

On page 16, line 18, after "stakeholders" insert the following: "adversely affected by a transportation security incident or transportation disruption".

On page 17, line 23, insert "Public Law 108-293" before "118".

On page 20, line 15, strike "of the Nation's commercial seaports" and insert "of the commercial seaports of the United States".

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike "(2)" and insert "(1)".

On page 27, line 23, strike "ocean-borne" and insert "oceanborne".

On page 28, line 8, strike "ocean-borne" and insert "oceanborne".

On page 29, line 5, strike ", and" and insert "and".

On page 33, line 17, after "issues", insert "resulting from a transportation security incident or transportation disruption".

On page 36, line 11, insert "the" before "Container".

On page 39, line 24, strike "ocean-borne" and insert "oceanborne".

On page 48, line 7, insert a comma after "Commissioner".

On page 69, line 3, strike "Undersecretary" and insert "Under Secretary".

On page 72, lines 18 and 19, strike "the current fiscal year" and insert "the fiscal year in which the report is filed".

On page 73, line 23, strike "the current fiscal year" and insert "the fiscal year in which the report is filed".

On page 85, line 23, strike the first period.

SA 5018. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2109) is amended by striking "within 30 months from the date of conveyance." and inserting "by December 31, 2009.".

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 21, 2006 at 2:30 p.m. in Room SD-628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1106, to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, UT, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; S. 3522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, and for other purposes; S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Nate Gentry at 202-224-2179 or Steve Waskiewicz at 202-228-6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 14, 2006, at 10:30 a.m., in closed session to mark up the Military Commissions Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 14, 2006, at 10 a.m., to conduct a hearing on "A Review of the Department of Defense's Report on Predatory Lending Practices Directed at Members of the Armed Forces and Their Dependents."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 14, at 10 a.m. The purpose of the hearing is to consider the nomination of C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior, Vice Rebecca W. Watson, resigned; and Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, Vice John W. Keys, III, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, September 14, 2006, at 10:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 14, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Carl J. Artman to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC, to be followed immediately by a business meeting to approve the nomination of Carl J. Artman.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 14, 2006, at 9:30 a.m. in the Dirksen Senate Office Building, Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the Central District of California; Francisco Augusto Besosa, to be U.S. District Judge for the District of Puerto Rico; Philip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; and Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio.

II. Bills

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Schumer, Graham, Biden, Grassley; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl; S. 394, OPEN Government Act of 2005, Cornyn, Leahy, Feingold; and S. 2644, Perform Act of 2006, Feinstein, Graham, Biden.

III. Other Matters

Changes to 18 U.S.C. 2441, War Crimes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. FRIST. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 14, 2006 from 10 a.m.-12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to hold a hearing at 10 a.m. on Thursday, September 14, 2006 to discuss rural air service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, September 14, 2006 at 9:30 a.m. the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the NRC's responsibility and capability for long- and short-term spent fuel storage programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. FRIST. Mr. President, I ask unanimous consent that the subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 14, 2006, at 2:30 p.m. for a hearing regarding "Part Two: Federal Agencies and Conference Spending".

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Steve Midas, who is a Coast Guard detailee assigned to the Homeland Security Committee, be accorded privileges of the floor for the remainder of the consideration of the Port Security Improvement Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND GOLDEN GAVEL AWARD FOR SENATOR BURR

Mr. McCONNELL. Mr. President, I offer congratulations to one of our Presiding Officers, Senator RICHARD BURR. At 5:20 p.m. today, Senator BURR broke the longstanding record for the quickest completion of 200 hours of presiding over the Senate. He has now earned his second Golden Gavel Award in this, his first Congress in the Senate. If he keeps this up, we may need to establish a special Platinum Gavel Award in his honor.

We all owe Senator BURR a special thank-you for his unprecedented service to the Senate as an institution.

I am sure he has heard many interesting and stimulating speeches in the Senate during those 200 hours.

HISPANIC HERITAGE MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 571, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 571) recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I rise today to recognize the month-long celebration beginning today honoring the heritage of Hispanic Americans.

Every year, we set aside a month to pay special regard to the contributions of Hispanic Americans.

The tradition began nearly 40 years ago, when Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, President Ronald Reagan expanded the celebration to 4 weeks—today's National Hispanic Heritage Month.

While the celebration has begun only recently, Hispanics have always defined America.

The history of Europeans in what is now the United States, in fact, begins with the voyage of a Spanish explorer named Ponce de Leon who landed on Florida's west coast in 1521.

Since then, Hispanic Americans have influenced every aspect of our history and culture. Let me discuss just a few:

David Glasgow Farragut, a proud Tennessean of Spanish descent, proved the North's most able naval commander during the Civil War. He becamd the first admiral of the U.S. Navy.

Severo Ochoa, a Nobel Prize recipient, revolutionized modern medical science when he discovered RNA, ribonucleic acid, one of the chemical building blocks of life.

Celia Cruz, a singer, introduced salsa music to the United States through her recordings and performances.

Louis and Walter Alverez, both research scientists, originated the once-controversial theory that asteroid impacts can explain the periodic mass extinctions that have shaped the history of life on Earth.

Roberto Goizueta, Oscar Hijuelos, Benjamin Cardozo, Alberto Gonzalez, Rita Hayworth, Roberto Clemente—entrepreneurs, artists, public servants, athletes, scientists, scholars—these names stand out, but many others move America forward every day. We cannot name all of the countless heroes who have fought in wars, treated the sick, taught our children, and devoted themselves to public service.

Through continuing migration to our shores, Hispanic Americans continue to strengthen American culture. Foods, music, and artistic forms considered unalterably "foreign" just a few short years ago have now become firm parts of the American identity.

Today, as we begin a month-long celebration of Hispanic hereitage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

Mrs. HUTCHISON. Mr. President, today I wish to voice my support for the Senate resolution designating September 16, 2006, through October 16, 2006, as Hispanic Heritage Month. Hispanic Americans are our largest ethnic minority, and I am a cosponsor of this resolution because I believe it is an appropriate way to recognize the contributions made by our Hispanic American community.

Hispanics have migrated to the United States from all over the world. They have added to our national security by serving valiantly in the U.S. Armed Forces; many have paid the ultimate price and sacrificed their lives for freedom.

In my home State of Texas, Hispanic women and men shaped our Republic in its early years, and to this day, subsequent generation of Texans continue to enjoy the liberty for which our Texan and American ancestors fought so courageously.

Americans of Hispanic origin have contributed to the econmy with their notable work ethic and have served honorably at all levels of government. Three of my Senate colleagues find their roots in Hispanic origins.

It is because of these contributions and their love of equality, justice, and independence that I am proud to support the distinguished majority leader, Senator FRIST, and my other Senate colleagues in designating September 16, 2006, through October 16, 2006, as Hispanic Heritage Month.

Mr. McCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 571

Whereas from September 15, 2006, through October 15, 2006, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas, since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty";

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the Armed Forces have continued their service to the United States;

Whereas many Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 current seats in the United States Senate; and

Whereas Hispanic Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2006, through October 15, 2006, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

UNANIMOUS CONSENT—H.R. 5684

Mr. McCONNELL. I now ask unanimous consent at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 565, H.R. 5684; I further ask that there then be 3 hours of debate on the bill, 2 for the minority, with 60 minutes under the control of Senator DORGAN, 30 minutes under the control of Senator CONRAD, and 30 minutes under the control of Senator BAUCUS or his designee, and 1 hour under the control of the majority, with all time consumed on either Friday, September 15, or Monday, September 18.

I further ask that on Tuesday, September 19, there be 10 minutes for Senator DORGAN, 10 minutes for Senator CONRAD, and 10 minutes equally divided between the chairman and ranking member, and that following the use or yielding back of time, the bill be read the third time, and the Senate proceed to a vote on passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 15, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Friday, September 15; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. This afternoon, the Senate passed the port security bill. I thank the bill managers for their great work in processing this important measure.

Tomorrow, we will be in session, but we will not have any rollcall votes. We do plan to turn, as indicated earlier, to the United States-Oman Free Trade Agreement under the agreement just entered into. I remind all of our colleagues we passed the Senate bill in June by a vote of 60 to 34. Under this unanimous consent agreement, we will vote on passage of the House bill on Tuesday of next week.

Again, for the information of all Senators, we will not have any rollcall votes during Friday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order, following the remarks of Senator BAUCUS, for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

(The Remarks of Mr. BAUCUS pertaining to the introduction of S. 3902 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

MEASURE READ THE FIRST TIME—H.R. 6061

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Mr. BAUCUS. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., Friday, September 15, 2006.

Thereupon, the Senate, at 6:46 p.m., adjourned until September 15, 2006, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 14, 2006*

The House met at 9 a.m.

Rabbi Amy Rader, B'nai Torah Congregation, Boca Raton, Florida, offered the following prayer:

When the theologian of my tradition, Dr. Abraham Joshua Heschel, marched in Selma, Alabama, with Dr. Martin Luther King, Jr., Rabbi Heschel said: "My feet were praying."

Esteemed men and women in this Chamber, I ask for God's help to move our prayers from our lips to our feet. Our world is in desperate need of action, change, and presence. As the leaders of this sacred democracy, your feet in any one place can make the difference between life and death.

May it be God's will that your feet lead our country on the path of compassion and justice. May your feet walk steadily to draw the estranged closer and the vulnerable into protection. May your feet stand firmly and united as the agents of freedom, equality, progress, and hope.

Master of the universe, inspire our deeds to be their own prayers. May our work join with God's spirit to bring about a better day for all creation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. SHAW) come forward and lead the House in the Pledge of Allegiance.

Mr. SHAW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI AMY RADER

The SPEAKER. Without objection, the gentleman from Florida is recognized for 1 minute.

There was no objection.

Mr. SHAW. Mr. Speaker, I am pleased and I am most honored today to welcome Rabbi Amy Rader and her family here to Washington, DC.

Rabbi Rader is an excellent leader and role model for the Jewish community, and for people of all beliefs. I proudly nominated her to share her faith and offer her prayers for our country on the House floor this morning, and I thank her for coming.

After having studied in both Jerusalem and Los Angeles, Rabbi Rader was ordained by the Jewish Theological Seminary of America in New York City in 1999. Rabbi Rader also served as the rabbi for the Lakeland Hills Jewish Center in New Jersey, and was the first Jewish chaplain at Methodist Hospital in her hometown of Minneapolis.

Rabbi Rader is now an associate rabbi at B'nai Torah Congregation in Boca Raton, where she directs their Mitzvah program. In her 4 years in the Boca Raton community, Rabbi Rader has earned a reputation as a compassionate pastoral counselor as well as an inspiring teacher and lecturer. I am honored to have her here with us today.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REHBERG) at 10 a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes per side.

THE FACE OF THE ENEMY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, in a few days Americans will see the face of the enemy. He will set foot on American soil and speak before the United Nations.

President Mahmoud Ahmadinejad of Iran, the person who denies the Holocaust ever happened and wants Israel decimated and destroyed, insists he is not making nuclear bombs but just nuclear power. No one believes him, and why should we?

This is the same man who is accused of holding U.S. soldiers hostage after taking the U.S. embassy in Tehran. And some people say this picture proves it; here he is with an American hostage that he is holding.

But the Iranian attack on our embassy in 1979 is overshadowed by IEDs in Iraq, supplied by Iran, to kill American soldiers every day. In a recent interview, he did not deny having suicide bombers ready to strike America.

We would never have invited Lenin, Stalin, Hitler or Mussolini to the U.S. Now we are welcoming this terrorist on American soil. Instead of receiving keys to the city, shouldn't he receive keys to the jailhouse?

And that's just the way it is.

CONGRATULATING THE DETROIT SHOCK ON WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK of Michigan. Mr. Speaker, I stand to congratulate the Detroit Shock, the Women's National Basketball Association's champions for 2006, the second time they have won the title in 3 years; 12 outstanding women, who have come forth and persevered and won the championship one more time. Six of those women were on the world championship team of 2003.

Congratulations to Coach Bill Laimbeer, Assistant Coach Rick Mahorn, as well as Cheryl Reeve. Most valuable player Deanna Nolan, congratulations for those jump shots and tenacity.

You stand in history in the Women's National Basketball Association, as well as the National Basketball Association, as winners. Let women all over the world know that you can persevere in whatever you choose to be.

Congratulations, Detroit Shock, 2006 Women's National Basketball Association winners. We love you.

HONORING XAVIER UNIVERSITY, DILLARD UNIVERSITY AND SOUTHERN UNIVERSITY AT NEW ORLEANS

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Mr. Speaker, as we honor Historically Black Colleges and

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Universities this week, I rise to applaud the commitment and tradition of HBCUs in my district. I am proud to say that in my district I am able to represent three of the most well-known HBCUs in the country: Xavier University, Dillard University and Southern University at New Orleans.

Xavier University ranks among the top in sending African Americans to medical school and accounts for a large share of African American pharmacists nationwide.

Dillard, highly regarded by U.S. News and World Report, has become widely known for its nursing program.

After starting with only two buildings SUNO has produced leading African Americans in the disparate fields of social work and computer science.

Collectively, these schools have served as profiles in courage and leadership as they rebuild in the face of Hurricane Katrina, which still threatens the future of all of them.

They have done a great deal with sometimes lean resources; however, that is the signature of HBCUs across the Nation. As a proud graduate of Southern University in Baton Rouge, I have been one of the many beneficiaries of the positive, nurturing and high-quality education provided by these nationally significant institutions.

I urge my colleagues to work towards ensuring that generations of African American students are able to benefit from the very special contribution that HBCUs provide to higher education.

MOURNING THE LOSS OF FORMER TEXAS GOVERNOR ANN RICHARDS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my sad duty to report to the House of Representatives the loss of an American original, and that is our former governor, the great Ann Richards. Governor Richards died yesterday after a long battle with throat cancer. She was 73.

I can tell you for sure that Ann Richards made us proud to be Texans. Dorothy Ann Willis Richards began her career in politics in the early 1970s after having raised four children. A Democrat, she served as County Commissioner in Travis County, Texas, from 1977 to 1982. Ann Richards was elected to the first of two terms as Texas State Treasurer in 1982.

She was born in Lakeview, Texas. She grew up in Waco, Texas, and graduated from Waco High School. And she loved her Texas.

After graduation, she taught social studies and history at Fulmore Junior High School in Austin, Texas, from 1955 to 1956. She had two daughters and two sons in the following years, and she campaigned for Texas liberals and progressives such as Henry B. Gonzalez, Ralph Yarborough, and Sarah Weddington, and she was not ashamed.

In 1976, Richards ran against and defeated a three-term incumbent on the Travis County, Texas, Commissioner Court.

Ann Richards gave that unforgettable keynote address in the 1988 Democratic National Convention, and she turned the Nation around.

In 1990, she sought the Democratic gubernatorial nomination. She won and she won as governor. And I am reminded of the Honorable Barbara Jordan, who campaigned for her; and the two of them were Texas' dynamic duo.

She did a lot as governor. The first thing she said was to cut the shackles off of the governor's house and opened it to the people of Texas. That is the kind of public official Ann Richards was and continued to be, someone who believed in the people's house and the people first.

She helped jump-start the economy in Texas. She helped reform the prison system by providing an abuse program for inmates, and she instituted the Texas lottery so that educational opportunities could be improved for our children.

Texas has lost a wonderful native daughter, someone who loved and cherished democracy, justice, the opportunity for those who could not speak for themselves.

Ann Richards stood for the opportunity for women in the public sector. She said to us, do not turn back, and yes, we can.

None of us who knew and loved Ann Richards will ever forget her or the way she heightened and brightened the lives of all the people she served. She was one in a million and she will be deeply missed. She will never be replaced. She was an American original. She was my friend. We will forever be in her debt and forever miss her.

Thank you, Ann Richards, for being the kind of role model for all the women, all the girls and all of America.

FEAR IS ALL THE REPUBLICANS HAVE TO OFFER

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, the Republicans gave us their November 7 resolution last night. Five years ago, the Nation stood as one, but the Republicans have divided us ever since. They believe dividing America is the best hope for clinging to power in the November election.

They can pass self-congratulatory resolutions that have more to do with November 7 than September 11, but patting themselves on the back is no substitute for protecting the American people by adopting the recommendations of the bipartisan 9/11 Commission.

Republicans have not done that. Instead, Republicans have been ordered by the President to continue his fiction that Iraq and al Qaeda were connected. The evidence proves otherwise, so Republican leaders are trying to hide the evidence beneath their rhetoric.

Just remember this: Republicans have propped up this President by spending more on the Iraq war than on domestic security. Republicans have given us fear and fiction around the fifth anniversary of 9/11. Just imagine what they have in store for us in the next weeks.

Fear has never made America safer, but that is all the Republicans have to offer, and that is simply not enough to protect and defend America in the 21st century.

WE NEED A NEW DIRECTION ON SECURITY IN AMERICA

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise because America needs a new direction for homeland security. Our Republican colleagues are ignoring our Nation's real security needs.

The 9/11 Commission made 41 recommendations on ways to make our Nation safer, but just this December America received a flunked Homeland Security 101, receiving 10 Cs, 12 Ds and 4 Fs.

Only 6 percent of containers at our ports are being screened, most air cargo is not being screened, and 5 years after 9/11, the Nation still lacks a unified terrorist watch list for airline passengers.

We need a new direction for America's security. We must guard against future attacks by implementing all the 9/11 Commission recommendations; and we must screen 100 percent of our containers and cargo bound to the United States in ships and planes; and we must ensure our first responders have the training, equipment and technology they need.

PRESIDENT'S ATTEMPTS TO CONNECT IRAQ WITH THE OVERALL WAR ON TERROR

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, President Bush continues to say that one of the most difficult parts of his job is trying to connect the war in Iraq with the overall war on terror, but I tell you it is a difficult job because it is clear there is no connection between the war in Iraq and the overall global war on terror.

Just this past week, a bipartisan Senate Intelligence Committee report concluded that there was no link between Saddam Hussein and al Qaeda. In fact, the Senators wrote that Saddam, "only expressed negative sentiments about Osama bin Laden."

And yet, President Bush continues to contend that our Nation's safety depends on what happens on the streets of Baghdad. With all due respect, this is just not the case.

The President is trying to convince the American people that al Qaeda is responsible for all of the violence in Iraq. In reality, the overall majority of the violence today comes from the growing sectarian divisions between the Sunnis and the Shias, a civil war which some of us believe has begun.

From day one, the Iraq war diverted the Bush administration's attention from those who attacked us on 9/11. Today, Osama bin Laden is still at large, and the Taliban is alive and well in Afghanistan.

It is time for the President to focus his attention on those responsible for the horrific 9/11 attacks 5 years ago.

AMERICA IS NOT SAFER ACCORDING TO BIPARTISAN PANEL OF FOREIGN POLICY EXPERTS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, the President says America is safer today than it was before 9/11, but according to a new report recently released from Foreign Policy magazine at foreignpolicy.com, an overwhelming majority of America's foreign policy experts across the political spectrum believe we are less safe today.

Eighty-four percent of those interviewed for the survey said we are losing the war on terror, and 86 percent said the world is becoming more dangerous for the U.S. and for the American people. Again, this is a study of the top 100 national security experts in our Nation, weighted for balance between conservatives and liberals.

Leslie Gelb, the president emeritus of the Council on Foreign Relations, stated, "Foreign-policy experts have never been in so much agreement about an administration's performance abroad. The reason is that it's clear to nearly all that President Bush and his team have had a totally unrealistic view of what they can accomplish with military force and threats of force."

In other words, our Nation not only needs a military strategy, but it also needs a diplomatic strategy. It is time for a new approach, a new direction that includes both.

U.S. MUST USE INFLUENCE IN A POSITIVE WAY IN THE MIDDLE EAST

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the United States must begin to use its influence in a positive way in the Middle East to help secure Israel by first bringing all parties together in the region, without preconditions, for peace talks. The U.S. made a mistake by standing aside during the 34-day war. We now must help to create the circumstances which stabilize the Government of Lebanon by assisting with the recovery and by helping with the restoration of housing, businesses and infrastructure.

Secondly, the situation in Gaza is desperate. Unemployment is approaching 50 percent. The government workforce, 40 percent of all workers have been paid only about a dime on a dollar due in wages since the beginning of the year. Childhood malnutrition cannot even be resolved by the massive U.N. aid now, which characterizes 70 percent of the population as refugees.

With no jobs, little or no electricity, limited access to water, conditions are dire. The U.S. cannot stand by and permit this humanitarian disaster to continue. We must do everything we can to help Israel secure itself.

We also have to remember that we must use our influence to bring about peace by recognizing the conditions which exist.

☐ 1015

IN MEMORY OF JOHN WATTERS WRIGHT, CORPORAL, WORLD WAR II

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, today I rise to honor the life of John Watters Wright. I had the privilege of meeting John 3 short years ago when I was able to present a commendation and his Bronze Star he had earned in World War II.

In 1944, as a soldier in World War II, actually as a marine in World War II, John was badly wounded during a sniper attack. Despite serious injuries, he kept fighting. He destroyed the enemy sniper's nest, saving himself and the lives of others in his division. His CO recognized John's heroism and promised to cite him for a deserved medal to commemorate his actions.

In 2003, I had the privilege of presenting John with the awards that he had earned 59 years earlier. So nearly 60 years after his self-sacrificing actions, the United States finally acknowledged the heroism he displayed in World War II with a Bronze Star, but it was an acknowledgment delayed far too long.

Corporal Wright died last month, and as we honor the life of Corporal Wright, we are challenged by his patriotism. He challenged us not only to recognize our veterans, but he challenged us to care for our veterans when they come home from deployments. He challenged us to defend the Constitution and the Bill of Rights without question, but do that through debate and sometimes dissents.

So I stand today to honor the life of Corporal John Watters Wright, who is truly an American hero.

SECRETARY OF DEFENSE DONALD RUMSFELD

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, more than 3 years after President Bush declared "mission accomplished," U.S. troops, their families, and all Americans continue to pay a high price for the Bush administration's "stay the course" policy in Iraq.

We cannot afford to stay the course in Iraq. We need a new direction, which must begin with new leadership at the Department of Defense. Secretary Rumsfeld must be held accountable for his misconduct of this war. He has executed it with no plan beyond the initial invasion, rejecting sound advice and guidance from experienced generals, Middle East experts, troops on the ground, and elected officials from both sides of the aisle.

From his failure to prepare the military for extended deployments, to his decision to disband the Iraqi military, to his unwillingness to acknowledge miscalculations and false information, he has demonstrated that he does not grasp the challenges facing the Iraqi people or the challenges facing our Nation and the military.

His failed management of the war has not made us safer, and his recent attacks against Americans who question our strategy undermine the very freedoms he has sworn to protect.

To fulfill our national security mission, it is time for a new Secretary of Defense and time for a new direction in Iraq.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1442. An act to complete the codification of title 46, United States Code, "Shipping", as positive law.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1902. An act to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 1002 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman, my friend, from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for purposes of debate only.

This rule provides for 1 hour debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. It waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. Finally, the rule provides the minority with one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and the underlying bill, H.R. 6061, the Secure Fence Act of 2006. This legislation, much of which has already been passed by the House as part of H.R. 4437, the Border Protection, Anti-terrorism, and Illegal Control Act of 2005, is a positive step in regaining operational control of our borders and achieving broad reform of the immigration process.

This legislation is the product of five formal hearings in standing committees during this Congress alone. It also draws on a number of hearings in past Congresses and a wealth of information learned through field hearings conducted over the August recess by Members of this Republican majority.

Last month, many Members of this body, who were greatly concerned with addressing the problem of our porous borders, traveled across the country to determine what steps could be taken to harden our borders and ensure that those who would wish to harm us cannot exploit this well-documented weakness.

Like many other Members, over August I traveled to our border. I traveled with Congressmen CHARLIE DENT, HENRY CUELLAR, JOHN DOOLITTLE, and JO BONNER to meet with Border Patrol agents from Laredo, Texas, and to see firsthand the needs of our country as it relates to border protection.

We discussed with these dedicated men and women on the front line of our border how best to address the rampant drug and human smuggling that occurs in an area along our southern border. We learned firsthand of the challenges faced by our brave Border Patrol agents in combating the flood of criminal activity that occurs along our southern border on a daily basis. The information we learned on this trip, and the information learned from dozens of other field hearings just like this from this past August, all have been incorporated in the legislation that we will hope to take up today.

The Secure Fence Act of 2006 advances the rule of law and protects our Nation by providing our Border Patrol with the tools they need to achieve operational control of the border. The language closely mirrors sections 101, 1002, and 1003 of the border bill already passed by the House, and authorizes more than 700 miles of two-layered reinforced fencing along the southwest border with prioritized placement at critical, highly populated areas. It also requires an evaluation of infrastructure needs along the northern border of America.

The Secure Fence Act also mandates that the Department of Homeland Security achieve and maintain operational control over the entire border through a "virtual fence" utilizing leading edge technology and through established best practices to create optimum results at the most efficient cost. This includes the deployment of cameras, ground sensors, unmanned aerial vehicles, and integrated surveillance technology.

This legislation further requires the Department of Homeland Security to provide all necessary authority to border personnel to disable fleeing vehicles, similar to the authority already held by United States Coast Guard for maritime vessels.

Finally, this legislation requires DHS to assess our Nation's vulnerability on our northern border and to address how they can be effectively and efficiently resolved.

Mr. Speaker, this legislation represents a commonsense step that this Congress can take to deal with problems of alien smuggling, illicit drug running, and illegal immigration. The House has already passed a more comprehensive bill that enjoyed the support of 239 bipartisan Members. But because a broader package of reforms may not be enacted into law this year, our Republican leadership has decided to take the least controversial portions of this broader reform effort and to pass them in pieces that the other body can then take up and pass.

I would like to commend Speaker HASTERT and Majority Leader BOEHNER for their vision and leadership in bringing this commonsense bill to the floor today. I would also like to thank my dear friend, Mr. SENSENBRENNER, chairman of the Judiciary Committee, and Chairman PETE KING, who is chairman of Homeland Security, and all the members of the Judiciary and Homeland Security Committees for their hard work in doing the research and hearings that were necessary to bring this bill to the floor.

I encourage all my colleagues to support this rule and the underlying legislation to provide operational control of our borders.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas, my friend, Mr. SESSIONS, for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this closed rule and the underlying legislation, which is nothing more than political gamesmanship in the run-up to the mid-term election. Sounds good, does nothing.

To paraphrase the Vice President, it seems to me that the majority is in the last throes of keeping control of the House and is throwing vacuous public policy at us in a vain attempt to fool the American public. Well, Mr. Speaker, I believe the American people are much smarter than that. They can see through these charades to see that this country needs a new direction.

This bill is a case in point. If you were to believe my colleague, my friend from Texas, Mr. SESSIONS, and the other proponents of this legislation, this bill would lead to the construction of a fence along some parts of the United States-Mexican border. But guess what? This bill does not authorize a single nickel or dime for construction.

I asked the distinguished chairman of the Homeland Security Committee, our colleague, and my friend, PETER KING of New York, yesterday, point-blank, in the Rules Committee, "Does this bill fund construction of a fence along our border?" The transcript of the Rules

Committee hearing will back me up when I say that Chairman KING answered with, “No, but.” And Members of the majority party always seem to have an excuse at the ready when they pretend to legislate but simply pontificate.

If Americans want to see results instead of rhetoric, if taxpayers would like solutions instead of sound bites, and hard work instead of horse trading, I suggest you take a short look, and it won't take much longer, at the accomplishments of this Congress.

I don't intend to waste too much of our time on this lazy attempt at legislating. I will let others do that. However, there are a few other things to consider when thinking about this bill.

This so-called border security bill not only doesn't spend a nickel, a penny, or a dime of money to construct a fence, it also does not increase the number of Border Patrol agents, customs, and immigration enforcement authorities.

□ 1030

It doesn't help law enforcement. It doesn't provide accountability, and it won't stop illegal immigration into this country.

I said in last night's meeting, there ain't no mountain high enough and there ain't no river valley wide enough to stop the tide of what is happening on our border unless we do it comprehensively.

Get real, folks. If the Congress had any real intent in making this country safer and more secure, they would have allowed the ranking Democratic member of the Homeland Security Committee to offer a substitute bill.

If our colleague and my very good friend, Mr. BENNIE THOMPSON of Mississippi, had an opportunity to offer his legislation, then we could have had a serious debate. But, of course, the majority has no interest in allowing the House to work its will; thus, closed this rule. That only happens in a democracy. But had Mr. THOMPSON been allowed to offer his substitute, we would have seen what a real homeland security bill looks like.

The Thompson legislation would have provided the technology, personnel and equipment needed to monitor and secure every mile of the border 24 hours a day, 7 days a week. And there is no one in this body or in America that is concerned about this issue that does not understand the need to secure our borders. Everybody knows that.

The Thompson legislation authorized 3,000 additional Border Patrol agents. It would have allowed for the creation of 2,000 more immigration officials and hundreds more detention officials. It would have enlisted 250 more Federal marshals and more than 70 new judgeships to deal strictly with immigration issues.

Yes, all of this could have been considered today on the House floor. It would have been considered if the majority party was truly interested in protecting the American people instead of their own positions as the majority. Sounds good, does nothing.

I invite my colleague, Mr. SESSIONS, to point out in this legislation where any money is spent to put a border along the United States-Mexico border.

I urge a “no” vote on this closed rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 7 minutes to the gentleman from Fullerton, California, chairman of the International Terrorism and Nonproliferation Subcommittee, Chairman ROYCE.

Mr. ROYCE. Mr. Speaker, let me say, in order to spend the money, you first have to authorize the money. In the Senate, as I rise in support of this rule to consider H.R. 6061, let me say that the Senate has attached to the defense authorization bill language, and this is what is anticipated, that will discuss the building of a border fence. But we want to make certain on the House side as we pass the authorization language and go into conference with the Senate that we disabuse our colleagues in the other House from one concept, and that is the language that would preclude the construction of any border fence without consultation with the Government of Mexico. Let me explain why I think that approach would not be in the interest of the United States.

We in California have dealt for some years now with trying to close one breach in our border fence. It is called Smugglers Gulch, a fence that runs from the foothills to the ocean. Through that small 3-mile breach, it has taken 8½ years to get the California Coastal Commission to go along with closing that fence in consultation, 8½ years, and it took an act of Congress that we passed here to do it.

So if the Senate prevails on this issue, it means no border fence. We need this legislation to authorize the border fence before we go into conference with the Senate.

I am a cosponsor of this bill, and I was a cosponsor of the border fence amendment offered by Congressman DUNCAN HUNTER and myself that was added to the House-passed border security bill last September.

As chairman of the Subcommittee on International Terrorism and Nonproliferation, I held field hearings in San Diego on July 5 and Laredo, Texas, on July 7. We heard from the men and women of the Border Patrol whose job it is to secure our border. We heard from the sheriffs whose deputies have been shot in the line of duty. We heard from Federal inspectors who have smuggled across that porous border the materials for a dirty bomb.

And so this hearing that was focused on border vulnerabilities, we heard from these witnesses and we heard them express that the border fence is very effective. The Border Patrol testified as to that effectiveness. Daryl Griffin, who is the chief agent in San Diego, said, “It is a great force multiplier. It expands our enforcement capacity. It allows us the discretion to redeploy agents to areas of vulnerability or risk. It is one component that certainly has been integral to everything we have accomplished here, raising the level of security.”

A fair question is, how effective has it been in San Diego? Well, apprehensions along the region with a security fence dropped from 202,000 in 1992 to 9,000 in 1994.

With the establishment of the border fence in San Diego, crime rates have fallen off dramatically. Vehicle drive-throughs have fallen. San Diego is no longer one of the most prolific drug-smuggling corridors.

This amendment puts a fence where it is needed most: in areas that have the highest instances of drug smuggling and illegal border crossings. It allows the Border Patrol to focus its resources and better protect our border. It is past time that we strengthen operational control of all the borders and ports through additional physical barriers and fencing.

In this bill is greater use of state-of-the-art technology and surveillance along the Southwest border. Expanding the border fence is needed and it is needed now. The first step is to get the authorization, and the second step is to get the appropriation with the Senate.

This last year, I can tell you, just over this last 12 months, over 450 OTMs were apprehended illegally entering the United States from special-interest countries, also from countries that are state sponsors of terrorism. So we see people coming over the border illegally from Afghanistan, Angola, Jordan, Qatar, Pakistan, Yemen. I will give you one example. Mohammed Karani is the brother of a commander of Hezbollah in south Lebanon. He came over the border in my State in the trunk of a car. He paid a coyote to get him across the border. He was later arrested in Dearborn, Michigan. He is serving 4½ years. He is a member of Hezbollah. He was in the process of securing funds and resources for Hezbollah in the United States.

Two border Governors have declared states of emergency over illegal immigration. This is something I think we can all agree upon, and it shouldn't be held hostage to immigration policies. The 9/11 Commission studied the problem. Border security is national security. At some point we have to come to grips with the fact that our Border Patrol agents need a border fence on our southern border in order for them to be able to secure an area where we are now facing infiltration by members of terrorist organizations like Hezbollah. We should listen to those agents.

There is one who told me his personal story of stopping a man who had been trained in an Afghan training camp, originally from Uzbekistan. This man injured him, actually bit his arm as he was trying to take him down. He told me one of his concerns was, this was the second time this man tried to get illegally into the United States. Post-9/11, we have to be serious about border security. This bill should pass this House.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from California (Mr. ROYCE), if the gentleman you described was in the back of a car, in the trunk, then he came through a port of entry. He didn't ride across no mountain, and you could have built every fence on Earth and he still could have been in the back of the car.

Now let me straighten you out on something else. We already, with the Hunter amendment to the border security measure, passed the identical language that is in here. This is nothing but political gamesmanship when all is said and done. And for you to say that we have to do this before we can authorize puts the lie to you being in the majority. You have the power to authorize. You could authorize. Don't tell the American people that we have to wait for some mish-mash language that has no money in it to build a fence, that that is the only way that we can do that.

Mr. Speaker, I yield to Mr. ROYCE to respond.

Mr. ROYCE. Mr. Speaker, I appreciate the gentleman yielding.

The reason we cannot get the bill through the Senate is because of the opposition of Senator KENNEDY and others, and others, to the concept of the border fence.

Now the reason that it would be helpful to have the fence is, when you are stopping cars coming through and checking the trunks, if your Border Patrol agents are spread out all along the Southwest, it is a force multiplier to have that fence. You can then deploy more agents to the points where the smugglers bring people in in the trunks of cars.

Mr. HASTINGS of Florida. So you also favor a fence along the Canadian border because terrorists have come through from that area as well?

Mr. ROYCE. Let me just say in this very bill is a study to do just that, and study the northern border as well to look at those areas where people are crossing illegally.

Mr. HASTINGS of Florida. Reclaiming my time, Mr. ROYCE, I am tired of studying and the American people are tired of studying. The Thompson substitute that was not allowed because of this closed rule does, in fact, do what is necessary for secure borders.

Mr. Speaker, at this time I am more than pleased to yield 5 minutes to a colleague that I served with on the Permanent Select Committee on Intelligence and who, for 26 years, was in charge of border security, the chief of two major regions of border security and who happened to be at the hearings that you were at, Mr. ROYCE, my distinguished colleague, SILVESTRE REYES.

Mr. REYES. Mr. Speaker, as we debate the issue of border security here, as we talk about an issue that is so vitally important to the American people, I am disappointed that we can't seem to work together on this particular issue. I have been in Congress for 10 years. I have been advocating that we hire 1,000 to 1,500 Border Patrol agents a year along with the resources necessary to support them. Yet we get this proposal for a fence.

This is the best we can do? This is the best you can do to assure the American people that we are going to focus on border security? It falls woefully short, and I say that with all due respect because I spent 26½ years on America's border. When I retired, I had been the chief for a little over 12 years in charge of McAllen sector and El Paso sector. I am the one who instituted Operation Hold the Line that shifted border enforcement away from apprehension and towards deterrence. I have, I think, the kind of experience that we ought to be able to count on on both sides of the aisle.

I have tried to work with many Members on the other side of the aisle and have always, as I put forth my ideas on the issue of border security for the last 10 years, have always been told, well, it is not the right time. It's too expensive, it is not the right strategy to pursue at this time.

I really felt after 9/11 we would have a new focus on border security. Today, 5 years later, the American people are focused like a laser on the fact that our borders are vulnerable.

I would say to my distinguished colleague, Chairman ROYCE, I was at the hearing in Laredo with you, as I have been at numerous hearings the last 2 months, hearings where the message has come across loud and clear from members of Customs and Border Protection. What they need: They need manpower, they need technology and they need infrastructure.

In Naco, Arizona, we have 1,200 to 1,300 Border Patrol agents housed out of a station that was designed for 25 people.

□ 1015

That is infrastructure that we need. How can we expect them to be professionals if we don't treat them like professionals, if we don't invest in the infrastructure that is so desperately needed? We were there, looking at their sensor systems, and it was a bipartisan group from the interparliamentary group. We looked at not just the physical layout of the station, but the condition of their vehicles. They need vehicles.

The vehicles, the technology that they were using, the cameras that they were monitoring, were over 15 years old. The sensors were 20 years old. That is why, consistently, the message has been at all these hearings the last couple of months that they need manpower, they need technology, and they need infrastructure support, new technology that is available that will serve as the force multiplier, Chairman, that you were referring to.

We can do much better than this. A fence is ludicrous in the face of the needs of the Customs and Border Patrol people.

When we talk about the issue of fencing, and we compare that with all the other needs, and, believe me, at all the hearings I was at the message was consistent. In fact, when the question was asked of the chiefs, what about fencing, well, fencing has limited use. As a former chief for over 12 years, I can tell you fencing would be down after those three priorities, because across that 2,000-mile border with Mexico that everybody is so concerned with, probably less than 10 percent, much less than 10 percent, in one of the hearings that we were talking about, we were concerned about a range in Yuma, Arizona. It seemed like it was an area that needed hundreds of miles of fencing. You know what? It came out to 37 miles of fencing that was needed.

I say, put up a fence for those 37 miles. I supported the fencing with my friend and colleague, DUNCAN HUNTER, in San Diego, because it makes sense. But it does not make sense to put a 2,000-mile fence along our southern border. It does not make sense, and it is not in the best interests of the taxpayers to foolishly commit to spending at least $7 billion just on the construction of this fencing. We can do much better.

I am extremely disappointed that after all we hear about post-9/11, after all we hear about the concern that terrorists are apt to hit us here in the homeland again, that this is the best we can do. This is the equivalent of a doctor in the emergency room having a patient come in from a severe automobile accident with broken limbs and wounds over most parts of his body, and the physician saying, nurse, give me a Band-Aid. This is a Band-Aid approach that we can do much better with.

Let us do a comprehensive piece of legislation that addresses the three major priorities that the Border Patrol wants, manpower, technology, infrastructure. Let's not forget that there is a whole pipeline. If you hire more Border Patrol agents, you need to hire marshals, you need to hire detention officers. You need to hire judges. You need to hire prosecutors. All of that is essential. Let's do a comprehensive piece of legislation that the American people will finally say, this Congress gets the fact that we are in danger from terrorism. We can do better. This is a ludicrous proposal, as far as I am concerned.

Mr. SESSIONS. Mr. REYES, by the way, this entire body not only recognizes but appreciates your service to this Nation, not only for the professionalism that you continue to exhibit but that which you did for your 26 years.

I would say to the gentleman two things, if I could politely suggest to him that he knows it is not truthful to say that we are going to have a 2,000-mile fence along the border. That has not been suggested. We have never talked about that, and to insinuate that would simply be untruthful.

We have not suggested that, and this bill very specifically, and I would like to have the gentleman, if he would like to get a copy, relates to adding 10 miles of fencing that extends 10 miles west of the Tecate, California port entry to 10 miles east of the Tecate, California, port of entry; 10 miles west of Calexico, California to 5 miles east of Douglas, Arizona; 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso; extending 5 miles northwest of Del Rio to 5 miles southeast of Eagle Pass, Texas; extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry. This will be literally 100 miles worth of fencing. It will be 700 miles worth of fencing when you add up the total. What we are trying to do is to take the things that we heard firsthand that the men and women who work on the border said. This is the priority, not 2,000 miles.

Mr. REYES. Will the gentleman yield on that point?

Mr. SESSIONS. I yield to the gentleman from Texas.

Mr. REYES. The reference to 2,000 miles of fencing I heard repeatedly by Members of your party at the hearing.

Mr. SESSIONS. I would like to reclaim my time. We have talked about this since 2001. The fact of the matter is that this bill is very specific. It aims directly at where the problem is. I would like to also note that not one mile of fencing is in the Democrat plan, not even 15 feet worth of fencing. I don't know how you can have a comprehensive plan when you talk directly to Border Patrol agents who are in Laredo, Texas and other points along the border, and they say their number one concern, they are asked is the fencing, first of all, to allow them for their own safety, their own safety. The men and women of law enforcement who are down there have asked for, and, in the Republican bill, will get the fencing that they have asked for.

Mr. REYES. Will the gentleman yield?

Mr. SESSIONS. I will not at this time, but I know that the gentleman has lots of time left to continue the debate.

We need to make sure that we are doing what the men and women of law enforcement are asking for. What else are they asking for? They are also asking for, and I have seen firsthand, the need to better protect those people, the unassuming people, who illegally are entering our country, who do so at great risk and peril. These fences, which are in our bill, not their bill, not 10 feet of fencing that is in their bill, will allow our Border Patrol agents to effectively deal with this huge number of people who are coming here to wall off areas that are dangerous for our men and women, as well as people who are just dumped off on the border late at night and told, go that way.

Mr. Speaker, we have taken time, Republicans and Democrats have taken time to come to our border and see what we need. It is the Republicans that heard from the Border Patrol agents and others. We need to help protect this country, yes, but we need to do it to protect people who many times get in trouble, many times who need desperate help, and it is to help save our agents as well as those people.

I am proud of my bill. For the characterization that this is a do-nothing bill, I would say, I am sorry that you didn't hear what was said at these important hearings and did something about it. That is all this bill is. It is to take what we heard of the most immediate concerns. We know we have a debate with the Senate. We know we have got some problems trying to negotiate that through, but this should not be held hostage.

I would like to go directly, Mr. Speaker, to H.R. 6061, which is what we are discussing here, but bringing in to incorporate the things that we know we have already done under our FY07 Department of Homeland Security appropriations. We are going to provide for $19.6 billion for border protection.

What we are going to do, as I recall it is darn near September, and as soon as this month is over with we want to have new money. We are going to pay for this fencing. To assume or to say that it is not going to happen would really be, I think, less than honest. The administration is working with this body. We are opening up this information to the other party that had been a part of the hearings, and they know that we are going to have money that is available directly for the needs of what this bill is about.

But what this bill specifically does is it says this is the priority at this time. We believe the fencing is there for good and intended purposes.

Mr. Speaker, at this time I yield 8 minutes to the gentleman from Indiana (Mr. SOUDER), the vice chairman of the Criminal Justice and Drug Policy Subcommittee.

Mr. SOUDER. Mr. Speaker, it has been my privilege here in Congress to serve as the Drug Policy chairman, and also as a senior member of the Homeland Security Committee, and thus, during most of my career, I have been on both the north and south border. A number of years ago, prior to the creation of the Homeland Security Committee, we did a major border report, the most comprehensive border report ever done in the history of this Congress.

In that process, we had done roughly, I believe, six hearings on the Mexican border and three on the Canadian border, and I have personally visited nearly every border crossing on both the north and south border with very few exceptions.

In that course of time, it becomes apparent that some of what Mr. REYES has been saying is absolutely true. We do not have enough money for the Border Patrol. We do not have a salary scale with which to keep them in the Border Patrol, and I have worked over multiple years to keep increasing that.

In fact, we have tried to increase the Border Patrol here in Congress, because it is not easy to just stay standing in the sand, in the heat, day after day. We have tried to vary their positions, but when they get other opportunities to be air marshals, when they get other opportunities to take other posts, they tend to leave.

We, in spite of our hiring, have been putting hundreds and thousands through training and can barely gain in the numbers. We need to be more aggressive, and we need to have a realistic pay scale and job opportunities for the people who go into our Border Patrol, but absolutely we need to ramp up at a faster rate the number of Border Patrol people. We need to make sure they have adequate facilities with them, cars, equipment, radios, that when some of the drug terrorists or people who are moving large numbers of people come out with more military weapons and guns than our Border Patrol have, and in greater numbers, we have a human problem at the border, and we need to understand that in many cases those who are trying to invade us are armed, and armed more aggressively.

We may have places where we have one agent or two agents with 100 to 200 people coming at them. It is a very difficult job, and we ought to raise, defend, expand and give the equipment to our Border Patrol. That is what we do in the Homeland Security bill, and we need to ramp it up faster.

But there is another problem here, and my friend Mr. REYES and I have been at joint hearings, we have traveled together, and I very much respect his position. But with the people along the border, it is a much more controversial issue. But as we look at a broader immigration strategy in the United States, and I absolutely agree with that, we have three different problems, the illegal immigration problem, the terrorism problem and the narcotics and contraband problem. Narcotics and contraband would also include chemical, nuclear and biological weapons and parts.

Basically, if you can't protect your border, you are not safe. If you can't protect your border, you don't know who is here. If you can't protect your border, we cannot stop what will be a flood now of meth precursors and meth coming across the border now that we have changed our internal laws.

This is a comprehensive question, and we need a comprehensive solution. But part of that is a fence, and you have to have different types of fencing, physical fencing, fences that keep people out or at least going over the top so the Border Patrol can kind of bend behind them and get them in groups, rather than having to station 20,000 Border Patrol agents who cannot cover 1,000 miles. You have to have fencing to drive them to certain locations to give time for the Border Patrol to sag and work with that. It is not realistic.

That is why the fences work well in San Diego, why the fences worked well in El Paso. In the areas where there are gaps in those fences, and it is difficult in Mr. REYES' home area in El Paso, is where the road comes so close to the line or the railroad comes close, and there isn't fencing, and there is a huge challenge for the Border Patrol.

Now, we have some places, let me give you an illustration, which I have talked to Chairman HUNTER, and I don't believe is in the 700 miles, but we have talked about we need to add it, that is over in west Texas in the sector, I believe it is Marfa, just right at the edge of the Marfa sector just east of El Paso. There we have a place called Neely's crossing.

We recently had a case where a truck was moving what we believe was 10,000 pounds of marijuana, 10,000 pounds, 5 tons. Our Border Patrol came up on the vehicle.

□ 1100

They negotiated with them and they said they got stuck in the sand, because when they saw the Border Patrol coming they tried to back up and they got stuck. They got about 1,700 pounds, they estimate, out; and then they came back with their guns and said basically, we have got a tow vehicle here. You can't take this. Now, if you can smuggle 10,000 pounds of marijuana, you can certainly get nuclear, chemical and biological.

Now, why are they running trucks through that area? The Rio Grande in that area is not a continuous, huge, wide river. It is pockets of water. There are only certain places in the Rio Grande and other places on the border where you can take a truck that handles 10,000 pounds because it sinks.

But there is gravel in that area, and guess what? They have a bulldozer on the other side. Every time they try to put up a border on that side, they bring the bulldozer across from the Mexican side and bulldoze it down. They bulldoze it down. When I was there with the sector chiefs on either side, they started up the bulldozer and they said, "Mr. SOUDER, you need to get out of here. It is not safe anymore." Our agents had to retreat when they came out with their guns.

This is a huge problem at Neely's Crossing. That is one of the areas where there has to be at a minimum a barrier fence that can take a 40-mile-an-hour hit from a large vehicle, because no Border Patrol agent can stop it.

In New Mexico, as I was visiting in New Mexico, we pioneered a fence there because there have been vehicles at high speed and knocking down some of these fences that will now take that kind of hit, as well as they are doing it in Yuma, Arizona. People are coming into the Barry Goldwater Air Range. We have to either stop our training or we are going to drop a bomb on these individuals.

They are going through the Organ Pipe Cactus Park, and some of the most beautiful hiking trails in America are no longer safe. We had a park ranger killed there. It is chaos in Organ Pipe.

In South Padre Island National Park, they have, they said, drug dealers coming up, all sorts of things. It is in times in danger of being overrun. We have fish and wildlife areas where habitat is being absolutely destroyed by the number and the quantity of illegal immigrants moving through.

We need to have more Border Patrol agents, but they need the supplemental fencing to help control that. And it will not reduce the number of Border Patrol agents. It will decrease the demand.

The thing the American people need to understand is, this will be expensive. We can't work out our internal controls and figure out whether we are going to do work visas, what we are going to do for the people here, if we don't have secure IDs and we don't have a fence because, as I just heard in one of the hearings I conducted for Ms. HARRIS, Mrs. MYRICK, Ms. FOXX and Mr. MCHENRY in North Carolina, they had a lady whose daughter and son-in-law were killed in an automobile wreck, one was killed, one is still comatose, and they had been deported three times for drunk driving before. Until we control the Southwest border, until we figure out how to get secure IDs, all this other talk is basically irrelevant.

I favor trying to work this out, but we can't; when you have multiple people calling in with similar names and just picture IDs and no fingerprints, you can't run employer enforcement. And if you are going to deport them, if you don't have a way to stop them at the border, it won't work.

This needs to be incremental, it needs to be comprehensive, but it has got to start with the border, and fencing is a key part of that. The agents will always be the critical part, because they will come around the fences, they will come over the fences, but it is one way to control the size of the vehicles, the size of the weapons, the quantity that is coming at you. And I strongly believe that we need this fence, and I do not understand, I do not understand, the Democratic opposition to a fence.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding again to Mr. REYES, I would say to Mr. SOUDER, there is nobody here that has opposition. We have already passed a measure that has 370 miles of fencing. Why don't the people over here just fess up? Their argument is against the Senate plan that has a guest worker program in it. It already has fence in it, so that is not even the issue.

What I continue to ask, and I invite Mr. SESSIONS again to answer, is whether or not the measure we are discussing today has one penny, one nickel or one dime in it to build a fence.

Mr. Speaker, I yield an additional minute to Mr. REYES to respond to some of the matters that were brought to our attention earlier.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there is a fundamental difference in how we approach this issue. Our plan says, we want to fund infrastructure, let the chief make the decisions.

When the gentleman from Texas talks about there isn't any proposal in our bill for fencing, here is what infrastructure entails. It entails buildings, antivehicle barriers, observation towers, access roads and fencing. The difference is, we don't legislate from here and tell a chief patrol agent, this is how much fence you are going to get. We tell them, this is what is available, you tell us what you need.

When the gentleman talks about what is needed, what the testimony was, heard along the border, I don't know how many hearings he attended, but I can tell you this, at the hearings that I attended, the chief patrol agents wanted three things, and I will reiterate them: manpower, technology and infrastructure. All of those things are included under "infrastructure."

I think the professionals that we charge in protecting the border deserve the courtesy of telling us what it is that they need, what kind of combination.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say this as simply as I possibly can: The American people are fed up with our porous borders and illegal immigration. If you had the conversations that I had with constituents over the August recess, then you all know how the American people feel about the problems at our southern border with illegal immigration.

I had an opportunity in July to travel to the southern border with Speaker HASTERT and Chairman KING, and I saw the situation firsthand. I saw some of the fencing being built in Yuma, by the Kentucky National Guard actually, who was there at that time. We need this fence.

I also was proud during the month of August to welcome the House Armed Services Committee to my district, which shares a very long, liquid border with Canada. I live in Michigan, of course. There we had this hearing to investigate the issue of northern border security.

As a result of that hearing, this legislation also requires the Department of Homeland Security to conduct a study that will allow us to field a state-of-the-art barrier system on the northern border. And let me say that it is very much needed. Every day smugglers are bringing drugs and people and other contraband across our northern border, which is met with little or no resistance. Terror cells have been rounded up in Toronto, which is literally only a 3-hour drive from my district.

While it is very important to secure our southern border, I am glad that this House is not losing sight of our northern border as well. I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this place never ceases to amaze me. Our friend from Michigan talks about the southern border. I gather that there is no illegal immigration on the northern border which she lives close to.

Mr. Speaker, I am very pleased to yield 3 minutes to my distinguished colleague and good friend, the gentleman from Mississippi (Mr. THOMPSON), who is the distinguished ranking member of the Homeland Security Committee and author of the substitute that was not allowed under this closed rule, that would handle the problems of comprehensive border control as well as immigration.

Mr. THOMPSON of Mississippi. Mr. Speaker, where I stand, I have to say the majority sure seem like ponies. Last week, we were down here on the floor voting on a horse protection bill. This week, the majority is again on the floor having us vote on a bill that has already passed.

This "one trick pony" approach to legislating is stale. The majority is out of fresh ideas on how to secure the border, and it shows.

Last night, I offered an amendment in Rules that would have provided an all-encompassing approach to border security and ensured that every mile of the border is monitored and secured 24 hours a day, 7 days a week.

A fence alone won't protect us from those who want to harm us. Even the Department of Homeland Security has come to realize that we need an integrated approach that combines personnel, equipment, technology and infrastructure.

The timing of this vote, Mr. Speaker, is bizarre. Why are we telling the Department to build a fence before they have come up with a comprehensive solution? Are we really going to tie up billions and billions in border security dollars to build a fence when the Border Patrol and ICE need more agents and investigators? Estimates on what it would cost to just build the fence alone is in the neighborhood of $7 billion. Once you add the maintenance costs, we are looking at possibly doubling that number.

My amendment, that the Rules Committee rejected, would have provided the Border Patrol with 3,000 more agents. We know they need the help. Why else would the National Guard be there now? It also would have added 2,000 new ICE investigators and 250 detention officers. It would have provided the men and women who police the border with equipment they need to get the job done. It would have given them helicopters, all-terrain vehicles, radio communication, GPS devices and night-vision goggles.

There are many more provisions in my bill that I am prepared to discuss today, had my amendment been allowed to be considered. But given that there are many speakers who wish to be recognized, Mr. Speaker, I will close.

The only thing I want to share is that people talk about operational control. The only way you can do it is comprehensively.

This is an unfunded mandate. There are no dollars attached to it. Republicans always talk about unfunded mandates. The priority at this time is not a fence, it is a comprehensive strategy, and because we have no comprehensive strategy for border protection at this time, I am in opposition, Mr. Speaker, to the rule.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING), the chairman of the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Texas for yielding, and I rise in strong support of H.R. 6061. H.R. 6061, to me, addresses the most direct need of the American people, and that is to show that we can take meaningful action to secure our border.

I have never seen more of a disconnect between the American people and the elite in Washington, between the American people and the American media, because overwhelmingly the American people want us to secure the border. They want us to show that we can fulfill the most basic requirement of a government, and that is to ensure the sanctity and the security of our borders.

Now, we did pass comprehensive legislation last December by a large vote, including almost 40 Democrats, H.R. 4437, and I strongly stand by that. The fact is that right now is not moving as quickly as we would like it to, and, therefore, rather than saying we are going to wait until everything can be done before we do anything, I am saying, let's pick areas where there has been agreement.

The Senate has agreed to have a 370-mile fence along the border. We now have a 700-mile fence. This is something which clearly can be done. It will work. Is it the entire fence? Absolutely not. More has to be done. But, in the meantime, let's show progress. Let's get this done. Let's show the American people that we have listened to what they have said and we are going to do what they want.

Then we can deal in a comprehensive way, we can go issue by issue, we can go item by item, but let's focus on what we know will work. And this will work. You add this fence, in addition to the new Border Patrol agents which are in the FY07 bills which are going to result in a 40 percent increase since 2001, and we hope to double that by 2008.

Also the idea of having a fence, it can also allow better reallocation of Border Patrol agents because the fence will serve a security purpose which can actually allow Border Patrol agents to expand their own focus more.

So, with that, Mr. Speaker, I just strongly urge the adoption of this. The American people are watching. The American people have spoken loudly and clearly. We have responded to that in a responsible, effective way. And for the life of me, I don't know why people on the other side are saying, just because we can't do everything, we should do nothing.

Doing nothing is the worst thing Congress can do, and that is why we are doing something very meaningful. I urge its adoption.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume before yielding to my good friend, the distinguished gentlewoman from Texas, just to say to the chairman of the Homeland Security Committee, last night in the Rules Committee I asked him a simple question. He said he can't for the life of him understand what our opposition is, just because we can't do everything, we do nothing.

□ 1115

This measure that we are discussing today does nothing other than provide midterm yacking before the election. There are no dollars, not a penny, not a nickel, not a dime in this measure to build any fence. We have already passed legislation that has 370 miles of fences in it.

So why are we here? We have got an election coming up. That is why we are here. So you have to do things to put on a bumper sticker.

The American public can see through this charade. There isn't opposition to protecting the border. But we are saying that you cannot come forward with something that does nothing, and that is what this is. Nothing. Talk. We need action.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON-LEE), who has attended a lot of these hearings that we are talking about and is a distinguished member of the Judiciary Committee and the Homeland Security Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not intend to play hide and seek with the American people this morning. I think unabashedly, I believe in comprehensive immigration reform, and, frankly, so does most of America.

My disappointment with my good friends is, one, that they are politicizing this very important debate. And, of course, my friend from Indiana wanted to make sure that he cast his hand to our side of the aisle and suggested that the Democrats do not want a fence or the Democrats do not believe in getting the job done.

The question that really should be asked is why the Republican majority passed a legislative initiative dealing with the immigration concerns of America and yet cannot get a compromise between the House and the Senate, both controlled by Republicans, and the presidency controlled by Republicans.

But I am not prepared to play with the lives of the American people. This legislation, 730 miles of fence, does not deal with the lives of our Border Patrol agents and Customs and Border Protection. And the reality is that time and time again we have seen that Republicans have spoken the word but have done nothing about it.

For example, this particular amendment that we had way back in 2001. Each and every time we offered amendments to provide for border security, 2001, after 9/11, Republicans voted "no." In 2003 Republicans voted "no." In 2001 we asked for $78 million for detention beds. The Republicans voted "no." In 2003 again we asked for border security funding. Democrats. Republicans voted "no." We asked for numbers of items for our Border Patrol agents and Customs and Border Protection. We asked for power boats. We asked for night goggles. We asked for laptop computers.

For those who believe that only Republicans have the knowledge of the border, I have walked the border in the day and night, and I have been at hearings all throughout the summer. I would venture to say that there were more questions asked by Border Patrol agents. It was, When are we going to get more Border Patrol agents? And as you can see, the average number of new Border Patrol agents added per year decreased under this Republican administration. 411 in 2005, but in the Democratic, President Clinton's administration we were giving them at least 642 a year. The 9/11 Commission asked us to give 2,000 a year. This administration has yet to commit to 2,000 Border Patrol agents in a year.

So, Mr. Speaker, I believe in comprehensive immigration reform. I also believe that we can compromise in a conference committee. They know that you do not need this freestanding bill that is very limited. You can go to conference and actually agree to the fencing language, if that is a priority, in the Senate's conference bill.

Now, my question to Mr. SESSIONS, who is on the Rules Committee, is, does he have an agreement that the Senate leadership is going to take this bill? Because if he does not, we have literally 2 weeks before we are out of session. And is there a commitment to this bill? If it is, tell us on the floor of the House. We might want to join in a reasonable response if we know that you are going to go to conference with your bill, which will pass because you have the numbers, but with the idea of comprehensive immigration reform.

Let me share a letter that has just come from Governor Rick Perry of Texas, a Republican; Governor Janet Napolitano, Governor of Arizona; the Governor of California, Governor Schwarzenegger; and Governor Bill Richardson of New Mexico. Allow me to read this:

"As governors who are on the front lines of America's immigration crisis, we write to urge you to take real action and pass comprehensive reform legislation that secures the border, protects taxpayers, and restores the rule of law by practically dealing with the estimated 12 million illegal immigrants currently in this country.

"Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interests of taxpayers first and solves this crisis once and for all. We ask that you pass comprehensive reform and address this critical crisis before Congress adjourns for the year."

These are two Republican governors and two Democrats who are on the front lines of immigration issues in America. And I will submit this letter for the RECORD.

I am not going to hide the ball. I want comprehensive immigration reform, but I am not afraid of border security. Read H.R. 4044. 100,000 detention beds. That is by a Democrat.

Mr. Speaker, I think it is important that we vote down this rule, we do what the Governors have asked us to do, comprehensive immigration reform. Let us not operate in the darkness. Let us not label Democrats weak on border security. We are ready to fight the battle. We know that 9/11 impacted all of America. I am not going to take that rap. You need to do your job.

AUGUST 25, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.
Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR MR. SPEAKER AND SENATOR FRIST: As governors who are on the front lines of America's immigration crisis, we write to urge you to take real action and pass comprehensive reform legislation that secures the border, protects taxpayers and restores the rule of law by practically dealing with the estimated 12 million illegal immigrants currently in the country. We believe that a solution modeled on these principles would attain these goals and greatly benefit taxpayers in our states.

In all of our states, we face a crisis not of our making. Over the past 6 years the combination of lax and ineffective enforcement of our borders and the failure to enforce immigration laws has led to an explosion in the illegal immigration population. As a result, our states are flooded with illegal immigrants, our taxpayers are angry, and citizens and noncitizens alike are losing respect for the rule of law.

We are doing our part. At President Bush's request, we have sent our National Guard to the border to do the job the federal government is supposed to do. We have used state and local law enforcement to help enforce the laws the federal government is supposed to enforce. We ask you to do your part.

Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interest of taxpayers first and solves this crisis once and for all. We ask that you pass comprehensive reform and address this critical issue before Congress adjourns for the year.

Respectfully,

RICK PERRY,
Governor of Texas.
JANET NAPOLITANO,
Governor of Arizona.
ARNOLD SCHWARZENEGGER,
Governor of California.
BILL RICHARDSON,
Governor of New Mexico.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased at this time to yield an additional 1 minute to my colleague from Texas, the distinguished gentleman, Mr. SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Again, Mr. Speaker, let me reframe the difference between what we want to do on this side of the aisle and what is being proposed on that side of the aisle.

First and foremost, we want to work together to address the issue of border security. We want to give the professionals the support that they have been asking for throughout these last 2 months of hearings. We want to make sure that we provide them the opportunity to tell us what kind of infrastructure, including fencing, they need. The buildings, the anti-vehicle barriers, the observation towers, the access roads, all of the kinds of things that they have told us are a priority in order for them to be able to control the border.

The fundamental difference is we trust them to make those decisions. We do not tell them we need a fence starting from 5 miles east of the port of entry in Del Rio to 6 miles east of the port of entry of Eagle Pass. Let them make those kinds of decisions. They are the professionals. They are charged with that responsibility. Our job is to provide them the support and the resources. That is the fundamental difference.

As I have said, we need to work together on this thing. Regrettably, this rule freezes us out and we are unable to participate in this.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

As I close, Mr. Speaker, I say what I said earlier, and that is the measure that we are discussing today sounds good, is needed, in part, along with comprehensive immigration reform, but does nothing.

Mr. Speaker, last night in the Rules Committee I misquoted the song, but the intent was the same: There ain't no mountain high enough and there ain't no river wide enough to stop people from seeking a better opportunity for themselves.

Some years ago outside Boynton Beach in Florida, I was among the first people to arrive at the scene of Haitian immigrants who were seeking to enter our country illegally. They all had died, and I stepped over the body of a nude pregnant woman. That hurt me an awful lot, that in seeking freedom and opportunity she and her unborn child were in that posture. I have seen many a situation where Cubans have lost their lives seeking to come to this country.

We need to get a grip and understand that we cannot become neoisolationists in a society as diverse as our own and that the most brilliant people that I know serve here in the House of Representatives on both sides of the aisle and those persons are very capable of advancing comprehensive immigration reform that will address all of our needs, including border security.

Mr. Speaker, I urge all Members of this House to vote "no" on the previous question so I can amend the rule and make in order the substitute offered by Homeland Security Ranking Member THOMPSON and Representative REYES. This amendment was offered in the Rules Committee last night but was rejected.

Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous materials be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Reyes-Thompson substitute provides for a comprehensive approach to our border security, not simply the inadequate piecemeal approach called for in the underlying bill. The substitute requires the Department of Homeland Security to develop a comprehensive border security strategy with increased Border Patrol agent deployment as well as increased surveillance using advanced technology. It provides long-term financial support for significant increases in personnel to help the Border Patrol meet its mission, including Border Patrol agents, Immigration and Customs agents, United States marshals, Coast Guard personnel, port of entry inspectors, canine enforcement teams, and other vital personnel necessary to guard and protect our borders more effectively. It will provide needed equipment such as helicopters, power boats, radio communications, night vision equipment, body armor, and other crucial tools in the war against terror.

The substitute also reestablishes the 9/11 Commission to allow them to fulfill their mission and to provide oversight and accountability.

I urge all Members of this body to vote "no" on the previous question so we can bring up this comprehensive and responsible alternative that will actually do something to help make this Nation less vulnerable to those from outside who would do us harm.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

My colleagues and good friends not only from Texas, Mr. REYES, but also the gentleman from Florida and the gentlewoman from Texas have spoken very eloquently about the needs of this great Nation. I have every reason to believe all three of those individuals joined many other Members of this body in hearing from people about the needs of the Border Patrol, the communities along the borders and the things which they would want and need.

□ 1130

This bill is very specific. It talks about the types of things that would be necessary and needed on an interim basis.

Both you and I, Mr. Speaker, understand that we have passed bills many times before this that are more comprehensive, that are larger, that contain money, that do a lot of things that will enable us to get closer. The bottom line is, we need this interim step to get done now. It comes as a result of the hearings, it comes as a result of feedback from the Border Patrol, it comes as a result of communities who have asked us to please help them. So we are going to do that.

I am going to ask Members to vote "aye." I am going to ask them to support this bill. And it is my prediction, Mr. Speaker, that this will be a bipartisan-passed bill today on the floor of the House of Representatives because it represents the balance and integrity of not only our Speaker, DENNIS HASTERT, but also JOHN BOEHNER and our great chairman of Homeland Security, PETE KING.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 1002, RULE FOR H.R. 6061 SECURE FENCE ACT OF 2006

In the resolution strike "and (2)" and insert the following:

"(2) the amendment in the nature of a substitute printed in Section 2 of this resolution if offered by Representative Reyes of Texas or Representative Thompson of Mississippi or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)"

At the end of the resolution add the following new section:

"SEC. 2. The amendment by Representatives Reyes (TX) and Thompson (MS) referred to in Section 1 is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 606

OFFERED BY MR. THOMPSON OF MISSISSIPPI

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Border Security and Terrorism Prevention Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. Definitions

TITLE I—SECURING UNITED STATES BORDERS

Sec. 101. Achieving operational control on the border
Sec. 102. National strategy for border security
Sec. 103. Implementation of cross-border security agreements
Sec. 104. Biometric data enhancements
Sec. 105. One face at the border initiative
Sec. 106. Secure communication
Sec. 107. Border patrol agents
Sec. 108. Immigration enforcement agents

Sec. 109. Port of entry inspection personnel
Sec. 110. Canine detection teams
Sec. 111. Secure border initiative financial accountability
Sec. 112. Border patrol training capacity review
Sec. 113. Airspace security mission impact review
Sec. 114. Repair of private infrastructure on border
Sec. 115. Border Patrol unit for Virgin Islands
Sec. 116. Report on progress in tracking travel of Central American gangs along international border
Sec. 117. Collection of data
Sec. 118. Deployment of radiation detection portal equipment at United States ports of entry
Sec. 119. Sense of Congress regarding the Secure Border Initiative
Sec. 120. Report regarding enforcement of current employment verification laws

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

Sec. 201. Joint strategic plan for United States border surveillance and support
Sec. 202. Border security on protected land
Sec. 203. Border security threat assessment and information sharing test and evaluation exercise
Sec. 204. Border Security Advisory Committee
Sec. 205. Center of excellence for border security
Sec. 206. Sense of Congress regarding cooperation with Indian Nations

TITLE III—DETENTION AND REMOVAL

Sec. 301. Enhanced detention capacity
Sec. 302. Increase in detention and removal officers
Sec. 303. Expansion and effective management of detention facilities
Sec. 304. Enhancing transportation capacity for unlawful aliens
Sec. 305. Report on financial burden of repatriation
Sec. 306. Training program
Sec. 307. GAO study on deaths in custody

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

Sec. 401. Enhanced border security coordination and management
Sec. 402. Making Our Border Agencies Work

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

Sec. 501. Emergency deployment of United States Border Patrol agents
Sec. 502. Helicopters and power boats
Sec. 503. Motor vehicles
Sec. 504. Portable computers
Sec. 505. Radio communications
Sec. 506. Hand-held global positioning system devices
Sec. 507. Night vision equipment
Sec. 508. Body armor
Sec. 509. Weapons

Subtitle B—Human Capital Enhancements to Improve the Recruitment and Retention of Border Security Personnel

Sec. 511. Maximum student loan repayments for United States Border Patrol agents
Sec. 512. Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security
Sec. 513. Law enforcement retirement coverage for inspection officers and other employees
Sec. 514. Increase United States Border Patrol agent and inspector pay
Sec. 515. Compensation for training at Federal Law Enforcement Training Center

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

Sec. 531. Increase in full time United States Customs and Border Protection import specialists
Sec. 532. Certifications relating to functions and import specialists of United States Custom and Border Protection
Sec. 533. Expedited traveler programs

TITLE VI—ENSURING PROPER SCREENING

Sec. 601. US-VISIT Oversight Task Force
Sec. 602. Verification of security measures under the Customs-Trade Partnership Against Terrorism (C-TPAT) program and the Free and Secure Trade (FAST) program
Sec. 603. Immediate international passenger prescreening pilot program

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

Sec. 701. Combating human smuggling
Sec. 702. Reestablishment of the United States Border Patrol anti-smuggling unit
Sec. 703. New nonimmigrant visa classification to enable informants to enter the United States and remain temporarily
Sec. 704. Adjustment of status when needed to protect informants
Sec. 705. Rewards program
Sec. 706. Outreach program
Sec. 707. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

Sec. 711. Short title
Sec. 712. Northern Border Prosecution Initiative
Sec. 713. Authorization of appropriations

Subtitle C—Criminal Aliens

Sec. 721. Removal of criminal aliens
Sec. 722. Assistance for States incarcerating undocumented aliens charged with certain crimes
Sec. 723. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens
Sec. 724. ICE strategy and staffing assessment
Sec. 725. Congressional mandate regarding processing of criminal aliens while incarcerated
Sec. 726. Increase in prosecutors and immigration judges and United States Marshals

Subtitle D—Operation Predator

Sec. 731. Direct funding for Operation Predator

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

Sec. 801. Biometric center of excellence
Sec. 802. Portal detection systems
Sec. 803. Border security technologies for use between ports of entry
Sec. 804. Immigration security initiative

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

Sec. 821. Establishment of Commission
Sec. 822. Purposes
Sec. 823. Composition of Commission
Sec. 824. Powers of commission
Sec. 825. Compensation and travel expenses
Sec. 826. Security clearances for commission members and staff
Sec. 827. Reports of Commission
Sec. 828. Funding

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

Sec. 901. Short title
Sec. 902. Naturalization through combat zone service in Armed Forces
Sec. 903. Immigration benefits for survivors of persons granted posthumous citizenship through death while on active-duty service
Sec. 904. Effective date

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Location and deportation of criminal aliens
Sec. 1002. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody criminal aliens
Sec. 1003. Denying admission to foreign government officials of countries denying alien return
Sec. 1004. Border patrol training facility
Sec. 1005. Sense of Congress

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term "appropriate congressional committee" has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) STATE.—The term "State" has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to

areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term "operational control" means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(c) DEPLOYMENT OF SURVEILLANCE SYSTEMS ALONG U.S-MEXICO BORDER.—

(1) PLAN.—Not later than September 30, 2007, the Secretary of Homeland Security shall develop a comprehensive plan to fully deploy technological surveillance systems along the U.S.-Mexico border. Surveillance systems included in the deployment plan must—

(A) Ensure continuous monitoring of every mile of the U.S-Mexico border; and

(B) to the extent practicable, be fully interoperable with existing surveillance systems, such as the Integrated Surveillance Intelligence Systems already in use by the Department of Homeland Security.

(2) ADDITIONAL ELEMENTS.—Additionally, the deployment plan should include, but not be limited to, the following elements:

(A) A description of the specific technology to be deployed.

(B) An assessment of the success of existing technologies to determine if one technology is better than another, or whether there is a way to combine the capabilities of various detection devices into a single device.

(C) A description of the technological features of surveillance systems allowing for compatibility, if practicable, with existing surveillance technologies.

(D) A description of how the U.S. Border Patrol is working, or will work, with the Directorate of Science and Technology to analyze high altitude monitoring technologies (such as unmanned aerial vehicles and tethered aerostat radar systems) for use with land-based monitoring technologies.

(E) A description of how radiation portal monitors will be deployed to ports of entry along the U.S.-Mexico border, and other border locations.

(F) A description of how K-9 detection units will be increased along the U.S.-Mexico border.

(G) A description of how surveillance technology will provide for continuous monitoring of the border.

(H) The identification of any obstacles that may impede full implementation of the deployment plan.

(I) A detailed estimate of all costs associated with the implementation of the deployment plan.

(3) DEPLOYMENT.—Not later than September 30, 2008, the Secretary of Homeland Security shall fully implement the plan described in subsection (a).

(4) REPORT.—Not later than September 30, 2007, the Secretary of Homeland Security shall submit the plan described in subsection (a) to the appropriate congressional committee (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2007 and 2008, and such sums as may be necessary for each succeeding fiscal year.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) NATIONAL STRATEGY FOR BORDER SECURITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection.

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) CONSULTATION.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) REPORTING OF IMPLEMENTING LEGISLATION.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) UPDATES.—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) INCREASE IN BORDER PATROL AGENTS.—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

SEC. 108. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

(1) $107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;

(2) $154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;

(3) $198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and

(4) $242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 110. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 111. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 112. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 113. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the "NCR") will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace

security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 114. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) VALUE OF REIMBURSEMENTS.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated an initial $50,000 for each fiscal year to carry out this section.

SEC. 115. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2007, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 116. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 117. COLLECTION OF DATA.

Beginning on October 1, 2007, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 118. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2007 and 2008.

SEC. 119. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 120. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) MEMBERSHIP.—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the "catch and release" policy and to address long-standing shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: "**Bureau of Border Security and Customs**";

(2) by striking section 401 and inserting the following section:

"SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.

"(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

"(b) COMMISSIONER.—

"(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

"(2) APPOINTMENT.—The Commissioner shall be appointed—

"(A) by the President, by and with the advice and consent of the Senate; and

"(B) from individuals who have—

"(i) a minimum of ten years professional experience in law enforcement; and

"(ii) a minimum of ten years of management experience.

"(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

"(1) coordinating all Federal border security activities;

"(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

"(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

"(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

"(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

"(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

"(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

"(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

"(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

"(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.";

(3) in section 402, in the matter preceding paragraph (1), by striking "acting through the Under Secretary for Border and Transportation Security," and inserting "acting through the Commissioner of Border Security and Customs,"; and

(4) by inserting after section 403 the following new section:

"SEC. 404. TRANSFER.

"The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the 'Reorganization Plan Modification for the Department of Homeland Security' submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.".

(b) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

"Sec. 401. Bureau of Border Security and Customs"; and

(2) by inserting after the item relating to section 403 the following new item:

"Sec. 404. Transfer".

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the "Shadow Wolves" unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking "under the Under Secretary for Border Transportation and Security".

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking "The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security." and inserting "There shall be in the Department an Office for Domestic Preparedness."; and

(B) in subsection (b), in the second sentence, by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary of Homeland Security".

(3) BUREAU OF BORDER SECURITY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking ", acting through the Under Secretary for Border and Transportation Security,";

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

"(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.";

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

"SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.

"(a) IN GENERAL.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

"(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

"(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

"(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

"SEC. 406. IMMIGRATION LEGAL ADVISOR.

"There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review."; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting "and Customs" after "Border Security" each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii' Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) Commissioner of the Bureau of Border Security and Customs.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking "Under Secretary for Border and Transportation Security" and inserting "Commissioner of Border Security and Customs";

(ii) in section 443, as redesignated by subsection (c)(3), by striking "Under Secretary for Border and Transportation Security" and inserting "Commissioner of Border Security and Customs";

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking "Assistant Secretary" and inserting "Commissioner";

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking "Assistant Secretary" and inserting "Commissioner"; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking "Assistant Secretary" and inserting "Commissioner".

(5) Reference.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) Clerical Amendments.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

"Sec. 405. Chief of Policy and Strategy
"Sec. 406. Legal advisor";

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) In General.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) Consultation.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) Collective Bargaining.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) In General.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) Use and Training.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements to Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

"(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

"(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.".

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) Amendments.—

(1) Federal Employees' Retirement System.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking "and" at the end of subparagraph (C), and by adding at the end the following:

"(E) an employee (not otherwise covered by this paragraph)—

"(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

"(ii) who is authorized to carry a firearm; and

"(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;".

(B) Conforming Amendment.—Section 8401(17)(C) of title 5, United States Code, is amended by striking "(A) and (B)" and inserting "(A), (B), (E), and (F)".

(2) Civil Service Retirement System.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after "position." (in the matter before subparagraph (A)) the following: "For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).".

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term "incumbent" means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term "prior service" means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS-11 of the General Schedule to the annual rate of basic pay for positions at GS-12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2007, 2008, and 2009, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2007, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs-Trade Partnership Against Terrorism (C-TPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH C-TPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for noncompliance with the requirements of the C-TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term "passenger" includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the comma at the end and inserting "; or";

(3) by inserting after clause (ii) the following:

"(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

"(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

"(II) is willing to supply or has supplied such information to a Federal or State court; or

"(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.";

(4) by inserting ", or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General" after "jointly"; and

(5) by striking "(i) or (ii)" and inserting "(i), (ii), or (iii)".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400."; and

(2) by adding at the end the following:

"(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.".

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking "(1) or (2)," and inserting "(1), (2), (3), or (4),";

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

"(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

"(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General."; and

(4) by adding at the end the following:

"(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.".

SEC. 705. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

"(e) REWARDS PROGRAM.—

"(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

"(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

"(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

"(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

"(B) the arrest or conviction of any individual committing such an act;

"(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

"(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

"(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

"(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

"(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

"(8) LIMITATIONS AND CERTIFICATION.—

"(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000, except as personally authorized by the Secretary of Homeland Security.

"(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

"(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.".

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

"(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

"(1) the penalties for—

"(A) bringing in and harboring aliens in violation of this section; and

"(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

"(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.".

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term "eligible northern border entity" means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2007 and such sums as may be necessary for fiscal years after fiscal year 2007.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act, ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION.—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act ;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and National Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the institutional removal program—

(A) $100,000,000 for fiscal year 2007;

(B) $115,000,000 for fiscal year 2008;

(C) $130,000,000 for fiscal year 2000; and

(D) $145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) There are authorized to be appropriated to carry out this subsection $500,000,000 for fiscal year 2007 and $1,000,000,000 for each of the succeeding ten fiscal years.

"(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking "for the costs" and inserting the following: "for—

"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and

(2) by striking subsections (c) through (e) and inserting the following:

"(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(d) DEFINITIONS.—As used in this section:

"(1) INDIRECT COSTS.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).".

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHALL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator

SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for identifying child predators and removing them from the United States if they are subject to deportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2007 through fiscal year 2011.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 802. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 803. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 804. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) $40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the "Commission").

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2007.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) SENSE OF CONGRESS REGARDING APPOINTMENTS.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107-306.

SEC. 824. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) Issuance.—

(i) In general.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) Signature.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) Enforcement.—

(i) In general.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) Additional enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) Information From Federal Agencies.—

(1) In general.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) Receipt, handling, storage, and dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) Assistance From Federal Agencies.—

(1) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) Public Meetings and Release of Public Versions of Reports.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) Public Hearings.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, $10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the "Fairness for America's Heros Act".

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

"(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

"(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

"(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate.".

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440–1(e)) is amended to read as follows:

"(e) Benefits for Survivors.—

"(1) In general.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

"(2) Spouse.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

"(3) Children.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

"(4) Parents.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

"(5) Self-petitions.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

"(6) No Benefits for Other Relatives.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.".

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) In General.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a "catch and release" policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) Increase in Prosecutors and Other Personnel.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1002. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is a alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1003. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

"(d) Denying Admission to Foreign Government Officials of Countries Denying Alien Return.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.".

SEC. 1004. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

SEC. 1005. SENSE OF CONGRESS.

It is the sense of the Congress that the United States will not be fully secure until we enhance border security and enforcement, overhaul the immigration system, and take a realistic and bipartisan approach to dealing with the 12,000,000 undocumented workers already present in the country.

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. Boozman). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2965, to be considered shortly.

The SPEAKER pro tempore (Mr. Sessions). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 997 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2965.

□ 1132

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their noninmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of nonprofit organizations and other public service programs, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2965, the Federal Prison Industries Competition and Contracting Act of 2006. This bill is substantially similar to H.R. 1829, which this body passed overwhelmingly during the 108th Congress by a vote of 350–65.

As reported by the Judiciary Committee, the bill includes additional bipartisan improvements that resulted from negotiations with the Justice Department, prison fellowship, and other interested parties.

Since my early days in the Congress, I have been committed to reforming Federal Prison Industries, or FPI, because I believe the manner in which this program currently operates imposes unacceptable burdens on government agencies, taxpayers, inmates, and private sector businesses.

Under the current system, Federal agencies are required by law to purchase FPI products that meet the agencies' requirements and do not exceed current market prices. The mandatory source requirement eliminates competition with the private sector, harming businesses and stifling the creation of new jobs for law-abiding Americans. FPI enjoys a mandatory market for its goods, a facility to produce them in and cheap labor to manufacture them.

Despite these advantages, government agencies frequently pay more for FPI products than if they were purchased from the private sector. The Government Accountability Office concluded in a 1988 report that "The only limitation on FPI's price is that it may not exceed the upper end of the current market price range." The GAO report also raised questions about the timeliness of delivery of these products and the quality of FPI products.

While the FPI has had serious problems, this legislation does not seek to eliminate it, but would reform FPI to require that it compete for Federal Government contracts in the same manner as other businesses. FPI is well equipped to succeed in the competitive marketplace because it is not faced with the same operating costs as average businesses, such as providing health insurance, retirement benefits, or paying union wages. And the facilities, of course, that FPI does use in the manufacturing process are Federal prisons and not on property tax rolls.

In recent years, FPI has demonstrated its competitiveness by obtaining several large, multiyear contracts with the Department of Defense and other Federal agencies, even though government procurement policies have been changed to permit these agencies to determine whether FPI products meet competitive pricing and quality benchmarks.

This legislation also helps inmates by establishing a position of Inmate Work Training Administrator to create additional inmate work opportunities, and allows FPI to create a program that will allow inmates to perform jobs that are being performed outside the United States. The bill also addresses concerns about providing meaningful training for inmates by requiring FPI to devote some of its earnings to additional inmate vocational training, education opportunities, and release preparation.

The bill increases access to educational opportunities, including remedial and modern, hands-on vocational programs which have been shown to be effective in reducing recidivism. The bill provides alternative inmate work opportunities by authorizing the production of products or services for donation to community service organizations, and allows Federal inmates to perform public service work for units of local government.

Finally, the bill addresses concerns about the low wages paid to inmates by requiring the Secretary of Labor to establish an inmate training wage in consultation with the Attorney General for those performing FPI jobs.

Mr. Chairman, as Members of Congress, we have a duty to ensure that government corporations do not take away opportunities from small businesses. We have a duty to ensure that the taxpayers' money is wisely spent. Neither of these things can be guaranteed under the current FPI regime. By passing this legislation we will ensure that all Federal Government agencies will have the ability to utilize taxpayer dollars in the most efficient manner possible, and that private industry will have the right to compete with FPI for contracts.

H.R. 2965 will also ensure the continued viability of FPI, and provides many avenues for FPI to pursue alternative rehabilitative work and training opportunities for inmates.

Mr. Chairman, I am proud of this comprehensive legislation to reform the Federal Prison Industries. I urge Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Ladies and gentlemen of the Congress, this is a very important and sensitive issue that is being brought by Chairman SENSENBRENNER and myself today in support of H.R. 2965: How do we deal with the rehabilitation of prisoners and balance it against the rising unemployment that is affecting and afflicting this Nation so much?

As currently drafted, this bill, to me, strikes the appropriate balance between the needs of Federal inmates versus the needs of everyday men and women looking for gainful employment in the civilian workforce; and this was arrived at through a great deal of activity and negotiation with Members on both sides of the aisle.

First, the legislation establishes a gradual phaseout of the current mandatory source requirement. As many know, the mandatory source requirement compels all Federal agencies to purchase their goods and services from the Federal Prison Industries program. A phaseout of this requirement will allow private sector companies to effectively compete for additional Federal contracts, which in turn will produce an increase in private sector jobs, many to be filled by members of our local labor unions across the country.

The second thing we do here is to ensure that the Federal inmates continue to have adequate access to training opportunities during and after the phaseout. The legislation authorizes a minimum of $75 million a year for purposes of educating inmates and teaching them valuable vocational skills. This new language was added to the text of the underlying bill at my request and will guarantee that all Federal inmates are equipped with the necessary skills to successfully reenter society upon their release from prison.

This has been a very difficult problem in the corrections arena over the years. This is not new. It is something we have been working on for a long time, and we have come to this new agreement that is embodied in H.R. 2965.

And, finally, to protect against inmate idleness and assure that the safety of prison guards is intact, the legislation includes what has been referred to as a safety valve. The safety valve would allow the Attorney General to direct the award of a sole-source contract to the Federal Prison Industries whenever necessary to, "prevent circumstances that could reasonably be expected to significantly endanger the safe and effective administration" of a particular prison.

Now, we all know that the job market, and the economy as a whole for that matter, have not fared well under the current administration. In Michigan alone the State's unemployment rate is roughly 7 percent, but in some areas it is 5 or 6 times that much, which, as of this summer, tied Michigan's unemployment rate for the second highest in the Nation.

Something has to be done to help these hardworking men and women obtain jobs in the private sector and yet continue the support for Prison Industries which has worked so well, and this bill represents the best thinking in that regard. That is why this legislation has been endorsed by the United Automobile Workers, the Teamsters, the Food and Commercial Workers, the United Brotherhood of Carpenters, the Machinists United, and many others. I think that we finally reached the kind of a compromise that takes both of these matters into consideration, how we deal with the problem of rising unemployment in the private sector, and with the great challenge to prepare those who are coming out of incarceration to gain valuable vocational skills and prepare themselves for returning to our society.

I urge your serious consideration of this matter.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. I yield 7 minutes to my colleague who has worked on this matter for many years, BOBBY SCOTT, a distinguished member of the Judiciary Committee from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

The Federal Prison Industries program was signed into law by President Roosevelt in 1934, in the midst of the Great Depression. This program was enacted as a way to protect the public by teaching prisoners real work habits and skills, so that when they are released, they will be better able to find and hold a job to support themselves and their families and be less likely to commit crimes in the future.

□ 1145

It is clear that the program has done just that. Follow-up studies covering as much as 16 years of data have shown that inmates who participate in Prison Industries are much more likely to be employed and much less likely to commit crimes than prisoners who do not participate in the program. While this certainly benefits offenders and their families, the real public policy benefit is that, as a result of this program, there are fewer victims of crime.

Contrary to the indication given by the proponents of this bill, the FPI program does not have a significant impact on business and labor. In its first year of operation, the percent of Federal contract procurement from FPI represented one-fourth of 1 percent of total annual Federal agency procurement dollars; and it is the same today, one-fourth of 1 percent, and this is just Federal procurement. It is obviously a minuscule portion of the total economy.

Critics, who were philosophically opposed to the program back in the 1930s and they are still opposed today, suggest that FPI has caused substantial losses in jobs for law-abiding citizens. The furniture and apparel industries are the two industries in which FPI has traditionally done most of its work. When asked under oath, representatives of these industries testified that the FPI sales represent an insignificant and negligible portion of their industries. At our last hearing, the office furniture industry representative was not able to point to any loss to his industry caused by FPI.

I am the first to concede that there may be problems with FPI that need improvement, and we have made improvements through activities in Congress and the FPI board over the last 10 years. While it is understandable that every company that does not get a contract that FPI gets may be disappointed, just as they would be disappointed if another company got the same contract, the public safety and institutional safety and management benefits of this program have an insignificant impact on business and labor, and it is a public policy success story.

All able inmates in the Federal system are required, by law, to work. Non-FPI inmate jobs pay about $0.12 to $0.30 an hour, while FPI jobs pay about $1 up to $1.15 per hour. There are currently enough FPI jobs for only 18 percent of the work-eligible population. The other 82 percent of the prisoners work in non-FPI-related maintenance jobs.

In 2000, FPI jobs represented 25 percent of the prison jobs. In recent years, however, because we have passed restrictions like there are in this bill, there are fewer jobs and that has caused the elimination of over 2,000 jobs at the same time that the prison population has increased by 23,000 inmates, and it is still increasing. This bill will shrink FPI jobs even more.

We need to promote, not reduce, Federal Prison Industries jobs because the FPI program strongly supports education. To hold down an FPI job, an inmate must have completed high school, or be making steady progress towards obtaining a GED, and maintain a good record of behavior. This is not only true for those who hold FPI jobs but also those who are on the waiting list for a job, as well as those seeking to establish eligibility to be placed on the waiting list; and once in an FPI job, an inmate cannot earn more than $0.40 an hour until he earns a GED. That is why FPI is not only a great job skills development and education development tool, but it is also a great management tool to help ensure prisons operate efficiently and safely for prison employees as well as inmates. I have never met a prison administrator who does not support this program.

Few offenders enter the program with marketable work skills. The vast majority do not even have basic work habits, such as showing up for work on time each day and working cooperatively and productively with others. Such work habits are required to maintain an FPI job. These are the same work habits required to be a good, productive, desirable worker anywhere, and that is why inmates who have FPI work experience have been found to be significantly more employable than those that do not.

I oppose this bill because it will obviously reduce job opportunities. The bill amends the current requirement in law for agencies to purchase goods from FPI and establishes a competitive bid process for agency purchases of goods and services from FPI, unless the Attorney General and the Bureau of Prisons certify that they cannot safely run the prisons without the particular contract award. It is unrealistic to expect that any official would publicly admit such a level of incompetence in order to obtain a contract, so it is unlikely that that provision will ever be used.

The bill claims to make an effort to replace mandatory source and service contracts by providing a transition preference program for agencies using FPI, by authorizing new options such as providing products or services to charitable and nonprofit organizations contingent on appropriations, by allowing FPI to provide services and products to Federal agencies on a noncompetitive basis if they would otherwise be provided from offshore, and by authorizing work training programs for FPI to produce goods and services for private companies if the goods and services are not produced anywhere in the United States.

However, there is no basis for concluding that these authorities would replace the loss of jobs now available and legally sanctioned, and it is unlikely to suspect that the appropriations would be made or that the job training programs will be sufficient because most of the job training programs are 2 years at most. Obviously, people with longer sentences cannot benefit from that.

So before we decimate what the Department of Justice defines as the most important rehabilitation program, without a reliable replacement for those jobs, I believe we should direct a comprehensive study of its impact on labor and business and its beneficial impact on public safety before we do anything else.

In the face of all the good that this program does, I do not believe that we should throw the baby out with the bath water. Mr. Chairman, I would hope that we would defeat the bill and we maintain these jobs.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the author of the bill.

Mr. HOEKSTRA. Mr. Chairman, I would like to thank the chairman of the Judiciary Committee, as well as the ranking member of the committee, for the great work that we have been able to do together and the support that I have gotten from various individuals, as well as Mr. FRANK, Mr. COBLE, Mrs. MALONEY. We have put together a very effective bipartisan team to work on this issue.

My colleague from Wisconsin calls me the Johnny-come-lately to this issue, and he was working on this well before I did. I feel honored to have him call me the author of this bill, and I am only the author of this bill because in all the other things that the chairman of Judiciary Committee is working on he has given me the opportunity to lead on this issue.

But I very much appreciate the work that we have done with Mr. CONYERS as well. It has been a very, very effective group.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from the great State of Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank Mr. HOEKSTRA personally for the great work that he has done, not just on this bill but earlier bills as well. This is not a subject on which you have just jumped onboard. I appreciate, across the years, our working together on it.

Mr. HOEKSTRA. Well, thank you very much, and it is because of this kind of cooperation.

My objective is still to get our other colleague over there, Mr. SCOTT, onboard. We have evolved this bill a long way to try to get Mr. SCOTT to be onboard in terms of the phase-in and phase-out of the provisions of this bill, the number of other work opportunities that we have put into this bill, the opportunities to work with not-for-profits and those types of things, but we are not quite there yet. Are we there?

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

I would tell my friend from Michigan that you would get my support if you just guaranteed that the jobs would be there. We need people working on these jobs. If they are working on jobs, there will be less crime. So anything that will guarantee the jobs I can support.

Mr. HOEKSTRA. Reclaiming my time, I think the bill allows the Attorney General and gives the Attorney General the responsibility to make sure that the Attorney General can take the actions necessary to keep prisons safe and to allow workers or prisoners to get the skills that they need.

We have put together a very, very good coalition, the business groups, the Teamsters, the organized labor, UAW, UNITE-HERE, Machinists, Carpenters and a lot of other folks.

Mr. CONYERS. Mr. Chairman, if the gentleman would yield to just allow me this, because I think what the gentleman from Virginia raised is a very important point, somebody better guarantee me the jobs, too, because that is what this is all about. We are not just writing language to go into the law books. We want some action, and I do not know who gives out guarantees around here, but I will be the first one in line to get it. I am glad that that is your position as well.

Mr. HOEKSTRA. Mr. Chairman, I will reclaim my time. I am sure Mr. SCOTT is going to have a little bit more time.

If I could complete my statement, I recognize the difference, but I would hope that folks on both sides would recognize the tremendous effort that we have put in bringing together a lot of different folks to address the issues, both from the workers and the industries that may be affected, but also the individuals in the prisons.

This effort is also supported by Prison Fellowship, that has a very great passion for making sure that people who have found their way into our prison systems, that when they come out, that they have developed the skills that have enabled them to integrate effectively back into society.

I think, with the support that we have developed, it is a clear indication that this is a well-balanced approach between those competing interests.

I will close with my comments. It is just good to be able to stand here on this bill, to be able to work with the chairman and to be able to work across the aisle and to take a look at the consensus that we have developed on this bill. It is how the House should work.

I encourage my colleagues to support this bill that has come through the Judiciary Committee. Let us move this forward and let us work together to get something done in the Senate as well.

Mr. Chairman, H.R. 1965, the Hoekstra-Frank-Maloney-Sensenbrenner-Conyers-Coble Federal Prison Industries Competition in Contracting Act of 2006 will bring fundamental, comprehensive, and balanced reform to Federal Prison Industries, Inc. (FPI).

Because of FPI's status as a mandatory source, non-inmate workers and the firms that employ them are completely precluded from having the opportunity to even bid on $800 million in Federal contracting opportunities. Non-inmate workers and the firm's that employ them are denied the job opportunities funded by their tax dollars.

That is why the bill is supported by a broad Coalition of business groups, led by the U.S. Chamber of Commerce NFIB, and NAM. That is why the bill is concurrently supported by many unions in organized labor including the Teamsters, UAW, UNITE-HERE, Machinists, Carpenters, and UFCW.

Because of FPI's mandatory source status, FPI's captive Federal agency customers cannot get the best value for the taxpayer dollars entrusted to their care. That is why H.R. 1829 enjoys the support of federal managers represented by the Federal Managers Association.

The justification for FPI's mandatory source status is that inmate work opportunities helps combat idleness and better prepares inmates for a successful return to society. Neither of those cited benefits are linked to the corrosive manner in which FPI is currently permitted to operate in the Federal market.

Frequently cited is the statistic that inmates participating in prison industry program are 24 percent less likely to return to prison. That finding is drawn from the report on a multi-year study by the Federal Bureau of Prisons, the Post-Release Employment Project (PREP). What the proponents of the status quo forget to mention is that the same PREP study demonstrated that inmates participating in remedial and vocational educational programs were 33 percent less likely to return to prison. Such programs better prepare inmates for a successful return to society, but FPI does not use one dime of its gross profits, which were $117 million in Fiscal Year 2004, to fund such educational programs. No, those gross profits are devoted exclusively to FPI's expansion.

Thanks to the work of my friend from Michigan (Mr. CONYERS) and my friend from Massachusetts (Mr. FRANK) the bill expands the opportunities for Federal inmates to participate in remedial and modern hands-on vocational training programs. Those that are more likely to reduce recidivism.

Similarly, the H.R. 2965 provides alternative work opportunities for inmate by authorizing them to do work for non-profit entities and units of local governments and special purpose districts, like school districts.

During the Committee's consideration of the bill a Work-based Employment Preparation Program for Federal inmates. This program will provide Federal inmates with

FPI's current model's cause real problems. H.R. 2965 provides the fundamental, comprehensive, and balanced solutions.

I urge my colleagues to support our bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), my friend and colleague, who has worked on this area for a long time.

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the work that the Judiciary Committee has spent dealing with this very difficult and complex issue, and I want to thank the gentleman from Michigan for yielding.

All of us know that one of the biggest problems facing inmates when they get out of prison is the ability to get a job. The best way that you can convince a potential employer that you understand the world of work is that you have been working. Therefore, this program which provides inmates an opportunity to work needs all of the protection that it can possibly get.

I agree that we need to change some things about it. I would agree that we need to find a way to pay the inmates more, especially as they get close to release time so that maybe when they get out, they have got a little bit of money in their pocket that they can get started with back in civilian life.

But to do anything that would reduce the possibility of individuals working while they are incarcerated goes against the grain. It does not benefit our correctional system. It does not benefit our correctional institutions.

I spend time in the Federal prisons, and every administrator that I have come into contact with supports this program and wants to see it expanded, not reduced or possibly eliminated.

I again thank the gentleman from Michigan.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, this body has deliberated the role of Federal Prison Industries for several years. In 2003, the House approved a version of the vote by a decisive vote, and while that bill was not enacted, the House Judiciary Committee has continued to deliberate on reforming FPI.

□ 1200

I want to applaud the diligence of Chairman SENSENBRENNER and Chairman HOEKSTRA, the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and even though my good friend from Tidewater, Virginia, is misguided on this bill, we continue to be good friends. We have all worked together, and I think it is a good bill.

I supported FPI reform in 2003, Mr. Chairman. While I still support this reform today, I am pleased with the changes in the bill to ensure that FPI will not be discouraged by its implementation of the bill before us. I have always argued that the sole source rule was really not justified and worked inevitably to the detriment of the private sector.

Office furniture is an enormous business, as we all know. H.R. 2965 will balance the playing field in the market for supply furniture to the Federal Government. Furniture manufacturing is an economic engine in the Sixth District of North Carolina, which I represent, and would welcome the opportunity to compete with FPI.

Mr. Chairman, recidivism in our Federal penitentiaries is of grave concern. H.R. 2965, it appears to me, should not be construed as a movement away from inmate training. And, finally, the Second Chance Act, which Mr. SCOTT and I have nurtured through the House Judiciary Committee, is another example of this new trend regarding incarceration and, of course, that bill will be examined at a subsequent date.

Mr. CONYERS. Mr. Chairman, I would like at this time to recognize the gentlewoman from New York (Mrs. MALONEY) for 2 minutes.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and for leading so strongly on this important issue, and I rise in strong support of H.R. 2965, of which I have been a lead sponsor in many prior Congresses.

This bill will bring comprehensive, fundamental, and balanced reform to the Federal Prison Industries, which is long overdue. This bill before us reflects improvements upon the bill in the 108th Congress, which passed 350–65.

At the core of the bill is providing access to the Federal contract opportunities, now reserved for FPI because of its status as a mandatory source of supply for the various Federal agencies. In fiscal year 2004, that amounted to $802 million in business opportunities upon which private sector firms had no opportunity to bid. It will also protect jobs of American workers. FPI will no longer be able to come in and arbitrarily announce that they are taking their work, their contracts away, which happened to my constituents.

Like many in this Chamber, I came to this issue from a problem created by FPI. FPI was about to take the contract that Glamour Glove, a manufacturer in my district, had won from the Department of Defense on a competitive basis. Glamour Glove, now called Glove Street, was the last union shop glove manufacturer in New York, and its proud members are members of UNITE.

Working with my friend from Michigan, Mr. HOEKSTRA, and the leadership of UNITE, we were able to persuade the FPI board to change its plans. I know that my constituents were wondering why they had to seek the mercy of six people in Washington and the FPI board of directors to maintain their jobs.

Out of that experience, Mr. HOEKSTRA and I began working together to put forward an opportunity for American workers to compete for these jobs. Each year, the bill has been modified to provide alternative rehab work opportunities for Federal inmates, and I congratulate Mr. FRANK for his leadership and Mr. CONYERS on the amendments they have added to improve the bill.

From the outset of our effort, Mr. FRANK led our effort to find alternative-inmate work opporunties for Federal inmates that would not provide unfair competition with non-inmate workers. First, by doing public service work for non-profit organizations that serve the poor. This first step has been broadened in each succeeding year.

In the last Congress, we granted authority for Federal inmates to provide work in support of units of local government and special purpose districts, such as school districts. Protections were included against any displacement of non-inmate workers, either public employees or private sector.

During the Committee's consideration H.R. 2965, they added a Work-based Employment Preparation Program for Federal inmates. This program will provide Federal inmates with access to work-based training under the tuteledge of real-world employers. Again, the new provision has clear and enforceable protections against unfair competition with non-inmate workers and the firms that employ them.

When H.R. 2965 is enacted into law, working men and women, who perform contracts for the Federal Government will no longer have to be concerned that FPI will simply be able to take their work opportunities. They will have a chance to bid on the Federal contracts that are funded by their tax dollars.

I look forward to this debate. The proponents are on the right side and have the strong support of the business community and organized labor, as well as federal managers, represented by the Federal Managers Association.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to my friend and brother, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I appreciate Mr. CONYERS giving me the opportunity to respond to my friend from North Carolina, who suggested that I was misguided by opposing the bill. Perhaps I am misguided, because the bill increases crime and I am trying to reduce crime.

We know that increasing jobs will reduce crime. This bill, we know, reduces jobs. The goal of FPI has been traditionally for 25 percent of the jobs to be FPI jobs. As a result of the initiatives in this bill, many of which were enacted in 2001, the percentage of jobs has gone from 25 to 18, 2,000 fewer jobs. And if we had maintained the 25 percent, there would be 9,000 more people working in FPI jobs, with a much lower chance of getting into trouble when they are released.

This reduction in jobs will increase crime. Maybe opposing an increase in crime is misguided, but I think we ought to reguide ourselves and support those initiatives, which will actually reduce crime, not increase crime, as this bill does.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to point out that this bill does not increase crime because we have got a vocational educational training program for inmates that will prepare them not only in vocational skills but prepare them as a whole person.

So to say that we are increasing crime because we are phasing out this Federal Prison Industries program is not exactly accurate. Besides, there is a not-for-profit section that we are going to ramp up. Local governments, school districts, and religious organizations will all be able to benefit under this new provision to create more jobs.

And so I just want to guarantee everybody, and particularly my friend from Virginia, that if this doesn't create more jobs, then I want to change the law myself. But to predict that this is what we are doing is not exactly accurate.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member, and I speak strongly in support of this bill. I have not yet had anyone explain to me why it is our strong policy to ban the products of prison labor that come over in trade, but we then encourage them to compete with American workers if it is domestic prison labor.

I agree it is a good idea for inmates to have work opportunities, but I am hoping that marketing is not one of those things in which prisoners engage. That is, it is the actual process of making the product that has its rehabilitative effect. And as the gentleman from Michigan just mentioned, it is the intention of many of us to increase the extent to which prisoners could be used to make products that could be distributed to various entities in our society in a way that wouldn't be competitive with the market.

But I do not understand how you tell low-wage workers, because the level at which the prison products exist is at the low-wage level, how do we tell low-wage workers they are going to lose their jobs because of prisoners? How do you tell people who have been hard-working people trying to support themselves and their families that prisoners are taking their jobs because of the inherent subsidy that is involved?

Now, the way to resolve that, it seems to me, is to leave the market, to the extent that we can, to people who are in the market, in the private sector; and try, as the gentleman from Michigan said, as we try in this legislation, to increase the extent to which prisoners can be employed and learn skills and make products that will be distributed to the nonmarket segment. And there is no loss there. Again, the marketing is not part of the prison experience and shouldn't be.

So it is entirely possible to have prisoners learning skills, improving their skills by producing things that can then be distributed to a nonmarket segment. But the fundamental principle that we should not allow prison labor to take jobs away from hard-working people, particularly at the low-wage level, is at the core of this bill.

Mr. CONYERS. Mr. Chairman, I would yield 1 minute more, this is very unusual, but I will yield 1 minute more to Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding, because, as I indicated, as a result of the initiatives that are in this bill, we have already lost thousands of jobs. And if we had had the law as it was in 2000, we would have about 9,000 more people working.

The gentleman from Massachusetts has said there are other alternatives. If we were guaranteed funding for that, I would support it. The problem is that the FPI pays for itself, so it doesn't need appropriation. If we can guarantee the funding, there wouldn't be any debate on this. The job training also may not have funding. So we don't know that that is going to take place. So there is no guarantee.

The problem with this approach is that there is no guarantee for funding. The FPI program pays for itself, and has been paying for itself for over 70 years. It works well. We know it works, and the replacements are just speculative.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. My problem with my friend from Virginia's argument, well, there are two; first of all, if there are 9,000 fewer jobs in Prison Industries, that means there are 9,000 more jobs in the private sector.

So the second point is that he concedes that if we funded this it wouldn't be a problem. Well, rather than put the burden on lower-wage working people in the garment industry, the furniture industry, et cetera, then let us work to get the funding. It is not a huge amount. But there is, to some extent, a replacement of prison jobs and private sector jobs.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. First of all, we will work together on the funding, no question about that. Furthermore, there is not a one-to-one replacement. You have about four people in prison working on what would otherwise be one job.

Mr. FRANK of Massachusetts. Well, then I would say this. Then that furthers reinforces the point. Because what you are then saying is the underpayment, the subsidy element is such that you are still losing private sector jobs to prison jobs.

And I would say to the gentleman, let us end on a note of approval. Yes, I look forward to working with the gentleman for better funding, and if things go well in November it will be easier than it has been.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the chairman of the committee for yielding time.

I rise in opposition to this bill. Now, I represent two prisons in my district, and grandma used to say that idle hands are the devil's workshop. We have to find ways to keep these people busy; but, more importantly, we have to give them real job skills.

Now, I understand that in some cases this may be taking jobs away from the private sector, but that is very rare, Members. Mostly what we are doing in those prisons today are jobs that either aren't done in the United States much any more, or they are jobs that nobody wants. And we need to keep these guys busy. We need to give them some job skills. And I am afraid we are going to throw this baby out with the bath water today.

Now, it may well be that we have to reform the Federal Prison Industries a bit. And I hear the talk about, well, we can find $75 million for job training programs. Maybe that is true. But in the middle are these folks who are working in the Federal Prison Industries in my district who are earning a little bit of money, who are making a difference, and are providing products that the United States military needs.

Mr. Chairman, I rise to speak in opposition to this legislation. I represent a number of employees and inmates at the Federal Correctional Institution in Waseca, Minnesota, and they have a vested interest in this matter.

Federal Prison Industries employs approximately 200 inmates in Waseca. The jobs they have give these inmates real-life skills that offer opportunity for rehabilitation and a chance at success when they leave prison. The program is carefully overseen by trained prison employees.

Mr. Chairman, changes might be necessary to improve the FPI program, but I am not convinced that the legislation before us accomplishes that. H.R. 2965 would authorize a $75 million work-based training program to replace FPI. The likelihood that Congress will not appropriate these dollars threatens to make a bad situation worse. Stresses on our federal budget could lead to a worse-case scenario of having no education or job training program at all for these inmates.

Many products made by FPI are used by our armed forces, and very few of these products are made by U.S. companies who make these products. In fact, the private sector companies who procure them already make their purchases from foreign manufacturers, not U.S. companies.

Mr. Chairman, the existing FPI program works well. This is a classic case of Congress trying to fix something that is not broken. I urge my colleagues to oppose this legislation and to work to improve the FPI program for inmates and small businesses alike.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it is pretty hard for somebody in the private sector that pays taxes on their manufacturing equipment, that pays property taxes on the building that is used to house the manufacturing equipment, that pays their employees a decent wage, that takes out Social Security and State and Federal income taxes and, hopefully, provides benefits, including health care benefits, to compete against those who are working in the prison where the taxpayers pay for the medical benefits, the taxpayers pay for the room and board, and the land and the prison is completely tax exempt.

Now, the gentleman from Minnesota says that what FPI provides is bought by the Department of Defense. What this bill does is to provide the same reforms that were provided a few years earlier with FPI contracting with the Department of Defense. The gentleman from Minnesota says it has worked with the Department of Defense. What we want to do is to have it work with every other Federal agency as successfully as it has done with the Department of Defense.

Mr. EHLERS. Mr. Chairman, I rise in strong support of H.R. 2965. This bill restores a modicum of sense to our current government procurement system.

Let me highlight two important aspects of this bill. One, the bill helps federal agencies manage taxpayer dollars more responsibly. For the first time, private-sector firms will be free to bid on federal contracting opportunities currently reserved for Federal Prison Industries. To assure that a buying agency is getting adequate value for the taxpayer dollars being spent on clothing, textiles, electronics, office furniture, equipment, services, or other procurement items, the buying agency—rather than FPI—would be empowered to determine whether the offered product and delivery schedule meet the buying agency's needs. Similarly, the buying agency would be empowered to determine whether FPI's offered price meets the procurement standard for a "fair and reasonable price."

Two, the bill is eminently more fair to contractors. Let me give you one example of the egregiously unfair practices under the current system. Back in 2003, the FAA was seeking to procure office furniture for its headquarters building. Through the General Services Administration, it solicited bids for the contract. On April 16, 2003, Steelcase (which is a major office furniture manufacturer based in my district) submitted its final bid for this contract to the GSA. A week later, Steelcase was informed by GSA that they were likely the winning bid on the contract. On May 7, they were informed by GSA that FPI had copied the proposal word for word and exactly matched Steelcase's bid. FPI asserted its sole source authority and decided not to grant a waiver for this contract. This was completely unfair as Steelcase had spent over 1,000 man hours and hundreds of thousands of dollars preparing the design, construction schedule, labor and material costs and other elements of this bid, only to have FPI duplicate the offer and undercut them. Thankfully, FPI eventually relented after considerable political pressure was brought to bear by myself and others.

We cannot continue to fight these kinds of situations on a case-by-case basis. That is why I support comprehensive FPI reform. If FPI can compete on quality and price, then great! Let me note that the bill does not alter a broad array of other advantages that FPI enjoys when it competes with private-sector firms, including extremely low wage rates, low overhead costs and no tax liability. But the current mandatory source privilege is anathema to principles of the free market and open enterprise.

I commend my colleague, Mr. HOEKSTRA, for his steadfast dedication to addressing this problem and for working with all the interested stakeholders. I urge everyone to support this bill.

Mr. WOLF. Mr. Chairman, I rise in opposition to the bill. Before I make some comments, let me say I have great respect for the gentleman from Michigan (Mr. HOEKSTRA). He is a good person. But I do not believe this approach is the way to go.

I appreciate the hard work of Mr. HOEKSTRA and his staff in trying to develop a bill that addresses concerns raised by myself and others, including the Justice Department. And while I appreciate his genuine efforts to address the issue of providing additional opportunities for inmates, I remain concerned that the alternatives provided in this proposal will not be enough to replace the mandatory source authority currently relied upon by Federal Prison Industries (FPI).

H.R. 2965 would decimate the FPI program by eliminating the mandatory source preference without an adequate replacement. Mandatory source preferences account for the majority of inmate jobs in the program.

I also want to acknowledge Mr. HOEKSTRA's efforts to work with the Justice Department to craft a workable alternative to the currert mandatory source authority that is responsible for many of jobs currently available through FPI. While there have been a number of changes from the proposal that was considered during the last Congress, the Department of Justice has stated that they cannot support this bill in the current form.

The Department of Justice calls FPI "the Department's most important correctional management tool." DOJ has a fiduciary relationship in running these prisons and I certainly wish they had been stronger in articulating their concerns. However, the fact remains that the bill before us does not have their support.

Winston Churchill said one of the best tests of whether we are truly a civilized people is the temper, the mood of the public in regard to the treatment of crime and criminals.

I like to think of myself as a compassionate conservative. I've had the chance to work with prisoners. Before I was elected, I was involved in a program at Lorton Prison called "Man to Man" where we would meet with and counsel the inmates. Knowing what this bill could do in terms of prison work opportunities, I think this bill should be defeated.

You cannot put a man in prison for years and expect him to be rehabilitated without work. The Bible says, "Remember the prisoner as though in prison with them."

Currently, FPI is a self-supporting government program that provides job skills opportunities to federal Bureau of Prisons (BOP) inmates by producing products and services for federal agencies. The FPI prison inmate work program fosters BOP prison safety by helping to keep thousands of prison inmates productively occupied in labor-intensive work activities and furthers BOP prisoner rehabilitation by providing prison inmates with opportunities to develop job skills that will allow them to reenter our communities as productive, law-abiding citizens.

This bill would make it difficult to operate a prison. Inmates without work who are idle are prisoners that are going to later come back and commit a crime. Prisoners that participate in the FPI program have a 24 percent lower recidivism rate than prisoners who are not in the program.

This bill also has major budget impacts. To those on my side of the aisle who talk about balancing the budget, the cost of this bill over 5 years will be $500 million. In an era of limited discretionary funding, I have to ask: does it make sense to replace the self-sustaining FPI program with an alternative work program that would cost hundreds of millions a year, without considering any additional staffing needs that would arise from a loss of FPI jobs?

The FPI program provides those incarcerated with a unique opportunity to learn discipline, responsibility, and job skills needed to re-enter society. We should be supporting these prisoners as they serve their time and seek to make the transition back into society, not undercutting one of the most important programs offered by the prison system to help them do so. I am very concerned that the bill before us does not set up an alternative system that can ensure FPI will be able to continue offering inmate work and training opportunities in the future.

In the last four years, the percentage of inmates able to participate in FPI has plummeted from 25 percent to 17 percent, with the BOP estimating a continued decline if this legislation passes. That is the key. There is no alternative system for ensuring there will continue to be jobs if these reforms are implemented. That would be tragic.

If this bill is not amended, I believe, and I may be wrong, that this bill, as surely as the night follows the day, will make it very difficult to operate prisons. With the opportunity to work comes the chance to restore dignity. Later, I am offering a commonsense amendment with my colleagues Messrs. LUNGREN, CHABOT and SCOTT that would simply postpone the mandatory source phase-out for one year if the FPI prisoner enrollment falls below the current level of 17 percent.

In a time of low national unemployment, it is hard to believe that we are about to make it harder for incarcerated Americans to learn discipline, responsibility, and job skills that working develops.

I urge my colleagues to vote against this underlying bill and for the Lungren-Chabot-Wolf-Scott amendment.

Mr. MANZULLO. Mr. Chairman, Federal Prison Industries takes jobs away from law-abiding citizens of this nation. Many people are concerned about their future job security or where their next job will come from. If it is within one of the more than 250 industries FPI already is in, watch out!

We all understand the need to control a potentially violent prison population. This bill points to a better way to train prisoners for real jobs in the outside world than to have them unfairly compete against small businesses for the precious few contracts with the Federal Government. It will also allow FPI to manufacture products that are no longer made in America and to also perform work in support of non-profits such as Habitat for Humanity.

The jobs of law-abiding citizens—the forgotten Americans—who get up every day, dress their kids for school, and set off for a long hard day of work should not be sacrificed for convicted felons. The unintended and indirect message from FPI to the forgotten American is that if you want a job, commit a crime. That's not the American way! Some of my small business constituents from northern Illinois have had difficulty in selling to the Federal Government because of the unfair competition from FPI.

I support H.R. 2965 because it will simply require that FPI compete like every other business for contracts with the Federal Government. FPI already has many advantages off the bat, such as a captive below minimum wage work force and no health care, worker's compensation or other benefits to pay for. Even with these advantages, small businesses still believe they can beat FPI because various government agencies have long complained about the quality and timeliness of delivery of products from FPI.

Mr. Chairman, let's allow small businesses to compete against FPI. We should convey the message to the forgotten American that if you play by the rules, you have a fair shot at all the opportunities this society has to offer. Convicted felons should not receive better treatment than law-abiding citizens. I urge a "yes" vote on FPI and a "no" vote on any amendment that weakens this well-thought out bill.

Mr. HOLT. Mr. Chairman, can you, or another member, tell me why we are considering this legislation? Why when we have the largest prison population in the world, why when we have one of the worst recidivism rates in the world, why when we have enormous expense from crime and imprisonment, and why when America's historic and ethical attitude towards crime is based predominantly on a redemptive view of human nature, why are we doing this?

Ms. WATERS. Mr. Chairman, I rise in support of H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005.

I thank my colleagues in the Committee on the Judiciary for their overwhelming support of the "sense of Congress" language I offered during Full Committee markup that would clarify the work-based program newly established in Section 17 of this legislation. As previously drafted, the "heart" of the wage provision of the work-based program was only an alternative to a scenario where the Secretary of Labor—at her discretion—would promulgate an inmate training wage. If the Secretary fails to do so within 180 days, she would be able to prescribe an interim training wage that is no less than 50 percent of the prevailing federal minimum wage—a provision that, in and of itself, is conditional.

I was elected to Congress in 1991, and I have continually stressed the importance of providing individuals, who have paid their debt to society, a realistic opportunity to transition from federal prison back into the community. The truth is that the current system, sets them up for failure. By turning them out on the street without a dime in their pocket many of the individuals who are fortunate enough to make it out of the system will start "in the red." Already faced with the pressing need to provide for food, shelter, and healthcare, with no money in their pockets they are left with few alternatives to pay for baby formula, HIV medication, a hot meal for one night, or even a place to stay.

For these reasons, during the 108th Congress, my language was accepted to establish a $2.50 minimum wage "floor" to eradicate the severe economic disparities created by the existing wage scale, which spans from $0.23 to a mere $1.15 per hour for inmates whose term of imprisonment will expire within 2 years. I thank my colleagues for retaining this important language, because it takes a good first step toward providing a realistic and livable economic base for individuals reentering the community from the federal system.

By and large, the individuals for whom I make my most passionate appeals are those who deserve a second chance—those who did not commit heinous and violent crimes and who have truly paid their debt to society. In the real world, individuals who reenter the community from incarceration already have families who depend upon them and they have no job waiting for them. To further exacerbate this situation, many employers will outright reject their application for a job once they discover that an applicant has a criminal record.

Nevertheless, the work-based program established in this bill makes a good effort to help these individuals by giving them a chance to earn an apprenticeship certificate to substantiate their work experience. In fact, the spirit of this program is consistent with the "Prisoner Re-entry Initiative" proposed by President Bush in his State of the Union Address when he called for a four-year, $300 million initiative to—and I quote—"reduce recidivism and the societal costs of reincarceration by helping inmates find work when they return to their communities."

Therefore, I support this legislation and ask that my colleagues vote yes on its final passage.

Mr. HERGER. Mr. Chairman, although I agree with the central goal of H.R. 2965, I had some concerns with several provisions in the bill. I believe contracts should be awarded on a competitive basis, with private businesses having a fair chance to participate. And if H.R. 2965 merely ended the noncompetitive nature of Federal Prison Industries, FPI, contracts, I would have supported it. However, the legislation contained some other provisions that, in my view, undermined the effort to make Federal contracting more competitive. Specifically, the bill requires that the Federal Government scale back its total purchases from FPI, regardless of whether FPI's bids are competitive. It also mandates a substantial increase in the wages paid to inmates employed by FPI, apparently with an eye toward making FPI less competitive. I am concerned that this policy could increase costs to Government agencies by forcing them to agree to more expensive contracts. Furthermore, in order to make up for the potential loss of FPI employment, H.R. 2965 includes several expensive new prison rehabilitation programs. Since FPI currently receives no taxpayer money, I am not convinced that this approach makes sense in our tight budget climate. Thus, while I support doing away with the current preferential treatment of FPI in Government contracting, I opposed H.R. 2965 for these reasons.

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Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2965

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Prison Industries Competition in Contracting Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1 Short title; table of contents.
Sec. 2. Governmentwide procurement policy relating to purchases from Federal Prison Industries.
Sec. 3. Public participation regarding expansion proposals by Federal Prison Industries.
Sec. 4. Transitional mandatory source authority.
Sec. 5. Authority to perform as a Federal subcontractor.
Sec. 6. Inmate wages and deductions.
Sec. 7. Clarifying amendment relating to services.
Sec. 8. Conforming amendment.
Sec. 9. Rules of construction relating to chapter 307.
Sec. 10. Providing additional rehabilitative opportunities for inmates.
Sec. 11. Re-entry employment preparation through work-based training and apprenticeship.
Sec. 12. Restructuring the Board of Directors.
Sec. 13. Providing additional management flexibility to Federal Prison Industries operations.
Sec. 14. Transitional personnel management authority.
Sec. 15. Federal Prison Industries report to Congress.
Sec. 16. Definitions.
Sec. 17. Implementing regulations and procedures.
Sec. 18. Rules of construction.
Sec. 19. Effective date and applicability.
Sec. 20. Clerical amendments.

SEC. 2. GOVERNMENTWIDE PROCUREMENT POLICY RELATING TO PURCHASES FROM FEDERAL PRISON INDUSTRIES.

Section 4124 of title 18, United States Code, is amended to read as follows:

"§4124. Governmentwide procurement policy relating to purchases from Federal Prison Industries

"(a) IN GENERAL.—Purchases from Federal Prison Industries, Incorporated, a wholly owned Government corporation, as referred to in section 9101(3)(E) of title 31, may be made by a Federal department or agency only in accordance with this section.

"(b) SOLICITATION AND EVALUATION OF OFFERS AND CONTRACT AWARDS.—(1)(A) If a procurement activity of a Federal department or agency has a requirement for a specific product or service that is authorized to be offered for sale by Federal Prison Industries, in accordance with section 4122 of this title, and is listed in the catalog referred to in subsection (g), the procurement activity shall solicit an offer from Federal Prison Industries, if the purchase is expected to be in excess of the micro-purchase

threshold (as defined by section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f))).

"(B) The requirements of subparagraph (A) shall also apply to a procurement that a Federal department or agency intends to meet by placing an order against a contract maintained by the General Services Administration under the Multiple Award Schedule Contracts Program.

"(C) Federal Prison Industries, upon its request, shall be listed on any Schedule, referred to in subparagraph (B), as offering products or services which Federal Prison Industries believes to be comparable to those products and services being offered by commercial contractors through the Multiple Award Schedule Contracts Program.

"(2) A contract award for such product or service shall be made using competitive procedures in accordance with the applicable evaluation factors, unless a determination is made by the Attorney General pursuant to paragraph (3) or an award using other than competitive procedures is authorized pursuant to paragraph (7).

"(3) The procurement activity shall negotiate with Federal Prison Industries on a noncompetitive basis for the award of a contract if the Attorney General determines that—

"(A) Federal Prison Industries cannot reasonably expect fair consideration to receive the contract award on a competitive basis; and

"(B) the contract award is necessary to maintain work opportunities otherwise unavailable at the penal or correctional facility at which the contract is to be performed to prevent circumstances that could reasonably be expected to significantly endanger the safe and effective administration of such facility.

"(4) Except in the case of an award to be made pursuant to paragraph (3), a contract award shall be made with Federal Prison Industries only if the contracting officer for the procurement activity determines that—

"(A) the specific product or service to be furnished will meet the requirements of the procurement activity (including any applicable prequalification requirements and all specified commercial or governmental standards pertaining to quality, testing, safety, serviceability, and warranties);

"(B) timely performance of the contract can be reasonably expected; and

"(C) the contract price does not exceed a current market price.

"(5) A determination by the Attorney General pursuant to paragraph (3) shall be—

"(A) supported by specific findings by the warden of the penal or correctional institution at which a Federal Prison Industries workshop is scheduled to perform the contract;

"(B) supported by specific findings by Federal Prison Industries regarding why it does not expect to win the contract on a competitive basis; and

"(C) made and reported in the same manner as a determination made pursuant to section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7)).

"(6) If the Attorney General has not made the determination described in paragraph (3) within 30 days after Federal Prison Industries has been informed of a contracting opportunity by a procurement activity, the procurement activity may proceed to conduct a procurement for the product or service in accordance with the procedures generally applicable to such procurements by the procurement activity.

"(7) A contract award may be made to Federal Prison Industries using other than competitive procedures if such product or service is only available from Federal Prison Industries and the contract may be awarded under the authority of section 2304(c)(1) of title 10 or section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)), as may be applicable, and pursuant to the justification and approval requirements relating to such noncompetitive procurements specified by law and the Governmentwide Federal Acquisition Regulation.

"(8) A contract award may be made to Federal Prison Industries using other than competitive procedures by the Federal Bureau of Prisons.

"(9) A solicitation for a contract shall first be made to Federal Prison Industries using other than competitive procedures if the product or service to be acquired would otherwise be furnished by a contractor performing the work outside of the United States.

"(c) OFFERS FROM FEDERAL PRISON INDUSTRIES.—(1) A timely offer received from Federal Prison Industries to furnish a product or service to a Federal department or agency shall be considered for award without limitation as to the dollar value of the proposed purchase, unless the contract opportunity has been reserved for competition exclusively among small business concerns pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) and its implementing regulations.

"(2)(A) Any offer made by Federal Prison Industries to furnish a product or service may exclude from the offer the price of the following:

"(i) The costs related to security of the facilities at which the contract will be performed.

"(ii) The costs of educating and training the prison work force performing the contract.

"(iii) Excess capital costs of machinery and excess inventories used within a prison environment that are the result of the unique environment of prison life.

"(iv) Other costs of performing the contract resulting from the unique environment of prison facilities.

"(d) PERFORMANCE BY FEDERAL PRISON INDUSTRIES.—Federal Prison Industries shall perform its contractual obligations under a contract awarded by a Federal department or agency to the same extent as any other contractor.

"(e) FINALITY OF CONTRACTING OFFICER'S DECISION.—(1) A decision by a contracting officer regarding the award of a contract to Federal Prison Industries or relating to the performance of such contract shall be final, unless reversed on appeal pursuant to paragraph (2) or (3).

"(2)(A) The Chief Operating Officer of Federal Prison Industries may protest a decision by a contracting officer not to award a contract to Federal Prison Industries pursuant to subsection (b)(4), in accordance with section 33.103, (Protests to the agency) of the Federal Acquisition Regulation (48 C.F.R. part 33.103).

"(B) In the event of an adverse decision of a protest filed pursuant to subparagraph (A), the Assistant Attorney General for Administration may request a reconsideration of such adverse decision by the head of the Federal agency or department, which shall be considered de novo and the decision issued by such agency head on a non-delegable basis. Such decision upon reconsideration by the agency head shall be final.

"(3) A dispute between Federal Prison Industries and a procurement activity regarding performance of a contract shall be subject to—

"(A) alternative means of dispute resolution pursuant to subchapter IV of chapter 5 of title 5; or

"(B) final resolution by the board of contract appeals having jurisdiction over the procurement activity's contract performance disputes pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

"(f) REPORTING OF PURCHASES.—Each Federal department or agency shall report purchases from Federal Prison Industries to the Federal Procurement Data System (as referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4))) in the same manner as it reports to such System any acquisition in an amount in excess of the simplified acquisition threshold (as defined by section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

"(g) CATALOG OF PRODUCTS.—Federal Prison Industries shall publish and maintain a catalog of all specific products and services that it is authorized to offer for sale. Such catalog shall be periodically revised as products and services are added or deleted by its board of directors (in accordance with section 4122(b) of this title).

"(h) COMPLIANCE WITH STANDARDS.—Federal Prison Industries shall be subject to Federal occupational, health, and safety standards with respect to the operation of its industrial operations.".

SEC. 3. PUBLIC PARTICIPATION REGARDING EXPANSION PROPOSALS BY FEDERAL PRISON INDUSTRIES.

Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (13); and

(2) by striking paragraphs (4) and (5) and inserting the following new paragraphs:

"(4)(A) Federal Prison Industries is authorized to offer a new specific product or furnish a new specific service in response to a competitive solicitation or other purchase request issued by a Federal department or agency. No subsequent offering of such product or service may be made by Federal Prison Industries until the board of directors has approved the offering for sale of such new specific product or new specific service, in conformance with the requirements of paragraphs (5) through (9).

"(B) Federal Prison Industries may produce a product or furnish a service in excess of the authorized level of production for such product or service, in response to an order placed pursuant to an existing contract with a Federal department or agency, if the agency's need for the product or service is of such an urgency that it would justify the use of procedures other than competitive procedures pursuant to section 2304(c)(2) of title 10 or section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), as may be applicable.

"(5) A decision to authorize Federal Prison Industries to offer a new specific product or specific service or to expand the production of an existing product or service for sale to the Federal Government shall be made by its board of directors in conformance with the requirements of subsections (b), (c), (d), and (e) of section 553 of title 5, and this chapter.

"(6)(A) Whenever Federal Prison Industries proposes to offer for sale a new specific product or specific service or to expand production of a currently authorized product or service, the Chief Operating Officer of Federal Prison Industries shall submit an appropriate proposal to the board of directors and obtain the board's approval before initiating any such expansion. The proposal submitted to the board shall include a detailed analysis of the probable impact of the proposed expansion of sales within the Federal market by Federal Prison Industries on private sector firms and their non-inmate workers.

"(B)(i) The analysis required by subparagraph (A) shall be performed by an interagency team on a reimbursable basis or by a private contractor paid by Federal Prison Industries.

"(ii) If the analysis is to be performed by an interagency team, such team shall be led by the Administrator of the Small Business Administration or the designee of such officer with representatives of the Department of Labor, the Department of Commerce, and the Federal Procurement Data Center.

"(iii) If the analysis is to be performed by a private contractor, the selection of the contractor and the administration of the contract

shall be conducted by one of the entities referenced in clause (ii) as an independent executive agent for the board of directors. Maximum consideration shall be given to any proposed statement of work furnished by the Chief Operating Officer of Federal Prison Industries.

"(C) The analysis required by subparagraph (A) shall identify and consider—

"(i) the number of vendors that currently meet the requirements of the Federal Government for the specific product or specific service;

"(ii) the proportion of the Federal Government market for the specific product or specific service currently furnished by small businesses during the previous 3 fiscal years;

"(iii) the share of the Federal market for the specific product or specific service projected for Federal Prison Industries for the fiscal year in which production or performance will commence or expand and the subsequent 4 fiscal years;

"(iv) whether the industry producing the specific product or specific service in the private sector—

"(I) has an unemployment rate higher than the national average; or

"(II) has a rate of unemployment for workers that has consistently shown an increase during the previous 5 years;

"(v) whether the specific product is an import-sensitive product;

"(vi) the requirements of the Federal Government and the demands of entities other than the Federal Government for the specific product or service during the previous 3 fiscal years;

"(vii) the projected growth or decline in the demand of the Federal Government for the specific product or specific service;

"(viii) the capability of the projected demand of the Federal Government for the specific product or service to sustain both Federal Prison Industries and private vendors; and

"(ix) whether authorizing the production of the new product or performance of a new service will provide inmates with the maximum opportunity to acquire knowledge and skill in trades and occupations that will provide them with a means of earning a livelihood upon release.

"(D)(i) The board of directors may not approve a proposal to authorize the production and sale of a new specific product or continued sale of a previously authorized product unless—

"(I) the product to be furnished is a prison-made product; or

"(II) the service to be furnished is to be performed by inmate workers.

"(ii) The board of directors may not approve a proposal to authorize the production and sale of a new prison-made product or to expand production of a currently authorized product if the product is—

"(I) produced in the private sector by an industry which has reflected during the previous year an unemployment rate above the national average; or

"(II) an import-sensitive product.

"(iii) The board of directors may not approve a proposal for inmates to provide a service in which an inmate worker has access to—

"(I) personal or financial information about individual private citizens, including information relating to such person's real property, however described, without giving prior notice to such persons or class of persons to the greatest extent practicable;

"(II) geographic data regarding the location of surface and subsurface infrastructure providing communications, water and electrical power distribution, pipelines for the distribution of natural gas, bulk petroleum products and other commodities, and other utilities; or

"(III) data that is classified.

"(iv)(I) Federal Prison Industries is prohibited from furnishing through inmate labor construction services, unless to be performed within a Federal correctional institution pursuant to the participation of an inmate in an apprenticeship or other vocational education program teaching the skills of the various building trades.

"(II) For purposes of this clause, the term 'construction' has the meaning given such term by section 2.101 of the Federal Acquisition Regulation (48 C.F.R. part 2.101), as in effect on June 1, 2004, including the repair, alteration, or maintenance of real property in being.

"(7) To provide further opportunities for participation by interested parties, the board of directors shall—

"(A) give additional notice of a proposal to authorize the production and sale of a new product or service, or expand the production of a currently authorized product or service, in a publication designed to most effectively provide notice to private vendors and labor unions representing private sector workers who could reasonably be expected to be affected by approval of the proposal, which notice shall offer to furnish copies of the analysis required by paragraph (6) and shall solicit comment on the analysis;

"(B) solicit comments on the analysis required by paragraph (6) from trade associations representing vendors and labor unions representing private sector workers who could reasonably be expected to be affected by approval of the proposal to authorize the production and sale of a new product or service (or expand the production of a currently authorized product or service); and

"(C) afford an opportunity, on request, for a representative of an established trade association, labor union, or other private sector representatives to present comments on the proposal directly to the board of directors.

"(8) The board of directors shall be provided copies of all comments received on the expansion proposal.

"(9) Based on the comments received on the initial expansion proposal, the Chief Operating Officer of Federal Prison Industries may provide the board of directors a revised expansion proposal. If such revised proposal provides for expansion of inmate work opportunities in an industry different from that initially proposed, such revised proposal shall reflect the analysis required by paragraph (6)(C) and be subject to the public comment requirements of paragraph (7).

"(10) The board of directors shall consider a proposal to authorize the sale of a new specific product or specific service (or to expand the volume of sales for a currently authorized product or service) and take any action with respect to such proposal, during a meeting that is open to the public, unless closed pursuant to section 552(b) of title 5.

"(11) In conformance with the requirements of paragraph (10) of this subsection, the board of directors may—

"(A) authorize the donation of products produced or services furnished by Federal industries and available for sale;

"(B) authorize the production of a new specific product or the furnishing of a new specific service for donation; or

"(C) authorize a proposal to expand production of a currently authorized specific product or specific service in an amount in excess of a reasonable share of the market for such product or service, if—

"(i) a Federal agency or department, purchasing such product or service, has requested that Federal Prison Industries be authorized to furnish such product or service in amounts that are needed by such agency or department; or

"(ii) the proposal is justified for other good cause and supported by at least two-thirds of the appointed members of the board.".

SEC. 4. TRANSITIONAL MANDATORY SOURCE AUTHORITY.

(a) IN GENERAL.—Notwithstanding the requirements of section 4124 of title 18, United States Code (as amended by section 2 of this Act), a Federal department or agency having a requirement for a product that is authorized for sale by Federal Prison Industries and is listed in its catalog (referred to in section 4124(g) of title 18, United States Code) shall first solicit an offer from Federal Prison Industries and make purchases on a noncompetitive basis in accordance with this section or in accordance with section 2410n of title 10, United States Code, or section 318 of title III of the Federal Property and Administrative Services Act of 1949 (as added by subsection (i)).

(b) PREFERENTIAL SOURCE STATUS.—Subject to the limitations of subsection (d), a contract award shall be made on a noncompetitive basis to Federal Prison Industries if the contracting officer for the procurement activity determines that—

(1) the product offered by Federal Prison Industries will meet the requirements of the procurement activity (including commercial or governmental standards or specifications pertaining to design, performance, testing, safety, serviceability, and warranties as may be imposed upon a private sector supplier of the type being offered by Federal Prison Industries);

(2) timely performance of the contract by Federal Prison Industries can be reasonably expected; and

(3) the negotiated price does not exceed a fair and reasonable price.

(c) CONTRACTUAL TERMS.—The terms and conditions of the contract and the price to be paid to Federal Prison Industries shall be determined by negotiation between Federal Prison Industries and the Federal agency making the purchase. The negotiated price shall not exceed a fair and reasonable price determined in accordance with the procedures of the Federal Acquisition Regulation.

(d) PERFORMANCE OF CONTRACTUAL OBLIGATIONS.—

(1) IN GENERAL.—Federal Prison Industries shall perform the obligations of the contract negotiated pursuant to subsection (c).

(2) PERFORMANCE DISPUTES.—If the head of the contracting activity and the Chief Operating Officer of Federal Prison Industries are unable to resolve a contract performance dispute to their mutual satisfaction, such dispute shall be resolved pursuant to section 4124(e)(3) of title 18, United States Code (as added by section 2 of this Act).

(e) LIMITATIONS ON USE OF AUTHORITY.—

(1) IN GENERAL.—As a percentage of the sales made by Federal Prison Industries during the base period, the total dollar value of sales to the Government made pursuant to subsection (b) and subsection (c) of this section shall not exceed—

(A) 90 percent in fiscal year 2007;

(B) 85 percent in fiscal year 2008;

(C) 70 percent in fiscal year 2009;

(D) 55 percent in fiscal year 2010; and

(E) 40 percent in fiscal year 2011.

(2) SALES WITHIN VARIOUS BUSINESS SECTORS.—Use of the authority provided by subsections (b) and (c) shall not result in sales by Federal Prison Industries to the Government that are in excess of its total sales during the base year for each business sector.

(3) LIMITATIONS RELATING TO SPECIFIC PRODUCTS.—Use of the authorities provided by subsections (b) and (c) shall not result in contract awards to Federal Prison Industries that are in excess of its total sales during the base period for such product.

(4) CHANGES IN DESIGN SPECIFICATIONS.—If a buying agency directs a change to the design

specification for a specific product, the costs associated with the implementation of such specification change by Federal Prison Industries shall not be considered for the purposes of computing sales by Federal Prison Industries for the purposes of paragraphs (2) and (3).

(f) ADDITIONAL AUTHORITY TO SUSTAIN INMATE EMPLOYMENT.—During the period specified in subsection (g), the authority of section 4122(b)(11)(C)(ii) of title 18, United States Code (as added by section 3), may be used by the Board to sustain inmate employment.

(g) DURATION OF AUTHORITY.—The preferential contracting authorities authorized by subsection (b) may not be used on or after October 1, 2011, and become effective on the effective date of the final regulations issued pursuant to section 17.

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "base period" means the total sales of Federal Prison Industries during the period October 1, 2003, and September 30, 2004 (Fiscal Year 2004);

(2) the term "business sectors" means the seven product/service business groups identified in the 2004 Federal Prison Industries annual report as the Clothing and Textiles Business Group, the Electronics Business Group, the Fleet Management and Vehicular Components Business Group, the Industrial Products Business Group, the Office Furniture Business Group, the Recycling Activities Business Group, and the Services Business Group; and

(3) the term "fair and reasonable price" shall be given the same meaning as, and be determined pursuant to, part 15.8 of the Federal Acquisition Regulation (48 C.F.R. 15.8).

(i) FINDING BY ATTORNEY GENERAL WITH RESPECT TO PUBLIC SAFETY.—(1) Not later than 60 days prior to the end of each fiscal year specified in subsection (e)(1), the Attorney General shall make a finding regarding the effects of the percentage limitation imposed by such subsection for such fiscal year and the likely effects of the limitation imposed by such subsection for the following fiscal year.

(2) The Attorney General's finding shall include a determination whether such limitation has resulted or is likely to result in a substantial reduction in inmate industrial employment and whether such reductions, if any, present a significant risk of adverse effects on safe prison operation or public safety.

(3) If the Attorney General finds a significant risk of adverse effects on either safe prison management or public safety, he shall so advise the Congress.

(4) In advising the Congress pursuant to paragraph (3), the Attorney General shall make recommendations for additional authorizations of appropriations to provide additional alternative inmate rehabilitative opportunities and additional correctional staffing, as may be appropriate.

(j) PROCEDURAL REQUIREMENTS FOR CIVILIAN AGENCIES RELATING TO PRODUCTS OF FEDERAL PRISON INDUSTRIES.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 318. PRODUCTS OF FEDERAL PRISON INDUSTRIES: PROCEDURAL REQUIREMENTS.

"(a) MARKET RESEARCH.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(g) of title 18, United States Code, the head of an executive agency shall conduct market research to determine whether the Federal Prison Industries product is comparable to products available from the private sector that best meet the executive agency's needs in terms of price, quality, and time of delivery.

"(b) COMPETITION REQUIREMENT.—If the head of the executive agency determines that a Federal Prison Industries product is not comparable in price, quality, or time of delivery to products available from the private sector that best meet the executive agency's needs in terms of price, quality, and time of delivery, the agency head shall use competitive procedures for the procurement of the product or shall make an individual purchase under a multiple award contract. In conducting such a competition or making such a purchase, the agency head shall consider a timely offer from Federal Prison Industries.

"(c) IMPLEMENTATION BY HEAD OF EXECUTIVE AGENCY.—The head of an executive agency shall ensure that—

"(1) the executive agency does not purchase a Federal Prison Industries product or service unless a contracting officer of the agency determines that the product or service is comparable to products or services available from the private sector that best meet the agency's needs in terms of price, quality, and time of delivery; and

"(2) Federal Prison Industries performs its contractual obligations to the same extent as any other contractor for the executive agency.

"(d) MARKET RESEARCH DETERMINATION NOT SUBJECT TO REVIEW.—A determination by a contracting officer regarding whether a product or service offered by Federal Prison Industries is comparable to products or services available from the private sector that best meet an executive agency's needs in terms of price, quality, and time of delivery shall not be subject to review pursuant to section 4124(b) of title 18.

"(e) PERFORMANCE AS A SUBCONTRACTOR.—(1) A contractor or potential contractor of an executive agency may not be required to use Federal Prison Industries as a subcontractor or supplier of products or provider of services for the performance of a contract of the executive agency by any means, including means such as—

"(A) a contract solicitation provision requiring a contractor to offer to make use of products or services of Federal Prison Industries in the performance of the contract;

"(B) a contract specification requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries in the performance of the contract; or

"(C) any contract modification directing the use of products or services of Federal Prison Industries in the performance of the contract.

"(2) In this subsection, the term 'contractor', with respect to a contract, includes a subcontractor at any tier under the contract.

"(f) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The head of an executive agency may not enter into any contract with Federal Prison Industries under which an inmate worker would have access to—

"(1) any data that is classified;

"(2) any geographic data regarding the location of—

"(A) surface and subsurface infrastructure providing communications or water or electrical power distribution;

"(B) pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

"(C) other utilities; or

"(3) any personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.

"(g) DEFINITIONS.—In this section:

"(1) The term 'competitive procedures' has the meaning given such term in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)).

"(2) The term 'market research' means obtaining specific information about the price, quality, and time of delivery of products available in the private sector through a variety of means, which may include—

"(A) contacting knowledgeable individuals in government and industry;

"(B) interactive communication among industry, acquisition personnel, and customers; and

"(C) interchange meetings or pre-solicitation conferences with potential offerors.".

SEC. 5. AUTHORITY TO PERFORM AS A FEDERAL SUBCONTRACTOR.

(a) IN GENERAL.—Federal Prison Industries is authorized to enter into a contract with a Federal contractor (or a subcontractor of such contractor at any tier) to produce products as a subcontractor or supplier in the performance of a Federal procurement contract. The use of Federal Prison Industries as a subcontractor or supplier shall be a wholly voluntary business decision by the Federal prime contractor or subcontractor, subject to any prior approval of subcontractors or suppliers by the contracting officer which may be imposed by the Federal Acquisition Regulation or by the contract.

(b) LIMITATIONS ON USE.—Federal Prison Industries is prohibited from being a subcontractor or supplier at any tier if—

(1) the product or service is to be acquired by a Federal department or agency pursuant to section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); or

(2) the product to be acquired by the Federal department or agency is subject to section 2533a of title 10, United States Code.

(c) COMMERCIAL SALES PROHIBITED.—The authority provided by subsection (a) shall not result, either directly or indirectly, in the sale in the commercial market of a product or service resulting from the labor of Federal inmate workers in violation of section 1761(a) of title 18, United States Code. A Federal contractor (or subcontractor at any tier) using Federal Prison Industries as a subcontractor or supplier in furnishing a commercial product pursuant to a Federal contract shall implement appropriate management procedures to prevent introducing an inmate-produced product into the commercial market.

(d) PROHIBITIONS ON MANDATING SUBCONTRACTING WITH FEDERAL PRISON INDUSTRIES.—Except as authorized under the Federal Acquisition Regulation, the use of Federal Prison Industries as a subcontractor or supplier of products or provider of services shall not be imposed upon prospective or actual Federal prime contractors or a subcontractors at any tier by means of—

(1) a contract solicitation provision requiring a contractor to offer to make use of Federal Prison Industries, its products or services;

(2) specifications requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries in the performance of the contract;

(3) any contract modification directing the use of Federal Prison Industries, its products or services; or

(4) any other means.

SEC. 6. INMATE WAGES AND DEDUCTIONS.

Section 4122(b) of title 18, United States Code (as amended by section 3 of this Act), is further amended by adding after paragraph (11) a new paragraph (12) as follows:

"(12)(A) The Board of Directors of Federal Prison Industries shall prescribe the rates of hourly wages to be paid inmates performing work for or through Federal Prison Industries. The Director of the Federal Bureau of Prisons shall prescribe the rates of hourly wages for other work assignments within the various Federal correctional institutions. In the case of an inmate whose term of imprisonment is to expire in not more than 2 years, wages shall be earned at an hourly rate of not less than $2.50, but paid

at the same rate and in the same manner as to any other inmate, and any amount earned but not paid shall be held in trust and paid only upon the actual expiration of the term of imprisonment.

"(B) The various inmate wage rates shall be reviewed and considered for increase on not less than a biannual basis.

"(C) The Board of Directors of Federal Prison Industries shall—

"(i) not later than September 30, 2008, increase the maximum wage rate for inmates performing work for or through Federal Prison Industries to an amount equal to 50 percent of the minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); and

"(ii) not later than September 30, 2013, increase such maximum wage rate to an amount equal to such minimum wage.

"(D) Wages earned by an inmate worker shall be paid in the name of the inmate. Deductions, aggregating to not more than 80 percent of gross wages, shall be taken from the wages due for—

"(i) applicable taxes (Federal, State, and local);

"(ii) payment of fines and restitution pursuant to court order;

"(iii) payment of additional restitution for victims of the inmate's crimes (at a rate not less than 10 percent of gross wages);

"(iv) allocations for support of the inmate's family pursuant to statute, court order, or agreement with the inmate;

"(v) allocations to a fund in the inmate's name to facilitate such inmate's assimilation back into society, payable at the conclusion of incarceration; and

"(vi) such other deductions as may be specified by the Director of the Bureau of Prisons.

"(E) Each inmate worker working for Federal Prison Industries shall indicate in writing that such person—

"(i) is participating voluntarily; and

"(ii) understands and agrees to the wages to be paid and deductions to be taken from such wages.".

SEC. 7. CLARIFYING AMENDMENT RELATING TO SERVICES.

(a) IN GENERAL.—Section 1761 of title 18, United States Code, is amended in subsection (a) and (c) by striking "goods, wares, or merchandise manufactured, produced, or mined" each place it appears and inserting "products manufactured, services furnished, or minerals mined".

(b) COMPLETION OF EXISTING AGREEMENTS.—Any prisoner work program operated by a prison or jail of a State or local jurisdiction of a State which is providing services for the commercial market through inmate labor on October 1, 2004, may continue to provide such commercial services until—

(1) the expiration date specified in the contract or other agreement with a commercial partner on October 1, 2004, or

(2) until September 30, 2010, if the prison work program is directly furnishing the services to the commercial market.

(c) APPROVAL REQUIRED FOR LONG-TERM OPERATION.—A prison work program operated by a correctional institution operated by a State or local jurisdiction of a State may continue to provide inmate labor to furnish services for sale in the commercial market after the dates specified in subsection (b) if such program has been certified pursuant to section 1761(c)(1) of title 18, United States Code, and is in compliance with the requirements of such subsection and its implementing regulations.

(d) EXISTING WORK OPPORTUNITIES FOR FEDERAL INMATES.—Any private for-profit business entity having an agreement with Federal Prison Industries in effect on the date of enactment of this Act, under which Federal inmates are furnishing services that are being introduced into the commercial market, may continue to furnish such services for the duration of the term of such agreement.

(e) ADDITIONAL AMENDMENT.—Section 1761 of title 18, United States Code, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) This section shall not apply to services performed as part of an inmate work program conducted by a State or local government to disassemble, scrap, and recycle products, other than electronic products, that would otherwise be disposed of in a landfill. Recovered scrap from such program may be sold.".

SEC. 8. CONFORMING AMENDMENT.

Section 4122(a) of title 18, United States Code, is amended by striking "production of commodities" and inserting "production of products or furnishing of services".

SEC. 9. RULES OF CONSTRUCTION RELATING TO CHAPTER 307.

Chapter 307 of title 18, United States Code, is further amended by adding at the end the following:

"§4130. Construction of provisions

"Nothing in this chapter shall be construed—

"(1) to establish an entitlement of any inmate to—

"(A) employment in a Federal Prison Industries facility; or

"(B) any particular wage, compensation, or benefit on demand, except as otherwise specifically provided by law or regulation;

"(2) to establish that inmates are employees for the purposes of any law or program; or

"(3) to establish any cause of action by or on behalf of any inmate against the United States or any officer, employee, or contractor thereof.".

SEC. 10. PROVIDING ADDITIONAL REHABILITATIVE OPPORTUNITIES FOR INMATES.

(a) ADDITIONAL EDUCATIONAL, TRAINING, AND RELEASE-PREPARATION OPPORTUNITIES.—

(1) PROGRAM ESTABLISHED.—There is hereby established the Enhanced In-Prison Educational and Vocational Assessment and Training Program within the Federal Bureau of Prisons.

(2) COMPREHENSIVE PROGRAM.—In addition to such other components as the Director of the Bureau of Prisons deems appropriate to reduce inmate idleness and better prepare inmates for a successful reentry into the community upon release, the program shall provide—

(A) in-prison assessments of inmates' needs and aptitudes;

(B) a full range of educational opportunities;

(C) vocational training and apprenticeships; and

(D) comprehensive release-readiness preparation.

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the program established by paragraph (1), $75,000,000 is authorized for each fiscal year after fiscal year 2008, to remain available until expended. It is the sense of Congress that Federal Prison Industries should use some of its net earnings to accomplish the purposes of the program.

(4) SCHEDULE FOR IMPLEMENTATION.—All components of the program shall be established—

(A) in at least 25 percent of all Federal prisons not later than 2 years after the date of the enactment of this Act;

(B) in at least 50 percent of all Federal prisons not later than 4 years after such date of enactment;

(C) in at least 75 percent of all Federal prisons not later than 6 years after such date of enactment; and

(D) in all Federal prisons not later than 8 years after such date of enactment.

(b) ADDITIONAL INMATE WORK OPPORTUNITIES THROUGH PUBLIC SERVICE ACTIVITIES.—

(1) IN GENERAL.—Chapter 307 of title 18, United States Code, is further amended by inserting after section 4124 the following new section:

"§4124a. Additional inmate work opportunities through public service activities

"(a) IN GENERAL.—Inmates with work assignments within Federal Prison Industries may perform work for an eligible entity pursuant to an agreement between such entity and the Inmate Work Training Administrator in accordance with the requirements of this section.

"(b) DEFINITION OF ELIGIBLE ENTITIES.—For the purposes of this section, the term 'eligible entity' means an entity—

"(1) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and that has been such an organization for a period of not less than 36 months prior to inclusion in an agreement under this section;

"(2) that is a religious organization described in section 501(d) of such Code and exempt from taxation under section 501(a) of such Code; or

"(3) that is a unit of local government, a school district, or another special purpose district.

"(c) INMATE WORK TRAINING ADMINISTRATOR.—There is hereby established the position of Inmate Work Training Administrator, who shall be responsible for fostering the creation of alternative inmate work opportunities authorized by this section. The Administrator shall be designated by the Chief Executive Officer of Federal Prison Industries, with the approval of the Board of Directors, and be under the supervision of the Chief Operating Officer, but may directly report to the Board.

"(d) PROPOSED AGREEMENTS.—An eligible entity seeking to enter into an agreement pursuant to subsection (a) shall submit a detailed proposal to the Inmate Work Training Administrator. Each such agreement shall specify—

"(1) types of work to be performed;

"(2) the proposed duration of the agreement, specified in terms of a base year and number of option years;

"(3) the number of inmate workers expected to be employed in the specified types of work during the various phases of the agreement;

"(4) the wage rates proposed to be paid to various classes of inmate workers; and

"(5) the facilities, services and personnel (other than correctional personnel dedicated to the security of the inmate workers) to be furnished by Federal Prison Industries or the Bureau of Prisons and the rates of reimbursement, if any, for such facilities, services, and personnel.

"(e) REPRESENTATIONS.—

"(1) ELEEMOSYNARY WORK ACTIVITIES.—Each proposed agreement shall be accompanied by a written certification by the chief executive officer of the eligible entity that—

"(A) the work to be performed by the inmate workers will be limited to the eleemosynary work of such entity in the case of an entity described in paragraph (1) or (2) of subsection (b);

"(B) the work would not be performed in the United States but for the availability of the inmate workers; and

"(C) the work performed by the inmate workers will not result, either directly or indirectly, in the production of a new product or the furnishing of a service that is to be offered for other than resale or donation by the eligible entity or any affiliate of the such entity.

"(2) PROTECTIONS FOR NON-INMATE WORKERS.—Each proposed agreement shall also be accompanied by a written certification by the

chief executive officer of the eligible entity that—

"(A) no non-inmate employee (including any person performing work activities for such governmental entity pursuant to section 607 of subchapter IV of the Social Security Act (42 U.S.C. 607)) of the eligible entity (or any affiliate of the entity) working in the United States will have his or her job abolished or work hours reduced as a result of the entity being authorized to utilize inmate workers; and

"(B) the work to be performed by the inmate workers will not supplant work currently being performed in the United States by a contractor of the eligible entity.

"(f) APPROVAL BY BOARD OF DIRECTORS.—

"(1) IN GENERAL.—Each such proposed agreement shall be presented to the Board of Directors, be subject to the same opportunities for public comment, and be publicly considered and acted upon by the Board in a manner comparable to that required by paragraphs (7) and (8) of section 4122(b).

"(2) MATTERS TO BE CONSIDERED.—In determining whether to approve a proposed agreement, the Board shall—

"(A) give priority to an agreement that provides inmate work opportunities that will provide participating inmates with the best prospects of obtaining employment paying a livable wage upon release;

"(B) give priority to an agreement that provides for maximum reimbursement for inmate wages and for the costs of supplies and equipment needed to perform the types of work to be performed;

"(C) not approve an agreement that will result in the displacement of non-inmate workers contrary to the representations required by subsection (e)(2) as determined by the Board or by the Secretary of Labor (pursuant to subsection (i)); and

"(D) not approve an agreement that will result, either directly or indirectly, in the production of a new product or the furnishing of a service for other than resale by an eligible entity described in paragraph (1) or (2) of subsection (b) or donation.

"(g) WAGE RATES AND DEDUCTIONS FROM INMATE WAGES.—

"(1) IN GENERAL.—Inmate workers shall be paid wages for work under the agreement at a basic hourly rate to be negotiated between the eligible entity and Federal Prison Industries and specified in the agreement. The wage rates set by the Director of the Federal Bureau of Prisons to be paid inmates for various institutional work assignments are specifically authorized.

"(2) PAYMENT TO INMATE WORKER AND AUTHORIZED DEDUCTIONS.—Wages shall be paid and deductions taken pursuant to section 4122(b)(12)(D).

"(3) VOLUNTARY PARTICIPATION BY INMATE.—Each inmate worker to be utilized by an eligible entity shall indicate in writing that such person—

"(A) is participating voluntarily; and

"(B) understands and agrees to the wages to be paid and deductions to be taken from such wages.

"(h) ASSIGNMENT TO WORK OPPORTUNITIES.—Assignment of inmates to work under an approved agreement with an eligible entity shall be subject to the Bureau of Prisons Program Statement Number 1040.10 (Non-Discrimination Toward Inmates), as contained in section 551.90 of title 28 of the Code of Federal Regulations (or any successor document).

"(i) ENFORCEMENT OF PROTECTIONS FOR NON-INMATE WORKERS.—

"(1) PRIOR TO BOARD CONSIDERATION.—Upon request of any interested person, the Secretary of Labor may promptly verify a certification made pursuant subsection (e)(2) with respect to the displacement of non-inmate workers so as to make the results of such inquiry available to the Board of Directors prior to the Board's consideration of the proposed agreement. The Secretary and the person requesting the inquiry may make recommendations to the Board regarding modifications to the proposed agreement.

"(2) DURING PERFORMANCE.—

"(A) IN GENERAL.—Whenever the Secretary deems appropriate, upon request or otherwise, the Secretary may verify whether the actual performance of the agreement is resulting in the displacement of non-inmate workers or the use of inmate workers in a work activity not authorized under the approved agreement.

"(B) SANCTIONS.—Whenever the Secretary determines that performance of the agreement has resulted in the displacement of non-inmate workers or employment of an inmate worker in an unauthorized work activity, the Secretary may—

"(i) direct the Inmate Work Training Administrator to terminate the agreement for default, subject to the processes and appeals available to a Federal contractor whose procurement contract has been terminated for default; and

"(ii) initiate proceedings to impose upon the person furnishing the certification regarding non-displacement of non-inmate workers required by subsection (d)(2)(B) any administrative, civil, and criminal sanctions as may be available.".

(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2012 for the purposes of paying the wages of inmates and otherwise undertaking the maximum number of agreements with eligible entities pursuant to section 4124a of title 18, United States Code, as added by paragraph (1).

(3) SENSE OF CONGRESS.—For purposes of sections 4124a and 4124b of title 18, United States Code, as added by sections 10(b) and 11, respectively, it is the sense of Congress that an inmate training wage that is at least 50 percent of the minimum wage prescribed pursuant to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) will facilitate successful achievement of the goals of the work-based training and apprenticeship program authorized under such section 4124a.

(c) INMATE WORK OPPORTUNITIES IN SUPPORT OF NOT-FOR-PROFIT ENTITIES.—

(1) PROPOSALS FOR DONATION PROGRAMS.—The Chief Operating Officer of Federal Prison Industries shall develop and present to the Board of Directors of Federal Prison Industries proposals to have Federal Prison Industries donate products and services to eligible entities that provide goods or services to low-income individuals who would likely otherwise have difficulty purchasing such products or services in the commercial market.

(2) SCHEDULE FOR SUBMISSION AND CONSIDERATION OF DONATION PROGRAMS.—

(A) INITIAL PROPOSALS.—The Chief Operating Officer shall submit the initial group of proposals for programs of the type described in paragraph (1) within 180 days after the date of the enactment of this Act. The Board of Directors of Federal Prison Industries shall consider such proposals from the Chief Operating Officer not later than the date that is 270 days after the date of the enactment of this Act.

(B) ANNUAL OPERATING PLAN.—The Board of Directors of Federal Prison Industries shall consider proposals by the Chief Operating Officer for programs of the type described in paragraph (1) as part of the annual operating plan for Federal Prison Industries.

(C) OTHER PROPOSALS.—In addition to proposals submitted by the Chief Operating Officer, the Board of Directors may, from time to time, consider proposals presented by prospective eligible entities.

(3) DEFINITION OF ELIGIBLE ENTITIES.—For the purposes of this subsection, the term "eligible entity" means an entity—

(A) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and that has been such an organization for a period of not less than 36 months prior to inclusion in a proposal of the type described in paragraph (1), or

(B) that is a religious organization described in section 501(d) of such Code and exempt from taxation under section 501(a) of such Code.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for each of the fiscal years 2008 through 2012 for the purposes of paying the wages of inmates and otherwise carrying out programs of the type described in paragraph (1).

(d) MAXIMIZING INMATE REHABILITATIVE OPPORTUNITIES THROUGH COGNITIVE ABILITIES ASSESSMENTS.—

(1) DEMONSTRATION PROGRAM AUTHORIZED.—

(A) IN GENERAL.—There is hereby established within the Federal Bureau of Prisons a program to be known as the "Cognitive Abilities Assessment Demonstration Program". The purpose of the demonstration program is to determine the effectiveness of a program that assesses the cognitive abilities and perceptual skills of Federal inmates to maximize the benefits of various rehabilitative opportunities designed to prepare each inmate for a successful return to society and reduce recidivism. The demonstration program shall be undertaken by a contractor with a demonstrated record of enabling the behavioral and academic improvement of adults through the use of research-based systems that maximize the development of both the cognitive and perceptual capabilities of a participating individual, including adults in a correctional setting.

(B) SCOPE OF DEMONSTRATION PROGRAM.—The demonstration program shall to the maximum extent practicable, be—

(i) conducted during a period of three consecutive fiscal years, commencing during fiscal year 2008;

(ii) conducted at 12 Federal correctional institutions; and

(iii) offered to 6,000 inmates, who are categorized as minimum security or less, and are within five years of release.

(C) REPORT ON RESULTS OF PROGRAM.—Not later than 60 days after completion of the demonstration program, the Director shall submit to Congress a report on the results of the program. At a minimum, the report shall include an analysis of employment stability, stability of residence, and rates of recidivism among inmates who participated in the program after 18 months of release.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 in each of the three fiscal years after fiscal year 2007, to remain available until expended, for the purposes of conducting the demonstration program authorized by subsection (a).

(e) PRERELEASE EMPLOYMENT ASSISTANCE.—

(1) IN GENERAL.—The Director of the Federal Bureau of Prisons shall, to the maximum extent practicable, afford to inmates opportunities to participate in programs and activities designed to help prepare such inmates to obtain employment upon release.

(2) PRERELEASE EMPLOYMENT PLACEMENT ASSISTANCE.—Such prerelease employment placement assistance required by subsection (a) shall include—

(A) training in the preparation of resumes and job applications;

(B) training in interviewing skills;

(C) training and assistance in job search techniques;

(D) conduct of job fairs; and

(E) such other methods deemed appropriate by the Director.

(3) PRIORITY PARTICIPATION.—Priority in program participation shall be accorded to inmates who are participating in work opportunities afforded by Federal Prison Industries and are within 24 months of release from incarceration.

SEC. 11. RE-ENTRY EMPLOYMENT PREPARATION THROUGH WORK-BASED TRAINING AND APPRENTICESHIP.

(a) IN GENERAL.—Chapter 307 of title 18, United States Code, is further amended by inserting after section 4124a, as added by section 10(b), the following new section:

"§4124b. Re-entry employment preparation through work-based training and apprenticeship.

"(a) PARTICIPATION AUTHORIZED.—A private for-profit business entity shall be an eligible entity for participation in the program authorized by section 4124a of this title, if such participation conforms with the requirements and limitations of this section.

"(b) REQUIREMENTS RELATING TO PRODUCTS AND SERVICES.—A private for-profit business entity is eligible for such participation if such business entity proposes to train participating inmates, pursuant to subsection (c), by producing a product or performing a service, if such product or service is of a type for which there is no production or performance within the United States by noninmate workers.

"(c) REQUIREMENTS RELATING TO TRAINING.—

"(1) IN GENERAL.—For purposes of this section, the training of participating inmates shall be work-based training that provides to a participating inmate apprenticeship training or a functionally equivalent structured program that combines hands-on work experience with conceptual understanding of the work being performed. Other inmates with regular work assignments within Federal Prison Industries may be assigned to support the program.

"(2) DOCUMENTATION OF PROGRAM PARTICIPATION.—

"(A) Each inmate who successfully completes participation in training undertaken pursuant to this section shall be provided a certificate or other written document memorializing such successful completion, providing a marketable summary of the skills learned and an overall assessment of performance.

"(B) Copies of such documents shall be furnished to perspective employers upon the request of the participant for a period of not less than 24 months from the date of such participant's release from incarceration.

"(3) DOCUMENTS REQUIRED FOR EMPLOYMENT.—The Federal Bureau of Prisons, in cooperation with a business entity providing an inmate work-based training at the time of his or her scheduled release, shall make every reasonable effort to help the inmate timely obtain such documentation (including a State government-issued photo identification card) as a person may be required to provide to a prospective employer, after such person completes an Employment Eligibility Verification (ICE Form I-9).

"(d) WAGE RATES.—

"(1) IN GENERAL.—Business entities participating in the program authorized by subsection (a) shall propose wages for inmates participating in the program at rates not less than the inmate training wage promulgated pursuant to section 17(c) of the Federal Prison Industries Competition in Contracting Act of 2006.

"(2) INMATE TRAINING WAGE.—Not more than 30 days after the date of enactment of this section, the Board of Directors of Federal Prison Industries shall request the Secretary of Labor to promulgate an inmate training wage pursuant to section 14(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(a)).

"(e) SUPPORT FOR OTHER RELEASE PREPARATION PROGRAMS.—In addition to the matters listed in section 4124a(d) of this title, a proposal for an agreement referred to in such section submitted by an eligible business entity shall specify an amount of any supplemental funding, specified as a per-capita amount for each inmate participating pursuant to the agreement, that the business entity will provide for the purpose of supporting remedial, vocational, and other release preparation programs for other nonparticipating inmates.

"(f) ADDITIONAL STANDARDS APPLICABLE.—In considering a proposed agreement pursuant to section 4124a(f)(1) of this title, the Board of Directors shall—

"(1) give preference to an agreement that proposes—

"(A) work-based training opportunities that provide the participating inmate the best prospects for obtaining employment paying a livable wage upon release;

"(B) the highest per-capita amount pursuant to subsection (e) relating to providing financial support for release preparation for other inmates; and

"(C) the highest inmate wage rates;

"(2) not approve any agreement with respect to furnishing services of the type described in section 4122(b)(6)(D)(iii) of this title;

"(3) not approve any agreement with respect to furnishing construction services described in section 4122(b)(6)(D)(iv) of this title, unless to be performed within a Federal correctional institution;

"(4) not approve an agreement that does not meet the standards of subsection (b); and

"(5) request a determination from the International Trade Commission (and such other executive branch entities as may be appropriate), regarding whether a product or service is of the type being produced or performed in the United States by noninmate workers, whenever the Board determines that such an additional assessment is warranted, including upon a request from an interested party presenting information that the Board deems to warrant such additional assessment prior to the Board's consideration of the proposed agreement.

"(g) LIMITATIONS ON THE USE OF THE AUTHORITY.—

"(1) NO SALES BY FEDERAL PRISON INDUSTRIES.—Federal Prison Industries is prohibited from directly offering for commercial sale products produced or services furnished by Federal inmates, including through any form of electronic commerce.

"(2) DURATION.—

"(A) No proposed agreement pursuant to this subsection may be approved by the Board of Directors after September 30, 2016.

"(B) Performance of all such agreements shall be concluded prior to October 1, 2021.".

(b) REVIEW AND REPORTING BY THE ATTORNEY GENERAL.—Not less than biannually, beginning in fiscal year 2008, the Attorney General shall meet in person jointly with the Chairman of the Board of Directors and the Chief Executive Officer of Federal Prison Industries to review the progress that Federal Prison Industries is making in maximizing the use of the authority provided by sections 4124a and 4124b of title 18, United States Code. The Attorney General shall provide annually a written report to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate addressing such progress by Federal Prison Industries.

(c) GAO ASSESSMENT OF WORK-BASED TRAINING PROGRAM.—

(1) IN GENERAL.—The Comptroller General of the United States shall undertake an on-going assessment of the authority granted by section 4124b of title 18, United States Code, as added by subsection (a).

(2) MATTERS TO BE ASSESSED.—In addition to such other matters as the Comptroller General deems appropriate, the assessment shall include—

(A) efforts to recruit private for-profit business entities to participate;

(B) the quality of training provided to inmates;

(C) the amounts and types of products and services that have been produced incident to the work-based training programs;

(D) the types of worksite arrangement that encourage business concerns to voluntarily enter into such partnerships;

(E) the extent and manner of the participation of supervisory, quality assurance, and other management employees of the participating business entity in worksites within correctional facilities of various levels of security;

(F) the extent of the facilities, utilities, equipment, and personnel (other than security personnel) provided by the host correctional agency, and extent to which such resources are provided on a nonreimbursable basis;

(G) the rates of wages paid to inmate workers and the effect that such wage rates have on willingness of business entities to participate;

(H) any complaints filed regarding the displacement of noninmate workers or of inmate workers being paid less than required wages and the disposition of those complaints;

(I) any sanctions recommended relating to displacement of noninmate workers or payment of less than the required wages, and the disposition of such proposed sanctions;

(J) the extent to which the new authority provided additional inmate work opportunities assisting the Bureau of Prisons in attaining its objective of providing 25 percent of the work-eligible inmates with work opportunities within Federal Prison Industries;

(K) measures of any adverse impacts of implementation of the new authority on business concerns using noninmate workers that are engaged in providing similar types of products and services in direct competition; and

(L) a compilation of data relating work opportunities for Federal inmates with work assignments with Federal Prison Industries provided by—

(i) sales to Federal agencies pursuant to the status of Federal Prison Industries as a mandatory source of supply during the period fiscal year 1990 through fiscal year 2007;

(ii) sales to Federal agencies of services, both through non-competitive interagency transfers and as a result of direct competition from private-sector offerors during the period fiscal year 1990 though fiscal year 2007;

(iii) performance as a subcontrator to a Federal prime contractor or Federal subcontractor at a higher tier beginning in fiscal year 1990;

(iv) introduction of inmate-furnished services into the commercial market, beginning in the second quarter of fiscal year 1998;

(v) alternative inmate work opportunities, beginning in fiscal year 2007, provided by agreements with—

(I) non-profit organizations, pursuant to section 4124a(b)(1) of title 18, United States Code, as added by section 10(b), and section 10(c);

(II) religious organizations, pursuant to section 4124a(b)(2) of title 18, United States Code;

(III) units of local governments, school districts, or other special purpose districts, pursuant to section 4124a(b)(3) of title 18, United States Code;

(IV) work-based Employment Preparation Programs for Federal inmates, pursuant to section 4124b of title 18, United States Code, as added by section 11; or

(V) other means.

(3) OPPORTUNITY FOR PUBLIC COMMENT.—The Comptroller General shall provide an opportunity for public comment on the proposed scope and methodology for the assessment required by paragraph (1), making such modifications in response to such comments as he deems appropriate.

(4) REPORTS AND RECOMMENDATIONS.—

(A) IN GENERAL.—The Comptroller General shall submit to the Congress in accordance with this subsection two interim reports and a final report of the assessment of implementation of the new authority, including such recommendations as the Comptroller General may deem appropriate.

(B) INTERIM REPORTS.—The two interim reports shall encompass the assessment of the implementation of the new authority—

(i) from the effective date of the authority through the end of fiscal year 2007; and

(ii) from the effective date of the authority through the end of fiscal year 2010.

(C) FINAL REPORT.—The final report shall assess the implementation of the new authority from the effective date of the authority through the end of fiscal year 2013.

(D) SUBMISSION TO CONGRESS.—The Comptroller General shall submit the reports required by this paragraph within 6 months after the end of the fiscal years referred to in subparagraphs (B) and (C).

(d) CONFORMING AMENDMENT.—Section 1761 of title 18, United States Code, as amended by section 7, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

"(e) This section shall not apply to products produced or services furnished with inmate labor incidental to the work-based training program authorized pursuant to section 4124b of this title.".

SEC. 12. RESTRUCTURING THE BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 4121 of title 18, United States Code, is amended to read as follows:

"§4121. Federal Prison Industries; Board of Directors: executive management

"(a) Federal Prison Industries is a government corporation of the District of Columbia organized to carry on such industrial operations in Federal correctional institutions as authorized by its Board of Directors. The manner and extent to which such industrial operations are carried on in the various Federal correctional institutions shall be determined by the Attorney General.

"(b)(1) The corporation shall be governed by a board of 11 directors appointed by the President.

"(2) In making appointments to the Board, the President shall assure that 3 members represent the business community, 3 members represent organized labor, 1 member shall have special expertise in inmate rehabilitation techniques, 1 member represents victims of crime, 1 member represents the interests of Federal inmate workers, and 2 additional members whose background and expertise the President deems appropriate. The members of the Board representing the business community shall include, to the maximum extent practicable, representation of firms furnishing services as well as firms producing products, especially from those industry categories from which Federal Prison Industries derives substantial sales. The members of the Board representing organized labor shall, to the maximum practicable, include representation from labor unions whose members are likely to be most affected by the sales of Federal Prison Industries.

"(3) Each member shall be appointed for a term of 5 years, except that of members first appointed—

"(A) 2 members representing the business community shall be appointed for a term of 3 years;

"(B) 2 members representing labor shall be appointed for a term of 3 years;

"(C) 2 members whose background and expertise the President deems appropriate for a term of 3 years;

"(D) 1 member representing victims of crime shall be appointed for a term of 3 years;

"(E) 1 member representing the interests of Federal inmate workers shall be appointed for a term of 3 years;

"(F) 1 member representing the business community shall be appointed for a term of 4 years;

"(G) 1 member representing the business community shall be appointed for a term of 4 years; and

"(H) the members having special expertise in inmate rehabilitation techniques shall be appointed for a term of 5 years.

"(4) The President shall designate 1 member of the Board as Chairperson. The Chairperson may designate a Vice Chairperson.

"(5) Members of the Board may be reappointed.

"(6) Any vacancy on the Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(7) The members of the Board shall serve without compensation. The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, to attend meetings of the Board and, with the advance approval of the Chairperson of the Board, while otherwise away from their homes or regular places of business for purposes of duties as a member of the Board.

"(8)(A) The Chairperson of the Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties.

"(B) Upon request of the Chairperson of the Board, a Federal agency may detail a Federal Government employee to the Board without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

"(9) The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(c) The Director of the Bureau of Prisons shall serve as Chief Executive Officer of the Corporation. The Director shall designate a person to serve as Chief Operating Officer of the Corporation.".

(b) CONTINUED GOVERNANCE.—The members of the Board of Directors serving on the date of enactment of this Act, and the person selected by them as Chairman, shall continue to exercise the duties and responsibilities of the Board until the earlier of—

(1) the date on which the President has appointed at least 6 members of the Board and designated a new Chairman, pursuant to section 4121 of title 18, United States Code (as added by section 12(a) of this Act); or

(2) the date that is 365 days after the date of enactment of this Act.

SEC. 13. PROVIDING ADDITIONAL MANAGEMENT FLEXIBILITY TO FEDERAL PRISON INDUSTRIES OPERATIONS.

Section 4122(b)(3) of title 18, United States Code, is amended—

(1) by striking "(3)" and inserting "(3)(A)"; and

(2) by adding at the end the following new paragraphs:

"(B) Federal Prison Industries may locate more than one workshop at a Federal correctional facility.

"(C) Federal Prison Industries may operate a workshop outside of a correctional facility if all of the inmates working in such workshop are classified as minimum security inmates.".

SEC. 14. TRANSITIONAL PERSONNEL MANAGEMENT AUTHORITY.

Any correctional officer or other employee of Federal Prison Industries being paid with nonappropriated funds who would be separated from service because of a reduction in the net income of Federal Prison Industries during any fiscal year specified in section 4(e)(1) shall be—

(1) eligible for appointment (or reappointment) in the competitive service pursuant to title 5, United States Code;

(2) registered on a Bureau of Prisons reemployment priority list; and

(3) given priority for any other position within the Bureau of Prisons for which such employee is qualified.

SEC. 15. FEDERAL PRISON INDUSTRIES REPORT TO CONGRESS.

Section 4127 of title 18, United States Code, is amended to read as follows:

"§4127. Federal Prison Industries report to Congress

"(a) IN GENERAL.—Pursuant to chapter 91 of title 31, the board of directors of Federal Prison Industries shall submit an annual report to Congress on the conduct of the business of the corporation during each fiscal year and the condition of its funds during the fiscal year.

"(b) CONTENTS OF REPORT.—In addition to the matters required by section 9106 of title 31, and such other matters as the board considers appropriate, a report under subsection (a) shall include—

"(1) a statement of the amount of obligations issued under section 4129(a)(1) of this title during the fiscal year;

"(2) an estimate of the amount of obligations that will be issued in the following fiscal year;

"(3) an analysis of—

"(A) the corporation's total sales for each specific product and type of service sold to the Federal agencies and the commercial market;

"(B) the total purchases by each Federal agency of each specific product and type of service;

"(C) the corporation's share of such total Federal Government purchases by specific product and type of service; and

"(D) the number and disposition of disputes submitted to the heads of the Federal departments and agencies pursuant to section 4124(e) of this title;

"(4) an allocation of the profits of the corporation, both gross and net, to—

"(A) educational, training, release-preparation opportunities for inmates;

"(B) opening new factories; and

"(C) improving the productivity and competitiveness of existing factories;

"(5) an analysis of the inmate workforce that includes—

"(A) the number of inmates employed;

"(B) the number of inmates utilized to produce products or furnish services sold in the commercial market;

"(C) the number and percentage of employed inmates by the term of their incarceration; and

"(D) the various hourly wages paid to inmates employed with respect to the production of the various specific products and types of services authorized for production and sale to Federal agencies and in the commercial market; and

"(6) data concerning employment obtained by former inmates upon release to determine whether the employment provided by Federal Prison Industries during incarceration provided such inmates with knowledge and skill in a trade or occupation that enabled such former inmate to earn a livelihood upon release.

"(c) PUBLIC AVAILABILITY.—Copies of an annual report under subsection (a) shall be made

available to the public at a price not exceeding the cost of printing the report.''.

SEC. 16. DEFINITIONS.

Chapter 307 of title 18, United States Code, is amended by adding at the end the following new section:

''§4131. Definitions

''As used in this chapter—

''(1) the term 'assembly' means the process of uniting or combining articles or components (including ancillary finished components or assemblies) so as to produce a significant change in form or utility, without necessarily changing or altering the component parts;

''(2) the term 'current market price' means, with respect to a specific product, the fair market price of the product within the meaning of section 15(a) of the Small Business Act (15 U.S.C. 644(a)), at the time that the contract is to be awarded, verified through appropriate price analysis or cost analysis, including any costs relating to transportation or the furnishing of any ancillary services;

''(3) the term 'import-sensitive product' means a product which, according to Department of Commerce data, has experienced competition from imports at an import to domestic production ratio of 25 percent or greater;

''(4) the term 'labor-intensive manufacture' means a manufacturing activity in which the value of inmate labor constitutes at least 10 percent of the estimate unit cost to produce the item by Federal Prison Industries;

''(5) the term 'manufacture' means the process of fabricating from raw or prepared materials, so as to impart to those materials new forms, qualities, properties, and combinations;

''(6) the term 'reasonable share of the market' means a share of the total purchases by the Federal departments and agencies, as reported to the Federal Procurement Data System for—

''(A) any specific product during the 3 preceding fiscal years, that does not exceed 20 percent of the Federal market for the specific product; and

''(B) any specific service during the 3 preceding fiscal years, that does not exceed 5 percent of the Federal market for the specific service; and

''(7) the term 'services' has the meaning given the term 'service contract' by section 37.101 of the Federal Acquisition Regulation (48 C.F.R. 36.102), as in effect on July 1, 2004.''.

SEC. 17. IMPLEMENTING REGULATIONS AND PROCEDURES.

(a) FEDERAL ACQUISITION REGULATION.—

(1) PROPOSED REVISIONS.—Proposed revisions to the Governmentwide Federal Acquisition Regulation to implement the amendments made by this Act shall be published not later than 60 days after the date of the enactment of this Act and provide not less than 60 days for public comment.

(2) FINAL REGULATIONS.—Final regulations shall be published not later than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

(3) PUBLIC PARTICIPATION.—The proposed regulations required by subsection (a) and the final regulations required by subsection (b) shall afford an opportunity for public participation in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b).

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of Federal Prison Industries shall issue regulations defining the terms specified in paragraph (2).

(2) TERMS TO BE DEFINED.—The Board of Directors shall issue regulations for the following terms:

(A) Prison-made product.

(B) Prison-furnished service.

(C) Specific product.

(D) Specific service.

(3) SCHEDULE FOR REGULATORY DEFINITIONS.—

(A) Proposed regulations relating to the matter described in subsection (b)(2) shall be published not later than 60 days after the date of enactment of this Act and provide not less than 60 days for public comment.

(B) Final regulations relating to the matters described in subsection (b)(2) shall be published not less than 180 days after the date of enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

(4) ENHANCED OPPORTUNITIES FOR PUBLIC PARTICIPATION AND SCRUTINY.—

(A) ADMINISTRATIVE PROCEDURE ACT.—Regulations issued by the Board of Directors shall be subject to notice and comment rulemaking pursuant to section 553 of title 5, United States Code. Unless determined wholly impracticable or unnecessary by the Board of Directors, the public shall be afforded 60 days for comment on proposed regulations.

(B) ENHANCED OUTREACH.—The Board of Directors shall use means designed to most effectively solicit public comment on proposed regulations, procedures, and policies and to inform the affected public of final regulations, procedures, and policies.

(C) OPEN MEETING PROCESSES.—The Board of Directors shall take all actions relating to the adoption of regulations, operating procedures, guidelines, and any other matter relating to the governance and operation of Federal Prison Industries based on deliberations and a recorded vote conducted during a meeting open to the public, unless closed pursuant to section 552(b) of title 5, United States Code.

(c) SECRETARY OF LABOR.—

(1) SCHEDULE FOR REGULATORY ACTION.—Upon receipt of a request from the Federal Prison Industries Board of Directors, pursuant to section 11(d)(2), to establish an inmate training wage pursuant to section 14(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(a)), the Secretary of Labor, in consultation with the Attorney General, shall issue—

(A) an advanced notice of proposed rulemaking within 60 days;

(B) an interim regulation with concurrent request for public comments within 180 days; and

(C) a final regulation within 365 days.

(2) ALTERNATIVE TO TIMELY ISSUANCE.—In the event that the Secretary of Labor fails to issue an interim inmate training wage by the date required by paragraph (1)(B), the Federal Prison Industries Board of Directors may prescribe an interim inmate training wage, which shall be in an amount not less than 50 percent of the amount of the minimum wage prescribed pursuant to section 6(a)(1) of such Act (29 U.S.C. 206(a)(1)).

(3) CONTINUED USE OF INTERIM INMATE TRAINING WAGE.—

(A) The interim inmate training wage issued pursuant to paragraph (1)(B) or prescribed under paragraph (2) shall remain in effect until the effective date of a final regulation, issued pursuant to paragraph (1)(C).

(B) An eligible entity having an approved agreement with Federal Prison Industries pursuant to section 4124b of title 18, United States Code, may continue to pay participating inmates at the wages prescribed in the agreement for the duration of the agreement, if those wages comply with the standards of the interim inmate training wage issued pursuant to paragraph (1)(B) or prescribed under paragraph (2).

(4) EXISTING AGREEMENTS WITH NONCONFORMING WAGES.—Any for-profit business concern having an agreement with Federal Prison Industries in effect on the date of enactment of this Act, under which Federal inmates are furnishing services that are being introduced into the commercial market, may continue to pay wages at rates specified in the agreement for the duration of the term of such agreement.

SEC. 18. RULES OF CONSTRUCTION.

(a) AGENCY BID PROTESTS.—Subsection (e) of section 4124 of title 18, United States Code, as amended by section 2, is not intended to alter any rights of any offeror other than Federal Prison Industries to file a bid protest in accordance with other law or regulation in effect on the date of the enactment of this Act.

(b) JAVITS-WAGNER-O'DAY ACT.—Nothing in this Act is intended to modify the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

SEC. 19. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY.—Section 4124 of title 18, United States Code, as amended by section 2, shall apply to any requirement for a product or service offered by Federal Prison Industries needed by a Federal department or agency after the effective date of the final regulations issued pursuant to section 17(a)(2), or after September 30, 2007, whichever is earlier.

SEC. 20. CLERICAL AMENDMENTS.

The table of sections for chapter 307 of title 18, United States Code, is amended—

(1) by amending the item relating to section 4121 to read as follows:

''4121. Federal Prison Industries; Board of Directors: executive management.'';

(2) by amending the item relating to section 4124 to read as follows:

''4124. Governmentwide procurement policy relating to purchases from Federal Prison Industries.'';

(3) by inserting after the item relating to section 4124 the following new items:

''4124a. Additional inmate work opportunities through public service activities.
''4124b. Re-entry employment preparation through work-based training and apprenticeship.'';

(4) by amending the item relating to section 4127 to read as follows:

''4127. Federal Prison Industries report to Congress.'';

and

(5) by adding at the end the following new items:

''4130. Construction of provisions.
''4131. Definitions.''.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 109-647. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109-647.

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 8, lines 13 and 14, strike "offer the price of" and insert "offered price".

Page 20, line 3, strike "(i)" and insert "(j)".

Page 21, line 21, strike "2007" and insert "2008".

Page 21, line 22, strike "2008" and insert "2009".

Page 21, line 23, strike "2009" and insert "2010".

Page 21, line 24, strike "2010" and insert "2011".

Page 21, line 25, strike "2011" and insert "2012".

Page 23, line 1, strike "2011" and "2012".

Page 33, lines 16 and 20, strike "2004" each place it appears and insert "2006".

Page 33, line 21, strike "2010" and insert "2011".

Page 36, line 26, strike "2008" and insert "2007".

Page 55, lines 3 and 4, strike "International Trade Commission" and insert "Department of Commerce".

Page 61, line 2, strike "2007" and insert "2009".

Page 61, line 4, strike "2010" and insert "2012".

Page 61, line 8, strike "2013" and insert "2014".

Page 66, strike lines 1 through 3, and insert the following (and conform the table of contents accordingly):

SEC. 13. MANAGEMENT MATTERS.

Page 66, line 4, insert "(a) ADDITIONAL FLEXIBILITIES.—" before "Section 4122(b)(3)".

Page 66, after line 15, insert the following:

(b) COST ACCOUNTING SYSTEM.—

(1) ESTABLISHMENT.—Federal Prison Industries shall establish a cost accounting system that meets the requirements of part 30 (Cost Accounting Standards Administration) of the Federal Acquisition Regulation (48 C.F.R. part 30). The compliance of the cost accounting system with such standards shall be annually verified as part of the independent audit of Federal Prison Industries, Inc., pursuant to section 9106(b) of title 31, United States Code.

(2) APPLICATION OF RELATED PROVISION.—Section 4124(c)(2) of title 18, United States Code, shall apply when Federal Prison Industries has been found to have a complaint cost accounting system pursuant to paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 997, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this manager's amendment would make technical corrections to H.R. 2965. The amendment modifies 13 dates in various provisions of the bill to reflect the passage of time since its introduction, and also corrects one sectional cross-reference, and a reference to an executive branch agency.

In addition, this amendment adds a provision to correct an amendment that was accepted during the Judiciary Committee's markup, which would require Federal Prison Industries, Inc., to establish a cost accounting system. This technical change is necessary to implement the amendment. Finally, the proposed amendment makes a grammatical correction.

The changes are all technical in nature, but essential to the proper implementation of the bill. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Michigan claim the time in opposition?

Mr. CONYERS. I do.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I rise to support the amendment because it is technical in nature, and I am sure thereby that there will be little objection to it.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

I am happy that between the time the gentleman rose to oppose the amendment and the time he started speaking he was persuaded to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-647.

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SCOTT of Virginia:

Page 7, line 21, insert before the period the following: "and, in the discretion of the Attorney General, other agencies and offices of the Department of Justice, on a contract-by-contract basis".

The Acting CHAIRMAN. Pursuant to House Resolution 997, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would also authorize the Justice Department to acquire products from the Federal Prison Industries on a noncompetitive basis as deemed appropriate by the Attorney General.

Along with the Bureau of Prisons, the Attorney General has the responsibility for the safe, productive operation of Federal prisons and should, therefore, have the authority to ensure that all operations under his control are available to be directed to this effort. And insofar as Federal Prison Industries program is concerned, we know it is an effective tool to help the prison operations.

This could be a much more realistic option for the Attorney General to ensure against disruption at a prison from the loss of jobs and contracts than the notion in the bill that he would have to declare the prison unmanageable without a particular contract. That is what is in the bill.

It is not the wholesale authority for the Attorney General to direct any agency to award all of its FPI contracts, but only as deemed necessary or appropriate by the Attorney General, and it only covers Justice Department agencies.

Remember, Mr. Chairman, we are trying to create jobs and manage the prisons. That is what this amendment would help the Attorney General do. I hope it would be the body's pleasure to adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the underlying bill permits sole-source contracts between the Federal Bureau of Prisons and the Federal Prison Industries. This amendment would extend the sole-source authority to the entire Department of Justice.

Existing law allows a head of any executive agency to make a sole-source contract award, if the agency head makes a determination that such an award is in the "public interest." Following such a determination, Congress must be notified and the contract award suspended for 30 calendar days.

This bill expressly provides the Attorney General to grant a noncompetitive contract whenever it is deemed necessary to maintain prison safety. Additionally, the bill allows the FPI board of directors to exceed the level specified for FPI sales if good cause is shown, which would include maintaining inmate equipment.

DOJ operates a number of agencies, and the cost to the private sector in lost jobs and businesses would be extensive. In addition, the Department of Justice contains several law enforcement agencies, and requiring their personnel to utilize products made by inmates may raise safety concerns.

Finally, the purpose of this legislation is to ensure that the government corporations do not take away opportunities from private businesses and to ensure that the taxpayers' money is wisely spent. The amendment would undermine that goal by denying the entire Department of Justice access to the benefits of competitive pricing, thereby forcing the taxpayer to bear the burden of higher prices.

I urge my colleagues to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Chairman. Do either Mr. CONYERS or I have the right to close?

The Acting CHAIRMAN. The gentleman from Wisconsin has the right to close.

Mr. SENSENBRENNER. It is the intention of the gentleman from Wisconsin to yield for the closing statement to the gentleman from Michigan, but I would ask the gentleman from Virginia to use up his time and then Mr. CONYERS can close.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

I would close by saying this amendment would allow the Attorney General to make sure that there are enough jobs in the Federal Prison Industries to help manage the prisons. We know the more jobs there are, the less crime there will be in the future. That is the purpose of this amendment, managing the prisons and reducing crime.

I would hope we would adopt that goal by allowing prisons to be managed better and reducing crime by adopting the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time.

When you examine this amendment, this creates a loophole that could undermine the entire bill and any attempt that we have toward educating inmates, teaching vocational skills, and getting contracts for jobs because I, for one, am not for putting this into the tender hands and the gentle mercies of the Attorney General of the United States.

I mean, I have never heard them even suggest that they support anything in this bill. So for me to want to create this carve-out to allow the Attorney General to direct agencies within the Department of Justice to award individual contracts to Federal Prison Industries on a noncompetitive basis is going way too far in terms of us trying to bring some justice to this bill.

Now, we have to control our emotions here, ladies and gentlemen. This is about how we help people who have violated the law return to society. There is more than one way to do it. There are several ways to do it. We are in the process of creating what we think will be a new and better and more balanced way than the way that we have now.

This is not slamming the Federal Prison Industries. As a matter of fact, under the provisions of this bill, they will be able to operate with nonprofits, with government organizations, with churches. There are a lot of ways to deal with this.

The important thing is we all come together and get the money. Somebody said $75 million. Do you know how far $75 million goes in the expenditures that we are making on Iraq every day? This should not be the toughest assignment that those of us who support rehabilitation programs would make.

I urge that if there is any one amendment that should be rejected, it would be one that would leave this measure to the tender mercies of the Attorney General of the United States.

I thank the gentleman for yielding me this time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109–647.

It is now in order to consider amendment No. 4 printed in House Report 109–647.

AMENDMENT NO. 5 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–647.

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SCOTT of Virginia:

Page 35, line 6, insert after “services” the following: “, except that the Board of Directors may authorize Federal Prison Industries to continue providing to private, for-profit businesses services of the type and to the extent being performed on the date of the enactment of the Federal Prison Industries Competition in Contracting Act of 2006, on a competitive basis”.

The Acting CHAIRMAN. Pursuant to House Resolution 997, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would allow the level of service contracts now being performed by FPI to continue at that level while prohibiting further expansion. There is no mandatory source provision for service contracts so they are already competitive. Most of the contracts involve work that would otherwise be done offshore, so FPI's competition is with foreign workers, not Americans.

There have been no complaints about service contracts. Service contracts constitute a significant portion of the inmate work opportunities now in the program. None of these authorities individually or combined in the bill will realistically produce sufficient work opportunities for inmates to replace the loss of jobs from the elimination of mandatory source and the loss of current service contract jobs.

Stable FPI jobs are critical to the efficient and safe operation of Federal prisons and the rehabilitation of inmates which correlates directly with public safety. There is no record to suggest that this part of FPI is broken beyond the philosophical view that it represents some kind of unfair competition to American businesses and workers; but in this case, there is virtually no competition. The reality is that this is not true, and no one has suggested that FPI service contracts today have any significant impact on American businesses or workers.

Let us at least continue the level of service contracts we have now in an effort to reduce crime in the future. We are trying to reduce crime, trying to help manage the prisons. This will be go a little way into preserving some of those opportunities.

Mr. Chairman, I reserve the balance of my time.

□ 1230

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Chairman, this amendment is a bad one because it would authorize the FPI to sell inmate-furnished services in the commercial market, which it first initiated in August of 1998.

In February of that year, FPI obtained a legal memorandum from the Department of Justice Criminal Division stating that the sale of inmate-furnished services was not expressly prohibited by existing law, notwithstanding the fact that 18 U.S.C. section

1761(a) generally prohibits the introduction of results of inmate labor into the commercial market.

This view was later adopted as the Department's official position, and though not issued by the Office of Legal Counsel, the then Attorney General offered FPI's new commercial market service initiative based on the Criminal Division's opinion.

FPI's 1934 authorizing statute prohibits sales into the commercial market. The Attorney General was persuaded to authorize commercial sales of inmate-furnished services by FPI because neither FPI's authorizing statute nor the generally applicable prohibition, also from the 1930s, specifically mentions services. In the 1930s, services were not a large part of the economy, so they were not specifically mentioned by the legislation.

However, the clear intent of the statute was to prohibit such sales in the commercial market, because they would create unfair competition and cause liability concerns. The reinterpretation reversed 75 years of precedent. The bill would clarify that FPI cannot sell either goods or services in the commercial marketplace. It would grandfather all contracts that are operational at the time of the agreement. That for the first time specifically authorized FPI to enter into services contracts with Federal agencies. However, it would not allow new contracts for services in the commercial marketplace.

The amendment would permit FPI to continue its 1998 self-authorized expansion into the commercial services marketplace without restriction. It would continue to subject non-inmate workers being paid market driven wages, and the firms that employ them to unfair competition, using FPI workers being paid an average FPI wage of $.90 an hour. If you are for the minimum wage, you would have to be against this amendment, because there is competition.

Additionally, telemarketing contracts, which are the most common forms of services provided, might allow inmates access to the personal financial information of individuals, raising significant privacy concerns. If you are for privacy, you ought to be against the amendment.

For these reasons, I hope the amendment is defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume, and just acknowledge this amendment is just designed to preserve a few of the jobs that we have got left. The amendments that passed in 2000 and 2001 have cost. If they had not passed, we would have 9,000 more jobs than we have now. We have already lost jobs. We would have had a lot more jobs than we had.

We are just trying to preserve job opportunities, which have been shown to reduce crime. Now, I know it has already been said that trying to reduce crime is misguided around here, but that is the goal of the bill, and everybody who has studied it knows that is what would happen. If you have more jobs, you will have less crime. That is all we are trying to do.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman from Wisconsin.

Mr. Chairman, this amendment raises an interesting question. We exclude services, for-profit business services, but we include everything else. What is the difference between the services and the products? We have to move in an organized fashion or not. To bifurcate this into services being excluded, I think, doesn't make any sense at all.

Now, we are back to the continued mantra that less jobs mean more crime, so if you are for less crime, you are for more jobs. But what we are doing, in this bill, goes back to an earlier consideration in which we said, which the gentleman from Virginia said, that we could guarantee these jobs and the $75 million, that this would work out.

Of course, I don't know where we get guarantee tickets around here. But I am going to work to the best of my ability, and I have been in this corrections business for quite a while, to make sure that we get the money. It is very, very important that we do that.

I am going to urge our Members not to buy into this half-of-a-loaf notion that services should somehow be allowed to continue and Federal Prison Industries not.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. SCOTT of Virginia.

Amendment No. 5 by Mr. SCOTT of Virginia.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 339, not voting 16, as follows:

[Roll No. 441]

AYES—77

Bachus
Barrow
Berry
Bishop (GA)
Boyd
Brown, Corrine
Campbell (CA)
Carson
Chabot
Clay
Clyburn
Cummings
Davis (IL)
Davis (KY)
Davis, Tom
Doggett
Farr
Fattah
Filner
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hensarling
Hinchey
Holden
Holt
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kolbe
Kucinich
LaHood
Larson (CT)
Lewis (CA)
Lofgren, Zoe
Lungren, Daniel E.
McDermott
McHugh
McKinney
Meeks (NY)
Melancon
Miller (NC)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Pastor
Payne
Petri
Price (NC)
Rahall
Rogers (KY)
Ross
Rush
Sabo
Saxton
Schakowsky
Scott (VA)
Serrano
Sherwood
Shimkus
Spratt
Taylor (MS)
Thompson (MS)
Udall (CO)
Visclosky
Wasserman Schultz
Watson
Wolf
Wynn

NOES—339

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Castle
Chandler
Chocola
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge

Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Boustany
Case
Cleaver
Cooper
Culberson
Davis (FL)
Dingell
Hoyer
Johnson, Sam
Kaptur
Keller
Murphy
Ney
Stark
Strickland
Sullivan

□ 1306

Ms. HARRIS, Messrs. SIMPSON, SOUDER, SMITH of New Jersey, Mrs. MALONEY, Mrs. NORTHUP, Ms. LEE, Messrs. CROWLEY, MEEK of Florida, and CANNON changed their vote from "aye" to "no."

Messrs. TAYLOR of Mississippi, KUCINICH, CAMPBELL of California, RAHALL, McHUGH, and HENSARLING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MURPHY. Mr. Chairman, on rollcall No. 441, had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 80, noes 332, not voting 20, as follows:

[Roll No. 442]

AYES—80

Bachus
Barrow
Berry
Blumenauer
Boyd
Campbell (CA)
Cardoza
Carson
Chabot
Clay
Clyburn
Costa
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Doggett
Farr
Fattah
Feeney
Filner
Goodlatte
Green (WI)
Gutierrez
Gutknecht
Hastings (FL)
Hensarling
Hinchey
Holden
Holt
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kolbe
Kucinich
LaHood
Lofgren, Zoe
Lungren, Daniel E.
McCollum (MN)
McDermott
McHugh
McKinney
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Oberstar
Obey
Paul
Payne
Petri
Price (NC)
Rahall
Rogers (KY)
Rush
Sabo
Saxton
Schakowsky
Scott (VA)
Serrano
Sherwood
Shimkus
Spratt
Taylor (MS)
Thompson (MS)
Towns
Udall (CO)
Visclosky
Wasserman Schultz
Watson
Wolf
Wynn

NOES—332

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carter
Castle
Chandler
Chocola
Coble
Cole (OK)
Conaway
Conyers
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield

Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—20

Boswell
Case
Cleaver
Cooper
Culberson
Davis (FL)
Harris
Hastings (WA)
Hoyer
Johnson, Sam
Kaptur
Keller
Maloney
Murphy
Ney
Ross
Stark
Strickland
Waters
Wicker

☐ 1314

Mr. OBEY and Mr. BLUMENAUER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROSS. Mr. Chairman, earlier this afternoon I missed rollcall vote 442. I would like to state for the RECORD that I would have voted for rollcall vote 442, which was the Scott (D–VA) amendment that would allow the Federal Prison Industries to continue contracts, of the type being performed on the date of enactment of the bill, that provide services to for-profit businesses.

Stated against:

Mr. MURPHY. Mr. Chairman, on rollcall No. 442, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. COOPER. Mr. Chairman, earlier today, I was speaking at an event being held in the basement of the Rayburn building and because the clock and bell system did not work in Room B–338, I missed two votes on amendments to H.R. 2965, the Federal Prison Industries Reform Act of 2006. Had I been present, I would have voted "aye" on the first Scott Amendment and "aye" on the second Scott Amendment.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes, pursuant to House Resolution 997, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on passage of H.R. 2965 will be followed by 5-minute votes on ordering the previous question on H. Res. 1002, and adoption of H. Res. 1002, if ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 57, not voting 13, as follows:

[Roll No. 443]

YEAS—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—57

Andrews
Bachus
Berry
Blumenauer
Brown-Waite, Ginny
Campbell (CA)
Cardoza
Chabot
Davis (CA)
Davis (IL)
Davis (KY)

DeGette
Doggett
Farr
Filner
Green (WI)
Gutknecht
Hastings (FL)
Hensarling
Herger
Holden
Holt
Honda
Hyde
Kanjorski
LaHood
Lofgren, Zoe
Lucas
Lungren, Daniel E.
McCollum (MN)
McDermott
McHugh
McKinney
Mollohan
Moore (WI)
Murtha
Oberstar
Obey
Payne
Peterson (PA)
Petri
Poe
Rahall
Reyes
Rogers (KY)
Ross
Rush
Sabo
Saxton
Schakowsky
Scott (VA)
Serrano
Sherwood
Shimkus
Taylor (MS)
Visclosky
Wolf

NOT VOTING—13

Becerra
Case
Cleaver
Culberson
Davis (FL)
Gilchrest
Johnson, Sam
Keller
Maloney
Murphy
Ney
Stark
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1334

Mr. FARR and Mr. REYES changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MURPHY. Mr. Speaker, on rollcall No. 443, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, on September 14, 2006, I was unavoidably detained and missed rollcall votes 442 and 443. Rollcall vote 442 as on the Scott Amendment to H.R. 2965, "The Federal Prison Industries Competition in Contracting Act." Rollcall vote 443 was on final passage of H.R. 2965, "The Federal Prison Industries Competition in Contracting Act."

As a lead sponsor of H.R. 2965, had I been present I would have voted "nay" on rollcall vote 442 and "aye" on rollcall vote 443.

SECURE FENCE ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 1002, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 444]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sánchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Becerra
Case
Cleaver
Culberson
Davis (FL)
Diaz-Balart, M.
Forbes
Johnson, Sam
Keller
Maloney
Marshall
Murphy
Ney
Pickering
Rangel
Stark
Strickland
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

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So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 444 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. MURPHY. Mr. Speaker, on rollcall No. 444, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, on Thursday, September 14, 2006, I was unable to cast my floor vote on rollcall Nos. 443 and 444. The votes I missed included final passage of H.R. 2965, the Federal Prison Industries Competition in Contracting Act and a vote on ordering the previous question for providing for the consideration of H.R. 6061, the Secure Fence Act of 2006.

Had I been present for the votes, I would have voted "aye" on rollcall vote 443 and "no" on rollcall vote 444.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KING of New York. Mr. Speaker, pursuant to House Resolution 1002, I call up the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1002, the amendment printed in House Report 109-653 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Fence Act of 2006".

SEC. 2. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras; and

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term "operational control" means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining operational control over the entire international land and maritime borders of the United States in accordance with this section.

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1103 note) is amended—

(1) in the subsection heading by striking "NEAR SAN DIEGO, CALIFORNIA"; and

(2) by amending paragraph (1) to read as follows:

"(1) SECURITY FEATURES.—

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

"(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

"(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

"(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

"(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

"(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

"(B) PRIORITY AREAS.—With respect to the border described—

"(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2007, and that fence construction is completed by May 30, 2008; and

"(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas, port of entry to 15 southeast of the Laredo, Texas, port of entry is completed by December 31, 2008.

"(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10 percent, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools.".

SEC. 4. NORTHERN BORDER STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the feasibility of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of constructing such a system;

(2) the feasibility of constructing such a system; and

(3) the economic impact implementing such a system will have along the northern border.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the results of the study conducted under subsection (a).

SEC. 5. EVALUATION AND REPORT RELATING TO CUSTOMS AUTHORITY TO STOP CERTAIN FLEEING VEHICLES.

(a) EVALUATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) evaluate the authority of personnel of United States Customs and Border Protection to stop vehicles that enter the United States illegally and refuse to stop when ordered to do so by such personnel, compare such Customs authority with the authority of the Coast Guard to stop vessels under section 637 of title 14, United States Code, and make an assessment as to whether such Customs authority should be expanded;

(2) review the equipment and technology available to United States Customs and Border Protection personnel to stop vehicles described in paragraph (1) and make an assessment as to whether or not better equipment or technology is available or should be developed; and

(3) evaluate the training provided to United States Customs and Border Protection personnel to stop vehicles described in paragraph (1).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the results of the evaluation conducted under subsection (a).

The SPEAKER pro tempore. The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6061, the Secure Fence Act of 2006.

Mr. Speaker, as Members of Congress return to their districts, as Members of Congress speak with the American people, it is obvious there is no more defining issue in our Nation today than stopping illegal immigration.

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This is an issue which is absolutely essential if we are to gain the confidence of the American people, if we are going to show to the American people that we can perform the most basic obligation of any government, and that is to secure the Nation's borders.

Now, we passed very comprehensive legislation in December of last year, H.R. 4437, and I was a strong advocate and cosponsor of that, along with Chairman SENSENBRENNER, but the reality is that legislation is right now bogged down. What we have to do is we have to prove to the American people and also we have to make substantial progress in combating illegal immigration.

One issue in which there appears to be a consensus between the United States Senate and the Congress is on the issue of building a secure fence. So rather than wait, and wait for God knows how long until comprehensive legislation is enacted, there is no reason whatsoever why we should not move forward on targeted legislation which is effective and meaningful. We have to bridge this disconnect between the American people and its government, between the American people and the elite, and we have to show we are responsive.

Now, the legislation today incorporates very much what was already passed by the House with significant Democratic votes back in December. It provides over 700 miles of two-layered reinforced fencing. It also mandates that the Department of Homeland Security achieve and maintain operational control over the entire border through a virtual fence, deploying cameras, ground sensors, unmanned aerial vehicles, integrated surveillance technology, and it also requires the Department of Homeland Security to provide the necessary authority to border personnel to disable fleeing vehicles, similar to the authority which is already held by the United States Coast Guard for maritime vessels.

We also realize there is concern at the northern border, and I want to especially thank my colleague from New York (Congressman REYNOLDS) for his efforts in homeland security, particularly on the northern border. With his help, we were able to enhance the Secure Fence Act to ensure that appropriate technology and infrastructure are being considered and that border security efforts are implemented in a manner that does not stop or deny commerce.

Mr. Speaker, this is an issue where the American people are crying out for help. They are crying out for us to take meaningful action. There is, to me, no reason why, and I am trying to anticipate arguments coming against it, basically saying we need comprehensive legislation, and that is a debate we can have. We passed comprehensive legislation in December. But the fact is just because we cannot do everything today doesn't mean that we should do nothing.

So I am saying let us do something very, very positive. Let us pass this legislation, which will build a secure fence, which will build a virtual fence, and would also give the border personnel the assistance and the power that they need.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House continues its efforts to be known as the "do-nothing Congress" by voting on a bill that has already been voted on before. In December, we voted on this fence issue as part of the border legislation offered by Mr. SENSENBRENNER and Mr. KING. Then, the Senate passed a bipartisan comprehensive bill, the McCain-Bush bill, and House Republicans had the opportunity to work with the Senate on a bill that would be voted on and sent to the President to be made into law, but the Republicans decided to do nothing.

Then they decided rather than doing nothing they would waste taxpayers' dollars to hold hearings over the summer, hearings that showed that a lot of their ideas, such as the very fence being discussed today, weren't so good. Rather than listening to the American people and creating laws that actually do something, the Republicans have decided to spend the next 2 weeks voting on things we have already voted on.

Mr. Speaker, voting on a fence today, especially when it is already part of legislation to be moved, isn't going to solve our border security woes. Indeed, voting on a fence without allocating funds to pay for it is just another example of Republican efforts to sell security on the cheap to the American people.

I have seen estimates that just to build the fence is going to cost us at least $7 billion. Where is the money coming from to pay for it? I am from rural Mississippi, and I know that when you build a fence you have to maintain it, mend it, and fix it. How much is it going to cost to maintain this 700-mile fence? Who is going to do it? This fence is starting to feel like the bridge to nowhere that Congress once considered.

Mr. Speaker, the British statesman Edmund Burke once said "All that is necessary for the forces of evil to win in the world is for enough good men to do nothing." Mr. Speaker, it is time for the Congress to stop being the "do-nothing Congress." It is time for us to take a real stand against the forces of evil and move forward with existing legislation to secure our borders. Instead of spinning our wheels passing the same bill over and over again, let us move forward.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6061.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I would just make several references, one to my good friend, the gentleman from Mississippi, who is ranking member and does such an outstanding job on the Homeland Security Committee, that I don't think it is ever a waste of taxpayer dollars to go out and hold hearings and listen to what the American people have to say. Sometimes it is good to get away from just reading editorials in the New York Times and the Washington Post and actually hear what real people have to say.

Secondly, if we are going to show that we are genuinely against doing nothing, then let's do something and pass legislation which we know the overwhelming majority of the American people want, and that is to build this fence.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I rise today in strong support of this legislation, and listened to the assessment offered by my good friend from Mississippi. Yes, it is the political season. Yes, the description is one that is offered almost reflexively, to which we could answer with I believe the fairer characterization of "obstructionism."

And, really, perhaps that is a theme that should be pursued with reference to our borders. The graffiti is strewn on the wall at our international border in Nogales. "Borders are scars upon the earth," it reads. No, Mr. Speaker and my colleagues, borders are not scars upon the earth. They are reasonable and necessary lines of political demarcation between nation states to ensure the sovereignty and security of those nation states in the post-9/11 world.

It is absolutely necessary that we move to secure our borders. And as the poet wrote, "good fences make good neighbors." Because, Mr. Speaker, this far exceeds the notion of a fence and mere physical, not to mention debate obstruction. This brings to bear technology necessary to secure the border.

Now, much has been said about process already, and it will no doubt continue. But I think it is the duty of the people's House to time and again take this case to the other body on this Hill and to make clear to the American people, Republicans, Democrats, Independents, Libertarians, and vegetarians, that as Americans we understand this basic truth: When you have got a hole in your roof, the first thing you do is patch the hole.

Let us move forward with an effective fence. Support this legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 6061, entitled the Secure Fence Act. This bill is almost the same bad legislation that was brought before us in the House this summer, but it is even worse because it contains no funding. It ignores real enforcement measures, like hiring more Border Patrol personnel, and instead builds a Berlin Wall on our southern border.

I was born and raised in south Texas on the Texas-Mexico border. We who live and work along the border are acutely aware that the immigration system is broken and that a complete overhaul is required to restore any semblance of order.

So long as employers need workers in this country, and while our immigration systems impede rather than facilitate timely access of willing workers to those opportunities, undocumented immigration will never be controlled. Walls, barriers, and military patrols will only force those immigrants to utilize ever more dangerous routes and increase the number of people who die in search of an opportunity to feed and clothe their families.

The answer to this issue is comprehensive immigration reform. Fix immigration systems and you are assured better border security. Trade is the lifeblood of the Mexico-U.S. border communities and of this Nation. In the Rio Grande Valley, thousands of people cross back and forth across the border daily to shop, to work, to get medical care, and to go to school. Fences will stifle that trade and destroy the economic gains border communities have made. The McAllen Chamber of Commerce says, and I quote, "This bill is a 19th century solution to a 21st century problem. It is a waste of taxpayers' dollars."

I participated in the sham hearings in Laredo, Texas, in August of 2006 that only allowed testimony from one side of the issue and are being used to justify this bill. Instead of wasting time with this legislation, this House should be participating in a conference with the Senate on legislation that has already passed.

The McAllen Hispanic Chamber of Commerce stands on the feelings that "we don't need more fencing, we need a real solution. We need a bill that will protect our borders without a fence and consider possible solutions temporarily, legalizing undocumented people who are currently working in the United States, with certain homeland security provisions and allowing future workers to enter legally, reunite families, and provide worker protections."

I urge my colleagues to oppose this misguided legislation, H.R. 6061, named the Secure Fence Act.

Mr. KING of New York. Mr. Speaker, I would just remind my good friend from Texas that just a 14-mile fence in San Diego has brought about a significant decrease in crime. And also one of the reasons why we believe this fence is essential is for the humanitarian reason of not allowing so many people to die in the desert the way they do today because there is no fence.

Mr. Speaker, I am privileged to yield 3 minutes to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this effort, and I want to congratulate the chairman of the Homeland Security Committee, Mr. KING, for his very hard work on this, and all my colleagues that have been involved.

I hate the idea of our having to put up a fence. The fact of the matter is we have no choice. We have no choice because this week, as we marked the fifth anniversary of September 11, we are in the midst of a global war on terror. We face the threat of someone who would like to do us in coming across our border.

We know that the fence is not the panacea. But the fact of the matter is the fence is essential, and every shred of empirical evidence that we have so far is that it has been helpful in dealing with the challenge that we have.

Chairman KING just mentioned the 14-mile border fence. I have had the privilege of working with our colleague, Mr. HUNTER, and before that our former colleague, Doug Ose, from Sacramento, who worked hard on our effort to complete that 14-mile fence.

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The reason we have to have that fence in that area is that the populations on both sides of the border are very, very heavy, and so it makes it easy for someone to assimilate into society once they get across that border; and having a fence, and a double fence, is one way in these heavily populated areas to focus attention on this.

We have a 1,973-mile border between the United States and Mexico. It extends from the Pacific Ocean all the way to the Gulf of Mexico. No one is advocating that we fence the entire border. We have 21st century technology that is going to allow us to utilize motion detectors, unmanned aerial vehicles, and a host of other things that allow us to deal with areas that don't have heavy concentrations of populated areas, number one; and, number two, areas known to be utilized for smuggling.

This measure is the right thing for us to do. The American people know we can secure our borders. I believe that this effort is a very important one in that quest, and I am proud to be strongly supportive of it.

Mr. THOMPSON of Mississippi. Mr. Speaker, in response to my chairman, I have heard a fence called a lot of things, but hearing it called a "humanitarian gesture" is something very new. I guess you learn something every time you are on the floor.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today disappointed that we once again are debating a bill that will not be a real solution to our Nation's border security and to our immigration problem.

This summer the Republican leadership held hearings all around the country under the pretense of learning about what was needed to secure our borders. The various hearings received extensive testimony, but one of the things they told us was that fencing alone is not an adequate solution.

The simple fact is that fences are not the silver-bullet solution that the Republicans are painting them to be. It will not add more Border Patrol agents, who are the ones that do the real work at securing our border. And it will not add more detention space for people who are apprehended. There are no more DAs, no more judges, it won't process these people.

I am also concerned that the bill does nothing to secure the northern border. Just think about it, when you plug one place, people come in through other places: our coasts, our airports, our northern border.

This summer I attended a hearing on the Washington State-Canadian border, and it was very clear that the northern border has major problems, considerable challenges. And what does this bill do to help the northern border? They are going to do a study. I am going to tell you something, the people who were before our committee did not ask for a study. They asked for more Border Patrol agents. They asked for help from unmanned vehicles. They didn't ask for a study.

The fence proposed today is not cost effective. A low-ball estimate based on an estimate from the Department of Homeland Security says $9 million per mile. So it would cost almost $7 billion to build the 730-mile fence. In contrast, with just $360 million, we could hire, train and equip the 2,000 Border Patrol agents that would make it operational and secure at the borders, the ones that we said we were going to hire in the 9/11 act.

So today we are not discussing a comprehensive bill like the substitute drafted by my colleague, Mr. THOMPSON, the ranking member of the Homeland Security Committee, the one that gives technology, personnel, equipment to monitor and secure every mile of the border 24 hours a day, 7 days a week. Unfortunately, the Republican leadership would not allow an up-or-down vote on that amendment.

I am a strong supporter of border security, and today, today I wish we were voting on a strong border security bill. I want to work with my colleague on the other side of the aisle, but I cannot support this bill. It will cost billions of dollars, take many years to implement, and it still won't solve our border security problem.

Mr. KING of New York. Mr. Speaker, I would say to my good friend from California, all of us agree no one provision is going to solve illegal immigration, but this is a significant provision going forward.

In addition, this year's appropriation bill provides for 1,200 new Border Patrol agents which will bring us up to 14,580, an increase of over 80 percent since September 11, 2001, and over 1,200 ICE officers.

Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I salute the gentleman from New York and his committee for their efforts on the fence bill.

As stated previously, I agree that the fence is not the total solution. In fact, I would like to see more than 700 miles of fence along our southern border, but 700 miles of fence is a start. I would also like to see a firm no-amnesty policy ever for those illegally in the country. That is not part of this bill. But this bill is a substantial and correct step in the right direction.

The invasion into this country is from south of the border primarily. That is why we need the fence along the southern border first, and we will study the situation along the northern border.

Cost: $7 billion is a small fraction of the cost that illegal immigration imposes upon the taxpayers of the United

States and the taxpayers of the various States of this country. It costs in excess of $70 billion per year.

Let's take this very firm, very positive step and I urge everyone to support the King legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to Mr. GRIJALVA, the gentleman from Arizona.

Mr. GRIJALVA. Mr. Speaker, I rise in strong opposition to this so-called Secure Fence Act, H.R. 6061. This bill could require the Department of Homeland Security to construct a wall across the entire Arizona border with Mexico. The House has already considered and passed this legislation, but since the majorities of both bodies in Congress have been unable to come to an agreement on immigration reform, the majority here wants to appear that we are accomplishing something as we are nearing election. But this is a sham.

Because of a failure of leadership to comprehensively address immigration in a sensible, humane way, we see before us a bill, to quote a majority member of the other body, that is a 19th century solution to a 20th century problem.

Instead of using our abilities as representatives of the American people who want to see a comprehensive solution to this problem, this is merely an attempt to sweep the serious root causes of immigration under the table and appeal to the lowest common denominator.

Building a wall between us and Mexico will not work. Not only will it not keep people from crossing illegally, it will be a budget-busting endeavor. I note that this bill contains no specific authorization of funds for this wall which will run into the billions.

In the deserts of the Southwest, the fragile and unique national treasures that we have there are bearing the brunt of an immigration policy that has failed. Earlier this year, the Interior Subcommittee of the Appropriations Committee held a hearing on immigration's impact on borderlands. Professional land managers testified at this hearing and expressed serious skepticism about the negative impacts to the environment and wildlife that could result from building walls or fences on the border.

It saddens me that instead of working hard to address the border question, the majority continues to push a measure that has little chance of being signed into law. Nowhere in this bill do we see discussion of larger issues at hand that are in dire need of solutions.

The American people will see through this. They know it is nothing more than election year politics. I urge my colleagues to reject H.R. 6061.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in support of the bill before us because we need to act immediately to seal our borders and protect the American people.

My office is full of bricks, bricks mailed to me by my constituents, and to the offices of many of my colleagues, with urgent pleas to act to secure our borders. These bricks are more than a strong message from our constituents. They represent the passionate pleas of a country that knows we are losing the battle at our border and the demands of a Nation that understands we will never be secure until we have control over who is entering our country.

The Secure Fence Act will take the necessary steps to give our Border Patrol agents the tools they need to regain control of our borders so they can protect our country.

This legislation authorizes additional fencing as well as state-of-the-art technology and surveillance equipment to help us regain control of our borders.

The Secure Fence Act tells the American people we are serious about getting control of our borders, stopping illegal immigration and securing our country.

It is appropriate legislation. It will help get the job done, and I urge its passage.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, it is interesting to hear some of the folks on the other side of the aisle, especially Members from Arizona and New Mexico, who come here and say this is not a good idea, we shouldn't be moving ahead with it and it won't solve any problems.

It is their States, it is the Governor of the State of Arizona and the Governor of the State of New Mexico who have declared states of emergency in those two States. Something has to be done; that is what they are telling us. These are Democrat Governors in States where they have enormous problems, and they are saying we have an emergency. This is one way to try to address it. It is just one, but it is one way to do so. It is an important step that we take.

In terms of effectiveness, we have a model. On our southern border today, we have a chunk of fence about 14 miles long in the San Diego area, and it has worked. It has worked well. It is hard to find anyone on either side of the border at that location that wants that fence taken down because it has improved life.

This is a good step to take, and I commend my colleagues for bringing it forward.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I commend the chairman and the leadership for their continued astute work on this most important matter.

On December 16 of last year, the House responsibly debated and passed H.R. 4437. Part of that bill was an amendment that I authored that is now incorporated into section 2 of this bill. It is the accountability portion. It is the oversight portion. And accountability is truly the key.

We are in this position today because of benign neglect from Washington. In 1986, another bill was passed that promised border security. That was not done, and the American people lost trust in Washington on this issue.

In order to restore that trust, we must first gain operational control. Operational control of the border is the imperative, and section 2 is what accomplishes that. It will ensure that the American people will know with certainty that that task has been accomplished.

My friends on the other side of the aisle say a fence is not the only answer, and this bill recognizes that. Look at section 2; it states that Homeland Security shall take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, including systematic surveillance of the international land and maritime borders and physical infrastructure.

This is not just a fence bill, Mr. Speaker. It is also not just a Republican issue, it is not a Democrat issue; it is an American issue. I encourage and challenge my friends and colleagues on both sides of the aisle to support this important measure that all of our constituents demand.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

In reference to what the last speaker said, that this is not a fence bill, looking at the title, it is the Secure Fence Act of 2006.

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Undoubtedly, there is some misunderstanding. The other point I would like to raise, Mr. Speaker, we have already voted on this matter. It is already on the books, been sent to the Senate, and basically it is there. We could be spending significant time doing other items like adding Border Patrol agents to a bill, technology, other equipment that we already know that we need. But this unfunded mandate in terms of this fence is unfortunate, because we are just doing and repeating what we have already done in the past.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, could I inquire how much time both sides have?

The SPEAKER pro tempore (Mr. LaTourette). The gentleman from New York has 15½ minutes, and the gentleman from Mississippi has 18.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the real gentleman from Iowa and the real Mr. King.

Mr. KING of Iowa. I thank the gentleman from New York, and I am pleased to be called a real gentleman here on the floor of Congress. I am very pleased to be standing here to endorse the King bill, and the chairman's work is exemplary.

I also endorse the definition in here of operational control of this border. It is a right-on-the-spot definition that we need to adhere to across this country. Last August 22 I called for a fence, August 22, 2005. The news media lambasted me for a radical idea.

Since that time, this House has voted to pass a fence, and the Senate has voted twice to pass a fence. It has now become bipartisan, and the White House understands the need for a physical barrier on the border. Two thousand miles, and we are spending $8 billion a mile to watch the border. That is $4 million a mile, $8 billion a year; $4 million a mile, and $2 million will build a fence and a wall. Then we can have an effective operational control that meets this definition.

So we need to have a fence and a wall on this border, and we are also watching today as 4 million illegals cross this border a year, that's 11,000 a night. Santa Ana's army was 6,000 strong. Twice that number every night is coming into America. You can't sit on the border in the dark like I have and listen to that infiltration and believe that you can do it with something called virtual. It has got to be a physical barrier.

There are $65 billion of illegal drugs pushing on that wall. We can shut all of that off and save America drug addicts at the same time.

I support the bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. KING of New York. Could I inquire of my friend from Mississippi if he intends to use all his time with more speakers?

Mr. THOMPSON of Mississippi. Mr. Speaker, we are waiting for two more speakers.

Mr. KING of New York. I thank the gentleman.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. Poe).

Mr. POE. Mr. Speaker, I appreciate Chairman King's work on this bill showing that it is a national security issue and not just a problem that we have in the Southwest. Many in this Congress have been following what they believe to be the absurd anti-American prosecution of two Border Patrol agents, Ignacio Ramos and Jose Compean, who were doing their jobs to protect the U.S. border and protect drugs from entering America.

Instead they were improperly put on trial for what the U.S. Attorney who prosecuted this case said was the unlawful pursuit of an illegal invader into this Nation who was bringing 800 pounds of dope into this country.

One part of the bill that I wish to highlight is section 5. This portion directs the Border Patrol to make clear the policy on pursuit and whether the authority should even be expanded. The Border Patrol lists among its objectives to detect, apprehend and deter drug smugglers. Our Border Patrol agents in the field need a clear, all-inclusive pursuit policy to show that we are serious about defending the border.

This bill will show our Border Patrol agents we are more concerned about them and border security than we are about drug smugglers. Anything less makes our Border Patrol nothing more than highly specialized and trained Wal-Mart greeters.

I urge adoption of this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. Blackburn).

Mrs. BLACKBURN. I thank the gentleman from New York for his dedication to our Nation's security and border security, which is a huge part of that.

Mr. Speaker, after our Congress on the Road border security hearings, I would have constituents who would say tell me what you learned. What we learned is this, is that every town is a border town and every State is a border State, regardless of where it sits in this Nation. We also learned that what Americans want is to secure the border first.

That is their priority, and they are in hopes that we are going to join them and work with them. We know it has been the House's priority, and we are hoping that the administration and the Senate will join us in this effort.

We have also learned that what America wants to see is some type of border wall or fence or technology that is going to get results and that will end illegal entry into this country, whether it is of drugs, whether it is of individuals. They want the illegal entry to end.

The Secure Fence Act is a result of our hearings. We have heard. We are heeding what we have heard, and we know this is not the be all and end all, but it is one part of this important process. We get it. We hear the American people. We hear the border guards, and we also hear American law enforcement officers at the local and State level.

We are committed to doing the right thing. As I said, I hope that the President and Senate will join us in supporting these endeavors. We welcome bipartisan support on this issue. For those who have sat back and have avoided the issue or refused to take a position, now is the appropriate time for them to basically get off the fence and join us in supporting this. It is responsible, and, indeed, it is an issue of national security.

Mr. THOMPSON of Mississippi. Mr. Speaker, we have two speakers en route, one we just talked to, who assures us he will be here shortly.

Mr. Chairman, do you have someone else?

Mr. KING of New York. Actually, we have a pinch hitter. I yield 1½ minutes to the gentleman from Texas (Mr. Hensarling).

Mr. HENSARLING. Mr. Speaker, Iraqis have been caught trying to infiltrate our southern border. Iranians have been detained trying to cross our southern border, Jordanians and people from countries where al Qaeda recruits.

Border security is national security, and yet the Democrats are now holding hostage border security for their amnesty plan. This is wrong. Mr. Speaker, we have the means to control our border, but do the Democrats have the will?

When they talk about immigration, the question is not yes or no, the question is illegal versus legal. That is the question. We know that a fence does not solve the entirety of the problem, but if you talk to our Border Patrol, as I have, if you have talked to our border sheriffs, as I have, you will note that strategically placed fences and walls, particularly where these human smugglers will gather, is a very important part of a comprehensive strategy to control our border and helping stem the tide of illegal entry.

We know that many people are coming here for the right reasons, but many people are also coming for the wrong reasons. Unbridled, illegal immigration threatens our national security, our border security and the rule of law. We should approve this legislation and take that first bold step in helping secure our borders.

Mr. THOMPSON of Mississippi. Mr. Speaker, putting a fence up really doesn't stop people if you don't put the support system around it. So I would encourage my colleagues at some point to look at comprehensive border security and that approach, as well as developing a comprehensive border security plan. Just because somebody happens to be Jordanian or Iranian or what have you does not make them illegal, and I think what we have to do is do it the right way. If you have a fence and don't have staff to support it, you still haven't done much.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. Doggett).

Mr. DOGGETT. I thank the gentleman greatly.

Mr. Speaker, like Humpty-Dumpty atop a great wall, the Republican leadership's false proposal that we consider today is really on the edge of a great fall.

This is not so much about broken immigration policies, as it is about a House leadership that is desperately trying to cling to power and realizing that it is about to take a great fall. A great fall because, in part, on immigration, as with so many other issues, it has had years to act, and years to respond. Like this Administration, it has failed to secure our borders or find a meaningful way to deal with immigration.

So today, as part of the campaign of fear and hate that it has promoted over the recess with hearings across America, this bill is designed to erect a fence along the entire border of Texas, including all of the area that I represent along the Rio Grande River between Texas and Mexico.

With no funding accompanying the bill, it is really less of a fortification than a fairy tale, and it is also results from public concerns on this issue that arise from the failure of the Administration to fund the 2,000 Border Patrol agents that we proposed in 2004 when it ended up providing only 210.

It is similar in concern to the raid that President Bush and his Administration made on our Texas Border Patrol agents, when it moved them to Arizona, in what even my Republican colleagues condemned as an "outrage." They cannot put Humpty-Dumpty together again because reality does not comport with their rhetoric.

The solution to our problems with immigration will take more than concrete. You cannot build a wall high enough or long enough. You cannot pour in the billions and billions of dollars that they propose over the next decade for this wall, if it were ever funded, to keep people who are hungry from coming to this country.

What we need is a comprehensive approach that includes securing our borders, but at the same time realizes that much of our American industry and agriculture depends on immigrant labor. We need a way to encourage that labor to enter the country in a legal, not illegal fashion. If you do nothing but erect a false barrier and fail to include at the same time a legal way for labor to enter this country to seek a better life and to help us have a better life, one is left with a tremendous false sense of security for a wall that didn't work in Berlin, didn't work around Hong Kong, and hasn't worked in many other areas and is not the kind of comprehensive solution we need.

History and Humpty-Dumpty teach us that great walls are not the answer. What we need today is not a facade like that which is being proposed, we need leadership and real action.

Any high school student who has completed, even at the C level, a civics course at Johnson High School or Crockett or Bowie High School in Austin, Texas, knows that when the House passes one bill and the Senate passes another bill, both Republican bodies, with the President seeming to timidly favor the Senate bill, that the solution isn't to go around and have a round of show hearings and piecemeal a measure. One must cause the two bodies to come together and try to achieve a reasonable consensus.

Instead, House Republicans have done everything that they possibly can to stymie consensus and stymie a comprehensive solution. Instead, they bring us the false hope of a giant and costly wall that will not solve this problem. We need the President and a Congress who support real security and who are willing to stake some of their future on that, not some kind of barbed-wire smokescreen.

The citizens I represent who live on the southern edge of the country live in the very area that this wall would be built. Those who I represent that live hundreds of miles away are recognizing that we shouldn't be punished by posturing politicians high on the prospects of stirring up fear thousands of miles away with people who have never been to our Texas border.

Rather our entire country, all of our families, will be safer if we have a plan for enhancing border security enforcement, as well as for overhauling our immigration system. One of the biggest wrongs committed in this round of hearings, this dog and pony show that House Republicans have taken around the country, is to make an attempt to confuse the violence associated with drug cartels along our border with immigrants coming here seeking a better future, the same kinds of immigrants that came here in previous centuries looking for a better life in America. The two are separate, except to the extent that enforcement policy only drives some seeking a better life to some of the gangs that are also responsible for drug violence.

Similarly, the attempt to confuse our people and make them think that Osama bin Laden is headed north in a sombrero and that we face a great invasion of terrorists across the Rio Grande is also appealing to fear and the unknown rather than appealing to the reality of how we secure our borders.

□ 1430

Many Americans have a legitimate concern for securing our borders. In some areas, it may be that limited use of walls and certainly much broader use of our Border Patrol will provide part of that solution. But without the comprehensive approach that we so desperately need, we will not have solved the problem of immigration, of its contribution to our economy, and of the concerns it raises for some of our border communities.

I salute the gentleman from Mississippi for his leadership on this matter, and I believe that next year, when we have a more responsive Congress that cares about placing a priority on the real problems that affect American families, we may be able to finally move toward a comprehensive immigration approach, and not just a series of campaign speeches by people who want to distort and who want to shift the focus of debate from the failures that they have been responsible for these many years in the House of Representatives.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been trying to listen as carefully as I can to the debate, and the only real argument that I hear that really make any sense is that building a fence is not the only answer. I think all of us on this side agree. But we also believe it is a very essential part of the answer, a significant step; and the fact that, again I repeat, that we can't do everything, does not mean we should do nothing. That is why it is, I believe, essential to go forward with the legislation today, since there is broad support for it; both here in the House and in the Senate, as well, there is support for it, and also among the American people.

Also, as far as the references made to terrorists coming across the southern border, there is no doubt that there have been captured al Qaeda documents which indicate the desire of al Qaeda to bring people across the southern border.

Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Georgia, Dr. Gingrey, a member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, on December 16, 2005, the House of Representatives passed H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005, by a vote of 239–182. Included in the final version of that bill was an amendment that was offered by Mr. HUNTER, Mr. DREIER, Mr. GOODE, Mr. ROYCE and myself to construct a high-tech security fence along the most populated and in-need parts of our border.

This past August, I had the opportunity to visit the border fence in San Diego, California, and I can vouch for its effectiveness. I agree that it may not be cost effective or even necessary to line our whole northern and southern borders with a security fence, but in the most populated areas where there is not much room separating two cities, like Tijuana, Mexico, and San Diego, California, a secure border fence would be a valuable investment because it provides our Border Patrol the time necessary to apprehend smugglers and others crossing the border illegally.

I commend Chairman KING and the House leadership for revisiting this issue, because it is the most basic and effective means for securing our border, in this Congress. Like locking the door to your house before turning on the alarm, it only makes sense to begin enforcement of our borders with physical barriers.

Mr. Speaker, we need to stop the fluidness of our borders before we consider any other immigration idea. In the words of a doctor, we need to stop the bleeding before we can stitch the wound. Constructing barriers on our borders is a critical first step toward curing this patient.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am happy to say at this time that there is bipartisan opposition to this bill. I would like to yield 3 minutes to a border State Representative, the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from New York for his consideration as well.

Mr. Chairman, here we are again. Nine months ago, we were on this floor passing half measures to deal with the problem. Now we are back to dealing with it in quarter measures. We don't need these kinds of approaches. We know what the problems are. We don't need to have the faux hearings all over the country that we had this summer to tell us what the problems are.

The time has come to reject these kinds of partial measures, more of the same that we have been doing, and get at the root of the problem. And the root of the problem, as we well know, is the job magnet that exists in this country, that pulls migrants in, that makes them willing to do the jobs that most Americans are not willing to do, hard, back-breaking work out in the hot sun.

Fences are not going to stop these people from coming. They are determined to come here. They have been coming against all odds, and they are going to continue to come.

Furthermore, half of all the people who are in this country illegally came here on a legal visa. This doesn't do anything to deal with that, it doesn't do anything to deal with the people who come from other than across our southern border, and it doesn't really deal with that.

We need to have a comprehensive fix to the problem. I know people are tired of hearing that word, "comprehensive," but tell me a better word to describe something that deals with all of the parts of the problem and that that is what we don't have here. Not just fencing, not just sensors, not just UAVs. Those are important. Those are part of the problem. And I have no difficulty with the idea of a fence, but we need to have it as something more than just on its own. By itself, this falls very short.

We have got to have a guest worker program. We have got to have a realistic, honest assessment and solution to the 12 million people who are in this country now in an undocumented status. Unless we do that, we only exacerbate the problem.

Mr. Speaker, there is no evidence that any terrorist has come across our southern border. None. And that was testified to time and again this summer. So if we are really concerned about terrorists, we ought to be much more concerned about our northern border, where there are many more miles of unprotected border without camera sensors, without fencing. And it is also a country where we know there are terrorist cells that exist there. So we know that the problem exists up there.

So what are we really debating here? We are really not debating anything that is of substance. This is a feel-good piece of legislation. We have sent the bill to the Senate. They have sent the bill back to us. This is simply a rerun of what we have done before.

Chairman KING said a moment ago that we can't do everything, we ought to do something. Well, sometimes the half measures are actually things that make things worse.

What we need to do, and we know that we can get more than this, all we have to do is be willing to walk 100 yards across the Capitol to the other side and negotiate, to start talking with them about a comprehensive solution, something that will secure our borders once and for all.

So, Mr. Chairman, I urge that we reject this piecemeal, this rerun bill, and do what is right for the American people. Let's go to conference with the Senate.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I rise today to support the Secure Fence Act. House Republicans have been committed to taking action which will strengthen border security now. I have long been committed to this issue. The people of the Fifth District of North Carolina and the people of this country want us to fulfill our constitutional duty to secure our borders.

H.R. 6061, the Secure Fence Act, will address our immediate need to secure our borders. We must address our vulnerability and strengthen our operational controls on our borders through more personnel, greater state-of-the-art technology and surveillance, and additional physical barriers.

We know there is more that needs to be done to deal with the illegal alien issue, but this is definitely the right first step. I urge my colleagues to vote in support of the Secure Fence Act.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

Mr. Speaker, every single Member of this House understands that we must secure our Nation's borders. Our Nation is at war, and those who seek to harm our homeland and our people will attempt to exploit our national security vulnerabilities. There is no question, to protect our country, we must know who is in our country.

But rather than work with Democrats to achieve this consensus national security objective, the House Republican majority today is engaging in a cynical charade, I suggest.

This is not a feel-good measure. I agree with most of what my friend from Arizona had to say. This is not a feel-good measure; this is a political measure. This is a political measure, because Americans are rightfully concerned about their borders being secure. They were concerned about that in 2001, 2002, 2003, 2004, 2005, and, yes every day up until today. But they know our borders are not secure.

Now, we haven't been in charge of the administration, the Congress or the Senate. Prior to that, if you look at the record, we were more secure at the borders. If you look at the record, honestly, you will see in terms of the numbers of people coming in, the numbers of people being stopped, the numbers of fines being levied on employers, there was more, not less, in the Clinton administration than there is in the Bush administration.

This is, I suggest to you, to score political points that are going to be, not could be, are going to be demagogued in 30-second ads. I guarantee you they will be used in ads.

The legislation before us solely contains the border fence provisions that were added to the Sensenbrenner immigration reform bill that passed this House last December with overwhelming Republican support.

This is what I call to some degree the "regurgitation process" that we are in so much. We pass a bill, it doesn't go anywhere in the Senate; we pass it again, it doesn't go anywhere in the Senate; we pass it again. Why do we do so? To appeal to the fears and the passions of our people.

Let me just say, building a fence along 700 miles of our southern border is no panacea to our very real national concerns that must be addressed. In my view, it is a political grandstand play that wastes precious time.

Here, in fact, is what the President of the United States, President Bush, said, in May regarding the issue of immigration reform and border security, exactly what the gentleman from Arizona, the Republican chairman of one of our subcommittees of the Appropriations Committee. President Bush said, "An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together or none of them will be solved at all."

We passed a bill. The Senate passed a bill. But we haven't gone to conference. The Republican leadership of the Senate and the House have been stuck in the mud while America knew it had a problem that needed to be solved.

Today, the House Republicans come forward with this rifle-shot bill, this regurgitation of one aspect of the legislation.

Mr. Speaker, we all know that the Republican bill, if it does pass, is going nowhere. It will not be passed. We are wasting our time and the American people's time.

For months now, Republican infighting has prevented this Congress from enacting true immigration reform and protection, and that infighting and unwillingness to compromise on the part of House Republicans is what instigated this narrow bill.

Now, what compels us on this bill? We only have 2½ weeks, 3 weeks to go, the elections are coming, and, very frankly, the Republicans aren't doing too well, and the fear factor is one of their major political ploys.

Our Republican friends are desperate for a legislative victory and desperate for political talking points. They recognize that, as Senator SPECTER, the Republican chairman of the Judiciary Committee, said, "Republicans control both Houses and the White House. If we don't move forward and solve the immigration reform problem and border security, we are not doing our job." Today, we are pretending to do our job.

We are not doing our job. There is a bill in conference, but we are not working on it.

Today, I urge you to support the comprehensive alternative that will be offered by the ranking member of the Homeland Security Committee, which deals in a comprehensive way, which is what President Bush suggested we ought to do.

We should be coming together, on a bipartisan basis, on comprehensive legislation that would make us safer by beefing up security along our borders.

That is precisely what the Reyes-Thompson substitute would do—providing the technology, personnel, equipment and infrastructure to monitor and secure every mile of the border every hour of every day.

Instead, House Republicans are engaging in this charade.

Mr. KING of New York. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman KING also for his hard work on this legislation and for the tremendous efforts of his committee, a committee that this Congress didn't have as a standing committee until a year and a few months ago when he put together, and his colleagues, the first effort congressionally from a permanent committee to look at these important issues.

Our immigration system, Mr. Speaker, is fundamentally flawed. There are millions of workers in the United States who entered the country illegally. Most of those individuals mean no harm to anyone. But any government that cannot account for all those entering and leaving the country, either legally or illegally, must deal seriously and quickly with that problem, especially if the government is at war with an enemy that has publicly stated its efforts to exploit every weakness we have.

As one border sheriff said, standing by me at a news conference earlier this year—a border sheriff, by the way, from the other party, a border sheriff who understood this problem intimately every day. He said, "If you can come across the border for the perfectly understandable reason of a better job, you can come across the border in a way that does much more harm to people than anyone can now anticipate."

□ 1445

As I have been discussing with many of my colleagues in recent days, the House has already had success in securing resources, such as additional Border Patrol agents and vehicles, for immediate border security needs in this year's current budget, in the supplemental budget, in the budget that we will vote on for next year later this month.

I draw my colleagues' attention to these pictures, pictures of the kind of work that has been going on along the border for months now: Seventy-five miles of fence already completed, 42 miles of fence nearing completion, more Border Control officers, more detention facilities, the return of people who have illegally entered this country to their country for the first time in decades, the assistance of the National Guard. All have led to a more secure border. Today we continue our efforts to undertake emergency measures to ensure that the operational control of the border will continue to improve.

Again, I commend Chairman KING for his leadership. This act, the Secure Fence Act of 2006, will provide over 700 miles of two-layered, reinforced fencing along the border. It will mandate that the Department of Homeland Security maintain operational control over the entire border through a "virtual fence" comprised of electronic surveillance and equipment.

I urge my colleagues to take another step today for greater border security by voting for this act.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding, and I would like to associate myself with the majority whip's comments, as he explained the comprehensive approach that we are arguing for, supporting on the floor of the House.

I raised this earlier, a letter from four governors, two Republicans Governor Schwarzenegger from California and Governor Perry from Texas, the Governor of Arizona and the Governor of New Mexico. They begged this body to enforce a response to immigration by making it a comprehensive response. They begged us to stop holding field hearings that do little but stir up discontent, and they asked this Congress to get to work, and that is what Democrats are saying.

This whole idea of a fence is not a new idea. My colleagues on the other side of the aisle know that the fence language is in the Senate bill. A simple conference could move a comprehensive response forward, but more importantly, as the Christian Science Monitor said, the fence is only a tactic. It is not a policy. And that is what has happened in this Congress. We failed in the overall policy of addressing the question of immigration. And so we fail our Border Patrol agents, we fail our Customs and Border Protection agents to the extent that they do not have enough resources to have what we call secondary inspections.

So what we are talking about is adding 3,000 new Border Patrol agents, making sure we have 12,000 new agents; creating 2,000 new Immigration and Customs Enforcement agent positions, having coordination between the northern and southern border. They don't talk to each other. Creating detention beds, having a virtual reality.

Does anybody know what we will do with those individuals that are caught? We are creating 25,000 new detention beds. That is what Democrats are talking about, comprehensive reform.

Then I might suggest that the other aspect of what we are saying is that we must have surveillance. We must have physical infrastructure. We have got to be able to address this question from both sides, not a single one-target issue. This issue before us is dividing and divisive.

We ask that you support the Democratic motion to recommit but, more importantly, that you answer the question, not a tactic, Mr. Speaker, but yet a policy.

And I close by saying read the newspapers. This is a drug fight at the border. Where is the DEA? Where is the FBI? Where is more funding? That is really what we are addressing.

Mr. Speaker, I rise in opposition to H.R. 6061, the so-called "Secure Fence Act of

2006." I oppose the bill because it neither a serious nor comprehensive measure to secure our nation's borders. It does not provide any specific dollar amounts to build the fence called for in the bill, and nowhere does the bill authorize the additional Border Patrol, Immigration and Customs Enforcement, or Customs Inspectors needed to secure the border. In short, Mr. Speaker, H.R. 6061 is an election-year gimmick intended to obscure the fact that the majority party has done nothing of consequence in the past 5 years to secure the nation's borders from terrorist attack. It is time to try a new approach; it is time for a new direction. The Democratic Substitute offered by Mr. THOMPSON, the Ranking Member of the Homeland Security Committee, is a large step in the right direction and that is why I find that legislative proposal far superior to H.R. 6061.

Mr. Speaker, building walls and fences is not a panacea and a "one size fits all" approach is a wholly unrealistic and inadequate means of securing the border. Although some communities seem to approve of border fences, many others do not. For instance, Alex Perrone, the Mayor of Calexico, California, is opposed to additional fences. Calexico already has a border crossing as well as a chain-link fence that separates it from its Mexican neighbor. According to Mayor Perrone, the border towns have had a close relationship for more than 100 years, and a massive fence would strain their friendship and symbiotic relationship. Mayor Perrone believes that it would change how our neighbors view us and how we do business.

According to U.S. Customs and Border Protection Commissioner W. Ralph Basham, it does not make sense to construct fences along the border. Stemming the flow of illegal immigration and drug trafficking requires a combination of manpower, technology, and infrastructure, not just barriers.

History shows that even the most substantial walls can be breached. In California, the border fence has been circumvented by tunneling (20 tunnels have been discovered) and by going around both ends of the fence. This has diverted illegal traffic to more remote areas, but it has not stopped people from crossing. It just makes crossing more dangerous and increases reliance on professional smugglers. The diversion to more desolate areas has exacted a heavy toll in human lives. Moving through the mountains and scorching-hot deserts has resulted in many deaths. The number of persons who have died crossing the border since the fences were constructed is conservatively estimated at 3,600. Mr. Speaker, this is not the way to secure our borders.

A NEW DIRECTION ON BORDER SECURITY

What we should do instead is follow the direction charted for us in the Thompson Substitute which, among other things:

1. Establishes Operational Control of All Borders and Ports by requiring the Department of Homeland Security (DHS) to develop a comprehensive border security strategy that increases deployment of Border Patrol agents, provides increased surveillance through the use of technology, and ensures the free flow of legitimate travel and trade. It also mandates placement of technology to monitor every mile of the border 24 hours a day, 7 days a week and permits the emergency deployment of up to 1,000 additional U.S. Border Patrol agents for the purpose of patrolling and defending the international border.

2. Provides Significant New Resources Annually to Secure the Border including 3,000 new Border Patrol agents (12,000 total) and a new Border Patrol training facility to expand capacity and an increase in Border Patrol agent and inspector pay from GS–11 to GS–13. There are substantial increases in personnel authorized for Immigration and Customs Enforcement (ICE), U.S. Marshals, U.S. Attorneys, Immigration Judges, Coast Guard, Investigators of Fraudulent Schemes and Documents, Port of entry inspectors, and Canine Enforcement Teams.

3. Provides the Equipment and Resources Needed to Get the Job Done. The Thompson Substitute recognizes the importance of providing the tools needed to secure our borders by authorizing the purchase of additional helicopters, power boats, motor vehicles, portable computers, radio communications, hand-held global positioning system devices, night vision equipment, body armor, and weapons.

4. Ends the "Catch and Release" Practice. To maintain effective control over the border, we must end the Bush Administration's practice of "catch and release." The Substitute makes this possible by authorizing 100,000 additional detentions bed spaces through FY 2010 to assist with the deportation of undocumented individuals. It also increases the number of Detention and Removal Officers by 1,000 through FY 2010 to manage the additional detention facilities and capacity and to enhance the removal process.

5. Promotes International Policies to Deter Illegal Immigration by requiring DHS to report to Congress on the progress of cross-border security agreements signed between Mexico and Canada and the United States, including the Smart Border Accord and the Security Partnership for Prosperity.

6. Orders DHS to Locate Undocumented Immigrants that Have Been Set Free Under the "Catch and Release" program and instructs DHS to locate all 110,000 of those undocumented immigrants and deal with these cases, deporting those who are deportable or providing other results as required by law.

7. Finally, the Thompson Substitute Directs DHS to:

Locate and Deport ALL Criminal Aliens;

Deport ALL Deportable Criminal Aliens Serving Sentences in State or Federal Correctional Facilities;

Ensure that Local and State Correctional Facilities Cooperate in the Deportation of Criminal Aliens at the End of Criminal Sentences;

Improve and Strengthen Border and Immigration Enforcement; and

Return Deported Aliens to Countries that Delay or Deny Return of their Citizens.

Mr. Speaker, were the majority party in this House serious about securing the nation's borders, it would eagerly embrace and adopt the Thompson Substitute. A vote for H.R. 6061 is a vote to continue down the same wrong-headed path that got us into the fix we are in. It is foolish to maintain the status quo and stay the course. It is time for change. It is time for a new direction.

I urge you therefore to vote against H.R. 6061, the "Secure Fence" (but insecure Border) Act.

Mr. KING of New York. Mr. Speaker, I am proud to yield 1 minute to the gentlewoman from Florida, a member of the committee, Ms. GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the Secure Fence Act.

Americans want real border security now.

When I went to the border, the sheriffs along the border, the Border Patrol, they support the House bill, which we have now had to break up.

I heard over the August recess from about 25,000 constituents who almost unanimously opposed the Senate's amnesty bill. They want the border closed before we work on a guest worker program. Yet obviously the Senate refused to consider the whole package that the American public supports. Instead, they decide to play fast and loose with Americans' hard-earned benefits by agreeing to broad amnesty.

Though the Senate put us in a terrible logjam, Chairman KING is showing with this bill that the House is serious about securing our borders.

Listen up, America. We agree that lax border security is a threat. Illegal aliens, criminals, and terrorists alike can too easily cross the gaps too long left unplugged. We are a Nation at war and cannot afford to play Russian roulette with border security.

I obviously urge my colleagues to support the Secure Fence Act, and I would like to briefly quote Robert Frost, who said, "Good fences make good neighbors." And that is really what this is all about.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. HUNTER), who is the author of the original amendment on the wall.

Mr. HUNTER. Mr. Speaker, I thank the chairman for yielding.

My colleagues, since 9/11 border enforcement became not an immigration issue primarily but a national security issue primarily. We have to know who is coming across our borders and what they are bringing with them. That requires a fence.

The fence in San Diego works. When we built that fence, we had border gangs robbing, raping, murdering, killing mostly the illegal aliens who came through, preying on those people. We had 300 drug trucks a month ramming across the open border, coming through the sagebrush. We had a border that was out of control. It was the primary smuggling corridor in the world for smuggling of people and narcotics.

We built the double fence. We stopped the drug trucks cold. We stopped the murderers. We stopped the border gangs. And the crime rate in the City of San Diego dropped by more than 50 percent, according to FBI statistics.

The fence works, and moving this fence across the Southwest before the next hot season, before the sun gets to be 110 in the shade, which will happen next summer, getting that first stretch of fence across the hot Arizona desert will save many lives because about 400 people a year die in that desert of dehydration or sunstroke after their smuggler tells them it is just a few miles north to the road and it turns out to be 10 or 20 miles.

The fence works. Let's replicate this fence across the Southwest border so we know who is coming into the country and what they are bringing with them.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, with approximately 12 days left in this legislative 2-year session, we are talking about retreads, an idea that we have already voted on before, an idea that has passed this House but has been rejected by the Senate. That is what we are being left with to tell the people of America what we will do about our broken immigration laws. We are on a path to do nothing once again in this Congress on immigration reform.

This is a bill which says we want to build a fence but provides not a single penny to get the job done on a project that will cost several billion dollars. This is a bill that says we should try to protect our borders but does not one single thing to increase the number of Border Patrol agents, Immigration Enforcement officers, or Customs inspectors that we need to make sure that we protect our borders. This is a bill that says it wants to protect America but does not a single thing about the cargo containers that are coming into this country through all our seaports every day, some 12 million or so cargo containers per year. We are not doing anything to increase our inspection of them when only one of every 16 of those cargo containers that enter into our country is inspected as we speak.

Mr. Speaker, we are on a path to do nothing. We are in essence moonwalking on the issue of immigration reform once again. Without the Senate's supporting us in the last 12 days of this legislative 2-year session, what can we accomplish? Not a great deal.

There is a bipartisan bill out there that we could vote on today and get this done to the American people's satisfaction, but that is not being proposed today. Instead, we have a prescription to do nothing.

It is time to change. Democrats are ready to sit down with our Republican colleagues and friends and come up with a bipartisan approach that is tough, smart, and comprehensive. Let's get it done.

Mr. KING of New York. Mr. Speaker, I yield myself the balance of my time.

At the outset let me commend and thank my friend Mr. THOMPSON from Mississippi both for, I believe, the high quality of debate certainly on his side and hopefully on our side today and also for the cooperation that he has given throughout the time that I have been chairman over the last year as chairman of the Homeland Security Committee.

Mr. Speaker, there is no issue that is more on the minds of the American people than illegal immigration, and there is one part of the bill that we passed last December which has overwhelming support, and that is the construction of a fence along significant parts of the southern border, operational control of the balance of the border, and also to give Border Patrol agents the authority to stop vehicles, to use force to stop vehicles. But, again, the key part of this is operational control and significant control, including the use of a fence along the southern border.

We can tell the American people we have heard the message. We can tell the American people that we are willing to put aside political correctness and do the right thing.

It is legislation that is humane because it will save lives. It is legislation that will work as it was done in San Diego. It is legislation which would tell the American people that we are serious about combating illegal immigration. And rather than wait for everything, we will do what we can and we will just step up to the plate and get it done.

With that, I urge passage of H.R. 6061.

Mr. VAN HOLLEN. Mr. Speaker, I want to make my position on this issue clear. I support the construction of a fence to better secure our border and supported its funding in the Homeland Security Appropriations Act. However, this bill simply doesn't provide for a fence. In a typical example of congressional overreaching and micromanagement, the bill specifies exactly how such a fence will be built and the precise location of each segment of the fence. We are neither engineers nor construction managers nor do we know the best alignment of such a fence. We should simply direct the experts to construct a fence that accomplishes the objective of preventing illegal immigration and allow it to be built in the most cost-effective manner.

Mr. WELDON of Florida. Mr. Speaker, I rise to strongly support H.R. 6061, the Secure Fence Act of 2006. It is critical that we pass this bill to further strengthen our borders.

House Republicans have been forced to pursue this measure separately, because of the earlier opposition by the vast majority of Democrats who opposed that border security bill. Unfortunately, liberals in the Senate weakened the House approved bills so much when they brought it up for consideration in the Senate, that it is more of an amnesty bill than a border security bill. I cannot support any bill that weakens our borders and provides more benefits to illegal aliens, but that is what the Senate bill does.

H.R. 6061 places security first. Border security is national security. According to Customs and Border Patrol, 644 illegal immigrants from countries that sponsor terrorism were apprehended by the Border Patrol in 2005. The fact that these individuals were caught illegally crossing into the U.S. should concern us all. These illegal aliens were from terrorist-sponsoring nations such as Somalia, Iran, Indonesia, and Bangladesh, as well as from other nations, such as Afghanistan, Iraq, and Saudi Arabia, where Islamic militants, such as al-Qaida, operate. We do not know how many succeeded in entering illegally, nor do we know whether they entered with plans to harm Americans.

As further proof that terrorists are attempting to enter our country, the Sheriff of Zapata County, Texas indicated recently that Iranian currency, Arabic military badges, jackets and other clothing are among items that have been discovered along the banks of the Rio Grande River. Some of these attempting to cross the border illegally are from militant Islamic groups that have conducted terrorism on the U.S. A living example is Mahmoud Kourani, the brother of a Lebanese military leader of Hezbollah, an organization clearly identified as a terrorist organization. He was able to come into our country by bribing a Mexican consulate official to obtain a Mexican visa and was smuggled into California. Fortunately, he was later caught.

H.R. 6061 will help shut down the flow of illegal immigration into the United States through utilizing additional physical barriers, fencing, and state-of-the-art technology such as UAVs. It calls for immediate construction of nearly 100 miles of two-layered reinforced fencing along the southwest border. Additionally, it authorizes the Border Patrol to disable vehicles fleeing from Border Patrol agents.

This is a good bill that takes immediate steps to close gaping holes in our border security. Having these fences in place will also enable the Border Patrol to shift agents from those areas to focus on non-fenced areas, better utilizing our agents.

The border fence in San Diego has proven to cut down on illegal entry. It is long overdue that we expand this effective means of securing our border. I am also pleased that the bill requests a study on the necessity and feasibility of constructing a state-of-the-art barrier system along the border with Canada.

I urge the adoption of this resolution.

Mr. FARR. Mr. Speaker, I rise in opposition to H.R. 6061. The consideration of H.R. 6061 is a thinly veiled effort from the Republican Leadership to garner their party's base support in November. H.R. 6061 is a red herring to the real issue that Congress should address: comprehensive immigration reform.

But, as we all know, "Politics . . . (for) all too long, has been concerned with right or left instead of right or wrong." (Richard Armour)

This bill's objectives are not new to this body, in fact, we have already voted on them in the form of H.R. 4377, the very bill which has spurred protests all year long, throughout the country, due to its punitive and unjust nature.

The major initiative in H.R. 6061 is to complete segments of fencing, eventually ensuring 700 miles of it along the southwestern border. One section of this wall would cover practically the whole Arizona-California border.

But Republicans and Democrats know that more fencing along the border is like placing a band-aid on a gaping wound. It will not fix our broken immigration system; it will only serve to move the flow of illegal immigration into more remote and dangerous portions of the country.

In fact, Homeland Security Secretary Michael Chertoff has called fencing "a less efficient way" to address border security than adding more border security officers and yet this Republican led House insists on considering this bill.

Furthermore, building a 2-layer fence through hundreds of miles of public lands and National Parks will have severe ramifications on the delicate ecosystems of the desert. Already in Arizona alone, the Border Patrol estimates that 39 protected or proposed to be protected species are being affected by its operations. This only serves to highlight how this issue has not been viewed through a comprehensive lens.

As people cross our southern border, what kind of image do we want to portray to visitors, our own citizens or their family members? We should not convince ourselves that America is exempt from the images associated with other historic barriers, such as the Berlin Wall, the Maginot Line and the Great Wall of China.

I urge the Republican Leadership of the House of Representatives to address comprehensive reform of the Nation's immigration system so that immigration is legal, safe, orderly, and reflective of the needs of American families, businesses, and national security instead of engaging in this election year political grandstanding.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to H.R. 6016, the so-called Secure Fence Act.

Once again, we are playing politics instead of debating sound public policy. As we conduct the last legislative business before November's mid-terms, the Republican Leadership has fast-tracked a bill that was introduced just yesterday, in a cynical attempt to mislead the American people, who are demanding real policy, not this political pandering.

Mr. Speaker, we have had plenty of time to have an actual debate on immigration. This rhetoric is simply a way to make it look like Republicans are doing something, when they have squandered opportunities to pass amendments offered by Democrats to help address immigration and border security. Over the past four and a half years, Republicans have voted against Democratic amendments that would have added an additional 6,600 Border Patrol agents, 14,000 more beds to detain undocumented people, and 2,700 more ICS agents.

However, these Band-Aid bills that the Republicans keep bringing to the floor do not address the overall wound—our immigration system needs an overhaul from the top down. Arming troops to intimidate the defenseless and building up costly fences will not address the issues of immigration backlogs and more effective border patrol and customs management.

Mr. Speaker, let's address the real issues when it comes to immigration. Let's talk about the work these people are literally dying to come over here to do. Let's talk about why our neighbors would risk their lives and well-being, and that of their children and loved ones, to get across the border for low-paying jobs, in often less-than-desirable work environments—picking from pesticide sprayed crops, or teetering 40 stories high in the air to make the high rises they probably also helped build, look clean.

Mr. Speaker, I ask you—when does the Republican Leadership stop playing politics here, and start working on actual policy; Policy to address the real issues important to Americans—like real immigration reform, like healthcare, education, rebuilding of our Gulf Coast, and ending the bloodshed in Iraq.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation and appreciate Chairman KING's leadership on this issue.

There is perhaps no more important issue than national security. And border security is national security.

So I am pleased that the House Leadership has chosen to bring this bill to a vote. And because our colleagues on the other side of the Capitol say they want to secure the borders, I am hopeful this bill will soon be signed by the President.

The bill requires the Department of Homeland Security to prevent illegal entry into the United States within 18 months of enactment by using technological and physical infrastructures. Many of us have been calling for this for years.

In fact, another provision of H.R. 6061 builds on a concept included in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which I authored as Chairman of the Immigration Subcommittee. In that bill we required fencing to be built near San Diego, California, because of the large number of illegal border crossings.

That fencing was built and it was effective—the number of illegal immigrants crossing in that area fell drastically.

And now illegal immigrants cross the border in places with no barriers or that have only vehicle barriers that are easy to climb.

Over one million people were apprehended crossing the border illegally last year; millions of others crossed illegally but were not apprehended. It is clear that Congress and the Administration need to do everything possible to secure the border.

Anything less leaves our country more vulnerable to terrorist attack and leaves our citizens and legal immigrants paying the welfare, education, healthcare and other costs associated with illegal immigration.

I urge my colleagues to support the bill.

Mr. KIND. Mr. Speaker, as a nation founded and built by immigrants, the United States has a proud history of reaching out to foreigners and offering refuge and opportunity to those who seek it. We must, however, find better ways of ensuring that people who wish to enter our country to study, to work, to reunite with family, or to seek refuge—do so legally and maintain their legal status so they can be integrated properly and fully into American society.

The current immigration system is broken and requires comprehensive reform that strengthens border security; bolsters enforcement of immigration laws; recognizes the importance of the immigrant workforce to the U.S. economy; and provides a realistic and practical solution for the twelve million undocumented immigrants residing within our borders. Thus it is not sufficient to focus entirely on border security.

The bill before us today, however, addresses only one aspect of the immigration problem. Studies have shown that a large portion of people living illegally in this country entered through legal, work-based immigration channels, but then failed to renew their status. This shows that a bill focusing primarily on border enforcement will not prevent the increase of immigrants living in this country illegally.

Therefore, while immediate measures need to be taken to address the status of immigrants residing both within and outside our borders, we must work to ensure a responsible measure is produced that secures our border and enforces current law, does not penalize American businesses, and addresses the undocumented workers already living and working in our country.

While I will vote for H.R. 6061 today as a step forward in securing our borders, I continue to hope that this Congress will enact a more thoughtful and long-lasting solution to this most pressing issue.

Mr. ORTIZ. Mr. Speaker, I rise to oppose the Border Fence bill. It is yet another instance when the leaders in this Congress chose to ignore the real issues facing Americans and consider legislation this Congress has already passed. I opposed the legislation for the border fence when it was before the House earlier this year and I will oppose it again this time.

There is an awful practice this House has consistently gotten into . . . passing bills with great fanfare, then not funding them. That is what we have done with the 9–11 report . . . the Majority was guilted to pass into law the reforms the 9/11 Commission told us would prevent us from another attack. Then we never funded it.

This border fence is a profoundly bad policy because it won't work. Yet it is already included in 2 bills passed by the House this year. This is election year politics at its worst. The $2.2 billion it is estimated this bill would cost could fund almost 2,500 new Border Patrol agents for five years, a 22% increase in the force.

This is not about security. You want security? Then you want comprehensive immigration reform. This President and this Congress brought us to this place . . . where our Border Patrol agents routinely release OTMs (Other than Mexicans) into the U.S. population because we have no room to hold them.

It is in the national security interest of this nation to know who is living inside our borders, and we cannot do that without offering them a path to citizenship so they can come out of the shadows and be part of this economy. That's how you secure this country—not with a fence.

As the founder and co-chair of the Congressional Border Caucus, I have been advocating for adequate border security funding before it was a political issue this year. In particular I have been concerned with the lack of detention space, the need for adequate technology for our United States Border Patrol, the need for more immigration judges, prosecutors and customs agents, and the importance of sanctions on employers illegally employing immigrants.

None of those issues are addressed in the bill before us today. Rather, this bill simply authorizes 700 miles of fencing—again—along the 2,000 mile U.S.-Mexico Border.

The Southern part of my district rests along the U.S-Mexico border and my constituents want real solutions. We have 8–10 million people living in this country that we have absolutely no information on. This is a national security issue. In a post September 11th world, we must comprehensively address immigration and border security. When Congress last addressed immigration reform it was in the late 1980s and they did not do it together—that was a mistake and this Congress is going down that same wrong path.

Border security and immigration enforcement are very serious issues which deserve solemn debate and discussion in Congress. They are not getting them with this controversial political ploy.

Here's a real solution: provide a virtual fence to substantially improve border security and immigration enforcement, as the Reyes-Thompson substitute proposes. Their motion includes provisions to provide the technology, personnel, and equipment needed to monitor and secure every mile of the border 24 hours a day, 7 days a week.

I urge the members to vote "no" on the border fence, and to support the Reyes-Thompson substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 6061, the Secure Fence Act. I ask my colleagues: If you were considering illegally immigrating to a country, which would be more likely to keep you out: a fence, or knowing that it would be impossible to get a job in that country?

The answer is obvious. You can't tunnel around unemployment.

So why won't my Republican colleagues support comprehensive immigration reform that would provide a stable, legal workforce and harshly punish employers who hire illegal immigrants? Maybe they don't want to admit that we need some immigrant labor to make this country run. Maybe they don't want to offend their corporate backers who want to continue exploiting illegal immigrants by paying them low wages without benefits. Maybe they think the image of a fence will play well to their base in the upcoming election. Maybe they think it will distract voters from the fact that they haven't done anything to fix our dysfunctional immigration system.

Whatever the ploy, I refuse to go along. This is the United States of America—not the former East Germany. We don't solve problems by building fences. We can be smarter and we can do better. I urge my colleagues to reject this embarrassing bill.

Mr. CARDIN. Mr. Speaker, I am disappointed today that the House is once again refusing to take up substantive, comprehensive border security and immigration reform legislation which could actually be enacted into law before we adjourn for the year.

Mr. Speaker, it is absolutely critical that Congress pass meaningful and effective border security and immigration reform. Since the 9/11 terrorist attacks, Congress has taken significant steps to secure our border and prevent another terrorist attack on our soil. Congress created the Department of Homeland Security (DHS) and a strong Director of National Intelligence, which constituted the largest reorganization of our law enforcement and intelligence services since World War II.

As a former member of the House Homeland Security Committee, I know that the United States must move rapidly to: establish operational control of all borders and ports; end our "catch and release" practice of aliens apprehended crossing the border illegally; effectively organize the border security agencies within the Department of Homeland Security; and promote international policies to deter illegal immigration.

I support the Motion to Recommit to this legislation, which would: create 3,000 new U.S. Border Patrol agent positions; create 2,000 new Immigration and Customs Enforcement agent positions; improve recruitment and retention of border security personnel; create 25,000 new detention beds annually, for a total of 100,000 new detention beds; and develop a comprehensive border surveillance system.

I agree with the former 9/11 Commissioners, who recently issued a report which concluded that Congress and the Administration have much more work to do to make America safer, and gave our government fair to poor grades for our current level of border security. This legislation does nothing to provide the significant new resources called for by the 9/11 Commission report.

I am disappointed, therefore, that the leadership of the House of Representatives has failed to allow the House to take up a comprehensive homeland security and immigration reform bill that addresses the pressing vulnerabilities in our border security. The House has already passed legislation in December which authorizes the creation of new fencing, and the Senate has passed a much broader border security and immigration reform measure. The House leadership should immediately proceed to a conference with the Senate to reconcile these differences. Border security is too important and should be included in legislation that can be quickly enacted into law.

Mr. BLUMENAUER. Mr. Speaker, today's house bill H.R. 6061 signals a complete abrogation of responsibility on the part of the House Republican leadership. If they were serious about solving the problems of immigration they would not just introduce another bill that will go nowhere in the Senate. They should instead convene a conference committee. The House passed an immigration bill on December 16th, 2005, and the Senate passed its own version 112 days ago. Instead of moving forward to have a serious discussion to resolve policy differences, they have ground the legislative process to a halt and engaged in acts of political theater.

The most notable of these acts was the series of well-publicized pretend hearings around the country, which were designed to score media points and not resolve differences to move the legislation forward. The introduction and passage of this border security legislation is the latest in a line of political acts. Rather than continue this game, the majority leadership should be willing to move forward in an honest effort to resolve differences and pass a real bill.

Questions of border security and immigration reform should be dealt with in a very serious manner. By choosing to play politics with an important and sensitive issue we are just breeding more cynicism on the part of the American public and making scapegoats out of both undocumented immigrants as well as the many who are here legally and are feeling increasingly uncomfortable because of this polarization.

Fortunately, the American public will have a say in November and have a chance to vote for new leadership and bring an end to the charade surrounding immigration and border security reform.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today in opposition to H.R. 6061, the Secure Fences Act of 2006. We need a comprehensive solution for our immigration policy. This measure irresponsibly attempts to gloss over the problem of securing our nation's borders rather than working to finalize negotiations on a all-encompassing solution. It is a transparent political attempt by the majority to coerce voters into believing something is being done, when in fact this measure does not even outline a funding mechanism to put these provisions into action.

According the Department of Homeland Security, we need a varied approach to the border security problem combining personnel, equipment, technology, and infrastructure improvements. For the estimated cost of the fence proposed in H.R. 6061, we could instead spend $2 billion to purchase the 35,000 detention beds authorized in the 9/11 Act of 2004 and end the "catch and release" practice. For $360 million we could hire, train, and equip 2,000 new border control agents also outlined in the 9/11 Act. For $400 million we could hire 250 port-of-entry inspectors or acquire 1,000 radiation monitors to screen 100 percent of the cargo entering U.S. ports for nuclear material. Spending what will likely be over $7 billion to build a fence instead of providing the enhanced manpower and technology the Department of Homeland Security has identified as necessary is a misuse of taxpayers' money.

American citizens deserve real solutions. The problem of securing our Nation's borders is not one exclusive to the southern border. The lack of adequate border control enforcement at the northern border presents a serious threat to our national security, particularly in respect to the war on terror. A border security measure calling for nothing more than a study on the northern border is grossly underestimating the threat an unsecured northern border presents to our national security.

My colleague, Representative BENNIE THOMPSON, ranking member on the Homeland Security Committee, presented a responsible alternative to this measure with realistic and possible solutions. His substitute amendment would have provided the funding authorization for the personnel and technology needed to realistically secure the entire border, not just the Mexican border. Unfortunately, the majority did not allow the substitute bill to be considered and receive an up or down vote on the House floor.

It is for these reasons I strongly encourage my colleagues to reject this measure and devote our time and effort to developing a responsible, comprehensive solution to secure our borders.

Mr. MCCAUL of Texas. Mr. Speaker, I want to thank Chairman KING and Majority Leader BOEHNER for their leadership in bringing this important piece of legislation to the floor. It cannot be overstated how crucial the need is for America to have secure borders, and this bill is a step in that direction.

For too long we have seen the effects of a porous border. An estimated eight to twelve million undocumented aliens are here illegally in the United States. Last year alone, over a million illegal aliens were apprehended at the border, but the Border Patrol estimates that many more have crossed undetected. In addition, there is evidence to support that Al Qaeda would like to exploit our South West Border. We cannot let this happen

I urge my colleagues to pass this legislation which is vital to the security of our borders and our Nation.

Mr. ETHERIDGE. Mr. Speaker, I rise to speak on H.R. 6061, the Secure Fence Act. Although I voted to pass this bill to demonstrate my support of strong border enforcement, it is yet another example of the House Republican leadership's piecemeal approach to immigration reform.

America's immigration system is broken, but instead of implementing comprehensive, commonsense solutions such as increasing the number of border agents, funding more detention beds and enforcing current immigration law, House Republicans have chosen to manipulate this issue for partisan political purposes.

In December of 2004 I voted in favor of H.R. 10, the 9/11 Commission Recommendations Implementation Act. This bill, which passed the House on a vote of 282–134 and which the President signed into law on December 17 of that year, authorized Customs and Border Patrol to hire 10,000 new border agents over the next 5 years as well as add 35,000 detention beds to hold illegal immigrants while they are being process for deportation.

Although the bill passed overwhelmingly, House Republicans refused to back up this important legislation with the necessary funds to implement the provisions. The President, who signed the bill into law, only provided funds for 210 border agents in his fiscal year 2006 budget request.

The United States cannot secure its borders with only physical barriers. We can only achieve effective immigration reform and border security through a combination of consistent enforcement of current immigration law, the addition of the thousands of additional border security personnel that Congress has already authorized, and the implementation of a fair, balanced immigration plan that encourages lawfulness, rewards hard work and safeguards families.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong support of H.R. 6061, the Secure Fence Act of 2006.

I commend the distinguished majority leader, Mr. BOEHNER and the chairman of the Committee on Homeland Security, Mr. KING of New York, for moving this bill and for their strong leadership on border security issues.

The last two years, I have toured parts of our nation's southwest border with Mexico. Only after seeing the vastness of the landscape and the nearly invisible line that separates our country from Mexico, did I come to fully appreciate the border security crisis our nation faces today.

I support this bill because it provides for the use of personnel and technology—such as cameras and sensors, satellites and unmanned aerial vehicles—to gain operational control of our borders. These are vital tools for our Border Patrol agents who are the tip of the spear in protecting our country.

Beginning in June of last year, the Homeland Security Subcommittee that I chair began a series of hearings to closely examine the Department's existing border technology program, know as ISIS—the Integrated Surveillance Intelligence System. Unfortunately, our reviews uncovered waste and mismanagement of precious funds provided for border technology.

Last November, the Department of Homeland Security announced the launch of the Secure Border Initiative—the Department's multi-billion dollar effort to integrate technology, infrastructure, and personnel to secure our borders.

While I support the Department's efforts, my subcommittee has already begun to closely monitor this program and we will hold an oversight hearing this fall on the new SBI contract.

In closing, I would like to reiterate my support for this important bill and hope my colleagues on both sides of the aisle support this important legislation.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 6061, the Secure Fence Act of 2006. This bill is not about border security or terrorism prevention, as the name implies, but is rather a gimmick and will not in fact solve our nation's border and immigration problems. We need to focus on "smart security" and develop a comprehensive plan. Only then will we truly secure our borders and ensure our safety as Americans. This bill strays far from those priorities and is opposed by almost every reasonable business, labor, and civil liberties advocacy group in the country.

The bill before us does not provide any specific dollar amounts to build the mandated fence, and nowhere does the bill even authorize additional Border Patrol, Immigration and Customs Enforcement, or Customs officers needed to secure the border. Blindly erecting a fence, without taking into consideration the needs of the area and the men and women who work on the front lines of our borders is not effective and we can do better. We need to focus on "smart security," and we need to do it now.

It is extremely important to know who is entering our country and who is already here. We need to focus on strengthening our borders by improving our surveillance technology, deploying more border patrol agents, and providing them with the materials they need to effectively do their jobs. This is why I am proud to support Mr. Thompson's substitute amendment.

The substitute amendment requires the Department of Homeland Security to develop a comprehensive border security strategy by deploying at least 3,000 additional Border Patrol agents and 2,000 additional Immigration and Customs Enforcement agents at our borders each year for the next four years. The substitute also provides helicopters, portable computers, radio communications and hand-held global positioning devices so the agents have all of the resources they need to get the job done.

Mr. Thompson's substitute also ends our ineffective "Catch and Release" practice. We need to ensure that we have adequate space in which to house people until we determine who they are and why they are here. It is unacceptable that illegal immigrants have been released after being charged with a crime simply because there is not adequate space in which to detain them. The substitute authorizes 100,000 additional detention bed spaces through FY 2010 to assist with the detention of undocumented individuals.

We also need to refocus our efforts on monitoring precisely which materials come through our borders. As the lead Democrat on the Subcommittee for the Prevention of Nuclear and Biological Attack, I have called for the installation of radiation portal monitors at designated ports of entry to screen all inbound cargo for radiological or nuclear materials. I am dedicated to ensuring we have this important technology at every entry point.

Although erecting a security fence in specifically targeted areas may be necessary, it needs to be part of a much larger comprehensive plan. In order to employ a plan that is truly effective, we need to take into consideration all of these factors, not just a select few.

Rhetorical bills proposing a quick fix will not secure our borders, and I will not support legislation that does not propose a comprehensive solution. I am proud to support Mr. THOMPSON's substitute amendment, and I urge my colleagues to follow suit.

Ms. FOXX. Mr. Speaker, I rise today in strong support of H.R. 6061, the Secure Fence Act of 2006. This bill will help secure the border and stem the unrelenting flow of illegal aliens into this country by authorizing 700 miles of two-layered reinforced fencing, mandating the Department of Homeland Security to achieve and maintain operational control over the entire border through various methods such as ground sensors, cameras and surveillance technology. It also requires the Department of Homeland Security to provide necessary authority to Border Patrol agents to disable fleeing vehicles, similar to the authority granted to the U.S. Coast Guard.

The provisions in this bill will address our country's vulnerability and strengthen operational controls along our borders. Border fences have a proven success rate in drastically reducing the number of illegal aliens entering our country illegally. When enacted, this bill will dramatically reduce illegal immigration and make us safer.

I have long been committed to stopping the flow of illegal immigration and securing our porous borders. My constituents have made it clear to me they want our borders secure, our laws enforced and the flow of illegal immigration stopped immediately. The recent 22 immigration field hearings held across the country during the month of August yielded the same mandate from the American people, secure the borders now.

The amnesty provisions contained in the Senate-passed immigration reform measure earlier this year would encourage future illegal immigration and reward those who have violated America's laws with a quick and easy path to citizenship. There is more to be done in dealing with illegal immigration, but securing the borders must be the first step. America cannot afford to wait any longer and I will continue to push to secure our borders now.

Mr. CONAWAY. Mr. Speaker, I am committed to using my best informed judgment in deciding how I vote on each bill that comes before the House of Representatives.

My goal for securing the borders is to provide the U.S. Border Patrol with the right tools, assets, including fences and vehicle barriers, equipment, and number of agents to interdict every person trying to illegally cross into our country. We should approach meeting this goal in a systematic and thoughtful process. In my judgment, The Secure Fence Act does not do this.

The first step is to thoroughly analyze what is needed along all of our borders to meet our goal. At a minimum, the Border Patrol should be asked to provide us with what they think in their professional judgment is needed to do their job. The Secure Fence Act starts this type of analysis as it relates to the northern and maritime borders with the requirement that the Department of Homeland Security spend the next year developing a rational program for meeting our goal as it relates to these borders. As for the southern border, the bill simply requires that 700 miles of fencing be built at locations fixed by the bill by May 2008.

The bill set the amount of fencing for the southern border at 700 miles without properly consulting the Border Patrol, who knows best where a fence is needed. A proper analysis of the problem may show that we actually need 1,000 miles or it may show us that only 500 miles is needed to secure the border. In addition to knowing how much fencing is needed and where the fencing will be most effective, we should know how much the fencing is going to cost. At the time of the vote, the Congressional Budget Office had not determined how much the fencing and the other mandates in the bill are going to cost. While cost is not necessarily determinative of whether we should proceed, nevertheless it is an important consideration that should have been known before we voted on the bill.

The bill designates specifically where the fencing is to be built in Texas. The communities where the fence is mandated to be constructed should have some input into this bill before the law was passed. Also, most of the border between Texas and Mexico is private property. We should have known what impact that will have on the cost of constructing the fence as well as how much of the property might have to be taken via eminent domain proceedings.

One final note Mr. Speaker, I believe it is important to try, although we are rarely successful, to work with members of the other party when we are developing public policy. Congressman SILVESTRE REYES, a former Border Patrol sector chief from El Paso, voted against the bill, as did Congressmen HENRY CUELLAR, RUBÉN HINOJOSA, and SOLOMON ORTIZ, all of whom represent parts of the border.

Mr. Speaker, I remain fully committed to securing the border. I am also committed to achieving that goal in the best and most cost effective manner possible. I will continue to work with my colleagues on securing our borders in the weeks ahead. It is important that we get it done as quickly as possible, but simply throwing up a costly fence without the proper planning is not the answer.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1002, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of Mississippi. In its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson moves to recommit the bill, H.R. 6061, to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. MONITORING AND SECURING THE UNITED STATES BORDER.

(a) OPERATIONAL CONTROL OF THE BORDER.—Not later than September 30, 2007, the Secretary of Homeland Security shall obtain operational control over the entire international land and maritime border of the United States.

(b) WORKFORCE ENHANCEMENTS.—In obtaining operational control over the border under subsection (a), the Secretary shall:

(1) Increase—

(A) by not less than 3,000 in each of fiscal years 2007 through 2010 the number of positions for full-time active duty Border Patrol agents; and

(B) by not less than 2,000 in each of fiscal years 2007 through 2010 the number of positions for full-time active duty immigration enforcement agents for work at the border.

(2) Establish northern and southern border coordinators to oversee the security of the border in their respective geographic areas.

(3) Establish a plan to improve the recruitment and retention of border security personnel.

(c) SECURITY ENHANCEMENTS.—In obtaining operational control over the border under subsection (a), the Secretary shall:

(1) Increase by not less than 25,000 in each of fiscal years 2007 through 2010 the number of detention bed spaces.

(2) Establish a plan to reduce the use of fraudulent immigration documents to gain admission to the United States.

(d) SURVEILLANCE SYSTEM.—In obtaining operational control over the border under subsection (a), the Secretary shall:

(1) Develop a surveillance system of the international land and maritime borders of the United States that, when combined with the personnel authorized in subsection (b), and otherwise authorized under law, ensures continuous monitoring of every mile of the United States border on a 24-hour basis, 7 days a week, and is fully interoperable with existing surveillance systems used by the Department of Homeland Security.

(2) Not later than March 1, 2007, the Secretary of Homeland Security shall submit a plan for surveillance over the United States border to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)). The plan shall set forth—

(A) an assessment of existing technologies to determine if one technology is better than another, or whether there is a way to combine the capabilities of various detection devices into a single system;

(B) an assessment of how the United States Border Patrol is working, or will work, with the Directorate of Science and Technology to analyze high altitude monitoring technologies (such as unmanned aerial vehicles and tethered aerostat radar systems) for use with land-based monitoring technologies;

(C) a description of how radiation portal monitors will be deployed to ports of entry;

(D) a description of the use of K–9 detection units along the United States border;

(E) a list of any obstacles that may impede full implementation of the deployment plan; and

(F) a detailed estimate of all costs associated with the implementation of the deployment plan.

(d) PHYSICAL INFRASTRUCTURE ENHANCEMENTS.—In obtaining operational control over the United States border under subsection (a), the Secretary shall make physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by the Bureau of Customs and Border Protection, including but not limited to additional checkpoints, all weather access roads, and vehicle barriers, while maintaining the speed of commerce through such points of entry.

(e) OPERATIONAL CONTROL DEFINED.—In this section, the term "operational control" means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,290,000,000 for fiscal year 2007, and such sums as may be necessary for each succeeding fiscal year.

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Mississippi is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of Mississippi. Mr. Speaker, today we have heard over and over again from Republicans that good fences make good neighbors. Ironically, that tag line comes from a Robert Frost poem entitled "Mending Wall" that seemingly questions whether a wall in need of repair is worth the effort. Even more ironic in this is the fact that this poem is about mending a fence, something that this bill does not pay for. In fact, H.R. 6061 does not even pay for the fence to be built. If border security is so important, why do my colleagues across the aisle refuse to do it right?

Mr. REYES and I are offering this motion to recommit to ensure that the Department of Homeland Security has the resources and capabilities to address our border security problems. This motion to recommit would secure our borders and protect the American people.

That is not to say there is not more to be done. Congress still must face the issues of comprehensive immigration reform, which Republicans refuse to bring to the floor and have used parliamentary procedure to keep it from discussion today. But if Republicans insist on voting yet again on border security, let's do it right.

Mr. Speaker, I yield the remainder of my time to the former Border Patrol chief from El Paso, Texas, my colleague SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

This debate today is about whether or not this Congress can afford to micromanage what the United States Customs and Border Protection does on our border. This bill calls for a fence from Calexico to Douglas, from Laredo to Brownsville, from Columbus to El Paso, from Del Rio to Eagle Pass, and a fence in the Tecate area as well.

Our position in this motion to recommit is, instead of micromanaging, let us give the Customs and Border Protection the resources that they need. Let us give them real meaningful legislative support.

Under our bill we give them additional Border Patrol agents.

☐ 1500

Under our bill we give them security enhancements, we give them surveillance enhancements, we give them practical infrastructure enhancements. In other words, what we do is, we provide them the support and ask them, what is it that you need; tell us how you are going to enhance the ability to better monitor the border.

We think that makes sense. We can do much better than micromanage from here. We wouldn't micromanage and tell generals in Iraq or Afghanistan how to fight that war. Why should we do that when we are trying to defend our homeland? We can do much better.

This bill, from my perspective, and from my 26½ years of experience with the Border Patrol, as I walked in, I listened to my colleague from California, Congressman HUNTER. He was talking about a fence that was effective. There are limited areas where fencing is effective, but to put a fence from Columbus to El Paso, a stretch of 88 miles, is ridiculous. It is not only expensive, but the maintenance and the effectiveness is going to be expensive and questionable.

Part of this process has to include common sense.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, would my colleague answer one question for me.

In the measure that is before us today, is there any money in this measure to build any kind of fence?

Mr. REYES. Mr. Speaker, there is none. There is no money provided in this bill. This is purely a political ploy. This again, unfortunately, proves that the leadership of this House is putting politics ahead of good policy.

We can do better, we must do better, we must work together. Let's vote "no" on the bill itself, vote "yes" on this motion to recommit.

Mr. THOMPSON of Mississippi. Mr. Speaker, this Democratic motion to recommit solves the problem. We hope we can get support from the majority of the body.

Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Speaker, let me just state at the outset, again, the great regard I have for Mr. THOMPSON and also for Mr. REYES. But in that context, I must say that I strongly disagree with their motion to recommit, primarily because even though this is the Secure Fence Act of 2006, the motion to recommit nowhere even mentions the word "fence." And it is significant that they seem unwilling to address this fundamental issue.

We believe on our side and a solid majority of the House of Representatives believed last December, and indeed a majority of the United States Senate believed, that a fence is essential, that a fence is important. And that is why it was passed last December, that is why the overwhelming majority of the American people support it today, and that is why we are bringing it forward now.

The reality is that comprehensive legislation is not going to be moving. But, again, the American people are crying out; they are demanding that we take action. This is an issue which goes right to the heart of America today, whether you live on the border or whether you live in the north, the Northeast, Northwest, Midwest, it is an issue. As Members went back to their districts this summer, last spring, the one issue that resonated completely was the issue of stopping illegal immigration. One proven way is to build a fence and to get operational control over the entire border.

Mr. REYES. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Texas.

Mr. REYES. Our motion to recommit includes physical infrastructure enhancements; fencing is part of that. There is fencing in there, there are access roads, there are buildings in there. All of that is included in there.

Mr. KING of New York. If I could reclaim my time, I do believe that it is significant that in a fence act, even though fencing was mentioned in December legislation passed in the House, even though fencing was mentioned in the Senate bill, there is no reference to it, which to me is bowing to political correctness. We are up front about what we are asking for.

Also, I don't believe we should abdicate responsibility to the Department of Homeland Security. We should make it clear what we want, tell them what we want. If they want some variations within there, fine. But we feel so strongly about this, the American people feel so strongly about it, I believe it is essential that we make it loud and clear what we do want.

Now, having said that, on the issue, for instance, of Border Patrol agents, the appropriations bill for fiscal year 2007 will include 1,200 new Border Patrol agents. That will get us up to 14,580, an increase of almost 50 percent over the last several years. There are 1,012 new ICE officers, which will get us up to 11,500. This appears to be about as many as the system can absorb as we train new officers, and we are going forward with that. If more are needed, I pledge to the ranking member we will work to bring that about as we go into the next session.

But it is essential that we do this today to tell the American people that we have gotten the message, that we are willing to take the action that is needed, we are willing to go on the line this is needed, this is essential; and we are calling for it, we are demanding it, we are voting for it. The easiest way to say that we are going to do the right thing on illegal immigration, to stop illegal immigration, and also to be humane and stop the deaths in the desert.

I was at the desert with Speaker HASTERT and Congressman RUSH and Congresswoman MILLER this past July, went to Yuma and Nogales in Arizona, we helicoptered across the desert. To me, a fence is absolutely essential in certain parts of that border. That is what this is about. Let's put aside political correctness, let's have the guts to do the right thing.

I urge defeat of the Democratic motion to recommit and passage of the underlying bill, H.R. 6061.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6061, if ordered, and the motion to instruct on H.R. 2864.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 15, as follows:

[Roll No. 445]

YEAS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Case
Cleaver
Culberson
Davis (FL)
Evans
Fitzpatrick (PA)
Forbes
Jenkins
Johnson, Sam
Keller
Ney
Reynolds
Ryun (KS)
Strickland
Westmoreland

☐ 1531

Mr. ROGERS of Alabama, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. MURPHY, and Mr. SODREL changed their vote from "yea" to "nay."

Mr. CHANDLER and Mr. CONYERS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 138, answered "present" 1, not voting 10, as follows:

[Roll No. 446]

AYES—283

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg

Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—138

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Butterfield
Capps
Cardin
Carnahan
Carson
Clay
Clyburn
Conaway
Conyers
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey
Wu
Wynn
Young (AK)

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—10

Case
Cleaver
Culberson
Davis (FL)
Evans
Forbes
Johnson, Sam
Keller
Ney
Strickland

□ 1541

Mr. CLYBURN and Mr. EMANUEL changed their vote from "aye" to "no."

Mr. RAHALL changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated For:

Mr. FORBES. Mr. Speaker, I was unable to be present at the vote for H.R. 6061, the Secure Fence Act of 2006. Had I been present, I would have voted "aye" on final passage.

APPOINTMENT OF CONFEREES ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. MELANCON

The SPEAKER pro tempore (Mr. KLINE). The unfinished business is the vote on the motion to instruct on H.R. 2864 offered by the gentleman from Louisiana (Mr. MELANCON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 340, nays 79, not voting 13, as follows:

[Roll No. 447]

YEAS—340

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—79

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Bonilla
Bonner
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Coble
Conaway
Cubin
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)

Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Hobson
Hostettler
Hunter
Inglis (SC)
Istook
King (IA)
Kingston
Linder
Mack
Marchant
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Pence
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Stearns
Taylor (NC)
Thomas
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

NOT VOTING—13

Butterfield
Case
Cleaver
Culberson
Davis (FL)
Evans
Forbes
Johnson, Sam
Keller
Kennedy (MN)
Kolbe
Ney
Strickland

□ 1551

Messrs. GOODLATTE, SHUSTER, Camp of Michigan and BURTON of Indiana changed their vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KOLBE. Mr. Speaker, on rollcall No. 447, my vote was not recorded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, BAKER, GARY G. MILLER of California, BROWN of South Carolina, BOOZMAN, OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Mr. BISHOP of New York.

From the Committee on Resources, for consideration of sections 2017, 2020, 2025, and 2027 of the House bill, and sections 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. MUSGRAVE, and Mr. KIND.

There was no objection.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may be permitted to include extraneous material on House Resolution 1003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1003 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1003

Resolved, That upon adoption of this resolution, House Resolution 1000, amended by the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the resolution, is hereby adopted.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, today we are considering a very important reform that is a bipartisan reform. It is bipartisan because it is an issue that I am happy to say, as we have moved down the road towards reform, has enjoyed strong bipartisan support. In fact, it was a key provision in the House-passed Lobbying Accountability and Transparency Act, which did enjoy bipartisan support, not as strong as I would have liked, but it did enjoy bipartisan support.

Specifically, Mr. Speaker, with this new rule, Member-directed spending to projects in their district, or earmarks, will no longer be anonymous. It is very simple.

We all know, as it stands now, there are no disclosure requirements in appropriations, tax bills or authorizing legislation. Earmarks can be buried in the text of bills that often number into the thousands of pages. There is no easy way to account for how many earmarks are in a bill or who is sponsoring them.

This new rule requires sponsors of earmarks to be listed in committee reports. Conference reports must also have a list of earmarks that are "airdropped" or brought into an agreement in the conference report itself. It is just that simple.

We are blowing away the fog of anonymity so the public can have a clear picture of what the projects are, how much they cost, and who is sponsoring them. It is just a very simple case of transparency.

Mr. Speaker, this is a victory for fiscal responsibility and a victory for spending taxpayer dollars more wisely.

As an enforcement mechanism, this new rule also provides for a question of consideration when a bill or conference report does not contain a list of earmarks. The question of consideration is debatable for 30 minutes, 15 minutes equally divided.

Mr. Speaker, if a Member feels strongly enough about a proposed earmark, they will have to attach their name to it. That is all we are asking. And they need to be prepared to make their case in full view of their colleagues, their constituents, and the American people as a whole.

Mr. Speaker, the earmark reform bill will build on the reforms that have already been implemented by the Appropriations Committee, and I take my hat off to the Appropriations Committee for the very bold and dynamic reforms that they have made. They have reduced the number of earmarks already by 37 percent. Overall spending on Member projects was reduced by $7.8 billion below last year's level.

Over the last 2 years, Member project spending has decreased by over $10 million, and I want to especially express my appreciation to my very dear friend, JERRY LEWIS, who has so ably chaired the Appropriations Committee and has stepped up to the plate and taken on this issue of reform and done it with great success because of the fact that he has been able to rein in Federal spending. It doesn't get a lot of attention, but he has been very successful in doing that.

Mr. Speaker, I also want to make very clear that our focus is not solely on appropriations. This was one of the requests that Chairman LEWIS made of us as we were proceeding with this work.

For this reform to be effective, it must be comprehensive, and that was the commitment that the Speaker of the House and our leadership team made to our Members. So let me point out that this earmark reform applies across the board. It doesn't just apply to some committees. It covers all committees, all appropriations, all tax, all authorizing legislation, anything that moves through this House through regular order.

Mr. Speaker, we have taken great care to clearly and precisely state what constitutes a tax, an appropriation, or an authorizing earmark. And the good news is that there is more agreement than disagreement on those definitions. Yet clearly there is no magic bullet. There is not going to be one definition that will be perfect and please everybody. But at the end of the day, we have to come together. We have to come together, Mr. Speaker, and move this process forward. If there is an earmark in a bill, it belongs on a list. It is just that simple.

□ 1600

If there is an earmark, we need to see it. Now, is this new disclosure going to completely end the practice of earmarking? I certainly hope not. I don't want it to, because I believe that earmarking is part of our constitutional responsibility. But it will shine a spotlight on earmarks without grinding the legislative process to a halt.

Let me make very clear that the larger goal of this new rule is to make a profound and lasting change in how this institution handles earmarks and spends taxpayer dollars. The goal is to increase transparency, disclosure and accountability, and the goal is to pull back the curtain on earmarks for the public, because I believe, Mr. Speaker, that they have a right to know.

For this earmark reform to be both meaningful and lasting, everyone, from committee chairmen on down, must make a good-faith effort to comply with the spirit of the new rule. Our leadership, and certainly the Rules Committee, has made such a commitment, and we are determined to make this work.

Mr. Speaker, I would also like to point out that while this is an important milestone in the path toward reform, we have not reached the goal line. In fact, I don't believe that we will ever reach the absolute goal line because reform is a continuous process. It gains momentum from Members who never let up and never settle for the status quo.

Mr. Speaker, I urge my colleagues to vote "yes" for reforming earmarks, and "yes" to setting the stage for more reforms that we will face down the road.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is no secret why fewer than 30 percent of Americans approve of the job that Congress is doing. It is not hard to figure out why nearly 75 percent of Americans feel as though the country is headed in the wrong direction, and it is easy to see why so few citizens are confident that this government will turn things around.

Our elected officials routinely abuse the public trust, promising one thing and delivering another. They intentionally disguise business as usual to look like positive reform, and Members of the House have ignored the rules written in the public interest, and have allowed the deliberative process at the heart of our democracy to be captured by special interests.

The result has been a Congress where corrupt lobbyists write the bills, 15-minute votes are held open for 3 hours and entirely new legislation is crammed into acts in the dead of night. The American people know it, and they are tired of the old games. When finally faced with public awareness and anger over just how corrupt our House has become, Republicans promised a great deal.

In fact, they opened 2006 with a flurry of promises. My good friend and colleague, DAVID DREIER, the chairman of the Rules Committee and Republican ethics reform leader, had this to say on the floor in February, and I quote, "We are committed to bold, strong, dynamic reforms for this institution," he said. Adding the quote, "the Republican Party has stood for reform ever since I can remember."

But since then, Mr. Speaker, very little of anything has come from my Republican friends, even though their party controls the House, the Senate and the White House. If they were interested in ethics reform, they would have passed it swiftly. Instead they seem here at the last throes simply determined to merely run out the clock on the issue of passing a few deceptive bills here and there while secretly hoping the whole subject would go away.

We saw this strategy with the first ethics reform act passed by the House in February, which was a minor rules change that simply prevented former Members from using the House gym, as if that is the only place that dishonest business transpires in Washington.

Then in May a broader Republican bill theoretically focused on preventing future lobbyist abuses was lambasted by commentators of all stripes for being what it was, a sham. It has been a history of deliberate inaction, Mr. Speaker, and the same story here today.

As this legislative session comes to a close, it is truly shameful that bills like this one are all the House is going to be able to accomplish. Consider the context in which this bill comes to us.

While my colleagues on the other side spent years railing against the evils of Congressional earmarks, they have been presiding over the greatest earmark explosion in American history. According to the Heritage Foundation, earmarks are appropriations bills that increased tenfold between 1995 and 2005. In the mid-1990s, they accounted for $10 billion in Federal spending. Today it is over $27 billion.

Nonappropriation earmarks have skyrocketed as well. Last year's transportation reauthorization bill, for example, contains 6,371 earmarks, totaling $25 billion, including the "Bridge to Nowhere."

We cannot afford to keep spending in such an irresponsible way, Mr. Speaker. One look at our skyrocketing national deficit is proof enough of that. But this is about more than just debt, it is about the future of democracy itself.

Unchecked earmarks, and many of them for relatives of the persons who wrote them, or for businesses that they own, are a cause of the culture of corruption that pervades Washington and undermines our democracy. They are routinely traded for political favors, exchanged for votes and used to benefit family members. They are, in the words of Representative FLAKE, the currency of corruption in Washington.

Yet, my Republican friends have given us a bill today that is a nonresponse to the crucial issue, a deceptive bill that is riddled with loopholes. Just like the previous legislation, this is, once again, a sham.

This measure is supposed to increase disclosure of which Members are behind which earmarks. But it is intentionally limited. It leaves numerous means by which Members can conceal their earmarks. The rules change proposed to the resolution applies only to reported bills, so a Member who wanted to avoid disclosing earmarks to the public could simply include them in the manager's amendment or bring the bill straight to the House floor without a committee markup, therefore, no identifiable earmarks. That is a loophole you could drive a truck through.

If that is not bad enough, the bill defines many types of earmarks right out of existence. For example, spending on Federal entities can no longer be classified as an earmark under the bill. That would have allowed the infamous $200 million "Bridge to Nowhere" earmark that blew up in a scandal last year to avoid disclosure entirely. The $400 million Home Depot ceiling fan giveaway that we heard so much about would not have counted as a earmark either, just because the resolution did not include tariff and duty changes in its definition.

Of course, this entire piece of legislation would expire in January. Let me make that point again. What we are doing here today, when this passes today, it is only good till the end of the year. How serious a bill is that?

This is a deeply flawed solution to a serious problem, a temporary stopgap measure, and I think we won't be writing any more earmarks this year, which is designed to do little more than get the Republicans through the November elections.

As always, there is an alternative. More than 6 months ago my Democrat colleagues and I offered a tough, commonsense report package that would have corrected many of the most rampant abuses plaguing Washington, abuses that have diverted the work being done here away from the good of the people and toward the wants of a few.

Legislation I introduced on behalf of the Democratic leadership in May bans travel on corporate gifts, bans lobbyist gifts, slows down the revolving door between Capitol Hill and K Street, prohibits lobbyists writing the bills, addresses many of the broken procedures and rules here in this House.

It focuses on earmarks, too, in a much more direct and systemic way than the bill before us does now. In fact, it requires Members to publicly disclose all district-specific earmark requests that they make on bills and conference reports. This past May I am proud to say that 16 Republicans joined with the Democrats in support of this bill.

In the end, it failed the House by only two votes. It was deeply encouraging to see rank-and-file Republicans of conscience challenge their Republican Party's leadership, to see them back up their pledge to clean up the House with real action. They will have other chances to do it, too, because Democrats have not given up this fight.

We have always prided ourselves on delivering what we have promised, and we are committed to eliminating the corruption that plagues our Congress today. We won't stop until we get there.

Together, we will give the country a Congress they can be proud of again.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say in response to my good friend from New York once again, this is a bipartisan effort. I know that the Democratic Caucus has talked about the need to implement this reform. We hope very much, when we come back to majority status in January of next year, to renew and build on this kind of reform.

Mr. Speaker, I yield 2 minutes to my very good friend, a hardworking member of the Commerce Committee, the gentleman from Phoenix, Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding. I compliment him for his hard work in this effort at earmark reform, and I also compliment the leaders of this House.

Mr. Speaker, just a year ago, I think no one would have believed that we would have been standing here now on the verge of adopting very far-reaching earmark reform. I compliment everybody engaged in this debate, from my Democrat colleagues to my Republican colleagues, all of the people involved, including the chairman of the Appropriations Committee, who has engaged in this vigorously.

This is a milestone. This is a step forward for the American people. This is a day in which we are saying the American people get to know how their money is spent.

Importantly, when we passed similar language several months ago, the chairman of the Appropriations Committee said it is wrong to single out a single committee. This should apply to all committees, and he was right then, and he is right now. It is important, indeed. I would argue it is vital that the American people be able to know how every dollar they send us in taxes gets spent, and this legislation will allow that to happen.

It says that every earmark and every Member who requested an earmark must be openly acknowledged in the legislation itself. By shedding the light of day on the earmarks that move through this Congress, we are being open and straightforward. Those who have what they consider to be a good earmark for the country can come to this floor and defend it and explain it, and the American people can examine it. I believe this is a tremendous step forward.

I want to caution people listening to the debate. What you will hear in the debate here today is that this bill isn't right, because it is not perfect. It doesn't go far enough. The definitions aren't quite precise. We just heard the minority say it is not a good bill because there has been an explosion in earmarks. So, somehow, since there has been an explosion in earmarks, we should not do anything.

That is outrageous. No bill that I have voted on in my career in this Congress has been perfect. No bill has had every definition exactly right. This is a tremendous step forward. This is a vote for sunshine. This is a vote for openness in our government, and I urge my colleagues to support it.

I compliment our leadership and the chairman of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, after all the scandals, after all the corruption, after all the unethical abuse of earmarks, after all the public outrage, this is it? This is the best that you can do? With all due respect to my colleague from Arizona, who just spoke, I don't want your compliments. I don't want to take credit for this.

This measure before us is not earmark reform or any other kind of real reform. It is not accountability, and it is not transparency. It is, at best, a press release. There are so many loopholes in this measure that you could drive a Mack truck right through it. Unreported bills, manager's amendments and other amendments are not subject to this so-called reform.

That is where a great deal of the earmarking abuse occurs, but it is all exempt. We need to clean this place up. We need to change the culture of corruption in this House of Representatives. We need a comprehensive lobbying bill that has teeth in it, that means something.

Let me say to my colleagues, this entire institution has suffered as a result of the corrupt practices of the Tom DeLays and the Duke Cunninghams. It has suffered under the 12 years of mismanagement by the Republican majority here. People have had it. People have lost faith in this institution.

This chairman of the Rules Committee talks about how the Republican majority is interested in reining in spending. Federal spending has gone up 40 percent since George Bush took office. In terms of earmarks, they are coming late to this game. In 1995, when they took power, there were about 1,400 earmarks. There are over 14,000 earmarks as of 2005.

You know, the only way to regain the confidence of the American people is by combating the corruption, by cleaning up this institution, by implementing real, honest-to-goodness reform.

□ 1615

This is not it. If you are going to do something, do it right.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a very hardworking member of the Committee on Rules, my very, very good friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H. Res. 1000, a resolution providing for earmark reform in the U.S. House of Representatives. I want to say that I support this resolution because I take my responsibility to allocate the hard-earned money of the residents of Georgia's 11th District very, very seriously.

There are fundamental duties of the Federal Government, tasks that the American people cannot do individually, but they rely on the collective strength of our Nation's capital to accomplish. Some of these tasks are national security, ensuring the safety of our citizens at home and abroad, and maintaining our national highways and infrastructure. However, over the years, the Federal Government has expanded this definition to encompass many extraneous projects that cannot be defended.

Mr. Speaker, there is a reason earmarks have become such an integral part of the appropriation and authorization process in Congress. It is because each individual Member of Congress knows what is needed in their own districts better than anyone else. It is for this reason that I fully support this legislation, because it does not outlaw earmarks. Rather, it represents reform that is long overdue.

Mr. Speaker, I have submitted earmark requests on behalf of my constituents, but I have always tried to prioritize these projects in an effort to maintain my credibility as a trustworthy steward of the taxpayer dollars.

So I rise today not to condemn the earmark process, but rather to applaud the legislation that inherently reforms it. This legislation takes a stand for transparency in an effort to curb the current trend of frivolous Federal spending. Congress always needs to remember to whom we are ultimately accountable, and because of this legislation, Congress will be able to restore that full credibility.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank my good friend from New York for yielding me time.

Mr. Speaker, the American people are demanding real reform of Congress. This bill isn't it.

The second session of the 109th Congress began with Members on both sides of the aisle deeply concerned that the dignity of this great institution had been tarnished. Newspapers across the country ran stories almost every day about the illegal practices of well-connected lobbyists. Stories discussed the ways in which unethical conduct had become the cost of doing business in Congress.

We read about the K Street Project. We read about legislation written in secret by lobbyists and about back-room deals to benefit narrow special interests. Editorial boards from all 50 States called for reform.

In May, the House passed a fundamentally flawed approach to reform. It included some new restrictions on lobbyists, yes, but we showed no willingness to demand reform of ourselves. That sent a terrible message to our constituents.

There is a better approach. I have joined many of my colleagues as a cosponsor of the Honest Leadership Open Government Act. It injects transparency and accountability into Congress itself. There would be no more K Street Project. There would be no more meals or gifts from lobbyists. No more travel on corporate jets. And it would ensure better legislation. Members would be guaranteed 24 hours to read a bill before voting on it. And we would end the common practice of last-minute provisions slipped into conference reports.

The majority is interested in none of this. The legislation was rejected in May along party lines. And since then, the House has not shown any interest in moving ahead with any meaningful reform.

So here we are in the waning days of the 109th Congress debating only a narrow earmark reform resolution full of exceptions and unlikely to pass.

Every Member of this House knows that this bill is not what the American people demanded of us at the beginning of the year. Certainly, this resolution will not restore the integrity of the institution in which we serve.

Mr. Speaker, the American people want real reform. They will not be fooled by fig leaves.

We still have time to act in a unified fashion to restore the dignity of this House. Unfortunately, this resolution falls far short of that necessary effort.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to the very distinguished majority leader, who has been a great champion of earmark reform for many, many years, my friend, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from California (Mr. DREIER), the chairman of the Rules Committee, for yielding, and thank him and the Speaker for their tremendous work on this rule change.

Mr. Speaker, today is an important day for the House as an institution. There has been much written this year about the practice of earmarking, which has allowed lawmakers to anonymously insert spending projects into bills without scrutiny or significant debate. It is a major source of frustration, I think, for the American people, and for those of us who believe that we need greater accountability and transparency in the way Congress works.

Earlier this year, I, along with many of my colleagues, called for reforms to this earmark process. We need a process where we can determine what are worthy projects and distinguish those from worthless pork. These reforms before us will help accomplish that goal so unworthy projects can be publicly identified, debated and, hopefully, weeded out.

I think the reforms before us are very straightforward. They specify that if the House considers a bill which includes earmarks, it must be accompanied by a list identifying those earmarks as well as the names of the Members who requested them. The reforms also ensure that in the case of a conference report, the list includes any earmarks that were what we call "air-dropped," or in other words, not included in either the House or Senate bills.

No longer will Members, the media or average taxpayers have to thumb through pages of legislative and report language looking for earmarks that are sometimes added at the eleventh hour. This information will be publicly available for everyone to see.

I think it is simple common sense. If you request a project, you ought to be willing to put your name on it, and if you aren't willing to put your name on a project, you shouldn't expect the American people to pay for it.

Fulfilling a commitment made by Republican leaders earlier this year to treat everyone equally, these reforms will apply to all committees, authorizers, appropriators and tax writers alike. The goal here is to bring earmarking out of the shadows and into the light of public scrutiny. These reforms will bring sunshine and transparency to the earmark process, resulting in greater accountability for lawmakers and greater public confidence in how their taxpayer dollars are spent.

Importantly, it also likely will result in fewer earmarks, building on the progress already made by leaders such as chairman of the Appropriations Committee, JERRY LEWIS. This year during the appropriations process, there were 37 percent fewer earmarks than the year before and the cost of those earmarks has been reduced by some $7.8 billion.

Earmark reform is just one component of Republicans' larger effort to promote fiscal discipline and ensure that Congress spends America's taxpayer dollars wisely.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentlewoman.

Former Secretary of State William Jennings Bryan once said, "The government being the people's business, it necessarily follows that its operations should be at all times open to the public view. Publicity, therefore, is as essential to honest administration as freedom of speech is to representative government."

Public scrutiny and oversight is what our earmarking process needs, and one of the best ways to do this is by implementing meaningful reforms that bring transparency and accountability to the process.

The Republican leadership has offered a very modest rules amendment, but I think we should go even further. It is in that spirit that I have introduced H.R. 1008, a resolution outlining a comprehensive approach to earmark reform that brings real transparency and publicity to the earmarking process for appropriations, authorizations and tax benefits.

My comprehensive proposal, H.R. 1008, includes requirements not only for reporting the Member's name along with the earmark request; it also requires that earmark requests be submitted to the committee or committees at least 7 days before an earmark request is scheduled to be voted upon.

But, most importantly, most importantly, my proposal requires that information on all earmarks be posted on committee Web sites for public inspection at least 48 hours prior to the time of the vote, and also directs the Clerk of the House to establish a public Web site that provides links to all committee Web sites with information on earmark requests. By providing easily accessible information on earmarks and "one-stop shopping" for American taxpayers, we can bring real accountability to the earmarking process.

The need to control the growth of earmarks should not be a partisan issue. This is not about Democrats and Republicans, it is about a good idea and something good for the American public. We should come together to pass comprehensive earmark reform that brings real accountability and transparency to the process.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Kansas. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply say that the gentleman has some very interesting, creative ideas. As I said in my opening remarks, the reform process is an ongoing thing that we are dealing with, and I am more than happy to look at the proposals that the gentleman has, especially as we look at our opening day rules package for January of next year.

Mr. MOORE of Kansas. Mr. Speaker, I would ask the gentleman to accept the amendment to his proposal.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to a strong proponent of the issue of earmark reform, our friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, the United States Congress is a wonderful and storied institution. It is with great reverence and pride that each of us who is elected comes into this body. But with earmarking, we have departed from the practices and traditions of the People's House.

When working properly, the House of Representatives follows the time-honored practice of authorization, appropriation and oversight. Earmarking short circuits this process. Today, we do far too little authorizing, far too much appropriating and far too little oversight.

When I was first elected, I had visions of participating in the great debates of our time. It is not that these policy debates haven't occurred. They have and they do. But I believe it is safe to say that they are diminishing.

In Congress, policies and priorities are established when money is attached to them. When the carefully designed process of authorization, appropriation and oversight is adhered to, these policies and priorities are given a thorough vetting. But when earmarks are inserted into bills at the last minute behind closed doors, there is no debate, deliberation or scrutiny.

When appropriation bills reach the House floor, passage by a lopsided margin is virtually assured because Members with earmarks are obligated to vote for the entire bill. The scope of debate is substantially narrowed when even partisan disagreements that would otherwise occur are hushed as Republicans and Democrats find common cause in protecting their earmarks.

I am under no illusion that this legislation, which deals only with the issue of transparency, will solve the problem of earmarking. Too many in this body have been convinced that they have both the right and the obligation to personally direct funding to their district. But this bill does represent an important first step.

Mr. Speaker, we owe this institution more than we are giving it. Let's pass this bill and give it more of the respect it deserves.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, this bill represents the death of lobby reform. Over the last year, as we all know, this House has received a black eye because of the DeLay scandal, stories about lobbyists paying for golf trips to Scotland, the Cunningham blatant bribery case, the Abramoff scandal, and we have been awash in talk of reform. But comprehensive reform packages have not been allowed to come to this floor. We have not been allowed by the majority to have votes on them.

But now, 7 weeks before the election, we get a chance to see that the majority has labored long and produced a mouse, or a fig leaf at best.

My old friend, Archie the Cockroach, said once, "The trouble with most people is that they lose their sense of proportion; of what use is it for a queen bee to fall in love with a bull?" Think about it a minute.

The problem with this bill is that there is a huge problem and this bill proposes a minuscule solution. The answer of the majority leadership is to require a list of what they call earmarks. But this package is more notable for what it does not include than it is for what it does include.

□ 1630

I would call it the 1 percent solution.

Now, my personal anger about earmarks I think is well known in this body. The last time I chaired the Appropriations Committee there was not a single earmark in the Labor-H appropriation bill. Today there are over 1,200. And 3 years ago the Labor-H Subcommittee used the earmarks as blackmail by threatening to cut off earmarks for any Member who refused to vote for an inadequate bill. I did not especially like that and I made that quite clear. But the point is that the problem is not earmarks. It is the abuse of the earmark process.

This proposal does nothing to ensure institutional integrity. It is consumer fraud masquerading as earmark reform. Look at what it does not cover: It applies only to committee reported bills. It exempts managers' amendments. That means the famous "Bridge to Nowhere" would be exempted from this bill. On tax earmarks this bill actually makes the existing law worse. Right now a tax earmark is defined as a special treatment for 100 or fewer persons. This bill says the only time that it is going to be counted as a tax earmark is if it affects one entity. That means you can have a huge tax break for two multinational oil companies and it isn't even covered in this package.

In the 1986 tax bill, there were 340 separate transition rules costing over $10 billion. There were special tax breaks for two Chrysler plants. This bill wouldn't cover it. The only way that that would be exposed under this bill is if there had only been one tax break for one of those Chrysler plants.

The tax bill that passed last year that provided special treatment for ceiling fan imports or for U.S. horse and dog racing or Hollywood studios that produce the movies in the Gulf, all exempt under this bill.

There were 190 special provisions in the Pension Protection Act of 2000, costing $180 million in taxpayers' money—virtually all of them would be exempt under this proposition.

If you want to save taxpayers' dollars, rather than continuing this silly game of Trivial Pursuit, what you would do is to require that reconciliation bills can be used only to reduce the deficit rather than increase it as the majority party has cynically used the reconciliation process the last 4 years. This bill, indeed, is Trivial Pursuit.

I don't care if you list the Members who sponsor earmarks. I put out press releases on every one of them. I attended a ceremony last week where we had a groundbreaking for an expansion of the Mel Laird Medical Center in my district. I got that earmark. I am proud of it, and I am proud to stand for it. The problem is what this package doesn't contain.

This is a joke. It is a fraud. It plays Trivial Pursuit. It focuses on the minutiae instead of the big problems. That should not be surprising given the track record of the majority party in this House. But this House ought to be able to do better.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority leader, and I, in my role as chairman of the Committee on Rules, have made a commitment not only to the appropriators but to all Members of this body that we will enforce this rule with respect to unreported measures and amendments, including managers' amendments, submitted to the Rules Committee. If the House considers a bill that has not been reported by a committee, the committee of jurisdiction must comply with the earmark rule and provide a list of earmarks along with the name of the Member who requested the earmark. If the House considers a manager's amendment on a bill, the committee must comply with the earmark rule and provide a list of earmarks along with the name of the Member who requested the earmark. By adopting this new rule, we as a body are not only making the commitment to live under its provisions, but every Member must make a commitment to adhere to the spirit of this new rule. This is more than just adding a new rule. It is making a commitment to change the culture of this institution.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend from Wisconsin.

Mr. OBEY. I thank you. Will you tell me how this is going to apply to the defense appropriations bill that will be coming back to us this year from conference?

Mr. DREIER. Yes. If I could reclaim my time, the agreement that we have for implementaton of this rule means that if there is anything that has a so-called airdrop provision in it, this rule will apply to—

Mr. OBEY. So none of the earmarks presently in the bill will be required?

Mr. DREIER. So this rule will be implemented immediately.

Mr. OBEY. So none of the Senate earmarks will be included: the Senate will continue to be anonymous?

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I will tell you this. I know full well that the United States Senate is watching this debate very, very closely and they very much are interested in seeing us comply with this.

Mr. Speaker, at this point I would be happy to yield 2 minutes to my very good friend from Columbus, Indiana, the chairman of the Republican Study Committee, Mr. PENCE.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding, and I thank him for his leadership on House Resolution 1000, providing for earmarking reform in the House of Representatives. I also feel moved to thank particularly the House majority leader, JOHN BOEHNER, for his yeoman's leadership and keeping his word on this issue with Members in our effort to bring this modest but meaningful reform to the floor of the Congress.

Under Article I of the Constitution of the United States, the power of the purse is the power of the House of Representatives. And today we will not yield that power in any way. The Constitution gives this body the ability to spend the money of the American people in ways large and small. House Resolution 1000 simply requires that we earmark the earmarks.

Mr. Speaker, we actually had a cow farm when I was growing up, and I know what an earmark is. It is a tag in the ear of a cow that will tell you whose cow it is. Well, the reality is under the rules that have developed over generations here in the House, we can add provisions to legislation, authorizing bills and appropriation bills, without adding names. Today by H. Res. 1000 we will simply require that we earmark the earmarks.

Transparency promotes accountability, and this institution would do well to embrace this modest but meaningful step toward greater transparency.

As JEFF FLAKE, a great leader on this issue, said earlier, it saddens me to see evidence of the low regard that millions of Americans hold the institution of the Congress. It is an historic institution filled with men and women of both parties of goodwill and integrity. By adopting this modest but meaningful earmarking reform today, we will take an important step toward restoring public confidence in the fundamental integrity of our legislative process at the national level.

I urge my colleagues in both parties to say "yes" to transparency and greater accountability, say "yes" to earmarking reform.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of giving a response, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I would simply point out under this provision, when the defense appropriations bill comes back from the Senate, not a single Senate earmark will be listed, and in the future only House earmarks will be listed. The Senate earmarks will not be listed.

I would also point out that if you read the language of this resolution, it makes quite clear that the tax provisions covered by this bill are, in fact, fewer than under existing law and also that same fact applies to trade preferences.

Trade bills are hard enough to pass now. So what happens is they slip in all kinds of special deals for special commodities in order to get 218 votes.

This bill will not lay a glove on them, and for that matter, it will not lay a glove on a single appropriations earmark. It doesn't do anything to any earmark in the House or the Senate. This bill is a fraud.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, 9 months ago the Speaker said, "Now is the time for action" on real lobbying and ethics reform. At the same time, the current majority leader said we must act "because of a growing perception that the United States Congress is for sale."

And yet here we are today discussing legislation that will do nothing to prevent the abuses that have occurred on the Republican Congress' watch by both parties and both parties' Members. In short, business as usual continues here in the people's House.

When Members of Congress make millions from land deals tied to earmarks, you know something is wrong in the people's House. When Members' spouses are paid six-figure salaries for "no-show" lobbying jobs, you know something is wrong in the people's House. When a mid-level staffer gets a $2 million buyout from a lobbying firm only to have the revolving door return him to his old job on the committee, you know something is wrong in the people's House. And this bill simply tells all the current players that the House remains open for business. Business as usual continues.

When the Speaker's gavel comes down, it is intended to open the people's House, not the auction house. The fact is we have an institutional problem requiring an institutional solution.

To that end Representatives VAN HOLLEN, DOGGETT, DELAHUNT, BEAN, BARROW, and I introduced real earmark reform legislation yesterday to eliminate the abuses. Our bill prohibits earmarks that personally benefit Members, their spouses, and immediate family members. It bans earmarks that benefit lobbyists who chair a Member's leadership PAC. It prohibits earmarks to any entity or lobbying firm employing the spouse, family member, or former staffer of the earmark sponsor. Finally, it eliminates the "sweetheart" tax provisions for a single individual or corporation, and it ends the practice of adding new earmarks into conference reports in the dead of night.

This is real reform the American people are demanding, and I challenge my colleagues to let us have a vote on it. But I know they won't because 12 years ago the Republicans came to Congress to change Washington and in those 12 years Washington changed them.

It is time for a new direction. It is time for a change. The "for sale" sign still exists on the West Lawn of the people's House.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Well, Mr. Speaker, I guess it is pretty obvious that we are 54 days away from an election. I listened to that speech, and the only thing that I can say is that we have seen a challenge here, both political parties in this institution, and we have stepped up to the plate, and we believe that accountability, transparency, and disclosure will provide an opportunity to address the understandable concerns that have existed, and I believe that we have a great opportunity with this legislation to bring about that change.

Let me just respond to Mr. OBEY's concern briefly, before I yield to my colleague, on the issue of bringing back the defense conference report. When we implement this rule, we will clearly be placing onto the shoulders of whoever is chairing that conference from the House side the responsibility of bringing back a conference report that includes a full listing, full transparency and full disclosure of all earmarks that were not in that measure when it was passed through either the House or the Senate. So for that reason we in the House would not be able to bring up and pass a report that did not have that full list that we are looking for.

Mr. Speaker, I yield 2 minutes to the gentleman from Dallas, our good friend who has worked very hard on this issue, Mr. HENSARLING.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I certainly thank him for his leadership in helping bring this rule.

Two hundred and seventy-three thousand dollars to implement "garden mosaics" at a local university, $179,000 to produce hydroponic tomatoes, $550,000 for a Museum of Glass, $400,000 for an

Italian market in the Bronx. $500.000 for buses at Disneyland.

Mr. Speaker, there are many worthy earmarks, worthy of this institution, but today there are still too many that do not pass the smell test, that do not pass the laugh test, and certainly do not pass the fiscal responsibility test.

Ultimately, Mr. Speaker, we have to decide do we wish to be judged by the principles on which we stand or the pork that we are able to carry? For the integrity of our institution and the fiscal future of our republic, I certainly hope it is the former.

The simple but profound rule that we are debating today will empower Members to engage in a proper debate as to whether an earmark is truly worthwhile and the opportunity to challenge its merits if it is not.

This is truly a defining moment for those who claim fealty to fiscal responsibility. The question, Mr. Speaker, now is will Democrats put their votes where their mouths are and support this rule? If they do not, they will once again be exposed for the reckless and wasteful spenders that they are.

I want to thank the Republican leadership for bringing this rule to the floor. I want to thank Chairman LEWIS for the great progress that has been made in dealing with earmarks under his watch. And I personally want to thank the gentleman from Arizona (Mr. FLAKE) for his courage and relentless commitment to fight irresponsible Federal spending in the area of earmarks, and I urge the adoption of this rule.

□ 1645

Ms. SLAUGHTER. The world knows who is doing the big spending. We have the worst deficit we have ever seen. And as far as stepping up to the plate, the Democrats never get a chance at bat. We have absolutely nothing we can do, all we can do is vote up or down. We don't know when the bills were written, we have no impact on them at all. As far as the deliberative body, it is all on your side. So I urge all of my colleagues to vote "no" on this today.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, despite the huge scandals that have worked this town, this Congress has failed to pass a lobbying reform bill, we failed to pass an ethics reform bill, we failed to deal with the gift ban, we failed to stop the flying on the corporate jets, we failed to shut the revolving door. There has been a shameful lack of accountability.

Now, I support greater transparency in the earmark process, I support greater sunshine. But we should get right at the root of the problem and eliminate the worst abuses outright. Now, Mr. EMANUEL and I and others offered an amendment the other day in the Rules Committee to stop the inside dealing and to stop the sweetheart deals, and the Republican leadership said no.

What did that amendment do? It was pretty simple. It said a Member of Congress can't take Federal taxpayers' dollars and earmark them for an organization that employs their spouse or their family members. They said no to that. It says let's not take Federal taxpayer dollars and steer them to an organization that just employed one of their former staffers. They said no to that.

Mr. DREIER. Would the gentleman yield?

Mr. VAN HOLLEN. Not out of my time, Mr. Chairman.

Mr. DREIER. If I could yield myself 10 seconds out of my time.

Mr. VAN HOLLEN. I would be happy to.

Mr. DREIER. I was just going to say that there was no amendment offered in the Rules Committee whatsoever, so nothing was rejected.

Mr. VAN HOLLEN. There was an amendment.

Mr. DREIER. No, there wasn't. I chair the committee, and I will tell you that there was not an amendment that was offered in the Rules Committee.

Mr. VAN HOLLEN. There was a proposal.

We made some proposals to address that issue.

Mr. DREIER. It wasn't offered in the Rules Committee.

Mr. VAN HOLLEN. Thank you.

There is a proposal also out there that we have sponsored that I hope you will address and make in order to this particular piece of legislation with respect to prohibiting funds from going to somebody who has an organization, if that person is also the head of a political action committee of a leadership PAC, some simple rules of the game that we should all therefore be able to agree to, I hope. If you didn't take it up in the Rules Committee, maybe we can take it up now today if we all agree that those are abuses that we should end.

Ms. SLAUGHTER. If the gentleman will yield, and I will give him the extra time, but let me make clear that this amendment was submitted to the Rules Committee for consideration. The fact that you would not take it up is not the fault of Mr. VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Speaker, we submitted an amendment to the Rules Committee for its consideration. I am sorry that the chairman decided not to take up the amendment, but what the amendment did was outline the very simple prohibitions that we talked about, to prohibit us from steering Federal taxpayers' dollars to organizations that employed family members, that employed former staff members, or where monies were steered through lobbyists and lobbyist organizations that employed spouses or family members or former staff members.

The key issue here is trying to end the sort of inside dealing and sweetheart deals that have rocked this town. We have not done that. What worries me about this piece of legislation is that people are going to pass it and they are going to go home to their congressional districts and they are going to tell people: We have cleaned up Washington; that we have stopped the abuses, that we have done something about the nexus between lobbying problems and the earmark process, when in fact we haven't done it.

The earmarks have skyrocketed since the Republicans took control of Congress, and yet they have also refused to adopt a rule that we proposed for a pay-as-you-go budget. The President and others complain about earmarks, but he hasn't vetoed a single bill except the stem cell bill. We keep hearing about the problems on the spending side, and yet every one of the bills that has gone through this Congress has been signed by the President. Again, the only bill he has vetoed is the bill dealing with stem cell research.

So if we are serious about fiscal accountability, let's adopt the pay-as-you-go rule that has been proposed by the Democrats, and let's adopt the measures that I talked about that we submitted to the Rules Committee that would end the worst abuses. And I still don't understand why the Rules Committee failed to take up and consider those proposals.

I thank my colleague from New York for the time. Let's send a signal to the people around this country that we recognize the abuses that have taken place, that we are going to do something real, let's not just pretend we are doing something. There is some momentum to do things here. We are not taking advantage of it. Let's do that.

Mr. DREIER. Mr. Speaker, I yield myself 45 seconds to say to my friend that to call increasing transparency, accountability, and disclosure as pretend is absolutely outrageous.

There is bipartisan concern about this problem, as stated from my friend from Wisconsin and from other Members on both sides of the aisle, and I believe that this measure will allow us to do that.

The proposal that the gentleman is talking about may have been listed upstairs, but it wasn't offered on the Committee on Rules for us to consider. And in looking at it, Mr. Speaker, I have got to tell you that we found that it was the most impractical thing imaginable.

Mr. Speaker, I yield 2 minutes to my very good friend from Newport Beach, Mr. CAMPBELL.

Mr. CAMPBELL of California. Mr. Speaker, I have been in this House for less than a year, not a very long time, but it is long enough to know that this is real reform.

In the first 90 days after I was elected to this House, I received 70, that is 7-0, requests for various earmarks. A whole lot of those, frankly, were not appropriate; whether there wasn't a Federal nexus, whether there wasn't a public benefit, for whatever reason, they weren't appropriate. Now, I submitted seven of those 70 for consideration by the Appropriations Committee, and I have made very public what those seven were. Because if we are going to spend taxpayer money, we ought to be able to justify it and to stand behind what we are doing, why we are doing it, and who is doing it. And that is what this does. It simply says if we are going to spend the taxpayers' money in this way, and there is nothing inappropriate if there is a Federal nexus, et cetera, about Members spending money on things that have a Federal nexus and are appropriate and have a public good in their district. There is nothing wrong with that process. But you should be able to shine the light of day on it, to stand behind it, to say this is what I am doing and this is why I am doing it and this is who is doing it. And that is what this does.

Now, you could sit there as some of our friends on the other side of the aisle want to do and try to indicate everything that is inappropriate. But isn't it better if we just simply say, here it is and here is the name, so that the person doing it, if they know that there is anything there, then they won't come forward with it.

Now, I have to tell you this is unlikely to save any money, unlikely to reduce spending, but what it will do is I think it will add greatly to what we do spend being spent better.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Austin, Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the chairman for his leadership on this important resolution.

Mr. Speaker, in the past we have seen abusive earmarks in appropriation bills while the Members responsible hide from the scrutiny of the American taxpayer. We have also seen earmarks included in the conference process in the darkness of night. Well, this bill changes all that. As a former Federal prosecutor in the Public Integrity Section, I have always said that sunlight is the best disinfectant.

From now on, our appropriations tax and authorizing earmarks will have a bright light shined upon them. From now on, all reported bills and conference reports will include a list of earmarks and the name of the Member requesting them. Members will also be able to challenge any "air-dropped earmark."

This is exactly the transparency and accountability that the House needs, and it is something that the American people have come to expect and deserve. I urge my colleagues to vote for this important step to restoring integrity to the process.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Wantage, New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, it is time for us to open up our books to the American people so that everyone in the public can be fully apprised as to how their hard-earned dollars are spent by the Federal Government. I rise in support of this bill for reform.

Accountability is not something that should be or could be postponed. It should be instinctive in all of our work as stewards of the American taxpayer. It should be reflective, but sadly it is not.

I am encouraged that we are taking up this bill. I believe it is an important first step forward in accountability. The reforms we consider today in essence broaden the efforts of our earlier reforms and lobbying reform package of legislation that we passed earlier. It goes now to appropriations, authorization, and tax bills.

We must stop the process of loading up authorization bills with pork the way we loaded up appropriations bills. That infamous Bridge to Nowhere, that was an appropriations bill. It was an earmark in a bill authorizing Federal spending giving the congressional imprimatur to the project.

We must police Federal tax laws better as well. We load up our tax bills with special tax breaks, making the IRS Code totally incomprehensible even to the most skilled and practiced CPA. We cannot begin the process of simplifying the Tax Code until we end the practice of random tax cut earmarks.

For too long these earmarks have lived a really quiet existence in the back room, in the dead of night; they slip into language without even the public's awareness to it. But let me just make this other point: Not all earmarks are bad. There are local projects that are worthy of Federal assistance. But worthy projects will be those that stand up to the light of day in public scrutiny and floor debate. And as we work to curb spending and government waste, such accountability is crucial.

So as one of my fellow Members likes to say, and I often quote him, we must put the focus back on the family budget and not on the Federal budget. In fact, until we get a handle on all earmarks, all our other efforts to rein in spending, to reduce the deficit, and to fund true national priorities like protecting our Nation from terrorism will be useless.

Ms. SLAUGHTER. Mr. Speaker, I will be asking for a "no" vote on the previous question so I can amend the rule to give the House an opportunity to vote today up or down on a comprehensive reform package.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question. That will include the listing of the amendments at the Rules Committee.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Republican leadership in this House has promised for months it would enact comprehensive ethics and lobbying reform legislation in this Congress. We all know that it has not and most likely will not happen before the House adjourns for the mid-term elections in just 2 weeks. But we still have time and opportunity to do something today if we will defeat the previous question.

The amendment provides that, immediately after the House adopts this rule, it will bring up ethics and lobbying reform legislation that is identical to the motion to recommit that I offered this past May. That motion to recommit, which had bipartisan support, came within three votes of passing.

□ 1700

This legislation, called the Honest Leadership and Open Government Act, is a truly comprehensive ethics and lobbying reform initiative. It takes a tough stand on a number of the problems that have led to the culture of corruption that has evolved in the 109th Congress.

I urge all Members to vote "no" on the previous question so we can bring up legislation and give Members of this House the right to cast a vote for cleaning up the ethics problems that have plagued this institution for too long. Time is running out for the 109th Congress. If we do not act now, there will be no opportunity to show the American people that we are serious about reform.

Vote "no" on the previous question and vote "no" on the rule for this piece of legislation that will only live for two more weeks.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, under the very able leadership of my California colleague JERRY LEWIS we have seen a 37 percent reduction in the number of earmarks. We have seen either a flat line or real cuts in the appropriations bills with the exception of our priorities of national defense and homeland security, and we have seen a very strong commitment to institutional reform. I take my hat off to JERRY LEWIS for the fine work that he has done.

Mr. Speaker, we are constantly looking at more reform. The Speaker of the House, the majority leader, I believe that Members on both sides of the aisle believe that we should pursue greater transparency, greater disclosure and greater accountability. I have heard Democrats and Republicans alike say that over the past hour. We have an opportunity to do just that right now.

We, I am very happy to say, have put into place bold economic policies that have led to a $58 billion reduction in the deficit over last year's number.

We today have the lowest unemployment rate on the face of the earth. There is no other country in the world with an unemployment rate as low as our unemployment rate, and yet we need to continue to do everything that we can to try and rein in Federal spending.

I, as a Republican, believe that the reach of government not only costs money, but it impinges on individual initiative and opportunity. I believe that as we focus on this kind of reform we will be in a position where we will be able to improve the quality of life and the standard of living for our constituents.

Mr. Speaker, vote "yes" on the previous question and "yes" on this rule.

Mr. DINGELL. Mr. Speaker, I rise today in opposition to the legislation before us today. This legislation is not real reform; it is merely an empty shell riddled with loopholes that will allow the culture of corruption that has infected this House to continue virtually unchecked.

This bill—for which the text has only been available for less than 12 hours—is simply a poorly masked effort by Republicans to distract voters from the fact that they have failed to live up to their promises to pass real ethics and lobbying reform. The only reform they can claim victory for is banning former Members who are now lobbyists from the Members' gym. While this is of course an admirable step, it is a baby step at most.

Mr. Speaker, I believe that sunshine is the best disinfectant—and I can truly say that this House has never been more in need of a good dose of sunshine. Over the past few years, we have seen some truly appalling abuses of power. Legislation has been passed without Members even knowing what they are voting for; votes have been held open for record amounts of time; and lobbyists have had more access to conference negotiations than Members of the conference. This shameful behavior should not be acceptable to Members of either party, and this bill is just another example of how Congress has done nothing to stop it.

I urge my colleagues to reject this bill and to make valid, meaningful reform a genuine priority for the 109th Congress.

Mr. SHAYS. Mr. Speaker, I urge support of H. Res. 1000, which will require disclosure of earmark sponsors in the text of any legislation considered in the House. This is a commonsense change that should improve the transparency of the earmarking process and eliminate questions about who is really behind the funding of thousands of projects.

I believe securing federal funding for local projects can be an important role for a member of Congress, so long as the project meets basic requirements. I use two tests to determine whether to seek funding. First, I ensure that transportation projects have the support of the local chief executive, regional planning agency and the Connecticut Department of Transportation.

Secondly, I apply my "community meeting" test. If I can't justify the funding to constituents, I know it's not a project I should support.

Earmarks have funded a broad array of transportation projects in the Fourth Congressional District, including the Bridgeport Intermodal Center, the Norwalk Pulse Point Improvement project, and the Stamford Urban Transitway, and projects promoting urban development in our urban areas and education.

Unfortunately, projects like Alaska's "Bridge to Nowhere," taint views of all congressionally-directed funding.

I do not believe adoption of this resolution today lessens the need for comprehensive lobbying and ethics reform, because today's action still does not prevent the type of behavior we have witnessed in recent months. The resolution does provide additional sunlight on the process, however, which I think we can all agree is a good thing,

Mr. SMITH of Texas. Mr. Speaker, I strongly support this resolution to reform the earmark process in Congress.

Not all spending requests are bad. Many of them fund legitimate public projects.

The Constitution gives Congress the power of the purse, and Members of Congress are often in a better position to determine the priorities of their districts than government employees in Washington.

However, the often secret process that has been used in recent years to fund earmarks has led to wasteful and unnecessary spending.

The earmark process needs more sunshine on it, and this new rule provides for that.

This bill will bring greater transparency to the legislative process, ensuring that Members of Congress are held accountable for their requests.

By requiring a list of earmarks and their sponsors to accompany every bill and conference report considered by the House we will deter wrongful behavior and give the public a better view of what their elected officials are doing in Washington.

Full disclosure will enable our constituents to decide whether spending requests are justified and whether they serve the public interest.

I have long advocated for this important reform and I am glad the House is acting on it.

Republicans in the House have a strong record of implementing ethics reform. This rule change governing earmarks represents a great improvement over the current system and is another example of our party's leadership on ethics reform.

At this time, I request unanimous consent to place in the RECORD an op-ed I wrote on the subject.

I am hopeful that we will continue to implement additional reforms, including greater public disclosure of lobbying activities, and continue to uphold the integrity of the House.

Mr. Speaker, I am glad this resolution has been brought to the floor and urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I am inserting in the RECORD a list of additional Members who would like to be considered as cosponsors of H. Res. 1000.

Additional Members include: MARK GREEN, JOHN LINDER, and CHARLES BASS.

Mr. DREIER. Mr. Speaker, today we are considering H. Res. 1003, a rule providing that, upon its adoption, H. Res. 1000, providing for earmarking reform in the House of Representatives is hereby adopted.

Mr. Speaker, today we are considering an important reform that members of both parties have supported. In fact, it was a key provision in the House-passed Lobbying Accountability and Transparency Act. Specifically, with this new rule, member-directed spending to projects in their district, or earmarks, will no longer be anonymous.

As it stands now, there are no disclosure requirements for earmarks in appropriations, tax and authorizing legislation. Earmarks can be buried in the text of bills that often number into the thousands of pages. There is no easy way to account for how many earmarks are in a bill and who is sponsoring them.

This new rule requires sponsors of earmarks to be listed in committee reports. Conference reports must also have a list of earmarks that are "airdropped" into the agreement.

We are blowing away the fog of anonymity so the public can have a clear picture of what the projects are, how much they cost and who is sponsoring them. This is a victory for fiscal responsibility and a victory for spending taxpayer dollars wisely.

As an enforcement mechanism, this new rule also provides for a question of consideration when a bill or conference report does not contain a list of earmarks. The question of consideration is debatable for 30 minutes—15 minutes equally divided.

If a Member feels strongly enough about a proposed earmark, they will have to attach their name to it. And they need to be prepared to make their case in full view of their colleagues and constituents.

Mr. Speaker, while the report to accompany H. Res. 1000 addresed several issues regarding the implementation of this new rule, I believe that it is important to further clarify how this rule will operate after its adoption.

First, this rule will become effective immediately upon its adoption. Any report filed by a committee from that point forward should address this new rule. If there are earmarks in the bill or report, they should be listed appropriately; if there are none, I would encourage the committee chairmen to include a statement to that effect, as is often the current practice with other reporting requirements under rule XIII.

Secondly, with regard to measures in conference, we recognize that the exact requirments of the resolution may be problematic given that this rule was not in place at the point of House consideration. We believe that it is important that committee chairmen make a good faith effort to comply with the spirit of the rule, and would regard inclusion of a list of earmarks which were not in either the House or Senate bill or their accompanying reports, i.e. "airdropped" earmarks, as meeting the intent of this new rule.

Mr. Speaker, the earmark reform will build on the reforms already being implemented by the Appropriations Committee—reforms that have reduced the number of earmarks this year by 37 percent. Overall, spending on member projects was reduced $7.8 billion below last year. Over the last 2 years, Member project spending has decreased by over $10 billion.

I want to thank Chairman LEWIS and the Appropriations Committee for making significant progress in reining-in government spending.

I also want to make very clear that our focus is not solely on appropriations. For the reform to be effective, it must be comprehensive, and that was the commitment made by Speaker HASTERT and the leadership of the House. So let me point out that this earmark reform applies across the board. It does not just apply to some committees. It covers all committees and all appropriations, tax and authorizing legislation that moves through regular order.

Mr. Speaker, we have taken great care to clearly and precisely state what constitutes a tax, an appropriations and an authorizing earmark. And the good news is that there is more agreement than disagreement on these definitions. Yet clearly, there's no magic bullet. There is not going to be one definition that will be perfect and please everybody. But at the end of the day, we have to come together and move this process forward. If there's an earmark in a bill, it belongs on a list. It's just that simple.

Now, is this new disclosure going to completely end the practice of earmarking? No. But it will shine a spotlight on earmarks without grinding the legislative process to a halt.

And let me make very clear that the larger goal of this new rule is to make a profound and lasting change in how this institution handles earmarks and spends taxpayer dollars. The goal is to increase transparency and accountability. And the goal is to pull back the curtain on earmarks for the public, who have every right to know.

For this earmark reform to be both meaningful and lasting, everyone, from commttee chairman on down, must make a good faith effort to comply with the spirit of the new rule. Our leadership—and certainly the Rules Committee—has made such a commitment. We are determined to make this work.

Mr. Speaker, I would also like to point out that while this is an important milestone on the path toward reform, we have not reached the goal-line. Reform is a continuous process. It gains momentum from members who never let up and never settle for the status quo. I urge my colleagues to vote yes for reforming earmarks and yes to setting the stage for more reforms down the road.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H. Res. 1000, to provide for earmark reform in the House of Representatives. This measure, I believe, will help bring much-needed transparency and accountability for funding projects in the House. It will do this by obliging Committees to list the names of House Members next to the projects that they request. Identifying project sponsors will allow the public to see how their representatives are choosing to spend their tax dollars.

I am pleased that this legislation will include ALL House Committees. That means this resolution will identify the sponsors of special tax breaks, and special programs as well as those who are asking for appropriations earmarks.

Despite the fact that I support this bill, I am disappointed in its limitations. In the first place, the bill only applies to House rules. It's not the law of the land. So if there are violations, there are no legal consequences. Second, the bill does nothing to limit or at least define Member earmarks. That means that Members will continue to use their seniority and committee assignments to get special deals for their districts. While I'm a strong supporter of bringing tax dollars back to the district, I firmly believe that federal programs and projects need to be awarded based on merit and need, and should be subject to scrutiny and rigorous review.

Having said all this, H. Res. 1000 is a step forward. I am hopeful that greater transparency for the earmarking will allow the public to become more knowledgeable about the process. At the very least, this will let them know how their taxes are being sent. And at the most, it will create the oversight and accountability we need to lead to better allocation of our precious and limited resources.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to this sham legislation and call on this Congress to pass serious reform legislation to clean up the corruption in the People's House.

The culture of corruption under the current Republican Majority is a stain on the honor of everyone who serves this institution. The former Republican Majority Leader has been indicted, one former Republican Member of the Appropriations Committee is serving a lengthy Federal prison term, and just this morning we learned that a former powerful Republican Committee Chairman has agreed to plead guilty to criminal charges. And throughout the current 109th Congress, the Republican Leadership has shut down the Ethics Committee that has responsibility for maintaining the integrity of the U.S. House.

I support full disclosure of all Member-directed appropriations to shine a light on the process and ensure any special interest provisions can pass muster of public scrutiny. It is well past time for Congress to pass serious lobbying reform to clean up this institution.

Unfortunately, House Resolution 1000, the so-called Earmark Reform Act is a fraud. It would do nothing to expose the Alaskan "Bridge to Nowhere" because it does not apply to authorization bills. And on appropriations bills, this proposal sets up a huge loophole because it does not apply to what is known as the Manager's Amendment. This omission simply sets up a new conduit for the Republicans' earmark excesses.

Mr. Speaker, I regret the Republican party bosses refuse to bring legislation to clean up the corruption in Congress, and I urge my colleagues to join me in voting against this scam legislation.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of real, comprehensive lobbying and earmark reform, and in opposition to H. Res. 1000. While Republican leaders claim that this legislation is earmark reform, major loopholes in their bill allow future boondoggles like the Alaskan Bridge to Nowhere to pass through Congress without full public scrutiny. Further, the bill abandons any lobbying reform to end the Republican culture of corruption—typified by the Jack Abramoff and Duke Cunningham scandals.

The Republican majority has allowed these scandals and pet projects to run rampant, underscoring the dire need for comprehensive lobbying reform. According to the nonpartisan Congressional Research Service, since President Bush took office, federal spending on earmarks has more than doubled—from $33 billion in 2000 to $67 billion in 2006. Sadly, Republicans have failed to deliver on reform. On September 5th, a USA Today editorial said, "Congress' answer to this ethics catastrophe has been a pair of competing measures in the House and Senate, which fall far short of what was promised in January but allow incumbents campaigning for re-election to claim they 'voted for lobbying reform.'"

The reality is that H. Res. 1000 will not save one taxpayer dollar, will not remove a single earmark, and does not cover all earmarks. This sham reform bill is solely a symbolic effort to hide the fact that the Republican Majority has failed the Nation on fiscal matters.

I join my Democratic colleagues in supporting a true, comprehensive lobbying reform bill that would ban travel on corporate jets, prohibit lobbyist gifts, slow the revolving door between Capitol Hill and K Street, shut down the K Street project in which jobs in lobbying firms were traded for legislative favors; shine the light on earmarks so that special interest provisions cannot be slipped into bills without public scrutiny, and put an end to some of the procedural abuses that have flourished in the Republican-controlled House.

Democrats are fighting for these comprehensive reforms to ensure that Congress is held to the highest ethical standards. Corruption has come at great cost to the American people—from the cost of prescription drugs to the price at the pump.

Mr. Speaker, my fellow Democrats and I are fighting for a new direction, because Americans want and deserve the real reform that restores accountability, honesty and openness in Washington.

The material previously referred by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 1003 RULE PROVIDING FOR CONSIDERATION OF H. RES. 1000

At the end of the resolution add the following new sections:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit with or without instructions."

SEC. 3. The text referred to in section 2 is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.
Sec. 102. Elimination of floor privileges and access to Members exercise facilities for former Member lobbyists.
Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.
Sec. 104. Ethics review of employment negotiations by executive branch officials.
Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Electronic filing of lobbying disclosure reports.
Sec. 203. Additional lobbying disclosure requirements.
Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.
Sec. 207. Public database of lobbying disclosure information.
Sec. 208. Conforming amendment.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

Sec. 301. Ban on gifts from lobbyists.
Sec. 302. Prohibition on privately funded travel.
Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.
Sec. 304. Prohibition on obligation of funds for travel by legislative and executive branch officials.
Sec. 305. Per diem expenses for congressional travel.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 401. Office of public integrity.
Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 403. Penalty for false certification in connection with congressional travel.
Sec. 404. Mandatory annual ethics training for House employees.

TITLE V—OPEN GOVERNMENT

Sec. 501. Fiscal responsibility.
Sec. 502. Curbing abuses of power.
Sec. 503. Ending 2-day work weeks.
Sec. 504. Knowing what the House is voting on.
Sec. 505. Full and open debate in conference.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

Sec. 601. Minimum requirements for political appointees holding public safety positions.
Sec. 602. Effective date.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

Sec. 701. Public availability of Federal contract awards.
Sec. 702. Prohibition on award of monopoly contracts.
Sec. 703. Competition in multiple award contracts.
Sec. 704. Suspension and debarment of unethical contractors.
Sec. 705. Criminal sanctions for cheating taxpayers and wartime fraud.
Sec. 706. Prohibition on contractor conflicts of interest.
Sec. 707. Disclosure of Government contractor overcharges.
Sec. 708. Penalties for improper sole-source contracting procedures.
Sec. 709. Stopping the revolving door.

TITLE VIII—PRESIDENTIAL LIBRARIES

Sec. 801. Presidential libraries.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

Sec. 901. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER MEMBERS AND EMPLOYEES OF CONGRESS AND EXECUTIVE BRANCH OFFICIALS.

Section 207 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "One-year" and inserting "Two-year";

(B) in paragraph (1), by striking "1 year" and inserting "2 years" in both places it appears; and

(C) in paragraph (2)(B), by striking "1-year period" and inserting "2-year period;"

(2) in subsection (d)—

(A) in paragraph (1), by striking "1 year" and inserting "2 years"; and

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years"; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking "1 year" and inserting "2 years";

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years";

(C) in paragraph (3), by striking "1 year" and inserting "2 years";

(D) in paragraph (4), by striking "1 year" and inserting "2 years";

(E) in paragraph (5)(A), by striking "1 year" and inserting "2 years"; and

(F) in paragraph (6), by striking "1-year period" and inserting "2-year period".

SEC. 102. ELIMINATION OF FLOOR PRIVILEGES AND ACCESS TO MEMBERS EXERCISE FACILITIES FOR FORMER MEMBER LOBBYISTS.

(a) FLOOR PRIVILEGES.—(1) Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

"4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House; or a head of a department shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

"(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

"(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

"(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.".

(2) Clause 2(a)(12) of rule IV of the Rules of the House of Representatives is amended by inserting "(subject to clause 4)" before the period.

(b) EXERCISE FACILITIES.—(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members of the House of Representatives to any former Member who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute. For purposes of this section, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this section.

SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND SENIOR CONGRESSIONAL STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by adding at the end the following new clause:

"14. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House covered by the post employment restriction provisions of title 18, United States Code, shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

"(b) The disclosure and notification under subparagraph (a) shall be made within 3 business days after the commencement of such negotiation or arrangement.

"(c) A Member or employee to whom this rule applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Committee on Standards of Official Conduct of such recusal.

"(d)(1) The Committee on Standards of Official Conduct shall develop guidelines concerning conduct which is covered by this paragraph.

"(2) The Committee on Standards of Official Conduct shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).".

SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after "the Government official responsible for appointment to his or her position" the following: "and the Office of Government Ethics"; and

(B) by striking "a written determination made by such official" and inserting "a written determination made by the Office of Government Ethics, after consultation with such official,"; and

(2) in subsection (b)(3), by striking "the official responsible for the employee's appointment, after review of" and inserting "the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of"; and

(3) in subsection (d)(1)—

(A) by striking "Upon request" and all that follows through "Ethics in Government Act of 1978." and inserting "In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption."; and

(B) by striking "the agency may withhold" and inserting "the Office of Government Ethics may withhold".

SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

(d) HOUSE RULES.—Rule XXIII of the Rules of the House (as amended by section 103) is further amended by redesignating clause 15 as clause 16, and by inserting after clause 14 the following new clause:

"15. No Member, Delegate, or Resident Commissioner shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence, the official act of another.".

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking "Semiannual" and inserting "Quarterly";

(B) by striking "the semiannual period" and all that follows through "July of each year" and insert "the quarterly period beginning on the first days of January, April, July, and October of each year"; and

(C) by striking "such semiannual period" and insert "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall provide for public access to such reports on the Internet.".

SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE OF CONTRIBUTIONS AND PAYMENTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (5), as added by section 204(c), by striking the period and inserting a semicolon; and

(2) by adding at the end the following:

"(6) for each registrant (and for any political committee, as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant) and for each employee listed as a lobbyist by a registrant under paragraph 2(C)—

"(A) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution was made, and the amount of such contribution; and

"(B) the name of each Federal candidate or officeholder, or a leadership PAC of such candidate or officeholder, or political party committee for whom a fundraising event was hosted, cohosted, or otherwise sponsored, the date and location of the event, and the total amount raised by the event;

"(7) a certification that the lobbying firm or registrant has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation of clause 5 of rule XXV of the Rules of the House of Representatives;

"(8) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

"(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(9) the name of each Member of Congress contacted by lobbyists employed by the registrant on behalf of the client.".

(b) LEADERSHIP PAC.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by adding at the end the following:

"(17) LEADERSHIP PAC.—The term 'leadership PAC' means an unauthorized multicandidate political committee that is established, financed, maintained, and controlled by an individual who is a Federal officeholder or a candidate for Federal office.".

(c) FULL AND DETAILED ACCOUNTING.—Section 5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)(1)) is amended by striking "shall be rounded to the nearest $20,000" and inserting "shall be rounded to the nearest $1,000".

(d) Notification of Members.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (2) by striking "review, and, where necessary" and inserting "review and—

"(A) if a report states (under section 5(b)(9) or otherwise) that a Member of Congress was contacted, immediately notify that Member of that report; and

"(B) where necessary,".

SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) Disclosure of Paid Efforts to Stimulate Grassroots Lobbying.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end the following: "Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying."; and

(2) by adding at the end the following:

"(18) Grassroots lobbying.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

"(19) Paid efforts to stimulate grassroots lobbying.—The term 'paid efforts to stimulate grassroots lobbying'—

"(A) means any paid attempt to influence the general public, or segments thereof, to engage in grassroots lobbying or lobbying contacts; and

"(B) does not include any attempt described in subparagraph (A) by a person or entity directed to its members, employees, officers or shareholders, unless such attempt is financed with funds directly or indirectly received from or arranged by a lobbyist or other registrant under this Act retained by another person or entity.

"(20) Grassroots lobbying firm.—The term 'grassroots lobbying firm' means a person or entity that—

"(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

"(B) receives income of, or spends or agrees to spend, an aggregate of $50,000 or more for such efforts in any quarterly period.".

(b) Registration.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in paragraph (1), by striking "45" and inserting "20";

(2) in the flush matter at the end of paragraph (3)(A)—

(A) by striking "as estimated" and inserting "as included"; and

(B) by adding at the end the following: "For purposes of clauses (i) and (ii) the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) Grassroots lobbying firms.—Not later than 20 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.".

(c) Separate Itemization of Paid Efforts to Stimulate Grassroots Lobbying.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after "total amount of all income" the following: "(including a separate good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) striking "and" after the semicolon;

(2) in paragraph (4), by—

(A) inserting after "total expenses" the following: "(including a good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) striking the period and inserting a semicolon;

(3) by adding at the end the following:

"(5) in the case of a grassroots lobbying firm, for each client—

"(A) a good faith estimate of the total disbursements made for grassroots lobbying activities, and a subtotal for disbursements made for grassroots lobbying through paid advertising;

"(B) identification of each person or entity other than an employee who received a disbursement of funds for grassroots lobbying activities of $10,000 or more during the period and the total amount each person or entity received; and

"(C) if such disbursements are made through a person or entity who serves as an intermediary or conduit, identification of each such intermediary or conduit, identification of the person or entity who receives the funds, and the total amount each such person or entity received."; and

(4) by adding at the end the following:

"Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.".

(d) Large Grassroots Expenditure.—Section 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

(1) by striking "No later" and inserting:

"(1) In general.—Except as provided in paragraph (2), not later"; and

(2) by adding at the end the following:

"(2) Large grassroots expenditure.—A registrant that is a grassroots lobbying firm and that receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort, shall file—

"(A) a report under this section not later than 20 days after receiving, spending, or agreeing to spend that amount; and

"(B) an additional report not later than 20 days after each time such registrant receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort.".

SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) In General.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

"(2) Client.—

"(A) In general.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

"(B) Treatment of coalitions and associations.—

"(i) In general.—Except as provided in clauses (ii) and (iii), in the case of a coalition or association that employs or retains other persons to conduct lobbying activities, each of the individual members of the coalition or association (and not the coalition or association) is the client. For purposes of section 4(a)(3), the preceding sentence shall not apply, and the coalition or association shall be treated as the client.

"(ii) Exception for certain tax-exempt associations.—In case of an association—

"(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying with respect to the specific issue for which it engaged the person filing the registration statement under section 4,

the association (and not its members) shall be treated as the client.

"(iii) Exception for certain members.—

"(I) In general.—Information on a member of a coalition or association need not be included in any registration under section 4 if the amount reasonably expected to be contributed by such member toward the activities of the coalition or association of influencing legislation is less than $500 per any quarterly period.

"(II) Exception.—Subclause (I) shall not apply with respect to any member who unexpectedly makes aggregate contributions of more than $500 in any quarterly period, and the date the aggregate of such contributions first exceeds $500 in such period shall be treated as the date of first employment or retention to make a lobbying contact for purposes of section 4.

"(III) No donor or membership list disclosure.—No disclosure is required under this Act if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in this paragraph shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under this paragraph.".

"(iv) Look-thru rules.—In the case of a coalition or association which is treated as a client under the first sentence of clause (i)—

"(I) such coalition or association shall be treated as employing or retaining other persons to conduct lobbying activities for purposes of determining whether any individual member thereof is treated as a client under clause (i), and

"(II) information on such coalition or association need not be included in any registration under section 4 of the coalition or association with respect to which it is treated as a client under clause (i).".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 207. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7) by striking "and" at the end;

(2) in paragraph (8) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: "and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of such Act, as added by subsection (a).

SEC. 208. CONFORMING AMENDMENT.

The requirements of this Act shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

SEC. 301. BAN ON GIFTS FROM LOBBYISTS.

(a) IN GENERAL.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)" and adding at the end the following:

"(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraphs (2)(B) or (3) of this paragraph.".

(b) RULES COMMITTEE REVIEW.—The Committee on Rules shall review the present exceptions to the House gift rule and make recommendations to the House not later than 3 months after the date of enactment of this Act on eliminating all but those which are absolutely necessary to effectuate the purpose of the rule.

SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.

Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting "or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal" after "foreign principal".

SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and (f) as paragraphs (g) and (h), respectively, and by inserting after paragraph (d) the following:

"(e) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept transportation or lodging on any trip that is planned, organized, requested, arranged, or financed in whole or in part by a lobbyist or agent of a foreign principal, or in which a lobbyist participates.

"(f) Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept transportation or lodging otherwise permissible under this paragraph from any person, such individual shall obtain 30 days before such trip a written certification from such person (and provide a copy of such certification to the Committee on Standards of Official Conduct) that—

"(1) the trip was not planned, organized, requested, arranged, or financed in whole, or in part by a registered lobbyist or agent of a foreign principal and was not organized at the request of a registered lobbyist or agent of a foreign principal;

"(2) registered lobbyists will not participate in or attend the trip; and

"(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Committee on Standards of Official Conduct shall make public information received under this paragraph as soon as possible after it is received.".

(b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of rule XXV of the Rules of the House of Representatives is amended—

(1) by striking "of expenses reimbursed or to be reimbursed";

(2) in subdivision (E), by striking "and" after the semicolon;

(3) in subdivision (F), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(G) a description of meetings and events attended during such travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee works to jeopardize the safety of an individual or otherwise interfere with the official duties of the Member, Delegate, Resident Commissioner, officer, or employee.".

(c) PUBLIC AVAILABILITY.—Subparagraph (5) of rule XXV of the Rules of the House of Representatives is amended to read as follows:

"(e) The Clerk of the House shall make available to the public all advance authorizations, certifications, and disclosures filed pursuant to subparagraphs (1) and subparagraph (3)(H) as soon as possible after they are received.".

SEC. 304. PROHIBITION ON OBLIGATION OF FUNDS FOR TRAVEL BY LEGISLATIVE AND EXECUTIVE BRANCH OFFICIALS.

No Federal agency may obligate any funds made available in an appropriation Act for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, taken as part of official duties of a United States Senator, a Member, Delegate, or Resident Commissioner of the House of Representatives, an officer or employee of the Senate or House of Representatives, or an officer or employee of the executive branch.

SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAVEL.

Rule XXV of the Rules of the House of Representatives (as amended by section 304(b) is further amended by adding at the end the following:

"(h) Not later than 90 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on House Administration shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.".

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

SEC. 401. OFFICE OF PUBLIC INTEGRITY.

(a) ESTABLISHMENT.—There is established within the Office of Inspector General of the House of Representatives an office to be known as the "Office of Public Integrity" (referred to in this section as the "Office"), which shall be headed by a Director of Public Integrity (hereinafter referred to as the "Director").

(b) OFFICE.—The Office shall have access to all lobbyists' disclosure information received by the Clerk under the Lobbying Disclosure Act of 1995 and conduct such audits and investigations as are necessary to ensure compliance with the Act.

(c) REFERRAL AUTHORITY.—The Office shall have authority to refer violations of the Lobbying Disclosure Act of 1995 to the Committee on Standards of Official Conduct and the Department of Justice for disciplinary action, as appropriate.

(d) DIRECTOR.—

(1) IN GENERAL.—The Director shall be appointed by the Inspector General of the House. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including investigators and accountants.

(e) AUDITS AND INVESTIGATIONS.—

(1) IN GENERAL.—The Office shall audit lobbying registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of such Act by lobbyists and their clients.

(2) EVIDENCE OF NON-COMPLIANCE.—If in the course an audit conducted pursuant to the

requirements of paragraph (1), the Office obtains information indicating that a person or entity may be in non-compliance with the requirements of the Lobbying Disclosure Act of 1995, the Office shall refer the matter to the United States Attorney for the District of Columbia.

(f) Conforming Amendment.—Section 8 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607) is amended by striking subsection (c).

(g) Authorization of Appropriations.—There are authorized to be appropriated in a separate account such sums as are necessary to carry out this section.

SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting " (a) Civil Penalty.—" before "Whoever";

(2) by striking "$50,000" and inserting "$100,000"; and

(3) by adding at the end the following:

"(b) Criminal Penalty.—

"(1) In general.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

"(2) Corruptly.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.".

SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) Civil Fine.—

(1) In general.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code), under clause 5 of rule XXV of the Rules of the House of Representatives, shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(2) Maximum fine.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this subsection, as follows:

(A) First trip.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(B) Second trip.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(C) Any other trips.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

(3) Enforcement.—The Attorney General may bring an action in United States district court to enforce this subsection.

(b) Criminal Penalty.—

(1) In general.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

(2) Corruptly.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.

SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) Ethics Training.—

(1) In general.—The Committee on Standards of Official Conduct shall provide annual ethics training to each employee of the House which shall include knowledge of the Official Code of Conduct and related House rules.

(2) New employees.—A new employee of the House shall receive training under this section not later than 60 days after beginning service to the House.

(b) Certification.—Not later than January 31 of each year, each employee of the House shall file a certification with the Committee on Standards of Official Conduct that the employee attended ethics training in the last year as established by this section.

TITLE V—OPEN GOVERNMENT

SEC. 501. FISCAL RESPONSIBILITY.

(a) Reconciliation.—Clause 10 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) It shall not be in order to consider any reconciliation legislation which has the net effect of reducing the surplus or increasing the deficit compared to the most recent Congressional Budget Office estimate for any fiscal year.".

(b) Application of Points of Order Under Congressional Budget Act to All Bills and Joint Resolutions Considered Under Special Orders of Business.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. For purposes of applying section 315 of the Congressional Budget and Impoundment Control Act of 1974, the term 'as reported' under such section shall be considered to include any bill or joint resolution considered in the House pursuant to a special order of business.".

SEC. 502. CURBING ABUSES OF POWER.

(a) Limit on Time Permitted for Recorded Electronic Votes.—Clause 2(a) of rule XX of the Rules of the House of Representatives is amended by inserting after the second sentence the following sentence: "The maximum time for a record vote by electronic device shall be 20 minutes, except that the time may be extended with the consent of both the majority and minority floor managers of the legislation involved or both the majority leader and the minority leader.".

(b) Congressional Integrity.—Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

"14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

"15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

"(1) the name of the Member, Delegate, or Resident Commissioner;

"(2) the name and address of the intended recipient of such earmark;

"(3) the purpose of such earmark; and

"(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

"(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

"(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.".

(c) Restrictions on Reporting Certain Rules.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(1) by striking "or" at the end of subparagraph (1);

(2) by striking the period at the end of subparagraph (2) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(3) a rule or order for consideration of a bill or joint resolution reported by a committee that makes in order as original text for purposes of amendment, text which differs from such bill or joint resolution as recommended by such committee to be amended unless the rule or order also makes in order as preferential a motion to amend that is neither divisible nor amendable but, if adopted will be considered original text for purposes of amendment, if requested by the chairman or ranking minority member of the reporting committee, and such rule or order shall waive all necessary points of order against that amendment only if it restores all or part of the text of the bill or joint resolution as recommended by such committee or strikes some or all of the original text inserted by the Committee on Rules that was not contained in the recommended version;

"(4) a rule or order that waives any points of order against consideration of a bill or joint resolution, against provisions in the measure, or against consideration of amendments recommended by the reporting committee unless the rule or order makes in order and waives the same points of order against one germane amendment if requested by the minority leader or a designee;

"(5) a rule or order that waives clause 10(d) of rule XVIII, unless the majority leader and minority leader each agree to the waiver and a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present; or

"(6) a rule or order that waives clause 12(a) of rule XXII.".

SEC. 503. ENDING 2-DAY WORK WEEKS.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. It shall not be in order to consider a resolution providing for adjournment sine die unless, during at least 20 weeks of the session, a quorum call or recorded vote was taken on at least 4 of the weekdays (excluding legal public holidays).".

SEC. 504. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) Bills and Joint Resolutions.—

(1) In general.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).".

(2) Prohibiting waiver.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended by section 3(a), is further amended—

(A) by striking "or" at the end of subparagraph (5);

(B) by striking the period at the end of subparagraph (6) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(7) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.".

(b) Conference Reports.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking "2 hours" and inserting "24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after".

SEC. 505. FULL AND OPEN DEBATE IN CONFERENCE.

(a) Numbered Amendments.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "A motion to request or agree to a conference on a general appropriation bill is in order only if the House expresses its disagreements with the House in the form of numbered amendments.".

(b) Promoting Openness in Deliberations of Managers.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.".

(c) Point of Order Against Consideration of Conference Report Not Reflecting Resolution of Differences as Approved.—

(1) In general.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).".

(2) Prohibiting waiver.—Clause 6(c)(6) of rule XIII of the Rules of the House of Representatives, as added by section 3(c)(3), is further amended by striking "clause 12(a)" and inserting "clause 12(a) or clause 13".

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

SEC. 601. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC SAFETY POSITIONS.

(a) In General.—A public safety position may not be held by any political appointee who does not meet the requirements of subsection (b).

(b) Minimum Requirements.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position;

(3) has training and expertise in one or more areas relevant to such position; and

(4) has not, within the 2-year period ending on the date of such individual's nomination for or appointment to such position, been a lobbyist for any entity or other client that is subject to the authority of the agency within which, if appointed, such individual would serve.

(c) Political Appointee.—For purposes of this section, the term "political appointee" means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(d) Public Safety Position.—For purposes of this section, the term "public safety position" means—

(1) the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security;

(2) the Director of the Federal Emergency Management Agency, Department of Homeland Security;

(3) each regional director of the Federal Emergency Management Agency, Department of Homeland Security;

(4) the Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security;

(5) the Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security;

(6) the Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services;

(7) the Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency; and

(8) any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public safety positions within such agency.

(e) Coordination With Other Requirements.—The requirements set forth in subsection (b) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(f) Definitions.—For purposes of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code);

(2) the terms "limited term appointee", "limited emergency appointee", and "noncareer appointee" have the respective meanings given them by section 3132 of such title 5;

(3) the term "Senior Executive Service" has the meaning given such term by section 2101a of such title 5;

(4) the term "competitive service" has the meaning given such term by section 2102 of such title 5; and

(5) the terms "lobbyist" and "client" have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

SEC. 602. EFFECTIVE DATE.

This title shall apply with respect to any appointment made after the end of the 30-day period beginning on the date of the enactment of this Act.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

SEC. 701. PUBLIC AVAILABILITY OF FEDERAL CONTRACT AWARDS.

(a) Amendment.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by inserting after section 19 the following new section:

"SEC. 19A. PUBLIC AVAILABILITY OF CONTRACT AWARD INFORMATION.

"Not later than 14 days after the award of a contract by an executive agency, the head of the executive agency shall make publicly available, including by posting on the Internet in a searchable database, the following information with respect to the contract:

"(1) The name and address of the contractor.

"(2) The date of award of the contract.

"(3) The number of offers received in response to the solicitation.

"(4) The total amount of the contract.

"(5) The contract type.

"(6) The items, quantities, and any stated unit price of items or services to be procured under the contract.

"(7) With respect to a procurement carried out using procedures other than competitive procedures—

"(A) the authority for using such procedures under section 303(c) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or section 2304(c) of title 10, United States Code; and

"(B) the number of sources from which bids or proposals were solicited.

"(8) The general reasons for selecting the contractor.".

(b) Clerical Amendment.—The table of contents contained in section 1(b) of such

Act is amended by inserting after the item relating to section 19 the following new item:

"Sec. 19A. Public availability of contract award information.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to contracts entered into more than 90 days after the date of the enactment of this Act.

SEC. 702. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) Paragraph (3) of section 303H(d) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended to read as follows:

"(3)(A) The regulations implementing this subsection shall prohibit the award of monopoly contracts.

"(B) In this subsection, the term 'monopoly contract' means a task or delivery order contract in an amount estimated to exceed $10,000,000 (including all options) awarded to a single contractor.

"(C) Notwithstanding subparagraph (A), a monopoly contract may be awarded if the head of the agency determines in writing that—

"(i) for one of the reasons set forth in section 303(c), a single task or delivery order contract is in the best interest of the Federal Government; or

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work.".

(b) Section 303H(d)(1) of such Act is amended by striking "The head" and inserting "Subject to paragraph (3), the head".

(c) Subsection (e) of section 303I of such Act (41 United States Code 253i) is amended to read as follows:

"(e) MULTIPLE AWARDS.—Section 303H(d) applies to a task or delivery order contract for the procurement of advisory and assistance services under this section.".

SEC. 703. COMPETITION IN MULTIPLE AWARD CONTRACTS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

"SEC. 303N. COMPETITION IN MULTIPLE AWARD CONTRACTS.

"(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

"(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $100,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

"(A) waives the requirement on the basis of a determination that—

"(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) applies to such individual purchase; or

"(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

"(B) justifies the determination in writing.

"(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

"(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

"(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

"(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

"(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

"(A) offers were received from at least three qualified contractors; or

"(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

"(5) For purposes of paragraph (2), fair notice means notice of intent to make a purchase under a multiple award contract posted, at least 14 days before the purchase is made, on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

"(c) DEFINITIONS.—In this section:

"(1) The term 'individual purchase' means a task order, delivery order, or other purchase.

"(2) The term 'multiple award contract' means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3);

"(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K; and

"(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

"(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this section and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.".

SEC. 704. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) CIVILIAN AGENCY CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303N, as added by section 703, the following new section:

"SEC. 303O. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

"(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics.

"(b) DEFINITION.—No prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

"(1) has exhibited a pattern of overcharging the Government under Federal contracts;

"(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws; or

"(3) has an outstanding debt with a Federal agency in a delinquent status."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303N, as added by section 703, the following new item:

"Sec. 303O. Suspension and debarment of unethical contractors.".

SEC. 705. CRIMINAL SANCTIONS FOR CHEATING TAXPAYERS AND WARTIME FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Criminal sanctions for cheating taxpayers and wartime fraud

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a Federal contract for the provision of goods or services, knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 10 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. Criminal Sanctions for Cheating Taxpayers and Wartime Fraud.".

(d) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(e) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(f) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to Criminal Sanctions for Cheating Taxpayers and Wartime Fraud," after "liquidating agent of financial institution),".

SEC. 706. PROHIBITION ON CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION.—An agency may not enter into a contract for the performance of a function relating to contract oversight with any contractor with a conflict of interest.

(b) DEFINITIONS.—In this section:

(1) The term “function relating to contract oversight” includes the following specific functions:

(A) Evaluation of a contractor's performance.

(B) Evaluation of contract proposals.

(C) Development of statements of work.

(D) Services in support of acquisition planning.

(E) Contract management.

(2) The term “conflict of interest” includes cases in which the contractor performing the function relating to contract oversight, or any related entity—

(A) is performing all or some of the work to be overseen;

(B) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(C) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(D) has a reverse role with the contractor to be overseen under one or more separate Government contracts; and

(E) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(3) The term “related entity”, with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—An agency may not enter into a contract for the performance of inherently governmental functions for contract oversight (as described in subpart 7.5 of part 7 of the Federal Acquisition Regulation).

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after the date of enactment of this Act.

SEC. 707. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) The head of each Federal agency or department shall submit to the chairman and ranking member of each committee described in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of $1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other committees of jurisdiction.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).

SEC. 708. PENALTIES FOR IMPROPER SOLE-SOURCE CONTRACTING PROCEDURES.

Section 303 of the Federal Property and Administrative Services Act (41 U.S.C. 253) is amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g) Any official who knowingly and intentionally violates Federal procurement law in the preparation or certification of a justification for a sole-source contract, in the award of a sole-source contract, or in directing or participating in the award of a sole-source contract, shall be subject to administrative sanctions up to and including termination of employment.”.

SEC. 709. STOPPING THE REVOLVING DOOR.

(a) ELIMINATION OF LOOPHOLES THAT ALLOW FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) Paragraph (1) of section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)(1)) is amended—

(A) by striking “or consultant” and inserting “consultant, lawyer, or lobbyist”;

(B) by striking “one year” and inserting “two years”; and

(C) in subparagraph (C), by striking “personally made for the Federal agency—” and inserting “participated personally and substantially in—”.

(2) Paragraph (2) of section 27(d) of such Act (41 U.S.C. 423(d)(2)) is amended to read as follows:

“(2) For purposes of paragraph (1), the term ‘contractor’ includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of the contractor.”.

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

“(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor.”.

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after “that official” the following: “or for a relative of that official (as defined in section 3110 of title 5, United States Code),”.

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of section 27(e) of such Act (41 U.S.C. (e)(1)) is amended to read as follows:

“(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

“(A) subsection (a) or (b) for the purpose of either—

“(i) exchanging the information covered by such subsection for anything of value, or

“(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

“(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.”.

(e) REGULATIONS.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end of the following new subsection:

“(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

“(1) promulgate regulations to carry out and ensure the enforcement of this section; and

“(2) monitor and investigate individual and agency compliance with this section.”.

TITLE VIII—PRESIDENTIAL LIBRARIES

SEC. 801. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository, shall submit to the Administration, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate on a quarterly basis, by not later than the applicable date specified in paragraph (2), information with respect to every contributor who, during the designated period—

“(A) with respect to a Presidential archival depository of a President who currently holds the Office of President or for which the Archivist has not accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period; or

“(B) with respect to a Presidential archival depository of a President who no longer holds the Office of President and for which the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period.

“(2) For purposes of paragraph (1), the applicable date—

“(A) with respect to information required under paragraph (1)(A), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing; and

“(B) with respect to information required under paragraph (1)(B), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing.

“(3) As used in this subsection, the term ‘information’ means the following:

“(A) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

“(B) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

"(C) If the source of such a contribution is an individual, the occupation of the individual.

"(D) The date of each such contribution.

"(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted in accordance with paragraph (1).

"(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

"(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

"(6)(A) It shall be unlawful for any organization described in paragraph (1) to knowingly and willfully submit false material information or omit material information under such paragraph.

"(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

"(7)(A) It shall be unlawful for a person to knowingly and willfully—

"(i) make a contribution described in paragraph (1) in the name of another person;

"(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

"(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

"(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act.

"(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.".

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

SEC. 901. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

"(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(iii) The offense is committed after the date of enactment of this subsection.

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

"(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

"(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

"(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States) to the extent of any conspiracy to commit an act which constitutes an offense under clause (i) or (ii).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) For purposes of this subsection—

"(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

"(B) the term 'child' has the meaning given such term by section 8341.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(C) The offense is committed after the date of enactment of this subsection.

"(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) For purposes of this subsection—

"(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

"(B) the term 'child' has the meaning given such term by section 8341.".

SUMMARY OF AMENDMENTS SUBMITTED TO THE RULES COMMITTEE FOR H. RES. 1000—PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Emanuel (IL)—1. Establishes a new point of order against any reported bill or conference report which contains an earmark that would: personally benefit a Member, Member's spouse, or immediate family member; benefit a registered lobbyist or former registered lobbyist who serves as chairman of the leadership political action committee of the Member requesting the earmark; benefit any entity that employs the spouse or immediate family member of the earmark's sponsor; benefits any entity that employs or is represented by a former employee of the earmark's sponsor, or is represented by a lobbying firm that employs any spouse or close relative of the earmark's sponsor. Applies the point of order to any bill containing an earmark which amends the Internal Revenue Code of 1986 to benefit one individual, corporation or entity. Applies the point of order to any conference report containing earmarks that were not contained in the House or Senate-passed versions of the matter committed to conference.

King, Steve (IA)—2. Prohibits the consideration of any bill or conference report unless: (1) the bill or conference report is made available on the internet for at least 48 hours prior to its consideration; (2) any amendment made in order under a rule is made available on the internet within one hour after the rule is filed; (3) any amendment under an open rule is made available on the internet immediately after being offered, in a format that is searchable and sortable.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1003, if ordered; and motion to suspend the rules on H.R. 6033.

The vote was taken by electronic device, and there were—yeas 218, nays 194, not voting 20, as follows:

[Roll No. 448]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Baca
Bishop (UT)
Cannon
Case
Culberson
Davis (FL)
Evans
Forbes
Jindal
Johnson, Sam
Keller
Kolbe
Lynch
McHenry
McKinney
McMorris Rodgers
Ney
Ryan (OH)
Sanchez, Loretta
Strickland

☐ 1725

Mr. HONDA and Mr. RANGEL changed their vote from "yea" to "nay."

Messrs. FRANKS of Arizona, YOUNG of Alaska, MILLER of Florida, and ROGERS of Michigan changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 17, as follows:

[Roll No. 449]

AYES—245

Akin
Alexander
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Eshoo
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Kuhl (NY)
LaHood
Langevin
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)

McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meehan
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wu

NOES—171

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Emanuel
Emerson
Engel
Etheridge
Farr
Fattah
Frank (MA)
Frelinghuysen
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kingston
Knollenberg
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickering
Price (NC)
Rahall
Rangel
Regula
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherwood
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Bishop (UT)
Case
Culberson
Davis (FL)
Evans
Forbes
Johnson, Sam
Keller
Kolbe
Marshall
Ney
Peterson (MN)
Rush
Sanchez, Loretta
Strickland

□ 1733

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to H. Res. 1003, H. Res. 1000, as amended, is adopted.

The text of H. Res. 1000, as amended, is as follows:

H. RES. 1000

Resolved,

SECTION 1. EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES.

(a) In the House of Representatives, it shall not be in order to consider—

(1) a bill reported by a committee unless the report includes a list of earmarks in the bill or in the report (and the names of Members who submitted requests to the committee for earmarks included in such list); or

(2) a conference report to accompany a bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of earmarks in the conference report or joint statement (and the names of Members who submitted requests to the committee for earmarks included in such list) that were not committed to the conference committee by either House, not in a report specified in paragraph (1), and not in a report of a committee of the Senate on a companion measure.

(3) In order to be cognizable by the Chair, a point of order raised under paragraph (1) may be based only on the failure of a report of a committee to include a list required by paragraph (1).

(b) In the House of Representatives, it shall not be in order to consider—

(1) a bill carrying a tax measure reported by the Committee on Ways and Means as to which the Joint Committee on Taxation has—

(A) identified a tax earmark pursuant to subsection (e), unless the report on the bill includes a list of tax earmarks in the bill or report (and the names of Members who submitted requests to the committee for tax earmarks included in such list); or

(B) failed to provide an analysis under subsection (e); or

(2) a conference report to accompany a bill carrying a tax measure as to which the Joint Committee on Taxation has—

(A) identified a tax earmark pursuant to subsection (e), unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of tax earmarks in the conference report or joint statement (and the names of Members who submitted requests to the committee for tax earmarks included in such list) that were not committed to the conference committee by either House, not in a report specified in paragraph (1), and not in a report of a committee of the Senate on a companion measure; or

(B) failed to provide an analysis under subsection (e).

(3) A point of order under paragraph (1) or (2) may not be cognizable by the Chair if the Joint Committee on Taxation has provided an analysis under subsection (e) and has not identified a tax earmark.

(c)(1) In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of subsection (a)(2) or (b)(2).

(2) A point of order that a rule or order waives the application of subsection (b)(2)(A) may not be cognizable by the Chair if the Joint Committee on Taxation has provided an analysis under subsection (e) and has not identified a tax earmark.

(3) In order to be cognizable by the Chair, a point of order that a rule or order waives the application of subsection (b)(2)(A) must specify the precise language of the rule or order and any pertinent analysis by the Joint Committee on Taxation contained in the joint statement of managers.

(d)(1) As disposition of a point of order under subsection (a) or (b), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order.

(2) As disposition of a point of order under subsection (c) with respect to a rule or order relating to a conference report, the Chair shall put the question of consideration as follows: "Shall the House now consider the resolution notwithstanding the assertion of [the maker of the point of order] that the object of the resolution introduces a new earmark or new earmarks?".

(3) The question of consideration under this subsection (other than one disposing of a point of order under subsection (b)) shall be debatable for 15 minutes by the Member initiating the point of order and for 15 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

(e) The Joint Committee on Taxation shall review any bill containing a tax measure that is being reported by the Committee on Ways and Means or prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill contains any tax earmarks. The Joint Committee on Taxation shall provide to the Committee on Ways and Means or the committee of conference a statement identifying any such tax earmarks or declaring that the bill or joint resolution does not contain any tax earmarks, and such statement shall be included in the report on the bill or joint statement of managers, as applicable. Any such statement shall also be made available to any Member of Congress by the Joint Committee on Taxation immediately upon request.

SEC. 2. DEFINITIONS.

(a) For the purpose of this resolution, the term "earmark" means a provision in a bill or conference report, or language in an accompanying committee report or joint statement of managers—

(1) with respect to a general appropriation bill, or conference report thereon, providing or recommending an amount of budget authority for a contract, loan, loan guarantee, grant, or other expenditure with or to a non-Federal entity, if—

(A) such entity is specifically identified in the report or bill; or

(B) if the discretionary budget authority is allocated outside of the statutory or administrative formula-driven or competitive bidding process and is targeted or directed to an identifiable entity, specific State, or Congressional district; or

(2) with respect to a measure other than that specified in paragraph (1), or conference report thereon, providing authority, including budget authority, or recommending the exercise of authority, including budget authority, for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to a non-Federal entity, if—

(A) such entity is specifically identified in the report or bill;

(B) if the authorization for, or provision of, budget authority, contract authority loan authority or other expenditure is allocated outside of the statutory or administrative formula-driven or competitive bidding process and is targeted or directed to an identifiable entity, specific State, or Congressional district; or

(C) if such authorization for, or provision of, budget authority, contract authority, loan authority or other expenditure preempts statutory or administrative State allocation authority.

(b)(1) For the purpose of this resolution, the term "tax earmark" means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(2) for purposes of paragraph (1)—

(A) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(B) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(C) all employees of an employer shall be treated as a single beneficiary;

(D) all qualified plans of an employer shall be treated as a single beneficiary;

(E) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(F) all contributors to a charitable organization shall be treated as a single beneficiary;

(G) all holders of the same bond issue shall be treated as a single beneficiary; and

(H) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(3) for the purpose of this subsection, the term "revenue-losing provision" means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

(A) the first fiscal year for which the provision is effective; or

(B) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

(4) the terms used in this subsection shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

(c) For the purpose of this resolution—

(1) government-sponsored enterprises, Federal facilities, and Federal lands shall be considered Federal entities;

(2) to the extent that the non-Federal entity is a State, unit of local government, territory, an Indian tribe, a foreign government or an intergovernmental international organization, the provision or language shall not be considered an earmark unless the provision or language also specifies the specific purpose for which the designated budget authority is to be expended;

(3) the term "budget authority" shall have the same meaning as such term is defined in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622); and

(4) an obligation limitation shall be treated as though it is budget authority.

THOMAS J. MANTON POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6033.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6033, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 450]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Baca
Bachus
Baker
Bishop (UT)
Boehlert
Bonner
Boyd
Burton (IN)
Cardin
Case
Cramer
Culberson
Davis (FL)
Evans
Ferguson
Forbes
Johnson, Sam
Keller
Kolbe
McKinney
Miller, Gary
Neal (MA)
Ney
Nussle
Sanchez, Loretta
Strickland
Westmoreland
Whitfield
Wilson (NM)

□ 1745

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KELLER. Mr. Speaker, I have remained in Orlando, Florida, with my wife as she prepares to give birth to our new baby daughter. If I had been present today, I would have voted in the following manner: rollcall 441: "No"; rollcall 442: "No"; rollcall 443; "Yea"; rollcall 444: "Yea"; rollcall 445: "Nay"; rollcall 446: "Aye"; rollcall 447: "Yea"; rollcall 448: "Yea"; rollcall 449: "Aye"; rollcall 450: "Yea."

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. BOEHNER), the majority leader, for the purposes of inquiring about the schedule for the week to come.

I informed his staff of the length of time I thought this would take. I am sure she has informed him, and he is still here.

Mr. BOEHNER. I thank my friend and colleague from Maryland for yielding.

Mr. Speaker, next week, the House will convene Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. There are a number of items on the suspension calendar. A final list of those bills will be sent to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider H.R. 6054, the Military Commissions Act, from the Committee on Armed Services; and H.R. 4844, the Federal Election Integrity Act, from the Committee on House Administration. The House will also consider additional legislation on border security, including providing for more Border Patrol agents, stricter enforcement, enhancing State and local law enforcement authority.

I would also like to note conference reports may be brought up at any time, and I expect to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007, a conference report, and hopefully we will have that passed next week.

About Friday votes. I know Members want to get home in time next Friday for Rosh Hashanah, and I am working to make that happen. But to do that, I believe we will be in very late on Thursday.

So I would suggest to Members that if they want to make flight arrangements for first thing on Friday morning, that would be the safe thing to do, but I do expect that we will be in late on Thursday in order to complete our work for the week.

Mr. HOYER. I want to thank the gentleman for that notice to Members. I think that is very helpful. He and I talked about it last week and he said he would work on it. I very much appreciate that and I know the Members do as well. I thank you for that.

Mr. Leader, this may have been an oversight. You did not mention that first votes will be 6:30 on Tuesday of next week. Is that correct?

Mr. BOEHNER. That is correct.

Mr. HOYER. On H.R. 4844, the Federal Election Integrity Act, I have not talked to any members of the committee nor the Rules Committee. As you know, I was the sponsor of the HAVA act, along with BOB NEY, and very interested in this entire issue.

Can you tell me about whether it will be open to amendments or that amendments need to be into the Rules Committee at a certain time, what you contemplate?

Mr. BOEHNER. This bill was reported out of the House Administration Committee some time ago. I imagine we will see an announcement out of the Rules Committee in terms of when their hearing is and whether they will call for amendments. But I would expect that announcement to come from the Rules Committee.

Mr. HOYER. I appreciate that. I would hope, Mr. Leader, that on this bill it could be open to amendment in some form, because clearly this is a critically important issue. As you know, we have just had our primary in Maryland. We had a number of glitches. I don't think there was any wrongdoing, but there was certainly some negligence which led to disruption. I don't think there was anything that perhaps deals particularly with this bill, but I am hopeful that we can consider it in a way that will allow Members to offer their own suggestions. I thank the gentleman for consideration of that issue.

With respect to the border security related legislation, there is a mention of other security legislation possibly coming to the floor. Can you be a little more specific as to what you contemplate might be on the floor next week?

Mr. BOEHNER. I am expecting that next week, and possibly as early and going into the following week, we may have two or three packages of issues that are intended to help strengthen our border. As the gentleman is aware, we have done a lot over the last 4 or 5 years to strengthen the border, adding additional Border Patrol agents, fencing, all types of technology.

We now have the National Guard down on the border. But we believe that there are a number of smaller issues that we can work with the Senate on and possibly include in the Homeland Security appropriations conference report. We talked about it today earlier in a press event. A list of those bills will be available, should be available by now.

Mr. HOYER. I thank the gentleman for that information.

On the military commissions/domestic surveillance, you list a bill regarding military commissions for next week. Is there any possibility that we might also have on the floor legislation dealing with the issue of domestic wiretapping surveillance?

I yield to my friend.

Mr. BOEHNER. The terrorist surveillance program is expected to be marked up next week in the Judiciary Committee, which I would then suspect would be on the floor the week thereafter.

Mr. HOYER. I thank the leader for his information.

Again, briefly, I was not going to ask it, but I am constrained to ask it. Is there any chance, Mr. Leader, that we will be able to consider the Labor-Health bill on the floor? It is the only appropriation bill, as you well know, that we have not passed through the House. We have done the other 10.

Do you have any expectation that that bill might be on the floor either next week or the week thereafter?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

There are conversations continuing about that bill. There are still some issues in that bill. Those conversations are continuing, but no decisions have been made.

Mr. HOYER. I thank the gentleman. As the gentleman knows, I have an amendment on the minimum wage in that bill.

Mr. BOEHNER. I am well aware of it, yes.

Mr. HOYER. I am very interested in it, and I would hope we could move it.

Notwithstanding the fact that I told your extraordinarily able staffer who sits behind you that it was going to take about 45 minutes for this colloquy, I will yield back the balance of my time at this time.

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 15, 2006, TO TUESDAY, SEPTEMBER 19, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 19, 2006, for morning hour debate.

The SPEAKER pro tempore (Mr. SODREL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 6054, MILITARY COMMISSIONS ACT OF 2006

Mr. COLE of Oklahoma. Mr. Speaker, the Committee on Rules may meet the week of September 18 to grant a rule which could limit the amendment process for floor consideration of H.R. 6054, the Military Commissions Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment, and one copy of a brief explanation of the amendment, to the Rules Committee in room H–312 of the Capitol by 12 noon on Tuesday, September 19, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on Armed Services, which is expected to be filed tomorrow, Friday, September 15.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REQUESTING THE SENATE TO RETURN TO THE HOUSE OF REPRESENTATIVES H.R. 503

Mr. KUHL of New York. Mr. Speaker, I offer a privileged resolution (H. Res. 1011) requesting the return of official papers on H.R. 503, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1011

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 503) entitled "To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.".

The resolution was agreed to.

A motion to reconsider was laid on the table.

CATCHING BIN LADEN WON'T MAKE US SAFER?

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise in utter disbelief on hearing comments made by Democrat leaders that the capture of Osama bin Laden would not make America any safer. This statement exemplifies the Democrats' lack of any concrete plan on national security and the global war on terror.

Bin Laden is the alleged orchestrator of the 9/11 attacks, and as he remains on the loose, there is no telling what terrorist activities he may be planning and inciting. He is more than a symbol, he is a threat.

What confuses me even more is the Democrats' criticism of the Republican agenda in winning the war on terror. Democrats accuse Republicans of diverting resources that should be utilized in Afghanistan and then proceed to issue statements that the capture of Osama bin Laden is meaningless, that it would not make us any safer.

So then what is the Democrats' agenda for the war on terror. Give up in Iraq and create a vacuum where regimes that fund and incite terrorist activity can rise again? Leave Afghanistan and cease breaking up terrorist cells?

Mr. Speaker, I have one last question for my colleagues on the other side of the aisle. I know what you are against, but what are you for?

☐ 1800

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Speaker, the week of September 10 was denominated National Historically Black Colleges and Universities Week by legislation introduced by our colleague and my friend, Congresswoman EDDIE BERNICE JOHNSON of Texas, and passed this past July, and I am honored to join my colleagues today in celebrating it.

The contributions made by HBCUs to the African American community, to our country and to our culture cannot be overstated. As President Clinton once noted, "Generations of African American educators, physicians, lawyers, scientists, and other professionals found at HBCUs the knowledge, experience and encouragement they needed to reach their full potential."

The alumni rolls of HBCUs read like a Hall of Fame list, Mr. Speaker: Martin Luther King, Jr., a graduate of Morehouse College; Booker T. Washington, Hampton University, who also helped found the Tuskegee Institute in 1881, what is now known as Tuskegee University; W.E.B. DuBois, Fisk University; and Wilma Rudolph from Tennessee State University.

The list, of course, could go on and on, and indeed I could mention Members of the Congressional Black Caucus itself. In fact, it probably will surprise no one that nearly half of our friends and colleagues in the Congressional Black Caucus received their degrees Historically Black Colleges and Universities. Public service continues to be a hallmark of the graduate of black colleges and universities.

Today, Mr. Speaker, there are 103 Historically Black Colleges and Universities in our Nation, serving more than 260,000 undergraduate students, with 27 percent offering either a first professional degree or a doctorate.

HBCUs confer nearly a quarter of all bachelor's degrees awarded each year to African Americans, and they confer the majority of bachelor's degrees and advanced degrees awarded to black students in the physical sciences, mathematics, computer science, engineering and education.

The real story, Mr. Speaker, that underlies these figures, is the story of hope and opportunity. Before the Supreme Court's landmark decision in Brown v. Board of Education in 1954, African Americans were routinely and unjustly excluded from institutions of higher learning. It didn't matter how smart you were, it didn't matter how much talent or potential you had; the only thing that mattered was the color of your skin. What a failed, immoral policy. But out of that rank injustice, that indefensible racism, was born a fortitude and a determination to rise above, to overcome through education.

Thus, the first black college, what is now known as Cheyney University in Cheyney, Pennsylvania, was founded in 1837. To appreciate the magnitude of this, remember that Cheyney was created a full 28 years before the ratification of the 13th Amendment, to train free blacks to become school teachers. Today, Cheyney continues to serve with great pride as an avenue for African Americans to attend college.

Four of the 103 HBCUs are located in the State of Maryland, including Bowie State University in my own district, a college with which I have been working since 1967 when I was elected to the

Maryland State Senate. Bowie was founded in 1865, and is the oldest Historically Black University in Maryland.

The others are a great institution in Baltimore City, Morgan State, and its sister, Coppin State, both in that great city, and the last is the University of Maryland-Eastern Shore, located in Princess Anne.

Let me say as a former member of the Maryland Board of Regents and as someone acutely interested in education and the needs of our youth, I see the manifest vision and the determination of HBCUs in practice every day. I see it in the faces of the children in my district, who know that they will have the opportunity to develop their skills and talents, whether they choose Bowie State, the University of Maryland at College Park or any other school.

I see it in the faces of the young professionals who have attended an HBCU who are now working hard to build their careers and contribute to our society. And, yes, I see it in the faces of those here tonight who appreciate the unique role and history of Historically Black Colleges and Universities and who understand the importance of their continued vibrancy.

We must recognize, Mr. Speaker, that our strength as a Nation lies not just in the quality of the University of Maryland at College Park, but in the excellence of Bowie State. We must realize while we celebrate the University of North Carolina at Chapel Hill, we also must take joy in the accomplishments of North Carolina A&T.

HBCUs have strengthened our country and enriched our culture beyond measure, and while they can take great pride in their glorious past, it is incumbent upon all of us to ensure that they enjoy an even brighter future.

Ms. WOOLSEY. Mr. Speaker, I rise to honor our historically black colleges and universities, or HBCU's.

It is important that every American understands the history of these institutions and the great impact that they have had on our Nation, and I thank Representative EDDIE BERNICE JOHNSON for introducing the resolution declaring this week "National Historically Black Colleges and Universities Week."

For years, HBCU's offered many African Americans their only educational opportunity. HBCU's remain a vital part of our higher education system because they continue to offer high quality educational opportunities.

In fact, about one-third of black lawyers, one-half of black engineers, two-thirds of black physicians, and four-fifths of black federal judges are graduates of HBCU's.

Among the leaders who HBCU's have produced throughout our history are artists and writers, astronauts, business leaders, civil rights leaders, mayors, Members of Congress, a Supreme Court Justice, university presidents, and countless others.

So, today, we honor HBCU's because of their glorious past and look forward to what I am sure will be an even more glorious future.

Mr. SCOTT of Georgia. Mr. Speaker, thank you to my colleagues who have also risen to pay tribute to our nation's historically black colleges and universities (HBCUs). September 10–16 is the week designated by the White House Initiative on Historically Black Colleges and Universities to recognize the work of HBCUs. As a graduate of Florida A&M University (FAMU), a historically black university in Tallahassee, Florida, this occasion holds special significance for me.

Over 40 years ago, I arrived on Florida A&M University's campus in Tallahassee, Florida for my freshman year. At 16 years old, I was a young man with dreams and great ambition like scores of other black men and women who have filled the halls of historically black colleges and universities for more than a century. My story is theirs; like so many HBCU graduates, the invaluable education I received afforded me countless successes throughout my career. After graduating from Florida A&M University in 1967, I attended the Wharton school of business, ran a successful advertising firm, and served in the Georgia State Senate for 26 years. Today I represent the 13th Congressional district.

Indeed just as my experience reflects the opportunities available to HBCU graduates, the evolution of Florida A&M represents the growth of many HBCUs from niche schools to solid academic institutions with national recognition. Florida A&M University evolved from a small, little known school in Florida's panhandle to a university ranked the best overall university for African American students by Black Enterprise in 2006. Florida A&M University has created a culture of achievement in its undergraduate and graduate programs. In 1997 Florida A&M University beat out thousands of institutions to receive the College of the Year honor from Time Magazine-Princeton Review.

Florida A&M University's success is only a part of a larger story of achievement for numerous institutions and the students who fill their hollowed halls. Over 100 HBCUs continue to educate the best and brightest of America's emerging leaders. In 2001, HBCUs awarded one-fifth of all bachelor's degrees earned by black students nationally. HBCU graduates fill professional ranks, closing gaps in professional and economic attainment. One example of this can be found at Xavier University in Louisiana. Xavier University outranks all institutions in the country for the placement of black students into medical schools.

Moreover, HBCUs are embedded within America's historical and cultural fabric. Their accomplished graduates have spurred social change, led political movements, forged divergent artistic paths, and heralded the dawning of new literary ages. To list all the prestigious alumni of HBCUs would require volumes. In summation, it can be said that without them and the institutions that honed their skills, there would have been no Harlem Renaissance, Civil Rights Movement, Brown vs. Board of Education, and countless other eras and historical turning points which redefined the lives of all Americans.

Today I commend the work of HBCUs and the leaders and scholars that have dedicated their abilities to leading them into the 21st Century. I wish each institution a century's more of unparalleled achievement. Borrowing from the Black National Anthem.

> . . . We have come over a way that with tears have been watered.
> We have come, treading our path through the blood of the slaughtered,
> Out from the gloomy past, Till now we stand at last
> Where the white gleam of our bright star is cast. . . .

Ms. MILLENDER-McDONALD. Mr. Speaker, this week we celebrate National Historically Black Colleges and Universities (HBCUs) Week, and all that they have done for our country. While I did not attend an HBCU, I have reaped the benefits of these institutions, as have all Americans.

Historically black colleges and universities were founded at a time when segregation was often the norm, whether officially sanctioned or not. These institutions offered African-Americans the opportunity to pursue an education that may have otherwise been out of their reach. Education is very often the key to a successful and productive life, and HBCUs continue to provide this invaluable asset to thousands of African Americans and other Americans.

HBCUs have helped many students who have gone on to become leaders and who have left a positive and lasting effect on society as a whole. In law and politics, HBCUs have yielded great minds such as Martin Luther King, Jr. and Thurgood Marshall. HBCUs have educated cultural and literary greats such as Toni Morrison, Langston Hughes, and Ralph Ellison. Many talented entertainers and athletes have attended HBCUs, including Oprah Winfrey and football great Walter Payton. These individuals and countless others have gone on to make a significant contribution to society after attending an HBCU. For all that HBCUs have done to improve the lives of African Americans, and for all that these African Americans have in turn done to improve society, we are eternally grateful.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to speak in strong support of the outstanding contributions that our nation's Historically Black Colleges and Universities have given us over the years.

There are four HBCU's in the state of Florida: Florida Memorial in Miami, Florida Agricultural and Mechanical University (FAMU) in Tallahassee, my alma mater, and Edward College in my district in Jacksonville, and Bethune Cookman, a great institution in Daytona Beach, a school I work very closely with.

The importance and outstanding work HBCU's do around the country is most noteworthy. In addition to educating African American students nationwide, they provide resourcas for our communities, such as mentoring and tutoring programs for our youth.

Around the country, HBCU's enroll 14 percent of all African American students in higher education, even though they make up just 3 percent of our nation's 4,000 institutions of higher education. HBCU's have awarded masters degrees and first-professional degrees to about 1 in 6 African American men and women, and awarded 24 percent of all baccalaureate degrees earned by African Americans nationwide.

I would also like to add that my Alma Mater, Florida A&M University, currently tops the list for black students and was recognized in this month's edition of Black Enterprise Magazine for being the #1 university in the country for black students. It is also the #1 producer of blacks earning bachelors degrees in the United States!

FAMU alone has produced many of society's leaders in various fields, including myself, ALCEE HASTINGS, KENDRICK MEEK, other Members of Congress past and present, the current mayor of Detroit, Kwame Kilpatrick, tennis great Althea Gibson, and football legend Bullet Bob Hayes. Most recently, FAMU has produced young leaders such as Mr. Andrew Gillum, the youngest City Councilman ever to be elected in Tallahassee, Florida, Miss Black Universe 2006, Ms. Kimberlee Borland, and an emerging leader on my staff, Mr. Joseph Bastian.

As you can see, Historically Black Colleges and Universities are a staple in our community and are vital to the success of the students striving to achieve the American dream. These colleges and universities are preparing a new generation of leaders, business people, teachers, entrepreneurs and scholars. I urge your continued support of these historic institutions as we recognize them and spotlight their achievements.

Mr. LEWIS of Georgia. Mr. Speaker, no discussion of our Nation's Historically Black Colleges and Universities would be complete without mention of the Atlanta University Center Consortium. I have the privilege of representing, in my Congressional District, this remarkable consortium of institutions of higher learning which comprises: Clark Atlanta University; Spelman College; Morehouse College; Morehouse School of Medicine; the Interdenominational Theological Institute. I also am fortunate to represent Morris Brown College, Georgia's first college founded by African-Americans for African-Americans, in my Congressional District.

I would like to take this opportunity to highlight the rich history and the integral role that these institutions have played in educating African-American scholars for over a century.

Atlanta University Center—As the largest concentration of historically Black colleges and universities in the Nation, the Atlanta University Center has played a pivotal role in providing African Americans access to higher education for over 150 years. The history of the Atlanta University Center Consortium truly demonstrates the forward thinking of those who came before us.

During the 1930s, the modern organization of the Atlanta University Center emerged, with Atlanta University, Clark College, Morris Brown College, and the Interdenominational Theological Center affiliating a few years later. In 1957, the controlling Boards of six HBCU institutions (Atlanta University; Clark, Morehouse, Morris Brown and Spelman Colleges; and Gammon Theological Seminary) ratified new Articles of Affiliation, creating the present-day Atlanta University Center. In 1964, the Atlanta University Center, Inc. was incorporated as a non-profit 501(c)(3) organization to provide services and programs to its member institutions. Today, Atlanta University Center Consortium member institutions continue to share a unique bond and a common goal of providing quality education for African Americans.

I want to commend the outstanding work of the Atlanta University Center, Consortium Executive Director, Dr. Marilyn T. Jackson, and the staff, faculty of the Atlanta University Center.

Clark Atlanta University—Formed by the consolidation of Atlanta University, which offered only graduate degrees, and Clark College, a 4-year undergraduate institution oriented to the liberal arts, Clark Atlanta University was formed in 1988. While Clark Atlanta University continues to maintain its historic relationship with the United Methodist Church, it should be noted that the legacy of both Clark College and Atlanta University extend back to the mid 19th century.

Clark College was founded in 1869 as Clark University by the Freedmen's Aid Society of the Methodist Episcopal Church, which later became the United Methodist Church. Atlanta University was established by the American Missionary Association, with later assistance from the Freedman's Bureau in 1865.

Prior to its consolidation, Atlanta University was the Nation's oldest graduate institution serving a predominantly African-American student body. By the late 1870s, Atlanta University was renowned for supplying black teachers and librarians to the public schools of the South. By 1930, Atlanta University was offering graduate coursework in liberal arts, social and natural sciences; it would later go on to adopt professional programs in social work, library science, and business administration.

Clark Atlanta University continues to emphasize sound ethical and moral principles that promote personal integrity and understanding of others. Additionally, Clark Atlanta University accepts the mandate of its parent institutions: Atlanta University's motto, "I'll Find a Way or Make One," and Clark College's motto, "Culture for Service."

I want to commend the outstanding work of Clark Atlanta University's current President, Dr. Walter Broadnax, and the staff, faculty, students, and alumni.

Interdenominational Theological Center—The Interdenominational Theological Center was chartered in 1958 through the mutual efforts of four denominations, representing four seminaries: Morehouse School of Religion, Gammon Theological Seminary, Turner Theological Seminary, and the Phillips School of Theology. The Interdenominational Theological Center would later add the Johnson C. Smith Theological Seminary; the Charles H. Mason Theological Seminary, and the Lutheran Theological Seminary in Atlanta. Today, over 15 different denominations are represented throughout the center, including Disciples of Christ (Christian Church), United Church of Christ, African Methodist Episcopal Zion, Lutheran, Episcopal, and Roman Catholic, as well as students who are nondenominational.

The ITC has an international reputation for producing exceptional clergy and a long-standing tradition of community outreach, and it is known for its commitment to promoting service to both the church and society. In fact, the International Theological Center is currently playing an important role in fostering a national dialogue surrounding the Black church's role in the renewal of American society.

I want to commend the outstanding work of the Interdenominational Theological Center's current President, Dr. Michael A. Battle, and the staff, faculty, students, and alumni of the Interdenominational Theological Center.

Morehouse College—Founded in 1867 as the Augusta Institute in Augusta, Georgia, Morehouse College is the Nation's largest liberal arts college for men. In addition to ensuring that its students are prepared both academically and socially, Morehouse also takes great pains to ensure that its students are spiritually prepared for leadership and success in the larger society; as a result of this unique focus, Morehouse has the distinction of conferring bachelor's degrees on more black men than any other college or university in the United States.

I am pleased to note that Morehouse's notable alumni include some very distinguished Members of this Congress: my colleague from Georgia, Congressman SANFORD BISHOP and my good friend from New York, MAJOR OWENS. It also should be noted that Morehouse counts former U.S. Surgeon General David Satcher, and former Health and Human Services Secretary Leon Sullivan, among its prominent alumni.

I want to commend the outstanding work of Morehouse College's current President, Dr. Walter Massey, in addition to its students, faculty, staff, and alumni.

Morehouse School of Medicine—Morehouse School of Medicine was established in 1975, as part of Morehouse College, to address both a severe shortage of minority doctors, and a shortage of doctors in rural areas and inner cities. In 1983, Morehouse School of Medicine joined the consortium of institutions known as Atlanta University Center and was granted full accreditation of its M.D. degree program in April 1985.

Recognized for taking the lead in educating primary care physicians, 68 percent of Morehouse School of Medicine alumni are practicing in primary care disciplines, while 84 percent are practicing medicine in underserved areas. Furthermore, Morehouse School of Medicine's research focuses on areas that disproportionately affect the African-American and other minorities. Its institutes include, but are not limited to: the National Center for Primary Care, the Cardiovascular Research Institute, the Neuroscience Institute, and the NASA Space Medicine and Life Sciences Research Center.

I want to commend the outstanding work of Morehouse School of Medicine's current President, Dr. John Maupin, in addition to its students, faculty, staff, and alumni.

Spelman College—Founded in 1881 for the purposes of educating African-American women and girls, Spelman College has empowered women to fully use their talents to succeed and to better the world, for many generations. As one of two black women's colleges in the Nation, Spelman develops its students not only academically but also emotionally and spiritually.

Spelman students are encouraged to pursue the study of fields where minorities and women are often underrepresented, such as math, science, and engineering. To this end, Spelman has forged partnerships with NASA and has been designated as one of six institutions designated by the National Science Foundation and NASA as a Model Institution for Excellence in undergraduate science and math education.

I want to commend the outstanding work of Spelman's current President, Dr. Beverly Daniel Tatum, in addition to its students, faculty, staff, and alumni.

Morris Brown College—Morris Brown College is a private, liberal arts, 4-year institution founded in 1881 by members of the African Methodist Episcopal Church. Today, thousands of leaders in government, education, business, technical fields and the professions are proud to have Morris Brown College as their alma mater.

While the Atlanta community was deeply troubled by the April 2003 decision of the Southern Association of Colleges and Schools to rescind the accreditation of Morris Brown College, we remain hopeful that the institution will soon be restored to its full academic standing. I stand in solidarity with Morris Brown College, as it moves forward through this challenging transition, and I am confident that the institution will return stronger than ever.

Mr. Speaker, I want to express my strong support for the goals and ideals of Historically Black Colleges and Universities week, and I encourage all of my colleagues to do the same.

UNJUST PROSECUTION OF TWO U.S. BORDER PATROL AGENTS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor today to bring to the attention of the House a situation involving two U.S. Border Patrol agents. These agents were found guilty in a Federal Court for wounding a drug dealer, a smuggler, who brought 743 pounds of marijuana across our southern border into Texas. These agents now face up to 20 years in Federal prison.

Agent Ramos served the Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. Agent Compean had 5 years of experience as a Border Patrol agent. These agents never should have been prosecuted for their actions last year.

By attempting to apprehend a Mexican drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney's office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents. The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his constitutional rights. He is not an American citizen. He is a criminal.

Mr. Speaker, I have spoken to numerous people inside Texas and outside of Texas regarding this outrage, including the attorney for one of these agents. I have written the President of the United States asking him to please look into this matter. I have written two letters to Attorney General Gonzalez asking him to reopen this case for a fuller investigation before these men are sentenced on October 19.

Mr. Speaker, I hope that the American people will agree that this prosecution is an outrageous injustice and that the situation must be investigated.

Mr. Speaker, I hope that fellow Members of the House will join me in this effort. I know Congresswoman SHEILA JACKSON-LEE and Congressman POE and Congressman GOHMERT have all said that they want to join in this effort to find out what has happened. I believe this is an injustice that needs to be looked into by the Attorney General and by the Congress of the United States.

Mr. Speaker, with that, before I yield back the balance of my time, I will ask God to please bless our men and women in uniform, both in Afghanistan and in Iraq and throughout the world, and I will ask God to please bless America.

IN HONOR OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank my colleague from Texas, Representative EDDIE BERNICE JOHNSON, for her leadership in making this week happen. Her resolution, H. Res. 928, passed the House on July 26, 2006, designating the week of September 10, 2006, as National Historically Black Colleges and Universities Week. I also want to commend Minority Whip Steny Hoyer for organizing this discussion this evening.

Mr. Speaker, there are 103 Historically Black Colleges and Universities in the United States that serve over 260,000 undergraduate students, with just over a quarter of all HBCUs offering either a first professional degree, a master's degree in business administration, or a J.D. or doctorate degree.

Historically Black Colleges and Universities are defined as institutions established prior to 1964 with the principal mission of educating African Americans. HBCUs educated approximately 14 percent of the Nation's African American undergraduate students, awarding almost one-quarter, 23.1 percent, of all bachelor's degrees to black students. Almost half, 46.8 percent, of the undergraduate students attending HBCUs received Pell Grants, indicating that these institutions provide key educational opportunities for low-income African Americans.

Mr. Speaker, I have 10 brothers and sisters. We grew up in rural Arkansas, where my parents were low-income sharecroppers. Seven of us attended the University of Arkansas at Pine Bluff. I also have three nephews and a niece who attended the same school, plus a number of cousins. I strongly believe that perhaps none of us would have been able to attend college had it not been for the fact that the University of Arkansas at Pine Bluff, which then was Arkansas AM&N College, existed.

These schools provide a nurturing environment and provide instructors that I remember even to this day. I remember the President, we called him "Prexy," Dr. Lawrence A. Davis, Sr., who would often let us register, whether we had the money to pay our tuition or not. His son, Dr. Lawrence A. Davis, Jr., is now the current chancellor and is just doing an outstanding job.

I remember a cousin of mine who graduated from UAPB and then moved to Champaign, Illinois, got his master's degree, Willie Summerville, who was honored by the City of Champaign a few weeks ago for being its outstanding citizen. He organized a choir and took it to Rome to sing for the Pope.

I could go on and on and think of just any number of outstanding individuals who were able to demonstrate their abilities and competency because of these institutions.

I think of many of my colleagues. As a matter of fact, a majority of my colleagues who are African American graduated from Historically Black Colleges and Universities: JESSE JACKSON, Jr., and his daddy, Jesse Jackson, Sr. I think of Representative ALCEE HASTINGS, who went to Fisk University, and on and on and on and on.

But the real deal is these institutions are worth their weight in gold. They have contributed significantly to the development of our country. They need all of the support that they can get.

So, again, I thank Representative EDDIE BERNICE JOHNSON for establishing this week and congratulate all of these institutions for the tremendous job that they do.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of our nation's Historically Black Colleges and Universities. This past July, I was able to offer on the House floor a resolution recognizing National Historically Black Colleges and Universities Week.

The week of September 10th is officially HBCU week. I am pleased to be able to join with my colleagues today to recognize these fine institutions of higher learning.

For over 170 years, our Historically Black Colleges and Universities have been on the forefront of preparing our nation's youth for a bright path and successful future. Originally founded for the purpose of providing educational opportunities for African Americans, HBCUs have profoundly changed the American economic and social climate.

The fact is that until 1964, HBCUs represented one of the only opportunities African American students had to obtain a degree in higher education. HBCUs have changed the face of this nation and have opened the door for many generations of African American students.

Today, America's HBCUs continue to provide excellent educational opportunities to all Americans. Over 200,000 diverse students across the United States attend HBCUs today.

I am proud to represent Paul Quinn College, the oldest historical Black college west of the Mississippi River. For over 130 years, Paul Quinn has provided their students with the tools to become successful leaders. Because of their unique resources, HBCUs continue to be extremely effective in graduating African American students and preparing them to compete in the global economy.

HBCUs graduate over half of all African American professionals, and fifty percent of all African American school teachers. Additionally, HBCUs remain extremely successful in graduating African American Ph.D's and scientists. The fact is that we cannot move forward as a country until all our children have the opportunity to succeed academically. Each day HBCUs help us bridge that achievement gap.

National HBCU Week allows us to reflect upon the impact these institutions have had on our history and to celebrate their continued commitment to outstanding education. I would like to thank my colleagues for their support in passing the national HBCU week resolution.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to join my colleagues today to recognize Historically Black Colleges and Universities during this newly established National Historically Black Colleges and Universities Week, September 10 through September 16. I share September 10 with them because September 10 was my birthday.

This year's theme, "The Tradition Continues: New Successes and Challenges," speaks to how important HBCUs have been to the education of African Americans and minorities in this country and how we must continue to preserve these unique institutions of higher learning.

☐ 1815

Though I did not attend an historically black university, I understand the importance these schools played in African American history and African American heritage. Many HBCUs were formed during Reconstruction following the Civil War to educate freed slaves and sharecroppers. H. Patrick Swygert, the President of Howard University, noted the significance of HBCUs in a speech in which he stated "HBCUs provided the avenue for the descendants of sharecroppers to get an education in an environment that was sensitive to their special circumstances and one where their humanity would not be questioned. This has always been, and continues to be, a defining feature of these colleges and universities in a society that in many ways remains hostile to people of color."

It is important to note that the founders of these institutions recognized the importance of educating African Americans long before the Supreme Court ruled on the groundbreaking Brown v. Board of Education. Additionally, many of those who were part of the legal team that won that case were educated and trained at Howard University right here in our Nation's capital.

Were it not for HBCUs, many of the great black minds of our time would not have had access to higher education. And some of the famous graduates include orator Booker T. Washington; civil rights leader Dr. Martin Luther King; Supreme Court Justice Thurgood Marshall; world renowned opera singer Leontyne Price; entertainer Oprah Winfrey; and former Members of Congress that have already been noted, Kweisi Mfume and Parren Mitchell.

The great State of Ohio boasts two HBCUs, Wilberforce University and Central State University. Named in honor of the great abolitionist William Wilberforce, Wilberforce University was founded prior to the end of slavery in 1856 and is the Nation's oldest private African American university. Former Congressman Floyd Flake is currently its President. Central State evolved from what was once a State-funded department of Wilberforce University known as the Combined Normal and Industrial Department. In 1941 the department expanded from a 2- to a 4-year program, and in 1947 it legally split from Wilberforce, becoming the College of Education and Industrial Arts at Wilberforce. The name was changed in 1951 to Central State College, and in 1965 the institution achieved its university status. I am the proud owner of an honorary doctorate degree from Central State University.

I am proud to have strong connections to HBCUs. Many of my family members attended, including my late mother, Mary Looney Tubbs, a graduate of Alabama State University; my late sister, Mattie Browder Still, a graduate of Alabama State University; and my sister Barbara Walker, who attended Morris Brown College. Additionally, my cousin Essie Baldwin attended Alabama State and my cousin Joan Wilson attended Morris Brown. Four of my staffers attended HBCUs. District Director Betty Pinkney and my health liaison are proud graduates of Central State. My Communications Director, Nicole Williams, a proud graduate of Spelman College; and my Scheduler, Lalla King, a proud graduate of Morgan State University.

As we continue to celebrate our HBCUs this week, it is my hope that we will begin to look at ways in which we can increase funding and resources for these historic institutions. Sadly, many of the HBCUs remain underfunded in comparison to their predominantly white counterparts. Today I call upon both the Federal and State governments to increase funding to HBCUs so that they can remain competitive and continue to educate the leaders of tomorrow. They are not only part of African American history, they are part of American history, and the treasures they hold should be preserved for generations to come.

Mr. Speaker, I celebrate EDDIE BERNICE JOHNSON for her leadership in bringing this bill to the floor.

HISTORICALLY BLACK COLLEGES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very honored to join in this Special Order, and I salute my colleague the honorable EDDIE BERNICE JOHNSON for her wisdom in selecting this time, September 10 through September 16, to be able to honor our historic historically black colleges across America.

Where would we be today if we did not have those refuges that allowed those ex-slaves to be able to come to a place of comfort and seek an educational opportunity? The colleges range throughout America, from New York to North and South Carolina to Georgia to Louisiana to Texas and many other places. They are the places where young people could not be educated elsewhere because of the dual society and the very hostile segregation that existed in America. These historically black colleges created the opportunities for geniuses to be educated.

I am very proud of several of the institutions in our State, and there are so many in the State of Texas, two that happen to be in my jurisdiction that I am particularly proud to mention: Texas Southern University that was created out of the segregated society of Texas. Heman Sweatt, who wanted to attend the University of Texas Law School, could not do so because the doors were closed. So they allowed him to go in the basement of that school but realizing that they could not block Negroes in the 1940s from achieving an education, the birth of Texas Southern University. How proud we are that out of that institution that came out of the ashes of segregation we had the magnificent Members of this body, the honorable Barbara Jordan and Mickey Leland, both graduates of Texas Southern University. Its neighbor just down the street, Prairie View A&M University, has produced some of the outstanding African American engineers who have gone on to NASA and other institutions of engineering prominence to be able to be the scientists, the engineers, and the mathematicians of this day and time.

It is interesting to note that historically black colleges have always been alongside the black church, the place where the fight for segregation to end could find a place of comfort. Many do not know that there were few places that African Americans could meet in the 1800s and certainly in the 1900s. There were few places that African Americans could meet as they began to strategize for the civil rights movement after the Brown v. Topeka Board of Education case of Thurgood Marshall's. They could meet at historically black colleges. In fact, Howard University is the anchor of civil rights lawyers. The first place that civil rights lawyers could be trained was at Howard University. And major lawyers who, of course, led the way of the civil rights litigation of the 1950s and 1960s, lawyers who protected the rights of civil rights workers in the Deep South, came out of historically black colleges. And they were the places where the civil rights workers could meet, where the civil rights strategists could meet, with the likes of Martin Luther King, with the likes of Julian Bond, with the likes of Andrew Young, could meet and strategize. And, of course, many of them were the products of African American churches and denominations that provided the resources for those institutions.

Let me speak of today because I think there is a challenge for historically black colleges, one, in our recognition, but they should be a challenge in this government. We have to do much better by historically black colleges. If you compare the research grants that have been given to other institutions of learning, the black colleges have not had their equal share. That is patently unfair. And I am delighted that Texas Southern University will be hosting in February of 2007 a major minority institute research conference to focus on that absence of dollars coming from the Federal Government because those colleges are equal too. I know they are equal because they rose to the occasion when the flood waters and winds raged in the Gulf Coast region. Those schools that were devastated were able to seek refuge for their students in other historically black colleges. Dr. Francis, who heads up the Louisiana recovery, is the President of Xavier University. I salute him for his leadership. But his school was devastated. But other historically black colleges, like Texas Southern University and Prairie A&M, were the schools that opened their doors. So, frankly, I believe that we owe more to those schools.

And my closing words are simply this: Corporate America, wake up. You are losing the opportunity to partnership with major institutions, institutions that go into the inner city and provide opportunities for children who could not have the doors open elsewhere or their parents did not have the doors open elsewhere. Today they choose historically black colleges, but we must not throw away a huge percentage of Americans who are talented and ready to serve. Let us rise up as a government, provide the research dollars, because they are equal. Let us be fair but not unfair. And corporate America, answer the call of fairness. Provide the partnerships with historically black colleges so they too can continue to march into the 21st century and provide the leadership that has paved the way for equality, justice, and freedom for America.

I salute the historically black colleges. It is their week, but the Nation belongs to them. As we belong to them, they will continue to serve.

THE CRISIS IN IRAQ

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. SCHIFF. Mr. Speaker, Last Sunday Vice President CHENEY appeared on NBC's "Meet the Press" and provided a vivid example of George Santayana's admonition that "those who do not learn from the past are doomed to repeat it."

After 3½ years of bloody combat; after our Nation has lost more than 2,600 of our military's finest; after thousands more of our brave men and women have been wounded; after we have spent more than $300 billion; with no end in sight to the insurgency and Iraq plunging into civil war; and after finding no weapons of mass destruction, the very basis of that war, the Vice President told the American people that "if we had to do it over again, we'd do exactly the same thing."

Never mind that the next day the Washington Post published an article on the front page entitled "Situation called Dire in West Iraq: Anbar is Lost Politically, Marine Analyst Says," which revealed that the Marine Corps Chief of Intelligence had recently completed a report that concluded the prospects for securing Iraq's western Anbar province are "dim" and that there is almost nothing the U.S. military can do to improve the political and social situation there. According to Vice President CHENEY, "if we had to do it over again, we'd do exactly the same thing."

Never mind that our invasion of Iraq was predicated on the need to neutralize Saddam Hussein's active nuclear weapons program and destroy his stockpiles of chemical and biological weapons. But no weapons were ever found. According to Vice President CHENEY, "if we had to do it over again, we'd do exactly the same thing."

Never mind that retired senior military officers, former U.S. diplomats, and a wide range of military and foreign policy experts see our efforts to pacify Iraq as undermined by a host of mistakes the administration has made in the prosecution of the war, including the failure to bring enough troops to secure the peace and the catastrophic decision to stand down the Iraqi army. According to our Vice President, "if we had to do it over again, we'd do exactly the same thing."

Never mind that our troops went into battle without adequate body armor and up-armored vehicles. According to the Vice President, "if we had to do it over again, we'd do exactly the same thing."

Never mind that countless billions have been spent on reconstruction with little to show for the effort, many billions unaccounted for. According to Vice President CHENEY, "if we had to do it over again, we'd do exactly the same thing."

Earlier this year House and Senate Democrats unveiled our "Real Security" agenda that lays out a blueprint for a new direction in Iraq. Our plan calls for the establishment of full Iraqi sovereignty, provides for the responsible redeployment of our forces to better protect our troops and to facilitate the transfer of authority, and provides oversight, vigorous oversight, of the prosecution of the war and the reconstruction of Iraq. This new direction in Iraq was rejected by the Republican majority in the House, which has endorsed the President's stay-the-course policy in Iraq, a policy which amounts to nothing more than more of the same.

☐ 1830

The majority in this House is complicit in this failed policy through its failure to oversee the war and to hold accountable those officials who have failed our troops and the American people. That failure of oversight and the need to hold people accountable has plagued Iraq from the very beginning, and because this Congress, this Republican Congress, refuses to hold the President to account, we keep making the same mistakes over and over again.

On April 26 of this year, in the International Relations Committee, I asked the administration witnesses in our first hearing on Iraq whether they could name any individual who had been held accountable for the myriad failures in prosecuting the war on Iraq. The witnesses were silent for an interminable 14 seconds before the Assistant Secretary of State replied, "That is way above our pay grade." The answer, however, is no one has been held accountable.

That lack of oversight, the absence of accountability, the stubborn refusal to acknowledge that mistakes have been made has brought us to the precipice in Iraq. But as the Vice President revealed so clearly last week, the senior officials in our government still blithely insist, If we had to do it over again, we would do exactly the same thing.

Our troops in Iraq, their families here at home, the families of those who have served deserve better than a stubborn insistence that all is well when it is not, that no mistakes have been made when there have been many, that no correction in course will be made because to do so would acknowledge error. That is unacceptable.

The Democrats will provide a new direction in America. The Democrats will provide a new direction for our national security. There is no time more than now when a new direction is necessary.

TIME FOR A REALITY CHECK

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, on May 1, 2003, under a banner displaying the words, "Mission Accomplished," President George W. Bush stated, "Major combat operations in Iraq have ended."

In the summer of 2005, Vice President CHENEY told Americans that the so-called insurgents of Iraq were in their last throes.

Fast forward to the morning papers this week. The Washington Post, and I quote, "Situation Called Dire in West Iraq; Anbar is Lost Politically, Marine Analyst Says."

The San Francisco Chronicle, quote, "Police Discover 65 Bodies Across Iraq."

The New York Times, "New Wave of Violence Flares Across Baghdad."

The BBC, "Iran Offers Iraq Full Support."

On top of that, according to the Department of Defense, in September so far 23 of America's brave servicemembers died in this seemingly endless occupation. Throughout this occupation there have been 2,900 coalition deaths. Almost 2,700 of those are Americans. An average of 100 Iraqi civilians are dying each day.

Mr. Speaker, it is time for a reality check. The so-called insurgents are not in their last throes. The mission is not accomplished, far from it.

This administration, the President, the Vice President, Secretary Rumsfeld, and Secretary Rice, won't admit they have made a mistake. Instead of planning for withdrawal, which is supported, by the way, by the American people and the Iraqi public as well, this administration is wearing blinders and pressing on. They even have the very nerve to question the patriotism of anyone who dares to take off the rose-colored glasses and speak the truth about the occupation of Iraq.

What kind of America is that? Americans are asking, they are asking, are we safer than we were 5 years ago? They know the answer; the answer is no. They question why the President didn't dedicate serious efforts to the capture of Osama bin Laden. And they know when they ask, is he working on that, the answer is no. And they also ask whether the President has dedicated serious efforts to being a partner for peace in the Middle East, and the results that they see prove that the answer is no. Instead, private citizens are being wiretapped, torture runs rampant, and the administration plays politics with the tragic events of September 11.

Is this the kind of America we want to pass on to our children? Is this the kind of America that will win us friends on the world stage? The answer, of course, is no. It is time for a reality check. It is time to support an alternative to these misguided policies.

Mr. Speaker, I urge my colleagues on both sides of the aisle to seriously consider whether our current policy is going in the right direction, because Congress has the power to change it. Congress has the power to make the much-needed changes. And one important change for Congress to make would be to resume our constitutional role and revoke the President's Iraq war powers. We could also insist on a plan, and we must insist on a plan, to bring our troops home. And it is time to give Iraq back to the Iraqi people. But, most of all, it is time to tell the President, no more.

I urge my colleagues, stand up for our troops. Cosponsor my bill, H.R. 5875, the Iraq War Powers Repeal Act, because, Mr. Speaker, enough is enough. It is time to bring our troops home.

RECOGNIZING AND CELEBRATING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, it is a pleasure for me to join my colleagues today in recognizing the vital contribution historically Black colleges and universities make to our Nation. I am especially pleased for the opportunity to honor these great institutions, which have given the African American community so much for so many years.

HBCUs have been in existence for more than a century, fulfilling the hopes and dreams of many African Americans who might not have otherwise had the opportunity to achieve the dream of higher education. And they are still relevant and necessary today.

As President Clinton once said, "Historically Black colleges and universities continue to play a vital role by adding to the diversity and caliber of the Nation's higher education system. Furthermore, these institutions remind all Americans of our obligations to uphold the principles of justice and equality enshrined in our Constitution."

While comprising less than 3 percent of all American colleges and universities, HBCUs educate nearly 85 percent of African-American college graduates in the United States. I am among them.

As a Phi Beta Kappa graduate of Howard University, and the proud father of another Howard University graduate, I know firsthand the opportunities these great institutions provide.

In 2004, HBCUs turned out 131,241 African-American graduates with 4-year bachelors degrees. That represents the highest number of degrees awarded to African Americans in this Nation's history—more than double the amount awarded in 1990.

In the 7th District of Maryland, which I represent, Baltimore's Morgan State University now ranks 8th nationally in the number of baccalaureate degrees earned by African Americans.

And these institutions are not just providing opportunities to their students. Across the length and breath of America, the more than 100 HBCUs are having a positive impact upon the communities in which they are located—and upon the Nation as a whole.

Coppin State University, also in my District, is demonstrating its crucial role in the community by its "adoption" of nearby Rosemont Elementary School; and by the Nursing Center that offers affordable health care to the children and adults in its vicinity.

Mr. Speaker, we must continue to support these vitally important institutions of higher learning.

I applaud the President for his proclamation acclaiming the contributions that HBCUs are making to all of America—and I urge him to work with my colleagues in Congress to match those words with the funding that these institutions so desperately need.

Our historically Black colleges and universities are remarkably adept at accomplishing a lot with a little, but they need more public support. Just look at the HBCUs hit by Hurricane

Katrina that continued providing class sessions in what can be termed less than ideal circumstances. I applaud their resiliency.

As we continue to celebrate HBCU week, let us not forget the social interest in keeping them vital and thriving. Each year, HBCUs produce the leaders of tomorrow: writers, musicians, actors, activists, business leaders, lawyers, doctors—and Members of Congress.

Let's honor these great American institutions by supporting our Nation's HBCUs both in rhetoric and in practice—by providing sufficient funding for their continued existence.

TRIBUTE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to join my colleagues in recognition of National Historically Black Colleges and Universities Week. This special week, the nation pays tribute to HBCUs that make such a difference developing young minds and shaping our future.

As defined by the Higher Education Act of 1965, HBCUs are "any historically black college or university that was established prior to 1964, whose principle mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary (of Education) to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.

Nearly fourteen percent of our country's African American students in higher education are enrolled at HBCUs. These colleges and universities are preparing a new generation of leaders, business people, teachers and scholars. They play a vital role in ensuring that our higher education system is the finest in the world. This year's HBCUs Week is themed, "The Tradition Continues: New Successes and Challenges," which is a tribute to the rich tradition of HBCUs and the enduring role they play in the weave of our social fabric.

North Carolina is home to several HBCUs, and I am particularly proud of the two in my Congressional District; Shaw University and Fayetteville State University.

Shaw University, located in Raleigh, was founded in 1865, making it the oldest HBCU in the South. Shaw is a private, coeducational, liberal arts university, awarding degrees at both the undergraduate and graduate levels. Affiliated with the Baptist Church, the primary mission of the University is teaching with the commitment to maintain excellence in research and academic programs that foster intellectual enhancement and technological skills. Shaw stresses character development, which includes religious, cultural, social and ethical values. The Student Nonviolent Coordinating Committee, a major force in the Civil Rights Movement, got its start at a conference held a Shaw in 1960. Dr. Clarence G. Newsome currently serves as President of Shaw University.

Fayetteville State University is a constituent institution of the University of North Carolina. The primary mission of the university is to provide quality education to its students through a basic liberal arts foundation, specialized professional training, and specific graduate programs. The university is fully accredited by the Southern Association of Colleges and Schools. In addition, individual university departments, degree programs, and service functions hold memberships and accreditations with appropriate professional organizations. Chancellor T.J. Bryan is the tenth Chief Executive Officer of the 138-year old HBCU and the first female to head the institution.

Mr. Speaker, as the former Superintendent of North Carolina's public schools, I know well the outstanding contributions made to our state and nation by Shaw University, Fayetteville State University and all of our Historically Black Colleges and Universities, and I am pleased to join my colleagues in paying tribute to national HBCUs Week.

IN RECOGNITION OF HBCU WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, today I rise to recognize Historically Black Colleges and Universities Week. Historically Black Colleges and Universities play a critical role in the American higher education system. This year's theme—"The Tradition Continues: New Successes and Challenges"—is especially fitting considering the precarious state of affairs of higher education funding and student aid for all institutions of higher education. These theme is also appropriate as many HBCUs around the country welcomed students displaced last year by Hurricane Katrina.

For most of America's history, African Americans who received a college education could only get it from and HBCU. Today, HBCUs remain one of the surest ways for an African American, or student of any race, to receive a high quality education. In 1965, Congress officially defined an HBCU in Title III of the Higher Education Act as an institution: whose principal mission was the education of black Americans; that is accredited; and that was established before 1964.

The first HBCU, Cheney University in Pennsylvania, was founded in 1837. Today, there are 105 Historically Black Colleges and Universities. I am proud to have 5 HBCUs in my home State of Virginia: Hampton University, Norfolk State University, Saint Paul's College, Virginia State University, and Virginia Union University.

HBCUs graduate far more than their share of African American professionals. While the 105 HBCUs represent just 3 percent of the Nation's institutions of higher learning, they graduate nearly one-quarter of African Americans who earn undergraduate degrees.

HBCUs, because of their unique sensibility to the special needs of young African American minds, remain the institutions that demonstrate the most effective ability to graduate African American students who are poised to be competitive in the corporate, research, academic, governmental and military arenas.

Consider these statistics:

Experts in their chosen field

Over half of all African American professionals are graduates of HBCUs.

Nine of the top ten colleges that graduate the most African Americans who go on to earn Ph.D.s are HBCUs.

More than 50 percent of the Nation's African American public school teachers and 70 percent of African American dentists earned degrees at HBCUs.

HBCUs Spelman College and Bennett College produce over half of the nation's African American female doctorates in all science fields.

Excellent Institutions

As ranked by Black Enterprise in 2003, seven of the top ten "Top Colleges and Universities for African Americans," including the top six, were HBCUs.

HBCU Xavier University #1 nationally in placing African-Americans into medical school.

HBCUs also dominate the upper echelon in terms of numbers of African American graduates per school for the last academic year

Seven of the top eight producers of African-American baccalaureates overall were HBCUs, including #1 Florida A&M University and #2 Howard University.

Sixteen of the top 21 producers of African American baccalaureates in biological and biomedical sciences were HBCUs, including the entire top six: Xavier University of LA (#1), Hampton University (#2), Howard University (#3), Morgan State University (#4), Jackson State University (#5), and Tennessee State University (#6).

Eight of the top nine producers of African American baccalaureates in mathematics and statistics were HBCUs: #1 Morehouse College, #2 South Carolina State University, #3 Alabama State University, #3 Spelman College, #5 Southern University and A&M College, #6 Tennessee State University, #7 Hampton University, and #9 Howard University.

Three of the top five producers of African American baccalaureates in psychology were HBCUs: #1 Florida A&M University, #3 Hampton University, and #5 Howard University.

While these statistics overwhelmingly demonstrate the importance of HBCUs, the proof of the power of an HBCU is in the success of its graduates. I am proud to serve with 15 members of the U.S. House of Representatives that are graduates of these fine institutions.

Mr. Speaker, HBCUs have played an important role in educating African-American students. I would like to commend them for their past efforts and wish them continued success in the future. I am confident that HBCUs will continue to ensure that students of all races receives a quality higher education.

THE WEEK THAT WAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, What a week this has been. It began on Sunday when the President dispatched his Secretary of State and Vice President to the Sunday talk-shows to re-create the Administration's fiction that Iraq and al-Qaeda were connected.

Their appearances came shortly after the Republican controlled Senate Intelligence Committee told the American people in a bipartisan report that there were no ties between Iraq and al-Qaeda. No Ties.

But, the Secretary of State and Vice President wouldn't let the facts stand in the way. In appearance after appearance, they kept telling the American people to be afraid, to believe their fiction about Iraq.

The truth affirmed—again—that there was no national security interest served by invading Iraq.

The President diverted the nation from Afghanistan and the hunt for bin Laden.

And, the President diluted our resources by continuing to commit manpower and money to the wrong place, at the wrong time, without a national security priority. Instead of leading America back to the front line of the war on terror, the President continues to push America deeper into a civil war in Iraq.

The fifth anniversary of 9/11 could have been marked by the President leading the nation in quiet, personal reflection. Instead, the President used a prime time television address to try to shore up his own faltering support among the American people.

The Administration's singular focus today is to sustain a fiction about Iraq and al-Qaeda. They are trapped inside their own rhetoric and keep talking as if that will produce a different outcome.

On Sunday the Vice President gave us fear. On Monday, the President gave us fiction. On Tuesday, the Republican Majority Leader gave us inflammatory rhetoric worthy of a nation without Democracy as its form of government.

Terrified at the prospect of losing power, Republicans will say anything to make people afraid.

In a meeting with reporters, the majority leader wondered aloud whether Americans who disagree with the President might be giving aid and comfort to the enemy, might be guilty of treason.

The U.S. Supreme Court ruled that we are a nation of laws, not men, even in a time of war, and that the President must follow the law like everyone else. Instead of affirmation, we got accusations last night from a Republican leader.

The President, Vice President and Speaker of the House—all Republicans—were silent in response.

We are going to need a lot of jail cells to house the millions of Americans, including the Supreme Court, who believe America is a nation of laws worth defending and upholding.

The majority of the American people want their government to remain Of the People, By the People and For the People.

Republicans have a different vision. They govern by accusation in order to obtain acquiescence.

Since Sunday, Republicans have moved from fear, to fiction, from inflammatory rhetoric to closed debate.

House Republican leaders are not interested in having America stand united.

That's why they passed a resolution that has to do with clinging to power, not 9/11.

The resolution will not make America safer, but it was passed in the hope of making Republicans safer.

The Republican resolution was about November 7, not September 11 and Republicans sacrificed patriotism for political ambition.

Trapped by their own rhetoric, and led by a President who has lost the trust of the American people, Republicans have retreated to their last stand—Making you afraid.

Every time they rise, remember this: Republicans have propped up this President by spending more on the Iraq War than on domestic security. Many Republicans in this House know the truth. They just can't speak it, for fear of being outed by their own Party Leadership.

Republicans will only say what the President wants you to hear. And it is not the truth. The American people are getting that somewhere else. Republicans gave us fear and fiction around the fifth anniversary of 9/11. Just imagine what they have in store for us in the weeks ahead.

Fear has never made America safer. But that's all the Republicans have to offer. And that's simply not enough to protect and defend America in the 21st century.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I once again thank distinguished members who will be joining me here on the floor to continue a process that was begun by Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. KUCINICH, and Mr. INSLEE called The Iraq Watch.

This was formed in the spirit of understanding, as I think the Nation has come to understand, that within this Beltway and within this Nation and specifically here in Congress, that we have one-party rule. The Republican Party controls the administration and all of its agencies, it controls the House of Representatives and the United States Senate, and in the process, has stifled opportunity for oversight and review and a thorough discussion on the pressing issue of Iraq that concerns the entire American republic. I commend my colleagues for having initiated The Iraq Watch.

This evening, as in others, we start with an acknowledgement that, fortunately, because of the efforts of so many who have served in our military, we in Congress on both sides of this aisle have come to understand and differentiate between the war and the warriors, those brave men and women who serve our country on a daily basis and who are in harm's way in Iraq, in Afghanistan, and around this globe on our behalf. We come here because we desire an opportunity to speak truth to power.

Earlier this evening, one of our esteemed colleagues from the other side rose and said, "What are the Democrats for?" We are for an administration that will level with the American people, starting first and foremost with leveling with our troops, especially the families of our troops; specifically, the Reservists and National Guardsmen who have been deployed, redeployed, deployed, and redeployed again in Afghanistan and Iraq with no certainty given to them. And we are for an administration that is worthy of the sacrifice that has been put forward by the men and women of our armed services.

Franklin Delano Roosevelt said, "The only thing we have to fear is fear itself." And in this very solemn week where we pause to reflect on our brave heroes of 9/11, those innocent people who perished in the towers in New York, at the Pentagon, and in the fields of Pennsylvania, and those brave and valiant first responders who rallied to the call in New York, here at the Pentagon and in Pennsylvania, we are for the vigilance of the survivors, and victims of 9/11 who called and prevailed upon this body to pass all the 9/11 recommendations.

We are for passing all the 9/11 recommendations, more than half of which have not been enacted by this Congress 5 years after September 11. We are for accountability, as Mr. SCHIFF pointed out in his comments, because we understand that in a one-party town where there is no oversight and review and no one willing on the other side of the aisle to speak truth to power, that it falls on the shoulders of the Democrats to speak out on behalf of the American public, to speak truth where there has been little.

Graham Allison pointed out that the occupation in Iraq has placed us in a situation where we have diverted essential resources from the fight against al Qaeda, allowed the Taliban to regroup in Afghanistan, fostered neglect of the Iranian nuclear threat, undermined alliances critical to preventing terrorism, devastated America's standing with every country in Europe, and destroyed it in the Muslim world. We are for a new direction for this country and for America's preeminent position on this globe where we have such enormous responsibility.

We ought to start that new direction and send a very clear signal to the world, to Iraq, and to the men and women of our military that it is time for accountability. And we can start that, as Jack Murtha indicated earlier, with a call for Secretary of Defense Donald Rumsfeld to step down, for, as Mr. SCHIFF pointed out and the Vice President said clearly this past Sunday, if they had to do it all over again, they would do it exactly the same way. And the President, in a moment of candor, said in fact, the hardest thing that he has found has been linking terror with the war in Iraq.

□ 1845

At this time I would like to recognize the gentlewoman from California, Representative LEE, who has stood in this well so many times and prevailed upon this body to come to grips with this war in Iraq.

Representative LEE.

Ms. LEE. Let me thank the gentleman for yielding and also for your leadership and for that very powerful statement. And I want to thank you for reminding the country that this is one-party rule, and that there are no checks and balances, and that, unfortunately, there is no accountability.

I appreciate the opportunity to participate with you tonight, and again thank you very much for calling this special order and for Iraq Watch.

This week has been the fifth anniversary of the tragic terrorist attacks of September 11, 2001, and we should be commemorating the lives of those who died. We should be coming together as a Nation to grieve and to remember the men, women, and children who lost their lives that day. We should be honoring the courage and the heroism of our first responders and those who put themselves in harm's way to help others.

But, instead, as we have seen, Republicans are politicizing this solemn anniversary by shamelessly attempting to hide the administration's failure to make our Nation safer, and, quite frankly, failing to hold accountable those who perpetrated the attacks, and that is Osama bin Laden.

Bin Laden is still at large. He is alive and well. The Taliban is resurgent in Afghanistan. Why? Because the Bush administration pulled troops out of Afghanistan to send them to Iraq. But Iraq had nothing to do with 9/11. The President, as you said earlier, has admitted this.

Now, the members of the Out of Iraq Caucus have been saying that even before we went into this illegal, immoral, and unnecessary war. There were no weapons of mass destruction in Iraq, and we knew this. During the debate on the authorization to use force, if you remember, I offered an amendment that merely said let the United Nations complete its inspections process. Now, had that amendment passed, lives would have been saved, Iraq would not be what it is today, and that is a terrorist training ground, and America would not have lost its standing in the world.

Congresswoman MAXINE WATERS, Congresswoman WOOLSEY, Congressman HINCHEY, and many others participated in the Downing Street memo hearings, where it was revealed and exposed and demonstrated factually that the administration concocted the intelligence and used what they had to cherrypick and fix the facts as they saw it to justify this war and invasion. Hundreds of thousands of people around our country signed petitions. We delivered those petitions to the White House saying this war should end; that there were no weapons of mass destruction; that this was wrong and that we should get out.

And last Friday, the bipartisan Senate Intelligence Committee report refuted one of the administration's key justifications for going to war in Iraq; the claim that Saddam Hussein and al Qaeda had ties in planning 9/11. There was no connection between them and, again, the Senate Intelligence Committee, bipartisan committee, said that.

The war in Iraq is a war of choice by this administration. And what has resulted? This war and the continuing occupation has created a terrorist training ground in the heart of the Middle East. It has really created and fueled more anti-American sentiment and has been a powerful recruiting tool for terrorists. It has emboldened Iran and North Korea. It has diverted our focus and resources from pursuing Osama bin Laden and al Qaeda. It has cost us the lives of 2,700 brave men and women, with over 20,000 wounded, and Iraqi civilians dead. We have committed over $400 billion to this war and this occupation has now fueled a civil war. It has left our military overstretched and unable to respond to crises in other areas.

I tell you, the bottom line is our Nation now is less safe due to this unnecessary war in Iraq. The 9/11 Commission has given the Bush administration and this Republican Congress D's and F's in terms of how we have moved forward in keeping our Nation safe and implementing these recommendations.

There can be no "stay the course" in a no-win occupation. There can be no "stay the course" as long as our troops remain the target of the insurgency. We must go in a new direction. We have to bring our troops home and end this occupation. And when they come home, we must make sure that they all come home and ensure there be no permanent military bases in Iraq.

Eighty-four percent of America's top national security experts have said that America is not winning this war on terror. So it is time that we stop misleading the American people by trying to convince them that the horrific events of 9/11 were somehow connected to the war in Iraq and to Saddam Hussein. They are not. It is time to bring our troops home.

It is time to support Congresswoman WOOLSEY's H.R. 5875 and revoke the War Powers Act, or the war powers authorization that this House and the Senate gave to the President.

Mr. LARSON of Connecticut. I thank the gentlewoman from California for once again providing us with very clear insight into the ramifications of the administration's failed policy. As our colleague from Missouri (Mr. SKELTON) points out, there are two distinct wars that are going on. There is the war on terror, more appropriately it should be called the war against al Qaeda, where, as the gentlewoman points out, America has diverted its resources away from Afghanistan and the chief target, the person responsible for bringing down the World Trade Center towers and the bombing at the Pentagon and the failed attempt to hit this Capitol with the downed plane in Pennsylvania.

I commend the gentlewoman for her remarks and thank her for joining us this evening.

Ms. LEE. Let me just thank you again for your calling this special hour and for allowing all of us to participate, and also for reminding us that as we promote democracy abroad, especially in Iraq, we are shutting it down here in America.

Mr. LARSON of Connecticut. I thank the gentlewoman from California, and I would like to recognize at this time the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to thank my good friend and colleague for setting aside this hour and giving us an opportunity to focus attention on the circumstances in Iraq and the consequences of our response to the attack of September 11, 2001.

This week we marked 5 years, and today 5 years and 3 days, since that attack of September 11, 2001, against the World Trade Center, the Pentagon, and Flight Number 93 that, as a result of the heroism of the people on board, crashed into a field in Pennsylvania rather than into this Capitol building on that particular day.

There is no question that people who were responsible for that attack were brutal, devastating, and without conscience. However, the main danger that has been focused on our country came about not as a result of the attack but more as a result of the response of our government to that attack.

We have seen, for example, that shortly after our invasion of Afghanistan to upset the Taliban, which were housing the al Qaeda network, after we had taken the Taliban out of power in Afghanistan and chased the al Qaeda network out of Kabul and Kandahar, how this administration stopped the pursuit of the main perpetrators of that attack, the al Qaeda network and their principal leader, Osama bin Laden. It was a conscious decision made by this administration not to go after Osama bin Laden and, therefore, not to capture him.

Now, obviously, one has to ask the question: Why? The only sensible answer to that question is this: The administration did not want to capture Osama bin Laden, the brains, the main perpetrator behind that attack. Because if he had been captured, then the argument of the administration that there was a connection between the attack of September 11 and Iraq, and the need to invade Iraq, that argument would essentially have evaporated. If Osama bin Laden had been captured, there would have been no logical rationale for invading Iraq.

Mr. LARSON of Connecticut. If the gentleman will yield, because the question has been put forward on this floor on more than one occasion, and the query is: How is it that this great country of ours could go from having virtually the entire world supporting us, because of exactly what happened in your great New York City? In Paris, they said, "Today We Are All Americans." We join with Americans in the fight against al Qaeda in Afghanistan. And we went from having the entire world with us to virtually having the world opposed to us, devastating our standing around the world and ruining it with the Muslim world.

Mr. HINCHEY. Your point, of course, is a very good one. And what caused that, caused the people of the world, who had been united with us after the attack of September 11, 2001, but became disunited from us, became questioning of our attitudes and actions, all of that came about as a result of the falsification of information by this administration to the Congress of the United States and the people of the United States alleging that there was a connection between Iraq and Saddam Hussein to the attack of September 11, 2001, and subsequently alleging that Saddam Hussein had so-called weapons of mass destruction, chemical and biological weapons, and a nuclear weapons program, when all of the major intelligence given to the administration said that there was no evidence of so-called weapons of mass destruction.

And it was clear that there was no connection between Saddam Hussein and Osama bin Laden. If anything, the two were enemies, not united in any way. They are antagonists, and certainly, then, no connection between al Qaeda and Iraq. And the world saw the falsification of that information and they began to back away from us. And eventually so many people and so many countries around the world turned their backs on the United States because of the falsification of information by this administration and the perils that they saw our country engaged in in the Middle East, and to some extent here at home.

So we have a responsibility. And I think that that responsibility falls mainly on the Democratic Party. Because, as you pointed out in your remarks just a few minutes ago, we have here, in effect, a rubber stamp Congress, a monolithic government here in Washington, a Congress that has abandoned its responsibilities under the Constitution to ensure that the administration is behaving in a lawful way; to be certain that the administration is adhering to the provisions of our law and the provisions of our constitution.

In fact, we see clearly that this administration is violating the law and violating the Constitution, but the Republican majority in this House has done absolutely nothing about it. So the opportunity that you present here tonight by reserving this hour is an important one, and there are other people who will come and speak about this issue also in very important ways.

Everything we do has got to be focused on the illegality of these actions and the way in which they are to be corrected so that we can begin to reensure the security of the United States and begin to reestablish our position in the world of admiration and respect from other people around the world. We have a big job to do and we must engage ourselves in that job very pointedly and aggressively, and I thank you for reserving this time.

Mr. LARSON of Connecticut. I thank the gentleman from New York for his insightful comments. And, again, we all share with you and all New Yorkers, as well as people from the Pentagon and in the fields of Pennsylvania, Flight 93, a great sorrow at the loss of so many valiant Americans. And I want to commend you for your willingness to come to this floor and speak truth to power.

Someone who has done so on more than 170 occasions, from the same spot on this floor, is Lynn Woolsey. She has risen and called out and has spoken out against the war in Iraq, and so at this time I yield to the gentlewoman from California.

☐ 1900

Ms. WOOLSEY. Mr. Speaker, I would like to thank Mr. LARSON and Iraq Watch for what you have been doing to bring attention to the follies of what is going on in Iraq.

I will stay here and talk back and forth, but we have folks here who have been so important, MAXINE WATERS and DONALD PAYNE and I saw BILL DELAHUNT, who are all part of this, and we want everybody to have their say.

What I want to emphasize is that the people of this country, the people of this world know that this was a mistake. Our very own constituents are ahead of the Members of Congress that they have elected to serve them because they know we should leave Iraq. They tell us that.

What they don't know, however, is how to make it happen. Guess what, that is not their job. It is our job. It is our job to say, Mr. President, commander in chief, stop this war. Put together a plan and bring our troops home. You see, that is our job. It is very clear to me when you lead, people will follow.

Just under 2 years ago I believe I was the first person to request of the President that he bring our troops home. My request had just under 20 signatures on a letter to him.

Then we had a hearing, informal hearing with Senator Max Cleland and generals and an Iraqi citizen. It was bipartisan and the room was full. We had a little bit of press, not much, but it was a good hearing. It was about why we are there and why we shouldn't be there.

Following that we had an amendment of mine that came to the House floor. Some folks asked me not to call for a vote on it because they thought it would be embarrassing to all of us. But 128 Members of this House, a bipartisan effort actually, voted to tell the President to put together a plan to bring our troops home and bring that plan to the appropriate committees in the House of Representatives.

Since then we have written a letter to the President that over 50 Members signed saying, Mr. President, bring our troops home. Do this in a multinational way with multilateral involvement. Work with the Iraqis on reconstruction in a nonmilitaristic stance, and work with them for reconciliation.

Then I introduced legislation that I talked about earlier tonight to repeal the President's Iraq war powers because that is one way to tell him enough is enough. This is not a war, this is an occupation.

We are going to have another hearing on September 26. This is the third forum, and it is on the cost, the human cost, the cost to our treasury and the cost to our reputation. I hope many Members will attend it. You see, that is what the people of this country are looking for and these are the people down on the floor with you that to the best of our ability are trying to provide, and that is leadership, leadership to catch up with them, the public, so we will indeed do the right thing and stop the death and destruction that is going on that we are causing because of our very presence over there.

Mr. LARSON of Connecticut. I thank the gentlewoman for her vigilance in this matter and in coming to the floor. To her point, as Thomas Friedman has pointed out, in Iraq with regard to the occupation and the United States' once-lofty goal that was envisioned in terms of creating democracy in Iraq, categorized us as no longer midwifing a democracy, but in essence baby-sitting an insurrection and a civil war.

So even people that were slow to come around to your point of view and the point of view held by many others have now been joined by no less than eight generals, as Mr. DELAHUNT points out time and time again on this floor.

But also if you go back to the very beginnings and the lead-up to this war, who were the most outspoken critics leading up to this war? In fact, it was not MAXINE WATERS or BARBARA LEE or even LYNN WOOLSEY, it was Scowcroft, Eagleburger, and Baker because they understood as internationalists the problem that would be created in Iraq if we diverted resources from Afghanistan and didn't pursue the goal of capturing and bringing to justice Osama bin Laden, but instead got involved in a war of choice that was misguided and misdirected by an administration that was blind on two fronts. Blind to the sacrifice that would take place on behalf of our brave men and women, and also to the policies that they were pursuing and the ramifications of those policies both abroad and here at home.

Someone who understands that and has been an advocate of human rights for his entire career here in the United States Congress, someone who has traveled all over this globe and addressed the issue of human rights is the Congressman from New Jersey, DONALD PAYNE, and at this time I recognize him for his remarks.

Mr. PAYNE. Let me thank the gentleman from Connecticut for taking this special order and let me acknowledge your great leadership as a leader in the Democratic Caucus. Let me also commend BARBARA LEE and LYNN WOOLSEY for their leadership as cochairs of the Progressive Caucus where they have continually talked about progressive issues in this country and, in particular, the question of Iraq; and to commend Congresswoman WOOLSEY for her record of maybe 100 days consecutively speaking out against the war, day in and day out.

Five years ago, on September 11, we had a tremendous amount of sympathy around the world. Everyone was with us. People throughout the world said this was a dastardly act. Seven hundred persons from my State perished. Flight 93 that left Newark Airport, including Ms. Wanda Green, a delightful African American woman, a flight attendant who traded with a friend who asked her if she could take her duty because of a conflict and she would switch and take Ms. Green's original duty which was not on 9/11. Ms. Green passed away on that infamous Flight 93. I met with her two children at the church in Linden where she lived. They are college-age students. Ms. Green was a divorcee and was the one taking care of the family.

So this is very personal with all of us. From my house as I moved out to the corner and looked over, the World Trade Centers were both visible, the twin towers were very visible. I could see them very clearly. So it is very personal to us, all Americans, but especially to those of us who were so constantly involved in that area.

When the President decided, though, to make Saddam Hussein a person that he felt should be dealt with and connected him to 9/11, it was actually criminal. Osama bin Laden, as we know, was in Afghanistan. We had a limited number of troops there. But just think of what position we would have been in today if our troops were sent to Afghanistan in the numbers that we have sent to Iraq. By this time I am sure Osama bin Laden would be behind bars or not alive at all.

We could still have Iraq contained with the no-fly zone because they could not come in or go out. We had Predators watching. We knew where Saddam Hussein had lunch every day. It was bombed one day, but he left a few minutes early. They were going nowhere in Iraq.

Osama bin Laden, in fact, talked as badly about Saddam Hussein as he did about the United States' leaders. But what did we do? Hans Blitz and the inspectors were given full range of the country. And when that announcement was made by the Government of Iraq, President Bush said, Get out in 48 hours.

Why would you do that? They knew that they didn't have weapons of mass destruction in Iraq. The bluff was over. So Saddam Hussein decided to let them go anywhere because I don't have them. And, therefore, they will see that the bluff is over. No, the President ordered the strikes.

I will conclude because there are other Members here and I could go on and on and on. However, I was the one who controlled the 2-day debate where we debated giving the President the authority to having an attack on Iraq, a preemptive strike. I was convinced we should not choose war, we should choose diplomacy. Just think, Afghanistan would have been settled and we could have contained Saddam Hussein, but it was decided that we should go to war. Mission accomplished.

We are losing lives every day. It was wrong. We need to come up with a sane plan to conclude this civil war that is in Iraq and move on to making our country a safer place.

Mr. LARSON of Connecticut. I thank the gentleman from New Jersey, and I am reminded in the poignancy of his story, having traveled to the Middle East several times with Jack Murtha, of a discussion we were having with our ambassador to Saudi Arabia who, when I inquired of him that it seemed like there was a gathering storm in Saudi Arabia with more than 35 percent unemployment and median income amongst the people there dropping from $28,000 to under $7,000, he said to me: "Congressman, gathering storm?" He said, "You're from New England?"

I said, "That's right."

He said, "I assume you've either read the book or you saw the movie. What we have here is not a gathering storm, what we have here is a perfect storm; and if we attack this toothless tiger, whereas you point out we had no-fly zones over the north and south, we will unwittingly accomplish what Osama bin Laden failed to do. We will create a united Islamic jihad against the United States."

Someone who understands that more keenly than most is the gentlewoman from California who chairs the Out of Iraq Caucus and has been equally vigilant in her efforts and leadership on that front.

I now recognize MAXINE WATERS.

Ms. WATERS. Thank you very much. I would like to thank the gentleman from Connecticut not only for his leadership in the caucus, but for his leadership on Iraq Watch. The work that you have been doing and that which you do tonight, bringing us here to the floor, to continue this discussion, to continue this debate and to focus on what is wrong with the leadership at the White House is extremely important work; and I thank you for it.

I am also pleased that we had so many Members come tonight. I am pleased that the members of the Out of Iraq Caucus, who have been for over a year and a half trying to make this a real priority in this Congress, I thank you all for this evening.

Let me just remind the Nation of these facts: As of today 2,671 soldiers are dead, American soldiers killed in Iraq; 20,113 injured in Iraq. The total cost of the war, more than $318 billion. And it will cost approximately $370 billion by the end of the year. The cost of the war per month at that rate is $8.4 billion per month. The cost per week, $1.9 billion. And every day we are spending $275 million a day.

☐ 1915

Now this war has been raging for more than 3 years. We know now, and even the President cannot even pretend that he does not know that Iraq and Saddam Hussein had nothing to do with the 9/11 terrorist attacks. The Iraq war has taken resources away from the finding and punishing of those responsible for the 9/11 terrorist attacks.

For example, the administration pulled Arabic speaking Special Forces teams who were hunting Osama bin Laden in Afghanistan and redeployed them to Iraq. Because resources have been diverted from Afghanistan, and the administration has been distracted by the Iraq war, Osama bin Laden is still free, and the Taliban has regrouped in Afghanistan.

Violence in Afghanistan is going on every day, and much of it certainly is attributed to the Taliban. This year more than 2,300 people have been killed in Afghanistan, including 151 who have been killed in suicide bombings; 276 U.S. servicemembers have been killed in Afghanistan, and nearly 1,000 more have been injured.

Let's talk about, for a minute, the growth of the poppy seed, the main ingredient of heroin is also growing. The U.N.'s Office on Drugs and Crimes say opium cultivation rose 59 percent this year to produce a record 6,100 tons of opium, more than 90 percent of the total world supply. The U.N. estimates that the revenue from this year's harvest will exceed $3 billion.

In wrapping up, let me just say that last night on CNN they tracked from Afghanistan the heroin that went by way of Nigeria into the United States, into Chicago and into my hometown of St. Louis, Missouri. They tracked it. At one time we thought that heroin was simply going into Europe. It wasn't coming into the United States.

But now we know it is, and to add insult to injury, Mr. Musharraf, the President of Pakistan, who is supposed to be our friend, who we are giving monetary support to, has wrapped his arms around the Taliban and created a contract and an agreement with them that if you don't attack us we won't bother you.

We are depending on Mr. Musharraf, knowing that not only has he entered into this contract, but he knows what's going on on that border between Pakistan and Afghanistan where they protect Osama bin Laden, where they protect al Qaeda, and now they are protecting the Taliban.

What are we in for here? The President of the United States has misled this country. We are in trouble, and he has placed this country at great risk. We are at greater risk now than before 9/11. It is time for the leadership of the Congress of the United States on both sides of the aisle to say enough is enough. I commend you for helping to develop us so we can get to the point where we can proudly all join hands together on both sides of the aisle and stop this misdirection of this President and this administration.

Mr. LARSON of Connecticut. I thank the gentlewoman, and I thank her also for factually pointing out what is happening, especially with regard to the heroin trade, and again how that only furthers and fosters the efforts of al Qaeda all around the globe.

Before I call on the gentleman from New York, MAJOR OWENS, who has served with distinction in this great body of ours and who represents the great City of New York, I want to point out that our next two speakers, both Mr. DELAHUNT from Massachusetts and Mr. INSLEE from Washington, are the founders of the Out of Iraq Caucus.

Mr. DELAHUNT, especially, having heard specifically, going back to his district, people often ask what led you to come to this floor and speak out against the war in Iraq? Well, it took place in small towns and communities where people were yearning for the truth and wanted to hear voices that because a majority rule here in a one-party Congress were notable to break through.

Mr. DELAHUNT. I thank my friend from Connecticut, and, just to set the record straight, it was others, of course, that founded the Out of Iraq Caucus. But Mr. INSLEE and I, many, many years ago, it appears, now, or at least it feels this way, came here with our colleagues, TED STRICKLAND from Ohio and NEIL ABERCROMBIE from Hawaii, and spoke about these issues.

I was just chatting with JAY INSLEE, and we were reflecting on where we were and what we have done, what we have accomplished. I think it can really be summed up by these posters, these photos to my right. To my far left is the President on the aircraft carrier, and behind him that banner is "Mission Accomplished."

I would suggest this, that this administration, along with the Republican majority in this House, have achieved something that defies the imagination that no one would believe. It is truly remarkable.

I think that is best summed up when you examine the photo to my near left. For those who are unaware, this gentleman that I am pointing to now is the current Prime Minister of Iraq. His name is Maliki. In fact, he spoke in this very Chamber, to the American people, and to Members of Congress. He was given that honor. He came here just recently. He visited with that President. Less than a month later, where is the Prime Minister of Iraq? He is in Tehran.

One only has to recollect the words of President Bush, right here again in this Chamber, when he described Iran as one of the original members of the axis of evil club.

I would put forth that nothing, nothing that I am aware of, has changed in terms of the administration's position vis-a-vis Iran. Here we find the Prime Minister, reflect on that a moment, the Prime Minister of Iraq is clasping hands with the President of Iran.

What is particularly interesting is the agreements that have been reached between Iran and Iraq. These were two nations that fought an 8-year war. But what we have accomplished is to enhance the influence of Iran in the Middle East.

Take a look.

Mr. INSLEE. Well, you pointed out something that I just realized. President Bush, when he ran for office back in 2000, said he would be the great uniter. Many of us have been disappointed, in fact, that he has divided the country like no President in modern history. When we were united after September 11 with us and the whole world, he has now divided the country.

But I think finally he has united two ununitable, intractable foes, one, an axis of evil, Iran, who we are trying to defeat, in some way to prevent them from having nuclear weapons. He has united Iraq and made Iran a more fundamentalist Islamic government, a more powerful entity on the world stage, more powerful, as he describes them, axis of evil, and the President finally fulfilled his destiny of being the great uniter.

Mr. DELAHUNT. Exactly. The President of the United States has achieved a remarkable, an absolutely remarkable, accomplishment.

Mr. INSLEE. After this conference of Tehran between the axis of evil and the new government the President has created in Iraq, one of the leaders described the other leader as their, quote, good friend. I don't know if it was the President of Iran, the axis of evil describing the new government created by George Bush in Iraq or vice versa. Do you know which one it was?

Mr. DELAHUNT. I don't think it was "friend." It was not "friend," but it was even more intimate. I can't find the quote right now, even though this is a story that came out today where the Prime Minister of Iraq, after his meeting with President Ahmadinejad, he then goes and meets with the Supreme Iranian leader, Ayatollah Ali Khamenei, and the terms that they use are brothers, brothers.

Now, I wonder, is this an effort to unify?

Mr. LARSON of Connecticut. Is this the same Prime Minister that also has said that he will grant amnesty to those involved in the insurrection that are killing and mutilating American soldiers?

Mr. DELAHUNT. Again, I think he rethought that statement, because of the reaction, actually, from Democrats in this House. Because we were not going to tolerate it.

But, I will tell you, he is shaking hands with the President of Iran who described the Holocaust as a hoax. In other words, our ally, I am not quite sure we should describe them as an ally now, but the gentleman that is the Prime Minister of Iraq is shaking hands with the Holocaust denier, the President of Iran.

By the way, it wasn't just a handshake, because you know what else was done? Agreements were signed. Agreements were signed, border agreements and bilateral military cooperation agreements were signed.

Mr. INSLEE. I want to point out something, why this is such a diabolical development that the President has given to the world and the United States, and that is it is very simple. We have folks in harm's way today, we have lost 2,600 of our finest men and women in Iraq, and it is very clear that we are not going to get those people out unless the leadership of Iraq and the Shiite factions finally reach an agreement regarding oil revenues with the Sunnis and the Kurds in Iraq. This picture is a picture of the friendship of the Shiite-led fundamentalist Iranian government essentially signing up with the Shiite-led faction of the government in Iraq, and this President has refused to drop the hammer on the government of Iraq to tell them that they have to make a deal about oil revenues right now and refusing to continue to keep our troops there in harm's way unless they do.

Because it is clear that unless this President makes very clear to the Shiites and the Sunnis and the Kurds that if they don't reach an agreement about oil revenue, which they are arguing about today, and have been arguing about for 3 years, we could be there for 500 years and not solve the problem. This President has simply allowed them to shake hands and not put pressure on them, not drop the hammer on them. That is what he has got to do, and he hasn't done it.

Mr. DELAHUNT. Do you know what is happening in Iraq, according to military personnel? They are telling us, in reports that appear in the media, that it is unraveling in Iraq. But the Prime Minister has time to go to Iran, and, actually now, Iran is giving the Prime Minister some advice.

□ 1930

What he is suggesting is, everything will be good, the region will be stabilized. Let's just get the Americans out. That is his answer.

After hundreds of billions of dollars and the loss of more than 2,600 American personnel, this is where we are at: Mission accomplished, Mr. President. Right. Mission accomplished by finally doing what you said you would do. But you missed the wrong country. It isn't this country that you are uniting. You are dividing this country and uniting Iran and Iraq in a situation that portends danger for American national security. That is what is happening, Mr. Speaker.

Mr. INSLEE. I think when we talk about the wrong country, it has been the wrong country in two different ways. First, the President has united Iran, part of the "axis of evil," with Iraq, rather than uniting America. He got the countries wrong in that regard.

But, more importantly, he got the countries wrong about which country is a nuclear threat to the United States of America. He invaded Iraq, when the nuclear threat to the United States of America is Iran. As a result of Mr. Bush's war, he has made the nuclear threat to the United States of America, Iran, more powerful by uniting it with Iraq, making Iran a more powerful figure in the Mideast by taking our eye off the ball, reducing our ability to build an international consensus to impose sanctions against Iran, because he invaded the wrong country.

Do you know what? I was so astounded that the Vice President of the United States made a statement last weekend that made me think there is some hallucinogen in the water that people are drinking in this administration when he said, and this is a paraphrase, it is not an exact quote, even if we knew that the weapons were in Iran, not in Iraq, that there was no relationship between Saddam Hussein and the attack on 9/11, that we were going to lose 2,600 troops dead and 15,000 injured, the destruction of our international coalition, even if I knew that all the things we told Americans were misstatements, were falsehoods, even with all of those falsehoods, I would have done just the same thing again.

That attitude, as long as that attitude prevails in this country, as long as we don't have a Congress to ride herd on those people in the White House, including the Vice President, our people are going to be in a dark, dark hole in Iraq. That is why we need a new Congress and a new government, to get a policy in Iraq, to get our people home.

Mr. DELAHUNT. With the end game being the forging of an alliance between Iran and Iraq, what we have done is, the policies of this administration, without a single question being posed by this majority, we have created a hegemony in the Middle East, and that is the Islamic Republic of Iran.

Don't think that this photo is the last time we will see these gentlemen together. The current prime minister during the Saddam Hussein years spent considerable time in Tehran and in Syria. I am not even blaming him.

Where is the administration? Where is the House International Relations Committee, which I serve on with my friend and colleague from California, DIANE WATSON? Why isn't there hearing after hearing after hearing asking these questions?

Mr. INSLEE. It is not us asking where Congress has been challenging these failures by the administration, it is our constituents. I went for a walk last weekend, and I ran across an old friend whose son is serving in Iraq today, and he has just been moved to Baghdad because we have stripped our forces from Al Anbar Province where they are needed to put them in Baghdad, because we have never had enough troops there to get the job done, the President has never been willing to do it. The mother of their child is also serving in Iraq, so they are essentially raising this 1-year-old.

He asked me this question: Why isn't anyone in Congress insisting that the President get serious about telling the Iraqi Shiites to strike a deal about oil with the Sunnis so they can finally form a real government and our troops can come home? Why isn't there anybody in Congress asking that question?

I said, Hal, I am happy to ask that question. He said, go do it. Be vocal about this. Make sure the administration gets their feet held to the fire, for my son and everybody else serving in Iraq.

So we are doing this tonight. But, frankly, we need a new majority in this House to do it with hearings. That is what we really need.

Mr. LARSON of Connecticut. Mr. Speaker, as Mr. DELAHUNT so eloquently pointed out, and has time and again, the Iraq Watch, which you four Members initiated along with Mr. ABERCROMBIE and Mr. KUCINICH, has done a great job for the Nation.

People often ask, why do you come down and speak in what is an empty Chamber? And my response is, out of love of country. It is for love of country that you get to ask the unwelcome questions to this administration. But in a one-party town where the administration controls every agency and both Houses of Congress, we can't penetrate through, except for all of those meetings that are taking place in town halls and at forums and now on the blogs, that people all across this country get it.

Someone who has gotten it throughout his entire career and someone who has served his Nation out of love of country and a great city is MAJOR OWENS. I would like to recognize him at this time.

Mr. OWENS. Mr. Speaker, I just want to associate myself with the remarks that I have heard made by my colleagues, and I particularly think that the point relating to the oil needs to be stressed more.

The American people are way out there ahead of us. We must run to catch up with them and provide greater leadership. We must focus in more on the problem of oil.

What is the problem with the negotiations on oil? Why can't we take a position that the distribution of oil should be guaranteed on a per capita basis of oil throughout Iraq, so the Iraqi citizens get the oil on the basis of where they live?

Also, understand, I don't know why we are so surprised, but there are two major religions in conflict there, Sunni and Shiite. They have always been in conflict. We have handed over that region to the Shiites, and it is inevitable that Iran will dominate that region. It is inevitable now that Iran will become a dominant force in the whole Middle East. We have done that. We blundered.

We should still take JOHN MURTHA's advice and get out, redeploy to the friendly nations, whatever we have to do, but we should not be stuck with more lives lost and more of our taxpayer money down the drain.

Mr. LARSON of Connecticut. I thank the gentleman from New York.

For the final word, our former senator and ambassador and now great Congresswoman from the City of Los Angeles, DIANE WATSON.

Ms. WATSON. Very quickly, I want to thank you, Mr. LARSON, for having us come to herald the fact that we are indulging in an unwinnable battle, because the war against terrorism is a war against an ideology, and the only way you are going to change an ideology is to change people's hearts and minds. You will never do that at the end of a barrel.

Thank you so much for gathering us.

Mr. LARSON of Connecticut. I thank the gentlewoman from California, and my distinguished colleagues from Massachusetts and Washington State.

THE REPUBLICAN VISION FOR THE NEXT CENTURY

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Kansas (Mr. TIAHRT) is recognized for 60 minutes as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, it is a pleasure to be here tonight. We have some good discussions planned.

I am joined by the gentleman from California, Mr. DOOLITTLE. We want to take this opportunity to show some of the contrasts that are going on as far as the debates are concerned here on the floor of the House and across the Nation.

We have had some great opportunities for us to get together as Republicans and talk about our plans for the future and pull together a vision for where we think this country ought to go. I thought I would just start out with giving us some of the words that have been agreed to by the Republican Conference to start our vision for the next century.

For the next century, the Republicans have agreed that we will promote the dignity and future of every individual by building a free society under a limited, accountable government that protects liberty, security and prosperity for a brighter American dream.

Mr. Speaker, we have looked through the material that is available from the minority leader's office and other publications. We have yet to find the vision that the Democrats are presenting. They have no such vision. They have been lately the "party of no," and they have really developed no plan to lead this Nation.

We have uncovered some statements they have made on what they would like to do, and tonight we will be sharing those contrasts. One of the things we are going to start out with is talking about our economy.

President Bush said over and over again at the State of the Union that the state of our economy is strong, and today's economic numbers prove that. Our Nation has bounced back from the blow the economy took after the attacks from September 11, 2001. Our economy between September 11, 2001, and the end of 2001, in that short period, took a $2 trillion hit. Our economy was reduced by $2 trillion.

That is a lot of money. We don't write checks for $1 trillion. But to give you an idea, Mr. Speaker, of how much $1 trillion is, if you had started a business the day after Jesus Christ rose from the dead and made $1 million that first day with your business, and the next day you made another $1 million, and the next day until today, every day until today you made $1 million, in other words, $1 million a day for 2000 years is not yet $1 trillion. It is only about three-fourths of the way there. So this is a tremendous hit to our economy following September 11, 2001, a hit of over $2 trillion.

Now, since that time, we have done things under the leadership of the President and the Republican House to revive our economy. We cut taxes. We have held the line on regulations. We have looked at making sure that health care costs do not grow too fast. We have made some minor changes to litigation, to our liability. And we have seen the employment gains continue. In fact, in August, 128,000 new payroll jobs were created.

Today, there are more Americans working than ever before in the history of our Nation, and the average wage of those workers is higher than it has ever been in the history of our Nation. In fact, there are more homeowners today than ever before in the history of our Nation and more minority homeowners than ever before in the history of our Nation.

Total jobs created since August of 2003, after we saw the final bottom of the hit following September 11, 2001, since August of 2003 this economy has created 5.7 million new jobs and the unemployment rate is down to 4.7 percent. That is lower than the average of the 1990s, 1980s and the 1970s. It is a tremendous statement on the strength of our economy.

Many of you have noticed recently that gas prices are now down below $2.70 a gallon, in fact, in Wichita last week, I saw gas at Sam's Wholesale, gas for $2.259 per gallon. Now, that is a long ways down.

I remember seeing the articles in our newspapers across the Nation where it said gasoline prices, and an arrow was poking up in the air. They did rise. They rose up above $3 per gallon. But now, when gas prices are coming down, we are all waiting to see where is the article to say, Congratulations, Republicans, gas prices are down. Thank you for expanding our refineries. Thank you for expanding our production. Thank you for expediting the things through the regulatory process so we can get more product on the market so we can lower the prices of gasoline. Thank you for changing the number of boutique fuels, which shortened supply and made prices rise. The article was never printed. I haven't seen it.

But the fact is, energy prices are down, and they are down because of the policies of a Republican House, not down because of the naysaying Democrats, the obstructocrats, that have been trying to stop everything that has come through this House floor in the last year.

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Majority Leader BOEHNER said that "while Capitol Hill Democrats' rhetoric may be misleading, their hypocrisy always gives them away. There is a clear choice between Republicans who are working to enact serious reforms that grow our economy and reduce our deficit and Capitol Hill Democrats who want to spend more of America's taxpayer dollars on wasteful government programs as they see fit."

Well, the economic recovery was successful even though the Democrats opposed the reforms every step of the way. And it is clear the Democrats have no clear plan to strengthen our economy, as Republicans do.

Now, off the Web site of the minority leader, there is a document that is available. It is called "A New Direction for America." And in that they have their idea of how we are going to strengthen the economy. According to this document and according to the minority leader of the Democrats, prosperity for a better America and better pay: We are going to raise the Nation's minimum wage, and we are going to end the tax giveaways for companies that are moving oversees.

Let us just talk about those two things for just a little bit because I believe the best policy for America so that we can keep and create jobs is to free those who create jobs, free those who create jobs, and not punish them for doing things that are demanded by the marketplace.

Now, let us just talk a little bit about raising the minimum wage because the concept that we always hear is that this is not a livable wage and if you raise the minimum wage then people will have more money. They can have a livable income now. So we are going to raise it $1.15 an hour. Friends, that is not going to make a living wage. And the fact is, according to a Duke University study, the people they say they are trying to help actually become hindered and they do not get hired. In fact, the people who get hired are teenagers and people in their early 20s from middle-income families. They get hired instead of the working poor. So the minimum wage actually ends up punishing the working poor. And another interesting thing that they found out is that employers, when they are forced to pay more in wages, forced by the government to raise their wages, they come up with new innovations.

Have you ever been to your local grocery store and had the ability to check yourself out or gone to a Home Depot or to a Wal-Mart or to other businesses where you shop, you pick your products out of your basket, you run them across the scanner yourself, you stick in your credit card, you put your purchased products in your own bags, and then you load them up after you pay your bill and go out the door. What does that mean? That means there is no checker. Why is there no checker? Because we forced the minimum wage up so much that it is cheaper for that company to bring in this new automation because they cannot afford to pay the additional wages.

So the first step in their plan is to punish employers by forcing them with a new regulation on wages.

The second one is to end tax giveaways for people who have moved jobs overseas. Why do jobs go overseas? Why are we losing American jobs? It is really pretty interesting. I sat down with the CEO of Raytheon in Wichita, Kansas. He was moving 400 jobs over the border to Mexico. And I said to him, Have you looked at working with the union to make sure that we can save these jobs?

He said, Yes, we sat down. We did everything we could. We went to productivity. We tried new ideas. We sketched it all out. And he said, Todd, I realized that even if my workers came in and worked for me for free, I would still have to look at moving those jobs to Mexico.

Well, it dawned on me then it is not about wages. And from my previous experience I can verify that. I used to work at the Boeing Company. My job was to bring jobs into the Wichita area. When I was asked to bid a job, I had a predetermined rate that I could use based on a manufacturing hour or an engineering hour or a modification hour for the Boeing Company in Wichita. And for a manufacturing hour, the going rate back in 1994 was $150 per hour, and yet the average wage was about $15 an hour. In other words, 10 percent of the cost of making a product in Wichita, Kansas was wages, and the other 90 percent, a large part of which was driven by the cost forced on that company and every company in America by the Federal Government, barriers placed on these businesses by the Federal Government, keeping them from being more competitive and creating and keeping more jobs.

I have something that we have been working on, the gentleman from California (Mr. DOOLITTLE) and I have been working on, in the Economic Competitive Caucus. We have decided that we can identify the areas where the Federal Government has created barriers to new jobs and we are going to try to eliminate those barriers. And one of the first ones that we are going to try to eliminate is the tax system that is so punitive on new jobs.

One of the things that is in the document the Democrats have is ending tax giveaways. We have very little ways that we can getting things done that we hope to see done. For example, we want to have alternative fuels in America. So what we have done is we have the process. We have used tax credits and tax relief to see that we have alternative fuel sources available. Well, the Democrats want to end these tax giveaways because they think they are just a giveaway. They want to hold that money and create more bureaucracy.

But we think we can get some better results if we trust these companies to take a little of their money and reinvest it into creating more jobs in America. So we want to change the tax system. We want it to be fair, and we want to see some tax relief because people do three things when they get a little extra money in their pocket: They save it or they spend it or they invest it. If they save it, that goes into saving accounts which create money for mortgages so people can go out and buy new homes. If they invest it, they invest it in companies that sell their stock. The companies take that stock and they build more facilities and they hire more people. That is also good for the economy. The third thing is they spend it. When they spend it, that is a demand for goods. Those goods then are off the shelf and they have to hire people and create new products and bring products in so that they can replace what has been taken from the shelf when people spend their money.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. TIAHRT. I would be glad to yield to the gentleman from California.

Mr. DOOLITTLE. Talking about one of the big differences that we have between the Republicans and the Democrats in this House and in this Nation in terms of what goes on nationally here in Congress, there didn't used to be such a difference. In fact, President Kennedy said, "A rising tide lifts all boats" and promoted broad-based tax cuts to stimulate economic growth in the early 1960s upon taking office, and it definitely worked. I think with our colleagues on the other side of the aisle, the Democrats, they tend to view it as what they call a zero sum game. In other words, if somebody wins in that situation, that means somebody else has to lose.

And the thing I like about President Bush and the Republican policy is that we kind of harken back to the Reagan era and the Kennedy era, where we try to provide broad-based tax relief to everyone, recognizing that when we do that everyone will benefit, rich and poor. And that has happened, by the way. And, in fact, our standard of living is on the rise. And real after tax income, according to the figures I have, are up by 11 percent since December of 2000. That is substantially better than the gains following the last recession.

And I also note just in terms of the effects of tax relief that despite the collapse of the stock market and the commencement of a recession in 2000; the terrorist attacks of 2001, which we just commemorated here earlier this week, the fifth anniversary of 9/11; and the ongoing war against terror, the economy has expanded by more than $1 trillion since President Bush took office.

Our Speaker addressed this. I wrote this down a couple of years ago. He said our job is to leave this country a better place for our children and grandchildren, and I think that is really what it is all about.

And this is something I think is really unfortunate, that the two parties cannot come to better agreement on this because we have had that in the past. And right now there is such sharp division with the other party constantly clamoring. They are promising higher taxes. That is one of the planks in their presidential platform. It is one of the planks in many congressional candidates that are running this year. And whenever we hike taxes, it takes money out of the people's pocket and puts it in the pocket of the government and puts the money out of the families' control and into the hands of government bureaucrats. It seems to me that our policies empower the individual.

Taxes are way too high. Even after the Bush tax cuts, they are way too high and need to be cut further. And that is something that we constantly try to do as Republicans. I think every year, the Republican majority, we have introduced and passed bills to cut taxes. We are still trying to eliminate the horribly unfair death tax that is nothing more than a vicious socialistic scheme to punish the rich that was enacted back in the early part of the 20th century. We would be so much better off, as the gentleman observed, to change our tax system so that we are not all spending so much money to comply.

And I really appreciate the gentleman's efforts in leading this discussion tonight and look forward to work with him to improve economic competitiveness, to empower families and individuals, to reduce the burden of government on their lives.

By the way, the overwhelming impact of government regulation I think actually has a greater economic burden on families and individuals than direct taxation. I think it is astounding to see what this is costing us. When everybody wonders why are houses so expensive, you have got to look at all the built-in government regulation that causes the price to be probably 50 percent higher than it would need to be.

Mr. TIAHRT. And also in that regulation, it is all based on an adversarial system between government and the private sector.

One of the things that I look through is how we can improve the relationship between the Federal Government and how they do business with the private sector because everything is set up as an adversarial relationship. The EPA, for example, the Environmental Protection Agency, spends over half of their budget on lawyers. The reason they spend it on lawyers is because they are taking companies to court and suing them, and that means that these companies are spending more of their money just to defend themselves.

And we had a very good example happen in Wichita, Kansas about how the government could actually work as an advocate instead of an adversary and still get the accomplished goal completed. I got a call from the Wichita Area Builders Association, and they told me that the home building industry in Wichita, Kansas had been shut down. This was three summers ago. I started looking into it, and I found out that OSHA had targeted that county in South Central Kansas, Sedgwick County, where Wichita is located, and they brought all their personnel down there and they started going through all these job sites and writing citations and assessing fines, and everybody just left and went home. And as one subcontractor told me, he said, When I build a house, my portion is very small. I am just a framing contractor, and my profit is probably only about $2,500 per job as an average; so if I get a $5,000 fine, I may as well not go to work. So they have stayed home.

So I called up the regional director of OSHA, and I got them together with the people from Wichita, the Wichita Area Builders Association, and they worked out an agreement where OSHA would announce that they were coming and then they would go through the job site together with the contractor and make a list of any potential violations, and then they would leave them alone without any fines, any citations, and let them work out the problems. They would come back in 6 weeks and check on them. They did this. In the meantime the Wichita Area Builders Association hired someone out of the insurance industry that taught workplace safety, and he started sending them around to job sites. At the job sites, they realized that the biggest problem that employers were facing was the inability to talk effectively with their workers. There was a language barrier. Many of the workers were Hispanic. They didn't have good English skills. And how do you tell somebody that you cannot prop a ladder up against a wall at 45 degrees, that you need to prop it up at 60 degrees? Well, if you don't have good language skills, it is difficult to do that. So they hired an interpreter to go around with this insurance safety engineer, visited all the job sites, and then they completed that process. OSHA came back and they found out that all the checklists had been completed and everybody was back to work. So here was an instance when OSHA, working with the private sector as an advocate for a safe workplace, brought everybody back to work. Costs were reduced. Everyone went back to work. The same goal was accomplished. The goal that OSHA has of a safe work environment and the goal that the workers have, keeping their workers from being injured and raising the Workers' Compensation claims.

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Mr. DOOLITTLE. You make a very, very good point, and I have occasionally seen a talented government official who is a problem solver. And so they get out of the adversarial mode where they are doing inspections and levying fines, and they are actually trying to create solutions for the businesses and the interests over whom they preside in order to make things work. We don't see that nearly often enough. And I think that is exactly the type of direction we need to move in.

All the business people I know and all the working people are trying to accomplish a good thing, and it is extremely unfortunate when the government gets so heavy-handed, and instead of solving the problem they create many more problems. We have had a lot of this in the environmental regulation area in the Sacramento region with, really, an unhelpful approach by certain Federal agencies.

I think that maybe the winds may be shifting a little bit after considerable prodding from the congressional delegation, and we may see a more friendly attitude in, say, the regulatory area of some of these agencies. And I certainly hope so, because I really like the example that you gave where you saw the good results that came from a different approach, where it is a helpful, solution-oriented approach as to this heavy-handed, traditional bureaucratic government, adversarial approach.

Mr. TIAHRT. And what is interesting is that when we have put this legislation together to codify the very example that I gave you before, Republicans are for that, the Democrats are against it. And here we see this, once again this contrast, and it goes through all eight barriers that have been created by Congress over the last generation. Most of these barriers, in fact probably 99 percent of them, were created under a Democrat Congress and we are still trying to undo the mess that has been done.

And, more recently, we are trying to make health care less expensive in America. We are trying to do it by innovative practices, by bringing market forces to bear on things like prescription drug and insurance sales. And one good example is associated health plans, where we would allow Americans in associations like your real estate agent or your insurance agents or farm bureau members, where they could join as an association to purchase health care. But the Democrats have opposed those innovative ideas because they want a single-payer plan. They want universal health care. They want socialized medicine.

Now, we have seen a lot of socialized medicine. We have seen it in the United Kingdom, we have seen it all through Europe, we have seen it in Cuba, we have seen it in Canada. In fact, if you look at our northern border, look at the hospitals in Seattle, Detroit, Buffalo, they are filled with Canadians who are unable to get health care in Canada. So they come down to America and they pay right out of their pockets; they are so glad to get it. But they have limited health care in all of these places, because if you have a single-payer plan it is like every contract is a cost-plus contract.

You know, the government right now, when they purchase things, they want to have a competitive contract. We see that whether they are buying tankers or toilet paper. They want a competitive contract. Why is that? Because when two companies compete, it brings the price down. When you have a single, sole-source contract which is based on all the costs plus a little profit on top of it, then there is a real incentive for all these people who are providing services to the government to drive up their costs higher and higher, because that means the profit margin, which is a percentage of cost, is greater and greater. So the costs go up dramatically.

And in socialized health care where it is a cost-plus contract for every service provider in health care, it drives the costs up, and so the government has no choice but to limit health care access.

And my dad is a good example. When he was 82 years old, because we have a free market system, he was able to get open-heart surgery. Had he been a Canadian citizen, he wouldn't be with me today. But he is 87 years old, he is healthy, he just had a trip to the West Coast, and he did that because he got open-heart surgery at age 82, something he could not have gotten in socialized medicine.

Our system is very good, but we have opposition in trying to make it more innovative and market responsive, from the Democrats.

Mr. DOOLITTLE. We do. We have some friends that lived in Germany, and when they would come over to the United States, one was an American citizen married to a German national, they would come over and they would spend the first day or two at the dentist's office, which I always thought was odd. That wouldn't be the first thing I would want to do if I came back home to the United States. But in Germany, you can't get preventive dental care, and so you have to wait until they have a tooth fall out or a cavity or something.

And it was real frustrating. They would come over and get their teeth cleaned and have different kinds of work done. But I always thought, what a strange thing.

You know, you hear about these socialistic single-payer systems; for years they were extolled. I think the glamour of this has sort of worn off. In fact, I have heard it said that those kinds of systems are great if you are healthy, but if you have a serious problem like you were talking about with your father, people come here, because we have the competition, we have the highly trained experts that can diagnose, that can treat, that can perform these miraculous types of surgeries.

And we need to improve the system because it still isn't really driven enough by market forces. And that is what really the seeds for transformation of the whole health care system, private and public, were in that Medicare prescription drug bill.

And you and I both know that the Democrat party did everything they could to deny the prescription drugs to senior citizens. Why? Because it is a good issue for them to not solve but to talk about and campaign upon.

And I have noticed they are very good about not solving things. I can't think of a single thing they have solved. But they are good about bringing up problems and stirring up emotions and promoting reasons why they should be elected. But we actually got that through, and it has just been very, very well received.

The premiums are actually dropping as a result of this Medicare prescription drug program. And what I really liked about it was, it contained for the first time the ability of any American in this country to invest money in a health savings account and to be able to get a tax deduction for it. And there has been a huge expansion in the number of health savings accounts as a result of that.

And my hope is, and our hope at the time we enacted it was that this would begin to put the consumer in charge of his own health care, and through competitive forces, finding out who was a quality provider and who offered the best price, you begin to bring the cost of health care down. And I think we really have a bright future in that area.

Mr. TIAHRT. That is an interesting concept, because the two things that we need the most in our economy are a good education system and a good health care system, and those are the two things that the Democrats do not want to trust to the free market.

Mr. DOOLITTLE. And yet they talk about it all the time and blame us for being antihealth care and antieducation. And yet all the innovations that have occurred in the last dozen years have occurred under Republican leadership.

Mr. TIAHRT. I think a good example is phonics versus word recognition. They went through the education system, they went through the education bureaucracy that is controlled by the government, this concept that young kids just need to learn words. They don't need to learn phonics, they just need to learn words, and if they do that, they will have control of the English language.

Now, that kind of experiment wouldn't have gone very far if we had a competitive system for education where parents had the ability to take their money and choose their own school, because most parents didn't believe that using something other than phonics would work.

Now, this grand experiment about word recognition is gone now and we are back to phonics because it did not work. We have got thousands of kids across America that have a very difficult time reading. They have a hard time understanding new words, they have a difficult time pronouncing the words that they do know because they don't have a good grasp of phonics. Instead, they were taught under this archaic system that was forced on our kids by a bureaucratic, government-controlled system void of the free market.

On the side of health care—and by the way, the Republican Party is for the free market, they are for a new concept in education and they are for accountability, and it is a contrast from the Democrats.

Moving back to health care, what would it be like if you could go to a Web site and shop around for, say, a physical? You could see the list of doctors and what they bid for a physical and what services they would provide.

Right now, what the Democrats are proposing is a single-payer system where you are assigned a doctor, and that is where you go, and there is a set fee that he is going to be paid. And if your costs go above that, you may have your health care limited. So it is a different concept. In the two parts of our culture that we really need innovation because the future depends on it, we depend on health care, but we depend on our kids having a bright future by a good education. And yet the Democrats won't trust the free market system. In fact, they are really against the free market system on a lot of issues.

Let's go back for just a moment on energy, because I just want to show the contrast between what the Republican House has done and what the Democrats have tried to stop.

Mr. DOOLITTLE. Would you yield before you get to energy? Because I want to comment on that.

Mr. TIAHRT. I would be glad to yield.

Mr. DOOLITTLE. This is something I find that is very, very encouraging. Young people in general do trust the free market, and that is something that I find as a beacon of hope as they are coming up, because they are going to be the next generation that takes power. And I really think a lot of these heavy-handed sort of antifree market ideas which are embodied basically in a liberal Democrat philosophy, I just think that rings very hollow to the coming generation. And I take great hope in that.

Just before you go to energy, I want to mention, speaking of young people, education. One aspect of the President's No Child Left Behind plan, which we enacted in Congress, which we passed and he signed into law and became enacted into law, is competition in education.

You know, we have great schools in our area, and they were great before No Child Left Behind. In some ways there have been some unfortunate issues with that legislation for our areas, but one of the real areas of transformation has been in the inner city.

In no place, I think, have we seen greater success for lifting people out of a hopeless future and putting them into a situation where finally they are going to be able to compete with the skills that they are learning in school than in Washington, D.C. Washington, D.C. has more charter schools than any other place in the country. These charter schools are actually educating children.

When people do criticize the President's plan, I wish they would keep in mind that for the inner cities across this country this has brought a renaissance in education that has not been seen in this country for over 50 years. And in our inner cities we have had a lot of social problems festering that spill over into the suburbs in areas that you and I and many of us represent.

I just really want to commend the President. I really feel that he has made a huge difference improving the lives of people, young people and their parents, by encouraging accountability and encouraging competition in education. And I just want to say to the Nation at large, they really should look at Washington, D.C. to see what is happening here in the public schools, because opportunities have been created and lives have been blessed that never were before.

Mr. TIAHRT. When I first came to Congress, I was on the District of Columbia Subcommittee on Appropriations, and took some time to look at the D.C. schools. And in 1995, the dropout rate in Washington, D.C. schools was 60 percent. Six out of ten kids that started school never got to the graduation line.

Now, since we have made some changes, since President Bush has been involved with enhancing charter schools and since some of the private sector government involved with vouchers, we have seen the dropout rate go down. Now it is down to 47 percent, which is a significant improvement. But they have still got a long ways to go.

I cannot imagine the schools in Kansas tolerating a 47 percent dropout rate, but it is tolerated here for some reason. And the difference between 60 percent and 47 percent has been these Republican principles where the free markets got involved, either through vouchers or through charter schools, and giving these kids hope, hope that if they complete their high school degree, they will have a better future.

And I think that is a significant advancement, brought on by Republican policies and the free market system that have changed the education system right here in the District of Columbia; and we could see advances all across America if we could carry them out.

Mr. DOOLITTLE. And one of our former colleagues, Frank Riggs, has been a real leader in this charter schools movement, and he continues to be involved these days in the private sector for education now, and is still involved in a nonprofit involving charter schools.

I just think the Nation should be aware that this is a Republican idea that has been fostered, that has been legislated, and we are seeing clear results.

You yourself mentioned the dramatic decline. It has a ways to go, but someone once said it doesn't matter so much where you are as it does in which direction you are headed. And in education in the inner cities, we are headed in a positive direction, and it is positive for the first time in many decades. And we just have to keep up the positive flow in that area, and I think we will be blessed in many different ways in this Nation.

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Mr. TIAHRT. I want to go back to energy just a little to talk about the contrast about how the opposition the Democrat Party has made to trying to create jobs here in America.

The House has passed the Energy Policy Act, H.R. 6, with 183 Democrats, including the Democrat leadership, opposing this bill. In this bill was the advancement of production in the Alaskan National Wildlife Reserve, or ANWR, it is called for short. What is the term, the abbreviated term? It is an acronym.

Mr. DOOLITTLE. Arctic National Wildlife Refuge, ANWR.

Mr. TIAHRT. It is basically the North Slope of Alaska, which is approximately the size of California. There were also many other things in the Energy Policy Act. It included conservation, it included wind energy, wind-generated electricity, for example, which we have about eight wind generating farms in Kansas today. It included ethanol production. It included research and development for hydrogen-based energy. It had a lot of good things in it, yet 183 Democrats, including the Democrat leadership, opposed that bill.

I have to tell you, Mr. Speaker, that the people of Kansas have been producing oil for over 100 years. In fact, just in August I was at Coffeyville Resources, in Coffeyville, Kansas, where they have had a refinery for 100 years. They were celebrating 100 years of producing gasoline. It was very interesting.

Now, contrast that to the Democrat policies of not drilling in ANWR. Here we have Kansas, and we think it is beautiful country. We love the people there. The production of oil is done in an environmentally safe manner. We all live there, our kids are healthy. In fact, we just had a couple in Kansas that celebrated their 80th wedding anniversary. Isn't that wonderful? An 80th wedding anniversary. Well, it is a healthy place to live.

But the Democrats didn't want us to drill in ANWR. ANWR is basically a frozen tundra, but it has been romanticized to be this glorious place with huge, beautiful green mountains and reindeer running everywhere, caribou everywhere, and polar bears everywhere. But basically it is a frozen tundra. It is moss on top of a flat plain. Well, all the space we were asking for in H.R. 6, the Energy Policy Act, was 1,600 acres.

That is about three sections. If you are a farmer, you know what a section is. It is a square mile. It is about three square miles, basically. That was all that was needed to produce oil, and oil that would make a significant reduction in the cost of gasoline in America. But it was opposed by the Democrats, the Energy Policy Act.

We passed a bill called the Refinery Permit Process Schedule Act, a piece of legislation that I worked on, to help us move the regulatory process along so that we could update our refineries. We haven't built a new refinery in this country for about, what, 25 years?

Mr. DOOLITTLE. Yes, that is right.

Mr. TIAHRT. So now we are trying to expand the ones we have now and accelerate the permit process. It was opposed by 176 Democrats. They did not want to see our refineries expanded, because they knew that would reduce the price of gasoline, and they are opposed to that. They smile when the gasoline prices are up; they frown when gasoline prices are down.

They also opposed the Deep Ocean Energy Resources Act. This is where we drill more than 100 miles off the shores of America. And 156 Democrats, including the Democrat leadership, opposed this bill of expanding our production so that we could reduce the cost of energy in America.

The Democrats have no plan for reducing energy other than just saying we are going to get rid of imported oil. Well, how do you do that? You have to impose, what, restrictions on trade? No, the better way to do it is to allow the free market system to work, develop new technologies, like cellulose ethanol.

I met this morning with a Kansas company that is going to develop a new technology for cellulose. And I want to tell you about that for a minute. Cellulose, or excuse me, ethanol today is produced from the kernel of a corn, is the example I use. The kernel of a corn. Once it is processed, there is a by-product they take to the feed lot, and it is very good for the cattle. Right now, the cost of ethanol is somewhere around $2 to produce, sometimes it is $3, based on how much they can get for their by-products. But if we can successfully develop this cellulose, they not only use the kernel, but they use the cob, they use the husk around it, they use the stalk, they use the tassel, and they can even use the root. And they can chop all that up and process it and use that cellulose to make the ethanol.

If the technology advances, as it is proposed, they can produce it not for $4 a gallon, not for $2 a gallon, but for $1.07 per gallon. Some believe they can get below $1. Can you imagine how nice it would be if we could go to the gas pump and buy E–85, 85 percent ethanol, 15 percent gas? Fifteen percent of that would be $3 a gallon, and 85 percent would be at $1 a gallon. What is the composition there? It is significantly lower than what we are seeing today. It would be below $2 a gallon. That would be a good step forward to reducing the cost of energy.

But those research and development policies, those new ideas were opposed by the Democrats. We are trying to lower the price of fuel; they are opposing us every step of the way.

Mr. DOOLITTLE. If the gentleman will yield. You know, ethanol is very exciting. The President has proposed the hydrogen initiative, which the burning of hydrogen has no by-product except good old H2O coming out of the tailpipe. These things, I know, sound futuristic, but, actually, hydrogen fuel cells exist. I drove a hand-built, million dollar Toyota Highlander around Roseville that was a hydrogen fuel cell. It was quiet and powerful. It was excellent.

Now, one of the problems that is not quite worked out is they do not have the longevity they need to have. But it is the Republicans' intent to get us completely off of petroleum. We shouldn't have to be dependent on something that comes from foreign countries, who, by the way, for the most part, are hostile foreign countries. And it is time that we, just as a matter of national security, get off of our dependence on oil.

We are moving, I am voting, and I believe you are too, just as fast as we can to get into something else. And there are some transitional technologies, like the gas-electric hybrids, like the E–85, like the vehicles that are battery powered that move people around their own local community. We have two such communities now that are approved for, I think they call them EAVs, and those are my communities of Rockland and Lincoln, which are both approved for that. We have the hydrogen area going on in Lake Tahoe, one of the five or six or eight areas in the country where they are doing research work on the fuel cells.

There are lots of exciting things. But in the meantime, though, as the gentleman pointed out initially, and we are going to push these alternative technologies, solar and wind and all of them as far and as fast as we can, but in the meantime, we need to continue to develop the new sources of petroleum.

One of the problems we have, as the gentleman observed, we haven't built new refineries in the last 25 years. It is true that we have expanded capacity within the existing locations, so that has helped us get through what would otherwise be an insurmountable problem. But the fact of the matter is that now third world countries like China and India are coming into their own. There is greatly increased competition for petroleum.

This country has increased its gasoline usage enough that if you have a natural disaster, like we had last year in the Gulf of Mexico, where we have quite a bit of refining capacity, then we don't have enough, and then there is a shortage and then the price goes way up. We ought to, just to protect our national security, develop more refinery sites.

And it is true that the Democrats tend to oppose this every step of the way. And what happens then, when we do get these huge price spikes, people need to understand that we could avoid a lot of that if we took some steps now and built some more refineries. We could avoid a lot of that if we would drill in ANWR. Fortunately, we made the biggest discovery of new oil in the gulf since the discovery of oil at Prudhoe Bay, and that just happened here in the last week, so that is very, very fortunate, but we ought to be enacting this deep water bill that Mr. POMBO has sponsored out of the Resources Committee because it would vastly increase the reserves of petroleum and natural gas and would lower the price for people in this country. And it would be a huge boon.

It is frustrating to see that there is such partisan antipathy towards, and almost unanimous opposition from the Democrats to us moving ahead. It just slows down our ability to get things done.

Mr. TIAHRT. And you are talking about the contrast that we have between the philosophy the Republicans have, trusting people, believing in the free market, and the philosophy that the Democrats and liberals have of telling people what to do because they are not smart enough themselves.

There is a real good article that was in today's Washington Post that was written by George Will, and it talks about a Wal-Mart that is located in Evergreen Park, Illinois. This is a suburb just a few miles from Chicago's city limit, and that suburb is 88 percent white. But at this Wal-Mart, 90 percent of the customers are African American.

Now, one of the women that were interviewed there was pushing a shopping cart, and she had a 3-year-old along, but she had kind of a chip on her shoulder. And she told this interviewer that, well, she applied for a job here and they didn't hire her because the person that was doing the hiring had an attitude. So the interviewer says, well, why are you here? And she looks at the questioner as though he was dimwitted, and directs his attention to the low prices at the DVDs on the rack next to her. Well, it turns out 25,000 people had applied for the 325 openings in that store.

Now, this really vexes the liberals, according to what Mr. Will says in his article, liberals, such as John Kerry. He called Wal-Mart disgraceful and symbolic of what is wrong with America. What is wrong with America.

That is kind of puzzling, because the median household income of Wal-Mart shoppers is under $40,000, but it is a huge job creator. In fact, they have 1.3 million jobs, almost as many as we have people in uniform for the entire U.S. Army. And according to a McKinsey Company study, Wal-Mart accounted for 13 percent of the Nation's productivity gains in the second half of the 1990s. In other words, Wal-Mart was one of the reasons the Clinton administration looked so good economically, yet they think that is what is exactly wrong with America.

The article goes on to say that they have accounted for more than $200 billion in savings a year, which dwarfs the government's programs for the poor, of food stamps of $28.6 billion and the earned income tax credit of only $34.6 billion. In other words, Wal-Mart has increased the standard of living for working poor people and people who earn below $40,000 here in America. In fact, people who buy their groceries at Wal-Mart save 17 percent.

Now, I am not here to advocate for Wal-Mart, but I am here advocating for the free market system and contrast the Democrat policies with the Republican policies.

The Chicago City Council, unconcerned about the sales tax they would get, passed a resolution saying that Wal-Mart would have to pay certain wages. They wanted to dictate the wages. They wanted to tell them what to do and to tell them what benefits they were going to give. Wal-Mart said, if you are going to do that, we are not going to build any stores in Chicago, so Mayor Daley vetoed that.

But the liberals think their campaign against Wal-Mart is a way of introducing the subject of class warfare in the American political process. They are more right than they realize, but it is not how they anticipated. Before they went after Wal-Mart, which has 127 million customers a week, they went after McDonald's and tried to sue them for people being too fat. They have 175 million customers per week.

Then, in an article written by the liberal magazine American Prospect, they gave full page ads talking about who was responsible for lies, deception, immorality, corruption, and the widespread labor, human rights, and environmental abuses, and having brought great hardship and despair to the people and communities throughout the world? What villain were they talking about? Were they talking about North Korea? No. Were they talking about the Bush administration? One would think that would be one of them, but, no. Were they talking about Fox News network? No. They were talking about Coca Cola.

The liberals are opposed to the free market system. They are opposed to a company like Coca Cola, which sells 2.5 billion servings of Coca Cola every week.

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It goes on to say when the liberal Presidential nominees consistently failed to carry Kansas. And I am from Kansas. Liberals do not rush out to read the book titled, "What's the Matter with Liberal Nominees." No, they look to a book turned into a best seller that is called, "What's the Matter With Kansas?" And it ends with saying, notice the pattern here, the book "What's the Matter With Kansas?" says that the people in Kansas don't get it.

They vote for conservatives, they should be voting for liberals. People are going to vote for people that they feel best represent their ideas of supporting the free market, personal liberty, trying to give them the opportunity to make their dreams come true.

Liberals want to tell even places like Wal-Mart and McDonald's and Coca-Cola and voters what to do. So there is a sharp contrast between the Republican and Democratic Parties.

It carries over into Federal spending control. Republicans have had strong plans to hold the line on nondefense, nonhomeland security spending. Even in time of war, when we have a threat of terrorism, we want to make sure that we protect this country. But when it comes to the other part of the government, we are holding the line on spending.

Last year, in the Appropriations Committee that Mr. DOOLITTLE and I serve on, we eliminated 53 programs, saving taxpayers $3.5 billion. We cut earmark spending by $3 billion without any legislation, and we passed, each year, our bills on time, under budget, and avoided massive year-end omnibus packages.

Mr. DOOLITTLE. Nondefense discretionary spending was cut for the first time in 19 years. Ronald Reagan was President the last time that happened.

Mr. TIAHRT. House Republicans also proposed 95 program terminations for a savings of $4 billion. This year, Members' requests for projects was reduced by 37 percent, and the dollars spent on projects declined in every spending bill. Overall, spending on Member projects was reduced by $7.5 billion this year.

Mr. DOOLITTLE. And the increase in mandatory spending, and two-thirds of the budget is mandatory spending, we slowed the growth rate of mandatory spending for the first time in 9 years. 1997 was the last time that happened.

Those are two huge accomplishments.

Mr. TIAHRT. Today, through the rules of the House, we enacted earmark reform to make sure there is clarity and visibility in what we are doing through the earmark process.

In contrast, the Democrats have no plan. They have not proposed any plan to improve mandatory spending programs. They have tried to add $45 billion in new spending in the Appropriations Committee alone. More was attempted to be added on the floor, and over the past 4 years, the Democrats, had they been in control, they would have increased discretionary spending by over $106 billion.

They voted against the Deficit Reduction Act. The Democrats unanimously voted against H.R. 4241 in November of 2005. The final vote was 217–215. The Republicans held the line on the deficit. We reduced it.

The Line Item Veto Act, which would save money, 156 Democrats, including the Democratic leadership, voted against it. The final vote was 247–172.

Earmark reform bill, H.R. 4975, Lobbying Accountability and Transparency Act, 192 Democrats were opposed to that act, including the leadership.

To make matters worse, they are eager to raise taxes which will have a horrible impact on the economy. They want more revenue to increase government spending. That is what they propose.

In our final time here, I want to talk a little bit about the September 11 resolution that was passed yesterday on the floor of the House and show the contrast.

JOHN BOEHNER said on Wednesday, when we adopted this overdue resolution marking the fifth anniversary, but only after a lengthy and partisan debate which further exposed the sour relationship between the Democrats and the Republicans, we finally passed the bill. Why was there some opposition to it? According to JANE HARMAN, a Democrat from California, "I wish we could have considered a different resolution today."

I thought we ought to spend a little time talking about that resolution.

House Resolution 994 was a commemoration of the fifth anniversary of September 11. Most was very generous and general in its verbiage. For example, the resolution, "Expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001." No problem with that.

"Whereas on the morning of September 11, 2001, while Americans were attending their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington."

No problem there.

It talks about the nearly 3,000 lives that were lost and about how it was al Qaeda who declared war on us, which is all in the news and everybody agrees. Why was it controversial? It was controversial because the resolution talks about what the Republicans have accomplished to respond to the terrorist threat.

"Congress passed and the President signed numerous laws to assist victims, combat the forces of terrorism, protect the homeland and support members of the Armed Forces who defend American interests at home and abroad, including the U.S. PATRIOT Act of 2001 and its 2006 reauthorization, the Homeland Security Act of 2002, and the Enhanced Border Security and Visa Entry Reform Act of 2004, the Maritime Transportation Security Act of 2002, and the Intelligence Reform and Terrorism Prevention Act of 2004."

Now the Democrats don't want the people in America to be reminded that Republicans have responded to the threat and passed good legislation which has become effective and now is making a difference. It is hard to argue with success. We have not had a successful attack in the United States of America since September 11, 2001.

I have heard it said on the floor, we are not safer than we were before September 11, 2001. I say we are safer than we were before September 11, 2001. Thanks to the Republican leadership and the President of the United States, thanks to the young men and women in uniform who have taken the fight to the terrorists.

This battle is going to be fought somewhere. The al Qaeda membership tells us that on their Web sites, in their interviews, and when we catch their data off laptops or printed material. They are going to bring this fight to us.

I observed an interview in Guantanamo Bay at the facility there. I heard through an interpreter what one al Qaeda member said while sipping tea while being interviewed. He said, "When I get out of here," not if, but when, "it is death to America, death to America, death to America."

Now there are many people here that think we are going to be safe, these guys are just criminals. We don't need to be in Iraq. I have to tell you, for one, I hope that this war is fought over there where the terrorists are, where every American carries a gun instead of fighting it on the streets of Washington, D.C., or New York City or Wichita, Kansas. For us to get out of the Iraq early would be a horrible mistake.

The stated goals of al Qaeda and Al Zawahiri, the spiritual leader for bin Laden, he said our stated goal is to get the Americans out of Iraq. They could declare victory if we took the policies that the Democrats have been reporting of leaving Iraq and getting out. We have to complete this job.

There will be a time to leave Iraq when the country is a safe democracy, when it is controlling its own borders, when it is controlling its own criminals, when it has a government that continues to be effective as a democracy. That is when it is time for us to get out. We cannot afford to allow a safe haven for al Qaeda, and that is their stated goal. By pulling out early it would simply give them a victory and make us less safe.

This battle needs to be fought where every American carries a gun. That is what the 9/11 resolution was leading to. I supported this, but it was opposed on the floor by the Democratic leadership and the Democrats. But when the chips were down and everyone thought about November 7, a majority voted for this resolution.

Mr. DOOLITTLE. Osama bin Laden said the center of the war on terror is in Iraq, yet we hear Democrats asserting Iraq has no connection to the war on terror. Osama bin Laden declared that, and that is why we need to understand it is important that we succeed in Iraq against the terrorists.

Mr. TIAHRT. The policy of Howard Dean and many of the liberals in the Democratic Party has been, let's not fight them, let's not capture them, let's not interrogate them, let's not bother them. If we leave them alone, they will leave us alone. We knew, going back into the 1970s when we were leaving them alone, that they were going to come after us. They came after us in Lebanon in the 1980s and they killed 241 of our Marines. They went after our embassies in Africa, they went after the USS *Cole*, they went after the World Trade Center in 1993, and came back in 2001. And since then, even though this country has not been attacked on its home soil, there have been attempts.

Thanks to our police force, the United States Government, the CIA, the FBI, those who try to protect us, the President and his leadership, we have not had a successful attack by terrorists on American soil since September 11, 2001.

The policies proposed by the liberal Democrats are dangerous for America.

The Republican policies will lead to a bright future where this country is safe, where the economy is strong, and where every American will have an opportunity to make their dreams come true. That is the stated goal of the Republican House. It was the very goal that we read, our vision for the future. I would like to close with that.

The vision statement is, "We will promote the dignity and future of every individual by building a free society under a limited, accountable government that protects our liberty, security and prosperity for a brighter American dream." That is what the Republican Party is about. That is what the Republican-controlled House is about.

We are pleased that we can talk to the American public and the Speaker tonight about what we have been doing to show the contrast and carry out the possibility for every American to pursue their dream successfully.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. As you know, the 30-Something Working Group has been coming to the floor for 3½ years with great intensity in the last 2 years because a lot has been happening to America versus for America as it relates to national policy in the area of health care, education, economic development, helping small businesses and large businesses provide health care insurance for their workers.

We can go from as large a company as General Motors having to cut back on their employee workforce and having to make major cutbacks at U.S. companies because of a lack of a policy dealing with health care. You can go all of the way down to the small business that only has 5 or 6 employees that are encouraging their employees to get on Medicaid because they can't afford to give them a package that is affordable for those individuals to provide health care insurance for their families.

Those of us in the 30-Something Working Group, we don't come to the floor to say Republicans, Democrats, Independents, what have you. We come to the floor to give the American people the straight talk and also Members of Congress straight talk about what they are not doing for their constituents and Americans in general.

We are the leader of the free world as it relates to a democracy, but our democracy and economy is suffering because of a lack of oversight, a lack of adhering to Article I, section 1, of the U.S. Constitution that says we are supposed to be the legislative body.

Mr. Speaker, I must say there are a number of Republican Members that are coming down to the floor because I can tell you, if I was on the majority side, I would be quite nervous right now. When the election is 50-some-odd days away and the American people are looking around and saying, why don't we have the essentials, such as a health care policy?

Why do we have a number of red and blue States suing the Federal Government over lack of funding for Leave No Child Behind?

Why do small businesses have to tell their employees to get on Medicaid, a government program, when they could provide health care insurance for their employees?

Why do we have veterans that are going to see a specialist at a VA hospital and have to wait over 3 weeks, in some instances 2 months, to see that specialist when they have a problem? Those individuals shed blood and watched their friends and colleagues and comrades die. Those individuals come here to the Washington Mall, right down the street from this Capitol, to see the names and sometimes visualize the faces of those individuals who lost their lives. These are individuals that may not have legs or arms. Some are living the memory of what they went through, but yet they have to stand in line.

If I was a part of the Republican majority, I would have an issue as relates to the wrong direction that they have led this country.

□ 2045

I wouldn't say the Republican majority has led the country in the wrong direction. They have followed the President in a rubber stamp atmosphere. They haven't stood up to the President and said Article I, section 1 of the U.S. Constitution says we have to legislate, we have to have oversight. So shall it be written, so shall it be done, by the President of the United States, and now we find ourselves in a situation that we have never been in the history of the United States of America. This is not political rhetoric, this is the fact. This is a fact.

Now we have a President that is running around here saying that he wants to privatize Social Security, if he has a Congress that would deliver it, a majority, in the next Congress. Now, I can tell you, the President came in, he had privatization, he had 2 privatization commissions that went out and tried to find information on how they can privatize Social Security.

We spent a lot of time in the first half of the of the 109th Congress last year trying out how we could please the President, the majority, how we could please the President by privatizing Social Security that would cut benefits for survivors, that would cut benefits for retirees and cut benefits for individuals that became disabled at the time of war.

The only winners in the privatization of Social Security would have been Wall Street to the tune of $530 billion. I can speak boldly here today. I don't have to look at notes, because I already know this. Those of us on the 30-Something Working Group had well over 1,000 townhall meetings throughout the country with a coalition of Americans, Democrats and Republicans to push back the President and the rubber stamp Congress and not allowing seniors not to have that security that they signed up for.

So I must say that this is not rhetoric, this is fact.

I just want to mention something, since I am joined here with my friend, Congresswoman DEBBIE WASSERMAN SCHULTZ and the 30-Something Working Group. We don't have to quote what Democrats have said about this Republican majority. We can quote the past Speaker of this House of Representatives, Newt Gingrich. There is not a day that you pick up the paper and he says he doesn't understand what is going on in Congress right now.

This is an individual, that led the quote, unquote, Republican revolution that took place. They were supposed to balance the budget, they were supposed to make sure that they have accountability, they were to make sure that they have maximum oversight. None of that has happened.

If I can just take, about, maybe 4 minutes, and just kind of go down the line, because I know the previous speakers kind of painted this picture that the Democrats are stopping something great from happening.

Well, I just want to break this down for the Members in case we don't understand the majority and minority rule here. We can't bring a bill to the floor, not that we don't have the desire to do so, it is because we are in the minority. The bottom line we are in the minority, especially in this partisan House of Representatives, because only the majority can allow bipartisanship, true bipartisanship. We have already said, if given the opportunity within a little bit over 50 days, that we would work in a bipartisan way starting in January, tackling the major issues.

Now, here are the facts, the only party in this House that has balanced the U.S. budget, the Democratic majority at that time, without one Republican vote. We balanced the budget. We were not borrowing from foreign nations. If someone wants to ask a question, why don't we have a true coalition in the war on Iraq? We don't we have the cooperation that we need to be able to go after Osama bin Laden and Afghanistan where poppy plants. I must say, Ms. WASSERMAN SCHULTZ, is the main funder of the al Qaeda network in Afghanistan.

Meanwhile, we have troops and coalition forces that are saying that we need help, and we cannot respond. The reason why we cannot respond, because we have this war of choice in Iraq. Over 2,000 Americans have lost their lives, the second largest coalition there outside of, without looking at notes, without looking at notes, the largest coalition that is there outside of the U.S. forces are, what, U.S. contractors, at the tune of over $300 billion that has already been spent on the war, as far as I can see.

Republicans on the majority side are saying, the super majority of Republicans, because I do believe a few of them have spoken out on the fact that we need a plan in Iraq. The plan is, is what the President has said, stay the course. If I was a CEO of a company, and we overspend, mismanagement, scandals as it relates to U.S. stockholders, I would say to the U.S. taxpayers in our case that have lost money, report after report, attacks are up in Iraq.

We have the President of Iran and the Prime Minister of Iraq, look at this right here. It is not a handshake, this is embracing. These two countries were at war. I have been to Iraq.

I have gone in the parade stadium that Saddam Hussein had where the helmets are embedded in the ground there as you march into that parade stadium, stepping on the helmets of Iranian soldiers, that they defeated Iran in past conflicts, and, look. This is the Prime Minister of Iraq that came and spoke at that podium, here, that the U.S. taxpayers paid for, democracy over 224 years, came there and spoke to this U.S. Congress in a joint session.

I was sitting right there. I remember it vividly. He had very disparaging comments to say as it relates to Israel, and he has gone on to Iran. What happened at that meeting, Ms. WASSERMAN SCHULTZ? He said, we have a bond, we have cooperation, and we are going to work together as it relates to defense for the region.

Here is a man, the President of Iran, that has said, I want to debate the U.S. President. Not only do I want to debate the U.S. President, we are willing to do everything that we have to do, and he has nuclear weapons right now that are in development that are pointed at our allies in the Middle East and could be a threat to the United States of America.

When we started talking about the facts, we have a notebook of facts. As a matter of fact, we have a whole milk carton here of facts. The fact is that the Republican majority can't come when they have full control. It couldn't be better. It could not be better. How can you have the majority in the Senate, a majority in the U.S. House, the presidency of the United States of America, all of the cabinet secretaries are on board, and it is a streamline. It is a streamline of rubber stamping.

The President sits in the Oval Office, and we have evidence that the private sector is welcome to the Oval Office, those individuals, special interests, I wouldn't say private sector, I say special interests that are sitting at the table, that are taking out their pens and writing policy, and they send it to Capitol Hill.

When they send it to Capitol Hill, they are met at the front door. The Republican leadership says, Mr. President, if you say that this is the right thing to do, without a hearing, if a hearing even takes place, because we have had bills that have come through the door of the U.S. Capitol, and have been on the floor by the afternoon, this brings a whole new meaning. Members, to that old cartoon that says, I am just a bill on Capitol Hill, and it goes through a process.

Guess what, that whole cartoon has to change now, because that is not the case. It talks about the House and the Senate, and it says it goes to the President, the President vetoes it, it comes back to the House and Senate, they want an override, and it becomes law.

But in this new version on Capitol Hill, first of all it starts with the writing of the bill of a special interest here in Washington, D.C. The special interests write the bill and someone over in the White House says, oh, would you, okay. That is fine. This is good. Okay, done. That is not a democracy. It comes here, and it goes through the process, and it starts with a special interest. So we have to rewrite that cartoon.

I look forward to Ms. WASSERMAN SCHULTZ. You said tonight you wanted to talk a little bit about the homeland. You ran out of time last night as to some of the facts.

I also have some other facts over here, but I think it is very, very important, as we start looking at www.HouseDemocrats.gov/30Something, our whole plan as it relates to moving America in a new direction versus the wrong direction. Like I said at the beginning, I would be very nervous if I was a Member of the majority side. I would be very nervous, and I would run down to the floor and take every minute that I can take, every hour that I can take on the floor, trying to come up with the words of how they explain why things are not what they should be in the war in Iraq, in Afghanistan as it relates to, you know, Osama bin Laden releasing audiotapes and members of his regime, audiotapes constantly, videotapes, why we don't have health care in America, why do we have a number of red and blue States suing the government, lack of Federal education funding, why small businesses can't provide health care, why we have an out-of-control deficit.

Why don't we have bipartisanship here in the U.S. House of Representatives that the American people have asked for? Why do we have veterans that are waiting for weeks, months sometimes, for health care?

Why, in our own words, why aren't we dealing with meaningful legislation in the last 8 days of this Congress?

Ms. WASSERMAN SCHULTZ. Thank you very much to my good friend, Mr. MEEK from Florida, friend and neighbor. It is funny, before we started this hour for our 30-Something Working Group, we had an opportunity to listen to our good friends on the other side of the aisle, and their rhetoric.

I was reminded of the Doug Flutie "Hail Mary" pass. I think Mr. Flutie played for the New England Patriots in that game, and it was that "Hail Mary" pass that was pretty darn memorable.

Mr. MEEK of Florida. Actually it was Boston College, and it was with the University of Miami.

Ms. WASSERMAN SCHULTZ. You are right. I stand corrected. You are probably a little bit more accurate on your football knowledge than I am. But I do remember the Doug Flutie "Hail Mary" pass.

That is what our colleagues on the other side of the aisle are engaged in at this point, they are out of options. They are trying the tired path of scare tactics to try to convince the American people that they are actually the ones who are strongest on national security and homeland security.

There is just too much evidence mounted against them that is transparent and apparent to the American people, that they see it every single day. All anyone has to do is turn on the news, any channel, any hour that the news is on, to see that things aren't going so well and "stay the course." All "stay the course" amounts to is a slogan, not a strategy.

If "stay the course" is their strategy, then I feel incredibly confident about what will happen 54 days from now. Everywhere I go, and I have been all over the country, so have you in recent weeks and months, people, even the most conservative individuals who I have had an opportunity to talk to, are dumbfounded that the Republicans have led us down this path, and are trying to lead people in America to believe that they are moving us in the right direction on protecting our Homeland.

Monday was the 5-year anniversary, as you mentioned, of September 11. I was home, and I mentioned the last couple of nights that I was home with our first responders commemorating that tragic set of events. One of the most disturbing things, what we did was we actually did a roundtable with our first responders and sat down and asked them, where are we 5 years later? Are all the things that we said and identified that were problems in the aftermath of 9/11, have they been addressed, are we working on them, what do you still need?

We really have to listen, that is our job, because we need to listen to our first responders and find out from them what is really going on the ground. I remember, I am sure you do too, that one of the most significant problems that was identified that has been talked about across this country is the interoperability, which is a word that is difficult to understand. That means the inability for the first responders on 9/11 to communicate with each other while the event was unfolding.

That was one of the major, major recommendations of the bipartisan 9/11 Commission that we had to fund and improve the interoperability so that across all of the jurisdiction, all of the intelligence and law enforcement jurisdictions, that there could be communication.

□ 2100

The FBI couldn't talk to the firefighters, couldn't talk to the police officers. And today, 5 years later, that is still not in place. Even though it was a recommendation of the 9/11 Commission. And it boils down to funding. You have to fund it. There is no way around it, there is no other way to accomplish it.

But what are we doing instead? What are we spending our money on? Let's look at what the war in Iraq currently costs.

Currently we are spending $8.4 billion with a B a month. We are spending $1.9 billion per week in Iraq on this war, $275 million per day, $11.5 million per hour.

Mr. MEEK of Florida. We are going to lay this on the table here, so the U.S. taxpayers know what they are paying for and also the Members know what they are paying for.

Ms. WASSERMAN SCHULTZ. Let's remember this picture. We have funded this relationship. We have made this relationship between the Prime Minister of Iraq and the President of Iran, we have made that happen. These were sworn enemies. During our formative years Mr. MEEK, Iraq and Iran were at war, bitter locked-horns war. If you recall, it was the Sunnis led by Saddam Hussein in Iraq versus the Shiites in Iran.

What has occurred is that we have done by our actions in Iraq what thousands of years could not accomplish. We have basically upended the stability that existed there and brought the Shiites into control, and basically created a hotbed of chaos and terrorism that didn't exist before.

Now, our colleagues on the other side of the aisle and President Bush would like very much to lead the American people and the international community to believe that the war on terror actually exists in Iraq. But every international expert that has weighed in on this insists that that is not the case; that the chaos that exists there now was created and that the war on terror doesn't need to be fought in Iraq. The way we fight the war on terror is making sure that the homeland is secure. But we can't do that, because our priorities are in the wrong place and we are spending this kind of money in Iraq.

I could stand here and make these claims all day long, but nobody would identify me as an expert on terrorism or on the conflict, the war in Iraq. I am a Member of Congress, elected to represent my constituents.

So let's turn to the people that we did ask to identify the problems in the aftermath of 9/11 and the war on terror and the things we needed to do to protect our homeland, The bipartisan 9/11 Commission, which was chaired by former Governor Tom Kean of New Jersey, a very well respected Republican, and former Member of Congress Lee Hamilton, a very well respected former Member of Congress. All the commissioners on there were chosen for their expertise.

Let me just go through what they said on Monday. They wrote a public opinion piece, an op-ed that was published in the Boston Globe and I know many other papers, and what they said this:

"As we mark the fifth anniversary of the terrorist attacks, Americans ask, are we safer? Two years ago the 9/11 Commission found that our government failed in its duty to protect us. The commission, which the two of us led, made 41 recommendations to ensure that this Nation does everything possible to protect its people. Many of our recommendations, including those to reorganize the intelligence community, were written into law, yet no law is self-executing. Implementation is often the harder step."

And, boy do we know that, because it is the Congress' job to implement. All the recommendations in the world can come down from experts, but if Congress doesn't pass a law, like you said, the schoolhouse rock explanation of it has to go through the legislative process, it has to pass the committees, it has to pass both houses in the same form and go up to the President and he has to sign it, that hasn't happened.

What they said is, "We issued a report card on our recommendations in December. It included 10 C's, 12 D's and 4 F's. What we argued then is still true now, Americans are safer, but we are not yet safe."

That was the one question that I got the most often on Monday, Mr. MEEK, was, "DEBBIE, are we safer?" I got asked that question by the press, I got asked that question by constituents, and the answer from the people that would know, the chairs of the 9/11 Commission, was we are safer, but we are not yet safe. Now, that is not a ringing endorsement over our efforts in the last 5 years.

So they asked, what do we need to do, because that is what people want to know.

"First, homeland security dollars must be allocated wisely. Right now those funds are spread around like revenue sharing projects."

We had our friends on the other side of the aisle claim that they passed this remarkable earmark reform legislation today, which essentially only identifies a few individuals and ties them to the projects that they proposed. But basically what the 9/11 Commission is saying is that there are a bunch of little projects that Members have been able to insert into the process, but no regional or comprehensive approach to appropriating homeland security dollars so that you can get the really big, significant projects accomplished, like interoperability.

"Until Congress passes a law to allocate funding on the basis of risks and vulnerabilities, scarce dollars will continue to be squandered." This is Tom Kean and Lee Hamilton's words, not ours.

"Second, States and localities need to have emergency response plans and practice them regularly. Hurricane Katrina taught us a lesson that we should have learned from September 11: From the moment disaster strikes, all first responders need to know what to do and who is in charge." And if the directions were coming down from the Department of Homeland Security and Secretary Chertoff and there was a plan in place and we had our priorities right, then they would know that. But there isn't

"Third, we called on Congress to give first responders a slice of the broadcast spectrum ideal for emergency communications." Again, the interpretability so they could communicate with each other.

"Those frequencies, which easily carry messages through concrete and steel, are now held by TV broadcasters and will not be turned over to first responders until 2009." What are we waiting for? They ask, "Why should public safety wait another 3 years?"

"Fourth, progress on information sharing among government agencies is still lagging. Because of failures in this area, we missed many chances to disrupt the September 11 plot. The Federal Government is doing a better job, but there are still turf fights and gaps in information sharing, especially with State and local authorities."

Mr. MEEK, that was one of the things that was the most striking to me on Monday when I sat with our first responders in South Florida. What they said was that only 15 percent of their funding for homeland security comes from us, from the Federal Government. Eight-five percent of what they were able to accomplish in the last 5 years was only due to the fact that our sheriff's office and our county have been very cooperative and stepped up to the plate and gotten what they needed to do done. But there is a long way for them to go, and there is no excuse for only 15 percent of the funding coming from the Federal Government to secure our homeland, except that we have billions of dollars going over to Iraq.

"Fifth, FBI reform is moving in the right direction, but far too slowly. Problems continue to plague the Bureau. Inadequate information technology, deficiencies in analytical capabilities and too much turnover in the workforce and Bureau leadership. The bureau still struggles.

"Sixth, we have taken a special interest in the Privacy and Civil Liberties Oversight Board, which we recommended and the Congress created. The importance of a second opinion before the executive branch goes ahead with controversial information gathering measures is essential."

That just has not occurred. In fact, the majority is moving in the opposite direction.

"Seventh, we still do not screen passengers against a comprehensive terrorism watch list before they get on airplanes. The sensible answer is for the government to do the name checking. Right now, airlines screen passengers against an incomplete list."

How is that possible? What I have noticed and what Americans really, if they were asked, if we went out of this Chamber and walked down the street and we asked most Americans what they can identify as the most tangible thing we have done to improve our homeland security, they would probably answer that they have to remove their shoes before they walk through a metal detector and they have to check their Coke at the door.

We cannot rest our homeland security, the sum total of it, on taking off your shoes and not taking your Coke on the plane. We have to go much further than that. We don't check the cargo that goes in the belly of the airplane, we check less than 5 percent of the containers that go through our ports, and we have some graphical depictions of that as well.

Look at this. Less than 6 percent of U.S. cargo is physically inspected; 95 percent is not inspected.

Let's take a look at some other statistics. This Republican Congress has shortchanged port security by more than $6 billion. The Coast Guard indicated after 9/11 when they talked about how much they needed for the Maritime Transportation Security Act that they needed more than $7 billion. We have appropriated $900 million, Mr. MEEK. The facts are all there. The words are spoken on the other side, but the facts just don't back it up.

I am going to go through the last couple of items, because this is so damning. And this isn't coming from Democrats, this is coming from the bipartisan chairs of the 9/11 Commission, and they wrote this Monday.

"Eighth, security is not just a question of airplane procedures," like I was just saying. "The fundamental problem is radicalization in the Muslim world. The enduring threat is not Osama bin Laden, but young Muslims without jobs or hope who are angry with their governments, who don't like the war in Iraq or U.S. foreign policy. We need to do a better job reaching out to the Muslim world so that America is seen as a source of hope and opportunity, not despair."

Now, one of the worst things that has happened since our invasion of Iraq is the decline in the perception of America's standing in the world. We have so degraded our relationships with foreign nations and world leaders and the perception of America has so badly deteriorated that you have young Muslims and young individuals across the globe who have a view of America that is the opposite of what kids worldwide and individuals worldwide looked at America when President Kennedy, President Johnson, President Reagan were in office.

What this administration and this President have done to the perception of America internationally is abominable.

"Ninth, Congress needs to reform itself." Now, this is very interesting. This is one of the most particularly damming recommendations and criticisms coming from the 9/11 Commission chairs.

"Congress has provided powerful powers to the executive branch in order to protect the Nation. To protect our freedoms, it now needs to be an effective check on the executive. Because so much information is classified, Congress is the only source of independent oversight on intelligence and homeland security issues. The oversight committees need stronger powers over budgets and jurisdiction."

That says it all right there, Mr. MEEK. The leadership of this Congress, the Republican leadership of this Congress, has ceded the Congress's oversight authority to the executive branch. They have thrown up their hands and given up and said, you do whatever you want, because what are they, Mr. MEEK? They are a rubber stamp Republican Congress and they do whatever the administration wants. They lay down and do whatever they ask. And it even shocks the conscience of the chairs of the bipartisan 9/11 Commission.

When the Founding Fathers wrote the Constitution, they wrote it so that there would be a system of checks and balances, so that we are a coequal branch of government. Only this administration and this leadership in this Congress don't seem to want to adhere to that.

"Finally," they say in this piece, "preventing terrorists from gaining access to nuclear weapons must be elevated against all other problems of national security." Just like you were referring to a few minutes ago.

They ignore North Korea, they ignore Iran. They are doing a lot of handwringing over Iran because we are spread so thin militarily, and, Mr. MEEK, you are on the Homeland Security Committee, you would know better than anybody else, that we are spread so thin militarily that we don't even have all the tools in our arsenal available to us, because we are all over the place worldwide militarily.

"Nuclear terrorism would have a devastating impact. The commission called for a maximum effort against this threat, including stepped up efforts to secure loose nuclear materials abroad, and our current efforts fall far short."

They close by saying, "We will surely face more terrorist attacks, yet our sense of national urgency is lacking. Our elected leaders need to act now to provide for the common defense, because the terrorists will not wait."

If that isn't a damning indictment of our efforts in homeland security and the Republicans' inaction, then I don't know what is.

Mr. MEEK of Florida. Well, Ms. WASSERMAN SCHULTZ, I think it is important for me to just share some information with the Members, Mr. Speaker, is the fact that what Ms. WASSERMAN SCHULTZ has just gone through is not only factual, it wasn't written by the Democratic minority, it wasn't written by some person over at the Democratic National Committee. This is from the 9/11 Commission, and they just recently released it, a bipartisan commission.

Number two, it is almost not fair, Mr. Speaker, for us to share this information, not only with the Members, but with others, because it is so accurate and it is unfortunate that it is accurate. At no other time in the history of this country have we found ourselves in this posture.

□ 2115

Now, Members can come to the floor and start talking about what we are going to do with other countries. We owe other countries money. We are borrowing from other countries like we have never borrowed before in the history of the Republic, and that is the reason why we feel encouraged to come to the floor night after night, day after day, week after week, month after month, year after year, and put it on printed paper in the CONGRESSIONAL RECORD. So when historians look at this time and wonder where was the U.S. Congress when all this was happening, I believe that historians are going to look back on this time and say the American people rose up, Democrats, Republicans, independents, those that could not vote that made themselves eligible to vote to stop this from happening.

Now, Ms. WASSERMAN SCHULTZ mentioned something about military preparedness and the fact that we cannot even respond to other issues that may happen in the world. I am on the Armed Services Committee, and we come to the floor to conduct serious business. This is not some sort of news show where someone asks you a question, some sort of trick question, and you try to respond within 3 minutes. This is the U.S. Congress. This is not a 501(c)(3). I talked about that last night.

What we have here, Mr. Speaker, is a rubber stamp Congress that is willing to rubber stamp anything that the President sends to Capitol Hill. It is very unfortunate that this is the case. And because of that, we have ourselves in this situation.

Under the leadership of the President and the Secretary Rumsfeld, U.S. military readiness has dropped to historic lows. The U.S. Army readiness, in particular, has dropped to levels not seen since 1970 and will continue to be stressed by combat in Iraq which falls most heavily on the Army and Marine Corps. Two-thirds of army operating force, active and reserve, is now reporting in as unready, and there is not a single nondeployment of an army brigade combat team in the United States of America that is ready to be deployed.

What is the reference point here? It is not the Democratic National Committee. It is not even the Democratic Caucus. It is the National Security Advisory Group. When? August 1 of 2006. These are individuals that are supposed to be the watchdog of national security. That is with what they are saying.

How did this happen, Mr. Speaker? It didn't happen because the Army and Marines said, Hey, we want to overextend ourselves and we want to put ourselves in a position to where every brigade has been deployed to Iraq. This is the situation that we are in when we go alone.

Now, let us just put Iraq aside just for a second. When you look at the testimony and those retired generals that are now free to say whatever they want to say since they are no longer in the Department of Defense, and, Mr. Speaker, I must say for the record, Secretary Rumsfeld just said recently, the last couple of days, anyone who comes to him about the issue of redeployment within the Department of Defense can go find another job, in so many words. Was there a chairperson of a subcommittee in Armed Services or the Appropriations Committee as it relates to armed services, the Department of Defense? Was there the Chair of the full Committee on Appropriations in the U.S. House? Was there a Chair of the Armed Services Committee that said wait a minute, hold it, I am sorry? Is this the same administration and the same Secretary of Defense that said we take our lead from the commanders in the field and from those experts that wear the uniform that have made a statement such as that? If I was a four-star general, a three-star general, or want to be a three-star general, a two-star general or a brigadier general or a colonel that wants to one day become a colonel, I think I may step back and say, well, one of two things. Either I am going to be quiet in the Department of Defense in this democracy that we call the United States of America or I am going to retire. Guess what. These generals have retired and they are talking, and they are talking about their frustration. These heroes for our country are now taking it upon themselves because they allowed us to this point to salute one flag, and they said they will give up their careers and they will step out of the Department of Defense to be able to let the American people know what is going on.

Look at these generals. Look at them. You would have some Members of Congress who say why are they speaking against the Department of Defense? Why aren't they still in the fight? Well, they are in a fight for democracy and the truth. They are in a fight to make sure that the American people know exactly what is going on. They are in a fight for the very reason why people have fought and died for this country to allow the American people to know better.

Now, let me just mention something very quickly because I want to make sure that all of the Members know exactly what they need to know as it relates to the national security plan. Real Security, housedemocrats.gov/30something. You can go on there and get the Real Security plan.

Energy independence. Folks talk about Saudi Arabia. We, the Democratic Caucus here in this House, want to invest in the Midwest versus the Middle East. We want to use our natural resources. We want to use coal. We want to use E–85, which can be made out of corn and what have here in the United States of America. Energizing America. Go on housedemocrats.gov.

You want to talk about innovation? You want to talk about education? You want to talk about domestic issues? You want to even see quotes from CEOs, Democrats, Republicans, and independents, that are trying to find a workforce innovating America? You want broadband access throughout America? We are nowhere close to where the Republican majority and the White House have said we are going to be as it relates to broadband. Right here: Innovation Agenda.

We have six points, Mr. Speaker, in 2006 to make sure that American people know that we have the will and the desire to lead this country in a new direction versus the wrong direction. This is not talk. This is action. There are bills right now filed in the 109th Congress in this second session that will deal with the issue of education, health care, national security, the war in Iraq.

We have a plan for the war in Iraq. What is the Republican majority plan? Stay the course? That is one line. Stay the course. Stay the course what? What is your plan? Where is the coalition? You are in control. It is almost like someone driving a car and you are a passenger in the car. You are trying to grab the wheel, but meanwhile someone is there hitting your arm, saying, "You can't grab the wheel because we are in charge. We paid for this car. We are moving this car in this direction, and this is what we are going to do." And the bottom line is that may be okay in a trip from Washington, D.C. to Richmond, Virginia, but it is not okay when you are talking about the United States of America and protecting America.

You want to talk about what we want to do as it relates to homeland security? We want to implement what Ms. WASSERMAN SCHULTZ talked about, the bipartisan commission, the full 9/11 recommendations. What are they? Well, we have got individuals going to the plane, giving up hand sanitizers, guzzling down water, taking off shoes, belts, and what have you, having to leave a picture frame or something there at the Transportation Security Agency, TSA, there at the gate. Meanwhile a container comes in on a truck, a cargo container, goes right in the belly of the plane. It could be packed full of explosives. We will never know.

But it does not satisfy me in any way to come to the floor after a terrorist attack happens to say I told you so. That is not what the point is here. The point is it is protecting America by doing what the 9/11 Commission called for.

What else did they call for? Something very simple. Other countries are doing it. A 100 percent container check on cargo ships that are coming into the ports of the United States of America. Oh, wow, that is something simple. That are then loaded on trucks and that are going out to the United States of America in towns and cities and counties and urban areas throughout America. The terrorists are patient, very patient. 9/11 took a long time to plan. Why should we wait to learn what the terrorists' new plan may be?

There are Members on this floor that are making personal attacks on other Members of Congress. What are those personal attacks? Well, you know, we feel that the Democrats are holding us back and are they for the terrorists or are they for the United States of America? That is silly. I am just going to go ahead and say that is silly. I won't even go so far as saying that the Republican majority is helping the terrorists. I wouldn't say anything like that. But that is what happens, Ms. Wasserman Schultz, when you are gasping for air. When it is desperation.

Ms. WASSERMAN SCHULTZ. Doug Flutie.

Mr. MEEK of Florida. Thank you. A Doug Flutie Hail Mary pass when the clock has now hit almost 0:00 and trying to sensationalize a speech or just saying that, well, I will just say this even though it is not true. I know it is not true. And we even have Republican leaders that have made those kinds of statements and have been asked by the press about them and then said, well, I didn't really mean that, but they thought it was important for them to say it here in the Congressional Record in the House of Representatives for several generations to see beyond this one.

So I think it is important, Mr. Speaker, that we talk about the facts. And if I can for just a moment, the fact is this: We borrow from foreign countries like we have never borrowed before. And I think it is important that I pull this chart out.

This Republican Congress and President Bush, and he couldn't do it by himself, borrowed in 4 years $1.05 trillion; versus 42 Presidents, 224 years in the history of this country, have been only able to borrow 1.01. I will say that until the 109th Congress and beyond because in the 110th Congress, if the American people will see fit, we will pull this chart out again and we will talk about our guarantee to knock this number down. Forty-two Presidents, 224 years, World War I, World War II, other conflicts, the Great Depression, you name it, it has been a part of the history of this country. One the President, one Congress, $1.05 trillion, and counting, borrowing from foreign nations.

Mr. Speaker, where did we get these numbers from? Why don't we start with the U.S. Department of Treasury. Who are the countries? Let us look at this: Japan, coming in at a whopping $682.8 billion. China, coming in at $249.8 billion.

We have Members coming to the floor talking about we are going to be the superpower and economic power of the world. Guess what. We owe these people money. How could we go to them with a straight face and say this is what we are going to do and this is how we are going to do it because we are the United States of America? First of all, you need to let go of the money that you owe me as a country. You owe us. That is almost like going to your next-door neighbor and borrowing $300 and then coming to them and telling them about what kind of plants they should be planting in front of their house. How can you tell them, Mr. Speaker, when you owe them money? First of all, you can't even get into the conversation about what they should do and how they should do it as a country and working in whatever cooperation it may be. It could be a G–8 summit. It could be an issue dealing with the environment. They are going to say, First of all, before you even get that out, now that you are finished, when are you going to pay back this $682.8 billion you owe me as a country and my people?

So the Republican majority, with the White House, has placed us in a situation that we have never been in before. This is a rubber stamp. The Republican majority knows it. It is on the floor every night. Just like this mike is here, this Republican rubber stamp is here.

Mr. Speaker, one guarantee. When the Democrats take control of this House, we are going to have a ceremony maybe about 150 yards away from the Capitol building so that we can burn this rubber stamp, so that we can then hold up the Constitution, so that we can hold up article I, section 1 of the U.S. Constitution and say we will legislate. We will have oversight. We will not have Katrina contractors running away with U.S. tax dollars. We will not have a farm field full of trailers and meanwhile we have people in Mississippi and Louisiana homeless. This will not happen. We will not wait, as the Federal Government, for 3 to 4 days and watch people suffer on international television and then come back to Washington, DC, saying that we are sending blankets and ice and we just started.

□ 2130

We will be there for the American people. This Constitution here, Article I, section 1, of this Constitution says that we have the legislative powers of this country and it lands here in the Congress, the Congress that consists of the House and the Senate. But we cannot do it in a rubber-stamp atmosphere. If there is a Republican, Independent, Green Party, Democrat, somebody that is thinking about voting, somebody that is about to turn 18, they have to have a problem, Mr. Speaker, in the way this country is being operated.

Now, I am going to turn this over to Ms. Wasserman Schultz in a minute, but let's talk about dollars and cents, if we can talk a little bit about the whole domestic piece, the priorities.

There are some people that would love for us to talk about the war in Iraq. Well, guess what, there is pain and suffering that is going on right here in the United States of America every day from community to community, need it be a parish or a county, need it be a city or a town, or need it be a suburb, they are going through real issues.

Talk about the minimum wage. Here is a sheet right here, Mr. Speaker. This year alone, nine attempts by the Democratic Caucus to raise the minimum wage in America that has not been raised since 1997. Since 1997, $5.15 an hour. You know, it is very, very unfortunate, Mr. Speaker, that that is the fact. The Democratic plan that we have been pushing for a very long time is to move it from that number up to $7.25.

But look what happened, Ms. Wasserman Schultz. You would think these are minimum wage increases. Oh, no, Ms. Wasserman Schultz, Mr. Speaker. These are Members of Congress. Oh, yes. We are starting to buy a couple of new suits, a couple of St. Johns.

I am not calling anyone out, I am just saying that is what it is. And the bottom line is that since 1997, the Republican majority has been in control, they have been getting paid, and I mean paid, every year. And I am going to tell you, as a Member of Congress that has to keep a home in Miami and one here in Washington, D.C., it is a strain on Members of Congress.

And you know something, I don't think the American people have a real huge problem with the issue of Members of Congress being able to support their families, this, that, and the other. But when we don't support them, when we don't have their back, then that is the problem.

And I know, Ms. Wasserman Schultz, you are dying to get in on this, but let me just mention this. 1998, $3,100 for Members of Congress, zero for the American people. $4,600 for U.S. Members of Congress, zero for the American people. $3,800, zero for the American people. $4,900, zero for the American people. 2003 on to 2006, you see the numbers. 2006, $3,100, zero for the American people.

Now, let me just make sure I am factual, Mr. Speaker, because that is what we do in the 30-Something Working Group, because this is not about dancing in the end zone. The Republican Congress brought up a bill talking about the minimum wage, and they put together a bill that would not see the light of day in the U.S. Senate, would never see the desk of the President of the United States. But just to say that we passed a bill off the floor, that is what they wanted to do. Well, we called it the Potomac Two-Step.

And the bottom line is this, Mr. Speaker. The American people, they don't want slogans, they don't want talk; they want action. And this Republican Congress has not put forth the action.

Now, to let you know in very blunt terms as I yield to Ms. Wasserman Schultz, we are going to go 5 minutes and 5 minutes. I am into almost my fifth minute here, but I am going to turn it over to you.

Let me just say this. Within the first 100 days of a House majority by the

Democrats, the minimum wage will be raised, period. Not a lot of talking, not a lot of dancing around. The bill is already filed in this Congress. But, guess what, the Republican majority doesn't have the will or the desire to pass it.

And this is what it means for salaried workers: If the minimum wage moves up to 7.25, then you will see workers that are on salary that are making over the minimum wage, their wages will nine times out of ten go up. Because to be able to get a workforce to what businesses need, they need to pay their workers; that will then help hopefully pay for the cost of health care that they have to pay. Some folks have to make the decision, am I going to have health care or am I going to live? And that is very, very unfortunate. But what has happened in this situation is that the Republican majority has guaranteed that the minimum wage will never be raised, will never deal with the issue of health care because there won't be any dollars to deal with it.

So I think it is important, Mr. Speaker, to know exactly where we stand. Homeland security, fully implementing the 9/11 recommendations. Border security agents, the President sent to this Capitol Hill 216 in his budget; we ask for 2,000 border agents to be able to protect our borders just like the 9/11 Commission called for. If they were to implement the Democratic amendments that came to this floor that were voted down in a partisan way, the majority took over, we would have 6,000 new border agents working now on the U.S. border.

So when Members come to the floor on the majority side, on the Republican side and start talking about, oh, we are tough because we say we are tough. And the Democrats, they are holding us back. They are in the majority; that is not true.

I will go ahead and say it: That is not true, Mr. Speaker. And the bottom line is that, the fact is that we have come to this floor to bring about real security in this country; and we will in a new Congress if the Democrats are in control.

Ms. WASSERMAN SCHULTZ..

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK. And I didn't ask the gentleman to yield because you were on such a roll, and you did such an incredible job of laying out the difference between what their priorities are and continuing to run in place, or where we would take us, which is a new direction for America.

The bottom line is that on every measure, on homeland security, on the economy and jobs and the energy crisis, because there is no other way to describe when you have to spend more than $50 to fill up the average tank of gas, there is no other way to describe it except as a crisis. When you have that situation facing you, when you have 46 million Americans who lack health insurance, which means when they are sick they can't go to the doctor; when you have a President who is hell bent on privatizing Social Security and yanking the rug out from under seniors who have worked their entire lives so that they have a floor of dignity holding them, so that they don't have to worry about choosing between medicine and meals, then we have got to make sure that we come to this floor every night and that we talk about the direction that we would take them and that we would take this country.

Because we would invest in new alternative energy, we would invest our resources in new alternative energy research. We would make sure that the rhetoric that the President issued to us during the State of the Union, where he said we have to end America's addiction on foreign oil, that was just words with no action, that we will actually make that investment and invest in the Midwest, in ethanol and corn production and in our State and other States across the country that produce sugar so that we can really make a commitment to disconnecting ourselves from our dependence on foreign oil; so that we can actually make sure that we pass a prescription drug plan and change the one that the Republicans wrote for the pharmaceutical industry as opposed to the senior citizens that desperately needed the assistance, that we rewrite that plan so that seniors have the ability to pay for their drugs, so that there is no doughnut hole that on September 22 our constituents are going to be falling through and having an unbelievably difficult time climbing out of. Those are the things that we would do.

After November 7, the new direction for America that we will take this country in will restore that dignity to senior citizens, will make sure that we create a prescription drug program that provides them with the prescription drug assistance that they need, that will invest in the Midwest, that will expand access to health care, that will make sure that we can pass stem cell research into law, and restore the accountability that this Congress should have been exercising and the oversight that we should have been exercising.

I mean, really, why have a Congress? The way it has been operating since I have been here, Mr. MEEK, and I have been here almost 2 full years now, why have a legislative branch? The rubber stamp, the rubber stamp that is used here by the Republicans and their leadership, you know, it makes having a Congress essentially unnecessary because they just do whatever the administration wants anyway.

Listen, I could go home and spend a lot more time with my family than come here and waste our time on naming post offices and banning horse slaughtering. And not that those things aren't important; they are important to some people, but they are not the priorities of this country. They are not the priorities of the people when we go walking down the street in our communities and when I go and take my kids to their soccer game and to dance class, when I get in my car and drive my minivan around town.

The people that I talk to, they don't get it. They are scratching their heads, and they don't understand the rhetoric that is coming out of here without any action, and they are yearning and begging us to give them a new direction. We have got to provide them with that new direction.

Mr. MEEK, we come to this floor every night as the 30-something Working Group, and I know we are about to wrap up here as we approach the end of our 60 minutes. We really appreciate the opportunity that Leader PELOSI gives us every night. And I want to direct our colleagues to our Web site, our 30-something Web site, www.housedemocrats.gov/30something. All of the charts that we have had out here are available on that Web site, and we encourage folks to e-mail us with comments and our colleagues to e-mail us with comments.

Mr. MEEK, I yield to you.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ.

I want to thank the 30-Something Working Group for all the hard work. And we will be back next week. Mr. Speaker. We would like to thank the Democratic leader for allowing us to have the time.

NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and the honor of addressing you here on the floor of the House of Representatives.

I was listening to the presentation by the 30-Something Group here over the last hour, and quite often it redirects the message that I intend to come down to this floor to discuss, and of course this evening is no different.

Being a proud and committed member of the Republican Party, and when I hear continually the message, rubber-stamp Congress, rubber-stamp Congress come out over here, and in the same breath the question, the President wants to privatize Social Security.

I don't know anybody that has advocated for the privatization of Social Security. I don't think you can find any seated Member of the Republican Congress or the President himself that has said, I want to privatize Social Security. So that is a scare tactic that is designed to spook people, but it surely is not something that is an objective revelation of the truth.

The President did, though, invest significant capital in reform of Social Security. It was the centerpiece in his second inaugural address. And after his second inaugural address, with great optimism and enthusiasm, the President went out and invested month after month in an effort to reform a Social Security program that will ultimately collapse, reform it for, not for the senior citizens. There was nothing in his proposal for the people who were 55 years old and up. There is not a way that we can make the actuarial numbers change that.

We keep our faith and keep our sacred covenant with the senior citizens. That is something that is clear throughout everybody in this Republican Conference and all the people that are involved in this policy that I know of: Keep the faith with the senior citizens.

I represent perhaps the most senior congressional district in America. Iowa has the largest percentage of its population over the age of 85 of any of the States in the Union, and in the congressional district that I represent, the 32 counties in western Iowa, I have 10 of the 12 most senior counties in Iowa. So I will argue that I represent a higher percentage of seniors perhaps than anyone else in the country. And yet they understand that we will keep our sacred covenant with the seniors. We will hold those benefits together.

There was nothing proposed by the President, nothing introduced by any member of this Republican Conference that would have reduced by a single dime, one single benefit to any senior citizen.

What was proposed was that a portion of young people's contributions to Social Security could go into a personal retirement account, a controlled account, the kind of an account that would be an approved account that would be the same thing as the Federal Retirement Investment Funds that many of us are part of, many Federal employees are a part of. In fact, all of them that have the ability to direct some of their funds into retirement do invest into that.

It was a wise and a prudent proposal. It was something that looked downrange. We know that Social Security starts to go into the red in about 2016, 2017. There is $1.7 trillion in the Social Security trust fund. It is only a promise; they are only IOUs in a filing cabinet in Parkersburg, West Virginia. That money will have to be paid back out of the labor of our children someday.

But the surplus growth stops in 2017 and it begins to decline until about 2042, where it is gone.

□ 2145

At that point, something has to happen. The President's looking downrange. A lot of us have looked downrange. We didn't get to change the Social Security program as much as we would have liked to, we didn't propose to for our senior citizens, because you simply cannot do that because there is not time to grow funds.

So the proposal was for whom? Mr. Speaker, I will submit the proposal that the President burned up so much precious political capital on was for the 30-something group, and the 20-something group, and the teen-something group, and the younger-than-teen-something group, and for all generations yet to be born in America to be able to own a part of their own future, to be able to invest that and to be able to count on the same type of returns we have guaranteed as a sacred covenant to our seniors. That is what that is about.

And that is why it is so ironic that the 30-something group has rejected the very thing that is designed for their generation and mischaracterized it in a very cynical fashion and called it the privatization of Social Security. It is anything but. But it would be and it is still the best and only legitimate policy that has been offered before this Congress that can bring us out of almost certain bankruptcy of Social Security downrange, at a point where it will not be a factor to our senior citizens but for the 30-something group who have rejected it and decided to scare everyone in America for cynical political reasons.

The statement was also made by the gentleman from Florida that the only party that has balanced the budget is the Democratic Party, and that was without a single Republican vote. How can a statement like that be passed off here on the floor and not be challenged? We know when the budget was balanced. It was balanced after and only after Republicans took the majority in the United States Congress. And that happened in 1994.

I will say that the young people that came in here in this Congress and took over the majority in 1994 were committed, fiscally responsible people that came here to make a difference, and they did. They squeezed that budget down, Mr. Speaker. They challenged President Clinton, Mr. Speaker, and they took this thing down to the point where President Clinton refused to allow a continuing resolution that would have kept the government operating. The government was shut down not because Republicans spent too much money, Mr. Speaker, but because they hadn't spent enough money. And so the challenge laid. Government was shut down. Who would have to give in?

Finally, Republicans said, okay, we will give you a little more money, Mr. President, if that is what it takes to keep the government running, to keep things open, to keep services going to needy people. We will keep the government running by giving you some more money. And in spite of that, they still balanced the budget. The Republican majority in this Congress balanced the budget in spite of President Clinton, not because of him. And it sure in the world was not without a single Republican vote. It was only with Republican votes.

I guess I will say that it was with Republican leadership and Republican votes and perhaps some on the other side of the aisle did vote for that. They might make that argument, so I will just concede that point. But it surely wasn't Democrats balancing this, and it wasn't without a single Republican vote.

Again, the allegation: A streamline of rubber stamping. Think about that statement. Mr. Speaker, a streamline of rubber stamping. This Republican Congress rubber stamping the President? If that had been the case, the 30-something group and the rest of America would have had Social Security reform. They would have had the kind of program that would have allowed the younger generations to take a portion of their contributions and invest them so that they could ensure their own financial security.

If it had been a rubber stamp Congress, the President would have gotten what he wanted with Social Security reform, and I would have loved to have given it to him, because it was a good plan and a good proposal. But there wasn't a rubber stamp because there were enough Republicans that were, I will say, attacked relentlessly in their political campaigns by these kind of scare tactics that intimidated them to the point where they backed away from the Social Security reform, and we didn't quite have the 218 votes to do the thing that was best for America.

No rubber stamp for the President, because this Congress does think for itself. It is 435 independent minds, and it is 230 or 231 Republicans that absolutely come here with a mission in mind and they draw their own conclusions. They represent their districts and they represent the people in their districts and their carry their values here. We didn't have enough of a consensus. And I am frustrated. I would have liked to have rubber stamped that, because I had a chance to look at it and it was a good program, but we couldn't do it.

Then, if this is a rubber stamp Congress, it seems to me that the President came before the American people on about January 6 of 2004 and he made a speech that I will call the guest worker speech, and it was a major policy speech on what the President would have liked to have seen with immigration. Now, he did speak somewhat to enforcement, but I never got the thread in that speech that that was the message at all. He wanted a guest worker, temporary worker program. And he said without that, we can't enforce the law on the rest of the criminals and the drug dealers that are coming across the border.

I don't agree with him on that. I think we have to cut down on that huge 4 million annual number of illegals, that huge human haystack coming across the border, and we have to seal the border. We have taken steps to do that today. But if the President would have had a rubber stamp Congress, he would have long ago, when he asked for a guest worker program from this Congress, and he went out hustling across this country, speaking over and over again of the need for a guest worker and temporary worker program, he would have had that. He would have had it a long time ago, Mr. Speaker, if this had been a rubber stamp Congress.

So there are three powerful things really wrong with the earlier statements. The rubber stamp itself is utterly wrong. We would have had Social Security if it had been a rubber stamp Congress and we would have had a guest worker program if it was a rubber stamp Congress. It was not. And those are probably two of the highest priorities the President has brought to this Congress in the 109th Congress, and neither one are law today or likely to become law any time soon.

Let me say also that when I listened to the gentleman from Florida say we have to rewrite that cartoon, that is a caricature that comes out here on the floor of Congress on a regular basis. He says I also have some facts over here. Well, I don't think the word also is going to apply, because from what I saw, they were not facts. They were not even solid opinions.

Then another statement that was made by the gentleman from Florida was, we don't have health care in America. We don't have health care in America? There is nobody in America that doesn't have health care, Mr. Speaker. Everyone has access to health care, including the 12 or 22 million illegals that come into this country and show up at our emergency rooms. Everyone has access to health care. No one is denied emergency health care.

Yes, there are people that are uninsured, and maybe more would be insured if someone was ever denied health care, but they are not, because we are a compassionate Nation and we take care of people in this country. We do not slam the door at any clinic or any hospital in the emergency room when people need help. We, at a minimum, stabilize them and, generally, we provide them with adequate care.

As a matter of fact, it isn't just people in America that have access to health care. It is people that live on our borders who have access to free American health care. A case in point would be that several months ago I was down on the southern border at Sasabe, Arizona, and there at the port of entry station, as I walked in there to talk to some of the border patrol officers, and as I was speaking with the commander of that shift, we had only spoken for a minute or two when he got an emergency call and he said, excuse me, I have to take care of this. So he stepped away and made some calls, and when he came back he said, well, there has been a knifing on the other side of the border, just within a mile or so.

There is a community on the south side there that comes right up to the border. And, yes, it is a smugglers' community, and it swells by about 2,000 during the day, and those 2,000 disappear at night and a new bunch comes back again. They smuggle drugs through in holes through our border. A couple points to the east and a couple points to the west of that port of entry that allows legal traffic through, and perhaps 150 to 180 vehicles a day come through that port of entry at Sasabe, Arizona, and the estimate is that two crossings east and two crossings west, all four of them have more illegal traffic than there is legal traffic going through Sasabe.

But there, when I stood in Sasabe, Arizona, there was the emergency call. The commander of that shift made the calls and found out that there had been a fight on the other side of the border, and likely was over a drug deal, and that there was a young male individual, say in his early 20s, who was knifed over there and the ambulance was coming from Mexico into the United States. So our border patrol agent, and this being a routine act that happens, as he told me perhaps four times a quarter, so 16 times a year. What are the odds I would be standing there when that happened? But he made the calls. Routine.

He called two U.S. ambulances to come to that port of entry to meet the Mexican ambulance that was coming across the border, and he called the helicopter out of Tucson to come down and pick him up so they could life flight that person, of questionable character, who had been knifed in a fight that was likely over a drug conflict, life flight him up to the University Mercy Hospital at Tucson.

Well, as I stood there, we talked about that, and the two ambulances he had called from the U.S. arrived, I would say shortly after the ambulance came in from Mexico. It was about 15 minutes for the ambulance from Mexico and perhaps 25 minutes for the ambulances to come from the U.S. to that port of entry. The Mexican ambulance was just simply a meat wagon. It looked like an ambulance on the outside. On the inside there was a gurney and a wounded young male that had been knifed underneath the rubs up into the liver. At the time they didn't know if he had a punctured lung or not, but he needed oxygen. The U.S. ambulances had oxygen; the Mexican ambulance did not. The Mexican ambulance had surgical gloves and maybe a touch or two of bandages here or there. No medicine, no oxygen, hardly anything to treat him with.

So the U.S. ambulances came in, they put oxygen on him, stabilized his condition, and got him to where he had as much care as they could provide. Then the helicopter landed, they loaded him on it and took him off to Tucson to the Intensive Care Unit up there. This was a Mexican national, wounded in a fight in Mexico, brought into the United States for health care through the port of entry, and the word is "paroled" to the hospital in the United States for the purposes of saving his life.

And the medical people did save his life. And I don't object to that. I don't think you can let people die. We do not let them die. We don't let them die outside the emergency rooms of our hospitals or our clinics. In fact, we bring people into the United States on a "parole" to give them free health care in order to save their life because we are a humanitarian nation.

The statement that we don't have health care in America couldn't be more false. Not only do we have health care for everyone in America, we have health care for people that are wounded outside of America and brought in here when we know there isn't a chance in the world they will pay a single dime for that.

And, by the way, I went to the hospital the next day to visit that individual, and I looked at the accounting on the cost, and it was roughly $30,000 to fix him up and send him back to his home country. He was a rough looking individual, but he looked a lot better the next day than he did the night he was knifed in the liver.

So health care for everybody in America. Health care for people outside of America. It is false to say people don't have health care.

The picture of the handshake between Prime Minister Nouri Al-Maliki and Mahmoud Ahmadinejad. Because they shook hands, somehow the implication is, or the 30-something group would have you believe that that is some kind of a bond between Iraq and Iran and now they are going to conspire against the United States. For what purpose?

First, I would submit that I have shaken hands with a lot of people, and I generally smile when I do that. I would wonder if there is anyone that serves in this Congress, out of the 435, that hasn't at some point shaken hands with their opponent in their political race. Doesn't mean they are your enemy. They are not. They are just your opponent. But we shake hands with all kinds of people, and the implication cannot be drawn because that two national leaders shook hands that somehow they are conspiring. Not at all.

What one can presume from that is that they have diplomatic relations, Mr. Speaker. And those diplomatic relations, then, can turn into something good rather than something bad. From 1980 until 1988, the Iranians and the Iraqis fought each other, and over a million people were killed in that conflict. I don't think anyone in the world wants to see that again. I am glad they are shaking hands. I don't expect they are conspiring. In fact, I don't think so because I listened to the speech that was given here on the floor of this Congress by Prime Minister Nouri Al-Maliki.

And the statement was made by the gentleman from Florida that the Prime Minister said bad things about Israel here on this floor. So I took the trouble to download the speech and read every single word in this and looked for any reference to Israel whatsoever, good or bad.

□ 2200

Mr. Speaker, I am going to include this for the RECORD and challenge anyone in America to find a reference to Israel in this speech by Prime Minister Maliki. If they can find some oblique reference, I would be very interested in what he might have said that could be interpreted by the gentleman from Florida as being a bad thing about Israel.

As I read through the speech, I found some interesting statements that should be brought up, rebuttals to the remarks made as the picture was held up here tonight.

One of the statements by Prime Minister Maliki was, speaking of September 11, "Your loss on that day was a loss of all mankind, and our loss today is a loss for all free people."

He continued, "And wherever humankind suffers a loss at the hands of terrorists, it is a loss of all humanity." We are bound in this together.

He continued, "It is your duty and our duty to defeat this terror. Iraq is the front line in this struggle, and history will prove that the sacrifices of Iraqis for freedom will not be in vain. Iraqis are your allies in the war on terror."

Do you think Admadinejad might have downloaded the speech? He has to be aware of this because this speech was as public as anything that the Prime Minister of Iraq has ever done. I am proud of the words he spoke here, and he could feel that he meant it.

He spoke about, history will record the bravery and the humanity, but he said the fate of your country and ours is tied. The fate of Iraq and that of the United States is tied.

"Should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere."

Mr. Speaker, this statement, made by Prime Minister Maliki here on the floor of this Congress not that long ago, July 26, 2006, is a seminal statement of this global war on terror and the seminal statement of the political campaigns that are going on between now and November 7, because the American people need to understand what happens if we don't persevere and ultimately succeed with a free country in Iraq.

Prime Minister Maliki's statement: The fate of our country and yours is tied; should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere. Think of the implications of that statement, "The war on terror will never be won elsewhere," Mr. Speaker. If we should not persevere in Iraq, as many on this side of the aisle would like to do, sack up their bats and go home, that is the attitude I pick up, they are trying to convince us we cannot prevail.

In fact, I happened to have read at least significant parts of von Clausewitz's book on war. He states that the object of war is to destroy the enemy's will and ability to conduct war. The enemy's will and ability to conduct war. I reduce that down into the Steve King vernacular, which is, a war is over when the losing side realizes they have lost.

There is will and ability as stipulated by von Clausewitz in his book on war, and part of the object of war is to destroy their ability militarily to conduct war and to destroy their will. When they run out of men and material, it breaks their will down.

But the strength of the will to conduct war is an integral part of the strength of a nation. If you can break down that will, it is cheaper to break down the will than the military. It is cheaper in lives, it is cheaper in treasure. So a very essential part of conducting war is to destroy the enemy's will to fight.

Instead, we have people on the floor of this Congress, Mr. Speaker, that continually, every opportunity they get, come down here, and they must forget, at least that is the best characterization I can come up with, they must forget when they speak here, Mr. Speaker, their words are taken down and their words are reflected across through the Internet. Their words are transmitted around the world. And the leaders of our enemy, al Qaeda and other terrorist groups, as well as their rank-and-file members, are watching on al-Jazeera. They are watching on the Internet. They are watching as these words unfold, and they are encouraged by the words of defeat that I hear on the other side of the aisle. In the end, it costs American lives.

But Prime Minister Maliki of Iraq said the war on war will never be won elsewhere should we allow ourselves to fail in Iraq.

Imagine if we deployed troops out of Iraq, pulled them back inside this shore, curled America into a fetal position and guarded every school, every baseball game and football game, every bus stop and hospital, and still watched the attacks come, especially on our women and children, turn the United States of America into one huge Israel. But no matter where terrorists attack us, we could never launch another foreign exposition because politically we could not get it out of this Congress because they would point and say, it is another Iraq. Look, we lost in Iraq.

Some of the people on the other side of the aisle went to Iraq and surrendered before we liberated them. Now they are redefining what failure is and saying, I predicted it.

We cannot let this country fail, Mr. Speaker. We have a destiny that we need to fulfill and that destiny promotes freedom throughout the globe and throughout the ages.

Maliki said in his speech, Iraqis have tasted freedom and we will defend it absolutely. He was interrupted with thunderous applause for that statement. And he reached out to us and let us know that it is radical Islam, not Islam, that is our enemy. He gave us a line from the Koran. He said, "God says in the Koran", notice he referenced God, "surely we have honored all children of Adam." The brotherhood of man and woman is tied together in the reference to the Koran made by Prime Minister Maliki.

He said, "I believe these human rights are not an artifact, a construct reserved for the few. They are a divine entitlement for all."

What an American vision. What a statement to make on the floor of Congress. It resonates with patriotic Americans. It resonates with all people.

He continued, "It is on this unwavering belief that we are determined to build our nation, a land whose people are free, whose air is liberty, and where the rule of law is supreme."

He continued and said, "This is the new Iraq which is emerging from the ashes of a dictatorship despite the carnage of extremists, a country which represents international conventions and practices noninterference in the international affairs of others."

Just a portion of this speech, nothing in here about Israel. There is plenty in here about freedom and about the aspirations of a newly freed people. As I have looked them in the eye over in Iraq in the times that I have been there, I have seen that desire to build a country and a nation.

I gave a speech to the Baghdad chamber of commerce on a hot August day; and they asked me shortly before we arrived at the hotel in Baghdad. It was the hotel that was rocketed while Wolfowitz was there some few years ago. And so I said, yes, it fits in my schedule, I will do that.

I walked in the room. The count was 57 Iraqis and members of the chamber of commerce sitting at their dinner tables. They started to introduce me, but time was short. I wanted to know, where is my interpreter.

They said we don't have an interpreter: this chamber of commerce speaks English. I thought that is quite unusual to be in a country like Iraq and be able to address a group of people, 57 strong, business leaders in Baghdad, and have them all speaking English.

I gave a speech, and they laughed at the right time and had the right reactions. They spoke English. They came up afterwards and surrounded me with their business cards and desire and ideas to rebuild Iraq. It was encouraging to watch the spirit within them. If they can get the oil out of the ground and get the revenue stream coming back into that country, they will be a long way along in their recovery.

The argument that this is a situation when we go alone, repeated over and over again; the gentleman from Florida made that statement, we went it alone in Iraq. I have been over to Iraq a number of times. I remember standing in the headquarters of the Coalition forces in Basra. General Dutton of the British army was there. As we stood there and had an informal conversation, I began looking at the flags on the shoulders of the soldiers. The Coalition troops have the same uniform with their flag on the shoulders.

I took pictures so I could remember which nations were represented, and I can remember a few. Great Britain, yes. The Netherlands, yes. Romania was there, the Australians were there. The Poles were there. The Danes were there. There were probably three or four other countries represented just in a random group that were standing around there, the Coalition Forces.

I don't think the gentleman from Florida went to visit the Coalition Forces. He visited the American troops and forgot there were thousands of troops there that came from other countries and have been in Iraq from the beginning and have stayed there. In fact, the Japanese sent 1,000 troops into Iraq because they understand the value of freedom, even though they are a relatively passive nation.

Then the half a dozen or so generals that disagree with the President's policy in Iraq, and the continued argument that the President did not listen to his advisers. And now they have these retired generals that say, we should have done this or that. The President has always listened to his advisers and generals. He understands he is not going to call these shots from the Oval Office. He is going to say, you are going to have what you need to get this job done.

But six generals, it appeared to me there are a few more, but that is the count that I had, they appear to be positioning themselves for some future role in politics. If we watch them, I believe we will see one or more emerge as at least an adviser to a Presidential candidate, if not a Presidential candidate themselves.

But I will see your six generals and I will raise you 9,000 30-Somethings. There are 9,000 generals in the United States military, and they stand with the commander in chief. So you have a long way to go to convince me that just because you find six folks with political aspirations, we should alter our entire mission in Iraq to accommodate them. They would find something else to be critical of.

And the most outrageous statement of all from the gentleman from Florida. We have a plan in the war in Iraq. His question to Republicans was: Where is your plan?

Well, I think maybe he got that script wrong. I think he probably understands that we do have a plan in the war in Iraq. It is the commander in chief's plan: I support it. I support moving towards freedom for the Iraqi people.

My question is, 30-Something Democrats, people who think "Republican" is a four-letter word, where is your plan? And I would further submit that after 60 minutes of that kind of diatribe, I wonder what the suicide rate in America is, Mr. Speaker?

Actually, I came here to talk about a different subject matter. What I want to talk about is the accomplishment that we made here on the floor of Congress today; and that is, for a long time the American people have understood something that has taken quite awhile to go through to this Congress and the White House. That is, we have porous borders in America.

The American people understand when they see people show up in their streets, taking jobs in their communities, and when children are coming into their schools and they are born in a foreign country and they don't have the kind of documents that would demonstrate that they have come in through a legal channel, and they start to see 1,000 of them show up and take jobs, and in Iowa, for example, it would be in our packing plants, there is a real large social movement going on.

□ 2215

The blastosphere opened up and began to tell America the facts of it all, and some of people came down to the floor of the Congress and made this case, my good friend TOM TANCREDO among those. The people understood this immigration issue long before Congress was able to react.

We need to be in a position to lead, not to follow. But this time I think we are following the lead of the American people, and I am happy to do that, although I would like to be a little more up front.

But that message came to this floor over and over again, led by TOM TANCREDO of Colorado, and a number of the rest of us stepped in and joined him. We have been carrying that message consistently at heart now for a number of years, for me it is 4 years here in this Congress, carrying this message.

I sent out a survey into my congressional district, it will be 2 years ago last March, and it went to 10,000 households randomly selected by a computer, so it would have been Democrats, Independents and Republicans scattered across the district in a random location, and it was a survey on immigration.

I knew what I thought. I believe we need to enforce our immigration laws, seal our border, force all traffic to ports of entry, and birthright citizenship and the anchor babies, shut off the jobs magnet, do all those things and a lot of people go back home. I believe a lot of people do that. I believe the record is replete with statements to that effect and a number of pieces of policy that add to that overall philosophy.

But the immigration survey that I sent out to the number of 10,000 randomly selected households asked a whole series of questions about immigration. That was the only subject matter. The most significant question that I asked in that survey was on a scale of 1 to 10, with 10 being the most intense, how intensively do you agree with this statement, and then the statement reads, in the survey, that we should eliminate all illegal immigration and reduce legal immigration.

Reducing legal immigration is not something that I have actually called for, but, and all illegal immigration, reduce legal immigration, and how intensively do you agree with this, with 10 being the most intense. Out of 10,000 mailed, we received 1,800 and, I think the number was 96 respondents. So a number that approached 19 percent returned, which is about 3 times what your average return rate would be on that kind of a mailing.

On that question, we should end all illegal immigration, and reduce legal, how intensely do you agree, 82 percent put down 10, 82 percent. Some of them must have held their pen like a dagger the way they wrote their notes and their comments on the surveys.

As I went through those and read them through, 82 percent said end illegal immigration, all of it; reduce legal. By the time you added the 7, 8s, 9s to those 10s, 97 percent agreed with that statement, and only 3 percent had an opinion down on the other side of the scale, only 3 percent.

I would submit that if I sent a survey out to the district with a random selection like that, and I said STEVE KING says the sun comes up in the east, do you agree or disagree, I do not believe

I would get a 97 percent agreement out of my congressional district, but 97 percent want to have border control, and they want to have enforcement. That is what we tried to provide in this Congress, and we have made some significant progress.

Last August 22, I have to back up, it was a year ago last August 22, is a little over a year ago, I hosted an immigration summit in Iowa. I started out in Des Moines with radio and a lot of print coverage and some video coverage on there. I had a host of very good speakers on the immigration issue, TOM TANCREDO came, my good friend from Arizona and powerful leader on the subject, J.D. HAYWORTH from Arizona; Jim Gilchrest was there, who was the original founder of the Minutemen.

We had other speakers that added on to that, and one was the father of a son who was lost in the September 11 attack in New York, Kris Eggle, and they spoke about the importance of enforcement of immigration laws. But if we had done so, we may be and likely could have thwarted the attacks on September 11.

But what happens to this country if we continue our porous borders. On that day I stood up and said, I want to build a fence, I want to put a physical barrier on this border, and I want to do it for 2,000 miles. For starters I would put a 10 foot high chain link fence, and I would top it with barb wire. I said barb wire because I am kind of a farm country young guy.

The press printed it as razor wire. I don't take issue with that, probably razor wire makes a little more sense than barb wire. But I would put the fence there. I would move it about 100 feet, and I would build a concrete wall that I designed and demonstrated on this floor in Congress. It is unlikely that I will get an opportunity to demonstrate that tonight, but that's the position that I took August 22, 2005.

I have here with me the clippings from some of the newspapers after that. They were not very impressed with that idea. They thought it was a kind of radical, reactionary and ineffective proposal. So there are about four articles here that have reference to that, and they mostly undermine my position and seek to ridicule me for having a, apparently, narrow mind and not having thought this through.

What this they forgot, that I go to the border, I look at the circumstances down there. I gather the data. I talk to the Border Patrol personnel. I talk to the people that live there. I talk to the retired Border Patrol personnel. I see the carnage, I see the litter. I go to the national parks and talk to the park rangers there.

When they have human traffic that is streaming across that border and the numbers that they are, and I sit down there on the border, in the dark, for hours, utterly quiet, and listen, listen when I can't see, but just dim shadows is all that I can see. I can hear vehicles coming from the Mexican side of the border, and they stop by a big mesquite tree about 150 or so yards out there south of the border. The fence is just a fine barb wire fence, the wires are stretched apart in places, that is where the illegals go through. They don't fix it back up, as one could imagine. They leave it open for others.

There was a water tank that was there on the Mexican side that is there. That was where they can get their last load up of water before they start off on 20, 25 miles of desert on the U.S. side to be picked up the highway a ways. I sit there and listen, and I hear the vehicles come down through the desert.

On one particular vehicle, I could hear the muffler dragging all the way along. They get by that mesquite tree, and they stop and the doors open. Then you have to listen, and you can hear the sounds, and it is people clearly piling out of the vehicle. You can hear them drop their packs on the ground as they get out, and they must be picking them back up again.

You can hear a little bit of talk, a little bit of whisper. Then they start off through the mesquite to come out into the border to come into the United States.

You can hear their packs go through the fence and be set on the ground on the other side, and sometimes occasionally dropped on the ground. You hear them climb through the fence, they pick their packs back up. You can see the shadows. You can't quite count them, you can see the image of the shadows as they go off and into the desert off north, following whatever kind of a beacon they have and may be watching, however they guide themselves, to go on into the United States.

Now, this happens across that border on an average night of perhaps 11,000 people pouring across that border a night, 11,000, to the tune of 4 million a year.

How do I know this, I serve on the Immigration subcommittee. I sit in on hearings two, three, four times a week, witnesses that come forth, they are both expert on the matter, both pro and con, experts that bring real data to us.

The Border Patrol's information is this, that they stopped, last year, 1,188,000 illegal border crossers, 1,188,000. What a huge number. Santa Ana's Army was only 6,000 strong, and the Border Patrol stopped 1,188,000? What a huge universe of people that is. Theoretically at least they turned themselves and said go back through there and many of them they took down to the turnstile and watched them as they went back in Mexico.

The year before the Border Patrol stopped 1,159,000. So I asked the question, of the Border Patrol, and of their representative, what percentage of the attempts across the border do you intercept? What percentage of success do you have? The answer that I get back consistently is 25 to 33 percent.

When I go down to the border, and I ask the Border Patrol that is actually doing the work down there, what percentage are you interdicting, and they give me answers like, the most consistent answer I got was 10 percent. I don't know if that really is it. One of them when I said 25 percent broke up in hysterical laughter. He said, no, that number is closer to 3 percent of the drugs and 5 percent of the illegals.

Now, that was an ICE inspector that should know, even if they are wrong. Now, if they are right, it is more than 10 million a year. If they are wrong, and the testimony of 25 to 33 percent, and this is all a guess, admittedly, then it is perhaps 4 million a year coming across our southern border.

Now, how many go back? We don't know the answer to that either. We know some go back. We don't know if it is big numbers, as a percentage, but we know it will be big numbers because there are 4 million or so that do go across. We also know that 65 billion, that is billion with a B, dollars worth of illegal drug, come across our southern border every year.

Ninety percent of the illegal drugs in America are coming across our southern border. Sometimes they come across in semis, sometimes they come across in straight trucks, sometimes they come across in pickup trucks.

In fact, while I was down there, they interdicted a pickup truck that had a false bed in it, about 7 inches of false bed. Underneath there, there were 18 bags of marijuana, about the size of a cement sack, perhaps weighing about 10 pounds each.

I will submit 180 to 200 pounds of marijuana underneath the false bed in the pickup. We took the jaws-of-life and pried it open, went in there and pulled those sacks out. The driver, I am going to tell you, I believe, was a MS–13 gang member, the most violent gang we have ever seen in this hemisphere, the gangs that behead and dismember and do other things so atrocious I will not repeat them on the floor of this Congress.

This individual had a MS–13 tattooed on his arm here, he had tattoos from his waist to his neck. He had every look about him as an MS–13. He was perhaps a decoy, because they get so many interdictions of drugs down there, they cannot prosecute them all. So they will send off someone who has got a smaller load, 180 to 200 pounds, to be a diversion to be able to run the larger load through there, cost of doing business.

Well, if one spends a few hours down on the border at night and listens and perhaps would have infrared night vision of some kind that they could watch, actually watch the people, they would come to the conclusion that it isn't the folks that are coming into the United States that want to simply get a job working on farms or whatever it is they do to improve their lives, just they are coming here for a better life.

Actually, the position that has been taken by the administration, we cannot stop people that want to come into the United States for a better life. It is too powerful a force. We have to let them come in and legitimize them by giving them some kind of identification.

But I would submit that we can stop people from coming into the United States for a job, for a better life. We must be able to stop people from doing that, because the force that drives them isn't nearly as powerful as the force that drives people to bring illegal drugs into the United States.

So I am going to say we can stop lettuce pickers and people that want to work on farms and factories in plants. We must do that, because if we can't do that, we don't have a hope of being able to stop the illegal drug smugglers that are coming into the United States.

So when they come through in a semi, which is more rare now, or smuggle through in a straight truck, when there has been a diversion, or maybe a pickup load gets through with the marijuana load under the bed, when that all happens, large quantities of illegal drugs come into the United States.

But that is not the only way they come in. They also come in on the backs of burros, individuals who are sneaking into the United States with 50 pounds of marijuana on their back. They might back 15 miles or further to get to the United States border to walk across the U.S. desert, and then get across that border, as ICE described while I saw there, and walk across the United States and walk another 20, 25 miles and be picked up along the highway somewhere.

They toss their marijuana into the truck. Some get into the truck and go on and stay in the United States. Some return back to Mexico and get another load. Some turn around and walk back, all the way across the desert to get another load. That is the kind of thing that is going on.

With that kind of force on the border, with that kind of push, a push of 4 million people a year coming across that border, intercepting 1,188,000 of them, $65 billion worth of illegal drugs; 90 percent of the illegal drugs in America coming across that border, that includes the marijuana, the cocaine, the heroin and the methamphetamine, which is a big, big problem.

We have shut down the meth labs essentially in Iowa. That just meant that it used to be 85 percent of the meth came from Mexico and Iowa. Now it is much closer to 95 or more percent of the methamphetamine comes from Mexico because we shot down the meth labs in Iowa.

□ 2230

But these burreros will haul 50 pounds of marijuana each and they will come in groups of say 8 to 10, 10 to 12, up to 50. In fact, there is a pack train of them that went up to 100, each with marijuana on their back, roughly 50 pounds, carrying that across the desert. And they drop litter all over the desert, Mr. Speaker, and invade our natural areas.

In fact here I have here on this stand a picture of a natural area, and it is quite interesting. This is a picture of one of four locations where the long-nosed bat, an endangered species, inhabits a nest. And this is on the Cabeza Prieta National Wildlife Refuge in Arizona.

I have met with the National Park Service director, and this location is the location where this bat cave, as you see was invaded by illegals. This was one of their stopoff points. They could get in there and get cool and rest up a little bit for their trek across the desert.

So as they came into this bat cave, they chased out something like 1,600 bats that lived in there, and the bats left. We don't know where they went to nest, necessarily, at least I don't, but for 2 years there wasn't a bat in this cave. So now we are down to three locations where these rare, long-nosed bats can live and reproduce.

So the National Park Service looked at this and said boy, we really don't like to build fences around in our refuge, but what are our alternatives if we want to save the bats? So they followed a path that seemed to work, and that is put this wrought iron fence around here that has spikes that lean out, it is about a $75,000 project, Mr. Speaker. They built a fence around the bat cave, and when they did that, the illegals did not come into the cave any longer and the bats came back. The bats have been in there reproducing ever since in roughly the same numbers they were before their cave was taken over by the continual flow of illegals that are coming across our natural refuge.

So, I would argue to those that say a fence doesn't work, here is a perfect example of how a fence worked. At least it kept them out of the cave, and now we have a species of bat that is going to be more healthy than they would have been otherwise.

This is just an interesting little thing that I did. I have said that the people that vote for amnesty will be branded with a scarlet letter A for amnesty. So, Mr. Speaker, by Ajo, Arizona, there is a big letter A up there on the mountainside. I took a picture of that. We colored it up so it is scarlet. That is the scarlet letter A. That is the brand. We don't need amnesty. That is why it has a bar across it. We need to have the rule of law. We need to respect the rule of law. That is part of America.

This, Mr. Speaker, is the fence and concrete wall that I designed. You can see this portion here, this will be slip-form footing that goes down perhaps 5 feet, and it would be 5 feet, and you form a slot in there and you can put a trencher in and put this slip form in and pull it all in one motion and pour concrete as you go, trench and pour concrete. So this gray portion becomes the footing, and you can see where the white portion drops down, and that is the slot.

These are pre-cast concrete panels, Mr. Speaker, and they would be about 13½ feet long. They drop down into this slot, I think that says 15 inches, perhaps 18, but we end up with a constructed height of 12 feet high.

These precast panels weigh about 9,800 pounds. They come in on trucks. You pick them up with a crane, you drop them in that slot. You can just pop them in one after the other, just as easily as I have demonstrated on this floor how that can be done.

Once they are put together, you can put a little wire on top. That wire is a disincentive for people from climbing over the top. You can put sensors on there, vibration sensors. We can put night vision on there. We can do all kinds of things to make sure that this wall is not breached, Mr. Speaker.

Walls make sense. Fences make sense. The bat cave is safe from the illegals. We can make America safe from the illegals by simply spending some of this hard-earned cash. The $8 billion being spent to fund our Border Patrol on the southern border, we can make a one-time capital investment. It is about $4 million a mile now being spent to control our border and we get about 25 percent efficiency.

If we would spend about $2 million a mile all the way through those 2,000 miles, we would end up with a far higher percentage of efficiency. I believe that number would go over 95 percent, if we patrol the border, if we put the sensors on.

Surely a fence isn't the only solution, but it is a great big, wonderful effective tool for our Border Patrol. They could finally aspire to get operational control of the border.

Then, Mr. Speaker, there needs to be a solution for the locations where water is going to run across through the gullies. We have these solutions in place in many of those locations already. These are H-beams that are driven in, steel beams that are staggered and welded together here on top with a horizontal beam so they can't be spread apart. This lets the water through. It will collect the trash and over time you have to clean the trash up, but no one can go through there except some wildlife can get through, and it does work. It is a little more expensive, but we will have to do that where the water runs. There are engineering solutions to everything we might want to do.

This, Mr. Speaker, is an example of what is happening to our national parks. I am not certain whether this is in Oregon Pipe Cactus National Monument or in the Cabeza Prieta. But it doesn't matter. This is federally preserved land. This is precious natural resources that we want Americans to have access to.

Look at what we have. Graffiti painted on the stones. Graffiti that probably will take years and years and years to ever weather away, if it does at all, something that is really very difficult to clean up when the paint goes into the pores of the stone.

Down here is just a small example of the kind of litter that we are finding in our national parks. Some of that litter, it is estimated that an average illegal will drop about 8 pounds of litter as they cross the desert. Eight pounds times 4 million people is a tremendous cleanup problem, and it threatens our natural resources, Mr. Speaker. It threatens the wildlife.

In fact, about one-third of Oregon Pipe Cactus National Monument is now off limits to the public because the concentration of illegals is so intense that the park officers fear for the safety of American tourists in our own national parks because they are threatened.

And that would be the Oregon Pipe Cactus Monument where there officer Kris Eggle was killed in a shootout with drug smugglers coming across the border. I have been to that location. There is a memorial that is there. In his memory and the memory of the other officers who have given their lives for security, I am committed to security for this border.

So today, Mr. Speaker, we passed 700 miles of fence off the floor of this Congress. This is the third time we have had a good fence vote here on the floor, by my recollection. The Senate has had two good fence votes over there. They are going to get another one. They are going to get this bill. I am happy to call it the King bill, thanks to PETER KING from New York.

They are going to get a bill over there, and my advice is to the U.S. Senate, chew on that awhile. I expect the voters will chew on you awhile. We are going to take this message to the American people and say let us continue with this message on enforcement.

Fences work. There is proof positive that they do. No one says where we have built them that we should tear them down. They are essential tools. They are a capital investment, they are a one-time investment, and, yes, we have to patrol, and, yes, we have to maintain them, but we get a great return on that capital investment.

That means it doesn't take as many Border Patrol officers to secure this border. It means that they can be deployed to places where they can be more effective. It means that the 4 million people that are coming across our border and the $65 billion worth of drugs will have to find a way to try to sneak through a port of entry, which many will try to do, and we can beef those up and put more resources there, or they will go around the ocean and get out there where the Coast Guard can do their job, Mr. Speaker, and the Coast Guard has interdiction abilities that supersede those, or I will say they are superior to the Border Patrol.

So, I am ready to force all traffic through the ports of entry. I think we must do that. I call upon the United States Senate to pass the legislation that we passed on the floor here today.

August 22, 2005, I said build a fence, build a wall, build a barrier. 114 days later, this Congress passed that legislation as part of a larger bill. And I have watched as perhaps the most liberal Member of the United States Senate voted to authorize a fence and voted to fund a fence.

This extreme notion that comes from a conservative Member of Congress is mainstream, Mr. Speaker. The White House recognizes we need physical barriers to assist and that we need to have enforcement at the border.

We will have that. We will get that done and we are moving quickly. It won't all be done by November 7, but a lot of the pieces will be put in place by this Republican Congress.

And I am proud to serve with you all, and I am looking forward to being part of this solution. I am looking forward to going down and setting some posts myself.

[From the Washington Post, July 26, 2006]

IRAQI PRIME MINISTER ADDRESSES CONGRESS

AL-MALIKI (through translator). Thank you. Thank you.

In the name of God, the most gracious, the most merciful, Your Excellency, the Speaker of the House, Mr. Vice President, honorable ladies and gentlemen, members of Congress, it is with great pleasure that I am able to take this opportunity to be the first democratically and constitutionally elected prime minister of Iraq to address you, the elected representatives of the American people. And I thank you for affording me this unique chance to speak at this respected assembly.

Let me begin by thanking the American people, through you, on behalf of the Iraqi people, for supporting our people and ousting dictatorship. Iraq will not forget those who stood with her and who continues to stand with her in times of need.

Thank you for your continued resolve in helping us fight the terrorists plaguing Iraq, which is a struggle to defend our nation's democracy and our people who aspire to liberty, democracy, human rights and the rule of law. All of those are not Western values; they are universal values for humanity.

They are as much for me the pinnacle embodiment of my faith and religion, and they are for all free spirits.

The war on terror is a real war against those who wish to burn out the flame of freedom. And we are in this vanguard for defending the values of humanity.

I know that some of you here question whether Iraq is part of the war on terror. Let me be very clear: This is a battle between true Islam, for which a person's liberty and rights constitute essential cornerstones, and terrorism, which wraps itself in a fake Islamic cloak; in reality, waging a war on Islam and Muslims and values.

And spreads hatred between humanity, contrary to what come in our Koran, which says, "We have created you of male and female and made you tribes and families that you know each other." Surely (inaudible) of you in the sight of God is the best concept.

The truth is that terrorism has no religion, Our faith says that who kills an innocent, as if they have killed all mankind.

Thousands of lives were tragically lost on September 11th when these impostors of Islam reared their ugly head. Thousands more continue to die in Iraq today at the hands of the same terrorists who show complete disregard for human life.

Your loss on that day was the loss of all mankind, and our loss today is lost for all free people.

And wherever humankind suffers a loss at the hands of the terrorists, it is a loss of all of humanity.

It is your duty and our duty to defeat this terror. Iraq is the front line in this struggle, and history will prove that the sacrifices of Iraqis for freedom will not be in vain. Iraqis are your allies in the war on terror.

History will record their bravery and humanity.

The fate of our country and yours is tied. Should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere.

Mr. Speaker, we are building the new Iraq on the foundation of democracy and are erecting it through our belief in the rights of every individual—just as Saddam has destroyed it through his abuse of all those rights—so that future Iraqi generations can live in peace, prosperity and hope.

Iraqis have tasted freedom and we will defend it absolutely.

Every human possesses inalienable rights which transcend religion. As it is taken in the International Convention of Human Rights, they transcend religion, race and gender.

And God says in the Koran, "and surely we have honored all children of Adam."

I believe these human rights are not an artifact construct reserved for the few. They are the divine entitlement for all.

It is on this unwavering belief that we are determined to build our nation, a land whose people are free, whose air (ph) is liberty, and where the rule of law is supreme.

This is the new Iraq, which is emerging from the ashes of dictatorship and despite the carnage of extremists, a country which respects international conventions and practices noninterference in the internal affairs of others, relies on dialogue to resolve differences, and strives to develop strong relations with every country that espouses freedom and peace.

We are working diligently so that Iraq returns to take the position it deserves and it plays a positive role in its regional and international environment as a key, active player in spreading security and stability, to give an example of a positive relationship between countries through denouncement of violence and resorting to constructive dialogue, solving problems between nations and peoples.

And we have made progress. And we are correcting the damage inflicted by politics of the previous regime, in particular with our neighbors.

My presence here is a testament of the new politics of a democratic Iraq.

Ladies and gentlemen, in a short space of time, Iraq has gone from a dictatorship to a transitional administration, and now to a fully fledged democratic government.

This has happened despite the best efforts of the terrorists who are bent on either destroying democracy or Iraq, but by the courage of our people who defied the terrorists every time they were called upon to make a choice, by risking their lives for the ballot box. They have stated over and over again, with their ink-stained fingers waving in pride, that they will always make the same choice.

Over fear . . .

PROTESTER: Iraqis want the troops to leave! Bring them home now! Iraqis want the troops to leave! Bring them home now!

HASTERT: If our honored guest will suspend for the moment, the chair notes disturbance in the gallery. The sergeant at arms will secure order by removing those engaging in disruption.

PROTESTER: Bring them home now!

HASTERT: The gentleman may resume.

AL-MALIKI (through translator): Hope over fear; liberty over oppression; dignity over submission; democracy over dictatorship; federalism over a centralist state.

Let there be no doubt: Today Iraq is a democracy which stands firm because of the sacrifices of its people and the sacrifices of all those who stood with us in this crisis from nations and countries.

And that's why—thank you—I would like to thank them very much for all their sacrifices.

Iraqis of all persuasions took part in the unanimously democratic election for the first parliament formed under the country's first permanent constitution after eight decades of temporary constitutions and dictatorship, a constitution written by the elected representatives of the people and ratified by the people.

Iraqis succeeded in forming a government of national unity based on an elected parliamentary foundation, and includes all of Iraq's religions, ethnicities and political groupings.

The journey has been perilous, and the future is not guaranteed. Yet many around the world who underestimated the resolve of Iraq's people and were sure that we would never reach this stage. Few believed in us. But you, the American people, did, and we are grateful for this.

The transformation in Iraq can sometimes be forgotten in the daily, futile violence.

Since liberation, we have witnessed great accomplishments in politics, the economy and civil society. We have gone from a one-party state, ruled by a small elite, to a multi-party system where politics is the domain of every citizen and parties compete at all levels.

What used to be a state-controlled media is now completely free and uncensored, something Iraq had never witnessed since its establishment as a modern state and something which remains alien to most of the region.

What used to be a command economy in Iraq, we are rapidly transforming into a free market economy.

In the past three years, our GDP per capita has more than doubled. And it is expected that our economy will continue to grow. Standards of living have been raised for most Iraqis as the markets witness an unprecedented level of prosperity. Many individuals are buying products and appliances which they would never have hoped to afford in the past.

And, in keeping with our economic vision of creating a free market economy, we will be presenting to parliament legislation which will lift current restrictions on foreign companies and investors who wish to come to Iraq.

While we are making great economic strides, the greatest transformation has been on Iraqi society.

We have gone from mass graves and torture chambers and chemical weapons to a flourishing—to the rule of law and human rights.

The human rights and freedoms embodied in the new Iraq and consolidated in the constitution have provided a fertile environment for the ever-growing number of civil society institutions which are increasing in scope and complexity and provide a healthy reflection of what is developing beneath the violence.

The rights chartered in the constitution will also help consolidate the role of women in public life as equals to men.

And help them to play a greater role in political life.

I am proud to say that a quarter of Iraq's Council of Representatives is made up of women, but we still have much to accomplish.

Mr. Speaker, Mr. Vice President, our nascent democracy faces numerous challenges and impediments, but our resolve is unbreakable and we will overcome them.

The greatest threat Iraq's people face is terror: terror inflicted by extremists who value no life and who depend on the fear their wanton murder and destruction creates.

They have poured acid into Iraq's dictatorial wounds and created many of their own.

Iraq is free, and the terrorists cannot stand this.

They hope to undermine our democratically elected government through the random killing of civilians. They want to destroy Iraq's future by assassinating our leading scientific, political and community leaders. Above all, they wish to spread fear.

Do not think that this is an Iraqi problem. This terrorist front is a threat to every free country in the world and their citizens. What is at stake is nothing less than our freedom and liberty.

Confronting and dealing with this challenge is the responsibility of every liberal democracy that values its freedom. Iraq is the battle that will determine the war. If, in continued partnership, we have the strength of mind and commitment to defeat the terrorists and their ideology in Iraq, they will never be able to recover.

For the sake of success of the political process, I launched the National Reconciliation Initiative, which aims to draw in groups willing to accept the logic of dialogue and participation. This olive branch has received the backing of Iraq's parliamentary blocs and support further afield from large segments of the population.

I remain determined to see this initiative succeed.

But let our enemies not mistake our outstretched hand for forgiveness as a sign of weakness. Whoever chooses violence against the people of Iraq, then the fate that awaits them will be the same that of the terrorist Zarqawi.

While political and economic efforts are essential, defeating terror in Iraqi relies fundamentally on the building of sound Iraqi force, both in quantity and capability. The completion of Iraq's forces form the necessary basis for the withdrawal of multinational forces. But it's only then, only when Iraq's forces are fully capable, will the job of the multinational forces be complete.

Our Iraqi forces have accomplished much and have gained a great deal of field experience to eventually enable them to triumph over the terrorists and to take over the security portfolio and extend peace through the country.

The other impediment to Iraq's stability are the armed militias. I have on many occasions stated my determination to disband all militias without exception and re-establish a state monopoly on arms and to guarantee citizens security so that they do not need others to provide it.

It is imperative that the reconstruction starts now.

While small sections of central Iraq are unstable, large sections have remained peaceful, but ignored. For far too long, these were most deprived areas of Iraq under the previous regime and have been the most valiant in Iraq's struggle for freedom. We need to make an example out of these stable areas as models for the rest of the country.

Reconstruction projects in these areas will tackle unemployment, which will weaken the terrorists. They will become prototypes for other, more volatile regions aspire to. Undoubtedly, reconstruction in these areas will fuel economic growth and show what a prosperous, stable, democratic and federal Iraq would look like.

Members of the Congress, in this effort, we need your help. We need the help of the international community.

Much of the budget you had allocated for Iraq's reconstruction ended up paying for security firms and foreign companies, whose operating costs were vast. Instead, there needs to be a greater reliance on Iraqis and Iraqi companies, with foreign aid and assistance to help us rebuild Iraq.

We are rebuilding Iraq on a new, solid foundation: that of liberty, hope and equality. Iraq's democracy is young, but the will of its people is strong. It is because of this spirit and desire to be free that Iraq has taken the opportunity you gave us and we chose democracy.

We faced tyranny and oppression under the former regime. And we now face a different kind of terror. We did not know then and we will not bow now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

Mr. MURPHY (at the request of Mr. BOEHNER) until 3:00 p.m. today on account of meeting with the Secretary of Education in Pittsburgh.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 19, 20, 21, and 22.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1902. An act to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Energy and Commerce.

S. 2464. An Act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 15, 2006, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9371. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-09, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9372. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9373. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9374. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 04-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9375. A letter from the Director, Department of Agriculture, transmitting the Department's annual report for fiscal year 2005, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

9376. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9377. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9378. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9379. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9380. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9381. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9382. A letter from the White Hous Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9383. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's annual report for fiscal year 2005, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

9384. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2006, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

9385. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9386. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9387. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9388. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9389. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9390. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9391. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9392. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2007 through 2012, pursuant to Public Law 103-62; to the Committee on Government Reform.

9393. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Auditor's Examination of the Escrow Account Established by Accenture and the Office of Tax Revenue (OTR) In Connection with Contract #99-C-004"; to the Committee on Government Reform.

9394. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitiled, "Auditor's Performance Review of the Integrated Tax System's Processed Related to the Timeliness of Tax Refunds and Deposit of Tax Payments"; to the Committee on Government Reform.

9395. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2006"; to the Committee on Government Reform.

9396. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2008, prepared in compliance with OMB Circular No. A-11; to the Committee on Government Reform.

9397. A letter from the , transmitting the Service's final rule — REMIC Residual Interests — Accounting for REMIC Net Income (Including Any Excess Inclusions) (Foreign Holders) [TD 9272] (RIN: 1545-BE81) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9398. A letter from the Chief, Trade & Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions on Byzantine Ecclesiasrical and Ritual Ethnological Material From Cyprus (RIN: 1505-AB72) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9399. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes; Regulations Governing U.S. Retirement Plan Bonds; Regulations Governing U.S. Individual Retirement Bonds; Offering of U.S. Savings Bonds, Series EE; Offering of U.S. Savings Bonds, Series HH; Regulations Governing U.S. Savings Bonds, Series EE and HH; Offering of U.S. Savings Bonds, Series I; Regulations Governing Definitive United States Bonds, Series I — received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9400. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2006-70] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9401. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Report of Tips by Employee to Employer (Rev. Proc. 2006-30) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9402. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exclusion of Employees of 501(c)(3) Organizations in 401(k) and 401(m) Plans [TD 9275] (RIN: 1545-BC87) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9403. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement that Identifies Specified Covered Services Eligible for Services Cost Method Under Section 482 Regulations [Announcement 2006-50] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9404. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-40) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9405. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Instructions for Form 3115 for Use with the December 2003 Version of Form 3115, Application for Change in Accounting Method [Announcement 2006-52] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9406. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Industry Director Directive on Deductability of Casino Comps—received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9407. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Forms 8898 and 8840 [Notice 2006-73] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9408. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reporting Rules for Widely Held Fixed Investment Trusts [TD 9279] (RIN: 1545-BF86) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9409. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation [Notice 2006-67] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9410. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definitions and Special Rules (Rev. Rul. 2006-43) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9411. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-74] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9412. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Notice 2006-53 [Notice 2006-71] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9413. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 411(d)(6) Protected Beneifts [TD 9280] (RIN: 1545-BE10) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9414. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-41) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9415. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-44) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9416. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Expense Deduction of Foreign Corporations [TD 9281] (RIN: 1545-BF70) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9417. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Computation of the Differential Earnings Rate and the Recomputed Differential Earnings Rate (Rev. Rul. 2006-45) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9418. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Modification [Notice 2006-75] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9419. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Overview of the IRS's Use of Private Collection Agencies (PCAs) in 2006 [Announcement 2006-63] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9420. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Services Under Section 482 Allocation of Income and Deductions from Intangibles Stewardship Expense [TD 9278] (RIN: 1545-BB31, 1545-AY38, 1545-BC52) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9421. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Depreciation Allowance [TD 9283] (RIN: 1545-BB57) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9422. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examples Under Section 937(b) [Notice 2006-76] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9423. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication, Public Inspection, and Specific Requests for Records (Rev. Proc. 2006-35) received September 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9424. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Dividends Paid Deduction for Stock Held in Employee Stock Ownership Plan [TD 9282] (RIN: 1545-BE74) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9425. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and in Methods of Accounting (Rev. Proc. 2006-37) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9426. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Collection After Assessment [TD 9284] (RIN: 1545-BC72) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9427. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Nonaccrual-Experience Method of Accounting Under Section 448(d)(5) [TD 9285] (RIN: 1545-BB43) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1369. A bill to prevent certain discriminatory taxation of natural gas pipeline property (Rept. 109-656). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2679. A bill to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees; with an amendment (Rept. 109-657). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4772. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes; with an amendment (Rept. 109–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5863. A bill to authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under Toxic Substances Control Act (Rept. 109–659). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4809. A bill to amend the provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act, to ensure usability and clarity of information disseminated by Federal agencies, and to facilitate compliance with Federal paperwork requirements (Rept. 109-660). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5312. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; with an amendment (Rept. 109–661 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5312. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than September 29, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 6070. A bill to enhance Federal efforts focused on increasing public awareness of the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Energy and Commerce.

By Mr. SWEENEY:

H.R. 6071. A bill to amend the USA PATRIOT Act to improve administration and effectiveness of homeland security grant funding, and for other purposes; to the Committee on Homeland Security.

By Mr. ROSS (for himself and Mr. OXLEY):

H.R. 6072. A bill to amend the Federal Deposit Insurance Act to provide further regulatory relief for depository institutions and clarify certain provisions of law applicable to such institutions, and for other purposes; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. BOOZMAN, Mr. MILLER of Florida, and Ms. BERKLEY):

H.R. 6073. A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MCMORRIS RODGERS (for herself, Mr. HASTINGS of Washington, and Mr. SIMPSON):

H.R. 6074. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2005, 2006, and 2007 crop years; to the Committee on Agriculture.

By Mr. PITTS (for himself, Mr. GERLACH, Ms. HART, Mr. HOLDEN, Mr. MURPHY, Mr. DENT, Mr. WELDON of Pennsylvania, Mr. PLATTS, Mr. FATTAH, Mr. SHERWOOD, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. MURTHA, Mr. FITZPATRICK of Pennsylvania, Mr. ENGLISH of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. PETERSON of Pennsylvania, and Mr. SHUSTER):

H.R. 6075. A bill to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building"; to the Committee on Government Reform.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. CARDIN, Mr. LEVIN, and Mr. BECERRA):

H.R. 6076. A bill to extend the generalized system of preferences program under the Trade Act of 1974, to extend the Andean Trade Preference Act, to extend certain trade preferences under the African Growth and Opportunity Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself and Mr. NORWOOD):

H.R. 6077. A bill to amend title XXI of the Social Security Act to provide for funding of the shortfalls in State allotments for fiscal year 2007 under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. BRADY of Texas:

H.R. 6078. A bill to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building"; to the Committee on Government Reform.

By Mr. CASTLE (for himself and Mr. LEACH):

H.R. 6079. A bill to require the President's Working Group on Financial Markets to conduct a study on the hedge fund industry; to the Committee on Financial Services.

By Mrs. DRAKE (for herself, Mr. GIBBONS, Mr. ENGLISH of Pennsylvania, Mr. CONAWAY, Mr. BOSWELL, Mr. BROWN of South Carolina, Mr. SHERWOOD, Mrs. CUBIN, Mr. PETRI, and Mr. SIMPSON):

H.R. 6080. A bill to establish the Mineral Commodity Information Administration in the Department of the Interior, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 6081. A bill to provide an option to proceed with an action in any Federal court to recover actual damages for physical or property damage in a major disaster that proximately results from the failure or negligence of the Army Corps of Engineers in the design, construction, or maintenance of a project for which the Corps is legally responsible; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mr. BOUSTANY, Mr. RAHALL, Mr. DINGELL, Mr. FARR, Ms. KAPTUR, and Mr. ISSA):

H.R. 6082. A bill to designate Lebanon under section 244(b) of the Immigration and Naturalization Act to permit nationals of Lebanon to be granted temporary protected status in the United States; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. WAXMAN):

H.R. 6083. A bill to reduce the spread of sexually transmitted infections in correctional facilities, and for other purposes; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 6084. A bill to allow for the consolidation of Federal student loans into a single direct income-contingent loan repayment program; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6085. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TERRY:

H.R. 6086. A bill to amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply; to the Committee on Energy and Commerce.

By Mr. WHITFIELD:

H.R. 6087. A bill to ensure the safety of residents and visitors to Lake Barkley, Kentucky, and to improve recreation, navigation, and the economic vitality of the lake's region, the Chief of Engineers of the Army Corps of Engineers shall establish a pilot program to maintain the pool elevation of such lake at 359 feet until after the first Monday in September; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico:

H.R. 6088. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. ISSA (for himself, Ms. HARRIS, Mr. BURTON of Indiana, Ms. DeLAURO, Ms. GRANGER, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. DUNCAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. BONO, Mr. SULLIVAN, Mr. MACK, Mr. PORTER, Mr. SHAYS, Mrs. KELLY, Mr. OXLEY, Mr. KINGSTON, Mrs. JOHNSON of Connecticut, Mrs. BLACKBURN, Mr. TANCREDO, Mr. COBLE, Mr. YOUNG of Florida, Mr. SMITH of Texas, and Mr. HUNTER):

H. Con. Res. 473. Concurrent resolution supporting the goals and ideals of Gynecologic Cancer Awareness Month; to the Committee on Government Reform.

By Mr. BILIRAKIS:

H. Con. Res. 474. Concurrent resolution recognizing the invaluable service of our Nation's public hospitals and health systems; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 475. Concurrent resolution to congratulate the National Organization of Women on its 40th anniversary; to the Committee on the Judiciary.

By Mr. HAYES (for himself, Mr. BUTTERFIELD, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Ms. FOXX, Mr. COBLE, Mr. McINTYRE, Mrs. MYRICK, Mr. McHENRY, Mr. TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina):

H. Res. 1010. A resolution recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary, and saluting the outstanding service of its members and staff on behalf of agriculture and the people of North Carolina; to the Committee on Agriculture.

By Mr. BOEHNER:

H. Res. 1011. A resolution requesting return of official papers on H.R. 503; considered and agreed to.

By Ms. MOORE of Wisconsin (for herself, Mrs. McCARTHY, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. CONYERS, Mr. WATT, Mr. LANTOS, Mr. WU, Ms. ESHOO, Ms. MATSUI, Ms. WATSON, Ms. CORRINE BROWN of Florida, Mr. McCAUL of Texas, Mr. FORTENBERRY, Mr. REICHERT, Ms. SOLIS, Ms. LEE, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. HASTINGS of Florida, Mr. CLYBURN, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, Mr. MANZULLO, Mr. OBEY, Mr. LEWIS of Georgia, Mr. NADLER, Ms. DeLAURO, Ms. DEGETTE, Mr. EMANUEL, Mr. RYAN of Wisconsin, Mr. LARSEN of Washington, Mr. CROWLEY, Mrs. MALONEY, Mr. KIND, Mr. CUELLAR, Mr. FORD, Ms. CARSON, and Mr. SPRATT):

H. Res. 1012. A resolution celebrating the first Milwaukee Mujeres Against Domestic Violence Brides Walk and recognizing all brides walks in protest of domestic violence; to the Committee on the Judiciary.

By Mr. McCOTTER:

H. Res. 1013. A resolution encouraging municipalities to adopt and enforce effective protections against dog bites, and for other purposes; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. LARSON of Connecticut.

H.R. 65: Mr. MOORE of Kansas.

H.R. 118: Mr. MOORE of Kansas.

H.R. 170: Mr. LANTOS.

H.R. 180: Mr. FITZPATRICK of Pennsylvania.

H.R. 517: Mr. ENGLISH of Pennsylvania, Mr. ALEXANDER, and Ms. JACKSON-LEE of Texas.

H.R. 552: Mr. CHOCOLA.

H.R. 615: Mr. NORWORD and Ms. LORETTA SANCHEZ of California.

H.R. 699: Mrs. CAPPS.

H.R. 823: Mr. FORTUÑO.

H.R. 916: Mr. SCOTT of Georgia.

H.R. 1002: Mr. FORD.

H.R. 1059: Mr. PASCRELL.

H.R. 1175: Mr. BOUCHER.

H.R. 1186: Mr. SHAYS.

H.R. 1222: Mr. FATTAH, Mr. FORD, and Mr. NADLER.

H.R. 1251: Ms. SCHWARTZ of Pennsylvania.

H.R. 1288: Mr. BILBRAY.

H.R. 1298: Mr. GILLMOR.

H.R. 1306: Mr. ALLEN.

H.R. 1317: Mr. THOMPSON of Mississippi.

H.R. 1351: Mr. SWEENEY.

H.R. 1376: Mr. ENGEL, Mr. PALLONE, Ms. SOLIS, Mr. CLAY, and Mr. GRIJALVA.

H.R. 1425: Mr. ROTHMAN.

H.R. 1548: Mr. HINCHEY and Mr. SOUDER.

H.R. 1554: Mr. WYNN.

H.R. 1558: Mr. CAPUANO.

H.R. 1632: Mr. HAYWORTH, Mr. CHABOT, Mr. SIMMONS, and Mr. TIERNEY.

H.R. 1658: Mr. JINDAL.

H.R. 1671: Mr. GERLACH.

H.R. 2051: Mr. McCOTTER.

H.R. 2121: Mr. CONAWAY and Mr. PENCE.

H.R. 2356: Mr. WAMP.

H.R. 2421: Ms. BEAN, Mr. WELDON of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SAXTON, and Mr. PETERSON of Minnesota.

H.R. 2568: Mr. KUHL of New York.

H.R. 2685: Mr. DOGGETT.

H.R. 2719: Mr. COOPER.

H.R. 2727: Mr. SIMMONS.

H.R. 2799: Mr. LaHOOD.

H.R. 2804: Mr. KLINE and Mr. CALVERT.

H.R. 2861: Mrs. BONO and Mr. FORTUÑO.

H.R. 2964: Mr. THORNBERRY and Mr. CONAWAY.

H.R. 3006: Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. HIGGINS, Mr. PASCRELL, and Ms. MILLENDER-McDONALD.

H.R. 3063: Mr. STRICKLAND.

H.R. 3145: Mr. ROTHMAN.

H.R. 3159: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3183: Mr. MORAN of Virginia.

H.R. 3267: Mr. SHAYS.

H.R. 3436: Mrs. CAPITO.

H.R. 3547: Mr. LEWIS of Georgia.

H.R. 3559: Mr. ADERHOLT, Mr. STRICKLAND, Mr. LEWIS of Georgia, and Mr. ACKERMAN.

H.R. 3605: Mr. CROWLEY.

H.R. 3617: Mr. GOODLATTE.

H.R. 3628: Mr. OBERSTAR and Mr. BISHOP of Georgia.

H.R. 3762: Mr. SNYDER.

H.R. 3795: Mr. PORTER and Mr. FITZPATRICK of Pennsylvania.

H.R. 3854: Ms. KAPTUR.

H.R. 3954: Mr. GORDON.

H.R. 4033: Mr. GENE GREEN of Texas.

H.R. 4050: Mr. GUTKNECHT.

H.R. 4217: Mr. COOPER.

H.R. 4239: Mr. FERGUSON.

H.R. 4341: Mr. GILCHREST and Mr. OXLEY.

H.R. 4547: Mr. BILBRAY.

H.R. 4597: Mr. McINTYRE.

H.R. 4620: Mr. DOOLITTLE and Mr. KING of New York.

H.R. 4749: Mr. BISHOP of New York.

H.R. 4773: Mr. BUTTERFIELD.

H.R. 4800: Mr. TIERNEY.

H.R. 4903: Mr. HINCHEY.

H.R. 4953: Mr. ENGLISH of Pennsylvania.

H.R. 4980: Ms. JACKSON-LEE of Texas, Mrs. DRAKE, and Mr. CAPUANO.

H.R. 5005: Mr. BOOZMAN.

H.R. 5088: Mr. RAHALL.

H.R. 5092: Mr. BASS, Mr. BRADLEY of New Hampshire, and Mr. BOOZMAN.

H.R. 5100: Mr. CONYERS and Mr. RAMSTAD.

H.R. 5120: Mr. HASTINGS of Washington.

H.R. 5134: Mr. KUHL of New York.

H.R. 5139: Mr. OLVER.

H.R. 5150: Mr. COSTELLO.

H.R. 5179: Mr. HAYES.

H.R. 5200: Ms. McCOLLUM of Minnesota, Ms. KAPTUR, and Mr. BAKER.

H.R. 5230: Mr. KELLER.

H.R. 5242: Mr. SESSIONS, Mrs. McMORRIS RODGERS, Mr. PITTS, Mr. FEENEY, Mrs. MYRICK, Mr. TIAHRT, and Mr. CONAWAY.

H.R. 5246: Mr. ADERHOLT, Mr. BOUSTANY, Mr. LATHAM, and Mr. BASS.

H.R. 5295: Mr. SHAYS, Mr. PORTER, and Mr. WELDON of Pennsylvania.

H.R. 5314: Mrs. KELLY.

H.R. 5355: Mr. DAVIS of Kentucky.

H.R. 5363: Mr. WICKER.

H.R. 5393: Mr. AL GREEN of Texas.

H.R. 5463: Mr. SHAYS.

H.R. 5500: Mr. BRADLEY of New Hampshire.

H.R. 5513: Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. LATHAM, Mr. ACKERMAN, and Mr. OLVER.

H.R. 5555: Mrs. McCARTHY, Ms. SOLIS, and Mr. TOWNS.

H.R. 5558: Mr. ALEXANDER, Mr. PORTER, Mrs. NORTHUP, Mr. SAM JOHNSON of Texas, and Mr. ENGLISH of Pennsylvania.

H.R. 5598: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5624: Mr. WAMP.

H.R. 5674: Mr. HINCHEY, Mr. SIMMONS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5698: Mr. LARSON of Connecticut.

H.R. 5704: Mr. ROGERS of Michigan, Mr. HINOJOSA, and Mr. KUHL of New York.

H.R. 5707: Mr. CASTLE.

H.R. 5708: Mr. McNULTY.

H.R. 5740: Mr. PORTER.

H.R. 5743: Mr. BRADY of Texas and Mr. FEENEY.

H.R. 5746: Mr. UDALL of Colorado.

H.R. 5755: Mr. PALLONE.

H.R. 5770: Ms. LEE.

H.R. 5771: Mr. CROWLEY, Ms. BALDWIN, Mr. MARKEY, Mr. BERMAN, Mr. ALLEN, Mrs.

MALONEY, Mr. BARROW, Mr. POMEROY, Mr. SNYDER, Ms. VELÁZQUEZ, Mr. MCINTYRE, Mr. BACA, Mr. RENZI, Mr. CLYBURN, Mr. OBEY, Mr. KIND, Mr. BISHOP of Georgia, Mr. BOYD, Mr. CARDOZA, Mr. CHANDLER, Mr. DAVIS of Tennessee, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. PASCRELL, Mr. BISHOP of New York, Ms. BORDALLO, Ms. WOOLSEY, Mr. SKELTON, Mr. RUPPERSBERGER, Mrs. LOWEY, Mrs. MCCARTHY, and Mrs. CHRISTENSEN.

H.R. 5772: Mr. RAHALL.

H.R. 5791: Mr. OLVER and Mr. SIMMONS.

H.R. 5809: Mr. MCCOTTER and Mr. FORD.

H.R. 5817: Mr. BAIRD and Mr. SMITH of Washington.

H.R. 5834: Mr. LEVIN.

H.R. 5853: Mr. MCHUGH.

H.R. 5862: Mr. FEENEY and Ms. HARRIS.

H.R. 5864: Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. WESTMORELAND, Mr. FORTUÑO, Mr. LINDER, and Mr. SOUDER.

H.R. 5866: Mr. BONNER, Mr. ROHRABACHER, Mr. LUCAS, Mr. SULLIVAN, Mr. MCCAUL of Texas, Mr. CUELLAR, Mr. MARCHANT, Mr. GILCHREST, Mr. ROGERS of Michigan, Mr. MURTHA, Mr. FRANKS of Arizona, and Mrs. MUSGRAVE.

H.R. 5887: Mr. MCCOTTER.

H.R. 5888: Mr. SOUDER, Mr. PRICE of North Carolina, and Mr. WEXLER.

H.R. 5891: Mr. DELAHUNT and Mrs. MALONEY.

H.R. 5906: Mr. GILLMOR, Mr. GUTKNECHT, and Mr. SABO.

H.R. 5965: Mr. ISRAEL.

H.R. 6032: Mr. MARSHALL.

H.R. 6038: Ms. JACKSON-LEE of Texas.

H.R. 6053: Mr. BOUSTANY and Mr. CARTER.

H.R. 6057: Mr. SENSENBRENNER, Mr. NEUGEBAUER, Mr. GOHMERT, Mr. PITTS, Mr. POE, Mrs. MYRICK, Mr. FEENEY, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, and Mr. CARTER.

H.R. 6061: Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. NORWOOD, Mr. CAMPBELL of California, Mrs. BIGGERT, Mr. MURPHY, Mr. DAVIS of Kentucky, Mr. CALVERT, Mr. MCCOTTER, Mr. PRICE of Georgia, Mr. KELLER, Mr. SESSIONS, Ms. FOXX, Mr. KING of Iowa, Mr. ADERHOLT, and Mr. HENSARLING.

H.R. 6064: Mr. OLVER.

H. Con. Res. 158: Mr. RUSH and Mr. FATTAH.

H. Con. Res. 343: Mr. MEEKS of New York.

H. Con. Res. 346: Mr. HASTINGS of Florida, Mr. MACK, and Mr. ROSS.

H. Con. Res. 390: Mr. GINGREY, Mrs. MYRICK, Mrs. MALONEY, Mr. KIRK, Mr. CROWLEY, Mr. POE, Mr. JONES of North Carolina, and Mr. MCKEON.

H. Con. Res. 391: Mr. GRIJALVA and Mr. OLVER.

H. Con. Res. 424: Ms. CARSON, Mr. ENGEL, Mr. YOUNG of Florida, Mr. FORD, Mr. FOLEY, Mr. MELANCON, and Mrs. LOWEY.

H. Con. Res. 428: Mr. LINDER, Mr. TIBERI, and Mr. ISSA.

H. Con. Res. 453: Mr. LANTOS, Mr. BISHOP of New York, Mr. DOGGETT, Ms. SCHWARTZ of Pennsylvania, Ms. SOLIS, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. BERKLEY, and Mr. FORTUÑO.

H. Con. Res. 470: Mr. OBEY, Mr. LARSON of Connecticut, Ms. SCHWARTZ of Pennsylvania, Mr. MCNULTY, and Mr. STUPAK.

H. Con. Res. 471: Mr. BARRETT of South Carolina, Mr. GONZALEZ, and Mr. COSTA.

H. Res. 295: Mr. WEXLER and Mr. PRICE of North Carolina.

H. Res. 305: Mr. BRADLEY of New Hampshire.

H. Res. 723: Mr. SMITH of Washington.

H. Res. 745: Mr. TIBERI, Mr. KLINE, Mr. FOLEY, and Mrs. DRAKE.

H. Res. 940: Ms. ROYBAL-ALLARD and Ms. MILLENDER-MCDONALD.

H. Res. 942: Mr. NORWOOD.

H. Res. 944: Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. RUPPERSBERGER, Mr. FITZPATRICK of Pennsylvania, Mr. ALLEN, Mrs. MALONEY, Mr. CLEAVER, Mrs. TAUSCHER, and Mr. RYAN of Ohio.

H. Res. 959: Mr. POMEROY.

H. Res. 962: Mr. HOLT, Mr. HASTINGS of Florida, Mr. RAHALL, Mr. CHANDLER, Mr. GALLEGLY, Mr. CLAY, and Mr. OXLEY.

H. Res. 973: Ms. SCHWARTZ of Pennsylvania and Mrs. CHRISTENSEN.

H. Res. 976: Mr. MICHAUD and Mr. KIRK.

H. Res. 989: Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. KING of Iowa, Mr. KING of New York, and Ms. HARRIS.

H. Res. 992: Mr. ADERHOLT, Mrs. BONO, Mrs. CHRISTENSEN, Mrs. JO ANN DAVIS of Virginia, Mr. DELAHUNT, Mr. DENT, Mr. ENGEL, Mr. ETHERIDGE, Mr. GORDON, Mr. KIRK, Mr. MICHAUD, Mr. MILLER of North Carolina, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. REICHERT, Mr. ROHRABACHER, Mr. SAXTON, Mr. SHAW, Mr. VAN HOLLEN, Mr. WELDON of Pennsylvania, and Mr. SCHWARZ of Michigan.

H. Res. 1004: Mr. FRELINGHUYSEN and Mr. SMITH of New Jersey.

H. Res. 1005: Ms. VELÁZQUEZ, Ms. MATSUI, Mr. DAVIS of Tennessee, Mr. BUTTERFIELD, Mr. MCINTYRE, Mr. BISHOP of New York, and Mr. BOUCHER.

H. Res. 1008: Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. ROSS, and Mrs. TAUSCHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Mr. KUHL of New York.

EXTENSIONS OF REMARKS

HONORING THE BIRTHDAY OF MR. ROBERT B. INGRAM, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, I rise today to recognize Mr. Bob Ingram for his service to the state of Alabama as one of the most influential and respected political writers.

At a celebration of his 80th birthday earlier this summer, State Treasurer Kay Ivey described Bob as an "Alabama Treasure." Throughout his career, he has used his skills as a journalist to make an important contribution toward building a better Alabama.

Born in Centre, Alabama, in 1926, Bob graduated from Cherokee County High School and served with distinction in World War II as a radio operator and gunner aboard the USS *Panamint*. He graduated from Auburn University in 1949 and soon began working for the Cherokee County Herald.

Bob has seen and reported on many of the most pivotal events in Alabama's history including the civil rights movement and the career of former Governor George C. Wallace. While noted for his legendary objectivity, Bob has never been afraid to speak his mind. Be it with praise or criticism, Mr. Ingram has served as a watchdog for the people of Alabama his entire career.

Bob Ingram has been a reporter, a magazine publisher, an author, a television commentator, and a speaker for the better part of a century. In 1968, he also served the people of Alabama as the finance director to Governor Albert Brewer.

Mr. Ingram's life is filled with achievement, and today I rise to honor yet another of these achievements—the 80th birthday of one of our state's most revered journalists and esteemed citizens. May he continue to inform and inspire the people of Alabama, and may his role in our State's history not soon be forgotten.

WWII ACE REMEMBERED

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to remember a great American warrior, Col. Herschel H. "Herky" Green. Herky Green was a pilot in the Army Air Corps during World War II and is recognized as one of the sharpest shooters of the war. He passed away August 16, 2006 from cancer at the age of 86.

In his time as a fighter pilot, Herky Green amassed 402 combat flying hours over the course of 100 combat missions. He is credited with destroying 10 enemy aircraft on the ground and 18 aerial victories, earning him the designation of Ace. As the leading Ace of the 15th Air Force, Herky Green dominated the skies over Europe and Africa from 1943 to 1944. During one mission against a group of German bombers, Green single-handedly destroyed six aircraft.

Green continued to serve in the newly established U.S. Air Force until 1964. Among his numerous decorations, he earned the Distinguished Service Cross, a Silver Star, and two Distinguished Flying Crosses.

HONORING BILL STONE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor Mr. Bill Stone as the recipient of the 2006 Kings County Agriculturalist of the Year Award. With over 35 years of dedicated service to the Central Valley's agriculture industry and with demonstrated quality leadership, Mr. Stone is truly deserving of this recognition.

A native of Stratford, Mr. Stone moved to Lemoore when he was 9 years old. He graduated from Lemoore High School in 1964 and Cal Poly, San Luis Obispo in 1968. His earliest memories of farm life center on days spent playing out on the ranch with the kids who lived in the farm labor camp as well as working around the shop with his father and brother.

Today, Mr. Stone owns and operates Stone Land Company, nestled in the heart of the Central Valley. He credits his employees, some of who have worked for the company for over 40 years, in helping harvest cotton, garlic, onions, tomatoes, garbanzo beans, cantaloupe, wheat, barley, alfalfa and lettuce grown for seed across the 9,000 acre farm. Because Mr. Stone is committed to enhancing the quality of agriculture in the valley, he makes the extra effort to incorporate new technology on his farm. He has been actively involved in operating laser leveling, GPS guidance systems and yield monitoring equipment. He has also taken advantage of computers for bookkeeping and in tracking production. Further, Mr. Stone has worked closely with University Ag Extension programs in testing new products and equipment.

Aside from his commitments out on the farm, Mr. Stone is an outstanding member of the agricultural community. He currently serves as the Secretary of the San Joaquin Valley Quality Cotton Growers Association, Chairman of the San Joaquin Valley Cotton Board, Director of the Ranchers Cotton Oil Company, Director of the California Cotton Growers Association and a Member of the CIAA Cotton Committee. In addition, Mr. Stone is a board member of Mary Immaculate Queen School, Director of the Beltwide Cotton Co-Op and Chairman of the California Garlic and Onion Research Advisory Board. In the past, Mr. Stone served as the Director of Calcot, Ltd. and the Chairman of Kingsburg Cotton Oil Company.

The Stone family has been an important part of California agriculture for over a century. It is for those reasons, that I extend my sincerest appreciation for Mr. Stone's dedication and service and offer my heartfelt congratulation for receiving the 2006 Kings County Agriculturalist of the Year Award.

CONGRATULATING SCOTT TEW ON HIS APPOINTMENT AT AMERICAN STANDARD COMPANIES AND HIS SERVICE TO WASHINGTON COUNTY, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, I rise today to commend Scott Tew on his hard work and service to the people of Washington County, Alabama, and to congratulate him on his recent appointment as global director of public affairs at American Standard Companies.

After receiving a bachelor of science degree and a master of arts degree at Livingston University in Livingston, Alabama, Scott joined the Ciba-Geigy Corporation in Mobile. He has devoted over 15 years to the Ciba-Geigy Corporation and to Washington County where his dedication and hard work helped the company and the community prosper. At Ciba, Scott served as the head of North American public affairs, the director of community and state relations, the global corporate communications manager, and the manager of public affairs and communications.

In the midst of his demanding professional schedule, Scott also dedicated his time to the community, including: the Gulf Coast Science Exploreum, the American Chemistry Council, Manufacture Alabama, Mobile Area Chamber of Commerce, Business Council of Alabama, the Washington County Business Alliance, and the Alabama Environmental Initiatives Commission.

Mr. Speaker, all of us in south Alabama are sad to see Scott leave our community. I ask my colleagues to join with me in congratulating him on this achievement and new chapter in his life. I know Scott's colleagues, his wife Cindy, his daughters Dylan and Katherine, his family, and many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the citizens of the First Congressional District and the State of Alabama.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO MRS. CELESTER ALSTON CLARK

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to my constituent, Mrs. Celester Alston Clark who is being honored on Saturday, September 16, 2006 by the North Carolina Federation of Garden Clubs. Mrs. Clark is being honored for her dedicated and loyal service as well as her enthusiasm and creativity. All of these qualities have indeed served to provide a tremendous benefit to the Garden Club. Over the years Mrs. Clark has exhibited an impressive level of leadership to the Garden Club; in that regard, she sponsors a workshop each year when the North Carolina Federation of Garden Clubs hosts its Annual Convention. Further, she serves as the State Youth Director.

Mr. Speaker, Mrs. Clark is indeed leading the charge for her Garden Club where one of its objectives is to put more strength behind local clubs so that the work of beautifying homes, churches, schools and communities can be achieved more effectively. Mrs. Clark is very instrumental in helping her Garden Club promote a full conservation program within local clubs, placing special interest on wildflowers, native trees, soil, and water. There are about 40 adult and youth clubs that belong to the North Carolina Federation of Garden Clubs which was organized as far back as 1935.

Mr. Speaker, Mrs. Clark has been a member of the Daisy Garden Club since 1979 and in 1995 she organized the Calla Lily Adult Garden Club. Under her guidance, the Calla Lily Adult Garden Club has projects at the Pinkerton's Street School, Satterwhite Point Lake Camp Site in Henderson, North Carolina and Haywood Missionary Baptist Church in Louisburg, North Carolina. In addition, Mrs. Clark oversees the Calla Lilly Youth Gardners referred to as Calla Lilettes.

She was born in Franklin County, North Carolina to Benjamin and Mable Alston, and has one brother and five sisters. She attended the Rockford Grade School and graduated from Franklin County Training School. She received her Bachelor of Art degree from A&T College in Greensboro, North Carolina. She married the love of her life, Mr. James Clark of Greensboro, North Carolina. After relocating to Washington, D.C., Mrs. Clark secured employment as a budget analyst with the U.S. Department of Health, Education and Welfare; with the U.S. Department of Defense in the area of Financial Management; and finally with the U.S. Department of Justice, Bureau of Prisons. Upon her retirement, she became a teacher in the Vance County Public School system.

While residing in Washington, D.C., Mr. and Mrs. Clark were members of the Upper Room Baptist Church. Mrs. Clark served as the Youth Director, Member of the Hospitality Committee, and was a member of the choir. She also served as President of the Fort Dupont Civic Association.

Upon returning to Henderson, North Carolina, Mr. and Mrs. Clark reunited with their family home church, Haywood Missionary Baptist Church in Louisburg where she serves as President of the Deaconess; Chairperson of the Hospitality Committee; member of the Mass Choir and member of the Missionary Department.

Mr. Speaker, I ask my Colleagues in the United States House of Representatives to join me in paying tribute to one of my most deserving constituents, Mrs. Celester Alston Clark on this great occasion.

HONORING THE EVANGELHO SEED & FARM STORE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor and celebrate the Evangelho Seed & Farm Store as the recipient of the 2006 Kings County Ag Support Business of the Year Award. For the past 25 years, Evangelho Seed & Farm Store has supplied essential farming products and services to the people of the Central Valley.

Rodney and Linda Evangelho opened the farm store on September 1, 1981. They started the business with the help and commitment of family members and three additional employees. The store provided seed to farmers and dairymen, as well as a small amount of cat and dog food to the folks of Kings County. Since then, the Evangelhos have seen their business flourish and they have opened a new pet and farm supply store. Today, they have a total of 13 employees and offer products for all types of animals to clothing and jewelry. In addition, the Evangelho Seed & Farm Store has become the Valley's one-stop shop for members of the 4–H and FFA and they have expanded their areas of service into Kings, Fresno, Tulare and Madera Counties.

The Evangelhos attribute their success to their customers, but it is their knowledge of the Valley's agricultural needs that keeps the business growing. Besides offering seminars for 4–H and FFA members, they are active with the Kings County Farm Bureau and the Dairy Herds Improvement Association. They have also been involved with the Education & Agriculture Foundation (EAT), which brings teachers from urban areas from Los Angeles County to the Bay Area to provide agricultural education for them to take back and share with their students. In addition to their commitments to the agricultural community, the Evangelho family is active in the Hanford Knights of Columbus, St. Peter's Church, Our Lady of Fatima in Laton and the Kings Guild.

Through years of hard work and dedication the Evangelho's investment in their business make them worthy of this recognition. They have managed to stand alone as a family-run and operated business among competitors and have served their local community in immense measures. It is for those reasons that I take great pride and honor in joining the Kings County community in commending the success of the Evangelho Seed & Farm Store and in wishing Rodney and Linda Evangelho continued success and prosperity.

CONGRATULATING MISS ALICE LEE ON THE OCCASION OF HER 95TH BIRTHDAY AND THE DISTINCTION OF BEING ALABAMA'S OLDEST PRACTICING FEMALE ATTORNEY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, it is with both pride and pleasure that I rise this week to honor one of the most beloved residents of Monroeville, Alabama, Miss Alice Lee, on the occasion of her 95th birthday and her distinction of being Alabama's oldest practicing female attorney.

After graduating from Huntingdon College in Montgomery, "Miss Alice" returned to her hometown of Monroeville in the midst of the Great Depression. For 18 years, she served as the associate editor and partner of The Monroe Journal, a weekly newspaper in Monroeville. She did a little bit of everything at the paper including writing stories, proofing copy and assisting with the printing.

In 1937, "Miss Alice" went to work for the Internal Revenue Service in Birmingham and at night attended law school. After graduating from the Birmingham School of Law and being admitted to the bar in 1943, she returned to Monroeville to practice law with her father at his firm Barnett, Bugg & Lee, where she continues to practice today.

One of "Miss Alice's" passions has been her work for the Methodist church. She was the first woman to head the administrative board of her hometown church, and she was the first woman to chair the Alabama-West Florida Council on Ministries of the Methodist Church.

For 32 years, "Miss Alice" served on the city's planning commission. When she stepped down in 1998, she was presented with a proclamation from the Monroeville City Council.

Mr. Speaker, "Miss Alice" has devoted her life to the service of Monroe County's residents, and along the way, she has been an inspiration to countless young women—and men—for all that she has accomplished. Therefore, it is only appropriate that I ask my colleagues to join with me in congratulating "Miss Alice" on reaching this milestone. I know her colleagues, her sisters—Louise Lee Conner and Nelle Harper Lee—her family and her many friends join with me in praising her significant accomplishments and extending thanks for her many efforts over the years on behalf of the people of Alabama. May there be many more birthday celebrations to come. God bless you, "Miss Alice."

LONE STAR VOICE—MAGGI CARTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. POE. Mr. Speaker, it has been one year since Hurricane Katrina flooded Texas with evacuees. It's almost a year since welcoming Texans weathered their own storm, Hurricane Rita.

But today there are still shells of smashed buildings left standing. There are still homes where roofs were peeled back by wind and rain. Today only a blue tarp remains over the heads of countless families.

But these victims, these Lone Star Voices, are crying out for help.

Maggi Carter of Beaumont writes, "Hurricanes Katrina and Rita handed the State of Texas an unprecedented housing challenge. To date, there are grossly inadequate resources for the 75,000 victims of Hurricane Rita. We support a 5-step plan to provide housing to the more than 100,000 families living in Texas who are victims of Hurricanes Katrina and Rita."

Mr. Speaker her plan includes: Transferring long-term housing from FEMA to HUD, the people who understand housing; settling the elderly and disabled into long-term government housing; and developing affordable rental housing while repairing the battered homes of survivors.

We cannot turn a blind eye to survivors. The victims of these natural disasters and their needs cannot be ignored. They need their government to finally help them find the calm after the storm.

That's just the way it is.

IN HONOR OF SERGEANT VINCENT FISCELLA

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Sergeant Vincent Fiscella a 17-year veteran of the Delaware State Police and the 2006 recipient of the Legacy of Honor Award presented by the Ronald G. Williams Foundation.

In 2003, The Ronald G. Williams, Jr. Foundation instituted the "Legacy of Honor" Award to recognize Delaware law enforcement officers who distinguish themselves through exemplary integrity and devotion to character. Sergeant Fiscella is a very worthy recipient of this award and I'm proud to honor him today. Sergeant Fiscella also serves as the President of the Delaware State Troopers Association.

The Legacy of Honor Award was created in memory of Delaware State Trooper Ronald Williams who was dedicated to the ideals of honor, duty, loyalty and service to others. Sergeant Fiscella joins two other distinguished individuals who have received the Legacy of Honor Award: Chief Kevin McDerby of New Castle County Police and Major Joseph Papili of the Delaware State Police.

Sergeant Fiscella's desire to become a Delaware State Trooper was born out of a will to be a part of an organization with rich tradition and history. Since 1923, the Delaware State Police have been serving the people of Delaware and now more than ever, the importance of effective law enforcement is apparent. Thankfully, there are officers like Sergeant Fiscella serving and protecting our communities.

Mr. Speaker, in closing, I would like to once again, commend Sergeant Fiscella on his achievement and thank him and all law-enforcement officials for all the tireless work they undertake to make our streets and communities safe places to live. I'm sure Sergeant Fiscella is and will continue to be an inspiration to his colleagues and future law-enforcement officers.

CELEBRATING THE CAREER OF JIM EMFINGER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, I rise today to congratulate Jim Emfinger of Mobile, Alabama, for his dedicated, inspiring work as an umpire at Mobile Municipal Park. For over 25 years, Jim, affectionately known as "Big Blue," has given his own special touch to the game of baseball and the development of little boys and girls who are learning at a very young age the rules of America's pastime.

All across America, baseball is an important part of our lives, full of history and tradition. From little league games in small towns, to enjoying a box of Cracker Jacks and a hot dog at a major league ballpark, there is no other sport that is as American as baseball. Jim Emfinger has enriched this tradition with a sense of kindness and humanity for which we should all strive both on and off the field.

Jim is well known for helping out the young girls and boys at Mobile Municipal Park, calling a time out if a player needs help or lending a hand if someone gets hurt while sliding into home. On more than one occasion, Jim has pretended to help tie a youngster's shoe while secretly telling him how to hold the bat. I have heard nothing but praise for Jim from the countless parents, coaches, and players who have been lucky enough to be a part of one of the many little league games that Jim has umpired. As the father of a little slugger myself, I can say I have witnessed first-hand the numerous times Jim Emfinger's love of children and love of baseball have come together to make a positive difference.

With a remarkable sense of patience and class, Jim Emfinger is a man who not only honors the game of baseball, but he is a role model to all of the parents and children he meets.

Mr. Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout south Alabama. I know Jim's family and friends, along with past and present ball players, join me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the city of Mobile and all the future "Hall of Famers" who live there.

TRIBUTE TO REV. JOSEPH CALVIN NEAL

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise today to honor the work of Rev. Joseph Calvin Neal, from Carroll County in my district in Georgia.

Rev. Neal began life in Carroll County as one of 12 children of a single mother. As a young teen, he took a job at the Green Front, a locally owned restaurant, and was renowned for his ability to take the orders of multiple patrons with no notes and never missing a beat.

Rev. Neal became so beloved by key community leaders that they got him a job at Sunset Hills Country Club and eventually encouraged and supported him at Paine College in Augusta, where he received a degree in music.

The Lord called Rev. Neal to the ministry, and after his training was complete, he began serving as the pastor of several Methodist churches in west Georgia.

But his service at his churches wasn't his only job. During his time as pastor, he also worked for the Douglas & Lomason Company, one of the major producers of car parts in the country. Even after the plant in Carrollton closed down, the company trusted Rev. Neal with the oversight of the company property for years afterward.

But even in working two jobs, Rev. Neal never lost sight of his ministry. Normally, a Methodist pastor serves one church and is moved from church to church every five or so years. But Rev. Neal was so beloved by his congregations that he served as the pastor of 3 churches simultaneously—in Newnan, Georgia for 32 years. These churches are Smith Chapel UMC, Wesley Chapel UMC, and Clark Chapel UMC. During those years, his churches were recognized twice as "church of the year" by the North Georgia Methodist Conference, another testament to his leadership and skill. Rev. Neal also continued his education by receiving a Master of Divinity degree from Candler School of Theology at Emory University in Atlanta.

But Rev. Neal also lived out what he preached regarding the importance of family—he cared for his mother until she passed away, and he continues to live in her house with an older brother.

He has also been invaluable to the community in Carroll County. He has served on the planning commission for the city of Carrollton, the Carroll County Water Authority, and on the Chamber of Commerce Board of Directors to name a few. Even while working two full-time jobs, Rev. Neal still found time to serve his community.

Rev. Neal has earned the respect and love of the people of Carroll County. Even today, when Rev. Neal does something as simple as go out to a restaurant to eat, people know him and come speak to him about their lives.

Mr. Speaker, it is an honor to bring a life of service like that of Rev. Neal before the House. He is an example to young people across this Nation of the type of spirit we need in our citizens—he looks beyond what it means to gain notoriety for himself, and focuses on serving others. Servant leadership. Something we would do well to practice here in Washington, and something that Rev. Neal exemplifies by his life. We all wish him the very best in his retirement and continued service to my State and our Nation.

TRIBUTE TO DIANNE EDWARDS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dianne Edwards of Santa Rosa, California, who is retiring after ten years as Director of Human Services for Sonoma County,

Dianne's job required overseeing one of the largest departments in County government. Human Services provides essential services to one in nine residents including cash aid, medical assistance, and food stamps to low income individuals and families; employment and training services; assistance to the elderly, disabled and veterans to maintain quality of life; and child welfare and child protective services. Dianne managed the 600 staff and their supervisors responsible for these activities at 8 locations.

Children are among our most vulnerable populations, and during Dianne's tenure the County, with the assistance of other organizations, built the Valley of the Moon Children's Home, an emergency center for child victims of abuse. The department also manages the Redwood Children's Center for a safe, supportive environment for child victims of sexual abuse.

Dianne holds a Master's Degree in Public Administration and has spent the last 34 years in social services in California at both county and state levels. She began her career as an eligibility worker, worked 2 years as State Chief of AFDC and Food Stamps Policy for all 58 California counties, and served as Director of Adult and Employment Services for Orange County just before moving to Sonoma.

Locally, Dianne has shared her expertise with the community including the Board of Directors of United Way, commissioner on the Children and Families Commission, and member of the Mayor's Gang Task Force for the City of Santa Rosa. She has also participated, as a member and officer of the County Welfare Directors Association of California, the National Association of Counties, and the National Association of County Human Services Administrators.

Mr. Speaker, Sonoma County has been fortunate to have Dianne Edward's leadership for the Human Services Department, a department which is responsible for the welfare of many of our community's most vulnerable citizens. We appreciate the skill, proficiency, and dedication with which she has guided these crucial services for 10 years.

IN RECOGNITION OF CHIEF MARK MOCZULSKI FOR HIS 29 YEARS OF SERVICE TO THE ANTIOCH POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Chief Mark Moczulski who is retiring from the city of Antioch Police Department after 29 years of serving Antioch and the entire region.

Mark Moczulski began his distinguished career with the city of Antioch Police Department in 1977. In 1985, he was promoted to police corporal, and in 1987 received the ranking of sergeant. Three years later he became a lieutenant, and in 1996, he was promoted to captain.

In 2000, Mark Moczulski was promoted to police chief for the city of Antioch. As chief, he has been instrumental in helping the police department expand in size and quality of service and supporting community-wide efforts to maintain a high quality of life for city of Antioch residents during the region's punctuated growth.

During his tenure, Chief Moczulski oversaw the completion of several projects to support the department's expansion. Some of these accomplishments include managing the completion of the build-out of the police department's main facility and the establishment of a sub-station at the Prewett Family Water Park.

As Chief, Mark Moczulski was also responsible for several technology improvement projects including the implementation of a new state-of-the-art information and records system as well as acquiring important safety equipment including portable radios for all officers and automated external defibrillators. These expansion projects were important for the police department and even more invaluable for residents of the Antioch community, who now receive more value-added police services than ever before.

Chief Moczulski also worked to improve the quality of department services during his tenure at the Antioch Police Department. His work included the creation of a professional standards and training bureau as well as the development of a continuous testing process for hiring new employees.

As a resident of Antioch with his wife Robin, Mark Moczulski is both a member and leader of the community. Mark has one daughter, Jennifer, who is 24 and a son, Eric, who is 24.

For 29 years, Chief Moczulski has served the Antioch Police Department and surrounding community. His hard work has improved the safety of the city and the community as a whole, and has ensured an enduring legacy of public service in Antioch. Today, I am proud to commend him for his service to the community, his dedication to duty and his commitment to the people of Antioch.

TRIBUTE TO M&M FOOTBALL GAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a time honored tradition observed in my district and, specifically, in my hometown of Menominee, Michigan. Nearly every year, since 1894, Menominee High School's football team, known as the Maroons, has played their rivals just across the Wisconsin border, the Marinette High School Marines. The annual rivalry is known as the M&M (Marinette & Menominee) game. In many ways, it parallels the annual contest in the professional football between the Chicago Bears and the Green Bay Packers, another long-standing rivalry.

Since 1894, the M&M game has developed into one of the oldest interstate athletic competitions in the United States. In fact, until 2005, the National Federation of State High School Associations recognized the M&M game as the oldest interstate series in the United States. Last year, the National Federation of State High School Associations found that two other interstate athletic series were older. Nonetheless, the proud tradition of the M&M game remains the oldest interstate high school football competition in the Midwest and the third oldest in the nation.

To understand what this competition means to the people of Menominee and Marinette, one needs to know a little about the area. These two communities are separated only by the Menominee River, which serves as the state border. The communities are so closely tied together economically that in many ways the residents think of the two cities as one, disregarding the state border that separates the two states.

However, every fall, town pride boils up and the team colors come out as the two towns prepare for the annual game. Together, Marinette and Menominee are transformed into an exceptional Midwestern fall festival as area residents organize a celebration of this great tradition. Through events like parades, tug of war contests, battles of the drums, a community yell contest, a powder puff game, fireworks and a bonfire, the people of Menominee and Marinette celebrate their shared history through good natured competition.

Over the years, the Menominee-Marinette competition has produced a whole range of football stars, many of whom went on to play football for Big Ten schools like the University of Wisconsin, the University of Michigan and Michigan State University. The two schools have also produced athletes who played in the National Football League. A particularly remarkable photo from 1958 shows three NFL players—Billy Wells, Dick Deschaine, and Earl "Gug" Girard. All three were on the field at the same time during a Pittsburgh Steelers-Cleveland Browns game and, interestingly, all three hail from the Menominee-Marinette area.

This year is particularly important for these two communities and for this tradition. While this rivalry originated in 1893, for a variety of reasons, the two schools did not play each other a few years, making 2006 the year that Menominee and Marinette will play their one-hundredth game. The Marinette-Menominee community will mark this centennial with a number of special events, including the first ever M&M Twin Cities Parade, the first parade that will originate in Menominee, proceed through town, cross the Menominee River and the Wisconsin border and then finish in Marinette, Wisconsin. Every year, the teams rotate where the game will be played and this year the game will take place at Higley field in Marinette, Wisconsin.

Mr. Speaker, high school football is a uniquely American institution and tradition that brings our communities together. Rivalries between neighboring schools serve to remind us of our roots and why our hometowns are special to each of us. The older and deeper the rivalry, the greater the passion it elicits from fans and alums. The Menominee-Marinette rivalry is unique in many ways. Holding the title of the third oldest interstate high school competition makes this game special.

Perhaps what is most unique about the annual M&M game is that such an intense rivalry draws two communities together into a spirit of shared kinship. These two cities, separated only by a river and a state line, rediscover their unique identities every fall by rooting for the Marinette Marines or the Menominee Maroons. At the same time that these two communities celebrate their rivalry, they also acknowledge their longstanding shared history.

As the Menominee Maroons and the Marinette Marines prepare to don their respective maroon and purple uniforms for their one-hundredth game, I ask that the U.S. House of Representatives join me in saluting the players of today and yesterday as well as these two communities for continuing this unique tradition.

ON THE DEATH OF TEXAS GOVERNOR ANN RICHARDS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my sad duty to report to the House the loss of an American original and the First Lady of Texas politics, the great Ann Richards. Governor Richards died yesterday after a long battle with throat cancer. She was 73.

Dorothy Ann Willis Richards began her career in politics in the early 1970s after having raised four children. A Democrat, she served as County Commissioner in Travis County, Texas from 1977 to 1982. Richards was elected to the first of two terms as Texas State Treasurer in 1982. We who knew and loved her will remember her always as a forcefully articulate and amusingly folksy speaker. She first gained national prominence with her keynote address at the 1988 Democratic National Convention. In 1990 she was elected governor of Texas, the first woman chief executive of Texas in more than fifty years.

Dorothy Ann Willis was born in Lakeview, Texas. She grew up in Waco, Texas, and graduated from Waco High School in 1950, participating in Girls State. She received a bachelor's degree from Baylor University while on a debate scholarship. She married her high school sweetheart, David Richards, and moved to Austin, Texas, where she earned a teaching certificate from the University of Texas at Austin.

After graduation, she taught social studies and history at Fulmore Junior High School in Austin, Texas from 1955 to 1956. She had also two daughters and two sons in the following years, and she campaigned for Texas liberals and progressives such as Henry B. Gonzalez, Ralph Yarborough, and Sarah Weddington. One of her daughters, Cecile Richards became president of Planned Parenthood in 2006. Throughout her life Ann Richards was a forceful champion for economic and social justice for all Americans, especially women and the disadvantaged.

In 1976, Richards ran against and defeated a three-term incumbent on the Travis County, Texas Commissioner Court, holding the position for six years. She then was elected State Treasurer in 1982, becoming the first woman elected to statewide office in more than fifty years. In winning the Democratic nomination for treasurer, Richards ended the career of a Texas politician with the same name as a president (but no relation), Warren G. Harding. In 1986, she was re-elected treasurer without opposition.

Ann Richards delivered the keynote address to the 1988 Democratic National Convention, a move which put her in the national spotlight with the line "Poor George [H.W. Bush], he can't help it . . . He was born with a silver foot in his mouth." The speech set the tone for her political future; she described herself as a real Texan (in supposed contrast to George H.W. Bush), established herself as a feminist, and reached out to African-Americans and Hispanics. In 1989, with co-author Peter Knobler, she wrote her autobiography, Straight from the Heart.

In 1990, she sought and won the Democratic gubernatorial nomination besting such venerable vote getters as Texas Attorney General James "Jim" Mattox and former governor Mark White. In the general election she defeated multi-millionaire rancher Clayton Williams after a brutal campaign and was inaugurated the 45th governor of Texas in January 1991.

The Texas economy had been in a slump since the mid-1980s, compounded by a downturn in the U.S. economy. Governor Richards responded with a program of economic revitalization, yielding growth in 1991 of 2% when the U.S. economy as a whole shrank. She also streamlined Texas's government and regulatory institutions for business and the public. Her efforts helped to revitalize and position Texas's corporate infrastructure for the explosive economic growth it experienced later in the decade. Her audits on the state bureaucracy saved Texas taxpayers more than $6 billion.

Governor Richards reformed the Texas prison system, establishing a substance abuse program for inmates, reducing the number of violent offenders released, and increasing prison space to deal with a growing prison population (from less than 60,000 in 1992 to more than 80,000 in 1994). She backed proposals to reduce the sale of semi-automatic firearms and "cop- killer" bullets in the state.

The Texas Lottery was also instituted during her governorship—advocated as a means of supplementing school finances; Ann Richards purchased the first lotto ticket on May 29, 1992. However, most of the income from the lottery went into the state's general fund rather than specifically to education, until 1997, when all lottery net revenue was redirected to the state's Foundation School Fund, which supports public education. School finance remained one of the key issues of her governorship and of those succeeding hers; the famous Robin Hood plan was launched in the 1992–1993 biennium which attempted to make school funding more equitable across school districts. Richards also sought to decentralize control over education policy to districts and individual campuses; she instituted "site-based management" to this end.

In March 2006, Richards announced that she had been diagnosed with esophageal cancer and will be seeking treatment at M.D. Anderson Cancer Center in Houston, Texas. The disease has a five-year survival rate of 25 percent. Despite the statistics, Governor Richards vowed to beat her illness and battled valiantly until the very last day, when she finished her journey on earth and ascended to the heavens.

None of us who knew and loved Ann Richards will ever forget her or the way she brightened the lives of all the people she served. She was one in a million and she will be deeply missed. She will never be replaced. She was an American original. She was my friend.

IN HONOR OF THE 100TH HIGH SCHOOL FOOTBALL GAME BETWEEN MARINETTE, WISCONSIN AND MENOMINEE, MICHIGAN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to recognize the Marinette Marines from Marinette High School and the Menominee High School Maroons as they prepare for the 100th meeting of their football teams.

This celebrated gridiron contest began over a century ago when the teams first met on Thanksgiving Day in 1894. Over one hundred years later, the Marinette and Menominee High School football game is one of the oldest interstate high school football rivalries in the nation.

In true Midwestern football spirit, the historic game between Marinette and Menominee is one of the biggest events of the year for locals. While many shops and factories close for the day to enjoy the game, others decorate their storefronts with school colors. Without a doubt, the stands are filled each and every year with screaming fans—all anxious to show pride in their school and town.

Mr. Speaker, it's my pleasure to recognize this historic football game and pay tribute to the one hundred years of tradition surrounding it. On behalf of the residents of Wisconsin's 8th Congressional District, I want to say congratulations, best of luck, and go Marines!

HONORING 2006 PRESIDENTIAL FREEDOM SCHOLARSHIP RECIPIENTS IN THE 20TH CONGRESSIONAL DISTRICT OF NEW YORK

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor and recognize 20 exceptional high school students in my Congressional District that were the recipients of the 2006 Presidential Freedom Scholarship. The immeasurable amount of time and effort that these students have volunteered this past year has helped countless citizens of my district, and has made New York's 20th a better place to live.

The Presidential Freedom Scholarship promotes student service and civic engagement by recognizing high school students for outstanding leadership in service to their community and neighbors. This year's recipients in my Congressional District include:

David Casazza, Paige Hanselman, Andrea E. Holmes, Chad M. Shippee, Vanessa A. Merrill, Kathleen B. Price, Renee C. O'Toole, Eric R. Reeve, Craig Millward, Nicholas Kitsock, Patrick K. Gavin-Brynes, Meghan G. Michael, Brian Driscoll, Katelin M. Meehan, Michael Fueston, Stephen R. McGrath, Philip J. Schools, Kathleen Dillon, Jaimie N. DeJager, and Vincent A. Newell.

By completing at least 100 hours of community service, these high school students are solving problems in their communities, demonstrating compassion for others, and assisting those who need support.

Our neighborhoods and communities are stronger because of volunteers and these students are truly a role model for our nation and their peers. It is my privilege to honor such selfless and dedicated members of my district. On behalf of the United States Congress, I offer my best wishes to them for continued success in the future.

TRIBUTE TO MARGARET E. "PEARL" MILLER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of my good friend, Margaret E. Miller, a generous and dedicated member of the community who will be greatly missed in Delaware County, Pennsylvania. Mrs. Miller, known to her many friends as "Pearl", was a woman of character, ability and charm, and we shall all miss her very much.

Pearl Miller was renowned for her unswerving loyalty to her friends and family. She worked to make a difference in the lives of others and everyone who met her was warmed by her friendliness and hospitality.

While establishing her reputation as a loving wife and mother, Pearl also distinguished herself as a gracious hostess and active supporter of many admirable causes. Pearl Miller was a woman of integrity, compassion, and dedication. She carried out her responsibilities as mother, wife, hostess, campaign advisor, and friend with a grace and style, which few could match. Her loss is felt deeply throughout Delaware County, particularly in Springfield, the town she proudly called home.

Mr. Speaker, I ask my colleagues to join me in remembering Pearl Miller, a dedicated friend to many in the 7th Congressional District. I wish Pearl's husband, Rutherford S. "Ford" Miller, Sr. and family my heartfelt condolences. May they find comfort in knowing that the many people she impacted deeply value her dedication and generosity and the example of her life and work.

DETROIT SHOCK CHAMPIONSHIP CELEBRATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. KILPATRICK of Michigan. Mr. Speaker, the Detroit Shock were crowned 2006 WNBA Champions after their 80–75 victory in Game 5 against the Sacramento Monarchs. This is the Shock's second WNBA title in franchise history. The Shock also won in 2003.

The Shock proved they have "got game" by becoming one of three teams to win two championships. Houston and Los Angeles are the others. The Shock's two titles in four seasons rank them among best in league history.

Flint native Deanna Nolan was named Most Valuable Player, MVP of the 2006 WNBA Finals.

Former Detroit Piston Bill Laimbeer is the Head Coach; former Detroit Pistons Rick Mahorn is an assistant coach. Cheryl Reeve is the other assistant coach.

The Shock's regular season record was 23–11.

This is the WNBA's 10th anniversary. Women's basketball announced "We Got Next!" when the NBA Board of Governors approved the WNBA concept in 1996.

The Detroit Shock serve as examples to young women everywhere. Their accomplishments encourage others to make HERstory. They demonstrate how you can achieve success by setting goals, doing your best, and practicing teamwork.

Shock Players include Jackie Batteast, Kara Braxton, Swin Cash*, Cheryl Ford*, Kedra Holland-Corn*, Deanna Nolan*, Sabrina Palie, Plenette Pierson, Elaine Powell*, Ruth Riley*, Katie Smith, and Angelina Williams.

*Members of the 2003 and 2006 teams.

HOMELESS VETERANS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MICHAUD. Mr. Speaker, each night nearly 200,000 veterans are homeless. They live on the streets, in alleys, in cars, in barns and under bridges. Many other veterans are just one paycheck away from being homeless.

The Government Accountability Office has just reported that the Department of Veterans Affairs' largest program to provide homeless veterans with safe shelter has a shortfall of nearly 10,000 beds.

While VA and community providers try to do right by homeless veterans, the GAO report found that the capacity is not there to meet demand.

The situation will get worse because recent combat veterans are already homeless. Just last year, VA served nearly 600 veterans from Iraq and Afghanistan in its Health Care for Homeless Veterans program.

On September 30th, the authorization for two key programs for homeless veterans—the VA Grant and Per Diem program and the Homeless Providers Technical Assistance Grant program—is set to expire.

If we fail to reauthorize these programs, we will be leaving homeless veterans behind. Homelessness is a problem that we can solve.

I urge my colleagues to enact H.R. 5960, the Homeless Veterans Assistance Act of 2006, which reauthorizes key programs for homeless veterans and fortifies VA's efforts to prevent and end homelessness among veterans.

HONORING BEVERLY YOUNG FOR HER COMMITMENT TO OUR WOUNDED HEROES

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to congratulate a good friend whom most of us have the pleasure to know, Mrs. Bill Young, or as she prefers to be known to our wounded troops, simply "Beverly." Beverly has been recognized by the United States Marine Corps for her extraordinary commitment to our wounded troops with The Dickey Chapelle Award.

This annual award recognizes civilians who have given extraordinary contribution to the Corps. It is named in honor of the memory of the late Dickey Chapelle, an American correspondent who was killed while covering the actions of Marine infantrymen engaged in combat against enemy forces during the Vietnam war.

Mr. Speaker, this is a well-deserved honor. Beverly and her husband, my friend and colleague, Chairman C.W. "BILL" YOUNG, of Florida, have quietly shown a level of sincere, personal compassion and devotion to our fighting men and women that is not often seen in Washington. They do it without fanfare or seeking recognition in a way that reminds me of the greatness of the American spirit.

The men and women who fight for this country have an uncanny ability to overcome extraordinary odds, both on the battlefield and in life. However, when they are lying in a hospital bed in excruciating pain from terrible, debilitating injuries, there simply is no more difficult personal challenge in this world than trying to recover, physically and mentally.

To Beverly Young, each and every one of them is her child. If she could, I have no doubt she would go into battle with them. Instead, she must content herself with fighting for them in the hospital wards and the bureaucratic halls of Washington as a volunteer.

In truth, "content" is probably the wrong word. Beverly has never been patient when seeing to it that the troops are receiving what they need and has no qualms about making her feelings known when she sees a problem where they are concerned. She takes action in a way that immediately gets attention and results. As a former drill sergeant myself, it strikes me that she would have made a good one. Affectionately known as "The Hurricane" in the halls of Bethesda and Walter Reed hospitals, she says and does whatever it takes to see that the troops have their needs taken care of. This includes everything from chewing out staff to writing to the President. In neither case does she mince words.

One soldier who was slipping into a catatonic state from so much pain medication credits her with saving his life, literally. She did this by walking out on the experts who were discussing putting him in a psychiatric ward, running into his room and yelling in his ear that he must fight to get better or she and the Commandant would "kick his ass." The soldier promptly "snapped to," and is now back home working in Idaho.

When she got wind that the rules about soldiers receiving donations were being tightened at some bureaucratic level in the Pentagon, she shot off a letter to President Bush expressing her outrage and demanding immediate attention to correct the grievance to her beloved troops. She has impacted the lives of the troops in countless ways, from prompting major policy changes through her vocal advocacy to the generous gift of her personal time one-on-one with the wounded.

Beverly is not an occasional visitor; she is there constantly for these young men and women and their families, becoming as familiar to them as anyone else they encounter during their stay. She is fiercely protective of them. She is not formal or aloof; she insists that the troops call her Beverly. She vastly prefers spending time in the company of these wounded heroes to attending stiff official Washington functions. She will hold their hand for hours when they have no one else to be with them. She feeds them, brings them contraband, slips cash to their families from her own pocket, and hits up everyone she knows, including her own doctor, for all types of donations, whether in-kind or monetary. She LISTENS to each and every one of them to find out what they need and if they don't have it, she goes and gets it, whatever it is, from whoever she has to get it from, and brings it to them. She and Bill regularly take them out to dinner.

And perhaps most importantly of all, she sits with them and tells them how much they are loved.

This, Mr. Speaker, is no small contribution to this country. I know of no one who has given more time and energy to making sure these young men and women know that someone cares about each and every one of them and that they can make it through this horrific experience of being wounded in battle. With her intense, unique, passionate style and commitment, Beverly has earned the respect of everyone she meets, military and civilian, politician and bureaucrat. I have no doubt in my mind that Beverly Young has made a tremendous impact in the lives of our service men and women. This country is a better place for her example.

So, Mr. Speaker, today I come to the People's House to recognize and congratulate Mrs. Beverly Young for her selfless service to our brave young men and women who courageously defend this country. Congratulations, Beverly, and thank you.

A TRIBUTE TO MONSIGNOR FRANCIS G. TASY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor and remember the life of Monsignor Francis G. Tasy. Monsignor Tasy brought great peace and happiness into the lives of the entire community of Kerman. A great loss to all those touched by his benevolence, he passed away on August 2, 2006.

Monsignor Francis G. Tasy was born on October 15, 1925 to Hungarian immigrants who moved to America in the first years of the 20th century. As a young boy at Our Lady of Hungary Parish in Perth Amboy, New Jersey, Msgr. Tasy aspired to lead a devout life. He attended St. Charles College in Roland Park, Maryland and went on to complete his studies at St. Mary's Seminary in Catonsville. Monsignor Tasy was ordained on May 1, 1952.

Following his time at St. Patrick's Parish in Watsonville, California; Msgr. Tasy began his work in the Valley with two years at the Naval Weapons Testing Center at China Lake, followed by one year at St. Francis in Bakersfield. In 1957, he was assigned to St. Patrick's Parish in Kerman where he spent the next 26 years. During this time Msgr. Tasy worked tirelessly to transform a small farm church into a thriving Catholic community of active and faithful individuals. Many greatly valued his love for the church and respected his devotion to its success. The Costa Family has wonderful memories with Msgr Tasy in Kerman and his extraordinary efforts to reinvigorate that parish community. For his outstanding leadership and endless support for those in need, he will be forever remembered.

In 1983 Monsignor Tasy brought his goodwill to Reedley, California after accepting a transfer to the St. Anthony's Parish there. As he did in Kerman years earlier, Monsignor Tasy revitalized the faithful community in Reedley. Faced with a deteriorating church and fading Catholic community, he relied on his sound administration, conventional teaching and complete devotion to restore the church and the local grammar school, St. La Salle.

Monsignor Tasy was an excellent model of success, devotion, and commitment to the well-being of entire communities. He was exemplary in every way with a work ethic worthy of respect and admiration. For all that he accomplished, all that he worked tirelessly for, and all that he hoped for, we will always remember him with gratitude and appreciation.

IN RECOGNITION OF FLORIDA LIGHTHOUSE DAY 2006

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize Florida Lighthouse Day 2006, which will be celebrated on September 16, 2006, at Hillsboro Inlet Lighthouse which is located in my district.

This lighthouse was first proposed for Hillsboro Inlet in 1851, although funding did not become available until the early 1900's. The lantern room and cupola were displayed at the 1904 St. Louis Exposition prior to the final construction which lead to the lighthouse being completed and lit in 1907. The light from the Fresnel lens could be seen for 25 miles. This was the last onshore lighthouse built in Florida and it remains in service today.

In 1992, the rotation mechanism failed in the lantern and the US. Coast Guard planned to retire the original Fresnel lens. This action would have destroyed the historical integrity of the lighthouse. I was pleased to work with the Hillsboro Lighthouse Preservation Society, local U.S. Coast Guard personnel and the Coast Guard Auxiliary to facilitate the agreement to restore the lens. On August 18, 2000, I was honored to speak at the re-lighting ceremony hosted by the Hillsboro Lighthouse Preservation Society.

In 2003, the Hillsboro Lighthouse was chosen to represent Florida lighthouses by the U.S. Postal Service on their lighthouse stamp series.

Mr. Speaker, I also want to give special recognition today to the members of the Hillsboro Lighthouse Preservation Society. Established in 1997, this organization is dedicated "to promote the history of the Hillsboro Lighthouse Station and the Hillsboro Inlet area through preservation of structures and artifacts, education and public access tours."

I look forward to joining my friends this Saturday as we celebrate Florida Lighthouse Day 2006.

IN HONOR OF TOM McMURRAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Tom McMurray of Springfield, Illinois, on his retirement on September 30, 2006 as a Taxpayer Advocate for the International Revenue Service. He has more than 33 years of federal service and has spent a majority of that time as an advocate for the American taxpayers.

Mr. McMurray has been a friend to citizens having disputes with the Internal Revenue Service, and through his work as the IRS' Taxpayer Advocate, Mr. McMurray has assisted countless citizens with tax questions. I congratulate Mr. McMurray, his wife Patti and their children, Traci and Scott, on his retirement from the Internal Revenue Service's Taxpayer Advocate Office. I wish Mr. McMurray all the best for an enjoyable retirement.

REMARKS IN HONOR OF THE 12TH ANNUAL NATIONAL ASSISTED LIVING WEEK

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. KLINE. Mr. Speaker, I rise today to honor the 1 million senior citizens and people with disabilities who call the Nation's 36,000 assisted living and residential care facilities "home." Every day, quality assisted living and residential providers are striving to ensure that their services are harmonious with residents' desires.

I am certain that virtually each and every one of us here is cradled by the comfort of knowing that our grandma or grandpa, mom or dad, aunt or uncle, friend or neighbor is being cared for by the noble workers and volunteers at assisted living facilities.

Personally, Mr. Speaker, I am thankful for the assisted care facility whose faithful employees provide around-the-clock care for my mother, Litta.

As we celebrate the 12th annual National Assisted Living Week, I stand today with my colleagues to salute the dedicated workers of assisted living facilities across America, and to salute the 1 million seniors and people with disabilities that call those facilities "home."

IN HONOR OF CLAIRE WETHERELL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. OTTER. Mr. Speaker, I rise today to celebrate the contributions and character of former Idaho State Senator Claire Wetherell, an Idaho woman who is the very embodiment of civic virtue, community involvement and—most of all—class.

A municipal park named in her honor on Monday, September 18, 2006, is a testament to the admiration and affection that the people of her hometown of Mountain Home, ID, hold for Senator Wetherell.

Earlier this year, she was presented with both the key to the city of Mountain Home and a lifetime achievement award from the Elmore Medical Center Auxiliary, which she served as its first president in 1955.

Senator Wetherell also led the bond issue campaign that resulted in construction of the original Elmore Memorial Hospital. In addition, she put her experience as a U.S. Navy nurse during World War II to work as one of the first nurses at the new hospital.

It was my great privilege to serve with Senator Wetherell for 10 of my 14 years as Idaho's lieutenant governor and presiding officer of the Idaho Senate.

Her 12 years in the Idaho Senate, and her 8 years on the Mountain Home City Council, showed that no public official could have a better friend than Claire Wetherell, or a more determined political adversary.

It didn't matter whether you were a Democrat or a Republican; if she liked you she would go out of her way to extend the hand of compromise and conciliation. Yet there was almost nothing an opponent could do that she wasn't fully prepared to challenge.

Senator Wetherell served the public interest with a passion for justice and equal rights, and she applied the same standards to herself. She would make her case with great intensity, but also would be the first to admit when she was mistaken. She was quick to pursue the truth, and just as quick to acknowledge those rare occasions when that pursuit went astray.

Senator Claire Wetherell deserves the congratulations of Congress, and a grateful Nation's thanks for her lifetime of contributions to the people of Mountain Home and all the people of Idaho.

LAKE BARKLEY WATER LEVEL PILOT PROGRAM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WHITFIELD. Mr. Speaker, I rise in support of legislation I introduced today to create a Pilot Program to extend the summer water level of Lake Barkley, KY, until after Labor Day.

Barkley Dam impounds the Cumberland River near Grand Rivers, KY, creating Lake Barkley, which was taken over by the U.S. Army Corps of Engineers in 1966. In order to create this body of water, communities were flooded in the 1960s. Today, people still talk about Eddyville and "Old Eddyville", as well as Kuttawa and "Old Kuttawa". The "Old" areas were the portions of the cities that were left above the water after the areas were flooded. The present day cities were created after the lake was formed. Old foundations, streets, and highways, including U.S. Highways 68 and 62, are still visible in shallow water areas. The Illinois Central Railroad was also relocated and can also still be seen underwater from lowflying planes above.

One mile above the dam is a canal connecting Lake Barkley with Kentucky Lake, forming one of the greatest freshwater recreational complexes in the country. The lakes run parallel for more than 50 miles with Land Between the Lakes recreational area located between them. This site has been used for numerous fishing tournaments and other outdoor events, which have helped to create an economic boon for the Lake Barkley area.

Lake Barkley is 134 miles long with over 1,000 miles of shoreline. The lake's water levels fluctuate from summer to winter "pool levels" for flood control purposes. During the "summer pool" months, recreation and wildlife thrive at the lake. However, the draw down for "winter pool" begins in early July and this becomes extremely dangerous for boaters as tree stumps, old road beds, and other obstructions have caused fatal boating accidents. In addition, the "winter pool" level has become a serious concern in the past few years due to the prolonged siltation, which has made the lake even shallower since its creation.

This pilot program will allow us to test under normal weather conditions what an extended summer pool lake level would mean to enhanced boating safety, recreation, navigation, fishing, and tourism activities, while also enabling us to gauge the economic impact of longer and higher water levels. I believe that these new water levels will make the lake safer for boaters and have a positive impact on the wildlife and the overall lake environment. To that end, this pilot program will ensure the safety of residents and visitors to Lake Barkley, KY, and improve recreation, navigation, and the economic vitality of the lake's region.

COMMENDING THE TOURETTE SYNDROME ASSOCIATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to commend the national Tourette Syndrome Association for their hard work to have Tourette Syndrome listed as a disability under the Individuals with Disabilities Education Act.

On August 4, 2006 Margaret Spellings, the Secretary of the Department of Education, announced the final regulations enforcing Part B of the Individuals with Disabilities Education Act which now lists Tourette Syndrome in the category of "Other Health Impaired." This new classification means that students with Tourette Syndrome will no longer find themselves in limbo—knowing that they are legally entitled to receive the necessary educational accommodations but unable to point to specific language in the law that would protect their rights.

For years, many students with Tourette Syndrome who sought accommodations were labeled as having behavioral or emotional problems and not a neurological disorder. This incorrect designation sometimes placed students with Tourette Syndrome into classrooms with behaviorally or emotionally disturbed children. By including Tourette Syndrome in the law, the Department of Education is sending a clear message to schools across the country that Tourette Syndrome is a neurological disorder. The category is no longer a subject of debate and one more hurdle has been cleared for students with Tourette Syndrome.

The Tourette Syndrome Association and its members have been steadfast in working with Members of Congress and officials from the U.S. Department of Education for this designation in "Other Health Impaired." Over the years, they have held hundreds of meetings with many of my colleagues in this body and have sent us thousands of letters explaining the necessity and value of having Tourette Syndrome listed in the Individuals with Disabilities Education Act. This victory for the Tourette Syndrome Association and its members has been long overdue.

Mr. Speaker, in closing I would personally like to thank my friend Jeremy Scott, the Tourette Syndrome Association's Director of Public Policy, for his dedication and leadership to ensuring that Tourette Syndrome be added to the Individuals with Disabilities Education Act. This accomplishment will positively impact the educational experiences of hundreds of thousands of children with Tourette Syndrome.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. OWENS. Mr. Speaker, I was absent on Tuesday, September 12, 2006, due to the primary election in my Congressional District. Had I been present, I would have voted: "yea", to H.R. 5428—Joshua A. Terando Princeton Post Office Building Designation Act and "yea", to H. Res. 175—Recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001.

I was also absent on Wednesday, September 13, 2006, due to unavoidable circumstances in my congressional district. Had I been present, I would have voted: "no", on H. Res. 996—Ordering the Previous Question; "no", to H.R. 4893—to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming and "yea", to H. Res. 994—expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, I missed votes on H.J. Res. 88, H.R. 2808, H. Res. 605, H. Res. 875 and H. Res. 981. Had I been present, I would have voted for each of these measures.

I also missed votes on H.R. 503 and the Edwards motion to instruct conferees on H.R. 5122. Had I been present, I would have voted against these measures.

In addition, there was a vote on a motion to close portions of the defense authorization conference to the press and public when matters of national security are under consideration. Had I been present, I would have voted for this.

GROUNDBREAKING CELEBRATION FOR THE GEORGE P. PITKIN, MD EMERGENCY CARE CENTER AT HOLY NAME HOSPITAL IN TEANECK, NEW JERSEY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today to applaud the groundbreaking for the new George P. Pitkin, MD Emergency Care Center at Holy Name Hospital in Teaneck, New Jersey.

Holy Name Hospital was founded in 1925 by the Sisters of St. Joseph of Peace. To assist the sick and indigent of Bergen County, New Jersey, Dr. George Pitkin and Dr. Frank McCormack worked with Mother General Agatha Brown of the Sisters of St. Joseph of Peace to purchase a suitable hospital site to provide administrative and nursing care. In 1925, Holy Name Hospital opened with 115 beds.

Today, Dr. George Pitkin's far-reaching vision is realized in an institution known locally, statewide and nationally for health care excellence, dedicated and skilled nursing care, and cutting-edge technological advances. Each year more than 17,000 inpatients, 44,000 Emergency Department patients, and 18,000 outpatients receive state-of-the-art diagnostic, treatment, and health management services in cancer care, cardiovascular services, dialysis treatment, women's health care and neurology services.

The new George P. Pitkin, MD Emergency Care Center at Holy Name Hospital will feature 21,000 square feet of space, 41 patient treatment rooms, patient- and family-friendly facilities, leading-edge trauma procedure rooms, contiguous radiology and laboratory services.

My congratulations and very best wishes to the President and CEO, Michael Maron, and Board of Directors at Holy Name Hospital, and to all of their health care professionals and associates as the outstanding new George P. Pitkin, MD Emergency Care Center is dedicated.

HONORING GOVERNOR ANN RICHARDS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. BALDWIN. Mr. Speaker, it is with a deep sense of loss that I rise today in tribute to Governor Ann Richards of Texas whose death leaves a void in the national scene and in the lives of all of us who knew and admired her.

Governor Richards was a woman of tremendous achievement and her professional accomplishments are well-documented: teacher, state treasurer, governor, chair of a national political convention. She was also a loving mother, a loyal friend, and a strong woman who bravely faced all adversaries, both political and personal. Whether confronting the demons of illness or the disappointment of political defeat, she emerged from each struggle wiser, wittier, and ever more welcome on the public stage.

For me, and many women in and out of politics, Ann Richards was a role model and a mentor. She showed us by example that a woman could succeed in what appeared to be a man's world. For those of us who share her commitment to education, equal opportunity, social justice and the rule of law, she carved a path for us to follow . . . and left big shoes (and boots) for us to fill.

When I was first running for Congress in 1998, and then during my re-election campaign in 2000, Governor Richards made time in her schedule to come to Madison, Wisconsin on my behalf. Her support was invaluable. In her inimitable Texas twang, she knew how to rally a crowd, work a room, and deliver a message better than any politician, male or female, I've ever seen. To a young woman coming into the national political arena, her wisdom and warmth were a priceless gift for which I will always be grateful.

I shall miss her incredibly and emphatically. Today, I remember Ann Richards in my heart and in these words. But I know she would prefer all of us to remember her in future deeds . . . deeds that push and prod us to be better people and better citizens.

I send heartfelt condolences to Governor Richards' family and sincere thanks for sharing this remarkable woman with us.

TRIBUTE TO MR. JOSE "PEPE" L. GONZALEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Jose "Pepe" L. Gonzalez who recently passed away on September 8, 2006, at 82 years of age. He will be forever remembered for his passion for higher education for our youth and his commitment to public service.

Mr. Gonzalez was born in the City of Laredo on June 16, 1924 and left the city to serve in World War II with the U.S. Army Air Force in the Aleutian Islands, and later served with the United States Naval Reserve as a Lieutenant in Laredo. He then attended the University of Notre Dame and graduated with a Bachelor of Science degree in Civil Engineering in 1950, followed by a Master of Public Health degree from Johns Hopkins University in 1964.

Thus began his legacy of providing health care services to the citizens of Laredo by developing the Laredo-Webb County Health Department, often cited for its achievements in disease control, health promotion and chronic disease prevention, and innovative programs in environmental health. He will be forever remembered for his work in promoting environmental health through his collaboration with organizations such as the Pan-American Health Organization, the Centers for Disease Control, the U.S.-Mexico Border Health Association, the Texas Health Advisory Committee, and the Henry J. Kaiser Foundation. The last project he was involved in was the Rio Bravo Foundation, which aims to improve the health of residents along the border region along with the "Nuestra Gente" project which focused on improving living standards for the colonias along the border.

In addition to his public service, he was dedicated to his Roman Catholic faith as a Papal Knight of the Equestrian Order of the Holy Sepulchre and as a parishioner of Blessed Sacrament Church in Laredo. Mr. Gonzalez was also a large part of community events such as the famous Washington Birthday Celebrations Associations and established the bridge ceremony that is one of the hallmarks of the Washington Birthday Celebration. Mr. Gonzalez was also a proud alumnus of the University of Notre Dame and dedicated his life to the University by being the Notre Dame recruiter of South Texas, passionately recruiting young scholars for the past 21 years to attend Notre Dame in addition to being on the Hispanic Board of Alumni for 15 years.

Mr. Gonzalez was preceded in death by his wonderful wife, Margarita V. Gonzalez, and is survived by his daughters, Alejandra G. Brady, Gabriela G. Tawil and his grandchildren, Ryan Joseph Brady, Joseph Jakob, and Elliot James Tawil. He is also survived by his brother, Ignacio Gonzalez, brother and sister-in-law, Jorge and Olga Verduzco, and the rest of his family. He has left behind a remarkable legacy, and without that legacy, the City of Laredo has suffered a sad loss in one of its greatest members of the community.

Mr. Speaker, I am honored to have had this time to recognize the legacy of Mr. Jose "Pepe" L. Gonzalez.

THE ANNIVERSARY OF SAN FRANCISCO'S JAPANTOWN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to our San Francisco Japantown and celebrate with them on their 100th anniversary as a community. Affectionately called J-town, San Francisco Japantown is the oldest and joins San Jose and Los Angeles as the only remaining Japantowns in the continental United States. A century ago, there were more than 50 in California, Washington, Oregon, Idaho, and Utah. Japantown is more than just a physical location where Japanese people migrated after the Great San Francisco Earthquake of 1906, a distinctive area where Japanese culture is on display, or a tourist destination. Japantown represents more than 100 years of a unique immigrant experience, which started with the arrival of the first generation—the Issei.

Prior to 1906, Japanese immigrants gravitated to ethnic enclaves where rents were affordable and they felt accepted. The arrival of picture brides through Angel Island Immigration Station in San Francisco Bay after 1906, many of them meeting their future husbands for the first time, was the genesis of the second generation—the Nisei. The 100 years included the emergence of the activist third generation the Sansei—who are now "baby boomers" and the parents and grandparents of the fourth and fifth generations—the Yonsei and Gosei.

As the younger generation makes their mark on our global society, I hope they will recognize the critical role of family and community in their successes. I was recently made aware of an example of what is possible. NASA Astronaut Daniel Tani represents the next generation of Japanese Americans in space, following the tradition of Astronaut Ellison Onizuka, who tragically lost his life on the same mission as teacher Christa McAuliffe in 1986. Astronaut Tani flew the 2001 *Endeavour* mission. He is a shining example of the boundless possibilities of the immigrant experience. His family has roots in J-town.

The road was not always easy: in fact, Japanese Americans often persevered under great hardship to overcome prejudice. In its 100 years in San Francisco's Western Addition, the community suffered segregation in local schools, a racially motivated exclusionist immigration policy, and a shrinking community with each redevelopment. During World War II, eligible Nisei men volunteered for military duty while their families remained behind barbed wire without due process, many of them United States citizens. Our government under the guise of war forced Japanese Americans from their homes and escorted them under armed guard to internment camps throughout the United States. Most of the San Francisco Japantown community was interned in Topaz, Utah. It took three generations until redress was made in the form of monetary reparations and our government's apology, though no amount of compensation or apology could ever adequately replace or repair what Japanese Americans lost. The lessons that we learned during the internment should serve as a reminder of how we must continue to fight for our freedoms today. Protecting civil liberties must be a constant priority of our government.

As San Francisco's Representative in Congress, and House Democratic Leader, I am grateful that I can count on the steadfast strength of our San Francisco Japantown community and its extraordinary leaders, too many to name individually.

Congratulations Japantown for more than 100 years in San Francisco.

RECOGNIZING LINCOLN UNIVERSITY OF MISSOURI DURING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SKELTON. Mr. Speaker, I'm pleased to join my colleagues today in recognition of National Historically Black Colleges and Universities Week.

Missouri's Fourth Congressional District is the home of Lincoln University, located in Jefferson City, Missouri. Yesterday, I was fortunate to have the opportunity to meet with Dr. Carolyn Mahoney, the President of Lincoln University, during her visit to Washington, DC.

Like all HBCUs, Lincoln University has a proud history. The school was founded in 1966 by soldiers of the 62nd and 65th Colored Infantries who established Lincoln Institute for African Americans interested in continuing their education. Today, Lincoln University has the most diverse population of colleges and universities in the state of Missouri. U.S. News and World Report ranks Lincoln University as fourth in the Midwest for campus diversity and seventh in the Midwest for its international student population.

Although the University has many outstanding academic programs, I have been particularly impressed with Lincoln University's Cooperative Extension and Research programs, which provide valuable outreach to under served populations. I am also very proud of the University's ROTC programs, which train tomorrow's military leaders and continue Lincoln University's military heritage. I look forward to participating in the Blue Tiger Battalion's Veterans' Day commemorations this November, just as I have done for more years than I can remember. Lincoln also hosts an outstanding public radio station, KJLU–FM. In April 2006, KJLU was named the Black College Radio Station of the Year at the 28th Annual Black College Radio and Television Conference in Atlanta, Georgia.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the students and staff of Lincoln University for their accomplishments and in wishing them the best as we celebrate National Historically Black Colleges and Universities Week.

TRIBUTE TO SERGEANT NATHANIEL "BRAD" LINDSEY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to honor a fallen hero. Sergeant Nathaniel "Brad" Lindsey was a family man, a fellow Oregonian, and a proud American. He understood the actions that needed to be taken so that his countrymen could continue to enjoy the blessings of freedom.

Last Saturday, Brad made his final sacrifice on behalf of a grateful nation while on patrol in the Zabul province of Afghanistan.

Three days ago Americans gathered to mark the passing of another September 11th and to honor those who perished on that horrible day and in the five years since. Since that day we have been a nation at war. Since that day we have fought that war by asking men and women like Brad Lindsey to travel to points across the globe to defend our ideals, to protect our communities. And it is to their credit that these men and women have never shied away from this request.

Brad had always dreamed of joining the military. He spent four years in the Navy before joining the Oregon National Guard in 1996. Always one to volunteer for a mission, he was dedicated to his country's needs, whatever they were. During his time in the National Guard, he spent time in Saudi Arabia, Iraq, and New Orleans before heading to Afghanistan this past June.

It was in New Orleans that our paths crossed. I was there to see first hand the devastation caused by Hurricane Katrina and to talk with the Oregon National Guardsmen and women who were stationed there. Brad served as my driver during my time in Louisiana.

It was obvious that his devotion to his country was only exceeded by his devotion and love for his family; his wife Joyce and his four children. I am sure that it was a source of continual pride that his oldest son had chosen to follow in his footsteps and joined the Oregon National Guard.

We in this chamber have an obligation to see that Brad's children inherit a land worthy of their father's sacrifice. We must find the resolve necessary to do that which must be done, as Brad did so many times.

I join all Oregonians, and all Americans, in expressing my deepest condolences to the family of Brad Lindsey for their loss. Our state, and our nation, is greater because of Brad's presence and we are lessened by his passing.

INTRODUCTION OF THE INCOME-DEPENDENT EDUCATION ASSISTANCE ACT OF 2006

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. PETRI. Mr. Speaker, today, I am introducing the Income-Dependent Education Assistance (IDEA) Act of 2006. This legislation would provide a new consolidation option for federal Stafford student loan borrowers with an improved repayment schedule through direct IRS collection of payments, along with other new protections for borrowers and taxpayers.

I believe that the IDEA Act will address the oft-overlooked side of federal student loan assistance: repayment. For over four decades, most of the discussion regarding federal student loans has primarily focused on making ever-increasing amounts of money available to students to keep up with the rising costs of college tuition. Of course, that is critically important, and I was pleased to support the Deficit Reduction Act earlier this year which raised loan limits and increased loan options for graduate students.

However, providing students with larger loans to attend college leads to another, more complex challenge after graduation. How should students be expected to repay these taxpayerfunded loans? This is an area that has received relatively little attention until recently. With students graduating with ever-increasing debt loads, averaging over $18,000 this year and projected to continue to rise, students are finding it increasingly difficult to make loan payments on time and in full.

Unfortunately, little has been done by way of providing more flexible repayment options for borrowers after graduation. Traditionally it has been expected that the borrower will pay the amortized loan over a standard period, usually 10 years, with the same repayment amount on day one as on the last day. However, this model of repayment fails to take into account that students often face periods of significant unemployment or underemployment during the first years after leaving college.

As of now, for the most part, the only options available to borrowers are to request a period of forbearance or slip into default, which is bad for both borrower and taxpayers. We simply cannot keep providing more and more money for education if graduates then enter the workforce saddled with payments they can't afford.

While there have been some attempts to provide more diverse repayment options, such as the ICLR repayment program that has been in existence for over a decade, borrowers have failed to adopt them, usually due to a lack of information or current program limitations. The bottom line is that Congress needs to develop better repayment alternatives for federal student loan borrowers, especially as students continue to take out larger and larger loans in coming years. I believe the IDEA Act does just that.

This legislation would allow any Stafford loan borrower the ability to consolidate into a direct IDEA loan with a repayment schedule that corresponds to the borrower's income once in repayment. This new schedule requires regular payments; however, it ensures that such payments reflect the borrowers' capacity to repay under their current income status. This feature would be particularly useful for those pursuing lower-income, public-service careers. It also would help relieve some of the stress that borrowers face during periods of unemployment or underemployment following graduation.

Another critical component of this legislation is the direct collection of payments from the borrower through IRS withholdings. By incorporating the IRS directly as the collection entity, the borrower's income is automatically calculated into the repayment system and reduces the odds of fraud or abuse on the part of the borrower or the collection agency. Furthermore, direct IRS collection would simplify the process for borrowers and reduce their paperwork burden as the agency would already have the necessary information on file and in place for processing the payment amounts and schedules. Finally, the IDEA Act stipulates that borrowers that go into default and have exhausted all relief from the loan holder would automatically be consolidated into IDEA loans in order to help them get their payments back on track and avoid costly defaults. Thus the taxpayers' investment will be protected from the damaging effects of borrower default, which currently affects 4.5 percent of federal student loans each year.

Mr. Speaker, the IDEA Act of 2006 is an innovative solution to the growing problem of unmanageable debt loads for students. Students would be able to borrow what they need, up to the current Stafford limits, and later consolidate into IDEA loans knowing that their repayment amounts will be within their income levels and ability to pay. On the other hand, taxpayers can count on those loans being repaid as they are collected through the IRS. This is a responsible approach to a serious and growing problem for student loan borrowers.

TRIBUTE TO GEORGE HAGAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to George Hagan, who is retiring from his position, held since 1998, as Trial Court Administrator, Superior Court of California, County of Alameda, Fremont Hall of Justice in Fremont, California. He has served more than three decades of exemplary service in the California judicial branch of government. Prior to coming to Alameda County, Mr. Hagan served in court administrative positions in Imperial and Los Angeles counties.

Mr. Hagan was Clerk of the Court and Administrative Officer for the Fremont-Newark-Union City Judicial District from 1977 through 1998. During this time, the court doubled in size as the tri-city area became one of the major residential and commercial regions of the San Francisco Bay Area. Under Mr. Hagan's administration, the court received the prestigious Ralph Kelps Award from the Judicial Council of California for an innovative traffic citation collections program which allowed the driving public to pay their traffic fines at anyone of fifteen Southern Alameda County branches of Fremont Bank.

He is past president of the California Association of Municipal Court Clerks. In this capacity, Mr. Hagan worked with the California Legislature on several key pieces of legislation affecting the administration of the state courts.

Mr. Hagan's service to others is noteworthy. He is past president of the Union City Lions Club. During his term, an entire civil defense field hospital, including three ambulances, was donated to three public hospitals in the Philippines. For his humanitarian effort, Mr. Hagan received special commendations from a host of public officials in the Philippines.

Mr. Hagan is actively involved in his local community, having served as founding president of the New Haven School Foundation. The Foundation, under his leadership, has raised thousands of dollars to insure the continuation of sports and fine arts programs in public schools. He is past president of the Washington Township Men's Club; member of the school board; past chairman of Mission Hills Christian School in Fremont and was instrumental in establishing the Union City Youth Soccer League. He is a member of the Lay Advisory Council for the Northern California Conference Seventh-Day Adventist Church and was a leader in the establishment of the Veterans Memorial Park in Fremont.

A retirement dinner is planned for Mr. Hagan on September 22, 2006. I join his colleagues in thanking him for his service to the courts and his community and wish him well on his retirement.

FREEDOM FOR JOSÉ MANUEL CARABALLO BRAVO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about José Manuel Caraballo Bravo, a political prisoner in totalitarian Cuba.

Mr. Caraballo Bravo is an independent journalist in totalitarian Cuba and has been a chronicler of truth amid the lies and deceit of the tyrant's villainous regime. Because of his belief in truth in print, truth for the people of Cuba and truth to enable the world to better comprehend the daily horrors of totalitarian Cuba, Mr. Caraballo Bravo was a target of the totalitarian regime.

I remind my colleagues that, under Castro's totalitarian regime, any freedom of the press, any effort to display the atrocities of the regime under the spotlight of truth, is met with swift and violent repression. The courageous men and women, such as Mr. Caraballo Bravo, who write the truth are the enemies of Castro's totalitarian dictatorship.

According to Reporters Without Borders, Mr. Caraballo Bravo was arrested just before the heinous crackdown of March 2003. Reporters Without Borders also reports that he was sentenced to three years in the totalitarian gulag for "forging documents."

Let me be very clear, Mr. Caraballo Bravo is currently languishing in the depraved conditions of the totalitarian gulag for his truthful articles. The U.S. State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people are imprisoned in these nightmarish conditions simply for reporting the facts.

Mr. Caraballo Bravo is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press and democracy are inalienable rights of the Cuban people. Let us never forget and always support those who are struggling to liberate peoples from the grip of tyranny.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, independent journalists who write the truth about totalitarian regimes are systematically tortured. In the 21st Century, it must no longer be acceptable for anyone in the world, anywhere in the world, to be locked in a gulag for writing the truth. My Colleagues, we must demand the immediate and unconditional release of José Manuel Caraballo Bravo.

HONORING THE 50TH ANNIVERSARY OF THE HOLY VIRGIN MARY AND SHOGHAGAT ARMENIAN CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of Holy Virgin Mary and Shoghagat Armenian Church located in Swansea, Illinois.

The Church has historically been an integral part of the Armenian community. Armenia was the first country to adopt Christianity as its official religion in 301 A.D. So it was natural that the Independent Club, an organization of Armenian Americans, would seek to start a church for their community in 1956.

The new Church, then named Holy Shoghagat Armenian Church, began in a small white structure at 13th and Summit Avenue in East St. Louis, Illinois. A neighboring parish house and additional parcel of land were later acquired.

Circumstances required that the original church properties be sold in the early 1970's and for several years the congregation had to celebrate the liturgy in different local churches. Throughout this difficult period, the parish family stayed together and finally, in 1978, the new Church in Swansea, Illinois was consecrated.

On the occasion of their 50th Anniversary, in addition to celebrating that milestone for their local Church, the members of Holy Virgin Mary and Shoghagat Armenian Church are paying tribute to their ancestors who were victims of the Armenian Genocide, both those who lost their lives and those who survived. A large khatchkar, carved in Armenia, will be dedicated to honor those who suffered during that terrible period in history.

For 50 years, Holy Virgin Mary and Shoghagat Armenian Church has served, not only as a place of worship, but as a unifying religious center for the local Armenian community. Though their numbers may be small, their dedication to their Church and their culture remains strong.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Anniversary of Holy Virgin Mary and Shoghagat Armenian Church and to wish the best to them for many years to come.

HONORING 9/11

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. McCAUL of Texas. Mr. Speaker, five years ago this week, our generation was defined by the heroic actions of hundreds of first responders, brave Americans and innocent victims who gave their lives on September 11, 2001. That day, 19 Al Qaeda hijackers murdered nearly 3,000 innocent people. Those terrorists had a simple cause: inflict the highest loss of life and the most damage they could to our Nation. They may have succeeded in murdering thousands of people going about their daily lives, but they failed miserably to defeat the patriotic spirit of America and of freedom everywhere.

In the days, weeks and months following the tragic events of September 11th, we saw the patriotic spirit of every American emerge and rally in support of repair and recovery. We saw a nation unified in finding the perpetrators of these crimes and bringing them to justice, and we saw the free world awakened to the possibility of terrorist attacks anywhere and at any time. Simply, 9/11 changed our Nation and the world forever.

Not only did these terrorists steal the lives of thousands, but they opened our eyes to our false sense of security. Like someone who has been robbed at home by a vicious criminal, we must now lock our doors and windows at all times to make sure that those who mean us harm are not allowed to break in.

That being said, I believe that we are safer at home today than we were 5 years ago, but we are still not safe. Our borders are more secure, our intelligence services are more robust and now work closely together, and our armed services have routed out the terrorists in their homes and brought them to justice. But we are still at war. We cannot afford to stand idly by while terrorists operate in this or any country around the world, because we cannot afford another 9/11. Never again can this happen. We owe to the American people who depend on us to provide a safe and secure homeland, and we owe to it the hundreds of thousands of Americans who throughout history have died defending the democracy and freedom we enjoy today. Most of all we owe it to the thousands of innocent victims who died 5 years ago.

We have been battling terrorism for a long time, but September 11th was the day our enemies woke the sleeping giant. Since then, we have seen success in the Global War on Terror and captured some of the world's most dangerous terrorists. We have also made great strides to cripple the organizations and countries that support them. However, we are still faced with an evil enemy who is supported by a rogue nation that's determined to develop nuclear weapons and use them on their enemies. Allowing a nation like Iran, who sponsors terrorist organizations like Hezbollah, to possess nuclear weapons would be a dishonor to those who died on 9/11 and an insult to those who continue to defend America's freedom.

We promised to help make the world a safer place, free from the threat of terrorism at the hands of mad men. Keeping that promise means preventing terrorists and their supporters from getting weapons of mass destruction. Let's remember those who gave their lives on 9/11 by keeping our promise.

When we remember the events of 9/11, we remember not as Republicans or Democrats, but as Americans. We must remember the police officers and firefighters that responded to the attacks on the W orld Trade Center and the Pentagon who went in to save lives, but gave their lives in the process. We remember the first responders from every corner of our nation who came to ground zero in the days after to lend their strength, skills and support.

And we must remember the innocent people—the husbands and wives, the parents and children and the entire families who were torn apart the day the towers fell.

We must always remember. That is our duty as Americans—that is our charge as patriots.

BURLINGAME HIGH SCHOOL, 83 YEARS YOUNG AND BETTER THAN EVER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. LANTOS. Mr. Speaker, in November 2000 the voters of San Mateo County in California, many of whom are my constituents, made a wise decision to approve a general bond measure that would fund the renovation of the six local high schools. The fruits of this investment will proudly be displayed on September 16, 2006 when the newly-remodeled Burlingame High School is officially opened with a ribbon-cutting ceremony.

Burlingame High was built in 1923 as a northern addition to the fast-growing San Mateo High School. Originally named "San Mateo High School—Burlingame Branch," it quickly came into its own, and 4 years later Burlingame High gained its own identity. That year, many longstanding BHS traditions were born, including the Little-Big Game with San Mateo High, the adoption of the school colors—red and white—and the establishment of the student newspaper, the Burlingame B, with its extraordinary motto, "Not the Biggest, but the Best."

Since its inception 83 years ago, Burlingame's enrollment has swelled from 350 to more than 1350 students and its teaching corps has doubled. Recognized for its academic excellence as a California Distinguished School, Burlingame has also been ranked in the top 1.5 percent of high schools in America by Newsweek magazine. The students and their families deserve great credit, but it is also thanks to the efforts of a dedicated faculty and administration that, on average, 97 percent of the school's graduates attend college.

Mr. Speaker, the modernization efforts being recognized at the ribbon-cutting ceremony have preserved the original building's historically significant appearance for generations of students to appreciate. In addition to maintaining the main building's exterior and interior—including a unique WPA-era mural—this project included two new, seismically sound structures to house a library and a two-story classroom building.

The new library will accommodate 25,000 volumes and provides much-needed storage space for textbooks. It also includes a state-of-the-art computer lab. The treasured work areas where thousands of students through the years have hit the books in the old library are replicated in this modern version.

The new, two-story classroom structure replaces an antiquated music building. It now not only accommodates the renowned Burlingame High School music program, but also seven large science labs, special education classrooms and nine classrooms designed specifically for math instruction.

Mr. Speaker, the taxpayers of San Mateo County made a crucial investment in their children's education by approving that bond measure 6 years ago. I urge all of my colleagues to join me in celebrating Burlingame High School's wonderful renovation, which will ensure that future generations continue to receive an excellent education at this historic institution.

FREDERICK MENNONITE COMMUNITY 110TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Frederick Mennonite Community, an elderly continuing care community, on its 110th anniversary.

This community has been providing outstanding service to its more than 300 residents on eighty acres in western Montgomery County, Pennsylvania. This bucolic setting is large enough to accommodate a wide variety of lifestyles, yet small enough to maintain a sense of community. Residents have the option to live in independent living cottages, apartments, assisted living, and nursing care facilities. The organization's goal is to offer housing and support options for every individual preference and need. Frederick Mennonite Community strives to promote and encourage every individual to live life to their fullest.

Mr. Speaker, I ask that my colleagues join me today in honoring Frederick Mennonite Community on its 110th anniversary. I hope that this community is able to continue to live out its mission statement: "In the spirit of Christian love, Frederick Mennonite Community cares for and enriches the lives of older adults, while valuing the staff, volunteers and community that serves them."

RECOGNIZING THE WORK OF OCCUPATIONAL THERAPISTS ON NATIONAL BACKPACK AWARENESS DAY

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MILLER of North Carolina. Mr. Speaker, in preparation for National School Backpack Awareness Day, taking place on September 20, 2006, I would like to recognize the many occupational therapists (OT) and occupational therapy assistants (OTA) that live and work in my district. Each September, members of the American Occupational Therapy Association (AOTA), students, and other health professionals join forces to alert the public, particularly teachers, parents, and children about the dangers of improperly wearing overweight backpacks.

Occupational therapists are health, wellness, and rehabilitation professionals, dedicated to maximizing the independence, function and performance of their clients. In other words, they provide them with the "skills for the job of living". Concerned that increasingly heavy backpacks may be putting school children at risk for long-term health problems, AOTA is sponsoring its fifth National School Backpack Awareness Day. Thousands of occupational therapists and occupational therapy assistants work in school systems, pediatric hospitals, and other health care facilities, in order to help children develop the skills they need to participate fully at school, home, and in play.

The goal of the National School Backpack Awareness Day is to reduce the load students carry to 15 percent or less of the child's weight. More than 350 participants in schools, stores, and health fairs from all 50 states will help "weigh-in" thousands of children to ensure their backpacks meet the 15 percent weight goal. They will also help educate students about the risks of carrying too much weight, and will teach them the proper way to pack and wear a backpack. As part of the National Backpack Awareness Day, therapists at the General Greene Elementary School in Greensboro, NC will educate students and teachers about the importance of loading and wearing backpacks the right way in order to avoid back and shoulder pain, stooped posture, muscle pain, and headaches.

I am particularly aware of the role occupational therapists play within our public schools as one of the members of my staff previously worked as a school system occupational therapist. OTs use their unique expertise to help children perform important learning and school-related activities that are part of their role as a student. Additionally, occupational therapists and occupational therapy assistants play a critical role in training parents, staff, and caregivers regarding the education, health, and success of students with diverse learning needs.

Please join me in support of all the occupational therapists, occupational therapy assistants, school children, and other participants whose efforts will make the 2006 National School Backpack Awareness Day such a success.

HONORING REVEREND WAITSTILL SHARP AND MARTHA SHARP, AMERICAN HEROES OF THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to the Reverend Waitstill Sharp and his wife, Martha Sharp, who were true heroes of the Holocaust who risked their lives to save Jews from the atrocities of the Nazi regime.

The Sharps' incredible story was told this morning at a very moving ceremony at the United States Holocaust Memorial Museum where family, friends, and admirers gathered to pay tribute and remember the selfless and laudatory actions of this amazing couple. Their story was also a powerful reminder that all of us have the moral obligation to do anything we can to end violence and genocides where ever and when ever they occur.

On June 13, 2006, the Yad Vashem Holocaust Remembrance Authority in Israel honored the Rev. Waitstill Sharp, and his wife, Martha Sharp, posthumously as "Righteous Among the Nations" for risking their lives to save Jews during the Holocaust. The Sharps are only the second and third Americans to be so honored. Varian Fry, with whom the Sharps worked, was the first.

Our colleagues in the Senate passed a resolution on September 8 of this year honoring the courageous service of the Sharps. My colleague from Massachusetts, where the Sharps once lived, and I soon will introduce similar legislation in the House remembering the Sharps and their story and heroism.

Mr. Speaker, the Sharps left everything behind, including their home and two young children, to answer a call from the American Unitarian Association to go to Czechoslovakia in February of 1939. The Sharps were not content merely to feed the hordes of refugees passing through Czechoslovakia; they also began to assist anti-Nazi dissidents and Jews to escape Nazi oppression. In the very shadow of aggression, they helped thousands flee to safety elsewhere in Europe and the United States.

One month after the Sharps' arrival in Prague, Nazi forces occupied Czechoslovakia, making their work much more dangerous. The Sharps could have escaped, but they refused to leave the refugees helpless. Though the Nazis descended upon the Unitarian mission in Prague, ransacking the office and throwing the furniture into the street, Reverend and Mrs. Sharp continued their mission. They began working out of private residences, boldly defying Nazi restrictions.

The Sharps did whatever was necessary to help Jews and opponents of the Nazi regime to escape Nazi-occupied Czechoslovakia, in spite of the considerable risk to their own lives. They entered and exited the border repeatedly, crisscrossed Europe to obtain needed travel documents, even escorted some of their clients by train through Germany itself, all the way to Great Britain. Focused on serving others, the Sharps ignored warning that they were in danger from the Gestapo.

On August 30, 1939, six months after they arrived in Czechoslovakia, the Sharps concluded their first mission and returned to the U.S. Their exit was just one day before Gestapo agents came to arrest Martha, who had earned a reputation for her daring disregard of Nazi rules.

After returning home for two years, the Sharps issued a report with the American Unitarian Association about the dangers faced by refugees all across Europe. As a result of this report, the Sharps were asked to set up a parallel operation in France under the newly founded Unitarian Universalist Service Committee. In 1940, the Sharps answered this call, courageously returning to Europe to aid more people flee the horror of the Nazi regime.

By the time the Sharps arrived in Europe, the Nazis had already occupied France, but the Sharps were undaunted. They set up the American Unitarian Universalist Service Committee in Lisbon, Portugal, from where they continued to assist many more refugees from war-torn Europe escape to safety.

In all, the Sharps and their Unitarian colleagues worked to save approximately 2,000 men, women, and children.

Mr. Speaker, the Sharps' courageous, sacrificial and selfless example should motivate all of us to do everything we possibly can to prevent the horrors of genocide taking place anywhere on this planet. As the only survivor of the Holocaust in Congress, I have a special commitment to raising this.

This morning's ceremony at the U.S. Holocaust Memorial Museum concluded with a visit to the special exhibit on Darfur, Sudan. We were reminded that when the horrors of the Holocaust were made public, we often heard the phrase "Never Again!" But since World War II we have seen such genocidal tragedies occur in Cambodia, Rwanda, and now Darfur.

The most moving and important message from the story of the Sharps is that they had the foresight and courage to leave their children and comfortable home behind—not just once, but twice—to go to the dangerous, gray, uncertain war zone of Europe to save people they probably did not even know. Their first trip was just days after kristallnacht, when the persecution of the Jews was just beginning to get more violent and ugly. Concentration camps were not yet even a glint in the Nazis' eyes.

Mr. Speaker, the Sharps, and those who helped them to be able to do this, deserve the gratitude and admiration of all of us. Each and every one of us should make every effort to learn more about the wars and genocide occurring around the globe this very day, strive to have the courage of the Sharps, and act with equal resolve to do everything each of us can do to stop these horrors.

I urge my colleagues to join me in paying tribute to this selfless and dedicated couple, whose response to the Holocaust and to inhumanity and brutality is one that men and women everywhere should emulate.

HONORING PFC TRAVIS CLYDE ZIMMERMAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor an American hero, PFC Travis Clyde Zimmerman, who died on April 22, 2006 while serving his country in Iraq.

Private First Class Zimmerman was on a combat reconnaissance operation when an improvised explosive device exploded near his observation post. This young man's high school goal, as stated in his yearbook, was to serve in the United States Army. Neighbors, friends, and former teachers have all testified that Travis was a courteous, cooperative, and compassionate young man. Dr. Harry Morgan, the Boyertown School District Superintendent, told students that Travis's death "was a great loss to the family and the community and our sympathy goes out to them. We are grateful for his service to our county."

Travis was a life-long resident of Boyertown, Pennsylvania and is the son of Gail Camperson and Lloyd Zimmerman. After Travis's graduation in June of 2005, he attended basic training and then joined the Army's 101st Airborne unit. Travis's unit deployed to Iraq in February 2006.

Scarlett Kulp, Travis's life-long friend, wanted to make sure that the community did not forget the commitment and sacrifice he made to serve his country. Scarlett took action and worked with the local community to create a memorial fund to honor Private First Class Zimmerman and other local military heroes. Local schools took Scarlett's lead and held events such as "Hats Off to Travis Day" at Colebrookdale Elementary School, Travis's elementary school from kindergarten to sixth grade. The students and staff at Boyertown Jr. High West and the Senior High School held tributes and helped Scarlett gather funds for the memorial military bear statue.

By Memorial Day weekend, Scarlett, with the help of the community, had raised enough money to order a six-foot military bear statue and create the "PFC Travis Zimmerman Memorial Fund". This permanent fund will not only provide for the cost of the creation and maintenance of the memorial, but it will also help area military personnel as they readjust to civilian life upon their return from services overseas.

Mr. Speaker, I ask that my colleagues join me today in paying honor to a hometown hero, PFC Travis Zimmerman, as his community honors him and other service members during the September 17, 2006 Hometown Heroes parade and ceremony. Heartiest congratulation, out to all the individuals who have helped to make this lasting memorial possible, and our utmost gratitude and respect conveyed to Travis's family for his unflinching devotion and sacrifice for our nation.

A TRIBUTE TO GOVERNOR ANN RICHARDS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today with a heavy heart on the passing of my dear, trusted and longtime beloved friend, the late Governor Ann Richards. I also rise to pay tribute to her many contributions and her sincere dedication of public service to our great State of Texas and to extend my deepest sympathies to her family and friends everywhere who share in my sadness.

I not only lost an esteemed colleague with whom I could always count on for support, since so often we agreed on social and political issues, but also a dear and trusted friend whom I shared many fond moments and with whom I shared a vision for our great State of Texas.

Our friendship expanded more than 40 years; I first met Ann when she lived in Dallas before moving to Austin where she ran for Travis County Commissioner in 1976 and I was elected to serve at the Texas House of Representatives. Our first taste of government was as outsiders and sideline players who were mainly called upon to help others win the races. Texas in the 70's wasn't open to allowing women a seat at the political table so our admittance was earned vote by vote. As women in Texas politics, we shared the same struggles and the many sacrifices which are often not asked of men in politics.

In her popular address to the Girls State in 1993, she commented that 'as a woman you cannot count on Prince Charming to make you feel better about yourself or to take care of you, like some funhouse mirror that reflects you at twice your real size because Prince Charming may be driving a Honda and telling you that you have no equal ...but that won't do you much good when you've got kids and a mortgage. . . and he has a beer gut and a wandering eye.'

Ann believed in telling people the truth, especially young girls who were in danger of not maximizing their full potential. For those of us who knew Ann, she would be pleased that her many distinguished accomplishments as a woman in the male dominated Texas politics represented a beacon of hope to many young women who shared her unconventional aspirations.

In 1982 when a seat opened as the State Treasurer, Ann sought the Democratic nomination after the incumbent withdrew from the race. As State Treasurer and as a true pragmatist with a keen eye for technology, she transformed the Texas Treasury into a modern operation which encompassed electronic funds transfer, modernized investments and cash management systems. Along the way, Ann earned the respect and admiration of the business community who appreciated her foresight and vision.

In 1990 as the first woman Governor of Texas in 50 years, Ann aligned herself with the late Lt. Gov. Bob Bullock and Comptroller John Sharp and together formalized a statewide performance review of agencies that inevitably led to much needed recommendations for change.

In her tenure as Governor she was adamant about appointing minorities on state boards and commissions. Ann wanted Texas Government to reflect the people of the State and was proud of the rich cultural and vast diversity engrained in every corner of Texas.

Ann is survived by her four children: Cecile, Daniel, Clark and Ellen and their spouses: Kirk Adams, Linda Richards, Sharon Zeugin and Greg Johnson and her much beloved eight grandchildren.

Mr. Speaker in closing, it is worthy to mention Ann's legacy as an independent thinker, a strong-minded and compassionate woman with a sharp wit and charming personality who loved her State and the people of Texas so much she dedicated 12 years of her life to serve them. I am saddened at the loss of Governor Ann Richards but I am certain that her legacy will live in the minds and hearts of young women everywhere who now have Ann to remind them that there is nothing as women they cannot accomplish.

RECOGNITION OF THE PEOPLE'S COMMUNITY BAPTIST CHURCH 28TH ANNIVERSARY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate the People's Community Baptist Church, which is located within my congressional district, on its 28th anniversary, which will be celebrated September 15–17, 2006.

Since its founding in 1978, the People's Community Baptist Church has established a legacy built on spiritual empowerment, social action and community outreach. Its outstanding leadership in the community has touched lives throughout Montgomery County, Maryland and beyond.

With the strong foundation laid by the late Reverend Dr. Thomas Jeremiah Baltimore, this ministry has shown benevolence through ministries such as the Social Action Agency, a church ministry that addresses social concerns of the community in all areas affecting quality of life. Under its umbrella, numerous initiatives have been started, including family health programs, Alcoholics Anonymous and Narcotics Anonymous chapter meetings, cancer support groups, voter registration drives, and the SHARE program (low-cost monthly food distribution). A prison ministry was also begun, bringing the message of hope and redemption to the incarcerated.

Mr. Speaker, I am proud to represent this progressive and distinguished ministry and extend my best wishes for continued success to The People's Community Baptist Church on this special occasion.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. NADLER. Mr. Speaker, due to official business in New York related to the anniversary of the September 11, 2001 terrorist attacks, I was unable to travel to Washington, DC. As a result, I missed votes on September 6 and September 7, 2006. I ask that the Record reflect that had I been able to, I would have voted "aye" on rollcall vote No. 427, regarding the Abraham Lincoln Commemorative Coin Act; "aye" on rollcall vote No. 428, Recognizing the life of Preston Robert Tisch; "aye" on rollcall vote No. 429, Congratulating Spelman College on the occasion of its 125th anniversary; "aye" on rollcall vote No. 430, providing for consideration of the Horse Protection Act; "no" on rollcall vote No. 431, an amendment offered by Mr. Goodlatte; "no" on rollcall vote No. 432, an amendment offered by Mr. King of Iowa; "aye" on rollcall vote No. 433, final passage of the Horse Protection Act; "aye" on rollcall vote No. 434, A Motion to Instruct Conferees on the National Department of Defense Authorization Act of 2007; and "aye" on rollcall vote No. 435, closing portions of the National Defense Authorization Act of 2007 Conference Report.

HONORING NORMAN R. AUGUSTINE FOR LIFELONG COMMITMENT TO EDUCATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate my constituent Norman R. Augustine, a recipient of the prestigious Harold W. McGraw, Jr. Prize in Education. The prize annually recognizes outstanding individuals who have dedicated themselves to improving education in this country and whose accomplishments are making a difference today.

Mr. Augustine is the former chairman and chief executive officer of Lockheed Martin Corporation. He is a member of the President's Council of Advisors on Science and Technology, the Advisory Board to the U.S. Department of Homeland Security, and the American Philosophical Society, and is a fellow of the National Academy of Arts and Sciences.

Mr. Augustine has been chosen to receive the prestigious 19th annual award for his role as Chairman of the National Academies Committee on Prospering in the Global Economy and its work on the highly acclaimed report, "Rising Above the Gathering Storm." This report illustrates the importance of improving K–12 education in mathematics and science, the nation's commitment to long-term basic research, and United States capacity for technological innovation.

Mr. Augustine's credentials as a public servant and engineer are impressive. A five-time recipient of the U.S. Department of Defense's highest civilian decoration, the Distinguished Service Medal, he has served as a lecturer at Princeton University's School of Ergineering and Applied Science

Mr. Speaker, I ask my colleagues to join me in saluting Mr. Augustine for his outstanding contribution to education and ongoing commitment to public service.

IN HONOR OF PENN SOUTH SENIOR SERVICES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. NADLER. Mr. Speaker, I rise today to honor the Penn South Program for Seniors for an outstanding 20 years of service to the naturally occurring retirement community in and around the Penn South cooperative on Manhattan's West Side.

When President John F. Kennedy dedicated Penn South in 1962, he said, "It is the task of every generation to build a road for the next generation. This housing development . . . can provide a better life for the people who come after us, if we meet our responsibilities." Indeed a subsequent generation of Manhattanites has benefited from the vision of the eariest residents of Penn South. Many of the original members of the cooperative still live in Penn South, and many of the current residents are senior citizens. The Penn South Program for Senior continues to provide dedicated support to those people who helped make Chelsea the vibrant neighborhood it is today.

Originally built to house members of the International Ladies Garment Workers Union and their families, Penn South sparked a renaissance on Manhattan's West Side when "urban renewal" was a phrase used only among city planners. As growing demand for affordable housing prompted Penn South to open itself to the public, the cooperative became a thriving community that truly transformed the neighborhood.

Widely regarded as one of the best-run cooperatives in the state of New York, Penn South has made contributions beyond its own community. During New York City's budget crisis in the 1970s, residents of Penn South scraped together enough money to prepay their property taxes and help the City through that difficult time.

The Penn South Program for Seniors was our Nation's first Naturally Occurring Retirement Community (NORC) program, and has become a nexus of senior services. Since 1986, it has provided care management, entitlement screening and advocacy, homecare coordination, health services, counseling, support groups, referral services, recreation, educational programs, volunteer opportunities, a social adult day care program, and an intergenerational garden for both seniors and children. The program also links West Side residents with community services such as Meals on Wheels, home care, and transportation. Later, because Penn South was selected as a training site for psychiatric fellows, two medical centers have opened on-site geriatric practices and residents have access to free psychiatric consultations.

Most importantly, the program allows seniors to continue living in their homes as part of the Penn South community. This chance is vital to hundreds of long-time residents, especially at a time when financial concerns and high real estate costs are forcing many of New York City's seniors out of their apartments.

Again, I commend the Penn South Program for Seniors for its tireless support for the generation of New Yorkers who brought Chelsea back to life.

TRIBUTE TO MIDDLE VALLEY CHURCH OF GOD

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WAMP. Mr. Speaker, I rise today to honor the work of Middle Valley Church of God in Hixson, TN, and join them in celebrating 60 years of community service on November 1, 2006.

In 1946, 17 devoted charter members established Middle Valley Church of God under the leadership of L.W. Ledbetter who served as the first pastor. Within a year of its organization, charter members built the first church on that site and held the first service there on July 12, 1947. Since then, 19 pastors have served this church, including current pastor Mitch McClure, the church has undergone major renovations, and the congregation has grown to 250 members including the only surviving charter member, Ruth Underwood Porter.

For the last 60 years, Middle Valley Church of God has focused on community ministry. They have developed partnerships with Memorial North Park Hospital, Dallas Bay Volunteer Fire Department, Angel Food Ministries, Ganns Middle Valley Elementary School, Smokey Mountain Children's Home, Church of God Chaplains Commission, Church of God World Missions, Operation Christmas Child, and various other organizations. In addition, the church hosts a grief support group through Legacy Funeral Services and serves as a voting precinct for the Hamilton County Election Commission. They soon hope to host a community meeting to address the methamphetamine crisis our region is currently battling.

Mr. Speaker, I ask that the United States House of Representatives join me in thanking the congregation of Middle Valley Church of God and Pastor Mitch McClure for 60 years of commitment to their faith and service to the local community.

IN RECOGNITION OF THE TASK FORCE ON MENTORING OF MONTGOMERY COUNTY ON THE OCCASION OF ITS 15TH ANNUAL CONFERENCE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate and express my appreciation for the Task Force on Mentoring of Montgomery County, Maryland. The Task Force is a community-based, non-profit organization that provides crucial services such as mentor training, volunteer mentor recruitment, and organizational and technical support to community organizations and institutions that work to develop mentoring programs.

For over 15 years the Task Force has been a pillar of support for at-risk youth in Montgomery County. It has joined us in the battle against gang-related violence through its day-to-day efforts and its upcoming annual conference entitled "Challenging the Gang Lifestyle—Strategies for Prevention." The conference will be held on the Rockville Campus of Johns Hopkins University on October 12, 2006.

Thanks to the tireless and steadfast efforts of the Task Force on Mentoring, many of Montgomery County's children and adolescents have been given a real opportunity to become positive, active, and socially conscious citizens.

Mr. Speaker, on the occasion of its fifteenth annual conference, I ask my colleagues to join me in saluting the Task Force on Mentoring of Montgomery County.

PAYING TRIBUTE TO WILLIAM SKIVINGTON, SR., AND WILLIAM SKIVINGTON, JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor both William Skivington, Sr., and William Skivington, Jr., for their service in the United States Armed Forces. William, Sr., and William, Jr., are being honored today at Nellis Air Force Base as part of the 2006 POW/MIA National Recognition Day ceremonies.

Private First Class William Skivington, Jr., or "Skip" as most referred to him, disappeared on Mother's Day in 1968 during a ground battle near the Laotian border. Thirty-eight years after being declared missing-in-action, his remains have finally been returned to his family. A graduate of Western High School, William, Jr., was presumed killed or captured after his observation post at Kham Duc was overrun by a brigade of North Vietnamese soldiers and Viet Cong. For his bravery and service William, Jr., was awarded the Bronze Star, Purple Heart and a number of medals from the Government of Vietnam, he will be laid to rest with his fellow American heroes at Arlington National Cemetery.

William, Jr., learned the value and honor of service from his father, William, Sr., who served our country with bravery and nobility in the European Theater during World War II. For his valor, William, Sr., was highly also decorated. I applaud Bill not only for his service to this country, but also for his support for all prisoners of war and missing in action and their families, and his dedication to his son, William, Jr. He is currently raising money to preserve an olive tree, The Freedom Tree, which was planted in 1972 and dedicated to his son, and all POW/MIA.

Mr. Speaker, I am proud to honor William Skivington, Sr., and William Skivngton, Jr. Their service in our Nation's armed services is admirable and shows that they are both true patriots and American heroes.

HONORING NATIONAL GRANDPARENTS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of National Grandparents Day. Designated as the first Sunday following Labor Day of every year, Grandparents Day began in 1979 by a proclamation from President Jimmy Carter. Unfortunately the vital work of grandparents frequently goes unrecognized and underappreciated. Not only do grandparents provide ties to our past, they often times provide care to the Nation's children.

Grandparents make up 5.7 million households living with over 6.1 million children, evidence that many of these grandparents are often times caring for more than one child. It is important to note that 42 percent of grandparent caregivers are the sole providers for the most basic needs of one or more of the children in their custody. Alarmingly, 35.8 percent of grandchildren under the age of 18 live in homes with Supplemental Security Income (SSI), or other form of public assistance, and 460,000 of these grandparent led households fall below the poverty line.

Chicago, alone, is the home to three of the top ten congressional districts for children living in the homes of grandparents or other relatives. In my congressional district there are 23,397 grandparents living with grandchildren and over ten thousand grandparents who are responsible for their grandchildren's needs; indeed the 7th District of Illinois, my congressional district, has the highest percentage of children living in kinship care in the entire Nation. Not only does my district have the highest incidence of grandparent-headed households in the Nation, it also has a disproportionate number of African American grandparent caregivers, around 82 percent of all grandparent-headed households. It is an unfortunate fact that the problem of grandparent-headed households disproportionately affects African-American grandparents who serve as kinship care providers at higher rates than other racial/ethnic groups; a fact that federal policies need to understand and address.

B.C. Forbes said, "Upon our children—how they are taught—rests the fate—or fortune—of tomorrow's world." The fate of our children and their future lies with the millions of grandparents who tirelessly raise their grandchildren. Grandparent-headed households are an unremitting force on our Nation's children and deserve our gratitude and support.

"ART ON LABELS" CONTEST WINNERS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to congratulate two outstanding young students who live and go to school in my district in Houston, Texas. Alejandra Garcia, 10, of Crockett Elementary School and Alina Arevalo, 8, of Sherman Elementary School recently won a national art competition in support of afterschool programs called the "Art on Labels" contest, sponsored by Torani, the specialty syrup maker, and the Afterschool Alliance, an organization dedicated to advocating for quality and affordable afterschool programs for all children by 2010. The girls' artwork was chosen from hundreds of entries nationwide and will be featured on two of Torani's soda syrup products this fall.

Both students attend the Cooperative for After-School Enrichment program and were encouraged to enter the contest by their afterschool teacher. Afterschool programs play a critical role in the lives of many students who need a safe and nurturing place to go after the school bell rings. In communities today, 14.3 million children take care of themselves after the school day ends, including almost four million middle school students in grades six to eight. Just 6.5 million children are in afterschool programs—but the parents of another 15.3 million children say their children would participate in afterschool—if a program were available.

Afterschool programs keep children engaged in learning and work to find students' hidden talents as an alternative to going home alone to watch television all afternoon. It is important to continue to support afterschool programs like the ones Alejandra and Alina attend, which increase academic achievement, keep kids safe, and help working families.

It is an honor to be able to congratulate two wonderful young ladies, Alejandra and Alina, for their tremendous accomplishments and to thank their afterschool program providers for helping to develop their talents.

INTRODUCING BILL TO ESTABLISH MINERAL COMMODITY INFORMATION ADMINISTRATION

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mrs. DRAKE. Mr. Speaker, I rise today to introduce this bill to establish the Mineral Commodity Information Administration in the Department of the Interior.

This bill would make the Mineral Information Team (MIT) with the United States Geological Service an independent agency in the Department of the Interior, with much the same charter as the Energy Information Agency housed in the Department of Energy.

The MIT collects and disseminates data on virtually every commercially important non-fuel mineral commodity produced worldwide, information that is critical to businesses, the government, and importantly, the Department of Defense (DOD) to help manage the National Defense Stockpile. Due to the importance of the data, the MIT should be an independent agency reporting to the Secretary of the Interior.

Virtually every manufacturing sector, from aviation to textiles, relies on the unbiased, thorough, and comprehensive data reported by the MIT. This data is essential for effective use of our natural resources and for accurate forecasting. The information for a number of the MIT reports is derived from proprietary information given by our members precisely because the government is a trusted third party.

The United States is the world's largest user of mineral commodities, with processed materials of mineral origin accounting for over $487 billion in the economy in 2005 (an increase of 8 percent over 2004 on top of an increase of over 13 percent in 2003).

In 2002, the administration's FY 2003 budget proposed to eliminate the collection of international mineral commodity information. The attempts to eliminate international mineral commodity information collection have continued with each subsequent budget proposal. The congressional appropriations committees have wisely continued to reject calls to eliminate this critical data.

This information from the MIT is critical to the effective use of the nation's natural resources and for accurate forecasting. Without a reliable source of worldwide commodity information, the U.S. would be blind to any impending supply shortages. MIT data was critical in calming the markets during the cement and steel shortages of 2004, identifying the problem as one of logistics, not supply.

Our Nation is facing a global resources future where we are more dependent than ever on foreign sources of energy and minerals while at the same time no longer "guaranteed" to be the major recipient of energy and minerals from our traditional foreign suppliers. Considering businesses operate in a global economy, and imported raw and processed mineral materials increased in value by more than 14 percent from 2005 to $103 billion, the comprehensive data provided by the MIT becomes ever more important.

Clearly the Federal government understands the importance of worldwide data on energy production as demonstrated by the increased funding for the Energy Information Administration. Currently, the continued viability and availability of mineral commodity information is mired in the bureaucracy and under budgetary assault. It is imperative that the importance of the MIT mission be recognized by establishing it as an independent agency of the Department of the Interior.

This is the goal that my bill will accomplish. The mission of the newly created Mineral Commodity Information Administration will be to continue to collect, analyze, and disseminate information on the domestic and international supply of and demand for minerals and mineral materials essential to the U.S economy and national security.

CONGRATULATING THE LUTHER BURBANK SCHOOL DISTRICT ON ITS 100TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to congratulate the Luther Burbank School District in San Jose, California on its 100th anniversary.

Luther Burbank School District's noble mission is to educate students from kindergarten to eighth grade. Although diversity is welcomed, significant challenges confront this public school system. In the 2003–2004 school year 85 percent of the students were Hispanic, 5 percent Black and 7 percent White. Of all the District's students, 78 percent participated in the National School Lunch Program and 64 percent of the students were English Language Learners. Despite the challenges to comprehensive multicultural and multilingual education, Luther Burbank School District has met the challenges of racial, ethnic and religious diversity within the public school system.

Over the past 5 years, Luther Burbank School District has increased its California Academic Performance Index by over 200 points, thereby exceeding the state average. As the test scores and the school district's rankings have risen, so has the recognition that Luther Burbank School District has received. The school district is now a school of choice in San Jose, California.

Luther Burbank School District is a center of activity and growth in the community. Local residents are continuously invited and involved in many aspects of the school district. Luther Burbank School District welcomes parent and community involvement in the education and activities of the school and English as a Second Language classes are provided to the community during the evening hours to more closely connect the residents of this culturally diverse neighborhood.

The school district utilizes innovative teaching methods that include technology in the classroom and current instructional materials. The school district focuses on the academic growth of their students so that they may make positive contributions to their community and to society.

I am hopeful that the innovative and exemplary model portrayed by the Luther Burbank School District remains in my congressional district and spreads to many other lucky neighborhoods in the coming years.

RECOGNIZING THE METROPOLITAN ARCHDIOCESE OF AGANA ON THE HISTORIC OCCASION OF THE ENSHRINEMENT OF "OUR LADY OF CAMARIN"

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate Archbishop Anthony Sablan Apuron and the Roman Catholic Metropolitan Archdiocese of Agana on the occasion of the enshrinement of "Our Lady of Camarin" in the Basilica of the National Shrine of the Immaculate Conception in Washington, DC. Our Lady of Camarin, "Santa Marian Kamalen" as she is known in the Chamorro language, is the Patroness of the Metropolitan Archdiocese of Agana and of the Mariana Islands. I also congratulate the Guam chapters of the Catholic Daughters of the Americas who have taken an active interest in the cause of enshrinement and who are well represented in Washington for the ceremony on September 17, 2006.

The Santa Marian Kamalen is an important historic symbol of faith to the people of Guam and the Mariana Islands. The Santa Marian Kamalen statue, which arrived on Guam in the 17th century, was a significant part of the Spanish introduction of the Catholic faith on Guam and has been an enduring symbol of the growth of the Catholic Church in the Mariana Islands for the past three centuries. The Santa Marian Kamalen statue is representative of the resilience of the Chamorro people who have turned to the Patroness in times of distress to receive her comfort. This religious symbol has survived fires, earthquakes, and typhoons and inspires the faithful who seek her intercession for protection from famine, earthquakes, typhoons and tsunamis.

During the occupation of Guam in World War II, believers turned to Santa Marian Kamalen for help and some risked their own safety by saving the statue from confiscation and destruction by the occupiers. Today, Santa Marian Kamalen continues to inspire the Catholic faithful on Guam and throughout the Marianas. She holds an exalted position above the altar in the Dulce Nombre de Maria Cathedral-Basilica in Hagåtña, Guam. As the Patroness of Guam and the Mariana Islands, her feast day is celebrated each year on December 8th, the Feast of the Immaculate Conception, with a procession of thousands of the faithful in Hagåtña.

On Sunday, September 17, 2006, a replica of the Santa Marian Kamalen will be enshrined at the Basilica of the National Shrine of the Immaculate Conception in Washington, DC. Hundreds of followers from Guam, the Northern Marianas, and throughout the nation have converged in a pilgrimage to honor Our Lady of Camarin.

The enshrinement of Santa Marian Kamalen is recognition by the Church of the deep faith of the Chamorro people and a distinct honor for the Metropolitan Archdiocese of Agana. The ceremony will celebrate the love of the devotees of the Patroness of the Mariana Islands.

The enshrinement of Our Lady of Camarin would not have been possible without the tireless efforts of many people, most notably the Most Reverend Anthony Sablan Apuron, OFM Cap., DD, the Metropolitan Archbishop of Agana, the clergy and religious on Guam and the Mariana Islands, officers of the Catholic Daughters of the Americas in the Metropolitan Archdiocese of Agana, and all of the faithful. Biba Santa Marian Kamalen!

RECOGNIZING THE CONTRIBUTIONS OF YOUTHBUILD TO THE NATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 5837, a bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program and to recognize the many achievements and accomplishments attributed to YOUTHBUILD USA.

The YouthBuild program started in my Congressional District of East Harlem in 1978 as a response to the failed public school system, the lack of workforce development programs available to young adults and the growing number of youth who were being driven into the criminal justice system, YouthBuild's mission is to provide a pathway to successful productive careers. YouthBuild started in the interstices between these three systems as a community-based comprehensive program designed with and for youth. It became simultaneously an alternative school, a job and career training program, a point of re-entry for adjudicated youth, a way to serve one's community by building the highly valued commodity of affordable housing, and a way to gain leadership skills to improve the community in the long run and to become somebody who could make a difference.

This combination has been highly attractive to the disconnected youth, and has created a pathway to a productive future for tens of thousands of young adults across the country.

YouthBuild spread from East Harlem throughout New York City, and from there around the country. It became a federal Housing and Urban Development (HUD) program in 1992, and with HUD's help has spread to 226 of America's poorest urban and rural communities. It has been incubated as a federal program in HUD—still outside of the existing public education, workforce development, and criminal justice systems. At HUD, the emphasis has been on broad community development.

YouthBuild has shown itself to be highly attractive to communities seeking a solution for the fact that 32 percent of America's youth are dropping out of school, a hundred thousand are aging out of foster care each year and need a supportive transition, and tens of thousands are returning to their neighborhoods from incarceration needing a guiding hand.

Now YouthBuild is being moved as a response to its success. It is consistent with the priorities of the Department of Labor to engage the most disadvantaged youth in education and job training in high-demand careers through a cost effective community-based solution. While it is consistent with HUD's general community development goals, it is consistent with the Department of Labor's central priorities for young adults.

YouthBuild programs are also working well as re-entry programs under a special grant with the Department of Labor and with various state governments. They are working as AmeriCorps programs especially designed for low-income youth in partnership with the Corporation for National and Community Service. They are also working with local public school systems and the Bill and Melinda Gates Foundation—40 YouthBuild programs have become diploma-granting public charter or alternative schools, expanding the reach of limited federal funds by attracting additional local public education funds and deepening YouthBuild's role as an alternative school. Since it has become simultaneously a school, a job-training program, a re-entry program, and a national service program, it is working now on the creative edge of all these systems.

Local YouthBuild programs are led by entrepreneurial and committed professionals rooted in local communities. They are knit together by a national non-profit organization, YouthBuild USA, that works in partnership with the federal government to hold local programs to high standards, to train them in best practices, and to recognize innovative promising practices. This public/private partnership has also proven itself to be a good delivery system which has been responsible for the effective implementation of a creative program design.

At a time when America is seeking solutions to the disconnection from school and work of over 5 million 16- to 24-year-olds, 2.4 million of whom are poor, at a time when we are realizing that some of our existing systems are not working for this sub-set of young adults, it is a good moment to highlight YouthBuild as a solution, and position it in the Department of Labor for its next stage as a visible and viable pathway to success for tens of thousands of young Americans.

AZERBAIJAN—TIME TO FREE THE POLITICAL PRISONERS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. SCHAKOWSKY. Mr. Speaker, when Secretary of State Condoleezza Rice goes to New York for the opening of the 61st United Nations General Assembly she is expected to meet with Foreign Minister Elmar Mammadyarov of Azerbaijan. His country is becoming an important geo-strategic player in the Caspian region and Central Asia. It has worked closely with the United States on the critical oil pipeline from the Caspian to the Mediterranean and other issues.

There are some important obstacles to realizing the full potential of our strategic relationship with Azerbaijan. Of particular concern is the deteriorating human rights situation and the growing number of political prisoners in that country's jails.

During her confirmation hearings before the Senate Committee on Foreign Relations earlier this year, Ambassador Anne Derse stressed the importance the United States attaches to freedom, democracy and human rights as high priorities in our relationship with Azerbaijan. The Bush administration's emphasis on the critical importance for nurturing democracy, not only in bringing freedom to people but in helping make this a safer world at a time of growing threat from Islamofascism, is of particular concern in Central Asia. Azerbaijan is a secular Muslim state, thus making the development of democracy, respect for human rights and the rule of law ever more critical in such an unstable region of the world.

Azerbaijan is also an important American interest in energy and security cooperation. As our economic and political cooperation grow, our relations with Azerbaijan become more critical. Azerbaijani President Ilham Aliyev has spoken of his commitment to democracy but, unfortunately, the gap between promise and performance is widening, not shrinking.

I am particularly concerned about the need for an independent judiciary, commitment to the rule of law and a transparent justice system. An alarming number of political prisoners are held in Azeri jails, most notably former Minister of Economic Development Farhad Aliyev and his brother Rafiq Aliyev (The brothers are no relation to President Aliyev). Farad Aliyev was arrested on trumped-up political charges of planning a coup, and to that was later added a charge of murdering the editor of Monitor magazine, Elmar Huseynov. The actual confessed murderer, Haji Mammadov, a former official of the Interior Ministry's Criminal Investigation Department, reportedly accused Farhad Aliyev of ordering the killing. Independent media reports demonstrate that the accusation is not taken seriously and believed to have been pushed on the killer, perhaps in a deal for a lighter sentence, as part of the government's desire to strengthen its weak case against Aliyev and eliminate a potential rival for the president.

Mr. Speaker, I urge Secretary of State Rice to take up this matter at the United Nations with Foreign Minister Mammadyarov and stress that the United States seeks assurances that all political prisoners are allowed free access to counsel of their choice, are safe and provided all necessary health care, receive humane treatment and, if it goes that far, receive a free, fair and public trial. More appropriately, they should be freed at once as a demonstration of Azerbaijan's commitment to democratic reform and respect for human rights and the rule of law.

The Azeri Democracy Initiative, a non-partisan, international non-profit organization headquartered in Washington and dedicated to strengthening U.S.-Azerbaijan ties on a basis of shared values, has joined in calling on the European Court of Human Rights to investigate the politically-motivated arrest of Farhad Aliyev, the reformist former Minister of Economic Development of Azerbaijan.

The case before the Court of Human Rights in Strasbourg was filed by a group of British lawyers and alleges human rights abuses. They pointed out that Azerbaijan, as a member of the Council of Europe, is legally obligated to comply with the European Convention of Human Rights as a condition of membership of the Council of Europe.

Lord Lester QC, one of Europe's leading barristers on human rights issues, said the brothers were detained arbitrarily, put in solitary confinement and held "without justification". He has been denied access to the men.

"The Aliyev cases illustrate how far the Republic of Azerbaijan has to change before it can be regarded as a truly democratic state respecting the European rule of law and the fundamental human rights and freedoms of its citizens," Lord Lester added.

Many members of the brothers' families, business associates and acquaintances have been "harassed, arrested and persecuted following Farhad and Rafiq's arrests," according to Lucy James, one of the London attorneys. "Many have been detained on trumped up charges or without charge" and many have reportedly lost their jobs.

Mr. Speaker, I urge the Secretary of State and Ambassador Derse in Baku to raise this critical human rights issue at the highest levels and call for the freedom of political prisoners.

CONGRATULATING DR. ROBERT JENNINGS ON HIS INAUGURATION AS PRESIDENT OF ALABAMA A&M UNIVERSITY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CRAMER. Mr. Speaker, on behalf of the alumni, students, faculty, and friends of Alabama A&M University, I rise today to congratulate Dr. Robert Jennings on his inauguration as the University's tenth President.

Alabama A&M is a prestigious 131-year old land-grant university located in Normal, AL. Its faculty and students are nationally recognized for their work in and out of the classroom.

A&M selected Jennings as President in January of 2006. A graduate of Morehouse College and Clark Atlanta University, Dr. Jennings is a Fulbright-Hays Fellow and a highly respected and accomplished professor and administrator.

Prior to his appointment at A&M, Dr. Jennings served many years as a professor and administrator at Atlanta University Graduate School. Dr. Jennings has also held positions at Norfolk State University, Albany State University, and North Carolina A&T State University. Most recently, he served as the Executive Vice President and Chief Operating Officer of Wake Forest University's Future Focus 2020, a program designed to encourage urban communities to more actively participate in discussions about the future of the country.

In addition to his impressive academic record, Dr. Jennings is a distinguished diplomat and civil servant. In 1999, he represented the U.S. Embassy and the U.S. State Department as a consultant and trainer at the University of Naimey in Niger, Africa. He also previously served as a Loaned Executive to the Office of the Administrator of the U.S. Environmental Protection Agency, as well as an Equal Opportunity and Employee Development Specialist and Lead Trainer for the U.S. Equal Opportunity Commission.

Mr. Speaker, during the week of September 11th, the Alabama A&M community is celebrating Dr. Jennings' inauguration. I believe that his impressive resume and numerous academic accomplishments have more than prepared him to lead Alabama A&M University to new heights. I look forward to working with him and all of the faculty, students, alumni, and staff to build on the University's proud tradition of excellence.

"IRAQ WATCH"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CONYERS. Mr. Speaker, back in June the Democratic Caucus began a series of weekly special orders and floor speeches as a part of our ongoing "Iraq Watch." Midway through September, we're still watching, and what we're seeing is not encouraging. Other members will elaborate on the escalating death toll, the continued drain on our Treasury, and our inability to provide even the most basic services that might show the Iraqis that our invasion has improved their lives in some way. That there were no weapons of mass destruction, no link between Saddam and Al Qaeda, and no threat to America in Iraq continues to be demonstrated with each new report released and each study published. We know that we went in without a plan to manage the country after we toppled the government, contrary to military recommendations. Indeed, we now know that Secretary Rumsfeld actually threatened to fire staff who kept insisting on making some attempt at post-war planning. The generals in the field have told us, again, that their mission cannot be accomplished without tens of thousands, perhaps even a hundred thousand or more troops. Yet, according to an official army report referenced in the article I include, for the record, there are no more troops to send.

Mr. Speaker, we've been watching as this quagmire gets worse by the day. But I can't help wondering if the Republicans are watching the same conflict I am. To listen to what the Administration and its backers in Congress are saying, one might think that the invasion happened just last month, rather than three and a half years ago. You might think we were greeted as liberators, or even that we helped the Iraqis form a functioning democracy. You might even draw the conclusion that fanning the flames in Iraq is somehow, in some way making the American people safer.

Operating on the same flawed assumptions they used to mislead us into this mess in the first place, the Administration still has not given us an exit plan out of this bloodbath. We've heard plenty of slogans. "As the Iraqis stand up, we'll stand down." "Stay the course," But, Mr. Speaker, empty rhetoric is not a strategy. Hearing these slogans again and again, I'm reminded of one definition of insanity: to take the same action over and over and expect different results. Our continued occupation of Iraq without any kind of strategy or plan to resolve the conflict simply makes no sense.

Mr. Speaker, I was shocked and horrified when I heard that Vice President Cheney went on a talk show last weekend and said, and I quote, "if we had it to do over again, we'd do exactly the same thing." Is our vice president misleading us again, or does he really believe that our Iraq policy is working? Is this administration so arrogant, so stubborn, so unwilling to admit its mistakes that it wants to continue the occupation of Iraq "exactly" as it has for three and a half years? The Administration's continued failure to level with the American people and learn from its errors is an affront to all of us, but most especially to the memory of the 2,671 brave young men and women who have given their lives for this war of choice. The Republicans have shown that they lack the humility and the vision to change our disastrous course in the Middle East. We've lost not only lives and treasure but our standing in the world as a beacon of freedom and democracy. It is time for a new direction.

[From Washingtonpost.com, Sept. 14, 2006]

WHY WE CAN'T SEND MORE TROOPS

(By Lawrence J. Korb and Peter Ogden)

In "Reinforce Baghdad" [op-ed, Sept. 12], William Kristol and Rich Lowry argue that the United States needs to deploy "substantially" more troops to Iraq to stabilize the country. Aside from the strategic dubiousness of their proposal—Kristol and Lowry's piece might alternatively have been titled "Reinforcing Failure"—there is a practical obstacle to it that they overlook: Sending more troops to Iraq would, at the moment, threaten to break our nation's all-volunteer Army and undermine our national security. This is not a risk our country can afford to take.

In their search for additional troops and equipment for Iraq, the first place that Kristol and Lowry would have to look is the active Army. But even at existing deployment levels, the signs of strain on the active Army are evident. In July an official report revealed that two-thirds of the active U.S. Army was classified as "not ready for combat." When one combines this news with the fact that roughly one-third of the active Army is deployed (and thus presumably ready for combat), the math is simple but the answer alarming: The active Army has close to zero combat-ready brigades in reserve.

The second place to seek new troops and equipment is the Army National Guard and Reserve. But the news here is, if anything, worse. When asked by reporters to comment on the strain that the active Army was under, the head of the National Guard said that his military branch was "in an even more dire situation than the active Army. We both have the same symptoms; I just have a higher fever."

Already, the stress of Iraq and Afghanistan on our soldiers has been significant: Every available active-duty combat brigade has served at least one tour in Iraq or Afghanistan, and many have served two or three. Likewise, the vast majority of Army National Guardsmen and Reservists have been mobilized since Sept. 11, 2001, some more than once.

Thus the simple fact is that the only way for Kristol and Lowry to put their new plan into action anytime soon without resorting to a draft—and thereby dismantling the all-volunteer Army, which, as the authors themselves would certainly admit, could be strategically disastrous—is by demanding even more from our soldiers by accelerating their training and rotation schedules. While there is no question that the soldiers would respond to more frequent calls to duty, it is doubtful that they would be supplied with proper equipment and training for their mission in the near term. Moreover, the long-term toll on the cost and quality of our troops would be threatened by the added strain.

First, the equipment shortage that the U.S. Army faces at the moment is making it difficult to train troops even at current levels. The service has been compensating for this $50 billion equipment shortfall by shipping to Iraq some of the equipment that it needs to train nondeployed and reserve units. Increasing the number of deployed troops would compound this readiness problem and leave the Army with little spare capacity to respond to other conflicts around the globe that might demand immediate and urgent action.

Second, the long-term costs of leaning even more heavily on our ground troops to fight what is an unpopular war will take its toll on the quality of our Army. At present the Army is compelled to offer promotions to an unprecedented number of its personnel to retain them. Some 98 percent of captains were promoted to major this year, and the quality of the next generation of military leaders will suffer if this process is not made more selective once again.

In addition, even the quadrupling of recruitment bonuses since 2003 has not been enough to attract adequate numbers of talented men and women to meet the Army's personnel goals. Although the Army has accepted more troops with lower aptitude scores and raised its maximum enlistment age, it still must grant waivers to about 1 out of 5 new recruits and has had to cut in half the number who "wash out" in basic training.

While we disagree with Kristol and Lowry's contention that sending more troops to Iraq would bring peace and stability to the country, the U.S. Army and National Guard and Reserve should nevertheless possess the capacity to respond to such a plan or other deployments without undue strain and long-term costs. The solution is to do two things that the Bush administration has not: permanently increase the number of troops in the active Army and fully fund its equipment needs. Let this, not the expenditure of more blood and treasure in Iraq, be the "courageous act of presidential leadership" that Kristol and Lowry desire.

TRIBUTE TO LINDA BUTLER COSTIGAN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. WATSON. Mr. Speaker, it is with great sadness that I announce the passing my dear friend and colleague, Linda Butler Costigan.

Linda Butler Costigan passed away peacefully on Sept. 6, 2006 at Sutter Roseville Medical Center after a long battle with metastatic breast cancer. She was born on Dec. 20, 1946 in White Plains, NY to the late George and Faye Butler. She is survived by her beloved husband of 42 years, Richard S. Costigan, Jr. (Dick) of Granite Bay, CA and sons, Richard, III and wife Gloria of Granite Bay, CA and Chris and wife Gabby, who now live in Hong Kong.

She was the devoted "Gram" to her three grandchildren, Eric Samuel, Emma Laraine and Andrew Butler, of Granite Bay, CA. She is also survived by her sister, Mary Catherine Butler-Adkins and husband, Frank of Virginia Beach, VA.

Linda spent the first half of her life in Norfolk, VA., but she lived in many places, including Miami, Boston, Philadelphia, Los Angeles, Sydney Australia, and Danville, CA, before settling in Granite Bay over 16 years ago.

Though Linda would want to be remembered as a loving wife, mother and grandmother, she made many contributions to the communities in which she lived. In Norfolk, VA she was President of the local Catholic Youth Organization. In Danville, she was president of the St. Isidore's PTA and started a fund raising auction at De La Salle in Concord that is still going on; she replicated that program for La Salle College High school when the family moved to Philadelphia.

During those years, she was very active in Marriage Encounter and served on various boards. She loved college football, becoming a devoted follower of the University of Georgia where Richard and Gloria attended and the University of Alabama where Chris was a wide receiver on the 1989 SEC Championship team. She and Dick would often travel to both schools from California. She was involved in California politics for years, including serving as the State Private Sector Chair of the American Legislative Exchange Council (ALEC) for the state of California for a number of years and as the national Private Sector Chair in the early 1990s. For her service, she received the Thomas Jefferson Award.

She ran an event planning company that helped to bring policy makers together with advocates and those impacted by policy decisions. Her clients included Pfizer and Johnson and Johnson. She was also the secretary of the Granite Bay Municipal Advisory Council for a number of years when Dick served as the Chair. She also served on Board of the Arthritis Foundation of Northern California.

In 2001, after her husband became sick, they moved to Hilton Head Island, South

Carolina where they thought they would spend the rest of their lives. When she was rediagnosed with cancer in 2004, they moved back to Granite Bay. She was greatly admired by many and continued to positively touch many lives even in her last days fighting this disease. Her legacy as a devoted daughter, sister, wife, mother, mother-in-law, grandmother, and dear friend will be remembered and cherished by all she touched.

HONORING ANNE-MARIE GNACEK

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor one of my constituents, Ms. Anne-Marie Gnacek upon her retirement after 50 years of managing, designing, and developing simulations to evaluate our Nation's ability to intercept and destroy foreign missiles.

Beginning in 1956, Ms. Gnacek worked for a variety of defense related engineering companies. With the exception of choosing to stay at home to raise her two sons in the 1960s, she has worked continuously on developing software simulations to help develop our Nation's space and missile development programs, including the Navy's Polaris missile and the development of our National Missile Defense initiative.

Most recently, Ms. Gnacek was involved in the independent verification and validation testing of the Ground Based Midcourse Defense System's Battle Management Command and Control and In-flight Interceptor Communications systems, and development of simulation training aid for the soldiers who will operate the system.

Ms. Gnacek also led a team of engineers that developed real time simulations of mission experiments and activities to train astronauts for NASA's SPACELAB 1 and 2 shuttle missions.

Mr. Speaker, this month, Ms. Gnacek will retire after 50 years of exceptional service. Throughout her career, she has devoted herself towards improving our Nation's space and missile development programs and has diligently worked to enhance these vital systems to meet the ever-changing needs of our country.

I rise today to join her colleagues, family, and friends in congratulating her on a job well done. I wish her and her family the very best for the future.

HOUSE OF REPRESENTATIVES—*Friday, September 15, 2006*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2006.

I hereby appoint the Honorable DOC HASTINGS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Fountain of wisdom, in all human endeavors knowledge is essential, but heartfelt dedication gives nobility to any deed.

Learning and information help a person, Lord, to be successful. But each human will of good decision-making and determination gives power and lasting dignity to any work undertaken.

Therefore, Lord, grant to anyone who works in a democratic Republic such as ours the commitment to continually learn more and more about themselves, the world in which they live, and the problems they face. But especially grant Your chosen people a depth of perception by which they become truly desirous of always seeking what is best, not just out of self-interest but as the lasting good for all. For them mind and heart together are lifted to a higher level of reality which reflects You the Ultimate Creator and Universal Savior of others, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF HON. DOC HASTINGS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 19, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2006.

I hereby appoint the Honorable DOC HASTINGS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 19, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced his signature to enrolled bills of the Senate of the following titles:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debate.

There was no objection.

Accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, September 19, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9428. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Addition and Removal of Quarantined Areas in New Jersey [Docket No. 05-066-2] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9429. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2005, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

9430. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Threshold for Small Business Specialist Review [DFARS Case 2003-D060] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9431. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Reporting [DFARS Case 2005-D004] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9432. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Administration Functions [DFARS Case 2003-D051] received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9433. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ricardo S. Sanchez, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9434. A letter from the Comptroller of the Currency, Administrator of National Banks, transmitting four issues of the Quarterly Journal for FY 2005, the annual report for FY 2005, and a review of the actions the Office has taken during FY 2005 with regard to the applicability of state law to national banks, pursuant to 12 U.S.C. 14; to the Committee on Financial Services.

9435. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7939] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9436. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities Act Regulations: Applicability to Over-the-Counter Derivatives Dealers [Docket No. BPD GSRS 06-01] (RIN: 1505-AB70) received September 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9437. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule — Federal Student Aid Programs (RIN: 1840-AC87) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

9438. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9439. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revision of Regulations to Require Reporting of Damage to Natural Gas Pipeline Facilities [Docket No. RM06-18-000] received September 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9440. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9441. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-46, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Germany for defense articles and services; to the Committee on International Relations.

9442. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-28, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

9443. A letter from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to expand foreign policy-based export controls on certain items to Dubai, United Arab Emirates under the authority of Section 6 of the Export Administration Act of 1979; to the Committee on International Relations.

9444. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation in the Export Administration Regulations of the United States' Rescission of Libya's Designation as a State Sponsor of Terrorism and Revisions Applicable to Iraq [Docket No. 060816218-6218-01] (RIN: 0694-AD81) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9445. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — December 2005 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I (telecommunications), 5 Part II (Information Security), 6, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Certain New or Expanded Export Controls [Docket No. 060807211-6211-01] (RIN: 0694-AD73) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9446. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision and Clarification of Civil Monetary Penalty Provisions of the Export Administration Regulations [Docket No. 060721198-6198-01] (RIN: 0694-AD74) received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9447. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations Based on the 2005 Missile Technology Control Regime Plenary Agreements [Docket No. 060714193-6193-01] (RIN: 0694-AD65) received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9448. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Saudi Arabia; to the Committee on International Relations.

9449. A letter from the Assistant Secretary for Legislatove Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-02-06); to the Committee on International Relations.

9450. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment to the Government of Belgium (Transmittal No. DDTC 025-06); to the Committee on International Relations.

9451. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment to the Republic of Korea (Transmittal No. DDTC 038-06); to the Committee on International Relations.

9452. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

9453. A letter from the Acting Associate Director, Program Policy and Imp., Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations — received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9454. A letter from the Chief, U.S. Army FOIA/PA Office, Department of Defense, transmitting the Department's final rule — The Army Privacy Program [Docket No. USA-2006-0011] (RIN: 0702-AA53) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9455. A letter from the Deputy Chief Counsel for Regulations, TSA, Department of Homeland Security, transmitting the Department's final rule — Privacy Act of 1974: Implementation of Exemptions; Intelligence, Enforcement, Internal Investigation, and Background Investigation Records [Docket No. TSA-2004-19845; Amendment No. 1507-2] (RIN: 1652-AA34) received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9456. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Thrift Savings Plan Service Office and ThriftLine Contact Information — received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9457. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — General Guidelines for Systematic Declassification Review of Foreign Government Information; Removal of Part [NARA-06-006] (RIN: 3095-AB51) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9458. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Standards of Ethical Conduct for Employees of the Executive Branch; Amendments to Clarify the Coverage of Detailees to an Agency Under the Intergovernmental Personnel Act (RIN: 3209-AA04) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9459. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Personnel Management in Agencies — Employee Surveys (RIN: 3206-AK77) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9460. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Employee Responsibilities and Conduct (RIN: 3206-AJ74) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9461. A letter from the General Counsel, Office of Justice Programs, Department of Justice, transmitting the Department's final rule — Public Safety Officers' Benefits Program [Docket No.: OJP (OJP)-1333] (RIN: 1121-AA56) received August 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9462. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended [Public Notice:] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9463. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Management of Federal Agency Disbursements (RIN: 1510-AB07) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9464. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's highway accident report that was adopted on April 18, 2006, involving a multivehicle collision on the approach to the Hampshire-Marengo Toll Plaza near Hampshire, Illinois; to the Committee on Transportation and Infrastructure.

9465. A letter from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule — Release of Information to News and Information Media (RIN: 2700-AD25) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9466. A letter from the Acting Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA

Grant and Cooperative Agreement Handbook — Resource Sharing Requirements (RIN: 2700-AD28) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9467. A letter from the Regulation Policy and Management, VBA, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension with Heart Disease (RIN: 2900-AL26) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9468. A letter from the Regulation Policy and Management, VBA, Department of Veterans Affairs, transmitting the Department's final rule — Claims Based on Aggravation of a Nonservice-Connected Disability (RIN: 2900-AI42) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9469. A letter from the Tracking and Control, Regulation Management, VBA, Department of Veterans Affairs, transmitting the Department's final rule — New and Material Evidence (RIN: 2900-AM15) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9470. A letter from the Secretary for Regulatory Policy and Management, VBA, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Benefits Act of 2003 and Veterans Benefits Improvement Act of 2004 (RIN: 2900-AM27) received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9471. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2005: Operation of the Trade Agreements Program," prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

9472. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting a report on the program to be initiated in Cuba by the Office of Transition Initiatives; jointly to the Committees on International Relations and Appropriations.

9473. A letter from the Acting Executive Director, District of Columbia Retirement Board, transmitting the Board's annual report for fiscal year 2005, pursuant to Public Law 96-122, section 162; jointly to the Committees on Government Reform and Appropriations.

9474. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2008, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5830. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; with an amendment (Rept. 109–600, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5808. A bill to authorize the Secretary of Transportation to make grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes; with an amendment (Rept. 109–662). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5414. A bill to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts" (Rept. 109–663). Referred to the House Calendar.

Mr. HUNTER: Committee on Armed Services. H.R. 6054. A bill to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes; with amendments (Rept. 109–664 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 6054. Referral to the Committees on International Relations and the Judiciary extended for a period ending not later than September 18, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 6089. A bill to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 6090. A bill to reform immigration litigation procedures and combat alien gang crime; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 6091. A bill to secure the borders of the United States, and to ensure the removal of deportable criminal aliens; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2239: Ms. HART.
H.R. 5139: Mr. REGULA.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 14 by Mr. FILNER on House Resolution 917: John Barrow, Robert Wexler, and Zoe Lofgren of California.

SENATE—*Friday, September 15, 2006*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of light, You are our guide. Thank You for Your gentle leading. You are a mystery but not a puzzle; profound but not incomprehensible; loving but not passive; patient and longsuffering but not weak and indecisive.

Lead our lawmakers today with Your wisdom. Show them how to use their talents and abilities for Your glory. Give them patience to wait on the unfolding of Your loving providence. Remind them that the hearts of world leaders are in Your Hands and that You direct the course of human history.

Help each of us to pursue Your friendship and to embrace Your love.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today, the Senate will conduct a period of morning business. Last night, we were able to reach a time agreement on the Oman free trade bill, and Senators are encouraged to use that time this morning and then on Monday. We will have 30 minutes of debate on the trade bill remaining for Tuesday's session, and Senators should expect a vote on passage before the policy luncheons on Tuesday. That will be the first vote of the week. We are also attempting to clear some nominations and treaties for today, and we hope to have an agreement on those for later this morning.

EFFECTIVE TOOLS TO FIGHT TERRORISM

Mr. McCONNELL. Mr. President, I want to make a few observations about the war on terror, which certainly is an issue that has been front and center in the Senate and over in the House during the last few weeks.

There are really two issues. The first is, what are the tools the President needs to continue to effectively defend America?

We know that since 9/11 there have been no successful attacks on our country. We know before 9/11 they were at war with us. They tried to blow up the World Trade Center. They blew up our Embassies in East Africa. They blew up the USS *Cole* and killed 17 sailors. They were at war with us, but we were not yet at war with them.

Since we have been at war with them, we have not had a successful attack at home. Obviously, we are doing something very skillfully and very correctly. A part of that is the effective interrogation of terrorists and the effective surveillance of terrorists. Both effective interrogation and effective surveillance of terrorists prevent terror attacks and save lives. That has happened over the last 5 years.

Why does the President need these specific tools? Why does he need the bill he proposed? Intelligence leaders have said, as recently as yesterday, that we will have to shut down a demonstrably effective program without these tools. We will lose the intelligence and the security the intelligence provides.

So what is next for us in debating these important issues to help protect Americans at home? Only one side of the argument has been prevalent in the last day or so. We will have an opportunity to fully define the two issues to which I referred. A floor debate will highlight important bright-line issues.

For example, do we provide sensitive classified information to terrorists? There has actually been the suggestion that somehow a fundamental sense of fairness would require that we hand classified information over to terrorist defendants. That will be one of the big issues confronting us in the Senate.

Do we shut down an intelligence program that we know—it's not in dispute—that we know has saved lives and protected Americans? Do we want our troops exposed to the vagaries and whims of international courts?

What about this idea that we should not define Common article 3 in the United States? Well, Common article 3 is going to be defined. We know that. The only issue is, who will define it? European courts are now defining it. Maybe the U.S. Congress and the U.S. courts ought to be the final word on defining Common article 3. So, as I said, the question is really not whether Common article 3 is going to be defined—it is going to be—but, rather, who will be defining that article.

Common article 3 was written back in 1949, almost 60 years ago. Some of its terms—like prohibiting "outrages upon personal dignity"—are inherently vague. As a result, foreign courts have been filling the void and doing that interpretation.

To give you an example, the European Court of Human Rights has declared as follows: merely having to wait on death row is "inhuman or degrading treatment of punishment." That is a European court defining waiting on death row as being unacceptable. A European court has further said being in a cell with limited natural light is "degrading," and that having little activities to occupy a prisoner is "degrading."

Now, the U.S. Congress should not sit on its hands and let some foreign judge—some foreign judge—define the meaning of Common article 3 in a way that most Americans would object to and which would put our troops at risk. That is why I support the President's position on using the Detainee Treatment Act—Senator McCAIN's act that we just adopted last year by a vote of 90 to 9 in the Senate—as the standard, use the McCain Detainee Treatment Act as the standard for defining Common article 3.

The DTA prohibits "cruel, inhuman, or degrading" treatment as defined by established standards of U.S. law. That is Senator McCAIN's bill, which we adopted last year, defining what is appropriate treatment of detainees.

So these will be the issues we will have to argue and discuss in the full Senate with all 100 Members participating. We have not heard from a whole lot of our colleagues on the other side of the aisle yet, and I know they are going to want to participate in this debate and share their views about whether these standards should be determined by the U.S. Congress or by European courts.

What we do know for sure, without question—no ambiguity—is that the current program works and has saved us from terrorist attacks and prevented us from being attacked again at home for over 5 years. The President needs tools to conduct these programs effectively to protect Americans at home. His proposal for terrorist detainees is one of those important tools. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

do not all agree at this point about how to go about this, and that is why the Senate is a great deliberative body, and we will have that discussion on the Senate floor. But at some point we will come together and, hopefully, do it in a way where the interrogation of detainees can continue.

We know the Director of the CIA said yesterday that under the armed services bill, that program will have to be shut down. We know it has worked. We know it has saved lives. We need to solve this problem for the American people so they can continue to be protected at home, able to go about their daily lives in a manner they have become accustomed to over the years in this great, free society.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Thank you, Mr. President.

DETAINEES

Mr. REID. Mr. President, I think my friend, the distinguished majority whip, is talking about things that really do not exist. We have now in the Senate a bipartisan agreement on how to approach the Hamdan decision, the detainee problem. We had all Democrats and four Republicans—far more than a majority in the committee—who voted yesterday to bring the matter to the floor that would solve this problem.

It is not a problem at this point that has been solved by the European courts. It has been solved by the U.S. Senate. We certainly know that the document that has come from the Armed Services Committee is imperfect, and we can always try to work to improve that. I think we should move forward on this issue. I think there is certainly nothing in the mind of the American people or the American public that what the President has suggested is final.

Certainly, he is not infallible, as indicated by Colin Powell—four-star general, general in the Army, Chairman of the Joint Chiefs of Staff, Secretary of State for a number of years. He says the President's approach is wrong. He is not talking about the European courts determining what we should do. He is saying that the approach of Senator MCCAIN and others is the proper way to go.

I would also say—without a long discussion—we have the same situation at this stage in the Senate dealing with domestic spying. We have a bipartisan solution to this issue. Members of the Judiciary Committee, on a bipartisan basis, voted to bring a bill to the Senate. Again, I am sure that bill is not perfect, but it certainly is a bipartisan solution to a problem that exists, one that is in compliance with the Constitution of the United States.

Mr. President, the Iraq war has been a diversion on the war on terror, and that seems pretty clear.

TAX EXTENDERS

Mr. REID. Mr. President, changing subjects just for a minute, prior to the August recess, Republicans attempted to win support for their attempt to repeal the estate tax by attaching that to a flawed minimum wage increase that was only meant for show and not to actually accomplish anything. And they also tied to it popular tax provisions, referred to as extenders.

Now, keep in mind the extenders were all agreed to by Democrats and Republicans. They had agreed to this, and the only thing that was not there was the signature, and that was to take place at 8 o'clock at night in the Capitol. When people came back to sign the conference report, word had come from the White House: Do away with this agreement. So that is why they came up with the so-called Trifecta: estate tax repeal, extenders, minimum wage.

Republicans were very clear regarding their strategy. Representative ZACH WAMP of Tennessee claimed that Democrats had been "outfoxed." Well, of course, this bill did not pass because it was flawed. It was so unfair to the American people that you would do away with all these important tax provisions for the middle class in an effort to get a repeal of the estate tax that would affect the richest of the rich: 8,100 Americans.

The strategy of holding the extenders hostage to their estate tax giveaway put these important provisions in jeopardy of not getting enacted ever. As if to emphasize this point, Senator JUDD GREGG said—and I quote—"[i]f you don't kill the hostage, there's no threat." How about that.

Now, Senator BAUCUS yesterday—on more than one occasion—requested unanimous consent to delink the extenders, which have broad bipartisan support, from the Republicans' ill-fated attempt to repeal the estate tax for a small number of the wealthiest families in America.

American families and businesses are paying the price for this Republican do-nothing Congress's failure to extend these tax breaks. Millions of families and individuals are facing higher taxes today as a result of this failure.

Mr. President, this is just not HARRY REID, a Democrat, speaking. Look what was said yesterday by the chairman of the Finance Committee, a Republican, CHARLES GRASSLEY of Iowa:

> A delay of legislative beyond the anticipated recess date of September 29, 2006, will cause hardship, tax compliance problems and confusion for the millions of taxpayers who claim these widely applicable tax benefits.

According to a memo from Senator GRASSLEY's office, after consulting with IRS officials, the IRS contracts with several printers to produce 1040 and 1040A income tax return forms are in jeopardy. It also said that IRS must finalize the information it is to submit to these printers by October 15 in order to ensure forms will be printed in time and be distributed to taxpayers at the beginning of 2007; that if Congress has not passed extenders legislation by that time, the forms will omit lines instructing taxpayers to compute State and local sales tax, college tuition, or out-of-pocket classroom expenses into their tax liability.

American families and businesses are paying the price because of this do-nothing Congress. They refuse to extend important tax breaks. Families who recently took their sons and daughters to college now wonder whether the tuition deduction Republicans allowed to expire last year will get reinstated.

What are these tax extenders? The State and local sales tax deduction. In States all over the country which have an income tax, they are allowed to deduct that from their Federal income tax. Now that the Republicans failed to act in States where individuals pay sales tax, they are not able to do this.

The tuition deduction is another one which allows parents and students to deduct all tuition and related expenses from their taxable income. It benefits 3.6 million taxpayers nationwide and 26,000 in Nevada.

The teacher classroom expenses provision gives teachers above-the-line deduction of as much as $250. Mr. President, 8,100 people are seeking to benefit from the repeal of the estate tax, which is millions and millions of dollars. So why should we be concerned about some schoolteacher for $250? Because $250 is what teachers pay out of their own pockets to get supplies for the classroom that school districts don't pay for. They can deduct as much as $250 for personal funds spent by them to buy classroom supplies. This benefits 3.3 million teachers nationwide and about 22,000 teachers in Nevada.

There are many other items that are important in these extenders.

America needs a new direction, one that puts the interests of the hardworking families ahead of special interests. How can we be working on the Oman Free Trade Agreement and let this go? I don't understand this. The priorities are upside down. We need a new direction, and we are not getting any direction from the administration or certainly from the Republican-dominated Congress.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

MORNING BUSINESS

DO-NOTHING CONGRESS

Mr. DURBIN. Mr. President, I thank my colleague and friend from Nevada, Senator Reid, for that statement because here on the closing day of this week's session, as we wrap up the second week of 4 weeks, it really is a time to reflect on what little time is left in this session, and when Senator Reid refers repeatedly to a do-nothing Congress, it is understandable. Two weeks down and 2 weeks to go before the election and no budget.

This so-called fiscally conservative leadership in the Senate cannot produce a budget on how we are going to spend our money this year. They cannot produce a budget and, if I am not mistaken, I say to the Democratic leader, I don't believe a single appropriations bill has been signed into law at this point.

Mr. REID. That is right.

Mr. DURBIN. Here we are days away from the end of this fiscal year, and we have recorded in the last 6 years, under the Bush administration and the Republican-led Congress, the worst deficits in the history of the United States. We have an administration which inherited a surplus from the Clinton administration—several years of surplus and paying down the debt of America and strengthening Social Security—and they squandered it, wasted it. They turned their backs on it and allowed us to sink deeper and deeper into debt—a debt we ultimately will have to pay, a debt which, sadly, is being financed by foreign countries such as Japan, China, Korea, and the OPEC nations. They are the mortgage holders of America's mortgage.

Who will pay off this mortgage? The young people of America, our children and grandchildren—as this Congress heaps debt upon debt, as this President has the dubious distinction of being the first President in the history of the United States of America to call for a tax cut during a war. The reason no other President has done it is because it doesn't make sense. You have the ordinary expenses of Government that are increased because of the war you must fight, and this President then says: Let's cut taxes while we are at it, digging a deeper hole for America's economy and America's future.

So there is no budget, not one appropriations bill signed by the President, no increase in the minimum wage—9 years now. For 9 years, this Republican President and Congress have refused to increase the basic wage for some of the hardest working people in America. It is $5.15 an hour. That is what it has been. It has been 9 years since we have increased it.

Think about each of our own personal experiences, how the expenses of life have gone up in that period of time, and then put yourself in the shoes of a single mother I met in Rockford, who went through a brutal divorce. She luckily has custody of the children away from a father who mistreated them badly. She has them in her tiny house, and she has a minimum wage job. She has three kids, this mom, and she makes minimum wage. How does she make it? She goes to the local church, where they have a food pantry. She tries to get help from charities in the area. She looks for used clothing. She is trying to keep her family together. What kind of helping hand has this Congress given to her? None. For 9 years, we have said to her: Sorry, next year's salary will be the same as last year's.

I hope the cost of utilities doesn't go up or the cost of food or the cost of rent. Yet we know they continue to go up. So for 9 years, this Congress has failed to increase the minimum wage, and they are about to wrap up another session with that dubious distinction.

There is a footnote to this story worth noting. In that same 9-year period of time, Congress has voted itself a $31,000 annual increase in salary. The Democratic caucus of the Senate has said that is the end of that story. There will be no increases in congressional pay until the minimum wage is increased. No excuses. Maybe that will focus the attention of our colleagues on a lot of people who are not as fortunate as those of us who serve here.

We have had no change in the ethics rules despite the scandals of the latest Congress, despite the resignation of the Republican leader in the House who is under indictment and investigation, despite the reports that other Members of Congress are going to plead guilty or are facing prosecution. Despite all of this, there are no basic changes in the ethics rules that guide us here.

There is no effort to take a look at the way we finance political campaigns, which I think is at the root of this whole conversation. Unless and until we reach a point that we take the millions of dollars out of political campaigns and bring it back to a point where the average person can seriously consider running for office, until we do that, sadly, all of us who are mere mortals and not millionaires will be spending a lot of time with special interests and wealthy people that we should be spending with the folks we represent and those who don't have well-paid lobbyists roaming the halls of the Capitol.

There is no energy policy for America after the runup in gasoline prices that crippled family budgets, hurt businesses, and hurt farmers. Now the gas prices are starting to come down, and we can breathe a sigh of relief. Yet we know in the back of our minds that they can turn it on a dime and run the prices back up to over $3 a gallon again. Why? We have no energy policy.

A President and Vice President from the oil patch have really avoided the obvious. We need to find a way to lessen our dependence upon oil, and particularly on imported oil. That means moving toward alternative energy sources. That means more fuel efficiency in our vehicles. For 3 of the last 4 years, I offered an increase in the CAFE standards so that the cars and trucks we drive in America are more fuel efficient, and I have lost every time, not only because of opposition from the other side but some within my own ranks. I think there is now a change, an awakening that we have to do something about this situation.

Of course, in this Congress, what have we done to increase the availability and affordability of health insurance and health care? Nothing. In fact, we have made it more difficult for the average family. We have decreased the benefits under Medicare and Medicaid, although we created the prescription Part D Program, which is, of course, a windfall for pharmaceutical companies. We didn't give the consumers of America the break they deserved. We have to find a way to make sure that Medicare Part D is affordable. To do that, Medicare should be able to bargain for lower drug prices.

My friend, Senator Dorgan from North Dakota, is in the Chamber. He has been working on this issue for a long time, the issue of drug importation from Canada and other places. I salute him for his success in bringing the issue forward. I share his frustration that we cannot seem to get the Republican leadership, which has promised time and again an opportunity for a vote, to actually have that vote and to change the law so that a lot of seniors and others across America can get affordable prescription drugs.

There is no effort here to make sure people who are vulnerable don't have to worry about whether their health care or pensions will be there when it is time to retire. We just don't address that in this Congress. You see, sadly, these people cannot afford the lobbyists that other special interests can. Those articulate, well-paid, well-fed, well-dressed lobbyists who work right here in this building spend a lot of time in our faces. We need to talk to them because, frankly, they finance many of our campaigns. It is a sad reality that ought to change. It won't change until the leadership in Congress wakes up to the need for change, the need for a new direction on Capitol Hill.

Last Monday night, we had a commemoration of the fifth anniversary of 9/11. I guess about a hundred of us—Members of Congress—stood on the Capitol steps near the same place we stood 5 years ago as a Congress. There were some stirring remarks made, prayers said, and we closed with the singing of "God Bless America." As we sang "God Bless America," I thought for a moment that we needed to recapture the spirit of 5 years ago because we left that historic moment on the Capitol steps and Democrats and Republicans rolled up their sleeves in the House and Senate and said: What can we do to make America safe? In lightening fashion, we enacted a resolution which declared war on those who had attacked us.

I don't vote for war lightly, but I voted for that without hesitation, a war in Afghanistan, against al-Qaida, against the Taliban. It was the right thing to do. But today it is a war that we know has not been won. Five years later, it still has not been won. The ranks of al-Qaida on 9/11/2001 were estimated to be 20,000 worldwide. Today our intelligence sources say it is up to 50,000 and growing. The trend is in the wrong direction.

We wanted to turn the light out on al-Qaida when we voted for that resolution. We wanted to capture Osama bin Laden. We wanted to say to the world: You will pay if you attack the United States.

But today we are still fighting, and the commanders in Afghanistan tell us we are not doing as well as we should. We need more military forces. We need more of an effort.

Sadly, we may be losing that war, and we cannot afford to lose that war. Just a few months ago this administration announced it was disbanding the intelligence agency that was going to hunt down Osama bin Laden. Again, the Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, came to the floor last week and offered an amendment that was adopted unanimously to refund that effort to go after Osama bin Laden.

I don't believe capturing him will end the war on terrorism. I don't think it will guarantee Americans are safe, but it certainly is something we should do as a Nation.

The PRESIDING OFFICER (Mr. ISAKSON). If the distinguished minority whip will cease for a second, the previous Presiding Officer of the Senate did not announce what should have been announced, which is, under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. The distinguished minority whip has spoken in excess of 10 minutes. I want to make him aware that is why I stopped him, unless he asks unanimous consent to continue.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I know my colleague is waiting to speak, so I will hold myself to that 5 minutes.

When we came back after 9/11, we gathered together on a bipartisan basis. We passed the PATRIOT Act. We initiated this military effort against those who attacked us on 9/11. There was a true spirit of bipartisanship.

Sadly, things broke down. They broke down when we invaded Iraq, and they haven't gotten well since. The President's decision to move forward with the invasion of Iraq with Great Britain by our side, but really with the American troops in the forefront, with the American taxpayers paying the bill, has divided us as a Nation. A majority of Americans today question whether that was the right decision. I question whether that was the right decision. I was one of 23 who voted against going to war. I did not believe the intelligence supported it.

Events that have happened since—we have lost 2,671 of our best and bravest and finest American soldiers. They have given their lives in that war in Iraq; 19,000 or more have returned seriously injured. We have spent over $320 billion. We spend anywhere from $1.5 billion to $3 billion a week on a war with no end in sight.

We went through this administration's effort to redefine torture to abandon the Geneva Conventions that we had stood by for decades. We saw the scandals of Abu Ghraib and Guantanamo.

Arthur Schlesinger, Jr., a noted historian, said the issue of torture has damaged the image of America in the world more than anything in our history. That is a sweeping statement from a man who has spent his life measuring history and its impact on the world. He believes torture under the Bush-Cheney administration has damaged our reputation more than anything in our history.

Thank goodness Senator JOHN MCCAIN stood up and rallied us on a bipartisan basis by a vote of 90 to 9 to say torture is not part of America's policy. Yet again we are debating this issue, as the Bush administration comes to us and says: When it comes to the treatment of detainees, we cannot stand by the Geneva Conventions. We have to redefine it. And they go further.

The Bush administration insists that if anyone in the administration has been guilty of wrongdoing—the use of torture, cruel, inhuman, degrading treatment—they should be absolved from any criminal liability. What does that say to the world about our standards and values in the United States?

I am glad GEN Colin Powell spoke out yesterday. He hit the nail on the head. If this is a moral position we are taking to opposing terror, we cannot support the President's proposal for the treatment of detainees. And I salute, again, the four Republicans who stood up yesterday in the Armed Services Committee and had the courage to speak up and say there is a better way. There is a better way to protect America and not lose our values.

I hope we listen to them when we bring this bipartisan measure to the Senate floor. The same thing happened in the Senate Judiciary Committee. We are adrift when it comes to this wiretapping issue. We reported out three different bills. The committee couldn't make up its mind.

On one of the bills, we said to the President: You are Commander in Chief. You have the power to do what you wish. Another bill that Senator FEINSTEIN has introduced, which I support and is bipartisan, says take the FISA law, the bill that governs wiretapping, gives the President the time he needs to do what is right, go after al-Qaida, wiretap his conversations, stop terror before it occurs, but do it in the framework of the law. The Feinstein bipartisan approach is a sensible approach. It is one that honors the tradition of the rule of law in America.

We have two bipartisan approaches now to the treatment of detainees, as reported by the Armed Services Committee and to wiretapping as reported from the Judiciary Committee with the Feinstein amendment. Let's return to that spirit of 9/11/2001. Let's return to that bipartisan spirit and get this done and get it done right. At least we will be able to point to that achievement as this Congress draws to a close.

I salute my Republican colleagues who stood up for principle and values that we all should share in America. I hope this administration over the weekend will reevaluate their position. I hope they will move forward with us in a bipartisan fashion to make America safe but do it the American way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. I advise the Senator, the Senate is in morning business, with speeches limited to 10 minutes.

INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I want to speak about a subject that is very important dealing with Indian health. I believe there will be an attempt to move legislation by consent in the Senate dealing with the reauthorization of the Indian Health Care Improvement Act. We have had difficulty moving that legislation. Senator MCCAIN and I and others worked on completing the legislation. It has not yet moved. My hope is that it can move through the Senate without objection today.

I want to describe why it is important because in this country, there is a lot of noise about a lot of issues. People often talk about the noise of democracy. Sometimes that noise of democracy is a very welcome noise and wonderful sound, but there are other times when it is shrill and partisan and the noise of democracy is not such a comfortable noise.

In the midst of all the discussions about all of these issues, there are day-to-day issues that affect peoples' lives, especially health care. On Indian reservations in this country, there is a very special challenge with respect to health care. We have a trust responsibility for Indians and their health care. We don't meet that responsibility very well.

There is wholesale rationing going on with respect to health care for American Indians. Nobody likes to talk about it. Around 60 percent of health care needs of American Indians are being met, and about 40 percent of the needs are unmet. That estimate comes from the Indian Health Service. It is not one they advertise, but it is one you can pry out of them if you are persistent enough.

We spent twice as much money per person on health care for Federal prisoners than we do to support our trust responsibility of health care for American Indians.

Let me say that again. We have a responsibility for the health care of Federal prisoners because they are incarcerated. We spend twice as much per person for their health care than we do to provide the health care that we are responsible to provide to American Indians. That ought not be a source of pride for anybody in this Chamber or the other Chamber who is involved in the discussions about these issues.

Let me describe, if I might, through the stories of a couple of Native Americans, what they face with respect to health care and why there is such an urgency to pass the Indian Health Care Improvement Act. That reauthorization is long overdue, and I hope it will be accomplished today in the Senate.

Let me tell you about an 80-year-old elder who is a diabetic and living on an Indian reservation. This 80-year-old diabetic fell while tending to her garden and broke her leg in two places. The break was so severe that there was a bone sticking out of her ankle. This 80-year-old woman went to the hospital. The doctor sent her home with painkillers.

She then went to another hospital and was told the condition was not priority 1, which means "life or limb," and, therefore, she was not able to get care.

She went to a third hospital, limped in, and finally received some care—the third stop, with a bone sticking out of her leg.

What is this "life or limb"? It means that under what is called contract care for American Indians—one tribal chairman on a reservation in my State said, we understand: Don't get sick after June. If you do, there is not any money available to you. If it is not "life or limb," if it doesn't threaten your life or limb, we are sorry, you are out of luck; no health care service for you.

Another American Indian with diabetes called in for a prescription drug refill for insulin. He was told he should come in and get blood work done first. It was 2 weeks before he could get that blood work. So he was without the insulin he needed for almost 2 weeks. As a result, this person will likely require dialysis because he couldn't get his prescription filled in a timely manner.

This is a picture of a woman who said it was all right for me to use her picture. Her name is Lida Bearstail. Lida Bearstail went to a clinic because of knee pain. Her condition was one in which the cartilage had worn away in her knee so that the bones in her knee were rubbing against each other, causing her great pain and great discomfort.

If that happened to us or one of our families with our health care system, my guess is a doctor would recommend knee replacement surgery, and we would go in and have some knee replacement surgery. But her pain and her limb and the cartilage being gone and bone rubbing against bone was not deemed life or limb or a "priority 1" medical condition. She was just given pain medication. She tried a second time. Again denied.

The question is: What would happen with us? We would get knee surgery. What happens to Lida Bearstail? She limps, has trouble walking, and probably someday will not be able to walk. Knee surgery is not in her future. It is not life or limb, not a priority, not a priority for Lida.

Let me describe the circumstances of another woman. And she also has given me permission to use her picture. This is Ardel Hale Baker. I want to tell you about Ardel Hale Baker. A couple of months ago, she had chest pain—very serious chest pain—that wouldn't quit. Her blood pressure was very high. So she went to the Indian Health Service clinic, and she was diagnosed as having a heart attack. She needed to be sent immediately to the nearest major hospital.

They said: You need to go in an ambulance.

She said: Is there a chance I can go in something other than an ambulance? She was thinking—she was having a heart attack, but she was thinking: "I am going to get billed for this and I don't have any money," because if you are not "priority 1," you may end up having to pay the bill. And if you don't have the money, it ruins your credit rating and credit companies come after you.

Anyway, she said: I would not like to go in an ambulance. Can I go in a private vehicle?

They said: No, you have to go in an ambulance.

When she arrived at the hospital, the nursing staff was lifting her off the gurney and putting her on a hospital bed. As they lifted Ardel Hale Baker off the gurney, they found something taped to her leg. This woman was having a heart attack, and they found a piece of paper—this piece of paper—taped to her leg.

It had her name on it. It says: Hale, Ardel. Then it says: "You have received outpatient medical services. This letter is to inform you your priority 1 care cannot be paid for due to funding issues."

So this woman is taken off a gurney to be placed on a hospital bed, having a heart attack, and a hospital worker finds a piece of paper taped to her leg saying: Oh, by the way, this isn't "priority 1." This won't be paid for.

This sort of incident is unbelievable, and it is going on in this country in Third World conditions on Indian reservations because the health care that is available—or should be available—is not available under the circumstances in which it is needed. Again, we have a tribal chairman that has said in public hearings in the Congress: "On our reservation, we understand. Don't get sick after June because the money has run out and you are not going to get health care." So we have a woman going into a hospital with a paper taped to her leg, having a heart attack, that says, "We are sorry, this won't be paid for."

If ever there is an understanding of the need for fast reauthorization of the Indian Health Care Improvement Act, that ought to be it.

I expect Senator MCCAIN and I and others who have worked for months on this piece of legislation—in fact, for several years on this piece of legislation—I expect all of us share the same hope today: that the Senate will have advanced this measure and given some hope to people who are waiting for improvement in health care on Indian reservations. In too many cases, there are people who feel left out, left behind. They feel hopeless and helpless.

I have spoken on this floor about a young girl named Avis Littlewind. Avis Littlewind was 14 years old when she killed herself. She, like others, as we find clusters of teenage suicides on reservations, apparently felt there was no hope. She laid in her bed for 90 days, missing 90 days of school. Her sister committed suicide 2 years prior to that.

The fact is, when you go talk to these kids—and I have, I talked to Avis Littlewind's classmates. I went to the Standing Rock Reservation and talked to a group of kids with no other adults present. They were high school kids, and I talked to them about their lives. There was a cluster of teenage suicides on that reservation. We understand that just the basics we expect don't exist for them—the basic mental health treatment. When they reach out, there is no one there. One woman was in tears as she said: We don't have proper mental health treatment. We don't have enough of it here. In order to transport a kid who needs to see a professional, I would need to borrow a car. I would need to beg somebody to give me a car to take them to someone who can see them.

That is what is going on. This country can do better than that. We have a responsibility to do better than that. We have a trust responsibility for these health care needs. My hope is that today the Senate will agree by unanimous consent to pass the Indian Health Care Improvement Act, the reauthorization that is so long overdue.

Mr. President, I yield the floor.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, on behalf of the Republican leader, I now ask that the Senate proceed to Calendar No. 565, H.R. 5684, as provided for under the order of September 14, 2006; provided further that at the conclusion of my remarks on H.R. 5684, the Senate proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota controls up to 60 minutes.

Mr. DORGAN. Mr. President, that probably isn't good news to some, but that is the way it is. I want to talk about the Oman Free Trade Agreement.

It is unbelievable to me that in a week in which there was an announcement, on Thursday morning, that the trade deficit for 1 month has now reached $68 billion—a $68 billion 1-month trade deficit—in that week we bring to the floor of the U.S. Senate the Oman Free Trade Agreement. We must have a bowling alley in our brain or something. The Oman Free Trade Agreement. What on Earth can be rattling around in the collective brains of public servants? Well, maybe I should modify that. Maybe I shouldn't be quite so harsh.

Look, we are up to our necks. We are choking as a country on trade deficits. Last year it was over $700 billion a year; $2 billion a day every single day. We don't owe that to ourselves, as you can make the case with respect to the budget deficits. We owe that to other countries, and we are going to have to repay it. Over one-half is owed to the Chinese and the Japanese. Yet, interestingly enough, when it is announced this week that we have a $68 billion monthly trade deficit, the highest in history, this Congress snored right through it, just yawned right on through it, snored through it. So did the White House. Did you hear anybody talk about it? No. I came to speak about it briefly, but the fact is, it doesn't matter. Be happy. It is OK. It will be better tomorrow. In fact, let's do more of the same. Let's bring another free-trade agreement to the floor of the Senate.

We are now negotiating nine of them—nine new trade agreements. This free-trade stuff—you know, the next time I hear people use that term—and it is used all the time—free trade, I will want to put a robe on them and get them on a street corner and give them one of those cymbals and they can chant. It is nonsense—free trade. It means nothing to me.

What means something to me is fair trade. Yes, I believe in trade, and plenty of it. Let's expand in trade. Let's demand as a country that it be fair. I have on so many occasions given dozens of examples in which we sell out this country's interests in trade negotiations. I am not going to go through all of that today because I am going to talk about this so-called Oman Free Trade Agreement. But I will, as I reserve a portion of my 60 minutes, come back Monday and provide the rest of the demonstration of how bankrupt our trade strategy has become and how determined virtually all of those who support it are to ignore the bankruptcy of that policy.

On June 29 of this year, we sent the Oman Free Trade Agreement from this Chamber, and now it comes back in the form of a conference report. Oh there are lots of things going on in the world we probably ought to talk a little bit about. We could talk about Iraq, perhaps North Korea, Iran, or terrorism. We have enormous foreign policy challenges, unlike any we have ever seen in our lifetimes. We can talk about domestic policies such as energy prices. We could talk about rising health care costs. We could talk about the fact that the Federal Government is going to borrow on fiscal policy, budget policy, very close to $600 billion in the coming year. The Federal Government is going to borrow from foreign countries in trade debt somewhere close to $800 billion in the coming year. That is well over $1.3 trillion in 1 year, or 10 percent of the entire GDP of this country.

Nobody seems very alarmed about that. They don't want to talk about it even. We could talk about all of those things, and perhaps we should. That ought to be the bull's-eye of public policy in terms of doing what we should do in matters that are important, but are we doing that? No. No, we are not doing that. We don't quite have time to do that. We have to deal with the Oman Free Trade Agreement.

Let me tell my colleagues, there are about 400 organizations across this country that oppose this free-trade agreement: organized labor, communications workers, Defenders of Wildlife, Friends of the Earth, League of Rural Voters, National Farmers Union, the Presbyterian Church, the Sierra Club, the United Methodist Church, United Students Against Sweatshops, the Western Organization of Resource Councils. So it is a pretty significant group of interests around this country that oppose this trade agreement. Not that they have anything against the country of Oman; most of us have never been to Oman. It is just that this country has a responsibility to start fixing the massive problems it has created in previous trade agreements before negotiating new ones. As I said, there are nine being negotiated, and they are all going to come through here, and we will have compliant Members of the Senate deciding that.

Before they come, do you know what we would like to do? We would like to put a straightjacket on ourselves so that we can be prevented from offering amendments. God forbid that we have an original thought and actually offer an amendment to improve a free-trade agreement. We will do something called fast track and prevent ourselves from offering any amendments. So that is what will happen.

Let me tell my colleagues about the ugly side of free trade, if I might. It is called sweatshops, sweatshops in Jordan. This is from the New York Times, by the way. It says that we did a free-trade agreement with Jordan, which is the only trade agreement done under the Clinton administration, the only trade agreement that had labor protections in the agreement—the only one. Oman doesn't, and none of the others do, but this one had protections for workers in the agreement, which I very strongly support.

But let me tell my colleagues about workers in Jordan. Despite the fact this trade agreement with Jordan actually had protections for workers, here is what was happening in Jordan. We had people coming over to Jordan, being sent over to Jordan from Bangladesh and from other very poor countries, and they were working in sweatshops. They were promised $120 a month and, in some cases, they were hardly paid at all. One worker was paid $50 for 5 months of work. At some factories, 40-hour shifts were common.

Let me say that again. Not 40-hour workweeks—40-hour shifts. So we had people not being paid, or being paid miserably poor wages, and being worked 40-hour shifts. There were frequent beatings of workers who complained. And these factories in Jordan were flying in plane loads of workers from countries such as Bangladesh to work in slave-like conditions. Then they fly in Chinese materials, in this case textiles, to those same factories, and what you end up with is workers who are working, in many cases, 120 hours a week; turning Chinese cloth into clothing to be sent to the United States.

So the consumer says: Isn't that nice. Well, it is not nice. The consumer doesn't understand where it is made and the conditions under which it is made. If it happened here today, we would get law enforcement, drive down the street, open those factories' doors and arrest the folks who were employing those people. We have already had these examples which have been highly embarrassing to people who want to market products made in sweatshops. We all heard Kathy Lee Gifford cry when her products were made in sweatshops, and even Puff Daddy. I guess he actually changed his name to Puff Daddy and then just Diddy. I don't know what that is about. But Sean Combs—Puff Daddy—who was having his clothes made in Honduras—and we had two women from that factory in Honduras come and testify here about the conditions.

Now, contrary to many others, let me say a word for Puff Daddy, P. Diddy or Diddy or whatever his name might be. He actually took an interest. When he discovered those contracting to produce his clothing were putting people in conditions like that, he actually changed things in Honduras where those shirts were made. So I say: Good for him. But my point is, this is going on all over the world. When we see these examples of sweatshops, this is being done in the country of Jordan where we have these labor standards in our agreement. It didn't matter. They flew in Bangladeshi workers and Chinese textiles to produce products to send to the United States to be sold to big box retailers. And we are supposed to compete against that? And we lose half our textile industry in this country. Why? Because they can't compete. They are told: You can't compete; it is over. That is why we don't make one pair of Levi's in America. Did you know that? There is not one pair of Levi's made in America.

I have talked before about the dancing grapes of Fruit of the Loom underwear. There was one guy dressed up as white grapes, another guy dressed up as red grapes, and they danced on television and sung about how wonderful their Fruit of the Loom underwear was. Not one pair of Fruit of the Loom underwear is now made in the United States, and not one pair of Levi's. I actually brought a picture of the grapes. We don't know who these guys are. All I know is they are no longer American grapes, they are Mexican grapes because Fruit of the Loom went to Mexico and they went to China.

So the point is this: We have a serious trade problem. It is not just textiles, it is not just manufacturing. One-half of the Fortune 500 companies are now outsourcing software development.

I told the story on the floor of the Senate about Natasha Humphreys, a young woman I spoke to on the phone not too long ago. She did everything right. She is a young African-American woman who went to Stanford. She got her college degree and then went to work for Palm Pilot. By the way, her last job at Palm Pilot before she lost her job was to train her successor from India who would work for one-fifth of the price. So my point is, it is not just manufacturing and textiles, it is high tech, it is many other jobs as well.

In fact, there are some leading economists who say there are 40 million to 50 million additional American jobs that are subject to outsourcing. So what do we do? We negotiate new free-trade agreements, this one with Oman.

Let me talk about Oman for a moment. Oman is a country of 3 million people. One-half of the people—excuse me—one-half of 1 million of those people are actually foreign guest workers. And the majority of Oman's workers involved in manufacturing or construction are not from Oman. The majority of workers are foreigners brought in from Bangladesh and Sri Lanka, Indonesia, under labor contracts to work construction and factories.

So here is what the 2004 U.S. State Department said about human rights in Oman. Our U.S. State Department cited the country of Oman for cases of forced labor, and in 2004 put out this 2004 report on human rights in Oman:

> The law prohibits forced or compulsory labor, including of children. However, there were reports that such practices occurred. The government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor.

So we now do a free-trade agreement with Oman. It doesn't matter to us. Whatever happens, happens, I guess. By the way, the Sultan of Oman, 2½ years ago, issued a Sultanic decree which categorically denies workers the right to organize. So we are going to sign up to a free-trade agreement with them. The Sultan of Oman, however, has written to the USTR and promised he will improve labor laws by October of this year—coincidentally, 1 month after we vote on the Oman Free Trade Agreement.

The Finance Committee of the Senate held a mock markup, I guess it was. They called it a mock markup; they marked up the Oman Free Trade Agreement. When they did that, Senators CONRAD and BINGAMAN offered an amendment that said sweatshop products made in Oman under slave-like conditions would not be allowed under this free-trade agreement. That passed unanimously in the mock markup.

It is pretty unbelievable that we have a mock markup. In fact, with some markups, we may not even have to name them "mock markups," but nonetheless they named this a "mock markup."

In the mock markup, two of my colleagues offered an amendment that said sweatshop products made in Oman under slave-like conditions will not be allowed under the Oman trade deal. That passed unanimously. But this trade deal which is before the Senate now, just a couple of months later, doesn't have that. It just got dropped. Is there somebody out there who is supporting having products coming in made under slave-like conditions in Oman? Is that how it got dropped? If that is so, who is that? Might we have their names? Is there anybody in this Chamber, anybody in the Senate who would volunteer that they support products being produced in sweatshops under slave-like conditions, and because they support that they objected to this amendment and demanded the amendment be dropped, an amendment which was passed unanimously in a mock markup? It is unbelievable to me, what is going on around here.

Let me mention something else. As you know, earlier this year we had a situation where a company owned by the United Arab Emirates, called Dubai Ports World, got the contract to manage American ports at six American cities. The contract to manage America's seaports became very controversial. I was involved in it because I don't think we ought to have a company owned by the United Arab Emirates managing our seaports. No aspersions against the United Arab Emirates. It seems to me, at a time when we are talking about the issue of security at America's seaports, which can be among the most vulnerable of American targets, it doesn't seem to be very smart to say: Let's turn the management of our seaports over to the United Arab Emirates or to a company owned by them. It just doesn't seem smart to me.

There were objections. There was a firestorm of objection from the Congress, Republicans and Democrats. The President said: I endorse the takeover of the shipping operations at six major U.S. seaports, and he pledged to veto any bill Congress might approve that would block the agreement. He said: If you pass a bill that says the UAE company, Dubai Ports World, can't manage seaports, I am going to veto the bill. But then they got, I think, Dubai Ports World to agree to back away somehow. They have not yet divested, but they are trying to find someone else to manage these ports.

But I want to make sure everybody understands. In this free-trade agreement—here is what is in the free-trade agreement with Oman, and it has been in previous free-trade agreements as well. There is a provision in this agreement that says we cannot block Oman from acquiring some things. Under the free-trade agreement, we cannot block Oman from acquiring landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels, marine cargo handling, operation of piers—in effect, we have a provision that protects, for example, Oman's right to be managing America's seaports.

I don't understand how this works. Maybe somebody looking at me and listening to me will say: Hey, you don't. But I really don't understand the logic of putting in a free-trade agreement preferred activities that say we are going to protect the right of Oman to run America's port system; they have a right to do that.

Someone else will say to me: That is true, that is what is in the free-trade agreement, but there is also a circumstance where the President can override that as a result of national security.

Yes, but this President has already said he fully supports having a foreign government-controlled company running America's seaports. He is wrong about that; he is just dead wrong. He needs to rethink that position. But if we have a President who already said: I believe we ought to have a foreign company run America's seaports, and it is fine with me whether it is the UAE or Oman, there is no provision here that is a failsafe provision so that the President will decide: OK, I understand it is in the free-trade agreement they can do that, but I am going to invoke some sort of national security objection.

My sense is that most people do not know this is here, or if they know it is here, either they do not care or they think it is fine, to turn over the ports in New York and New Jersey and Florida and Louisiana to foreign control, foreign management.

We have spent a lot of time here this week talking about port security. I think we have 7 million containers coming into this country on container ships. We are going to spend $10 billion this year, roughly, to protect us against an incoming missile with a nuclear warhead on it. We are worried about a rogue nation or terrorist group acquiring an intercontinental ballistic missile and putting a nuclear weapon on the tip, so we are trying to create a catcher's mitt, in effect trying to hit a bullet with a bullet. We are going to spend $10 billion this year.

The most likely threat, of course, is that 1 of the 7 million containers that comes into this country has in it a weapon of mass destruction, perhaps a stolen nuclear weapon from the Russian arsenal, and it pulls up to an American dock—not at 17,000 miles an hour, but it pulls up at 2 or 3 miles an hour and it pulls up to a pier at a major American city and we have a detonation of a nuclear weapon. That is far more likely than having a rogue nation or terrorist group acquire an ICBM. But we spend pennies on that and spend billions of dollars trying to create a catcher's mitt, trying to hit a bullet with a bullet in the sky. It is beyond me how this fits any thoughtful logic, and it is beyond me how this provision in a trade agreement provides individuals any security for this country at all. It does not. It injures this country's opportunity for good security, in my opinion.

This trade agreement really needs to be defeated. It will probably not be because we don't have thoughtful debates. We by and large have pretty thoughtless minidebates about trade these days. But I think one of these days, when the trade deficit is announced—this week at $68 billion just for 1 month, $800 billion a year—one of these days, the American people are going to say: Wait a second, doesn't that mean we are selling our country?

And the answer is yes. Today is Friday. We will import from other countries about $2 billion more in value of property than we will export to other countries. That means we will pay for that by putting currency in the hands of others. Over half of it will be in the hands of the Chinese and Japanese. With that currency, they then buy part of our country—stocks, bonds, companies, real estate. We are literally selling part of our country every single day to the tune of $2 billion a day.

Don't take it from me; take it from Warren Buffett and many others who understand that this is unsustainable. Two years ago, Alan Greenspan said that when you reach 5 percent of your GDP as a trade deficit, you are reaching waters—levels that are unsustainable and are going to cause serious economic harm. Now we are well over that 2 years later. He was right then, and he is right now.

We have to take action. This country has to care and begin to take action. You can't continue to sell part of your country. You can't consume 6 percent more than you produce year after year and then pay foreigners to produce it for us and put it in their hands, currency with which they buy this country.

I noticed the other day that we sold Wham-O to the Chinese. It is probably not a big deal—Hula Hoops, Frisbees, and Slip 'N Slide. Every kid knows Wham-O. But if you take a look at what is being transferred from this country—our assets, company after company—to the Chinese and then you evaluate whether this is sustainable and whether this is the course on which America wants to remain, the answer should be no.

I haven't talked much about jobs. I will do that, I believe, on Monday prior to the time we will have a vote on the Oman Free Trade Agreement. But this is about the economic health and strength of our country. No country will long remain a world economic power without a strong manufacturing base, and no country will remain a world economic power without being able to expand its middle-class people. We have done that in a century. We have expanded the middle class and created economic growth unlike we have ever seen on this Earth. And now we are beginning to see that taken apart, people having more trouble finding a good-paying job.

Incidentally, of all the things we work on in this Chamber, there is no social program as important as a good job that pays well. We are now seeing American workers being told: You are going to compete against others who will work for 30 cents an hour. That means lower wages for you. We require higher productivity; we are going to give you lower wages and less retirement.

It takes apart the social compact we built in this country, that expansion of the middle class which created the economic expansion which created the greatest economy on the face of this Earth.

For all those reasons, this is a horrible trade agreement. I just touched on a part of it. I will finish on Monday. This is another chapter in a sad book of failures that no one wants to read very carefully. But my hope is that one of these days this Senate will wake up, this Congress will wake up, this President will wake up and decide: No more free-trade agreements. Let's fix the problems we have created before we negotiate new ones. Yes, let's have a goal of expanding trade. Trade can be good, but trade between trading partners must be mutually beneficial, and trade agreements that are free but not fair undermine this country's interests. We should aspire to have fair trade agreements that expand our opportunities, not retard our capabilities; help lift others up, not push us down. That ought to be our goal.

Mr. GRASSLEY. Mr. President, I would like to dispel claims being put forward by some that the U.S.-Oman Free Trade Agreement will threaten U.S. national security. These critics of the agreement claim that it will give foreign port operators an absolute right to establish or acquire operations to run port facilities in the United States. They contend that, in this way, the U.S.-Oman Free Trade Agreement could harm our national security. These claims are just plain wrong.

First of all, the U.S.-Oman Free Trade Agreement provides no new rights for Omanis or others to supply port related services in the United States. Omani companies are presently able to supply such services. The Oman agreement simply mirrors current U.S. law. So it is incorrect for anyone to claim that this trade agreement creates new rights for Omanis or others to contract with U.S. port owners to perform port services.

In addition, U.S.—law specifically the Exon-Florio amendment to the Defense Production Act of 1950—authorizes the President to block foreign investment that would threaten our national security, including investments in port operations. The President delegates the authority to monitor and review foreign investments to the Committee on Foreign Investment in the United States, or CFIUS. This free-trade agreement will not change the process of CFIUS in reviewing proposed investment in the United States. Thus, if the President determines that the investments of Oman or other countries in port services in the United States will threaten our national security, U.S. law provides that he can block such investments. The U.S.-Oman Free Trade Agreement in no way changes this existing law.

Moreover, the U.S.-Oman Free Trade Agreement at article 21.2 contains a "national security" exception. This article provides that nothing in the agreement can prevent the United States from taking any action that we consider necessary to protect our essential security interests. This exception is self-judging, which means that solely the United States can decide what constitutes our essential security interests. Contrary to the claims of some critics, neither an investor-state arbitration tribunal nor a dispute settlement panel has the authority to second-guess what the United States determines to be in its essential security interest. After all, once the United States invokes the national security exemption, there's nothing for a tribunal or panel to review.

So it is clear that the U.S.-Oman Free Trade Agreement doesn't diminish the right of the United States to determine whether to block any foreign investment in our country, including in port services. It is also clear that the Oman trade agreement doesn't create any new rights for Oman to supply port related services in the United States. Anyone who says otherwise is ignoring the facts.

The U.S.-Oman Free Trade Agreement will benefit the United States. It will not pose security threats for the United States. If it did, I wouldn't be supporting it. I urge my colleagues to vote for H.R. 5684, the U.S.-Oman Free Trade Agreement Implementation Act.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will return to morning business.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

Mr. OBAMA. Mr. President, today marks a victory for government transparency and a victory for democratic accountability. By passing the Federal Funding Accountability and Transparency Act of 2006, the House of Representatives and the Senate have brought a little much-needed sunlight to the world of government spending.

This bill requires the Office of Management and Budget to ensure that a free, searchable Web site is available to Americans to access information about Federal grants, contracts, loans, and other financial assistance. The Web site will make public important oversight information including the name and location of an entity receiving an award, a description of the purpose of the funding, the amount of funding, the type of transaction, the primary location of performance under the award, the funding agency, and any other relevant information specified by the Office of Management and Budget. Existing Federal databases, such as the Federal Procurement Data System, FPDS, the Federal Assistance Award Data System, FAADS, and Grants.gov, contain other public information that may also be made available through the new Web site.

Current law requires that certain information related to the use of competitive or noncompetitive procedures in procurements be included in FPDS. Executive agencies must provide competition information for each procurement transaction, including the extent to which the procurement was subject to competitive procedures, the type of solicitation procedure used, whether the procurement was awarded using a socioeconomic program set-aside, and, when applicable, the reason for a noncompetitive procurement. This information is available to the public through FPDS.

It is my expectation that the Office of Management and Budget will ensure that all relevant information on the use of competitive or noncompetitive procedures will be included in the information made available through the Web site. Since the collection of this information is already mandated and the information is made publicly available, its inclusion on the searchable, user-friendly Web site should not cause any additional burden or complexity.

Mr. President, I would like to ask my friend from Oklahoma and the author of this legislation, who has tirelessly fought to improve government accountability, if he shares my expectation that the new Web site will include information on the use of competitive procedures.

Mr. COBURN. I thank the Senator from Illinois. I share his understanding of this legislation and also his expectation that the Web site will include information about the use of competitive procedures.

Mr. OBAMA. I thank the Senator from Oklahoma for his leadership on this issue. I am grateful for our partnership to improve the efficiency and effectiveness of government services. I am confident that our efforts to reduce the use of noncompetitive procedures will save taxpayer money and improve the quality of contracted goods and services.

I would also like to inquire of the distinguished chair and ranking member of the Homeland Security and Governmental Affairs Committee who were instrumental in bringing this legislation through committee and ensuring its passage by the Senate.

I would ask Madam Chairman, if it is her expectation that information on the use of competitive or noncompetitive procedures for the financial transactions reported on the Web site created through the Federal Funding Accountability and Transparency Act of 2006 will be available on the Web site, so that citizens will have straightforward access to comprehensive information on federal awards?

Ms. COLLINS. I would assure the Senator from Illinois that that is indeed my expectation.

Mr. OBAMA. I thank the distinguished chairman of the Homeland Security and Governmental Affairs Committee. The American people are well served by her leadership and the diligence of her excellent staff. Let me further note that all of us are well served by the productive working relationship that the chairman shares with the ranking member. The bipartisan nature of this bill is a testament not only to the broad support for the idea itself but also to the cooperative manner in which the Homeland Security and Governmental Affairs Committee conducts its business.

So let me ask the committee's ranking member and my good friend from the State of Connecticut, who has long been a champion of good government and transparency, whether he shares our understanding that this new Web site will include information on the competitive or noncompetitive procedures used in government contracting for goods and services.

Mr. LIEBERMAN. Mr. President, I agree with the Senator from Illinois and do expect that publicly available information about the procurement procedures used in government contracting will be made available through the Web site.

Mr. OBAMA. I thank the Senator from Connecticut. It has been my privilege to work with him on this issue. Transparency is the first step to holding government accountable. We can't reduce waste, fraud, and abuse or improve fairness and efficiency without knowing how, where, and why Federal money is being spent. And we cannot ensure that Americans are getting the best quality and the best prices on government contracts without being able to evaluate the types of procedures used to procure goods and services. Whether you believe the government ought to spend more money or spend less, we can all agree that the government ought to spend every penny efficiently and transparently. If the procedures by which the government spends money, or those expenditures themselves, can't withstand public scrutiny, then the taxpayers' money shouldn't be spent. The American people deserve no less.

HONORING OUR ARMED FORCES

MARINE CORPORAL JORDAN PIERSON

Mr. DODD. Mr. President, I rise to speak in honor of U.S. Marine Corps Corporal Jordan C. Pierson, of Milford, CT, who was killed in Iraq on August 25, 2006. He was 21 years old.

Corporal Pierson, a member of Charlie Company, 1st Battalion, 25th Marine Regiment, died from hostile gunfire while on foot patrol in Fallujah, Iraq.

Corporal Pierson joined the U.S. Marine Corps in December 2003, just a few months after graduating from Joseph A. Foran High School in Milford. He was adamant about his decision to join the Marines. As a young man who loved the military from an early age, Jordan found his calling in the principles and discipline of the Marine Corps. He postponed his studies at the University of Connecticut, where he was taking courses in business and psychology, to serve in Iraq. During his deployment he was wounded by shrapnel from an insurgent grenade and was awarded the Purple Heart. After treatment at Camp Fallujah, he bravely returned to combat, exhibiting great dedication to his fellow marines and his Nation.

Jordan's positive spirit and selflessness were an inspiration to all those around him, whether friends, family, or the men and women he served with in the Marine Corps. He represented the very best features of American patriotism. Among his fellow marines, his enthusiasm was contagious, and he often reminded them of the difference they were making in Iraq. To his childhood friends, he was a refuge in times of trouble and a constant source of entertainment. Never forgetting about the family he left behind, Jordan sent money home every month without ever being asked.

People like Corporal Pierson make it possible for us to live each and every day in freedom, peace, and security. They have made the ultimate sacrifice to protect their fellow citizens and our Nation, and we must never forget their heroic service.

So today I salute the courage and commitment of U.S. Marine Corporal Pierson, a young man who lived his life to the fullest and died fulfilling the noblest of callings, defending our Nation and the values we hold dear. I offer my deepest sympathies and support to his parents, Eric and Beverley, his brother Ethan, and to everyone who knew and loved him.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROBERT H. LAMB

• Mr. HATCH. Mr. President, today I pay special tribute to a wonderful man, exceptionally gifted physician, and loving husband, father, and friend—Robert H. Lamb, M.D.

I am sad to note that Dr. Lamb recently passed away at his home in Utah, leaving a tremendous void in the lives of all who knew him. Dr. Lamb dedicated his life to the practice of medicine and healing. His example of service and dedication to the health and well-being of people across Utah was truly extraordinary.

Dr. Lamb received his medical degree from Jefferson University in Philadelphia and began his medical service as an intern at the Pennsylvania Hospital. His long and storied medical career included service as a general surgical resident at the original St. Mark's Hospital in Salt Lake City, followed by service in the U.S. Army as the chief of the surgical service in the Station Hospital in Fort Hood, TX. After his release from the Army, he went on to work as a resident orthopedic surgeon at the Cleveland Clinic in Cleveland, OH.

In 1951, he moved his young family back to Salt Lake City to begin his medical practice which encompassed work first at Shriner's Hospital, then the University of Utah Medical Center and St. Mark's Hospital.

During his professional life, he served in many leadership positions, including the president of the medical staff of St. Mark's Hospital and Shriner's Hospital; as a board of trustees member of St. Mark's Hospital, and later as the chairman of the board of St. Mark's. Until his death, he continued to serve as a lifetime honorary ex-officio member of the St. Mark's board of trustees.

Dr. Lamb was not only dedicated to his patients, he was dedicated to the field of medicine. He spent years tutoring and mentoring future medical professionals and helped train some of Utah's finest doctors. The knowledge and enthusiasm he shared with all those who had the privilege of working by his side provided the impetus for many future physicians and other dedicated medical personnel.

Many of Dr. Lamb's patients have described him as "gentle", "caring", and "dedicated"—all sentiments I share. I had the honor of visiting Dr. Lamb as a patient, and I can truly attest to his knowledge, compassion, and high-quality care. I appreciated his concern for me and my health and will forever be grateful to him for his dedication to medicine.

The respected English philosopher and poet Samuel Taylor Coleridge beautifully described what many feel regarding Dr. Lamb's dedication and service when he made the statement, "He is the best physician who is the most ingenious inspirer of hope." Dr. Lamb always treated his patients with utmost care and respect, and above all else he always strived to inspire hope.

Dr. Lamb was not only a great physician, but he was also a dedicated husband, father, and grandfather. I know that his wife Mary, and his 5 children, 10 grandchildren, and 5 great-grandchildren will miss him deeply. My greatest hope is that they will be able to find peace and comfort from the memories they have of his exceptional life.

I am grateful that I had the privilege of knowing Dr. Robert Lamb. His life's work has touched literally hundreds of Utahns, and his memory will live on through the better health and well-being he imparted to many. The lessons he taught and the service he performed leave an indelible imprint which will inspire and teach generations to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed today, September 15, 2006, by the President pro tempore (Mr. STEVENS):

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

At 11:13 a.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2965. An act to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes.

H.R. 6033. An act to designate the facility of the United States Postal Service located at 39–25 6pt Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

The message also announced that the House agreed to the resolution (H. Res. 1011) requesting the Senate to return to the House the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2965. An act to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6033. An act to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, NY, as the "Thomas J. Manton Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 15, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3679. A bill to authorize appropriations for the National Transportation Safety Board, and for other purposes (Rept. No. 109–335).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications (Rept. No. 109–336).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE:

S. 3903. A bill to redesignate the Special Textile Negotiator of the United States Trade Representative as Chief Textile Negotiator and confer the rank of Ambassador upon that position, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 3904. A bill to extend the generalized system of preferences program under the Trade Act of 1974, to extend the Andean Trade Preference Act, to extend certain trade preferences under the African Growth and Opportunity Act, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3905. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 3906. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. ENSIGN, Mr. JEFFORDS, Mr. KENNEDY, Mr. BURR, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. SPECTER, Mr. REED, Mr. DOMENICI, Mrs. CLINTON, Ms. SNOWE, Mrs. BOXER, Ms. MURKOWSKI, Ms. STABENOW, Mr. CORNYN, Mr. BIDEN, Mr. BURNS, Mr. DURBIN, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LAUTENBERG, Mr. SALAZAR, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. CARPER, Mr. KOHL, Mr. DAYTON, Mr. PRYOR, Mrs. LINCOLN, Mr. FEINGOLD, Mr. BAUCUS, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. INOUYE, Mr. SARBANES, Ms. COLLINS, Mr. MARTINEZ, and Mr. SCHUMER):

S. Con. Res. 116. A concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 1057

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Kansas (Mr. BROWNBACK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Florida (Mr. NELSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2272

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2272, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month.

S. 2323

At the request of Mr. GRAHAM, his name was added as a cosponsor of S.

2323, a bill to extend the temporary suspension of duty on certain high-performance loudspeakers.

S. 2324

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2324, a bill to suspend temporarily the duty on certain audio headphones.

S. 2325

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2325, a bill to reduce temporarily the duty on certain audio headphones achieving full-spectrum noise reduction.

S. 2330

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2330, a bill to extend the temporary suspension of duty on certain R-core transformers.

S. 2635

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 3904. A bill to extend the generalized system of preferences program under the Trade Act of 1974, to extend the Andean Trade Preference Act, to extend certain trade preferences under the African Growth and Opportunity Act, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce the Emergency Trade Program Extension Act of 2006.

For more than 30 years, the United States has opened its vast market to developing countries through trade preference programs. We have done so to encourage greater economic development and openness in those countries. The United States is the largest market in the world. And it is also one of the most open. And this openness has played an important role in economic development, both in the United States and around the globe.

Two important preference programs are set to expire at the end of this year: the Generalized System of Preferences and the Andean Trade Preference Act.

I know that some have criticized these programs, GSP in particular, for being unnecessary, inefficient, or counterproductive. They argue that the majority of the imports that benefit from GSP come from just a handful of middle-income countries. And they argue that the truly poorest developing countries barely use the program at all. Many of the most active users of GSP—like Brazil, Thailand, Indonesia, and Argentina—have developed strong export sectors. This raises the question of whether they even need preference programs to compete on the world market.

And critics charge that big GSP beneficiary countries like India and Brazil were among the most recalcitrant in supporting greater market access in the Doha Round negotiations. They claim that the active efforts of these countries contributed to the collapse of the Round. Why, they ask, should we keep our markets open to such countries, if they will not open their markets to us?

I am not deaf to these criticisms. I think that there is much truth in them. But before we allow these important programs simply to expire, I believe that we should examine them in detail. We should explore whether and how they might be changed to address valid criticisms. We should understand the effect that canceling them might have on the U.S. image around the world, U.S. diplomatic efforts, and our trade priorities in the Doha Round and elsewhere. And we should give those in the United States who rely upon these programs an opportunity to explain how their interests might be adversely affected by cancelling GSP and ATPA.

The Office of the U.S. Trade Representative recently began a review of the GSP program to look at many of these very issues. That review will not be completed until mid-November, at the earliest. I believe that we should preserve the status quo until we in the Congress have had an opportunity to digest the outcome of that review and conduct our own analysis.

GSP is important to keeping countries engaged in the trade liberalization dialogue. For one thing, these countries are interested in maintaining benefits under the program. As a result, they are more willing to address concerns that we may raise with them. GSP-eligibility has given us leverage to address bilateral trade problems—such as intellectual property protection—and to persuade beneficiary countries to respect international norms on labor rights, human rights, and other matters. And as they gain more experience in international markets, they can see the benefits of liberalization in action. Without GSP, those countries might see China or other big exporters take over their share of our market.

Most of the imports from GSP beneficiaries occur outside the program. U.S. imports from GSP beneficiary countries in 2005 exceeded $248 billion. Of that, less than $27 billion—less than 10 percent—entered duty-free under the GSP program.

GSP is much more important to the least developed countries. One-third of the total imports from these countries were under GSP preferences. Many of the least developed countries depend on GSP to sell their products into the American market. They have worked hard to establish export-oriented industries, but still need the extra boost provided by GSP or other preference programs.

Some of our other preference programs target these very poor countries, including the preferences under the African Growth and Opportunity Act and the Caribbean Basin programs. But for a large number of countries—including Afghanistan, Armenia, Bangladesh, Bosnia-Herzegovina, Cambodia, and Pakistan—there are no other programs to help them compete against other exporters in the U.S. market.

GSP is also important to U.S. competitiveness. Raw materials and components for further processing make up more than two-thirds of the products imported under GSP. For example, GSP imports make up a significant percentage of U.S. total imports of leather processed after tanning—45 percent, ferroalloys—37 percent, aluminum sheets—25 percent, and copper wire—25 percent.

American retailers have taken advantage of the programs to find new products and new sources of supply. And every year, U.S. consumers save millions of dollars because of GSP duty savings.

Trade preferences for our Andean partners have helped curb the production and smuggling of drugs. Trade can encourage diversification out of drug crops, and offer an economic future to people who otherwise are easy prey for narcotraffickers. The Andean preference programs play a significant role in facilitating exports from Colombia, Peru, Ecuador and Bolivia. Almost 60 percent of exports from those countries are covered by these preferences.

Some argue that trade preferences for the Andean countries are now both unnecessary and ill-advised. They say that the preferences are unnecessary because the United States has negotiated free trade agreements with Peru and Colombia. And they say that the preferences are ill-advised in extending benefits to Bolivia and Ecuador, both of which have taken actions and made statements recently at variance with U.S. interests.

While we have negotiated free trade agreements with Peru and Colombia, neither has passed the U.S. Congress. It is far from clear that the U.S.-Peru agreement will even be considered in Congress before the Andean preference program expires at the end of this year, and there is no chance at all that the U.S.-Colombia agreement will be. We should extend the Andean preference program for these countries to avoid a lapse in benefits prior to the implementation of any free-trade agreement with them. Such a lapse would be disruptive to Peru and Colombia. And such a lapse would be disruptive to U.S. businesses, as well.

It may be that there are good arguments for ending the program with respect to Bolivia and Ecuador. But again, I believe that we should give Congress time to examine these arguments as well as any counterarguments and make a reasoned judgment about the future of the program.

That is why I am sponsoring the Emergency Trade Program Extension Act of 2006. This bill will extend both GSP and the Andean Trade Preference Act for 2 years. This is a short-term extension to allow the Congress to have hearings and consider in depth what should be done with these programs. I do not believe that we should let these programs expire without the benefit of a thorough analysis of their merits and failings.

Some may argue that this legislation is unnecessary. They may say that we can allow these programs to expire, consider them in depth next year, and then renew them retroactively if we so decide. Indeed, we have done that before. But that is very disruptive, both to U.S. businesses and the countries that rely upon these programs. The uncertainty of whether the programs will be renewed retroactively, or renewed at all, undermines the goals of encouraging investment in the beneficiary countries. So we should pass this legislation to maintain the integrity of these programs while we consider what to do with them.

This legislation also includes a 1-year extension of the third-country fabric provisions in the African Growth and Opportunity Act, or AGOA. These provisions are currently set to expire in September of next year. Those provisions allow Africa's poorest countries to import fabric from countries outside of Africa for use in their apparel industries. These third-country fabric provisions have helped create jobs in desperately poor countries like Lesotho, where one textile worker supports numerous family members. U.S. retailers looking to next year's products are making their sourcing decisions now. If they cannot be confident that Africa will continue to be able to import third-country fabric, then they will stop sourcing from Africa. And tens of thousands of jobs could be lost.

This bill is not intended as the final word on AGOA. I fully expect that the next Congress will consider a comprehensive reform of AGOA. Many worthwhile ideas have been proposed. But we do not have time to consider them before Africa will begin to feel the effects of the expiration of third-country fabric provisions next fall. We should give Africa breathing space while Congress completes its work.

The suspension of the Doha Round negotiations at the World Trade Organization has sparked a period of soul searching and debate in the trade community both here and abroad. Our trade preference programs should be part of that debate. It simply makes no sense to look at these programs in isolation from the wider discussion about the future of trade policy. And we cannot look at the future of the trading system without considering the treatment of developing countries in that system.

For all of these reasons, I am proud to sponsor the Emergency Trade Program Extension Act of 2006. I am proud to note, as well, that this bill is a companion to an identical bill introduced yesterday in the House of Representatives by my friend the ranking Democratic member of the Ways and Means Committee, Mr. RANGEL. I applaud his leadership on these issues. And I look forward to working with him to get this important legislation passed into law.

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 3906. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would correct a unique health insurance problem for some American citizens whose work is devoted to maintaining the memory of President Franklin D. Roosevelt at his Campobello Island retreat near the Maine border.

About 10 U.S. citizens from the State of Maine work in Canada under terms of a treaty that governs operation of the Roosevelt Campobello International Park. As you know, that beautiful island in the Province of New Brunswick was President Roosevelt's treasured retreat, and still draws thousands of visitors from around the world.

The American employees of the Park are, unfortunately, faced with a difficult problem in obtaining affordable health-insurance coverage. The legislation I introduce today would solve their difficulty by making them eligible for coverage under the Federal Employees Health Insurance Benefits Program.

In the spirit of bipartisan recognition that FDR was one of our greatest and most inspiring Presidents, I am delighted to be joined in this effort by Senator HARKIN. His endorsement of this bill is especially notable because he serves on the Roosevelt Campobello International Park Commission, and is thus very familiar with the difficulty of my Maine constituents employed at the Park.

The Roosevelt Campobello International Park was dedicated in 1964 as a unique memorial to former President Franklin D. Roosevelt. The Park is governed by a treaty between the United States and Canada, and is funded by both governments.

The Park employs approximately 10 full-time employees who are American citizens residing in Maine. Unfortunately, the treaty that governs the Park does not address the health insurance needs of individuals employed directly by Roosevelt Campobello International Park. As a result, the State Department issued an opinion in 1965 stating that those employed by the Park Commission, "shall be subject to the relevant Canadian labor laws." Based on the State Department opinion, the Civil Service Commission, the predecessor of the Office of Personnel Management, has determined that the employees are not considered Federal employees eligible for FEHBP coverage.

The employees currently receive health insurance coverage through a small group plan negotiated by the Roosevelt Park Commission. The premiums have risen so dramatically that they can no longer afford coverage.

The full-time employees are unique in their situation and should be included under the FEHBP for health insurance purposes. This would be a matter of equal treatment as well as compassion for those workers and their families. Full-time employees of other parks that share a border with Canada, like Glacier National Park, while technically the shared responsibility of both the United States and Canada, are eligible for coverage under the FEHBP.

In addition, the location of the Park makes it impractical for these employees to seek medical treatment in Canada even if the government allowed them to join the Canadian health system. The closest doctors and hospitals are in Maine, and the Park is only accessible from the United States.

If the treaty were negotiated today, health insurance would certainly be a part of the negotiations. The situation facing this small group of Roosevelt Campobello Park employees is a consequence of negotiations conducted when health insurance was not a standard employee benefit as it is today.

I hope that my colleagues will join me in supporting this legislation so that U.S. citizens maintaining the Park honoring a great American President will be treated fairly.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 116—SUPPORTING "LIGHTS ON AFTERSCHOOL!", A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. JEFFORDS, Mr. KENNEDY, Mr. BURR, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. SPECTER, Mr. REED, Mr. DOMENICI, Mrs. CLINTON, Ms. SNOWE, Mrs. BOXER, Ms. MURKOWSKI, Ms. STABENOW, Mr. CORNYN, Mr. BIDEN, Mr. BURNS, Mr. DURBIN, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LAUTENBERG, Mr. SALAZAR, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. CARPER, Mr. KOHL, Mr. DAYTON, Mr. PRYOR, Mrs. LINCOLN, Mr. FEINGOLD, Mr. BAUCUS, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. INOUYE, Mr. SARBANES, Ms. COLLINS, Mr. MARTINEZ, and Mr. SCHUMER) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 116

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 12, 2006, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

Mr. DODD. Mr. President, today Senator ENSIGN and I, along with 42 cosponsors, are submitting a concurrent resolution with the House designating October 12, 2006 as Lights On Afterschool Day. Lights on Afterschool is a national celebration of afterschool programs, designed to promote the critical importance of afterschool in the lives of America's children, families, and communities. This year alone, we expect over 1 million Americans to participate in this important celebration.

Quality afterschool programs keep kids safe, help working families, and improve academic achievement. It has been demonstrated that children in afterschool programs show greater interest in school, learn new skills, exhibit improved behavior and get better grades than their peers. Afterschool programs also build stronger communities by involving our students, parents, business leaders and adult volunteers in the lives of our young people, thereby promoting positive relationships among children and adults.

In America today, more than 28 million children have parents who work outside the home. As many as 15 million of these children have no place to go after school and consequently are missing out on important opportunities to learn and grow. Two-thirds of Americans say that it is difficult to find programs in their communities and that not enough programs are available.

In our work on the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than a year to impress upon our colleagues the importance of afterschool and are proud to say that 34 of our colleagues have joined the Caucus to date. We hope that they, along with other Members of the Congress, will join us on October 12th to celebrate the importance of afterschool programs in their communities back home.

MEASURE PLACED ON THE CALENDAR—H.R. 6061

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. on Tuesday, September 19, the Senate proceed to executive session to consider Executive Calendar No. 171, Alice Fisher; provided further that there be 90 minutes under the control of Senator LEVIN, 30 minutes under the control of Senator LEAHY, and 90 minutes under the control of Chairman SPECTER or his designee, plus 1 hour under the control of Senator REID, and 1 hour total under the control of Senator FRIST and myself; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate, and that following the vote, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 892, 895, 898, and 899.

I further ask unanimous consent that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF STATE

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

DEPARTMENT OF THE INTERIOR

Mark Myers, of Alaska, to be Director of the United States Geological Survey.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

William B. Wark, of Maine, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

William E. Wright, of Florida, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

PROTOCOL AMENDING 1962 EXTRADITION CONVENTION WITH ISRAEL

U.N. CONVENTION AGAINST CORRUPTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 16 and 18. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. All Senators in favor of the resolutions of ratification will stand and be counted.

Those opposed will stand and be counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification are as follows:

[Treaty Doc. 109-3 Protocol Amending 1962 Extradition Convention With Israel]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol between the Government of the United States of America and the Government of the State of Israel Amending the Convention on Extradition of 1962, signed at Jerusalem on July 6, 2005 (Treaty Doc. 109-3).

[Treaty Doc. 109-6 U.N. Convention Against Corruption]

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservations and Declarations.

The Senate advises and consents to the ratification of the United Nations Convention Against Corruption (hereinafter in this resolution referred to as the "Convention"), adopted by the United Nations General Assembly on October 31, 2003, and signed by the United States on December 9, 2003, at Merida, Mexico (T. Doc. 109-6), subject to the reservations in section 2 and the declarations in section 3.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as an important component of the legal regime within the United States for combating corruption and is broadly effective for this purpose. Federal criminal law does not apply where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are conceivable situations involving offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. Similarly, in the U.S. system, the states are responsible for preventive measures governing their own officials. While the states generally regulate their own affairs in a manner consistent with the obligations set forth in the chapter on preventive measures in the Convention, in some cases they may do so in a different manner. Accordingly, there may be situations where state and federal law will not be entirely adequate to satisfy an obligation in Chapters II and III of the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they (1) address conduct that would fall within this narrow category of highly localized activity or (2) involve preventive measures not covered by federal law governing state and local officials. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other States Parties in accordance with the provisions of the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 42, paragraph 1(b) with respect to the offenses established in accordance with the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in many circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States shall implement paragraph 1(b) to the extent provided for under its federal law.

Section 3. Declarations.

(a) The advice and consent of the Senate under section 1 is subject to the following declaration:

The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of United States, fulfills the obligations of the Convention for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Convention.

(b) The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) In accordance with Article 66, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 66, paragraph 2.

(2) The United States declares that the provisions of the Convention (with the exception of Articles 44 and 46) are non-self-executing. None of the provisions of the Convention creates a private right of action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR MONDAY, SEPTEMBER 18, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, September 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President and Members of the Senate, next week we will resume consideration of the Oman free trade bill. Under the time agreement, we will have a vote on passage on Tuesday. Senators should expect this vote to occur before our weekly policy lunches. This will be the first vote of the week.

We now also have an agreement to finish a very important nomination, that of Alice Fisher—of Louisville, KY, I might add—to be Assistant Attorney General for the Criminal Division. We will consider that nomination early next week as well. I thank all Members for their attention.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 18, 2006, AT 2 P.M.

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:34 p.m., adjourned until Monday, September 18, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 2006:

SOCIAL SECURITY ADMINISTRATION

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JO ANNE BARNHART.

DEPARTMENT OF STATE

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NED L. SIEGEL, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, TERM EXPIRED.

ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009, VICE PAUL S. DEGREGORIO, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, September 15, 2006:

DEPARTMENT OF STATE

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

WILLIAM B. WARK, OF MAINE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

WILLIAM E. WRIGHT, OF FLORIDA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO RABBI AMY RADER

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. WEXLER. Mr. Speaker, it is my honor to recognize today Rabbi Amy Rader, who eloquently delivered yesterday's opening prayer. Rabbi Rader's historic prayer, the second opening prayer led by a female Rabbi in the history of the House of Representative represents a significant moment for the American Jewish community. Rabbi Rader, an Associate Rabbi at Temple B'nai Torah in Boca Raton is a prominent and proud member of the South Florida Jewish community. Whether directing the B'nai Mitzvah Program, or coordinating the Judaic curriculum of the Early Childhood Center, Rabbi Rader's dedication to her congregation and community makes her an extremely worthy choice to lead this morning's prayer.

Rabbi Rader enjoys increased prominence in the Conservative movement and was a recipient of the prestigious Rabbi Simon Greenberg Rabbinic Leadership Award by the Jewish Theological Seminary. She was admitted to the innovative rabbinic leadership development program, Professional Education and Excellence for Rabbis, which is sponsored by the Synagogue Transformation and Renewal.

Rabbi Rader studied at the Schechter Institute of Judaic Studies in Jerusalem and the University of Judaism in Los Angeles, and was ordained by the Jewish Theological Seminary of America in New York City in 1999. Rabbi Rader also serve as the rabbi for the Lakeland Hills Jewish Center in Ringwood, New Jersey, was a fellow at the National Jewish Healing Center in New York City, and was the first Jewish chaplain at Methodist Hospital in Minneapolis, Minnesota, her hometown.

I am pleased to recognize Rabbi Rader's husband, Kevin, and their four children: Caleb, Ruby, Yael and Ezra. In her six years in the Boca Raton and South Florida communities, Rabbi Rader has wonderfully balanced her service to the community with her devotion to her family and she is a model for us all to emulate.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. KOLBE. Mr. Speaker, on rollcall No. 450, my vote was not recorded. Had I been present, I would have voted "aye."

HONORING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to commemorate the 50th Anniversary of the establishment of the Humboldt Bay Municipal Water District. Since 1955, residents and businesses of the Humboldt Bay and beyond have benefited from this well-organized and superbly run service that has grown and developed to meet the needs of Humboldt County.

The Humboldt Bay Municipal Water District has emphasized close and positive relationships with the municipal customers who deliver water to residents of the Humboldt Bay, and with industrial customers in the area. By concentrating on these relationships, they have consistently delivered a highly-valued standard of service to my constituents.

Mr. Speaker, the Humboldt Bay Municipal Water District was founded on the basis of an elective referendum on March 13, 1956. It began operations in 1961 with services to the Cities of Eureka and Arcata, and to the Georgia Pacific Lumber Mill, still in operation as Evergreen Pulp, Inc. Over the following decade, 5 other municipal services districts joined the HBMWD. The presence of a steady supply of water facilitated the development of the pulp industry in Humboldt County and has made possible the productive use of wood waste generated by the lumber industry.

Mr. Speaker, many people have been important to the long-term success of the Humboldt Bay Municipal Water District, but none have matched the vital contributions of Mr. John Winzler. Mr. Winzler has worked on the project since 1961, and as District Engineer has guided the development and maintenance of this important infrastructure.

Mr. Speaker, it is appropriate at this time that we commend the Humboldt Bay Municipal Water District on its 50th year in operation, and recognize the importance of the District for the quality of life and economic vitality of the Humboldt Bay region.

TRIBUTE TO ROBERTA HOLLOWELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Ms. WOOLSEY. Mr. Speaker, we rise today to honor Roberta Hollowell of Santa Rosa, California, who passed away on August 10, 2006, after a two-year battle with cancer. We know that, though she has left this earthly plane, she will be continuing her work as a feminist activist elsewhere. Hers is the kind of voice that will never be silenced, and her spirit lives on in the many she inspired.

Born 77 years ago in Brooklyn, NY, Roberta moved to California as a teenager when her father took an engineering job in the Bay Area. She graduated from UC Berkeley (where she met her husband Ellis Hollowell) and later earned a master's degree from Mills College. The couple had three children before divorcing in 1962.

In 1962 Roberta and the children moved to Sebastopol and later to Santa Rosa. At that time, Roberta began teaching English at Healdsburg High School, a position she held for 23 years.

As an activist, Roberta was a leader and member in many organizations, and as a retired teacher, education was one of her passions. She was active in the California Teachers Association (CTA), National Education Association (NEA), the Sonoma County Educators Council, and the Healdsburg Area Teachers Association. Other affiliations included National Organization for Women, Sierra Club, NAACP, Sonoma County Commission on the Status of Women, and California State Democratic Central Committee.

Her union work and liberal politics probably started as a family trait, but Roberta blazed her own path and was a mainstay of the Sonoma County Democratic Party. She was active till the end in a host of issues that benefited from her skills and contacts.

But it is Roberta's personal contacts and example that we remember the most. Stories told at her funeral attest to her unique ability in bringing others into the fold. She insisted that since we all have voices we should use them. Her humor and warmth as well as her determination, leadership, and sense of organization were all key to her success. And fond nicknames, like The General and La Jefa, were also marks of respect.

Roberta was very proud of her wonderful family. She is survived by her daughter Mardi, her son Tom, grandchildren Ryan and Danielle, and great-granddaughter Melody Ann. Her son David preceded her in death in 1995.

Mr. Speaker, we are honored to have been counted among Roberta Hollowell's many friends. We will miss her support and inspiration and will carry her legacy with us.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. KOLBE. Mr. Speaker, on rollcall no. 449, my vote was not recorded. Had I been present, I would have voted "no."

HONORING MR. WILLIAM H. CORNELISON OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the career of William H. Cornelison on the occasion of his retirement as Lake County Superintendent of Public Schools. Mr. Cornelison's career in public education has been distinguished by his strong leadership and success expanding the facilities and service of the Lake County school districts.

Mr. Cornelison was born in San Bernardino, CA, and attended the University of San Diego where he received a bachelor of arts degree in history. He finished his masters of education in 1967 and went on to complete a Ph.D. in educational leadership and human behavior from U.S. International University in San Diego in 1970.

Mr. Cornelison arrived in Lake County after serving as a teacher and then principal at several schools in California. He was hired as the superintendent of the Middletown Unified School District in 1979. He moved on to Konocti Unified School District where he was superintendent from 1986 to 1994.

Mr. Cornelison was elected as Lake County Superintendent of Schools in 1994 and has served three consecutive terms. He has made numerous improvements to the schools of Lake County, and has expanded a wide range of programs which increase the opportunities for Lake County's children. These include preschool, after school, Healthy Start and early reading programs, all established to ensure our children receive the strongest possible education. He has also worked to implement vocational training for Lake County schools, including an innovative vocational agriculture program at Middletown High School.

Mr. Speaker, in addition to his work with our schools, Mr. Cornelison has been active in the community working to spread the same kind of opportunities he has provided to his students. He is a long-time Rotarian, including a stint as president, and sits on the boards of North Coast Opportunities, the Lake County Community Action Council, and the Sonoma-Mendocino-Lake United Way. Additionally, he is active with the Diocese of Santa Rosa and a member of the Queen of Peace Catholic Church. Like his work in schools, his volunteer work contributes vastly to the quality of life in Lake County.

Mr. Speaker, it is appropriate at this time that we congratulate Mr. William Cornelison on the occasion of his retirement as Lake County Superintendent of Schools and thank him for his long service to public education. I wish Bill, his wife Denise and their entire family all the best as he begins the next chapter in his life.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. KOLBE. Mr. Speaker, on rollcall No. 448, my vote was not recorded.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I was unavoidably detained yesterday, September 14, 2006; however, my vote on the following rollcall would have been as follows: rollcall No. 447, H.R. 2864, "yea."

TRIBUTE TO MR. FRANK L. CIMINELLI

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. REYNOLDS. Mr. Speaker, with great pride and delight I rise today to honor a leader and entrepreneur who has spent his lifetime raising up not only buildings and properties, but his Western New York community as well.

Mr. Frank L. Ciminelli has literally left his mark on Western New York through his leadership, savvy, integrity and hard work as founder and head of Ciminelli Development Company, making him one of the most respected figures in the area. Headquartered in the Buffalo-Niagara region since its inception, the company has created, developed, renovated and renewed more than 9 million square feet of the region's commercial and industrial space, dotting the region's map with distinctive properties and more than 350 business tenants. Mr. Ciminelli's life and work has been fully committed to Western New York—to building and transforming the region, supporting its businesses and giving back to the community.

Mr. Ciminelli built his business and his dream from the ground up. After graduating from the Erie County Technical Institute in 1954, he started his residential construction specializing in concrete work before branching out to commercial and industrial projects. The Frank L. Ciminelli Construction Company was founded in 1960, and over the next decades Mr. Ciminelli would expand his operation into a diverse and highly successful general construction, development and management entity. Transitioning into full service real estate development, Mr. Ciminelli founded the Ciminelli Development Company in 1981. From site selection through tenant occupancy, the company now controls all aspects of its development projects, earning accolades for its quality and reliability and earning Mr. Ciminelli numerous awards, including the 1996 Niagara Frontier Executive of the Year, the 1995 Upstate New York Entrepreneur of the Year and the 1993 Buffalonian of the Year and most recently the 2006 Brick by Brick Lifetime Achievement Award.

His mark on Western New York goes far beyond his buildings, however. Mr. Ciminelli has made it a priority and personal charge to give back to the Western New York community. Involved in countless organizations—including Sisters of Charity Hospital, Sisters of Mercy, University at Buffalo Foundation, American Cancer Society, Catholic Charities and the Leukemia and Lymphoma Society of America, just to name a few—Mr. Ciminelli has been a community leader as much as a business leader, a tremendous corporate citizen. With as much zeal and willpower with which he has led his business, he has given back for the good of his beloved Western New York community.

Through it all, Mr. Ciminelli has been a devoted family man, husband to wife Rosalie, father to six children and grandfather to eleven. Although guiding a first rate business to the very top, Mr. Ciminelli has always insisted that family means most to him and has led his life accordingly. The youngest of 12 children himself, he has always known that family comes first, and always will.

Thus, Mr. Speaker, in recognition of the indelible mark Mr. Ciminelli has left on Western New York, his remarkable business accomplishments, his charitable gifts and his spirit to make his community a better place, I ask that this Honorable Body join me in honoring Mr. Frank L. Ciminelli.

TRIBUTE TO JOSEPH MAULL CAREY

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mrs. CUBIN. Mr. Speaker, I rise today to commemorate the life and achievements of one of Wyoming and Delaware's great citizens, Joseph Maull Carey. I am honored to venerate a man who served his fellow citizens in the halls of local, State, and Federal Governments.

Joseph Maull Carey was born in 1845 to successful Delaware farmers in Milton, Delaware. After schooling in Delaware, Carey attended college in New York and law school in Pennsylvania. Joseph Carey moved to Wyoming following his graduation from law school, where many years later he would join the list of Governors hailing from Milton.

Governor Carey began his memorable career in public service to the people of Wyoming and the United States in 1869, serving as a U.S. district attorney while Wyoming was still a territory. In 1871 Joseph Carey moved to the bench and served the growing population of Wyoming as an associate justice to the Wyoming Supreme Court until 1876. Even though Carey went on to serve in many other capacities, he still kept the title of judge for the remainder of his life. Following his departure from the bench, Governor Carey and his brother went into business together, creating a thriving ranching business in the heart of Wyoming. Despite this successful business venture, Joseph Carey still had a longing desire to serve his fellow citizens.

Carey reentered public life in 1881 when he was elected Mayor of Cheyenne, Wyoming. He served only a single term as Mayor before moving on to represent the people of Wyoming at the federal level. Carey became the territorial representative to the United States Congress in 1885, and led the push for Wyoming to achieve statehood. Under his leadership, a bill was introduced that paved the way for Wyoming to become the 44th state in the union. Following Wyoming's constitutional convention in September of 1889, Carey was on hand as President Benjamin Harrison signed the bill into law officially granting statehood to Wyoming. In 1890 Carey became Wyoming's first senator, serving as the chairman of the Committee on Education and Labor. Senator Carey returned to Cheyenne in 1895 and resumed his law practice while advancing educational opportunities for the people of our great state as a trustee for the University of Wyoming. Joseph Carey forayed once more into public service in 1911, becoming governor of Wyoming for one term. During his tenure, he was one of the founding members of the progressive party, which sought to re-elect Teddy Roosevelt.

Joseph Maull Carey was a devoted public servant for the people of Wyoming, Delaware, and the United States. He served the people admirably in many different roles throughout the course of his life, and has forever etched himself in the history of our Nation.

MILDRED L. DIXON: JUNE 26, 1923–SEPTEMBER 8, 2006

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, as the city of Winter Garden, Florida's first female and first African-American elected to the city commission in 1985, Mildred L. Dixon, 83, dedicated her life to serving her community.

Commissioner Dixon first took office after filing a lawsuit denouncing Winter Garden's at-large elections as violating the 1965 Voting Rights Act. She was the first black commissioner elected in the city's 77-year history. In seven terms, she ran unopposed three times and soundly defeated her opponents in four races.

In 1983, 2 years before running for office, she was successful in initiating single member voting districts for commissioners in Winter Garden. Most recently, she initiated the city's current charter review. As an advocate for youth and senior programs, as well as affordable housing in the east Orange County community, she tirelessly pursued potential funding sources for area community centers, and possible joint ventures for low income and affordable housing developments.

A retired nurse, she was a member of the 9th Street Church of Christ in Winter Garden since 1939. As a testament to her tenacity, and tireless love for her community, in 1992 the city named a street in the Horizons Oaks neighborhood in her honor. In 1999, the Mildred Dixon Activities Center, home of the West Orange Boys and Girls Clubs on West Crown Point Road was renamed in her honor.

She was an officer in the West Orange Citizen Action Coalition; Orange County Community and Faith-based Coalition; West Orange Community Development Corporation; and the West Orange Community Housing Development Corporation. In addition, she was a member of the Orange County Community Action Board; West Orange Neighborhood Center for Families; the National Association for the Advancement of Colored People; National League of Cities Black Caucus of Local Elected Officials; and the Tri-County, Florida and National League of Cities organizations.

Mildred Dixon was a determined advocate for Winter Garden and its citizens. She will be missed.

PERSONAL EXPLANATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 2006

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent for the RECORD to reflect that on September 14, 2006, I was unavoidably detained. Mr. Speaker, had I been present for:

Rollcall vote 441 on the Scott amendment to H.R. 2965, the Federal Prison Industries Competition in Contracting Act, I would have voted "nay";

Rollcall vote 442 on the Scott amendment to H.R. 2965, the Federal Prison Industries Competition in Contracting Act, I would have voted "nay";

Rollcall vote 443 on final passage of H.R. 2965, the Federal Prison Industries Competition in Contracting Act I would have voted "yea";

Rollcall vote 444 on the Thompson/Reyes Motion to Recommit H.R. 6061, the U.S./Mexico Border Fence Bill, I would have voted "yea";

Rollcall vote 445, final passage of the U.S./Mexico Border Fence Bill, I would have voted "nay";

Rollcall vote 446, the Melancon Motion to Instruct Conferees on H.R. 2864, the Water Resources Development Act, I would have voted "yea."

SENATE—*Monday, September 18, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, we thank You for Your presence in our midst. We thank You that You are a God who wants friendship with us. Forgive us for so often running away from You, for spurning Your kindness, for turning against the very love that gives us life.

Today, inspire the Members of this body. Give them the vision of a warless world, one in which Isaiah and Micah foresaw three millennia ago.

Help our lawmakers use their power to hasten the day when nations shall not lift up swords against nations, nor shall they learn war anymore. Let not hate or fear desolate this beautiful, blood-sustained Earth forever; rather, let the Earth increase its knowledge of You as the waters cover the sea.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we are back this afternoon to return to the consideration of the United States-Oman trade agreement. Last week, we reached an agreement for debate on this past Friday and today, with the vote occurring tomorrow. On Tuesday, there will be 30 minutes for closing remarks prior to vote on passage. We expect the vote to occur prior to the Tuesday policy meetings.

Also on Tuesday, following the policy luncheons, the Senate will proceed to executive session for the consideration of the nomination of Alice Fisher to be an Assistant Attorney General. There will be 5½ hours set aside for the debate on this nomination, although we don't anticipate that all of that time will be necessary.

There are other legislative and executive items we will schedule this week in addition to those I just mentioned. We are consulting with a number of colleagues as we schedule these matters, and I will have more to say after those conversations are concluded.

UNANIMOUS CONSENT AGREEMENT—H.R. 4954

AMENDMENT NO. 4997, AS FURTHER MODIFIED

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding passage of H.R. 4954, the Menendez amendment No. 4997 be modified with the changes at the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4997), as further modified, is as follows:

> On page 18, between lines 22 and 23, insert the following:
>
> (b) RISK MANAGEMENT PLAN.—
>
> (1) IN GENERAL.—Under the direction of the Commandant of the Coast Guard, each Area Maritime Security Committee shall develop a Port Wide Risk Management Plan that includes—
>
> (A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;
>
> (B) a management selection process; and
>
> (C) active monitoring to measure effectiveness.
>
> (2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.
>
> On page 19, line 16, strike "and".
>
> On page 19, line 18, strike the period at the end and insert "; and".
>
> On page 19, between lines 18 and 19, insert the following:
>
> "(3) is consistent with the Port Wide Risk Management Plan developed under section 111(b) of the Port Security Improvement Act of 2006.
>
> On page 19, strike line 24 and insert the following:
>
> for Preparedness, may require.
>
> "(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.".

CONSTITUTION DAY AND DEMOCRATIC OBSTRUCTION

Mr. FRIST. Mr. President, yesterday, September 17, marked the 219th anniversary of one of the most significant events in U.S. history. On September 17, 1787, 219 years ago, 39 brave men signed the U.S. Constitution.

We are all familiar with the Preamble of the Constitution:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Today across the nation, children in each and every classroom are celebrating the birthday of our Constitution. Very likely, they are reciting this very same Preamble. Many are, no doubt, struggling through this seemingly archaic syntax to come to distill its purpose. These children are asking themselves the same questions we in the Senate face each day on the Senate floor: What does it mean to establish justice? What does it mean to ensure domestic tranquility; to provide for the common defense; to promote the general welfare; to secure the blessings of liberty to ourselves and our posterity?

In the midst of debate, it is temptingly easy to mire ourselves in the intricacies of legislation, and we spend hours in committees negotiating a phrase or a single word. But let's not forget the purpose behind our debates. Mr. President, 219 years ago, 39 men fulfilled the promise, fulfilled the vision of the Declaration of Independence by signing the Constitution. Today, the legacy depends on us. As citizens and as Senators, it is our duty to ensure that the values and purposes embodied by the Constitution continue to be the values that define our daily life.

Over the past few months, we have had many opportunities to do just that: the PATRIOT Act, Defense appropriations, border security, the Voting Rights Act, the Gulf of Mexico Energy Security Act, pension reform, and just last week, port security.

But too often my colleagues on the other side of the aisle have inhibited the fulfillment of our duty. They have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

relied on obstruction and thrown up roadblocks at every opportunity. They have let politics get in the way of sound policy and purpose. That is unacceptable.

We have only a few days left in this session. This week, we will vote on the nomination of Alice Fisher to be an Assistant Attorney General for the Criminal Division at the Department of Justice. But it has taken months and months to get to this point—months and months of obstruction. We have other key national security nominees who need to be confirmed. These are positions vital to our continued safety and security, but at every turn we find obstruction instead of confirmation.

As we move forward, I urge my colleagues to review our Constitution's Preamble, to consider anew our purpose here in the Senate, and to let that purpose guide our debate and action here on the Senate floor.

I yield the floor.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

THE ADMINISTRATION'S MISTAKES IN THE IRAQ WAR

Mr. REID. Mr. President, for more than 3 years, this Congress, which has been given the name of the "do-nothing Congress," has turned a blind eye to the intractable war in Iraq, ignoring the administration's many mistakes and allowing it to stay on a failed course.

Here we are, with 6 days left in the 109th Congress, and the Republicans, who control the House and Senate and the White House, have not held one hearing—not one—into the President's wartime failures. During the Civil War, President Lincoln was faced continually with oversight hearings by his Congress. Of course, we know during World War II, there were a number of commissions. The most famous was that conducted by Senator Harry Truman of Missouri, which led to his becoming Vice President. Some say, but for that he would not have been chosen as Vice President. What was the Truman Commission? It was to determine what was going on with World War II. Was money being wasted? Were troop levels right? Korean war hearings were also held, and the same for the Vietnam war. But for this war, none—even though this war has taken longer than it took to settle the differences in the European theater in World War II. Soon it will be the same amount of time that we were able to beat Japan.

This Republican Congress has wasted 20 months on horse slaughtering; the Schiavo case, dealing with someone's personal relationship, which should not even have been before this body; gay marriage; the nuclear option; flag burning; repealing the estate tax. But they could not find a day for some time to look at the President's mistakes, missteps, and misconduct, which have hurt American security and plunged Iraq into a civil war—not a day.

Yesterday's Washington Post newspaper brought the latest indictment of the Bush incompetence in Iraq, in a front-page story entitled "Ties to GOP Trumped Know-How Among Staff Sent to Rebuild Iraq." Mr. President, this article says a lot of things, but here is some of it:

> . . . applicants didn't need to be experts in the Middle East or in post-conflict reconstruction. What seemed most important was loyalty to the Bush administration.

It is interesting to note that the person selected to do this is a man by the name of O'Beirne. I saw that name and it flashed because I have been on programs with a woman by the name of Kate O'Beirne. And I'll be darned, it happened to be her husband who was chosen to find the people to take care of postwar Iraq.

Here are some of the questions that were asked of the applicants: "Did you vote for George W. Bush in 2000?" They even asked questions about how the applicant felt about Roe v. Wade. People being interviewed for purposes of helping rebuild war-damaged Iraq were asked questions on Roe v. Wade. The questions had nothing to do with one's competence, their educational background, or their experience. The article says that

> . . . from April 2003 to June 2004 [it was clear that O'Beirne] lacked vital skills and experience

to do what he was required to do. It says:

> A 24-year-old who had never worked in finance—but had applied for a White House job—was sent to reopen Baghdad's stock exchange. The daughter of a prominent neoconservative commentator and a recent graduate from an evangelical university for home-schooled children were tapped to manage Iraq's $13 billion budget, even though they didn't have a background in accounting.

The article also says:

> Interviews with scores of former CPA personnel over the past two years depict an organization that was dominated—and ultimately hobbled—by administration ideologues.
>
> "We didn't tap—and it should have started from the White House on down—just didn't tap the right people to do this job," said Frederick Smith, who served as deputy director of the DPA's Washington office. "It was a tough, tough job. Instead we got people who went out there because of their political leanings."
>
> But many CPA staff members were more interested in other things: in instituting a flat tax—

People were sent there with no background, no education, no academic experience, and set out to create a flat tax in Iraq.

They were interested "in selling off government assets, in ending food rations and otherwise fashioning a new nation that looked a lot like the United States. Many of them spent their days cloistered in the Green Zone, a walled-off enclave in central Baghdad with towering palms, posh villas, well-stocked bars and resort-size swimming pools."

Mr. President, this picture says it all. Here is Paul Bremmer. They dumped General Garner after a few weeks and brought Bremmer in. Here he is, on his throne—on his throne. He is on a throne surrounded by Iraqis.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. DURBIN. Can the Senator refresh my memory? Was Mr. Bremmer the recipient of a gold medal or something from the President? Didn't he receive some high decoration or medal for his performance in Iraq?

Mr. REID. The answer is, yes, he received that. I assume one would expect that from somebody who had a throne while he was over there.

Mr. DURBIN. Isn't it also true that George Tenet, who was responsible for the intelligence that was so bad that led us into the war in Iraq, got a medal from the President the same day?

Mr. REID. That is true.

Mr. DURBIN. Did Michael Brown with FEMA receive a gold medal from the White House before he was dismissed?

Mr. REID. I don't think he did. Even though he was doing a heck of a job, I don't think he obtained a medal from the White House.

Mr. DURBIN. Apparently, these gold medals were being awarded for incompetence. They missed Mr. Brown, but they did give one to Mr. Bremmer.

Mr. REID. The article goes on to say—and I say to my friend and anyone within the sound of my voice:

> To recruit the people he wanted, O'Beirne sought resumes from the offices of Republican congressmen, conservative think tanks and GOP activists. He discarded applications from those his staff deemed ideologically suspect, even if the applicants possessed Arab language skills or postwar rebuilding experience.
>
> Smith said O'Beirne once pointed to a young man's resume and pronounced him "an ideal candidate." His chief qualification was that had he worked for the Republican Party in Florida during the presidential election recount in 2000.

I am not making this up. This is hard to comprehend.

Mr. DURBIN. Will the Senator yield for another question?

Mr. REID. I will be happy to.

Mr. DURBIN. I am trying to recall the exact number—it was in the billions of dollars—that we gave to the President for the reconstruction of Iraq; is that not true?

Mr. REID. It started out at $18 billion. But as the Senator from Illinois will remember, part of that money, stacks of one-hundred-dollar bills, was used by some of the contractors who were sent over there to play football games—some of these same people.

Mr. DURBIN. It is also true, is it not, that the Democratic policy conference has been holding hearings—in fact, I think it is the only agency on the Hill holding hearings—on this waste and abuse, this profiteering and corruption at the expense of American taxpayers and even, equally important—more importantly—at the expense of our troops?

Mr. REID. I say to my friend, this war is approaching 3½ years, and there has not been a single congressional oversight hearing on the conduct of the war. This war has now cost us, the American taxpayers, about $325 billion. There has not been a single congressional oversight hearing on the war.

Mr. DURBIN. I ask the Senator from Nevada if he might comment on this as well: Are we not in a situation where the President has told us that he wants to "stay the course" in Iraq, and Vice President CHENEY, when asked a week ago, said he wouldn't change a thing in the way they have done this war in Iraq? Is it very clear that unless there is a change in leadership in this town soon, we are going to continue down this disastrous course, exposing our soldiers to danger every single day, their families to the anxiety of separation, and the taxpayers of this country to billions and billions of dollars more being spent that don't make us any safer?

Mr. REID. I say to my friend, I spent the weekend reading a book. I did other things. I spent a lot of time on an airplane. The book is called "Fiasco," written by a man named Thomas Ricks who has spent his life covering the military. He has written books on the military. I don't know his political persuasion. This book is on the best seller's list of the New York Times.

In this book, he talks in such detail about what has happened as a result of the incompetence of this administration to our valiant fighting men and women over there. I recommend the book to anyone. It is a searing indictment of this administration. It is in keeping with what this article is all about.

Another paragraph:

> One former CPA employee who had an office near O'Beirne's wrote an e-mail to a friend describing the recruitment process: "I watched resumes of immensely talented individuals who had sought out CPA to help the country thrown in the trash because their adherence to 'the President's vision for Iraq' (a frequently heard phrase at CPA) was 'uncertain.' I saw senior civil servants from agencies like Treasury, Energy . . . and Commerce denied advisory positions in Baghdad that were instead handed to prominent RNC (Republican National Committee) contributors."

One staffer said:

> I'm not here for the Iraqis, I'm here for George Bush."

Mr. President, this is really a sad commentary. Important jobs, such as rebuilding the Iraq stock exchange, were given to applicants who agreed with the President on Roe v. Wade. Qualified individuals were turned down for jobs if they didn't vote for Bush in 2000. The children of the President's conservative friends were given authority over the country's $13 billion budget.

Today in Iraq we are witnessing the terrible consequences of Bush cronyism, and it is our troops, the Iraqi people, and the American people who are paying the price.

Reconstruction has been a failure. The economy is a mess. Thousands are dying. Whole provinces have been lost. One province, Anbar Province, makes up a third of the country. The military people said it is gone. And the political solution necessary to bring Americans home is nowhere to be found.

The testimony we hear from people such as the people in this newspaper article is unbelievable. We have heard it time and again. The only people who aren't listening are George Bush and this do-nothing Congress.

If the Iraq war has taught us anything, it is that Congress must take seriously its responsibility to hold the executive branch accountable, and it has not happened. For 2 years, Democrats have offered constructive solutions to change course in Iraq and give our troops and the Iraqi people the chance for some type of stability and success. We have said there must be a redeployment of forces this year to transition the mission, to change the mission.

We have said we must resolve the sectarian differences through a political settlement. That is called diplomacy. They need to amend their constitution.

We said they must regionalize the conflict with a contact group or conference to bring in those countries that said they will help.

We need to revitalize, and we can do that as I have indicated: get the countries that said they would help to come in and help. There needs to be a regional solution. We need to rebuild our badly strained U.S. military. There is not a single undeployed Army unit today that is battle ready. That says it all.

A number of generals have witnessed this administration's flawed Iraq policy firsthand, and they have repeatedly called for new civilian leadership at the Pentagon.

I say this with all due respect: I bet if those military personnel weren't working for Government defense contracts, we would have a few more speaking out. But we have had plenty.

In each instance, when the generals speak out, the Republican Congress blocks their efforts and puts their political interests ahead of America's safety.

The war in Iraq has been a diversion from the real war on terror. But this administration and this do-nothing Congress are content to stay the course, even as it makes America less safe and Iraq less stable.

We need a new direction. This Congress has failed.

I yield the floor.

(The remarks of Mr. WYDEN and Mr. BENNETT pertaining to the introduction of S. 3908 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from West Virginia.

Mr. BYRD. Madam President, what is the limitation on speeches at this point?

The PRESIDING OFFICER. We are currently in morning business, with Senators allowed to speak for up to 10 minutes.

Mr. BYRD. Madam President, I ask unanimous consent that I may speak for no more than 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTION AND CITIZENSHIP DAY

Mr. BYRD. Madam President, yesterday, September 17, the Nation observed Constitution and Citizenship Day. Yesterday, on the Sabbath, the Nation observed Constitution and Citizenship Day. The day marked the 219th anniversary of the signing of the U.S. Constitution. On September, 17, 1787, 219 years ago yesterday, an extraordinary convention of American statesmen met in Philadelphia's Independence Hall to adopt our fledgling Nation's fundamental governing principles, codified in the new Constitution. I am happy to glory in my good fortune, the blessing of living in this Nation and under this Constitution—this Constitution which I hold in my hand. I have long been a student of the Constitution, and I do carry it with me, close to my heart. Alexander the Great slept with a copy of the Iliad, written by Homer in the 800s before Christ—a copy of the Iliad under his pillow, they say. I do not sleep with a copy of the Constitution under my pillow, but I carry it close to my heart.

Over the years, I have read deeply about our Founding Fathers and the great national debate that accompanied the development, the adoption, and the ratification of this critical document. This history is enlightening, revealing the lessons of our Founding Fathers, the great lessons of our Founding Fathers and the lessons they learned from ancient history as well as from their own experience as colonists subject to the British King.

As a Member of the Senate, I have many good reasons to want to know more about the Constitution. Yes, I am 89, but I want to know more. The Constitution affects all Americans, and I urge all Americans to learn more about the Constitution. Why? Because it remains as vital to our lives today as it was 219 years ago. That was a long time ago, 219 years. This Constitution affects the structure and operation of our government, a government of laws, not a government of men. Yes, this Constitution, this is the roadmap, this is the cornerstone of our Republic. It dictates who is eligible to run for office and hold office. It dictates who may elect government officials and how those officials—like me, like myself—must conduct themselves while in office. It outlines who does what within the Federal Government and between the Federal Government and these United States. It requires the President, the Chief Executive in the White House—who is he? He is the Chief Executive, but it requires that he, the President of the United States, report. To whom? To the people and to Congress.

The Constitution decides who may declare war. It says, "The Congress shall have the power to declare war." Yes, the Congress. It decides who may appoint Ambassadors, who may levy taxes, who may decide how Federal dollars will be spent. If all of that does not affect every American, I do not know what does.

I firmly believe that our Constitution deserves greater awareness in our national life and in our everyday lives. A distressing number of studies have shown a profound ignorance of and, yes, even indifference to this fundamental document of government. This is it. I hold it in my hands. Of course, more than the Constitution is included in this fine little document that I have and carry in my pocket, but the title of this little book is the "United States Constitution." That is it. This is the pillar of my liberties, the pillar of your liberties, and it is the roadmap by which those who govern shall govern.

Too many citizens have little or no knowledge of this Constitution, from the functions of government to the scope of their own rights and liberties. Did you realize that, every one of you who is within the sound of my voice throughout this great Nation? You may revere the Constitution—and most people do. Yes, they are proud of the Constitution. They revere it. But they do not know what is in it; too many do not know what is in it. Many do.

I think that may also be true of many Members of Congress, many Members of this body. As you know, there are two bodies of Congress. Two bodies make up the Congress, not one body. It may be true of many Members of these two Houses. It may be true of many Members of this House, the Senate of the United States. It may be true of the executive branch officials. Did you hear that it may be true of executive officials, many of them? It may be true of military officials, many military officials and personnel, and members of the news media. Hear me now, yonder on the back benches, those who write, those who question, those who explain: members of the news media.

Few people know why the Constitution was designed the way it was. Few people may understand what the checks and balances contained in our governmental structure are meant to do.

When the Constitutional Convention sent to the States this Constitution for ratification, in 1787, it stimulated an active political debate out there—in the mountains, the hills, and the valleys of this land. It was not a political debate such as we see today—a cacophony of short sound bites and slogans that do not answer the questions or which are aimed only at attacking a political opponent—but a real debate, a real discussion, a real looking at the structure, at the parts of the structure, at the words, at the sentences—yes, a real debate and discussion.

Supporters and opponents wrote pamphlets and published essays that were widely read. Can you imagine that? They wrote pamphlets, essays that were widely read, widely discussed? The Constitution became a topic of conversation around dinner tables and at public meeting places. Imagine, just imagine—hear me now, imagine that today.

Imagine that happening today. The Federalist Papers—may I say to the pages—read them. The Federalist Papers—not just the Constitution but also the Federalist Papers. Read them. The Federalist Papers, that great defense of the Constitution written by James Madison, Alexander Hamilton, and John Jay—read the Federalist Papers. They were widely printed in newspapers and still more widely read and discussed. The Federalist Papers served as the centerpiece for the debate over the form of government the Constitution created, the form of government this little Constitution created. Yes, I hold it in my hand. Sadly, today there are few people outside of college classes and history and politics who have read the Federalist Papers. They should be read by all Americans who want to understand the Constitution.

Read the Federalist Papers. If you have read them, read them again. It is like reading the Holy Bible. Each time you read it, you will see new things, you will understand new things, new words are being said, new sentences, new thoughts are being expressed, some that you had not seen before.

Madison, Hamilton, and Jay—those great men, Madison Hamilton, and Jay—turned to the mass-communication system of their day, the newspapers. Now, in the 21st century, we have the ability to promote better knowledge and better understanding of the Constitution through the newest form of mass communication—think about that—the Internet. As an excellent resource for Americans on this vital topic, I draw attention to the considerable information about the Constitution that the United States is making available—get that—the United States is making available to the public on the Senate Web site. You hear me. It is there.

By publishing articles in newspapers, Madison, Hamilton, and Jay reached out and touched an audience of thousands. Through the World Wide Web, the Senate's Web site, material on the Constitution can be accessed by an audience of millions, millions of citizens, teachers, and students—people from all around, the world.

In honor of this year's celebration of Constitution Day, the U.S. Senate has included a variety of features on its Web site—at www.senate.gov—to promote a more thorough understanding of our Constitution, the blueprint—here it is—for the Federal Government that still defines and guides us today, I say to the President who sits in the chair. Visitors to the Senate Web site will find many items related to the Constitution. The full text of the Constitution can be viewed, along with annotations and Senate-specific clauses. There is also a feature on the Federalist Papers and a special section featuring books about the Constitution for children. There is a beautiful color reproduction of the mural unveiled in the Senate wing of the Capitol Building just a few days ago. The mural depicts the authors of the Connecticut Compromise of 1787—also known as the Great Compromise—that led to creation of the Senate and the House of Representatives. There is also a Virtual Reference Desk that can guide visitors to further reading and resources to help them learn more about our—our, our—Constitution.

I commend the Secretary of the Senate, the Sergeant at Arms, and their staffs, who collected and posted this array of constitutional material in such an attractive and easy-to-use format. Their work reflects well on the Senate and offers a real service to the Nation. It embodies the spirit of Constitution Day, which I am proud to have had a hand in establishing. I also commend the many other organizations that have made an abundance of educational material available to all those seeking greater knowledge of the Constitution. Notable among these are the Web sites of the National Constitution Center in Philadelphia, Justice Learning, the Center for Civic Education, the Constitutional Rights Center, the Constitution Project, and the Freedom Forum. They have all done fine work that deserves widespread attention.

Our Constitution is what sets the United States—yes, our Constitution is what sets the United States, a star, above other nations. Our Constitution is what makes the United States such a shining beacon, such a shining star for the people of other nations, for those still struggling to establish democratically elected representative governments.

Our Constitution empowers our leaders but also places limits on our leaders to prevent autocratic rule. "If men were angels, no government would be necessary." James Madison wrote in the Federalist Papers, "If men were angels, no government would be necessary." "If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty is this: You must first enable the government to control the governed; and in the next place, oblige it to control itself."

The self-control mechanism in our Constitution and therefore in our governmental structure comes first from the competition between and among the three branches of Government, the famous "checks and balances." Ultimately, the self-control mechanism in our Government comes from the powers and the responsibilities placed by the Constitution upon the people of the United States. In order to effectively play our safeguarding role as citizens, we each—each of us: you, Mr. President, me, each of us—has an obligation to be informed. The system of checks and balances between and among the three branches of Government and the ideals of freedom and of rights and liberties set forth and realized in our Constitution are our greatest contributions to the world—our greatest contributions to the world.

My hope is that observances of Constitution Day—yesterday, today, this year, and in future years—will encourage all citizens, all citizens high and mighty and low, to learn more about our Constitution and Government. Certainly there is no better way for people to start than by clicking on the U.S. Senate's Web site. I hope many people listening today, many people watching today, will be inspired to use the Internet today—yes, today—to visit the Senate's Web site and see the marvelous collection of information about the most marvelous document, the Constitution of the United States.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

OMAN FREE TRADE AGREEMENT

Mr. CONRAD. Mr. President, I come to the floor today to oppose the so-called Oman Free Trade Agreement. There are two primary reasons that I oppose this agreement. First, the Oman agreement is a continuation of an utterly failed trade policy. I believe we must change direction, and we need to change direction now before our record trade and budget deficits cripple our economy.

Mr. President, this chart shows the trend in the U.S. trade deficit. This chart shows the trade deficit per month, and if we go back to 1992, we can see the trade deficit was running about $3 billion a month—a little over that. The total trade deficit that year for the entire year was $40 billion.

Now we fast track to this year. After 10 trade agreements and 14 years, we are now at a trade deficit, as of last year, of $718 billion. And we are headed for a trade deficit of over $800 billion based on the most recent trade deficit. In July, we saw a trade deficit approaching $70 billion for the month.

When are we going to conclude that we are on a course that is leading nowhere?

Mr. President, NAFTA provides one vivid example of how these trade deals have affected our trade deficits. In 1993, the year before NAFTA took effect, we had a small trade surplus with Mexico—as this chart shows, about $1.7 billion. Last year, after 12 years of NAFTA, our trade deficit with Mexico exceeded $50 billion. In other words, before NAFTA, we had a trade surplus, albeit a small one. Now we have a massive trade deficit, and some say this is a success. I would hate to see a failure. If this is a success, what would be a failure?

Agriculture provides another clear example. When this administration took office, we had a trade balance in agriculture of a positive $15 billion. That was in 2001. Every year, this balance has gone down: to $13 billion in 2002, $10 billion in 2003, just under $10 billion in 2004, last year it slipped to under $5 billion, and this year they are now anticipating a trade balance in agriculture of only $2 billion. That is stunning, absolutely stunning. We used to run a trade surplus in agriculture of over $25 billion a year. Now we are very close to having no trade balance in agriculture. Yet we keep going down the same path, trumpeting every one of these trade deals as another great success.

I do not think there is much credibility left in that argument. I would be the first to admit I have voted for some of these trade agreements. I voted against NAFTA, and I voted against the CAFTA agreement, the most recent agreement entered into here. I voted against the so-called Canadian Free Trade Agreement, but I supported the agreement with China, I supported WPO, and I believed that it would advance the cause that is so important to the international economy.

At some point we have to deal with facts. We have to deal with reality. We have to deal with what is really happening, not some academic argument. We have to deal with the reality that our country is going deeper and deeper into debt. We are now the world's largest debtor nation, and by a large margin.

I believe the Oman agreement continues that failed trade policy. We are now getting more than we are giving. When you read the fine print in the study that was done by the U.S. International Trade Commission, the nonpartisan U.S. agency in charge of analyzing trade agreements, you discover that this agreement will increase our trade deficit with Oman. So here we go again, one more time of failed negotiations leading to more deficit, more debt, and the United States borrowing more money.

In the fine print of the analysis that has been done what you find is that imports of apparel from Oman will increase by more than $42 million a year, but the exports of all products to Oman will increase only between $14 to $41 million. So, once again, we are asked to approve a deal that is the product of a failed negotiation. Once again those who negotiated on behalf of the United States have brought back a loser, claiming all the while it is a great success.

At some point you have to check the record. At some point you look at what has actually happened, and you compare the claims to the results. When we do that on the trade agreements, what we find is that they have been a miserable failure for this country. Perhaps it should not be surprising that this agreement would increase our trade deficit. It is produced by the administration, an administration that has said at various times that outsourcing is a good thing. It is produced by an administration that does not believe in having other countries improve their labor standards so that it is fair competition. In fact, this administration has repeatedly rebuffed the efforts of the House of Representatives to strengthen labor laws in Oman so that they meet the core international standards.

I do not believe this is a good agreement on the merits. But in addition, this process is horribly flawed. The way this bill has been brought to the Senate floor makes a complete mockery of the fast-track process.

Why do I say that? Well, as every Member of this body knows, the Constitution gives the Congress, not the President, the responsibility for regulating foreign trade. Yet in recognition that we cannot have 535 trade negotiators—435 Members of the House and 100 Members here—Congress has agreed to the fast-track process for considering trade agreements.

In agreeing to fast track, each Senator gives up the most fundamental rights of a U.S. Senator. The most fundamental rights of any Senator are the right to amend and the right to extended debate. Those are the two things that distinguish this body from any other parliamentary body in the world. And most analysts have said it is a key to the importance of the U.S. Senate.

In return for our giving up those core rights of any Senator—the right to amend, the right to extended debate—there is supposed to be a detailed consultation with the Congress in negotiating trade agreements and developing the implementing legislation.

In practice, the Finance Committee, of which I am a member, is the focus of this consultation because the Finance Committee has jurisdiction over trade policy. In theory, the committee has extensive input during the process of negotiating agreements. Theoretically, it does not then need to amend the implementing bill once it is formally introduced.

When it comes to developing the implementing bill, this consultation occurs through what is known as the mock markup process. It is like a regular legislative markup, only it is a mock markup in that it is not proceeding under the regular legislative course. The mock markup is the Finance Committee's opportunity to amend the implementing bill before it is formally introduced and then cannot be amended under fast-track rules. This informal process has a long history. During consideration of previous trade agreements, the process has lasted months and produced a host of changes.

On the Oman agreement, I offered an amendment to prevent products made with slave labor, or under sweatshop conditions so egregious as to be tantamount to slave labor, from benefiting from the agreement. I did so because of a sad history, a sad history with the agreement with Jordan that failed to prevent horrific sweatshops in that country. I did so because it is not free trade when foreign workers are locked in factories and forced to work 100 hours a week for pennies an hour. Can anybody argue that represents free trade? That is not what Members of this body support when they vote in favor of free trade, but a recent study in Jordan found that is precisely what is happening.

Workers from Bangladesh, China, and other parts of Southeast Asia were promised much greater pay than they could earn in their home countries. Not surprising, thousands went to Jordan. They paid hundreds of dollars to recruiters to get the jobs in the Jordanian apparel industry, but when they got to Jordan, their passports were taken away so they could not leave or change jobs. They were then forced to work 90 to 120 hours a week. They were paid far less than Jordan's minimum wage and were denied what they had been promised. And if they complained, they were beaten or jailed.

Now, these are unpleasant facts, but they are facts, and we can either choose to turn away or be condemned by history for allowing this to occur when we served in a position of responsibility.

Here is what the workers reported, according to the New York Times earlier this year:

> We used to start at 8 in the morning, and we'd work until midnight, 1 or [even] 2 a.m., seven days a week. . . . When we were in Bangladesh they promised us we would receive $120 a month, but in the five months I was there I only got one month's salary—and that was $50."

These stories are repeated over and over and over.

> Mohammed Saiful Islam, a Bangladeshi, said that several times the workers had to work until 4 a.m., then sleep on the factory's floor for a few hours, before resuming work at 8 a.m. "The workers got so exhausted they became sick," he said. "They could hardly stay awake at their machines."
>
> Several workers said that when they were sick they did not receive medical care, but were instead punished and had their pay docked.
>
> Hazrat Ali said he sometimes worked 48 hours in a row and received no pay for the six months. "If we asked for money, they hit us," he said.
>
> Nasima Akhter said that the Western factory gave its workers a half-glass of tea for breakfast and often rice and some rotten chicken for lunch. "In the four months I was in Jordan, they didn't pay us a single penny," she said. "When we asked management for our money and for better food, they were very angry at us. We were put in some sort of jail for four days without anything to eat. And then they forced us to go back to Bangladesh."

These conditions are appalling, but they are all confirmed. This happened. And the question is, Are we going to allow this to continue? We would not ask American workers here at home to compete with these sorts of practices. Is it reasonable to expect our workers to compete with work conditions like these abroad? I think not. And we certainly—we certainly—should not be giving special trade benefits to products made under these conditions. That is immoral.

In the case of Oman, its labor laws fall far short of the core ILO standards, the International Labor Organization standards. Oman, like Jordan, relies heavily on guest workers who are often at a serious disadvantage in trying to assert their rights. Oman has been cited by our own State Department for human trafficking. And according to the International Trade Commission, the Oman Free Trade Agreement is expected to greatly increase apparel production and exports to the United States from Oman.

The warning signals are before us. Are we going to act? I hope we do. That is why I offered an amendment in the Finance Committee that clarified that goods produced with slave labor or de facto slave labor of the sort that occurred in Jordan will not benefit from this agreement. The administration raised objections at the time, but the committee rejected the administration's advice and unanimously adopted my amendment—unanimously adopted my amendment.

I believe it adopted my amendment because the members believe that products manufactured in these sorts of abusive conditions should not get special benefits under this free-trade agreement. The Finance Committee spoke loudly and clearly. By an 18-to-0 recorded vote, the committee disagreed with the administration and said that we need to add protections in this agreement because local labor laws and U.S. laws did not work in the case of Jordan and may well not work in the case of Oman.

Yet the bill before us today does not include these protections. It does not include an amendment passed unanimously in the Senate Finance Committee. This process is now so broken and such a sham that we can pass an amendment in the so-called mock markup by a unanimous vote and it means absolutely nothing. This process has lost its credibility. This process cannot be taken seriously.

Every Member of this body should know that in giving up their core rights—the right to amend, the right to extended debate—in return for a program that is supposed to include consultation between the Congress and the administration—consultation that is supposed to go through the Finance Committee, through the mock markup process that is our ability to change things, that is our ability to offer amendments to alter the final outcome—it means nothing—nothing.

Two years ago, we debated the Australian FTA, and the Finance Committee adopted an amendment I offered then to protect our ranchers. It went through procedural contortions to drop the amendment. I said at the time:

> This precedent strikes me as dangerous. It opens the process to abuse, and it reduces the Committee's role in crafting trade policy and trade legislation. It may have been expedient. . . But I believe that we will come to regret this precedent. It invites a future President to ignore any recommendations made by the Committee on future trade implementing legislation.

Unfortunately, that prediction has come true. Here we are with another trade agreement, this time a trade agreement which was amended in the Finance Committee, the committee of jurisdiction, by a unanimous vote, and that amendment appears nowhere in the final product.

This process has become a sham. It is a snare and a delusion for Members here to think that Congress has any effect. There is no need for a Congress of the United States if this administration or any administration arrogates to itself the full power of the Government of the United States. That is what has now happened with trade agreements. The Congress may as well not exist. We may as well not be here because we have no ability to alter the outcome.

The only ability we have remaining is to reject the agreement outright. I have reached the conclusion that is the proper course. I believe we ought to reject this agreement on two bases: No. 1, it is a continuation of a failed trade policy that is driving us deeper and deeper into debt; and second, it is the product of a process that has become a complete sham. The facts speak for themselves.

Let me conclude. The Oman Free Trade Agreement promises few, if any, benefits to the U.S. economy and will actually make our trade deficit worse. Moreover, the safeguards that were supposed to protect against imports made under abusive sweatshop conditions have been summarily dropped from the bill, despite a unanimous vote in the committee of jurisdiction.

Finally, the process the Finance Committee followed sets a terrible precedent. No Senator should welcome the precedent that the administration can simply ignore the will of the Finance Committee on a particular trade issue important to the people we represent, secure in the knowledge that the trade implementing bill can be pushed through as part of a larger take-it-or-leave-it package.

So I hope my colleagues, even those who generally support trade agreements, will think long and hard about how they cast this vote. This vote is going to set another precedent—one more precedent—that says the fast-track process is completely broken.

If you believe the Senate and the Finance Committee should not have a voice on trade agreements and trade implementing bills and you support the use of slave labor, human trafficking, and egregious, abusive sweatshops, you should vote for this bill. But if you believe that consultation under fast track should be meaningful, if you believe the mock markup process should not be a mockery, and if you oppose slave labor, you should vote against this bill.

I urge my colleagues to stand for a new direction in trade policy, to stand for agreements that benefit the American economy, and to vote against the Oman Free Trade Agreement.

As someone who has supported many trade agreements, I come to this conclusion reluctantly. I come to this conclusion only after 20 years of service in the U.S. Senate, seeing one after another of these trade agreements entered into, each one of them heralded as another great success, only to find that we are on course to running up the greatest trade deficit in the history of the United States—$700 billion of trade deficit last year, headed for $800 billion this year. Mr. President, if this doesn't send a message that we are on the wrong course, I don't know what would.

Finally, this is a process that is completely bankrupt—absolutely, completely bankrupt. I entered into the chance as a member of the Finance Committee to offer amendments in good faith. I did so responsibly. My amendment passed unanimously. Yet it is summarily dropped by the administration for no good reason.

Mr. President, this fast-track process is fast track all right; it is a fast track to decline. It is a fast track to rising deficits and debt. It is a fast track to the centralization of power in this country in the hands of a few in the administration, without regard to congressional input.

That is not the history of this institution. That is not the constitutional history of our country. We were not designed to be a government of only one branch, the executive branch. Our constitutional history suggests that this is to be a government of shared powers, with an executive branch, a legislative branch, and judicial branch, all with their appropriate roles.

Increasingly, with respect to trade, the role of the Congress is the role of a rubber stamp. Our Founding Fathers would be spinning in their graves seeing how the fast-track process has been contorted into a process that allows the administration to make the decisions with respect to the trade policy of this country, without an ability of Members of Congress to alter its course. That is a profound mistake, and we will regret it in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

PROUD TO FIGHT FOR OUR FREEDOMS

Mr. ENZI. Mr. President, every day when the Wyoming papers come out, my staff in Wyoming looks through them and makes sure that information that is in them reaches me here in Washington in a timely way so that action then can be taken or information can be received or questions can be answered or people's personal problems that have been caused by the Federal Government can be taken care of.

Recently, there was a letter to the editor from a young man in our military. It appeared in the Torrington Telegram. It has a very important message for our country that I wanted to share with the country. These are the feelings of a young man serving in the military. I appreciate his effort in putting this letter in a Wyoming paper. I hope it makes several papers in Wyoming. I am going to make sure the people across America hear the message he is delivering to Americans. It is an important message for Americans, but apparently it is one on which the media is reluctant to report. So I am going to work to help him deliver the message.

Here is his letter. It is from Lee Freeburg:

> I am a U.S. Navy Corpsman, having returned home for some relax time. I was reading through the Telegram and came across a letter to the editor titled "Bush using fear tactics."
>
> I am appalled by the disrespect to the president of the great nation and the U.S. troops in Iraq and Afghanistan.
>
> The president is doing his best to guide our country and keep us free. He is not the only one who makes decisions, (hence we are not a dictatorship.) Have we forgotten that we also have a House of Representatives and a Senate? This collection of Americans is Congress. For the president to send our troops, our sons (me) and daughters to war, it takes an act of Congress.

Sailor Freeburg continues:

> I am proud to serve my country and my president, defending and bringing freedom to people all around the world.
>
> I am outraged by people's attitudes toward this war; have we so soon forgotten 9-11? They attacked us first on our soil. . . .
>
> Have you ever seen the look of gratitude in people's faces for the liberation from a dictatorship?
>
> Then you do not understand what we (the U.S. troops stationed abroad) are doing.
>
> We as Americans take our freedom so lightly and we need to stop and think. How did we come about to have these freedoms? Well, war. War earned our freedom, and war has kept it, from the American War for Independence to Operation Iraqi Freedom. Men have fallen, paid the ultimate price so that we as Americans can enjoy living without dictators like Hitler, Stalin and Saddam Hussein.

Sailor Freeburg goes on to write:

> While other countries are building fences to keep people in, we have to build fences to keep people out. Now if the president were a dictator, would people be trying to float 90 miles across rough water on a wooden door, drinking their own urine, just to set one foot on American soil?
>
> Where are the iron gates and armed guards? Where are the mass graves of innocent citizens, murdered for disloyalty to the dictator? There are none to be found on our soil. They do not exist. Why? Because we do not live under a dictator. Was President Lincoln a dictator? No, he even had to go to war with the south for freedoms we still enjoy today.
>
> In closing, if this was a war for oil, why haven't we just taken over the entire country of Iraq and added it as the 51st state? I am proud to say, I am a gun-carrying Republican, and honored to be a part of the greatest nation on earth.

> America, be thankful for the freedom we enjoy because freedom is never free.

That is one of many letters that I receive wondering why more things are not said about the way the war is going in Iraq from the perspective of our troops who are over there, who are talking to the people who are affected by it.

Our troops are affected by what they hear and read from over here. They get their local newspapers. They get letters, and they want their message out, too. This is a perspective from a young man serving in our military, one of many.

A few years ago, one of the TV stations that goes into schools across this country did a show called "Young Men Who Saved the World." It was about World War II. The reason they ran this show was because there were a lot of reunions happening among soldiers who had been a part of World War II, and they were all old guys. The people in the schools were getting the impression that the war had been fought by old guys. So this channel that goes into these schools did this special broadcast.

What they did was go back and find the pictures of these men when they actually served in the military. They were young men. It made a distinct impression on the kids of this country that there were young people out there recognizing the value of freedom, the value of democracy, and willing to put their lives on the line to see that it was shared around the world.

I thank you, Sailor Freeburg, for your letter and for the message that needs to be delivered to the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD SAFETY

Mr. DURBIN. Mr. President, last Friday the Nation's largest grower of organic produce announced a recall of fresh spinach products that they feared could be linked to the deadly e-coli outbreak. So far, the Food and Drug Administration has reported that a 77-year-old woman from Wisconsin has died, 14 persons have suffered from kidney failure, and at least 94 individuals have fallen ill after eating prepackaged spinach suspected of being contaminated with e-coli. That is a total of 109 people in 19 different States.

This is not the first time produce has been contaminated with e-coli. According to the Center for Science in the Public Interest, between 1998 and 2004, there were 492 e-coli outbreaks that were linked to fruits, vegetables, and fresh produce products such as prepackaged salads. In fact, there were 86 outbreaks in the year 2004 alone.

The Centers for Disease Control and Prevention, the CDC, estimates that as many as 76 million people suffer from food poisoning in our country each year. Of those individuals, 325,000 will be hospitalized, and more than 5,000 will die. Children and the elderly are especially vulnerable.

Despite these statistics, our food supply is still the safest in the world. However, there are widening gaps in our food safety system due to the fact that food safety oversight has evolved over time and has spread across so many different governmental agencies. Several Federal agencies, all with different and sometimes conflicting missions, work to ensure that the food we eat is safe. The U.S. Department of Agriculture's Food Safety and Inspection Service regulates meat, poultry, and processed egg products. The Food and Drug Administration Center for Food Safety and Applied Nutrition and Center for Veterinary Medicine regulate produce and other food products. Finally, the Centers for Disease Control and Prevention tracks food-borne illnesses.

One stark example of the inconsistencies in our food safety system is the lack of standardization for food inspection. Processed food facilities may be inspected by the FDA once every 5 or 6 years, while meat and poultry operations are inspected every single day by the U.S. Department of Agriculture. This mismatch, piecemeal approach to food safety could spell disaster if we don't act decisively and wisely. That is why, since the 105th Congress, I have been pushing for a single food safety program. It is not a new idea. In fact, one of my predecessors is U.S. Senator Charles Percy, of Illinois, who raised this same issue several decades ago—and he wasn't the first.

It doesn't take a person with an advanced degree in government to look at so many different agencies of our Federal Government doing some part of food safety and wonder why we don't put the whole responsibility under one roof, guided by science and an operation that is administered by true professionals. Instead, what we have done is watched as our food safety system has evolved. From Upton Sinclair's landmark novel "The Jungle," which shamed America through the Teddy Roosevelt administration into creating the first food safety standards for our country, to the most recent outbreak, we are reminded time and time again of our vulnerability.

We assume that the food we are eating and the food we are serving to our families and our children and our elderly parents is safe, and by and large it is the safest in the world. But we can do better, and this e-coli outbreak involving spinach is a reminder.

This bill that I push would give that single food agency the authority to protect the food supply based on science. This agency would provide our country with the greatest hope of reducing food-borne illness and preventing or minimizing the possible harm from any bioterrorist attack involving our food supply.

Former HHS Secretary Tommy Thompson told reporters, when he resigned in December 2004, that he worries "every single night" about a massive attack on the U.S. food supply. Here is what he said. Tommy Thompson, a member of President Bush's Cabinet, said this:

> I, for the life of me, cannot understand why the terrorists have not, you know, attacked our food supply, because it is so easy to do. And we are importing a lot of food from the Middle East, and it would be easy to tamper with that.

We recognized the need for a unified Department of Homeland Security, but we have not taken the same step with our food supply.

I might say, parenthetically, that it has been my experience in Washington that when I raise this issue with people currently serving in an administration, either as Secretary of Health and Human Services or Secretary of Agriculture, they have real problems with the idea of bringing all of these responsibilities under one roof and coordinating this effort and stopping the duplication and mismanagement. It is not until they leave Government, in their farewell speech, that they all say: And you know, one thing we should have done is we should have brought all that food safety under one roof.

This is a problem for those who face the special interests groups that are afraid of change. But this change is a change America needs—to have food safety based on science and an agency administered by real professionals.

S. 729, the Safe Food Act of 2005, would create a single, independent Federal food safety agency to administer all aspects of Federal food safety, including inspections, enforcement, standards-setting, and research in order to protect the public.

The components of the agencies now charged with protecting the food supply, primarily housed at the Food and Drug Administration and the Department of Agriculture, would be transferred to this new agency.

The new Food Safety Administrator would be responsible for the safety of the food supply and would fulfill that charge by implementing the registration and recordkeeping requirements of the 2002 bioterrorism law.

We would also ensure that slaughterhouses and food processing plants have procedures in place to prevent and reduce food contamination; regularly inspect domestic food facilities, with inspection frequency based on risk; centralize the authority to detain, seize, condemn, and recall food that is adulterated or misbranded; examine the food safety practices of foreign countries and work with States to impose various civil and criminal penalties for the serious violations of food safety laws; and, finally, require food producers to code their products so those products can be traced easily in the event of a food-borne illness outbreak in order to minimize the health impact of an event like the spinach contamination we presently face.

In this most recent outbreak involving spinach, 22 days passed from the time the first illness was reported to the Centers for Disease Control to the time the Food and Drug Administration issued its warning. In this area of food safety, time is of the essence. It was 3 weeks from the first serious outbreak and illness until there was a warning issued by the FDA. That is too long. Too many people were exposed to serious e-coli contamination, which can be deadly.

It is time to create a single food safety agency in this country. The Government Accountability Office has been calling for it for more than 25 years. In February 2005, a GAO report showed that Government officials in seven other high-income countries who have consolidated their food safety systems consistently state that the benefits outweigh the costs.

In a 1998 study, the National Academies of Sciences concluded that "a model food safety system should have a unified mission and a single official who is responsible for food safety at the Federal level and who has the authority and the resources to implement science-based policy in all Federal activities related to food safety."

While I was speaking, a member of my staff handed me a note informing me that we now know there has been an Illinois case which has been reported of e-coli contamination, apparently from spinach. Now 20 States across our Nation have been affected. In this Illinois case, an elderly woman has been hospitalized with kidney failure related to tainted spinach, marking the first confirmed illness in my home State of Illinois linking the outbreak of e-coli in the leafy green vegetable. Illinois State public officials announced today that this woman lives in north-central Illinois. She became ill late in August and is now hospitalized with hemolytic uremic syndrome, a form of kidney failure which can be associated with this strain of e-coli linked to the tainted spinach, according to this report from the Illinois Department of Public Health.

This is another example, and the numbers continue to grow. We are going to do our best to contain them and to inform the public to keep the food supply safe for everyone. But we can do better in Washington. It is time to sit down with the special interest groups who have stopped this change and to come up with a reasonable bipartisan approach. There isn't anything partisan about this issue, not in any way whatsoever.

One of my closest friends from Chicago went out and bought some hamburger at a local grocery store years ago, took it home, and gave it to her 5-year-old boy. That poor boy was exposed to e-coli and died a few days later, a gruesome, horrible death. She became an advocate for food safety. She took her grief and turned it into energy to try to spare some family in the future from a similar tragedy. I hope it doesn't take the families of those who have been hit by this e-coli to form a group and push Congress into action. It is time that we took the initiative.

Factors such as emerging pathogens, an aging population at high risk for food-borne illnesses, an increasing volume of food imports, and people eating outside their homes more than ever underscore the need for change.

We need to change and shed the old bureaucratic shackles that have tied us to the overlapping and inefficient ad hoc food safety system of the past.

I urge my colleagues who are undoubtedly going to hear about this e-coli contamination and wonder how they can respond to take a look at S. 729, the Safe Food Act of 2005. Please join me in cosponsoring this landmark legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

* * *

INTERROGATION OF DETAINEES

Mr. INHOFE. Mr. President, something happened last Thursday in the Senate Armed Services Committee that many of us tried to stop, but we were unsuccessful. The weekend is over now. All we have heard from the liberal media and from the Democrats is: Republican rebellion, Republican rebellion, Republican rebellion—it has kind of a ring to it—a rebellion against President Bush.

Well, nothing could be further from the truth. It is not a Republican rebellion against the President. It is a Democratic denial to the President of that which he begged Congress for, and that was the ability to interrogate terrorists in order to save American lives, to use whatever methods available within the guidelines of the U.S. Supreme Court to get this stuff done.

I was at the White House when he made his presentation. I was sitting closer to him than I am to the Chair right now. I have never seen him with such an earnest plea in his heart pouring out because he wanted to have that ability to save American lives.

What passed the committee Thursday was the Democrats' program of leniency for the enemy, to be sure our interrogators don't get too aggressive with the terrorists, and also to tell the enemy what methods we will use so they can write their own manual.

Republican rebellion? Not hardly. It was the Democratic bill, and they got four Republicans to go along with it. But 100 percent of the Democrats voted for it. Nine of us Republicans on the committee spoke and voted against it—all Republicans. Clearly, this was a Democratic bill to undermine President Bush's plea to get the tools necessary to extract information from terrorists.

The High Value Terrorist Detainee Program, for all practical purposes, will stop, and I don't blame them. What rational interrogator would take a chance of going to prison, or even being executed himself, by trying to comply with the vague provisions of the Democratic bill passed out of the committee Thursday?

President Bush's bill would clearly define our Common article 3 obligations. No one is advocating torture. Torture is already illegal. The President never did that. Nobody wants to use cruel, unusual, inhumane, or degrading treatment that is against the law. It is already illegal. Nobody is advocating inhumane treatment that violates the U.S. Constitution. What the President wants is clarification under our Common article 3 obligations. The President's bill defines these obligations by equating the definition to last year's detainee treatment. The Democratic bill stays silent on this important topic. Their bill also makes it impossible in some cases to use classified information against the accused. Imagine that. We cannot use classified information against the accused when the terrorists are under our control.

It doesn't go far enough to protect our interrogators who may be accused of violating the vague definitions of article 3, especially as they pertain to degrading treatment. How do you define cruel, unusual, inhumane, or degrading treatment? Should we leave the definition up to the interpretation of the courts? Do you want to be an interrogator who is told not to worry, you will not be prosecuted even though what you are doing might be against the law? I don't. We owe it to them to clearly define the law by using the Detainee Treatment Act as the definition.

As the President said last week:

> The bottom line is . . . the CIA program won't go forward if there are vague standards applied like those in Common Article 3 of the Geneva Convention.

Not having this program will put Americans at risk by leaving us unable to gather the vital intelligence needed to fight this enemy.

And where is the outrage of the American people? Do they have to "drag their naked bodies through the streets of Mogadishu" before there is a wake-up call?

I can't blame the American people. All they have heard all weekend is "Republican rebellion," and the Senate Democrats are celebrating. So they should. They won, we lost. They successfully picked off four Republicans and passed their "soft on terrorists" legislation. But the plump lady hasn't sung yet. We can still reject this on the floor this week and pass the President's bill. But to do this, Senators are going to have to hear from the folks back home—the folks who believe we need to quit worrying so much about the treatment of terrorists and get to the business of serious interrogation, even if it hurts someone's feelings. Wake up, America; she is about to sing.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

RECOGNIZING THE 2006 DAVIDSON FELLOWS

Mr. GRASSLEY. Mr. President, it gives me great pleasure to pay tribute to 16 outstanding scholars who have recently been announced as 2006 Davidson fellows. The Davidson Institute scholarships promote and reward students under 18 years old who have undertaken invaluable projects and studies for the greater good of our country and the world. These individuals are more than deserving of this great honor. Allow me to introduce each of the scholars and describe a bit about them and their projects.

At the age of 12, Drew Petersen, of Oradell, NJ, is the youngest student ever accepted into the Manhattan School of Music Conducting Program. He hopes to become a performing pianist, composer, and conductor. Drew's project is entitled "Keeping Classical Music Alive." He hopes that he can reach audiences through his piano performances and inspire them to become more active and engaged listeners in all areas of their lives.

Shivani Sud, a 16-year-old from Durham, NC, discovered a technology to deliver chemotherapeutic molecules to cancerous cells with increased efficiency. Her project is entitled "HIV-1 Tat and IGK-Chain Secretion Based Protein Transduction: a Novel Strategy for Molecule Delivery." Shivani's research can help combat cancer and infectious diseases through more effective chemotherapy treatments. A senior at Jordan High School, Shivani hopes to eventually perform research in the field of medicine as a physician scientist.

Heather Engebretson is a 16-year-old from Tuscaloosa, AL, who views music as a method of communication and a tool for social progress. Heather's portfolio, "Music as a Universal Communication," showcases her wide range of prestigiously awarded musical talents. Heather will attend the University of Alabama this fall majoring in vocal performance, in hopes that the combination of this experience and the courses she has taken through the Johns Hopkins distance learning program will help her in someday fulfilling her dream of becoming an opera singer.

The discoveries of 17-year-old Michael Viscardi from San Diego, CA, can potentially aid in next-generation aircraft design, aerodynamics, medical imaging, astronomy, heat flow and fluid dynamics. Michael's project, "On the Solution of the Dirichlet Problem with Rational Holomorphic Boundary Data," portrays his solution of the thermal equilibrium of a heated metal plate. Michael will attend Harvard and the New England Conservatory in the fall, majoring in mathematics and violin performance respectively, and I have no doubt that he has the potential to become both a successful mathematics professor and a professional violinist.

As a 17-year-old woman from Austin, TX, Stephanie Chen has already established herself as an award-winning musician. Stephanie explores each piece in her piano portfolio, "A Musical Painting," by creating images in her mind then, in her performance, conveying this passion to the audience. Stephanie is entering her senior year at Westwood High School and would like to pursue medical studies in college and play the piano professionally.

Kyle Dacuyan is a 16-year-old young man from Sterling, VA, with a passion for writing. Kyle illustrates that he is able to empathize with other viewpoints throughout his portfolio entitled "What Have You Been, Where Have You Gone." Kyle's work examines familial relationships, complexities and oddities, and exhibits his unflinchingly honest look at pride, love, and social class. As he enters his senior year at Potomac Falls High School, Kyle hopes to continue his lifelong passion for writing through his pursuit of college degrees in English and writing. Kyle also hopes to someday teach at the college level.

Seventeen-year-old Varun Kumar, of Bellaire, TX, is determined to improve diagnostics in the field of medicine through more effective magnetic resonance imaging, MRI. The implications of Varun's research, found in his portfolio entitled "Novel Properties in Europium DOTA—tetramide Complex for use in MRI Contrast Agent," could provide a more comprehensive and less invasive form of diagnosis in almost every field of medicine. Varun is a recent graduate of Bellaire High School and will be attending Rice University in the fall. He plans to major in biochemistry and pursue a career in medicine or medical research, and I wish him the very best of luck.

Sheela Krishnan is a 17-year-old young woman from Suffren, NY, who analyzed Paenicbacillus larvae, the bacterium that causes American foulbrood disease, AFB, a fatal disease that attacks honeybee larvae. Sheela created a safe, non-invasive and inexpensive preventative measure to protect honeybees in vivo from AFB. Sheela portrays her work in her portfolio entitled "Isolation and Characterization of a Potential Probiotic Cocktail for the Control of American Foulbrood in Domestic Honeybees." Sheela is a recent high school graduate and will be attending Brown University as a member of the 8-year liberal medical education program. She hopes to major in both anthropology and biology and then go on to become a doctor.

The research of 17-year-old Adam Solomon, of Bellmore, NY, can help unlock clues about stellar evolution and formation, the history of our galaxy, and the formation of planetary systems. Displayed in his portfolio entitled "The Effects of Age on Brown Dwarf Spectral Features in the Near-Infrared" is Adam's creation of an analytical tool for estimating a brown dwarf's age and mass. Adam will attend Yale University where he plans to major in astronomy and physics and hopes to move on to the University of Cambridge for a master's then on to Caltech or Harvard for a doctorate degree.

At the age of 17, Yi Sun, of San Jose, CA, applied combinatorial mathematics to derive a formula for the expected winding number of a random walk on a unit lattice. Scientists can use this research to predict how many times the polymer will coil around an obstacle, or rod, thus, indicating the strength of the polymer. Yi's astounding research is displayed in his portfolio entitled, "Combinatorics: On the Expected Winding Number of a Random Walk on the Unit Lattice," and can be used in physics, computer science and material science. Yi recently graduated from The Harker School and will be attending Harvard in the fall. Yi plans to major in mathematics and physics and hopes to pursue careers in both fields.

Thirteen-year-old Travis Johnson, of Milwaukie, OR, has been studying classical guitar since he was 8. Travis is establishing himself as an award-winning musician, and his portfolio is entitled "Trails of Hope: The Importance of Adding New Music to the Classical Repertoire." Travis is currently homeschooled and taught privately by teachers outside of the home. He studies music at Marylhurst University. Master guitar classes have played a large role in his life the past few years, and likely will play a role in his career ambition to become a classical guitarist.

Albert Shieh is a 16-year-old young man from Paradise Valley, AZ, who created a computational tool used to analyze genetic sequence variability in humans, which will help in developing a better understanding of gene sequence variations that occur when a single nucleotide in the genome sequence is altered. Albert's research portfolio, "A Novel Algorithm for Automated SNP Genotyping," holds the promise to find the genetic basis for Alzheimer's disease, autism, and bipolar disorder with highly targeted, personalized treatments. Albert recently graduated from Chaparral High School and will attend Harvard in the fall and major in mathematics. Albert aspires to have a career as an intellectual property lawyer.

Anna Stalker, a 15-year-old young woman from Birmingham, AL, addresses the persistent search for truth through different literary expressions and experiences in her portfolio, "The Reincarnation Journals." In imagistic works, Anna explores the search for truth and beauty through depictions of human interaction and the interactions of the larger cosmos. When Anna's individual pieces are gathered, a larger meaning emerges. Entering her junior year at The Alamont School, Anna's main source of academic and social enrichment is the Duke Talent Identification Program, TIP. Although she has no concrete career goals yet, she is sure of one thing—she wants her life to be a meaningful reflection of her passions.

A 17-year-old young woman from Beaverton, OR, Anarghya Vardhana worked in the field of number theory to develop new starting values for the Lucas-Lehmer primality test. Her theorem/method, found in her portfolio entitled "Novel Method of Computing Jacobi Symbols for Mersenne Numbers," can directly contribute to the pharmaceutical, chemical, materials, financial and information technology industries. Her theory also has broad implications in cryptography, specifically enhancing encryption systems to protect against identity theft. A recent high school graduate, Anarghya will attend Stanford University in the fall, and is leaning towards a major in physics or biology combined with a math major or minor.

Xin—Cindy—Wang is a 17-year-old from Geneva, IL, and is a recent graduate of the Illinois Math and Science Academy. Displayed in her portfolio, "nm2608A, A New Naturally Arising Mouse Model for Human Autosomal Recessive Achromatopsia 2," is Xin's identification of a gene responsible for complete colorblindness in mice. Spanning genetics and ophthalmology, her results may one day be used to help people with achromatopsia 2, the most severe form of colorblindness, in which people can only see in shades of gray. I wish Xin much luck as she begins attending Harvard in the fall, where she will be working towards a major in a biology-related field and becoming a college professor.

At the age of 16, Steven Wu, of Folsom, CA, is contributing to the scientific world in a major way. Steven designed a computer simulation algorithm that produces superior results when compared with the current commercial software in terms of better simulation of ion movement due to more accurate electrical field data. Steven's project is entitled "Optimizing Quadruple Ion Trap Geometry by Computer Simulations." Advancements in ion trap geometry can improve all areas of laboratory science through mass spectrometry, as well as better monitoring of atmospheric pollutants and detecting hazardous chemical substances. Steven will be a senior at Mira Loma High School this fall. He plans to major in biomedical engineering/bioengineering, combining his interests in biochemistry and mathematics and eventually become a research physician/scientist.

As I said, these young men and women are more than deserving of the awards they have earned. Through hard work and determination, these individuals have already made changes in the fields of science, writing, and mathematics, which will no doubt improve the lives of the many others all over the world. As the President indicated in his State of the Union address, our country's future competitiveness in the global economy will depend on bright and promising young people. Learning about these 16 remarkable students makes me optimistic about our Nation's future. I thank the Davidson Institute for their efforts to encourage and nurture our future leaders in a variety of fields and I thank these young and talented scholars for all of their innovative contributions to society.

CRISIS OF DEMOCRACY IN THE MIDDLE EAST

Mr. LEAHY. Mr. President, I wish to share with the Senate an important analysis of the current crisis of democracy in the Middle East by one of Egypt's wisest and most courageous voices for democracy.

We all have an interest in supporting democracy. We also recognize that countries in the Middle East, including Muslim countries with which we have close relations, are confronting difficult and divisive social, religious, and political challenges. These challenges have no simple solutions. But we should be concerned with the support that the Bush administration, like many of its predecessors, gives to autocratic and corrupt regimes in this volatile part of the world. It has contributed to anger and disillusionment, particularly among Muslims, toward their own governments and toward the United States, and growing support for those who promote extremist political and religious agendas.

Saad Eddin Ibrahim is a respected Egyptian prodemocracy activist and sociologist. He founded the Ibn Khaldun Center for Development Studies at the American University of Cairo, one of the few independent research institutions in the Arab world. He has been wrongly imprisoned, and then acquitted, for his criticism of the Egyptian Government and for his relations with international organizations. Saad Ibrahim is a respected and principled advocate for human rights and democratic values, and he represents a voice of reason and tolerance in an increasingly polarized and antagonistic Muslim society.

His recent op-ed in the Washington Post should serve as a wake-up call for proponents of our current policies in support of repressive regimes around the world. He has had the courage to speak out against Muslim dictatorships, and he not only represents those who oppose authoritarianism but also those who oppose radical Islam and extremism.

All Senators should take the time to consider Saad Ibrahim's perspective, and I ask unanimous consent that his op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 23, 2006]

THE "NEW MIDDLE EAST" BUSH IS RESISTING

(By Saad Eddin Ibrahim)

President Bush and Secretary of State Condoleezza Rice may be quite right about a new Middle East being born. In fact, their policies in support of the actions of their closest regional ally, Israel, have helped midwife the newborn. But it will not be exactly the baby they have longed for. For one thing, it will be neither secular nor friendly to the United States. For another, it is going to be a rough birth.

What is happening in the broader Middle East and North Africa can be seen as a boomerang effect that has been playing out slowly since the horrific events of Sept. 11, 2001. In the immediate aftermath of those attacks, there was worldwide sympathy for the United States and support for its declared "war on terrorism," including the invasion of Afghanistan. Then the cynical exploitation of this universal goodwill by so-called neoconservatives to advance hegemonic designs was confirmed by the war in Iraq. The Bush administration's dishonest statements about "weapons of mass destruction" diminished whatever credibility the United States might have had as liberator, while disastrous mismanagement of Iraqi affairs after the invasion led to the squandering of a conventional military victory. The country slid into bloody sectarian violence, while official Washington stonewalled and refused to admit mistakes. No wonder the world has progressively turned against America.

Against this declining moral standing, President Bush made something of a comeback in the first year of his second term. He shifted his foreign policy rhetoric from a "war on terrorism" to a war of ideas and a struggle for liberty and democracy. Through much of 2005 it looked as if the Middle East might finally have its long-overdue spring of freedom. Lebanon forged a Cedar Revolution, triggered by the assassination of its popular former prime minister, Rafiq Hariri. Egypt held its first multi-candidate presidential election in 50 years. So did Palestine and Iraq, despite harsh conditions of occupation. Qatar and Bahrain in the Arabian Gulf continued their steady evolution into constitutional monarchies. Even Saudi Arabia held its first municipal elections.

But there was more. Hamas mobilized candidates and popular campaigns to win a plurality in Palestinian legislative elections and form a new government. Hezbollah in Lebanon and the Muslim Brotherhood in Egypt achieved similar electoral successes. And with these developments, a sudden chill fell over Washington and other Western capitals.

Instead of welcoming these particular elected officials into the newly emerging democratic fold, Washington began a cold war on Muslim democrats. Even the tepid pressure on autocratic allies of the United States to democratize in 2005 had all but disappeared by 2006. In fact, tottering Arab autocrats felt they had a new lease on life with the West conveniently cowed by an emerging Islamist political force.

Now the cold war on Islamists has escalated into a shooting war, first against Hamas in Gaza and then against Hezbollah in Lebanon. Israel is perceived in the region, rightly or wrongly, to be an agent acting on behalf of U.S. interests. Some will admit that there was provocation for Israel to strike at Hamas and Hezbollah following the abduction of three soldiers and attacks on military and civilian targets. But destroying Lebanon with an overkill approach born of a desire for vengeance cannot be morally tolerated or politically justified—and it will not work.

On July 30 Arab, Muslim and world outrage reached an unprecedented level with the Israeli bombing of a residential building in the Lebanese village of Qana, which killed dozens and wounded hundreds of civilians, most of them children. A similar massacre in Qana in 1996, which Arabs remember painfully well, proved to be the political undoing of then-Prime Minister Shimon Peres. It is too early to predict whether Prime Minister Ehud Olmert will survive Qana II and the recent war. But Hezbollah will survive, just as it has already outlasted five Israeli prime ministers and three American presidents.

Born in the thick of an earlier Israeli invasion, in 1982, Hezbollah is at once a resistance movement against foreign occupation, a social service provider for the needy of the rural south and the slum-dwellers of Beirut, and a model actor in Lebanese and Middle Eastern politics. Despite access to millions of dollars in resources from within and from regional allies Syria and Iran, its three successive leaders have projected an image of clean governance and a pious personal lifestyle.

In more than four weeks of fighting against the strongest military machine in the region, Hezbollah held its own and won the admiration of millions of Arabs and Muslims. People in the region have compared its steadfastness with the swift defeat of three large Arab armies in the Six-Day War of 1967. Hasan Nasrallah, its current leader, spoke several times to a wide regional audience through his own al-Manar network as well as the more popular al-Jazeera. Nasrallah has become a household name in my own country, Egypt.

According to the preliminary results of a recent public opinion survey of 1,700 Egyptians by the Cairo-based Ibn Khaldun Center, Hezbollah's action garnered 75 percent approval, and Nasrallah led a list of 30 regional public figures ranked by perceived importance. He appears on 82 percent of responses, followed by Iranian President Mahmoud Ahmadinejad (73 percent), Khaled Meshal of Hamas (60 percent), Osama bin Laden (52 percent) and Mohammed Mahdi Akef of Egypt's Muslim Brotherhood (45 percent).

The pattern here is clear, and it is Islamic. And among the few secular public figures who made it into the top 10 are Palestinian Marwan Barghouti (31 percent) and Egypt's Ayman Nour (29 percent), both of whom are prisoners of conscience in Israeli and Egyptian jails, respectively.

None of the current heads of Arab states made the list of the 10 most popular public figures. While subject to future fluctuations, these Egyptian findings suggest the direction in which the region is moving. The Arab people do not respect the ruling regimes, perceiving them to be autocratic, corrupt and inept. They are, at best, ambivalent about the fanatical Islamists of the bin Laden variety. More mainstream Islamists with broad support, developed civic dispositions and services to provide are the most likely actors in building a new Middle East. In fact, they are already doing so through the Justice and Development Party in Turkey, the similarly named PJD in Morocco, the Muslim Brotherhood in Egypt, Hamas in Palestine and, yes, Hezbollah in Lebanon.

These groups, parties and movements are not inimical to democracy. They have accepted electoral systems and practiced electoral politics, probably too well for Washington's taste. Whether we like it or not, these are the facts. The rest of the Western world must come to grips with the new reality, even if the U.S. president and his secretary of state continue to reject the new offspring of their own policies.

SRI LANKA

Mr. LEAHY. Mr. President, I wish to take a moment to discuss the situation in Sri Lanka, which not long ago was one of promise after a cease-fire agreement was signed in 2002 between the former government and the LTTE "Tamil Tigers." The cease-fire was never perfect, but for several years negotiations on a political settlement offered a ray of hope for an end to the conflict. After April 2006, however, there was escalating violence and an increasing pattern of violations of the cease-fire agreement by both sides.

On July 20, the LTTE closed a reservoir sluice gate in an LTTE-controlled area near the eastern town of Trincomalee, cutting the water supply to about 60,000 people in Government-controlled territory. In response, Sri Lankan Government forces conducted airstrikes over several days against LTTE positions in the area and on July 30 began a ground offensive to capture the reservoir's control point. This increase in violence contributed to the more than 800 deaths reported between January and August, including some in which large numbers of civilians were killed in flagrant violations of international law by both sides, and hundreds more combatants and civilians have died since then.

Politically motivated killings, the recruitment of child soldiers, indiscriminate raids on civilians, targeting of international aid workers, and torture in police custody are only some of the human rights abuses that have been recently committed as reported by Amnesty International and Human Rights Watch. Additionally, a looming humanitarian crisis exists as the number of Sri Lankans displaced within the country by fighting this year has passed the 200,000 mark, and an estimated 8,700 citizens have fled to India. Road, air, and sea links to the Tamil population in the north have been cut, and food, water, and fuel shortages are severe.

We should be deeply concerned with the collapse of the peace process and escalating violence in Sri Lanka. Although it is apparent that neither the Government nor the LTTE can defeat the other militarily, nor have they demonstrated the political will to stop the fighting and resolve this conflict peacefully. A report on September 13 that the Government and the LTTE have proposed new peace talks is welcome. But the Sri Lankan people have been disappointed countless times before. Several steps should be taken immediately, most importantly to prevent further harm to civilians who have suffered disproportionately.

It is critical that humanitarian aid be allowed to reach those who have been displaced, whether as a result of the conflict or the lingering effects of the December 2004 tsunami. Relief agencies need unimpeded access to the affected populations, and civilians should be allowed to leave contested areas.

The LTTE has been designated a terrorist organization by the U.S. Government on account of its wanton attacks against civilians and forced recruitment of children. These abusive tactics, which flagrantly violate international law, should be universally condemned.

There is also the issue of U.S. support to Sri Lankan Government security forces, who have been responsible for violations of human rights. The Department of State needs to be doubly sure that the Leahy amendment, which prohibits U.S. assistance to units of foreign security forces who violate human rights, is being strictly complied with.

In addition, we should reaffirm our support for the Sri Lanka Monitoring Mission, which reports on violations of the cease-fire by both sides. A stronger monitoring presence would deter abuses, provide systematic documentation of violations, and help to address the problem of impunity that has contributed to the recurrent cycles of violence and reprisal in Sri Lanka.

Sri Lanka is a divided country, but its people, whether Sinhalese, Tamil, or Muslim, are as gentle, industrious, and peace loving as any in the world. The Tamils have legitimate demands, but the LTTE's tactics are deplorable. The Government has been divided, and it has not been able to provide the sustained leadership necessary to reconcile the interests of the conflicting parties.

The chairs of the Tokyo Donors' Conference—Japan, the European Union, Norway, and the United States—need to find more effective ways to convince both sides to return to the bargaining table. There is no other way to end this conflict. The longer it takes to resume a process of good faith negotiations, the more responsibility the LTTE and the Government will bear for the needless deaths of innocent civilians.

REMEMBERING MUNIR SAID THALIB

Mr. LEAHY. Mr. President, today we remember the life and work of Munir Said Thalib, Indonesia's foremost human rights defender, who on September 7, 2004, was fatally poisoned while on an airplane flight to the Netherlands where he planned to continue his legal studies. This despicable crime, in which the Indonesian Intelligence Service has been implicated, had repercussions throughout Asia and around the world and has particularly serious implications for Indonesia.

Munir was an outstanding human rights advocate best known as a founder and director of the highly respected Commission for "Disappeared" Persons and Victims of Violence. He was working as the director of the Jakarta-based human rights group Imparsial before his murder. In 2000, Munir received the Right Livelihood Award "for his courage and dedication in fighting for human rights and the civilian control of the military in Indonesia."

Two years after his untimely and tragic death, the Indonesian Government has failed to properly investigate and prosecute those responsible. Despite the conviction of an airline pilot for his role in the murder, the police and Attorney General's office continue to ignore the evidence and recommendations of a Presidential fact-finding team that has implicated senior Indonesian intelligence officers and airline officials in the crime. President Yudhoyono has rightly described this matter as a test case for whether Indonesia has changed from its authoritarian past. At this point, it appears that a culture of impunity remains deeply embedded in Indonesian society.

The fiscal year 2007 State, Foreign Operations appropriations bill that was reported by the Appropriations Committee on July 10, 2006, includes my amendment which requires a report on progress on human rights in Indonesia, including the investigation of the murder of Munir Said Thaib. If the Indonesia Government aspires to be seen as one that respects human rights and the rule of law, which is fundamental to any democracy, it is essential that whoever was responsible for ordering and carrying out this heinous crime be identified and brought to justice.

REMEMBERING ANN RICHARDS

Mr. DODD. Mr. President, I rise today to honor Governor Ann Richards, who died last week at the age of 73.

Humor is one of the chief democratic virtues. A good joke can wipe out differences of rank, bring down the self-exalted, and join audience and speaker in a common bond. A sense of humor is an especially priceless quality in a political leader because it exposes the pretensions that always seem to accumulate around the state, and it reminds us that we are still a people's government.

Governor Richards is being remembered this week as an innovative leader, a pioneer for women, and, I might add, one tough cookie. But we should also take a moment, on the occasion of her sad death, to remember something else we have lost—her wonderful sense of humor. And if we could take a positive thing from her passing, it might be that we have had the opportunity to remind ourselves of all the many times she made us laugh. We all remember Ann's remark that "Ginger Rogers did everything Fred Astaire did—she just did it backwards and in high heels." And we all treasured her earthiness—for instance, when she allowed that she regretted her 1994 election defeat "Oh, for about five seconds."

Of course, there have always been people who have found a sense of humor threatening, especially when it is in their idea of the wrong hands. As Texas columnist Molly Ivins said of the Governor, "I mean, with Ann it was a real problem. . . . They just did not know what to make of her. . . . If they realize that a woman can be funny, I think men are afraid that tone can be used against them. And they don't like it."

The truth is that Ann Richards—the first woman to be elected Governor of Texas in her own right—had to fight against bias her whole political life. At every stage, she was more than a match. In the early 1960s, Ann was forced to help found the North Texas Democratic Women "basically to allow us to have something substantive to do." And asked at the end of her long career why she had entered politics, Ann replied: "I did not want my tombstone to read, 'She kept a really clean house.'" Instead of accepting others' ideas of what was best for her, Governor Richards opened her own path—and everyone who follows her, in Texas and in every other State, owes her thanks.

But there is another danger to humor. As she wrote in her 1989 autobiography, "I was always worried because there is a general feeling that if you're funny you're not serious." That pressure is particularly acute for a politician. But Ann taught us all that laughter draws on great honesty and insight—that depth and humor can exist in the same spirit. "Humor is a powerful tool," she continued. "It clears the air. Once you laugh, your mind is opened and then you are able to hear the other things that are being said to you."

Governor Richards showed her depth in 4 years of successful policies in Texas. She presided over the dramatic growth of her State's economy, and her audits on the State bureaucracy saved taxpayers $6 billion. She reformed Texas's prison system, pursued a truly egalitarian policy for education funding, and saw a dramatic increase in student achievement scores on her watch. And through all of her success, Governor Richards never forgot the prejudice she had faced—and so she worked tirelessly to include members of marginalized groups in the people's work. Ann Richards appointed more women and minorities than any of her predecessors. She was responsible for the first crime victim on the State Criminal Justice Board, the first disabled member of the human services board, the first teacher to chair the State board of education, the first Black regent at the University of Texas, and the first Black and female officers in the elite Texas Rangers.

And while many ex-politicians have a habit of fading into the sunset, Ann remained a dynamo. She worked in international law, taught at Texas and Brandeis, continued to write, and campaigned for members of her party across the country, right to the end—in fact, I am sure many of us in this Chamber owe Ann thanks for her help on the stump. What Ann accomplished after leaving the Governor's mansion could have been a full career for someone less ambitious or full of life. And her 2004 book had an exceedingly apt title—"I'm Not Slowing Down," a phrase that embodied the energy and Texas doggedness we loved in her.

It took cancer to stop Ann Richards. And though she has gone, we will remember her as one of the great political characters of the 20th century. We will miss her boldness and her silver tongue. But we will remember what she taught us over a five-decade life in politics: Jokes don't just make us laugh. They force us to see more clearly and sympathize more fully; and they bring us a little closer to the state of equality that is the whole reason our Nation is.

Mrs. CLINTON. Mr. President, I rise today to pay tribute to former Governor of Texas Ann Richards. She was a role model, an inspiration, and an abiding friend to me and to my husband. On Wednesday, she passed away in her home, surrounded by loved ones. I will truly miss her warm friendship, her guidance, and her inimitable sense of humor.

Ann Richards blazed a trail for women everywhere, and she did so without ever losing her spirit, grace, optimism, charm, and sense that we can all build a better world.

She was wonderful about giving guidance. She always made sure to take the time to give advice to new women candidates. When I was considering a run for the Senate, she told me that it would be hard, it would be tough, but if you want to make a difference, then you need to put yourself out there. And she was right.

She was born in 1933 in Lakeview, TX, to Ona and Cecil Willis. The family moved into Waco so that she could attend Waco High School. She taught public school at Fulmore Junior High School in Austin, and she often said it was the hardest job she ever held. In 1982 she was elected State treasurer in Texas, making her the first woman elected statewide in almost 50 years. And she won an uphill battle to become the first woman in Texas history to win the race for Governor in her own right.

She often spoke about being motivated to enter politics in order to help others, particularly the women and minorities who traditionally had been shut out of positions of power. She once said, "I did not want my tombstone to read, 'She kept a really clean house.' I think I'd like them to remember me by saying, 'She opened government to everyone.'"

As Governor, she made it a priority to open positions of power to women and minorities and to advocate for what she called the "New Texas," a place where her daughters would never feel that they were held back because of their gender. Under her leadership, Texas student achievement scores rose and dropout rates fell. As Governor, she grew the economy, created an ethics commission, pursued insurance reform, established rehabilitation programs for prison inmates, and fought crime. And she even found the time to earn a motorcycle driver's license on the occasion of her 60th birthday.

Even after she left office, she never stopped working on new ways to encourage women to get involved. One of her last projects, the creation of the Ann Richards School for Young Woman Leaders, is slated to open in Austin in 2007. It will be a tribute to her legacy to see the remarkable new generation of leaders the school will nurture.

Today, her loving children Cecile, Daniel, Clark and Ellen, and her eight grandchildren, are testament in themselves to Ann's generosity of spirit and enduring influence.

Ann Richards had an ability to draw people to her with her warmth and good humor, and her sharp wit and homespun wisdom was legendary. She was never afraid to stick up for what she believed in. She will truly be missed.

ADDITIONAL STATEMENTS

HONORING JEAN SMITH

• Mr. THUNE. Mr. President, today I honor Jean Smith of Tiospaye Topa School in Howes, SD. Jean was named the 2006 Teacher of the Year by the National Indian School Board Association.

As the computer teacher and technology coordinator at Tiospaye Topa School, Jean has played an integral and unique role in furthering the education of South Dakota's students. Her initiative, expertise, and kind heart has created an exceptional learning environment at Tiospaye Topa School. Her selfless dedication to educating students for almost 20 years is truly commendable. I am proud to have such a fine teacher influencing our State's future leaders.

Jean is a graduate of the University of South Dakota. She resides in rural Gettysburg with her husband, Frank, and children, Lindsay and Kyle. Today I rise with Jean Smith's friends, family, and colleagues in honoring her selfless dedication and service to South Dakota's students.•

RECOGNIZING REVEREND STAN GRUNEICH

• Mr. THUNE. Mr. President, today I recognize the appointment of Reverend Stan Gruneich of Flandreau, SD, to the post of National Chaplain for the American Legion. I would like to take this opportunity to thank Reverend Gruneich for his years of service and congratulate him on his promotion to this prestigious post.

Reverend Gruneich was choosen as the National Chaplain after years of serving as Department Chaplain for the American Legion Department of South Dakota. He has graciously provided guidance and leadership to America's veterans and their families throughout his tenure, and will now continue to do so at the national level.

It gives me great pleasure to commemorate Reverend Stan Gruneich on this special occasion and to wish him continued success in the years to come.•

RAPID CITY WEED AND SEED

• Mr. JOHNSON. Mr. President, today I wish to recognize the hard work and amazing results of the Weed and Seed organization of Rapid City, SD.

The Rapid City group will cease operations later this month after nearly a decade of tireless efforts to rehabilitate a significant portion of the residential and business area in the community.

In partnership with organizations that included the Rapid City Police Department, the Center for Restorative Justice, Volunteers of America, the Project Safe Neighborhood/Gunwise Program and Good Housekeeping, dozens of individuals came together to address neighborhood crime, abuse, housing and aesthetic issues.

Primarily focused on the East North and East Boulevard neighborhoods, the Rapid City Weed and Seed organization worked with the Rapid City Police Department on a zero tolerance policy with an aggressive police presence in areas that were beset with crime, homelessness and urban blight issues.

The group worked with Rapid City leaders to aggressively enforce city codes involving housing. Vacated and rundown homes and businesses were torn down and replaced with new and thriving businesses and new homes. Other businesses, homes and apartment complexes were expanded and renovated during this time frame. Efforts to revitalize Roosevelt Park resulted in the construction of a new ice arena and indoor swimming pool, as part of the city's 2012 economic development program. A business association was formed to bring together local business owners to discuss relevant issues of importance. The Weed and Seed organization also developed an "Adopt a Creek" program with 23 sections of Rapid Creek adopted by local companies, organizations and families. The first major cleanup of Rapid Creek since the tragic 1972 flood resulted in the collection of 18 tons of trash, including debris from the 1972 flood event.

Four townhall meetings were conducted with local residents and annual picnics were sponsored to develop a sense of camaraderie and connection between neighbors.

As a result of these efforts, the East North and East Boulevard areas have once again become a source of pride for the community. This sense of pride is now reflected in the residents and businesses located in the area. These results are due in large part to the collective work of the Rapid City Weed and Seed organization and the partnerships that were developed with city officials, law enforcement agencies and the local businesses.

Funded through a 5-year Weed and Seed grant of $1.025 million, the local organization will cease operations later this month. I wish to recognize the vision and hard-working efforts of the dozens of Rapid City citizens and officials who have provided tireless efforts to rehabilitate and renovate a key part of the community.

I wish to recognize the help of executive director Patricia Pummel and board members Wayne Asscherick, Phyllis Boernke, Dave Bussard, Jim Castleberry, Patrick Clinch, Cynthia Clinch, Linda M. Colhoff, Richard Cooper, Lt. Ray Cornford, Darcy Dennison, Lee Dennison, Ken Edel, Fred Eisenbraun, Lawren Erickson, Dan Island, Adeline Kalmbeck, Jim Kinyon, Craig Kirsch, Eileen Leir, Burt Long, Carol Long, State legislator Alice McCoy, Jim McCoy, Dave Morgan, Lou Morgan, Sharon Oney, Kenneth Palmer, Gloria Pluimer, Alys Ratigan, Kerri Severson, Mickey Snook, Roberta Stevens, Betty Strobel, Raymond Summers, Patricia Trumble, William Trumble, Holli Vanderbeek, Jerry Walenta, Lt. David Walton, Les Wermers, Dexter Wittman, Rapid City Mayor Jim Shaw, former mayor Jerry Munson and Connie Ewing.

Thanks to the efforts of these individuals, other concerned and committed citizens, and officials in Rapid City, the East North and East Boulevard areas of Rapid City have been effectively rehabilitated. The efforts of this organization may serve as a model for other Weed and Seed organizations in the country. Although ceasing operations, the vision and tireless efforts of individuals in the Rapid City Weed and Seed organization will be maintained. I wish to commend the energetic and innovative work of the Rapid City Weed and Seed organization and the individuals involved in their great work over the past several years.●

TRIBUTE TO DR. ESTELLE R. RAMEY

● Mrs. CLINTON. Mr. President, on September 8, our Nation lost a great American and my husband and I lost a wonderful friend of over 20 years. Dr. Estelle R. Ramey was a respected endocrinologist, physiologist, and feminist. She was a woman of great wit and wisdom who fought gender discrimination in the scientific professions and in the conduct of medical research. Dr. Ramey died of Alzheimer's disease at the age of 89.

Estelle Rubin Ramey was born in Detroit and raised in New York City. Her mother, a wise but impoverished and illiterate immigrant, insisted that her daughter be educated. At the age of 15 in the midst of the Great Depression, Dr. Ramey was able to attend Brooklyn College for the price of a library card. Ignoring the gender restrictions of his time, one of her professors made it possible for Estelle to have the opportunity to teach chemistry at the new Queens College while working for her master's in chemistry at Columbia. While at Columbia she met her husband, James Ramey, who was a student at the law school. Their love affair lasted for over 65 years. Estelle, with her trademark wit and self-deprecation, would attribute their successful marriage to never once having had a meaningful conversation.

Dr. Ramey earned her doctorate in physiology and biophysics at the University of Chicago and upon returning to Washington, she became a faculty member at Georgetown Medical School where she taught for over 35 years. Her decades of research in endocrinology brought her accolades and recognition in the world of medicine, while her ability to express the cause for gender equity with honesty and a rapier wit made her a popular speaker, and eminently quotable. However, as it was stated so well in her September 10 obituary in the Washington Post, "Her wit was rooted in statistics, scientific research and personal experience with discrimination." In 1971, she was a founder and second president of the Association for Women in Science, an organization dedicated to achieving equity and full participation for women in science, mathematics, engineering and technology.

Estelle was known to all of us who loved her as Stelle, and at Georgetown Medical School as "La Belle Estelle." These endearing nicknames are a testament to her boundless humanity. She and her husband Jim felt very strongly about how little, if anything, it took to extend a helping hand to someone else. She wrote in a book entitled "Letters to our Grandchildren": "If I could leave you with any advice, it would be to speak words of caring not only to those closest to you, to all the hungry ears you encounter on your journey through a cold world. Stop on the mountain climb to bring along all those less lucky, less agile or well endowed. It will make the view even more beautiful when you get to the top. For my own epitaph, I ask that it be: 'I loved and was loved and all the rest was background music.'"

Dr. Ramey leaves her husband Jim and two children: attorney Drucilla Stender Ramey of New York and James Ramey of Bethesda, MD, a physician. Estelle Ramey will be missed greatly by those of us who had the benefit of her warmth and friendship, and she will be remembered for her dedication to her family, to science and her profession, and to all women.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations including withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 18, 2006, she had presented to the President of the United States the following enrolled bills:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8308. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the Department's initiation of a standard competition of the 57th Maintenance Group; to the Committee on Armed Services.

EC–8309. A communication from the Chief of the Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Government Securities Act Regulations: Applicability to Over-the-Counter Derivatives Dealers" (RIN1505–AB70) received on September 11, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8310. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA–146–FOR) received on September 15, 2006; to the Committee on Energy and Natural Resources.

EC–8311. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY–250–FOR) received on September 15, 2006; to the Committee on Energy and Natural Resources.

EC–8312. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Colorado Regulatory Program" (CO–031–FOR) received on September 13, 2006; to the Committee on Energy and Natural Resources.

EC–8313. A communication from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to the CALFED Levee Stability Program; to the Committee on Environment and Public Works.

EC–8314. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alabama: Final Authorization of State Hazardous Waste Management Program Revision" (FRL 8219–5) received on September 14, 2006; to the Committee on Environment and Public Works.

EC–8315. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Huntington, West Virginia Portion of the Huntington-Ashland 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan" (FRL 8219–9) received on September 14, 2006; to the Committee on Environment and Public Works.

EC–8316. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Vermont; Negative Declaration" (FRL 8219–2) received on September 14, 2006; to the Committee on Environment and Public Works.

EC–8317. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerance" (FRL 8085–1) received on September 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8318. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Endosulfan, Fenarimol, Imazalil, Oryzalin, Sodium Acifluorfen, Trifluralin, and Ziram; Tolerance Actions" (FRL 8077–9) received on September 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8319. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the USTR's fiscal year 2006 Performance Plan and its fiscal year 2004 Annual Performance Report; to the Committee on Finance.

EC–8320. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible for Calendar Year 2007" (RIN0938–A023) received on September 15, 2006; to the Committee on Finance.

EC–8321. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Part A Premiums for Calendar Year 2007 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938–A018) received on September 15, 2006; to the Committee on Finance.

EC–8322. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2007" ((RIN0938–A019) (CMS–8029–N)) received on September 15, 2006; to the Committee on Finance.

EC–8323. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave; Creditable Service" (RIN3206–AK80) received on September 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8324. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Temporary Assignments Under the Intergovernmental Personnel Act (IPA)" (RIN3206–AJ94) received on September 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8325. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Examining System" (RIN3206–AK85) received on September 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8326. A communication from the Deputy Assistant Secretary, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Equal Opportunity Survey" (RIN1215–AB53) received on September 13, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8327. A communication from the Chairman, the Labor Member, and the Management Member of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–8328. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft bill entitled "Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act Amendments of 2006"; to the Committee on Indian Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3907. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 3908. A bill to amend the Internal Revenue Code of 1986 to provide a credit for fuel-efficient motor vehicles and to require major integrated oil companies to amortize intangible drilling and development costs; to the Committee on Finance.

By Mrs. CLINTON:

S. 3909. A bill to amend the foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 911

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1174

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1174, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from South Dakota (Mr. JOHNSON), the Senator from Missouri (Mr. BOND), the Senator from Colorado (Mr. SALAZAR), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 3035

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3035, a bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes.

S. 3508

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3508, a bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes.

S. 3651

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3651, a bill to reduce child marriage, and for other purposes.

S. 3655

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3655, a bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts.

S. 3737

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3737, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Route National Historic Trail.

S. 3744

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3800

At the request of Mr. HAGEL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3800, a bill to amend the Foreign Assistance Act of 1961 to require recipients of United States foreign assistance to certify that the assistance will not be used to intentionally traffic in goods or services that contain counterfeit marks or for other purposes that promote the improper use of intellectual property, and for other purposes.

S. 3837

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 3880

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. CON. RES. 116

At the request of Mr. DODD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 116, a concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3907. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, above-average rainfall in New Mexico this summer has led many to turn a blind eye to the grim water situation faced by our State only 2 months ago. New Mexico was fast approaching a disaster due to drought. Many of our municipalities' wells were running dry and reservoirs were at dangerously low levels. Providence intervened; narrowly averting a crisis resulting from water scarcity.

The development of the centrifugal pump was an event of great significance in the history of the West. Windmill driven pumps provided enough water for a family and several livestock. The centrifugal pump, on the other hand, was capable of pumping 800 gallons of water a minute, making possible the habitation of what was previously barren desert. To a large extent, this invention provided the water for growing towns and agricultural industry. However, it also resulted in a great dependence on groundwater. As such, we need to fully understand the nature and extent of our groundwater resources. This bill will provide us with the information necessary to ensure that the water on which we have come to rely is available for years to come.

During times of drought, when surface water is scarce, we must be able to reliably turn to groundwater reserves. Approximately 90 percent of New Mexicans depend on groundwater for drinking water and 77 percent of New Mexicans obtain water exclusively from groundwater sources. While groundwater supplies throughout the State are coming under increasing competition, not enough is known about these resources in order to make sound decisions regarding their use.

Nearly 40 percent of the State's population resides in the Middle Rio Grande Basin. Once thought to contain vast quantities of water, we are now faced with the reality the Middle Rio Grande Basin contains far less water than originally thought. Between 1995 and 2001, the United States Geological Survey undertook a study of the basin which added greatly to our knowledge regarding the primary source of water for our largest population center. Had we proceeded with our water planning without the information provided by this study, I have little doubt that we would ultimately find ourselves in a dire situation. However, there is much more to be learned about this basin.

Roughly 65 percent of the State's population lives along the Rio Grande. Also located along the river are the four largest cities in New Mexico: Santa Fe, Albuquerque, Rio Rancho and Las Cruces. While the completion of the San Juan-Chama Diversion by the Albuquerque Bernalillo County Water Utility Authority will allow the county of Bernalillo and city of Albuquerque to take advantage of their allocation of San Juan-Chama water, the remainder of the cities and counties located along the Rio Grande will continue to receive the majority of their water from aquifers beneath the Rio Grande. Aside from the Middle Rio Grande Basin, we have limited knowledge of the amount of water contained in the aquifers below the Rio Grande, the rate at which they recharge, aquifer contamination, and the interaction between surface flows and ground water.

Elsewhere in the State, even less is understood regarding groundwater resources. While there is limited unallocated surface water in the State, there are significant quantities of untapped underground water in the Tularosa and Salt Basins. The Tularosa Basin is approximately 60 miles wide and 200 miles long. Making the conservative estimate that 10 percent of the water contained in that aquifer is available for use through desalination, it would provide 100 years of water for a city the size of Albuquerque. With the development of desalination technology, I anticipate that even a greater amount of the brackish water contained in the Tularosa Basin will be available for human use.

Another untapped water supply is the Salt Basin located in southern New Mexico. The basin lies in a geologically complex area and our understanding of the total resource is incomplete. However, initial estimates predict sustainable withdrawals on the order of 100,000 acre-feet per year of potable water from the New Mexico portion of the aquifer. This is enough water to support a city the size of our largest municipal area. Additional brackish resources in that basin are highly likely. Because the basin is located near expanding metropolitan areas near the U.S.-Mexico Border, it is a resource of critical importance.

The bill I introduce today would direct the United States Geological Survey, in collaboration with the State of New Mexico, to undertake a groundwater resources study in the State of New Mexico. A comprehensive study of the State's water resources is critical to effective water planning. Absent such a study, I fear that there is a significant likelihood that we may be depleting aquifers at an unsustainable rate.

I thank Senator BINGAMAN for being an original co-sponsor of this legislation. I also thank Representative HEATHER WILSON for introducing companion legislation in the House of Representatives and I look forward to working with them to ensure the bill's passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Aquifer Assessment Act of 2006".

SEC. 2. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this Act as the "Secretary"), in coordination with the State of New Mexico (referred to in this Act as the "State") and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this Act and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 3908. A bill to amend the Internal Revenue Code of 1986 to provide a credit for fuel-efficient motor vehicles and to require major integrated oil companies to amortize intangible drilling and development costs; to the Committee on Finance.

Mr. WYDEN. Mr. President, after years and years of congressional gridlock on the issue of automobile efficiency, I and Senator BENNETT of Utah are today bringing to the Senate legislation that is market oriented, bipartisan, and a bill that we believe will bring millions and millions of fuel-efficient automobiles, cars, and trucks to the streets of our country.

We put our Nation on the road to energy independence by rewarding drivers who buy more fuel-efficient cars, trucks, and SUVs. These rewards, under the legislation I have drafted with the distinguished Senator from Utah, Mr. BENNETT, are available on a sliding scale. The more fuel-efficient the vehicle, the greater the reward that the consumer would receive.

We also put the brakes on a needless subsidy to the major oil companies and use the savings that are derived from stopping that windfall to reward consumers in their wallets for helping to end our country's oil dependence. To his credit, the President of the United States has said: You don't need these incentives when oil is over $55 a barrel, as it is today.

I asked the CEOs when the major oil companies came before a joint hearing—I see the distinguished Senator from Alaska in the chair. He will recall at our hearing, the joint Commerce and Energy hearing that was held. I asked the oil company executives of the major companies whether they needed the various tax breaks that were currently offered, and to a person, they said they did not.

I see my good friend from Utah, and I thank him for his efforts to make this legislation bipartisan. What I will do, now that the Senator from Utah has arrived, is briefly describe how our bipartisan legislation works and why we think this will be a major transformation in terms of the cars, trucks, and SUVs on the roads of our country.

Under our bipartisan, market-oriented bill, consumers who buy vehicles that are at least 25 percent more fuel efficient than the applicable standards, called CAFE, would get a rebate of at least $630 and as much as $1,860 for the most fuel-efficient cars. We have separate standards for cars and trucks so the consumers can choose the type of vehicle they want and still get the rebate or the credit as long as they choose a fuel-efficient model.

In the past, the automobile industry has said that fuel economy standards are hard to achieve because car buyers place little value on fuel economy. The new program created by our bill directly addresses that concern by providing rebates to consumers for purchasing fuel-efficient vehicles.

Many in the automobile industry have also said that car buyers don't fully appreciate the value of lifetime fuel savings at the time of purchase. I and Senator BENNETT believe this will change that by providing the rebates or the credits through focusing consumer attention on fuel efficiency at the time of purchase.

It will be possible for consumers at the time of purchase to see the type of notice I am holding as a sticker on the window of the automobile. So right at the time of purchase, because of this sticker—I am holding a copy of it—it will be possible for purchasers to see the real value of fuel-efficient purchases in the automotive sector.

For vehicles that qualify, the rebate or credit amount would be printed on the window sticker, as I have described, and the consumer could claim the rebate as a tax credit on his or her tax return. Alternatively, I and Senator BENNETT conceived that the rebate could be transferred to automobile dealers, allowing dealers to provide the rebates to consumers as cash back at the time of purchase.

In our view, the legislation also builds on the incentives that were provided in the Energy bill specifically for hybrid gasoline/electric-powered cars. We believe the approach that we are advocating will be especially popular because it is simpler and fairer. For example, unlike the hybrid credit that is in the energy bill, there is no phaseout of the incentives we propose, based on when a hybrid carmaker sells its

60,000th car. Because our legislation eliminates the truly complicated phaseout of the credit that now exists, it is our view that consumers will not be confused as they are today about when they can get a credit and how much it will be. Also, unlike the approach taken in the energy legislation, our bipartisan bill does not pick winners and losers among competitive technology. It takes a technology-neutral approach that allows any vehicle that has superior fuel efficiency to qualify for a rebate, whether it uses hybrid or conventional technologies.

I also want to emphasize why I think it is important that we take bolder action to jumpstart the markets for fuel-efficient vehicles. As I mentioned, there is a phaseout for the incentives today based on when a hybrid carmaker sells its 60,000th car. We have tried to get our arms around exactly how many of these alternative-fuel vehicles are going to be purchased this year. Many estimates seem to be just a bit over 100,000. But compare those 100,000 hybrids to the 1.8 million vehicles that could be purchased with the kind of incentives that I and Senator BENNETT are proposing. We are significantly increasing, through a marketplace approach, the chance to multiply many times over the number of fuel-efficient vehicles on the streets of our country. The distinguished Senator from Alaska who is in the chair has sat in on many of the debates with me on the Energy Committee where we have heard views expressed about what could be done through a regulatory approach. Those approaches have been fought to gridlock on the floor of the Senate.

What I and Senator BENNETT want to do is something very different. We want to use a marketplace approach to significantly jumpstart the market for these fuel-efficient vehicles over the next 5 years. Compare 100,000 hybrid vehicles that are likely to be purchased this year to the 1.8 million vehicles that could be purchased for each of the next 5 years under the legislation we are advocating and we get a sense of the difference in approach and why we think ours is very much needed and can make a break with the policies that have produced gridlock on the floor of the Senate.

Finally, I would wrap up by saying that the legislation I and Senator BENNETT are proposing is fully paid for. According to the Joint Committee on Taxation, our bill saves $6.8 billion by limiting just one of the tax breaks that the major oil companies have said they no longer need. It is known as the expensing of intangible drilling costs, which includes land acquisition costs, development costs, and the costs of leasing equipment. The Congressional Research Service has called this special break economically inefficient. I looked very carefully at it after the hearing attended by myself and the distinguished Senator from Alaska and others, when I asked the major oil executives if they needed all of the tax breaks that were currently allowed under the code. They said they did not. The President, to his credit, said the major oil companies do not need tax breaks when the price of oil is over $55 a barrel.

So according to the analysis done by the Joint Committee on Taxation, the savings derived by limiting one tax break for major oil companies more than covers the $1.3 billion-per-year cost of the marketplace-oriented rebate and credit program.

To finally sum up, I believe our legislation—we call it OILSAVE—is a winner for consumers, a winner for energy security, and a winner for taxpayers. It is a win for the consumer because it helps our Nation's energy security by the purchase of what could be millions of fuel-efficient cars and trucks and SUVs. It helps us kick our Nation's oil dependence by stimulating the purchase of a number of greener vehicles at home and by limiting a tax break the Congressional Research Service calls economically inefficient. Finally, it is a win for our taxpayers because after the major oil company executives said that they didn't need this break, and the President indicated that with oil at these prices you didn't need incentives, it is possible for us now to jumpstart the marketplace for these vehicles without any additional costs to the taxpayers.

So I hope my colleagues will reflect on the difference between this discussion and the ones we have had previously on the floor of the Senate. The decibel level got pretty high during those past debates. When Senator BENNETT and I launched our discussion, it was a different kind of discussion. It was a discussion about how we can find common ground in the Senate, how we can be significantly bolder in the area of automobile efficiency. We have zeroed in on this area, an area I know has been of interest to the Presiding Officer over the years, because automobile efficiency is the ball game as it relates to the issue of energy security. That is where our oil is going.

So I hope our colleagues will be interested in the legislation that we are bringing to the Senate today. The OILSAVE legislation is a departure from the polarized debates we have had in this body.

I want to say, wrapping up, that I don't think I could have a better partner for this particular effort than the distinguished Senator from Utah. He is the chair, as our colleagues know, of the Joint Economic Committee. He has been interested in energy legislation as a member of the Republican leadership for quite some time. I would note that today is his birthday, and he has decided to use this special day, when his family is clamoring for his time, to be part of this bipartisan effort with me. I am very grateful for his involvement in this task, and I would like to yield the floor, if I might.

I also see our distinguished friend from West Virginia here, and if it is acceptable, perhaps Senator BENNETT could wrap up for our legislation, and then I know the entire Senate wishes to here the remarks of the distinguished senior Senator from West Virginia.

I ask unanimous consent that the text of the OILSAVE bill introduced today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Independence, Limiting Subsidies, and Accelerating Vehicle Efficiency (OILSAVE) Act".

SEC. 2. TAX CREDIT FOR FUEL-EFFICIENT MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by inserting after section 30C the following new section:

"SEC. 30D. FUEL-EFFICIENT MOTOR VEHICLE CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

"(b) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term 'new qualified fuel-efficient motor vehicle' means a motor vehicle (as defined under section 30(c)(2))—

"(1) which is a passenger automobile or a light truck,

"(2) which—

"(A) in the case of a passenger automobile, achieves a fuel economy of not less than 34.5 miles per gallon, and

"(B) in the case of a light truck, achieves a fuel economy of not less than 27.5 miles per gallon,

"(3) the original use of which commences with the taxpayer,

"(4) which is acquired for use or lease by the taxpayer and not for resale, and

"(5) which is made by a manufacturer for model year 2007, 2008, 2009, 2010, or 2011.

"(c) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined as follows:

"If the motor vehicle achieves a fuel economy of:	In the case of a passenger automobile, the applicable amount is:	In the case of a light truck, the applicable amount is:
27.5 miles per gallon ..	$0	$630
28.5	0	710
29.5	0	780
30.5	0	850

"If the motor vehicle achieves a fuel economy of:	In the case of a passenger automobile, the applicable amount is:	In the case of a light truck, the applicable amount is:
31.5	0	920
32.5	0	980
33.5	0	1,040
34.5	630	1.090
35.5	700	1,140
36.5	760	1,190
37.5	820	1.240
38.5	880	1,280
39.5	940	1,320
40.5	990	1,360
41.5	1,040	1,400
42.5	1,090	1.430
43.5	1.140	1,470
44.5	1,180	1,500
45.5	1,220	1,530
46.5	1,260	1,560
47.5	1,300	1,590
48.5	1,340	1,620
49.5	1,370	1,640
50.5	1,410	1,670
51.5	1,440	1,690
52.5	1,470	1,720
53.5	1,500	1.740
54.5	1,530	1,760
55.5	1,560	1,780
56.5	1,590	1,800
57.5	1.610	1.820
58.5	1.640	1.840
59.5 or more	1,660	1,860

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FUEL ECONOMY.—The term 'fuel economy' has the meaning given such term under section 32901(a)(10) of title 49, United States Code.

"(2) MODEL YEAR.—The term 'model year' has the meaning given such term under section 32901(a)(14) of such title.

"(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meaning given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act.

"(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

"(5) NO DOUBLE BENEFIT.—

"(A) COORDINATION WITH OTHER VEHICLE CREDITS.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle for such taxable year under section 30 or 30B.

"(B) OTHER TAX BENEFITS.—The amount of any deduction or credit (other than the credit allowable under this section and any credit described in subparagraph (A)) allowable under this chapter with respect to any new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such motor vehicle for such taxable year.

"(6) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(7) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

"(8) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(e) CREDIT MAY BE TRANSFERRED.—

"(1) IN GENERAL.—A taxpayer may, in connection with the purchase of a new qualified fuel-efficient motor vehicle, transfer any credit allowable under subsection (a) to any person who is in the trade or business of selling new qualified fuel-efficient motor vehicles, but only if such person clearly discloses to such taxpayer, through the use of a window sticker attached to the new qualified fuel-efficient vehicle—

"(A) the amount of any credit allowable under subsection (a) with respect to such vehicle, and

"(B) a notification that the taxpayer will not be eligible for any credit under section 30 or 30B with respect to such vehicle unless the taxpayer elects not to have this section apply with respect to such vehicle.

"(2) CONSENT REQUIRED FOR REVOCATION.—Any transfer under paragraph (1) may be revoked only with the consent of the Secretary.

"(3) REGULATIONS.—The Secretary may prescribe such regulations as necessary to ensure that any credit described in paragraph (1) is claimed once and not retransferred by a transferee.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(d)(4).".

(2) Section 6501(m) of such Code is amended by inserting "30D(d)(7)," after "30C(e)(5),".

(3) The table of section for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Fuel-efficient motor vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3. AMORTIZATION OF INTANGIBLE DRILLING AND DEVELOPMENT COSTS FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subsection (i) of section 263 of the Internal Revenue Code of 1986 is amended—

(1) by striking "INCURRED OUTSIDE THE UNITED STATES" in the heading,

(2) by inserting "or owned or operated by a major integrated oil company (as defined in section 167(h)(5)(B))" after "United States", and

(3) by inserting "located outside the United States" after "nonproductive well" in the last sentence thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

Mr. BENNETT. Mr. President, I thank my friend from Oregon for his overly kind remarks. I have enjoyed working with him on this particular project. It is very clear he has the initiative on this legislation, but I am happy to respond to his initiative and lend what assistance I possibly can.

I want to make just a few additional comments about the presentation he has made. I have always been very nervous about CAFE standards. For those who are watching and don't know what CAFE standards mean, it has nothing to do with lunch, but it comes from the acronym CAFE, or corporate aggregate fleet emissions, having to do with automobiles.

I have always thought that whenever government gets in the way of the market, government tends to make mistakes with the market. I think we can look back over the years of the CAFE standards, and in an effort to get lower emissions and more efficiency out of our automobiles, we have had a situation where manufacturers have had to make cars people don't want to buy, just to make the CAFE standard requirements. I am always nervous about that. That is one of the reasons I have been hesitant to support CAFE standards.

Here is a solution that will create incentives for people to buy lower emission automobiles, or more efficient automobiles, without dictating what those automobiles will be and without dictating a Federal target. It simply says: If you buy a car that gets higher mileage than the CAFE standard average, to a certain extent, as the Senator from Oregon has explained, the Federal Government will give you a rebate. Now, it is a tax rebate. It is a tax credit. So that is cash in your pocket if you pay income taxes, and 50 percent of American wage earners do not pay income taxes. This is one of the things we have to understand. The income tax is so constructed that it applies only to the top 50 percent of Americans, and the majority is paid by the top 5 percent of Americans.

So you can say: Well, the tax credit isn't really fair because only the people at the top get to take advantage of it. So in the bill that the Senator from Oregon has crafted and what I am cosponsoring, a car buyer can say: Instead of the tax credit, once the whole deal has been made, the price negotiated, I want my $630 or my $1,000 or my $1,800 or whatever it might be on the deal to go against my responsibility for a downpayment.

Now, we very carefully have not put it in a situation where it can be part of a deal because we think the car dealer will say: Ok. I will simply raise the price by the amount of the rebate and do a little bait and switch and not give strong economic incentives for somebody who really understands what is going on to buy this particular car. The dealer doesn't know when the buyer comes in whether the buyer is going to take the amount as a tax rebate directly to the buyer or whether he is going to apply it to the downpayment. So the dealer cannot do any bait and switch or smoke and mirrors to try to take advantage of that. That is one of the talking points in favor of this particular approach.

But it means, as the Senator from Oregon has said, that the government now becomes technology neutral. The government says: We don't really care whether the increased mileage comes as a result of a hybrid or, as one auto manufacturer said, improved diesel, or some other technology that no one has thought of. This means that someone who is working on additional technology that needs a little bit of a nudge to have people buy it doesn't have to put that aside and say: Well, I can't compete with the subsidy that is created for hybrid. I have something that will get just as good mileage as a hybrid, but I can't put it on the marketplace because the present law says you get so much of an advantage for hybrid but not for this new one that I have come up with. So the government stays technology neutral and tax neutral in terms of the impact on the people who get the advantage of it, and the manufacturer deals directly with the customer in producing the kinds of automobiles people want to buy. And if people say: I really don't want to buy that automobile, if CAFE standards disappear, the manufacturer can say: OK, if you don't want to buy it, we won't produce it. Whereas, now there is pressure; we have to produce it in order to meet the CAFE average, whether people want to buy it or not.

Economics is all about incentives. This is the right kind of government intervention to create incentives that I think ultimately will correct some of the wrong kinds of government intervention, however well intentioned, that we have seen.

So I am delighted with the leadership shown by my friend from Oregon. I am happy to work with him on this issue, as I am working with him on other issues. I think it is an example of the kind of bipartisan approach to solve the Nation's problems that we all need to follow. I congratulate him, salute him for his leadership, and I am happy to be part of the team.

By Mrs. CLINTON:

S. 3909. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, for several years now, I have been working to raise the profile of the issue of the more than 100 million children around the world who are out of school.

An April 2004 report authored by Barbara Herz and Gene Sperling, in conjunction with the Center on Universal Education at the Council on Foreign Relations, clearly demonstrated in striking fashion the overwhelming and incontrovertible evidence on the need to invest in girls' education. It catalogs literally hundreds of rigorous studies on the tangible economic, social, and political gains that come from giving a girl the opportunity to learn. Let me highlight a few of the report's findings: A single year of primary education correlates with a 10–20 percent increase in women's wages later in life. Academic studies find the return to a year of secondary education is even higher—in the 15 to 25 percent range.

An extra year of a woman's education has been shown to reduce the risk that her children will die in infancy by 5 to 10 percent.

Education offers what the World Bank has referred to as a window of hope in helping prevent the spread of AIDS among today's children. A recent study of a school-based AIDS education program in Uganda found a 75 percent reduction in the likelihood that children would be sexually active in their last year of primary school.

Girls' education is the best single policy for reducing fertility and therefore achieving sustainable families, according to a recent survey of the academic literature. In Brazil, for example, illiterate mothers have an average of 6 children while literate mothers choose to have less than 3 children, and are better able to care for an invest in their children's well-being.

A study of South Asia and Sub-Saharan Africa found that from 1960 to 1992, more equal education between men and women could have led to nearly 1 percent higher annual per capita GDP growth.

The report also documents in extensive detail what I have seen in many countries—that the most effective way to reach the goal of getting all girls in school is by encouraging countries to make a firm commitment to universal basic education for all children. When countries devise and adopt specific targeted strategies to address the unique obstacles girls face, they improve the reach and quality of education for all children, both girls and boys.

Two years ago, Representative NITA LOWEY and I introduced the Education for All Act, legislation that I am proud to reintroduce today. This bill would enable us to increase our spending on global education initiatives in order to help millions of children around the world have the opportunity to receive an education.

At the time we originally introduced this bill, we may have seemed like we were dreamers to expect a G8 nation like ours to take such a bold step on education in Africa and the rest of the developing world.

Yet earlier this year we saw the UK put forward $15 billion over the next 10 years. This means that the UK, a nation with an economy about one-sixth our size, will be spending three times more than the U.S. to ensure that every boy—and particularly every girl—has a chance for a free education.

I know that our current commitment does not represent the generous heart or the wise minds of the American people. And they know that education—particularly the education of girls—is the best investment we can make to reducing global poverty; they know that education is our best social vaccine against the spread of HIV/AIDS.

There is no greater proof of such big hearts and wise minds as the young people from all over the United States, as well as around the world whom I have met, and who have shared with me their commitment to advocate for children thousands of miles away who they still consider to be their friends—their brothers and sisters who deserve the opportunity to learn.

I am proud to stand with these children in support of their friends around the world. They understand that in order to make our world more peaceful and secure in the long term, girls and boys must be given the chance to read, to write, and to get a basic education.

Education has to be the foundation of any strategy to secure peace and prosperity around the world, because when children can reach their potential, we are all better for it, and this bill will help provide a strong foundation for our efforts to help children around the world.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 20, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Tribal Self Governance: Obstacles and Impediments to Expansion of Self Governance.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that S. 3000, a bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska, has been added to the agenda of the hearing scheduled before the Subcommittee on Public Lands and Forests scheduled for Wednesday, September 27, at 10 a.m. in room SD-628.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics at 202-224-2878, Dick Bouts at 202-224-7545, or Sara Zecher 202-224-8276.

SECURE FENCE ACT OF 2006—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, we will be closing down shortly, but I have a few items of business, and I have had a chance to talk to the Democratic leader about this next item.

Mr. President, I now proceed to Calendar No. 615, H.R. 6061. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 615, H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

Bill Frist, Ted Stevens, Robert Bennett, Lisa Murkowski, Mike Enzi, Pat Roberts, Jeff Sessions, Orrin Hatch, Wayne Allard, Thad Cochran, James Inhofe, Trent Lott, John Ensign, Jon Kyl, Tom Coburn, Mitch McConnell, John Cornyn.

Mr. FRIST. Mr. President, I ask that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, last week we passed the Port Security Improvement Act. Indeed, that means we are one step closer to plugging the hole in our port security. We are one step closer to securing America's more than 300 maritime ports of entry. That is progress.

This port security bill that we passed was about vigilance. We are in the midst of a war with radical ideologues, militant extremists who will stop at nothing to destroy our Nation. They search for our weak spots and they seek ways to exploit them. On 9/11 we learned just how creative our enemy can be. Just last month we saw it again with the plot in Great Britain among terrorists to carry out what has become known as Gatorade bombing; that is, the destruction of aircraft and human life by using liquids.

We share a 1,951-mile border with Mexico. It doesn't take much creativity to imagine how terrorists might seek to exploit that border. It is time to secure that border with Mexico. That is why just a few moments ago I filed cloture on the motion to proceed to the Secure Fence Act of 2006.

The overwhelming majority of people who violate our borders do so in search of jobs—but not all of them. Some cross to deal drugs and commit crimes. Intelligence reports show that even al-Qaida considers our borders a key vulnerability. Without effective border control, we can't tell those looking for honest work from those bent on mayhem. Under the Secure Fence Act, Customs and Border Protection will take responsibility for securing every inch of our border with Mexico. Engineers and construction workers will erect two-layer reinforced fencing along the entire border. Hundreds of new cameras and sensors will be installed. Unmanned aircraft will supplement existing air and ground patrols.

The resulting finished network will give us complete operational control over our entire border, and it will go a long way toward stopping illegal immigration altogether.

But border barriers alone won't solve our problems. Congress still needs to address the illegal immigrants already in the country and provide a viable means to meet our Nation's labor needs. While I would have preferred coming to an agreement on a comprehensive solution this year, I have always said we need an enforcement-first approach to immigration reform—not enforcement only but enforcement first. This bill is that next step in strengthening our national security and the next step in making America safer and more secure.

VITIATION OF ACTION—H.R. 503

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate's action on H.R. 503 be vitiated and the Senate agree to the request of the House to return the papers.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 19, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, September 19. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 5684, the Oman free-trade bill, for 30 minutes under the previous order, with a vote on passage to occur at 12 noon; further, that any additional time until the vote be counted on the bill, with the time equally divided between the two leaders or their designees. Further, I ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will make final remarks on the Oman free-trade bill. The vote on passage of this bill will be at noon tomorrow. This is the first vote of the week. Tomorrow afternoon, at 2:15, we will take up the nomination of Alice Fisher to be Assistant Attorney General. Under the time agreement, there will be 5½ hours of debate; however, I do not believe all the time will be necessary. Senators will be notified once that vote has been scheduled.

Just a moment ago, I filed cloture on the motion to proceed to the Secure Fence Act. That vote will occur on Wednesday unless an additional agreement is reached.

I have reminded our colleagues off the floor and will continue to do so on the floor with regard to the fact that next week will be a very busy week. We will complete our business next week. It means in all likelihood that we will have votes on Monday and Friday of next week. Although I don't know exactly when we will finish next week, I think it is important for people to keep their schedules flexible on Saturday. Our intention is to finish—in fact, we will finish—our work by the end of next week.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:35 p.m., adjourned until Tuesday, September 19, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 2006:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES T. COOK. 4390

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 1552 AND 531:

To be major

RANDALL J. REED, 3085

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203, AND 12211:

To be colonel

HERBERT B. HEAVNBER, 1851

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

PAUL P. KNETSCHE, 6080

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CRAIG N. CARTER, 8224
MICHAEL E. FISHER, 4991

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

LOUIS R. MACAREO, 6459

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONALD A. BLACK, 2404
MARY W. ERICKSON, 9124
JOHANNA GABBARD, 7362
LOUIS J. GASTON, 6821
JOHN R. KIRCHER, 3036
RICHARD P. MYERS, 4912
ROBIN C. RICHARDSON, 0465
JAMES A. ROSE, 8195
JOSEPH O. STREFF, 6958

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CAROL A. BOWEN, 1579
JEROME C. CURETON, 4337
PATRICK S. FOLEY, 2554
BRUCE A. GASTON, 9681
JOHN W. GEE, 6038
THOMAS M. GOTSIS, 6183
CHERYL Y. HARMON, 5683
JOHN W. HORN, 5150
JOHN T. ISAACS, JR., 3561
LAURA E. KILGORE, 8813
CORNELIUS C. LEHAN, 7853
GLENN B. LUCAS, 3111
VERONICAL MCCLURKIN, 3050
MATTHEW A. MCLELLAN, 0095
JAMES M. OLDHAM, 2127
FRED R. PLACE, 7526
WILLIAM A. RICKS, 0990
RALPH P. RILEY, JR., 9997
PAULA M. B. WOLFERT, 8154

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DIRETT C. ALFRED, 8469
MARK R. BARNES, 2181
MICHAEL A. BIMLER, 9884
ODIS R. BLUEITT, 4628
WILLIAM J. BROWN, 3106
DANA M. CAPOZZELLA, 0938
ARLEN D. CHAPMAN, 2450
SUSAN G. CUNNUP, 9384
KATHERINE B. DEFFER, 4820
BRADLEY P. DUNBAR II, 0363
FRANK ELLISON, 6844
JILL K. FARIS, 8058
RICHARD D. FLINN, JR., 5833
DEAN W. GOODSON, 4119
DEMETRIO J. GUTIERREZ, 5984
LARRY J. HEISLER, 8150
ABE T. HOBSON, 1189
LAURA A. JENNINGS, 4469
HERBERT C. JONES, JR., 0454
BONITA J. KEEFE, 6374
NICOLE M. A. KEESEE, 4947
BRYAN R. KELLY, 2856
JOHN J. KELLY, JR., 8501
DARWIN D. KUMPULA, 7115
DOUGLAS E. LAWSON, 7992
MARK A. LOSINSKI, 7311
BEATRICE MAXEY, 5680
GARY E. MCALLISTER, 3072
RODNEY F. MCBRIDE, 7462
CATHRYN A. MCDANIEL, 5701
HARVEY MOUZON, 4185
GLENN T. NISSLEY, 8448
RICKY D. E. OTTO, 8187
WILLIAM W. PICKARD, 5476
ROBERT L. PORTER, 1825
JOY B. REAM, 7793
ROBERT F. REEDER, 7576
KIMERLI J. REMPPLAMB, 6330
CORINNE M. RITTER, 3179
DARLENE I. SANTOS, 2582
SCOTT H. SCHOFIELD, 9688
BRIAN K. SHAW, 2384
JANET M. SHIPKO, 5009
SHEILA A. SIDBERRY, 5125
TERRANCE J. WICKMAN, 8065
JOSEPH C. WINDHAM III, 6871
WENDY B. YELDELL, 0236
MICHAEL YOUNGBLOOD, 2478

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KAREN E. ALTMAN, 6622
MARY F. BELMONT, 5588
JOSEPH S. BLANSFIELD, 5209
DIANE M. BROWN, 2840
MARGARET A. BURCIE, 5506
BRIAN D. CAMPBELL, 1477
MARY L. CLIFFORD, 1054
JOANNE B.W. CLOTHIER, 9772
IRMA H. COOPER, 7405
HAROLD R. DELAUGHDER, 8015
SUSAN J. DURHAM, 1450
SUSAN M. DUSZYNSKI, 8480
LISA K. FARRELL, 9669
SUSAN D. FAVERO, 9719
JAMES H. FLESHER, 9972
DERETHA E. FOY, 9201
BRENDA L. GRIFFITH, 3321
SUSAN M. GROVER, 1968
CAROL L. HAIG, 0230
ROSE ANN HAZLETT, 3060
STEVEN L. HEMMING, 8567
MARIE T. HILLIARD, 7506
SUSAN J. HOUSER, 7352
TERESA C. LANNING, 6000
GINA M. MASONHABERLIN, 5560
SHARON A. L. MCKINNEY, 2222
ODARKA MECHNYCZ, 6554
RAYDA V. NADAL, 4981
DIANNE L. NALL, 9223
JULIA A. PORTER, 4119
LOIS E. POTTER, 4374
ALICE E. RANDALL, 0266
GLENN A. SLIWINSKI, 2743
CARLA S. SOSA, 4512
DIANA M. STOUT, 7986
JANET E. THOMAS, 3910
BEVERLY E. VANDENBERG, 5704
CHARLOTTE J. WARREN, 4771
PATIENCE O. WENCK, 7986
DONNA J. WIBERG, 2527
BOBBY R. WILSON, 6556
RUTH A. YERARDI, 3717

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT D. AKERSON, 3622
JAMES G. ARD, 7703
THOMAS F. BABCOCK, 4076
RICHARD U. BALDWIN, 3457
RAJAT BANNERJI, 0333
JOHN G. BERTOLINO, 5910
JOSEPH A. BETTENCOURT, 6160
MARTIN L. BLANK, 2099
MICHAEL J. BRANTLEY, 3645
ALAN R. BREWER, 8622
LYLE L. BROWN, 3867
BRIAN D. BUSCONI, 4262
CHARLES L. BUTTZ, 1200
NISSAGE CADET, 5172
JOHN A. CAMERON, 1629
DAVID J. CARLSON, 8850
WESLEY V. CARRION, 0767
TODD R. CHACE, 7463
LAURETTE A. CHANG, 9456
DIK S. CHEUNG, 7844
LAWRENCE E. CLAPP, 8965
STEVEN P. COHEN, 1747
MARCO COPPOLA, 6123
WARREN B. DAILEY, 7845
ROBERT C. DART, JR., 5290
HECTOR DAVILA, 5706
BOLIVIA T. DAVIS, 8891
HONORIO T. DISPO, 6937
TONY Y. L. ENG, 5094
NATHAN A. FOGT, 1304
GUY D. GOBER, 3714
KENNETH W. GRAF, 0790
DEREK I. GROSSMAN, 5074
GENE W. GROVE, 4531
ROBERT R. GUION, 2423
RONALD A. HAGEN, 9556
KATHRYN L. HALLBOYER, 8631
THOMAS R. HANSEN, 1105
JOSEPH J. HECK, 0871
ERIC R. HELANDER, 4323
NATHAN J. HOELDTKE, 4232
PHILIP A. HORTON, 0288
LAURIE T. HUGHES, 8354
GREGORY P. HYMEL, 5762
KARL A. ILLIG, 6148
SETH D. IZENBERG, 6462
MARTIN W. JENTER, 1880
CARLOS E. JIMENEZMARCHAN, 8567
MICHAEL W. JOHNSON, 6449
ANTON KEMPS, 7677
JEROME D. KIZZART, 4014
RICHARD L. KLINGLER, 7221
EDWARD W. LEONE, 8685
WILLIAM G. LYLE, 2313
FRANCISCO MARTINEZDELACRUZ, 9796
ROBERT J. MARX, 9276
PETER A. MATSUURA, 9923
GERALD A. MATTEUCCI, 8925
THOMAS R. MCCUNE, 4315
MICHAEL A. MORONE, 0254
GORDON S. MOSHMAN, 7978
ROBERT C. NATALONI, 4220
PASQUALE F. NESTICO, 3365
SISAR M. PADERES, 4490
ROB G. PARRISH, 9040
CARLOS G. PENALOZAARANIBAR, 8255
DANIEL V. PHAN, 3668
HARRY B. RAUCH, 5703
JOSEPHINE G. REYES, 7314
TERRY N. RIVERS, 0751
JOE D. ROBINSON, 4087
RAFAEL RODRIGUEZMERCADO, 4734
MICHAEL J. ROWLAND, 2103
CONRAD SALINAS, 9901
STEPHEN T. SAUTER, 3267
DONALD L. SAWYER, 4015
SCOTT C. SIMMONS, 7934
STEVEN R. SMITH, 5184
ALLAN K. STRYKER, 2566
BOLLEPALLI A. SUBBARAO, 8818
DAVID C. TELLER, 2076
DAVID W. TOWLE, 1560
ALAN R. TOWNE, 2310
JOHN M. TREVEN, 3870
DAVID A. VANBOCKEL, 4053
KERRY D. WELCH, 7746
KURT E. WERNER, 9817
GUY III WHITEHEAD, 3494
WILLIAM D. WHITLEY, 5438
ROBERT E. WILKINS, 9148
JEROME WILLIAMS, 6786

SHORT LIST OF NOMINATIONS RECEIVED AS OF 09/18/2006

PN2027 ARMY, COL. JAMES T. COOK, 4390.

PN2028 AIR FORCE, RANDALL J. REED, 3085.

PN2029 ARMY HERBERT B. HEAVNBER, 1851.

PN2030 ARMY, PAUL P. KNETSCHE, 6080.

PN2031 ARMY (2 NAMES), CRAIG N. CARTER, 8224 THROUGH MICHAEL E. FISHER, 4991.

PN2032 ARMY, LOUIS R. MACAREO, 6459.

PN2033 ARMY (9 NAMES), DONALD A. BLACK, 2404 THROUGH JOSEPH O. STREFF, 6958.

PN2034 ARMY (19 NAMES), CAROL A. BOWEN 1579 THROUGH PAULA M. B. WOLFERT, 8154.

PN2035 ARMY (48 NAMES), DIRETT C. ALFRED 8469 THROUGH MICHAEL YOUNGBLOOD, 2478.

PN2036 ARMY (42 NAMES), KAREN E. ALTMAN, 6622 THROUGH RUTH A. YERARDI, 3717.

PN2037 ARMY (91 NAMES), ROBERT D. AKERSON, 3622 THROUGH JEROME WILLIAMS, 6786.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 18, 2006 withdrawing from further Senate consideration the following nominations:

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 15, 2006.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 15, 2006.

NED L. SIEGEL, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 15, 2006.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF

THE GENERAL ASSEMBLY OF THE UNITED NATIONS, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 15, 2006.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 15, 2006.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 19, 2006, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine Tribal Self Governance.

SR–485

Judiciary

To hold hearings to examine preserving effective Federal law enforcement relating to reporters' privilege legislation.

SD–226

10 a.m.

Finance

To hold hearings to examine objectives, deficiencies, and options for reform relating to business tax system.

SD–215

Health, Education, Labor, and Pensions

Business meeting to consider S. 2322, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, S. 1531, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, S. 3771, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, S. 1325, to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, H.R. 5074, to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and the nominations of Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor, Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities, Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service, Roger L. Hunt, of Nevada, John E. Kidde, of California, and John Peyton, of Florida, each to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education, Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board, Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board, Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, Peter W. Tredick, of California, to be a Member of the National Mediation Board, nominations in the Public Health Service Corps, and other pending nominations.

SD–430

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
Economic Policy Subcommittee

To hold joint hearings to examine assessing non-traditional mortgage products.

SD–538

Commerce, Science, and Transportation
Trade, Tourism, and Economic Development Subcommittee

To hold hearings to examine the future of ICANN relating to Internet governance.

SR–253

Veterans' Affairs

To hold hearings to examine the legislative presentation of the American Legion.

SD–106

2 p.m.

Judiciary

To hold hearings to examine the proposal to restructure the Ninth Circuit.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of Mary E. Peters, of Arizona, to be Secretary of Transportation.

SR–253

Environment and Public Works

To hold hearings to examine approaches embodied in the Asia Pacific Partnership.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine assessing Spiral 1.1 of the National Security Personnel System.

SD–342

3:30 p.m.

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

SEPTEMBER 21

9:30 a.m.

Foreign Relations

To hold hearings to examine the purpose and impact of the transition from coalition to ISAF command in Afghanistan.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to markup an original bill to reauthorize the Export-Import Bank of the United States.

SD–538

Energy and Natural Resources

To hold hearings to examine the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, Department of the Interior.

SD–628

Aging

To hold hearings to examine savings for seniors and Medicare relating to increasing generic drug use.

SD–562

10:15 a.m.

Environment and Public Works

Business meeting to consider H.R. 1463, to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building", and the nominations of Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator, and Alex A. Beehler, of Maryland, to be Inspector General, both of the Environmental Protection Agency, William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, and Brigadier General Bruce Arlan Berwick, United States Army, Colonel Gregg F. Martin, United States Army, Brigadier General Robert Crear, United States Army, and Rear Admiral Samuel P. De Bow, Jr., NOAA, each to be a Member of the Mississippi River Commission, and other pending committee business.

SD–406

10:30 a.m.

Finance

To hold hearings to examine the nomination of John K. Veroneau, of Virginia, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

SD–215

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Appropriations
Legislative Branch Subcommittee
To resume hearings to examine progress of the Capitol Visitor Center construction.
SD–138

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Warren Bell, of California, Chris Boskin, of California, and David H. Pryor, of Arkansas, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation, Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Collister Johnson, Jr., of Virginia, to be Administrator of the Saint Lawrence Seaway Development Corporation, Sharon Lynn Hays, of Virginia, to be an Associate Director of the Office of Science and Technology Policy, and Cynthia A. Glassman, of Virginia, to be Under Secretary of Commerce for Economic Affairs.
SR–253

Judiciary
Corrections and Rehabilitation Subcommittee
To hold an oversight hearing to examine Federal assistance for prisoner rehabilitation and reentry into our states.
SD–226

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1106, to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized, S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, S. 3522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska, S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.
SD–628

Intelligence
To hold closed hearings to examine intelligence matters.
SH–219

SEPTEMBER 22

9:30 a.m.
Foreign Relations
To hold hearings to examine the nomination of Clyde Bishop, of Delaware, to be Ambassador to the Republic of the Marshall Islands.
SD–419

SEPTEMBER 26

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Robert T. Howard, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology); to be followed by a business meeting off the floor after the first roll call vote, to consider the nomination of Mr. Howard.
SR–418

3:15 p.m.
Commerce, Science, and Transportation
Foreign Relations
To hold joint hearings to examine International Polar Year.
SR–253

SEPTEMBER 27

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon.
SD–628

SEPTEMBER 28

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine new aircraft in the National Airspace System.
SR–253

CANCELLATIONS

SEPTEMBER 20

9 a.m.
Foreign Relations
To hold hearings to examine the nomination of Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund.
SD–419

POSTPONEMENTS

9:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine U.S. international broadcasts into Iran, focusing on financial investment of the American taxpayer for international broadcasting into Iran, whether the appropriate management and accountability controls exist within U.S. international broadcasting, and whether the content of the broadcasts promote international security and U.S. foreign policy.
SD–342

SENATE—*Tuesday, September 19, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, a nation turns its heart and mind to You. Give hope to those who are underpaid and overworked. Sustain the lonely and empty, particularly those who have lost loved ones in the defense of freedom. Fill the vacuum created by such sadness with Your presence, lest loneliness shackle their faith.

Today, bless our Senators. You know their needs. Supply them from Your celestial bounty. Show them duties left undone. Strengthen them to resist temptation in all of its enticements and to walk the narrow way of discipline that leads to life. Enrich them with Your powerful presence and keep them faithful.

We pray in Your holy Name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 19, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today, following the opening remarks of the two leaders, we will have a 30-minute period of morning business. Following that time, we will return to the United States-Oman Free Trade Agreement for closing remarks. The agreement provides for a vote on passage at 12 noon today, and that will be the first vote of the day. The Senate will then recess from 12:30 to 2:15 to allow the weekly policy meetings to occur.

When the Senate resumes business at 2:15, we will proceed to executive session for the consideration of the Alice Fisher nomination. We have an order for 5½ hours of debate on the Fisher nomination prior to the vote on confirmation. We expect some of that time to be yielded back, and we will vote on that nomination this evening before adjourning.

Last night, I filed a cloture motion on the motion to proceed to H.R. 6061, the Secure Fence Act of 2006. That cloture vote will occur on Wednesday morning, and we hope we can invoke cloture and dispose of this bill quickly.

OMAN FREE TRADE AGREEMENT

Mr. FRIST. Mr. President, I wish to take a few moments to comment on the bill we will be voting on later this morning, the Oman Free Trade Agreement.

On June 29, the Senate passed the Oman Free Trade Agreement by a vote of 60 to 34. Today, we will bring the Oman Free Trade Agreement to the floor again for final passage of the House bill.

We have a long history with Oman. Our relationship has extended for nearly 200 years. It dates back to 1833, when a treaty of friendship and navigation was signed with Muscat. Oman was the first Arab country to send an ambassador to the United States.

Over the years, Oman has offered us valuable support. When we needed a local airbase for an attempt to rescue U.S. Embassy hostages in Iran during the Carter administration, Oman volunteered. When we needed a safe ground for our troops during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, Oman volunteered.

Today, Oman cooperates closely with us and other allies on counterterrorism and has publicly supported the democratic transition in Iraq. Although not a formal member of the coalition, Oman has been a committed, dependent ally in the Global War on Terror.

In Oman, we have found a solid partner on terrorist finance issues. Oman partners with its neighbors on transborder terror threats, and Oman's Government and religious leaders consistently and courageously denounce acts of terror and religious intolerance.

It is clear that through nearly 200 years of formal relations, we have enjoyed a close and cooperative partnership that continues to expand.

The free-trade agreement before us builds on the progress already made. It strengthens our relationship with a key friend and ally in the region, and it is a model for free trade in the entire Persian Gulf region.

It is not our first bilateral agreement in the region. We struck similar deals with Jordan in 2000, with Morocco in 2004, and with Bahrain in 2005. Like these earlier deals, the Oman agreement will open and expand opportunities for exports of many American products. America's workers, manufacturers, consumers, farmers, ranchers, and service providers will all benefit.

As soon as the agreement takes effect, Oman and the United States will provide each other immediate duty-free access on virtually all products in our tariff schedules. This includes all consumer and industrial products. We will phase out tariffs on the remaining products within 10 years. Former Trade Representative Rob Portman called it "a high-quality, comprehensive free trade agreement that will contribute to economic growth and trade."

Unfortunately, some have sought to undermine the agreement. They have propagated myths that don't stand up to scrutiny. For example, despite claims to the contrary, Oman does not implement any aspect of the Arab boycott of Israel. Oman publicly affirms and has reaffirmed its position in a letter from its Commerce Minister in September 2005. Moreover, Oman neither tolerates nor allows the use of slave labor. Oman has made substantial commitments to the United States on labor reform, and it has promised to enact key reforms by October 31, 2006.

Rejecting the trade agreement would send a strong negative signal to our friends in the Middle East. Oman is a forward-looking Arab country on a range of social and economic issues. We must demonstrate our support to Oman, just as Oman has supported us.

As the 9/11 Commission advised, expanding trade with the Middle East will "encourage development, more open societies, and opportunities for people to improve the lives of their families." Passing the agreement before us will promote economic reform and development in the Persian Gulf, and it will advance our goal of a freer and more open Middle East. Quite simply, it will move our allies forward, and it will move America forward.

I urge my colleagues to demonstrate their commitment to these goals by voting to pass the Oman Free Trade Agreement later this morning.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business for the minority side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRATIC POLICY COMMITTEE HEARINGS

Mr. DURBIN. Mr. President, I commend my colleague, Senator DORGAN of North Dakota, for a hearing he held yesterday. It was a hearing of the Democratic Policy Conference. This is the 10th hearing he has held. I attended with several other Senators. The hearings are held on Monday because they cannot be held during the ordinary course of business of the Senate.

The reason, I am afraid, is very clear. Senator DORGAN is considering an issue which no other committee in Congress will consider. Senator DORGAN is raising questions which no other committee on Capitol Hill will even suggest. Senator DORGAN and the Democratic Policy Conference are calling witnesses to testify openly on issues which the majority in this Republican-led Congress will not even consider. What could that possibly be? It turns out to be the conduct of our war in Iraq and, particularly, the waste and mismanagement of Federal tax dollars.

Yesterday, there were several former employees of Halliburton. We all know them now; they are infamous. This is the company with the no-bid contracts—$7 billion worth—and friends in high places all over this administration. This is the company which made millions of dollars off of taxpayer funds and, sadly, often at the expense of our soldiers.

Yesterday, the testimony was very clear. There was one witness who talked about this fitness center that was put up for our troops and an Internet center for our troops, and Halliburton was going to run it. It turns out they dramatically inflated the number of soldiers walking through the door so they could make more money on the center, ripping off the taxpayers. It turns out that the supplies they were given for our troops, Halliburton ended up consuming for their own employees, having Super Bowl parties, using the food and drink that had been prepared for our troops.

One of the witnesses yesterday said there was a certain arrogance of the Halliburton contractors when it came to our troops. They were annoyed when the soldiers asked for certain things. It was all about profit. It was all about them.

Why in the world hasn't a single committee in the Senate called Halliburton in to answer for these things? Because Halliburton has friends in high places. People don't ask these rude and embarrassing questions of this powerful special interest corporation.

I thank Senator DORGAN and the Democratic Policy Conference for continuing to bring in the whistleblowers. One would think there would be a Member of the Republican Senate embarrassed enough at Halliburton's conduct in this war in Iraq that they would join us in a bipartisan effort. Sadly, this do-nothing Republican Congress has been a coverup Republican Congress as well. They don't want to talk about it. They don't want to raise the questions.

Do you think the feature in The Washington Post this last Sunday would have invoked at least some response from the Republican chairmen of major committees in the Senate? It was an exposé. It showed that when we created this provisional authority in Iraq to create a civil society, it turned out to be a patronage operation, worse than Brown and FEMA when it came to Katrina.

What they did was screen employees who were headed over to Iraq to spend billions of dollars and ask them probing questions about their qualifications. And do you know what the questions were. Here are some of the questions: How did you vote in the last primary? Did you vote for President Bush? What is your position on the issue of abortion? Where do you stand in terms of the Republican Party of America?

These were the questions asked of people we sent over to manage billions of dollars, our taxpayers' dollars, and rebuild Iraq. Is it any wonder we are in the fourth year in a war with no end? Is it any wonder that Iraq today is still in shambles from the viewpoint of its civil government? Is it any wonder when one looks at this gross incompetence, the same type of incompetence, patronage, and favoritism we saw, sadly, with Hurricane Katrina when Americans were disadvantaged?

There was a time in the history of this great institution when no President could get by with what this administration is getting by with. There was a time when a Democratic Senate would challenge a Democratic President, when a man named Harry Truman would stand up and say: We are going to look at profiteering and waste in waging the war against the Nazis and those who are their allies, even if we have a Democratic President, even if it might embarrass him.

Sadly, those days are gone. This Congress stands mute. This Congress refuses to ask the hard questions of this administration. This Congress refuses to acknowledge the obvious. We have lost 2,686 American soldiers in Iraq, and over 20,000 have returned home seriously injured. We have spent over $325 billion. The scandalous conduct of contractors over there, deserving of investigation, has been made a matter of public record because of Senator DORGAN's hearings, and this administration and this Republican Congress refuse to ask the hard questions. Clearly, it is time for a change.

It is a time for new leadership that will ask these hard questions on behalf of our soldiers and our taxpayers.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. DORGAN. Mr. President, I thank my colleague from Illinois. I appreciate him attending the hearing yesterday. As he indicated, we would prefer not to do oversight hearings. That is a job for other committees. But because they have not done it, we have a responsibility to do them, and will.

We have done 10 oversight hearings with respect to contracting in Iraq. I am convinced the stories we have heard at these hearings undermine our American soldiers, undermine our troops, and cheat our taxpayers. I don't, for the life of me, understand why there is not aggressive activity in this Chamber and at the Pentagon to root out the waste, fraud, and abuse we have seen. It is almost as if there is a sleepwalk going on through these issues.

I have held hearings, and we have described all of the issues. Yesterday, a woman who worked for Halliburton went to Halliburton and said: What is happening is Halliburton is billing, in some cases, five times the amount they should be billing to the Federal Government for certain activities in Iraq.

For complaining to her superiors about the taxpayers being cheated by this contractor, she was put under guard by four civilians working for Halliburton, kept overnight, put on an airplane, fired, and shipped out of Iraq. That is what she got for being a whistleblower to talk about how the taxpayers were being cheated.

I am going to speak more about those issues this week with respect to all the hearings I have held. It is not for the purpose of injuring anybody. It is for the purpose of protecting our troops and our taxpayers.

Briefly, I want to describe something I am going to send over to the inspector general of the Defense Department today. This is a letter that was given to us yesterday at the hearing. It is a letter from Halliburton—Kellogg, Brown and Root, a subsidiary of Halliburton. It is from Mr. Standard, a civilian contract employee who was a truckdriver in Iraq who was wounded.

By the way, Halliburton hires these contract civilian employees through their subsidiary in the Cayman Islands. Why do they have a subsidiary in the Cayman Islands? That is a tax haven country. They get American contracts from our Government and run them through the Cayman Islands so they don't have to pay taxes.

This is from Mr. Standard, a truckdriver wounded in Iraq driving a convoy as a civilian contract employee for Halliburton. Here is what Halliburton has written to this truckdriver:

> I hope this finds you well and enjoying a swift recovery. Per our conversation today, I included the medical records release form. This form authorizes me to share your medical records with the Pentagon Review Board for the purpose of awarding you the Secretary's Defense of Freedom Medal.

Halliburton is saying to the truckdriver: We would like you to sign a release so that we, Halliburton, can send information on your medical situation to the Defense Department and get you a Defense medal for the Defense of Freedom.

Here is what they said to this wounded truckdriver, an employee of their subsidiary Kellogg Brown and Root: Authorization and release reform, use and disclosure of protected information. It is a lengthy form. The truckdriver who signed this said: I am going to allow you to turn my medical records over to the Defense Department. And then under section 9, it says:

> Release: I agree that in consideration for the application for a Defense of Freedom Medal on my behalf that on behalf of myself, my hires, executors, administrators, assigns, and successors, I hereby release, acquit and discharge and do hereby release, acquit and discharge KBR, all KBR employees, the military, and any of their representatives, collectively and individually, with respect to any claims and any and all causes of action of any kind or character, known or unknown, that I may have against any of them.

What they have said to the employee in a deceitful way, in my judgment, is: We would like you to sign a medical release form so we can apply for a Defense Medal of Freedom for you. First, there is no such thing as being able to apply for a Defense Medal of Freedom. You are either entitled to it or you are not.

In any event, they are saying to the truckdriver, buried in No. 9, in exchange for that, you should assign away all your rights against this company or any actions of the company or any employee of the company.

This is unbelievably deceptive. Here is a company, Halliburton, saying to a truckdriver that was wounded, an employee of theirs—by the way, the testimony yesterday by other truckdrivers who were wounded in action is that Halliburton knew they sent a convey right into hostile action on a road that was marked red and black, which meant no travel by a civilian convey. They deliberately sent them onto that road anyway. Seven people were killed in that circumstance.

Aside from all of that—and that is important in itself—this company has written to its former employee, a wounded truckdriver, saying: We would like to send your medical records to the Pentagon, and we would like to get for you this Defense of Freedom Medal. So would you please sign this—not pointing out to him that he is signing away all of his rights to take action against that company or anybody in that company.

I have the standards of the Defense Medal of Freedom right here. Let me show the date. It is in 2001:

> Secretary of Defense Donald Rumsfeld announced today the creation of the Defense of Freedom Medal to honor civilian employees of the Department of Defense injured or killed in the line of duty. It will be the civilian equivalent of the military's Purple Heart. The first recipients to be honored will be the Defense Department civilians injured or killed recently as a result of the terrorist attack on the Pentagon. At the discretion of the Secretary of Defense, the medal may be awarded to nondefense employees, such as contractors, based on their involvement in Department of Defense activities.

This is unbelievably deceptive, and I believe deceitful, to try to persuade a former employee of this company to sign a release form saying it is a release of medical records when, in fact, it is a release of much more.

I am going to ask the inspector general to investigate exactly what this contractor has done.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DORGAN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority controls 15 minutes. The Senator from New Hampshire is recognized.

ACTIONS OF THIS CONGRESS

Mr. GREGG. Mr. President, I want to talk today a little bit about the progress we are making relative to securing our borders in the United States as a result of efforts made by this Congress and the administration. Before I do, I want to comment briefly on the presentation of the Senator from Illinois relative to the actions of this Congress and its passage of legislation or its investigative activity.

It is truly disingenuous when the assistant leader of the Democratic side comes to the floor and says we have done nothing as a Congress when almost every major piece of legislation that has been brought to the floor of this Senate has been filibustered by the other side of the aisle. Bill after bill after bill has been stymied, stopped and, in fact—it is no secret—there is an open understanding around here that the purpose of the Democratic leadership has been to make it virtually impossible to pass legislation in the Senate in order that the Senate appear to be an ineffective body—their feeling being that if they can obstruct enough things, they can make an argument that Congress isn't functioning and they should be put in charge.

It is an ironic position, of course, and has been on a number of times characterized as being similar to the situation when a man who shot both his parents, when brought before the court, asked for mercy because he declared himself an orphan. The fact is that the Democratic leadership of this body has decided to actively obstruct and try to stop almost any legislation of any significance that has come to the floor and, as a result, many things have been stopped because, as we all know, this is a body which functions essentially on a 60-vote majority, not a 51-vote majority. So, therefore, even though the Republican Party has 55 votes, we cannot pass something if there is united opposition. It has happened again and again.

I do find it a bit disingenuous to make this argument—it is their right to make it—but I think an honest reflection of what is actually happening around here makes the argument rather superficial and inadequate in its essence and its purpose.

SECURING OUR BORDERS

Mr. GREGG. Mr. President, I wish to talk about the progress we have made relative to securing our borders because this is one of those situations where the facts on the ground have not yet caught up with the public perception, which is understandable. That happens a lot in all sorts of areas where things are moving in the right direction, which were broken but are being repaired; there is still a perception that things are fundamentally broken. We are moving in the right direction relative to the borders.

Since 2005, we have made rather significant strides toward putting in place the infrastructure and the people necessary to secure the borders. I have the good fortune to chair the Subcommittee on Homeland Security. It may well be the only major appropriations bill that gets out of this Congress before we adjourn in October. That bill and the precursors to it, including the appropriations bills which we passed over the last 2 years and the supplementals that have gone with those bills, have allowed us to significantly expand our commitment to homeland security.

This has been an aggressive step taken by the Republican Congress and the administration. Back in 2005 we took a look at the problem when I assumed the leadership of this subcommittee, and we basically reoriented this whole funding stream within the Homeland Security Department, relative to the issue of weapons of mass destruction and border security. We concluded that those were the two major threats on which we as a committee should focus. So we took significant amounts of funds at that time and moved them into those accounts. Initially, back in 2005, the administration wasn't too excited about that, but after they took a hard look at what we were doing, they felt it was a good idea and they decided to join us in our efforts.

Now, since 2005, that effort has accelerated and has gained strength and has actually made significant gains. By the time this next bill passes, which I hope will pass before we leave at the end of September, it is expected we will have put in place almost 4,000 new border agents, which is a 40-percent increase in border agents—people physically on the ground; we will have put in place almost 10,000 new detention beds so that when we catch people, we don't have to release them. That was really an inappropriate policy that was being followed, which was when somebody was caught coming across the border, they were simply either taken back across the border if they were Mexicans, or they were released and told to come back and appear for a court date if they were not Mexican. And what we found was that nobody came back for those court dates. So with the 10,000 additional beds we put in place, that policy of catch and release will be curtailed.

We have added hundreds of miles of new fence, and we will continue to add new fencing where it is appropriate. We have dramatically increased the Customs and Border Patrol agents so that we are now up to 18,000 Customs officers, I am talking about—not Border Patrol—Customs officers who monitor our ports of entry, in addition to our Border Patrol individuals. We have greatly increased the commitment to the Coast Guard, which is the first line of defense relative to our ports and also plays a major role, of course, along the access points of our coastline for people who are coming into the country illegally. We have added $7.5 billion to the Coast Guard accounts which are going to give them the new capability they need for the boats and the aircraft, specifically upgrading their aircraft, upgrading their helicopters. All of this is in order to give the Coast Guard the ability to intercept people who may be coming here to do us harm.

We dramatically increased our commitment in the area of nuclear detection. We set up the Nuclear Deterrence Office, which basically is a focused effort on the question of how to deter a nuclear attack and also respond to it should it ever occur—God forbid it should ever happen. That is obviously the intention of some of our enemies. They want to accomplish that. We need to be focused on trying to stop that from happening. We have dramatically expanded the intelligence capability of the Department of Homeland Security Analysis Center by adding over a half a billion dollars for that. These are increases that are making a difference in our capacity as a country to know who is coming into the country, what is coming into the country, and whether the people who are coming into the country represent a threat or whether they are just people who are coming to pursue appropriate lawful activity in the area of commerce or just in the area of visiting us or taking advantage of our educational system.

These are major steps forward. All problems haven't been solved yet, and we all understand that. But if we continue on this path toward significantly upgrading our capabilities in the area of our feet on the ground, our boots on the ground, and technology supporting those boots—and later this week there is going to be the release of the accounting for the security program for the entire border, which will be a major step forward. It will mean we will be able to start construction of major technology improvements along the borders to use our advantages in technology to be able to police our borders. Then, in addition, recognizing that should somebody actually breach our borders with some weapon that might harm us, we will have the capacity to try to mitigate the effects of that through better technology and the research that surrounds that effort.

We have basically made a huge commitment in this area, dramatically increasing our funding, dramatically increasing our personnel, and dramatically increasing our technological capability. It is very likely that within the next year—in fact, it is probable, not likely—the results of this are going to become very clear to the American people. But as with many things—the perception that the border remains an open sieve, which it was and it shouldn't have been, but it was, especially along the southern border; and the perception that we don't have in place the technology to protect ourselves, which we didn't; the perception that we had not adequately upgraded the Coast Guard to do its job, which we hadn't—all remain the perception in the marketplace, and understandably so.

But the facts on the ground are that we are significantly upgrading our capabilities along the borders; that we have significantly upgraded our technological capability and we are continuing to expand that dramatically; that we are significantly improving the capacity of the Coast Guard, and that systems such as US–VISIT, which basically tracks who is coming into the country through a fingerprint process, are up and running and appear to be giving us significant results.

So I think we should talk about the good that is happening and our efforts to do the right thing along the borders, which is secure them and the progress that we are making. We should recognize that although we are not there yet, we are clearly on a path toward accomplishing our goal, which is to make sure that the people who come into this country, first, come in legally and, secondly, when they come in they do us no harm and their purpose is to do us no harm; and thirdly, that the product that is coming into this country is for the purpose of commerce, not for the purpose of harming us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The majority controls 4 minutes 15 seconds in morning business. The minority's time has expired in morning business.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

HUMANITARIAN CATASTROPHE IN DARFUR

Mr. LEAHY. Mr. President, it is disheartening to be back on the floor of the Senate again to talk about the looming humanitarian catastrophe in the Darfur region of Sudan. Despite the partial peace agreement signed in May between the Sudanese Government and one rebel faction, the 3-year civil war in Darfur has intensified in recent months. By any account, the situation is rapidly deteriorating.

Today, Darfur faces a more complex and brutal environment where rebel groups have splintered, and one has joined forces with the Sudanese Army, strengthening jingaweit militias that have long used rape, murder and mayhem to gain control of the region.

On August 28, Sudanese Government forces launched a major offensive in Darfur to finish off any opposing rebels, in direct violation of the Darfur Peace Agreement and cease-fire accord. As a result, tens of thousands more civilians have been forcibly displaced, bringing the total to more than 2 million people. And, of course, for those who have been displaced, disease and dysentery are rampant, causing the death rate to increase.

Relief organizations that have not already left the region face near impossible hurdles to reach hundreds of thousands of desperate people in need of food, water, and medical attention who are also vulnerable to the intensifying and indiscriminate aerial bombings. It is a scene straight out of Hell.

The well-intentioned, 7,000-member African Union peacekeeping force is understaffed, under-equipped, and has been unable to stop the violence in Darfur. The fact is they don't even have the communications, airlift, mobility, or support that most military would have. Estimates of the number of people who have died from war and disease in Darfur range as high as 450,000. That is 75 percent of the population of my own State of Vermont.

The United Nations Security Council adopted Resolution 1706 that would replace the African Union force with a much larger U.N. force empowered to protect civilians. The Sudanese Government not only rejected the resolution but demanded that the African Union withdraw from the country after its mandate expires at the end of this month.

While the United Nations, the African Union, and most of the international community are united in support of a larger U.N. peacekeeping force, the government in Khartoum has repeatedly refused. I think they probably fear that the U.N. can pose a challenge to its own ability to act with impunity and its own ability to carry out murder and mass extinction of people.

It is ludicrous that a lone despot, Sudan's President Omar Hassan al-Bashir, can obstruct the deployment of a U.N. peacekeeping force to stop genocide from continuing in his country. He has even gone so far as to threaten to attack any U.N. force that enters Sudan. This is a man who has made it very clear he supports the genocide and will try to stop anybody who wants to bring a halt to it.

Despite the Bush administration's diplomatic efforts in pressing for urgent international intervention to ease the Darfur crisis, China and Russia managed to thwart passage of a stronger U.N. Security Council resolution. And on August 20, the Arab League Committee on Sudan backed the Sudanese President's refusal of a U.N. peacekeeping force. They further distanced themselves from any responsibility for the situation in Darfur. It is amazing. People are dying. People are being killed. They are being raped. They are being murdered. They are being starved and they are dying of all kinds of diseases. Nobody takes responsibility. All the forces that can do something about it—Russia, China, the Arab League, Sudan itself, that could stop this—wash their hands of it.

The diplomatic inertia on Darfur is illustrative of just how much America's credibility and influence has eroded in the eyes of the world, largely because of our misguided policy in Iraq. We can't threaten anybody. We can't cajole anybody. We have lost our credibility. We have squandered the trust and confidence of our allies, particularly those in the Arab world, and now the administration's leverage with which to solve other regional and global crises has weakened. Darfur is one example. The impasse over Iran's nuclear program is another.

It is tragic how much damage this administration's policies have caused to America's leadership on so many issues that require the cooperation and support of other nations. The price in Darfur is an emboldened Sudanese regime that has managed to defy U.S. diplomatic pressure and the deaths of thousands of innocent people. Urgent and immediate action is essential to save Darfur from further catastrophe.

First, the President will today finally appoint a Presidential Special Envoy to Sudan. Many of us here, myself included, called for the designation of a Special Envoy for Sudan for months, so this long overdue decision is welcome.

Secondly, although the African Union troops are too few and lightly equipped to stop the violence, they are serving as witnesses for the rest of the world at a time when the government in Khartoum commits atrocities and makes it more difficult for humanitarian organizations and journalists to operate.

The United States and other nations must continue to support the African Union until a U.N. peacekeeping force is deployed, knowing that could take 4 to 6 months.

There should be no doubt that our first priority is to get U.N. peacekeepers on the ground as soon as possible. But in the interim, if African Union troops are forced to leave at the end of September, the last line of protection will be lost and an even worse period of lawlessness and slaughter will begin.

Third, the administration should call upon the European Union and United Nations Security Council to impose financial, travel, and diplomatic sanctions against the Sudanese leadership, rebel forces, and others responsible for the atrocities in Darfur.

Fourth, we must increase diplomatic pressure on countries friendly to Khartoum—particularly Russia, China, members of the Arab League—to use their influence to convince Sudan to support a United Nations peacekeeping force. If they don't, Russia, China, and members of the Arab League also have to bear complicity for genocide. Unfortunately, these are the same countries where our own influence has weakened dramatically over the past 5 years.

Fifth, the administration should urge all United Nations member states to accelerate implementation of Security Council Resolution 1706 for the deployment of U.N. peacekeepers to Darfur. The White House should be working vigorously to persuade other countries to commit troops and funds for the U.N. force.

Finally, in circumstances such as these, the United Nations should be empowered to deploy troops to prevent the mass murder of civilians, irrespective of stubborn, self-serving opposition of the government of the country.

When a country's corrupt, abusive leader, lacking any legitimate mandate from the people, flagrantly violates U.N. resolutions and a cease-fire agreement and embarks on a scorched Earth campaign which threatens the lives of countless innocent people, the U.N. should be able to go in.

If Darfur was not in Africa but it was in Europe, we would have responded differently. Although belated, our response, as the leader of NATO, to the ethnic cleansing in the former Yugoslavia put a quick end to that ethnic cleansing.

Darfur is on a different continent, but the forcefulness of our response to genocide should not depend on where genocide occurs or the race or ethnicity or nationality of the victims. Human beings are dying, irrespective of their color or their ethnicity or their nationality. The United States should stand up and do all we can to stop genocide.

I have no illusions about the difficulties of ending this conflict, nor do I question the sincerity of those who tried. But the efforts so far have been woefully inadequate. The situation calls for more intensive, sustained, high-level attention than our country and other countries have provided so far. It is genocide whether it is White people or Black people, whether it is Europeans or Africans. Genocide is genocide.

I yield the floor.

CONGRESSIONAL OVERSIGHT

Mr. DORGAN. Mr. President, I am going to speak about the Oman Free Trade Agreement, but I wanted to first respond to my colleague from New Hampshire who was on the floor of the Senate earlier this morning saying there is no problem with respect to what we are accomplishing here. He listed various accomplishments. He said: The only things we cannot accomplish are the things we are obstructed from accomplishing because the minority will not let us.

First of all, that is not the case because, with respect to oversight hearings—which was the subject I raised and my colleague from Illinois raised this morning, oversight hearings—nobody is obstructing anybody from holding oversight hearings. That is the responsibility of the committees and the chairmen of the committees, to hold oversight hearings.

I have held some in the Democratic Policy Committee because the regular committees won't hold them, but let me describe a few of the things I have found in the hearings I have held—some big, some small, all of them, in my judgment, cheating American taxpayers: Contractors in Iraq paying $45 for a case of Coca-Cola; contractors in Iraq paying $7,500 for a 1-month lease on an SUV; contractors in Iraq who are buying towels for the troops, and instead of buying the hand towels for our troops to use that would cost a relatively small amount of money, they triple the amount that the taxpayers pay for these hand towels for our soldiers because they want the company name on them, Kellogg Brown and Root, embroidered on the towels. So they triple the cost of the towels.

Henry Bunting came and testified about that. He said he was the purchaser. They said: Purchase the towels with the embroidered name of our company on it. He said it costs more. They said: Don't bother about that; it doesn't matter. It is a cost-plus contract. The taxpayer pays for it.

The list of abuses is endless. At any point along the way did anybody say we ought to look into this, issue subpoenas? No, no; dead silence.

Twenty-five tons, 50,000 pounds, of nails are laying in the sands of Iraq because the contractor ordered the wrong size. What did they do? Dumped them out. It doesn't matter, the taxpayers are paying for all of that.

There were $85,000 new trucks left to be torched, put on fire on the side of the road because they had a flat tire and they did not have a tool to fix them. The contractor says: That is not a problem. The taxpayers will pay for that.

Serving food to the soldiers? The contractor that gets the contract to provide food for the soldiers is providing food that has out-of-date stamps on the food. It doesn't matter. Serve it to the soldiers anyway.

Yesterday, a woman came forward who worked in Iraq, as I mentioned earlier today, Mrs. McBride. She said they were charging the Government five times the amount of money, five times the billings of the number of soldiers who were using the recreational facilities. They were double counting and triple counting and, in some cases, submitting forms with five times the number of people. Why? To inflate the cost, to extract money from the American taxpayer.

All of this is going on and nobody seems to care. Oversight hearings? You show me where the oversight hearings have been held. Show me. They have not been held because nobody wants to embarrass anybody around here. We have one-party rule—in the White House, House, Senate. Nobody wants to embarrass anybody.

You have sole-source, no-bid contracts given at the Pentagon. The top civilian official, the top person in the Pentagon who rose to the top civilian level in the Pentagon as a contracting officer, who everyone said is one of the finest contracting officers in the Pentagon, do you know what she said? She said: The awarding of these sole-source, no-bid contracts to Halliburton is the most substantial abuse that I have seen in my service in the public arena.

What happened to her? Nobody cares.

Under the reconstruction program, I am told, we, the American taxpayers, spent $18 billion for reconstruction for Iraq. We ordered an air conditioner for a room in Iraq, and then it went to a contractor, a subcontractor, another subcontractor, and pretty soon the American taxpayer paid for air conditioners and that room now has a ceiling fan—yes, a ceiling fan. It is just unbelievable what is going on. Again, nobody seems to care.

I mentioned before that in the 1940s, Harry Truman was a Senator in this Chamber, and he put together the Truman Committee. It was bipartisan. They went after waste, fraud, and abuse. They wouldn't tolerate it. I am sure Franklin Delano Roosevelt was furious that a Congress was nipping at his heels, a Congress of his own party nipping at his heels on these issues. It didn't matter. Harry Truman, Republicans and Democrats together, went after it.

I proposed three or four times in the Senate to have votes to establish a select committee to do just that, but, sorry, no dice. Nobody wants anything to do with this issue.

I will come to the floor and give a list of what we have discovered in 10 hearings and see if anybody stands up to say: Yes, that makes sense; we support all that. None of this makes sense. It cries out, it begs for leadership. This undermines American soldiers and it cheats American taxpayers and it is unbelievable what is going on and nobody seems to care very much. So when I have the opportunity to hear someone say: We haven't held oversight hearings because we have been obstructed—nonsense. Or: We have held oversight hearings—nonsense again. Neither excuse washes. Nobody is minding the store. Nobody is watching the till.

The fact is, American taxpayers are taking a bath—and it is not just the taxpayers. It is water connected to the Euphrates River taking water to the military installations in Iraq. And, yes, the top American in the company, Halliburton, who is responsible for moving nonpotable water to the soldiers in the military installations in Iraq, is the American who wrote the report. I have seen the report. What he said was the nonpotable water that is provided to the soldiers for the purpose of showering and brushing their teeth and washing their hands and doing the kinds of things they do was more contaminated than raw water coming from the Euphrates River. And their internal report says: This was a near miss. This was a near miss. It could have caused death or mass sickness.

This event, which was a near miss, could have caused death or massive illness, it has been denied that it even happened by the company. The Pentagon doesn't seem to be very interested. The company denies it happened, despite the fact that we have it in writing from the person who was in charge and who still works for the company. It is unbelievable.

I didn't come to talk about that, but when I hear people say there has been aggressive oversight, or any oversight in this Congress—it is a sham. It is not the case.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5684, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5684) to implement the United States-Oman free trade agreement.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes divided as follows: Mr. DORGAN, 10 minutes; Mr. CONRAD, 10 minutes; the chairman and ranking member of the Finance Committee, 10 minutes, equally divided.

Mr. DORGAN. Mr. President, I believe I had reserved 1 hour of which I had used 30 minutes previously. The vote is at noon, so I intend to speak for the other 30 minutes, if that is appropriate?

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me talk about the Oman Free Trade Agreement. There are nine additional free-trade agreements being negotiated right now, nine of them. This past week there was an announcement that the monthly trade deficit is now $68 billion a month; a $68 billion monthly trade deficit. If ever there was a definition of failure, this is it.

So here is what we have: We have the good old boys negotiating trade agreements—Republicans and Democrats.

They happen to be Republicans now because they are in power, but it has gone on for some long while. Here is what you see: Trade deficits, which are represented by a mountain of red ink—or a deep valley of red ink in the case of this chart—the highest trade deficit in history, an unbelievable trade deficit. No country has ever had these kinds of deficits. They will have significant consequences for our country.

These deficits must be paid for with a lower standard of living in our country. Every single day, we send $2 billion out to foreign countries because we import $2 billion more than we export. That means every single day we are selling $2 billion of this country. We are selling America piece by piece.

Does this give anybody pause? Is anybody concerned? No. You know what we need to do? Let's do another trade agreement. We have done trade agreements here, at this point on the chart, we have done them here, we have done them here, and every single incompetent trade agreement this country signs up for ends up dramatically increasing our Federal deficits. We are choking on them, pulling the rug out from under American workers, shipping more American jobs overseas. And what is the response of this Congress? You know, let's do more of it. Why? Because we live in a global economy, and this is free trade.

I once knew, in my little home, a three-legged blind dog with fleas that they used to call Lucky. Labels didn't mean much to me—didn't mean much to that dog either, as a matter of fact. "Free trade," that is the label on this nonsense. It is not free and it certainly is not fair.

This country has become Uncle Sucker on trade agreements. We have signed up to almost anything. Most of our trade is foreign policy and soft-headed foreign policy at that. I am in favor of trade. I want to expand trade—the more the better, but I demand it be fair to this country. When it is not fair, I think we ought to insist. It doesn't matter to me whether it is Oman or China or Europe or Japan or Korea or Mexico or Canada, I think we ought to say it is a new day. And the way we are going to trade with you is with circumstances that are fair to our country, to our workers, and to our country's interests.

Trade ought to be mutually beneficial. When we sign up to trade with somebody, it ought to be mutually beneficial.

Let me tell you what is coming next year. Next year everyone in this country will have an opportunity to start buying Chinese cars because China has announced that they intend to start shipping Chinese automobiles to the U.S. marketplace. We have a trade agreement with China about cars. Let me describe what it is.

It says: China, when you ship a car to the United States—it will happen starting next year—we are going to hit you with a 2.5-percent tariff, a tiny little tariff, a 2.5-percent tariff you are going to have to pay on the cars you ship into our marketplace. And, by the way, any American cars that we send to China next year, we agree we will pay a 25-percent tariff.

So a country with whom we have a $2.5 billion trade deficit, we signed up, on bilateral automobile trade, that they should be able to charge a tariff 10 times higher on automobiles when we try to sell a car in their country. That is unbelievably incompetent. That is what our country has agreed to.

That is just one little piece. Most people wouldn't know about dealing with bilateral automobile trade. It affects American jobs. It pulls the rug out from under our workers. That is just one. There are dozens and dozens of similar examples.

Since I am speaking about automobiles, let me describe the situation with Korea. South Korea sent us over 700,000 cars last year. I will show you the chart. South Korea sent 730,000 cars last year into our marketplace. Do you know how many American cars we sold in South Korea? We sold them just 4,251 cars. Is it because they don't want American cars? No. It's because the Koreans largely closed their market to our product even as we opened our markets with theirs. Do we do anything about it? No. We sit around twiddling our thumbs—sucking our thumbs in some cases—and lament that this is going on. It is an unbelievable failure.

Ninety-nine percent of the cars driven on the streets of South Korea are Korean-made cars. Why is that the case? That is exactly the way they want it, and that is the way it will stay because our country doesn't seem to care. We sign up to all of these trade agreements. In fact, we are doing a new agreement with Korea now. That is one of the nine. Does anyone really care about fair trade?

So in this context, let me talk about Oman now.

There are about 400 organizations, ranging from the League of Rural Voters to the National Farmers Union to the Sierra Club to the AFL–CIO, about 400 organizations have come out in opposition to this trade agreement. What is the reason for that? Let me describe it with a letter which many of them signed which says the following:

> Like NAFTA and CAFTA, OFTA [the Oman Free Trade Agreement]—fails to include any meaningful labor and environmental protections. The lack of effective labor provisions in OFTA is particularly significant in light of the recent revelations of massive labor abuses in Jordan—a Nation with which the United States has a free trade agreement. These violations involve widespread human trafficking, 20-hour workdays and widespread failure to pay back wages. More troubling is the fact the Oman FTA contains weaker labor provisions than the Jordan FTA.

Let me describe what is going on in Jordan. This is actually a New York Times piece. I have actually spoken to the people who went to Jordan and saw these sweatshops.

> Propelled by a free trade agreement with the United States, apparel manufacturing is booming in Jordan, its exports to America soaring twenty-fold in the last 5 years.
>
> But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart and other American retailers are complaining of dismal working conditions—20-hour days, of not being paid for months, and of being hit by supervisors and jailed when they complained.

Here is what happens in Jordan. They fly in so-called guest workers from Bangladesh, Sri Lanka, put them in a corner of Jordan in sweatshops, in factories with closed doors, and then they fly in Chinese textiles, and in sweatshop conditions, with imported workers from Bangladesh and imported textiles from China, they produce products which they ship to the United States.

Let me describe some of the conditions. Some of these workers imported from Bangladesh were promised $120 a month but in some cases were hardly paid at all. One worker was paid $50 for 5 months of work. Forty-hour shifts were common. Let me say that again. Forty-hour shifts—not weeks—were common. Forty-hour shifts in those sweatshops apparently replaced the 40-hour workweek. There were frequent beatings of any workers who complained.

What is the relevance of all this to an Oman Free Trade Agreement? First of all, the country of Oman has about 3 million people. Of that rather small population, over one-half million are actually foreign guest workers. The majority of Oman workers involved in manufacturing and construction are not from Oman. The majority of the workers in Oman are foreigners brought in from Bangladesh, Sri Lanka, and other very poor Asian countries, under labor contracts to work in construction and in factories.

Here is what our own country's State Department's 2004 Report on Human Rights said about Oman. We are doing a trade agreement now with Oman. Our own State Department reports that:

> The law prohibits forced or compulsory labor, including children; however, there were reports that such practices occurred. The government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor.

Our own State Department talks about forced labor in Oman. It doesn't matter to the people who put this agreement together. They could care less. They do not intend to put in strong labor provisions with respect to this trade agreement.

There are no labor unions in Oman that would be protective of workers or negotiate for workers. In 2003, the Sultan of Oman issued a Sultanic decree which categorically denies workers the right to organize and join unions of their choosing. In some circumstances, workers in Oman can join "representative committees," but those committees, just as is the case in China—China is now advertising a lot of unions—those committees are not independent of the employers or of the Government. China now has unions that are part of the Communist government, and the Sultanic decree that prohibits unions in Oman allows representatives of workers to get together but not independent of employers or the Government.

By the way, the Sultan of Oman has written to our U.S. Trade Ambassador and promised that he will improve Oman's labor laws in October of this year. That would be next month. How do you calculate that? That would be after the U.S. Congress votes, wouldn't it? They are going to improve their labor laws after we have voted. Yes, I guess I have heard that before. Maybe this country ought to be suggesting that some of these things be improved before they negotiate free-trade agreements.

Under fast-track rules, the Congress, in its own lack of wisdom, said: We would like to put ourselves in a straightjacket. We can negotiate agreements and treaties on nuclear arms without fast track, but on trade agreements, we must negotiate in a way that says when we come back to the Congress, we are prohibited from offering amendments. So the Congress actually votes to put itself into a straightjacket and prohibit any amendments. I don't vote for that. I lead the fight against it because I think it is fundamentally undemocratic. But the Congress has already done that. That is why there will be no amendments to the Oman Free Trade Agreement.

Let me describe one other provision in the Oman agreement, and it has been in a couple of other agreements as well.

Earlier this year, there was a big fight in this country about Dubai Ports World, which is a company owned by the United Arab Emirates, taking over major seaports in this country—six major U.S. seaports—New York, New Jersey, Baltimore, New Orleans, and Miami—taken over to be managed by a company owned by the United Arab Emirates. There was a huge blowup as a result of that, a massive firestorm of protest. The President had already approved it, said: It is fine; don't worry about it; we think American ports can be managed by the United Arab Emirates or the company it owns, Dubai Ports World. I didn't think so, but the President said it is fine.

Brushing aside suggestions from Republicans and Democrats alike, President Bush endorsed the taking over of shipping operations at six major seaports by a state-owned business in the United Arab Emirates. He pledged to veto any bill Congress might approve to block that amendment. But still, in all, there was such a storm of protest by the American people saying: With all of the terrorist threats, maybe we ought to manage our own seaports; there was such a storm of protest that Dubai Ports World announced they had reached an agreement and they decided they would sell or negotiate to sell their interests in managing our ports.

Michael Chertoff, Homeland Security Secretary, said during that period that the proposed takeover of terminal operations at five U.S. ports by a Dubai company would give U.S. law enforcement a better handle on security at U.S. terminal operations. Let me talk about terminally bad judgment here. Here is the guy in charge of Homeland Security who says that allowing foreign interests to take over the management of America's ports will fully actually provide better security for our country. You talk about unbelievably bad judgment. Everybody has a right to be wrong, including the head of Homeland Security. Let's just hope that when he is wrong, it doesn't result in another terrorist attack on this country.

Here is what is in the Oman Free Trade Agreement, a provision that says that the U.S. government cannot block Oman's acquisition of the following activities:

> Landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to or from land, marine, cargo handling operations and maintenance at piers.

That is the managing of a port. That provision says that we can't block Oman from acquiring or an Oman company from acquiring—that is in the trade agreement. This agreement says we will not be able to block, without abrogating this trade agreement, a company from Oman from operating America's seaports. This alone should defeat this trade agreement. It will not because there are 60 or 65 Members of this body who will vote for any trade agreement, almost. This provision alone should defeat this trade agreement.

Let me finish by talking about the consequences of this senseless trade policy on jobs in this country. I know it is tiresome to some of my colleagues to keep hearing about this, but I believe it is worthy to describe where we are headed in textiles, manufacturing, high tech, and other areas.

You will remember the television commercials advertising Fruit of the Loom underwear. It ran a lot of commercials talking about how wonderful Fruit of the Loom underwear would be for each of us. They paid someone to dress as green grapes and someone to dress as red grapes. I guess that is the little logo on Fruit of the Loom underwear. They danced, the green and red grapes danced and sang and played music and various things. I don't know who would actually accept money to dance as grapes, but they found actors to dance as grapes, and they danced right out of this country. They don't make one pair of Fruit of the Loom underwear in this country anymore, not one.

If you want Mexican food, go to the grocery store and buy Fig Newton cookies. They left this country. They went to Monterrey, Mexico.

Every Member of this Senate, I will bet, once had a Radio Flyer, a little red wagon. It was made in America for 110 years. You can still buy them here, but they are not made here anymore; they left for China—all made in China, the little red wagon, the Radio Flyer.

If you wear Tony Lama cowboy boots, you might be wearing Chinese shoes. I have told this story until everyone is tired of it. Americans used to make them, but they lost their jobs. When they were fired, the last job they had was to take the "American made" decals off existing inventory. They had an hourly job plus benefits. The jobs left our country and went to China.

They still sell these Huffy bicycles in this country, but they are made for 33 cents an hour by people working 7 days a week, 14 hours a day. The last thing those American workers did on their last day of work and leaving the parking lot was to leave a pair of empty shoes in the parking lot. They left a pair of empty shoes in their parking space. It was a way for workers to say to the company: You can ship our jobs to China, but you are not going to fill our shoes.

It goes on and on and on—yes, with product after product, textiles and manufacturing, high tech. One-half of the Fortune 500 are now doing software development offshore, overseas. It is pretty unbelievable.

In all of this, we give a tax cut, tax break. We not only manage bad trade agreements to make it easy to ship jobs overseas, we say: If you do that, we will give you a big fat tax cut. Four times I have tried to eliminate that in the Senate, and four times the Chamber of Commerce and others who support that tax cut rounded up enough votes in the Senate to preserve it. I find that appalling. Nonetheless, that is what is happening with trade.

Ultimately, this country will not long remain a world economic power if it does not retain a world-class manufacturing base. This country will not continue to expand the middle-class workers if it continues to incentivize the shipment of jobs overseas. The construct of many big companies of saying: We want to produce where it is cheap—China, Indonesia, Bangladesh; we want to sell in the established marketplace of Los Angeles, Chicago, Denver, Fargo, Pittsburgh, and run the income through the Cayman Islands to avoid paying taxes—will undermine the economic interests of this country.

This country made great progress by expanding the middle class with good jobs that paid well. We debate a lot of things in this Senate, but there is nothing we debate with respect to a social program that is more important than a good job that pays well. We would do well to remember that as we take a look at bad trade agreements and prepare ourselves, once again, as the majority of this Chamber—but not me—votes yes in favor of trade agreements which pull the rug out from under workers, pull the rug out from under farmers, and undermine the long-term economic interests of this country.

We have the same chorus of a tired song that is being sung today in the Senate about the virtues of another bad trade agreement. This one was with a very small country of 3 million people. I have never been to Oman. I don't know much about Oman. I am not opposed to the country of Oman in any way. I am interested in standing up for the economic interests of this country. This is one more chapter in a book of failures on international trade. This country, this Senate, has a responsibility, finally, to start getting it right.

I will vote against the trade agreement with Oman and hope that, even as this trade agreement will likely pass, as other trade agreements have, an agreement that undermines our country's economic interests, in the next nine trade agreements, all of which are being negotiated now, we will finally see some negotiations that stand up for our interests.

It is long past the time, when we have a $68 billion-a-month deficit and nearly $800 billion-a-year trade deficit, it is long past the time to ask the questions: What is wrong? How do we make it right? What is not working? How do we fix it?

This Congress, this administration, seems content, as has been the case now for the last dozen years, in snoring through all of this, saying it will be handled by someone else, sometime later, pretending somehow the consequences do not matter.

The consequences do matter. There are significant consequences.

One can make a case when the Budget is debated here that whatever the budget deficit is, it is money we owe to ourselves. One can make that case. Economists make that case. It is not a case I make, but it is money we owe to ourselves. We cannot make that case with a trade deficit. That is money we owe to others. Over one-half of our trade deficit is now held by the Japanese and the Chinese, which is used to buy American property, American stocks, bonds, to buy part of this country—drip, drip, drip, every day, $2 billion a day.

I will vote against this trade agreement and hope the next trade agreement that comes to the Senate will be an agreement that fixes previous problems rather than negotiates new agreements. The problems in the previous agreements are legend: NAFTA, CAFTA, United States-Canada. It is absolutely legend, the problems that exist, and not one of them has been fixed. All of them continue to exist. We turn a blind eye to all them as we negotiate new agreements. That disserves this country's economic interests.

Mr. BAUCUS. Mr. President, two-and-a-half months ago, the Senate passed the United States-Oman Free Trade Agreement Implementation Act. We did so because we expected that this agreement will benefit our economy. That is still true. And we should pass it again today.

Under the agreement, virtually all American merchandise exports will enter Oman duty free. Oman will eliminate most of its duties right away. And Oman will liberalize the remainder of its duties within 10 years. This agreement gives free access to the growing Omani market to American industrial equipment, medical devices, frozen beef, and snack foods.

Oman has also agreed to go beyond its multilateral commitments to provide greater American access to its services markets. It has committed to protect intellectual property. It has committed to combat corruption and bribery. And it has implemented reforms of its labor laws to address American concerns.

I support this trade agreement on its merits. It is a good agreement. And it will strengthen our ties with a valuable partner in the Middle East. I urge my colleagues to vote for it.

Some may wonder why a small agreement like this has generated any controversy. In part, that is due to the process by which this agreement came before Congress.

The Finance Committee unanimously adopted an amendment to the Oman implementing legislation. Then the administration rejected that amendment outright. This disregard for the constitutional authority of Congress over international trade only weakens support for the administration's trade policy.

But more broadly, the controversy over Oman reflects more general frustration with trade agreements. In Congress, there is deep frustration with the way that the administration has negotiated these agreements. And there is frustration with the way that the administration has handled important issues like labor and the environment.

Americans are concerned about job losses. Americans associate globalization with threats to their jobs. And Americans are concerned that trade agreements might erode conditions in the workplace.

These issues will come to the fore as we approach the expiration of Trade Promotion Authority in the middle of next year. In the wake of the controversy surrounding Oman and other trade agreements, it is high time that we take a hard look at American trade policy. It is high time that we ask ourselves how we can make it work better.

For starters, we have to refocus our trade policy. We have to make sure that it helps American workers and businesses meet the competitive challenges that they face in the global marketplace. We have to rethink the types of trade initiatives that we pursue in the future. We have to build grassroots support for trade. And we have to pay far greater attention to domestic initiatives to increase our savings, reduce our trade deficit, improve education, and help the workers whom trade leaves behind.

I look forward to that debate. I look forward to laying the foundation for a broader consensus on trade. And I look forward to the day when we can once again join together on the trade agreements of the future.

Mr. FEINGOLD. Mr. President, I oppose this deeply flawed trade agreement. When the Senate passed its version of this legislation a few months ago, I noted that one group had said that this trade agreement is as bad as CAFTA, except where it is worse.

The Oman trade agreement is the latest in a series of agreements that have been based on the failed NAFTA-CAFTA model of trade that has shipped thousands of businesses and millions of jobs overseas, devastating communities across our country. The record of that model of trade is crystal clear. During the post-NAFTA era, our trade deficit has exploded from $98 billion in 1994 to $805 billion in 2005. And yet, once again we are debating more of the same.

As I noted in June, the Oman Free Trade Agreement is stamped from the NAFTA-CAFTA cookie cutter. It provides no real enforcement for the labor or environmental provisions. And even the most modest efforts to address the deficiencies of the NAFTA-CAFTA model were rejected by the White House. Most notably, an attempt by the Senate Finance Committee to deny trade benefits for products made with slave labor, approved unanimously by the Committee on an 18-to-0 vote, was rejected by the administration, which submitted this agreement without that reasonable protection.

You don't have to be a trade expert to know that our trade policy is alarmingly bad. When even the most reasonable addition is proposed by the Finance Committee to deny preferential benefits for products made by slaves, the administration refuses to include it.

Mr. President, any consultative role Congress was to have as part of the fast-track process has been shown to be meaningless. I very much hope my colleagues will remember this when we consider legislation to renew fast-track implementing authority. Until then, we should reject this and similarly flawed trade agreements.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to use my 10 minutes that has been allocated to me on the Oman Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I rise in strong support of H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act. The United States-Oman Free Trade Agreement will benefit U.S. farmers, workers, and businesses. It will lead to economic growth and enhance the predictability of the rule of law in Oman, a reliable ally of the United States in the Middle East.

The United States-Oman Free Trade Agreement will also serve as a model for other free-trade agreements in the Middle East.

In this way, the United States-Oman Free Trade Agreement will contribute to the formation of a Middle East free trade area, a development that would provide major economic and political benefits for the United States.

Let me begin by discussing the economic gains that this agreement will bring to the United States. On the day that the agreement goes into effect, Oman will no longer impose any tariffs on U.S.-produced consumer and industrial products. The agreement will also benefit U.S. farmers as some 87 percent Oman's tariff lines will go to zero for U.S. agricultural products on day one of the agreement. Oman's remaining tariffs on U.S. farm products will be phased out over 10 years.

In addition, the United States-Oman Free Trade Agreement will result in substantial improvements in market access for U.S. service providers and new protections for U.S. investors.

Given the benefits that it will provide to the United States, the agreement has been endorsed by groups as varied as the American Farm Bureau Federation, the American Chemistry Council, the Association of Equipment Manufacturers, the National Foreign Trade Council, and the United States-Middle East Free Trade Coalition, an entity consisting of over 110 U.S. companies and associations supporting trade expansion in the Middle East.

The United States-Oman Free Trade Agreement will result in new market opportunities for farmers, workers, and businesses throughout the United States, including those in Iowa.

For example, the Midamar Corporation—a small business located in Cedar Rapids, IA, that specializes in halal foods—anticipates that the United States-Oman Free Trade Agreement will lead to new sales of Iowa-produced foods in Oman. Profit margins in the food sector are very low, and Oman's current average applied tariff of 5 percent on many of Midamar's products cuts into the company's profits.

With Oman's tariffs on many of Midamar's products going to zero on day one of the agreement, Midamar will have significantly improved access to the Omani market immediately upon implementation of the United States-Oman Free Trade Agreement.

At least two other Iowa businesses expect to benefit from the free-trade agreement. The HNI Corporation of Muscatine is the second largest manufacturer of office furniture in North America, and HNI is specifically targeting the fast-growing market of the Middle East. HNI anticipates that the agreement will provide improved opportunities for it to sell its products in Oman.

Likewise, Lennox—which manufactures residential heating and cooling products in Marshalltown—predicts that it will gain from the United States-Oman Free Trade Agreement. Thus, the United States-Oman Free Trade Agreement could have a direct impact on Iowans in Cedar Rapids, Muscatine, and Marshalltown. This agreement will benefit people in other States as well.

I am confident that the Oman Free Trade Agreement will ultimately lead to new market access opportunities for American products in yet more Middle Eastern countries. President Bush is advocating the development of a United States-Middle East free trade area by 2013, and the United States-Oman Free Trade Agreement is another building block toward the accomplishment of this goal.

The United States has already implemented free-trade agreements with four other countries in the Middle East—Bahrain, Israel, Jordan, and Morocco.

A completed United States-Middle East free trade area would result in significantly improved market access for U.S. farm, consumer, and industrial products in a region of the world populated by 350 million people that is growing quickly.

Such an arrangement would also benefit people throughout the Arab world by providing needed economic reforms. So a United States-Middle East free trade area is in the best interests of the people of the Middle East, and it would advance American interests as well.

In addition to providing new economic opportunities for the United States, the United States-Oman Free Trade Agreement will contribute to the security of our country. Oman is a consistent ally of the United States in an unstable part of the world. Given that the United States is currently engaged militarily in two countries in the region, now is a particularly appropriate time for us to further cement our close ties with Oman.

By improving economic conditions in Oman, I am convinced that the United States-Oman Free Trade Agreement will contribute to the stability of that country. Such stability will help solidify Oman's position as a moderate Arab country and a friend of the United States.

The United States-Oman Free Trade Agreement is a strong agreement. It will provide economic benefits for the United States. It will also benefit Oman, a consistent ally of the United States.

I urge my colleagues to vote for H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Under the previous order, the question is on the third reading of the bill.

The bill was read the third time.

Mr. SUNUNU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. MENENDEZ) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—62

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Cantwell
Chafee
Chambliss
Clinton
Cochran
Cornyn
Craig
Crapo
DeMint
DeWine
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kerry
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—32

Biden
Bingaman
Boxer
Burr
Byrd
Carper
Coburn
Collins
Conrad
Dayton
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Inouye
Johnson
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—6

Akaka
Bayh
Coleman
Harkin
Kennedy
Menendez

The bill (H.R. 5684) was passed.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, on rollcall No. 250, I voted "yea"; it was my intention to vote "nay". I ask unanimous consent I be permitted to change my vote since it will not change the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF ALICE S. FISHER TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise today in strong support of a person from my hometown of Louisville, KY, Alice S. Fisher, who has been nominated to be Assistant Attorney General for the Criminal Division at the Department of Justice.

As I remarked at her confirmation hearing last year, Ms. Fisher is a battle-tested veteran of the war on terror. For the last year, she has again been on the front lines of that struggle.

She has, really, an outstanding and impressive record. She first joined the Justice Department in July of 2001 as a Deputy Assistant Attorney General in the Criminal Division. She was placed in charge of its counterterrorism efforts. Just 2 months later came September 11.

After that horrific day, our Government responded forcefully and quickly. Ms. Fisher's role was absolutely vital to that fight. She was responsible for coordinating all matters related to September 11 investigations and prosecutions. In addition, she headed up the implementation of the USA PATRIOT Act.

As a Deputy Assistant Attorney General, Ms. Fisher also headed up the Department's efforts to combat corporate fraud just when the collapse of Enron and other corporate scandals were front-page news. She also helped draft the Sarbanes-Oxley Act and worked closely with the Securities and Exchange Commission.

In July of 2003, Ms. Fisher left the Department to become a partner at Latham and Watkins, where she concentrated on litigation and white-collar crime.

Last spring, Alice Fisher again answered the call to join her country by rejoining the front lines on the war against terror when the President nominated her to head the Criminal Division.

As I mentioned earlier, the Criminal Division has many important responsibilities, among them national security prosecutions, both counterterrorism and counterintelligence, combatting gang violence and organized crime, prosecuting corporate fraud and identity theft, going after public corruption and protecting kids from child pornography.

For the last year Ms. Fisher has impressively led the Department in all facets of its operations while serving as a recess appointment. In this capacity, she has further demonstrated her expertise, determination and integrity. Alice Fisher is a proven leader.

Under her tenure, the counterterrorism section has convicted numerous terrorists, including Zacarias Moussaoui, the 20th September 11 hijacker. She created a new gang squad of experienced prosecutors to combat national and international gangs such as MS-13. She supervised the Enron task force resulting in the convictions of top executives Ken Lay and Jeffrey Skilling. She heads the Katrina Fraud Task Force which combats all fraud and corruption resulting from this national disaster. As of the end of July, the task force has charged 371 defendants. Under her leadership the Public Integrity Section has prosecuted major public corruption cases.

In addition, since the beginning of her tenure, the Department has aggressively prosecuted crimes against children. It is now coordinating 18 national child pornography operations.

Ms. Fisher was born and raised in my hometown of Louisville, KY, and is part of a close-knit family. Her father ran a chemical plant. Her mother worked the night shift as a nurse. She still has a lot of family back home in Louisville.

She earned her BA degree from Vanderbilt University and her law degree from Catholic University. Her husband, Clint, also serves our Nation as the Director of Aviation Policy for TSA. Last, but certainly not least, she is the mother of two boys, Matthew, age nine, and Luke, age five.

In a relatively short time, Alice Fisher has accomplished a great deal. She served her country after the September 11 attacks. She rose to become a partner in one of America's most prestigious law firms, and she then chose to forego a more lucrative career in private practice to come back in and serve her country again.

Alice Fisher knows that every day she works on behalf of her country she is working to build a stronger and safer America for her two children and for all of ours. Thanks to her, America is a safer place than it was on September 11, 2001.

A man who held the job for which Ms. Fisher has been nominated is her old boss, Michael Chertoff, a pretty good lawyer in his own right. Alice earned praise when he called her "one of the best lawyers I've seen in my entire career."

America needs Alice Fisher to be confirmed as the next Assistant Attorney General of the Criminal Division. I look forward to her confirmation. She is a wonderful person, an accomplished lawyer, and a Kentuckian of whom all America can be proud.

She has support from a number of groups I will make reference to, including the support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association and the National District Attorneys Association. I ask unanimous consent those letters of endorsement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 17, 2006.

Hon. ARLEN SPECTER,
Chairman Committee on the Judiciary,
Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN SPECTER AND SENATOR LEAHY: I want to most strongly support the nomination of Alice Fisher as the Assistant Deputy Attorney General of the United States in charge of the Criminal Division and urge her speedy confirmation.

Ms. Fisher served her country well as the Deputy Assistant General in the Criminal Division during a unique and tragic time in this nation's history. During the period following September 11, 2001, Ms. Fisher was responsible for managing the Counter-Terrorism Section and worked on the development of policy issues on criminal law enforcement and national security.

Since her appointment as Assistant Attorney General in the Criminal Division she has been responsible for the Department of Justice's response to Hurricane Katrina and the aftermath of widespread fraud; the development of a strategic plan to address the burgeoning identity theft problem that confronts this nation; child sexual exploitation issues; corporate fraud; and public corruption issues.

Prior to Ms. Fisher's career in the Department of Justice she also served Congress in her capacity as Deputy Special Counsel to the United States Senate Special Committee to investigate the Whitewater Development and Related Matters.

Given Ms. Fisher's experience in both the legislative and executive branches of government and her exhibited level of commitment to the Department of Justice I can think of no one who would bring more ability to this position than she would.

If you have any questions or concerns in regard to my support of Ms. Fisher please do not hesitate to contact me.

Sincerely,

THOMAS J. CHARRON,
Executive Director.

GRAND LODGE, FRATERNAL
ORDER OF POLICE,
Washington, DC, August 1, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee to the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR LEAHY: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our support for Alice S. Fisher to be continued as the next Assistant Attorney General for the Criminal Division at the U.S. Department of Justice.

For more than one year, Ms. Fisher has served as Assistant Attorney General for the Criminal Division as a recess appointment. She has diligently served in this role and has coordinated with law enforcement on a variety of issues, including antiterrorism prosecutions, public corruption cases, and child sex exploitation cases. Prior to this, Ms. Fisher served as Deputy Assistant Attorney General of the Criminal Division at the U.S. Department of Justice and was responsible for managing both the Counterterrorism and Fraud Sections at the Department. During her tenure, she was responsible for coordinating the Department's national counterterrorism activities, including all matters relating to September 11th investigations and prosecutions, terrorist financing investigations, and the implementation of the USA PATRIOT Act.

Her management of the Fraud Section included supervising many investigations into corporate fraud, particularly in the areas of securities, accounting, and health care. She worked on a variety of policy matters relating to identity theft and testified before the Senate Special Committee on Aging about the impact of these crimes on our nation's senior citizens.

Currently Ms. Fisher's management of the Innocence Lost Initiative, a cooperative effort to prevent and prosecute child prostitution between the FBI, the Criminal Division's Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children, has led to 188 open investigations, 547 arrests, 79 complaints, 105 indictments, and 80 convictions in both the Federal and State systems.

Ms. Fisher's experience as a litigator and policy-maker, as well as her strong, positive relationship with the law enforcement community, makes her an excellent choice to lead the Criminal Division. The F.O.P. has no doubt that she will continue to be an outstanding Assistant Attorney General, and we urge the Judiciary Committee to expeditiously approve her nomination. If I can provide any further recommendations for Ms. Fisher, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Lewisberry, PA, August 31, 2006.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the 25,000 members of the Federal Law Enforcement Officers Association (FLEOA), I am writing to you in support of the nomination of Alice S. Fisher for the position of Assistant Attorney General of the Criminal Division of the Department of Justice. Since her nomination easily cleared the Senate Judiciary Committee in May, we are now appealing to you in your leadership role as the Senate Minority Leader to intervene and help bring this important matter to the floor of the Senate for a full vote.

It our understanding that this process has stalled due to the unfortunate invocation of partisan politics. As the largest non partisan professional federal law enforcement association, FLEOA would like to see Ms. Fisher's nomination evaluated based on its merit. To that end, the membership of FLEOA is convinced that Ms. Fisher's impressive credentials would result in her being confirmed should the matter reach the floor of the Senate.

Why is this matter important to the membership of FLEOA? Several of our members have had the distinct pleasure of working with Ms. Fisher, or have served on one of the many task forces she oversees. Two notable examples are the Katrina Fraud Task Force and the President's Identity Theft Task Force. When you ask one our members about their experience working with Ms. Fisher, the typical response is an enthusiastic thumbs-up. Ms. Fisher has earned the reputation as a tireless proponent of federal law enforcement, and she commands the respect of our membership.

In her capacity as the Deputy Attorney General, Ms. Fisher did an outstanding job leading the Enron Task Force. Again, several FLEOA members who were involved in the Enron investigation have nothing but the highest praise for Ms. Fisher. A logical person that objectively reviews Ms. Fisher's long resume of distinguished accomplishments can only reach one conclusion: her confirmation as the Assistant Attorney General for the Criminal Division will significantly strengthen the law enforcement component of our nation.

While the threat of domestic terrorist attacks continues to escalate, time does not take pause to accommodate indecision. If we sit back and allow Ms. Fisher's recess appointment to expire, then we become complicit in weakening the Department of Justice. This is unacceptable to the membership of FLEOA.

We have reached a pivotal point in our government's history where it has become increasingly difficult to recruit and retain the best and the brightest minds to assume leadership positions. If we don't make every effort to confirm the nomination of Ms. Fisher, then who do we expect to get to fill these important positions? More importantly, who will the Attorney General have to turn to for assistance in initiating and overseeing numerous federal law enforcement task forces?

Senator Reid, the membership of FLEOA hopes that you will consider the nomination of Ms. Fisher a priority matter. We are prepared to provide you with additional recommendations and anecdotal support if necessary. Please don't hesitate to contact me or Executive Vice President Jon Adler if we can be of further assistance. On behalf of the FLEOA membership, I thank you for your leadership and your service to our great country.

Sincerely,

ART GORDON,
National President.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the nomination of Alice Fisher. The Senator from Vermont has 30 minutes.

Mr. LEAHY. Mr. President, I will use part of that time.

Today we are considering the nomination of Alice Fisher for the position of Assistant Attorney General of the Criminal Division of the U.S. Department of Justice. We have less than 2 weeks left in the legislative session before we recess for the elections. The Republican leadership has once again delayed doing the work of the American people so they can consider a nominee about whom many questions remain.

We are being required to consider this nomination despite unanswered questions regarding her role in the administration's controversial, questionable detainee treatment policies. Of course, on these questions, as on so many other matters involving torture and detainees at Guantanamo, the administration has refused to provide Congress with the information it has sought.

As I said 2 weeks ago when the President re-nominated five extremely controversial choices for lifetime positions on the Nation's highest courts, I continue to be disappointed in the misguided priorities of the Bush-Cheney administration and, in fact, the rubberstamp Senate Republican leadership. I really think all Americans—Republicans and Democrats—would be better served if we used the few remaining weeks of this legislative session to address vital, unfinished business, such as the war in Iraq. That might be something the American people would really like to see us debate, the war in Iraq. We haven't had a real debate on it since we saw that huge sign a few years ago behind the President that said: "Mission Accomplished." He was dressed up like Tom Cruise in "Top Gun" and put up the sign that said: "Mission Accomplished." I guess they decided it was all over; why debate it?

It would be nice if we enacted a Federal budget. The law says—the law says, and I say this to my law-and-order friends who control the agenda, my Republican friends who control the agenda—the law says we have to have a budget passed by April. We didn't do it in April or May or June or July or August, now September. We are all law and order around here, but apparently we think we don't have to follow the law.

Of course, we are supposed to pass the 11 remaining required appropriations bills by the end of this month. It doesn't look like that is going to happen.

We talked about enacting lobbying reform and ethics legislation. I remember the Republican leadership having a wonderful press conference, just absolutely wonderful—just touched by it—especially knowing they would never bring up the legislation.

It would be nice to address the skyrocketing cost of fuel. I don't think any one of us goes home where we don't hear about the cost of gas, but we don't do anything about that.

People talk to me about health care. We don't do anything about that, either.

How about a bipartisan, comprehensive immigration reform bill? I stood outside the White House and praised President Bush for his support of a comprehensive immigration reform bill. He told several of us in a long meeting—and I think he was passionate about it—that we needed to have one. When a 30-vehicle caravan of Vice President CHENEY's with sirens wailing came up to the Hill today, I don't think they were saying: Let's pass a comprehensive immigration reform bill.

But what we can do is controversial nominations—not the items the law requires us to do but the things the fundraising letters require.

In this case, we have an interesting nominee to be the head of the Criminal Division for the Justice Department. She has never prosecuted a case. She has minimal trial experience. But she is going to be the head of the Criminal Division of the Justice Department. Her career has been spent almost entirely in private practice.

She is a longtime protegee of Homeland Security Secretary Michael Chertoff, who was in overall charge of cleaning up after Katrina, which I know will happen some day. So after being his protegee, she is rewarded with the post of heading the Criminal Division of the Justice Department.

I did not block her from coming out of the Judiciary Committee. We had a voice vote on June 16 of last year. But then concerns arose about her role, while Mr. Chertoff's deputy, in meetings in which controversial interrogation techniques used on detainees at the Naval Facility in Guantanamo Bay, Cuba, were discussed and decided upon with the Department of Defense. There remain questions about whether Ms. Fisher attended those meetings and her role in determining how these detainees would be questioned and treated. What did she know? When did she know it? What did she do about it? They are simple questions: What did she know? When did she know it? And what did she do about it? None of that has been answered.

This administration has yet to come clean to the Congress or to the American people in connection with the secret legal justifications it has generated and practices it employs. They can't dismiss these outrageous practices at Guantanamo as the actions of a few "bad apples". With the Senate adoption of the antitorture amendment last year, the recent adoption of the Army Field Manual, and 5 years of the Bush-Cheney administration's resistance to the rule of law and resistance to the U.S. military abiding by its Geneva obligations, that may be finally coming to a close. Of course, we can't even be sure of that, given that despite the great fanfare surrounding the law against torture, we had a Presidential Signing Statement that undermined enactment of the antitorture law and basically said the President and those he designates can work outside the law.

Now, I remain troubled by the nominee's lack of prosecutorial trial experience. There have been people who have held this position—Mr. Chertoff, James Robinson, William Weld—who were seasoned Federal prosecutors. In her case, she would be supervising people who have to prosecute and make judgment calls on very complex cases. They would have to decide whether to go forward. She will be the one to finally sign off on that, but she has never prosecuted a case. It is sort of like saying you are going to be the head brain surgeon; however, you have never really been in an operating room, you have never seen a brain, but there you go.

Even more troubling, perhaps, is the fact that there are so few senior officials at the Justice Department who do have experience in criminal prosecution. I agree with the chairman of the Judiciary Committee, Senator SPECTER, who has noted: The lack of criminal experience at the top of the Department "does concern me." He said that while there were lots of "first-class professionals" throughout the ranks of prosecutors, "there are tough judgment calls that have to be made at the top, and it's good to have some experience on what criminal intent means when you have to make those decisions."

Both Senator SPECTER and I are former prosecutors. We understand that.

I also share the concern of the distinguished senior Senator from Michigan, Senator LEVIN, with the uncertainty about Ms. Fisher's role as Mr. Chertoff's deputy in the development and use of controversial detainee interrogation techniques. Despite repeated requests from Senator LEVIN, who is, after all, the ranking member and a past chairman of the Senate Armed Services Committee, joined by others, the Justice Department refused to satisfy Senators on these points. As a result, concerns remain whether Ms. Fisher had knowledge of the abuse of detainees at Guantanamo and what, if any, action she took. The rubberstamp Republican leadership of this Congress has gone along with the administration and said: You can't have the information.

Sometimes holding this stuff back creates far more of a problem than just telling the truth out front. If FBI Director Mueller had been more forthcoming with me at, or after, the May 2004 hearing in which I asked him what the FBI had observed at Guantanamo, we could have gotten to a detention and interrogation policy befitting the United States years sooner than we have. But rather than answer a simple, clear question, it is easier to stonewall.

If the administration had been forthcoming with Congress in October of 2001 when it decided secretly to flout the FISA law and conduct warrantless wiretaps of Americans, we could have avoided 5 years of lawbreaking, and we could have had a more effective surveillance program targeted at terrorists, not Americans.

In other words, every time they cover up, things get worse. Just tell the truth, be open, and things get better. If the administration had answered me when I asked over and over about the Convention Against Torture and about rendition, we could have come to grips with those matters before they degenerated, as they have, into what has become an international embarrassment for the United States. Former Secretary of State Colin Powell, a former Chairman of the Joint Chiefs of Staff, now acknowledges it threatens our moral authority on the war on terrorism. Again, if the administration had honestly answered years ago, we could have cleared it up, and we wouldn't be in a case where the rest of the world looks at us now and asks us what we are doing.

Just today, a Canadian commission, having studied it, reports that a Canadian citizen, Maher Arar, who was returning from vacation—a Canadian citizen, a Canadian citizen—was arrested by American authorities at JFK Airport in New York. He was held for 12 days, not allowed to speak to a lawyer or a Canadian consular official, and he was then turned over not to Canada, which was 200 miles away, but to Syria where he was tortured, thousands of miles away.

So here is what the United States is faced with. We seized a person from another country in New York, we don't allow him to speak to a lawyer, and we don't allow him to speak with his consular official from his own embassy. We don't send him back to his country, where if he is wanted for something they could arrest him—it is, after all, about a 5-hour drive to the Canadian border—instead we ship him thousands of miles away to be tortured in a Syrian prison, incidentally done without the knowledge of the Canadians.

Now, I know how Senator LEVIN must feel because all of my efforts to get to the bottom of this case have also been brushed aside by the Bush-Cheney administration. Over the years, I have yet to get a satisfactory explanation. The Canadian commission, though, found he had no ties to terrorists. He was arrested on bad intelligence, and his forced confessions in Syria reflected torture, not the truth. We know if you torture somebody long enough, they will say anything you want.

The United States should acknowledge what it did, but instead, it uses legal maneuvers to thwart every effort to get to the facts and be accountable for its mistakes. No matter how egregious the mistake, no matter how many international laws are broken, nobody ever admits a mistake around here.

Now, I certainly understand, if somebody votes against this nomination, it may be a vote not so much against Ms. Fisher, but a vote against this administration's stonewalling and going it alone to the detriment of the interest of the United States and the safety, security, and rights of all Americans.

Last month, our Nation commemorated the one-year anniversary of Hurricane Katrina and the devastation it wrought. We haven't done much to clean it up at Homeland Security, but it is the one-year anniversary. Last week, our Nation commemorated the fifth anniversary of the deadliest terrorist attack on American soil in our Nation's history. These twin tragedies—one caused by nature, one caused by terrorists—serve as somber, but ever present, reminders that our Nation is still not secure. One year after this administration's appalling footdragging, incompetent, and wasteful response to Hurricane Katrina, our Nation still has citizens on the Gulf Coast who do not have homes to return to or jobs waiting when they get there. Five years after 9/11, our country still lacks an effective international strategy to protect the American people from terrorism. We need to refocus our efforts and our resources where they belong: on providing real security for the American people. America can do better. The full agenda before us as we enter the final weeks of this legislative session reflects how, even though one party controls the White House, the House of Representatives, and the Senate—even though we have a one-party Government—these Republicans have failed, at our Nation's most pressing hour, to provide this country with leadership.

Mr. President, I see the distinguished Senator from Texas on the Senate floor. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I come to the floor to speak in favor of the confirmation of Alice Fisher, the President's nominee to be Assistant Attorney General in charge of the Criminal Division at the U.S. Department of Justice. I am glad to say that Ms. Fisher's confirmation will finally overcome the unnecessary obstruction that she faces in this Congress which has forced the President to reassess her appointment.

Ms. Fisher is an outstanding nominee for this position. In addition to her credentials, she has substantial previous public service experience, particularly in the Criminal Division during a difficult time following the terrorist attacks of September 11. That experience will serve her well as Assistant Attorney General for the Criminal Division.

The Criminal Division is one of the most important jobs of the Department of Justice. It handles a variety of issues, including counterterrorism, violent crime, corporate fraud, and crimes against children. The Criminal Division's importance to the success of America's fight in the war against terror makes it all the more important that the Senate end this obstruction and make Ms. Fisher's appointment permanent.

Beginning with her service as Deputy Special Counsel to the U.S. Senate's Special Committee to Investigate Whitewater, Ms. Fisher has exemplified the attributes needed to lead an organization with a mission vital and important, obviously, to the Department of Justice's Criminal Division. Prior to her latest Government service, she was a litigation partner for 5 years at the DC office of Latham & Watkins, one of the premier law firms in the country. She takes from that experience a respect and deep knowledge of the law.

Since her recess appointment in November of 2005, necessitated because of holds on her nomination, Ms. Fisher has served as Assistant Attorney General with distinction, honor, and success. She immediately refocused the division's mission in a way that reflects the priorities of the administration. For example, under Ms. Fisher, the Criminal Division has made impressive headway in supporting the Nation's national security mission, in combating violent crime, including gang violence, and protecting our children from exploitation on the Internet and elsewhere.

What is troubling about the debate today on this nomination is that we are having a debate about a nominee who so clearly deserves confirmation. What is troubling about today's debate is that it is reflective of the continued obstruction of nominees by Democrats in the U.S. Senate. This obstruction has not only affected judicial nominations, which is perhaps better known, but also the confirmation of important executive branch nominees with significant national security responsibilities. Ms. Fisher oversees vital counterterrorism and counterespionage divisions. But because her nomination has been blocked, these critical components have operated without a Senate-confirmed supervisor for more than a year.

Consider the constant refrain from our colleagues on the other side of the aisle that this Republican-led Congress is not doing everything it can to protect America's national security. Beyond Ms. Fisher's nomination, this message stands in stark contrast with the democrats' record of obstruction on other key national security posts.

Perhaps the most inexcusable obstruction pertains to the nomination of Kenneth Wainstein, who would head the newly created National Security Division. Mr. Wainstein's confirmation would fulfill one of the key recommendations of the WMD Commission, the Weapons of Mass Destruction Commission. It was the WMD Commission that recommended the reorganization of intelligence-gathering components within the Department of Justice. Mr. Wainstein has broad-based, bipartisan support, yet he inexplicably still faces a Democrat filibuster-by-hold.

We cannot wait any longer for Democrats to release their hold on Mr. Wainstein. In the 5 years since the attacks of September 11, the Federal Government has taken a number of steps to reorganize and improve its resources to better fight terrorism. Our terrorist enemies are always changing and adapting, and so must we—if we are to keep the upper hand in the war on terror.

Some 15 months ago, the WMD Commission recognized that improvements should be made to the Department of Justice's national security apparatus. They recommended a reorganization of the Department and the creation of a new National Security Division—which would bring together under one umbrella all the national security components of the DOJ.

The National Security Division that Mr. Wainstein would oversee is critically important to the Department—and to America's national security. It will integrate the key national security components—the Counterterrorism and Counterespionage Sections of the Criminal Division and the Office of Intelligence Policy and Review, which has the lead role in implementing the Foreign Intelligence Surveillance Act, FISA—under the leadership of a single Assistant Attorney General. Bringing together these mission-critical entities will enhance our ability to fulfill our top priority of preventing, disrupting and defeating terrorist acts before they occur.

The President approved the WMD Commission's recommendation more than a year ago. And Congress embraced the concept and fully authorized the National Security Division as part of the USA PATRIOT Act reauthorization. Congress has also approved a reprogramming request submitted by the DOJ and office space has been dedicated and renovated—but unfortunately, it remains vacant. It remains vacant because holds have been placed on the nomination and we have seen a filibuster-by-hold. The Department has done everything it can until this Senate confirms Mr. Wainstein. Obstruction from the other side of the aisle, Mr. President, is impeding efforts to improve national security. Long-term planning is being delayed and uncertainty is beginning to affect morale. The Department of Justice needs Mr. Wainstein on board, to provide leadership, vision and guidance. Again, like Ms. Fisher's stalled nomination. Democrat obstruction is impeding this effort to improve national security.

But Ms. Fisher and Mr. Wainstein are not the only nominees to face obstruction. Just looking back to a few others who were slotted to fill positions critical to our Nation's war on terror have likewise been filibustered. For instance, the current Deputy Secretary of Defense, Gordon England, was filibustered before the President was forced to recess-appoint him. He was eventually confirmed. Undersecretary of Defense for Policy, Eric Edelman, was filibustered, recess-appointed, and finally confirmed; and Office of the Director of National Intelligence General Counsel, Ben Powell, likewise was filibustered, recess-appointed and finally confirmed.

This obstruction is not limited solely to nominations. Who can forget how proud Democrats were when they celebrated killing the reauthorization of the PATRIOT Act, one of the most important anti-terror tools for our front-line law enforcement and intelligence agents. Democrats also complain that we are not doing all we can to secure the safety of our citizens, and then promote hyperbole and hysteria about the Terrorist Surveillance Program, which is well within the President's authority during wartime, to conduct critical battlefield intelligence-gathering against foreign threats to America.

I think the American people see through this Democrat obstruction. But nominations to critical national security positions should not face partisan road blocks. I recently read a newspaper report on the nomination of Mr. Wainstein. It reported that the office was ready, the phone lines up and the computers humming, waiting on him to start. But, his nomination is being blocked on reasons unrelated to him. This obstruction must stop.

I am glad Ms. Fisher will be confirmed later today and I hope that the Senate will be able to move on to Mr. Wainstein's nomination quickly so that we do not leave critical national security offices unfilled.

In closing, I am pleased that President Bush has nominated Ms. Fisher to serve as Assistant Attorney General and I look forward to her continued service in that post. I ask my colleagues to support her nomination.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Michigan.

Mr. LEVIN. Mr. President, I listened to the Senator from Texas, but I do not want to debate the Wainstein nomination today because we have the Fisher nomination in front of us. I would just say one thing in response; that is, the delays in his confirmation vote are directly the result of the administration's obstruction of Senate requests for very relevant documents. Any delays can be placed right at the feet of the administration that has stonewalled requests for information. I hope the Senator from Texas and other Republicans would join in legitimate requests for relevant information. The documents that are being sought are directly related to Mr. Wainstein and his role in the FBI as General Counsel from mid-2002 to mid-2003 and when he was the Chief of Staff for the FBI Director from mid-2003 to 2004.

So the delays here are directly attributable to the obstruction and the stonewalling of the administration in response to legitimate requests for documents. These impediments to votes can be easily removed by simply having the committee chairman join in the request for these documents, but that has not been forthcoming.

Today the issue is Ms. Alice Fisher. It is another example where requests for documents and for information have been denied. These are legitimate requests which directly relate to Ms. Fisher and to whether she should be confirmed. I want to get into the history of this matter in some detail. I yield myself 45 minutes for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, today the issue of detainee abuse at Guantanamo Bay is very much on our minds and in the headlines as we debate how we will treat detainees in the future. In this context, the nomination of Ms. Alice Fisher for the position of Assistant Attorney General for the Criminal Division at the Department of Justice is not just a routine appointment. Alice Fisher was the deputy at the Criminal Division while the abuse at Guantanamo was occurring and while concerns about interrogation tactics were being raised within the Criminal Division at that same time. We are being asked to confirm Ms. Fisher today with unanswered relevant questions about any knowledge she may have had or actions she might have taken relative to those interrogation tactics.

I want to share with my colleagues longstanding unanswered questions regarding Ms. Fisher's nomination to this position. The constitutional duty of the Senate to provide its advice and consent to nominations is a solemn one. Instead of respecting this constitutional duty, the administration has consistently sought to thwart it by denying us relevant information.

The administration has put up barrier after barrier, hurdle after hurdle to efforts to get legitimate information that bears on Ms. Fisher's fitness to serve in this important position. Why the administration has stonewalled for so long instead of answering questions and providing information can only be speculated by me. Is it because it is part of an effort to prevent information about interrogation tactics from being provided to Congress, or does it relate directly to Alice Fisher? I don't know the answer, but the fact of the stonewalling is undeniable. It is part of a pattern of secrecy that this administration has engaged in in so many areas and so many ways.

The information I have sought relates to what Ms. Fisher knew about aggressive and abusive interrogation techniques in use at Guantanamo Bay, Cuba, during the time that Ms. Fisher served as deputy head of the Criminal Division in the Justice Department from July 2001 to July 2003. From publicly released FBI documents, we have learned that FBI personnel raised serious concerns about these DOD interrogation tactics at weekly meetings between FBI and Department of Justice Criminal Division officials. I have sought to find out what Ms. Fisher knew about these FBI concerns over aggressive DOD methods; what, if anything, was reported to Ms. Fisher; and what steps, if any, she took in response.

If Ms. Fisher knew of aggressive interrogation techniques at Guantanamo and did nothing about it, or she knew about them but has denied knowing, then I would be deeply troubled. The administration has repeatedly obstructed efforts to get this information, information which is, in my judgment, relevant to Ms. Fisher's suitability for the position to which she is nominated.

The administration has literally and figuratively covered up the Guantanamo abuses. This refusal by the administration to provide relevant information is part of a larger pattern by the executive branch of denying the Senate the information needed to carry out confirmation and oversight responsibilities. Over and over again, the administration seems to use every means at its disposal to deny documents or information to the Senate, or to withhold key portions of documents, or to limit access to information.

It threatens to erode the Senate's constitutional obligations and responsibilities and the constitutional balance between the executive and legislative branches of Government. Senate acquiescence in the administration's refusal to provide relevant information undermines the fundamental principle of Congress as a co-equal branch of Government.

The story of the administration's concealing information about Guantanamo abuses began during a previous confirmation, that of Judge Michael Chertoff in early 2005 to head the Department of Homeland Security. Judge Chertoff had been the head of the Justice Department's Criminal Division, where Alice Fisher served as his deputy from July 2001 to July 2003. In preparing for the Homeland Security and Governmental Affairs Committee's hearing on Judge Chertoff's nomination, I became aware of a document bearing on what officials under Judge Chertoff's supervision knew, and therefore about what he might have known, about the mistreatment of detainees at Guantanamo. This document had been made public in response to a Freedom of Information Act, or FOIA, request.

The document, dated May 10, 2004, consists of a series of e-mails by an FBI agent—unnamed—recounting the concerns that FBI Agents as law enforcement personnel down at Guantanamo, had during 2002 and 2003. He was recounting what the FBI Agents saw in those critical years when Ms. Fisher was the Deputy Director for the Criminal Division. It spoke about DOD interrogation techniques which "differed drastically" from methods employed by the FBI. It recounted "heated" conversations of FBI personnel with DOD officials.

There were heated conversations between FBI personnel and DOD officials about aggressive interrogation techniques. This FBI agent said that the Department of Defense has their marching orders from the Secretary of Defense and that the two techniques again differed drastically.

E-mails during those years recounting these heated conversations between the FBI which was objecting to the techniques being used at Guantanamo and DOD officials who were engaged in those techniques confirmed the serious FBI concern about what they saw at Guantanamo. FBI agents expressed alarm about the military's interrogation plans, saying in an e-mail dated December 9, 2002: "You won't believe it." Also in that e-mail dated December 9, 2002, they included an outline of the coercive techniques in the military's interviewing toolkit.

So you have the FBI on the one hand talking to their headquarters about coercive techniques being used against Guantanamo detainees, complaining about those details, and in one e-mail dated September 30, 2002, FBI agents were asked whether or not they could even work with the military interrogators. They were told that FBI agents had guidance to work with military interrogators "as long as there was no 'torture' involved."

Think about it. We read the headlines in today's newspapers of the techniques being used by the Department of Defense, the CIA and the Department of Justice. These are the headlines that we see in today's papers. These are the events from which those headlines flow. These are e-mails back in 2002 and 2003 referring to coercive techniques that the FBI objected to, talking about heated conversations that the FBI was having with the Department of Defense over those techniques. That is what today's story flows from.

Yet the FBI was finally told by their superiors that you can be present as long as no torture is involved.

FBI agents complained of DOD techniques in a number of settings, including to the generals at Guantanamo, to the DOD General Counsel here in Washington, and in video teleconferences with the Pentagon. According to FBI emails, a senior member of the Department of Justice Criminal Division was present at Guantanamo at the time of a "heated" video teleconference during late 2002. FBI officials were so concerned that their agents at Guantanamo received guidance during this period from headquarters "to step out of the picture" and "stand clear" when these aggressive interrogation techniques are being used. That is how deep this went.

This was all brought back to the Department of Justice when Alice Fisher was the deputy head of the Criminal Division. And if the Criminal Division people were deeply involved in these debates, was Ms. Fisher involved? What did she know about the aggressive tactics? What did she know about the objection of the FBI agent, which is part of the Department of Justice, to these techniques? That is what we have tried to find out over the last year and a half.

The May 2004 FBI document I mentioned describes how senior FBI officials communicated regularly with their Justice Department counterparts in the Criminal Division during the period in question, the period when Ms. Fisher was Deputy Director of Department's Criminal Division. In these meetings, the FBI's deep concerns about techniques employed by DOD personnel were discussed. Efforts to learn more began during Judge Chertoff's confirmation as head of the Department of Homeland Security. He had been head of the Criminal Division during the time of these events, from April of 2002 through March of 2003 that Alice Fisher was his deputy.

Let me read from the May 2004 document. This was the highly redacted version which was available at the time of the Senate's consideration of Judge Chertoff's nomination. The document reads in part as follows:

> In my weekly meetings with DOJ, we often discussed [redacted, blanked out] techniques and how they were not effective for producing intelligence that was reliable.

Then there is a series of blotted-out names of several individuals with the abbreviation SES after the names indicating the individuals were members of the Senior Executive Service. The document states that the named individuals "all from the Department of Justice Criminal Division" attended meetings with the FBI. Again, Alice Fisher was the Deputy Director of the Department of Justice Criminal Division at the time.

The document continues:

> We all agreed [blank, redacted, covered over] were going to be an issue in the military commission cases. I know [blank] brought this to the attention of [blank].

That was the document that we were given during the Chertoff nomination. Clearly, the redacted information—the deleted portions of this document—was relevant. It included the names of senior Criminal Division officials participating in those meetings with the FBI agents. The administration withheld this information during Judge Chertoff's confirmation hearing before the Homeland Security Committee of which I am a member.

On February 2, 2005 during his confirmation hearing, I asked Judge Chertoff about this document. In that hearing, Judge Chertoff could not say which Criminal Division officials were named in the document or even whether the weekly meetings referred to in the document occurred on his watch as head of the Criminal Division. He could not recall any discussion about DOD's interrogation techniques at Guantanamo "other than simply the question of whether interrogations or questioning down there was effective or not."

Judge Chertoff further testified that he "had no knowledge" of the use of any interrogation techniques other than those that he described as "plain vanilla."

We learned a few months after Judge Chertoff's confirmation that the interrogation techniques the military was using at Guantanamo were anything but "plain vanilla." The Defense Department investigation by Generals Schmidt and Furlow into the FBI allegations of detainee mistreatment at Guantanamo during the period of 2002 to 2003 found that interrogators at Guantanamo could subject detainees to numerous aggressive interrogation techniques. These included nudity, sleep deprivation, isolation, temperature extremes, both hot and cold, loud music and strobe lights and "gender coercion;" that is, inappropriate touching by female interrogators.

The report found that the interrogation of one high-value detainee involved many of these techniques as well as forcing the detainee to wear a dog leash and perform dog tricks; also forcing him to wear women's underwear; strip searches; and 20-hour interrogations for 48 out of 54 days.

Here is what one of the persons in the Army helping to keep these detainees in custody wrote about her experiences. She wrote:

> On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor with no food or water, or care. Most times, they would urinate and defecate on themselves. They had been left there for 18 to 48 hours or more. On one occasion the air conditioning had been turned down so far the temperature was so cold in the room that the barefooted detainee was shaking with cold. When I asked the MPs on duty what was going on, I was told the interrogators the day prior had ordered this treatment and the detainee was not to be moved. The detainee was almost unconscious on the floor with a pile of hair next to him. He had apparently been literally pulling out his own hair throughout the night.

"Plain vanilla" is all that Judge Chertoff heard about. But members of his Division heard about those techniques, and we didn't know that during the Chertoff nomination because the information was denied to us.

Other FBI documents include a partially redacted letter dated July 14, 2004 from Thomas Harrington, Deputy Assistant Director of the FBI's Counterterrorism Division to MG Donald Ryder, Commanding General of the Army's Criminal Investigation Command.

> Detailee highly aggressive, interrogation techniques at Guantanamo.

The subject line in the letter is "suspected mistreatment of detainees."

The letter describes alleged incidences of abuse witnessed by FBI agents as early as the fall of 2002. These include allegations of a female interrogator squeezing a male detainee's genitals, bending back his thumbs; an interrogator reportedly wrapping a detainee's head in duct tape; the use of a dog to intimidate a detainee.

The letter describes a detainee suffering from extreme mental trauma after being kept in isolation in a cell flooded with lights for 3 months.

The letter indicates these incidents and other FBI concerns were discussed with two officials in the DOD General Counsel's office in mid-2002.

There are two points to emphasize here. These events took place from 2002 to 2003 when Ms. Fisher was the Department's Director of the Criminal Division.

These events were reported to top level people in the Criminal Division.

The question is, What did she know about these events as Deputy Director of that Criminal Division? That is what we have tried to find out since her nomination. That is where we have been thwarted and frustrated and obstructed by the administration in getting information from them.

These are not some unknown people making these complaints to the Department of Justice's Criminal Division. This is our own FBI people who are strongly objecting to these aggressive DOD interrogation techniques. They were writing in. They were sending e-mails back to their headquarters about the military's coercive interrogations.

One e-mail said, "You won't believe it"—the techniques used and what they were involved with. At the same time, FBI personnel had weekly meetings with senior Criminal division officials discussing the Department of Defense techniques. Again, Michael Chertoff was head of that division at the time Alice Fisher was his deputy.

Other Department of Defense investigations into detainee abuse, in particular the report of Major General George Fay and the Schlesinger panel, concluded that it was some of these aggressive techniques in use at Guantanamo which migrated to Afghanistan and Iraq and were part and parcel of detainee abuse at Abu Ghraib and elsewhere. If the techniques at Guantanamo that I have just described sound familiar, it is, because the pictures of those techniques used at Abu Ghraib became painfully familiar to us and to the world.

That Judge Chertoff did not recall any discussions about DOD interrogation techniques other than perhaps whether they were effective, never heard of a discussion about abuses, aggressive techniques being used by the Department of Defense, Judge Chertoff did not recall any knowledge, did not have any knowledge about who in his division might have engaged in such discussions or when those discussions might have taken place, should not have been the end of the Senate inquiry into this matter. If the Senate had access to the names listed in the May 2004 FBI document at the time of Judge Chertoff's confirmation, we would have tried to refresh Judge Chertoff's recollection about the conversations referred to in these documents.

The Senate clearly had a right to find out the names of these Department of Justice Criminal Division officials and ask them what they knew about these interrogations, what if anything they reported, what actions if any were taken. The Senate was frustrated and thwarted by an administration that wanted to cover up what was going on in the area of interrogation of detainees at Guantanamo.

In February of 2005, Senator LIEBERMAN and I wrote to FBI director Mueller requesting that he provide an unredacted version of the May 2004 document referring to the weekly FBI Criminal Division meetings or, if a copy was not provided, then provide a legal justification for denying us the unredacted document.

In letter dated 3 days later, February 7, 2005, the Department of Justice—not the FBI but the Department of Justice—wrote to deny the request. The Justice Department claimed that an unredacted copy could not be provided because it contained "information covered by the Privacy Act . . . as well as deliberative process material." A few days later, on February 10, Senator LIEBERMAN and I wrote to the Attorney General requesting that he reconsider his decision not to provide an unredacted copy of the May 2004 FBI document.

Despite repeated requests, the Justice Department refused to provide either an unredacted copy of the May 10, 2004 e-mail or information on the names of the FBI and the Department of Justice personnel redacted from the document prior to the Senate confirmation vote on February 15, 2005 of Judge Chertoff, the Secretary of the Department of Homeland Security.

The Justice Department's refusal to provide this information based on the Privacy Act was a misuse of that statute. The Privacy Act was designed primarily to prevent the U.S. Government from disclosing personal information about private individuals who have not consented to that disclosure. That act is not intended to authorize the Government to conceal from Congress the names of public officials engaged in Government conduct funded with taxpayers dollars. Invoking the Privacy Act to deny the Senate relevant information regarding a nomination before the Senate was an abusive and dangerous precedent, and we were determined not to let it stand.

The excuses used to deny us an unredacted May 2004 document went beyond any assertion that a U.S. Senate has ever accepted from any administration as far as I can determine. There is no claim of executive privilege, and the document itself has no bearing on any advice given to the President. The particular FBI document that Senator LIEBERMAN and I sought, and the other documents that I have referred to, dramatize the refusal of the administration to be straight with the American people and with the Congress relative to the detainee abuse issue.

The thwarting of congressional oversight over this and so many other issues is deeply ingrained in this administration. The executive branch is determined to seize any crumb of justification to prevent Congress's access to executive branch documents needed to carry out our constitutional responsibilities of confirmation and oversight.

We found out a month after the Senate confirmed Judge Chertoff to head the Department of Homeland Security the redacted portions of the May 2004 FBI e-mail were, indeed, very relevant to Judge Chertoff's nomination. On March 18, 2005, the Justice Department finally responded to our February 10, 2005 letter, a letter from Senator LIEBERMAN and myself, asking the Department to reconsider its decision to withhold an unredacted copy of the May 2004 document. In its May 2005 response, the Justice Department stated it had reviewed the May 2004 FBI e-mail and provided a new version of the document, somewhat less redacted than previously.

While significant information continued to be withheld, including the name of the FBI agent who authored the e-mail, the new version contained new information, including the names of the four Department of Justice Criminal Division officials who had regularly met with FBI personnel concerned about Department of Defense interrogation techniques.

Specifically, the named Criminal Division officials who, according to this e-mail, were present at those meetings, discussing those interrogation techniques, were Alice Fisher, who served as Judge Chertoff's deputy, Dave Nahmias, then counsel to Judge Chertoff within the Criminal Division, and two other senior Criminal Division officials, Bruce Swartz and Laura Parsky. Also newly revealed was that one Criminal Division official, Bruce Swartz, had brought concerns about Department of Defense tactics to the attention of the Department of Defense Office of General Counsel.

On May 2, 2005, I wrote to Attorney General Gonzales requesting the name of the author of that May 2004 e-mail. Who was the FBI agent who wrote that e-mail naming those persons? I also requested an opportunity to interview both the FBI and the Department of Justice personnel named in that document, including, specifically, senior Justice Department officials David Nahmias, Bruce Swartz, and Laura Parsky.

I don't think there is any doubt that information would be relative to the nomination of Judge Chertoff. The administration essentially told us, however, to trust them, that the information and interviews we were seeking were not relevant to Judge Chertoff's nomination.

Yes, it was.

This saga, the pattern of withholding relevant information about Guantanamo abuses continued in relation to Alice Fisher's nomination in April 2005 to fill the position vacated by Judge Chertoff, the head of the Criminal Division of the Department of Justice.

Remember, Ms. Fisher was specifically named by the FBI agent in the May 10, 2004 e-mail as having attended weekly FBI Department of Justice meetings where DOD interrogation techniques were discussed. The name of the agent, however, was still redacted. There was still, and is to this day, stonewalling and obstruction to legitimate requests of Senators who must vote under the Constitution on the confirmation of these appointees.

I ask unanimous consent to have a chronology of my attempts to get information relative to the Alice Fisher nomination printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY RELATING TO THE NOMINATION OF ALICE FISHER FOR ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION—AS OF SEPTEMBER 2006

Feb. 4, 2005: First Levin-Lieberman request (to FBI Director Robert Mueller) for an unredacted copy of the May 10, 2004 FBI e-mail referring to weekly DOJ–FBI meetings at which DoD interrogation techniques were discussed.

Feb. 7, 2005: DOJ response denies the Levin-Lieberman request for unredacted copy of May 10, 2004 FBI e-mail.

Feb 10, 2005: Second Levin-Lieberman request (to Attorney General Alberto Gonzales) for an unredacted copy of the e-mail.

Mar. 10, 2005: DOJ response provides a revised version of the May 10, 2004 FBI document with fewer redactions. New version includes a reference to Alice Fisher as one of the senior officials attending meetings where FBI agents expressed concerns about interrogation techniques at Guantanamo Bay.

April 4, 2005: Alice Fisher nominated for Assistant Attorney General of DOJ Criminal Division.

April 6, 2005: DOJ letter to Senator Levin supplementing the February 10, 2005 Levin/Lieberman letter, including third version of May 10, 2004 document with additional text restored. Name of e-mail's author remains redacted.

May 2, 2005: Levin letter to Attorney General Gonzales requesting again that DOJ provide the names of the author of the e-mail and other FBI personnel still redacted from the May 10, 2004 document and for an opportunity to interview FBI and DOJ personnel named in that document.

May 12, 2005: Judiciary Committee holds hearing on Fisher nomination.

May 2005: In response to written questions from Judiciary Committee member Senator Richard Durbin, Fisher states she did "recall general discussions about interrogations at Guantanamo Bay" but did "not recall that interrogation techniques were discussed" at weekly meetings between DOJ and FBI. She states she does "recall being aware of FBI concerns about interviews" but "cannot recall the content of specific meetings about detainee interrogation at Guantanamo Bay."

June 7, 2005: In response to second set of written questions from Senators Durbin and Kennedy, Fisher says she does "not recall FBI personnel or anyone else expressing to me allegations about mistreatment of detainees at Guantanamo Bay." She states that she "cannot reconcile my recollection with statements contained in the (May 10, 2004) e-mail. . . ."

June 14, 2005: Senators Durbin, Kennedy, and Levin interview Alice Fisher. Fisher says she does not recall FBI expressing concerns about interrogation techniques at Guantanamo Bay, other than concerns about their effectiveness.

June 16, 2005: Judiciary Committee reports Fisher nomination. Nomination placed on the Senate Executive Calendar.

June 29, 2005: Levin letter to Attorney General Gonzales asking for a reply to his May 2, 2005 letter and renewing requests for information and interviews of David Nahmias, Laura Parsky, Bruce Swartz, and other officials named in the May 10, 2004 e-mail.

July 26, 2005: DOJ Letter to Judiciary Committee Chairman Arlen Specter stating that the author of the May 10, 2004 FBI e-mail now says that he "did not have conversations with Ms. Fisher nor does he recall conversations in Ms Fisher's presence about the treatment of detainees at Guantanamo Bay."

July 29, 2005: Letter from Attorney General Gonzales to Minority Leader Harry Reid stating that the steps the Department has taken in response to Senators' concerns "are sufficient for the Senate to make an informed decision" about the Fisher nomination.

August 19, 2005: Levin letter to DOJ Inspector General Glenn Fine inquiring about issues to be reviewed by the on-going IG investigation into FBI allegations of detainee mistreatment by DOD personnel at Guantanamo Bay. Among issues Senator Levin recommends be reviewed is "the extent to which Ms. Fisher was aware of FBI concerns about detainee interrogations and efforts to convey these concerns to DOD and others."

August 31, 2005: Alice Fisher receives recess appointment from President Bush to become Assistant Attorney General of DOJ Criminal Division.

Sept. 16, 2005: DOJ IG Fine letter to Levin indicating that ongoing review of FBI personnel's allegations regarding detainee abuse at Guantanamo will include issues relating to "the role of Alice Fisher, Assistant Attorney General for the Criminal Division, and other Department officials regarding detainee interrogation techniques."

Sept. 19, 2005: Alice Fisher is re-nominated for Assistant Attorney General of DOJ Criminal Division.

Sept. 29, 2005: Minority Leader Reid letter to Attorney General Gonzales requesting that DOJ provide interested Senators with the opportunity to interview relevant FBI and DOJ personnel.

Dec. 15, 2005: At meeting with Attorney General Gonzales and White House Counsel Harriet Miers, Senator Levin requests meeting with FBI agent who authored the May 2004 e-mail without DOJ representative present, but offers compromise of having DOJ IG representative sit in on the meeting.

July 25, 2006: Senator Specter letter to Attorney General Gonzales requesting to set up an interview between Senator Levin and the FBI Agent.

July 25, 2006: Levin letter to Attorney General Gonzales requesting to meet with the FBI Agent with Senator Specter, and an IG representative present, or alternatively, a representative from the FBI's Office of General Counsel (OGC).

July 26, 2006: DOJ letter to Levin agreeing to the request to make FBI Agent available to be interviewed with a representative from the FBI OGC present, but asserting that questions must be limited to those related to "the agent's factual knowledge of communications to Ms. Fisher about the treatment of detainees at Guantanamo Bay."

July 26, 2006: Levin letter to DOJ clarifies that Senator Levin intends to ask the FBI agent "any question which I consider relevant to the nomination of Alice Fisher."

July 26, 2006: Senators Levin and Specter meet with the FBI Agent, as well as FBI General Counsel Valerie Caproni. FBI Agent recalls only one FBI-DOJ meeting where Alice Fisher was present but states he had regular conversations with two Criminal Division officials, David Nahmias and Bruce Swartz, regarding DoD interrogation techniques. The FBI Agent told Mr. Nahmias that the DoD interrogation of one detainee was "completely inappropriate."

August 1, 2006: Levin letter to Attorney General Gonzales again requesting to interview David Nahmias and Bruce Swartz.

August 30, 2006: DOJ Letter to Levin requesting a vote on Ms. Fisher's nomination. The letter does not address Senator Levin's request for interviews of David Nahmias and Bruce Swartz.

Sept. 12, 2006: Levin letter to Attorney General Gonzales reiterating request to interview David Nahmias and Bruce Swartz, but proposing in the alternative that they provide answers to questions included with the letter.

Mr. LEVIN. Let me summarize these efforts. Alice Fisher was first asked in written questions what she knew or heard about these FBI concerns. In her answers, Ms. Fisher stated that she recalled regular meetings between the FBI and Department of Justice Criminal Division officials but did not "recall that interrogation techniques were discussed at these meetings." She stated, also, that she did recall "general discussions" with Judge Chertoff, who was heading the Criminal Division, about the "effectiveness" of DOD interrogation techniques and methods compared to the FBI's methods.

On June 14, 2005, Senators KENNEDY, DURBIN, and I interviewed Ms. Fisher regarding her recollections of FBI concerns about Department of Defense interrogation techniques. At that meeting, she stood by her statement that she did not "recall" FBI officials expressing concerns about Department of Defense methods at Guantanamo other than general concerns about their effectiveness.

To attempt to resolve the conflict in those statements, I wrote to Attorney General Gonzales in June of 2005 requesting a response to my request originally made on May 2, 2005 for the name of the FBI agent who authored the e-mail and for an opportunity to interview the Criminal Division officials named in that document, including David Nahmias, Bruce Swartz, and Laura Parsky. So May of 2005 is the first time I made the request for the name of the FBI agent who authored the e-mail and an opportunity to interview the named Criminal Division officials that were listed in that document—Nahmias, Swartz and Parsky.

On July 26, 2005, the Justice Department wrote the Judiciary Committee Chairman ARLEN SPECTER, responding to Senator SPECTER's request for information about the May 2004 e-mail. In that letter, the Department provided a summary of an interview it had conducted with the FBI agent who authored the e-mail regarding what he knew of conversations with Alice Fisher.

In that letter, the Department said:

> [the FBI agent] did not have conversations with Ms. Fisher nor does he recall conversations in Ms. Fisher's presence about the treatment of detainees at Guantanamo Bay. He did participate in conversations with Ms. Fisher and other department and FBI representatives about a specific detainee and that detainee's links to law enforcement efforts. These discussions focused on the information gathered regarding the information and individual and his associations, but not on his treatment or interrogation.

The letter also stated that the unnamed FBI agent's conversation with Ms. Fisher:

> . . . focused on the particular detainee described above and predated the broader conversations [in the weekly meetings] about DOD techniques with other department representatives.

And the letter concluded by expressing the hope that this would resolve any outstanding questions about Ms. Fisher's nomination.

A few days later, the Attorney General wrote to the minority leader, Democratic Leader HARRY REID, stating that the Department had taken steps in response to the Senator's concerns "sufficient for the Senate to make an informed decision" on Alice Fisher's nomination. In essence, what the Justice Department was saying, they will do the interview; trust them. It is up to them to decide on the sufficiency of information for the purpose of Senate confirmation. The Department was unwilling to trust Senators with the name of the FBI agent who had written e-mails despite the fact that the Senate, on a regular basis, has access to sensitive documents and information which frequently contains the names of FBI agents.

On this important issue of Senate advice and consent to a nomination, the Department was refusing to provide Senators with information relevant to our constitutional duty.

I requested that the nomination of Ms. Fisher not be considered until I had the opportunity to get the relevant information I had been seeking. The administration continued to refuse to provide the information and instead made a recess appointment of Alice Fisher to head the Criminal Division in August of 2005, and she was renominated in September of 2005.

In December of 2005, Attorney General Gonzales offered to make the FBI agent available to be interviewed by me if a Department of Justice official could be present. I declined an interview under these terms but told Attorney General Gonzales I could accept having someone from the Department of Justice Inspector General's office present.

This led to more delay, more stonewalling by the Department of Justice until this past June. With the help of the chairman of the Judiciary Committee, Senator SPECTER, and others, the Justice Department finally agreed to make the FBI agent who authors the e-mails available to be interviewed.

On July 26 of this year, more than 1 year after my request for the FBI agent's name, Senator SPECTER and I, along with FBI General Counsel Caproni, met with the FBI agent—1 year, delayed by the administration, simply providing access to the FBI agent who wrote a critically important e-mail.

There was reference made about the Senate obstructing the nomination.

(Mr. CHAFEE assumed the Chair.)

Mr. LEVIN. Mr. President, the obstruction here should be directly laid at the feet of the administration which, for 1 year, refused access to an FBI agent who wrote a critically important memo regarding detainee abuse at Guantanamo and whether Ms. Fisher had any knowledge of that and, if so, what she did relative to that knowledge.

The FBI agent said in the interview that he recalled Ms. Fisher attended only one of the weekly meetings, which dealt primarily with the relationship between a particular high-value detainee and the 9/11 hijackers. He also stated that he had "frequent conversations" with David Nahmias, counsel to the Criminal Division's head, Mr. Chertoff. That is now the issue which comes before the Senate.

Just a couple of months ago, it was finally provided to the Senate that an

FBI agent says he had frequent conversations about the issue of interrogation techniques at Guantanamo with the counsel, the attorney to the head of the Criminal Division of which the current nominee was the deputy. This is the same David Nahmias named in that FBI agent's May 2004 e-mail regarding FBI concerns about aggressive DOD techniques. The FBI agent added that he specifically shared with Mr. Nahmias his view that interrogation methods used on one detainee were "completely inappropriate." This is the same David Nahmias I have repeatedly sought to interview since May of 2005.

Compare these statements of the FBI agent when interviewed in person to the assurances the Justice Department made in their July 2005 letter about the FBI agent's discussions with the Criminal Division officials, including Alice Fisher. The Justice Department wrote that the discussions at the meeting attended by Alice Fisher "focused on the information gathered" from one specific detainee "but not on his treatment or interrogation. . . ." The Justice Department never said that the FBI agent had "frequent conversations" about interrogation techniques being used at Guantanamo with David Nahmias, counsel to the head of the Criminal Division, or less frequent conversations with Bruce Swartz, also a Deputy Assistant Attorney General in the Criminal Division. That wasn't disclosed—very critical information, which is the subject now of the debate. Why can we not get questions answered from David Nahmias, who we now believe, acting as counsel to Chertoff, head of the Criminal Division, of which Alice Fisher was the deputy—why can we not get David Nahmias to answer questions as to whether he shared those deeply held concerns, which were shared with him by FBI agents at Guantanamo, with Alice Fisher, the deputy head of the Department?

Following the interview, I also learned of a December 11, 2002, e-mail to Mr. Nahmias from the FBI agent I interviewed, asking for his comments on "legal issues regarding Guantanamo Bay," which were apparently set out in an attachment to that e-mail.

The FBI agent's statements to me in that December 11, 2002, e-mail reveal that FBI personnel raised concerns with senior Department of Justice Criminal Division officials, including David Nahmias and Bruce Swartz, that went beyond simply questions about the "effectiveness" of Department of Defense techniques, which was the only FBI concern that both Chertoff and Ms. Fisher could recall during their confirmation proceedings—the only concern they ever heard about the effectiveness of DOD techniques, despite a raging debate between the FBI and the Department of Defense about the aggressiveness of those techniques and whether those techniques were abusive and indeed illegal.

To try to determine whether those FBI concerns were shared with Nahmias, counsel to the Criminal Division, and were shared with the deputy head of that Criminal Division, Ms. Fisher, I wrote to Attorney General Gonzales on August 1, 2006, to renew for the third time my request to interview these two senior Criminal Division officials, David Nahmias and Bruce Swartz.

This is a highly relevant request. The FBI agent said he discussed the Department of Defense interrogation tactics during regular meetings with Mr. Nahmias and Mr. Swartz. Mr. Nahmias was counsel to Assistant Attorney General Chertoff, who was head of the Criminal Division. Alice Fisher and Bruce Swartz were both deputies in that division. Alice Fisher was in charge of overseeing terrorist suspect prosecutions. FBI objections to aggressive DOD interrogation tactics were a major issue, a raging issue, according to numerous e-mails sent back and forth from Guantanamo to Washington. This issue was so intense that FBI agents were wondering whether they could even be present during interrogation. They were so intense that FBI agents were writing back to headquarters saying: Can you believe what is going on down there? These differences between the FBI and the Department of Defense were so intense that there were regular discussions, meetings, debates, and heated conversation over the tactics being used by the DOD at Guantanamo that the FBI rejected, reacted to, and shared with their headquarters.

All we needed to do—and we still need to ask—is ask, Did Mr. Nahmias and Mr. Swartz talk to the deputy head of the Criminal Division about those concerns? Did they talk to Alice Fisher about those concerns? Alice Fisher may not recall hearing about those concerns, about abusive and aggressive tactics, but they might recall talking to her about them. If the administration has its way, we will never know. We are never going to know whether David Nahmias and Bruce Swartz discussed with Alice Fisher what we now know they knew about in their capacities—one as counsel to the Criminal Division, of which she was the deputy, and the other as a deputy director of that division.

In an August 30 response, the Justice Department ignored my request to interview Mr. Nahmias and Mr. Swartz, urging instead that the Senate proceed to a vote on Ms. Fisher's nomination. On September 12, a week ago, I wrote back, reiterating my request for an interview, offering in the alternative that Mr. Nahmias and Mr. Swartz respond to just a set of questions I had provided. The Justice Department has not responded to this letter.

So the Justice Department stalled for 1 year in allowing me access to an FBI agent whose information is clearly relevant to this nomination; for 1 year, they stonewalled; for 1 year, they stood in the way of information coming to the U.S. Senate; for 1 year, they set up a roadblock to a Senator who is making a request that is clearly relevant to the fitness of a person to serve as head of the Criminal Division of the Department of Justice of the United States. And then finally I am given access to that agent 1 year later. And when that agent discloses that he, in fact, shared concerns about aggressive interrogation techniques with two other individuals who were working at the Criminal Division with Ms. Fisher, and when I simply say I want to talk to those two people to see if they shared those concerns with Ms. Fisher because she denied ever hearing concerns about aggressive techniques, of course, I have been denied that.

The stonewalling continues. Obstruction by the Department of Justice of access to information relevant to the nomination of Alice Fisher continues to this day.

When I wrote the Attorney General on September 12 saying: OK, if we cannot meet with these two witnesses, at least would you ask them to answer questions as to whether they shared this information they had heard about these techniques being used at Guantanamo, there is no answer from the Department of Justice. They are silent. The current form of stonewalling and obstruction by the Department of Justice of information that is relevant to this nomination is silence.

There is one other important background fact I wish to bring to the attention of the Senate. The Justice Department's inspector general has been investigating for over a year now the allegations by FBI personnel of having observed the mistreatment of detainees at Guantanamo, Abu Ghraib, and elsewhere. The inspector general of the Justice Department, Glenn Fine, has assured me that this review will look into "the role of Alice Fisher, Assistant Attorney General for the Criminal Division, and other Department officials regarding detainee interrogation techniques." We have been waiting for the IG's findings for many months. The Senate is about to vote on Ms. Fisher's nomination before the IG report comes out.

The delay in voting on the confirmation of this nominee is directly attributable to the administration stonewalling on requests for relevant information from the Senate. Ms. Fisher is in place. She is in office. She is in an acting capacity. I have had a standing request to interview former Department of Justice Criminal Division officials, seeking relevant information, since May of 2005. This is not a last-minute request to talk to Messrs.

Nahmias and Swartz. I have made four requests since May of 2005 to interview the two of them.

What is new here is that now we know, in addition to them being named in the e-mail I referred to, now we know from an FBI agent, the unnamed author of that e-mail, that he shared with those two men at the Criminal Division—one being counsel and one being a deputy director—that he shared with them the aggressive techniques, abusive techniques I have outlined, which were being utilized at Guantanamo.

Why stonewall? Why not simply just ask Mr. Nahmias and Mr. Swartz the questions I have submitted to the Department of Justice? What is behind this?

By the way, I ask unanimous consent that the questions I asked the Attorney General to submit to Mr. Nahmias and Mr. Swartz be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR DAVID NAHMIAS

1. BACKGROUND

A. What was your position during Ms. Alice Fisher's tenure as Deputy Assistant Attorney General in the Criminal Division (July 2001 to July 2003)?

B. What was your professional relationship with Ms. Fisher? Did you report to her?

2. FBI CONCERNS REGARDING DOD INTERROGATION TECHNIQUES

The FBI agent whom I interviewed on July 26, 2006, (the "FBI Agent") stated that he had "frequent contacts" with you, during which he shared his concerns regarding aggressive Defense Department (DOD) interrogation techniques at Guantanamo Bay.

A. Did you have frequent contacts with the FBI Agent? If so, how frequently?

B. Were you aware of FBI personnel's concerns regarding aggressive DoD interrogation techniques? If so, what were these concerns?

C. Were you aware of FBI personnel's concerns regarding legal issues associated with DoD interrogation techniques? If so, what were those legal concerns?

D. Were you aware of FBI personnel's concerns about the alleged mistreatment of detainees? If so, what were those concerns? Did you ever hear of any incidents of detainee mistreatment at Guantanamo?

E. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with Alice Fisher? If not, why not? If so, please describe when these discussions occurred and what was said.

F. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with Bruce Swartz, Laura Parsky, or other DOJ officials in the Criminal Division? If not, why not? If so, please identify with whom you discussed these concerns, when, and what was said.

3. MAY 10, 2004 DOCUMENT

A May 10, 2004 email authored by the FBI Agent stated: "In my weekly meetings with DOJ we often discussed DoD techniques and how they were not effective or producing intel that was reliable. Bruce Swartz (SES), Dave Nahmias (SES), Laura Parskey (now SES, GS-15 at the time) and Alice Fisher (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed DoD tactics were going to be an issue in the military commission cases. I know Mr. Swartz brought this to the attention of DoD OGC."

A. Please identify the FBI and DOJ personnel who attended these meetings. How frequently did Alice Fisher attend these meetings?

B. How often were DoD interrogation techniques discussed at these weekly meetings? During what time period did these discussions occur?

C. Did you believe that DoD interrogation techniques would be an issue for the military commissions? If so, in what way?

During my interview with the FBI Agent, he recalled one DOJ-FBI meeting where Ms. Fisher was present. The FBI Agent stated that the main subject of that meeting was the possible relationship between a particular high value detainee at Guantanamo and the 9/11 hijackers, but also discussed was how the Defense Department was "pushing hard" on the FBI on-site commander to "speed up" getting information out of this particular detainee and others.

D. Do you recall the DOJ-FBI meeting at which Ms. Fisher was present and FBI concerns about DoD "pushing hard" on FBI personnel to "speed up" getting information was discussed?

E. What actions were taken in response to these concerns?

4. DECEMBER 11, 2002 DOCUMENT

A December 11, 2002 email from the FBI Agent to you is entitled "Fwd: Legal Issues re: Guantanamo Bay" and requests your comments, apparently on an attachment to that email.

A. Are you familiar with this email?

B. Did the legal issues raised in this email relate to DoD interrogation techniques at Guantanamo Bay?

C. Did you bring this email to the attention of Ms. Fisher? Did you discuss the legal issues raised in this email with her? If so, what actions were taken in response?

D. Please provide a copy of any communication you provided in response to the December 11, 2002 document.

QUESTIONS FOR BRUCE SWARTZ

1. BACKGROUND

A. What was your position during Ms. Alice Fisher's tenure as Deputy Assistant Attorney General in the Criminal Division (July 2001 to July 2003)?

B. What was your professional relationship with Ms. Fisher? Did you report to her?

2. FBI CONCERNS REGARDING DOD INTERROGATION TECHNIQUES

The FBI agent whom I interviewed on July 26, 2006, (the "FBI Agent") stated that he had "contacts" with you during the period when FBI personnel at Guantanamo Bay were raising concerns regarding aggressive Defense Department interrogation techniques.

A. Did you have contact with the FBI Agent? If so, how often?

B. Were you aware of FBI personnel's concerns regarding aggressive DoD interrogation techniques? If so, what were these concerns?

C. Were you aware of FBI personnel's concerns regarding legal issues associated with DoD interrogation techniques? If so, what were those legal concerns?

D. Were you aware of FBI personnel's concerns about the alleged mistreatment of detainees? If so, what were those concerns? Did you ever hear of any incidents of detainee mistreatment at Guantanamo?

E. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with Alice Fisher? If not, why not? If so, please describe when these discussions occurred and what was said.

F. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with David Nahmias, Laura Parsky, or other DOJ officials in the Criminal Division? If not, why not? If so, please identify with whom you discussed these concerns, when, and what was said.

3. MAY 10, 2004 DOCUMENT

A May 10, 2004 email authored by the FBI Agent stated: "In my weekly meetings with DOJ we often discussed DoD techniques and how they were not effective or producing intel that was reliable. Bruce Swartz (SES), Dave Nahmias (SES), Laura Parsky (now SES, GS-15 at the time) and Alice Fisher (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed DoD tactics were going to be an issue in the military commission cases."

A. Please identify the FBI and DOJ personnel who attended these meetings. How frequently did Alice Fisher attend these meetings?

B. How often were DoD interrogation techniques discussed at these weekly meetings? During what time period did these discussions occur?

C. Did you believe that DoD interrogation techniques would be an issue for the military commissions? If so, in what way?

During my interview with the FBI Agent, he recalled one DOJ-FBI meeting where Ms. Fisher was present. The FBI Agent stated that the main subject of that meeting was the possible relationship between a particular high value detainee at Guantanamo and the 9/11 hijackers, but also discussed was how the Defense Department was "pushing hard" on the FBI on-site commander to "speed up" getting information out of this particular detainee and others.

D. Do you recall the DOJ-FBI meeting at which Ms. Fisher was present and FBI concerns about DoD "pushing hard" on FBI personnel to "speed up" getting information was discussed?

E. What actions were taken in response to these concerns?

4. DISCUSSIONS WITH DOD OFFICIALS

In the May 10, 2004, document regarding FBI concerns over DoD interrogation techniques, the FBI Agent states "I know Mr. Swartz brought this to the attention of DoD [Office of General Counsel (OGC)]." In her written answers during the confirmation process, Alice Fisher recalled discussing FBI concerns about the effectiveness of DoD interrogation techniques with members of the DoD OGC, or being present when such discussions took place. Did you bring FBI concerns regarding DoD interrogation techniques to the attention of DoD OGC? If so, please identify any meetings or discussions with DoD OGC in this regard, when and where those meetings or discussion occurred, and what was discussed. Did Ms. Fisher participate in any such meeting or discussion?

Mr. LEVIN. Mr. President, why is the administration more interested in keeping information from the Senate relevant to the knowledge of senior Department of Justice Criminal Division officials, including Alice Fisher, of the administration's policies and practices on the interrogation of detainees?

What is going to happen again is that the administration's obstructionism will result in the Senate acting without relevant information. I know there will be many who will say we have more than enough information, and for many in this body, they have every right to vote based on the information they have. But when any Member of this body seeks relevant information on a confirmation, every Member of this body ought to stand in unison behind that request.

We are all either going to be or have been in the position of seeking relevant information to a confirmation. We have all been in this position, and many of us will be in this position again. This should be treated as an institutional matter.

There is no reason these questions that have been addressed to Mr. Nahmias and Mr. Swartz should not be answered. I believe this body, as a body, should ask the Attorney General to have these questions answered. There is no reason any relevant information to a confirmation should be denied to a Senator, providing the information is relevant and germane, and clearly this is.

Again, I want to emphasize, this is not a last-minute request. This is something which arose from a meeting that was held with the FBI agent in question back in July. But the request for these meetings with Messrs. Swartz and Nahmias were made as early as May of 2005. They have been asked for on four occasions since then.

Do David Nahmias and Bruce Swartz recall the FBI agent sharing his concerns about aggressive DOD interrogation techniques? He does. Do they remember? Did those two senior officials share those FBI concerns about DOD techniques with Alice Fisher? If so, what was her response? These are directly relevant questions.

The pattern of this administration is transparent. The administration stonewalls on providing requested information. It then accuses Senators of delay and demands that the Senate act to confirm their nominees without the information. The administration follows this pattern because it works, and it works because this institution allows it to work.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator has 32 minutes remaining.

Mr. LEVIN. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I think Alice Fisher is a fine person. My colleague and those on the other side are never happy with whatever the President does to try to protect this country.

He looked the American people in the eye—after he was elected, we had 9/11—and he said: I am going to use every power I have to prosecute, investigate, and stop those who threaten the safety of the American people. That is my responsibility as Commander in Chief. I took an oath to do that, and I intend to do that.

And he appointed some good people. Now all we have had is second-guessing, second-guessing, second-guessing, complaint, complaint, complaint, hold up nominees; never happy.

Somebody has to do something. I remember right after 9/11. What happened? We had a national epiphany. We found out in a spasm of political activity years ago, just like in many ways today, the Congress, to placate critics and liberals and activists, prohibited the FBI from talking to the CIA. They prohibited CIA agents because they heard some of them had made a mistake somewhere—there were allegations of that—that they couldn't talk, when they were out doing undercover operations trying to obtain human intelligence in dangerous areas of the world, with people who had criminal records and might have done something wrong.

What happened after 9/11? We said: Why didn't we have any human intelligence? What are the problems here? What we concluded was that both of those proposals, for example, were wrong, and we promptly reversed them. We changed the law.

That is all I am saying about this flap—and I have been involved with it on the Armed Services Committee, and I have been involved with it on the Judiciary Committee. We have had 30 or more hearings investigating the people of this country who are trying to preserve, protect, and defend this Nation. That is who we investigate and complain about. Do we ever hear about how to better catch the terrorists? It is time we start thinking about defending and protecting this country rather than to prosecute and block and obstruct those who have been giving their every waking moment to make us safer.

My good colleague from Michigan is such an able Senator. I am sorry this didn't all work out to his satisfaction. The Department of Justice, the administration offered this, he didn't like that. They offered that, he didn't like that. Maybe sometimes one gets to thinking there has been a little strategy around here—and I have seen it in case after case that began with Miguel Estrada—for the Members on the other side to demand records, statements, internal conversations, internal memoranda to which they are not entitled. They don't want people coming in and demanding everything they said to everybody who came into their office. So they come up with this, and they ask for all these items. Then when they don't get them, they say: Obstruction, obstruction; we can't vote for the nominee. Now they have created an excuse to vote against a very fine nominee, when the person is doing an excellent job and ought to be confirmed so they can continue to be even more effective in the war against terror.

I have seen it time and again. With regard to the Sixth Circuit Court of Appeals, one of our Senators down here complaining had a whole host of those nominees held up for years. The court ended up deciding the University of Michigan higher education, affirmative action case with far less judges than should have been on that panel. There has been some real concern expressed about that.

Obstructing, holding up, and delaying nominees is not the right thing to do. We have important governmental actions to do here.

Let me tell my colleagues about Alice Fisher. She has proven herself in the Criminal Division. Under her leadership, the division has made a number of great strides. The Criminal Division has been responsible for the national coordination of all national security prosecutions, of all the criminal cases in Federal court, including domestic and international terrorism and counterintelligence matters.

Alice Fisher has also worked closely with the intelligence community. That is her responsibility. We had too much of a wall of separation. Sure, she is to be engaged in these issues to assess potential threat information to our national security and disrupt potential attacks against this country.

Alice Fisher provides advice to U.S. attorneys. I was a U.S. attorney for 12 years. There are 93 of them around this country covering the whole country. She provides them advice on terrorism matters, including such areas as terrorist acts in the United States and abroad, weapons of mass destruction, principles of extraterritorial jurisdiction, and use of classified evidence and intelligence information in prosecutions. Alice Fisher also established the Office of Justice for Victims of Overseas Terrorism.

During her tenure, the division's counterterrorism section, which Fisher also had previously organized and supervised as Deputy Assistant Attorney General, has prosecuted numerous "material support" terrorism cases, cases against people who have given material support to terrorists to further their ability to attack and kill innocent people in this country and abroad. Those prosecutions have been located throughout the country and include alleged planners supporting terrorism in Georgia, Ohio, Florida, New York, Virginia, and California; defendants facing extradition from the United Kingdom and other foreign countries; international terrorist organizations, such as al-Qaida, Hezbollah, FARC—

the Revolutionary Armed Forces of Colombia—and domestic terrorists.

Under the direction of the Attorney General, the Justice Department is placing increased emphasis on targeting gangs. Fisher was chosen by the Attorney General to head that effort. Under her guidance, the Criminal Division has created the National Gang Targeting, Enforcement and Coordination Center, a multiagency initiative led by the Criminal Division, with participation from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, and the U.S. Marshals Service. Those are agencies she coordinates.

The gang initiative will create law enforcement strategies and facilitate operations across agency lines aimed at dismantling national and transnational violent gangs. Fisher also established a new gang squad of experienced gang prosecutors who coordinate nationwide prosecutions and make them more effective.

Under her leadership, in partnership with various U.S. Attorney's Offices and the Drug Enforcement Administration, more than 130 defendants were recently indicted and hundreds of thousands of dollars seized as part of an international operation targeting the trafficking of black tar heroin in the United States. The multistate investigation, called Operation Black Gold Rush, included arrests in 15 U.S. cities and 10 indictments in eight Federal judicial districts, along with State charges. More than 17 kilograms of black tar heroin, a potent form of heroin that is dark and sticky in appearance, were seized during this operation.

As Assistant Attorney General, she also has been involved now, and earlier when she was the Deputy Assistant Attorney General, with the Enron task force. We remember when everybody talked about Enron that something had to be done about it. Many people doubted anything would be done about it. President Bush announced that we were going to have integrity in big business, and big business people who cheat and harm their employees and others in this country will be vigorously prosecuted. She was involved in that effort.

She supervised the Enron task force. It has investigated that entire scheme created by the executives of Enron to deceive the investing public, the Securities and Exchange Commission, and others. The case has resulted in convictions of top Enron executives. Many said that wouldn't happen, but they have been indicted, convicted, assets seized, and those include Ken Lay and Jeffrey Skilling, the two top people.

As a member of the corporate fraud task force—and we need to be aggressive in prosecuting corporate fraud in America—Fisher coordinates with other agencies on corporate fraud policies and investigations.

She has supervised recent corporate fraud prosecutions involving defendants from AIG, BP, and Qwest. She is not afraid to take on the big boys. She has done so effectively and courageously.

She is cochair of the Law Enforcement Subcommittee of the President's Identity Theft Task Force. That is an important issue in our country. I have a staff person, and someone stole her identity and used it. She spent years trying to clear her record and get the situation straightened out.

Under her direction, this subcommittee is focusing on enhancing coordination among law enforcement agencies, the Federal Trade Commission, and others to maximize the Government's capabilities to curb the international problem of identity fraud.

Mr. President, I know you served so ably in Florida as a mayor and then later as a member of the President's Cabinet. Florida and other areas received terrific losses during Hurricane Katrina. We will probably spend over $100 billion on trying to help that whole region recover and a whole city, New Orleans, that was flooded. Having been a prosecutor in Mobile on the gulf coast after hurricanes, I can tell you that fraud does occur. You want to get money out to people who are hurting in a hurry. You can't ask for the same amount of time and evidence that you would normally ask. People need help right now. They have no place else to go. But people take advantage of that. The scum of the Earth take advantage of the generosity of the American people by often slipping in as contractors or claimed beneficiaries, lying about losses, to get money that is supposed to go to people who are hurting.

Well, just days after Hurricane Katrina hit the Nation, Attorney General Gonzales established the Katrina Fraud Task Force. This task force would send a message right off the bat that fraud would be investigated and prosecuted, and it was to focus on fraud and corruption resulting from the hurricanes. He named Fisher the Katrina Fraud Task Force chairman. As chairman, Alice Fisher quickly set up a forward-looking strategic plan and resource allocation for this interagency task force, among all the other things she was doing, to investigate and prosecute fraud arising from Hurricane Katrina and related disasters. Under her guidance, the task force has made great strides to combat fraud.

As of July 25, the task force had charged 371 defendants in 29 separate Federal districts. A majority of the cases charged to date have involved emergency benefits fraud against both FEMA and the American Red Cross—charitable donation fraud. People have gone out and claimed they are raising money to help people, and they just steal it. What kind of sorry person is that, who would ask people to sacrifice and give help to someone else, and then steal the money? We have that, and she is working against it.

Other cases have involved Government contract fraud. We have people taking advantage of the contracting process and cheating when they are supposed to follow through and do certain amounts of work for the Government. They have certified they have done it, they get paid, and then we find out they didn't do it. Some of them need to go to jail.

The task force has therefore been taking a number of proactive measures to identify, investigate and prosecute these kinds of cases.

Alice Fisher created the Katrina Fraud Task Force Joint Command Center in Baton Rouge where analysts, agents, and inspectors from the Inspector General and Federal law enforcement communities co-locate—these are all of the agencies, State and local—they get together to focus on procurement fraud and public corruption which could result from the over $100 billion reconstruction money flowing into the affected region. As of July 25, 2006, the Command Center has received and referred 6,424 complaints to various Federal agencies.

The task force has provided training for the Inspector General community. Each one of these agencies have their own Inspector General, and many of those Inspector Generals are not familiar with hurricane work. They train all of them so that the Commerce Department, the Agriculture Department, the Coast Guard, and other agencies involved with this relief effort can have watchdogs within their agencies trained to prevent fraud.

I am going to tell my colleagues, we have had a problem in this Nation, and we still do, of public corruption. There are public officials, whether in hurricane areas or not, who are taking money, extorting bribes and that sort of thing. Unfortunately, that is true. For the most part, we are a Nation of high integrity, but there are those who don't meet those standards and need to be prosecuted. I would say, in many cases, the Federal investigators are the ones who really have the best opportunity, the independence, the distance, from the situation to handle these cases, and they just have to do it. They have been rightfully praised over the years for their leadership in that area.

Under Fisher's leadership, the Public Integrity Section has prosecuted major public corruption cases, including the ongoing Jack Abramoff investigation, which has to date resulted in five pleas of guilty and in a conviction after trial of David Safavian, the former chief of staff of the General Services Administration—the GSA, a big Government agency here in Washington, their chief of staff. In addition, Fisher supervised the successful prosecution of former Alabama Governor Don Siegelman and former HealthSouth CEO Richard Scrushy for conspiracy and public corruption offenses.

Fisher was recently named by the Deputy Attorney General to establish a national procurement fraud initiative. Now, we have a lot of money that is paid out as a result of Government procurement by our military and other agencies, and there is a good bit of fraud there, so she is forming a national initiative on that.

Since Fisher's tenure began, the Department of Justice has made headway in aggressively prosecuting crimes against children. A lot of people say the Department of Justice shouldn't be involved in those kinds of things; that it is not important, and we need to focus on other big issues. But I submit the Department of Justice's leadership and work in these cases can make quite a difference.

For example, the Criminal Division is currently coordinating 18 national child pornography operations targeting hundreds and, in some cases, thousands of customers or participants in mass child pornography distribution schemes. In addition, as of July 26, 2006, the Innocence Lost Initiative targeting children victimized through prostitution has resulted in 228 open investigations, 543 arrests, 86 complaints, 121 informations or indictments, and 94 convictions in both the Federal and State systems.

Fisher is working on the implementation of the Adam Walsh Act. We all know John Walsh, what a tragic story he has lived through and, as a result of it, has become a national leader, well-known throughout this country for his work in the protection of children. So she is working now to create the mechanism to fully implement the Adam Walsh Act, which was passed by Congress just recently to combat child exploitation, and the Department's new initiative targeted at protecting children from predators, Project Safe Childhood, another time-consuming and challenging activity.

Fisher serves as a key member of the Department of Justice Intellectual Property Task Force and oversees the Computer Crimes and Intellectual Property Section of the Criminal Division. Under Fisher's leadership, the Department has increased its prosecution of these cases and enhanced international partnerships in this area. It is important that we do operate internationally.

As Assistant Attorney General in charge of the Justice Department's Criminal Division, Fisher developed and implemented a strategic plan to focus and prioritize the mission of the Division's approximately 750 employees. This management plan has organized the Division around the following priorities and goals: Supporting the national security mission. Supporting the national security mission—that wasn't the No. 1 goal of the Department of Justice Criminal Division when I was a prosecutor. This is as a result of the leadership of the President and the Attorney General and Alice Fisher.

So the top goals are supporting the national security mission, protecting this country from attack, ensuring Government integrity, prosecuting fraud and corruption, ensuring market integrity. That is—in the free market, the banks, financial communities, businesses, securities, making sure that there is integrity in that. They have a record of achievement. Combating violent crime is still a part of the duties, particularly gangs and drug trafficking and protecting against crimes on the Internet and crimes against children.

So this is a very fine, hard-working public servant who gives her every waking hour to trying to promote justice and protecting this country from attack. What she can say and what she can't say in response to probing and fishing expeditions from Members of Congress about meetings and conversations and top-secret security activities that she may be involved in is not her decision; it is really the Executive Branch deciding how much of these actions should be made public. So it is not her fault.

I submit to my colleagues that she wasn't involved in any of these issues that people are so hot about. She didn't set the policies. She didn't write the memos. She was lower down in the chain of command at that time. That wasn't her responsibility. She is being drawn into this now so that we can continue to have complaints about the efforts of this President and his team to aggressively find, identify, prosecute, and convict those who would threaten the people of this United States.

So I am impressed with Alice Fisher. She was a young, aggressive woman when I met her. She didn't have a whole lot of experience. I questioned her about that. But I could sense that she had the drive to be successful, to serve our country, and she has utilized every opportunity she could to further the interests of law enforcement and justice in America. I think she is a good nominee. In a different time, she would go through just like that; it would not be a problem. But here we are with an election coming up, and the theme here is that this administration is abusing prisoners and being mean to unlawful combatants and terrorists, and they are trying to maintain that theme and drag her into it. They shouldn't do that.

She needs to be confirmed. She needs to have the full authority of the office of chief of the Criminal Division of the Department of Justice. She will be more effective if she has been confirmed and holds the office permanently. She will do a great job, I believe. Her record has proven that. I urge my colleagues to support this nominee.

Mr. President, I thank the chair and yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the nomination of Alice Stevens Fisher to be Assistant Attorney General of the Criminal Division of the United States Department of Justice.

Ms. Fisher has an outstanding academic record. She received a bachelor's degree from Vanderbilt in 1989. At Vanderbilt, she was a member of the Gamma Beta Phi Honorary Society. She received her law degree from the Catholic University of America's Columbus School of Law in 1992. She served as Note & Comment Editor of the Catholic University Law Review, which was a mark of distinction. After law school, she was an associate with Sullivan & Cromwell from 1992–1996.

She served as Deputy Special Counsel to the United States Senate Special Committee to Investigate the Whitewater Development Corporation from 1995 to 1996.

She was an associate of the law firm of Latham & Watkins from 1996 to 2000, and was made a partner in 2001.

From 2001 until 2003, she served as the Deputy Assistant Attorney General in the Criminal Division of the Department of Justice.

She went back to Latham & Watkins from 2003 to 2005. On August 31, 2005, she was appointed as the Assistant Attorney General for the Criminal Division via recess appointment, which is her current position.

She is a member of a number of bar associations, and she has extensive writings on a number of subjects.

I ask unanimous consent that a full statement of her qualifications be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALICE STEVENS FISHER, NOMINEE—ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Alice Stevens Fisher was nominated by President Bush to be Assistant Attorney General, Criminal Division, Department of Justice on April 5, 2005. The President appointed Ms. Fisher to that position via a recess appointment on August 31, 2005.

Ms. Fisher has had a distinguished legal career and brings over ten years of experience to the Department of Justice.

After graduating from the Catholic University of America's Columbus School of Law in 1992, Ms. Fisher became a member of the law firm of Sullivan & Cromwell.

In 1995, Ms. Fisher served as Deputy Special Counsel to the U.S. Senate Committee Investigating Whitewater Development Corporation and Related Matters, where she supported the Senate's investigation and assisted in drafting the final report.

In 1996, Ms. Fisher returned to private practice and joined the law firm of Latham & Watkins. At Latham, Ms. Fisher's practice focused on the representation of corporations in government investigations and complex civil litigation. In 2001 she became a partner.

From 2001 until 2003, Ms. Fisher served as Deputy Assistant Attorney General in the Criminal Division of the Department of Justice.

As Deputy Assistant Attorney General, she supervised the Divisions Counter-Terrorism Section, Fraud Section, Appellate Section, Capital Case Unit, and Alien Smuggling Task Force.

In 2003, Ms. Fisher returned to Latham & Watkins as a partner.

On April 5, 2005, President Bush nominated Ms, Fisher to be Assistant Attorney General, Criminal Division, Department of Justice. She was appointed to that position via a recess appointment on August 31, 2005.

SUPPORT FOR ALICE FISHER

"It is with the greatest enthusiasm that I write this letter in support of Alice Fisher. . . From personal experience, I know that she will serve the President and the country with great dedication, integrity, and talent. Her judgment and skills as both a lawyer and a leader are unparalleled." Michael Chertoff, Secretary to the Department of Homeland Security.

"During my tenure as Solicitor General, I had the privilege and pleasure of working with Ms. Fisher. . . I found Ms. Fisher to be an extremely accomplished, able and dedicated public servant. In my view, she is a superb choice to head the Criminal Division and I enthusiastically urge that the Committee and the full Senate vote to confirm her appointment." Theodore B. Olson, former United States Solicitor General.

"Ms. Fisher's experience as a litigator and policy-maker, as well as her strong, positive relationship with the law enforcement community, makes her an excellent choice to lead the Criminal Division. The F.O.P. has no doubt that she will continue to be an outstanding Assistant Attorney General, and we urge the Judiciary Committee to expeditiously approve her nomination." Chuck Canterbury, National President, Fraternal Order of Police.

"From the commencement of my appointment, my staff and I worked closely with Ms. Fisher, who at that time served as Deputy Assistant Attorney General in the Criminal Division in the Department of Justice. In all of my numerous dealings with Ms. Fisher, I found her to be a person of tremendous legal acumen and good judgment, extremely hard working, and a person committed to upholding the highest standards of the Department of Justice and the legal profession." Mike A. Battle, United States Attorney for the Western District of New York.

ALICE STEVENS FISHER—ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE

Birth: January 27, 1967, Louisville, KY

Legal Residence: Virginia

Education: B.A., Vanderbilt University, 1989, Gamma Beta Phi Honorary Society

J.D., Columbus School Of Law, Catholic University of America, 1992, Note & Comment Editor, Catholic University Law Review

Employment: Associate, Sullivan & Cromwell, 1992–1996

Deputy Special Counsel, U.S. Senate Special Committee to Investigate Whitewater Development Corporation & Related Matters, 1995–1996

Associate, Latham & Watkins, 1996–2000

Partner, Latham & Watkins, 2001

Deputy Assistant Attorney General, Criminal Division, Department of Justice, 2001–2003

Partner, Latham & Watkins, 2003–2005

Assistant Attorney General, Criminal Division, Department of Justice (recess appointment August 31, 2005), 2005-present.

Selected Activities: Member, Virginia Bar Association, 1992–1996

Member, American Bar Association, 1992–1996, 1998-Present

Barrister, Edward Bennett Williams Inn of Court, 2002–Present

Member, The Kentuckian Society

Member, The Federalist Society, National Practitioner's Advisory Council, 2004.

Mr. SPECTER. Ms. Fisher's nomination has been delayed for a very long period of time. In the meantime, Ms. Fisher has been serving as Assistant Attorney General for more than a year. She has handled some very high profile investigations and has done an outstanding job.

When she appeared before the Judiciary Committee, she presented herself very well. She is extremely well-qualified for the position.

Since her nomination, some objections have been raised and her nomination has been delayed because an email memorandum, authored by an FBI agent, lists her as an attendee at a meeting where Department of Defense Guantanamo interrogation techniques were discussed. Ms. Fisher was not responsible for the interrogations conducted at Guantanamo by the Department of Defense or the FBI. She did not approve or direct the interrogation or interrogation techniques, and she was not involved in the approval of the Office of Legal Counsel's memorandum, the so-called Bybee memorandum.

Senator LEVIN, before withdrawing a hold on Ms. Fisher's nomination, wanted to talk to the FBI agent who was identified in the file in connection with Ms. Fisher's nomination. However, when the matter became protracted and delayed, the Attorney General asked me if I would meet with Senator LEVIN and the FBI agent. It was the practice of the Department of Justice not to make an FBI agent available to Senators but only to the chairman of the Judiciary Committee. I decided to honor that request even though I did not see the connection between Ms. Fisher and either the FBI or the Department of Defense's interrogation techniques.

Senator LEVIN wished to have the FBI agent appear, not with the customary representative from the Department of Justice, Office of Legislative Affairs, but instead with someone from the Department of Justice Inspector General's Office. We accommodated Senator LEVIN by having a representative from the FBI's General Counsel's office attend the meeting. We also accommodated Senator LEVIN on the location of the meeting, which was held in his office and I was happy to meet there.

The interview with the FBI agent lasted approximately 1 hour, during which we had an extensive discussion about what the FBI agent knew about interrogation techniques. The meeting barely, barely, barely touched on Ms. Fisher. Nothing in the interview showed any misconduct or impropriety on the part of Ms. Fisher. Nothing contradicted her testimony. She was barely involved.

Following that meeting, Senator LEVIN made a request to see two other individuals who had no connection with Ms. Fisher and no connection with her nomination.

I am glad we have come to this point. I have included extensive documentation in the record demonstrating the way the Department of Justice responded in honoring Senator LEVIN's requests. I have worked with Senator LEVIN for 26 years. He is a very thorough and effective Senator. When he wanted to see this FBI agent, we worked it out so that he saw the FBI agent.

I am glad the hold is off. I understand we are going to vote on Ms. Fisher. I believe this comes under Shakespeare's edict: All's well that ends well. And now we will go on to work on some other important matters, such as trying to get habeas corpus in effect on the Guantanamo issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my good friend from Pennsylvania for his words.

After I tried for about a year to get the Attorney General to make available an FBI agent so we could talk to him about a memo that he wrote naming Ms. Fisher, naming three other members of the Criminal Division that she was the Deputy Director of, as being very aware of the debate between the FBI and the Department of Defense over interrogation practices at Guantanamo, I was unsuccessful for about a year to simply get information.

Stonewalling has occurred in this case. The delay that has occurred in this case is directly attributable to the refusal of the Department of Justice to provide information to this Senator.

After that meeting—and I thank the good Senator from Pennsylvania for arranging it; it wouldn't have happened without him—after that meeting, something became clear which needed to be clarified. I sent a letter to the Department of Justice on that matter. It is a very important matter involving whether Mr. Nahmias, the counsel to the Criminal Division who was aware of the tactics which were being used at Guantanamo, was personally involved in knowing about this debate between the FBI—it did not like what it saw—which objected to the tactics being used and was very vehement about it and did not want his agents to participate in the interrogations and wrote e-mails to the Department of Justice saying: You cannot believe what is going on down here. There was this vehement dispute between FBI and the Department of Defense on interrogation tactics. This is the background for what is in the headlines today.

At the discussion which occurred in my office, which Senator SPECTER accurately described, the FBI agent indicated that Ms. Fisher's connection related to one discussion he could remember about a specific event, not abusive interrogation techniques but, rather, about whether one of the detainees down there had been involved in September 11. That is what his recollection was. We accept that. We have no basis to not accept it.

However, something came out at that July meeting which is critically important. He said he had regular discussions on this subject about the detainee treatment at Guantanamo with the counsel to the Criminal Division, David Nahmias, and another Deputy Director, Bruce Swartz. We simply wanted to find out from the two of them, particularly from Mr. Nahmias since he served in the same department of the Justice Department with Alice Fisher, and the Deputy Director of that department, whether he, David Nahmias, had shared the information that he got from the FBI that wrote the e-mail, with the Deputy Director of that department.

For reasons that I cannot fathom, the Justice Department is still stonewalling answering questions which are directly related to the nomination. That question is, Did Mr. Nahmias and Mr. Swartz share with the Deputy Director of their own department, the Criminal Justice Department, what they had learned from this FBI agent about the raging dispute going on between the FBI and the Department of Defense over these tactics?

We asked the Attorney General if we could talk with Mr. Nahmias. By the way, this is the fourth request I had made to meet with Mr. Nahmias. I started in May of 2005 because he was named, along with Ms. Fisher, and Mr. Swartz as having been present at meetings during which these tactics were discussed. So he was right in that e-mail. We asked four times to see Mr. Nahmias. We have been rejected every time.

But now, in my office, we learned something else which is significant, which is relevant, which is going to go unanswered. It is going to go unanswered because the Department of Justice will not even answer the questions which I want them to put to Mr. Nahmias.

What I finally have done out of exasperation was to write to the Attorney General saying: You obviously are not going to produce two relevant people so I can ask them very basic information—did they share the information they had about these abuses and these raging debates between FBI and DOD. You are not going to allow me to ask those two people whether they shared that with the Deputy Director of their department. You are simply not going to do it. Would you at least ask the two of them questions in writing about whether they shared that information with Ms. Fisher?

The answer of the Department of Justice is silence—stone, cold, silence—to my request.

That is where we are. I will be voting against this nomination because of the stonewalling by the Department of Justice of legitimate, reasonable requests for information which are still outstanding, relative to Nahmias and to Swartz.

That is unacceptable. It puts us in a position of voting on nominees without relevant information which we should have. The delay—and I emphasize this—the delay in this matter is not mine. The delay is the refusal of the Department of Justice to provide information, to provide witnesses for a year and a half.

Without the help of my good friend from Pennsylvania, Senator SPECTER, we never could have even received the information that we got from the FBI agent, and, as he knows, I am grateful to him for that. I can now only hope that he will join in asking the Department of Justice—it can come after this nominee's vote—I would hope he would consider joining the request of the Department of Justice that we have this information for the record as being relevant to the matters we are debating.

I close by saying I believe it is unacceptable, it is wrong for the Department of Justice to deny the Senate relevant information. We are going to end up voting now on this nomination of Ms. Fisher without it. It should not be that way. I will express my opposition to the stonewalling tactics of the Department of Justice by voting no on this nomination, again, with my thanks to the chairman of the Judiciary Committee for the help that he did provide in this matter.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there are many things I can say in response to what the distinguished Senator from Michigan has said, but silence is the preferable course.

Instead, I ask, as the representative of the majority leader, to set the vote at 5:45 with the expectation there will be no other speakers. I ask unanimous consent we set the vote at 5:45.

Mr. LEVIN. I understand we have a thumbs up from the rear of the Chamber. I have no objection.

Mr. SPECTER. People who run the Senate, staffers, have just consented to the request.

Mr. LEVIN. They didn't consent, but they indicated to me there was no objection, to be technically correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I speak today on the nomination of Ms. Alice Fisher to be Assistant Attorney General for the Criminal Division at the Department of Justice. Ms. Fisher, a native from Louisville, KY, is without question very well qualified to fill this position. As a fellow Kentuckian, it is an honor to address her nomination today, and I give her my full support.

I firmly believe that Ms. Fisher possesses the qualifications needed for this position. Her dedication and personal drive stand as an example to us all.

Ms. Fisher has served as Assistant Attorney General for over a year now. In this time she has coordinated with law enforcement agencies on a variety of issues, including antiterrorism prosecutions, public corruption cases, and child pornography cases.

Prior to this appointment, Ms. Fisher served within the Department of Justice managing both the Counterterrorism and Fraud Sections of the Department. In this time, she was responsible for coordinating the Department's national counterterrorism activities, including matters related to terrorist financing and the USA PATRIOT Act.

Throughout her tenure at the Department of Justice, Ms. Fisher has shown time and time again that she is a true leader and leads by example. Many of her colleagues testified before Congress this past year about her unwavering work habits and her true commitment to justice.

This is the type of leader that we need in our Government. I urge my colleagues across the aisle who have held up her nomination in the past to not let partisan politics get in the way this time. We need to move forward with her nomination. Not only does she have a proven record, but it was approved overwhelmingly by the Judiciary Committee, and now she deserves a fair up-or-down vote on the Senate floor.

I am confident that when she receives this vote that she will be confirmed, and I wish her continued success in her position.

Mr. SPECTER. Mr. President, I will yield back my time.

Mr. LEVIN. I yield back my time, also. I am willing to do that as Senator SPECTER has yielded his back. What time remains?

The PRESIDING OFFICER. The Senator from Vermont has 13 minutes. The minority leader has 59 minutes. The majority leader has 27 minutes.

Mr. LEVIN. I wonder if the Senator from Pennsylvania would agree that we can put in a quorum call and the time be deducted proportionally from all of the remaining speakers.

Mr. SPECTER. That is acceptable. Having set the vote at 5:45, we have given our colleagues ample notice. If somebody wants to speak in the next 14 minutes, they certainly would be at liberty to do that. My hunch is that we will have a quorum call for 14 minutes. The important thing is that we have finished the discussion on a reasonably harmonious note.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that we proceed to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Alice S. Fisher, of Virginia, to be an Assistant Attorney General? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 35, as follows:

[Rollcall Vote No. 251 Ex.]

YEAS—61

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—35

Baucus
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Durbin
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—4

Akaka
Coleman
Kennedy
Landrieu

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

I now request the opportunity to address the Senate under that provision.

The PRESIDING OFFICER. If the Senator will withhold just a minute, please.

Mr. WARNER. Yes, Mr. President, without losing my right to the floor.

The PRESIDING OFFICER. The President is notified of the Senate's action with respect to this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate now returns to legislative session.

The Senator's request is agreed to. The Senator from Virginia is recognized.

PRAYER IN THE ARMED FORCES

Mr. WARNER. Mr. President, at the present time, the members of the Armed Services Committee of the Senate and the members of the Armed Services Committee of the House are in a conference. A great deal of confidentiality is attached to that procedure. I do not in any way intend to violate that confidentiality.

But before the conference—and this is not a matter of confidentiality—is a provision in the bill of the House of Representatives which is related to military chaplains. I will read from the House bill.

> Each Chaplain shall have the prerogative to pray according to the dictates of the Chaplain's own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.

That is the end of the proposed bill language. That is what I would like to address at this time.

I first want to say that the Senate has no such provision, and therefore we have to resolve the difference between the two bodies. The House of Representatives put this provision in during markup, which is the time they go over their bill. Another amendment was offered in that markup and rejected. It is referred to as follows: "Amendment to H.R. 5122, offered by Mr. Israel," Member of Congress, and it provides in section 590, which I just read, relating to military chaplains: at the end of the quoted matter inserted by each of the subsections (a), (b), (c), (d), and (e), insert the following: ", except that chaplains shall demonstrate sensitivity, respect, and tolerance for all faiths present on each occasion at which prayers are offered".

I personally have not decided on what version I personally feel should address this problem, so I remain of an open mind. But I remain very firmly of a mind that in the brief time that we have had an opportunity to look at it and examine it here on the Senate side, the time is inadequate to address an issue which I regard as of enormous importance. This is an issue that I would hope this Chamber would have the opportunity to discuss, whether to put into law a provision as proposed by the House or a provision as proposed by Mr. ISRAEL, a Member of Congress, which addresses the perspectives of this issue from a different angle. This is just an example of the diversity of views on this important issue.

Among the conferees—I cannot name names; I will not—there is a strong division, those in favor of certain language other than what is in the House bill. Some conferees think that the provision by Mr. ISRAEL should be included. So there is at this time just an enormous uncertainty among the conferees.

The House book that contains what we call report language, which is a very helpful instrument to try to explain the background of how provisions come into our legislation, trying to explain what some of the words mean, this book is silent. The only report language is a recitation, exactly, of the proposed bill language. So there is no guidance that Congress is providing on this important phrase.

I hasten to point out that, as is the case in just about all matters that we take up in the Armed Services Committee regarding the annual authorization bill, the Secretary of Defense transmits to us opinions that he has, on behalf of the Department, with regard to proposed legislation. I now will have printed in the RECORD what is entitled:

> The Department of Defense Appeal, FY 2007 Defense Authorization Bill; Subject: Military Chaplains; Language/Provision:

> House section 590 established chaplains at each of the Military Services would have the prerogative to pray according to the dictates of their own conscience, except as must be limited by military necessity. The Senate included no similar provision.

The Department of Defense position is they oppose this provision. This reads as follows:

> This provision could marginalize chaplains who, in exercising their conscience, generate discomfort at mandatory formations. Such erosion of unit cohesion is avoided by the Military's present insistence on inclusive prayer at interfaith gatherings—something the House legislation would operate against.
>
> The Department urges exclusion of this provision.

We have not decided as yet. But that is another dimension to the diversity of thinking on this very important provision.

As all Members in this body fully appreciate and understand, when a matter of this controversy comes along you are often singled out by a variety of people who disagree. I have not taken a position, but nevertheless I am being besieged by telephone, by bloggers, by everything else—that I have taken this or that position. I will state momentarily what I think should be done. But I am very proud of my background.

I was blessed with two magnificent parents. We were active in the Episcopal Church, and I have remained active in that faith nearly all of my life, nearly 80 years now. My uncle was a rector of a very prominent parish here in Washington, DC, in the shadow of the Washington Cathedral where I was raised, not more than three blocks from his church, and I was a regular attendee of Sunday school through that. I am just sorrowful that people attack me personally, as if I had no religious foundation. I have that foundation.

I have had the privilege to serve in uniform. Not a career—and I have said it many times here on the floor of the Senate—of any great note, a very modest career, but as a young, 17, 18-year-old in the last year of World War II, just in the training command. We were trained to be replacements to go overseas to the Pacific. The war ended. We were sent home.

But many a time in the course of that period in military service, the second chapter, this time as a United States Marine, a young officer serving in Korea, the First Marine Air Wing, at a time when, indeed, certainly the infantry troops in the front lines, where I visited on occasion, were being subject to the most difficult combat under rigorous conditions in Korea, but I knelt and prayed many, many times with my fellow soldiers—men and women, fellow marines, fellow sailors.

So I speak as one who has benefited through the years from the religion that was instilled in me through my parents and the church of my choice, and it has given me a great strength to face up to the trials and tribulations that all of us experience in a lifetime.

I respect the chaplains. I went to chaplains on occasion, and I am grateful for the counseling that they gave me. So I say, I look back with a sense of humility on what the military has taught me. Many times have I said I don't think I would ever have achieved the opportunity to be a U.S. Senator had I not had the opportunity, the privilege of serving in uniform during the periods of two conflicts of our Nation and the learning that I received throughout the military. I have often said the military did more for me than I ever did for the military. But I just will stand my ground against anyone who wishes to challenge my religion.

Now, in my 28th year in this magnificent Chamber, many is the time I stood here as our Senate opens and listened to either our chaplain or a visiting clergy. Each of us have the privilege of inviting from our several States a visiting clergy to come and deliver a prayer. It is part of the life of the U.S. Senate. I know of no effort ever to try and censor or legislate the prayers given here in the Senate, either by our chaplain or by the many who come from all over America to give their prayers here. So I am not suggesting the military is like the Senate. But it is an example of the use of prayer.

The military is different. It is for that reason, that it is different, that I think it is important that we proceed to resolve such problems as may exist today in the military regarding how our chaplains pray, that we resolve that only after the institutions of the Senate and the House of Representatives go through a careful and deliberative process, not just try in the heat of resolving a conference report, in brief meetings here and there among just a very few—well, sometimes all the conferees, sometimes in small groups—trying to reconcile the differences between legislative provisions in the House bill and those in the Senate bill.

I would like to call our attention to the Constitution of the United States. It says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

This is such a fundamental part of our democracy. It is a pillar of strength in this Republic. But it is constantly reviewed by the courts against the different factual situations that come up.

I think the military deserves no less than to have the most careful and deliberative review of this suggested language rather than to put it into law at this time. My recommendation—I will cooperate with the conferees—is that I am not prepared to take any position on how this language should be put into law or not put into law at this time. But I do say that I will strongly recommend to the Committee on Armed Services that the seriousness of this issue literally demands that as soon as the new Congress convenes in January, the committees of the Armed Services of the Senate and the House put on hearings at the earliest possibility. You could start with this language as recommended by the House of Representatives—the Senate has no language—to go through a process where people can come in.

For example, I asked each of the chiefs of the chaplains of the Army, Navy, and the Air Force to come in and speak to the conferees—there were only four conferees there at that time—which they did. I attached the utmost confidentiality as to what they said. But I was left with the impression that now is not the time to try to quickly put this one sentence into law by virtue of incorporating it into the final draft of the conference report. Those chaplains would be quite willing to come before the Congress in open session. Let the whole of the United States see this debate unfold, as it should.

Prayer is very important to the men and women of the Armed Forces. I remember so well the old maxim, "There is no atheist in the foxholes of war." Military people, military families are heavily dependent upon the comfort that is given by prayer—prayer alone or prayer with others.

I urge this Congress not to do at this time this one sentence. I will read it again. I have difficulty, as many times as I have read it, understanding exactly what it means.

It says: Each chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience except as must be limited by military necessity.

What is that? What is military necessity? We should define that very carefully. I continue:

> With any such limitation being imposed in the least restrictive manner feasible.

That, to me, is a complicated sentence and a complicated message to put forth.

In conclusion, I will recommend to the conferees that at this time Congress not enact this bill language in the House, that we defer it to a time when the entire Senate and the entire House in open before the public invites in as many as we can possibly accommodate to give their views on the institution of the chaplain in the Armed Forces of the United States, an institution that I have known since the closing days of World War II and have known for over a half century and have seen it function and have seen it work. Before we change those rules, I think we owe no less to the men and women in the Armed Forces to have these deliberative bodies of the House and Senate have their hearings, debate the language, and then decide whether they wish or not to write language that in many respects we were admonished by the Founding Fathers to be careful, at least at the most under the First Amendment.

In addition, some of the concern—and I think it is a legitimate concern—of those proposing this language emanates from actions taken by the Department of the Air Force, the Department of the Navy, and I believe—I have not seen it—the Department of the Army in issuing certain guidance. The guidance was issued recently about this subject of prayer and other matters relating to the chaplain.

I will not go into it, but I will put in today's RECORD the documents that were issued by several military departments. You can read it for yourselves.

I think that we should put in report language in our bill two things: First, that the Secretary of Defense will stay—that means hold in abeyance—enforcement of these newly promulgated regulations until such time as the Congress has had an opportunity to hold its hearings, go through a deliberative process, and then decide whether it wishes to act by way of sending a conference report to the President for purposes of becoming the law of the land.

So it is twofold: let the system of the chaplain, which has been operating for my lifetime, half a century, serving the needs of the men and women of the Armed Forces, continue to do as they have done but stand down any regulations until studied by this coequal branch of the Government, which under the Constitution has a very special language provision that says we have a responsibility to care for the needs in general of the men and women of the Armed Forces. That is what the conference report does.

I am hopeful that the conferees will see the wisdom of this action, let this bill go forward to the President's desk so it can become law, and it can care for the men and women of the Armed Forces.

That will be written in report language. It does not have the force of law. But I am basically assured by the Department of Defense that they will comply; stay for the time being the most recent regulations, whatever they wish to call them, that have been sent out to their respective commands until Congress has had a reasonable time within which to decide whether they feel it is necessary to prepare for the President's signature a new law.

Mr. President, I ask unanimous consent that additional materials regarding this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY

SECNAV INSTRUCTION 1730.7C

d. Chaplains

(1) Chaplains are Qualified Religious Ministry Professionals (RMPs) endorsed by a Department of Defense (DOD)—listed Religious Organization (RO) and commissioned as CHC officers.

(2) As a condition of appointment, every RMP must be willing to function in a pluralistic environment in the military, where diverse religious traditions exist side-by-side with tolerance and respect. Every RMP must be willing to support directly and indirectly the free exercise of religion by all military members of the DON, their family members, and other persons authorized to be served, in cooperation with other chaplains and RMPs. Chaplains are trained to minister within the specialized demands of the military environment without compromising the tenets of their own religious tradition.

(3) In providing religious ministry, chaplains shall strive to avoid the establishment of religion to ensure that free exercise rights are protected for all authorized personnel.

(4) Chaplains will provide ministry to those of their own faith, facilitate ministry to those of other faiths, and care for all service members, including those who claim no religious faith. Chaplains shall respect the rights of others to their own religious beliefs, including the right to hold no beliefs.

(5) Chaplains advise commands in matters of morale, morals, ethics, and spiritual well-being. They also serve as the principal advisors to commanders for all issues regarding the impact of religion on military operations.

(6) Chaplains are non-combatants. Chaplains are not authorized to obtain weapons qualifications, warfare qualifications, or bear arms; however, chaplains who attained weapons or warfare qualifications during prior service as a combatant are authorized to wear their awards and/or warfare qualifications. Chaplains are eligible to qualify for and to wear the insignia of qualification designations such as Fleet Marine Force, Basic Parachutist, and Navy/Marine Parachutist.

6. Responsibilities of Commanders

a. Commanders shall provide a Command Religious Program (CRP) in support of religious needs and preferences of the members of their commands, eligible family members and other authorized personnel. The CRP is supported with appropriated funds at a level consistent with other personnel programs within DON.

b. Chaplains will not be compelled to participate in religious activities inconsistent with their beliefs.

c. Commanders retain the responsibility to provide guidance for all command functions. In planning command functions, commanders shall determine whether a religious element is appropriate. In considering the appropriateness for including a religious element, commanders, with appropriate advice from a chaplain, should assess the setting and context of the function; the diversity of faith that may be represented among the participants; and whether the function is mandatory for all hands. Other than Divine/Religious Services, religious elements for a command function, absent extraordinary circumstances, should be non-sectarian in nature. Neither the participation of a chaplain, nor the inclusion of a religious element, in and of themselves, renders a command function a Divine Service or public worship. Once a commander determines a religious element is appropriate, the chaplain may choose to participate based on his or her faith constraints. If the chaplain chooses not to participate, he or she may do so with no adverse consequences. Anyone accepting a commander's invitation to provide religious elements at a command function is accountable for following the commander's guidance.

d. Commanders shall, when in a combat area, only assign, detail, or permit chaplains, as non-combatants under the Geneva Convention, to perform such duties as are related to religious ministry under Art. 1063 of reference (b).

e. Commanders shall not assign chaplains collateral duties that violate the religious practices of the chaplain's religious organization or that require services in a capacity in which the chaplain may later be called upon to reveal privileged or sensitive information.

f. Commanders shall not assign chaplains duties to act as director, solicitor, or treasurer of funds, other than administrator of a Religious Offering Fund; or serve on a court-martial; or stand watches other than that of duty chaplain.

U.S. ARMY

Army Chaplains & Military/Patriotic Ceremonial Prayer: How does the Army Chief of Chaplains address chaplains and Military/Patriotic Ceremonial Prayer?

AR 1651-1, Chaplain Activities in the United States Army, has several pertinent statements. Paragraph. 1-4 a. reads, "In, striking a balance between the 'establishment' and 'free exercise' clauses the Army chaplaincy, in providing religious services and ministries to the command, is an instrument of the U.S. Government to ensure that soldier's religious 'free exercise' rights are protected. At the same time, chaplains are trained to avoid even the appearance of any establishment of religion." Paragraph 4-4h. reads, "Military and patriotic ceremonies may require a chaplain to provide an invocation, reading, prayer, or benediction. Such occasions are not to be considered religious services. Chaplains will not be required to offer a prayer, if doing so would be in variance with the tenets or practices of their faith group."

Chaplains provide prayer within worship services governed by the tenets of their faith. Chaplains also provide prayer in public ceremonies which are patriotic/military (sometimes called secular). The former are completely voluntary; the latter are often required functions at which all manner of people are present. It is at these non-worship ceremonies that the Chaplains must consider their obligations to assist every Soldier to pray.

There is no Army regulatory guidance prohibiting an individual from praying or directing an individual to pray in any specific manner. AR 165-1 is intended to strike a balance between a Chaplain's right to freely express his or her own personal religious beliefs and the Chaplain's duty to ensure that every Soldier is afforded his or her "free exercise" rights under the Constitution.

Pluralism and religious accommodation are trained throughout the Chaplain life cycle with the bulk of the subject matter conveyed in the foundation courses at the Chaplain Officer Basic Course. AR 165-1 is the reference for this training.

The Army Chief of Chaplains sees no reason to provide additional guidelines concerning Chaplains and public prayer since AR 165-1 is sufficient.

The Army Chief of Chaplains will not dictate how an Army Chaplain performs his or her prayer. Chaplains are trained and expected to use good judgment when addressing pluralistic audiences at public, non-worship ceremonies.

U.S. AIR FORCE

REVISED INTERIM GUIDELINES CONCERNING FREE EXERCISE OF RELIGION IN THE AIR FORCE

We are sworn to support and defend the Constitution of the United States. In taking our oath we pledge our personal commitment to the Constitution's protections for free exercise of religion and its prohibition against government establishment of religion.

We will remain officially neutral regarding religious beliefs, neither officially endorsing nor disapproving any faith belief or absence of belief. We will accommodate free exercise of religion and other personal beliefs, as well as freedom of expression, except as must be limited by compelling military necessity (with such limitations being imposed in the least restrictive manner feasible). Commanders should ensure that requests for religious accommodation are welcomed and dealt with as fairly and consistently as practicable throughout their commands. They should be approved unless approval would have a real, not hypothetical, adverse impact on military readiness, unit cohesion, standards, or discipline. Avoidance of schedule conflicts between official activities and religious observances can enhance unit effectiveness and demonstrate mutual respect.

Chaplain service programs are the responsibility of commanders. Chaplains impartially advise commanders in regard to free exercise of religion, and implement programs of religious support and pastoral care to help commanders care for all their people, including opportunities for free exercise of individual beliefs. We will respect the rights of chaplains to adhere to the tenets of their religious faiths and they will not be required to participate in religious activities, including public prayer, inconsistent with their faiths.

Leaders at every level bear a special responsibility to ensure their words and actions cannot reasonably be construed to be officially endorsing nor disapproving any faith belief or absence of belief. In official circumstances or when superior/subordinate relationships are involved, superiors need to be sensitive to the potential that personal expressions may appear to be official, or have undue influence on their subordinates. Subject to these sensitivities, superiors enjoy the same free exercise rights as all other airmen.

Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion. Nothing in this guidance should be understood to limit the substance of voluntary discussions of religion, or the exercise of free speech, where it is reasonably clear that the discussions are personal, not official, and they can be reasonably free of the potential for, or appearance of, coercion.

Public prayer should not imply Government endorsement of religion and should not usually be a part of routine official business. Mutual respect and common sense should always be applied, including consideration of unusual circumstances and the needs of the command. Further, non-denominational, inclusive prayer or a moment of silence may be appropriate for military ceremonies or events of special importance when its primary purpose is not the advancement of religious beliefs. Military chaplains are trained in these matters.

General rules regarding use of Government computers apply to personal religious matters as they do for other personal matters. Chaplain programs will receive communications support as would comparable staff activities.

These guidelines are consistent with the responsibility of commanders to maintain good order and discipline, and are consistent with the core values of the Air Force: integrity first; service before self; and excellence in all we do.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 8, 2006, in Savannah, GA, David Bennett was attacked by five men outside a local gay bar. According to police, Sidney Swift, one of the alleged attackers, made several antigay remarks towards Bennett while in police custody. Swift's motivation for attacking Bennett was based solely on his sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO BEN CHATER

Mr. LEAHY. Mr. President, in my 32 years as a U.S. Senator, I have met many extraordinary people. They have included Presidents, Kings and Nobel laureates, artists, soldiers, nurses, activists, and ordinary Americans who are doing any number of wonderful, selfless, and courageous things for their families, their communities, and their country. Some of these people chose careers in public service. Others were leading normal, uneventful lives when they were unexpectedly confronted with circumstances that caused them to become leaders. Many have simply lived inconspicuous lives caring for others. And then there are those who have struggled to overcome unfair and seemingly impossible hurdles and in doing so have shown a force of character and spirit that breaks barriers and inspires awe among everyone they meet.

Ben Chater, a Vermonter who interned in my office several years ago during the summer after his sophomore year at the University of California at Berkeley, is in the latter category. Born with cerebral palsy, Ben has faced obstacles from birth that the rest of us could not even imagine, much less overcome. He has done so with amazing grace, courage, and good humor, and his accomplishments are nothing short of awe inspiring. Ben's refusal to let his disability prevent him from taking on practically any challenge has been an example for me and my wife Marcelle, for my staff, and for virtually everyone who has come into contact with him.

I have little doubt that Ben will continue to set ambitious goals and in reaching them he will demonstrate even further the incredible capacity of the human spirit to overcome adversity. He will also continue to erase the stereotypes and misconceptions about the potential of people with disabilities.

Ben was recently the subject of an article in the Vermont Sunday Magazine by Tom Slayton, who is also the editor of Vermont Life, and I ask unanimous consent that it be printed in the RECORD so others can be inspired by Ben's life and accomplishments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Vermont Sunday Magazine, September 10, 2006].

"IN AWE OF BEN"—BEN CHATER, 23, WITH CEREBRAL PALSY, FINISHES BERKELEY, PREPARES FOR LIFE'S NEXT CHALLENGE

(By Tom Slayton)

This is the story of a fine mind living in a body that won't cooperate.

Ben Chater, 23, of Montpelier has had cerebral palsy since birth. Due to a difficult birth, Ben's brain was deprived of oxygen for a few moments. As a result, he has a major disability—he has limited control over movements of his limbs, or the rest of his body.

He requires assistance with everyday living—getting dressed in the morning, eating a meal, taking a shower. He speaks with some difficulty and requires a motorized wheelchair to get around.

However, Ben's mind is complete and undamaged. In fact, he is extremely bright. He graduated this year, with honors, from the University of California at Berkeley with degrees in English and linguistics, the study of language—how it works, how sounds combine to make meaning, how the language we use shapes our thinking and our experience.

Linguistics is not for the faint of heart. Or mind. But Ben is neither.

For his work in that field, Ben received the Departmental Citation for Excellence in Linguistics, awarded by the faculty of the department to an outstanding student. He was the only student at Berkeley to receive that award this year.

Ben is not only an outstanding student; he is an outstanding person.

After talking with him for even a few minutes, one forgets the fact that he is in a powered chair and has some difficulty forming words. What remains is the lasting impression of an intelligent, positive, hopeful young man.

"I'm frankly in awe of Ben," says his mother, Maude Chater. "There's a grace about him that I don't understand—nor do I need to."

Maude and her husband, Mike, have worked long and hard to help Ben achieve an independent life. Perhaps the hardest thing for them to do, in recent years, has been to stand back and get out of Ben's way.

"It's very hard for families to resist their protective instincts," she notes quietly.

In addition to academic success that would be remarkable in a person with normal abilities, Ben has served as an intern in the office of U.S. Sen. Patrick J. Leahy, living in Washington while working for the senator. And he recently took—and aced—the LSAT exams—the qualifying exam for law school.

However, all that success does not eliminate the fact that he has difficulties the rest of us cannot imagine.

Recently, Ben went outside into the back yard to check on a blueberry patch, alone, while family members were out and about, as usual. He drove his motorized chair uphill toward some trees—and got mired in a soft spot in the yard.

Two hours later, when his mother arrived back home, she found Ben, still mired, still in his chair, stuck in front of one of the trees. When she went to assist him, Ben's only wry comment was:

"It's a nice tree . . . really!"

Early on—when Ben was a junior at Montpelier High School, to be exact—his special qualities became apparent to all of his classmates.

For Ben, as for most kids, it was a time of change, uncertainty and social stress. Many of the young people he had grown up with had begun to change their interests, and old friends drifted away and new ones didn't appear to take their places. More than most kids, Ben felt isolated.

Unlike most kids, though, he decided to do something about it. He received permission from the school administration to call a school-wide assembly, and at it he spoke to his fellow students about what he saw and felt. He spoke about what it was like to be Ben Chater, teenager, confused and lonely. "I felt I needed to do something," Ben says, remembering the assembly.

What he discovered that day was that he was not alone. Many of his classmates and other students approached him afterward and said they felt exactly the same way—and they thanked him for putting their feelings into words along with his own.

"I don't know a single kid who loved every minute of high school," he says.

With his parents' backing and encouragement, he has always tried to join in the activities and share the interests of his peers. If a school field trip involved climbing a mountain, Ben's first thought was not: "I can't go," but "How can I climb the mountain, too?"

(Answer: "We need to get a really strong guy to carry me up the mountain on his back." And that's the way it happened.)

But college presented a whole new set of challenges.

How could Ben get by without the assistance of his parents? (Answer: Hire and manage assistants. There are some Social Security funds for just that purpose.)

How could he do the immense amount of work that college typically demands? What about lengthy term papers, for example?

(Answer: The world of electronic communication—computers, e-mail, the Web, blogging and so on—has actually been very helpful to Ben. True, his hands and fingers won't obey his mental commands, but he makes expert use of a headset that enables him to type by tapping with a pointer attached to his head.

When "translated" into computer strokes and electronic impulses, Ben's words and ideas can be communicated freely. And the excellence of his ideas and scholarship stands out.)

How would Ben get to classes in a multistory building, meet with professors, register, even accomplish something as basic as going to the bathroom in a standard multistory academic building? (Answer: Attend a university that prides itself on integrating disabled students into all its classes and activities.)

After considerable research and a couple of visits, Ben decided to apply and was accepted at Berkeley, one of the nation's most competitive universities.

"Going to Berkeley expanded my horizons in just about every way imaginable," he says of the school, which is located across the bay from San Francisco.

As Ben explains the situation at Berkeley, he smiles and mentions the school's diverse, multi-ethnic, multi-cultural student body.

"In most cities, 'diversity,' means there are a lot of different sections of town, each with its own different ethnicity or whatever," he said. "But in Berkeley, everybody—all the different kinds of people—lives together. . . . And that creates a kind of social comfort I had never seen before."

People in the Bay area—in California generally, according to Ben—prefer to make life easy and non-confrontational. They tend to be more accepting of different kinds of people because there are a lot of different kinds of people living close together. That means acceptance is the rule, not the exception.

"People with disabilities are just another element in that kind of melting pot," Ben said. "There are a lot of folks in chairs out there—so it's easy to get around."

And people with significant disabilities are more accepted, more worked into the everyday mix of society, he noted.

That doesn't mean that bad things, never happen.

Ben tells the story of the time he went into San Francisco to a concert. His plan was to meet friends in the city and go to the Fillmore, one of the city's main event venues. Then his friends would help him take the Bay Area Rapid Transit train back across the Bay to his apartment.

But things began to go wrong as soon as he reached San Francisco. He couldn't find his friends at all, and by the time the concert got out, he realized that he had to return home on his own.

Unfortunately, by the time he worked all that out, the BART trains had stopped for the night, so Ben had to go home by bus—a much longer and more circuitous route. He found his way to the Trans-Bay Bus terminal, and got a bus part-way home, to Oakland. It was late at night by then, and Ben had to wait in downtown Oakland for a bus to Berkeley.

The bus finally arrived and Ben drove his motorized chair onto the special lift that buses in the Bay area carry for passengers with disabilities. At that moment, the lift broke down.

And so at 3 a.m. Ben sat suspended over the street, waiting for 45 minutes for a mechanic to come and repair the lift.

Eventually the mechanic fixed the lift, the bus rolled out of the Oakland station, and Ben got home—as the sun was rising at about 5 a.m. He passed out in his chair and was later helped to bed by his roommate.

Such experiences have not cramped Ben's spirit. Now, with his degree in linguistics, a high score on the LSATs, and college behind him, he's taking a bit of a break, letting things settle, thinking about his next move.

There is an employment possibility at Berkeley that he's considering, but he's also visiting law schools—he and his father, Mike Chater, checked out Yale last week; and Ben would also like to visit Columbia and New York University. Eventually, he plans to apply to several law schools, choose one, and start next year. He's also thinking about traveling.

Like many young men and women his age, he also doesn't know precisely what career he wants to follow.

"The thought of being a lawyer . . . working in an office for the rest of my life is not all that exciting," he said. "But going to law school gives you a lot of options—you can do a lot of things with a law degree."

His dad, Ben notes, has counseled him to keep as many options open as he can.

Ben obviously has some things going for him. One is the steady, strong support of his parents.

"Our family was definitely oriented around Ben in his early years," Maude Chater says, "When he got into high school, he directed us to back off a bit."

Vacations and trips have occasionally been challenging. "We travel, but we don't travel light," Maude quips.

Independence has been Maude and Mike's goal for Ben since his birth, and they realize that to foster independence in a person you have to let them be independent.

But there are moments—especially when Ben wants to take a significant step forward, like foreign travel or learning to drive—that can cause the mental brakes to go on in a parent's head. The difficulties Ben faces with daily living are probably at least as stressful on his parents as on Ben himself. But they have learned to stand back. They have learned to learn.

And they are regularly amazed by their son's courage.

For his part, Ben doesn't waste any time at all on self-pity. Not a moment.

"I've never spent a lot of time thinking about what life would be like if I weren't disabled," he said recently. "I believe that everyone's dealt a set of cards, and it doesn't matter which cards you're dealt—it's how you play them."

Interestingly, although he is well aware of the inequities that people with disabilities face in society, he said recently, "There are a lot of things about our society that aren't right, and that aren't fair."

But he said he doesn't want to spend his life worrying about that.

What he said he has learned, and is still learning, is that the more comfortable people can be with themselves, the more power they have over their lives—and by extension, the conditions around them.

Ben doesn't think of himself as a teacher, but he is one. Those who know him say he has taught them about the dignity and deep value inherent in every person, no matter what their circumstances. At Berkeley, one of his nicknames was "The Rabbi," because of the wise counsel he would offer his classmates, when asked.

He remains modest about his achievements, the long learning process he has come through and the long road that remains ahead. "I'm definitely in the middle of a lengthy process of figuring out which end is up," he said. "It's a process that everyone has to figure out for themselves."

And what are his parents' hopes?

"Our hope for Ben is that he is able to live independently, support himself, and be happy," Maude says ". . . that he finds his place in the world."

DISASTER RECOVERY PERSONAL PROTECTION ACT

Mr. VITTER. Mr. President, as the Senate author of the Disaster Recovery Personal Protection Act of 2006 and a cosponsor of the District of Columbia Personal Protection Act, I believe we must work to support the ability of law-abiding citizens to defend and protect themselves and their families from criminal activity. It has been proven time and time again that prohibiting law-abiding citizens from owning a legal and constitutionally protected firearm does not reduce crime but, as this article which I will ask to have printed in the RECORD states, in fact, increases crime.

I ask unanimous consent that an article published in the August 7 issue of Legal Times entitled "The Laws That Misfire: Banning guns doesn't work—in the District or anywhere else" authored by Don B. Kates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Legal Times, Aug. 7, 2006]

THE LAWS THAT MISFIRE

(By Don B. Kates)

The District of Columbia is now suffering from what its police chief on July 11 called a "crime emergency."

In 1976 the District banned handguns and required that all other guns be kept unloaded and disassembled, making them unavailable for self-defense. The result is that for 30 years, only lawbreakers have had guns readily available for use in the District.

Is that effective policy? Is it a sensible way to respond to a crime emergency? Those policy questions, in addition to purely legal issues, arise in pending litigation that brings a Second Amendment challenge against the District's gun bans.

I recently filed a Brandeis amicus brief supporting this constitutional challenge. My co-counsel were 12 other law professors, and the amici we represent include 16 American, Australian, and Canadian social scientists and medical school professors.

The case in question, Parker v. District of Columbia, is currently before the U.S. Court of Appeals for the D.C. Circuit, after an unfavorable ruling in the District Court. The plaintiffs include a woman under a death threat for reporting neighborhood drug-dealing to police and a gay man who used his handgun to defend himself against a hate crime. This brief was filed pro bono, and the amici are not being paid.

What this amicus brief shows is significant, and the information it contains may surprise some. For the truth about gun bans is that they are policy failures even on their own terms: More guns don't mean more death, and fewer guns don't mean less death. Gun bans like the District's simply don't work.

BRITAIN'S FAILURE

Before the District adopted these policies in 1976, its murder rate was declining. Shortly after the District adopted the gun bans in an effort to reduce crime and violence, its murder rate became the highest of any large American city. It has remained the highest throughout the 30 years these policies have been in force (excepting the few years when the District ranked second or third).

To excuse this disastrous history, anti-gun advocates assert that gun bans covering only a single city are unenforceable.

True enough, but experience shows that gun bans covering an entire nation are also unenforceable In the United Kingdom, decades of severe gun control failed to stem steadily rising violent crime. So in 1997 the United Kingdom banned and confiscated all legally owned handguns. Yet by 2000 the United Kingdom had the highest violent-crime rate in the Western world—twice ours—and it still does today.

Gun bans are far from working even in a relatively small island nation, the report of England's National Crime Intelligence Service laments: Although "Britain has some of the strictest gun laws in the world [i]t appears that anyone who wishes to obtain a firearm [illegally] will have little difficulty in doing so."

American anti-gun advocates used to cite the United Kingdom, Canada, and Australia as nations where low violence stemmed from severe gun restrictions. But in recent decades those nations' violent-crime rates have skyrocketed, first matching and now far surpassing ours.

In the 1990s those nations moved from severe controls to outright bans and confiscation of half a million guns. Today, Australia and Canada join the United Kingdom in having the highest violent-crime rates in the Western world—more than double ours.

MURDER RATES

For decades anti-gun advocates claimed that America, with the world's highest gun-ownership rate (true), had the highest murder rate (false).

In fact, the recently revealed Russian murder rate for the past 40 years has been consistently higher than the American rate. The Russian murder rate in the 1990s and 2000s has been almost four times higher than the U.S. rate. All this despite Russia's 70 years of banning handguns and strictly controlling long guns—laws that it enforced with police-state methods. Various European nations, including Luxembourg, also ban handguns but have much higher murder rates than the United States does.

Gun bans reflect a quasi-religious belief that more guns (particularly handguns) mean more violence and death, and, concomitantly, fewer guns mean fewer deaths.

This belief is quasi-religious because the believers cling fanatically to it despite scores of studies around the world finding no such correlation.

Consider the 2004 U.S. National Academy of Sciences evaluation: Having reviewed 253 journal articles, 99 books, 43 government publications, and some empirical research of its own, the academy could not identify any gun law that had reduced violent crime, suicide, or gun accidents.

American statistics on both the numbers of guns and murder rates are available from immediately after World War II to the present. In 1946, with about 48 million guns in the country, the U.S. murder rate was 6 per 100,000 people.

By 2000 the number of guns had increased fivefold (to more than 260 million), but the murder rate was almost identical (6.1). It remained there as of year-end 2004, despite the 12 million guns added to the American gun stock since 2000.

In the 60 years since World War II, U.S. murder rates dramatically increased and dramatically decreased—but not in relation to gun ownership, which increased substantially every year.

In the 1950s our murder rate held steady despite the addition of roughly 2 million guns per year. In the mid-'60s through the early '70s, the murder rate doubled, while 2.5 million to 3 million guns were added annually. In the late '70s, the murder rate held steady and then declined, even as 4 to 5 million more guns were added annually. Murder rates skyrocketed with the introduction of crack in the late '80s, but in the '90s they dramatically decreased, even as Americans bought 50 million more guns.

In sum, between 1974 and 2003, the number of guns doubled, but murder rates declined by one-third. So much for the quasi-religious faith that more guns mean more murder.

Multinational studies also discredit that faith. An American criminologist's comparison of homicide- and suicide-mortality data with gun-ownership levels for 36 nations (including the United States) for the period 1990–1955 showed "no significant (at the 5% level) association between gun ownership and the total homicide rate."

A somewhat later European study of data from 21 nations found "no significant correlations [of gun-ownership levels] with total suicide or homicide rates." When you look at the data, guns aren't increasing murders.

WHO KILLS

The myth of more-guns-meaning-more-murder makes sense to people who think most murders involve ordinary people killing in moments of ungovernable rage because guns were available to them.

But ordinary people do not commit most murders, or many murders, or almost any murders. Almost all murderers are extreme aberrants with life histories of violence, psychopathology, substance abuse, and other crime.

Only about 15 percent of Americans have criminal records. But homicide studies reveal nearly all murderers have adult criminal records (often showing numerous arrests), have been diagnosed as psychotic, or have had restraining orders issued against them.

Obviously, such dangerous aberrants should not be allowed any instrument more deadly than a toothpick. Unfortunately, they disobey gun laws just as they disobey laws against violence. But law-abiding adults do not murder, guns or no guns, so there is little point is trying to disarm them.

DEFENDING THE INNOCENT

Worse, banning guns to the general public is not just useless but also counterproductive. Criminals prefer victims who are weaker than they are. The unique virtue of firearms is that they alone allow weaker people to resist predation by stronger, more violent ones.

A recent criminological evaluation states: "Reliable, durable, and easy to operate, modern firearms are the most effective means of self-defense ever devised. They require minimal maintenance and, unlike knives and other weapons, do not depend on an individual's physical strength for their effectiveness. Only a gun can allow a 110 pound woman to defend herself against a 200 pound man."

Research has shown guns are six times more often used by victims to repel criminals than by criminals committing crimes.

But Handgun Control Inc. tells victims not to resist rape or robbery in any way: "The best defense against injury is to put up no defense—give them what they want or run." This anti-gun position, too, is bereft of criminological support. Twenty years of National Institute of Justice data show that victims who resist with guns are less likely to be injured, and much less likely to be raped or robbed, than victims who submit. Indeed, in more than 80 percent of cases where a victim pulls a gun, the criminal turns and flees whether he has a gun or not.

When speaking at universities here and abroad, I am often asked, "Wouldn't it be a better world if there were no guns?"

I am a criminologist, not a theologian. If you want a world without guns and you think there is a God, pray for him to abolish guns. Human laws cannot disarm lawbreakers, but only the law-abiding.

Firearms are the only weaponry with which victims can reliably resist aggressors. In their absence, the ruthless and strong can oppress the weak.

Such oppression in the District is really the crime emergency. And as the District responds, it should take an unbiased look at the social-science data. It should rethink its gun bans now under legal challenge. And after 30 years of failed prohibition, it should now let its law-abiding citizens arm themselves for their own protection.

ADDITIONAL STATEMENTS

BRIGADIER GENERAL ROBERT FRANCIS McDERMOTT

• Mrs. HUTCHISON. Mr. President, I would like to take this moment to honor a dear friend and dedicated community leader who passed away on August 28, 2006. BG Robert McDermott leaves behind a legacy of distinguished service to his country and his community, and he will be dearly missed.

BG Robert Francis McDermott was born on July 31, 1920, in Boston, MA, to Alphonsus and Anna McDermott. He graduated from the Boston Latin School in 1937 and continued his education at Norwich University. He received an appointment to the United States Military Academy in 1940 and was commissioned on January 19, 1943. In 1950, General McDermott earned an MBA degree from Harvard University.

On January 20, 1943, General McDermott married Alice Patricia McDermott at Trinity Chapel at West Point. Their marriage would last 47 years until Alice's death in 1990. Following their wedding, General McDermott was assigned to the 474th Fighter Bomber Group as its deputy group operations officer and flew 61 combat missions in a P–38 during World War II in the European Theatre. After the war, he remained in Europe on General Eisenhower's staff and later served in the Pentagon.

After teaching economics at West Point for 4 years, General McDermott was assigned to the newly established Air Force Academy as vice dean and professor of economics. In 1956, he was appointed Dean of Faculty, and in 1959, President Eisenhower appointed General McDermott the first Permanent Dean of Faculty and promoted him to brigadier general. At that time, he was the youngest flag-rank officer in all of the armed services. In recognition of General McDermott's contributions and innovations at the Air Force Academy, the Air Force named the cadet library for him and called him the "Father of Modern Military Education." He retired from the Air Force in 1968.

General McDermott joined USAA—United Services Automobile Association—as executive vice president, and became its president in January 1969. Throughout his career, McDermott's philosophy was to nurture the employees and to promote their personal and professional growth treating them and USAA's customers by the Golden Rule. His efforts bore success. In 1993, USAA was ranked No. 1 in "The 100 Best Companies to Work for in America." General McDermott retired as chairman and CEO of USAA in 1993.

On August 6, 1994, General McDermott married Marion Slemon of Colorado Springs. They enjoyed his retirement in San Antonio and Colorado Springs, but General McDermott did not slow down. He was active in the San Antonio community with business and charitable organizations, enjoyed traveling to visit family and friends, and continued playing golf and his trombone.

As a dedicated and enthusiastic advocate for San Antonio, General McDermott worked tirelessly to advance economic development in the area. In 1974, he was elected chairman of the Greater San Antonio Chamber of Commerce and promoted San Antonio as a center for domestic and international growth. He also founded the Economic Development Foundation and was a cofounder of United San Antonio. In the 1980s, General McDermott focused on the development of biotechnology in San Antonio to provide the city with a viable economic sector for the 21st century. In 1984, he founded the Texas Research and Technology Foundation which began development of the Texas Research Park—TRP—the core of biotechnology for San Antonio. In the early 1990s, General McDermott also led a group of local investors to buy the San Antonio Spurs to assure it would stay in San Antonio. To coach the Spurs, he selected Air Force Academy graduate Gregg Popovich who led the team to win three NBA championships.

For General McDermott's wide-ranging efforts on behalf of San Antonio, the city of San Antonio named a section of Interstate Highway 10 West as the "Robert F. McDermott Freeway." He also received recognition for his business and educational activities, including an elementary school named for him, induction into the Texas Business Hall of Fame in 1987 and the American National Business Hall of Fame in 1989; the recipient of the Distinguished Graduate Award from West Point in 1993; the recipient of Harvard Business School's Alumni Achievement Award in 1998; and most recently, the University of the Incarnate Word established the Robert F. McDermott Professorship in Organizational Leadership this year.

Today I honor the passing of a great family man, a terrific friend, and an outstanding community leader.•

NATIONAL MINE RESCUE COMPETITION

• Mr. ENZI. Mr. President, I am pleased today to report some good news with regard to mine safety and to congratulate FMC Corporation's White Team for being the best mine rescue team in the Nation. As we all know, the mining community experienced a profound loss this year with the disasters at the Sago and Aracoma coal mines in West Virginia and at the Darby Mine in Kentucky. The tragic loss of life in these accidents served to reaffirm the commitment of all those involved in the industry to ensuring and improving the safety and welfare of our Nation's miners.

Essential to that effort, and emblematic of our commitment, was the passage of the Mine Improvement and New Emergency Response, MINER, Act of 2006. The MINER Act passed this body unanimously. It was then signed into law by President Bush and implemented by the Mine Safety and Health Administration, MSHA.

As the primary sponsor of the MINER Act, I am confident that this new law will improve the safety of our underground mines and reduce the likelihood of similar tragic accidents in the future. In the careful and deliberate process of developing the MINER Act, the views of all stakeholders were solicited and carefully considered. Although in many areas there were differences of opinion, all those involved in the issue of mine safety were in agreement on the critical role played by mine rescue teams and universal in their praise of the dedicated individuals who serve on them.

Rescue teams represent the very finest traditions of the mining community. Composed of volunteers, highly trained and experienced, these teams stand ready to come to the aid of their fellow miners in the most critical and dangerous of situations. The MINER Act explicitly recognizes the essential role of mine rescue teams and the importance of their training and support.

Part of the training and the tradition of mine rescue teams is their participation in competitions that pit the teams against each another. Each year MSHA holds a national mine rescue competition that draws teams from throughout the United States. This year, the metal, nonmetal mine competition was held in Reno, NV. I am particularly pleased to report four teams from southwestern Wyoming placed in the top six spots in a field of 34 teams from across the Nation.

The FMC Corporation White Team, which was led by Leroy Hutchinson, won the competition. The White Team was followed by the FMC Red Team, led by Bob Knot. OCI Chemical's Blue Team, which was led by Gary Ruiz, placed fifth, and Solvay's Silver Team, which was led by Shawn Marshall, placed sixth.

These teams represent the best of southwest Wyoming's soda ash industry. The four companies that mine the mineral Trona in Wyoming account for 90 percent of the U.S. production of soda ash. Soda ash is a commodity required for the production of glass. It is also a very important export that accounts for $500 million of our balance of trade.

I am very proud of this year's showing by our Wyoming soda ash industry in this competition. It is important to remember that although this is a competition, it is not a sport. The National Mine Safety Rescue Contest and other mine safety rescue contests are training events. They help prepare mine rescue teams so they are ready to act if they are ever called to deal with a situation that we hope will never occur.

When accidents happen, miners count on volunteer mine rescue teams to save them. Those mine rescue teams need to have the best resources available to them and the training they will need to be prepared for anything that may happen as they take on that important job. Mine rescue competitions play an important role in that effort by providing mine rescue teams with the kind of experience they will need if they are to perform at the highest level of efficiency in the event there is an emergency. They offer a chance for teams to improve their communication skills, to consider previously unforeseen problems, and to get feedback on their performance from contest judges.

Although these teams compete against each other in mine rescue contests, when a real world situation arises, they operate as one cohesive unit to affect a rescue. Each company can draw on the good will and collective expertise of the mine rescue teams to help bring miners in danger to safety. In the spirit of brotherhood and cooperation, the teams know that if there is a mine emergency, they will have the support they will need to bring the victims of the accident and their fellow rescue workers out of the mine and home to their families and loved ones.

In other words, while these companies compete in the marketplace and mine rescue teams compete in these contests, they will stand shoulder to shoulder should an accident occur at the mine.

I would like to include the names of each of the participants of our teams in southwest Wyoming who competed in the national mine rescue competition. Although I particularly want to congratulate the FMC White Team, the FMC Red Team, OCI Chemical's Blue Team, and Solvay's Silver Team, I congratulate and thank all those who participated. Your efforts continue to make a difference by making our mines a safer place for all our Nation's miners to work.

The information follows.

FMC White Team: Leroy Hutchinson (Captain) (Benchman), Tony Herrera, Alan Jones (Gas), Robert Byers, Brad Roll, Bronson Berg, Vern Plantenberg, Mike Padilla (Team Trainer).

FMC White First Aid: Robert Byers, Bronson Berg, Vern Plantenberg.

FMC Red Team: Bob Knott (Captain), Mark Anderson, Rick Owens (Gas), Robert Pope, Bill Madura, Daniel Hellickson, Rod Knight (Benchman), Mike Padilla (Team Trainer), Dave Hutchinson (Team Trainer), Rick Steenberg (Official in Charge), Robert Pope, Mark Anderson, Bill Madura.

FMC Red First Aid: Robert Pope, Mark Anderson, Bill Madura.

General Chemical Blue: Jeff Downey (Captain), Doug Cox (Gas), Steve McKeehan, Mickey Smith, Willie Cederburg, Stan Owens, Terry Hansen, Leslie Wareham (Benchman), Keith Mullins (Team Trainer), David Graham (Official in Charge), Mickey Smith, Terry Hansen, Steve McKeehan.

General Chemical Blue First Aid: Mickey Smith, Terry Hansen, Steve McKeehan.

General Chemical Black: Alan Brewer (Captain), Byron Willingham, Lucas Coon (Gas), Curtiss Cooley, Jr., Steve Roberts, Tommy Graham, Ken Ball, Charles Beard (Benchman), John E. Sykes (Team Trainer), David Graham (Official in Charge), Steve McKeehan.

General Chemical Black First Aid: Byron Willingham, Steve Roberts, Curtiss Cooley, Jr.

OCI White Team: Jack J. Volsey II (Captain), Chuck Jones, Paul Larson (Gas), Ted Laughlin, Scott Counts, Kyle Butcher, Willy Moore (Benchman), Nathan Kendall, Matt Cummings (Team Trainer), Rick Terry (Team Trainer), Tim Musbach (Official in Charge).

OCI White First Aid: Chuck Jones, Ted Laughlin, Nathan Kendall.

OCI Blue Team: Gary Ruiz (Captain), Bill Mehle (Gas), Brent Skorcz, Blake Barney, Dennie Hughes (Benchman), Don O'Lexey, Richard Clark, Tyler Lovato, Rick Terry (Team Trainer), Matt Cummings (Team Trainer), Tim Musbach (Official in Charge).

OCI Blue First Aid: Blake Barney, Don O'Lexey, Dennie Hughes.

Solvay Silver Team: Shawn Marshall (Captain), Joe Thompson, Bob Clement, Scott Brown (Benchman), Gerald Maxfield (Gas), Brian Liscomb, Ryan Hansen, Dusty Martin, Jeff Tetmore (Team Trainer), John Angwin (Official in Charge).

Solvay Silver First Aid Team: Shawn Marshall, Joe Thompson, Dusty Martin.

Solvay Blue Team: Joe McDonald (Captain), Chad Rawlins (Gas), Kent Boman, Jamie McGillis, Jerry Huntington, Brian Quick, Jody Burgener, Dennis Hughes (Benchman), David Stevenson (Team Trainer), John Angwin (Official in Charge).

Solvay Blue First Aid Team: Joe McDonald, Kent Boman, Jamie McGillis.●

CREATIVE PLANTERS GARDEN CLUB

● Mr. VITTER. Mr. President, today I acknowledge the Creative Planters Garden Club of Louisiana. After the catastrophic destruction of Hurricanes Katrina and Rita, this organization has dedicated itself to rebuilding the horticulture in Louisiana, and I would like to take a few moments to highlight their efforts.

Unfortunately, like many other citizens in south Louisiana, several members of this organization lost their homes to the hurricanes that ravished our State in 2005. While many members of the Creative Planters Garden Club are rebuilding their livelihoods, they are also volunteering their time to rebuild their State. Their priorities include replacing landscape projects devastated by Hurricanes Katrina and Rita and replanting the rose garden in New Orleans Botanical Gardens in City Park. It is community involvement like this that enriches our State.

For more than 23 years the Creative Planters Garden Club has worked to enhance Louisiana communities by promoting civic stewardship and horticulture education. They have worked in conjunction with many State and local government agencies to teach and encourage gardening to children.

I applaud the members of the Creative Planters Garden Club of Louisiana for their continued service to the citizens of their community.●

REAR ADMIRAL MICHAEL K. LOOSE

● Mr. DOMENICI. Mr. President, it is with great pleasure that I rise today to recognize and honor RADM Michael K. Loose for his exceptional achievement as Commander, Naval Facilities Engineering Command and Chief of Civil Engineers, from October 2003 to October 2006.

As Commander, Naval Facilities Engineering Command, NAVFAC, Rear Admiral Loose led 17,000 civilian and military employees, executing an annual workload of $10.6 billion supporting global contingency engineering operations, the Navy shore infrastructure, and systems command engineering and acquisition support. As the chief of civil engineers, he led Active and Reserve components of the Civil Engineer Corps community of over 2,000 officers and the enlisted Seabee community of over 20,000 sailors that jointly serve as the Navy's contingency and facilities engineering experts and comprise the Naval Construction Force of 22 battalions, 4 regiments, and other supporting units.

Upon assuming command of NAVFAC, Rear Admiral Loose quickly developed an overarching strategic plan that incorporated Department of Defense, Secretary of the Navy, and Chief of Naval Operations guiding principles. Building on this foundational document, and acutely focused on the critical imperative to dramatically reduce costs to support Sea Enterprise fleet recapitalization, improve service to joint/fleet operational commands, and align and single-up accountability. Rear Admiral Loose boldly conceptualized and implemented a dramatic restructuring and transformation of all components of NAVFAC—the most comprehensive and fundamental reorganization of the command since the Navy revamped the Bureau system more than three decades ago. As a direct result of his initiative and vision, over $600 million in savings were harvested and redirected to the fleet starting in the Program Objective Memoranda for fiscal year 2006. Overall, Rear Admiral Loose increased production productivity by 13 percent while reducing the required workforce by 1,100 civilian positions. Key elements of the transformation that enabled these efficiencies included dramatically consolidating and fully aligning NAVFAC field commands with Navy regional commanders. This structural realignment combined Navy public works centers focused on maintenance, transportation, and utilities services with engineering field divisions focused on planning, environmental, design, and construction services to establish a single, aligned, and vastly streamlined organization—a Regional Facilities Engineering Command. He also developed and executed strategic partnership agreements with Commander, Navy Installations Command and Headquarters, U.S. Marine Corps—Installations—and Commander, Naval Supply Systems Command, to enable lowest facility lifecycle business analysis and management by leveraging the transformed NAVFAC organization. With the establishment of the single, aligned Facilities Engineering Command in each Navy region, Rear Admiral Loose operationalized NAVFAC, creating a command culture of accountability, technical competency, and responsiveness to fleet mission demands and surge requirements.

Rear Admiral Loose also aggressively supported the newly established Naval Expeditionary Combat Command/Naval Expeditionary Combat Enterprise as Systems Command Commander and first chief operating officer. He developed a $400 million program to replace overage and expended equipment, weapons, personal protective gear, and materials supporting the Naval Construction Force extended operations in support of Operations Noble Eagle, Iraqi Freedom, and Enduring Freedom. Rear Admiral Loose guided the largest mobilization since Vietnam of Seabees and Civil Engineer Corps Officers, enabling outstanding mission support of Operation Iraqi Freedom and Operation Iraqi Freedom II.

Clearly, Rear Admiral Loose's comprehensive knowledge of the Navy, keen judgment, and unwavering commitment to the sailor, the Navy family, and the fleet have made him an asset to the Navy. I am proud that he is my fellow New Mexican and my fellow American, and I am pleased to recognize and thank Rear Admiral Loose for his tenure as Commander, NAVFAC and Chief of Civil Engineers.

Today I honor Rear Admiral Loose for his service to our country, his inspirational moral courage, his exceptional strategic vision, and his relentlessly bold leadership. He and his wife Carol have made many sacrifices during his career in the Navy, and I call upon my colleagues and join his family, friends, and associates to wish them "fair winds and following seas" as they embark on yet another great Navy adventure and continue their dedicated and outstanding service to this grateful Nation.•

HONORING SOUTH DAKOTA GAME, FISH AND PARKS

• Mr. THUNE. Mr. President, today I honor South Dakota Game, Fish and Parks for being awarded the 2006 Secretary of Defense Employer Support Freedom Award.

South Dakota Game, Fish and Parks is 1 of only 15 employers nationwide to be honored with this prestigious award. The support, encouragement, and flexibility they provide to their employees who are called to serve their country with the South Dakota National Guard illustrates that they are truly deserving of this high honor. South Dakota Game, Fish and Parks serves as a fine example of South Dakotans coming together to support the cause of freedom around the world. They are going the extra mile to accommodate our service men and women and thus ensure a safer, more secure America.

Today I together with the entire State of South Dakota, commend South Dakota Game, Fish and Parks for their commitment to serving our State and our Armed Forces.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8329. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pantoea Agglomerans Strain E325; Exemption from the Requirement of a Tolerance" (FRL No. 8091–6) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8330. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metrafenone; Pesticide Tolerance" (FRL No. 8093–7) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8331. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dithianon; Pesticide Tolerance" (FRL No. 8090–5) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8332. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Etofenprox; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8089–2) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8333. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Joseph L. Yakovac, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8334. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the budget models used for base operations support, sustainment, and facilities recapitalization; to the Committee on Armed Services.

EC–8335. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to the operation of the premerger notification program and the Commission's and the Antitrust Division's merger enforcement activities during Fiscal Year 2005; to the Committee on Commerce, Science, and Transportation.

EC–8336. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Drawbridge Regulations (including 2 regulations beginning with CGD05–06–087)" (RIN1625–AA09) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8337. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, New York City, NY (CGD01–06–006)" (RIN1625–AA09) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8338. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations beginning with CGD05–06–062)" (RIN1625–AA00) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8339. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with CGD05–06–069)" (RIN1625–AA08) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8340. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 11 regulations beginning with CGD05–06–059)" (RIN1625–AA00) received on September

14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8341. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, the annual report on the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC–8342. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin" (FRL No. 8217-8) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8343. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations" (FRL No. 8221-2) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8344. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methods for Measurement of Visible Emissions" (FRL No. 8221-4) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8345. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Preliminary Assessment Information Reporting Rule and Health and Safety Data Reporting Rule; Revision of Effective Dates" (FRL No. 8094-8) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8346. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006-80) received on September 15, 2006; to the Committee on Finance.

EC–8347. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election Under Section 355(b)(3)(C) of the Internal Revenue Code" (Notice 2006-81) received on September 15, 2006; to the Committee on Finance.

EC–8348. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Cost-Sharing Payments; Conservation Security Program" (Notice 2006-46) received on September 15, 2006; to the Committee on Finance.

EC–8349. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Credit" (RIN1545–BE91) received on September 15, 2006; to the Committee on Finance.

EC–8350. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought" (Notice 2006-82) received on September 15, 2006; to the Committee on Finance.

EC–8351. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8352. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–8353. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license agreement for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–8354. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Iraq; to the Committee on Foreign Relations.

EC–8355. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8356. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the United Kingdom; to the Committee on Foreign Relations.

EC–8357. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–8358. A communication from the Agency Tender Official, Installation Services, Department of Labor, transmitting, pursuant to law, two letters for Congressional notification purposes; to the Committee on Health, Education, Labor, and Pensions.

EC–8359. A communication from the Deputy Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's efforts in the area of transportation security; to the Committee on Homeland Security and Governmental Affairs.

EC–8360. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Auditor's Examination of McKinley Technology High School Modernization Project"; to the Committee on Homeland Security and Governmental Affairs.

EC–8361. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Increase in Limitation on Authorized Committees Supporting Other Authorized Committees" (Notice 2006-17) received on September 14, 2006; to the Committee on Rules and Administration.

EC–8362. A communication from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans, transmitting, pursuant to law, a report relative to the commercial activities which are currently being performed by Federal employees for calendar year 2005; to the Committee on Veterans' Affairs.

EC–8363. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Docket No. FEMA-7937)(71 FR 45424)) received on September 18, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8364. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC–8365. A communication from the Deputy Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Alaska Native Veterans Allotments" (RIN1004–AD60) received on September 18, 2006; to the Committee on Energy and Natural Resources.

EC–8366. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to the program to be initiated for Cuba by the Agency's Office of Transition Initiatives; to the Committee on Foreign Relations.

EC–8367. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Wyoming" (Docket No. APHIS–2006–0138) received on September 18, 2006; to the Committee on Agriculture, Nutrition , and Forestry.

EC–8368. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Office of Energy Policy and New Uses; Designation of Biobased Items for Federal Procurement" (RIN0503–AA26) received on September 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8369. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a proposed amendment to the Rural Electrification Act of 1936;

to the Committee on Agriculture, Nutrition, and Forestry.

EC–8370. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Bacteriophage Preparation" (Docket No. 2002F–0316) received on September 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8371. A communication from the Chairman, National Commission on Libraries and Information Science, transmitting, a report relative to the Commission's review of the draft proposal for the consolidation of the Commission into the Institute for Museum and Library Services; to the Committee on Health, Education, Labor, and Pensions.

EC–8372. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "5 CFR Parts 1630, Privacy Act Regulations, 1651, Death Benefits, 1653, Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts, and 1690, Thrift Savings Plan" (CFR Parts 1630, 1651, 1653, 1690) received on September 18, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8373. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Auditor's Examination of the Escrow Account Established by Accenture and the Office of Tax and Revenue (OTR) in Connection with Contract # 99–C–004"; to the Committee on Homeland Security and Governmental Affairs.

EC–8374. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to the Commission's follow up work to its 2005 report entitled "Report to the Congress: Physician-owned Specialty Hospitals"; to the Committee on Homeland Security and Governmental Affairs.

EC–8375. A communication from the Administrator, General Services Administration, transmitting, a report relative to copies of prospectuses that support the Administration's fiscal year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–8376. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the Arts Endowment's inventory of commercial activities performed by federal employees and inventory of inherently governmental activities for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8377. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 072806D) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8378. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Tilefish Permit Category B (Full-Time Tier 2) to Directed Tilefish Fishing" (I.D. No. 073106E) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8379. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 073106A) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8380. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 073106B) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8381. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands" (I.D. No. 081506A) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8382. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 081406C) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8383. A communication from the Deputy Assistant Administrator for Regulatory Services, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework 43 to the Northeast Multispecies Fisheries Management Plan" (RIN0648–AU33) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8384. A communication from the Deputy Assistant Administrator for Regulatory Services, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Approval of a Final Rule Regulatory Amendment to Amend Individual Fishing Quota (IFQ) Program Cost Recovery Regulations" (RIN0648–AT43) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8385. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation in the Export Administration Regulations of the United States' Rescission of Libya's Designation as a State Sponsor of Terrorism and Revisions Applicable to Iraq" (RIN0694–AD81) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8386. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "December 2005 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I (telecommunications), 5 Part II (Information Security), 6, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Certain New or Expanded Export Controls" (RIN0694–AD73) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8387. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration for fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–8388. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intention to impose new foreign-policy based export controls; to the Committee on Commerce, Science, and Transportation.

EC–8389. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's 2006 Federal Activities Inventory Reform Act inventory; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes (Rept. No. 109–337).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Kevin J. Martin, of North Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2006.

*John M. R. Kneuer, of New Jersey, to be Assistant Secretary of Commerce for Communications and Information.

*Coast Guard nominations beginning with Capt. Thomas F. Atkin and ending with Capt. Paul F. Zukunft, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the Record on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Tina J. Urban to be Lieutenant.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Mr. SPECTER):

S. 3910. A bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. ALEXANDER, and Mr. FRIST):

S. 3911. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Ms. COLLINS, Mr. HATCH, and Mr. TALENT):

S. 3912. A bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 3913. A bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself and Ms. CANTWELL):

S. Res. 572. A resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. DEWINE, Mr. MARTINEZ, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN, Mrs. CLINTON, Mr. LEAHY, Mr. BIDEN, and Mr. KENNEDY):

S. Res. 573. A resolution calling on the United States Government and the international community to support the successful transition from conflict to sustainable peace in Uganda; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 574. A resolution recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and saluting the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 155

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 155, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1035

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1057

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1174

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1174, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1278

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1278, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Rhode Island (Mr. REED) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2453

At the request of Mr. HAGEL, his name was withdrawn as a cosponsor of S. 2453, a bill to establish procedures for the review of electronic surveillance programs.

S. 3393

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3393, a bill to suspend temporarily the duty on certain boys' water resistant pants.

S. 3394

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3394, a bill to suspend temporarily the duty on certain men's water resistant pants.

S. 3396

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3396, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3397

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3397, a bill to suspend temporarily the duty on certain women's and girls' water resistant pants.

S. 3400

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3400, a bill to suspend temporarily the duty on certain men's and boys' water resistant pants.

S. 3401

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3401, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3402

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3402, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3403

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3403, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3475

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3475, a bill to provide housing assistance for very low-income veterans.

S. 3493

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3493, a bill to provide that quantitative restrictions shall not apply with respect to certain knit performance outerwear pants.

S. 3494

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3494, a bill to provide that quantitative restrictions shall not apply with respect to woven performance outerwear pants.

S. 3651

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3651, a bill to reduce child marriage, and for other purposes.

S. 3738

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3738, a bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. DODD) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3808

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3808, a bill to reduce the incidence of suicide among veterans.

S. 3880

At the request of Mr. INHOFE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 3885

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3885, a bill to amend Public Law 98-513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation.

S. 3887

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. CON. RES. 97

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Mr. SPECTER):

S. 3910. A bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol; to the Committee on Rules and Administration.

Mrs. CLINTON. Mr. President it gives me pride and pleasure to introduce revised legislation that will enable the Joint Committee on the Library to display a bust depicting Sojourner Truth in the Capitol Building. I began this effort with legislation I introduced 2 years ago during the 108th Congress. Because my colleagues in the other body and I were not able to enact our bill that time, we return in the 109th Congress with new legislation which would direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol. I now lay down this version of the bill that reflects bipartisan support among leaders who share the goal of honoring this important figure in our Nation's and New York State's history.

Sojourner Truth was born into slavery in New York's Hudson Valley in 1797. She moved to New York City after gaining her freedom in 1826 and by 1843 had changed her name to Sojourner Truth, traveling the country preaching for human rights. After attending the 1850 National Woman's Rights Convention, Truth made women's suffrage a focal point of her speeches, portraying women as powerful, independent figures. Her most famous speech, "Ain't I a Woman," given at the 1851 Women's Rights Convention in Akron, OH, has become a classic text on women's rights.

Because of her great, advocacy on behalf of women, despite all of the hardships she faced, Sojourner Truth deserves to be represented along with the suffragists depicted in the United States Capitol Building. I ask that the Senate come together and honor this visionary American for her service to our Nation.

By Mr. DURBIN (for himself, Mr. ALEXANDER, and Mr. FRIST):

S. 3911. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wool Suit Fabric Labeling Fairness and International Standards Conforming Act".

SEC. 2. LABELING OF WOOL AND CASHMERE PRODUCTS TO FACILITATE COMPLIANCE AND PROTECT CONSUMERS.

(a) IN GENERAL.—Section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)) is amended by adding at the end the following new paragraphs:

"(5)(A) In the case of a wool product stamped, tagged, labeled, or otherwise identified as—

"(i) 'Super 80's' or '80's', if the average diameter of wool fiber of such wool product does not average 19.75 microns or finer;

"(ii) 'Super 90's' or '90's', if the average diameter of wool fiber of such wool product does not average 19.25 microns or finer;

"(iii) 'Super 100's' or '100's', if the average diameter of wool fiber of such wool product does not average 18.75 microns or finer;

"(iv) 'Super 110's' or '110's', if the average diameter of wool fiber of such wool product does not average 18.25 microns or finer;

"(v) 'Super 120's' or '120's', if the average diameter of wool fiber of such wool product does not average 17.75 microns or finer;

"(vi) 'Super 130's' or '130's', if the average diameter of wool fiber of such wool product does not average 17.25 microns or finer;

"(vii) 'Super 140's' or '140's', if the average diameter of wool fiber of such wool product does not average 16.75 microns or finer;

"(viii) 'Super 150's' or '150's', if the average diameter of wool fiber of such wool product does not average 16.25 microns or finer;

"(ix) 'Super 160's' or '160's', if the average diameter of wool fiber of such wool product does not average 15.75 microns or finer;

"(x) 'Super 170's' or '170's', if the average diameter of wool fiber of such wool product does not average 15.25 microns or finer;

"(xi) 'Super 180's' or '180's', if the average diameter of wool fiber of such wool product does not average 14.75 microns or finer;

"(xii) 'Super 190's' or '190's', if the average diameter of wool fiber of such wool product does not average 14.25 microns or finer;

"(xiii) 'Super 200's' or '200's', if the average diameter of wool fiber of such wool product does not average 13.75 microns or finer;

"(xiv) 'Super 210's' or '210's', if the average diameter of wool fiber of such wool product does not average 13.25 microns or finer;

"(xv) 'Super 220's' or '220's', if the average diameter of wool fiber of such wool product does not average 12.75 microns or finer;

"(xvi) 'Super 230's' or '230's', if the average diameter of wool fiber of such wool product does not average 12.25 microns or finer;

"(xvii) 'Super 240's' or '240's', if the average diameter of wool fiber of such wool product does not average 11.75 microns or finer; and

"(xviii) 'Super 250's' or '250's', if the average diameter of wool fiber of such wool product does not average 11.25 microns or finer.

"(B) In each case described in subparagraph (A), the average fiber diameter of the wool product may be subject to such other standards or deviations as adopted by regulation by the Commission.

"(6)(A) In the case of a wool product stamped, tagged, labeled, or otherwise identified as cashmere, if—

"(i) such wool product is not the fine (dehaired) undercoat fibers produced by a cashmere goat (capra hircus laniger);

"(ii) the average diameter of the fiber of such wool product exceeds 19 microns; or

"(iii) such wool product contains more than 3 percent (by weight) of cashmere fibers with average diameters that exceed 30 microns.

"(B) The average fiber diameter for each product described in subparagraph (A) may be subject to a coefficient of variation around the mean that does not exceed 24 percent.".

(b) APPLICABILITY DATE.—The amendments made by this section apply to wool products manufactured on or after January 1, 2007.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Ms. COLLINS, Mr. HATCH, and Mr. TALENT):

S. 3912. A bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program; to the Committee on Finance.

Mr. ENSIGN. I am pleased to introduce the Securing Effective and Necessary Individual Outpatient Rehabilitation Services Act, the SENIORS Act, to ensure that Medicare beneficiaries who rely on medically necessary therapy services continue to have access to the services they need. The bill would allow exceptions to therapy caps for certain medically necessary services in 2007.

An exceptions process for Medicare patients who exceed the therapy cap was authorized in legislation last year. A Medicare patient may now obtain an exception if the service is deemed medically necessary and then receive covered therapy services above the cap. The exceptions process expires at the end of this year, so Congress must extend it for the 2007 calendar year.

I started the fight to eliminate the annual cap on outpatient rehabilitation services in its entirety when I was in the House of Representatives. I brought this fight to the Senate where I introduced legislation to completely repeal the annual Medicare cap on rehabilitation therapy services. I recognize that a complete repeal is not politically or financially viable at this time. However, an extension of the exceptions process should be possible.

Action is needed to address the therapy caps this year. This is not a Republican issue or a Democrat issue. At its heart, this issue is a patient issue. Forty-four of my Senate colleagues have joined me in legislation to repeal the therapy caps once and for all. In addition, almost 260 of members of the United States House of Representatives and more than 40 groups representing patients and providers support legislation efforts to repeal the caps or extend the current exceptions process. And, in May of this year, 47 Senators signed a letter to Senate leadership urging an extension of the exceptions process authorized in the Deficit Reduction Act beyond its current expiration of January 1, 2007.

Ensuring access to needed outpatient physical therapy, occupational therapy and speech language pathology services for Medicare beneficiaries in a fiscally responsible manner is essential. Denying access by an arbitrary cap will only shift costs as patients will delay rehabilitation, seek more costly interventions, or be admitted inpatient settings.

As a member of this Senate Budget Committee, I realize the serious budgetary constraints that are upon Congress. I also understand that we need to prioritize spending. I believe that extension of the exceptions process beyond 2006 should be a priority. I look forward to working with my colleagues to ensure that senior citizens continue to have access to high-quality rehabilitation services.

By Mr. ROCKEFELLER:

S. 3913. A bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation to protect the vital health insurance coverage that millions of our Nation's children receive through the Children's Health Insurance Program (CHIP). As I stand here today, at least 17 States face looming Federal funding shortfalls of as much as $900 million, the cost of covering more than half a million children.

Mr. DINGELL, the distinguished ranking member of the House Energy and Commerce Committee, and I have worked for several weeks to craft a bill that reflects the intentions of this program when it was first created nearly ten years ago: to provide comprehensive health insurance coverage for children. Additionally, this legislation addresses an ongoing set of challenges associated with the program's block grant financing structure. I am pleased to report that Mr. DINGELL and others will be introducing companion legislation in the House of Representatives today.

We are introducing the Keep Children Covered Act now because it is critically important that we consider and pass this legislation before we adjourn this year. No one can dispute the success of the CHIP program in enrolling and providing coverage for more then 6 million children nationwide. In 2005, West Virginia provided coverage for more then 38,000 children, and an expansion to reach additional children is currently underway. This is quite an accomplishment. But, the ongoing success of this program depends on adequate Federal funding for all States.

It is a sad truth that persistent barriers to health care coverage have resulted in annual increases in the total number of uninsured Americans. Today, 46 million Americans are uninsured for all or most of the year. I am particularly troubled in that, in 2005, the number of uninsured children increased for the first time since the CHIP program was implemented in 1998. The number of uninsured children now stands at 8.3 million.

This is unacceptable. We have taken a significant step back in terms of covering children, and this will only get worse if the $900 million Federal funding shortfall is not immediately addressed. Children are the least expensive group to insure, and our future depends on their good health and well-being. There is clear evidence that children with consistent access to health care services are more likely to become healthy adults and successful members of our communities. Like West Virginia, a number of States have expressed their willingness to expand the CHIP program, but we must hold up our end of the bargain and supply them with the resources necessary to make these positive changes. It would be irresponsible for us to allow additional children to go without this much needed access to care. It would also run counter to the goals Congress set out when we created CHIP in 1997.

Preserving health care coverage for children is not an objective beyond our reach. Although it represents only a temporary fix of the larger funding issues facing CHIP, the bill I am introducing today will alleviate the fiscal year 2007 shortfalls and ensure that children currently enrolled in CHIP do not lose their coverage. I congratulate my colleagues on the House side, Congressmen DEAL and NORWOOD, who introduced similar legislation at the end of last week. They understand this is something we can come together on, pass, and enact into law before Congress recesses for the elections. It is my hope that Congress will act on a bipartisan basis to more comprehensively address the long-term financial challenges facing CHIP when the program is reauthorized next year.

In the meantime, I urge my colleagues to make children's health care a priority during the limited time we have left this session. Working families depend on this program in order to access the health care services—like check-ups and prescriptions—that their children need. I hope we will not let them down. We should not.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep Children Covered Act of 2006".

SEC. 2. ELIMINATION OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in each of subsections (a), (b)(1), and (c)(1), by striking "subsection (d)" and inserting "subsections (d) and (h)"; and

(2) by adding at the end the following new subsection:

"(h) SPECIAL RULE FOR REDISTRIBUTION OF UNSPENT FISCAL YEAR 2004 ALLOTMENTS AND ADDITIONAL ALLOTMENTS TO ELIMINATE FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(1) SPECIAL RULE FOR REDISTRIBUTION OF FISCAL YEAR 2004 ALLOTMENTS.—

"(A) IN GENERAL.—In the case of a State that expends all of its allotment under subsection (b) or (c) of this section for fiscal year 2004 by the end of fiscal year 2006 and is an initial shortfall State described in subparagraph (B), the Secretary shall redistribute to the State under subsection (f) of this section (from the fiscal year 2004 allotments of other States) the following amount:

"(i) STATE.—In the case of one of the 50 States or the District of Columbia, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii)), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).

"(ii) TERRITORY.—In the case of a commonwealth or territory described in subsection (c)(3), an amount that bears the same ratio to 1.05 percent of the amount specified in subparagraph (C)(i) as the ratio of the commonwealth's or territory's fiscal year 2004 allotment under subsection (c) bears to the total of all such allotments for such fiscal year under such subsection.

"(B) INITIAL SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), an initial shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this subsection, that the projected Federal expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006; and

"(ii) the amount of the State's allotment for fiscal year 2007.

"(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2004 ALLOTMENTS.—For purposes of subparagraph (A)(i)—

"(i) the amount specified in this clause is the total amount of unspent fiscal year 2004 allotments available for redistribution under subsection (f);

"(ii) the amount specified in this clause for an initial shortfall State is the amount the Secretary determines will eliminate the estimated shortfall described in subparagraph (B) for the State; and

"(iii) the amount specified in this clause is the total sum of the amounts specified in clause (ii) for all initial shortfall States.

"(2) ADDITIONAL ALLOTMENTS TO ELIMINATE FISCAL YEAR 2007 FUNDING SHORTFALLS REMAINING AFTER REDISTRIBUTION OF UNSPENT FISCAL YEAR 2004 ALLOTMENTS.—

"(A) IN GENERAL.—In addition to the allotments provided under subsection (b) and (c) for fiscal year 2007, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State (including a commonwealth or territory described in subsection (c)(3)) with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this subsection, that the projected federal expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amount, if any, of unspent allotments for fiscal year 2004 that are to be redistributed to the State during fiscal year 2007 in accordance with subsection (f) and paragraph (1).

"(C) 1-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a remaining shortfall State pursuant to this paragraph shall only remain available for expenditure by the State through September 30, 2007. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f) and shall revert to the Treasury on October 1, 2007.

"(D) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.".

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking "or 2005" and inserting "2005, or 2006".

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2006, without regard to whether or not regulations implementing such amendments have been issued.

(d) PERIOD OF EFFECTIVENESS.—Section 2104(h)(2) of the Social Security Act (as added by subsection (a)) shall terminate on September 30, 2007, and shall be considered to have expired notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself and Ms. CANTWELL) submitted for the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 572

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1 in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

SENATE RESOLUTION 573—CALLING ON THE UNITED STATES GOVERNMENT AND THE INTERNATIONAL COMMUNITY TO SUPPORT THE SUCCESSFUL TRANSITION FROM CONFLICT TO SUSTAINABLE PEACE IN UGANDA

Mr. FEINGOLD (for himself and BROWNBACK, Mr. DEWINE, Mr. MARTINEZ, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN, Mrs. CLINTON, Mr. LEAHY, Mr. BIDEN and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 573

Whereas, for nearly 2 decades, the Government of Uganda has been engaged in a conflict with the Lord's Resistance Army (referred to in this preamble as the "LRA") that has resulted in—

(1) the deaths of approximately 200,000 individuals from violence and disease; and

(2) the displacement of more than 1,600,000 individuals from the northern and eastern regions of Uganda;

Whereas more than half of those internally-displaced individuals are under the age of 15, and 95 percent of those individuals live in absolute poverty in camps where they face malnutrition, high rates of AIDS and malaria, and egregious abuses of their human rights;

Whereas the LRA has used brutal tactics during that conflict, including the abduction and abuse of more than 25,000 children who the organization forces to attack, rape, and murder members of their families and communities on behalf of the LRA;

Whereas continued instability and a lack of security in the northern region of Uganda has severely hindered the delivery of sufficient humanitarian assistance and services to individuals who have been displaced or otherwise negatively affected by that conflict;

Whereas spillover from the war in the northern region of Uganda have had negative consequences in the neighboring countries of Sudan and the Democratic Republic of the Congo;

Whereas a successful transition to sustainable peace in the northern region of Uganda and throughout the country will depend in large part on a coordinated and comprehensive effort by the Government of Uganda, regional partners, and the international community to create new social, economic, and political opportunities for the citizens of Uganda who are affected by that conflict;

Whereas a sustainable political resolution to that conflict must include a range of locally and nationally driven reconciliation efforts that will require the endorsement and involvement of all parties to the conflict, as well as support from the international community;

Whereas the 2005 Country Reports on Human Rights Practices, published by the Department of State, relating to the Government of Uganda indicated that the "security forces committed unlawful killings...and were responsible for deaths as a result of torture" along with other "serious problems", including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), the Senate—

(1) declared its support for a peaceful resolution of the conflict in the northern and eastern regions of Uganda; and

(2) called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts; and

Whereas the cessation of hostilities agreement, that was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006—

(1) required both parties to cease all hostile military and media offensives; and

(2) asked the Sudanese People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks: Now, therefore, be it

Resolved, That the Senate—

(1) commends the delegates from the Government of Uganda and the Lord's Resistance Army for agreeing to a cessation of hostilities for the first time in the 20 years of that devastating conflict;

(2) recognizes the leadership role that the Government of Southern Sudan played in mediating that cessation of hostilities and establishing a framework within which a lasting peace to that conflict could be achieved;

(3) emphasizes the importance of a complete implementation of the cessation of hostilities agreement by all parties to maintain progress towards a permanent resolution of that conflict;

(4) expresses the support of the citizens of the United States for the people of Uganda who have endured decades of violence as a result of that conflict;

(5) entreats all parties to address issues of accountability and impunity for war crimes and crimes against humanity, and to support broader national reconciliation efforts;

(6) strongly encourages the Government of Uganda to improve the professionalism of Ugandan military personnel currently stationed in the northern and eastern regions of Uganda, with an emphasis on enhancing respect for human rights, accountability for abuses, and effective protection of civilians;

(7) urges the Government of Uganda to follow through and augment its resettlement plan by—

(A) expanding social services;

(B) deploying professional civil servants; and

(C) developing the legal, political, and security infrastructure—

(i) necessary to facilitate the freedom of movement of civilians to their homes, land, and areas within and around camps; and

(ii) essential to fulfill the needs of returnees and former combatants; and

(8) calls on the United States Department of State and the United States Agency for International Development, as well as the international community—

(A) to provide adequate and coordinated humanitarian assistance through nongovernmental organizations to the individuals and areas most affected by that conflict;

(B) to, while providing humanitarian assistance, pay particular attention to women and children who have been victimized; and

(C) to provide—

(i) sufficient technical assistance for the demobilization and reintegration of rebel combatants and abductees;

(ii) both financial and technical support for reconciliation and reconstruction efforts; and

(iii) diplomatic and logistical support for the cessation of hostilities agreement and subsequent progress towards a sustainable peace in Uganda.

SENATE RESOLUTION 574—RECOGNIZING THE NORTH CAROLINA FARM BUREAU FEDERATION ON THE OCCASION OF ITS 70TH ANNIVERSARY AND SALUTING THE OUTSTANDING SERVICE OF ITS MEMBERS AND STAFF ON BEHALF OF THE AGRICULTURAL COMMUNITY AND THE PEOPLE OF NORTH CAROLINA

Mr. BURR (for himself and Mrs. DOLE) submitted for the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 574

Whereas the North Carolina Farm Bureau Federation was founded on March 2, 1936, in Greenville, North Carolina, during the Great Depression, a period of national frustration and economic disaster;

Whereas the North Carolina Farm Bureau Federation was established to organize North Carolina's farm families and to maximize their ability to engage in national, State, and local policy debates that affect North Carolina agriculture;

Whereas at its first annual meeting in Raleigh, North Carolina, on July 30, 1936, the North Carolina Farm Bureau Federation had slightly over 2,000 members from 24 counties;

Whereas in 2005, the North Carolina Farm Bureau Federation was composed of approximately 490,000 member families from all 100 counties of North Carolina, making it the second largest State farm bureau in the United States;

Whereas the North Carolina Farm Bureau Federation created a Women's Program in 1942 and a Young Farmer and Rancher Program in the 1970s to encourage leadership development among its members;

Whereas the North Carolina Farm Bureau Federation is committed to advancing agricultural education in North Carolina through its R. Flake Shaw Scholarship Fund, established in 1958, and the Institute for Future Agricultural Leaders, founded in 1984, which help ensure that the young men and women of North Carolina are well prepared for careers in agriculture;

Whereas the North Carolina Farm Bureau Federation created and continues to sponsor the Ag-In-The-Classroom initiative to introduce children to North Carolina agriculture and to improve the quality of teachers in North Carolina schools;

Whereas the North Carolina Farm Bureau Federation's visionary Board of Directors developed numerous initiatives that enable farmers to effectively produce and sell their products, such as the organization's marketing program, and that provide farmers with access to necessary farm resources, such as the tires, batteries, and accessories service;

Whereas in 1953, the North Carolina Farm Bureau Federation founded the North Carolina Farm Bureau Federation Mutual Insurance Company, which is North Carolina's largest domestic insurance company;

Whereas the Board of Directors of the North Carolina Farm Bureau Federation Mutual Insurance Company is composed entirely of farmers; and

Whereas the North Carolina Farm Bureau Federation is a true grassroots organization dedicated to ensuring that agriculture remains North Carolina's number 1 industry through the organization's unique policy development process and active legislative and regulatory advocacy programs: Now, therefore, be it

Resolved, That the Senate recognizes the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and salutes the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5019. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, to designate as wilderness certain National Forest System land in the State of New Hampshire.

SA 5020. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, supra.

TEXT OF AMENDMENTS

SA 5019. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, to designate as wilderness certain National Forest System land in the State of New Hampshire; as follows:

Beginning on page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New England Wilderness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—NEW HAMPSHIRE

Sec. 101. Definition of State.
Sec. 102. Designation of wilderness areas.
Sec. 103. Map and description.
Sec. 104. Administration.

TITLE II—VERMONT

Sec. 201. Definitions.

Subtitle A—Designation of Wilderness Areas

Sec. 211. Designation.
Sec. 212. Map and description.
Sec. 213. Administration.

Subtitle B—Moosalamoo National Recreation Area

Sec. 221. Designation.
Sec. 222. Map and description.
Sec. 223. Administration of National Recreation Area.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term "State" means the State of New Hampshire.

On page 2, line 3, strike "**3**" and insert "**102**".

On page 2, line 23, strike "**4**" and insert "**103**".

On page 3, line 2, strike "3" and insert "102".

On page 3, line 14, strike "**5**" and insert "**104**".

On page 3, line 16, strike "section" and insert "title".

On page 3, line 24, strike "Act" and insert "title".

On page 4, line 5, strike "Act" and insert "title".

On page 4, line 10, strike "3" and insert "102".

On page 4, after line 16, add the following:

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term "Management Plan" means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term "State" means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 28,491 acres, as generally depicted on the map entitled "Glastenbury Wilderness—Proposed", dated September 2006, which shall be known as the "Glastenbury Wilderness".

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled "Joseph Battell Wilderness—Proposed", dated September 2006, which shall be known as the "Joseph Battell Wilderness".

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled "Breadloaf Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Breadloaf Wilderness".

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled "Lye Brook Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Lye Brook Wilderness".

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled "Peru Peak Wilderness Additions—Proposed", dated September 2006,

which shall be known as the "Peru Peak Wilderness".

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled "Big Branch Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Big Branch Wilderness".

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of —

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled "Moosalamoo National Recreation Area—Proposed", dated September 2006, is designated as the "Moosalamoo National Recreation Area".

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

SA 5020. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, to designate as wilderness certain National Forest System land in the State of New Hampshire; as follows:

Amend the title so as to read: "To designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 19, 2006, at 9:30 a.m., in open session to consider the following nominations: GEN Bantz J. Craddock, USA, for reappointment to the grade of general and to be Commander, U.S. European Command; VADM James G. Stavridis, USN, for appointment to the grade of admiral and to be Commander, U.S. Southern Command; Nelson M. Ford to be Assistant Secretary of the Army for Financial Management and Comptroller; and Ronald J. James to be Assistant Secretary of the Army for Manpower and Reserve Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 19, 2006, at 10 a.m., to conduct a hearing on "Combating Child Pornography by Eliminating Pornographers' Access to the Financial Payment System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a full committee business meeting off the floor on Tuesday, September 19, 2006 at a time to be determined.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a full committee hearing on Online Child Pornography on Tuesday, September 19, 2006, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 19, 2006, at 9:30 a.m., to hold a hearing on Iran.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 19, 2006 at 10 a.m. for a hearing titled, "Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet to conduct a hearing on "The Cost of Crime: Understanding the Financial and Human Impact of Criminal Activity" on Tuesday, September 19, 2006 at 10:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Harley Lappin, Director, Federal Bureau of Prisons, Washington, DC; Jeffrey Sedgwick, Director, Bureau of Justice Statistics, Washington, DC; Jens Ludwig, Professor, Georgetown Public Policy Institute, Georgetown University, Washington, DC; Mary Lou Leary, Executive Director, National Center for Victims of Crime, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, September 19, 2006 immediately following the first vote, approximately 12 p.m., in Room S-219, The Capitol.

Agenda

I. Nominations: Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes, II, to be U.S. Circuit Judge for the Fourth Circuit; Kent A. Jordan, to be U.S. Circuit Judge for the Third Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers, III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the Central District of California; Francisco Augusto Besosa, to be U.S. District Judge for the District of Puerto Rico; Philip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, September 19, 2006 at 3 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Thad Cochran, United States Senator, R-MS; The Honorable Trent Lott, United States Senator, R-MS; The Honorable Carl Levin, United States Senator, D-MI; The Honorable Debbie Stabenow, United States Senator, D-MI.

Panel II: Robert James Jonker to be United States District Judge for the Western District of Michigan; Judge Paul Lewis Maloney to be United States District Judge for the Western District of Michigan; Judge Janet T. Neff to be United States District Judge for the Western District of Michigan; Judge Leslie Southwick to be United States District Judge for the Southern District of Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be allowed floor privileges today: Ali Sarafzade, Tory Cyr, Brett Youngerman, John Lageson, and Mia Warner.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPORTING TRANSITION FROM CONFLICT TO SUSTAINABLE PEACE IN UGANDA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 573, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 573) calling on the United States Government and the international community to support the successful transition from conflict to sustainable peace in Uganda.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 573

Whereas, for nearly 2 decades, the Government of Uganda has been engaged in a conflict with the Lord's Resistance Army (referred to in this preamble as the "LRA") that has resulted in—

(1) the deaths of approximately 200,000 individuals from violence and disease; and

(2) the displacement of more than 1,600,000 individuals from the northern and eastern regions of Uganda;

Whereas more than half of those internally-displaced individuals are under the age of 15, and 95 percent of those individuals live in absolute poverty in camps where they face malnutrition, high rates of AIDS and malaria, and egregious abuses of their human rights;

Whereas the LRA has used brutal tactics during that conflict, including the abduction and abuse of more than 25,000 children who the organization forces to attack, rape, and murder members of their families and communities on behalf of the LRA;

Whereas continued instability and a lack of security in the northern region of Uganda has severely hindered the delivery of sufficient humanitarian assistance and services to individuals who have been displaced or otherwise negatively affected by that conflict;

Whereas spillover from the war in the northern region of Uganda have had negative consequences in the neighboring countries of Sudan and the Democratic Republic of the Congo;

Whereas a successful transition to sustainable peace in the northern region of Uganda and throughout the country will depend in large part on a coordinated and comprehensive effort by the Government of Uganda, regional partners, and the international community to create new social, economic, and political opportunities for the citizens of Uganda who are affected by that conflict;

Whereas a sustainable political resolution to that conflict must include a range of locally and nationally driven reconciliation efforts that will require the endorsement and involvement of all parties to the conflict, as well as support from the international community;

Whereas the 2005 Country Reports on Human Rights Practices, published by the Department of State, relating to the Government of Uganda indicated that the "security forces committed unlawful killings...and were responsible for deaths as a result of torture" along with other "serious problems", including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the Northern Uganda Crisis Response Act (Public Law 108-283; 118 Stat. 912), the Senate—

(1) declared its support for a peaceful resolution of the conflict in the northern and eastern regions of Uganda; and

(2) called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts; and

Whereas the cessation of hostilities agreement, that was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006—

(1) required both parties to cease all hostile military and media offensives; and

(2) asked the Sudanese People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks: Now, therefore, be it

Resolved, That the Senate—

(1) commends the delegates from the Government of Uganda and the Lord's Resistance Army for agreeing to a cessation of hostilities for the first time in the 20 years of that devastating conflict;

(2) recognizes the leadership role that the Government of Southern Sudan played in mediating that cessation of hostilities and establishing a framework within which a lasting peace to that conflict could be achieved;

(3) emphasizes the importance of a complete implementation of the cessation of hostilities agreement by all parties to maintain progress towards a permanent resolution of that conflict;

(4) expresses the support of the citizens of the United States for the people of Uganda who have endured decades of violence as a result of that conflict;

(5) entreats all parties to address issues of accountability and impunity for war crimes and crimes against humanity, and to support broader national reconciliation efforts;

(6) strongly encourages the Government of Uganda to improve the professionalism of Ugandan military personnel currently stationed in the northern and eastern regions of Uganda, with an emphasis on enhancing respect for human rights, accountability for abuses, and effective protection of civilians;

(7) urges the Government of Uganda to follow through and augment its resettlement plan by—

(A) expanding social services;

(B) deploying professional civil servants; and

(C) developing the legal, political, and security infrastructure—

(i) necessary to facilitate the freedom of movement of civilians to their homes, land, and areas within and around camps; and

(ii) essential to fulfill the needs of returnees and former combatants; and

(8) calls on the United States Department of State and the United States Agency for International Development, as well as the international community—

(A) to provide adequate and coordinated humanitarian assistance through nongovernmental organizations to the individuals and areas most affected by that conflict;

(B) to, while providing humanitarian assistance, pay particular attention to women and children who have been victimized; and

(C) to provide—

(i) sufficient technical assistance for the demobilization and reintegration of rebel combatants and abductees;

(ii) both financial and technical support for reconciliation and reconstruction efforts; and

(iii) diplomatic and logistical support for the cessation of hostilities agreement and subsequent progress towards a sustainable peace in Uganda.

NEW HAMPSHIRE WILDERNESS ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 2463 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2463) to designate as wilderness certain National Forest System land in the State of New Hampshire.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the Leahy amendment be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 5019 and 5020) were agreed to, as follows:

AMENDMENT NO. 5019

Purpose: To designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area)

Beginning on page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New England Wilderness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—NEW HAMPSHIRE

Sec. 101. Definition of State.
Sec. 102. Designation of wilderness areas.
Sec. 103. Map and description.
Sec. 104. Administration.

TITLE II—VERMONT

Sec. 201. Definitions.

Subtitle A—Designation of Wilderness Areas

Sec. 211. Designation.
Sec. 212. Map and description.
Sec. 213. Administration.

Subtitle B—Moosalamoo National Recreation Area

Sec. 221. Designation.
Sec. 222. Map and description.
Sec. 223. Administration of National Recreation Area.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term "State" means the State of New Hampshire.

On page 2, line 3, strike "**3**" and insert "**102**".

On page 2, line 23, strike "**4**" and insert "**103**".

On page 3, line 2, strike "3" and insert "102".

On page 3, line 14, strike "**5**" and insert "**104**".

On page 3, line 16, strike "section" and insert "title".

On page 3, line 24, strike "Act" and insert "title".

On page 4, line 5, strike "Act" and insert "title".

On page 4, line 10, strike "3" and insert "102".

On page 4, after line 16, add the following:

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term "Management Plan" means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term "State" means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 28,491 acres, as generally depicted on the map entitled "Glastenbury Wilderness—Proposed", dated September 2006, which shall be known as the "Glastenbury Wilderness".

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled "Joseph Battell Wilderness—Proposed", dated September 2006, which shall be known as the "Joseph Battell Wilderness".

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled "Breadloaf Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Breadloaf Wilderness".

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled "Lye Brook Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Lye Brook Wilderness".

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled "Peru Peak Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Peru Peak Wilderness".

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled "Big Branch Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Big Branch Wilderness".

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of—

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled "Moosalamoo National Recreation Area—Proposed", dated September 2006, is designated as the "Moosalamoo National Recreation Area".

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

AMENDMENT NO. 5020

Amend the title so as to read: "To designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.".

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New England Wilderness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—NEW HAMPSHIRE

Sec. 101. Definition of State.
Sec. 102. Designation of wilderness areas.
Sec. 103. Map and description.
Sec. 104. Administration.

TITLE II—VERMONT

Sec. 201. Definitions.

Subtitle A—Designation of Wilderness Areas

Sec. 211. Designation.
Sec. 212. Map and description.
Sec. 213. Administration.

Subtitle B—Moosalamoo National Recreation Area

Sec. 221. Designation.
Sec. 222. Map and description.
Sec. 223. Administration of National Recreation Area.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term "State" means the State of New Hampshire.

SEC. 102. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled "Proposed Wild River Wilderness—White Mountain National Forest", dated February 6, 2006, which shall be known as the "Wild River Wilderness".

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled "Proposed Sandwich Range Wilderness Additions—White Mountain National Forest", dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98-323; 98 Stat. 259).

SEC. 103. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 102 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 104. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this title shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this title, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 102 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term "Management Plan" means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term "State" means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 28,491 acres, as generally depicted on the map entitled "Glastenbury Wilderness—Proposed", dated September 2006, which shall be known as the "Glastenbury Wilderness".

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled "Joseph Battell Wilderness—Proposed", dated September 2006, which shall be known as the "Joseph Battell Wilderness".

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled "Breadloaf Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Breadloaf Wilderness".

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled "Lye Brook Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Lye Brook Wilderness".

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled "Peru Peak Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Peru Peak Wilderness".

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled "Big Branch Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Big Branch Wilderness".

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of—

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled "Moosalamoo National Recreation Area—Proposed", dated September 2006, is designated as the "Moosalamoo National Recreation Area".

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

APPOINTMENT OF CONFEREES—H.R. 4954

Mr. FRIST. Mr. President, I ask unanimous consent that with respect to the bill, H.R. 4954, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 9 to 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. SESSIONS) appointed from the Committee on Homeland Security and Governmental Affairs, Ms. COLLINS, Mr. COLEMAN, Mr. BENNETT, Mr. LIEBERMAN, and Mr. LEVIN; from the Committee on Commerce, Science, and Transportation, Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUYE, and Mr. LAUTENBERG; from the Committee on Finance, Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS; from the Committee on Banking, Housing, and Urban Affairs, Mr. SHELBY, Mr. SARBANES and an additional conferee, Mrs. MURRAY.

WATER RESOURCES DEVELOPMENT ACT OF 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 2864.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives disagreeing to the amendment of the Senate to the bill (H.R. 2864) entitled "an act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate insist on its amendment, agree to conference with the House, and the Chair be authorized to appoint conferees at a ratio of 7 to 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. SESSIONS) appointed Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. VITTER, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, and Mr. CARPER conferees on the part of the Senate.

ORDERS FOR WEDNESDAY, SEPTEMBER 20, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, September 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Republican leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 6061, the Secure Fence Act, with 1 hour of debate equally divided between the two leaders or their designees, followed by a vote on the motion to invoke cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today we passed the Oman Free Trade bill by a vote of 63 to 31. I am pleased that we were finally able to proceed to a vote on the confirmation of a very important nomination, and that is the nomination of Alice Fisher to be an Assistant Attorney General. Tomorrow we will have a cloture vote on the motion to proceed to the Secure Fence Act, a bill on border security. That vote will occur at approximately 11 a.m., and this will be the first vote of the day. I hope that cloture will be invoked, and if it is invoked, I would hope that we could begin the bill as quickly as possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, September 20, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, September 19, 2006:

DEPARTMENT OF JUSTICE

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

HOUSE OF REPRESENTATIVES—*Tuesday, September 19, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. GINGREY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2006.

I hereby appoint the Honorable PHIL GINGREY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON) for 5 minutes.

IRAQIS MUST ASSUME MORE RESPONSIBILITY

Mr. SKELTON. Mr. Speaker, thank you.

I am very concerned about Iraq. Very concerned. The weather vane of the Iraqi fight has shifted clearly to the Iraqis. It is theirs to win or lose. General John Abizaid stated yesterday, "It's very, very clear that in order to win in Iraq, the Iraqis have to assume more and more responsibility."

Last week, there were two developments in Iraq that I feel need to be highlighted. First, the Marine Corps' chief of intelligence in Iraq has reportedly described the situation in the Sunni-dominated Anbar province as "politically" lost to al Qaeda. The second is the plan to secure Baghdad from the insurgents by encircling it with, for lack of a better word, a moat. The idea of a moat went out of style in the middle ages. Both of these reports paint a less than rosy picture of how we are faring in this war that has already cost so much in blood and treasure. These two developments indicate that our level of effort is insufficient to maintain control of the country.

On the basis of these and other reports, some analysts determined that the solution to our problems in Baghdad and the Anbar province is to send more troops to Iraq. This might sound like a plausible course of action except for the fundamental problem that there are no more units to send to Iraq. Oh, certainly we can surge units forward into combat, but there is no way we can sustain that increase for any significant period of time. The administration's poor planning and poor strategic choices in Iraq have depleted our military of equipment and manpower. Iraq has become a black hole, sapping our strategic base of resources. The readiness situation has become so bad that our nondeployed combat brigades report that if called today, they may not be fully ready to complete all of their wartime missions.

The fact that our ground force readiness has fallen to such a dangerous level risks emboldening our enemies both in Iraq and elsewhere in the world. We must act now to reverse this decline. Certainly spending more money on Army and Marine Corps readiness will help. The Congress has provided additional funds to reset Army and Marine Corps equipment. But even with that increased funding, it will take some time for our units to get healthy again. I also strongly urge the administration to submit a budget that realistically reflects the services' needs.

But unfortunately, Mr. Speaker, additional money will not be enough. We do not have the luxury of staying the course. The conflict in Iraq has depleted our ground forces and placed this country at strategic risk. We must start making significant progress in Iraq now, and the best way to do it is by transitioning the responsibility for Iraqi security to the Iraqis. I urge the administration to redouble its efforts to train and equip the Iraqi security forces.

COMBATING CORRUPTION REQUIRES EXPANDING FREEDOM

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, according to the State Department, international corruption costs American companies that play by the rules many billions of dollars in lost exports. Corruption impedes government efforts to deliver basic efforts to citizens, weakens confidence in democracy, and is often linked to international criminal activity. It causes rampant economic inefficiency, interferes with capital markets, and obviously contributes to poverty.

Transparency International is a global not-for-profit organization dedicated to the fight against corruption. Transparency puts out annual reports on the state of corruption worldwide, trying to measure whether we are winning or losing that fight.

This fight is a top priority for the U.S. Departments of State, Justice and Commerce. My colleagues, since 1979, the Organization for Economic Cooperation and Development, OECD, has had a convention against corruption and continues to see it as a top global priority. All this reflects a growing international consensus that corruption is a problem that we must confront. That much is true. But working on anticorruption campaigns, all these entities treat the symptoms rather than the disease. The disease is oppression and lawlessness. The cure is freedom and the rule of law.

The annual Index of Economic Freedom, compiled by the Heritage Foundation and the Wall Street Journal, provides a simple framework for understanding how open countries are to competition; the degree of state intervention in the economy, whether through taxation, spending or overregulation; and the strength and independence of a country's judiciary to enforce rules and protect private property.

One of the indicators in the index is the size of a nation's "informal," or black market economy, which helps to measure this corruption. Charting the relationship between economic freedom and the size of the informal economy as a percentage of GDP, the Heritage Foundation found a positive correlation between these two factors. They reported, "as economic freedom vanishes, the informal economy takes a larger share of GDP. The size of the informal economy in economically unfree and repressed economies is almost three times the size of the informal economy in free economies, and almost double the size of the informal economy in mostly free economies." The Heritage calculations demonstrate the perverse effect of economic repression on the moral behavior of simple, ordinary people and the continuation of the cycle of poverty that entraps them.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Access to credit in most developed countries is the key to a better standard of living. That access is incumbent upon proving income or property, for which you need a formal job and a legal title to that property.

When it is difficult for people to invest in business, whether a corner grocery store or a major factory, formal jobs are hard to come by. Jobs can be more easily had in the informal economy, where small and medium entrepreneurs can negotiate salaries and benefits, and tie them to performance. In cases like this, the government bureaucracy encumbers legal businesses, encouraging employers and employees to operate in the shadows.

Without a formal job, you can still get credit if you have titled property to offer as collateral. But while Peruvian economist Hernando de Soto has shown that most of the poorest people in the developing world own property, they face innumerable bureaucratic hurdles in order to actually title that property as their own. In Peru, he says, "to obtain legal authorization to build a house on state-owned land took 6 years and 11 months. To obtain a legal title for that piece of land took 728 steps." Other countries are similarly ridiculous. In Egypt, it takes 77 steps in 31 government offices and anywhere from 6 to 14 years. In the Philippines, it takes 168 steps through 53 offices and anywhere from 13 to 25 years to get legal title to this property.

An oppressive government system perpetuates the poverty of its citizens by making it impossible to claim their property rights and pursue legal employment. Equally important, the Heritage Foundation says that the resulting black market economy "creates a culture of contempt for the law and fosters corruption and bribery in the public sector as a necessary means to navigate the bureaucracy."

Mr. Speaker, when those folks, particularly international elites, take on corruption, they see it as just one more corporate scandal to be uncovered and think that will be that and we can fix it. One more capitalistic crime, they call it, that must be prosecuted. That is not it. That is not it at all. In reality, corruption indicates a simple lack of freedom and, more importantly, a consistent rule of law.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 2 p.m.

PRAYER

The Most Reverend Anthony Sablan Apuron, Archbishop of Agana, Guam, offered the following prayer:

Almighty and eternal God, whose goodness fills our hearts with joy and whose love permeates our daily lives, You are blessed for bringing us together to work in harmony, in peace, and in justice. Send Your blessings upon our United States House of Representatives, who generously devote themselves to the work of our Nation and territories in the laws they pass and the resolutions they create.

In times of difficulty, challenge and need, grant them the strength to transcend personal interests and seek only after the common good for all. Strengthen them, Lord, with Your grace and wisdom so that everything that they do may begin with Your inspiration, may continue with Your guidance and, by You, be happily ended.

Grace us with Your saving presence and aid us with Your constant blessing.

All glory and praise be to You, our ever-living God, forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 19, 2006, at 10:25 a.m.:

That the Senate returned the papers to the House pursuant to H. Res. 1011 H.R. 503.

With best wishes, I am.

Sincerely,

KAREN L. HAAS,
Clerk of the House.

WELCOMING THE MOST REVEREND ANTHONY SABLAN APURON, O.F.M. CAP., D.D. METROPOLITAN ARCHBISHOP OF AGANA

(Ms. BORDALLO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, today, it is my privilege and honor to welcome His Excellency, the Most Reverend Anthony Sablan Apuron, the Archbishop of Metropolitan Archdiocese of Agana, Guam, to this House.

Archbishop Apuron is a man of great faith, wisdom and inspiration. He has shepherded the faithful on Guam, the Northern Marianas, Micronesia, Palau, and the Marshall Islands for the past 20 years as our archbishop.

The Catholic Church in the Pacific has blossomed under his leadership, and our communities have greatly benefited from his ministry. This past weekend, Archbishop Apuron led a pilgrimage from Guam to Washington, DC, for the enshrinement of Our Lady of Camarin, the Patroness of the Marianas, in the Basilica of the National Shrine of the Immaculate Conception. Many of these pilgrims, Madam Speaker, from Guam are with us today in the gallery.

I thank Archbishop Apuron for his prayer this afternoon and for his guidance and counsel throughout the years. The people of Guam join me in thanking you, Madam Speaker, and our House chaplain, Father Daniel Coughlin, for the invitation to Archbishop Apuron to serve as guest chaplain.

I thank you. Si Yuos Maase. God bless America and God bless Guam.

POLITICIZING THE WAR ON TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to challenge my colleagues on the other side of the aisle. They continue to pound the drums and politicize the war on terror and unnecessarily criticize the administration. Yet they have no plan or any indication of one for how they would make our Nation more secure.

As the President said last week in his press conference, he wakes up every day to a thorough intelligence briefing that informs of the actions of numerous Islamo-fascists and others whose only goal is to destroy America, our freedoms and our way of life. He must respond to those threats.

The President is not politicizing the war on terror. He is simply carrying out his duty to protect and defend this Nation and constructing plans to ensure that our Nation is safer from potential terrorist attacks, and thus far it has been. As we all know, there has been no attack on American soil since 9/11, but many attempts have been thwarted.

This is not, and should not be, a political issue, and it is time for the Democrats to stop trying to make it one. This is about national security, and my colleagues on the other side of the aisle need to realize what is at stake here.

IN MEMORY OF ESTHER MARTINEZ

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, I rise today with a heavy heart to honor the memory of a very special New Mexican, Esther Martinez.

Esther Martinez is renowned for her work as an educator, author and master story teller.

Last Thursday, Esther was in Washington, DC, where I had the privilege of helping present her with the Nation's highest honor for folk and traditional artists. At the age of 94, Esther was named as a 2006 National Heritage Fellow by the National Endowment for the Arts. With members of her family in the audience, Esther rose to be honored and received a standing ovation for her life's work preserving her native Tewa language and traditions.

Tragically, while making her way back home from the airport Saturday evening, Esther was killed in a traffic accident.

Our hearts weigh heavy with the news of Esther's tragic passing, but her legacy will forever live in the contributions she made to our Nation as an educator, linguist and master story teller.

Our deepest sympathies are with her family today.

THE POPE AND FREE SPEECH AND RELIGIOUS FREEDOM

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, over the last few days, radical Muslims burned the Pope in effigy, destroyed churches in Israel, preached hatred against the Pope and Christians, and cowardly killed a 65-year-old nun, shooting her four times in the back. So much for nonviolence by these radical Muslims.

All this because the Pope quoted a Byzantine emperor from the 1400s who commented on Muhammad's purported command "to spread by the sword the faith he preached." The Pope, of course, was not agreeing with this Byzantine emperor. The Pope was promoting discourse among all religions.

But when the feelings of these radicals get hurt, we overreact, blame ourselves and apologize. That is what the Pope did.

I question whether the Pope should have even apologized. So much for free speech, so much for religious freedom, and so much for nonviolence.

In our world, hypocritical, radical Muslims may preach hate and violence against Christians and Jews, but heaven forbid anybody mention or quote slightly negative comments about radical Muslims, because this extremist sect will react with violence to prove just how nonviolent they are.

And that's just the way it is.

A CRITICAL TIME FOR THE PEOPLE OF DARFUR

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, this week marks a critical time for the people of Darfur and for this administration's role in ending the 3-year genocide in Sudan. Hundreds of thousands of innocent civilians have been murdered by the government-backed Janjaweed, and the African Union's peacekeeping mission mandate is set to expire within a couple of weeks.

It has been 2 years since the President declared that genocide was taking place in Darfur, but we are still allowing the Government of Sudan to act with impunity and commit crimes against humanity.

Today President Bush addressed the crisis in Darfur before the United Nations and appointed Andrew Natsios as the U.S.' Special Envoy to Sudan. This is a step in the right direction, but it is not enough. The United States must push to keep an international peacekeeping force in Darfur, and this force must be stronger and more robust, with the authority to use force to protect the innocent civilians who are trapped in this nightmare. This has to happen as quickly as possible.

Would we be this complacent if the genocide was not in Africa? Would the administration act any differently if claims of ethnic cleansing were in Europe or the Middle East? What in the world does it take for us to stand tall against the evil of genocide wherever it is taking place?

We have to act before September 30. We have to require that President el-Bashir stop the indiscriminate killing and slaughter of the helpless and the weak in his country.

RECOGNIZING CONSTITUTION DAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Sunday marked the 219th anniversary of the signing of the United States Constitution. To ensure our schoolchildren are educated about our Nation's founding, Congress requires each school to hold an education program observing Constitution Day.

Yesterday, schoolchildren across the country watched as General Colin Powell led the Nationwide recitation of the Preamble. Students at Brookland-Cayce High School in Lexington County's School District 2 hung banners around the school displaying the Bill of Rights. Each senior received a pocket-sized Constitution.

Principal Scott Newman should be commended for his commitment to ensuring students at BC High are well-versed in our Nation's history. He was raised well by his parents, dedicated educators, Tom and Frankie Newman.

As Cicero said, "To remain ignorant of things that happened before you were born is to remain a child." If the goal of Constitution Day is realized, our Nation's schoolchildren will grow into engaged adult citizens.

In conclusion, God bless our troops, and we will never forget September 11.

GOLDEN DRAIN AWARDS TO CHERTOFF AND RUMSFELD

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, the Truth Squad on Waste, Fraud and Abuse has been tasked with holding this administration and this Congress accountable for mishandling of taxpayer dollars.

Last week the Truth Squad recognized the first two winners of the Golden Drain Award, Homeland Security Secretary Michael Chertoff and Defense Secretary Donald Rumsfeld.

We created this award to bring attention to the waste, fraud and abuse in government. Otherwise it will never stop.

Overseeing a department that has squandered billions of taxpayer dollars, Michael Chertoff and Donald Rumsfeld are clearly deserving of this inauspicious honor.

In FEMA alone, we have seen billions of dollars go down the golden drain as a result of no-bid contracts and fraud during the aftermath of the Katrina crisis.

The Defense Department has been unable to produce a clean audit, and the Pentagon's track record of waste, fraud and mismanagement in Iraq under Mr. Rumsfeld is disgraceful.

All told, the Truth Squad has identified over $150 billion that has gone down the golden drain.

Republicans believe that government does not work, and this administration seems to prove it every single day. Enough is enough. It is time for a new direction.

PRETEXTING AND HP

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Madam Speaker, it was recently reported that in order to stop boardroom media leaks, investigators hired by Hewlett-Packard used pretexting to obtain the phone records of directors and journalists. This disclosure demonstrates another nasty byproduct of having the availability of Internet-based personal information instantly available.

One of the major reasons for the growing pretexting problem is the lax data security at businesses that hold sensitive consumer information. The Commerce, Trade and Consumer Protection Subcommittee which I chair has amassed an extensive record on these issues.

I have introduced H.R. 4127, the Data Accountability and Trust Act, which is designed to improve data security and attack the scourge of privacy-infringing practices, like pretexting, that continue to be exploited on the Internet. The DATA Act will go a long way toward protecting the privacy rights of all Americans, and I urge its consideration by the full House.

MILITARY TRIBUNALS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to call on the House and Senate to quickly pass the right kind of military tribunal legislation.

We are in a war for the future of civilization, and military tribunals provide the best way for us to bring brutal terrorists to justice and to prevent future attacks on our citizens.

Military commissions have been successfully used throughout United States history to bring dangerous war criminals to justice. President Roosevelt used them in 1942 to try eight German saboteurs who plotted to attack the United States. In fact, military commissions have been used by President Lincoln and even General George Washington. Now Congress must allow this same power to our modern-day Presidents.

The right kind of military tribunal legislation can help us to disrupt actual terrorist plots right here in America; access critical information on al Qaeda; and prevent handing over Top Secret information to men like Khalid Sheikh Muhammad, one of the masterminds of September 11.

September 11 was one of the darkest days in United States history. We must give our military the power to continue preventing other devastating attacks.

☐ 1415

RULE OF LAW AND PRISONERS

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. We are having a very important debate in this country on how we deal with terrorist prisoners or so-called terrorist prisoners and the way that we try them and the way that we present evidence.

Many of you will remember that in the Oklahoma City bombing when Timothy McVeigh was captured no one in the United States of America said, We are not going to give him all the rights under our Constitution, we are not going to show him the evidence that we have against him; we are going to deny him all his full rights to a jury trial.

If you think about it, no matter how heinous the crime is, when it occurs here, Americans say we have the rule of law, that is who we are. And no matter how horrible and horrifying it is, each individual has a process.

It seems to me that when we deal with this war on terrorism that we are talking about so much, that we owe it to ourselves as a country that established the rule of law that we make sure that those who are accused get the charges against them and the right to defend themselves.

MILITARY COUP IN THAILAND

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, news reports indicate that there may be an ongoing military coup under way in Thailand against the democratically elected government.

As a new member of the National Endowment for Democracy's board, I think we should take all threats to new democracies very seriously and lay out a clear policy for the United States to follow. We should support the democratic Prime Minister of Thailand. And if military forces succeed, it should be the policy of our State Department to terminate all U.S. assistance to Thailand.

It should be the policy of our Treasury Department to undermine the Bot, the Thai currency; it should be the policy of the Department of Defense to cease all military contact with the Thai military; and it should be the policy of our government in general to undermine military rulers in Thailand and return a democratically elected Prime Minister to office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

WOOL SUIT FABRIC LABELING FAIRNESS AND INTERNATIONAL STANDARDS CONFORMING ACT

Mr. STEARNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4583) to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products, as amended.

The Clerk read as follows:

H.R. 4583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wool Suit Fabric Labeling Fairness and International Standards Conforming Act".

SEC. 2. LABELING OF WOOL AND CASHMERE PRODUCTS TO FACILITATE COMPLIANCE AND PROTECT CONSUMERS.

(a) IN GENERAL.—Section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)) is amended by adding at the end the following new paragraphs:

"(5) In the case of a wool product stamped, tagged, labeled, or otherwise identified as—

"(A) 'Super 80's' or '80's', if the average diameter of wool fiber of such wool product does not average 19.75 microns or finer;

"(B) 'Super 90's' or '90's', if the average diameter of wool fiber of such wool product does not average 19.25 microns or finer;

"(C) 'Super 100's' or '100's', if the average diameter of wool fiber of such wool product does not average 18.75 microns or finer;

"(D) 'Super 110's' or '110's', if the average diameter of wool fiber of such wool product does not average 18.25 microns or finer;

"(E) 'Super 120's' or '120's', if the average diameter of wool fiber of such wool product does not average 17.75 microns or finer;

"(F) 'Super 130's' or '130's', if the average diameter of wool fiber of such wool product does not average 17.25 microns or finer;

"(G) 'Super 140's' or '140's', if the average diameter of wool fiber of such wool product does not average 16.75 microns or finer;

"(H) 'Super 150's' or '150's', if the average diameter of wool fiber of such wool product does not average 16.25 microns or finer;

"(I) 'Super 160's' or '160's', if the average diameter of wool fiber of such wool product does not average 15.75 microns or finer;

"(J) 'Super 170's' or '170's', if the average diameter of wool fiber of such wool product does not average 15.25 microns or finer;

"(K) 'Super 180's' or '180's', if the average diameter of wool fiber of such wool product does not average 14.75 microns or finer;

"(L) 'Super 190's' or '190's', if the average diameter of wool fiber of such wool product does not average 14.25 microns or finer;

"(M) 'Super 200's' or '200's', if the average diameter of wool fiber of such wool product does not average 13.75 microns or finer;

"(N) 'Super 210's' or '210's', if the average diameter of wool fiber of such wool product does not average 13.25 microns or finer;

"(O) 'Super 220's' or '220's', if the average diameter of wool fiber of such wool product does not average 12.75 microns or finer;

"(P) 'Super 230's' or '230's', if the average diameter of wool fiber of such wool product does not average 12.25 microns or finer;

"(Q) 'Super 240's' or '240's', if the average diameter of wool fiber of such wool product does not average 11.75 microns or finer; and

"(R) 'Super 250's' or '250's', if the average diameter of wool fiber of such wool product does not average 11.25 microns or finer.

In each such case, the average fiber diameter of such wool product may be subject to such standards or deviations as adopted by regulation by the Commission.

"(6) In the case of a wool product stamped, tagged, labeled, or otherwise identified as cashmere, if—

"(A) such wool product is not the fine (dehaired) undercoat fibers produced by a cashmere goat (capra hircus laniger);

"(B) the average diameter of the fiber of such wool product exceeds 19 microns; or

"(C) such wool product contains more than 3 percent (by weight) of cashmere fibers with average diameters that exceed 30 microns.

The average fiber diameter may be subject to a coefficient of variation around the mean that shall not exceed 24 percent.".

(b) APPLICABILITY DATE.—The amendments made by this section shall apply to wool products manufactured on or after January 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. STEARNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4583, the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act, introduced by my colleague, Mrs. BLACKBURN of Tennessee, and co-sponsored by my colleague, the ranking member of our subcommittee, Ms. SCHAKOWSKY of Illinois.

This is a simple bill, my colleagues, which is fundamental and has a fundamental purpose: to give consumers the information they need to make buying decisions about the products they want.

This bill would amend the Wool Products Labeling Act of 1939 to make specific and standard certain designations of fabric quality for certain wool products.

For years, high-end suits and other expensive wool garments have carried the label "super" and a number like 120 or 130, to designate the fineness of the weave of the wool and thus the quality and cost of producing the fabric. It is about time we make certain that there is a standard, internationally accepted definition of the "super" designation to ensure that unscrupulous garment manufacturers don't dupe consumers with simple phony labels. We owe that to the American consumer and to the great American textile industry that produces these fine products.

H.R. 4583 makes the "super" designation a standard designation of quality wool products. Likewise, the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act creates a specific and standard definition of cashmere so that the term cashmere actually means a certain thing rather than serving as an nonspecific reference to a quality. The end result is a bill that establishes a legal standard for labeling "super" and cashmere wool products based on internationally accepted standards.

As I said, while these may seem a bit technical, standardizing the designation of a certain level of quality, no matter what the products, allows consumers and the manufacturers alike to be certain that what they are spending their hard-earned dollars on is real and is genuine. That is a laudable goal for any piece of legislation.

I therefore would like to urge my colleagues to join me in supporting it on final passage.

Madam Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H.R. 4583, the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act; and I want to thank Representative BLACKBURN, the lead sponsor of H.R. 4583. It was a pleasure to work with her and her staff on a bill that would help consumers, American workers, and manufacturers in the wool products industry.

Our bill would update the Wool Products Labeling Act of 1939 to include the internationally recognized standards for wool fiber content of the various "super" grade fabric, and ensure that any clothing labeled as cashmere actually includes hair from the cashmere goat.

Although quite simple and straightforward, our bill is very important to the U.S. wool products industry. With the increase in imports from China, the domestic apparel manufacturers and textile mills face significant challenges to maintaining employment and production. By requiring clothing to be labeled properly, our bill will help level the playing field. It will ensure that consumers are better informed about the products they are buying, and it will put an end to mislabeled wool and cashmere products in the United States. No longer will imported suits of a lower quality be able to claim they are the same high quality as those bearing the "made in the U.S.A." label. This bill updates the outdated law that does not recognize the different levels of yarn fineness.

We have a great tradition of wool suit craftsmanship in the United States. By updating the Wool Products Labeling Act, H.R. 4583 will help ensure the health and vitality of the U.S. apparel and textile industry which includes members of my union, UNITE HERE!, and two Chicago-based manufacturers, Hartmarx and Oxxford Clothes.

The passage of our bill will ensure that the U.S. tailored clothing industry can continue to thrive in the international marketplace. H.R. 4583 is supported both by the wool suit manufacturers and the Garment Workers Union, UNITE HERE!, as well as the U.S. textile industry. I urge my colleagues to support it as well, and I look forward to the passage of this bill today.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield 3 minutes to the author of the bill, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, I do rise today in support of this legislation to update our wool labeling laws. I want to thank Chairman BARTON, Ranking Member DINGELL, as well as Chairman STEARNS, for their help in bringing the legislation forward. I also want to thank and commend my friend from Illinois, the ranking member of the Commerce Trade and Consumer Protections Subcommittee, Representative SCHAKOWSKY, for joining me to sponsor the legislation.

The Wool Suit Fabric Labeling Fairness and International Standards Conforming Act will modernize the Wool Labeling Act by using the international definition of "super" as an identifier for the quality of wool products. We have written this legislation to protect consumers and industry participants from the mislabeling of certain suiting fabrics.

In recent years, many wool products at the wholesale and retail level, including worsted wool fabrics and apparel items, are being marketed and labeled as "super 100," and "super 120s," and so-called "super" grades. These refer to the fineness of the yarn contained in the product. The finer the average yard is in diameter, the higher the super's grade.

Higher super grades reflect products that are supposed to have higher yarns and therefore sold at higher prices. The Wool Labeling Act, which regulates the labeling of wool products in the United States, has not been amended to reflect the current marketing practice of using supers as an identifier for quality wool products.

The International Wool Textile Organization is the international body representing the interests of the world's wool textile industry, which includes the U.S., oversees the implementation of the International Wool Textile Arbitration Agreement. The IWTO has adopted a code of practice regarding the use of the term "super" on wool products, and the exact yarn diameter that each level of "super" must contain. Woolmark, a company that licenses the use of the Woolmark logo, has accepted the identical definition.

Modernization of the Wool Labeling Act has strong support, as my colleague mentioned. It is supported by the National Textile Association, Victor Forstman, UNITE, the Cashmere and Camel Hair Manufacturers Institute, the American Apparel and Footwear Association, Hartmarx, and Hickey Freeman on behalf of the Tailored Clothing Association.

As the domestic tailored clothing industry and wool textile mills continue to face significant challenges, this legislation is timely and it is vital to the continued health of this important manufacturing sector in the U.S. I urge my colleagues to support the legislation.

Ms. SCHAKOWSKY. Madam Speaker, let me close by saying this: this is really a jobs bill and a truth-in-labeling bill. It is a win-win-win situation: good for the consumers, good for the manufacturers, good for the garment workers. And I urge its passage.

I yield back the balance of my time.

Mr. STEARNS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 4583, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1430

SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH DUE TO CANCER BY THE YEAR 2015

Mr. DEAL of Georgia. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 210) supporting the goal of eliminating suffering and death due to cancer by the year 2015, as amended.

The Clerk read as follows:

H. CON. RES. 210

Whereas this year alone, cancer will claim the lives of more than 570,000 Americans—1,500 per day—and is the cause of one of every four deaths in the United States;

Whereas more than 1,300,000 new cancer cases will be diagnosed in 2005;

Whereas it is estimated that cancer cost the Nation nearly $190,000,000,000 in 2003, including more than $69,000,000,000 in direct medical costs;

Whereas the Nation's investment in cancer research and programs has led to real progress—between 1991 and 2001, cancer death rates declined by more than 9 percent and about 258,000 lives were saved;

Whereas cancer touches almost every family, with over 10,000,000 Americans now living with a history of cancer;

Whereas at least half of all cancer deaths could be prevented by applying existing knowledge;

Whereas the Director of the National Cancer Institute has set a bold goal to eliminate suffering and death due to cancer by 2015; and

Whereas eliminating suffering and death due to cancer will require a commitment by the Congress and the private sector to continue to make the fight against cancer a priority: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goal of eliminating suffering and death due to cancer by 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 210.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise today in support of House Concurrent Resolution 210, a resolution supporting the goal of eliminating suffering and death due to cancer by the year 2015.

To many people, the goal of eliminating suffering and death due to cancer in under a decade may seem impossible or at least highly unlikely. But when we take a step back and look at the amazing things we have accomplished in the last three decades, I believe that with the hard work and concentrated effort of our Nation, this goal is realistic and achievable.

Thirty years ago, just hearing the word "cancer" sent chills down people's spines. Cancer of any kind was seen as a virtual death sentence. And unfortunately, today cancer is still a death sentence for far too many people from all ages and all walks of life.

But for an increasing number of Americans, cancer is no longer a death sentence as it once was. Rather, it is becoming a preventable, controllable, beatable disease. Today medical science is accomplishing things that were undreamed of 30 years ago. For the first time, we are seeing a decline in the numbers of lives claimed by cancer each year. People are living longer both with the disease and after the disease. Screening is better and more widespread than ever. Treatments are better and safer, and outcomes continue to improve. Based on the strides that we have made, I can honestly say I think we are winning the war on cancer.

I can also say with confidence that the future of cancer research looks bright. With the mapping of the human genome, we will be able to identify each person's cancer-related genes. Using this information, we can design tailored prevention and treatment options for each individual patient. The availability of these advanced techniques is not a question of if, but when.

While the goal of ending suffering and death from cancer by the year 2015 requires us to set our eyes on the future, we must also focus on what can be done today. The resolution before us encourages Congress to examine how the resources of this great Nation can best be harnessed to reach the ultimate goal to finding a cure. Whether through government-sponsored research, partnerships with the private sector, investors, or philanthropic organizations, we must pursue this enemy of cancer on all fronts.

We must set priorities. We must demand more for our money. We must foster the next generation of cancer scientists and researchers and encourage more young people to enter this high calling. We must ensure that the fruits of research make their way into clinical practice and into public health efforts to reduce the burden of cancer. We must promote policies that encourage proper intellectual property management, the key to scientific innovation. We must make sure that people who qualify have access to clinical trials.

But finally and most importantly, we must not forget the human face of cancer. Outside of this Chamber, thousands of people are gathering on the National Mall as part the American

Cancer Society's Celebration on the Hill. People whose lives have been touched by cancer from every State and every congressional district across the United States have come to celebrate life, to remember those that were lost, and to have their voices heard. I applaud their courage, faith and perseverance, and I look forward to meeting with many of them during the coming hours and days.

With their help and shining example, along with the continued attention of this great Nation, we can meet the challenge set forth in the resolution, to end suffering and death from cancer by the year 2015.

In closing, I would like to commend the gentleman from Florida (Mr. SHAW) for introducing this important resolution. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support the goal of ending suffering and death by cancer by the year 2015 as set forth in this resolution. It is certainly a commendable goal; and, of course, I support the resolution.

But what is Congress doing to set up programs and strategic plans to make that goal a reality? For example, the National Cancer Institute has focused the fight against cancer on eight strategic objectives, including: First, understanding the causes and mechanisms of cancer; second, accelerating the progress in cancer prevention; third, improving early detection and diagnosis; fourth, developing effective and efficient treatment; fifth, understanding the factors that influence cancer outcomes; sixth, improving the quality of cancer care; seventh, improving the quality of life for cancer patients, survivors and their families; and, eighth, overcoming cancer health disparities.

That is the National Cancer Institute. That is what they are focusing on. Congress, on the other hand, is doing little to help this fight. A resolution I would say is mere talk and does not actually take action to fight cancer.

I think Congress has choices right now, and instead of passing this resolution, we should, for example, increase funding for NIH's cancer research, fund real stem cell research supported by the scientific community, fund the Department of Defense's breast cancer research program, and probably most important, expand health coverage to the 46 million Americans that do not have it today. Three times as many people have lost health insurance as jobs since the Bush administration has come to power. Without health coverage, early detection and treatment are almost impossible.

There are many cancers that can be cured today, such as cervical, breast and prostate cancer, but without health insurance, access to early detection or follow-up treatment it is almost impossible for the many hardworking people across this country.

This year alone, Madam Speaker, cancer will claim the lives of 570,000 Americans, that is 1,500 per day, almost half of those that gave their lives on September 11. In addition, 1.3 million new cases of cancer were diagnosed in 2005 alone.

Again, the goal of this resolution is good. I support it, but we should be on the floor today supporting legislative action, not a resolution to help everyone suffering from or touched by cancer. As much as I support this resolution, I think that a lot more needs to be done that is not being addressed today by this Republican majority.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield such time as he may consume to the author of the resolution, the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, I rise today to urge passage of this important bipartisan resolution that I introduced with my fellow cancer survivors and advocates COLLIN PETERSON, DEBORAH PRYCE, LOIS CAPPS, SUE MYRICK and STEVE ISRAEL, all cochairs of the 2015 Cancer Caucus.

This resolution expresses Congress' support for the National Cancer Institute's goal of eliminating the suffering and death due to cancer by the year 2015.

Cancer claims the lives of more than 570,000 Americans each year. That is right, over half a million, but we have yet to declare a full-scale war on cancer. The passage of this resolution today puts us on record as going on the right track. Cancer affects everyone. It is not a Republican issue or a Democrat issue, it is an issue for our entire country, and it is an issue that faces the world.

In 1961, President Kennedy established the lofty goal of putting a man on the moon in 10 years. This historic goal was achieved in just 8 years. Just as this goal was established and achieved, so can the goal of 2015.

We are very close to achieving the goal of ending cancer death and suffering. But when you are in a race and you see the finish line, you don't jog, you sprint. Scientists at the National Cancer Institute and other private and public research facilities across the country and world are conducting vital research each and every day that will enable cancer sufferers to be cancer survivors.

We must show our solidarity on these efforts by fully supporting the 2015 goal and providing the Federal resources necessary that to achieve it. Over the last 5 years, we have doubled the research dollars for cancer, but yet that is not enough. I see no better legacy for future generations than ending cancer suffering and cancer death.

Over 10,000 cancer survivors and advocates from across the country are converging on the Capitol this week for the American Cancer Society's Celebration on the Hill. These heroes will be visiting every one of our offices this week. When you visit with them, and I hope you will visit with them and not push them off to staff, I hope you pledge your strongest support on the war against cancer.

We must work together to provide Federal funding needed for research efforts and pass legislation to support early diagnosis and treatment. Ending the suffering and death due to cancer will be achieved with momentous global proportions, the most important public health achievement of all time. I urge passage of this important resolution.

Mr. PALLONE. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. STARK).

Mr. STARK. Madam Speaker, I would like to address my remarks to the thousands of cancer advocates in Washington this week and thank them for their service and dedication. They have come to Washington to tell Congress to make concrete commitments to fight cancer, but instead of action, they get this useless resolution.

Cancer patients, survivors and advocates are getting nothing but empty words. It is all hat and no cattle. It is typical of Republicans' approach to serious problems in this country. I am surprised that they didn't try and land on an aircraft carrier and declare that cancer was conquered. I am offended that the Republican do-nothing Congress is bringing forth a do-nothing resolution as its response to fighting cancer.

No cancer advocate in our country should be appeased by this vote. The resolution is empty rhetoric and not action. And action is what is needed for cancer, for AIDS, for Parkinson's disease, and so many other diseases that impact our citizens and people around the world.

The sponsor of this resolution is offering a few platitudes that agree with the laudable goal of eliminating suffering and death due to cancer by the year 2015. I don't know anybody that would not subscribe to that. Maybe move it up to the year 2010, but I can't think of a human being that would object to that.

But how does this resolution achieve that goal? Does it increase the NIH funding for cancer research? No. Do the Republicans oppose that? Yes.

Does it boost support for the Department of Defense breast cancer research program? Not one penny.

Does it extend the expiring tax credit for research and development of lifesaving cancer treatments? No. That, by the way, is something that a few Republicans support, but they can't seem to get it to the floor to get a vote. And they control this place. If they can't get it to the floor, who can?

Does it provide for stem cell research as advocated by the scientific community? No. They are pandering to a bunch of religious radicals and avoiding dealing with scientific research that is needed to cure these diseases. They put their head in the sand and pander to political contributions.

The sponsor of this resolution, the gentleman from Florida (Mr. SHAW), voted to cut money for the Centers for Disease Control and early detection and prevention of cancer. This resolution doesn't restore that.

Does it expand health coverage to the nearly 47 million Americans who lack health insurance, can't even find out if they have cancer and, therefore, fail to get the preventive care available to them? No, it does not add insurance to one of the 47 million people without health insurance in this country, who, therefore, do not get medical care. It is the Republican way of all talk and no action.

This resolution is an affront to those who have traveled here from across our Nation to advocate better cancer care. Not only does this resolution fail to do anything to help eliminate cancer, but this Congress is taking us in the wrong direction. Led by the Republicans, President Bush and this Congress have aggressively cut funding for NIH. This year, adjusted for inflation, they have cut $213 million. Over the last 4 years, they have reduced the agency's purchasing power by more than 12 percent.

The cuts aren't just to research. Since President Bush and the Republican leadership have taken office, nearly 7 million people have lost their health insurance, and we all know that is the only way to get proper care. The President used the only veto of his administration to keep in place restrictions on life-saving stem cell research, and the Republican leadership in this Congress didn't have the courage to override that.

I guess I could go on, but I think I have made my point. I wholeheartedly agree we must do much more to eradicate cancer and other dreaded diseases, but I, like the American public, want action, not words. That is why I suspect the American public will join with us in voting for a change in direction in this Congress. We need a new direction. We need people who will put their money where their mouth is and will vote to take action that is so close within our grasp to help these people and not just sit up and preen and say, My goodness, we think cancer is bad. Let's do something about it.

I urge cancer advocates across the country to recognize this resolution for what it is: a pathetic attempt to play lip service to an issue that requires resources, not rhetoric.

□ 1445

You could replace the inheritance tax. That will give you enough money to fund many of these programs, instead of standing up, sticking your thumb in the pie, and saying, "What a good boy am I."

Let's get busy. Let's change the direction of this Congress. Let's change the leadership and get action toward finding a cure for cancer, not empty rhetoric.

Mr. DEAL of Georgia. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I would just say that, again, while the Democrats support this resolution, we are very concerned over the fact that it is essentially commemorative in nature and it does not do anything in terms of funding or addressing any of the problems that have been outlined by the National Cancer Institute in order to move forward and eliminate cancer by the year 2015. So while we think it is a good resolution and we do support it, we need to point out that the Republican majority is essentially doing nothing to implement a strategy that would actually lead us to the eradication of cancer.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

It is apparent that there is more than one cancer that we are fighting around here, and that is the cancer of political rhetoric that would take a resolution designed to say that we have a goal of eliminating cancer within the next 10 years and try to change it into one of political talk.

I would invite the gentleman from California to accompany me and Mr. PALLONE tomorrow to the Energy and Commerce Committee, where we will be voting to once again reauthorize and to change and expand the concept of the National Institutes of Health of which the Cancer Institute is one.

I would remind him that the National Institutes of Health funding has been doubled during the Republican control of this Congress, something that has not happened prior to that time.

Everyone knows that this is a resolution on its face that is designed to say let us all get behind this issue and put aside political rhetoric and try to have an achievable goal. It is regrettable, and I would apologize to those who are here because they are concerned about the issue of doing something about it, that even a resolution of encouragement and establishing a goal has to take on political overtones.

Tomorrow, the Energy and Commerce Committee will reauthorize and change some of the provisions that have hampered research within the National Institutes of Health and in that will be the Institute for Cancer Research, and I think that is a laudable goal, one that we will be bringing to the floor in the not-too-distant future.

I urge the adoption of the resolution.

Mr. DINGELL. Madam Speaker, too many people, either personally or through a loved one, have felt the pain of cancer. It strikes 1 out of every 2 men and 1 out of every 3 women and will tragically claim more than 570,000 American lives this year alone.

Cancer is a complex disease that takes many forms. It can attack a single organ or the whole body. It can be caused by genetic factors, environmental circumstances, or both. Without early detection or treatment, it can lead to debilitating illness and often death.

On behalf of the Federal Government, the National Cancer Institute (NCI) has led the fight against cancer since its inception in 1937. NCI conducts and supports research, training, health information dissemination, and other program with respect to the cause, diagnosis, prevention, and treatment of cancer, rehabilitation from cancer, and the continuing care of cancer patients and their families.

The National Cancer Institute set for itself the goal of ending cancer suffering and death by 2015. Over the last several years, NCI has taken on this challenge by working with expert staff and identified critical paths needed to make the vision a reality. This includes developing a strategic plan and framework for use of funding, infrastructure, tools, and other resources.

Eliminating cancer suffering and death is a true possibility. Americans have already received the benefits of investment in research and other cancer programs—between 1991 and 2001, cancer deaths declined by more than 9 percent. Moreover, doctors are able to help patients defeat a number of cancers if detected early, including cervix, breast, colon, and prostrate cancer. And today 3 out of 4 children with cancer are cured.

The resolution that we are discussing today expresses Congress's, support of ending suffering and death due to cancer. But we can best push for the continued decline of cancer death and suffering by making it a national priority and making the right budget and policy choices to meet this goal by 2015.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support this resolution, which recognizes the goal of eliminating suffering and death due to cancer by the year 2015.

Investments in cancer research and programs continue to be a crucial part of tackling and eliminating this devastating disease. Thanks to prior investments in cancer research and programs, we are making remarkable progress in the fight against cancer.

When Congress and President Nixon joined forces to fight the battle against cancer in 1971, cancer was largely a death sentence. Thirty five years later, our national research investment has yielded substantial gains.

Today, early detection can defeat some of the more common cancers, such as cancer of the cervix, breast, colon and prostate. These represent more than half of all cancers.

In addition, childhood cancer is curable in 3 out of 4 patients. The development of colon cancer screening tests and treatments has led to a 90 percent 5-year survival rate for colon cancers caught in the earliest stages and 64 percent when the cancer has spread only to adjacent organs or lymph nodes.

Though such progress is encouraging, we still have much work to do. Cancer has now surpassed heart disease as the number one killer of Americans under age 85.

Cancer strikes 1 out of every 2 men and 1 out of every 3 women. This year alone, cancer will claim the lives of more than 570,000 Americans—1500 lives per day—and is the cause of 1 out of every 4 deaths in the United States.

It is imperative that we continue to fund and expand medical research to forge the battle against this deadly enemy. As Americans, we have a strong history, through science and innovation, of detecting, conquering and defeating many illnesses. We must and we will continue to fight cancer until the battle is won.

I urge my colleagues to support this resolution.

Mr. HIGGINS. Madam Speaker, I rise today in support of H. Con. Res. 210, a resolution to support the National Cancer Institute, NCI, in its goal of eliminating death and suffering due to cancer by 2015. We can and we must make the 2015 goal a priority, but we cannot do that if we continue to cut and underfund the very researchers working to make it a reality.

Thanks to research, great progress has been made against cancer in the last three decades. In 1976, half of all cancer patients survived more than 5 years after diagnosis. Today, closer to two-thirds or 63 percent of adults and 85 percent of children are alive 5 years after they learn they have cancer. Let's build on that progress.

Since cancer is more common among older Americans and the American population is aging, by the year 2050 the number of new cancer cases in America could more than double, with estimates as high as 2.46 million new cases annually. Cancers cost the United States an estimated $210 billion in 2005. This amount included $74 billion in direct medical costs and nearly $136 billion in lost productivity. And advances in biomedical research benefit not only cancer treatment, but provide information on molecular and genetic processes that will aid in a better understanding in the underlying causes of virtually all diseases.

NCI, part of the National Institutes of Health, is the Federal Government's principal agency for cancer research and training. The NCI has a goal of eliminating all suffering and death due to cancer by the year 2015. I believe that eliminating suffering and death due to cancer by the year 2015 should be America's goal.

Madam Speaker, when the House leadership finally schedules a vote on the Labor, Health, and Human Services Appropriations bill for Fiscal Year 2007, LHHS, I intend to sponsor an amendment that fully funds NCI. The President's proposed 2007 Budget cuts funding to NCI by over $39.7 million and the LHHS bill as written currently includes the same underfunding. The Higgins Amendment to LHHS will restore $240 million in funding to NCI, bringing its total to $5,033,000,000.

Additionally, I will support projects that advance the mission of the Roswell Park Cancer Institute and other local cancer research, treatment, and advocacy projects. Western New York is home to Roswell Park Cancer Institute, a premier cancer research and treatment facility and one of Western New York's top 20 employers. The research done at Roswell has the potential to blow the research field open—and the care provided there to patients cannot be matched.

Finally, I intend to support expanding programs that detect cancer early and help Americans get treatment. These programs significantly reduce the cost to our nation's healthcare system by treating people early. There are proven programs like the Breast and Cervical Early Detection Program, which help underserved communities get diagnosed and treated early. Because of underfunding these programs cannot reach all the people who need them.

Madam Speaker, I am pleased that we are here today uniting behind this bill and this goal, but we can and we must do much more than pay lip service to meeting the 2015 deadline. Let's take this opportunity to come together and eradicate cancer by fully funding NCI, by supporting local centers, and by reauthorizing and funding the very programs that reach the men, women, and children who need them most and can least afford them.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H. Con. Res. 210, to support the goal of eliminating suffering and death due to cancer by 2015.

Cancer is one of the most dreaded diagnoses a person can get. Every one of us has been affected by cancer, whether personally or through the experience of a family member or loved one.

In fact, cancer affects one out of every two men and one out of every three women in this country. According to the American Cancer Society, 1.3 million new cancer cases will be diagnosed this year, with 1,500 Americans dying from cancer every single day.

While the statistics are still staggering, the promise of a cure is closer than we had ever imagined. Thanks to the commitment of the Federal Government and our research institutions, cancer rates declined by nearly 10 percent in the 1990s, and new treatments are being developed every day.

Dr. Andrew von Eschenbach, the former Director of the National Cancer Institute, set a goal for the country to eliminate suffering and death due to cancer by 2015. In my hometown of Houston, we were proud to have Dr. von Eschenbach serve at MD Anderson Cancer Center, one of the top cancer centers in the country in terms of both research and patient care. With all of his experience as a leader in the field of cancer research, if Dr. von Eschenbach thinks we can achieve this goal, I am confident that our hope for a cure is within reach.

I thank my colleague, Mr. SHAW, for introducing this important resolution and encourage my colleagues to join me in support of it.

Mr. DEAL of Georgia. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 210, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PERIPHERAL ARTERIAL DISEASE AWARENESS WEEK

Mr. DEAL of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 982) supporting the goals and ideals of National Peripheral Arterial Disease Awareness Week.

The Clerk read as follows:

H. RES. 982

Whereas peripheral arterial disease is a vascular disease that occurs when narrowed arteries reduce the blood flow to the limbs;

Whereas peripheral arterial disease is a significant vascular disease that can be as serious as a heart attack or stroke;

Whereas peripheral arterial disease affects approximately 8,000,000 to 12,000,000 Americans;

Whereas patients with peripheral arterial disease are at increased risk of heart attack and stroke and are 6 times more likely to die within 10 years than are patients without peripheral arterial disease;

Whereas the survival rate for individuals with peripheral arterial disease is worse than the outcome for many common cancers;

Whereas peripheral arterial disease is a leading cause of lower limb amputation in the United States;

Whereas many patients with peripheral arterial disease have walking impairment that leads to a diminished quality of life and functional capacity;

Whereas a majority of patients with peripheral arterial disease are asymptomatic and less than half of individuals with peripheral arterial disease are aware of their diagnoses;

Whereas African-American ethnicity is a strong and independent risk factor for peripheral arterial disease, and yet this fact is not well known to those at risk;

Whereas effective treatments are available for people with peripheral arterial disease to reduce heart attacks, strokes, and amputations and to improve quality of life;

Whereas many patients with peripheral arterial disease are still untreated with proven therapies;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of peripheral arterial disease among medical professionals and the greater public in order to promote early detection and proper treatment of this disease to improve quality of life, prevent heart attacks and strokes, and save lives and limbs; and

Whereas September 18 through September 22, 2006, would be an appropriate week to observe National Peripheral Arterial Disease Awareness Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Peripheral Arterial Disease Awareness Week;

(2) supports efforts to educate people about peripheral arterial disease;

(3) acknowledges the critical importance of peripheral arterial disease awareness to improve national cardiovascular health;

(4) supports raising awareness of the consequences of undiagnosed and untreated peripheral arterial disease and the need to seek appropriate care as a serious public health issue; and

(5) calls upon the people of the United States to observe the week with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 982, a resolution supporting the goals and ideals of National Peripheral Arterial Disease Awareness Week.

While not as well known as many other vascular diseases, peripheral artery disease is a serious illness that affects millions of Americans. It occurs when narrowed arteries reduce blood flow to the limbs. The disease increases the risk of heart attack and stroke and is also a leading cause of lower limb amputation in the United States. But perhaps the most alarming statistic of all is that most people who suffer from peripheral arterial disease have no symptoms and do not know that they have the disease.

This resolution, with the goal of raising awareness of this deadly disease and its warning signs, was authored by my friend and colleague on the Energy and Commerce Committee's Subcommittee on Health, Mrs. CAPPS of California. I would like to thank Mrs. CAPPS and her staff for their leadership and work on this important resolution. I look forward to hearing more about the disease and its impact on our Nation's cardiovascular health.

I urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support House Resolution 982, sponsored by my colleague Congresswoman CAPPS from California.

Madam Speaker, peripheral arterial disease is a serious ailment that affects millions of Americans. This resolution will help to draw attention to this problem by recognizing September 18 through 22 as Peripheral Arterial Disease Awareness Week, and it is my hope that this recognition, along with educational efforts on the part of the research and medical communities, will help make this a problem we can overcome.

There are more than 8 million people in the U.S., one in 20 adults, that have peripheral arterial disease. This is a vascular disease that results in the narrowing of arteries and decreased blood flow to the limbs. It could lead to leg pain disability and even amputation. And, sadly, the disease often goes unrecognized because the symptoms include common symptoms of old age, such as fatigue, heaviness, pain and cramping in the leg muscles when walking.

In addition, Madam Speaker, this disease increases the risk of heart attack and stroke in people, making it six times more likely they will die within 10 years when compared with those who do not have peripheral arterial disease. Those at most risk for peripheral arterial disease are people over the age of 50, those who smoke, have diabetes, high blood pressure, abnormal cholesterol, or have a history of heart disease or stroke. In addition, African Americans have a greater risk of getting peripheral arterial disease.

Because of the serious consequences of this disease that affects both women and men and can strike adults of any age, it is important for Congress to support public awareness activities on peripheral arterial disease. Recognizing September 18-22 of this year as National Peripheral Arterial Disease Awareness Week will help bring this deadly disease out of the shadows. And, Madam Speaker, as a part of this week of recognition, we need to encourage outreach activities to educate people about peripheral arterial disease. The public must understand that it is a serious public health issue; and given our awareness of these high-risk populations, education and early intervention could greatly benefit and decrease the incidents of peripheral arterial disease and improve the quality of life.

Once again, I would indicate our support of this resolution.

Mrs. CAPPS. Madam Speaker, I rise in strong support of H. Res. 982, to support the goals and ideals of National Peripheral Arterial Disease Awareness Week. I was proud to introduce this bill with my colleague and fellow co-chair of the Congressional Heart and Stroke Coalition, Representative FOLEY.

More than 8 million Americans, that is 1 in 20 adults, have peripheral arterial disease (PAD).

Yet this condition is largely unrecognized and often goes undiagnosed because most people do not have any recognizable symptoms.

PAD occurs when arteries in the legs become narrowed or clogged, resulting in reduced blood flow to the legs.

A diagnosis of PAD is indication that a patient is likely to have narrowed arteries to the heart and brain as well and is a powerful warning sign of existing cardiovascular disease.

However, without early detection and proper treatment, 1 in 4 people who suffer from PAD will also suffer a heart attack, stroke, amputation or even death within the next 5 years.

It is evident that greater awareness about PAD and better detection capabilities will not only improve the quality of life for those who suffer from it, but can actually save their lives.

During National Peripheral Arterial Disease Awareness Week, efforts are increased to make physicians and the public at-large more cognizant of their risks for PAD, the symptoms, and the importance of early treatment.

During this week, we can assist by highlighting those who have high risk factors for PAD: over age 50, African Americans, smokers and those with high blood pressure, diabetes, abnormal cholesterol, a personal history of heart disease or stroke.

I urge my colleagues to vote in favor of this resolution and encourage them to learn more about Peripheral Arterial Disease and how it may affect them.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H. Res. 982 which offers this Chamber's support for National Peripheral Arterial Disease Awareness week.

This year, National Peripheral Arterial Disease Awareness Week occurs September 18 through September 22 and gives us a time to reflect on the need for the increased education and awareness needed to promote early detection and the proper treatment of this disease.

Peripheral arterial disease, which is a narrowing of the arteries that results in reduced blood flow to the limbs, affects between 8 million and 12 million Americans. Americans suffering from peripheral arterial disease find themselves at increased risk for heart attack, stroke and lower limb amputation. Unfortunately, most cases of peripheral arterial disease are asymptomatic, causing too many Americans not to know that they have the condition.

That is why this resolution and this Chamber's support for National Peripheral Arterial Disease Awareness Week are so important. If we can shed light on this devastating disease, more Americans will become educated about their risk factors and get the early detection and treatment to avoid the painful heart attacks, strokes and amputations that too often befall our loved ones.

I encourage my colleagues to join me in supporting this important resolution.

Mr. PALLONE. Madam Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I have no further requests for time.

and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 982.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF OBSERVING THE YEAR OF POLIO AWARENESS

Mr. DEAL of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) supporting the goals and ideals of observing the Year of Polio Awareness, as amended.

The Clerk read as follows:

H. RES. 526

Whereas 2005 was the 50th anniversary of the injectable killed polio vaccine;

Whereas the polio vaccines eliminated naturally occurring polio cases in the United States but have not yet eliminated polio in other parts of the world;

Whereas as few as 57 percent of American children receive all doses of necessary vaccines during childhood, including the polio vaccine;

Whereas the Centers for Disease Control and Prevention recommends that every child in the United States receive all doses of the inactivated polio vaccine;

Whereas the success of the polio vaccines has caused people to forget the 1,630,000 Americans born before the development of the vaccines who had polio during the epidemics in the middle of the 20th century;

Whereas at least 70 percent of paralytic polio survivors and 40 percent of nonparalytic polio survivors are developing post-polio sequelae, which are unexpected and often disabling symptoms that occur about 35 years after the poliovirus attack, including overwhelming fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold pain, and difficulty swallowing and breathing;

Whereas 2006 is the 132nd anniversary of the diagnosis of the first case of post-polio sequelae and is the 21st anniversary of the creation of the International Post-Polio Task Force;

Whereas research and clinical work by members of the International Post-Polio Task Force have discovered that post-polio sequelae can be treated, and even prevented, if polio survivors are taught to conserve energy and use assistive devices to stop damaging and killing the reduced number of overworked, poliovirus-damaged neurons in the spinal cord and brain that survived the polio attack;

Whereas many medical professionals, and polio survivors, do not know of the existence of post-polio sequelae, or of the available treatments;

Whereas the mission of the International Post-Polio Task Force includes educating medical professionals and the world's 20,000,000 polio survivors about post-polio sequelae through the international Post-Polio Letter Campaign, The Post-Polio Institute at New Jersey's Englewood Hospital and Medical Center, the publication of The Polio Paradox, and the television public service announcement provided by the National Broadcasting Company; and

Whereas it would be appropriate to observe the year beginning October 1, 2006, as the Year of Polio Awareness: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need for every child, in America and throughout the world, to be vaccinated against polio;

(2) recognizes the 1,630,000 Americans who survived polio, their new battle with post-polio sequelae, and the need for education and appropriate medical care;

(3) requests that all appropriate Federal departments and agencies take steps to educate—

(A) the people of the United States about the need for polio vaccination; and

(B) polio survivors and medical professionals in the United States about the cause and treatment of post-polio sequelae; and

(4) supports the goals and ideals of observing the Year of Polio Awareness to promote vaccination and post-polio sequelae education and treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 526, a resolution authored by Mr. ROTHMAN of New Jersey that supports the goals and ideals of observing the Year of Polio Awareness. I commend Representative ROTHMAN for introducing this important resolution, which helps to raise awareness about polio and the continued need to vaccinate all children against polio and other infectious diseases.

While many of us in this Chamber are old enough to remember polio as a national tragedy that claimed thousands of lives and left thousands more permanently disabled, younger generations may have only read about polio in history books. But the story of polio, its spread, its dreaded consequences, the millions of lives it touched, and our ultimate triumph over the disease, should forever remain etched in our national memory.

Recently, the Smithsonian Institution's Museum of American History held an exhibit commemorating the 50th anniversary of the injectable, killed polio vaccine, also known as the Salk vaccine. The exhibit detailed the incredible story of polio in the United States, beginning with the 1916 outbreak in New York City that paralyzed 9,000 people and killed 2,400, most of whom were children less than 10 years of age. It went on to tell visitors about the all-consuming race to find a vaccine, from the story of President Franklin Delano Roosevelt, who may have been paralyzed by polio and went on to found the March of Dimes, the organization that raised hundreds of millions of dollars for polio research and treatment, and for which President Roosevelt's image was etched on the United States dime; to the research efforts led by Jonas Salk, Albert Sabin, and others to come up with a vaccine that was safe and effective; to the mammoth public health effort needed to vaccinate all children in the United States once a workable vaccine had been found; and, finally, to the worldwide effort to eradicate polio in the latter 20th century. The fight against polio is an amazing story that deserves to be remembered and retold.

But like most museum exhibits, the most striking things about the exhibits were the images. On display were several iron lungs, the metal apparatuses that helped to keep children and adults with polio alive. These metal contraptions restricted all movement and were mostly small because they primarily housed children. They were necessary to help polio patients continue to breathe. Photographs depicted huge warehouses that had been converted to makeshift hospital wards, filled with rows of iron lungs and the children inside.

Other pictures showed parents standing on ladders and soap boxes, peering through hospital windows, trying to see their children who had been quarantined. Such pictures are painful reminders of a past that should never be relived.

The resolution before us today reminds all of us that we have all the tools needed to prevent the reemergence of polio in this century. By far the most crucial weapon in the fight against infectious disease is vaccination, the medical advance that has saved more lives than any other. Vaccines continue to serve as the first line of defense against infectious disease. The resolution rightly recognizes the need of every child to be vaccinated against polio. It also recognizes the 1.6 million Americans who survived polio, but still suffer from its effects today.

Madam Speaker, I urge my colleagues to support this important resolution.

Madam Speaker, I reserve the balance of my time.

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Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support House Resolution 526, which supports the observation of the Year of Polio Awareness.

I do want to thank the sponsor of the legislation, my colleague from New Jersey Representative STEVE ROTHMAN, for not only sponsoring this bill, but also for all of his efforts to increase awareness of polio. He will be speaking just a few minutes later.

Polio, as you know, is a viral illness that destroys nerve cells. As a result, muscles become paralyzed, and these muscles can atrophy and die. Polio is most common in infants and young children; however, complications occur most often in older persons and often post-polio.

Those complications have the often disabling symptoms of overwhelming fatigue, muscle weakness and pain, sleep disorders and more. It occurs in 75 percent of paralytic and 40 percent of nonparalytic polio survivors about 35 years after the polio virus attacks.

Although polio has plagued humans since ancient times, its extensive outbreak occurred in the first half of the 1900s before the vaccination created by Jonas Salk became widely available in 1955. And I would say, Madam Speaker, that I certainly am old enough to remember when there were many people who were struck by polio. And in the 1950s, when I was growing up, the fact that there was a vaccine available was just seen as an amazing thing. It was very much on the minds of all of us as we were growing up in the 1950s and the 1960s.

Sadly, despite having a vaccine against polio, this disease has not been eradicated from the world, and outbreaks continue to occur in the U.S. and other countries. As a matter of fact, it seems we are headed in the wrong direction. The World Health Organization announced last year that they would not meet their intended goal of eliminating new cases of polio worldwide by the end of 2005, since many cases remained.

The hope is that this resolution and the new resurgence of focus on polio will promote increased vaccination and education and treatment of post-polio complications. Even today, Madam Speaker, 10 percent of American children under the age 3 do not receive their polio vaccine. This percentage is lower in poor cities. Given new cases being reported in Indonesia, India, Pakistan, Somalia, Afghanistan, Egypt, Niger, Ethiopia and Yemen, an outbreak in the U.S. would not be surprising. And last year four cases of the polio virus were reported in Minnesota.

The eradication of new polio cases is achievable, but only if we reeducate the public about the dangers, effects and availability or a vaccine and treatment. This resolution asks all appropriate Federal agencies to take action to educate the people of the U.S. about the polio vaccine, and to educate polio survivors and medical professionals about the existence of post-polio complications and available treatments.

Therefore, I support this resolution recognizing a Year of Polio Awareness beginning on November 1

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I have no further speakers, and I reserve the balance of my time with the intention of closing.

Mr. PALLONE. Madam Speaker, I yield such time as he may consume to my colleague STEVE ROTHMAN, who, again, has taken a lead on this and so many other health care issues.

Mr. ROTHMAN. Madam Speaker, first let me thank my colleague from New Jersey for giving me this time, and all of your efforts to increase polio awareness.

I would like to thank Chairman DEAL for all of your hard work as the chairman of this subcommittee in bringing this matter to the floor, and for all of your support. I would also like to recognize the role of Ranking Member SHERROD BROWN for his help.

Madam Speaker, I first want to thank the leadership of the Energy and Commerce Committee for bringing Resolution 526 to the floor. I also want to take this opportunity to recognize my constituent, a very tireless worker on behalf of those suffering the aftereffects of polio, Dr. Richard Bruno.

As the director of the Post-Polio Institute and International Center for Post-Polio Education and Research at Englewood Hospital and Medical Center, and chairperson of the International Post-Polio Task Force, Dr. Bruno is at the forefront of the movement to educate parents about the need to vaccinate their children against this debilitating virus.

This resolution, Madam Chairman, would not be on the floor today without Doctor Bruno's help. I am grateful for his work and commitment to this cause.

Madam Speaker, I rise today in strong support of this resolution, 526, that will bring critical attention in the United States and around the world to the need for children to be vaccinated against polio. It sounds so simple. So many of us thought that polio had been eradicated, but that is far from the truth.

This resolution recognizes the need for every child to be vaccinated against polio and designates the year starting October 1st as the Year of Polio Awareness. It also urges all Federal agencies to educate doctors and parents about polio, and to also educate polio survivors and medical professionals about the cause and treatment of something called post-polio sequelae. More about that later.

It has been 51 years since the introduction of the polio vaccination. By now this virus should have been eradicated. But as has been said earlier by our chairman and Mr. PALLONE, this is not the case. In fact, according to the Centers for Disease Control, 10 percent of the U.S. children under 3 years of age, which is approximately 1 million toddlers in our country, are not vaccinated against polio.

This percentage is even greater in America's poorest cities. Even more of our young people are not vaccinated against polio. In my own home State of New Jersey, only 86 percent of the toddlers living in Newark were vaccinated in 2004. Furthermore, the United States is not protected against a polio outbreak. In October of 2005, five children in an Amish community in Minnesota were diagnosed with polio. Although that outbreak was ultimately brought under control, this was a clear signal that we must do more in our country to prevent the spread of polio.

Polio outbreaks, Madam Speaker, are not only limited to occurring in the United States, but have, for example, as my colleagues have said, been reported in Indonesia, India, Pakistan, Somali, Afghanistan, Egypt, Niger, Ethiopia and Yemen, amongst other countries.

In some way the polio vaccination has become a victim of its own success, one might say, with many Americans believing that polio has been eradicated. They no longer have their children vaccinated against this virus. That is a mistake. With outbreaks occurring all over the world, unvaccinated children everywhere, including in the United States, are susceptible to exposure and to catching polio. That is why this resolution is so important.

Madam Speaker, parents must be informed when making decisions about vaccinating their children. They have to know that there is still a threat that their child could be exposed to the polio virus. This resolution will help ensure that doctors will provide all of the necessary information to parents about the polio vaccine and the dangers of the virus.

I hope that the passage of this resolution will accomplish our goal of raising awareness of the importance of having every child vaccinated against polio, and will have the effect of allowing doctors to understand this post-polio sequelae syndrome, which is that after someone has lived a whole lifetime with polio, they then suffer a series of additional complications: chronic overwhelming fatigue, joint pain, and chronic pain of a variety of natures.

Madam Speaker, I urge my colleagues to vote "yes" on this resolution, which will educate our own people and all of the people of the world to the continuing threat of polio.

Mr. DEAL of Georgia. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, once again, we support this resolution and thank the sponsor, my colleague from New Jersey, for introducing it, and I yield back the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, certainly as we talk about the elimination of polio, it is one of the great success stories, but one in which we must continue to be vigilant, as has been pointed out. As a Rotarian, I am proud that my organization, on an international basis, undertook as a project to eliminate polio worldwide, poured millions of dollars into that effort, and contributed greatly to the success of the elimination of polio in other parts of the world.

But as we talk about the polio vaccine, a disease that has been able to be treated with a vaccine, we are also on the verge of recognizing that we are going to have, as we currently have, a problem with vaccine manufacturers for not only this disease, but many other diseases as well.

Today we only have four United States vaccine manufacturers. That is down from about 50 that we had back in the 1960s. The bipartisan Institute of Medicine has identified three primary factors as the reason we have lost vaccine firms and for the reluctance of firms to get into the manufacturing of vaccines.

One is the economic realities, and certainly those are very real; secondly, the burdensome regulations that they must go through; and third, legal liability. As we deal with other diseases, in addition to this question of polio, we are going to be faced with the fact that we are going to have to encourage manufacturers of vaccines to get in the marketplace, and we must deal with those three factors as we move forward on this issue of vaccines for other illnesses as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 526 supporting the goals and ideals of observing the Year of Polio Awareness.

During the 1940's and 1950's, between 30,000 and 50,000 cases of polio were recorded annually in the United States. This epidemic caused widespread fear and panic because of its devastating effects. Such effects include muscle and nerve damage, as well as the inability to move one's limbs or to breathe without assistance. The polio virus can also lead to a number of severe illnesses.

Fortunately, the injectable polio vaccine eliminated naturally-occurring polio cases in the United States, but unfortunately has not yet eliminated polio in other parts of the world.

The Centers for Disease Control and Prevention recommends that every child in the United States receive all doses of the inactivated polio vaccine; yet as few as 57 percent of American children receive all doses of necessary vaccines during childhood, including the polio vaccine.

At least 70 percent of paralytic polio survivors, and 40 percent of nonparalytic polio survivors, are developing post-polio sequelae. Post Polio Sequelae are late effects of the disease that can occur 35 years after the poliovirus attack in 75 percent of paralytic and 40 percent of "non-paralytic" polio survivors. Because they present so long after an individual is ill, these effects are unexpected and are often unrecognized: fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold pain, and difficulty swallowing and breathing.

This year marks the 132nd anniversary of the diagnosis of the first case of post-polio sequelae and the 20th anniversary of the creation of the International Post-Polio Task Force. The mission of the International Post-Polio Task Force includes educating medical professionals and the 20,000,000 polio survivors in the world about post-polio sequelae through letter campaigns, public service announcements, and other forms of media.

I cannot understate the importance of the work of the International Post-Polio Task Force. Because many medical professionals and polio survivors do not generally know of the existence of post-polio sequelae or of the available treatments, it is vital that we continue to support efforts by organizations such as the International Polio Task Force to increase the awareness of the debilitating effects of polio.

I urge my colleagues to support this important resolution.

Mr. DEAL of Georgia. Madam Speaker, I yield back the balance of my time and urge the adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, House Resolution 526, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING MARY ELIZA MAHONEY, AMERICA'S FIRST PROFESSIONALLY TRAINED AFRICAN-AMERICAN NURSE

Mr. DEAL of Georgia. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 386) honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse, as amended.

The Clerk read as follows:

H. CON. RES. 386

Whereas Mary Eliza Mahoney was born May 7, 1845, in Dorchester, Massachusetts, to Charles Mahoney and Mary Jane Seward Mahoney;

Whereas Mary Eliza Mahoney, at the age of 33, was accepted as a student nurse at the hospital-based program of nursing at the New England Hospital for Women and Children;

Whereas Mary Eliza Mahoney was one of four students, of a class of 40, who completed nursing at the New England Hospital for Women and Children in 1879;

Whereas Mary Eliza Mahoney devoted her time and efforts unselfishly to the National Association of Colored Graduate Nurses and was installed as the Official Chaplin;

Whereas Mary Eliza Mahoney's motto was "Work more and better the coming year than the previous year.";

Whereas Mary Eliza Mahoney delivered the first annual key note speech of the National Association of Colored Graduate Nurses and established the Mary Eliza award, which today continues as the Mary Eliza Mahoney Award bestowed biennially by the American Nurses Association;

Whereas Mary Eliza Mahoney supported the suffrage movement and was the first African-American professionally trained nurse to receive retirement benefits from a fund left by a Boston physician to care for 60 nurses, who received twenty-five dollars every three months as long as they lived;

Whereas Mary Eliza Mahoney's gravesite is in Woodlawn Cemetery, Everett, Massachusetts, and the headstone on her grave states, "The First Professional Negro Nurse in the U.S.A.";

Whereas Mary Eliza Mahoney was inducted into the American Nurses Association Hall of Fame in 1976;

Whereas Mary Eliza Mahoney advanced the nursing profession by fostering high standards of nursing practice and confronting issues affecting professional nurses, such as the shortage of nurses;

Whereas today the shortage of nurses is a crisis, estimated to be 110,000 nurses, and is expected to increase to 2,800,000 by 2020 if this trend continues; and

Whereas nursing is a critical investment to the delivery of high-quality, cost-effective patient care, and the Nation should invest in and value nursing care: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors Mary Eliza Mahoney, the first African-American nurse for an outstanding nursing career, dedication to the United States nursing profession, and exemplary contributions to local and national professional nursing organizations;

(2) recognizes Mary Eliza Mahoney as the first professionally trained African-American nurse, and honors other African-American nurses who practice nursing with distinction;

(3) honors and supports the goals and activities of National Nurses Week;

(4) promotes further understanding and public awareness of the history of American nurses, who practiced nursing with compassion and devotion and transmitted new scientific knowledge using science-based nursing practice; and

(5) advocates for women of color to enter nursing and supports strategies to counteract the shortage of nurses.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of House Concurrent Resolution 386, honoring Mary Eliza Mahoney, as America's first professionally trained African American nurse.

Born in 1845, Mary Eliza Mahoney lived with her parents, Charles Mahoney and Mary Jane Steward Mahoney. For 15 years, Mary Eliza worked alternately as a cook, janitor, washerwoman, and an unofficial nurse's assistant at the New England Hospital for Women and Children in Roxbury, Massachusetts.

In 1878, at the age of 33, she was admitted as a student into the hospital's nursing program. After graduation, 16 months later, Mary Eliza worked primarily as a private-duty nurse. Her nursing career ended as director of an orphanage in Long Island, New York, a position she had held for over a decade.

As the resolution states, Mary Eliza Mahoney's motto was always, "Work more and better the coming year than the previous year." Mahoney also recognized the need of nurses for nurses to work together to improve the status of African Americans in the profession.

In 1908, she was the cofounder of the National Association of Colored Graduate Nurses. Mahoney gave the welcoming address at the first convention of NACGN and served as the association's national chaplain. She became an inspiration to all nurses and helped make it possible for the members of the NACGN to be received at the White House by President Warren G. Harding.

Ms. Mahoney died in 1926. Because of her dedication and untiring will to inspire future generations, she has been an inspiration to thousands who are a part of the nursing profession.

Madam Speaker, I would like to thank the author of this resolution, Ms. EDDIE BERNICE JOHNSON of Texas, for her leadership in honoring this great American. I encourage all of my colleagues to vote in favor of the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is not every day that we get to pay tribute to a truly special person that served our country like Mary Eliza Mahoney, America's first professionally trained African American nurse. I want to indicate my support for H. Con. Resolution 386 offered by Congresswoman EDDIE BERNICE JOHNSON honoring Mary Eliza Mahoney's outstanding nursing career, her dedication to the U.S. nursing profession, and exemplary contribution to local and national professional nursing organizations.

Ms. Mahoney was born in 1845 and grew up in an era where many similarly situated African Americans did not have the opportunity for an education. Ms. Mahoney, however, enrolled in nursing school. In 1879, at the age of 34, she was one of only a handful of students in her class who graduated, and the only African American in her class.

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Ms. Mahoney changed the face of nursing as the first African American woman. Afterwards, black students were accepted at school as long as they met the requirements. Not only did she pave the way for African Americans as nurses, she advocated for them. Moreover, she worked hard to counteract the nationwide shortage of nurses, which, of course, continues today.

In 1896, Ms. Mahoney became one of the original members of a predominantly white nurses association, alumni of the United States and Canada, later known as the American Nurses Association, or ANA. In 1908, she was cofounder of the National Association of Colored Graduate Nurses.

In addition, Madam Speaker, she supported the voting rights amendment and was the first African American nurse to receive retirement benefits for her lifelong hard work and service to others.

The contributions of people like Mary Eliza Mahoney should be remembered. She set an example more than a century ago that I hope many children today will follow: Work hard, follow your convictions and help others.

The U.S. is expected to have a shortage of 2.8 million nurses by the year 2020, and Congress has to do a lot more to recognize the support, the work of America's nurses both through resolutions like these and through greater funding. Ms. Mahoney was a remarkable woman. We should not let what she fought for so long ago be for naught. That is why I think it is very important that we pass and support this resolution this afternoon.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Con. Res. 386, honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse.

First, I would like to honor my mother, Ivalita Jackson, who served as a vocational nurse while she raised her children. With her nurturing hand and wise mind, she instilled in me a strong work ethic, a value of education, and a compelling desire toward public service. Her lifetime of hard work, and her commitment to giving and healing remains an inspiration to me.

Mary Eliza Mahoney was born on May 7th, 1845 in Dorchester, Massachusetts. Mary became interested in nursing as a teenager. Though she worked as a maid, washerwoman and cook at the New England Hospital for Women and Children in Roxbury, Massachusetts for fifteen years, her dream was to practice nursing.

The first step to realizing her dream came when, at the age of 33, Ms. Mahoney was accepted into the nursing school at the New England Hospital for Women and Children. One of only four students of a class of forty two to complete the nursing program, Mahoney received her nursing diploma on August 1, 1879.

As such, she became the first African-American graduate nurse. This indeed, was a magnificent accomplishment at a time in this country when the odds were heavily stacked against her as an African-American, and as a woman.

After graduation, Ms. Mahoney became a private duty nurse. Her employers consistently praised her for her calm and quiet efficiency and for her professionalism.

Despite the odds, she proved that African-Americans could successfully enter into the world of professional nursing. She continues to be a source of inspiration to all nurses.

Mahoney was one of the first African-American members of the organization that later became the American Nurses Association (A.N.A.). When the A.N.A. failed to actively admit black nurses, Mahoney strongly supported the establishment of the National Association of Colored Graduate Nurses (N.A.C.G.N.).

Mahoney recognized the inequalities in nursing education and called for a demonstration at the New England Hospital to have more African-American students admitted.

For more than a decade after, Mahoney helped recruit nurses to join the National Association of Colored Graduate Nurses. Today, nursing is the nation's largest health care profession, with more than 2.7 million registered nurses nationwide. In 2003, 9.9 percent of registered nurses were African American.

Ms. Mahoney was strongly concerned with women's equality and was a staunch supporter of the movement to give women the right to vote. At the age of 76, Ms. Mahoney was among the first women in Boston to register to vote after passage of the Nineteenth Amendment.

At a time in our country when there is a nurse-shortage crisis, it is important to acknowledge the service and dedication of an outstanding American nurse. More than one million new and replacement nurses will be needed by 2012. Ms. Mahoney is a prime example of a professional woman who values and advocates for education, civil rights, and giving something of yourself for your community and for your nation.

I urge my colleagues to support this resolution honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse.

Mr. RANGEL. Madam Speaker, I rise today to join my colleagues in honoring Mary Eliza Mahoney who was the first African-American registered nurse in the United States. She was a visionary, a leader, and because of her dedication and untiring will to encourage future generations, would become an inspiration to thousands of men and women of color who work diligently every day in the field of nursing.

Mary Mahoney's interest in the nursing profession began when she was just a young girl. She worked for fifteen years at the New England Hospital for Women and Children (now Dimock Community Health Center) in

Roxbury, Massachusetts as a nurse's assistant, but this would not be her only occupation. She also worked as a cook, a janitor, and a washerwoman. In 1878, at the age of 33, she was admitted as a student into the hospital's nursing program established by Dr. Marie Zakrzewska. Sixteen months later, she was one of four who completed the course.

After graduation she worked primarily as a private duty nurse for the next 30 years all over the Eastern Seaboard of the United States. At the culmination of her nursing career, she was the director of an orphanage in Long Island, New York, a position she held for 10 years.

In 1896, Mahoney became one of the first African-American members of the predominantly white American Nurses Association (ANA). However, recognizing the need for nurses to work together to improve the status of African Americans in the profession, she helped to establish the National Association of Colored Graduate Nurses (NACGN). This was important in many ways. It was because of her inspiring efforts and unselfish devotion to caring for others that helped make it possible for nurses to be received at the White House by President Warren G. Harding. Mahoney also gave the welcoming address at the first convention of the NACGN and served as the association's national chaplain.

Mahoney's life of tending to the needs of the sick ended with her death on January 4, 1926. She was indeed an icon in the nursing profession, bringing to light the hard work, sacrifice, and commitment that nurses put forth everyday.

My sister Frances was a nurse for many years before retiring, and I saw the hard work, the sacrifice, and long hours of commitment that she gave to this notable profession. She made me appreciate even more what nurses do and how they are a vital and valued part of the healthcare industry.

Mary Mahoney advanced the nursing profession and was not afraid to confront issues that affect nurses. She was a woman of superlatively high standards, complete integrity, and boundless enthusiasm for whatever task she took in hand. It was because of the life she lived and her outstanding contributions to nursing, that The Mary Mahoney Medal was established in her honor posthumously by the NACGN in 1936. In 1976, she would be further remembered by being inducted into the Nursing Hall of Fame.

Madam Speaker, let us honor this woman of courage and faith by passing this resolution.

Mr. PALLONE. Madam Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING FILIPINO WORLD WAR II VETERANS

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 622) to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II, as amended.

The Clerk read as follows:

H. RES. 622

Whereas in 1898, the Philippines Archipelago was acquired by the United States, became an organized United States territory in 1902, and, in preparation for independence, became a self-governing commonwealth in 1935;

Whereas the people of the Philippines and of the United States developed strong ties throughout the decades-long democratic transition of the island, compelling the United States to assume the responsibilities of defending the archipelago and protecting the people of the Philippines;

Whereas on July 26, 1941, anticipating the aggression of Japanese invasion forces in the Asia Pacific region, as well as the imminent conflict between the United States and Japan, President Franklin D. Roosevelt issued a military order, calling the organized military forces of the Government of the Commonwealth of the Philippines into armed service under the command of United States Army officers led by General Douglas MacArthur;

Whereas on December 7, 1941, the Japanese Government began a devastating four-year war with the United States with their stealth bombing attacks of Pearl Harbor, Hawaii, and Clark Air Field, Philippines, and led to the loss of tens of thousands of American and Filipino soldiers and countless civilian casualties;

Whereas on February 20, 1946, President Harry Truman stated, "Philippine Army veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought, as American nationals, under the American flag, and under the direction of our military leaders. They fought with gallantry and courage under most difficult conditions. I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans.";

Whereas on October 17, 1996, President William J. Clinton issued a proclamation on the anniversary of the 1944 return of United States forces under General MacArthur to liberate the Philippines and said, "I urge all Americans to recall the courage, sacrifice, and loyalty of Filipino Veterans of World War II and honor them for their contribution to our freedom.";

Whereas on July 26, 2001, President George W. Bush, in his greetings to the Filipino World War II veterans said, "More than 120,000 Filipinos fought with unwavering loyalty and great gallantry under the command of General Douglas MacArthur. The combined United States-Philippine forces distinguished themselves by their valor and heroism in defense of freedom and democracy. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor. These soldiers won for the United States the precious time needed to disrupt the enemy's plan for conquest in the Pacific. During the three long years following these battles, the Filipino people valiantly resisted a brutal Japanese occupation with an indomitable spirit and steadfast loyalty to America."; and

Whereas the contributions of the Filipino people, and the sacrifices of their soldiers in World War II, have not been fully recognized: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors Filipino World War II veterans for their important contributions to the victorious outcome of World War II, including their valiant fight for the liberation of their homeland and their defense of democratic ideals.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 622, which recognizes and honors Filipino World War II veterans for their important contributions to the victorious outcome of World War II.

This resolution notes that the prior history of the Philippines as a United States territory, then as a self-governing commonwealth, during which time the Filipino Armed Forces were called into service under the command of General Douglas MacArthur in July 1941. Those servicemen fought with gallantry and courage, and thousands gave their lives resisting Japanese aggression and occupation. House Resolution 622 honors those Filipino veterans for their valiant fight, for the liberation of their homeland, and for their defense of democratic ideals.

I commend the cochair of the Philippine Caucus, the gentleman from California (Mr. ISSA), for introducing this long overdue resolution. It was moved forward with the strong support of the chairman of the House International Relations Committee, the gentleman from Illinois (Mr. HYDE).

My colleagues may not be aware that Chairman HYDE was a combat veteran of the Philippine campaign in World War II, and he piloted a landing craft in the January 1945 landing that marked the beginning of the liberation of Luzon.

Madam Speaker, I submit for printing in the CONGRESSIONAL RECORD a copy of an article from the September 10, 2006, edition of Philippine Panorama, the leading weekly news magazine in the Philippines.

[From the Philippine Panorama, Sept. 10, 2006]

MEMORIES OF LINGAYEN

(By Beth Day Romulo)

Henry Hyde, chairman of the US House International Relations Committee, led a group of four congressmen, including Melvin Watt of North Carolina, Dana Rohrabacher of California, Jeff Flake of Arizona and Eni Faleomavaega of Samoa, on a visit to the Philippines (August 11th to 15th) to assess security in this country, discuss trade relations and, in the case of the 82-year old chairman, he hoped to visit with fellow veterans of World War Two, and see Lingayen Gulf again.

As a college freshman at Georgetown University, Hyde enlisted in the Navy in 1942. Why the Navy? He had never been to sea but liked the idea of "a nice clean ship" in comparison to life in a trench. "It didn't occur to me that ships sink," he recalled wryly in an interview at the Makati Shangri-la Hotel where the group were staying. After an officers training program at Duke University, he attended a 90-day midshipmen's school at Notre Dame and won his commission as an Ensign in October 1944. Told that he would go to commanders school at Harvard, he bought new blue uniforms as befit the occasion which he never wore, since his orders were suddenly changed and he was sent to sea in the Pacific theater, as part of the operation to liberate the Philippines.

Having never been at sea before, he became deathly seasick on his first night out of San Francisco, recovered on the third day and was fortunately never seasick again despite the fact that the Liberty ship took 30 days to reach Hollandia, New Guinea, zigzagging to miss Japanese submarines.

Joining the flotilla of supply ships offshore of the Philippines in January 1945, young Ensign Hyde was assigned command of an amphibious Landing Craft Tank (LCT), a flat-bottomed vessel with a ramp that could tow supplies to shore and unload on beaches. He had 12 crew members, all considerably older than he, so "I grew a full beard." The big ships couldn't come ashore, so it was the duty of the LCT to load from the big ships ("at night and we couldn't use lights") everything from trucks (LCT could carry five at a time) weapons, ammunition, supplies, and occasionally personnel. By this time, General MacArthur had made his historic landing at Leyte and by March 1945, the Americans controlled Manila and Subic Bay and the Japanese army had withdrawn to the North.

After two or three days at sea, water washed over the craft and filled the pontoons. The radio man was frantically calling "we are sinking" to the towing vessel and signaling with the blinker. Hyde recalls with wry humor that he was running around with a mattress "trying to hold back the South China Sea." Eventually, the tow ship got the message and cut loose the lines which dragged down the LCT, and they limped into Lingayen.

Sent on a special mission to Aparri on the northern tip of Luzon, they arrived at a beach which had no grading. "It was like a wall." They couldn't move onto shore, so came in as close as they could. The deserted beach suddenly swarmed with people who came out from the trees and bushes and waded out to unload their cargo. They were guerillas in dire need of supplies.

While not engaging in combat, the LCT was often under fire from enemy aircraft who dropped bombs near them "but we were too busy to notice."

At another time, Hyde's LCT was given a special mission to salvage the supplies from a Liberty Ship which had foundered on rocks and was lying on its side. They were sent, he found later, because a typhoon was coming and military brass didn't want to lose all the cargo. A destroyer escort took the LCT out to the grounded ship, then disappeared. They tied up to the starboard, started loading and the typhoon hit before they were finished. "This taught me what real terror means." The LCT was banging helplessly against the ship. The wind blew off the conning tower and Hyde was convinced he would lose both his craft and his men. They donned their life-jackets, fully expecting to be washed overboard. "I'll never forget it," Hyde recalled. "The sky was green. The sea was green. And our complexions were green."

Eventually, they were able to cut the lines free from the ship, and Ensign Hyde guided his craft through the swelling seas, in the direction he thought he would lead to Subic Bay. He was in luck. After all-night winds and heavy swells, dawn came. The storm was gone. And they could see Subic Bay. They unloaded their cargo. The LCT was repaired, and they headed back to the grounded ship for a second load. Getting out all the supplies and transporting them to. Subic Bay took a week in all.

Lighter moments came when the administrative ship in the flotilla distributed mail from home, and when they had shore leave. After Manila was liberated, there was "a great officers club" where we sat around, sipped beer, and told football stories. Sometimes, they played basketball with college students.

Hyde remembers spending his 21st birthday walking alone on the beach at Lingayen, wondering if he would ever see home again. Other young officers, with wives and children awaiting them, were allowed to leave first. He was finally sent home in August 1946. When the ship was nearing San Francisco, he rose at 3 a.m. and went out on deck to wait for the sight of the lights on the bridge of San Francisco loom through the mist. "It was the happiest moment of my life."

When he had first sailed on the Liberty ship for the Philippines, a submarine was just coming in from the South China Sea, and the men coming and going waved at one another. He wondered then what they had experienced. Now, he knew.

Congressman Hyde was able to greet a large number of Philippine veterans at a wreath-laying ceremony at the American Cemetery in Ft. Bonifacio, some of whom had called upon him in his home constancy. He was also awarded the Philippine Liberation Medal by AFP Major General Horacio Tolentino in a ceremony on August 12th in recognition of his service during the Liberation of the Philippines.

Discovering the difficulties of getting to Lingayen by land, he flew over it instead, which inspired these memories.

The article profiles Chairman HYDE's service in the Philippines and describes, among many others things, his interaction with Filipino servicemen who were waging a guerilla campaign against the Imperial Japanese Army at that time.

I am grateful to have this opportunity today to express our appreciation to those veterans, both Filipino and Americans, who are with us. This resolution is a fitting tribute to their heroism and sacrifice and deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution.

Madam Speaker, I yield myself such time as I might consume.

I first would like to commend my California colleague DARRELL ISSA for introducing this important measure. I also want to thank the chairman of our committee HENRY HYDE for letting this resolution move to the floor so expeditiously.

Madam Speaker, the measure before the House honors the contributions of Filipino Americans during the Second World War. You might be surprised to learn that I represent the largest concentration of Filipinos outside of Manila. Among my constituents are tens of thousands of Filipino American families, so it is with great pleasure that I cosponsor this legislation and serve as the Democratic manager of this resolution on the floor today.

Filipino Americans have made an enormous contribution to the cultural, political and economic life of my congressional district, particularly in the community of Daly City. Outside of Honolulu, Daly City is the largest city in the United States with a majority Asian population, and most of this population is Filipino American.

Their contributions to our Nation are not a recent phenomenon. More than 120,000 Filipinos fought under the command of General Douglas MacArthur during World War II. Filipino soldiers played a critical role in stopping the Japanese advance throughout the Pacific. During 3 long years of Japanese occupation, Filipinos helped to liberate their homeland and ultimately to defeat the Japanese warmaking machine.

That is why I am so pleased that we are moving forward with this resolution honoring the contributions of Filipino World War II veterans, many of whom are still with us.

It is my strong hope that passage of this measure will pave the way for congressional consideration of the long overdue Filipino Veterans Equity Act. This important legislation would allow Filipino veterans to become eligible for a range of United States veterans benefits currently reserved for former Active Duty military personnel.

Given the enormous contributions made by the Filipinos to the war in the Pacific it is imperative that Filipino veterans finally receive the benefits they deserve.

Madam Speaker, I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to a fighter for Filipino veterans rights, my friend and colleague from California (Mr. FILNER)

Mr. FILNER. I thank Congressman LANTOS for your leadership in the fight for benefits, and your chairman, Mr. HYDE, and the sponsor of this legislation, Mr. ISSA. Along with my colleague from San Diego County, Mr. ISSA, we chair the Congressional U.S.-Philippines Caucus, and Mr. ISSA is the prime sponsor of the equity bill which you talked about, H.R. 4574, to bring real justice to our Filipino American and Filipino veterans.

We all know, or we all should know, the impact of the Filipino soldiers on World War II. They endured the original Japanese advance. They held them up far beyond their calendar, allowed MacArthur and the U.S. Army to have more time. As guerillas, they kept the Japanese busy for the 4 years that they were occupied, and then helped prepare the way for General MacArthur's return and our eventual victory in the Pacific.

We know their great contribution to American history, but we have repaid this great contribution with words. My friend, the doctor from Florida, said this is a long overdue resolution, and it is a fitting tribute.

Well, 10 years ago this body, or 10 years ago, President Clinton said this same thing: I urge all Americans to recall the courage, sacrifice and loyalty of Filipino veterans of World War II and honor them. Five years ago President Bush sent his greetings, which said the same thing: We thank you all for this work.

But nobody since 1946 has done what President Truman tried to say: I consider it a moral obligation of the United States to look after the welfare of the Filipino Army veterans. They were drafted into the American Army. They were promised benefits.

But in 1946, this Congress, only Mr. LANTOS was here, I think, at the time, this Congress passed a Rescissions Act, which cut the benefits and cut the recognition that they were promised by President Roosevelt and President Truman.

☐ 1530

This is wrong, my colleagues; and yet Mr. ISSA, as the sponsor of this resolution, also is the sponsor of the real answer to this situation and the real tribute that we could pay to these veterans, all of whom now are in their 80s. They are a rapidly dwindling band of patriots. What they want is honor and dignity, and that is provided by H.R. 4574, the Filipino Veterans Equity Act. I hope that Mr. LANTOS is right, that this resolution will pave the way. I am afraid it will be an excuse for not doing anything more.

Let us pass this resolution. It helps educate us and our constituents about the role of the Filipino veterans in World War II. But let us go further. Let us pass the Filipino Veterans Equity Act, which provides access to health care and access to pensions of those Filipinos who are eligible.

They don't have long to live, Madam Speaker. They want the honor and dignity that was denied them after World War II. So let us give a fitting tribute and let us do a long overdue action of this Congress. Let us pass H.R. 4574, which will be our true tribute to these brave men.

I thank Mr. ISSA for introducing this resolution. Let us approve it, but let us move on beyond this and truly recognize those who contributed so much to this Nation's freedom and independence.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to my good friend and distinguished colleague, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman from California for yielding. I rise in strong support of this resolution.

On December 7, 1941, the Empire of Japan attacked not only Pearl Harbor, but also Clark Airfield in the Philippines. Tens of thousands of Americans died that day, but also thousands of Filipino soldiers lost their lives. This one act of war united the American and Filipino people in the noble cause of ending tyranny in the Pacific.

In 1946, President Harry Truman cited that during the war the Philippine Army veterans "fought with gallantry and courage under the most difficult conditions." He also declared that it was the "moral obligation of the United States to look after the welfare of the Philippine Army veterans." In fact, it was with that promise that many of the veterans joined our military efforts, many losing their lives, others suffering lifetime injuries.

Our promise, however, remains unfulfilled. We promised to make them eligible for veterans benefits, but, unfortunately, in 1946, Congress withdrew those benefits.

Now, nearly 60 years later, our Filipino veterans are still looking to see our promise fulfilled. We saw some progress in 2003 when we passed the Veterans Benefit Act, which increased VA benefits for U.S. residents who are Filipino veterans and made the new Philippine Scouts living in the United States eligible for burial in VA national cemeteries.

The United States is indebted to the 120,000 Filipino veterans of World War II for their extraordinary sacrifices. While we can never fully repay our veterans for the sacrifices made on our behalf, today we stop to remember those who gave their lives for our freedom and to thank those who are still with us for their courage and dedication to our country.

Although no longer a territory of the United States, the Philippines and the United States are bound by the countless sacrifices the Filipino veterans made during World War II. We are also bound by countless contributions and achievements of Americans of Filipino descent in every field of human endeavor, including the sciences, business, education, medicine, the arts, athletics, and government.

As the only Member of Congress with any Filipino ancestry, I am honored to come before the House today to honor the Filipino veterans of World War II and urge my colleagues not only to support this resolution, but to also pass legislation to grant the Filipino veterans the equity that they were promised

Mr. CASE. Madam Speaker, I rise today as a cosponsor and strong supporter of H. Res. 622, a resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II. As a member of the U.S. Philippines Caucus and the Congressional Asian Pacific American Caucus, I am pleased that the House of Representatives is considering this important resolution and urge its passage.

Just this past weekend, Gloria Macapagal-Arroyo, the President of the Republic of Philippines, visited my home State of Hawaii and unveiled at the National Memorial Cemetery of the Pacific a commemorative marker honoring Filipinos and Americans who served in World War II. President Macapagal-Arroyo's presence underlines the continuing closeness and importance of the relationship between our two countries.

With more Filipino-Americans in my district than any other congressional district in the country, I was pleased that President George W. Bush, at my request, wrote a message on the occasion of the centennial anniversary of Filipino migration to Hawaii. We must also continue to celebrate and thank the early Filipino migrants who came to work in the sugar plantations of Hawaii and those who fought in support of the United States in World War II.

But there is still much more to be done in support of these brave individuals.

I have introduced legislation in both the 108th and 109th Congresses advancing the interests of the families of our Filipino World War II veterans, many of whom are still waiting in the Philippines to be reunited with their loved ones living in the United States. Earlier this Congress, I reintroduced the bill (H.R. 901) that provides for the sons and daughters of our Filipino World War II veterans to receive priority preference in their respective immigration categories.

Because of the grassroots support by many in Hawaii and across the country and in the Philippines, I am proud to say that Congress is on the verge of successfully advancing legislation that will enable the children of our Filipino World War II veterans to join their parents in the United States. The objectives of H.R. 901 were included in the Senate's version of comprehensive immigration reform legislation. I continue to work with my colleagues on both sides of the aisle to secure this provision in conference or to pass the free-standing bill.

With the waning days of the 109th Congress upon us, we must stay vigilant and continue to urge Congress to make this and all issues affecting Filipino veterans a high priority in our busy Congressional schedule. I urge Congress to pass H. Res. 622 and to also consider H.R. 901 before the adjournment of the 109th Congress.

Madam Speaker, I commend the Gentleman from California (Mr. ISSA) for introducing this important measure. I ask all members to not only support this important resolution, but to also continue to support the full federal recognition and accessibility of benefits for Filipino veterans.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 622, to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

In 1941, 250,000 of Filipino men and women responded to President Roosevelt's call and joined the U.S. Armed Forces in order to help preserve peace and democracy in the Philippines.

In their tumultuous four-year battle to restore their independence, the courageous young men and women of the combined Philippine Islands suffered many hardships, tortures, loss of life and limbs, yet they never wavered. They endured the unendurable. They bore the unbearable.

Four decades after their heroic service under the command of their leaders and General Douglas McArthur, these men and women of Filipino-American national heritage were denied the benefits and privileges provided to their American compatriots who fought alongside them.

It is past time that the brave and proud soldiers of the Philippines receive well-earned recognition and thanks for their selfless and heroic contributions.

Filipino World War II veterans fought as nationals of the United States and must be given the same recognition and praise as all American veterans. I applaud the service and efforts of all of our veterans and am honored to give such praise to the Filipino World War II veterans.

I urge my colleagues not only to support this resolution—I urge my colleagues to also consider legislation, such as H.R. 170, the Filipino Veterans Fairness Act, that will grant these aging patriots the full benefits they are due.

Ms. BORDALLO. Madam Speaker, during World War II, the War in the Pacific began with attacks on the United States on December 7, 1941, including the bombing of Pearl Harbor, attacks on the Philippine Islands and the invasion of Guam. Within days of these attacks, our nation and our allies mobilized for war. The United States and the Philippines united behind the cause of democracy and we are proud of the support of the Filipinos during that difficult time. This is why I rise today in support of House Resolution 622, to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

Ultimate victory belonged to the cause of freedom and therefore to the American and Filipino people. Having suffered a brutal occupation, Filipinos and Guamanians alike were liberated in the march to allied victory in World War II.

Filipino soldiers and civilians fought, sacrificed and died side-by-side with members of the U.S. Armed Forces throughout the course of the World War II. Loyal to the American flag and to the ideals which our country represented, Filipinos fought with notable skill, dedication, and heroism. We honor their commitment to freedom and democracy.

Over sixty years later, we pause today to remember the valor and the commitment to freedom displayed by Filipinos who fought the invading forces alongside their American brothers in arms. With this resolution we also proclaim our deep debt of gratitude for their service and share the disappointment that our nation has not fully honored Filipino World War II veterans as have we have honored our own. It is important that we recognize the Filipino veterans and express our appreciation for their sacrifices, contributions and accomplishments.

I am a proud sponsor of this legislation. I urge my colleagues to honor Filipino veterans by voting in favor of this resolution to honor the Filipino World War II veterans for their defense of freedom and their important contributions to our nation in World War II.

Mr. BILBRAY. Madam Speaker, today the House of Representatives is poised to pass House, Resolution 622 honoring and recognizing the service of Filipino World War II veterans in their defense of our society and the freedoms we enjoy today. I am proud to cosponsor this resolution highlighting the efforts of a community that came together with the United States to triumph over Japanese Imperialism.

In 1946, on a hot July day, President Franklin D. Roosevelt issued a military draft calling the organized military forces of the Government of the Commonwealth of the Philippines into armed services under the command of United States Army officers lead by General Douglas MacArthur. Those brave soldiers stood side by side with American military service members courageously fighting to defend America.

These Filipino World War II veterans are part of what is often referred to as the "greatest generation" and with good reason. From Bataan to Corregidor, Filipino soldiers unselfishly fought to preserve and protect the democratic principles we champion, with the hope that those principles could liberate a people enveloped by tyranny. Today, we stand to recognize those heroes who fought so valiantly to help win the peace in the Pacific.

Madam Speaker, in San Diego we have a vibrant and robust Filipino community that includes many military families with a storied line of military service to our nation. Through the sacrifices of these brave veterans, serve as an example for all Americans. The Filipino community in San Diego has a distinct pride that defines them, and for that they enrich San Diego and make it a better place to live.

I thank my colleague from California, Mr. ISSA, for introducing this legislation and I look forward to voting on its passage.

Ms. PELOSI. Mr. Speaker, I strongly support H. Res. 622, to, provide recognition to the Filipino veterans who fought to defend democracy and freedom during World War II. Their heroic efforts played a vital role in the outcome of the war and helped lead the allied forces to, victory.

It was more than 60 years ago, when Filipino, soldiers answered a call from President Roosevelt asking them to fight alongside American troops. Countless Filipino and American soldiers sacrificed their lives to protect the democratic principles they shared. It was estimated that 10,000 Filipino, soldiers and 1,200 American soldiers died as prisoners of war during the Bataan Death March alone.

Upon taking the pledge to serve, the Filipino, troops were promised the same benefits and pensions as their American brethren. They suffered the same torture and witnessed the same horrors. They shared the same patriotic duty to preserve liberty around the world. But in 1946 Congress passed the Recission Act, which revoked the full eligibility rights of Filipino soldiers and broke the commitment our nation made to, them.

As we stand together today acknowledging the contributions that the Filipino, soldiers sacrificed for our country, we must pledge to continue their fight for full recognition. This resolution is the first step in correcting the past. As Americans, we make a simple yet sacred promise to those who serve our country in uniform: 'You have taken care of us, so we will take care of you.'

Today, fewer than 70,000 Filipino, veterans are still alive. We remember World War II hero Magdaleno Duenas, a brave soldier who moved to my district in San Francisco and continued the fight from the battlefield to the frontlines in effort to ensure equity for Filipino veterans. We cannot forget the sacrifices that these veterans have made. We must dedicate ourselves as a nation to ensure that America fulfills its moral obligation to those who pay the high price for our freedom.

Mr. GARRETT of New Jersey. Madam Speaker, today I rise to honor those brave American and Filipino soldiers who fought side by side during the Pacific battles of World War II. Their heroic actions and courageous fortitude gave the Allied Forces the edge that they needed to emerge victorious in that great war.

American veterans like Donald Patafio of Woodcliff Lakes and Raymond DiPietro of Demarest. Patafio and DiPietro served in the Navy alongside these brave Filipino soldiers in the battle for their homeland. Patafio served honorably as an aviation radioman and DiPietro's unit received a Presidential Citation for their work in the battle.

More than 120,000 Filipino nationals were formed into U.S. divisions for the defense of their homeland and to advance the Allied forces' cause of liberty. Though poorly equipped, they fought valiantly under the American flag and under the direction of American military leaders in the weeks following the invasion of their homeland. Many continued the battle against the Japanese during the years of occupation.

Thousands of American and Filipino troops died during the infamous hundred-mile Bataan Death March. Many were executed along the way for merely asking for water in the scorching sun. While 70,000 forces surrendered, only 54,000 reached the internment camp. The Geneva Convention was no barrier to the mistreatment, torture, and indiscriminate execution inflicted upon these prisoners of war.

Civilian Filipinos suffered for their alliance with our American troops as well. In Manila, for instance, Japanese troops—in an indefensible position and cut off from supplies—took their anger out on an undefended civilian population, massacring more than 100,000.

We are grateful for the service of all the Filipino people—civilian, guerilla, and regular army—in the defense of democracy. And, we are thankful for their continued friendship. To this day, the Filipino people continue to welcome American soldiers, sailors, and airmen to bases that were instrumental in the Cold War and are now important in the War on Terror. As they did in World War II, fighting along side of brave American soldiers like Donald Patafio and Raymond DiPietro, the people of the Philippines continue to work with American forces to spread the cause of liberty.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to honor the sacrifice of the Filipino veterans of WWII.

America owes a great debt of gratitude to these brave veterans, who risked life and limb fighting off Japanese aggression in the War of the Pacific.

These brave soldiers, who were outmanned and outgunned, helped hold Japanese forces at bay for 2 years, preventing enemy victories in other parts of the Pacific theater.

Following the surrender of Allied forces on the island, Filipino veterans were subjected to some of the harshest treatment in WWII's recorded history.

This is perhaps best symbolized by the Bataan Death March, where over 10,000 veterans—both American and Filipino, side by side—gave the ultimate sacrifice for freedom.

That is why I would like to thank my colleague, Representative DARYL ISSA, for offering H. Res. 622.

This important resolution, "Reaffirms, recognizes, and honors the Filipino World War II veterans for their defense of American democracy and important contribution to the victorious outcome of World War II."

And while I proudly support Mr. ISSA's efforts here today, I must point out that there is much more work left to be accomplished in fully honoring and recognizing the sacrifices of our brave Filipino WWII veterans.

Sadly, Madam Speaker, as many of these veterans enter the sunset of their years, America has yet to fully extend health and survivor benefits to them and to their spouses.

Filipino veterans did not abandon America in her hour of need. Nor should we abandon them in theirs.

Congress must pass legislation to correct this inequity immediately. Several bills that more fully honor the sacrifices of these brave veterans, including, H.R. 302, the Filipino Equity Act, introduced by my colleague and fellow Californian BOB FILNER, are pending before this House.

H.R. 302 would restore all benefits promised to Filipino veterans. I call on the leadership of this House to bring H.R. 302 to the floor for a full vote before we adjourn this fall.

The words of this resolution are well deserved and welcomed by all who honor the sacrifices by Filipino veterans of WWII. But it is time we match our words with action.

Mr. HONDA. Madam Speaker, today this House voted and unanimously passed H. Res. 622, to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II. While I applaud the House's long due recognition to the bravery and commitment of these Filipino veterans in the service of the United States military, I must stress that our responsibility in Congress is still not complete. A great injustice was perpetrated on the Filipino veterans, and Congress must correct it.

On July 26, 1941, President Roosevelt ordered the Commonwealth Army of the Philippines to serve under the United States military command. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor, and more than 120,000 Filipinos fought under the command of General Douglas MacArthur during World War II. These soldiers won for the United States the precious time needed to disrupt the enemy's plan for conquest of the Pacific. At the time of recruitment, the United States government promised that all members of the armed forces who fought for our Nation would be treated as U.S. veterans for the purposes of their benefits.

Congress unfortunately withdrew this promise through the Rescission Act of 1946, which stated that the service of these Filipino soldiers "shall not be deemed to be or have been service in the military or naval forces of the United States". While some Filipino veterans now receive full veterans' benefits, many others are still waiting for the Congress to do the right thing, and restore the benefits that were promised to them nearly six decades ago.

Although H. Res. 622 recognizes the brave men and women who sacrificed to keep our country safe, the resolution does not fully restore justice to these brave patriots. H.R. 4574, the Filipino Veterans Equity Act, would amend the Rescission Act of 1946, restoring their honor and their veteran status as was promised.

Madam Speaker, these WWII heroes are in the twilight of their lives, and time is running out for Congress to fully recognize their service. Do not let H. Res. 622 be a simple substitute for the also bipartisan H.R. 4574 that will restore the honor and dignity these Filipino veterans rightfully deserve.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H. Res. 622, recognizing and honoring the Filipino veterans who fought during World War II.

Filipino soldiers fought and died alongside American troops at some of the war's most horrific battles like Bataan and Corregidor. During the infamous Bataan Death March, over six thousand Filipino soldiers lost their lives.

The courage of these soldiers proved crucial to turning the tide of the pacific war against the Japanese forces occupying the Philippines, and in ultimately securing victory for the United States and the newly independent nation of the Philippines.

In appreciation of the courage and sacrifice of the Filipino veterans, President Harry S. Truman stated: "They fought with gallantry and courage under most difficult conditions. I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans."

Yet for all their sacrifices, Congress in 1946 divested Filipino soldiers of their military benefits while soldiers of other allied countries retained their status and privileges as American veterans. In 2003, Congress finally acted to give Veterans Health benefits to the surviving Filipino veterans, and I am proud to have supported that effort, as well as current legislation to grant full veteran status to Filipino veterans.

Madam Speaker, young Filipino men responded to the call of duty over sixty years ago and fought valiantly under the American flag. I am proud today to support H. Res. 622 and to extend my gratitude towards these veterans for their dedicated service and sacrifice.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I also have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 622, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONDEMNING THE REPRESSION OF THE IRANIAN BAHA'I COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHA'IS

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con. Res. 415) condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

The Clerk read as follows:

H. CON. RES. 415

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it deplores the religious persecution by the Government of Iran of the Baha'i community and holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas on March 20, 2006, the United Nations Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, revealed the existence of a confidential letter dated October 29, 2005, from the Chairman of the Command Headquarters of Iran's Armed Forces to the Ministry of Information, the Revolutionary Guard, and the Police Force, stating that the Supreme Leader, Ayatollah Khamenei, had instructed the Command Headquarters to identify members of the Baha'i Faith in Iran and monitor their activities;

Whereas the United Nations Special Rapporteur expressed "grave concern and apprehension" about the implications of this letter for the safety of the Baha'i community;

Whereas in 2005 the Iranian Government initiated a new wave of assaults, homes raids, harassment, and detentions against Baha'is, and in December 2005, Mr. Zabihullah Mahrami died after 10 years of imprisonment on charges of apostasy due to his membership in the Baha'i Faith; and

Whereas beginning in October 2005, an anti-Baha'i campaign has been conducted in the state-sponsored Kayhan newspaper and in broadcast media: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the Government of Iran for the October 29, 2005 letter, calls on the Government of Iran to immediately cease such activities and all activities aimed at the repression of the Iranian Baha'i community, and continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Baha'i community; and

(2) requests the President to—

(A) call for the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and other international covenants on human rights;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Baha'i community and other religious minorities, as a significant factor in the foreign policy of the United States Government regarding Iran; and

(C) initiate an active and consistent dialogue with other governments and the European Union in order to persuade the Government of Iran to rectify its human rights practices.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Concurrent Resolution 415, introduced by my colleague from Illinois, Mr. KIRK.

H. Con. Res. 415 condemns the repression of the Iranian Baha'i community and calls for their emancipation. This resolution notes the long-standing concern by Congress for the protection and status of religious minorities in Iran.

The resolution requests that the President call for the Government of Iran to emancipate the Baha'i community and guarantee them basic freedoms in accordance with international and human rights standards and obligations. It emphasizes that Iran's treatment of religious minorities and human rights practices are a significant consideration for the U.S. in formulating our policy toward the Iranian regime.

The Baha'i faith originated in Iran during the 19th century, and their community is one of the largest minorities in religion in Iran. The current government recognizes them as not in true keeping with the faith of the Iranian regime. They are not allowed to practice their faith, and they are further undermined by their inability to maintain contact with Baha'is living abroad.

Baha'is are discriminated against in nearly every sector of Iranian society. In October of 2005, the text of a secret Iranian Government document calling for the identity and monitoring of all Baha'is living in Iran became public. According to Human Rights Watch, Madam Speaker, the anti-Baha'i letter came amid a campaign in the state-run press that began 1 year ago.

Madam Speaker, I recommend that all interested parties who want to learn more about the plight of religious minorities in Iran read the recently released "International Religious Freedom Report" published by our Department of State. This report reaffirms the brutal and oppressive nature of the regime in Tehran. The persecution of the Iranian Baha'is is but one grim example in point.

Madam Speaker, as a cosponsor of this resolution, I strongly support the passage of House Concurrent Resolution 415, and I ask my colleagues to vote "yes."

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. First, I would like to congratulate my good friend and colleague, Congressman MARK KIRK, for his leadership and strong voice in the defense of Baha'i communities all over the world. I am proud to be the original Democratic cosponsor of this important resolution.

The Baha'is are Iran's largest religious minority, but because the Baha'i faith is not one of the four religions recognized by the Iran Constitution, Baha'i do not have rights under Iranian law. Iranian courts have ruled that people who injure or kill Baha'is are not liable for damages because the Baha'is are "unprotected infidels." The absurdity of the statement that they are "unprotected infidels" says a great deal about this regime.

Congress has long recognized the plight of this suffering community. Since 1982, we have passed eight resolutions condemning the treatment of the Baha'i in Iran. On March 28 of this year, the White House expressed concern for a worsening situation of the Baha'i in Iran and called on the Government of Iran to respect the religious freedom of its minorities.

Madam Speaker, the situation of the Baha'i in Iran has deteriorated dramatically over the past year with an increase in arbitrary arrests, raids on private homes and imprisonments, a defamation campaign in the government-sponsored press and the continued denial of access to higher education to young men and women of the Baha'i faith.

Iran must grant the Baha'i their full human rights, as this resolution makes crystal clear. Our resolution calls on the Government of Iran simply to grant Baha'i the rights guaranteed by international law. Iran, Madam Speaker, is a signatory to the International Covenant on Civil and Political Rights and several other human rights treaties, but it is obvious that Tehran has no more intention of observing the requirements of these agreements than it does the nuclear agreements it has signed.

The international community must not be mocked. It must hold Iran to those standards to which it has voluntarily committed itself. In fact, Iran's contempt for basic human rights standards knows no bounds. Earlier this year, Supreme Leader Ali Khamenei ordered the Ministry of Information, the Revolutionary Guard and the police force to identify Baha'is and collect information on their activities. This is particularly worrisome in light of the Iranian Government's view of the Baha'is as non-persons.

The Anti-Defamation League has called this order "reminiscent of the laws imposed on European Jews in the 1930s by Nazi Germany." Our resolution rightly highlights this order, which was revealed by the U.N. Special Rapporteur for Freedom of Religion or Belief.

Madam Speaker, the U.S. Congress needs to speak out strongly against these policies. We cannot stand by quietly as another pogrom against the Baha'is is quietly being prepared by the bigoted regime of Iran. We and the international community must put Iran on notice that such action is utterly intolerable.

Madam Speaker, I urge all of my colleagues to support this important resolution

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Illinois (Mr. KIRK), the sponsor and author of this resolution.

Mr. KIRK. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I rise in strong support of this resolution, which condemns the Government of Iran's repression of the Baha'i community. I would like to thank my very good friend, Congressman TOM LANTOS, for joining me as the Democratic cosponsor of this important human rights resolution.

The North American Baha'i Temple is located in Wilmette, Illinois, inside my congressional district. It is a magnificent house of worship, gracing Lake Michigan's shoreline.

The Baha'i faith, founded nearly 150 years ago on principles of peace and tolerance, is one of the fastest growing religions in the world. Yet since the Iranian revolution of 1979, the Government of Iran has intensified a deliberate campaign of discrimination, harassment, detention, arrest and imprisonment against the 300,000 members of the Iranian Baha'i community.

☐ 1545

The plight of the Iranian Baha'is has significantly deteriorated during the last year. On March 20 of this year, the United Nations Special Rapporteur on Freedom of Religion or Belief revealed the existence of a confidential letter by the chairman of the Command Headquarters of Iran's armed services to Iran's intelligence services, military and police. In this letter, the Supreme Leader Ayatollah Khomeini instructed Command Headquarters to identify all Baha'is and collect any and all information on their activities and addresses.

Our Anti-Defamation League recently compared this secret letter to steps taken against the Jews in Europe in the 1930s, and yet the secret order has not happened in isolation.

Over the past 18 months, Iranian security forces have begun imprisoning Baha'is without charges, and Baha'i youth in Iran have been denied access to university.

Further, since October of 2005, there has been a campaign of vilification against Baha'is in Kayhan, the government-sponsored press.

The United States Commission on International Religious Freedom recently released in its 2006 annual report citing numerous egregious human rights violations committed by Iranian Government officials against Baha'is in Iran. The report says that, "In the past year, dozens of Baha'is were arrested, detained, interrogated and subsequently released after, in some cases, weeks or months in detention. Charges typically ranged from 'causing anxiety in the minds of the public and of officials' or 'spreading propaganda against the regime.' "

Clearly detentions based on claims of causing anxiety or spreading propaganda show a growing weakness in the Iranian regime.

That Congress is considering this resolution today is particularly significant. The Iranian President Mahmoud Ahmadinejad will address the United Nations General Assembly today to call for all developing countries to join him in confronting the West. It is incumbent on Congress to reveal the real truth about this Iranian leader. We must demonstrate to the international community that while Iran's President has become a ruthless dictator who espouses hatred, discrimination and tyranny, the United States is standing for liberty and toleration and human rights and freedom, especially for Baha'is in Iran.

Mr. Speaker, I urge my colleagues to support this resolution, and I would like to thank our ranking member Congressman LANTOS for his friendship and support on this measure, a tireless advocate, a Holocaust survivor, a man who knows when the authorities call for the names and addresses of a particular minority what the next step is.

We have seen this before, and I want to particularly thank Chairman HYDE and Chairwoman ROS-LEHTINEN for their strong support, upon whom this resolution would not be coming to the floor on this crucial day in which the Iranian dictator speaks before the United Nations.

Finally, I would also like to thank Kit Bigelow and Aaron Emmel from the National Spiritual Assembly of the Baha'is of the United States for their dedication to their afflicted coreligionists inside Iran.

Mr. LANTOS. Madam Speaker, I would like to thank my good friend from Illinois for his most gracious comments, and I am pleased to yield as much time as he might consume to our colleague and my good friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I want to thank Mr. LANTOS for his undying commitment to human rights. It was you and Mrs. Lantos who worked to see a Human Rights Caucus created, and you have kept these issues in front of the Congress, and I salute you for that.

I also salute my colleague Ms. ROS-LEHTINEN for her commitment to human rights. I think it is important that we always bring these issues before the House.

But I think it is also important to relate to Members of Congress the context in which this resolution is occurring and to look back over the last 4 years at a similar context.

The Baha'is in Iran certainly deserve to have a full according of their rights. As a matter of fact, this House has passed eight resolutions that condemns Iran for persecuting the Baha'i faith. At the same time, the House has not passed any resolutions condemning any other Nation for the persecution of the Baha'is.

The 2006 U.S. Commission on International Religious Freedom has identified three nations that persecute the Baha'i faith: Iran, Iraq and Egypt. I have quotes here that I would like to submit for the RECORD that establishes in each case, of Iran, Egypt and Iraq, the objections out of the 2006 annual report. This 2006 annual report also highlights concerns with the treatment of the Baha'i faith in China, Eritrea, Laos and Belarus.

I think it is important to note that the Baha'i faith is one which celebrates peace and human unity. That is why it is significant for us to always defend any religion which is trying to work for peace.

It is, therefore, paradoxical that this resolution is being offered at a time when some in the administration are on a path towards war against Iran.

I would like to submit for the RECORD a copy of the current issue from Time magazine which says: "What Would War Look Like?" We are talking about war with Iran, and it says, "A flurry of military maneuvers in the Middle East increases speculation that conflict with Iran is no longer quite so unthinkable." This particular article out of Time magazine is very significant. The Navy has said that there is a submarine, a cruiser missile, mine sweepers and mine hunters that are prepared to deploy to the Persian Gulf. It is very serious. A naval blockade of Iran would be an act of war, and if we started with that, Iran would surely escalate.

There have been independent reports published in the New Yorker magazine and the Guardian that U.S. military personnel have been or are already deployed inside and around Iran gathering intelligence and targeting information, and there are reports published in Newsweek, ABC News and GQ magazine that the U.S. has been planning and is now recruiting members of MEK, a paramilitary group inside of Iran, to conduct lethal operations and destabilizing operations inside Iran. I submit articles from the New Yorker, from an antiwar.com Web site, from the Weekly Standard with regard to those facts.

Our Director of National Intelligence has said that Iran is a long way away from having a nuclear capability, 5 to 10 years, and that assumes that they are working around the clock, something that has not been proffered. We should keep in mind that last week, according to the Washington Post, the U.N. inspectors are disputing an Iran report by a House staff of the House Intelligence Committee which, according to the comment to the IAEA, the International Atomic Energy Agency, was "false, misleading and unsubstantiated." I have here a copy of the letter from the IAEA to the House of Representatives Permanent Select Committee on Intelligence with respect to misleading and false information that was included in a staff report that is being circulated around Congress, and I submit it for the RECORD.

I have a copy of a letter from myself to CHRISTOPHER SHAYS, he is the chairman of the Subcommittee on National Security, Emerging Threats and International Relations, which asks for an accounting by the Director of National Intelligence. who was supposed to be charged with the responsibility of reviewing this particular staff report before it reached publication. I submit this for the RECORD.

I have a copy of a Washington Post article which characterizes the U.N. inspectors' dispute with Iran or the U.N. inspector disputing the Iran report by the House panel.

Why am I submitting all this in the context of a resolution that has to do with standing up for the rights of the Baha'i to practice their faith? Because, once again, the Baha'i would not want this resolution to be used as part of a series of steps to encourage an attack on Iran. I can state that with certainty, knowing the Baha'i religion as I do, and yet we are seeing a series of steps, covert operations affecting Iran, preparation of bombing targets having already occurred, preparations for a naval blockade. I mean, this all points to the United States moving in a direction of attacking Iran. That is antithetical to the spirit of the Baha'i faith, which we are here today to stand up for.

There will be other resolutions that will relate to Iran which will be on the floor of the House this afternoon, and I expect to be speaking to those as well.

I want to say that, as the Speaker may be aware, it was 4 years ago I warned this House that the administration was taking steps to take this country to war against Iraq, and they had not made their case, and we actually went to war against Iraq based on false pretenses.

I am once again stating to the people of this Congress that we ought to be very careful about these series of initiatives which this administration is putting forth at this time so that we have to be aware that if they are making a case for war based on these resolutions. we should be very careful about what our intention is in passing these resolutions.

I want to thank the gentleman from California for the opportunity to point out these matters relevant to Iran.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Con. Res. 415, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

I have long been an advocate of a free, independent, and democratic Iran; an Iran that does not destabilize the region, that does not threaten its neighbors, and that honors its commitments to the international community, especially on the issue of the proliferation of nuclear weapons. Since 1982, Congress has declared eight times that it deplores the religious persecution of the Baha'i community in Iran and that we hold the government of Iran responsible for upholding the rights of all Iranian nationals, especially members of the Baha'i faith. It is with dismay that I state that this persecution continues unabated and that the time has come for us as a nation of conscious to take action.

Since the Iranian revolution in 1979, the Iranian government has demonstrated its propensity to engage in systematic persecution and discrimination of the more than 300,000 Baha'is who live in Iran. Bahai's constitute Iran's largest religious minority and over the past quarter century, more than 200 Baha'is have been summarily executed or condemned to death. Thousands more have been imprisoned, detained, assaulted, and harassed.

On March 20, 2006, the United Nations Special Rapporteur on Freedom of Religion or Belief revealed the existence of a confidential letter dated October 29, 2005, from the Chairman of the Command Headquarters of Iran's Armed Forces stating that the Supreme Leader, Ayatollah Khamenei, had instructed the Command Headquarters to identify members of the Baha'i faith in Iran and to monitor their activities. The U.N. Special Rapporteur expressed "grave concern and apprehension" about the implications of this letter for the safety of the Iranian Baha'i community.

For years, I have been a supporter of the democratic movement in Iran, and today more than ever, the people of Iran need to be supported, empowered, and protected. In 2005, the Iranian government initiated a new wave of assaults, home raids, harassment and detentions of members of the Baha'i faith; 129 Baha'is are currently awaiting trial for, among other things, charges of "creating anxiety in the minds of the public and those of the Iranian officials." I find this simply unacceptable and call on my colleagues to condemn this form of religious repression.

The only effective way to achieve lasting peace and prosperity in the region, along with effectuating reforms in Iran's polity, is assisting the Iranian people in general and members of the Baha'i faith in particular in their quest to achieve political, social, and religious liberty.

Every government can be judged with the way in which it treats its ethnic and religious minorities. The current Iranian government gets a failing grade for its treatment of the 300,000 Baha'i who live throughout the regions of Iran. I hold the government of Iran responsible for upholding the rights of the Baha'i community and call on the government of Iran to cease repressive activities aimed at Iran's Baha'i. I consider the Iranian government's human rights record as a significant factor in our foreign policy towards Iran and call for President Bush and the leaders of nations around the world to demand that the government of Iran emancipate the Baha'i community by granting those rights guaranteed to them by the Universal Declaration of Human Rights and other international human rights covenants.

I urge my colleagues to support this important resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

Mr. KUCINICH. Madam Speaker, I submit the following for the RECORD.

[From Time Magazine, Sept. 17, 2006]

WHAT WOULD WAR LOOK LIKE?

(By Michael Duffy)

The first message was routine enough: a "Prepare to Deploy" order sent through naval communications channels to a submarine, an Aegis-class cruiser, two minesweepers and two mine hunters. The orders didn't actually command the ships out of port; they just said to be ready to move by Oct. 1. But inside the Navy those messages generated more buzz than usual last week when a second request, from the Chief of Naval Operations (CNO), asked for fresh eyes on long-standing U.S. plans to blockade two Iranian oil ports on the Persian Gulf. The CNO had asked for a rundown on how a blockade of those strategic targets might work. When he didn't like the analysis he received, he ordered his troops to work the lash up once again.

What's going on? The two orders offered tantalizing clues. There are only a few places in the world where minesweepers top the list of U.S. naval requirements. And every sailor, petroleum engineer and hedge-fund manager knows the name of the most important: the Strait of Hormuz, the 20-mile-wide bottleneck in the Persian Gulf through which roughly 40 percent of the world's oil needs to pass each day. Coupled with the CNO's request for a blockade review, a deployment of minesweepers to the west coast of Iran would seem to suggest that a much discussed—but until now largely theoretical—prospect has become real: that the U.S. may be preparing for war with Iran.

No one knows whether—let alone when—a military confrontation with Tehran will come to pass. The fact that admirals are reviewing plans for blockades is hardly proof of their intentions. The U.S. military routinely makes plans for scores of scenarios, the vast majority of which will never be put into practice. "Planners always plan," says a Pentagon official. Asked about the orders, a second official said only that the Navy is stepping up its "listening and learning" in the Persian Gulf but nothing more—a prudent step, he added, after Iran tested surface-to-ship missiles there in August during a two-week military exercise. And yet from the State Department to the White House to the highest reaches of the military command, there is a growing sense that a showdown with Iran—over its suspected quest for nuclear weapons, its threats against Israel and its bid for dominance of the world's richest oil region—may be impossible to avoid. The chief of the U.S. Central Command (Centcom), General John Abizaid, has called a commanders conference for later this month in the Persian Gulf—sessions he holds at least quarterly—and Iran is on the agenda.

On its face, of course, the notion of a war with Iran seems absurd. By any rational measure, the last thing the U.S. can afford is another war. Two unfinished wars—one on Iran's eastern border, the other on its western flank—are daily depleting America's treasury and overworked armed forces. Most of Washington's allies in those adventures have made it clear they will not join another gamble overseas. What's more, the Bush team, led by Secretary of State Condoleezza Rice, has done more diplomatic spadework on Iran than on any other project in its 5½ years in office. For more than 18 months, Rice has kept the Administration's hard-line faction at bay while leading a coalition that includes four other members of the U.N. Security Council and is trying to force Tehran to halt its suspicious nuclear ambitions. Even Iran's former President, Mohammed Khatami, was in Washington this month calling for a "dialogue" between the two nations.

But superpowers don't always get to choose their enemies or the timing of their confrontations. The fact that all sides would risk losing so much in armed conflict doesn't mean they won't stumble into one anyway. And for all the good arguments against any war now, much less this one, there are just as many indications that a genuine, eyeball-to-eyeball crisis between the U.S. and Iran may be looming, and sooner than many realize. "At the moment," says Ali Ansari, a top Iran authority at London's Chatham House, a foreign-policy think tank, "we are headed for conflict."

So what would it look like? Interviews with dozens of experts and government officials in Washington, Tehran and elsewhere in the Middle East paint a sobering picture: military action against Iran's nuclear facilities would have a decent chance of succeeding, but at a staggering cost. And therein lies the excruciating calculus facing the U.S. and its allies: Is the cost of confronting Iran greater than the dangers of living with a nuclear Iran? And can anything short of war persuade Tehran's fundamentalist regime to give up its dangerous game?

ROAD TO WAR

The crisis with Iran has been years in the making. Over the past decade, Iran has acquired many of the pieces, parts and plants needed to make a nuclear device. Although Iranian officials insist that Iran's ambitions are limited to nuclear energy, the regime has asserted its right to develop nuclear power and enrich uranium that could be used in bombs as an end in itself—a symbol of sovereign pride, not to mention a useful prop for politicking. Iran's President Mahmoud Ahmadinejad has crisscrossed the country in recent months making Iran's right to a nuclear program a national cause and trying to solidify his base of hard-line support in the Revolutionary Guards. The nuclear program is popular with average Iranians and the élites as well. "Iranian leaders have this sense of past glory, this belief that Iran should play a lofty role in the world," says Nasser Hadian, professor of political science at Tehran University.

But the nuclear program isn't Washington's only worry about Iran. While stoking nationalism at home, Tehran has dramatically consolidated its reach in the region. Since the 1979 Islamic revolution, Iran has sponsored terrorist groups in a handful of countries, but its backing of Hizballah, the militant group that took Lebanon to war with Israel this summer, seems to be changing the Middle East balance of power. There is circumstantial evidence that Iran ordered Hizballah to provoke this summer's war, in part to demonstrate that Tehran can stir up big trouble if pushed to the brink. The precise extent of coordination between Hizballah and Tehran is unknown. But no longer in dispute after the standoff in July is Iran's ability to project power right up to the borders of Israel. It is no coincidence that the talk in Washington about what to do with Iran became more focused after Hizballah fought the Israeli army to a virtual standstill this summer.

And yet the West has been unable to compel Iran to comply with its demands. Despite all the work Rice has put into her coalition, diplomatic efforts are moving too slowly, some believe, to stop the Iranians before they acquire the makings of a nuclear device. And Iran has played its hand shrewdly so far. Tehran took weeks to reply to a formal proposal from the U.N. Security Council calling on a halt to uranium enrichment. When it did, its official response was a mosaic of half-steps, conditions and boilerplate that suggested Tehran has little intention of backing down. "The Iranians," says a Western diplomat in Washington, "are very able negotiators."

That doesn't make war inevitable. But at some point the U.S. and its allies may have to confront the ultimate choice. The Bush Administration has said it won't tolerate Iran having a nuclear weapon. Once it does, the regime will have the capacity to carry out Ahmadinejad's threats to eliminate Israel. And in practical terms, the U.S. would have to consider military action long before Iran had an actual bomb. In military circles, there is a debate about where—and when—to draw that line. U.S. intelligence chief John Negroponte told TIME in April that Iran is 5 years away from having a nuclear weapon. But some nonproliferation experts worry about a different moment: when Iran is able to enrich enough uranium to fuel a bomb—a point that comes well before engineers actually assemble a nuclear device. Many believe that is when a country becomes a nuclear power. That red line, experts say, could be just a year away.

WOULD AN ATTACK WORK?

The answer is yes and no.

No one is talking about a ground invasion of Iran. Too many U.S. troops are tied down elsewhere to make it possible, and besides, it isn't necessary. If the U.S. goal is simply to stunt Iran's nuclear program, it can be done better and more safely by air. An attack limited to Iran's nuclear facilities would nonetheless require a massive campaign. Experts say that Iran has between 18 and 30 nuclear-related facilities. The sites are dispersed around the country—some in the open, some cloaked in the guise of conventional factories, some buried deep underground.

A Pentagon official says that among the known sites there are 1,500 different "aim points," which means the campaign could well require the involvement of almost every type of aircraft in the U.S. arsenal: Stealth bombers and fighters, B–1s and B–2s, as well as F-15s and F-16s operating from land and F–18s from aircraft carriers.

GPS-guided munitions and laser-targeted bombs—sighted by satellite, spotter aircraft and unmanned vehicles—would do most of the bunker busting. But because many of the targets are hardened under several feet of reinforced concrete, most would have to be hit over and over to ensure that they were destroyed or sufficiently damaged. The U.S. would have to mount the usual aerial ballet, refueling tankers as well as search-and-rescue helicopters in case pilots were shot down by Iran's aging but possibly still effective air defenses. U.S. submarines and ships could launch cruise missiles as well, but their warheads are generally too small to do much damage to reinforced concrete—and might be used for secondary targets. An operation of that size would hardly be surgical. Many sites are in highly populated areas, so civilian casualties would be a certainty.

Whatever the order of battle, a U.S. strike would have a lasting impression on Iran's rulers. U.S. officials believe that a campaign of several days, involving hundreds or even thousands of sorties, could set back Iran's nuclear program by 2 to 3 years. Hit hard enough, some believe, Iranians might develop second thoughts about their government's designs as a regional nuclear power. Some U.S. foes of Iran's regime believe that the crisis of legitimacy that the ruling clerics would face in the wake of a U.S. attack could trigger their downfall, although others are convinced it would unite the population with the government in anti-American rage.

But it is also likely that the U.S. could carry out a massive attack and still leave Iran with some part of its nuclear program intact. It's possible that U.S. warplanes could destroy every known nuclear site—while Tehran's nuclear wizards, operating at other, undiscovered sites even deeper underground, continued their work. "We don't know where it all is," said a White House official, "so we can't get it all."

WHAT WOULD COME NEXT?

No one who has spent any time thinking about an attack on Iran doubts that a U.S. operation would reap a whirlwind. The only mystery is what kind. "It's not a question of whether we can do a strike or not and whether the strike could be effective," says retired Marine General Anthony Zinni. "It certainly would be, to some degree. But are you prepared for all that follows?"

Retired Air Force Colonel Sam Gardiner, who taught strategy at the National War College, has been conducting a mock U.S.-Iran war game for American policymakers for the past 5 years. Virtually every time he runs the game, Gardiner says, a similar nightmare scenario unfolds: the U.S. attack, no matter how successful, spawns a variety of asymmetrical retaliations by Tehran. First comes terrorism: Iran's initial reaction to air strikes might be to authorize a Hizballah attack on Israel, in order to draw Israel into the war and rally public support at home.

Next, Iran might try to foment as much mayhem as possible inside the two nations on its flanks, Afghanistan and Iraq, where more than 160,000 U.S. troops hold a tenuous grip on local populations. Iran has already dabbled in partnership with warlords in western Afghanistan, where U.S. military authority has never been strong; it would be a small step to lend aid to Taliban forces gaining strength in the south. Meanwhile, Tehran has links to the main factions in Iraq, which would welcome a boost in money and weapons, if just to strengthen their hand against rivals. Analysts generally believe that Iran could in a short time orchestrate a dramatic increase in the number and severity of attacks on U.S. troops in Iraq. As Syed Ayad, a secular Shi'ite cleric and Iraqi Member of Parliament says, "America owns the sky of Iraq with their Apaches, but Iran owns the ground."

Next, there is oil. The Persian Gulf, a traffic jam on good days, would become a parking lot. Iran could plant mines and launch dozens of armed boats into the bottleneck, choking off the shipping lanes in the Strait of Hormuz and causing a massive disruption of oil-tanker traffic. A low-key Iranian mining operation in 1987 forced the U.S. to reflag Kuwaiti oil tankers and escort them, in slow-moving files of one and two, up and down the Persian Gulf. A more intense operation would probably send oil prices soaring above $100 per bbl.—which may explain why the Navy wants to be sure its small fleet of minesweepers is ready to go into action at a moment's notice. It is unlikely that Iran would turn off its own oil spigot or halt its exports through pipelines overland, but it could direct its proxies in Iraq and Saudi Arabia to attack pipelines, wells and shipment points inside those countries, further choking supply and driving up prices.

That kind of retaliation could quickly transform a relatively limited U.S. mission in Iran into a much more complicated one involving regime change. An Iran determined to use all its available weapons to counterattack the U.S. and its allies would present a challenge to American prestige that no Commander in Chief would be likely to tolerate for long. Zinni, for one, believes an attack on Iran could eventually lead to U.S. troops on the ground. "You've got to be careful with your assumptions," he says. "In Iraq, the assumption was that it would be a liberation, not an occupation. You've got to be prepared for the worst case, and the worst case involving Iran takes you down to boots on the ground." All that, he says, makes an attack on Iran a "dumb idea." Abizaid, the current Centcom boss, chose his words carefully last May. "Look, any war with a country that is as big as Iran, that has a terrorist capability along its borders, that has a missile capability that is external to its own borders and that has the ability to affect the world's oil markets is something that everyone needs to contemplate with a great degree of clarity."

CAN IT BE STOPPED?

Given the chaos that a war might unleash, what options does the world have to avoid it? One approach would be for the U.S. to accept Iran as a nuclear power and learn to live with an Iranian bomb, focusing its efforts on deterrence rather than pre-emption. The risk is that a nuclear-armed Iran would use its regional primacy to become the dominant foreign power in Iraq, threaten Israel and make it harder for Washington to exert its will in the region. And it could provoke Sunni countries in the region, like Saudi Arabia and Egypt, to start nuclear programs of their own to contain rising Shi'ite power.

Those equally unappetizing prospects—war or a new arms race in the Middle East—explain why the White House is kicking up its efforts to resolve the Iran problem before it gets that far. Washington is doing everything it can to make Iran think twice about its ongoing game of stonewall. It is a measure of the Administration's unity on Iran that confrontationalists like Vice President Dick Cheney and Defense Secretary Donald Rumsfeld have lately not wandered off the rhetorical reservation. Everyone has been careful—for now—to stick to Rice's diplomatic emphasis. "Nobody is considering a military option at this point," says an Administration official. "We're trying to prevent a situation in which the President finds himself having to decide between a nuclear-armed Iran or going to war. The best hope of avoiding that dilemma is hard-nosed diplomacy, one that has serious consequences."

Rice continues to try for that. This week in New York City, she will push her partners to get behind a new sanctions resolution that would ban Iranian imports of dual-use technologies, like parts for its centrifuge cascades for uranium enrichment, and bar travel overseas by certain government officials. The next step would be restrictions on government purchases of computer software and hardware, office supplies, tires and auto parts—steps Russia and China have signaled some reluctance to endorse. But even Rice's advisers don't believe that Iran can be persuaded to completely abandon its ambitions. Instead, they hope to tie Iran up in a series of suspensions, delays and negotiations until a more pragmatic faction of leadership in Tehran gains the upper hand.

At the moment, that sounds as much like a prayer as a strategy. A former CIA director, asked not long ago whether a moderate faction will ever emerge in Tehran, quipped, "I don't think I've ever met an Iranian moderate—not at the top of the government, anyway." But if sanctions don't work, what might? Outside the Administration, a growing group of foreign policy hands from both parties have called on the U.S. to bring Tehran into direct negotiations in the hope of striking a grand bargain. Under that formula, the U.S. might offer Iran some security guarantees—such as forswearing efforts to topple Iran's theocratic regime—in exchange for Iran's agreeing to open its facilities to international inspectors and abandon weapons-related projects. It would be painful for any U.S. Administration to recognize the legitimacy of a regime that sponsors terrorism and calls for Israel's destruction—but the time may come when that's the only bargaining chip short of war the U.S. has left. And still that may not be enough. "[The Iranians] would give up nuclear power if they truly believed the U.S. would accept Iran as it is," says a university professor in Tehran who asked not to be identified. "But the mistrust runs too deep for them to believe that is possible."

Such distrust runs both ways and is getting deeper. Unless the U.S., its allies and Iran can find a way to make diplomacy work, the whispers of blockades and minesweepers in the Persian Gulf may soon be drowned out by the cries of war. And if the U.S. has learned anything over the past 5 years, it's that war in the Middle East rarely goes according to plan.

[From antiwar.com, Feb. 11, 2005]

IRAN WAR DRUMS BEAT HARDER

(By Jim Lobe)

Despite the Bush administration's insistence that, at least for now, it remains committed to using diplomatic means to halt Iran's alleged nuclear weapons program, war drums against the Islamic Republic appear to be beating more loudly here.

Secretary of State Condoleezza Rice assured Europeans on her trip this past week that Washington does indeed support the efforts of France, Britain, and Germany (EU–3) to reach a diplomatic settlement on the issue. However, she also made it clear that Washington has no interest in joining them at the negotiating table or extending much in the way of carrots.

And her consistent refusal to reiterate former Deputy Secretary of State Richard Armitage's flat assertion in December that Washington does not seek "regime change" in Tehran has added to the impression that the administration is set firmly on a path toward confrontation.

Whether the administration is pursuing a "good cop/bad cop" strategy—in which Washington's role is to brandish the sticks and the EU–3 the carrots—remains unclear, but the voices in favor of an "engagement" policy are being drowned out by crescendo of calls to adopt "regime change" as U.S. policy.

The latest such urging was released here Thursday by the Iran Policy Committee (IPC), a group headed by a former National Security Council staffer Ray Tanter, several retired senior military officers, and a former ambassador to Saudi Arabia.

The 30-page document, "U.S. Policy Options for Iran" by former Central Intelligence Agency (CIA) officer Clare Lopez, appears to reflect the views of the administration's most radical hawks among the Pentagon's civilian leadership and in the office of Vice President Dick Cheney.

It was Cheney who launched the latest bout of saber-rattling when he told a radio interviewer last month that Tehran was "right at the top of the list" of the world's trouble spots and that Israel may strike at suspected Iranian nuclear sites even before the U.S.

The study echoes many of the same themes—mainly support for the Iranian exiled and internal opposition against the government—as another policy paper released by the mainly neoconservative Committee on the Present Danger (CPD) in December, but it is also much harsher.

Both papers favored military strikes against suspected nuclear and other weapons facilities if that was the only way to prevent Tehran from acquiring nuclear weapons, and endorsed "regime change" as U.S. policy.

But the CPD paper, which had the influential backing of former Secretary of State George Shultz, called for a "peaceful" strategy that involved elements of both engagement and nonviolent subversion similar to that pursued by Washington in Poland and elsewhere in Central Europe, particularly during the 1980s.

The latest report does grant a role for "carrots" in achieving a delay in Iran's nuclear ambitions and even in regime change, although the IPC's members expressed greater skepticism that the EU–3 talks will be effective or even desirable.

"Negotiations will not work," said Maj. Gen. (ret.) Paul Vallely, chairman of the military committee of the neoconservative Center for Security Policy, who described the Iranian regime as a "house of cards."

Instead, the IPC's main emphasis is on more aggressive actions to bring about the desired goals, including military strikes and active efforts to destabilize the government, in major part through the support and deployment of what it calls "indisputably the largest and most organized Iranian opposition group," the Mujahedin e-Khalq (MEK)—an idea that many Iran specialists here believe is likely to prove exceptionally counterproductive.

"[A]s an additional step [in a strategy of destabilization]," the paper states, "the United States might encourage the new Iraqi government to extend formal recognition to the MEK, based in Ashraf [Iraq], as a legitimate political organization. Such a recognition would send yet another signal from neighboring Iraq that the noose is tightening around Iran's unelected rulers."

The MEK fought on Iraq's side during the Iran-Iraq war and has been listed as a "terrorist group" by the State Department since 1997 as a result of its assassination of U.S. officials during the Shah's reign and of Iranian officials after the Revolution.

However, it has long been supported by the Pentagon civilians and Cheney's office, and their backers in Congress and the press as a possible asset against Iran despite its official "terrorist" status.

Indeed, there have been persistent reports, most recently from a former CIA officer, Philip Giraldi, in the current edition of the American Conservative magazine, that U.S. Special Forces have been directing members of the group in carrying out reconnaissance and intelligence collection in Iran from bases in Afghanistan and Balochistan, Pakistan, since last summer as part of an effort to identify possible targets for military strikes.

After bombing MEK bases in the opening days of the Iraq invasion in March 2003, the U.S. military worked out a cease-fire agreement that resulted in the group's surrender of its heavy weapons and the concentration of about 4,000 of their members, some of whom have since repatriated voluntarily to Iran, at their base at Ashraf.

The State Department, which was then engaged in quiet talks with Iran about dispersing the group in exchange for Tehran's handing over prominent al-Qaeda members in its custody, clashed repeatedly with the Pentagon over the MEK's treatment.

After State was forced by the White House to break off its dialogue with Tehran following al Qaeda attacks in Saudi Arabia, allegedly ordered from somewhere on Iranian territory, the administration determined that MEK members in Iraq should be given Geneva Convention protections.

The IPC now wants the State Department to take the MEK off the terrorist list, a position backed by several dozen members of Congress who have been actively courted by the group and believe that a confrontation with Iran is inevitable.

"Removing the terrorist designation from the MEK could serve as the most tangible signal to the Iranian regime, as well as to the Iranian people, that a new option is now on the table," according to the report.

"Removal might also have the effect of supporting President Bush's assertion [in his State of the Union address] that America stands with the people of Iran in their struggle to liberate themselves."

But most Iran specialists, both inside and outside the government, who agree that the regime is deeply unpopular, also insist that Washington's endorsement of the MEK will actually bolster the regime in Tehran.

"Everybody I've ever talked to in Iran or who have gone to Iran tell me without exception that these people are despised," said Gary Sick, who handled Iranian policy for the National Security Council under former President Jimmy Carter.

When they invaded Iran from Iraq in the last year of the Iran-Iraq war, according to Sick, who teaches at Columbia University, they had expected to march straight to Tehran gathering support all along the way.

"But they never got beyond a little border town before running into stiff resistance. It was a very ugly incident. They had a chance to show what they can do, and the bottom line was nothing very much. I've seen nothing since then to change my estimate," he said.

[From the New Yorker, Apr. 17, 2006]

THE IRAN PLANS

(By Seymour M. Hersh)

The Bush Administration, while publicly advocating diplomacy in order to stop Iran from pursuing a nuclear weapon, has increased clandestine activities inside Iran and intensified planning for a possible major air attack. Current and former American military and intelligence officials said that Air Force planning groups are drawing up lists of targets, and teams of American combat troops have been ordered into Iran, under cover, to collect targeting data and to establish contact with anti-government ethnic-minority groups. The officials say that President Bush is determined to deny the Iranian regime the opportunity to begin a pilot program, planned for this spring, to enrich uranium.

American and European intelligence agencies, and the International Atomic Energy Agency (I.A.E.A.), agree that Iran is intent on developing the capability to produce nuclear weapons. But there are widely differing estimates of how long that will take, and whether diplomacy, sanctions, or military action is the best way to prevent it. Iran insists that its research is for peaceful use only, in keeping with the Nuclear Non-Proliferation Treaty, and that it will not be delayed or deterred.

There is a growing conviction among members of the United States military, and in the international community, that President Bush's ultimate goal in the nuclear confrontation with Iran is regime change. Iran's President, Mahmoud Ahmadinejad, has challenged the reality of the Holocaust and said that Israel must be "wiped off the map." Bush and others in the White House view him as a potential Adolf Hitler, a former senior intelligence official said. "That's the name they're using. They say, 'Will Iran get a strategic weapon and threaten another world war?' "

A government consultant with close ties to the civilian leadership in the Pentagon said that Bush was "absolutely convinced that Iran is going to get the bomb" if it is not stopped. He said that the President believes that he must do "what no Democrat or Republican, if elected in the future, would have the courage to do," and "that saving Iran is going to be his legacy."

One former defense official, who still deals with sensitive issues for the Bush Administration, told me that the military planning was premised on a belief that "a sustained bombing campaign in Iran will humiliate the religious leadership and lead the public to rise up and overthrow the government." He added, "I was shocked when I heard it, and asked myself, 'What are they smoking?' "

The rationale for regime change was articulated in early March by Patrick Clawson, an Iran expert who is the deputy director for research at the Washington Institute for Near East Policy and who has been a supporter of President Bush. "So long as Iran has an Islamic republic, it will have a nuclear-weapons program, at least clandestinely," Clawson told the Senate Foreign Relations Committee on March 2nd. "The key issue, therefore, is: How long will the present Iranian regime last?"

When I spoke to Clawson, he emphasized that "this Administration is putting a lot of effort into diplomacy." However, he added, Iran had no choice other than to accede to America's demands or face a military attack. Clawson said that he fears that Ahmadinejad "sees the West as wimps and thinks we will eventually cave in. We have to be ready to deal with Iran if the crisis escalates:" Clawson said that he would prefer to rely on sabotage and other clandestine activities, such as "industrial accidents." But, he said, it would be prudent to prepare for a wider war, "given the way the Iranians are acting. This is not like planning to invade Quebec."

One military planner told me that White House criticisms of Iran and the high tempo of planning and clandestine activities amount to a campaign of "coercion" aimed at Iran. "You have to be ready to go, and we'll see how they respond," the officer said. "You have to really show a threat in order to get Ahmadinejad to back down." He added, "People think Bush has been focused on Saddam Hussein since 9/11," but, "in my view, if you had to name one nation that was his focus all the way along, it was Iran." (In response to detailed requests for comment, the White House said that it would not comment on military planning but added, "As the President has indicated, we are pursuing a diplomatic solution"; the Defense Department also said that Iran was being dealt with through "diplomatic channels" but wouldn't elaborate on that; the C.I.A. said that there were "inaccuracies" in this account but would not specify them.)

"This is much more than a nuclear issue," one high-ranking diplomat told me in Vienna. "That's just a rallying point, and there is still time to fix it. But the Administration believes it cannot be fixed unless they control the hearts and minds of Iran. The real issue is who is going to control the Middle East and its oil in the next ten years."

A senior Pentagon adviser on the war on terror expressed a similar view. "This White House believes that the only way to solve the problem is to change the power structure in Iran, and that means war," he said. The danger, he said, was that "it also reinforces the belief inside Iran that the only way to defend the country is to have a nuclear capability." A military conflict that destabilized the region could also increase the risk of terror: "Hezbollah comes into play," the adviser said, referring to the terror group that is considered one of the world's most successful, and which is now a Lebanese political party with strong ties to Iran. "And here comes Al Qaeda."

In recent weeks, the President has quietly initiated a series of talks on plans for Iran with a few key senators and members of Congress, including at least one Democrat. A senior member of the House Appropriations Committee, who did not take part in the meetings but has discussed their content with his colleagues, told me that there had been "no formal briefings," because "they're reluctant to brief the minority. They're doing the Senate, somewhat selectively."

The House member said that no one in the meetings "is really objecting" to the talk of war. "The people they're briefing are the same ones who led the charge on Iraq. At most, questions are raised: How are you going to hit all the sites at once? How are you going to get deep enough?" (Iran is building facilities underground.) "There's no pressure from Congress" not to take military action, the House member added. "The only political pressure is from the guys who want to do it." Speaking of President Bush, the House member said, "The most worrisome thing is that this guy has a messianic vision."

Some operations, apparently aimed in part at intimidating Iran, are already under way. American Naval tactical aircraft, operating from carriers in the Arabian Sea, have been flying simulated nuclear-weapons delivery missions—rapid ascending maneuvers known as "over the shoulder" bombing—since last summer, the former official said, within range of Iranian coastal radars.

Last month, in a paper given at a conference on Middle East security in Berlin, Colonel Sam Gardiner, a military analyst who taught at the National War College before retiring from the Air Force, in 1987, provided an estimate of what would be needed to destroy Iran's nuclear program. Working from satellite photographs of the known facilities, Gardiner estimated that at least four hundred targets would have to be hit. He added:

> I don't think a U.S. military planner would want to stop there. Iran probably has two chemical-production plants. We would hit those. We would want to hit the medium-range ballistic missiles that have just recently been moved closer to Iraq. There are fourteen airfields with sheltered aircraft. . . . We'd want to get rid of that threat. We would want to hit the assets that could be used to threaten Gulf shipping. That means targeting the cruise-missile sites and the Iranian diesel submarines. . . . Some of the facilities may be too difficult to target even with penetrating weapons. The U.S. will have to use Special Operations units.

One of the military's initial option plans, as presented to the White House by the Pentagon this winter, calls for the use of a bunker-buster tactical nuclear weapon, such as the B61–11, against underground nuclear sites. One target is Iran's main centrifuge plant, at Natanz, nearly two hundred miles south of Tehran. Natanz, which is no longer under I.A.E.A. safeguards, reportedly has underground floor space to hold fifty thousand centrifuges, and laboratories and workspaces buried approximately seventy-five feet beneath the surface. That number of centrifuges could provide enough enriched uranium for about twenty nuclear warheads a year. (Iran has acknowledged that it initially kept the existence of its enrichment program hidden from I.A.E.A. inspectors, but claims that none of its current activity is barred by the Non-Proliferation Treaty.) The elimination of Natanz would be a major setback for Iran's nuclear ambitions, but the conventional weapons in the American arsenal could not insure the destruction of facilities under seventy-five feet of earth and rock, especially if they are reinforced with concrete.

There is a Cold War precedent for targeting deep underground bunkers with nuclear weapons. In the early nineteen-eighties, the American intelligence community watched as the Soviet government began digging a huge underground complex outside Moscow. Analysts concluded that the underground facility was designed for "continuity of government"—for the political and military leadership to survive a nuclear war. (There are similar facilities, in Virginia and Pennsylvania, for the American leadership.) The Soviet facility still exists, and much of what the U.S. knows about it remains classified. "The 'tell' "—the giveaway—"was the ventilator shafts, some of which were disguised," the former senior intelligence official told me. At the time, he said, it was determined that "only nukes" could destroy the bunker. He added that some American intelligence analysts believe that the Russians helped the Iranians design their underground facility. "We see a similarity of design," specifically in the ventilator shafts, he said.

A former high-level Defense Department official told me that, in his view, even limited bombing would allow the U.S. to "go in there and do enough damage to slow down the nuclear infrastructure—it's feasible." The former defense official said, "The Iranians don't have friends, and we can tell them that, if necessary, we'll keep knocking back their infrastructure. The United States should act like we're ready to go." He added, "We don't have to knock down all of their air defenses. Our stealth bombers and standoff missiles really work, and we can blow fixed things up. We can do things on the ground, too, but it's difficult and very dangerous—put bad stuff in ventilator shafts and put them to sleep."

But those who are familiar with the Soviet bunker, according to the former senior intelligence official, "say 'No way.' "

You've got to know what's underneath—to know which ventilator feeds people, or diesel generators, or which are false. And there's a lot that we don't know." The lack of reliable intelligence leaves military planners, given the goal of totally destroying the sites, little choice but to consider the use of tactical nuclear weapons. "Every other option, in the view of the nuclear weaponeers, would leave a gap," the former senior intelligence official said. " 'Decisive' is the key word of the Air Force's planning. It's a tough decision. But we made it in Japan."

He went on, "Nuclear planners go through extensive training and learn the technical details of damage and fallout—we're talking about mushroom clouds, radiation, mass casualties, and contamination over years. This is not an underground nuclear test, where all you see is the earth raised a little bit. These politicians don't have a clue, and whenever anybody tries to get it out"—remove the nuclear option—"they're shouted down."

The attention given to the nuclear option has created serious misgivings inside the offices of the Joint Chiefs of Staff, he added, and some officers have talked about resigning. Late this winter, the Joint Chiefs of Staff sought to remove the nuclear option from the evolving war plans for Iran—without success, the former intelligence official said. "The White House said, 'Why are you challenging this? The option came from you.' "

The Pentagon adviser on the war on terror confirmed that some in the Administration were looking seriously at this option, which he linked to a resurgence of interest in tactical nuclear weapons among Pentagon civilians and in policy circles. He called it "a juggernaut that has to be stopped." He also confirmed that some senior officers and officials were considering resigning over the issue. "There are very strong sentiments within the military against brandishing nuclear weapons against other countries," the adviser told me. "This goes to high levels." The matter may soon reach a decisive point, he said, because the Joint Chiefs had agreed to give President Bush a formal recommendation stating that they are strongly opposed to considering the nuclear option for Iran. "The internal debate on this has hardened in recent weeks," the adviser said. "And, if senior Pentagon officers express their opposition to the use of offensive nuclear weapons, then it will never happen."

The adviser added, however, that the idea of using tactical nuclear weapons in such situations has gained support from the Defense Science Board, an advisory panel whose members are selected by Secretary of Defense Donald Rumsfeld. "They're telling the Pentagon that we can build the B61 with more blast and less radiation," he said.

The chairman of the Defense Science Board is William Schneider, Jr., an Under-Secretary of State in the Reagan Administration. In January, 2001, as President Bush prepared to take office, Schneider served on an ad-hoc panel on nuclear forces sponsored by the National Institute for Public Policy, a conservative think tank. The panel's report recommended treating tactical nuclear weapons as an essential part of the U.S. arsenal and noted their suitability "for those occasions when the certain and prompt destruction of high priority targets is essential and beyond the promise of conventional weapons." Several signers of the report are now prominent members of the Bush Administration, including Stephen Hadley, the national-security adviser; Stephen Cambone, the Under-Secretary of Defense for Intelligence; and Robert Joseph, the Under-Secretary of State for Arms Control and International Security.

The Pentagon adviser questioned the value of air strikes. "The Iranians have distributed their nuclear activity very well, and we have no clue where some of the key stuff is. It could even be out of the country," he said. He warned, as did many others, that bombing Iran could provoke "a chain reaction" of attacks on American facilities and citizens throughout the world: "What will 1.2 billion Muslims think the day we attack Iran?"

With or without the nuclear option, the list of targets may inevitably expand. One recently retired high-level Bush Administration official, who is also an expert on war planning, told me that he would have vigorously argued against an air attack on Iran, because "Iran is a much tougher target" than Iraq. But, he added, "If you're going to do any bombing to stop the nukes, you might as well improve your lie across the board. Maybe hit some training camps, and clear up a lot of other problems."

The Pentagon adviser said that, in the event of an attack, the Air Force intended to strike many hundreds of targets in Iran but that "ninety-nine percent of them have nothing to do with proliferation. There are people who believe it's the way to operate"—that the Administration can achieve its policy goals in Iran with a bombing campaign, an idea that has been supported by neoconservatives.

If the order were to be given for an attack, the American combat troops now operating in Iran would be in position to mark the critical targets with laser beams, to insure bombing accuracy and to minimize civilian casualties. As of early winter, I was told by the government consultant with close ties to civilians in the Pentagon, the units were also working with minority groups in Iran, including the Azeris, in the north, the Baluchis, in the southeast, and the Kurds, in the northeast. The troops "are studying the terrain, and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds," the consultant said. One goal is to get "eyes on the ground"—quoting a line from "Othello," he said, "Give me the ocular proof." The broader aim, the consultant said, is to "encourage ethnic tensions" and undermine the regime.

The new mission for the combat troops is a product of Defense Secretary Rumsfeld's long-standing interest in expanding the role of the military in covert operations, which was made official policy in the Pentagon's Quadrennial Defense Review, published in February. Such activities, if conducted by C.I.A. operatives, would need a Presidential Finding and would have to be reported to key members of Congress.

" 'Force protection' is the new buzzword," the former senior intelligence official told me. He was referring to the Pentagon's position that clandestine activities that can be broadly classified as preparing the battlefield or protecting troops are military, not intelligence, operations, and are therefore not subject to congressional oversight. "The guys in the Joint Chiefs of Staff say there are a lot of uncertainties in Iran," he said. "We need to have more than what we had in Iraq. Now we have the green light to do everything we want."

The President's deep distrust of Ahmadinejad has strengthened his determination to confront Iran. This view has been reinforced by allegations that Ahmadinejad, who joined a special-forces brigade of the Revolutionary Guards in 1986, may have been involved in terrorist activities in the late eighties. (There are gaps in Ahmadinejad's official biography in this period.) Ahmadinejad has reportedly been connected to Imad Mughniyeh, a terrorist who has been implicated in the deadly bombings of the U.S. Embassy and the U.S. Marine barracks in Beirut, in 1983. Mughniyeh was then the security chief of Hezbollah; he remains on the F.B.I.'s list of most-wanted terrorists.

Robert Baer, who was a C.I.A. officer in the Middle East and elsewhere for two decades, told me that Ahmadinejad and his Revolutionary Guard colleagues in the Iranian government "are capable of making a bomb, hiding it, and launching it at Israel. They're apocalyptic Shiites. If you're sitting in Tel Aviv and you believe they've got nukes and missiles—you've got to take them out. These guys are nuts, and there's no reason to back off."

Under Ahmadinejad, the Revolutionary Guards have expanded their power base throughout the Iranian bureaucracy; by the end of January, they had replaced thousands of civil servants with their own members. One former senior United Nations official, who has extensive experience with Iran, depicted the turnover as "a white coup," with ominous implications for the West. "Professionals in the Foreign Ministry are out; others are waiting to be kicked out," he said. "We may be too late. These guys now believe that they are stronger than ever since the revolution." He said that, particularly in consideration of China's emergence as a superpower, Iran's attitude was "To hell with the West. You can do as much as you like."

Iran's supreme religious leader, Ayatollah Khamenei, is considered by many experts to be in a stronger position than Ahmadinejad. "Ahmadinejad is not in control," one European diplomat told me. "Power is diffuse in Iran. The Revolutionary Guards are among the key backers of the nuclear program, but, ultimately, I don't think they are in charge of it. The Supreme Leader has the casting vote on the nuclear program, and the Guards will not take action without his approval."

The Pentagon adviser on the war on terror said that "allowing Iran to have the bomb is not on the table. We cannot have nukes being sent downstream to a terror network. It's just too dangerous." He added, "The whole internal debate is on which way to go"—in terms of stopping the Iranian program. It is possible, the adviser said, that Iran will unilaterally renounce its nuclear plans—and forestall the American action. "God may smile on us, but I don't think so. The bottom line is that Iran cannot become a nuclear-weapons state. The problem is that the Iranians realize that only by becoming a nuclear state can they defend themselves against the U.S. Something bad is going to happen."

While almost no one disputes Iran's nuclear ambitions, there is intense debate over how soon it could get the bomb, and what to do about that. Robert Gallucci, a former government expert on nonproliferation who is now the dean of the School of Foreign Service at Georgetown, told me, "Based on what I know, Iran could be eight to ten years away" from developing a deliverable nuclear weapon. Gallucci added, "If they had a covert nuclear program and we could prove it, and we could not stop it by negotiation, diplomacy, or the threat of sanctions, I'd be in favor of taking it out. But if you do it"—bomb Iran—"without being able to show there's a secret program, you're in trouble."

Meir Dagan, the head of Mossad, Israel's intelligence agency, told the Knesset last December that "Iran is one to two years away, at the latest, from having enriched uranium. From that point, the completion of their nuclear weapon is simply a technical matter." In a conversation with me, a senior Israeli intelligence official talked about what he said was Iran's duplicity: "There are two parallel nuclear programs" inside Iran—the program declared to the I.A.E.A. and a separate operation, run by the military and the Revolutionary Guards. Israeli officials have repeatedly made this argument, but Israel has not produced public evidence to support it. Richard Armitage, the Deputy Secretary of State in Bush's first term, told me, "I think Iran has a secret nuclear-weapons program—I believe it, but I don't know it."

In recent months, the Pakistani government has given the U.S. new access to A.Q. Khan, the so-called father of the Pakistani atomic bomb. Khan, who is now living under house arrest in Islamabad, is accused of setting up a black market in nuclear materials; he made at least one clandestine visit to Tehran in the late nineteen-eighties. In the most recent interrogations, Khan has provided information on Iran's weapons design and its time line for building a bomb. "The picture is of 'unquestionable danger,'" the former senior intelligence official said. (The Pentagon adviser also confirmed that Khan has been "singing like a canary.") The concern, the former senior official said, is that "Khan has credibility problems. He is suggestible, and he's telling the neoconservatives what they want to hear"—or what might be useful to Pakistan's President, Pervez Musharraf, who is under pressure to assist Washington in the war on terror.

"I think Khan's leading us on," the former intelligence official said. "I don't know anybody who says, 'Here's the smoking gun.' But lights are beginning to blink. He's feeding us information on the time line, and targeting information is coming in from our own sources—sensors and the covert teams. The C.I.A., which was so burned by Iraqi W.M.D., is going to the Pentagon and the Vice-President's office saying, 'It's all new stuff.' People in the Administration are saying, 'We've got enough.'"

The Administration's case against Iran is compromised by its history of promoting false intelligence on Iraq's weapons of mass destruction. In a recent essay on the Foreign Policy Web site, entitled "Fool Me Twice," Joseph Cirincione, the director for nonproliferation at the Carnegie Endowment for International Peace, wrote, "The unfolding administration strategy appears to be an effort to repeat its successful campaign for the Iraq war." He noted several parallels:

The vice president of the United States gives a major speech focused on the threat from an oil-rich nation in the Middle East. The U.S. Secretary of State tells Congress that the same nation is our most serious global challenge. The Secretary of Defense calls that nation the leading supporter of global terrorism.

Cirincione called some of the Administration's claims about Iran "questionable" or lacking in evidence. When I spoke to him, he asked, "What do we know? What is the threat? The question is: How urgent is all this?" The answer, he said, "is in the intelligence community and the I.A.E.A." (In August, the Washington Post reported that the most recent comprehensive National Intelligence Estimate predicted that Iran was a decade away from being a nuclear power.)

Last year, the Bush Administration briefed I.A.E.A. officials on what it said was new and alarming information about Iran's weapons program which had been retrieved from an Iranian's laptop. The new data included more than a thousand pages of technical drawings of weapons systems. The Washington Post reported that there were also designs for a small facility that could be used in the uranium-enrichment process. Leaks about the laptop became the focal point of stories in the Times and elsewhere. The stories were generally careful to note that the materials could have been fabricated, but also quoted senior American officials as saying that they appeared to be legitimate. The headline in the Times' account read, "Relying on Computer, U.S. Seeks to Prove Iran's Nuclear Aims".

I was told in interviews with American and European intelligence officials, however, that the laptop was more suspect and less revelatory than it had been depicted. The Iranian who owned the laptop had initially been recruited by German and American intelligence operatives, working together. The Americans eventually lost interest in him. The Germans kept on, but the Iranian was seized by the Iranian counter-intelligence force. It is not known where he is today. Some family members managed to leave Iran with his laptop and handed it over at a U.S. embassy, apparently in Europe. It was a classic "walk-in."

A European intelligence official said, "There was some hesitation on our side" about what the materials really proved, "and we are still not convinced." The drawings were not meticulous, as newspaper accounts suggested, "but had the character of sketches," the European official said. "It was not a slam-dunk smoking gun."

The threat of American military action has created dismay at the headquarters of the I.A.E.A., in Vienna. The agency's officials believe that Iran wants to be able to make a nuclear weapon, but "nobody has presented an inch of evidence of a parallel nuclear-weapons program in Iran," the high-ranking diplomat told me. The I.A.E.A.'s best estimate is that the Iranians are five years away from building a nuclear bomb. "But, if the United States does anything militarily, they will make the development of a bomb a matter of Iranian national pride," the diplomat said. "The whole issue is America's risk assessment of Iran's future intentions, and they don't trust the regime. Iran is a menace to American policy."

In Vienna, I was told of an exceedingly testy meeting earlier this year between Mohamed ElBaradei, the I.A.E.A.'s director-general, who won the Nobel Peace Prize last year, and Robert Joseph, the Under-Secretary of State for Arms Control. Joseph's message was blunt, one diplomat recalled: "We cannot have a single centrifuge spinning in Iran. Iran is a direct threat to the national security of the United States and our allies, and we will not tolerate it. We want you to give us an understanding that you will not say anything publicly that will undermine us."

Joseph's heavy-handedness was unnecessary, the diplomat said, since the I.A.E.A. already had been inclined to take a hard stand against Iran. "All of the inspectors are angry at being misled by the Iranians, and some think the Iranian leadership are nutcases—one hundred percent totally certified nuts," the diplomat said. He added that El Baradei's overriding concern is that the Iranian leaders "want confrontation, just like the neocons on the other side"—in Washington. "At the end of the day, it will work only if the United States agrees to talk to the Iranians."

The central question—whether Iran will be able to proceed with its plans to enrich uranium—is now before the United Nations, with the Russians and the Chinese reluctant to impose sanctions on Tehran. A discouraged former I.A.E.A. official told me in late March that, at this point, "there's nothing the Iranians could do that would result in a positive outcome. American diplomacy does not allow for it. Even if they announce a stoppage of enrichment, nobody will believe them. It's a dead end."

Another diplomat in Vienna asked me, "Why would the West take the risk of going to war against that kind of target without giving it to the I.A.E.A. to verify? We're low-cost, and we can create a program that will force Iran to put its cards on the table." A Western Ambassador in Vienna expressed similar distress at the White House's dismissal of the I.A.E.A. He said, "If you don't believe that the I.A.E.A. can establish an inspection system—if you don't trust them—you can only bomb."

There is little sympathy for the I.A.E.A. in the Bush Administration or among its European allies. "We're quite frustrated with the director-general," the European diplomat told me. "His basic approach has been to describe this as a dispute between two sides with equal weight. It's not. We're the good guys! ElBaradei has been pushing the idea of letting Iran have a small nuclear-enrichment program, which is ludicrous. It's not his job to push ideas that pose a serious proliferation risk."

The Europeans are rattled, however, by their growing perception that President Bush and Vice-President Dick Cheney believe a bombing campaign will be needed, and that their real goal is regime change. "Everyone is on the same page about the Iranian bomb, but the United States wants regime change," a European diplomatic adviser told me. He added, "The Europeans have a role to play as long as they don't have to choose between going along with the Russians and the Chinese or going along with Washington on something they don't want. Their policy is to keep the Americans engaged in something the Europeans can live with. It may be untenable."

"The Brits think this is a very bad idea," Flynt Leverett, a former National Security Council staff member who is now a senior fellow at the Brookings Institution's Saban Center, told me, "but they're really worried we're going to do it." The European diplomatic adviser acknowledged that the British Foreign Office was aware of war planning in Washington but that, "short of a smoking gun, it's going to be very difficult to line up the Europeans on Iran." He said that the British "are jumpy about the Americans going full bore on the Iranians, with no compromise."

The European diplomat said that he was skeptical that Iran, given its record, had admitted to everything it was doing, but "to the best of our knowledge the Iranian capability is not at the point where they could successfully run centrifuges" to enrich uranium in quantity. One reason for pursuing diplomacy was, he said, Iran's essential pragmatism. "The regime acts in its best interests," he said. Iran's leaders "take a hard-line approach on the nuclear issue and they want to call the American bluff," believing that "the tougher they are the more likely the West will fold." But, he said, "From what we've seen with Iran, they will appear superconfident until the moment they back off."

The diplomat went on, "You never reward bad behavior, and this is not the time to offer concessions. We need to find ways to impose sufficient costs to bring the regime to its senses. It's going to be a close call, but I think if there is unity in opposition and the price imposed"—in sanctions—"is sufficient, they may back down. It's too early to give up on the U.N. route." He added, "If the diplomatic process doesn't work, there is no military 'solution.' There may be a military option, but the impact could be catastrophic."

Tony Blair, the British Prime Minister, was George Bush's most dependable ally in the year leading up to the 2003 invasion of Iraq. But he and his party have been racked by a series of financial scandals, and his popularity is at a low point. Jack Straw, the Foreign Secretary, said last year that military action against Iran was "inconceivable." Blair has been more circumspect, saying publicly that one should never take options off the table.

Other European officials expressed similar skepticism about the value of an American bombing campaign. "The Iranian economy is in bad shape, and Ahmadinejad is in bad shape politically," the European intelligence official told me. "He will benefit politically from American bombing. You can do it, but the results will be worse." An American attack, he said, would alienate ordinary Iranians, including those who might be sympathetic to the U.S. "Iran is no longer living in the Stone Age, and the young people there have access to U.S. movies and books, and they love it," he said. "If there was a charm offensive with Iran, the mullahs would be in trouble in the long run."

Another European official told me that he was aware that many in Washington wanted action. "It's always the same guys," he said, with a resigned shrug. "There is a belief that diplomacy is doomed to fail. The timetable is short."

A key ally with an important voice in the debate is Israel, whose leadership has warned for years that it viewed any attempt by Iran to begin enriching uranium as a point of no return. I was told by several officials that the White House's interest in preventing an Israeli attack on a Muslim country, which would provoke a backlash across the region, was a factor in its decision to begin the current operational planning. In a speech in Cleveland on March 20th, President Bush depicted Ahmadinejad's hostility toward Israel as a "serious threat. It's a threat to world peace." He added, "I made it clear, I'll make it clear again, that we will use military might to protect our ally Israel."

Any American bombing attack, Richard Armitage told me, would have to consider the following questions: "What will happen in the other Islamic countries? What ability does Iran have to reach us and touch us globally—that is, terrorism? Will Syria and Lebanon up the pressure on Israel? What does the attack do to our already diminished international standing? And what does this mean for Russia, China, and the U.N. Security Council?"

Iran, which now produces nearly four million barrels of oil a day, would not have to cut off production to disrupt the world's oil markets. It could blockade or mine the Strait of Hormuz, the 34-mile-wide passage through which Middle Eastern oil reaches the Indian Ocean. Nonetheless, the recently retired defense official dismissed the strategic consequences of such actions. He told me that the U.S. Navy could keep shipping open by conducting salvage missions and putting minesweepers to work. "It's impossible to block passage," he said. The government consultant with ties to the Pentagon also said he believed that the oil problem could be managed, pointing out that the U.S. has enough in its strategic reserves to keep America running for sixty days. However, those in the oil business I spoke to were less optimistic; one industry expert estimated that the price per barrel would immediately spike, to anywhere from ninety to a hundred dollars per barrel, and could go higher, depending on the duration and scope of the conflict.

Michel Samaha, a veteran Lebanese Christian politician and former cabinet minister in Beirut, told me that the Iranian retaliation might be focused on exposed oil and gas fields in Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates. "They would be at risk," he said, "and this could begin the real jihad of Iran versus the West. You will have a messy world."

Iran could also initiate a wave of terror attacks in Iraq and elsewhere, with the help of Hezbollah. On April 2nd, the Washington Post reported that the planning to counter such attacks "is consuming a lot of time" at U.S. intelligence agencies. "The best terror network in the world has remained neutral in the terror war for the past several years," the Pentagon adviser on the war on terror said of Hezbollah. "This will mobilize them and put us up against the group that drove Israel out of southern Lebanon. If we move against Iran, Hezbollah will not sit on the sidelines. Unless the Israelis take them out, they will mobilize against us." (When I asked the government consultant about that possibility, he said that, if Hezbollah fired rockets into northern Israel, "Israel and the new Lebanese government will finish them off.")

The adviser went on, "If we go, the southern half of Iraq will light up like a candle." The American, British, and other coalition forces in Iraq would be at greater risk of attack from Iranian troops or from Shiite militias operating on instructions from Iran. (Iran, which is predominantly Shiite, has close ties to the leading Shiite parties in Iraq.) A retired four-star general told me that, despite the eight thousand British troops in the region, "the Iranians could take Basra with ten mullahs and one sound truck."

"If you attack," the high-ranking diplomat told me in Vienna, "Ahmadinejad will be the new Saddam Hussein of the Arab world, but with more credibility and more power. You must bite the bullet and sit down with the Iranians."

The diplomat went on, "There are people in Washington who would be unhappy if we found a solution. They are still banking on isolation and regime change. This is wishful thinking." He added, "The window of opportunity is now."

INTERNATIONAL ATOMIC
ENERGY AGENCY,
September 12, 2006.

Hon. PETER HOEKSTRA,
Chairman, House of Representatives, Permanent Select Committee on Intelligence, Washington, DC.

SIR: I would like to draw your attention to the fact that the Staff Report of the House Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy, dated 23 August 2006, entitled "Recognizing Iran as a Strategic Threat: An Intelligence Challenge for the United States", contains some erroneous, misleading and unsubstantiated information.

The caption under the photograph of the Natanz site on page 9 of the report states that "Iran is currently enriching uranium to weapons grade using a 164-machine centrifuge cascade". In this regard, please be informed that information about the uranium enrichment work being carried out at the Pilot Fuel Enrichment Plant (PFEP) at Natanz, including the 3.6 percent enrichment level that had been achieved by Iran, was provided to the IAEA Board of Governors by the Director General in April 2006 (see GOV/2006/27, paragraph 31). The description of this enrichment level as "weapons grade" is incorrect, since the term "weapon-grade" is commonly used to refer to uranium enriched to the order of 90 percent or more in the isotope of uranimum-235. The Director General's April 2006 report, as well as all of his other reports on the implementation of the safeguards in Iran, are posted on the IAEA's website at http://www.iaea.org/NewsCenter/Focus/IaeaIran.

The first bullet on page 10 states that "Iran had covertly produced the short-lived radioactive element polonium–210 (Po–210), a substance with two known uses; a neutron source for a nuclear weapon and satellite batteries". The use of the phrase "covertly produced" is misleading becasue the production of Po–210 is not required to be reported by Iran to the IAEA under the NPT safeguards agreement concluded between Iran and the IAEA (published in IAEA document INFCIRC/214). (Regarding the production of Po–210, please refer to the report provided to the Board of Governors by the Director General in November 2004 (GOV/2004/83, paragraph 80)).

Furthermore, the IAEA Secretariat takes strong exception to the incorrect and misleading assertion in the Staff Report's second full paragraph of page 13 that the Director of the IAEA decided to "remove" Mr. Charlier, a senior safeguards inspector of the IAEA, "for allegedly raising concerns about Iranian deception regarding its nuclear program and concluding that the purpose of Iran's nuclear programme is to construct weapons". In addition, the report contains an outrageous and dishonest suggestion that such removal might have been for "not having adhered to an unstated IAEA policy barring IAEA officials from telling the whole truth about the Iranian nuclear program".

In this regard, please be advised that all safeguards agreements concluded between a State and the IAEA in connection with the Treaty on the Non-Proliferation of Nuclear Weapons require the IAEA to secure acceptance by the State of the designation of IAEA safeguards inspectors, before such inspectors may be sent to the State on inspection (INFCIRC/153 (Corr.), paragraphs 9 and 85). Under such agreements, each State has the right to object to the designation of any safeguards inspector, and to request the withdrawal of the designation of an inspector, at any time, for that State (http://www.iaea.org/Publications/Docments/Infeircs). Accordingly, Iran's request to the Director General to withdraw the designation of Mr. Charlier authorizing him to carry out safeguards inspections in Iran, was based on paragraph (a)(i) of Article 9 and paragraph (d) of Article 85 of Iran's Safeguards Agreement. I should also like to note here that Iran has accepted the designation of more than 200 Agency safeguards inspectors, which number is similar to that accepted by the majority of non-nuclear weapon States that have concluded safeguards agreements pursuant to the NPT.

Finally, it is also regrettable that the Staff Report did not take into account the views of the United Nations Security Council, as expressed in resolution 1696 (2006), which inter alia, "commends and encourages the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all remaining outstanding issues in Iran within the framework of the Agency."

While it is unfortunate that the authors of the Staff Report did not concult with the IAEA Secretariat stands ready to assist your Committee in correcting the erroneous and misleading information contained in the report.

Yours sincerely,

VILMOS CSERVENY,
Director, Office of External Relations and Policy Coordination.

[From washingtonpost.com, Sept. 14, 2006]

U.N. INSPECTORS DISPUTE IRAN REPORT BY HOUSE PANEL

(By Dafna Linzer)

U.N. inspectors investigating Iran's nuclear program angrily complained to the Bush administration and to a Republican congressman yesterday about a recent House committee report on Iran's capabilities, calling parts of the document "outrageous and dishonest" and offering evidence to refute its central claims.

Officials of the United Nations' International Atomic Energy Agency said in a letter that the report contained some "erroneous, misleading and unsubstantiated statements." The letter, signed by a senior director at the agency, was addressed to Rep. Peter Hoekstra (R–Mich.), chairman of the House intelligence committee, which issued the report. A copy was hand-delivered to Gregory L. Schulte, the U.S. ambassador to the IAEA in Vienna.

The IAEA openly clashed with the Bush administration on pre-war assessments of weapons of mass destruction in Iraq. Relations all but collapsed when the agency revealed that the White House had based some allegations about an Iraqi nuclear program on forged documents.

After no such weapons were found in Iraq, the IAEA came under additional criticism for taking a cautious approach on Iran, which the White House says is trying to building nuclear weapons in secret. At one point, the administration orchestrated a campaign to remove the IAEA's director general, Mohamed El Baradei. It failed, and he won the Nobel Peace Prize last year.

Yesterday's letter, a copy of which was provided to The Washington Post, was the first time the IAEA has publicly disputed U.S. allegations about its Iran investigation. The agency noted five major errors in the committee's 29-page report, which said Iran's nuclear capabilities are more advanced than either the IAEA or U.S. intelligence has shown.

Among the committee's assertions is that Iran is producing weapons-grade uranium at its facility in the town of Natanz. The IAEA called that "incorrect," noting that weapons-grade uranium is enriched to a level of 90 percent or more. Iran has enriched uranium to 3.5 percent under IAEA monitoring.

When the congressional report was released last month, Hoekstra said his intent was "to help increase the American public's understanding of Iran as a threat." Spokesman Jamal Ware said yesterday that Hoekstra will respond to the IAEA letter.

Rep. Rush D. Holt (D–N.J.), a committee member, said the report was "clearly not prepared in a manner that we can rely on." He agreed to send it to the full committee for review, but the Republicans decided to make it public before then, he said in an interview.

The report was never voted on or discussed by the full committee. Rep. Jane Harman (Calif.), the vice chairman, told Democratic colleagues in a private e-mail that the report "took a number of analytical shortcuts that present the Iran threat as more dire—and the Intelligence Community's assessments as more certain—than they are."

Privately, several intelligence officials said the committee report included at least a dozen claims that were either demonstrably wrong or impossible to substantiate. Hoekstra's office said the report was reviewed by the office of John D. Negroponte, the director of national intelligence.

Negroponte's spokesman, John Callahan, said in a statement that his office "reviewed the report and provided its response to the committee on July 24, '06." He did not say whether it had approved or challenged any of the claims about Iran's capabilities.

"This is like prewar Iraq all over again," said David Albright, a former nuclear inspector who is president of the Washington-based Institute for Science and International Security. "You have an Iranian nuclear threat that is spun up, using bad information that's cherry-picked and a report that trashes the inspectors."

The committee report, written by a single Republican staffer with a hard-line position on Iran, chastised the CIA and other agencies for not providing evidence to back assertions that Iran is building nuclear weapons.

It concluded that the lack of intelligence made it impossible to support talks with Tehran. Democrats on the committee saw it as an attempt from within conservative Republican circles to undermine Secretary of State Condoleezza Rice, who has agreed to talk with the Iranians under certain conditions.

The report's author, Fredrick Fleitz, is a onetime CIA officer and special assistant to John R. Bolton, the administration's former point man on Iran at the State Department. Bolton, who is now ambassador to the United Nations, had been highly influential during President Bush's first term in drawing up a tough policy that rejected-talks with Tehran.

Among the allegations in Fleitz's Iran report is that ElBaradei removed a senior inspector from the Iran investigation because he raised "concerns about Iranian deception regarding its nuclear program." The agency said the inspector has not been removed.

A suggestion that ElBaradei had an "unstated" policy that prevented inspectors from telling the truth about Iran's program was particularly "outrageous and dishonest," according to the IAEA letter, which was signed by Vilmos Cserveny, the IAEA's director for external affairs and a former Hungarian ambassador.

Hoekstra's committee is working on a separate report about North Korea that is also being written principally by Fleitz. A draft of the report, provided to The Post, includes several assertions about North Korea's weapons program that the intelligence officials said they cannot substantiate, including one that Pyongyang is already enriching uranium.

The intelligence community believes North Korea is trying to acquire an enrichment capability but has no proof that an enrichment facility has been built, the officials said.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2006.

Hon. CHRISTOPHER SHAYS,
Chairman, Subcommittee on National Security, Emerging Threats and International Relations, Washington, DC.

DEAR MR. CHAIRMAN: According to the Washington Post ("U.N. Inspectors Dispute Iran Report by House Panel," September 14, 2006), the Director of National Intelligence (DNI) conducted a prepublication review of a House Intelligence Committee staff report on Iran which has come under scrutiny for making false, misleading and unsubstantiated assertions about Iran's nuclear program.

In the article, a spokesperson for the DNI confirmed that the agency did review the report prior to its publication. Yet, the final committee staff report "included at least a dozen claims that were either demonstrably wrong or impossible to substantiate," including the gross exaggeration that the level of uranium enrichment by Iranian nuclear plants has now reached "weapons-grade" levels of 90 percent when in reality the correct enrichment level found by the International Atomic Energy Agency was 3.6 percent. (Letter from IAEA Director of External Relations and Policy Coordination Vilmos Cserveny to Chairman Peter Hoekstra, September 12, 2006.)

The publication of false, misleading and unsubstantiated statements by a House Committee is regrettable, but the role of the DNI raises important questions:

(1) Was the text of the report given to DNI for review identical to the text later released to the public by the Committee?

(2) Did the DNI recognize those claims made in the report that were wrong or impossible to substantiate at the time DNI conducted its prepublication review?

(3) During its review, did DNI also note the same false, misleading and unsubstantiated statements as those deemed by the IAEA in its letter to the Committee to be wrong or impossible to substantiate?

(4) In its response to the Committee, did DNI state the inaccuracies it found, and seek correction or clarification of those parts of the prepublication report?

(5) Did the DNI approve the report, in spite of false and exaggerated claims made in the report?

There are troubling signs, which this Subcommittee has attempted to investigate, that the Administration is leading the U.S. toward a military conflict with Iran.

In June, our Subcommittee held a classified members briefing, at my request, to investigate independent reports published in the New Yorker magazine and the Guardian that U.S. military personnel have been or are already deployed inside and around Iran, gathering intelligence and targeting information, and reports published in Newsweek, ABC News and GQ magazine, that the U.S. has been planning and is now recruiting members of MEK to conduct lethal operations and destabilizing operations inside Iran.

Unfortunately, neither the Department of State nor the Department of Defense chose to appear for the classified briefing. Nearly three months later, the Subcommittee has been unable to question State or DOD directly on those reports. However, this Subcommittee was briefed by the Office of the Director of National Intelligence, and I believe that the Subcommittee should use its oversight authority to compare the statements and information provided to Members about Iran's nuclear program at the briefing, with information provided to the House Intelligence Committee for their report.

These are precisely the sort of questions this Subcommittee is designed to pursue. The latest report implicating DNI passivity or complicity in embellishing the danger of the Iranian nuclear program should be aggressively investigated by our Subcommittee immediately. We cannot and must not permit this Administration to build a case for war against Iran on falsehoods and pretext. We have seen similar patterns with the twisting of intelligence to create a war against Iraq and we must not let this happen again. I ask that the Subcommittee invite the DNI to appear immediately before the Committee. It is imperative that our questions be answered in an expeditious manner.

Sincerely,

DENNIS J. KUCINICH,
Ranking Minority Member.

Mr. LANTOS. Madam Speaker, I have no further requests for time. We yield back the balance of our time.

Ms. ROS-LEHTINEN. Madam Speaker, I also have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING CENTENNIAL ANNIVERSARY OF IRANIAN CONSTITUTION OF 1906

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 942) recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906.

The Clerk read as follows:

H. RES. 942

Whereas in 1906, one hundred years ago, the people of Iran rose in a peaceful democratic revolution against arbitrary, despotic rulers;

Whereas the people of Iran chose to confront these rulers with peaceful assemblies of thousands of people in the public spaces of Iran until these rulers received their demands;

Whereas these rulers bowed to the wishes of the people on August 5, 1906, and issued a decree for the convocation of a freely elected assembly, the Majles, to write a democratic constitution;

Whereas the Iranian constitution, written pursuant to the decree of 1906, was a democratic instrument providing for—

(1) the establishment of an independent judiciary;

(2) the establishment of an independent legislature with members directly elected by the people;

(3) socio-political progress, including the separation of religion from the affairs of government; and

(4) the commitment of the government to the territorial integrity of Iran;

Whereas the maneuvering of the imperial powers and a fundamentalist clergy crushed the democratic aspirations represented in the constitution of 1906;

Whereas the Iranian constitution of 1906 has nevertheless remained in the forefront of the aspirations of the Iranian people throughout decades of a long struggle towards progress, civil society, and democracy;

Whereas those ideals were abolished by the clerical-led dictatorship of the Ayatollahs in 1979; and

Whereas August 5, 2006, would be an appropriate day to recognize the centennial anniversary of the Iranian constitution of 1906: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the centennial anniversary of the Iranian constitution of 1906;

(2) is mindful of the democratic revolution of 1906 that lead to the drafting of the Iranian constitution; and

(3) expresses its profound hope that the people of Iran will once again enjoy a democratic government in the spirit of the Iranian constitution of 1906.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 942 introduced by my friend, my colleague Mr. KING from Iowa. H. Res. 942, Madam Speaker, recognizes the centennial anniversary on August 5 of the Iranian Constitution of 1906.

☐ 1600

The resolution acknowledges the democratic revolution of the Iranian people going back 100 years. It notes the democratic political system created from this movement, with clearly defined separation of powers. Finally, the resolution expresses the hope that the people of Iran will be inspired by their democratic history and once again enjoy democratic rule.

You might be surprised to learn that Persia was the first country in the Middle East to introduce a constitution and create a constitutional monarchy with an elected parliament and popular sovereignty in 1906. The then-Shah signed the electoral law and the fundamental law of Persia that established an independent legislature and an independent judiciary.

While the constitutionalist movement was temporarily undermined in 1908 during the reign of Mohammed Ali Shah Qajar, it was later rescued by the reign of his son.

The ideals of the constitutional revolution were abolished with the demise of the dynasty and the rise of an absolute monarchy in 1925, and then with the Iranian revolution in 1979.

Madam Speaker, this resolution is an opportunity for the American people to send a positive message to the Iranian people about their indigenous democratic tradition. We hope that this tradition will be an inspiration for the Iranian people as they seek to increase their political freedoms.

I strongly support the passage of this resolution. I thank Mr. KING for introducing it.

I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I might consume.

I want to congratulate my friend and distinguished colleague from Iowa, Congressman KING, for introducing this important resolution commemorating Iran's democratic revolution of 1906. I want equally to congratulate my friend and committee colleague, Mr. BLUMENAUER, who introduced the resolution on the very same topic at virtually the same time.

The issues raised by the King and Blumenauer resolutions are both simple and complex. On the one hand, it is important simply that we commemorate the events of 1906, a popular uprising that led to the drafting of a constitution brimming with democratic guarantees.

Indeed, this was a heady time for tens of thousands of Iranian liberals, as the writings of the esteemed contemporary British scholar Edward G. Browne make abundantly clear.

Recalling these events reminds us that the yearning of the people of the Middle East for democracy has a long and storied history. In fact, there were other significant manifestations of democratic sentiment in the Middle East in the late 19th and early 20th centuries including both in Egypt and in the Ottoman Empire.

At the same time, we cannot help but acknowledge that the high hopes of the 1906 Constitutional Revolution were quickly dashed on the shoals of reactionary resistance, foreign interference, and the lack of unity among the constitutionalists. Iran has gone through many permutations since 1906, but it has experienced very little democracy.

Today's Iran is a far cry from that envisioned by the revolutionaries and constitution writers of a century ago. The Iran of today is an authoritarian, intolerant, theocratic regime in which ultimate authority rests with the clergy, and a minority of clergymen at that.

There are elections and there is a parliament in Iran, but candidates must first be approved by an unelected clergy. The democratic promise that Iranians set out for themselves in 1906 remains unfulfilled, but it is not forgotten. It stands as a beacon of democratic hope for Iran and for others throughout the Middle East.

At a time when we have committed our resources to supporting the emergence of a liberal, tolerant Middle East, it is very appropriate that we recall one of the earliest efforts in that region to establish a constitutional democratic regime. And we honor those Iranians who struggled for positive change. That is why I support this resolution and urge all of my colleagues to do likewise.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I am so pleased to yield 5 minutes to the gentleman from Iowa (Mr. KING), the prime sponsor and author of the resolution.

Mr. KING of Iowa. I thank the gentlewoman from Florida for yielding and for her leadership on this important issue. And I also thank the gentleman from California (Mr. LANTOS) for his support for this resolution and for his leadership on many of these foreign relation issues that we have.

I am very pleased to be here on the floor today, Madam Speaker, to address this issue; and I rise in support of H. Res. 942 to recognize the 100th anniversary of the Iranian constitutional revolution.

The current totalitarian regime of the ayatollahs presents a threat to world peace. It is important to recognize that Iranian history contains within itself the evidence of internal representative constitutional aspirations which would free the Iranian people of oppressive tyranny.

In 1906, the people of Iran brought about a peaceful constitutional revolution to limit the autocratic power of a corrupt regime. As such, it was among the most significant turning points in Iranian history; it and resulted in the establishment of an elected parliament, the Majles, and the creation of a representative system of government, including checks and balances and the separation of powers.

While the constitution that was ultimately drafted as a result of the revolution was never fully implemented in Iran, it presents the Iranian people with an important starting point in their present-day struggle to overcome the tyranny of the ayatollahs.

Much like the situation that we currently see in Iran, before the revolution in 1906 Iran was ruled harshly by leaders who did not have to respond to the will of the people. As the people of Iran watched their leaders squander away their nation's land and resources, they were emboldened by the democratic revolutions that were at that time sweeping through Europe and Latin American. The people of Iran saw what was happening in other countries and demanded similar reforms. Just as today's Iranians see their needs overlooked in their leaders' attempts to hasten the coming of a worldwide radical Islamic state, the destruction of the assets of Iran before the 1906 revolution resulted in widespread poverty, food shortages and plague, though the rulers demonstrated no obligation to relieve the needs of the people.

After years of agitation and a number of failed attempts to bring about representative constitutional reforms in cooperation with Iran's rulers, the reformists chose nonviolent means to establish their demands. Early in 1906, some 16,000 Iranians gathered in the mosques and the public places of Tehran, organized camps, commissaries, and sanitation facilities and established order; and they simply stayed there. In modern terms, it was a giant sit-in that lasted for weeks. And on August 5, 1906, Mozafareddin Shah signed a decree authorizing the creation of a freely elected Majles which was the first task of writing a permanent constitution. The constitution that was created was a modern representative document created upon the model of the Belgian Constitution that met all the requirements of the four demands of the revolutionary democratic movement.

The establishment of an independent judiciary was one. The second was establishment of an independent legislature, with members directly elected by the people. The third was a socio-political progress, including the separation of religion from the affairs of government. I will repeat, the separation of religion. The fourth was a commitment of the government to the territorial integrity of Iran. And in 1907, in one of the most unfortunate events of the Iranian history, Mozafareddin Shah died, and with him died the full implementation of the representative constitution.

Nevertheless, the 1906 constitution has always served as a beacon of liberty for those striving for freedom in Iran. All people on the face of the Earth ought to have the right to live under a constitutionally prescribed government that is representative and responsive to the will of the people. The 1906 Constitution of Iran provides the people of Iran with a blueprint for constitutional government that is a product of their culture and their needs. It has demonstrated that Iranians could come together, using their own resources and their own traditions, to create a liberal representative constitutional state. And even though a corrupt dictatorial reactionary regime has ruled in Iran since 1979, the 1906 Iranian Constitution inspires hope for a free Iran today.

Madam Speaker, I hope the recognition contained in this bill can help inspire Iranians to rise up and expel their country's dictators. Given the current threat the Iranian regime poses to global security today, the whole world should join in supporting and encouraging the Iranian people's fight for freedom and constitutional representation.

I ask my colleagues for support of this important legislation and pray for the day that all of God's children live in freedom and liberty.

DRAFT 1906 IRAN CONSTITUTION

In the Name of God the Merciful, the Forgiving.

WHEREAS in accordance with the Imperial edict dated the fourteenth of Jumada althani, A.H. 1324 (=August 5, 1906), a decree was issued for the establishment of a National Consultative Assembly, to promote the progress and happiness of our Kingdom and people, strengthen the foundations of our Government and give effect to the enactments of the Sacred Law of His Holiness the Prophet.

AND WHEREAS, by virtue of the fundamental principle (therein laid down), we have conferred on each individual of the people of our realm, for the amending and superintending of the affairs of the commonwealth, according to their degrees, the right to participate in choosing and appointing the Members of this Assembly by popular election,

THEREFORE the National Consultative Assembly is now opened, in accordance with our Sacred Command; and we do define as follows the principles and articles of the Constitutional Law regulating the aforesaid National Consultative Assembly, which Law comprises the duties and functions of the above-mentioned Assembly, its limitations, and its relations with the various ministries of the country.

On the Constitution of the Assembly.

Article 1—The national consultative assembly is founded and established in accordance with the Imperial edict of the fourteenth of the Jumada al-thani, A.H. 1324 (August 5, 1906).

Article 2—The National Consultative Assembly represents the whole of the people of Iran, who (thus) participate in the economic and political affairs of the country.

Article 3—The National Consultative Assembly shall consist of the members elected in Tehran and the provinces, and shall be held in Tehran.

Article 4—The number of elected members of the national consultative assembly has been fixed, in accordance with the electoral law, separately promulgated, at one hundred and sixty-two, but in case of necessity the number of the members may be increased to two hundred.

Article 5—The members of the national consultative assembly shall be elected for two whole years. This period shall begin on the day when all the representatives from the provinces have arrived in Tehran. On the conclusion of this period or two years, new representatives shall be elected, but the people shall have the option of re-electing any of their former representatives whom they wish and with whom they are satisfied.

Article 6—The members of the national consultative assembly who have been elected to represent Tehran shall, as soon as they meet, have the right to convene the national consultative assembly and to begin their discussions and deliberations. During the period preceding the arrival of the provincial delegates, their decisions shall depend for their validity and due execution on the majority (by which they are carried).

Article 7—On the opening of the debates, at least two thirds of the members of the national consultative assembly shall be present, and, when the vote is taken at least three quarters. A majority shall be obtained only when more than half of those present in the Assembly record their votes.

Article 8—The periods of session and recess of the national consultative assembly shall be determined by the assembly itself, in accordance with such internal regulations as itself shall formulate. After the summer recess, the national consultative assembly must continue open and remain in session from the fourteenth day of the month of Mehr (Oct. 6th), which corresponds with the anniversary of the opening day of the first assembly.

Article 9—The national consultative assembly can sit on occasions of extraordinary public holidays.

Article 10—On the opening day of the national consultative assembly, an address shall be presented by it to His Imperial Majesty, and it shall afterwards have the honor of receiving an answer from that Royal and August quarter.

Article 11—Members of the national consultative assembly, on taking their seats, shall take and subscribe to the following form of oath:

(Form of the Oath.)

"We the undersigned take God to witness, and swear on the Qur'an, that, so long as the rights of the national consultative assembly and its members are observed and respected, in conformity with these regulations, we will, so far as possible, discharge, with the utmost truth, uprightness, diligence and endeavor, the duties confided to us; that we will act loyally and truthfully towards our just and honored sovereign, commit no treason in respect of either the foundations of the throne or the rights of the people, and will consider only the advantage and well-being of the people and the country of Iran."

Article 12—No one, on any pretext or excuse, shall have any right, without the knowledge and approval of the national consultative assembly, to molest its members. Even in case of the members committing some crime or misdemeanor, and being arrested flagrante delicto, any punishment inflicted upon him must be with the cognizance of the national consultative assembly.

Article 13—The deliberations of the national consultative assembly, in order that effect may be given to their results, must be public. According to the internal regulations of the assembly, journalists and spectators have the right to be present and listen, but not to speak. Newspapers may print and publish all the debates of the assembly, provided they do not change or pervert their meaning, so that the public may be informed of the subjects of discussion and the detail of what takes place. Everyone, subject to his playing due regard to the public good, may discuss them in the public press, so that no matter may be veiled or hidden from any person. Therefore all newspapers, provided that their contents are not injurious to any one of the fundamental principles of the government or the nation, are authorized and allowed to print and publish all matters advantageous to the public interest, such as the debates of the assembly, and the opinions of the people on these debates. But if anyone, actuated by interested motives, shall print in the newspapers or in other publications anything contrary to what has been mentioned, or inspired by slander or calumny, he will render himself liable to cross-examination, judgment and punishment, according to law.

Article 14—The national consultative assembly shall organize and arrange, in accordance with separate and distinct regulations called the Internal Code of Rules, its own affairs, such as the election of a president, vice-presidents, secretaries, and other officers, the arrangements of the debates and formation of committees, etc.

Duties of the Assembly, its Rights and its Limitations.

Article 15—The national consultative assembly has the right in all matters and issues to propose any bill which it regards as conducive to the well-being of the government and the people, after due discussion and deliberation thereof in all sincerity and truth; and, having due regard to the majority of votes, to submit such bill, in complete confidence of safety and security, after it has received the approval of the senate, by means of the Prime Minister of the country, so that it may receive the Royal Approval and be duly carried out.

Article 16—All laws necessary to strengthen the foundations of the country and throne and to set in order the affairs of the realm and the establishment of the ministries must be ratified by the national consultative assembly.

Article 17—The national consultative assembly shall, when occasion arises, bring forward such bills as shall be necessary for the creation, modification, completion or abrogation of any law, and, subject to the ratification by the senate, shall submit it for the royal sanction, so that due effect may thereafter be given to it.

Article 18—The regulation of all financial matters, the construction and regulation of the budget, all changes in fiscal arrangements, the acceptance or rejection of all incidental and subordinate expenditure, as also the new inspectorships (of finance) which will be founded by the Government, shall be subject to the approval of the national consultative assembly.

Article 19—The national consultative assembly has the right, after the senate has given its approval, to demand from the ministers that effect shall be given to the bills thus approved for the reform of the finances and the facilitation of co-operation between the different departments of the Government by division of the departments and provinces of Iran and their respective offices.

Article 20—The budget of each ministry shall be concluded during the latter half of each year for the following year, and shall be ready fifteen days before the festivities of Norooz. (March 21, the Iranian new year)

Article 21—Should it at any time be necessary to introduce, modify or abrogate any bylaws regulating the (functions of the) ministries, such change shall be made only with the approval of the national consultative assembly, irrespective of whether the necessity for such action has been declared by the assembly or enunciated by the responsible ministers.

Article 22—Any proposal to transfer or sell any portion of the national resources, or of the control exercised by the government or the throne, or to effect any change in the boundaries and frontiers of the kingdom, shall be subject to the approval of the national consultative assembly.

Article 23—Without the approval of the national consultative assembly no concession for the formation of any public company of any sort shall, under any plea whatsoever be granted by the government.

Article 24—The conclusion of treaties and covenants, the granting of commercial, industrial, agricultural and other concessions, irrespective of whether they are granted to Iranian or foreign nationals, shall be subject to the approval of the national consultative assembly, with the exception of treaties which, for reasons of state and the public advantage, must be kept secret.

Article 25—All government and national loans, under whatever title, whether internal or external, must be contracted only with the cognizance and approval of the national consultative assembly.

Article 26—The construction of railroads or chausses, at the expense of the government, or of any company, whether Iranian or foreign, depends on the approval of the assembly.

Article 27—Wherever the assembly observes any defect in the laws, or any neglect in giving effect to them, it shall notify the same to the minister responsible for that department, who shall furnish all necessary explanations.

Article 28—Should any minister, acting under misapprehension, issue on the royal authority, whether in writing or verbal, orders conflicting with one of the laws which have been enacted and have received the royal sanction, he shall admit his negligence and lack of attention, and shall, according to the law, be personally responsible to His Majesty.

Article 29—Should a minister fail to give a satisfactory account of any affair conformable to the laws which have received the royal sanction, and should it appear in his case that a violation of such law has been committed, or that he has transgressed the limits imposed (on him), the assembly shall demand his dismissal from His Majesty, and should his treason be clearly established in a Court of Law, he shall not again be employed in the service of the State.

Article 30—The Assembly shall, at any time when it considers it necessary, have the right to make direct representations to His Majesty by means of a committee consisting of the president of the national consultative assembly and six of its members chosen by the six ranks. This committee must ask permission, and make an appointment for an audience with His Majesty through the Chief of Protocol. (Wazir-i-Darbar).

Article 31—Ministers have the right to be present at the sessions of the national consultative assembly, to sit in the places appointed for them, and to listen to the debates of the assembly. If they consider it necessary, they may ask the President of the assembly for permission to speak, and may give such explanations as may be necessary for purposes of discussion and investigation.

On the Presentation of Issues to the National Consultative Assembly.

Article 32—Any individual may submit in writing to the Petition Department of the Archives of the assembly a statement of his own case, or of any criticisms or complains. If the matter concerns the assembly itself, it will give him a satisfactory answer; but if it concerns one of the ministries, it will refer it to that ministry, which will enquire into the matter and return a sufficient answer.

Article 33—New laws which are needed shall be drafted and revised in the ministries which are respectively responsible, and shall then be laid before the national consultative assembly by the responsible ministers, or by the Prime Minister. After being ratified by the assembly, and signed by His Majesty, they shall be duly put into force.

Article 34—The President of the national consultative assembly can, in case of necessity, either personally, or on the demand often members of the assembly, hold a private conference, consisting of a selected number of members of the national consultative assembly, with any minister, from which private meeting newspaper correspondents and spectators shall be excluded, and at which other members of the assembly shall not have the right to be present. The result of the deliberations of such secret conference shall, however, only be confirmed when it has been deliberated in the said conference in presence of three quarter those selected (to serve on it), and carried by a majority of votes. Should the proposition (in question) not be accepted in the private conference, it shall not be brought forward in the national consultative assembly, but shall be passed over in silence.

Article 35—If such private conference shall have been held at the demand of the president of the national consultative assembly, he has the right to inform the public of so much of the deliberations as he shall deem expedient; but if the private conference has been held at the demand of a minister, the disclosure of the deliberations depends on the permission of that minister.

Article 36—Any minister can withdraw any matter which he has proposed to the assembly at any point in the discussion, unless his statement has been made at the instance of the assembly, in which case statement has been made at the instance of the assembly, in which case the withdrawal of the matter depends on the consent of the assembly.

Article 37—If a bill introduced by any minister is not accepted by the national consultative assembly, it shall be returned, supplemented by the observations of the assembly; and the responsible minister, after rejecting or accepting the criticisms of the assembly, can propose the aforesaid bill a second time to the assembly.

Article 38—The members of the national consultative assembly must clearly and plainly signify their rejection or acceptance of bills, and no one has the right to persuade or threaten them in recording their votes. The signification by the members of the assembly of such rejection or acceptance must be effected in such manner that newspaper correspondents and spectators also may perceive it, that is to say their intention must be signified by some outward sign such as (the employment of) blue and white voting-papers, or the like.

On the Introduction of Bills and Other Proposals by the Assembly.

Article 39—Whenever any bill is proposed by one of the members of the assembly, it can only be discussed when at least fifteen members of the assembly shall approve the discussion on that bill. In such case the proposal in question shall be forwarded in writing to the President of the assembly, who has the right to arrange that it shall be subjected to a preliminary investigation in a Committee of Enquiry.

Article 40—On the occasion of the discussion and investigation of such bill as is mentioned in Article 39, whether in the assembly or in the Committee of Enquiry, notice shall be given by the assembly to the responsible minister, if any, concerning that bill, that if possible he himself, or, if not, his deputy, shall be present in the assembly, so that the debate may take place in the presence of one or other of them. The draft of the (proposed) bill, with its additions, must be sent from ten days to a month before the time (with the exception of matters added at the last moment) to the responsible minister; and so likewise the day of its discussion must be determined beforehand. After the bill has been discussed in the presence of the responsible minister, and in case it should, by a majority of votes, receive the approval of the assembly, it shall be officially transmitted in writing to the responsible minister, so that he may take the necessary actions to implement it.

Article 41—If the responsible minister cannot, for any reason, agree with the national consultative assembly about the said bill, he must offer his excuses to it and give it satisfaction.

Article 42—Should the national consultative assembly demand explanations on any matter from the responsible minister, the minister in question must give an answer, which answer must not be postponed unnecessarily or without plausible reason, save in the case of secret matters, the secrecy of which for some definite period is to the advantage of the country and the people. In such cases, on the lapse of the definite period the responsible minister is bound to disclose that matter in the assembly.

On the Conditions Regulating the Formation of the Senate.

Article 43—There shall be constituted another assembly, entitled the Senate, consisting of sixty members, the sessions of which, after its constitution, shall be contemporaneous to the sessions of the national consultative assembly.

Article 44—The regulations of the Senate must be approved by the national consultative assembly.

Article 45—The members of this assembly shall be chosen from amongst the well-informed, discerning, pious and respected persons of the realm. Thirty of them shall be nominated by His Imperial Majesty (fifteen of the people of Tehran, and fifteen of the people of the provinces), and thirty shall be elected by the people (fifteen elected by the people of Tehran, and fifteen elected by the people of the provinces).

Article 46—After the convocation of the Senate, all proposals must be approved by both assemblies. If those proposals shall have been originated in the Senate, or by the cabinet of ministers, they must first be amended and corrected in the Senate and accepted by a majority of votes, and must then be approved by the national consultative assembly. But proposals brought forward by the national consultative assembly must, on the contrary, go from this assembly to the Senate, except in the case of financial matters, which belong exclusively to the national consultative assembly. The decision of the assembly, in respect to the above-mentioned proposals, shall be made known to the Senate, so that it in turn may communicate its observations to the national consultative assembly, but the latter, after due discussion, is free to accept or reject these observations of the Senate.

Article 47—So long as the Senate has not been convoked, proposals shall, after being approved by the national consultative assembly, receive the Royal assent, shall then have the force of law.

Article 48—If any proposal, after undergoing debate and revision in the Senate, be referred by a minister to the national consultative assembly, and be not accepted, such disputed proposal shall, in case of its being of importance, be reconsidered by a third assembly composed of members of the Senate and members of the national consultative assembly elected in equal moieties by members of the two assemblies. The decision of this (third) assembly shall be read out in the national consultative assembly. If it be then accepted, well. If not, a full account of the matter shall be submitted to His Majesty and should the Royal judgment support the view of the national consultative assembly, it shall become effective; but if not, orders will be issued for a fresh discussion and investigation. If again no agreement of opinion results, and the Senate, by a majority of two thirds, approves the dissolution of the national consultative assembly, this approval being separately affirmed by the cabinet of ministers, then the Imperial decree will be issued for the dissolution of the national consultative assembly, and at the same time orders shall be given for the holding of fresh elections, the people, however, have the right to re-elect their former representatives.

Article 49—The new representatives of Tehran must present themselves within the space of one month, and the representatives of the provinces within the space of three months. When the representatives of the Capital are present, the Assembly shall be opened, and shall begin its labors, but they shall not discuss disputed proposals until the provincial representatives shall arrive. If, after the arrival of all its members, the new assembly shall by a clear majority confirm the first decision, His Most Sacred and Imperial Majesty shall approve that decision of the national consultative assembly, and shall order it to be carried into effect.

Article 50—In each electoral period, which consists of two years, orders for the renewal of representatives shall not be given more than once.

Article 51—It is agreed that the kings of our successors and posterity shall regard as a duty of their sovereign state and an obligation incumbent upon them the maintenance of these laws and principles, which we have established and put into force for the strengthening of the edifice of the country, the consolidation of the foundations of the Throne, the superintendence of the machinery of Justice, and the tranquility of the nation.

14 of the month of Dhu'l-Qa'da, in the year of 1324 A.H.

(=December 30, 1906).

"These constitutional laws of the national consultative assembly and the senate, containing fifty-one articles, are correct.

(Dhu al-Qi'dah 14, A.H. 1324"

(=December 30, 1906).

(Underneath the concluding words is the signature of the Muzaffaru'd-Din Shah, and on the back of the page are the seals of the then Crown Prince or Wali-'ahd (the deposed Shah, Muhammad'Ali), and of the late Mushiru'd-Dawla.)

Mr. LANTOS. Madam Speaker, I am pleased to yield to my good friend and distinguished colleague from Ohio (Mr. KUCINICH) as much time as he might consume.

Mr. KUCINICH. I want to thank the gentleman from California, and I appreciate your commitment to constitutional democracies. My statement here today, while I can certainly agree with the sentiment that was expressed and the spirit of this resolution with respect to hoping for constitutional democracies, I think we need to look at the letter of the resolution and put it in the context of the administration's policies.

First of all, this particular resolution expresses its profound hope that the people of Iran will once again enjoy a democratic government in the spirit of the Iranian Constitution of 1906. I would like to read from some research that is available on the Web. Recent Iranian History from Wikipedia. It says that: with the rise of modernization in the late 19th century, desire for change led to the Persian Constitutional Revolution of 1905 to 1911. In 1921, Reza Shah Pahlavi staged a coup against the weakened Qajar dynasty.

During World War II, Britain and the USSR invaded Iran from August 25 to September 17, 1941, to stop an axis-supported coup and secure Iran's petroleum infrastructure. The allies of World War II forced the Shah to abdicate, in favor of his son, Mohammad Reza Pahlavi, whom they hoped would be more supportive.

In 1951, a pro-democratic nationalist, Dr. Mohammed Mossadegh, rose to prominence in Iran. Now, Mossadegh was elected its first Prime Minister. As Prime Minister, Mossadegh alarmed the West by his nationalization of an Anglo-Iranian oil company that was later named BP, which controlled all the country's oil reserves.

Britain immediately put an embargo on Iran. Members of British Intelligence Service approached the United States under President Eisenhower in 1953 to join them in Operation Ajax, a coup against Mossadegh. President Eisenhower agreed and authorized the CIA to assist the BIS in overthrowing Mossadegh. The Shah at first attempted to formally dismiss Mossadegh, but this backfired and Mossadegh convinced the Shah to flee to Baghdad.

Regardless of this setback, the covert operation soon went into full swing conducted from the U.S. embassy in Tehran under the leadership of Kermit Roosevelt, Jr. Agents were hired to facilitate violence, and as a result protests broke out across the nation, anti- and pro-monarchy. Protesters violently clashed in the streets leaving almost 300 dead. The operation was successful in triggering a coup, and within days pro-Shah tanks stormed the capital and bombarded the Prime Minister's residence. Mossadegh surrendered and was arrested on the 19th of August 1953, tried for treason, and sentenced to 3 years in prison.

□ 1615

Now, keep in mind that on March 8 of 1951, Mossadegh submitted to the Iranian mullahs his proposal to nationalize Iran's oil. According to the Cornell University library, the Anglo-Iranian Oil Company, most of whose stock was owned by the British Government, had been paying Iran much less than the British Government took from the company in taxes. Mossadegh's nationalization bill scared the company into concessions that were made too late. The Premier was committed to nationalization. Much to the surprise of the British, he went through with it right down to the expulsion of British technicians without whom the Iranians could not run the Abadan refinery. Results? The West lost the Iranian oil supply, and the Iranian Government lost the oil payments.

When we are talking about democracy in Iran, Iran had a democratic government which was overthrown because of oil. So let's celebrate democracy and not try to at the same time praise a process that resulted in an overthrow of democracy.

I think when we look at this particular resolution, you have to read these resolutions to the letter to get an idea of what is going on here.

Here we are expressing the profound hope that the people of Iran will once again enjoy a democratic government in the spirit of the Iranian Constitution of 1906. They had a democratic government. The U.S. helped overthrow it.

One of the last resolutions, we talked about initiating an active and consistent dialogue with other governments in the European Union in order to persuade the Government of Iran to rectify its human rights practices. We should be talking to the Government of Iran if we object to their human rights practices.

Resolution 415 says human rights will be considered a significant factor in the foreign policy of the United States with regard to Iran, but we are not stating that with the other countries that have violated the human rights of their citizens.

My concern is that while these resolutions in and of themselves may have elements that are salutary, at the same time you have to put them in the context of the administration's policy, which is a buildup to war against Iran. That is why I am raising a note of caution here. You have to see why we have three resolutions on the floor of the House dealing with Iran on the same day our President is before the United Nations making a statement which characterizes Iran in much the same way that Iraq was characterized before the United Nations in another visit by the President. I think we have to be very cautious about the path this country is taking.

We can stand for democracy and human rights in Iran. We can do all of those things without taking steps and letting our efforts, which might be in good faith, by the way, without letting those efforts be used as a buildup towards war. I am saying look at all of this in the context in which it is occurring.

Look at Time magazine this week and look at the stories that have been published in The New Yorker. Watch the development of this administration with respect to covert activities in Iran.

Madam Speaker, you might be interested to know that our House Subcommittee on Government Operations, which has jurisdiction over national security and international relations, we were supposed to have a classified briefing by the State Department and by the Department of Defense on this issue on what is going on in Iran. They refused to appear. They still refuse to appear. They are not accountable to Congress. I am raising this issue so my colleagues know that you have to look at the context in which these resolutions are being offered.

Madam Speaker, I thank the gentleman from California for the opportunity to present these observations.

Mr. BLUMENAUER. Madam Speaker, I rise in support of H. Res. 942, recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906. I, too, introduced are solution recognizing the 100th anniversary of the Iranian Constitutional Revolution at the same time as Mr. KING, H. Res. 967.

The Iranian Constitutional Revolution was a pivotal event in Persian and Middle Eastern history. In the face of a corrupt and authoritarian Qajar monarchy, and in order to defend Persian interests against British and Russian imperialism, the Persian people rose up and forced the creation of a parliament and the adoption of a constitution containing basic democratic rights for the first time in Iranian history.

In this time that the United States faces very serious and difficult issues with regards to Iran, this historic event demonstrates that the Iranian people's long-standing desire for democratic self-government, free from authoritarian rule or foreign interference. I believe that understanding these values common to the Iranian and American peoples, as well as Iran's political history, will help us develop a constructive policy towards Iran. It is also an important sign of support for the Iranian people and our Iranian-American constituents.

Mr. LANTOS. Madam Speaker, we have no additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I also have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 942.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE SOCIALIST REPUBLIC OF VIETNAM NEEDS TO DO MORE TO RESOLVE CLAIMS FOR CONFISCATED REAL AND PERSONAL PROPERTY

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) expressing the sense of the House of Representatives that the Socialist Republic of Vietnam needs to do more to resolve claims for confiscated real and personal property, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 415

Whereas during the establishment of the Socialist Republic of Vietnam as a 1-party state ruled and controlled by the Vietnamese Communist Party, uncompensated confiscation of real and personal property from Vietnamese citizens was a widespread occurrence;

Whereas Article 23 of the Constitution of the Socialist Republic of Vietnam provides that "[t]he lawful property of individuals and organizations shall not be nationalized";

Whereas according to the Department of State, more work is necessary to adequately protect property rights in Vietnam; and

Whereas the people of the United States are firmly committed to freedom, democracy, and basic human rights for the citizens of the Socialist Republic of Vietnam: Now, therefore, be it

Resolved, That—

(1) The House of Representatives—

(A) welcomes recent attempts by the Government of the Socialist Republic of Vietnam to establish private land use rights for its citizens, and hopes that these rights are quickly expanded to encompass all Vietnamese citizens;

(B) calls on the Government of the Socialist Republic of Vietnam to more fully recognize its responsibility to provide equitable, prompt, and fair restitution of property that was confiscated by the government;

(C) calls on the Government of the Socialist Republic of Vietnam to direct local officials, particularly in the Central Highlands region, to promptly investigate and resolve complaints about discriminatory and uncompensated confiscation of land;

(D) urges the Government of the Socialist Republic of Vietnam to form a national commission for processing restitution claims, and to obligate local government officials, bodies, and agencies to provide all necessary documentation and cooperation to facilitate the implementation of decisions issued by the national commission; and

(E) strongly urges the Government of the Socialist Republic of Vietnam—

(i) to ensure that implementation of land use reforms by local officials does not result in increased inequity in access to land, particularly for the poor and for those out of favor with the Communist Party; and

(ii) to ensure that the government provides fair, prompt, and equitable restitution to former landowners for the property rights of all confiscated lands; and

(2) it is the sense of the House of Representatives that—

(A) the President should specifically consider land use rights for individuals in determining whether the Socialist Republic of Vietnam is a country of particular concern for religious freedom under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)); and

(B) the President should direct the Secretary of State to include, in the Secretary of State's annual Country Reports on Human Rights Practices submitted to the Congress under the Foreign Assistance Act of 1961, the status of land use rights and restitution claims in the Socialist Republic of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

House Resolution 415 expresses the sense of the House that the Socialist Republic of Vietnam needs to do more to resolve claims for confiscated real and personal property. This resolution notes the widespread confiscation of real and personal property that occurred during the establishment of the Socialist Republic of Vietnam as a one-party state ruled by the Vietnamese Communist Party.

Many individuals and entities, including the Catholic Church and the United Buddhist Church of Vietnam, still have not been adequately compensated for those extensive takings.

Unfortunately, property confiscation is not just a thing of the past. Earlier this year, the State Department noted reports that Vietnamese officials had forced some ethnic minority Protestants to leave their homes without adequate compensation, and that land was seized from other minorities and given to state-owned coffee and rubber plantations. These events underscore the continuing need for equitable restitution and better protection of property rights in Vietnam.

House Resolution 415 urges the Vietnamese Government to investigate confiscation complaints and to provide restitution. It also expresses the sense of the House that our President should consider land rights issues in determining whether Vietnam is a country of particular concern for religious freedom under the International Religious Freedom Act, and should include reporting on land rights and restitution issues in the annual Country Reports on Human Rights Practices.

We appreciate the efforts of this resolution's lead sponsors, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from Indiana (Mr. BURTON), and we thank Chairman HYDE and the Committee on International Relations for moving this resolution forward.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

I first want to commend my good friend and fellow Californian Ms. LORETTA SANCHEZ for introducing this resolution. Her leadership in Congress on matters related to Vietnam is deeply appreciated.

Since the fall of Saigon more than three decades ago, the Vietnamese Government has confiscated private property of thousands of Vietnamese families. Some of these Vietnamese have fled abroad, while others have continued to live under the repression of the Vietnamese Communist Party.

Sadly, the confiscation of private property by the Vietnamese Government is not a matter of ancient history. Many Vietnamese today complain that local authorities are confiscating their lands without compensation and due process, and that these confiscations are being carried out in a singularly discriminatory fashion.

The Montagnards in Vietnam's Central Highlands, many of whom are Christians, have been particularly subjected to land confiscations. Many Christian Montagnards have lost access to their ancestral lands, and they have been severely marginalized in an economic sense. In some cases, confiscated Montagnard land has been turned over to Vietnamese from lowland areas.

Madam Speaker, the Vietnamese Government has recently made efforts to improve its land reform policies. It is imperative that the government uses this process to end discriminatory land seizures and to ensure that everyone receives adequate compensation for their property.

I urge all of my colleagues to support this resolution.

Madam Speaker, I yield 3 minutes to the author of this important resolution, my good friend from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank Mr. LANTOS for yielding me this time.

I would also like to thank my original cosponsor, the gentleman from Indiana (Mr. BURTON), and Chairman HYDE, and all of the members of the Committee on International Relations who thought this was an important resolution and who helped me bring it to the floor.

I introduced H. Res. 415 in June 2005 because we began to see a very big pattern of confiscation of land. Now, this had been happening in Vietnam since the fall of Saigon back in 1975 by the Socialist government. But we have seen it happen even more, and particularly to religious institutions and to minorities, including the Montagnards who live up in the highlands.

It is a growing concern, and illegal seizures of personal property from Vietnamese citizens and private organizations just shouldn't be happening. Even though Article 23 of the Vietnamese Constitution prohibits seizure of property without compensation, this has not been enforced.

We must support the people within Vietnam who continue to fight for the right to keep their land. Believe me, they do. They have been demonstrating now for almost 6 months in front of the government buildings in Hanoi asking for land reform, asking to get their lands back. We need to make sure if their lands are taken and they are not gotten back, they should at least be compensated correctly for having them taken from them.

The government claims it is working to improve its human rights record. Well, this Congress can send a clear message that we are looking at what they are doing, and in order to show progress in the area of human rights, we are going to evaluate it step by step, and the first part is to end property seizures and to fairly compensate the citizens and organizations whose land has been unfairly taken.

Congress must be clear with the Government of Vietnam that promises alone are not satisfactory, and that implementation and enforcement are the real measures of this progress. As the President prepares to go to Vietnam, and as Vietnam is looking at entrance into WTO, and as we are looking at normal trade relations with Vietnam, I think it is incredibly important for this Congress to remember how important human rights are here in the United States and for every citizen of the world.

I urge my colleagues to support the people of Vietnam and to send a clear message to the Government of Vietnam by voting for this resolution today.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to support the effort, the legislation and the work of Congresswoman SANCHEZ, who has worked on these issues for a very long time. I also thank the ranking member Mr. LANTOS and the manager Ms. ROS-LEHTINEN for their leadership on these issues.

It is interesting that now, with most of the world's leaders at the United Nations, you would almost hope that they would accomplish something. Certainly that would mean to many of the nations that would be appearing there that they would address some of the questions that have oppressed their citizens for years.

□ 1630

After the Vietnam War, we remain with a divided Vietnam, the North and South Vietnam; but over the years, this Congress and these administrations have moved more closely to try to develop alliances with the United States and North and South Vietnam, under the argument that engagement is responsible and it helps to promote democracy.

I would say that many of the Vietnamese in the Vietnamese community of the United States know that that is still a difficult road. Many are still fighting for family reunification, for the right to visit their families, or the right for their families to be reunited with them. Even though we move closer and closer to trade relationships, we still have harsh conditions in the Socialist Republic of Vietnam, and that has to do with the ongoing fight for confiscated and personal property that has not been returned.

Unfortunately, as the one-party system was established under the Vietnamese Communist Party, uncompensated confiscation of real and personal property from Vietnamese citizens was widespread and there was no solution. Unfortunately, under this government the confiscation of land as a tool of repression against certain ethnic minorities continued, and it continues even today. Article 23 of the Constitution of the Socialist Republic of Vietnam provides that the lawful property of individuals and organizations shall not be nationalized.

So I rise today to ask that more attention be given to the providing of this property back to the rightful owners and that the government is asked by the world community to establish a private land use right for some of its citizens and also to establish a way to return this property. We, likewise, believe that this government should remove itself from engaging in repressive procedures that do not allow the right of private property ownership to exist in North Vietnam. We believe it is very important for tools to be put in place so that the rights of the people can be restored.

I hope in this time that the United Nations is gathered that issues dealing with individual rights of citizens and countries that are still repressive become high on their agenda. We need to discuss Sudan. We need to discuss the rights of the people in Iran, and, certainly, Vietnam is one in particular.

So I join in support of H. Res. 415 and ask this Congress to support a strong statement being made to North Vietnam about the rights of its people and the right for the return of private and personal property. This is a time that the statement should be made, but more importantly, this is a time for action.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 415, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REQUESTING THE PRESIDENT TO ISSUE A PROCLAMATION CALLING FOR OBSERVANCE OF GLOBAL FAMILY DAY, ONE DAY OF PEACE AND SHARING

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Con. Res. 317) requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 317

Whereas, in the year 2005, the people of the world suffered many calamitous events, including devastation from tsunami, terror attacks, war, famine, genocide, hurricanes, earthquakes, political and religious conflict, disease, poverty, and rioting, all necessitating global cooperation, compassion, and unity previously unprecedented among diverse cultures, faiths, and economic classes;

Whereas grave global challenges in the year 2006 may require cooperation and innovative problem-solving among citizens and nations on an even greater scale;

Whereas, on December 15, 2000, Congress adopted Senate Concurrent Resolution 138, expressing the sense of Congress that the President of the United States should issue a proclamation each year calling upon the people of the United States and interested organizations to observe an international day of peace and sharing at the beginning of each year;

Whereas, in 2001, the United Nations General Assembly adopted Resolution 56/2, which invited "Member States, intergovernmental and non-governmental organizations and all the peoples of the world to celebrate One Day in Peace, 1 January 2002, and every year thereafter":

Whereas many foreign heads of state have recognized the importance of establishing Global Family Day, a special day of international unity, peace, and sharing, on the first day of each year; and

Whereas family is the basic structure of humanity, thus, we must all look to the stability and love within our individual families to create stability in the global community: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urgently requests the following:

(1) That the President issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, a day which is dedicated—

(A) to eradicating violence, hunger, poverty, and suffering; and

(B) to establishing greater trust and fellowship among peace-loving nations and families everywhere.

(2) That the President invite former Presidents of the United States, Nobel laureates, and other notables, including American business, labor, faith, and civic leaders, to join the President in promoting appropriate activities for Americans and in extending appropriate greetings from the families of America to families in the rest of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Con. Res. 317, requesting the President to issue a proclamation setting aside a day dedicated to eradicating violence and establishing greater trust among peace-loving nations and families everywhere.

This resolution has a distinguished history, Madam Speaker. In the year 2000, Congress unanimously agreed to a similar resolution. The previous legislation, authored by the late Senator Paul Wellstone from Minnesota, expressed the sense of Congress that a day of peace and sharing should be established at the beginning of each year. This day would encourage people around the world to gather with family, their faith community, and neighbors to share a meal and to pledge to work for peace in the new year. It called upon Americans to match or multiply the cost of that year's meal with a contribution to fight hunger.

In the following year, 2001, the United Nations General Assembly adopted a resolution asking the global community to set aside the first day of the year to recognize the importance of international unity, peace, and sharing.

Today, Madam Speaker, we are considering House Concurrent Resolution 317, sponsored by my colleague Congressman CONYERS, recognizing that in order to implement these resolutions calling for peace and the alleviation of worldwide suffering, we must rely heavily on the family. It is the family that is the basic unit of a civil society. The family is where our values are learned and carried out. Stability and peace in the global community can only be accomplished one family at a time.

A special day where families worldwide can sit down to a meal and pledge to work locally for peace and to end injustice in their own communities will no doubt have a worldwide impact.

I urge an "aye" vote, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution.

I would first like to commend my good friend and distinguished colleague, the ranking member of our Judiciary Committee, JOHN CONYERS, for introducing this resolution and for advocating on behalf of Global Family Day for many years. I would also like to thank Chairman HYDE for allowing this resolution to move to the floor.

Madam Speaker, this resolution is very simple and very important. It provides that the Nation should set aside time dedicated to eradicating violence, hunger, and poverty, and to establishing greater trust and fellowship among peace-loving nations and families everywhere.

As we commemorate the lives lost in the tragedy that occurred on September 11, 5 years ago, it is particularly fitting that the President designate a day for eradicating violence and embracing our common humanity.

Madam Speaker, I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I am very pleased to yield such time as he may consume to the author of this resolution, my good friend and distinguished colleague from Michigan, Congressman CONYERS.

Mr. CONYERS. Madam Speaker, I rise absolutely overjoyed at the action that has been taken by the Committee on International Relations. I begin by commending the distinguished chairman, HENRY HYDE, a current member of the House Judiciary Committee, where he was once chairman; my dear friend from Florida, Subcommittee Chairwoman ILEANA ROS-LEHTINEN; and, of course, the esteemed TOM LANTOS, the ranking member of the committee.

Ladies and gentlemen, I cannot tell you how thrilled I am to see a resolution come back to the floor for the observance of Global Family Day, One Day of Peace and Sharing. It has a long history that the gentlewoman from Florida remembers all the way back to the late Senator Paul Wellstone. And I join all of you as we in the Congress continue to search for a way to find peace in Iraq and Afghanistan, in every corner of the world.

There are widely divergent views about how we arrive at peace; but most of all, we are deeply concerned about the subject. We have families, constituents, individuals who are longing for peace in the world and an end to the suffering caused by poverty, disease, and hunger. Untold numbers of our friends, neighbors, parents, children are hoping that there can be more understanding, more generosity, more genuine friendship and more caring among people of all faiths and cultures. We struggle with military strategies and budgets, economic considerations, and international issues.

But there is one matter which we can come together on, and this is House Concurrent Resolution 317 that calls upon the President to issue an annual proclamation calling upon the Nation's citizens to observe Global Family Day. It has been done before in the year 2000, and we are so pleased that it is being done today.

I would remind you that in 2001 following the tragedy of 9/11, the United Nations General Assembly took the same action. In more than 20 nations around the globe, the leaders of those countries have personally endorsed this initiative. And here in the Nation's capital, Mayor Anthony Williams proclaimed just 2 months ago that January 1, 2007, would be a day for all Washingtonians to become peacemakers in whatever capacity that they can.

Frequently, this took the role of people breaking bread with someone, some family of another faith, of another community, and the idea was to get to know one another better. It provides a way of saying to the world that we understand that it is the individuals, the 6.6 billion people on this planet, interacting with one another that will allow this to happen.

So I thank the tireless advocates who have worked on this matter across the years. Organizationally, they include the Martin Luther King, Jr. Family Life Institute, the National Association of Former Foster Care Children of America, the Global Family Day Foundation; but, of course, it is the founder of this idea that came to us in the Congress years ago with young children who wanted to start doing something along with the former Senator from Minnesota, and that is Ms. Linda Grover, whose dedication and commitment has inspired all of us to this unique, creative way to bring us all a little closer together.

Again, my thanks to the floor leaders that have managed this.

Mr. KUCINICH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, I want to thank the gentleman for his work on this resolution, and I ask the gentleman with his consent that I could be added as an original cosponsor.

Mr. CONYERS. Yes. I thought that he was, but if he wasn't, he is now.

Mr. McCAUL of Texas. Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4½ minutes to my friend and colleague from Texas, SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank my distinguished friend from California for yielding and his leadership, as well as my friend from Texas. Most of all, let me offer my great appreciation for Congressman CONYERS and his service and his commitment and years of working on human rights and justice issues in the United States and his collaboration on this legislation. I thank him for allowing me to be an original cosponsor for something as instructive and as insightful as this legislation is. I am delighted to be joined with a number of cosponsors now, Mr. KUCINICH as well.

And I rise today to applaud the concept, but also to say how vital and how important this idea is. We celebrate Thanksgiving and holidays around the Christmastime. Many of the different faiths call that timeframe in their own faith a name. We have commemorations around the birth of Christ for Christians, and other faiths have their commemorations. We are eager to promote peace, as I am an original cosponsor of the Department of Peace, offered by my good friend from Ohio, Mr. KUCINICH. But I do not know if we realize how crucial it is in this day and time to have a Global Family Day, One Day of Peace and Sharing.

□ 1645

Maybe if you would take a journey with me back to New Orleans, reminiscing and remembering the horrificness of Hurricane Katrina and the time we spent just a few weeks ago, some 28 Democratic Members who traveled throughout the gulf region. We really went to see the improvement, to be able to shake hands and to see where people had moved from the devastation of 2005. But yet we found ongoing devastation.

We bent down and we offered prayers as well as action. And it made me think more and more that we needed to be able to come together as families to address the question of hurricanes and earthquakes, famine and genocide. Because right here in the United States in the gulf region, there are still people who are homeless, not because they are not Americans who have contributed to this country, and veterans and people who have built their homes and raised their families, but because this government has failed to provide them with the resources necessary to go back to their homes, private insurance companies have not been able to provide them with relief to build their homes.

So this day is a broader concept of being able to bring us together, not to forget those who are now hopeless sometimes and helpless, but to be able to say that we want to reunite families.

Then I want you to think of the child soldiers around the world. I thought maybe we had extinguished that. I offered legislation early in my career about the elimination or the lack of use of child soldiers by cutting some of the foreign relations funding. But yet child soldiers exist. They are still fighting in guerilla warfares around the world. Children who are barely 8 years old, 7 years old, 12 years old have their limbs eliminated because they are now in guerilla warfare. We need this Global Family Day, One Day of Peace and Sharing.

Then, of course, the crisis in Sudan. I am asking the President, as he interacts with, again, the nation of families, to demand that the President of Sudan step aside to allow the African Union peace keepers to enter into their territory, to prevent the famine, the genocide, the brutality, the violence, the violence against women.

For those of us who have been in the Sudan, who have been in Chad where the refugees are, the stories are horrific. If you sit down on the dirt floor as I have done with the women of Sudan to tell you about how they are raped continuously when they simply go out to get wood, in order to provide fire in order to survive. This is a time now that the United Nations when the President can demand, along with the General Assembly and the U.N. Security Council for the Sudan to step aside and the world family to condemn them.

And so this Global Family Day, One Day of Peace and Sharing that the President should call for the United States, should be that we pray for the peace and human rights of the people of Iran, for the troops to come home so that they can be redeployed out of Iraq, and that the Iraqi Government can take their rightful place of leadership.

We pray for those in the gulf region who are now suffering. This resolution is so crucial, so vital, so important, because it is a day of action, because it is calling for action. All of us who are comfortable in our homes right now need to be aware that the world is in trouble.

But the United States, taking the high moral ground, has the opportunity, based upon this wonderful resolution, to be instructive and to gather its people around to ask for the freedom and peace and justice of the people in Sudan, freedom and human rights, and a new day in Iran and a standing down of any military violence by the United States against Iran.

And as well, the redeployment of our troops out of Iraq, and the governance of the people of Iraq so that we can promote this Global Day of Peace and Sharing.

Madam Speaker, I rise today in support of H. Con. Res. 317: Requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes.

Global Family Day originated from One Day Holiday, a day of peace and sharing together around the world, and is the first major shared global event to annually celebrate the entire human family, its achievements, and its aspirations.

Global Family Day is an important and necessary day set aside to represent the unity of the human family. At a time of war, hatred, poverty, and friction within our international community, Global Family Day reminds us to remain hopeful, to weather the stormy seas, to look for peace in the midst of the tempest.

We need a Global Family Day, because we are indeed in the midst of a troubling time. In the United States alone, there is plenty to remind of us of the urgency of fighting many of our social maladies.

In 2000, 16.2 percent of persons in the United States under the age of 18 were considered poor.

In that same year, 11.7 million American children younger than 18 lived below the poverty line.

One out of every six American children (16.3 percent) was poor in 2001. More specifically, 30.2 percent of African-American children, 28 percent of Hispanic children, 11.5 percent of Asian and Pacific Islander children, and 9.5 percent of Non-Hispanic White children were poor.

1 in 1.056 children will be killed by guns before the age of 20.

Children make up 12 percent of all crime victims reported to the police, including 71 percent of all sex crimes and 38 percent of all kidnapping victims.

Participation in the observance of Global Family Day is an important gesture of compassion. When we recognize Global Family Day, we support the idea of peace over war. When we recognize Global Family Day, we support the fight against poverty. When we recognize Global Family Day, we support world unity over ill-motivated antagonism.

As the leader of the free world, the United States must foster a sense of empathy, compassion, and brotherhood. We must join our bothers and sisters around the world to build hope at a time of doubt, to spread love and unity in a time of hate and division.

I urge my colleagues to support this resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and other purposes.

Mr. MCCAUL of Texas. Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I want to thank the gentleman from California for this opportunity to address this resolution, which calls upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing.

The prayer of Saint Francis begins with these words: make me a channel of our peace. And the gentleman from San Francisco, certainly throughout his career and here again today, affirms his work for peace. I want to join with him and the prime sponsor, Mr. CONYERS, in requesting the President to issue this annual proclamation.

This is an important moment when we can unite as a Congress to stand for peace. Because if we can do that for one moment, and we can advocate that it be done for a day, we know that we have the capacity to master the social arts to the point where we can make peace a practice in our everyday lives, not just the absence of war, but the active practice of a capacity for mutuality, for understanding, for peace-giving, for peace-sharing. We have this capacity.

We showed it last week when we came together on a resolution honoring the Dalai Lama with a Congressional Gold Medal. I want to thank Mr. LANTOS for giving me the opportunity. Because of you, I had the chance to meet the Dalai Lama years ago.

We have this capacity in this Congress to bring our aspirations to the highest level possible and in that way connect with the whole world. Because what this talks about is one day around the world for peace and sharing. So we at this moment unite with a family of humanity. We at this moment stand strong on principles of human unity. We can do that in this moment, and we can do it for many other moments as well.

Mr. LANTOS. Madam Speaker, I thank my friend for his heartfelt and warm words. I yield 2 minutes to my distinguished colleague and very good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from California for yielding me time.

Madam Speaker, I am pleased to join with all of those who have expressed an interest and a concern in this resolution. I rise because I firmly move that we have the capacity to go far beyond where we are.

As a matter of fact, I recall John Kennedy once saying that peace is not found only in treaties, covenants and charters, but in the hearts of men.

I suspect that if he were alive today, he would say in the hearts of men and of women. I happen to believe that we learn what we live, and that if we actively pursue the concepts of peace that we find different ways to handle conflict resolution.

I know that there are people who would say, what is the point in talking about this? Well, I will tell you the point. And I want to commend the gentleman from Michigan, because I remember reading a book that said, in the beginning was the word. And, of course, the words go forth. And people internalize those words. So I am pleased to join all of those who have spoken on this issue today. I do believe that peace is possible.

Mr. LANTOS. Madam Speaker, I want to thank all of my colleagues for their very significant statements. We have no additional requests for time, and I yield back the balance of our time.

Mr. MCCAUL of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 317, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF IRAN AND EXPRESSING SOLIDARITY WITH THE IRANIAN PEOPLE

Mr. MCCAUL of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 976) condemning human rights abuses by the Government of the Islamic Republic of Iran and expressing solidarity with the Iranian people.

The Clerk read as follows:

H. RES. 976

Whereas the Government of the Islamic Republic of Iran was elected through a controlled and fixed election process which does not allow the Iranian people to freely elect their leaders;

Whereas the Government of Iran is unaccountable to the will of the Iranian people;

Whereas the Government of Iran is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

Whereas the Government of Iran within both its legal framework and everyday practice continues to violate the civil and human rights of its citizens, in particular women, religious and ethnic minorities, and vocal opponents of the regime;

Whereas the Government of Iran practices discrimination against the aforementioned groups through denial of access to education and employment, seizure of private property, violent suppression of peaceful protest and freedom of assembly, arbitrary arrest and detention, physical and mental torture, cruel, inhuman, and degrading punishment, such as public executions, hanging, and stoning, and extra judicial killings of dissidents and ordinary citizens;

Whereas the Constitution of Iran promotes religious intolerance and prohibits religious freedom by endorsing one religion to the exclusion of other religious beliefs;

Whereas an unelected theocratic ruler and clerical elite exert control over the executive, legislative, and judicial branches of the Iranian Government;

Whereas the Iranian judiciary is not independent and can be subject to arbitrary dismissal by the clerics;

Whereas on December 16, 2005, the United Nations General Assembly passed a resolution discussing the human rights violations by the Government of Iran and insisting that

Iran eliminate in law and in practice discrimination toward the aforementioned groups;

Whereas international human rights organizations have called for investigations into violent crackdowns of peaceful protests and other human rights violations which the Government of Iran has ignored;

Whereas Iran sent to the June 2006 inaugural meetings of the United Nations Human Rights Council Saeed Mortazavi, Tehran's Prosecutor General responsible for jailing hundreds of journalists and linked to the 2003 arrest, imprisonment, and murder of an Iranian-Canadian photojournalist, showing a blatant disregard for the issue of human rights reform; and

Whereas the Department of State's Country Report on Human Rights Practices and Report on International Religious Freedom document the human rights abuses by the Government of Iran and list Iran as a "Country of Particular Concern": Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the human rights abuses perpetrated by the Government of the Islamic Republic of Iran and strongly urges the international community to bring pressure on Iran to halt discrimination and violence toward its citizens, in particular women, religious and ethnic minorities, and vocal opponents of the regime;

(2) urges the Government of the United States to continue to pressure the Government of Iran into making measurable improvements in the human rights situation for the Iranian people; and

(3) expresses its unity with all Iranian people and shares their desire to see Iran become a free country with transparent, democratic institutions and equal rights for all.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. McCAUL) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. McCAUL of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McCAUL of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of freedom for the Iranian people, and I want to thank Congressman CROWLEY and Congressman LANTOS for their efforts in support of this resolution. I want to thank Chairwoman ROS-LEHTINEN for her tireless efforts to see Iran become a free and democratic state.

For nearly 30 years, Iranians have lived under the extremist policies of religious clerics. Their human rights violations against the Iranian people defy common belief. The Iranian people deserve, indeed desire, the opportunity to live in a free and democratic society.

This is the dream of the vast majority of Iranians, and we should help them make this dream come true. It has been far too long since we have looked at the human rights record of one of the most evil regimes of the modern era. We know that Iran is the single largest state sponsor of terrorism in the world. And we know that their leaders wish to continue inflicting terrible pain and suffering on any group of people who do not share their extremist beliefs.

However, we must also remember the pain and suffering of the Iranian people at the hands of their leaders. Congress, the President, and the international community must address the excessive human rights abuses by Iran's Government. Since the Khomeini revolution in 1979, Iran has been ruled by a string of tyrants who use religion and politics as an excuse to persecute their own people.

Religious, ethnic, and gender discrimination are practiced every day by the Iranian judicial courts and the clerics who run them. People or groups critical to their government are given few rights under the law and no rights in practice.

The Government of Iran practices discrimination against its own people by denial of access to education and employment, seizure of private property, violent suppression of peaceful protest and freedom of assembly, arbitrary arrest and detention, physical and mental torture, cruel, inhumane and degrading punishment such as public executions, hangings and stoning, and extra-judicial killings of dissidents and ordinary citizens.

Iran's clerical regime has been a serial abuser of human rights since it violently took over the country in 1979. But it is clear that since President Ahmadinejad took power, the abuse of Iranian citizens has increased. Under his rule, Iranians are tortured for simply practicing a different religion, for speaking a different idea, and even for not supporting the extremist mullahs.

The oppression of women under the Iranian regime is perhaps the most brutal and most offensive. Iranian women are not allowed to attend universities, to hold jobs, to drive a car. They are forced to cover their entire bodies in public. In many cases of rape, the accused man will not face any punishment, and the woman in question will be accused of fornication, will be imprisoned, and eventually put to death.

One case involved a young woman who was deeply in love with her husband, and without evidence or reason, and against the pleas of her own husband, was found guilty of adultery. She was buried alive up to her chest in Tehran and then stoned to death.

In other cases of abuse, people have been arrested, beaten, and even killed for eating during the month of Ramadan, or doing anything that the mullahs deemed inappropriate. According to Iranian law, the religious police can interrogate a suspect without a lawyer present, which allows them to beat prisoners until they confess, most often to a crime that they did not commit.

☐ 1700

We must never forget these violations when we consider Iran's place in the international community. President Bush has attempted to engage the Iranian Government to end their illegal nuclear weapons program. This effort is crucial to keeping the world safe from a nuclear nightmare.

However, the effort must not end there. The United States and its allies must continue to pressure Iran to end the severe human rights violations against the Iranian people.

It is appropriate for us to raise this issue here today. This evening the President of Iran will address the world from the floor of the United Nations. His pleas and support of a nuclear Iran will fall on deaf ears. His continued defiance of U.N. Security Council resolutions must end, and the international community must begin the process of isolating the Iranian regime until true reform in that country begins.

Human decency requires us to stand unanimously against Ahmadinejad's oppression of his own people. We must continue to pursue freedom for Iran through diplomacy, but we must also not shrink from our responsibility through the option of strength.

We must also pursue the policy of internal resistance and change from within Iran. The policies and extremist views of Iran's religious mullahs are not representative of the entire nation of Iran. There are many Iranian people who desire to be free and are willing to fight for it. I have met with them, and we should do everything we can to forward their cause.

Now is the time to save their countries, for them to save their own countries, for them to save their own societies and for them to save their own religion.

I would like to leave with a few powerful stories of Iranian citizens who were persecuted and killed at the hands of their own government. The first involved an innocent Iranian girl. The religious police will not even respect the private boundaries of the home. A young girl in Tehran was arrested for swimming in her home pool in a bathing suit. She was found guilty of causing a "state of arousal" in a neighbor, from whose house she could be seen. She was sentenced to 60 lashes, but she died after the 30th lash.

Another involved an Iranian photographer in 2003. A single mother, she had struggled to raise a child and to build a career in exile. Her son remembers her as a small but feisty and courageous woman who loved freedom. She left her son for a business trip to Iran and Afghanistan. She was arrested while photographing a group of people inquiring about their detained loved ones. She was interrogated and beaten for refusing to confess to being a spy. She died in a military hospital in Tehran as a result of her torture.

Another case involved a 52-year-old Iranian salesman, 1998. He believed in the Baha'i religion. In the eyes of the state, this made him the apostate, a member of the unprotected infidel community. He, too, was arrested and found guilty of converting a woman to his religion. He was eventually hanged in a public square on July 21, 1998.

These are just but a few stories that highlight the need for this important resolution, and I strongly urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution.

Madam Speaker, I yield myself such time as I might consume.

I first would like to commend my good friend and distinguished colleague from Texas for introducing this important resolution and for his powerful and eloquent words.

This body has regularly condemned Iran for its nuclear program, which is clearly designed to build weapons of mass destruction. We have condemned Iran for its support of terrorism and other aggressive policies. But for far too long we have not adequately called attention to the broad range of horrific human rights violations practiced by the Islamist Republic of Iran.

In fact, Madam Speaker, Iran is among the world's leading human rights abusers. It is morally incumbent upon us to affirm our commitment to support the victims of Iranian repression and to express our sympathy for the long-denied democratic desires of the Iranian people. That is exactly what this resolution does.

Madam Speaker, I believe we all are familiar with many aspects of Iranian repression. Iran today is an authoritarian, intolerant, theocratic state, and the Iranians are at the mercy of a cynical, self-indulgent clerical elite, whose extremist views do not even reflect those of the majority of Iranian clergy.

We all know how Iran treats religious minorities, most infamously the Baha'i, and we all know that Iran represses democratic dissent, cooks the elections to make sure that the winners are theocrats unrepresentative of the will of the Iranian people.

But perhaps nothing more eloquently expresses Iran's cynicism about human rights than Iran's willingness to sign all manner of international agreements committing itself to adhere to international human rights standards while, in practice, scorning those very standards. Presumably the Iranian regime thinks it can fool us by signing documents.

In that regard, Madam Speaker, Iran's attitude towards its human rights obligations and its nuclear obligations are two sides of the same coin. Tehran takes neither set of commitments seriously.

By supporting this resolution, we will send a skyrocket message to the Iranian regime and to the Iranian people that we see through the regime's veil of cynicism, that we will keep the pressure on the Iranian regime to cease its repression, and that we look forward to the day when Iran will join the ranks of democratic, human-rights-respecting, law-abiding countries. We will not cease to believe in the goodwill and democratic inclinations of the vast majority of the Iranian people.

Madam Speaker, I urge all of my colleagues to support this resolution.

Madam Speaker, I am pleased to yield to my friend from Ohio as much time as he might consume.

Mr. KUCINICH. Once again, I am grateful to the gentleman from California for the opportunity to offer a slightly different perspective. While I continue to associate myself with my good friend Mr. LANTOS in the celebration of the imperative of human rights globally, I have specific concerns about the tenor of this resolution and its relationship to the administration's policy of ramping up for a war against Iran.

Again, I want to state that this is the third resolution that has been brought before this House this evening. You have to read it in the context of administration actions, which have been documented in published reports, that relate to an attempt to interfere in the internal affairs of Iran by sending elements of the Department of Defense inside of Iranian territory; number two, by planning a bombing, targets inside Iran; number three, by planning a naval blockade in the Strait of Hormuz where 40 percent of the world's oil flows through.

We have to look at this in a broader context of an administrative foreign policy, which is really aimed at creating not stability, but instability in the region. You can look at the July 2006 Vanity Fair article, which goes into detail about the unfortunate administration escapade of tricking up a case for uranium from Niger with respect to Iraq. One of the administration's key advisers in that article basically made the case for chaos, which is an administration, I believe, policy. Now we are looking at Iran.

Now, this resolution, 976, in the third article, expresses its unity with all the Iranian people, shares their desire to see Iran become a free country with transparent democratic institutions and equal rights for all.

I pointed out earlier in debates that Iran had a democratic government under Mossadegh; that in October of 1951, under Mossadegh, Iran sought to nationalize its oil industry. That then resulted in a draft resolution submitted to the United Nations by the United Kingdom, and supported by the United States and France, as depicting Iran then as a threat to international peace and security.

Then we saw a coup d'etat that was organized by the U.S. and the U.K. Yes, we ought to stand for democracy. We ought to also stand for truth with respect to the historical unfolding of what we say we stand for.

Where does this resolution lead? Does it lead to a continued insistence that the Government of Iran restore human rights to everyone in Iran? If it does, wonderful. We all ought to go along with that. But if his resolution is just another brick on a path towards war, look out. This looks like Iraq all over again, and that is what my concern is.

If this resolution sets us on a path to war, how many of us in the Congress are prepared to see this administration borrow money from China and Japan to go to war against Iran, as they have borrowed money from China and Japan to go to war against Iraq? We have to look at what we are doing here.

While this resolution, I am sure, will pass overwhelmingly, we have to see that circumstances are being set in order which could lead us towards a path of war against Iran. We have to ask ourselves, is that what we really want?

I can stand here with my colleagues and say, absolutely, I support the religious freedom of the Baha'i. I do. Absolutely. I support human rights for all people in Iran, and I do. Absolutely. I support democratic principles in Iran and every other country in the world, and I do.

But I am not for war against Iran. I don't believe the American people want war against Iran. I don't think they wanted war against Iraq, but they were dragged into it.

I am just offering these remarks as a cautionary note to make sure that we have our eyes open as we walk in the days ahead with respect to policy and Iran. Yes, we need to make sure that Iran has peaceful uses of its atomic energy. We have an obligation to do that.

But, in conclusion, Mr. Speaker, I maintain that we should begin first with direct negotiations with Iran. Second, we should assure Iran that we are not going to attack it. Third, we should demand that Iran open itself up to inspections once again by the IAEA. Fourth, we need assurances, and they are fair, that Iran is not going to be developing nuclear weapons.

There is a way out of this, and I am hopeful that in our stand for human rights, we are not paradoxically beginning a process that would deprive millions of Iranians of their human right to life.

I thank the gentleman from California for his friendship and also for his willingness to see debate in this House of the people. You have always done that, Mr. LANTOS. Whether we have agreed or not, you have always been willing to see the debate continue.

Mr. LANTOS. I thank my friend for his generous words.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 976, condemning human rights abuses by the Government of the Islamic Republic of Iran and expressing solidarity with the Iranian people.

It is astonishing that the Iranian government denies that there is a human rights issue in the country. The Iranian government suppresses expression and opinion, and persecutes individual for peaceful expression of their political views. Iran is constantly cited and criticized by our Department of State, Amnesty International, and many other human rights watch groups for its human rights record.

I have long been an advocate of a free, independent, and democratic Iran; an Iran that is non-threatening to its neighbors and that honors its commitments in the world community. There is no dissent in the world community about the inherent dangers of nuclear proliferation in the region.

For years, I have been a supporter of the democratic movement in Iran, and today more than ever, the people of Iran need to be supported, empowered, and given the confidence to create for themselves a new nation. Wars and appeasements are temporary actions, and not even close to a solution.

The only effective way to achieve a lasting peace and prosperity in the region is to support the Iranian people, men, women and children, in their endeavors to make Iran a democratic state.

Democracy is a struggle, but democracy is just. No one should experience the terror of a government that would torture or kill its own. We cannot ignore a country that gleefully thwarts international peace treaties and human rights conventions.

This bipartisan bill sends a very clear message that any government that oppresses its people will not be tolerated, and a smug tyranny is not acceptable. I urge my colleagues to support this measure.

May we all soon see peace and stability return to all of the Middle East.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of H. Res. 976, introduced by my colleague, Mr. MCCAUL from Texas.

H. Res. 976, Condemns human rights abuses by the Government of the Islamic Republic of Iran and expresses solidarity with the Iranian people.

The resolution notes the injustices inflicted upon the people of Iran by an unaccountable government against their will.

It urges the President and the international community to increase pressure on the Iranian government to improve its human rights situation and expresses unity with the Iranian people.

The recent untimely deaths of two political prisoners, reinforces the urgency that Iran free all prisoners of conscience.

The incarceration of student and political opposition activists is a form of intellectual terrorism that seriously undermines indigenous democratic reform.

In addition, the recent decision by the Iranian government to outlaw the Center for Defense of Human Rights, which was established by the first Muslim Woman Nobel Laureate, Shirin Ebadi, is a violation of Iran's post revolutionary constitution.

Mr. Speaker, this resolution is an opportunity for the American people to convey to the Iranian people that we support their efforts to bring freedom to their nation.

As a co-sponsor of this measure and strong advocate for the right of every human being—every Iranian—to live free from intimidation and be able to exercise their fundamental rights, I ask that we render our strong support for this resolution.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. MCCAUL of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOHMERT). The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and agree to the resolution, H. Res. 976.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1715

RECOGNIZING AND SUPPORTING THE SUCCESS OF THE ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. CAMP of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 959) recognizing and supporting the success of the Adoption and Safe Families Act of 1997 in increasing adoption and the efforts the Act has spurred including National Adoption Day and National Adoption Month, and encouraging adoption throughout the year.

The Clerk read as follows:

H. RES. 959

Whereas since the passage of the Adoption and Safe Families Act of 1997, the number of children adopted from foster care has increased significantly, with approximately 51,000 children adopted from foster care in fiscal year 2004 alone;

Whereas despite this remarkable progress, approximately 118,000 children in the United States foster care system are waiting to be adopted, and 49 percent of these children are at least nine years old;

Whereas adoptive families make an important difference in the lives of the children they adopt by providing a stable, nurturing environment for those children;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in foster care;

Whereas both National Adoption Day and National Adoption Month are in November;

Whereas the Department of Health and Human Services launched a series of public service announcements promoting the adoption of children eight and older in 2002;

Whereas more than 6,000 children have been placed into adoptive homes since the Department of Health and Human Services launched www.adoptuskids.org, a national photo listing service for children awaiting adoption across the United States;

Whereas judges, attorneys, adoption professionals, child welfare agencies, and child advocates in 45 States and the District of Columbia participated in 227 events in conjunction with National Adoption Day in 2005; and

Whereas these events finalized the adoptions of more than 3,300 children from foster care: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and supports the success of the Adoption and Safe Families Act of 1997 and of the efforts it has spurred;

(2) recognizes and supports the goals and ideals of National Adoption Day and National Adoption Month; and

(3) encourages adoption throughout the year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 959, a resolution that recognizes the successes of the landmark Adoption and Safe Families Act and honors National Adoption Day and Month. I was proud to introduce this resolution and the Adoption and Safe Families Act, which we honor today.

The work of Congress over the past decade has led to dramatic improvements for children in the foster care system. In fact, since 1997, the number of children adopted from foster care has increased significantly, from 28,000 in 1998 to 51,000 in 2004.

I have been pleased to work with my colleagues to refocus Federal child welfare programs, to ensure the best interests of children are first. The way to make that happen is to place children in safe, permanent loving homes. That is why National Adoption Day and Month are so important.

This year, National Adoption Day will take place on November 18, 2006, and is designed for communities around the country to highlight adoptions. Last year, over 227 events were held in 45 States, which finalized the adoption of 3,300 children.

I have been honored to participate in these events the past several years. To be part of such a special occasion reinforces the need for further efforts to move children into adoptive homes. I would like to applaud the Department of Health and Human Services for their efforts in this cause. In 2002, HHS launched a series of public service announcements promoting the adoption of children eight and older and activated the Web site www.adoptUSkids.com. This Web site has helped move 6,000 children into adoptive homes.

The consideration of this resolution today is timely. Tomorrow, the Congressional Coalition on Adoption Institute will be holding its annual Angels in Adoption awards ceremony. This event also seeks to highlight those who have opened their hearts and their homes.

The couple I nominated this year, Pam and Randy Streu of Midland, Michigan, have three biological children, and have opened their hearts and their home to seven adopted children and almost 50 adoptive foster children placements. They deserve special recognition, not just for the number of children they have helped, but for helping those children that needed the most love. When others may have said the challenge was too great, Pam and Randy stepped in, recognizing that each life was worth fighting for and that it was about hope and love.

I first got involved by helping families with their adoption proceedings in private practice as a court-appointed lawyer. Since that time, I felt that the government should do more to encourage adoption and help those in the foster care system. That is why it is so important to recognize families who make extraordinary efforts to welcome children into their family.

I thank my colleagues who have helped me move this resolution forward, including Mr. HERGER, chairman of the Ways and Means Human Resources Subcommittee; Mr. MCDERMOTT, the ranking member of the subcommittee; and Ms. GINNY BROWN-WAITE and Mr. OBERSTAR, cochairs of the Congressional Coalition on Adoption Institute. I look forward to further working with my colleagues to promote adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to speak in behalf of H. Res. 959. As was described by Congressman CAMP, the bill recognizes National Adoption Month and National Adoption Day. It commemorates the success of the Adoption and Safe Families Act and encourages adoption.

As Congressman CAMP noted, it is particularly timely that the House take action on this resolution today, the week we have heroes from around the country into Washington celebrating the Angels in Adoption gala in recognition of their extraordinary commitment to the adopted children that have been brought into their families.

I want to tell about the North Dakota family of Pat and Michelle Beyer. They are in town this week. They have quite a story, like each and every family being honored at the Angels in Adoption gala.

Pat is a North Dakota National Guardsman. He is on leave from his service in Iraq. At home, Michelle is raising two naturally born children, three adopted children, each of whom have some special needs, and this wonderful loving couple is now proceeding with the adoption of yet another child with special needs.

Mr. Speaker, your heart goes out to people like this. They really reflect, I believe, the very best of goodwill and compassion in our country. I am so proud of them.

Even as I speak about what they have done to make their home available to children and what we recognize with adopted families everywhere in terms of the homes they create for children, the fundamental and profound truth of adoption, in my view, is that the parents benefit far more than they possibly could contribute to the children. I know a little bit about what I am talking about on this score. These are my children, Kathryn and Scott, adopted from Korea, the best thing that ever happened to me. So I care just enormously about this resolution.

I also want to for a moment congratulate my colleague DAVE CAMP for his role in the passage of what has been a very important piece of legislation to encourage and move adoption forward.

I remember very well 10 years ago with C–SPAN on in my office hearing floor debate about a proposal that was precisely something that had been worrying me for months, because I had been told in North Dakota by judges that things were out of whack, that in this business of evaluating children in foster care, the best interests of the child were being hopelessly confused and sometimes placed secondary to the goal of family reunification of completely dysfunctional families.

Now, maybe Congress had a role in its earlier legislation in giving some confusion out there to the social services system, but there was one thing we knew, and we knew very clearly, to a person, Republican and Democrat, and I also commend Barbara Kennelly, the lead cosponsor on the legislation, and that was put the best interests of the children first, foremost, exclusively, only. We wanted nothing more than to advance the interests of the children.

The legislation straightened that out, and made no bones about it, and then placed substantial expectations on the system with defined time limits about children who had been just kicked down the road without end in interim foster care arrangements. We wanted them moved out of those arrangements and into permanent adoptive status, to the extent we possibly could.

You know, there are a lot of things we do here, and we sure mean the best as we do them, and we don't always know how they work. Well, the jury is in on this one, and this act has worked, I think perhaps even better than I had hoped it might.

The number of children annually adopted out of the foster care system has nearly doubled, from 27,000 in 1996 to 52,000 in 2004. The North Dakota situation I had been worrying about, we have gone from 41 adopted in 1996 to 128 in 2004. We tripled.

So, again, David Camp, as I told you that day in debate, you have got a real fine piece of work here, and I again commend you for the leadership you have played in such an important bill.

Another aspect of this bill, in addition to the time expectation put forward by Congress, we actually put some money on the table as positive incentives for States that really took the charge to move children into permanent adoptive homes. We have paid out more than $200 million to States since that legislation. I think it has without question proven to be an extremely effective and cost-effective use of taxpayer dollars. It is also a reminder and something I think we need to keep in mind as we look at what else we can do that the carrot needs to go along with the stick.

Another positive bill we passed in advancing legislation is moving the tax credit for adoption expenses into law and then increasing it so it more appropriately reflects expenses incurred by a family in seeking to adopt.

I have gotten to experience the miracle of adoption in my life, but I don't think that in any way you have to have some kind of financial status to experience this miracle. We want everybody to be able to experience this miracle, if they want to open their homes and raise children in an adoptive family. So increasing this tax credit from $5,000 to $10,000 is important. My Ways and Means colleague, NANCY JOHNSON, has played an important role on that one.

Now, for all the platitudes, and they were especially in commemorating the successes important to make, I know David doesn't feel like we have arrived and gotten the job done. I don't either. We have more to do. There are 118,000 foster children today waiting to be adopted. To find a loving home for every waiting child, we should focus more attention on recruiting adoptive parents and on providing post-adoption services to help families with ongoing medical, counseling and referral needs.

In the passage of this resolution, I hope there is a bit of this vote that represents a recommittal to continuing to explore whatever we can do to unite families, parents who want to provide a loving home to innocent, precious children that so richly deserve it.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I thank the gentleman from North Dakota for his comments, a distinguished member of the Ways and Means Committee.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of this resolution. The Adoption and Safe Families Act of 1997 has proven itself instrumental in increasing adoption in every month of the year. The legislation made it easier to adopt children across State lines, and it also provided some financial incentives to States to improve their foster care systems.

Prior to adoption of the bill, the number of children in foster care and the length of time that they spent in foster care was rapidly increasing. In just two decades prior to the mid-1990s, the number of children in the foster care system more than doubled. The crisis was threatening to overwhelm various State social services departments. More importantly, it was brutally unfair to hundreds and thousands of children.

However, since passage of the bill in 1997, the number of children adopted out of foster care has actually increased by some 65 percent. In 1996, only 31,000 children were adopted. By 2004, that number rose to 51,000. It is a start. We certainly need to have more adoptive families out there.

Moreover, not only are more children being adopted, but they are also spending less time in the foster care system. However, this Congress must not forget that hundreds of thousands of children still remain in the foster care system and more still remains to be done. This year alone, those older foster care children, some 19,000, will age out of the foster care system. Additionally, one in five children will still languish in foster care for more than 5 years.

☐ 1730

I am a board member of the Congressional Coalition on Adoption Institutes, and it is a very, very worthwhile group out there to promote foster parents, good foster parents, as well as adoption.

I have two beautiful children I gave birth to and one child that I adopted. She was an older, hard-to-place child, and usually in the adoption system the older children, especially someone designated as hard to place, are the last ones to be adopted.

I certainly hope that this resolution will shine some light on the need for more people to step forward and consider adoption of children of all ages. In my heart of hearts, I have a very special place for my adoptive daughter who is now an adult. She was a special needs child. They do require more time, they require more love and certainly a lot of structure, and with that plan, they can become very productive members of society.

We must build on the success of the Adoption and Safe Families Act of 1997 by continuing to raise awareness about foster youth and adoption.

Mr. POMEROY. Mr. Speaker, I commend the preceding speaker, our colleague, for the personal commitment she has made in this area she indicated, and I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding.

First, I want to commend him and Mr. CAMP for their outstanding leadership and the passion with which they display relative to this issue and their personal involvement.

Mr. Speaker, I rise to recognize the significance of the Adoption and Safe Families Act of 1997. ASFA provided sweeping changes in Federal child welfare law designed to ensure children's safety and to quicken permanent placements in the event that a child could not return home.

By enacting the Adoption and Safe Families Act of 1997, Congress recognized the need to align Federal incentives with the desired goal of providing abused and neglected children safe, permanent homes. This law has helped move States to promote adoption and has helped moved children into permanent homes.

In praising ASFA, I want to take a moment to highlight the need to develop similar policies to promote permanency more broadly. ASFA has done much to promote adoption, but policymakers should extend ASFA's successes to other areas of permanency to address the needs of hundreds of thousands of children for whom adoption is not appropriate.

Using ASFA as a model, the bipartisan Pew Commission on Children in Foster Care recommended that Federal policies create subsidized guardianship programs and State incentives to promote permanency more broadly, be it via reunification, adoption or guardianship.

Also, we must use our understanding of the implementation of ASFA to make it better. I am particularly concerned about the over 29,000 children who have entered our child welfare system due to parental incarceration, most often from nonviolent acts. The parameters set forth by ASFA do not align well with those of the criminal justice system, leading to a permanent separation of many children from their parents and family.

I encourage my colleagues to consult the wonderful policy brief by the Brennan Center for Justice at the New York University School of Law on the topic. "Rebuilding Families, Reclaiming Lives," draws attention to hurdles created by the lack of consistency in Federal policies with regard to children of incarcerated parents. It also offers policy recommendations to promote stability and well-being for the children.

Mr. Speaker, I also take this second to commend the One Church, One Family, One Child program in Illinois, who are indeed going to be here for the Angels in Adoption gala. They have developed a unique program of recruiting families to become foster parents to children coming out of correctional institutions. I commend them for that outstanding work and note Reverend Parks, Reverend Nelson and Ms. Hunt who have developed a fantastic program with the other members of their board.

Again, I commend the gentlemen for their outstanding work on this issue.

Mr. HERGER. Mr. Speaker, I rise today in strong support of H. Res. 959, which recognizes and supports the success of the Adoption and Safe Families Act of 1997 in increasing adoptions. I would like to thank the gentleman from Michigan, Mr. CAMP, for introducing this resolution and for his work to enact legislation to improve the lives of abused and neglected children.

The number of children adopted from our nation's foster care system has substantially increased since enactment of the Adoption and Safe Families Act from 31,000 in 1997 to over 51,000 in 2004. I applaud the judges, attorneys, state officials, and other adoption professionals who have worked tirelessly to move foster children more quickly into permanent, loving families. National Adoption Day in November 2005 finalized the adoptions of more than 3,300 children from foster care and I hope the November 2006 National Adoption Day is even more successful.

There are currently 118,000 foster children available for adoption and we must do more to find them loving families. Almost half of these children are aged 9 or older and therefore at risk of spending their entire childhood in foster care and aging out of the system without a permanent home. In 2003, President Bush signed the Adoption Promotion Act, which extended the availability of adoption incentive payments to the States while promoting the adoption of older children. We will continue to support policies that ensure children who cannot be safely reunified with their parents are moved quickly into permanent, adoptive homes.

I also wish to recognize the many talented and hardworking staff at the Department of Health and Human Services for their outstanding work in this area. More than 6,000 children have been placed in adoptive homes since the launch of www.adoptuskids.org., a website which connects families with waiting children. We must do more to help connect would-be adoptive parents with these children to ensure every child grows up in a safe, loving family.

Again, I wish to thank the gentleman from Michigan for introducing this resolution. I'd like to personally thank the many child welfare professionals and most importantly all the adoptive families across America who have made a permanent commitment to improve the lives of these vulnerable children. They are the real heroes behind the many improvements we have seen in recent years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 959 recognizing and supporting the success of the Adoption and Safe Families Act of 1997 in increasing adoption and the efforts the Act has spurred including National Adoption Day, National Adoption Month, and encouraging adoption throughout the year.

As the Chair of the Congressional Children's Caucus, I especially understand the importance of providing a stable, safe, loving home for all of our children. Under the Adoption and Safe Families Act of 1997, the number of children adopted from foster care has increased significantly, with approximately 51,000 children from foster care in fiscal year 2004 alone.

This progress must be recognized, yet we know that there is much more work to be done to ensure that every child has a safe, permanent and loving home. On a daily basis, in America, children enter the foster care system as victims of abuse, neglect or abandonment. Most of them will wait at least five years before being adopted. Siblings will be separated from each other and most will have moved at least three times before being adopted. It is currently an unfortunate fact that one in five children will never be adopted, and will be forced out of the foster care system at the age of 18 with little or no family support.

Modeling the successes of the Adoption and Safe Families Act and National Adoption Day, states have significantly increased adoptions from foster care. National Adoption Day inspires a collective national effort to raise awareness to the 119,000 children in foster care awaiting permanent, loving families. For the last six years, National Adoption Day has seen the dreams of thousands of children come true by working with courts, judges, and attorneys to finalize adoptions and find permanent, loving homes for foster care children.

Let me add that I hope that before we recess, we may have the opportunity to make a further statement with H.R. 1704, Second Chance Act. This important legislation reauthorizes, rewrites, and expands crucial provisions regarding adult and juvenile offender reentry demonstration projects, in order to address issues of recidivism and the effects of the criminal justice system and child welfare services on families.

The welfare of children must continue to be a priority for all Americans. Every child deserves a warm, safe, stable home environment. It is imperative that we support and recognize the success of the Adoption and Safe Families Act of 1997 of increasing adoption of foster care children. Because children are the future, we must support them in the present.

I urge my colleagues to support this important resolution.

Mr. POMEROY. Mr. Speaker, seeing no other speakers, I yield back the balance of our time.

Mr. CAMP of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and agree to the resolution, H. Res. 959.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STUDENT AND TEACHER SAFETY ACT OF 2006

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5295) to protect students and teachers, as amended.

The Clerk read as follows

H.R. 5295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student and Teacher Safety Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States Department of Education's National Center for Education Statistics reported in the 2005 Indicators of School Crime and Safety that in 2003 seventeen percent of students in grades 9-12 reported they carried a weapon. Six percent reported having carried a weapon on school grounds.

(2) The same survey reported that 29 percent of all students in grades 9–12 reported that someone offered, sold, or gave them an illegal drug on school property within the last 12 months.

(3) The United States Constitution's Fourth Amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures".

(4) That while the Supreme Court affirmed the Fourth Amendment's application to students in public schools in New Jersey vs. TLO (1985), the Court held that searches of students by school officials do not require warrants issued by judges showing probable cause. The Court will ordinarily hold that such a search is permissible if—

(A) there are reasonable grounds for suspecting the search will reveal evidence that the student violated the law or school rules; and

(B) the measures used to conduct the search are reasonably related to the search's objectives, without being excessively intrusive in light of the student's age, sex, and nature of the offense.

(5) The Supreme Court held in Board of Education of Independent Sch. Dist. 92 of Pottawatomie County vs. Earls (2002) that random drug testing of students who were participating in extracurricular activities was reasonable and did not violate the Fourth Amendment. The Court stated that such search policies effectively serve the School Districts interest in protecting its students' health and safety.

SEC. 3. SEARCHES BASED ON REASONABLE SUSPICION.

(a) IN GENERAL.—Each local educational agency shall have in effect throughout the jurisdiction of the agency policies that ensure that a search described in subsection (b) is deemed reasonable and permissible.

(b) SEARCHES COVERED.—A search referred to in subsection (a) is a search by a full-time teacher or school official, acting on any reasonable suspicion based on professional experience and judgment, of any minor student on the grounds of any public school, if the search is conducted to ensure that classrooms, school buildings, school property and students remain free from the threat of all weapons, dangerous materials, or illegal narcotics. The measures used to conduct any search must be reasonably related to the search's objectives, without being excessively intrusive in light of the student's age, sex, and the nature of the offense.

SEC. 4. ENCOURAGEMENT TO PROTECT STUDENTS AND TEACHERS.

(a) IN GENERAL.—A local educational agency that fails to comply with section 3 shall not, during the period of noncompliance, receive any Safe and Drug Free School funds after fiscal year 2008.

(b) DEFINITION.—In this section, the term "Safe and Drug Free School funds" includes any funds under Part A of Title IV of the Elementary and Secondary Education Act of 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5295.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

It gives me great pleasure to rise in support of H.R. 5295, the Student and Teacher Safety Act of 2006, of which I am a cosponsor. This bill is designed to help schools take actions to keep students and property safe from harm and destruction.

We have an obligation to make the learning environment in which our children attend free from weapons and drugs. By allowing school officials the ability to use their experience and intuition, we are eliminating these threats of violence before they have an opportunity to occur.

Specifically, this bill encourages local school agencies to establish policies that put parents and students on notice that weapons and drugs will not be tolerated within school bounds, and gives power to school officials and full-time teachers to enforce such policies. We all know that the threat of weapons and drugs in school can create an intimidating and threatening environment making teaching and learning difficult.

The Supreme Court has ruled, and here today we should agree, that "apart from education, the school has the obligation to protect pupils from mistreatment by other children, and also to protect teachers themselves from violence by the few students whose conduct in recent years has prompted national concern."

Mr. Speaker, violence in our schools is simply not acceptable. Nothing is more important than the safety and the well-being of our children. Parents should feel secure that when children go to school, they will be completely safe. I say that again, completely safe. This bill provides some assurance that we are doing all that we can as parents, as educators and as leaders of this Nation to protect our children.

If we do not take a stand to keep our schools safe, to keep our children safe, and to allow our teachers to feel that they are in an environment where they are protected, then how can we achieve this goal?

Unless addressed by Congress, public school children will continue to be unnecessarily exposed to unacceptable levels of crime and school violence.

Lastly, Mr. Speaker, I want to thank my colleague, the gentleman from Kentucky (Mr. DAVIS), for introducing this important legislation, and I urge my colleagues to join me in support of H.R. 5295, the Student and Teacher Safety Act of 2006. A vote for this bill is a vote in support of school officials and teachers who fight to keep weapons and drugs out of our public schools every day and a vote to allow our children to have a safe learning environment.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as one of the original cosponsors of the Zero Tolerance for Guns and Weapons in Schools, I have long supported the effort to make our schools safer, and, in fact, schools are among the safest places in our entire society for children, but this legislation, I do not quite understand what it is trying to do.

The suggestion here is that if we just pass this law, that somehow schools will become safer. The fact of the matter is every school district, every State has a policy with respect to the bringing onto campus of drugs, which it is illegal to have on campus, off campus, in your own home or anywhere else, and the use in bringing on weapons, which we have a very strong zero tolerance policy against the bringing of any guns or weapons onto school sites.

It seems to me that this legislation is somehow founded in the idea that if the Congress just votes, this will, in fact, happen.

Tragically, what we have seen is while people are asking us to vote on this policy, which is already in place in most school districts, or all school districts in all of the States in accordance with the State court decisions and in accordance with the Supreme Court decisions, what we have is that the Republicans are masking the fact that what they do is they keep gutting the Safe and Drug-Free School Grants to the States. They cut those grants from $437 million in 2005 to $346 million in 2006, and the House Republicans want to cut them even further to $310 million next year.

So the very funds that this Congress has determined and we worked in partnership with States and school districts over the last several years to make our schools safer, to help educate children about the dangers not only of the drugs and of weapons and various kinds of social behavior, they are now in the process of cutting those, but they want to pass a law that says to do what we have as a matter of existing policy, except that this law, in fact, exposes the district to much more litigation now because now, under the guise of this law, they have to go back through, and if a student is searched under this law, the questions are raised all over again which many districts have tried to settle under State law, under State court interpretations, so that they can have a policy that works, that the schools are on notice of, and the students are on notice of, and that the parents are on notice of. The fact of the matter is that the policy appears to be working across this country.

So, when we get all done with this, I think what we have with this legislation is an effort to try and cover what are the more serious votes taken by this Congress to slash the funding for the Safe and Drug-Free Schools legislation.

Also, this legislation, if it were to be passed into law, fails to take into account additional legal standards that have been imposed by State courts. A uniform search policy can cause difficulties for school districts and would require it to establish policies to address requirements of H.R. 5295, as well as legal standards that apply to respective jurisdictions.

The Congressional Research Service adds that enacting Federal legislation with respect to school-based searches could, therefore, interfere with areas of traditional State and local responsibility, of which there is no showing that the States and local school authorities are not meeting their responsibilities to their students, to the teachers, to the staff in the schools, to the parents and to the communities.

The question is, I guess, just a question of whether or not you think you trust the Congress more simply to pass a law, of which there have been no hearings and no discussion with local officials about how to do this, or whether you trust the people who are running the schools—the school boards, the school administrators, the principals, the district superintendents—who, in fact, have the responsibility for the safety of the children of their districts and of their schools.

It is not much more complicated than that, and you do not have to take it from me, because the fact is that the National School Boards Association, the American Association of School Administrators, the American Federation of Teachers, the National PTA and the Great City Council Schools all oppose this legislation.

Why do they oppose this legislation? Because this legislation only makes it a very difficult job that they have been working at and policies for the safety of our students that they have been refining over the last decade.

□ 1745

This legislation just throws all of that open to new interpretations, to new exposure to liability on the questions of their actions that they take on a daily basis to keep our schools safe, to keep our children safe.

They understand this policy. They have developed these policies they have done in conjunction with the communities that they represent. Now Congress wants to fly over on suspension without hearings and drop down a new policy, one size sort of fits all, for all of these school districts, for all of the schools, when in fact the people we represent in our communities have been working on these policies a long time before this legislation was ever suggested. They have been working on them successfully, they have been working on them within the intricacies of State and Federal law, and they have developed the policies in cooperation with the communities and with the parents.

And I would hope that we would reject this legislation, and we would let those who have to take the responsibility, those who absorb the liability for their actions, and those who have local cooperation within their communities on engaging these policies, that they would in fact be allowed to go forward and continue those policies, and we would heed the concerns of the Congressional Research Service that we now have a Federal policy that, if it was to pass, requires this kind of reaction by all of the States to see whether or not they comply with this Federal law when in fact they are already complying with the efforts in their communities to keep their schools safe.

I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today with tremendous pride to support the Student and Teachers Safety Act. Drugs and violence simply do not belong in our schools. Our teachers and children are entitled to a safe learning environment, free from weapons and illicit narcotics.

Time and again at the Columbine High School in Colorado; in Jonesboro, Arkansas; and in my home State, at Heath High School in Paducah, Kentucky, shocking acts of violence have been planned and unfortunately executed in our schools.

Last week in Green Bay, Wisconsin, the situation turned out differently. Local law enforcement reacting to information gathered by school officials were able to thwart an attack being planned by high school students and save lives.

The National Center for Education statistics found in 2003, the last year for which we have statistics, 17 percent of students in grades 9 through 12 reported having carried a weapon; 9 percent of students reported having been threatened or injured with a weapon, such as a gun, knife, or club, on school property. During the same period, 29 percent of students have been offered drugs on school grounds within the previous 12 months.

My friends, these numbers are simply unacceptable. The presence of drugs or weapons in a classroom is not conducive to a productive learning environment. Metal detectors have become a fact of life in many of our schools. Despite that fact, weapons are still appearing in our classrooms.

When I was a child in school, no one doubted who had control of the classroom. Teachers were clear in their ability to control their learning environment. Today, we have the opportunity to restore some of that clarity.

I am a firm believer in our Constitution and our Bill of Rights, and I take my oath of office to defend those rights very seriously. This legislation is simple. This act does not issue a blank check to anyone to conduct random, unfounded, or mass searches. It does not change the fourth amendment standards on search and seizure. In fact, it is the parents and school officials who are empowered by this legislation. These men and women will work together in individual communities across the Nation to develop school safety policies that suit the unique needs of their teachers and students and are based on the constitutional standards set by the Supreme Court. Nothing more, nothing less.

H.R. 5295 requires local education agencies to have policies in place that adopt a standard articulated by the Supreme Court in New Jersey v. T.L.O. This standard allows teachers and school officials to use their experience and judgments to make decisions that will help control their classrooms and protect the students.

Our schools and classrooms should be safe places, free from drugs and weapons; and safety should not be a luxury. Parents should be confident in the safety of their children at school. Children should be able to focus on their studies without fear; teachers and school officials should be confident in their judgment and ability to control school property.

I am very proud of the work that we have done with the National Education Association to improve the language of H.R. 5295 since its original introduction, and I am even more pleased that the National Education Association has endorsed this legislation as a positive step toward a safer learning environment for teachers and students throughout our schools.

A special thank you is due to Chairman McKEON and his staff for their assistance. I would especially like to recognize the work of three staffers, Joanna Glaze, Taylor Hansen and James Bergeron. I urge all my colleagues to support this simple, commonsense legislation to provide our students and teachers with a safer, more productive learning environment.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the ranking member for yielding.

I rise in strong support of the expressed intent and expressed purpose of this legislation. But as one who taught for 6 years in probably one of the toughest schools and one of the toughest communities in the country, I have some serious reservations about what this legislation actually does. And I guess my reservations are not unfounded, because I find that the American Association of School Administrators, the National School Boards Association, the Council of Great City Schools, Parent Teachers Association, American Civil Liberties Union, the American Federation of Teachers, and of course my own school district, one of the largest in the Nation, the City of Chicago School System, has some concerns. And many of the concerns expressed is that the legislation is unnecessary, because many school districts already have policies on search that take into consideration State laws and State court decisions. They are concerned that it overrides local and State policies on school searches, and that it establishes one-size-fits-all, although all of us know that circumstances in different locations and locales are very different.

It sends a confusing message to schools on what legal standards are, and it establishes a policy that gives teachers authority to conduct searches when authority for determining who could search should rest with the school board. And, of course, it penalizes schools inappropriately for noncompliance by withholding safe and drug free funds, even though not all school districts receive these funds.

So, Mr. Speaker, while the intent is good, and while all of us want to see our schools be the safe and secure places we know that they need to be, I find this legislation to be duplicative, unnecessary, and that it takes away in some instances rights that should be reserved certainly for local communities to make determinations about. For that reason, I oppose this legislation.

Mr. KUHL of New York. Mr. Speaker, I yield 3 minutes at this time to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman. Columbine High School, Colorado. East High School, Green Bay. Hubbard Wood School in Winnetka. Each of these schools bore witness to an attack or an attempted attack using a gun in school. I served as a teacher, and I remember the kids who were the brightest lights of our country's future, and I also remember those who bore scrutiny as people who might bring a gun to class. Americans have the right to send their kids to safe, gun-free classrooms. Just last week, alert school officials foiled a Columbine-style attack on a Green Bay school. In my district, we were not so lucky in Winnetka. There, an attacker shot and killed a child and wounded five others in class. Jeffrey Phillips of my own staff was a first grader in that school on that day.

I spoke with a number of fellow teachers who say they hesitate before searching a child. Dan Larsen and Andrew Conneen, teachers at Stevenson High School in Lincolnshire, told me that teachers many times hesitate before searching a book bag for a gun. They worry about being punished; they worried about being sued. This bill reassures teachers that they have the power to search any minor child to make sure that their classroom remains gun free. And the Nation's largest teachers union, the National Education Association, strongly endorsed this bill.

Like all other American workers, teachers deserve to work in a safe, drug-free, and gun-free workplace. Diane Shust and Randall Moody of the NEA wrote: "On behalf of the 3.2 million members of the NEA, we would like to commend you for introducing the Student and Teacher Safety Act. H.R. 5295 will help promote a safe school environment."

The National Education Association knows that there is nothing more important than the safety of children and teachers who have dedicated their lives to education. Let common sense prevail. This bill puts teachers back in charge and makes classrooms safer. If this bill helps one teacher stop one Columbine massacre, then Congress today will have served the Nation well and protected its children. I urge Members to support this bill so strongly backed by the National Education Association.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I oppose the so-called Student and Teacher Safety Act. This bill would impose a one-size-fits-all policy on student searches on every school district in the country.

You know, in my experience with children and youth, it is a mistake to assume that every student is as guilty as a few troubled persons, making all youth feel guilty because a few actually are.

Mr. Speaker, this bill would strip Safe and Drug-Free School Acts funding from any school district that decides that local parents, that teachers, and administrators know better than Congress how to make their schools safe. In fact, the President and the Republican Congress have cut Safe and Drug-Free funding every year since the year 2002.

This bill's proponents argue that it will clarify student search rules for school administrators and teachers, but the American Association of School Administrators has said that the bill simply will create unnecessary new Federal mandates. The American Federation of Teachers has said that the bill will complicate school districts' efforts to develop student search policies. And the National Parent Teacher Association, the PTA, has said that the bill fails to improve the safety of students and school personnel.

Mr. Speaker, if we are serious about school safety, we will reject this bill, we will reject the President's and this Congress's continuing cuts to the Safe and Drug-Free Schools program, and we will stop any new program that would label all youth as guilty.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, today I rise in support of H.R. 5295, the Student and Teachers Safety Act of 2006, and I commend my friend and colleague GEOFF DAVIS for introducing this important legislation.

According to a 2004 study by the National Center for Education Statistics, one in 10 students reported being threatened or injured with a weapon such as a gun, knife, or club on school property; three out of 10 students in grades nine through 12 reported that someone had offered, sold, or given them an illegal drug on school property. Moreover, more than seven out of 10 public schools experienced one or more violent incidents in 1999 and 2000, amounting to over 1.5 million violent incidents.

Louisiana families are demanding safe schools for their children, and H.R. 5295 would codify the guidelines established by the U.S. Supreme Court in New Jersey v. T.L.O., which held that reasonable searches by school officials do not require a warrant signed by a judge if the search would reveal that the student violated the law or school rules.

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The bill would also require that any searches be conducted in a manner appropriate to the age, gender and nature of the offense.

This is just codifying what the Supreme Court already has ruled upon, and it simplifies this matter as opposed to confusing it as is suggested by my colleagues on the other side of the aisle.

This legislation is supported by the National Education Association, and it will help promote a safe school environment for both students and teachers.

I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Education and Workforce Committee, the gentleman from California (Mr. MCKEON).

(Mr. MCKEON asked and was given permission to revise and extend his remarks.)

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 5295, the Student and Teacher Safety Act. This legislation builds upon the past efforts of this Congress to bolster school safety, and I commend Mr. GEOFF DAVIS of Kentucky for leading the charge on this legislation.

Enhancing school safety is not a new priority for this House. Earlier this year, we sent to President Bush legislation that included a proposal of my committee colleague Mr. PORTER to provide schools with criminal history records for individuals seeking to work with or around children.

Today we have the opportunity to take another step towards safer classrooms. The Student and Teacher Safety Act simply asks schools to adopt policies that put them in compliance with the legal standard established by the U.S. Supreme Court pertaining to the reasonable nature of student searches. As such, the bill enjoys a tremendous consensus of support, including leading teacher unions and school safety advocates. These groups support the commonsense steps that this bill will take, and I include a letter from the National Education Association for the RECORD at this point.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 8, 2006.

Representative GEOFF DAVIS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to commend you for introducing the Student and Teacher Safety Act (H.R. 5295), which will help ensure a safe teaching and learning environment in all public schools. We thank you and our staff for your willingness to engage in a constructive dialogue and to make changes to your original draft based on our suggestions. With these changes, we are pleased to offer our support for H.R. 5295.

NEA believes that a safe and effective learning climate is necessary for promoting educational excellence in public schools. All students and education employees must be safe from violence, and procedures must be in place to prevent and eliminate all types of disruption or harassment that might occur.

H.R. 5295 will help promote a safe school environment by requiring districts to have in place policies addressing reasonable student searches. Specifically, required policies under your bill must allow education employees or school officials to conduct student searches when acting on reasonable suspicion based on professional experience and judgment. We believe that such policies will help ensure that classrooms, school buildings, school property, and students remain free from the threat of weapons and other dangerous materials.

We believe your bill strikes a proper balance between ensuring the safety of students and educators and protecting student rights. We thank you for your efforts on this important issue and we look forward to continuing to work with you to ensure great public schools for every student.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

Mr. MCKEON. Mr. Speaker, this legislation empowers full-time teachers or school officials, when acting on suspicion based on professional experience and judgment, to search students on public school grounds, and allows States and school districts to conduct reasonable searches to ensure that the schools remain free of all weapons, dangerous materials or illegal narcotics.

I cannot imagine anyone that would oppose this kind of legislation based on the fact that we all, working together, want to make schools safer for our students and teachers.

In order for our Nation's students to get the most out of their education, it is imperative that they feel safe inside the classroom. Last week's report of two Wisconsin teens plotting a school shooting spree only served to underscore the need to ensure that our teachers, administrators and parents have the necessary tools to keep the classrooms safe and focused on what they are meant for, learning. Parents should be at ease when sending their children to school. Teachers and administrators should know that we are empowering them with resources to make sure that we are keeping their workplaces safe. And most of all, students deserve to learn in as safe an environment as possible.

I urge my colleagues to join me in supporting this important measure to bolster school safety.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise tonight to thank my friends and colleagues, Mr. DAVIS and Mr. KUHL, for introducing this outstanding legislation, and I am proud to join them in strong support of the Student and Teacher Safety Act.

As a father, I am very concerned about my children's safety during the school day. Every morning, my wife and I, we send our children off to school to prepare them for a better and brighter future. I expect them to learn in a safe, secure and nurturing environment, an environment incompatible with weapons and violence. Unfortunately, statistics show that this may not be the case.

I am shocked by the statistics that describe the threat drugs and guns pose in our schools. According to a national survey of high school students in 2003, 29 percent of students in grades 9–12 reported having been offered drugs on school grounds; 9 percent of students reported having been threatened or injured by a weapon such as a gun or knife on school property; and almost 7 percent of students in these same grades said they had missed at least one school day because they felt unsafe at or traveling to or from school.

Statistics show America has a problem. It is up to Congress to provide the tools our educators need to combat this threat. Back when I was a student in high school, if a teacher asked me to show them the contents of my locker, I would have complied. It was a simpler time. Today our teachers' hands are tied with incoherent regulations and the constant threat of litigation that prevents them from confidently acting on perceived threats to their students. That is why this act is so important.

H.R. 5295 will provide much-needed clarity for school districts in setting policies for school searches. Specifically, this legislation will require school districts and other local education agencies to create a policy that is firmly founded upon the fourth amendment protections and follows the controlling Supreme Court decision on school searches, New Jersey v. TLO.

I am proud to be listed as a cosponsor of this legislation, and I call on my colleagues in Congress to support its passage here today.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, we have no additional speakers other than myself to close, so if the gentleman from California would like to close at this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

It is rather interesting that this legislation comes up with no hearings, no discussion with the school districts, no discussion with local authorities who have the obligations to meet the demands that we cavalierly talk about here. This Court decision I believe is 1985. That is what school districts have been struggling with is to try to put in a policy that meets the test of reasonableness and also protects them in terms of liability and the teacher in terms of liabilities.

We cited Columbine here. I can't believe there is a school district in Colorado that doesn't have a policy dealing with guns on campus in compliance with Federal law where there is zero tolerance for guns on campus or you can lose your funding.

Paducah, Kentucky, and the tragedy there, I can't believe there is a school district in Kentucky that has not responded in the years since those tragedies.

The fact of the matter is every school district in the country has a policy like this because they can, in fact, be sued for not having a policy, for not taking reasonable steps to protect their students and faculty and staff.

Here we have the United States Congress apparently read a report of statistics and studies of all of the activities which is illegal under State and Federal law. They have read that now and have decided 10, 20 years later that the school districts are not doing anything, are not taking action, and the Federal Government has to tell them to take this action. It is incredibly arrogant and an insult to people who every day live on the front lines for the protection of those students and those faculty members and those staff members and for those children whose charge they have to think that somehow they have not developed the best policy they possibly can within the confines of the fourth amendment, within the confines of their State interpretation of State laws.

That is what school districts struggle with all of the time. That is what they do for a living. Those are the measures they can take. This idea that somehow if you codify this Supreme Court decision, the TLO decision, that somehow if you codify this and they are immune from liability, no, they are not. Someone would go to the court and decide it was an unreasonable search, and you will be right back with liability, just as is done all of the time under the fourth amendment.

What school districts have tried to do is to build a policy over a period of years to try to make it the most effective policy and also make sure that they are not exposing the district and others to all kinds of different liabilities, but to have an effective policy.

Does anybody here suggest that is not their purpose? Does anybody suggest that they have not done this since Columbine, they have not done this since Paducah, or they have not done this since the shootings in Oregon? Of course they have.

And you know what, they would probably be in a much better standing if you would keep cutting the Safe and Drug-Free Schools Act, if you quit cutting the money that is available to them in education so they could make these policies even more effective, and they could spend even more time with the students working on why these behavior patterns should not be allowed, why schools should be a safe place, why schools should not be allowed to be the street. There should be bright lines between the schools and streets. That is what schools are seeking to do all the time.

But here is the Federal Government 10, 20 years later after the policy was announced saying, I guess you are not doing anything, and we are going to tell you to do it. We are going to tell you to do it this way or the highway.

It just doesn't make any sense. It just doesn't comport with what all of us know is going on in the districts that we represent. Either that, or you have never visited a school, you have never talked to a school administrator, or never talked to a superintendent or a teacher. The fact of the matter is that they struggle with this all of the time, and they do it within the confines of the decision that you say is controlling. They know that. That is why they hire attorneys. That is why the policy parties that are responsible for coming up with this, that is why they oppose this.

But this will be the Congress who tells them, do it our way, that is the only way; and now we will have to go back through all of these policies and start over from ground zero. It just doesn't make any sense. It denies what we all know is, in fact, taking place in school districts and schools all over this country every day as those individuals struggle to keep those educational institutions safe for the students who are attending them. I urge my colleagues to vote against this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself the balance of my time to close on this bill.

It seems as though there is a long distance between this side of the aisle and the other side of the aisle, because my friend Mr. MILLER fails to recognize the statistics that the honorable gentleman from Kentucky mentioned. Regardless of the fact that there are school districts who are attempting to make changes in their disciplinary policies protecting students, the fact is that violence remains a very, very big issue in our schools. It needs to be resolved.

People, like the teachers on the front lines combating this violence and protecting our students, are not necessarily afforded the opportunities to do that. That is what this bill does. I applaud Mr. DAVIS for bringing it forward.

The bill simply asks, and while my friend Mr. MILLER would try to distort what the bill actually does, the bill asks school districts, each and every one of them separately, to develop and implement a policy on school safety. Nowhere in this legislation is language requiring what the policy should look like or how strict or relaxed it should be. The legislation merely allows each and every individual school district to craft unique policies with guidance established by the Supreme Court decision. That Supreme Court decision, and I will quote again, simply says apart from education, the school, and I underline the school, has the obligation to protect pupils from mistreatments by other children and also to protect teachers themselves from violence by the few students whose conduct in recent years has promoted national concern.

Now let's go to the actual language. I don't know whether Mr. MILLER has had an opportunity to read the bill, but the bill itself specifically says each local educational agency shall have in effect throughout the jurisdiction of the agency policies that ensure that a search described in subsection (b) is deemed reasonable and permissible. No question about it.

Some people might concern themselves with the fact that this might be an overextension of personal rights, but the Supreme Court has defined what is permissible. In no way does this bill give permission for school officials to perform mass or strip searches of students. No way.

Also, Mr. MILLER, let me assure you that while you can make castigations about this side of the aisle trying to balance the budget, nobody on this side of the aisle has suggested that funding for the implementation of this program is to be deleted. As a matter of fact, we openly support increased funding to implement this policy

Mr. STARK. Mr. Speaker, I rise today in opposition to the Student and Teacher Safety Act of 2006, H.R. 5295. Although this bill seeks a noble end, protecting our children and their teachers, it gives me pause because it authorizes school systems to strip away student's constitutional rights.

All children should feel safe at school. All teachers should be secure while carrying out their mission of teaching our children. We all agree on this. However laudable these goals of safety and security may be, they should not be sought at the expense of the rights of our children.

School is not only a place where children learn math, reading, and writing.School is also a place where children learn how to be citizens in a free society. Being a citizen of this country means living free from the fear of unnecessary searches and government harassment. My fear is that when we expose our children to constant violations of their privacy through limitless drug tests and unreasonable searches during their school years, they will grow up to believe that violations of their constitutional rights are the norm in our country. The future generations that we will depend on to defend the Bill of the Rights may no longer know what those rights are. They may be all too willing to accept ever-increasing government intrusion into their private lives. In an age of warrant-less wiretaps and secret surveillance, this is not a risk I am willing to take.

In addition, this bill does not adequately protect the privacy interests of our students. In 1969, the Supreme Court said that children do not leave their constitutional rights at the schoolhouse door. Yet this bill is so vaguely and broadly worded that it potentially opens a "Pandora's Box" of 4th Amendment violations in our schools. This bill does not require that school officials actually suspect an individual of wrongdoing before searching them. Rather, it allows for searches if a school official thinks that his or her actions will help the school remain drug free.

I am worried that this bill will lead to instances similar to what happened in Goose Creek, South Carolina in November of 2003. School officials in Goose Creek suspected that a student was dealing drugs in the high school.

They then subjected 150 students to a police raid, and drug dogs going through student's backpacks. The searches occurred despite the fact that the suspected drug dealer was absent from school on that day. Not surprisingly, no drugs were found. Unfortunately, 150 students were humiliated by the school officials that are supposed to guide them on their journey to adulthood.

School safety is a vitally important issue. Children must be able to learn in an environment free from fear and violence. Providing students and teachers with safe schools does not require students to check their civil liberties at the door. The Bill of Rights envisions a balance between individual freedoms and law enforcement. That balance has served our country well for more than two centuries. There is no reason that such a balance cannot be struck in our school system. If we want safe schools we should invest in afterschool and mentoring programs. We should invest in programs that teach children how to resolve conflicts in non-violent ways. We should teach our children that they have privacy rights that follow them wherever they go, including to school. I urge my colleagues to vote against this bill.

Mr. KUCINICH. Mr. Speaker, I rise today in strong opposition to the Student and Teacher Safety Act.

Two days after celebrating the anniversary of the signing of the Constitution, this House comes to the floor to debate a bill to limit the protections offered by the Fourth Amendment to students in our Nation's schools. This bill purports to make schools safer for our children and the employees of those schools. Instead it adds an unnecessary layer of bureaucracy that protects no one.

We make a mistake when we rely on randomized searches to prevent the abuse of drugs by children and ensure the peaceful resolution of conflict. Instead of focusing our efforts on educating our children about conflict resolution and engaging them in the decisions about their lives and futures, random searches assume all youth are the same. Searches of students' property may be right and entirely necessary in situations with reasonable evidence of wrongdoing. But randomized searches render all youth suspect and treat them as criminals. High expectations for our children may reap great rewards, but what will we sow with the expectation of deception?

We should rather focus our time and energy on equipping students with the tools and skills necessary to make responsible decisions about their lives. Our guidance must not be based on suspicion and an expectation of poor choices. An environment of distrust will not encourage students to seek out teachers or administrators when they are in trouble or need advice. It will not help students to develop strong character or stand up to negative peer pressure. Instead, it will only further isolate them from the teachers and advisors they see every day.

This bill will not make students and teachers safer. It will only create new divisions between them, I urge my colleagues to reject this bill.

Mr. SCOTT of Virginia. Mr. Speaker, Maintaining school safety is an important objective of school administrators and communities around the country, but this bill will only serve to complicate the lives of school officials and probably violate students' Constitutional rights in the process.

In 1969, the Supreme Court stated in *Tinker* v. *Des Moines*, 393 U.S. 503 (1969) that students do not "shed their constitutional rights when they enter the schoolhouse door." While Tinker was a free speech case, the principle applies here as well. The vague legislative language of H.R. 5295 would lead school officials to believe that they have the authority to conduct searches that could be at odds with the standards set out by the Supreme Court in the 1985 decision of *New Jersey* v. *TLO*, 469 U.S. 325 (1985), the 1 guiding case on this issue, in which the Court attempted to strike a balance between student privacy and school discipline and safety.

While this bill correctly requires that school officials have "reasonable suspicion" before conducting a search of a student, it describes too broadly the purpose and the scope of the search that school administrators can conduct. The bill incorrectly suggests that school officials can conduct random, wide scale searches of students without having any individualized suspicion that a particular student to be searched is participating in criminal activity or breaking the school rules.

When schools officials do not focus student searches on individuals who are suspected of violating the law or school rules, the results of the searches are often fruitless. School administrators will do more to improve children's safety by concentrating on suspicious behavior and credible information from teachers and students that school rules or criminal laws are being broken, than by conducting widespread unsubstantiated searches.

While this legislation is well intentioned, it nonetheless constitutes bad policy and is constitutionally unsound. Even if the language in the bill accurately reflects today's constitutional standards, Court decisions are often modified by subsequent decisions. School officials may therefore find themselves in the future caught between complying with an obsolete statute or obeying the modified Court decision and risking the loss of funding under this bill.

School districts have a long history of abiding by search and seizure policies that are consistent with court rulings. This legislative directive is unnecessary and will only serve to further complicate the lives of students and teachers. This is the reason why the American Federation of Teachers, National School Board Association, the Council of the Great

City Schools, the National PTA, the American Association of School Administrators and the ACLU all oppose the bill. I urge my colleagues to vote no.

Mr. KUHL of New York. Mr. Speaker, I urge my colleagues to support H.R. 5295, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 5295, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1815

RECOGNIZING AND HONORING AMERICA'S SENIORS

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 874) recognizing and honoring America's seniors, as amended.

The Clerk read as follows

H. RES. 874

Whereas older Americans have made countless contributions to the strength of the United States;

Whereas older Americans include members of the "Greatest Generation" who fought in World War I, World War II, the Korean War, and other military conflicts, and have sacrificed at home and abroad to keep America free;

Whereas in the United States and much of the world, older individuals throughout history have been viewed with respect, honor, and dignity as sources of wisdom and experience;

Whereas this year the first of the "baby boom" generation turn age 60, adding to the 49 million Americans who are age 60 or older, including over 5 million who are older than age 85; and

Whereas the talent and experience of older Americans can be utilized to meet community needs in critical areas such as education, health, community-based and faith-based social services, and homeland security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of older Americans to the Nation's past and future;

(2) encourages multigenerational activities providing opportunities for children and students to listen and learn from older Americans; and

(3) urges all Americans to honor and respect older Americans, and to offer appreciation for their contributions to the strength of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Resolution 874.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Resolution 874, a bipartisan resolution to honor older Americans.

Today, supporting the needs of older Americans is more important than ever. More than 49 million people in the United States are over the age of 60, making it the fastest-growing group in the country. By the year 2050, just a short time away, that number will reach nearly 90 million people and comprise almost a quarter of our population.

This resolution recognizes the countless contributions that older Americans have made to the strength of our Nation. They include members of the Greatest Generation, who fought in World War I and in World War II and the Korean War and other military conflicts. They have sacrificed at home and abroad to keep America free.

Mr. Speaker, with an increasing number of Americans as they retire, our Nation can continue to benefit from the rich talent and experience of these citizens. In communities across the United States, older Americans work and volunteer through community-based and faith-based organizations to support education, health services for the poor and other vital community needs. In June the Education and Workforce Committee approved bipartisan legislation to strengthen and reform the Older Americans Act. The Senior Independence Act, as it is called, transforms and modernizes the law to meet the needs of today's seniors and the needs of the Nation as the population ages. Final enactment will help older Americans to identify home- and community-based long-term care options, including consumer-directed care models as well as other supportive services that can help prevent or delay the need for expensive institutional care. These reforms will help millions of Americans stay healthy and remain in their homes and communities and could yield significant savings. I say that again: and could yield significant savings to taxpayers.

Mr. Speaker, I am pleased this body is taking this time today to honor older Americans for their many contributions to the strength of our great Nation, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I would like to express my strong support for House Resolution 874, a resolution recognizing and honoring older Americans. I would like to thank my friend and fellow Texan, Congressman CHARLIE GONZALEZ, for bringing this resolution forward.

As the resolution so eloquently states, older Americans have made countless contributions that have strengthened our Nation. We are gradually bidding farewell to our Greatest Generation that fought for our freedom and values during the Great Depression and two world wars. We must never forget their strength of character and willingness to sacrifice for the greater good of our Nation and our world.

We are now welcoming the baby boom generation into the ranks of older Americans. This presents great challenges and great opportunities for our Nation. The challenge is to keep our intergenerational compact of Social Security and Medicare, not by privatization schemes or giveaways to special interests, but by prudent management and fiscal responsibility. We can meet that challenge.

We have the opportunity to leverage the tremendous talent, the energy, and desire to make a difference that older Americans bring to our communities. This generation of older Americans is healthier and more educated than any generation before it. Its best years are yet to come. Our older Americans continue to make valuable contributions to our society every day. We must not waste this invaluable national resource.

As we celebrate the contributions of older Americans today with this resolution, let us recommit ourselves to honoring them by completing the reauthorization of the Older Americans Act and supporting our Federal programs that improve the quality of life of older Americans and enable them to continue to contribute to their communities and to our great Nation.

I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I join my friend Congressman GONZALEZ of Texas and many of my colleagues to support H. Resolution 874, a resolution to recognize and honor older Americans for their role in helping make America great.

It is so important that policymakers in Congress recognize the contributions of our Nation's seniors by keeping their needs in mind as we develop legislation. We must take this responsibility seriously as we consider issues such as Medicare, Social Security, veterans benefits, housing, and health care. We also owe it to our seniors and our seniors' grandchildren to do a better job of balancing the budget here in

Washington, D.C. No matter what the issue, we must always work to ensure that the needs of our seniors do not get overlooked.

I am thankful to the TREA Senior Citizens League, the largest nonpartisan seniors group in the Nation, and its national chairman, Ralph McCutchen, for supporting this resolution.

The sacrifice of our seniors and the Greatest Generation should not go unrecognized. And, again, I thank my friend from Texas for introducing this resolutions. And I am pleased to support this resolution and encourage my colleagues on both sides of the aisle to support the resolution.

Mr. HINOJOSA. Mr. Speaker, I yield 4 minutes to my good friend and colleague CHARLIE GONZALEZ from San Antonio, who serves on the Energy and Commerce Committee.

Mr. GONZALEZ. Mr. Speaker, I thank my dear friend Mr. HINOJOSA, my colleague from Texas, for yielding.

Mr. Speaker, I sincerely thank my colleagues on the Education and Workforce Committee, especially Chairman MCKEON and Ranking Member GEORGE MILLER, who was here earlier, for bringing this bill to the floor. I also thank my friend Congressman WALTER JONES for supporting this legislation from the very beginning and serving as its Republican lead. His efforts, in addition to those of his staff, have been very important throughout this process. I would also like to recognize, as Congressman JONES acknowledged, the Senior Citizens League and the important role they have played in promoting and supporting this resolution. Their chairman, Ralph McCutchen, wanted, above all, to see a bill that honors and pays tribute to the many sacrifices made by America's seniors, including those who have served in the military. I certainly appreciate the support demonstrated by this very important organization.

This resolution recognizes the importance of honoring senior citizens. This can be done in countless numbers of ways, from simple gestures of kindness towards a stranger to the actions made by this Congress that will impact seniors as a whole.

We are the policymakers. We should not make policy that makes it more difficult for seniors to vote. We should not have policy that makes it more difficult for seniors to obtain medical care. We should not enact policy that makes it more difficult for seniors to obtain prescription drugs or to afford housing.

This resolution encourages children and students to take time to learn from senior citizens. It is imperative that we as a society facilitate the sharing of information among the different generations.

I don't want anyone to get the idea that this resolution is about seniors and what they have accomplished in the past. In part it is, but they are not relegated to the past. And let me quickly explain.

Today's seniors are active in our present-day workforce, contributing every day their ideas and their labor. They are part and parcel of this wonderful economy and capitalist system of our country. With their skill, their training, and their education in how they prepare those other generations, they are part of our future.

I would like to end it with an observation. I was trying to figure out what constitutes a senior. Is it someone 60, 70, 80, 90? Well, age is important and it isn't important. It is important in this respect, and I am going to quote Sir Oliver Lodge: "Never throw away hastily any old faith, tradition or convention . . . They are the result of the experience of many generations."

So age is important as far as experience and having the life experiences. I still remember my father, when I used to ask, that was a brilliant man, Dad, where did he go to school? And he said, it was the school of hard knocks. So many times it is just life experiences that will instill that wonderful knowledge that is imparted to succeeding generations.

But age does not constitute and define seniors. And I will end it here with a quote from Satchel Paige: "Age is a case of mind over matter. If you don't mind, it don't matter."

I ask my colleagues to support this resolution.

Mr. KUHL of New York. Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield 2 minutes to my colleague DANNY DAVIS from the great State of Illinois, who serves on the Education Committee and the Government Reform Committee.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Texas for yielding.

Mr. Speaker, I rise today in honor of our Nation's senior citizens.

Senior citizens are a vital part of society to whom we have a responsibility of ensuring both economic and physical well-being. Seniors provide vital links to our past as well as serve as the caregivers to over 6.1 million of the Nation's children.

I recognize the importance of caring for our elderly and providing them with the services they need to live independently. I have a Seniors and Eldercare Task Force, composed of an outstanding group of experts who advise me on key issues of importance to the seniors in my district. They advised me on key issues for the reauthorization of the Older Americans Act.

Within the bipartisan process surrounding this bill, I am pleased that I was successful in including important changes to the act. My local experts said that seniors raising their grandchildren needed great access to financial support and information about programs for which they are eligible. They said that seniors needed more services in their communities to avoid spending down their assets to qualify for Medicaid. They said that we needed a greater focus on mental health and elder justice. The reauthorization of the Older Americans Act addresses these needs, and I hope that this important legislation will pass this Congress.

However, we must do more to assist grandparent caregivers. These grandparents make up 5.7 million households living with over 6.1 million children, evidence that many of these grandparents are oftentimes caring for more than one child. In my congressional district, there are over 10,000 grandparents who are responsible for their grandchildren's needs. Indeed, the Seventh District of Illinois, my congressional district, has the highest percentage of children living with grandparents in the Nation.

Mr. Speaker, I believe that you can measure the greatness of a society by how well it treats its young, how well it treats its old, and how well it treats those who have difficulty caring for themselves. In this case when we provide grandparents, senior citizens, with the opportunity to help raise their grandchildren, then we are doing the Nation a great service.

I thank all of those who rose to support this legislation.

☐ 1830

Mr. KUHL of New York. Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no other speakers, but I would like to make some closing remarks. I want to say that I had the pleasure of serving, together with Chairman PATRICK TIBERI from Ohio, and together we led our committee through the effort of the reauthorization of the Older Americans Act.

It was of great satisfaction to me, because we were able to pass amendments and requests for an increase in authorization for this very important act.

Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I agree with my colleagues on the other side of the aisle. I urge my colleagues to support this resolution

Mr. PAUL. Mr. Speaker, I am pleased to support and cosponsor H. Res. 874, a resolution honoring America's senior citizens for their contributions to American life. I am particularly pleased by the language encouraging young people to seek out and talk to our Nation's seniors about these seniors' life experiences. Talking to beloved grandparents, aunts, uncles, or friends about their past is a great way to learn history and gain an understanding of the past that simply cannot be obtained from a textbook.

I hope that, in the limited time left in this congressional session, we would further demonstrate our commitment to America's seniors by voting on my Senior Citizens' Improved Quality of Life Act, H.R. 5211. H.R. 5211 contains a number of items of great importance to America's seniors. H.R. 5211 helps seniors by:

Repealing all taxes on Social Security benefits. Since Social Security benefits are financed with tax dollars, taxing these benefits is an example of double taxation. The benefits tax also reduces Social Security benefits by subterfuge.

Ensuring that Social Security trust fund money is used only for Social Security. H.R. 5211 requires that all money raised for the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will keep Social Security trust fund money from being diverted to other programs, as well as allow the fund to grow by providing for investment in interest-bearing instruments. Ending the raid of the Social Security trust fund is a vital first step in any serious Social Security reform plan. Protecting the trust fund also demonstrates our commitment to putting the priorities of the American people ahead of special interest pork barrel spending.

Repealing provisions of Federal law that restrict the ability of senior citizens to form private contracts for health care services. This restriction violates the rights of seniors who may wish to use their own resources to obtain procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that come when seniors must wait for the judgment of a Centers for Medicare and Medicaid Services, CMS, bureaucrat before finding out if a desired treatment is covered. H.R. 5211 also stops the Social Security Administration from denying Social Security benefits to seniors who refuse to enroll in Medicare Part A. Forcing seniors to enroll in Medicare Part A as a condition for receiving Social Security violates the promise represented by Social Security. Americans pay taxes into the Social Security trust fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join another government program.

Allowing seniors who neither want nor need to participate in the Medicare program to refrain from doing so and ensuring seniors have the freedom to use their own resources to obtain quality health care will strengthen the Medicare program for those seniors who do wish to receive Medicare benefits. Of course, H.R. 5211 does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits.

Ensuring that Social Security benefits only go to American citizens. Proposals, such as those contained in the Reid-Kennedy immigration bill, to allow noncitizens, including those who entered the country illegally, to receive Social Security benefits are a slap in the face to America's workers and seniors. H.R. 5211 ensures that only American citizens who have paid into the Social Security trust fund can receive Social Security benefits.

Providing seniors with a tax credit to help cover their prescription drug expenses not covered by Medicare and repealing Federal barriers that prohibit seniors from obtaining quality prescription drugs from overseas. Even though Congress added a prescription drug benefit to Medicare, many seniors still have difficulty affording their prescription drugs. One reason is because the new program creates a "doughnut hole," where seniors must pay for their prescriptions above a certain amount out of their own pockets until their expenses reach a level where Medicare coverage resumes. H.R. 5211 helps seniors cope with these costs by providing them with a tax credit equal to 80 percent of their out-of-pocket pharmaceutical costs.

H.R. 5211 also lowers the price of pharmaceuticals by making two changes in the law to create a free market in pharmaceuticals. First, H.R. 5211 allows anyone wishing to import a drug to submit an application to the Food and Drug Administration, FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. Second, H.R. 5211 ensures that lawful internet pharmacies can continue to offer affordable prescription drugs free of Federal harassment.

In conclusion, Mr. Speaker, I reiterate my support for H. Res. 874 and my hope that Congress will continue to show its appreciation for America's seniors by voting on my Senior Citizens' Improved Quality of Life Act before adjourning for the year.

Mr. KUHL of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the resolution, H. Res. 874, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "A Resolution recognizing and honoring older Americans.".

A motion to reconsider was laid on the table.

RECOGNIZING AND SUPPORTING EFFORTS OF STATE OF NEW YORK TO DEVELOP NATIONAL PURPLE HEART HALL OF HONOR

Mr. KLINE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 419) recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes, as amended.

The Clerk read as follows

H. CON. RES. 419

Whereas George Washington, at his headquarters in Newburgh, New York, on August 7, 1782, devised a Badge of Military Merit to be given to enlisted men and noncommissioned officers for meritorious action;

Whereas the Badge of Military Merit became popularly known as the "Purple Heart" because it consisted of the figure of a heart in purple cloth or silk edged with narrow lace or binding and was affixed to the uniform coat over the left breast;

Whereas Badges of Military Merit were awarded during the Revolutionary War by General George Washington at his headquarters, in Newburgh, New York, on May 3 and June 8, 1783;

Whereas the Badge of Military Merit, an award for military merit in the Revolutionary War, is the inspiration for today's Purple Heart medal;

Whereas on the bicentennial of General Washington's birthday in February 1932, the Badge of Military Merit was redesignated by General Douglas MacArthur, then Chief of Staff of the Army, as the Purple Heart, to be awarded to persons killed or wounded in action against an enemy of the United States;

Whereas more than 800,000 members of the Armed Forces have been awarded the Purple Heart;

Whereas the State of New York has dedicated substantial resources to the creation of the National Purple Heart Hall of Honor to be constructed at the New Windsor Cantonment, a New York State Historic Site, in New Windsor, New York, to honor those individuals who have been awarded the Purple Heart and to inform and educate the people of the United States about the history and importance of that distinguished combat award;

Whereas the National Purple Heart Hall of Honor will be a permanent place of remembrance of the service and sacrifices made by the members of the Armed Forces wounded or killed in service to America throughout the Nation's history, both at home and abroad; and

Whereas as the Nation continues to defend the American Way, there will be a need for a distinguished place to honor those who in the future are awarded the Purple Heart for their service and sacrifice: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and supports the efforts of the State of New York to develop and maintain the National Purple Heart Hall of Honor in New Windsor, New York, to honor those individuals who have been awarded the Purple Heart and to inform and educate the people of the United States about the history and importance of that distinguished combat award; and

(2) encourages the people of the United States as well as Federal departments and agencies to cooperate, assist, and participate in educating and informing individuals about the history and importance of the Purple Heart and about the National Purple Heart Hall of Honor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Con. Res. 419, recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York.

Mr. Speaker, let me first take just a moment to thank my colleague and good friend, the gentlewoman from New York (Mrs. KELLY), and the State of New York for establishing a place for Americans to come and honor those men and women of our military who have sacrificed so much for America. They are the individuals who fight for us, who sweat for us, who bleed for us, and, sadly and unfortunately, sometimes who die for us.

The Purple Heart is a unique symbol that recognizes the sacrifices made by the men and women of the Armed Forces, sacrifices made for the freedoms this great country offers, freedoms not just for themselves, but for future generations of Americans.

It is only fitting that we have a place such as the National Purple Heart Hall of Honor to honor those men and women so that future generations can go there and learn about those fine young Americans who have ensured that we can all live free.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 419, which recognizes the efforts of the State of New York to establish the National Purple Heart Hall of Honor.

And, I recognize the gentlewoman from New York, Mrs. SUE KELLY, the sponsor of this measure for her efforts. One might wonder why the state of New York is leading the effort to establish a center that focuses on the history and importance of this honored military award. The reason is simple, in the summer of 1782, during the Revolutionary War; General George Washington devised two new badges, one of which was the Badge of Military Merit, which we know today as the Purple Heart.

General Washington at the time wrote ". . . whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings over the left breast, the figure of a heart in purple cloth, or silk, edged with narrow lace or binding." Three soldiers are known to have received the original honor badge, Sergeant Daniel Bissell of the 2nd Connecticut Regiment of the Continental Line, Sergeant William Brown of the 5th Connectivity Regiment of the Continental Line, and Sergeant Elijah Churchill of the 2nd Continental Dragoons, also a Connecticut regiment. However, after the Revolution, the award feels into disuse and was not proposed for use again until after World War I.

In 1927, Army Chief of Staff General Charles P. Summerall directed that proposed legislation be sent to Congress to revive the Badge of Military Merit. However, it was not until 1931, when General Summerall's successor, General Douglas MacArthur pushed forward the idea to reinstitute the badge. It was on the 200th anniversary of George Washington's birth, February 22, 1932, that the War Department announced General Order No. 3, which established the Purple Heart.

In 1942, President Franklin D. Roosevelt extended the award to the Navy, Marine Corps, and Coast Guard, and established a uniform application of standards in the Army and Navy. President Harry S. Truman retroactively extended the eligibility for the Navy, Marine Corps, and Coast Guard back to April 5, 1917, and in 1962, President John F. Kennedy extended eligibility to any "civilian national of the United States, who while serving under competent authority in any capacity with an armed force . . ., has been, or may hereafter be, wounded" to qualify for the Purple Heart.

Mr. Speaker, the Purple Heart has an illustrious career and it is recognition of the enemy-related injuries a service member sustains. Today, there are more than 800,000 members of the Armed Forces who have been awarded the Purple Heart. The State of New York has been working to establish a National Purple Heart Hall of Honor at the New Windsor Cantonment in New Windsor, New York to provide a permanent place of remembrance of the service and sacrifices made by men and women in uniform throughout our nation's history. This resolution before us recognizes the efforts of the State of New York, and encourages the education and information on the history and importance of this distinguished combat award.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise to encourage my colleagues to join me in honoring the extraordinary sacrifices made by American's veterans by voting "yes" on H. Con. Res 419.

This resolution supports the establishment of a National Purple Heart Hall of Honor in the birthplace of the Purple Heart in New Windsor, New York. The Purple Heart is the oldest and one of the most prestigious honors bestowed upon an American soldier. By passing this legislation today, we recognize the sacrifices of the brave men and women who have received this honor.

The National Purple Heart Hall of Honor will uniquely highlight the stories of the Purple Heart veterans. Every Purple Heart veteran is a hero whose story needs to be hold. By hearing these stories we can fully honor their sacrifices and learn from their experiences. The stories will echo within the halls of the National Purple Heart Hall of Honor, and they should inspire our Nation not only to preserve the legacy of our military heroes, but to better appreciate the freedoms for which they fought.

The Hall of Honor is scheduled to be officially dedicated November 10. It will be located at New Windsor Cantonment, the site in my congressional district. This is the site of the last encampment of the Continental Army, where General George Washington first presented the Badge of Military Merit in 1782. Since then more than 800,000 members of the Armed Forces have been awarded this medal, which is now called the Purple Heart. It is an honor reserved for those soldiers who are wounded or killed while defending the greatest of our principles, freedom.

New York State has done a great deal to make the National Purple Heart Hall of Honor a reality. Governor George Pataki and Bernadette Castro, our State's park and recreation preservation commissioner, led the effort. Our State's senator, Senator Bill Larkin, a retired lieutenant colonel with 23 years of Active Duty in the United States Army, has been a true champion in working on siting the Purple Heart Hall of Honor in New Windsor.

I am also grateful for the efforts of the military personnel subcommittee chairman, JOHN MCHUGH of New York, who helped bring this legislation to the floor today.

I want to thank especially Rick Weeks, the State commander of the New York Chapter of the Military Order of the Purple Heart. The Military Order contributed $500,000 toward the construction of the Hall of Honor.

I will insert this letter of support from the National Military Order of the Purple Heart in the RECORD.

Commander Weeks was also instrumental in gathering support for this resolution. I thank him very much.

While the Hall of Honor is in New York, it is important to remember it is a national institution that will celebrate the sacrifices of soldiers and veterans who have lived in all areas of our country. Passage of this resolution today, as our troops are courageously fighting overseas to defend and preserve democracy, will send a strong message to our Armed Forces and our veterans that our Nation is grateful and continues to be grateful for the sacrifices made by our military men and women.

MILITARY ORDER OF
THE PURPLE HEART,
Springfield, VA, August 1, 2006.

Chairman DUNCAN HUNTER,
House Armed Services Committee,
Washington, DC.

DEAR MR. CHAIRMAN: The Military Order of the Purple Heart (MOPH) is in total support of H. Con. Res. 419, which has been referred to your committee. This resolution recognizes and encourages support for the National Purple Heart Hall of Honor. This Hall of Honor, while located in New York, is really a national effort and one that will recognize and honor all our country's men and women who have been recipients of the Purple Heart Medal for their death or wounds received in combat.

MOPH urges you and your colleagues on the committee to support this very worthwhile endeavor in a timely manner.

Respectfully,

JAMES D. RANDLES,
National Commander.

Mr. SKELTON. Mr. Speaker, I fully endorse, and I know Members in this Chamber do, the National Purple Heart Hall of Honor, and I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I encourage all of my colleagues to support H. Con. Res. 419, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 419, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 210, by the yeas and nays;

House Resolution 622, by the yeas and nays;

House Concurrent Resolution 415, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in the series will be a 5-minute vote.

SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH DUE TO CANCER BY THE YEAR 2015

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 210, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 210, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows

[Roll No. 451]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Beauprez
Brown (OH)
Burton (IN)
Capuano
Case
Crowley
Davis (FL)
DeGette
Dingell
Evans
Ford
Gilchrest
Green (WI)
Gutierrez
Harris
Hyde
Jefferson
Keller
Kennedy (MN)
Kennedy (RI)
Lynch
McGovern
Miller (NC)
Moore (KS)
Ney
Nussle
Oxley
Sanders
Strickland

☐ 1902

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

RECOGNIZING AND HONORING FILIPINO WORLD WAR II VETERANS

The SPEAKER pro tempore (Mrs. MCMORRIS RODGERS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 622, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 622, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows

[Roll No. 452]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Beauprez
Brown (OH)
Burton (IN)
Capuano
Case
Crowley
Davis (FL)
DeGette
Dingell
Evans
Ford
Gilchrest
Green (WI)
Gutierrez
Harris
Hyde
Jefferson
Keller
Kennedy (MN)
Kennedy (RI)
Lynch
McGovern
Miller (NC)
Moore (KS)
Murtha
Ney
Nussle
Oxley
Sanders
Strickland

□ 1913

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE REPRESSION OF THE IRANIAN BAHA'I COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHA'IS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res 415.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415 on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 2, not voting 37, as follows

[Roll No. 453]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver

Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—37

Allen
Beauprez
Brown (OH)
Brown-Waite, Ginny
Burton (IN)
Buyer
Capuano
Case
Cole (OK)
Crowley
Davis (FL)
DeGette
Dingell
Evans
Flake
Ford
Gilchrest
Granger
Green (WI)
Gutierrez
Harris
Hyde
Jefferson
Keller
Kennedy (MN)
Kennedy (RI)
Lynch
Marchant
McGovern
Miller (NC)
Moore (KS)
Murtha
Ney
Nussle
Oxley
Sanders
Strickland

☐ 1930

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, September 19, 2006. As a result, I was not recorded for rollcall votes Nos. 451, 452, and 453. Had I been present, I would have voted "yea" on rollcall Nos. 451, 452, and 453.

COMMUNICATION FROM THE HONORABLE SHELLEY BERKLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SHELLEY BERKLEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. Court of Federal Claims.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

SHELLEY BERKLEY,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. RUSH. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 65.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4844, FEDERAL ELECTION INTEGRITY ACT OF 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–670) on the resolution (H. Res. 1015) providing for consideration of the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SECURE BORDERS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, this week we will consider legislation that the American people have made clear must be addressed to solve the illegal immigration crisis in our country. For too long, the security and well-being of our Nation has been compromised by open and porous borders.

After months of field hearings and listening to our constituents' concerns, it is clear that Americans from Savannah to Seattle and from San Diego to Syracuse demand tighter border security and stronger immigration laws. Last week, we passed the Secure Fence Act to tackle the problem of illegal aliens coming across the border, and three bills will be brought to the floor this week to ensure that our law enforcement agencies have the tools needed to further deal with this crisis. I call on all of my colleagues here and in the Senate to pass these critical pieces of legislation.

Madam Speaker, no longer can we allow an attitude of indifference toward the sovereignty of our borders. We should pass these bills and speak loudly to those wishing to break our laws that their actions will no longer be tolerated by the United States.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, the Iraq war is doing badly, and the President would like the American people to think about something else. With less than 2 months until the midterm elections, the Republicans suddenly fear the democracy they claim to be spreading.

A commentary in today's Asia Times sums it up. The article is entitled, "Iraq, Trying to Spin the Unspinnable."

Let me briefly quote from it:

"The power of spin is not infinite; however, as the administration is now discovering, bad news has cascaded out of Iraq at such an astonishing pace that it defies credulity to suggest that the war has not drastically worsened the lives of Iraqis."

American soldiers have been fighting and dying in Iraq for years to prop up the same flawed and failed policy by the President who cannot win the war, cannot win the peace, and cannot lead the United States out of harm's way.

The President says stay the course, and Republicans in the Congress refuse to say or do anything independent of the President. No oversight, just blind allegiance. The number of U.S. soldiers killed in Iraq stands at 2,678. Every day in Iraq, on average of two more soldiers die. The number of U.S. soldiers injured in Iraq recently passed another grim statistic, 20,000 physical injuries. Every day in Iraq, 19 U.S. soldiers on average are injured as they try to survive in the middle of a civil war. And we have not yet begun to count the number of U.S. psychological casualties, the soldiers with PTSD. That could be another 20,000 to 30,000 from PTSD alone.

But nothing will change as long as the President has a Republican Congress rubber-stamping his vision. Even Iraqi leaders and parliament get it. Just yesterday, Abdel al-Anisi, a member of the largest party in Maliki's government said, "We have to determine the nature of our relationship with the Multinational Forces in Iraq, which is to support the role of the government, not to take over its role."

We are seen as occupiers in Iraq trying to control their oil and trying to dictate their policies, and our presence provokes more violence.

The President would like you to believe that terrorism is a new threat in a new century. The only new thing about the latest threat is how the President has mismanaged our response. Had Republicans in Congress provided any Iraq oversight, the truth would have emerged and we would have changed the course.

But the Republican congressional leaders demand acquiescence by their members, so the President's flawed war just keeps getting worse.

Throughout history, nations in the East and nations in the West have faced the threat of terrorism. A new book entitled, "What Terrorists Want: Understanding the Enemy, Containing the Threat," by Louise Richardson, ought to be required reading for Republicans. The author analyzes history to show us that terrorists want three Rs: revenge, renown, and reaction. She doesn't stop there. The second half of the book is called "The Counter-Terrorists."

Armed with understanding, not rhetoric, not ideology, the author provides insights into successfully dealing with the terrorists. If only our President would listen. If only Republicans in Congress would demand the President stop the rhetoric and face the reality. But that can't happen as long as the special interests receive special treatment by the Republicans.

Another new book, "Imperial Life in the Emerald City," by a Washington Post reporter, offers a sobering assessment of the extent to which favors meant more than credentials in Iraq.

I submit for printing in the RECORD a story published yesterday in the Christian Science Monitor entitled, "Mistakes Made by U.S. in Staffing Iraq? The new book alleges it wasn't what but who you knew that determined who got the key jobs."

As the newspaper story recounts, before anyone could go to Iraq, they were vetted by a Republican political appointee and his staff in the Pentagon who, quoted here, posed blunt questions to some candidates about domestic politics: Did you vote for George Bush in 2000? Do you support the way the President is fighting the war on terror? Two people who sought jobs with the U.S. occupation said they were even asked about Rowe v. Wade. The President sent a 24-year-old over there to open the stock market. That is how the President is running the Iraq war.

The congressional Republicans are doing just as they are ordered. Over the next 7 weeks, the Republicans will offer the American people endless rhetoric. But that will only produce endless casualties until we replace a Republican Congress that merely takes orders. We have to have a Democratic Congress that is willing to provide oversight on what this President is doing. Election is about 50 days away, Mr. President.

[From the Christian Science Monitor, Sept. 19, 2006]

MISTAKES MADE BY US IN STAFFING IRAQ?

NEW BOOK ALLEGES IT WASN'T WHAT, BUT WHO, YOU KNEW THAT DETERMINED KEY JOBS

(By Tom Regan)

In the early days after the fall of Baghdad in 2003, many Americans both inside and outside the government indicated a desire to go to Iraq to help with the war effort. But a new book by Washington Post reporter Rajiv Chandrasekaran, "Imperial Life in the Emerald City," argues that ties to the Bush administration or to the Republican Party regularly trumped years of experience or knowledge in a particular field when key jobs were being assigned.

The result, Mr. Chandrasekaran writes, is that under the leadership of L. Paul Bremer, the first administrator of the Coalition Provisional Authority, many inexperienced or unqualified people were given key posts in the rebuilding of Iraq, and often found themselves in situations they could not handle.

Before anyone could go to Baghdad, Chandrasekaran (who had spent six months in Iraq before the war started in March 2003, and then was the Post's Baghdad bureau chief from April 2003 to October 2004) reports, they first had to go through the office of Jim O'Beirne in the Pentagon.

To pass muster with O'Beirne, a political appointee who screens prospective political appointees for Defense Department posts, applicants didn't need to be experts in the Middle East or in post-conflict reconstruction. What seemed most important was loyalty to the Bush administration.

O'Beirne's staff posed blunt questions to some candidates about domestic politics: Did you vote for George W. Bush in 2000? Do you support the way the president is fighting the war on terror? Two people who sought jobs with the US occupation authority said they were even asked their views on Roe v. Wade.

The result, Chandrasekaran says, was that officials in many key areas, "lacked vital skills and experience." Many people involved in the effort to rebuild and stabilize Iraq now see this decision making process as "one of the Bush administration's gravest errors."

"We didn't tap—and it should have started from the White House on down—just didn't tap the right people to do this job," said Frederick Smith, who served as the deputy director of the CPA's Washington office. "It was a tough, tough job. Instead we got people who went out there because of their political leanings . . ."

One former CPA employee who had an office near O'Beirne's wrote an e-mail to a friend describing the recruitment process: "I watched résumés of immensely talented individuals who had sought out CPA to help the country thrown in the trash because their adherence to 'the President's vision for Iraq' (a frequently heard phrase at CPA) was 'uncertain.' I saw senior civil servants from agencies like Treasury, Energy . . . and Commerce denied advisory positions in Baghdad that were instead handed to prominent RNC (Republican National Committee) contributors."

In a review of the book in The Washington Post, Moses Naim, editor in chief of Foreign Policy magazine, writes that while common wisdom holds that "the decision to invade Iraq and topple Saddam Hussein is still open to debate, American mismanagement of the country after the invasion is not."

What caused the massive collapse of common sense that doomed the CPA and undermined the US gamble in Iraq? That is the question that every page tacitly forces on the reader. American ingenuity, pragmatism and practical approaches to problem-solving are legendary. But Chandrasekaran shows that what reigned in Iraq was massive incompetence, patently unfeasible schemes, naive expectations and arrogance fueled by ignorance. His book methodically documents the baffling ineptitude that dominated US attempts to influence Iraq's fiendish politics, rebuild the electrical grid, privatize the economy, run the oil industry, recruit expert staff or instill a modicum of normalcy to the lives of Iraqis. Nor are the book's complaints Monday-morning quarterbacking. The CPA's failings caused widespread grumbling at the time. Chandrasekaran tells of a message board on which some Marines had drawn a gravestone inscribed with the words "COMMON SENSE." The caption underneath it read: "Killed by the CPA."

But writer, blogger and Republican consultant Rich Galen, who was in Baghdad around the same time as Chandrasekaran, writes at the Townhall.org site that many of the portraits of CPA officials and personnel in the book are "appallingly unfair." The obvious implication being, while coalition military personnel were in constant danger of being injured or killed by ambush or IED, the "naive neocons" of the CPA were lounging about in perfect luxurious safety, eating dates and pomegranates, sipping fine wines and taking an occasional refreshing dip in the "resort-sized swimming pool" . . .

The vast majority of CPA employees lived in trailers (two people per half, shared bathroom, running water a pleasant surprise), ate in the cafeteria (food by Kellogg, Brown & Root a subsidiary of Halliburton); worked in crowded, dusty outdated offices (even by Saddam standards); and went out into the Red Zone of Baghdad to do their jobs each and every day.

LANCE CORPORAL RYAN ADAM MILLER—TEXAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, to be a police officer or a member of the United States military is a gift, a sacrifice; and it is an honor. The uniform they wear is a commitment to protecting society, guarding the weak, giving back to the community, and fighting the forces of evil. Every day, they risk their lives, and tonight I want to talk about one of these of the rare breed.

Ryan Adam Miller from Pearland, Texas, and 19 years of age, was a third generation marine. His grandfather was a marine in the great World War II. His father Frank was a marine in Vietnam. Ryan was so committed to a future defending others, he graduated from high school early just so he could enlist into the United States Marine Corps and follow in the footsteps of Dad and Granddad, those who came before him.

While Ryan loved the Corps, his dream didn't end with service to his country. He has another wish, another sacrifice he wanted to make. He wanted to finish his military career in the Marine Corps and join another force, the very same police force both his mother and father gave decades of their lives to.

Both Ryan's parents served for years in the Houston Police Department. I know both of them because of my experience as a prosecutor and as a judge. At the last Houston Police Department cadet graduation this summer, I spoke to Ryan's mother Jeannie, who told me her son was coming back to Houston after he finished his tour of duty in Iraq to be a Houston police officer. This dream was almost a reality. Ryan even had planned to wear his mother's badge once he returned home for good.

With two parents who were dedicated law officers, Ryan knew the tough, rugged life that lay ahead. He also knew the joys that came with the job. Both his parents instilled in Ryan community pride, dedication, and passion to serve others. Ryan Adam Miller's goals, commitment, and faith are proof of that.

His mother recalls speaking to him last week when he talked of the fear that battle brings. He told her that he was praying, and God took away the fear of battle. One of Ryan's last acts was to give that peace to his parents, leaving them with the comfort that God would take care of him.

Sadly, he was just days away from returning home when, on September 14, this young marine 5 days ago was killed on patrol by an IED during combat operations against enemy forces in Al Anbar Province, Iraq.

A loss not only for his family and our country, but our community back home in Texas. In these dark days of mourning, many people are no doubt trying to muster an encouraging word to comfort his parents. But it is their fellow police officers who have the most powerful and comforting thing to say. They say to him, they say to his parents, these officers in blue, "He would have made a fine police officer."

Ryan Miller was a fine marine. He was a fine human being, and today as a Member of the United States House of Representatives, I send my best to the Miller family and give them America's support as they fight their own battle over his death.

His death was not a loss, because he gave his life over there for all of us over here. Today we honor Ryan, we honor the parents of this marine and their sacrifices. I also pause today to remember the marines who served with Ryan, and all those who volunteered to defend and protect this great country. They are the fabric of this great Nation.

While the blood of their fellow comrades is the red color in the stripes of Old Glory, these few, these proud, these marines, keep us free to see the stars, stars of liberty, freedom and justice. So Semper Fi, Lance Corporal Ryan Adam Miller, Semper Fi, and God bless these sons of America.

And that's just the way it is

□ 1945

MORE TROUBLE FOR AMERICA'S WORKING FAMILIES

Ms. KAPTUR. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Madam Speaker, the latest trade report out of Washington spells more trouble for working families; most immediately for Ohio, Michigan and Indiana, and our Nation's heartland, but, in fact, for our entire Nation.

The U.S. Department of Commerce reported this week that America's trade deficit in the second quarter of this year hit its second highest level in history, rising 2.4 percent to $218.4 billion more imports into our Nation than exports out. That is just in one quarter.

We are well on our way to another record trade deficit likely to exceed $800 billion. At this rate, the United States might well post its first trillion-dollar trade deficit this year.

That level of trade deficit throttles real growth in our country and continues the unfortunate path of selling out America. We are not winning the global trade war, we are losing it badly. President Bush's trade policy is no more successful than his foreign policy. Since President Bush took office, we have lost 3 million more good jobs. America's trade deficit in motor vehicles alone has climbed by approximately 20 percent, and the recent announcement by Ford Motor Company of production cutbacks and plant closings will only exacerbate the situation.

Still, the administration clings to the same failed policies. The President will not even meet with the executives of the Big Three. I never thought I would see a day that the President of the United States refused to meet with the leaders of America's automakers. No industrial nation can afford to cash out its domestic automotive industry. One of five jobs here in our country are directly tied to it. But it is true. Apparently that is what this President thinks of the industry that has been the backbone of our economy.

Back in 1975, New York City was in dire fiscal straits, and Gerald Ford refused to help. The New York Daily News ran a famous headline: "Ford to City: Drop Dead." Maybe it is just a matter of time before we see a similar headline about George W. Bush and his lack of concern about the U.S. automotive industry.

The same Commerce Department report showed other statistics which showed the deterioration in our Nation's financial picture. Foreign-owned assets in the United States increased by $366 billion more during the second quarter. U.S. liabilities to foreigners reported to U.S. banks increased by $84.2 billion more in the second quarter following an increase of $148.9 billion in the first quarter.

Who owns the assets of our Nation? Increasingly, foreign interests own our assets, and we owe them money. No wonder people think our country is headed in the wrong direction. It is.

Increasingly, Americans don't own America. Transactions in U.S. Treasury securities shifted to net foreign purchases of $10.1 billion in the second quarter, almost double the rate in the first quarter. I don't like the fact that foreign interests are buying our country. Indeed, I detest what is happening as un-American and unpatriotic. But foreign official assets in the United States increased $74.9 billion in the second quarter following an increase of $75.7 billion in the first quarter. It came as no surprise as a result that our dollar depreciated an additional 3 percent.

What the trade deficit means in real-life terms is that money, usually U.S. currency, is leaving American hands and ending up in the hands of foreign competitors, from the United States to Saudi Arabia and other major oil producers; from the United States to China, now the second largest holder of U.S. dollar assets; from the United States to Japan, Korea and other major automobile and truck makers who keep their markets closed. So we are left with padlocked factories, a shrinking middle class, diminishing tax bases and all the problems that accompany a shortage of good jobs.

What a shame. What a shame that Washington is so out of touch with the real America. People are rapidly losing hope and trust. They believe their government has been captured by special interests and no longer cares about them, and they are right.

When they see these statistics about what is happening to our country, it is no wonder people are beginning to despair. So our people vote less, they become more cynical, and they conclude their government no longer stands up for them or indeed belongs to them.

That, my friends, is a recipe for a rising political radicalism across our Nation. I cannot predict when it will happen, but it will happen.

SUPPORT OF U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, the men and women of the U.S. Border Patrol are often exposed to high-risk situations and dangerous environments while working on our southern border. Often working alone in remote areas and rugged landscapes, U.S. Border Patrol agents routinely encounter heavily armed human drug traffickers. Despite these dangerous conditions, the men and women of the U.S. Border Patrol work tirelessly to protect our Nation's borders, and they deserve the utmost praise for their dedication and bravery.

Unfortunately, Madam Speaker, two U.S. Border Patrol agents who deserve our appreciation have instead become victims of a grave injustice. Agents Ramos and Compean were found guilty in a Federal court for wounding a drug smuggler who brought 743 pounds of marijuana across our southern borders into Texas. The agents now face up to 20 years in Federal prison.

Agent Ramos served the Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. Agent Compean had 5 years of experience as a Border Patrol agent. These agents never should have been prosecuted for their actions last year.

By attempting to apprehend a Mexican drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions. But instead, the U.S. Attorney's Office prosecuted the agents and granted full immunity to the drug smuggler. Granted full immunity to the drug smuggler for his testimony against our agents.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. I want to repeat that, Madam Speaker. The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. He is not even an American citizen. He is a criminal.

Madam Speaker, I have spoken to numerous people inside Texas and outside of Texas regarding this outrage, including the attorney for one of these agents. I have written to the President of the United States asking him to please look into this matter. I have written two letters to Attorney General Gonzales asking him to reopen this case for a fuller investigation before these men are sentenced in October.

I hope that the American people will agree that this prosecution is an outrageous injustice and that the situation must be investigated.

Madam Speaker, I am going to close in 1 second, but I will tell you I have had the opportunity to talk to these gentlemen, and I will tell you they are fine Hispanic Americans. They are citizens of this great Nation, and they love America. They, like their fellow Border Patrol agents, have a very difficult and tough job, and I hope that my colleagues on both sides of the aisle will ask the same question that I am asking: Why and how is it that these Border Patrol agents were doing their job to apprehend a drug smuggler, and yet they are the ones who have been prosecuted, and on October 18 they will be sentenced?

I think this is an injustice, and we are asking for an investigation. I know that Congresswoman Sheila Jackson-Lee has joined us in this effort. I hope that we will look into this because these men and women who serve us on the border deserve our protection. I thank those who serve. God bless America.

STOP THE GENOCIDE IN DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, after more than 3 violent years, the genocide in the Darfur region of Sudan is getting worse. As Jan Egeland, Undersecretary General for Humanitarian Affairs at the U.N., has said, the coming weeks could see "a man-made catastrophe of an unprecedented scale."

At the end of this month, African Union forces are set to leave Darfur. Currently the only peacekeeping forces in Darfur, the departure of these troops will only embolden the Sudanese Government and the allied Janjaweed militias to continue to murder and displace Sudanese citizens.

As my colleagues know, the crisis in Darfur began in February 2003 when two rebel groups emerged to challenge the National Islamic Front government in Darfur. Since then, over 400,000 people have died, and nearly 2.5 million have been displaced from their homes. Sadly, it took the United States until July 2004 to recognize that these events in Darfur constituted genocide, and we cannot continue this type of inaction. Far too many times we have seen the horrible consequences of ignoring genocide or failing to get involved quickly.

Madam Speaker, I was pleased to hear that President Bush has finally appointed Andrew Natsios as the special envoy to Sudan. I joined 88 of my colleagues in cosponsoring a resolution calling for the President to appoint such an envoy to demonstrate the United States' commitment to resolving the crisis. This special envoy to Sudan will ensure continuous high-level U.S. engagement in Darfur, and will work to deter a further escalation of violence and humanitarian disaster in the region.

But there is much more, however, that the administration should do to work towards a lasting peace in Darfur. As the most prominent democracy in the world, the U.S. must step forward and take a leadership role in stopping this genocide. Resolving this conflict and ending the violence should be a high priority for this Congress and for the Bush administration.

The United States must pressure Sudanese allies, particularly those in the Arab League, to ensure that the Sudanese Government agrees to U.N. Security Council Resolution 1706. This resolution calls for 22,500 U.N. troops and police officers to be sent into Darfur to bolster the peacekeeping mission.

So far Sudanese President Omar al-Bashir has rejected the U.S. Security Council Resolution 1706 and thus rejected calls for U.N. peacekeeping troops to enter Darfur. But if the African Union peacekeepers leave at the end of September, and al-Bashir is successful in keeping U.N. forces out of the region, the situation in Darfur will spiral into a worsening tragedy.

The United States cannot in good conscience stand idly by as the horrors in Darfur approach 1 million deaths and 3 million displaced. Families are being destroyed, and people are being murdered. The U.S. and the U.N. have a moral obligation to stop this genocide so we can avoid the failures of Bosnia and Rwanda. Have we not learned anything from those mistakes?

The U.S. must work with NATO to impose a no-fly zone over Darfur to ensure military offensives and bombings are brought to an end. The Sudanese Government is escalating an air war by turning Soviet-era Antonov planes into makeshift bombers and using helicopter gunships against mud and thatch huts inhabited by many Sudanese people. We cannot allow these killings to continue, and establishing a no-fly zone will take a step in the right direction to lessen the violence in Darfur

Madam Speaker, the Sudanese Government has improperly imprisoned American reporters and killed aid workers to try to eliminate any international presence in the country. This kind of aggression must come to an end. If the international troops are forced out of Sudan, the country will spiral further into a land of violence and brutality.

Finally, the U.S. has a moral obligation to take all possible steps to end the humanitarian crisis in the Darfur region of Sudan. We have seen over and over what can happen if the international community does not intercede when people are being systematically murdered and displaced from their homes.

With the African Union forces planning to depart at the end of the month and the Sudanese Government rejecting U.N. peacekeeping forces, the time for full-scale international involvement is now.

☐ 2000

EARLINE HEATH KING

Ms. FOXX. Madam Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Madam Speaker, I am happy to rise today to honor Mrs. Earline Heath King of Winston-Salem, North Carolina, for her exemplary artistic career.

Mrs. King is an internationally recognized sculptor whose work decorates private residences and public places around the world. I am honored to recognize a remarkable woman who at all stages of her life has boldly sought to inspire young minds, adorn public spaces, and share her talents so beautifully with others. At a time when many of us worry about regrets regarding a life foregone, Mrs. King discovered a means to express her creativity that continues to inspire both young and old today.

Born in 1913 in Winston-Salem, North Carolina, Mrs. King did not begin her sculpting career until she was 50 years old. However, while growing up, she discovered an early interest in the arts. She recalls drawing advertisements for her father, a local barber, by drawing ladies with the latest hairstyles. In addition, she found artistic inspiration in her mother's own handiwork of embroidery, knitting, and tatting.

However, Mrs. King's first serious interest in the arts began during her studies at R.J. Reynolds High School in Winston-Salem. After her initial evaluation, she was advised to major in art and music along with her academic curriculum. During this time, Mrs. King learned the basics of art by working in pen and ink, pastels, watercolor, and oils. While in these classes, Mrs. King met her high school sweetheart, Joe King. She recalls that he always came in first in the annual art contest and she usually came in second. Before the conclusion of their senior year, they were married.

Mrs. King was awarded a scholarship in music to Greensboro College the following year, while Joe finished school and worked at the Carolina Theater. The following year they traveled to Washington, D.C. to visit family and tour art museums. Mrs. King was so enthralled with the art opportunities that she applied at a top photography studio for a job as a colorist while she was there. That same day she was offered a job; so the couple quickly packed their belongings and headed for their new home in Washington.

While Mr. KING worked as a commercial artist, Mrs. King sewed and used needlepoint to create hats for friends and family in her little free time. Her hats were noticed by a local milliner, and he suggested that she travel to New York and study with a top milliner. Mrs. King was accepted at the Dache millinery and worked as a copier from nine to six. Each day she was given a hat and a bag filled with materials and required to "copy" the original. She later became a fitter, fitting hats on celebrities such as Greta Garbo, Mary Pickford, and Loretta Young.

During the summer of 1946, Mr. and Mrs. King returned to Winston-Salem. There Mr. KING set up his first professional studio in the old blacksmith's shop of Reynolda Plantation with the help of John Whitaker, the president of Reynolds Tobacco Company. Within a month Mr. and Mrs. King opened a studio that would remain open for the next 50 years.

It was in the latter stages of these years that Mrs. King first grew interested in sculpture. In the mid-1960s, Mrs. King began her studies with Gardner Gidley of Winston-Salem. When first approached by a friend who asked her to attend the sculpture course, Earline hesitantly replied, thanks but no thanks, believing that she had neither the time nor the talent to take the course. According to Earline, when the opportunity presented itself, she went kicking and screaming, but she went. Her studies continued with Bruno Luchesi of New York; followed by Livia Papini of Florence, Italy; and, finally, George Lundeen of Scottsdale, Arizona.

In 1979 she unveiled her first public work, a bronze equestrian monument of Richard Joshua Reynolds, founder of R.J. Reynolds Tobacco Company. She has since completed more than 300 portrait commissions including portraitures of Governor James B. Hunt, Jr.; Sir Winston Churchill at the Worrell House in London, England; Dr. Armand Hammer of the Salk Institute in La Jolla, California; and Dr. Camillo Artom of Casa Artom in Venice, Italy.

Her public commissions include: the AirCare memorial for Bowman Gray School of Medicine in Winston-Salem; pieces for the Denver Center for the Performing Arts in Denver, Colorado, Winthrop College in Rock Hill, South Carolina; and works for The Gallery for the Blind at the North Carolina Museum of Art in Raleigh.

Earline's contributions to the art world expand beyond her own commissioned work. Along with five other painters and sculptors, she opened a gallery over 30 years ago in Winston-Salem called Art Gallery Originals. At their gallery in Reynolda Village, Earline still provides a workshop once a year where emerging artists and novice artists can exhibit their creations. In 1993 Earline was honored with a show in the Luigi Bellini Gallery in Florence, Italy, highlighting the extensive works of her career. She was the very first woman sculptor to be exhibited by the gallery. The show was a tremendous success and was attended by both fellow Americans living in Italy and by the diplomatic community.

Her passion for the arts is evident as much today as ever. Mrs. King is now in her 42nd year of sculpture creation, and her artistic fervor and creativity amazes me. The fact that at 50 years of age Mrs. King discovered sculpture and made it her life is truly an inspiration.

Most recently, Mrs. King sculpted the late President Ronald Reagan for the opening of a new Winston-Salem high school named after the President. She continues to work in a variety of media such as terra cotta, polycast, cold cast bronze, and lost wax bronze casting. Each year Mrs. King introduces hundreds of young minds to the inspiring world of creativity through the tutelage of yearly workshops in different communities of North Carolina. Earline's artworks continues to find homes in galleries, public buildings, and private residences of prominent collectors throughout the United States and Europe. Her artwork can be viewed in Midtown, Trotman, and ERL galleries in Winston-Salem; the Tyler White Art Gallery in Greensboro; and Curzon Gallery in Boca Raton, Florida.

Mrs. King's artistic career is one of tremendous inspiration and talent. Her career is marked by a true love for the arts and for creation. I believe that there are few people in life who truly find a passion that keeps them inspired and creating. I believe that Earline Heath King has truly discovered that passion in her life through her art, and I applaud her for the beauty that she has given us all.

INTERNATIONAL DAY OF PEACE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, this Thursday, September 21, is the International Day of Peace, as established by the United Nations a quarter century ago. To recognize it, a coalition of peace and religious organizations are mobilizing thousands upon thousands of people around the country in a week's worth of marches, vigils, and rallies. Their goal: an end to the Iraq occupation and the safe return of our troops back home to the United States.

I have signed their Declaration of Peace Congressional Pledge, and I strongly urge my colleagues to do the same. In addition to troop withdrawal, the pledge calls for important post-occupation steps that I and many of my colleagues have been pushing for some time now: among other things, no permanent U.S. military bases in Iraq; a reconciliation process led by the Iraqis which may include an international peacekeeping presence; Iraqi control over its internal affairs and its rich oil supply; increased support for veterans of the Iraq conflict; the establishment of a peace dividend with the money being spent on occupying Iraq being reinvested in our people so they will have more jobs, stronger schools, better housing, and more efficient and affordable health care.

So how is the Bush administration celebrating International Peace Day? By promising us a semipermanent state of war, an open-ended occupation of Iraq. General Abizaid said today that we will maintain our current troop levels for at least the next 9 months. There you have it. The ultimate expression of "stay the course." So much for last year's predictions by General Casey and others that there would be a significant drawdown in the year 2006.

Keeping 147,000 American soldiers as occupation forces in Iraq through the middle of next year and beyond, what will that mean? It will mean more American casualties. It will mean billions more of the people's dollars sunk in a failed policy. It will mean Iraq will become an even more fertile terrorist training ground. It will mean more violence and venom directed toward Americans by radical jihadists. It will mean that the sectarian strife, the civil war in Iraq will continue unabated.

If that is not bad enough, there is convincing evidence that our finger is on the trigger when it comes to launching a strike against Iran. Retired Air Force Colonel Sam Gardner, who has taught at the Army's National War College, said on CNN yesterday that "we are conducting military operations inside Iran right now. The evidence is overwhelming."

Mr. Speaker, there has to be a better way to manage global conflict. Actually, as he so often did, Martin Luther King, Jr. put it best. He said: "The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. Through violence you may murder the liar, but you cannot murder the lie nor establish the truth. Through violence you may murder the hater, but you do not murder hate. Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars."

He continued: "The chain reaction . . . hate begetting hate, wars producing more wars, must be broken or we shall be plunged into a dark a business."

Mr. Speaker, I believe we need to go beyond ending the occupation of Iraq to an entirely new national security paradigm, one that emphasizes diplomacy, multilateralism, strong intelligence, containment strategies, weapons inspections, real democracy building, and humanitarian aid. But we must avoid war, rather than making it our default national security strategy.

On this year's International Day of Peace, Mr. Speaker, let us rededicate ourselves to protect the country we love, not by relying on our basest impulses, but on the most honorable and humane of American values.

H.R. 5555, TRAUMA BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, tonight I would like to take a little time and speak about the state of our trauma system here in the United States.

I recently introduced a bill, H.R. 5555, the Trauma Care Systems Planning and Development Act of 2006. H.R. 5555 would provide grants to State trauma systems to improve the coordination of emergency departments and bolster the safety net from point of injury, transportation, to triage and treatment.

Mr. Speaker, traumatic injury is the leading cause of death in the United States for people under the age of 45. It is the third leading cause of death in the general American population, and each day more than 170,000 men, women, and children are injured severely enough to seek medical care. About 400 of these people will die and another 200 will sustain long-term disability as a result of their injuries. The total cost of traumatic injury in the United States is largely due to motor vehicle trauma, an estimated cost of $260 billion.

Experts estimate that many injury-related deaths could be prevented if a minimum standard of trauma care were available to all Americans. Many areas in the United States do not have appropriate emergency medical services. Several areas report large gaps in transportation coverage and lack of access to emergency nurses and doctors.

To illustrate this point, I have a map that shows the areas of the country where residents can reach a trauma center within 60 minutes by flying or driving. This map was created by the Trauma Resource Allocation Model for Ambulances and Hospitals, which is a computer model designed to aid State and regional planners in their decisions to locate or relocate designated trauma centers and helicopter pads. It is designed to help maximize access to lifesaving trauma care for our constituents.

Mr. Speaker, the blue areas are within 1-hour driving distance; the pink areas are within 1-hour flying distance. The 1-hour time limit is not arbitrary. In emergency medicine, the first hour after injury is referred to as the golden hour. Patients treated within this timespan are more likely to recover or have less long-term effects of their injury. The longer a person waits for treatment, the worse the outcome is likely to be.

Mr. Speaker, I represent an area of north Texas around the Dallas Fort Worth Metroplex, and if you drive from Dallas to Los Angeles, you travel about half of that distance in Texas.

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Well, that distance in Texas from the Dallas-Ft. Worth area to El Paso is a 10-hour trip. And you can easily make that trip and be outside the range of trauma service almost the entire time. That is a long drive with the potential for an accident throughout.

In fact, it would be possible to drive from Mexico to Canada and always be more than an hour away from a trauma center. Members might find that parts of their districts fall outside the 1-hour marker.

The Institute of Medicine recently put out a report in June of this year titled The Future of Emergency Care. They found four things. First, many emergency rooms and trauma centers are overcrowded. Demand is growing; supply is dwindling. Ambulances are often diverted from crowded hospitals to others that may be farther away, delaying treatment time and providing less optimal care. Patients end up boarded in the emergency room while they wait for a hospital room.

Secondly, emergency care is highly fragmented. Cities and regions are often served by multiple 9/11 call centers. Emergency medical services agencies do not coordinate with their emergency rooms and trauma centers. And some emergency rooms are overcrowded, while others remain nearly empty.

There is not effective communication between public safety agencies and public health departments. They often use different radio frequencies and have different emergency plans. Interoperability, which was a big issue during Katrina, is still an ongoing concern.

There is no nationwide standard for training and certification of emergency medical personnel, and Federal responsibility for oversight is scattered across multiple Federal agencies.

Thirdly, critical specialists are often unavailable to provide emergency trauma care. Three-quarters of hospitals report difficulty finding specialists to take emergency and trauma calls. Key specialties are in short supply. Specialists often treat emergency room patients without compensation. And there is extremely high medical liability.

Fourthly, the emergency system is ill-prepared to handle a major disaster. There is little surge capacity. The emergency medical services received only 4 percent of Department of Homeland Security first responder funding in 2002 and 2003. Emergency medical technicians in nonfire-based services have less than 1 hour of training in disaster response, and hospital and EMS personnel lack protective equipment to effectively respond to chemical, biological or nuclear threats.

In response to these four deficiencies, the Institute of Medicine made the following recommendations. One, create a coordinated, regionalized and accountable system. Two, create a lead agency. Three, end emergency department boarding and diversion. Fourthly, increase funding for emergency care. Fifthly, enhance emergency care research. And finally, promote the EMS workforce standards.

I have sought with the bill, H.R. 5555, the Trauma Care Systems Planning and Development Act, to address this issue. A coordinated and thoughtful plan must be applied to improve our trauma care system in this country.

Anyone or their family member could need trauma care in the blink of an eye. Wouldn't we all want to know that we are receiving the very best trauma care available quickly and efficiently

□ 2015

DEMOCRATS AND THE BUDGET DEFICIT

Mr. DAVIS of Alabama. Permission to speak out of turn, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Alabama. Mr. Speaker, I have the honor of being the first of a series of Democratic speakers tonight about the budget. And my colleagues will talk in some detail about the deficit and the debt and its consequence on the country.

But, if I can, I want to begin with a memory of a 10-year-old child growing up in Montgomery, Alabama. I remember being 10 years old and listening to a very conservative radio commentator talking about the liberal government in Washington, D.C., spending too much money.

I remember hearing this very skilled radio commentator talk about the fact that amazingly the Government of the United States of America was running a $36 billion deficit, and that it might rise to $100 billion the next year.

And I remember hearing that very conservative radio commentator say: If we do not get our hands on our budget, if we do not figure out a way to restore fiscal discipline, there was no way that we can have a strong and solvent economy.

Well, that radio commentator was named Ronald Reagan. He would be elected to the Presidency 2 years later; would forget a lot of what he said. He ended up running up massive deficits during his own time in office.

I begin with that observation, Mr. Speaker, because for the next, what is it, 51 days between now and November 7, we will hear a lot of talk about which party can be trusted to better manage the money of the American people. We will hear a lot of talk in this 51 days about the danger of Democrats being fiscally reckless and irresponsible, and we will be told that all we will do is we will tax people too much, and we will spend too much.

And I looked in the paper today, Mr. Speaker. The President's approval ratings are rising, we are told, and they are rising for one reason. He has gone from a 70 percent approval rating among Republicans to 86 percent.

And when I read the various political reports that we are regularly favored with in this city, I read the Republican's strategy on November 7 hinges on one factor: bringing home the base. Bringing home those Republicans in Tennessee and Missouri and Ohio who drifted away, getting them to come back and to believe again.

So I want to direct my remarks, if I can, at the Republican base for a minute. I am not a member of it. We have got a lot of conservatives in Alabama, and I think I can speak to them. It is interesting, Mr. Speaker, I want them to know a few basic facts.

I want them to know that fiscal conservatism has changed its meaning in this city, and the government in which they put their votes and in which they put so much faith is now running up these massive deficits, and the Chairman of the President's Council of Economic Advisors went before a group of Republican-leaning businessmen last week and said, you know what, it doesn't even matter. Deficits are just things that the statisticians worry about.

I want all of the conservative people who are listening tonight, again, many of whom are in my great State of Alabama, to know that, well, you may be a conservative, I bet you care about the security of your border. One of the reasons we cannot put enough money around enforcing border security is because of these debts and deficits your government is running up.

To all of the conservatives who are listening tonight, you may be a conservative, but I will bet you would love the see the veterans of this country given adequate health care. Well, the government that you value so much, the government to which you have given your votes the last several cycles cannot do it because they cannot afford it.

We had a debate on this floor, Mr. Speaker, just 1 year ago, September of 2005. The subject was whether we were going to provide full funding for health care for Guards and reservists. And our esteemed colleagues on the other side of the aisle rose in the Chamber and said, we just cannot afford it; it has got to be health care for veterans and reservists, or it has got to be helicopters. We cannot afford to do both. In part, that is because of the debt and the deficits that we have.

I want to say finally to these conservatives, Mr. Speaker, before you go back home so easily, before you go back to your base, understand what your party has become, a conservative party that says the debt does not matter, a conservative party that says that red ink is not important, and a conservative party that cannot find enough money to secure the border or provide benefits for veterans. It is enough to prevent you from going home. It is enough to make you look at an alternative.

Now, my colleagues will talk tonight, Mr. Speaker, about a lot of other lost opportunities. They will talk about the fact that if we could get our fiscal house in order, we could do all kinds of things that we thought we could do just a short time ago. You remember the debates, Mr. Speaker, when there was a $236 billion surplus. Republicans had ideas on what they could do. They talked about middle-class tax cuts instead of upper-end tax cuts. People on my side of the aisle talked about a refurbished commitment to veterans and the health care and education. We cannot debate any of those things right now because of this debt and these deficits.

So I end with that point. The conservatism that is on the ballot on November 7 is a conservatism of missed opportunities. It is a conservatism that has totally changed the notion of what it means to be fiscally responsible. It is a conservatism that is fading and failing for a reason.

I think a lot of people will come home on November 7, Mr. Speaker, but it will not be to a party that used to call itself conservative, it will be to common sense, it will be to a notion of reasonable sacrifice in this country, of shared sacrifice. And that is why I think the ranks will change so much on November 7.

WHAT THE CONSTITUTION SAYS

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, a few days ago we paused to recognize Constitution Day. I thought it would be appropriate this evening if we spent a few moments looking at the Constitution.

But in order to really understand the milieu in which the Constitution was created, I think we need to go back 11 years before the Constitution was ratified to the Declaration of Independence. In there we read these words: We hold these truths to be self-evident that all men are created equal.

Mr. Speaker, we mouth those words today, and then we move on to the next clause, and they mean so little to us compared to what they meant to our Founding Fathers. You see, most of our Founding Fathers came from countries in the British Isles and in Europe that were ruled by a king or an emperor who claimed, and incredibly was granted, divine rights. What that says is that the rights came from God to the king or the emperor, and he would give what rights he wished to the people.

And we made a stark departure from that. Fourscore and 7 years later, Abraham Lincoln was to note that this new experiment might not work. He said in his Gettysburg Address that: We are now engaged in a great war testing whether this Nation or any Nation so conceived and so dedicated can long endure.

We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

It took 11 years for the promise of the Declaration of Independence to be fulfilled in the Constitution that was ratified in 1787. The ink was hardly dry on the Constitution before our Founding Fathers wondered if it really was clear that they meant to have a very limited Federal Government with essentially all of the rights belonging to the people.

And so they wrote 12 amendments; 10 of them made it through that process of two-thirds of the House, two-thirds of the Senate, and three-fourths of the State legislatures, and we know them as the Bill of Rights. I think we all too seldom review these Bill of Rights.

The first eight deal with pretty specific rights that the people have, like the right to worship as they please, and to speak freely, in the first amendment; the right to keep and bear arms, much misunderstood in the second amendment. And then third, fourth, fifth, sixth, seventh and eight all deal with specific rights of the people. And then the ninth amendment, seldom referred to, but they wanted to make sure that having enumerated certain rights as belonging to the people, that the reader of the Constitution and these amendments understood that essentially all of the rights belonged to the people.

Notice what they said in the ninth amendment. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. In other words, just because we did not mention a right in the Constitution or these amendments as belonging to the people, that is where essentially all of the rights belong. So do not disparage these rights to people. They do belong to the people.

And then the most violated amendment in the Constitution, the 10th amendment. The powers not delegated to the United States by the Constitution nor prohibited to the States are reserved to the States respectively or to the people.

What this really says in plain everyday English, without the old English and the legalese, is if you cannot find it Article I, section 8, you cannot do it.

Now, we are doing a great many things in this Congress that neither I nor anyone else can find a sound basis for in the Constitution, and this is pretty widely recognized. As evidence of that, I have, and I think this was a joke from Jay Leno, that is one of the places that it was heard. "They keep talking about drafting a Constitution for Iraq. Why don't we just give them ours? It was written by a lot of really smart guys, it has worked for over 200 years, and we are not using it any more."

Mr. Speaker, this general recognition on the part of the citizenry that we are now largely ignoring the Constitution ought to cause us to rethink what we are doing.

I am not saying that the things that we are doing are not things that we ought to be doing. What I am saying is we ought not be ignoring the Constitution. This, I believe, starts us down a very slippery slope. If I can argue it is okay to do these things, like philanthropy, and, by the way, do a Google search for Davy Crockett and farmer, and you will get a great discussion of philanthropy, health care and education. I am not arguing that these are not things that the Federal Government might ought to be doing. I am simply arguing that if we are going to do them, we need to have amended the Constitution, because I am very concerned that if we can ignore the Constitution now, that we can ignore it in the future for some very important civil liberty that we have.

Mr. Speaker, I am very concerned that the general malaise on our part in referring to the specifics of the Constitution will serve us no good purpose in the future, and I think that we need to look at every law that we pass to make sure there is a firm basis in the Constitution.

This is a wonderful document. We have one person in 22. We have a fourth of all the good things in the world. I think it is because of the milieu that was established by this Constitution, the civil rights. No other constitution, no other bill of rights provides such civil liberties. To remain who we are, I think that we need to stick by our Constitution.

□ 2030

DEMOCRATS ARE PREPARED TO LEAD THE COUNTRY IN A NEW DIRECTION

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, the budgets crafted by the Bush administration and the Republican majority do not address our national short-term or long-term objectives or the values of our Nation. It is time for a new direction.

To meet our Nation's goals of economic security for our families and security for our homeland, Democrats have offered a plan.

Democrats believe in paying down the debt and maintaining fiscal restraint and discipline.

Democrats believe in real investment in life-long education which enables every American to reach their potential and strengthens the long-term financial security of our families and our Nation.

Democrats believe in budgets that invest in our armed services to defend our homeland and to protect the men and women who defend us. Democrats believe in tax fairness and tax cuts for the middle class. We believe in helping Americans pay for college, buy their first home, find affordable health insurance, and save for retirement. We understand the priorities of everyday Americans.

The Republican budgets of the last 5 years have failed to meet each of these objectives. At a time when American families are facing stagnant wages and ever-increasing bills for child care, for health care, for college tuition and for gas at the pump, the Republican Congress has failed to address these day-to-day concerns. Instead, they have enacted tax cuts for the very wealthy. My constituents want Congress to address their needs, not the wants and desires of a select few. It is clear which side the majority has chosen.

Instead of budgeting fairly, the Republicans have relied on smoke-and-mirror, borrow-and-spend gimmicks. They don't include the war in Iraq and the military activities in Afghanistan in their budget, they don't include the massive costs of repealing the estate tax for estates valued at $10 million or more, and they don't include the full cost of the Medicare part D prescription drug benefit. Despite these efforts to keep costs hidden, their budget schemes create new deficits every year and have added nearly $3.5 trillion to our national debt.

Mr. Speaker, American families deserve better and they deserve a new direction. Instead of making smart investments in America's future, the Republican budgets have run up massive deficits each year and have added to our national debt, so that as of now our national debt is nearly $8.5 trillion. This means that we spend more on interest payments on our debt than the combined Federal investments in education, homeland security, and veterans health care combined. The Nation's debt is unsustainable and it is immoral.

Mr. Speaker, American families deserve better. They deserve a new direction.

Mr. Speaker, the budget policies of the Bush administration and this Republican Congress leave our Nation less secure. Their schemes rely on borrowing more and more money from foreign investors. More money, mind you, than the amount borrowed by all past American Presidents combined.

And instead of enhancing our safety at home and bolstering our security abroad, the Republican Congress continues to underfund important security initiatives at our ports, chemical plants and along our borders, this at the same time they are failing to enact many of the 9/11 Commission's recommendations, including enabling our police and firefighters to communicate seamlessly.

Mr. Speaker, American families expect the government to make the necessary investments to keep them safe, and they believe that the American Dream should be available to everyone, not a select few. They deserve a new direction.

Democrats understand that unless we change course, the harmful effects of the Republicans' borrow-and-spend budget policies will only continue.

Democrats have a plan that makes tough, fiscally disciplined choices, to restore our budget to balance and to meet our obligations to American families; Democrats have a plan that fulfills the basic budgetary principles of living within our means; and Democrats have a plan to reduce wasteful spending and make smart investments in all Americans that will ensure the Nation's current and future fiscal wellbeing and protect the safety, security and freedoms that make our Nation great.

Mr. Speaker, Americans work hard every day. My constituents work hard every day to meet their obligations to their families, to their communities and to their Nation. We must honor their commitment, and we should not and cannot walk away from our obligations to them.

Mr. Speaker, the Democrats are committed to fiscal responsibility, the Democrats are committed to the future of our Nation, and the Democrats are prepared to lead the Nation in a new direction.

SUPPORT THE FEDERAL ELECTION INTEGRITY ACT

Mr. WESTMORELAND. Permission to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, this week the House will take up the Federal Election Integrity Act. The Federal Election Integrity Act will ensure American elections of Americans, for Americans, and by Americans. This measure promotes fairness and simply assures compliance with U.S. law. All citizens in this country hold a stake in our electoral system, and we owe it to our constituents to crack down on voter fraud.

For these reasons, I have long supported photo ID requirements for voters in Georgia. In fact, Georgia enacted into law such a requirement in the past year. Nearly all voters already have a government-issued photo ID, such as a driver's license or a passport.

Georgia made photo IDs available to all citizens and offered them for free to those who could not afford the nominal fee. With these safeguards in place, it makes no sense to argue that photo ID requirements disenfranchise certain segments of our population.

Photo ID requirements actually protect the sanctity of every legal vote. The greatest threat to the constitutional right to vote is voter fraud. A legal voter whose ballot is canceled out by the ballot of an illegal voter has effectively been disenfranchised. We seek not to suppress the vote to promote the sanctity of the vote.

The Federal Election Integrity Act will require in the 2008 election that voters show a photo ID. In 2010 it will require that voters show a photo ID that could not be obtained without proof of citizenship. I have supported such efforts in the past, and I will support this bill.

Though I have acted consistently throughout my career in public service to promote fair and accurate election, I fear the House debate will be rife with irony. You see, just 2 months ago, this House voted by a lopsided margin to trample the equal protection clause of the Constitution and to violate the sovereignty of the State of Georgia by extending the Voting Rights Act for 25 years.

I joined several of my colleagues from Georgia on this floor to educate Members of the House on our State's tremendous progress on voter equity. We presented hard evidence that the Georgia of 2006 is far removed from the Georgia of 1964. We proved that Georgia is no different than any other State when it comes to voter equality.

After I defended the honor and integrity of my State, the chairman of the Judiciary Committee slurred my State's record. He entered into the RECORD a statement that said: "The record since 1982 makes clear that Georgia and its political subdivisions have not progressed beyond the need for the temporary provisions of the Voting Rights Act." As evidence of ongoing problems in Georgia, the chairman of the Judiciary Committee and others cited Georgia's photo identification law.

Now, the nearly 400 Members who voted to penalize Georgia should reflect on that vote. They need to ask themselves what changed between July and September of this year. Why was it bad in July to have a photo ID requirement for my home State of Georgia, but okay in September to have a photo ID requirement nationwide?

Make no mistake, I will be voting for the Federal Election Integrity Act. I only wish it went further, to make all sections of the Voting Rights Act applicable to all States and to make all ballots be in English only

SUPPORTING A NEW DIRECTION FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, let me start by thanking the gentleman from Alabama for organizing this series of 5-minute statements and for his leadership on this issue.

Two weeks short of the end of the fiscal year of 2006 and with no budget in place for fiscal 2007. I commend my distinguished Democratic colleagues on the Budget Committee for taking this time to call America's attention to the fiscal challenges resulting from the Republicans' misguided policies and the wrong choices they have made for our economy. Misplaced spending priorities and bad decisions have consequences. They are leading us further down the path to fiscal ruin and expanding the wedge between middle-class families and the superwealthy.

I am proud to join my colleagues to highlight the hypocrisy of the overriding Republican economic philosophy that extending dividends, capital gains and other tax cuts for millionaires and corporations create a rising tide that lifts all boats.

Five years after the President's $1.5 trillion tax cut, our national debt now approaches $10 trillion. If our tax cuts performed as promised by those across the aisle, an exploding economy would have wiped out this debt.

We have already proven that more needs to be done than just hope that sooner or later tax cuts will reach Americans who need help the most. But those who do need help must get in line and hope that the benefits of tax cuts for millionaires and corporations will ultimately trickle down to them.

Perhaps the expanding gulf between the haves and the almost-haves is best illustrated by the fact that wages and salaries now make up the lowest share of gross domestic product since the government began keeping records on that in 1947, while corporate profits continue to break all-time records. Meanwhile, the buying power of the minimum wage has sunk to its lowest level in 50 years.

What is missing are policies that ensure that the benefits of higher corporate earnings, productivity and globalization are widely shared, such as real government support for higher education, a progressive Tax Code and affordable health care.

When choices are made at the expense of our safety net, choices that benefit the top 1 percent who will never struggle to pay a mortgage, never struggle to keep up with gas prices, never struggle to put their children through school, it is clear that a new direction for our economy is long overdue.

How can the Republicans argue that this economy is bound in the right direction when our Nation is saddled with record-breaking deficits over 4 consecutive years, combined with deep and painful cuts to hospitals, to schools, and to security? At least the Republicans' budget outlook since 2001 has been consistent. Americans could bank on the American budgets to slash funding for proven homeland security programs, veterans benefits, education and health care priorities, all the while cutting taxes for millionaires who need the break the least.

As real-life indicators of poor Federal spending choices, such as stagnant wages, soaring crime rates and rising health care premiums and drug prices begin to take their toll on Americans, it is our responsibility to react. Instead, inaction reigns under the direction of the current leadership.

In some cases, this inaction has yielded to half-hearted solutions, such as an energy bill that does more for oil and gas companies than lower gas prices, a Medicare bill that does more for drug companies and HMOs than make life-saving drugs affordable, a pension bill that takes it easy on corporate boards while ignoring the decline of traditional defined benefit plans.

Eleven days away from the start of the fiscal year, the record of this Republican Congress on the economy shows that we have not completed a budget or a single appropriations bill.

Fiscal irresponsibility has reached unprecedented new lows, depending on how you look at it. The debt limit has been raised for the fifth time in as many years to almost $10 trillion.

Perhaps we shouldn't be worried. After all, the President's budget director said last month that $200 billion annual deficits are sustainable indefinitely. Apparently normal budget rules don't apply to this administration.

But they do apply to a middle-class family of four living on Long Island whose monthly cost-of-living expenses, due mostly to rising gas prices and health care costs, are rapidly exceeding wage increases. Perhaps their creditors and collection agents will understand that outstanding debts owed by families sinking deeper into red ink are sustainable indefinitely.

We can fix this mess. We have the blueprint; a new direction for America. And we only need to look to past and proven methods, like the pay-as-you-go budget rules that were enforced in the previous administration and produced surpluses that helped us start buying down our national debt.

Indeed, we Democrats resolve to restore what should be the goals of our Federal budget, to reflect the priority of our Nation, to build a strong economy, and to set policies that reflect the values and priorities of the mainstream of Americans.

Mr. Speaker, I look forward to working with all of my colleagues who recognize that it is long past time to reverse course on this economy and support a new direction for America.

□ 2045

BUDGET

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to join my Democratic colleagues to call for a new direction in our Federal budget priorities. I want to thank my friend ARTUR DAVIS from the Budget Committee and the Democratic committee staff for arranging this series of speeches on this very important subject.

The Federal budget is much more than a boring government document or irrelevant policy paper. The Federal budget is our Nation's mission statement. The budget is our collective expression of our national priorities, and it reflects the values of our national leadership. Unfortunately, the values of the current national leadership, as reflected in the Federal budget, are a sorry state of affairs.

I am very proud that during my first term in this United States House, Congress and the President joined together to move toward balancing the Federal budget for the first time in decades. Democrats and Republicans reached across the partisan aisle and worked together to balance the books for the first time in over a generation.

The surpluses generated from the balanced budget were used to pay down the national debt, strengthen the Social Security Trust Fund and to make key investments in essential services like education and health. And we had enough left over to fund cutting-edge research and development that is the gateway to America's economic future and quality of life.

Unfortunately, all of that progress was reversed when the current administration took office. The current administration and the Republican Party bosses here in Congress have passed incredibly irresponsible budgets with disastrous results for our economy and for future generations. These record deficits and rising national debt present a crushing burden as our legacy and produce profound neglect of our basic infrastructure.

Just this morning, the Raleigh, North Carolina, News and Observer reported my State is running billions of dollars short in funding necessary to rejuvenate aging roads, schools and water systems. The 2006 North Carolina Infrastructure Report Card by the American Society of Engineers gave my State a C-minus grade on nine key categories of infrastructure readiness.

Mr. Speaker, I believe the Federal Government needs to work in partnership with our States and local communities to meet the needs of our people.

I have worked for several years with my good friend Congressman CHARLIE RANGEL of the Ways and Means Committee to pass Federal legislation to leverage school bonds on the local level. This legislation will make a real difference throughout America to build new schools, relieve overcrowding, enhance safety and improve education for our children. Unfortunately, under the current Republican regime, we cannot even get a hearing on the Rangel-Etheridge bill.

But worse than not passing new bills, the Republican budget fails to pay for the laws they have put on the books. For example, the No Child Left Behind, which the President bragged about as his signature legislation reform achievement, has never been fully funded. To date, Republicans in the White House and Congress have shortchanged our schools roughly $50 billion that they promised under No Child Left Behind. Talk to any educator. They can tell you. Promises unmet are programs unfulfilled.

This disgraceful record is a direct result of those misguided budgets. I believe in my bones that public education is one of the best investments that we can make in building a bright future, but under the current Federal budget, the taxpayers will pay nearly three times as much to service the interest on the national debt as we will invest in education at the Federal level, and nearly 45 percent of that national debt is held by foreign investors like China, Japan, Europe and elsewhere.

Mr. Speaker, America needs a new direction. The first place we can start is reversing the current budget priorities that we have that are out of touch with our American values.

I congratulate my colleagues for leading this series of speeches on this important issue.

IMMINENT CRISIS IN DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DOYLE) is recognized for 5 minutes.

Mr. DOYLE. Mr. Speaker, I rise today to call on my colleagues in the House to act quickly on an issue where literally thousands of lives hang in the balance. I speak, of course, of the situation in Darfur, where the Sudanese Government is pursuing a policy of genocide.

This is different than your run-of-the-mill civil war. This is a case in which a government has pursued policies of widespread destruction, rape and murder in order to destroy entire tribes that it considers enemies.

The Sudanese Government and its allies consciously target civilians.

I do not care which term you prefer, a systematic violation of human rights, violations of international law, ethnic cleansing, war crimes, crimes against humanity, or genocide, the undisputable bottom line is that the Sudanese Government is carrying out and supporting acts so reprehensible and so horrible that no one with the ability to try to stop it can, in good conscience, fail to do so.

For the last 3 years, the Sudanese Government and its proxies, the Janjaweed militias, have been attacking villages in Darfur; destroying homes, crops and properties; and killing, raping and torturing innocent civilians in a concerted effort to destroy, or at least displace, the tribes most closely associated with the Darfur rebel groups. As a result of this violence and the resulting starvation, exposure and disease, 300,000 people have died, and 2 million more are refugees.

A cease-fire agreement was reached in 2004, and the Sudanese Government agreed to monitoring by an African Union force of 7,000 troops.

The deployment of this African mission in Sudan, inadequate though it was to oversee an area the size of Texas, forced the Sudanese Government and the Janjaweed militias to be a bit more surreptitious about their genocidal activities, which continued, but at a significantly slower pace.

The Sudanese Government and one rebel faction signed a peace agreement this past May. Nevertheless, the killing by government forces and the Janjaweed militias has continued. In fact, the Sudanese Government has launched a major military offensive to finish the job in Darfur before it is compelled by international pressure to allow the U.N. peacekeepers into the region. This is a major violation of the Darfur peace agreement.

The mandate of the African Union peacekeeping mission in Darfur is set to expire at the end of September, just over a week from now. At that point there will be no military force protecting the people of Darfur from the central government and the Janjaweed militias, and no official observers to deter the Sudanese military and militias by bearing witness to their acts. The only constraint on the Sudanese Government's genocidal policies will be gone, and many of us are worried that what will follow will rival the level of death and destruction inflicted in Rwanda 12 years ago. Moreover, without the AU peacekeepers in place, humanitarian aid deliveries will grind to a halt, endangering the 3 million people who rely on that aid for survival.

Millions of lives are at stake, and the only practical solution at hand is an extension of the AMIS peacekeeping force's mandate. The AU Peace and Security Council is expected to approve the AMIS mandate tomorrow. We need to do our part as well.

Recently the other body adopted an amendment to the 2007 defense appropriations bill that would increase funding for the African Mission in Sudan by $20 million. The other body, to its great credit, recognized the fact that only the African Mission in Sudan can prevent the likely deaths of thousands of people.

I rise today to urge my colleagues to adopt this provision in the conference report, in this appropriations bill. We have no morally acceptable choice but to act and act quickly. Let us do our part to prevent more deaths in Darfur.

IRAN'S NUCLEAR AMBITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, the President of Iran has just addressed the United Nations General Assembly. He well could have declared victory. Hezbollah, a creature of Iran, created and funded by Iran, attacked Israel. The resulting conflict diverted attention from Iran's nuclear program and bolstered Iran's position in the Middle East. Our invasion of Iraq has removed from the chess board what was once a bloody rival of Iran for power in its own region, and now Iraq saps America's strength.

Mahmoud Ahmadinejad came to New York with a stamp of approval for his country's nuclear program from the 100-plus members of the nonaligned movement, where he led a festival of America-bashing.

Most importantly, Ahmadinejad has brazenly ignored the August 31 deadline from the United Nations Security Council to cease enrichment of nuclear fuel.

A nuclear Iran would be a catastrophe. That regime has already been listed as number one on the list of state sponsors of terrorism year after year by our own State Department. With nuclear weapons, Iran could blatantly sponsor the most horrific terrorist events, feeling itself immune from retaliation.

The Iranian regime could terrify its Muslim neighbors and interrupt their oil exports. Conversely, it could inspire Middle East States to develop their own nuclear weapons. If the Tehran regime got just a little bit crazier than they are, it could smuggle a weapon into the United States and then threaten to explode it if we did not change our policies.

Finally, if that regime were about to be overthrown, and many of us look forward to that day, it could use its nuclear weapons against its own people, or it could use them against Israel as a final parting act.

Ahmadinejad declared in one of his recent famous diatribes that the United States should bow down and surrender.

Mr. Ahmadinejad, we already have. Our unilateral concessions began in 1999 when we opened our markets to Iranian exports, not oil which we could use, but only the stuff Iran cannot sell elsewhere like caviar.

Since then we have acquiesced in World Bank loans to the Iranian Government. We allow corporations to do business in Iran through their foreign subsidiaries. And last year we opened the door to Iran's membership in the WTO. For 6 years, the Bush administration has violated U.S. law by refusing to apply the Iran-Libya Sanctions Acts to billions of dollars of investments in the Iranian oil sector. All this while energy sanctions were effective in changing Libya's behavior.

Most recently, Condoleezza Rice and President Bush personally approved a visa for a five-city U.S. propaganda tour by Ahmadinejad's predecessor, former Iranian President Khatami. Amazingly, the U.S. taxpayer picked up part of the tab for Khatami's terrorism promotion tour. We paid for the security. As you remember, the last time there were American officials in Iran, there wasn't much security and they were taken hostage and held for 444 days.

There is a certain symmetry to all this, Mr. Speaker. According to the 9/11 Commission, during the administration of Khatami, Iran used its taxpayer dollars to provide safe harbor and protection to al Qaeda terrorists. Now U.S. tax dollars are used to provide safe harbor and protection for Khatami.

The failure of this administration to persuade the U.N. Security Council, particularly Russia and China, to impose sanctions on Iran for developing nuclear weapons is the greatest diplomatic failure of our time. Why have they failed? Because they refuse the concept of linkage. We seek Russia's help on Iran while refusing to make the slightest concession on issues Russia cares about like Moldova, Chechnya, Abkhazia, any reasonable U.S. policy which subordinates these issues that are minor to us to the goal of preventing a nuclear Iran.

Likewise, we refuse to link how China deals with Iran with how we deal with China on trade issues, such as how we choose to respond to their legally questionable currency manipulations.

Mr. Speaker, the options are clear. We can use all our economic and diplomatic power, including linkage, to stop Ahmadinejad's nuclear weapon program, or we can bow down and surrender.

Actually, the Bush administration has embraced a third option. Talk tough, avoid effective action, especially linkage, and take solace in the fact that the policy failure will not become manifest and Iran will not develop and test a nuclear weapon until after 2008. Bush refuses linkage. We are doomed to a nuclear Iran

□ 2100

CONGRESSIONAL CONSTITUTION CAUCUS CONSTITUTION HOUR

The SPEAKER pro tempore (Mrs. SCHMIDT). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, we come to the floor tonight for our weekly Congressional Constitution Caucus Constitution Hour to honor the annual Constitution Day, September 17. September 17 marks the anniversary of the signing of our founding legal document, the U.S. Constitution.

On September 17, 1787, 39 revolutionary and visionary Founding Fathers changed the course of history and this country and the world, securing liberties and freedoms that centuries of civilization had only dreamed of before and that democracies around the world have tried to emulate ever since. I encourage all of my colleagues to use this occasion to remind us all and all Americans of the true intent of the U.S. Constitution and all the rights and the liberties that are guaranteed to them when our government was first formed. Today more than ever before these freedoms are too often encroached upon by every branch of government.

Unfortunately, for most Americans, the Constitution is nothing more than a historical document, really, too often cited, and cited inaccurately, and nearly always greatly misunderstood.

Still more unfortunate, this esteemed body and our Federal Government have lowered the standard of constitutional understanding and adherence, and so it is no wonder the general public has little interest or comprehension of the intent of our Nation's Founding Fathers. Just today, for example, if someone tuned in to see the discussion on C–SPAN of what was going on on the floor, the House was debating, as if, you might say, a school board was debating, for we were looking at legislation of how schools should be run with regard to their securities within their confines.

Thomas Jefferson was once asked the question, why is it that the Federal Government does not regulate and promote schools throughout the country? And he answered the question by saying: Madam, we shall do so when the Constitution is amended to say that we have the right and constitutional power to do so. But until that time, we shall not.

Here in the House floor today, unfortunately, we were doing just that, acting as if this was one large superschool board for the entire 50 States of this country.

But we were happy to come to the floor, along with my colleague from Utah, earlier this evening and other members of the caucus to help reorient the conversation to the original beliefs of our Founding Fathers and purposes of our founding documents. I think we have become a society that has begun to take for granted our systems of self-government and our liberties and freedoms. You know, gone are the days of the tyrannical rulers that inspired patriots to dump tea in the Boston Harbor or to compel Patrick Henry to cry out, "Give me liberty or give me death," or motivated such important luminaries as General George Washington, who successfully led a patchwork of army of little resources and even less hope to take up arms against one of the mightiest armies in the world for their freedom.

As societies around the world are currently struggling to establish or maintain democracy as the true model of self-government, let us not forget the many rights that we possess and the single document that protects them.

So as we celebrate the anniversary of our signing of our Nation's most significant legal document, let us each and every one of us try to better familiarize ourselves with it. Highlighting and understanding what the Constitution actually says; what the intent of the authors actually was, and how it is now interpreted, stretched, or ignored will empower the public, like our forefathers once did, to stand up for their innate rights and to resist the growth of government at every level.

You see, Mr. Speaker, it is easy to let our rights slip away, but tremendously difficult to get them back ever again. The best weapons that we have against either of those things ever happening is to arm ourselves with the knowledge found in the United States Constitution.

And so I conclude as I had once before on this floor, to encourage this House to adopt legislation that is pending right now called the AMERICA Act, which is simply asking every Member of this body to on a yearly basis to simply read the Constitution, and their staffs as well. Let us start in this body to have an understanding of the Constitution and to share that belief with the American public as well

SUDAN TEETERING ON THE EDGE OF DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. As the end of the session begins to revolve and move toward an end, you begin to hear a lot of discussions about the end of the session business or unfinished business. And I hope as we proceed toward the first conclusion of the 109th Congress, we will view the concept of unfinished business as not only domestic but international. I ask that this body and the administration, this Nation, not have on our clock another Rwanda.

I don't think our former President would mind when I make the remarks that one of the most difficult days and difficult times of that past administration was the failure to act expeditiously on Rwanda. And today we ask that Sudan not be another Rwanda, Sudan that is now teetering on the edge of disaster, human disaster, and the devastation of thousands upon hundreds of thousands of human beings. And what is the reason? The reason simply is one person, one man, one human being, one head of state, one president. The President of Sudan indicates that if the African Union peacekeepers were to set foot on the soil of Sudan, he would consider it an attack and therefore attack individuals dispatched by the world community.

Now, the question becomes, what is the response of this world community? Is it intimidation, to be intimidated? Is it false diplomacy, to sit back and allow this person to brutalize and to, if you will, reject the hand of friendship offered by the collective world community?

I ask that we not be intimidated and oppressed by the President of Sudan and that we demand that African Union peacekeepers who have been dispatched by the United Nations, the very body that has been sent to bring the world nations together to solve problems, do their job. And that requires sometimes enhanced diplomacy, not accepting diplomacy, and certainly a firm hand and firm attitude and firm action.

None of us are asking to provoke violence, but violence already exists in the Sudan. For those of us who have gone, some of us who went through Chad because the Sudanese Government refused to give a number of Members of Congress the diplomatic papers necessary, many just simply went. When I went to Chad and visited with the refugees there in the camps, Chad already as a neighboring country is overwhelmed and being, if you will, undermined by the hundreds of thousands of refugees and the lack of support and resources. I was glad to support an amendment to the foreign operations appropriations to ensure that some of those heavy burdens of Chad would be provided for.

But you have not and cannot understand the devastation of violence in Sudan if you have not sat down on the ground with the women in a circle as I have in those refugee camps listening to women who would not look at me face to face, who hid their eyes and their faces, who didn't want to talk about the massive rapes over and over again by those who would intimidate, rape, murder their men and them and their children. Women who had to go out to get the firewood because the man could not. The men obviously were not raped, they were brutalized and murdered, and so the women sacrificed their bodies by going out to be raped, because if the men went out they would be murdered. Is this not a call to action? Is this not a reason to tell the President of Sudan to stand down and step aside?

We have gone into conflict and we have had rousing and vigorous debates on lesser items than this. And so to the President who is now at the United Nations, it is time to turn these three days of the general assembly around issues of severity. There is life or death matters going on in Sudan. And might I just say this: just a few weeks ago, there was some sort of survey that categorized the Members of Congress and their response to these issues. Unfortunately, it was a skewed survey, because one of the amendments that it scored was an amendment that this Congress utilize to make a point by taking money away from Egypt. Obviously, that is not the right way to go when you talk about solving the problem of Sudan. The way to solve the problem for Sudan is to put an allotment of dollars that doesn't take away from anyone and enhances both the resources necessary for bringing those violent perpetrators out of there and away from those refugees, and as well supporting the African Union peacekeepers.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2463. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Reservation Area, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2864) "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. VITTER, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, and Mr. CARPER, to be the conferees on the part of the Senate.

REAL SECURITY SPECIAL ORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Madam Speaker, 229 years ago today, American forces under the command of General Horatio Gates defeated the British at Saratoga, New York. This battle and the subsequent engagement at Saratoga several weeks later turned the tide of the American Revolution and were crucial in securing the survival of our fledgling Nation.

More than two centuries later, the United States is the most powerful Nation on Earth, but we face myriad challenges to our national security that our revolutionary forebearers could not have imagined.

Throughout much of our history, the security of our Nation was an issue that was above politics. America's leaders put aside their differences and, working together, ensured that our country remained strong and free. Unfortunately, Madam Speaker, that bipartisan tradition has been cast aside by our GOP colleagues who have sought for the last three decades to portray the Democratic Party as weak on defense or insufficiently concerned with defending the United States. Never mind that this wholly distorts the historical record of Democrats who have always, always answered the Nation's call to lead in the defense of our country. It was Woodrow Wilson, a Democrat, who led America during the first World War and vowed to make the world safe for democracy.

☐ 2115

It was Franklin Roosevelt, a Democrat, who guided this Nation and the entire free world through World War II.

It was Harry Truman, a Democrat, who made the tough decisions to use the atomic bomb against Japan to contain Soviet expansionism after the war and to confront the North Korean attack against South Korea in 1950.

It was John Kennedy, a Democrat, who went eyeball to eyeball with Nikita Khrushchev during the Cuban missile crisis.

These great leaders and their successors, including Lyndon Johnson and Bill Clinton, never shied away from the hard fights, and our friends on the other side of the aisle know it. Nevertheless, Republicans have continued to try to scare the American people into believing that only they can protect the country.

This shameful use of national security as a political wedge issue has reached new lows since the September 11 attacks. In 2002 and 2004 and again in this election season, Republicans from President Bush on down have used terrorism as a political issue. In so doing, they have up-ended America's long tradition of optimism, self-confidence and bipartisanship on national security.

In 1933, President Roosevelt told a Nation shaken by 3 years of depression that the only thing we have to fear is fear itself. President Bush has spent the last 5 years telling the American people the only thing we really have to fear is the loss of GOP rule.

My colleagues, including the distinguished gentleman from Maryland (Mr. HOYER), the other distinguished gentleman from Maryland (Mr. VAN HOLLEN), the distinguished gentleman from Georgia (Mr. SCOTT), and the gentleman from my home State of California (Mr. CARDOZA) will join tonight in a message to the American people that we must change course from the administration's policies which have endangered our country, and that Democrats will do a better job at protecting the American people.

Our plan, Real Security, was developed with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others who helped identify key areas where current policies have failed and where new ones are needed.

The Real Security Plan rests on five pillars. They involve the creation of a 21st century military, a smart strategy to win the war on terror, a plan to secure our homeland, a way forward in Iraq, and a proposal for achieving energy independence for America by 2020.

Under Real Security, a Democratic Congress will rebuild the state-of-the-art military by making needed investments in equipment and manpower so we can project to protect America wherever and whenever necessary.

We have all heard stories of parents throughout the country using their own money to purchase body armor for their children serving in Iraq. I have asked Secretary Rumsfeld about the shortage of body armor and the lack of properly armored vehicles, about holdups in the development of equipment to counter roadside bombs that have killed and maimed so many of our troops. Despite his assurances, the last few months have seen a spike in the number of IED attacks against American forces in Iraq, and they seem more lethal than ever.

Under Real Security, Democrats will guarantee all of our troops have the protective gear, the equipment, the training they need and are never sent to war without accurate intelligence and a strategy for success.

I have been to Iraq three times, Afghanistan twice. I visit our troops wounded here at home, there in Germany. I have spoken at the funerals of my constituents killed in Iraq. I have sat with their families as they have mourned. These experiences have reinforced my sense of commitment to ensuring the well-being of America's soldiers and their families and our veterans.

Democrats will enact a GI Bill of Rights for the 21st Century that guarantees our troops, Active, Reserve, retired, our veterans and their families, receive the pay, health care, mental health services and other benefits they have earned and deserve.

Our Active military are stretched to the breaking point, but our Guard and Reserves have also been ground down by multiple deployments, falling enlistment and reenlistment. This has, in turn, added to the stress.

I remember meeting one young marine from California when I was in Iraq who had been there for 9 months and was on his way home. His wife, also in the service of this country, was on her way to Iraq. These are the kinds of deployments that are so taxing on our military families.

As a part of Real Security, Democrats will strengthen our National Guard in partnership with our Nation's Governors to ensure it is fully manned, properly equipped and available to meet missions at home and abroad.

The next pillar of Real Security is a broad strategy to win the war on terror. Four-and-a-half years, five years after 9/11, Osama bin Laden is still at large. Al Qaeda has morphed into a worldwide amalgam of discrete cells that are more difficult to track down. When Democrats are in charge, we will make the elimination of Osama bin Laden our first priority. We will destroy al Qaeda and other terrorist networks and finish the job in Afghanistan, ending the threat posed by the Taliban. We propose to double the size of our Special Forces, increase our human intelligence capabilities, and ensure that our intelligence is free from political pressure.

Despite their vow to drain the swamp, the administration has done little to eliminate terrorist breeding grounds by combating the economic, social and political conditions that allow extremism to thrive. Democrats will fight terrorism with all the means at our disposal, using military force when necessary, but also leading international efforts to uphold and defend human rights and renew the longstanding alliances that have advanced our national security objectives.

Under Real Security, we will confront the specter of nuclear terrorism by greatly accelerating the pace at which we are securing nuclear material that can be used to make a nuclear weapon or a dirty bomb. Our goal is to secure loose nukes by 2010. We will redouble our efforts to stop nuclear weapons development in Iran and North Korea. And while Democrats understand that no option can be taken off the table, we are committed to using a muscular diplomacy as the best option for curbing Pyongyang and Iran's nuclear ambitions.

The third pillar of Real Security is homeland security. In the wake of 9/11, there have been numerous commissions and investigations at the Federal, State and local levels, as well as a multitude of private studies. All of them have pointed to broad, systemic and other flaws in our homeland security program. Almost 2 years ago the bipartisan 9/11 Commission published its report, but most of its recommendations have not yet been implemented.

As a part of Real Security, Democrats will immediately implement the recommendations of the 9/11 Commission, including securing national borders, ports, airports and mass transit systems. We will implement the screening of 100 percent of containers and cargo bound for the United States in ships or airplanes at their point of origin, and we will take steps to better safeguard America's nuclear and chemical plants and our food and water supplies.

Democrats will prevent the outsourcing of critical components of our national security infrastructure such as ports, airports and mass transit to foreign interests that could put America at risk.

Under Real Security, Democrats would provide firefighters, emergency medical workers, police officers, and other workers on the front lines with the training, the staffing, the equipment and the cutting-edge technology that they need.

While the immediate threats to our national security come from terrorists, we face other dangers as well. Democrats are committed to a security strategy that will protect America from biological terrorism and pandemics, including the avian flu, by investing in the public health infrastructure and training public health workers.

The fourth pillar, and the one that will have the most immediate effect on our security and the longest-term effect on our security, is to chart a new course in Iraq that will ensure that in the coming months we see a significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces.

Democrats will insist that Iraqis make the political compromises that are necessary to unite their country, defeat the insurgency, and we will promote regional diplomacy and strongly encourage our allies in other nations to play a constructive role. Those nations now are largely on the sidelines.

As a part of Real Security, Democrats intend to hold this administration accountable for its manipulated prewar intelligence, its poor planning, contracting abuses that have placed our troops at greater risk and have wasted billions of taxpayer dollars.

Our security will remain threatened as long as we remain dependent on Middle East oil. The fifth pillar, and one with far-reaching ramifications for our country and for the world, is to achieve energy independence for America by 2020.

Under Real Security, Democrats will increase the production of alternate fuels from America's heartland: biofuels, geothermal, clean coal, fuel cells, solar and wind. We will promote hybrid and flex-fuel technology in manufacturing, enhance energy efficiency and conservation measures. All of this we will do, and more, to meet the real national security needs of our country.

We are joined tonight by the minority whip, the gentleman from Maryland (Mr. HOYER), who has been a great leader on national security issues. I would invite the minority whip to address us this evening, along with our colleague from Maryland and our colleague from Georgia.

Mr. HOYER. I thank the gentleman for yielding the time, and I am pleased to join him and certainly adopt his remarks, which I think are fundamental to this debate that will be going on for the next 6 weeks in our country about how we effect Real Security. That is our objective. That is our commitment as Democrats.

We believe that terrorism is a real threat. We believe that we have a responsibility to confront and defeat that threat. That is our responsibility as citizens, and that is our responsibility as elected representatives.

I am pleased to join Mr. SCHIFF, who has been such a leader on national security issues in the Congress; my dear friend from Maryland and colleague Mr. VAN HOLLEN, who has a depth of knowledge and experience in foreign policy issues and national security issues; and my good friend from the State of Georgia, Mr. DAVID SCOTT. The State of Georgia has historically had leaders in national defense. On our side of the aisle, most recently was Sam Nunn, one of the most extraordinarily able and thoughtful spokespersons for national security.

Madam Speaker, I want to thank my colleagues for taking this time. Our highest duty as Members of this Congress is to protect the American people, to protect our homeland and to strengthen our national security. We Democrats are proud of our party's strong tradition of leadership in world affairs from Woodrow Wilson and Franklin Roosevelt to Harry Truman and John Kennedy, indeed to Bill Clinton. Bill Clinton, it will be recalled, most recently marshaled the NATO Alliance, received the imprimatur of the United Nations, confronted the genocide being led by Slobodan Milosevic, defeated and stopped the genocide, stopped the ethnic cleansing, and put Slobodan Milosevic in the dock in trial at the Hague, all without losing a single American life in combat.

These leaders demonstrated that defending America requires our Nation to marshal the full range of its powers, economic and moral, diplomatic and military, to fight for freedom, to foster democracy, and to defeat tyranny and terrorism.

I believe that Members on both sides of the aisle are committed to this Nation's security. Any suggestion to the contrary, in my opinion, is either mistaken or quite possibly malicious partisanship. Furthermore, I believe that members of the loyal opposition, in this case us congressional Democrats, have the responsibility to critique the wisdom and effectiveness of the policies pursued by the majority party. That is what our Founding Fathers conceived. That is what our Founding Fathers believed was absolutely essential for the success of our democracy: A Congress and an executive and indeed a judiciary that provided checks and balances, provided thoughtful alternatives to policies being pursued, and provided constructive criticism. The fact is our Nation and our people are not as safe today as they could and should be.

□ 2130

I accept the fact that we are safer, but I repeat, that we are not as safe as we could or should be. Osama bin Laden, the architect of the worst terrorist attack on America in our history, remains at large. We still have not fully implemented the recommendations of the bipartisan 9/11 Commission, for which the commission itself has criticized us sharply. In fact, Tom Kean, the co-chair, the former Republican Governor of the State of New Jersey, the co-chair of the 9/11 Commission and the former Republican Governor, as I said, of New Jersey, recently stated: "We are not protecting our own people in this country. The government is not doing its job." What powerful words and what a call to attention are Governor Kean's words.

Meanwhile, the nuclear threats from North Korea and Iran have increased dramatically in the last 6 years. The Taliban is resurgent in Afghanistan, where roadside bombs have increased 30 percent and suicide bombings have doubled. And anti-Americanism has unfortunately and dangerously risen by substantial proportions. Even former Secretary of State and Chairman of the Joint Chiefs of Staff, Colin Powell, who has served this country so honorably in uniform and as a diplomat, remarked last week: "The world is beginning to doubt the moral basis of our fight against terrorism."

That is an extraordinary dangerous condition. We cannot nor should we fight this war against terrorists alone. We must have allies. We must have allies who respect us, who believe that our word is credible, and believe that our leadership is based upon values, insight, good intelligence, and conviction. Without question, Madam Speaker, our continuing military action in Iraq has fomented much of this anti-American sentiment.

Let me add that I supported the effort to remove Saddam Hussein as the dictator in Iraq. Democrats, however, as the loyal opposition, believe that we have a duty to honestly appraise the gross miscalculations and, I suggest, even incompetence that have plagued Operation Iraqi Freedom from its very start and to offer alternatives.

The administration ignored the advice of top military commanders and sent far too few troops to accomplish the task at hand. Recall, if you will, that we sent over a half million troops in the fall of 1990 to confront Saddam Hussein and his army in the late winter of 1991. We sent those troops to eject Hussein from Kuwait. We sent a force one-third, however, the size in 2003 not only to confront Saddam Hussein's army but to take control and stabilize an entire nation of 22 million-plus people and to ensure its stability.

As Tom Friedman of the New York Times has stated: "If we're in such a titanic struggle with radical Islam and if getting Iraq right is at the center of that struggle, why did the Bush administration fight the Iraq war with the Rumsfeld doctrine, just enough troops to lose, and not the Powell doctrine of overwhelming force to create the necessary foundation of any democracy-building project, which is," of course, "security?"

The administration, with Mr. Bremer as its viceroy in Iraq, fired police and security forces and oil workers, which increased, not decreased, instability. It initiated the war before making alternative plans when the Turks told us that we could not come in through the north so we could shut the back door to Baghdad. And as a result, many of those in the Saddam Hussein armed forces escaped and were a basis for an insurgency.

In fact, just this month Brigadier General Mark Scheid revealed that Secretary of Defense Rumsfeld said he would "fire the next person" who talked about the need for a post-war plan. There was no effective plan for post-Saddam Hussein regime nation-building. As a result, chaos occurred.

The administration failed to properly equip our own troops, Mr. SCHIFF has pointed that out, nearly 2,700 of whom have given the ultimate measure of sacrifice in this war. All of us in our districts have lost people in this war.

The administration grossly underestimated the cost of the war at about $60 billion. Today, the war costs stand at five times that amount, in excess of $300 billion. All of that has happened, I suggest to you, Madam Speaker, without significant oversight and appropriate hearings being conducted by this Congress, which is our responsibility to our constituents and to our country.

The administration hired inexperienced and unqualified political appointees for the Coalition Provisional Authority, as The Washington Post reported on Sunday. And when confronted with concrete evidence of widespread mistreatment of detainees in American custody, the President failed to hold anyone in his administration accountable.

All of this, Madam Speaker, has undermined the effectiveness of an effort that I supported. Some did not. But whether you supported it or you did not, you must lament the fact that the execution of the policy has been so unsuccessful.

Madam Speaker, as Lieutenant General Gregory Newbold, the former commanding general of the 1st Marine Division, has stated: "What we are living with now is the consequence of successive policy failures." That is not a Democrat or a Republican but a three-star general concerned about his troops, concerned about our country, concerned about the success of an effort given to our Armed Forces.

The current strategy for our military, our security, and the Iraqi people is neither working nor making us more secure. Our colleague Congressman SKELTON of Missouri has pointed out that there is not a single Army non-deployed combat brigade currently prepared to meet its wartime mission. That, Madam Speaker, is an extraordinary assertion and I suggest an accurate one as well.

Meanwhile, the news in Iraq is equally dire. The chief of intelligence for the Marine Corps in Iraq has concluded that prospects for securing that country's Anbar Province are dim and there is almost nothing the U.S. military can do to improve the political and social situation there. Thirty-four people were killed in suicide attacks on Monday in Tal Afar and Ramadi. Fifty-two bound and tortured corpses were found across Baghdad on Friday. And just today General John Abizaid, the commander of the U.S. Central Command, said that the U.S. military will likely maintain or possibly increase current force levels through next spring due to rising sectarian violence and the slow progress of the Iraqi Government.

Madam Speaker, I want the Iraqi Government to succeed. I want democracy to flourish. I want a robust economy creating jobs and hope for its people to be in place. However, Madam Speaker, the policies that we have pursued have not accomplished that objective.

Clearly, Madam Speaker, we need a new direction. I believe, as former National Security Adviser Brzezinski has said, that American and Iraqi leaders should jointly consult on a plan to transition from active American leadership and policing and securing Iraq to increasing Iraqi responsibility.

I do not believe that we should announce an arbitrary timeline, but I do believe that discussions on this transition should be agreed upon and jointly announced.

In addition, the Iraqi Government, not the United States, should then call for a regional conference of Muslim states to ask them to help the new government establish and consolidate internal stability. I suggest, Madam Speaker, that is in the interest of every regional state in the Middle East.

Additionally, the United States should convene a donors' conference of European states, Japan, China, and others to become more directly involved in financing the restoration of the Iraqi economy. A stable, secure, and free Iraq is in the best interest of the entire international community; and because it is in their interest, they bear a joint responsibility to effect that end.

Madam Speaker, this is our last best chance, in my opinion, to salvage success in Iraq. Our commitment there has been unwavering, but it must not be unending. Our strategy, hampered by gross miscalculations by our civilian leadership, is not working; and we believe that we have a duty to advocate for policy changes that will better serve our security interest and this great Nation we love.

In conclusion, Madam Speaker, I reiterate, Democrats are committed to defending America, making safe Americans, and defeating terrorists who would harm our Nation and undermine our values. Our policies that we are pursuing have not worked. They need to be changed.

Again, I thank Mr. SCHIFF for his leadership on this hour.

Mr. SCHIFF. I thank the gentleman from Maryland for his leadership.

And I particularly appreciate your comments about the proposal that Zbigniew Brzezinski has put forward. It is, I think, exemplary of the new direction in Iraq that Democrats have been advocating.

The administration's policy of stay the course, the sum and substance of it, is more of the same. Indeed, in a nonclassified briefing when I asked Secretaries Rumsfeld and Rice, Director Negroponte and General Pace how are we adapting our strategy given that the sectarian violence is now more prominent than the insurgent violence, how are we changing from a counterinsurgency strategy to one that attempts to stop the civil war, the long and short of it is we weren't. We are simply doing the same thing we have done all along. The same thing that has led us to a place, as you pointed out, where Marine intelligence is saying we lost Anbar Province probably for good. If you keep doing the same thing and you expect the result to be different, you are going to be bitterly disappointed.

And I thank the gentleman for his comments and his leadership on this.

Mr. HOYER. Thank you very much.

Mr. SCHIFF. For a small State, I have to say Maryland produces more than its share of great leaders, particularly on the issue of national security.

Mr. HOYER. Will the gentleman yield?

Mr. SCHIFF. Yes.

Mr. HOYER. Of course our small State has given your large State our leader.

Mr. SCHIFF. That is true.

I now yield to my friend and colleague from Maryland, Mr. VAN HOLLEN.

Mr. VAN HOLLEN. I thank my friend and colleague Mr. SCHIFF from California, thank him for organizing these very important national security discussions here on the floor in the House. I also want to thank my colleague from Maryland STENY HOYER for his terrific leadership on national security and a whole range of issues, and it is great to be here again with DAVID SCOTT, my colleague, from Georgia, who has also been a leader and a very important voice on these important issues to our country.

Mr. HOYER mentioned that we had the important passing about 8 days ago of the solemn occasion of 9/11. It was the 5th-year anniversary of 9/11 and the terrible attacks that took place upon our country. And I do think it is important to go back to that time and remember where those attacks came from because they were launched from Afghanistan. You had a failed state in Afghanistan run by the Taliban; and in that failed state, al Qaeda was able to take hold and find a home, and Osama bin Laden was able to prosper and plot his attacks against the United States.

And after the attacks took place on September 11, 2001, this Congress, this country, and the international community were united in pledging that we would work together to defeat terrorism, to defeat al Qaeda and bring them to justice. And despite that unity, we have not achieved the result. In fact, if you look upon the situation today, there is great division in the world and we have failed to capitalize on that unity to finish the job in Afghanistan and against al Qaeda.

The President declared way back in 2003, May 2003, aboard the aircraft carrier USS *Lincoln*, he had a big banner behind him that said "Mission Accomplished." Well, we haven't come close to accomplishing that mission because as we gather here on the floor today, Osama bin Laden is alive and well somewhere along the Afghan/Pakistan border, al Qaeda continues to plot attacks against the United States. They have become a franchiser. You know how al Qaeda franchises around the world.

□ 2145

We have not made progress at totally dismantling that organization. In fact, what we are seeing in southern Afghanistan is a resurgence of the Taliban as reported by the NATO Commander there, and our own commanders on the ground.

What have we done? We have actually reduced the number of U.S. forces in southern Afghanistan. We disbanded the one unit at the CIA that had the specific mission of going after al Qaeda and Osama bin Laden.

You open the newspaper today and see that the opium crop in Afghanistan is at an all-time high, historic high. And we also know that the Pakistan Government that we had been really relying on to keep the Taliban and al Qaeda on the run in the northwest frontier part of Pakistan, that, in fact, they have now, the Pakistani Government has entered into a nonaggression pact essentially with the Taliban leaders and the leaders in the Waziristan area.

So here we are more than 5 years after those terrible attacks, and we have not completed the job. We have not finished the mission against al Qaeda. And instead, in my view, we have actually reduced our commitment to doing that. And we must make sure that as Americans we are again united today, making sure we finish the mission in Afghanistan and bringing to justice and defeating the organization that, after all, was the organization and the leadership responsible for those attacks of September 11.

Instead, we did take our eye off the ball. We decided, instead of finishing the job in Afghanistan, to go into Iraq. And today, unfortunately, if you look at the situation on the ground, it is a mess.

You know, the Vice President, it was a little more a year ago, he went on national television and said, and I quote, that "the insurgency in Iraq was in its last throes."

Well, just a few weeks ago we had a Pentagon report required by Congress that said that the insurgency, and I quote, "remains potent and viable." And, in fact, the insurgency no longer is our number one problem in Iraq. The real problem is the cycling civil war, whether it is called a civil war, an incipient civil war, incipient of people are being killed in sectarian violence.

So you have a situation where the administration was wrong on so many counts. They were wrong on weapons of mass destruction, they were wrong on the claim that there was a connection between Osama bin Laden and Saddam Hussein. In fact, we now have a bipartisan report out of the Senate Select Committee on Intelligence that said definitively there was never any relationship between Saddam Hussein and al Qaeda. In fact, they were adversaries, they were ideological opposites. They were wrong on that.

They were wrong on the cost of the war. They totally underestimated the cost of the war. They gave the American people one number that was lowballed. In turn it was a much bigger number.

Mr. SCHIFF. Mr. VAN HOLLEN, notwithstanding all of those mistakes in judgment and execution of the war, I am sure it gave you great confidence to hear from the Vice President on Meet the Press that if he had to do it all over again, he would do exactly the same thing. That must have encouraged you.

Mr. VAN HOLLEN. It was stunning actually, because what you would hope for from our national leaders is some reflection, some understanding that the situation that we encountered in Iraq was not what we expected, that it was not what he said it would be. And, in fact, unfortunately this administration has never come to grips with the huge gap between what they said would happen in Iraq and with what is happening on the ground. That has exposed, I believe, a great credibility gap.

So when the administration says, trust us, we know what we are doing in Iraq; all you people who raise questions, don't you worry about it, I have to say, that is what they told us many, many years ago. That is what Vice President CHENEY said more than a year ago when he said the insurgency was in its last throes. So asking questions and trying to figure out a better way is, in fact, the patriotic thing to do.

But I think one of the things that is most surprising is the fact that the administration did not really have a postwar plan. They thought things were going to just go so swimmingly in Iraq, that you did not have to plan for really the postinvasion period.

In fact, just about a week ago, there was a general from the Defense Department who not only said that they did not have a postwar plan, but said specifically that Secretary Rumsfeld would punish anybody who came up with a plan, because it would send a signal to the outside world that this would not be as quick and easy as the Secretary of Defense wanted people to think it was.

And let me just, I think it is important to read this excerpt: "Rumsfeld Forbade Planning for Postwar Iraq, General Says." This is out of the Saturday, September 9, Washington Post. "Long before the United States invaded Iraq in 2003, Defense Secretary Donald Rumsfeld forbade military strategists to develop plans for securing a postwar Iraq, the retiring Commander of the Army Transportation Corps said."

Brigadier General Mark Scheid said in an interview, that Rumsfeld said "he would fire the next person" who talked about the need for a postwar plan. And we wonder why we are in trouble today in Iraq. We wonder when we open our newspapers or look at television sets why we see such a mess.

You know, the terrible thing is that there were people in the administration who had worked on a postwar plan. Many people at the State Department had developed different scenarios for what would happen and how to respond. But instead of following that plan, the Defense Department essentially junked it, and Secretary Rumsfeld not only did not come up with a plan, but now we have a brigadier general who said that he threatened to fire people who came up with a plan.

We need to do some more firing. We need to hold people accountable. We need to hold people accountable who made these big, big mistakes.

Now, one of the other things that we have learned recently, and this may be partly due to the fact that they did not have a postwar plan, was the incompetence of many of the civilians that they sent in there to work on the reconstruction phase in Iraq. You know, we recently passed the 1-year anniversary of the terrible Hurricanes Katrina and Rita that struck our States in the Southern United States, struck New Orleans, struck Louisiana, struck Mississippi.

And we know all too well that the people in those regions were hit twice really. First they were hit by a terrible hurricane, and then they were hit by the incompetence of a FEMA that was headed up by people who were not experts in emergency response, but happened to be political favorites in the administration. Michael Brown, we know that his primary credential was he had been the President of the Horse Breeders Association.

Mr. SCHIFF. Mr. VAN HOLLEN, I am sure if there had been an emergency of a national character involving thoroughbred horses, we would have been prepared.

Mr. VAN HOLLEN. Well, the FEMA job, as we know, is one that we have to be prepared for all sorts of things, but you are absolutely right, my colleague. It goes to show, in my view, the kind of disdain that the administration has with respect to what kind of qualifications are required for people who are vested with such important national responsibilities.

And we remember when the President said, "Heck of a job, Brownie," in the midst of the real disaster not just from the hurricane, but in the response.

But what I think we are learning now, unfortunately, is that same kind of cronyism, that same kind of cronyism infected many of the decisions with respect to who we sent to Iraq for that postwar period and reconstruction period.

You would think that in deciding who we should send to Iraq, we would send the people who are highly qualified at reconstruction, people who knew something about Iraq, maybe people who spoke Arabic and the native language if we had them available. But if you look at a very recent article from the Washington Post, we learned that it was not those kind of expert qualifications that made the decision. It had to do with whether or not you were a big political supporter of the Bush administration.

And I think this kind of political cronyism, when it comes to the biggest national security issues we have got, shows an incredible contempt for the American people and their security.

I just think it is very important to read a little passage from this article from the Washington Post. This is an article, September, this past Sunday, September 17. Headline: Ties to GOP Trumped Know-How Among Staff Sent to Rebuild Iraq. After the fall of Saddam Hussein's government in April 2007, the opportunity to participate in the U.S.-led effort to reconstruct Iraq attracted all manner of Americans, restless professionals, Arabic-speaking academics, development specialists, and war-zone adventurers. But before they could go to Baghdad, they had to just get past Jim O'Beirne's office in the Pentagon.

To pass muster with O'Beirne, who is a political appointee who screens prospective political appointees for Defense Department posts, applicants did not need to be experts in the Middle East or in postconflict reconstruction. What seemed most important was loyalty to the Bush administration.

Jumping down a bit: The decision to send the loyal and willing instead of the best and the brightest is now regarded by many people involved in the 3½-year effort to stabilize and rebuild Iraq as one of the Bush administration's gravest errors.

And one of the people who was set up to be, he was the CPA person over there, said: We did not tap, and it should have started from the White House on down, we just did not tap the right people to do this job, said Frederick Smith, who served as the Deputy Director of the CPA, that is the Coalition Provisional Authority's Washington office. It was a tough, tough job. Instead, we got people who went out there because of their political leanings.

He goes on to give a couple of examples of how people with absolutely no experience in contracts were given responsibilities for a $18 billion construction budget.

He goes on to talk about, you know, 24-year-old political appointees whose only qualifications were they had been part of the Bush campaign machine. Those are the people that were sent to Iraq to do a very important mission for the American people.

And it is extremely disturbing to discover that the qualifications for those people had nothing to do with their ability to do the job, their expertise to do the job, their past background to do the job; that what it had to do with was whether they were a big political booster of the Bush administration. It points out that many of them were big political contributors to the Bush administration.

Taking that kind of license with our national security, I think, is scandalous. It is important that we begin to hold people to account. Let's begin to have a real national conversation, not just a one-way discussion that the President wants to have.

Let's have some real hearings on Capitol Hill. Let's begin to have some accountability, because we all know that when you have a system that rewards people who fail, that gives a pat on the back to the people who constantly got it wrong, and yet at the same time penalizes the people who got it right in this administration, the people who said we needed more troops on the ground, the people who questioned some of the decisions, it turns out that people who questioned the decisions were ignored or penalized. People like this general who wanted to do some postwar planning was ignored. In fact, they threatened to fire people who did that kind of thing.

□ 2200

If you reward failure, you are going to get more failure. What we are asking I think tonight and on other nights is that we just begin to hold people accountable and that this House of Representatives begin to do its job, and not be a rubber stamp, not just say yes, Mr. President, you know it all, when in fact we know from what is going on in Iraq that they have gotten so much wrong. Let's begin to get it right, and let's begin to ask the hard questions. I thank my colleague.

Mr. SCHIFF. I thank my colleague for his statement tonight and all your tremendous leadership on this. I am confident with Democrats we will not only have a new direction, but we will have a functioning government of checks and balances where there is actual oversight by the Congress of the administration, which every administration needs, no matter how good, but particularly when the administration has made such serious mistakes that have placed this Nation so much in jeopardy. We need oversight.

I would add only one thing, and this you may have watched, Mr. VAN HOLLEN, the interview with the President from New Orleans when he went down for the Katrina anniversary, and Brian Williams asked him, "Mr. President, some people have criticized that you have never really asked for a sacrifice of the American people in the war on terror. Is that a fair criticism?"

His answer really struck me, because we have been talking about the American people being brought in and given a chance to contribute to our security and our success with an Apollo-like project for energy independence.

Well, the President's idea of sacrifice, he said, "Brian, that is not true. The American people have sacrificed. After 9/11, our economy was hurt, so American people sacrificed. And they pay taxes. They pay a lot of taxes, Brian."

That was it. That was the sacrifice he was asking. Now, if he had been a little more forthcoming, he might have said, "Now, Brian, they pay taxes. They pay a lot of taxes, although actually they pay less taxes since 9/11, thanks to me, so the sacrifice really is they pay less taxes. That is their contribution."

And you have to ask, where are the Rosie the Riveters? Who is being called upon? These troops of ours that are doing these multiple rotations, they are sacrificing and their families are sacrificing. But what have the rest of us been asked to do? And in this body, I would think at a minimum we could move forward with far-reaching legislation to wean ourselves from reliance on fossil fuels. We could initiate real oversight with vigor. These are the kind of new directions we need to take this country in.

I yield now to my good friend, the distinguished gentleman from Georgia, DAVID SCOTT, a fellow Blue Dog member, who has been such a superb voice on these issues.

Mr. SCOTT of Georgia. Thank you very much, Mr. SCHIFF. Of course, it is great to be here with you again, and my good friend CHRIS VAN HOLLEN from Maryland. He is a tremendous advocate for national security. I have enjoyed his opening remarks and very thought-provoking remarks. And certainly it is always good to be on the floor with our leader, STENY HOYER, who has long been a champion of national security. That is certainly the issue today.

This is the issue that is on the minds of the American people. This is prime time, national security. We have got to make sure the American people not only feel safe, but we guarantee that they are safe. We have the capacity to do that.

As I stand here, I was observing the remarks earlier about the contributions that the great State of Maryland and all of our great States have made to our strong defense and national security, and certainly I am proud to say that Georgia, my State, is certainly at the head of the list on that as well.

I stand here on the shoulders of some great folks who have been strong on national security and helped to secure this country and make us the superior military power that we are, men like Senator Sam Nunn and Senator Richard Russell from my fine State of Georgia. I stand here on the shoulders of those great Democratic leaders who have led the way.

Mr. SCHIFF. If I can interject, Mr. SCOTT, because I don't want to do any disservice to the great State of Georgia, a couple other superb Members who are contemporaries of ours, JIM MARSHALL and JOHN BARROW, great, great advocates and leaders on national security. JIM MARSHALL is a decorated war veteran. So Georgia has got more than its share.

Mr. SCOTT of Georgia. Absolutely. JIM and I have traveled overseas together. He was a decorated war veteran from Vietnam. So we stand tall as Democrats when it comes to national security, without any question.

I want to start my remarks off, because I think today will go down in history as a very profound day, starting with the United Nations. Today presented some very interesting pictures as we watched television. Two speeches, of course, stand out on this day.

I don't think I can remember in history when the President of the United States addressed the United Nations, but yet one of our chief adversaries, one of which he labeled one of the "axis of evil," the President of Iran, Ahmadinejad, came in prime time, while the President spoke earlier, not in prime time.

I am wondering how we got to this point? Where did this president of Iran come from? Five years ago we had never heard of him. Certainly I hadn't. But here he is at the United Nations, in fact upstaging our President. If I were working at the White House, I certainly would not have allowed the President of the United States to be over there on the same day. I felt that was very, very interesting.

It might do us a little good to understand how we got to this point, and the way we do that, I think, is to start off this discussion by clearly pointing out to the American people something that they are gradually beginning to see, and that is this, that we are fighting two distinct wars; one war is on terror, the other war is in Iraq.

One war is of necessity. It was necessary. That is the war on terror, which is where we went into Afghanistan to go after the terrorist organization that attacked us on 9/11. That was a war of necessity, and we went there because that is where the enemy was that attacked us. That is where al Qaeda was. That is where bin Laden was, on that border between Afghanistan and Pakistan. We got the support of NATO and we got the support of the government of Afghanistan, with their help, and we went in there.

But then we went into Iraq, and we went into Iraq on a lot of manufactured, now we know the truth, incomplete information, maybe false information, perhaps even manipulated information. Those are the facts. That is what is out there. But, nonetheless, we went into Iraq in a war of choice.

Now we need to do a cost-benefit analysis, which brings me to the point I wanted to get to earlier, to segue back in, to show these two connecting points of what happened today, where the President of the United States is upstaged by the President of Iran, a president we did not even know about 5 years ago.

But when you do the cost-benefit analysis on the war of choice, which is the war in Iraq, not the war on terror, which is the war of necessity in Afghanistan, and do a cost-benefit analysis, in other words, look at our cost: 2,600 soldiers, men and women who gave their lives, who were killed; nearly 20,000 wounded; over $600 billion expended at a rate of $3 billion every week. That is the cost.

Who benefited? Who benefited? Who benefited? Iraq. When we went into Afghanistan, although we went in on the war on terror, we went after the Taliban, doing, again, Iraq's bidding. That was their enemy.

When we went into Iraq, without question the chief beneficiary of that was Iran. They were the beneficiaries, because Saddam Hussein was their worst blood enemy. We did the dirty work for Iran. On the other account, we established a Shia regime there, a Shia government in Iraq. That, again, was a benefit to Iran.

□ 2210

They were able to control that.

The other thing, all the while we are doing this, they are busy developing their nuclear capacity so that now that they have the nuclear capacity, again, a checkmate and a benefit for Iraq.

So that now my point is simply that because of some of our policies, most definitely going into Iraq, the major beneficiary of our going into Iraq is Iran, which now is boosted on the stage and is here this day, in this country, at the United Nations, giving a speech. And here is a man who is the sponsor of the very terrorist organization that controlled the Lebanon situation, as well as the Hamas, which controls the Palestinian.

All I am simply saying is our national security policies, our foreign policies have had a devastating impact, and that when we do the cost/benefit analysis, it certainly benefits Iraq. It has taken us away from pursuing the goal of finding and decapitating the head of the mastermind of the terrorist organization that came to destroy us.

That is why the American people are beginning to see this differentiation, and we are not going to be able to find our way out of this unless we finally do so we can understand exactly what this situation in Iraq is doing, and like you, we are not standing here just talking. We are standing here explaining how we earnestly feel as Americans, strong, patriotic Americans, who care about this country, and who resent the President of the United States saying that anytime we question that, we are not patriotic. We are doing our duty that the American people sent us up here to do to raise these important issues.

We cannot stay the course, not this course. Sixty-three percent of the American people say they want a new direction. It is up to Democrats to provide that direction.

The other issue which concerns me is the state of our military. Not only must we explain to the American people and help to dramatize and explain clearly and show how we are dealing with two distinct wars, one of necessity, one of choice, but the drain on the military, we have got to correct that. Our military is in a draining state. We are not meeting our recruiting goals. We are on two and three tours of duty there.

We are in a terrible hole in Iraq, and we have got to extricate ourselves out of it. The challenge is to do so with yet the dignity and the respect that we must do so to honor the sacrifice of our men and women who have given their lives there, while at the same time putting the responsibility on the Iraqis themselves to manifest their destiny. They want democracy. We cannot shove it at them with a gun. They have to feel it in their soul. They have to go forward and grab it. That is not happening, and that is what we have to do to get this moving forward in a way that gives the respect to our military who have given their lives there.

Mr. SCHIFF. I thank the gentleman very much for your comments, for your leadership on this issue. It has been a great pleasure and honor to share a few thoughts with you and our colleague Mr. VAN HOLLEN and our whip Mr. HOYER. Once again, I want to thank the great State of Georgia for sending you to Congress.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Madam Speaker, it is indeed a privilege to come back before the House as representative of the majority party. And as I was sitting and listening to the tail end of my good friends on the other side of the aisle with their recitation of doom and gloom, Madam Speaker, I was reminded of a radio personality who has a wonderful program on daily. He comes on and he introduces his program by saying, "And now for the rest of the story."

So, Madam Speaker, I come before you tonight and before the House with another version of the Official Truth Squad. The Official Truth Squad began a little over a year ago with a group of freshmen Republicans in the United States House of Representatives who had, frankly, grown tired of the lack of response to the disinformation and the misinformation and the distortion and the demagoguery and the hyperbole that we hear over and over and over on the House floor. And, Madam Speaker, you have been treated to a particularly virulent form of that kind of disinformation and misinformation in the past hour.

Before I get into the comments that I had prepared for this evening to talk a little bit about national security and talk about our economy, I do want to point out a couple of items for those folks in the House who are listening and have just heard the comments on the floor.

I think it is important to make certain that we talk about the truth, and when we talk about the truth, I am reminded of Daniel Patrick Moynihan's famous quote. It is one of my favorites. Senator Moynihan was a Democratic Senator from the State of New York, and he said that everyone is entitled to their own opinion, but they are not entitled to their own facts. Is that not true, Madam Speaker? Everyone is entitled to their own opinion, but they are not entitled to their own facts.

So I am here to point out just a few of the opinions that we have heard this evening that, in fact, bear no resemblance to the truth and bear no resemblance to fact, but that are so divisive to us as a Nation. That is what concerns me, Madam Speaker.

My background is as a physician. I came to Congress after over 20 years practicing medicine, and I knew that when I dealt with my patients and when I dealt with my colleagues, that we had to talk about the truth. We had to talk about real things. We had to talk about facts, because when you did not talk about facts, then you made the wrong diagnosis, and when you make the wrong diagnosis, somebody gets hurt. Somebody gets hurt.

So, Madam Speaker, when my colleagues on the other side of the aisle do not want to talk about the facts, and they do not want to talk about the truth, then somebody gets hurt, and in this instance it is the American people. It may even be the American fiber and the American spirit, the unity of America.

What we just heard is a remarkable demonstration of disunity, of division, of folks who, I do not know how long people have been listening, but I did not hear a single solution, not one solution offered.

Churchill said that criticism is easy; it is achievement that is difficult. Another one of my favorite quotes. Criticism is easy, but achievement is difficult.

You just heard a remarkable statement, and we have had a remarkable day with our President going to the United Nations and addressing the United Nations in his annual address. Because we are the host Nation, there is a defined time for that annual address, and it occurs in second speaking order. So it happened to occur during the middle of the day today. My friends on the other side of the aisle want to attribute the fact that the President was not on prime-time television tonight to some remarkable foible of this administration. Madam Speaker, what kind of nonsense is that? What kind of distortion of the truth is that?

So when we hear these kinds of things, it really disturbs me, it saddens me, because it cheapens the debate that we have here when you have that kind of distortion.

The question was asked, how did the President of Iran get to be so strong? But one of the reasons he is so strong is because our friends on the other side of the aisle have not participated in assisting us on an energy agenda that will make it so we have American energy for Americans. There is some truth for you. The folks who continue to throw stones on the other side of the aisle constantly, and we will talk about this this evening, make it so that they put roadblocks in the way of trying to increase American independence in the area of energy.

So, Madam Speaker, in fact, I would appreciate some help from the other side of the aisle for some United Nations reform. We have had a bill on the floor of the House here to reform the United Nations, to reform the United States' participation in the United Nations.

□ 2220

And goodness knows we can't get any support from our good friends on the other side of the aisle, but they are ready, willing, and able to come down to the House floor and criticize the United States for their participation in the United Nations. Are they willing to help us solve the problem? Madam Speaker, I haven't seen that.

I also heard my friend from Maryland this evening talk about the contractors in Iraq. And he used as the font of all wisdom and knowledge about the contractors in Iraq who were hired. Madam Speaker, did you hear who he used as the resource for all of that? You know, when we were growing up we would have to cite our resources in our papers for school and for university, and it had to be something reliable. Did you hear who we used, Madam Speaker? The Washington Post. Now there is a reliable source for you.

But when he brought that information, he didn't bring it by way of enlightenment; he brought it by way of criticism, by way of division, by way of tearing down those individuals who are working just as hard as they can to make certain that Iraq is restored and has an opportunity to become a democratic and sovereign nation on its own. Division, division, distortion, demagoguery, misinformation, disinformation. Madam Speaker, I would ask the gentleman from Maryland to apologize to the Members, to the United States citizens who are working as hard as they can in Iraq as independent contractors, risking their lives just like the military. Some of them have actually been murdered by our enemies in Iraq. So I would hope that the gentleman would reconsider what he said.

Don't you get tired of it, Madam Speaker, that kind of distortion of the fact, that kind of division? I certainly do, and I know my constituents do at home. They get tired of the fighting, of the backbiting. They get tired of three or four individuals who can stand up here for an hour on the floor of the House and not offer one single, one single positive solution to the challenges that confront us as a Nation. And the challenges are big; these are big challenges. They are not Republican challenges, they are not Democrat challenges, they are American challenges.

And so, Madam Speaker, I am pleased to come and have the opportunity at the pleasure of the leadership to be able to come and talk a little bit about some positive things about America, some positive things that we have done, but also to provide some truth. Remember Senator Moynihan's comment, everyone is entitled to their own opinions but they are not entitled to their own facts. So we would like to bring some facts tonight about a couple different areas, primarily national security because it has been talked about just recently, and the issue of the economy, the economic perspective in our Nation. And I think it is extremely important that when we discuss this, that again we remember that truth and facts are important. And so I am going to present some information here that I hope that Members of the House are listening to. I hope that they are listening to, and, frankly, I hope that the American people are listening, because there is some information that I think that they will be extremely, extremely interested in, especially when we talk about votes as it relates to issues on the floor of the House.

So the Official Truth Squad is pleased to be able to come and talk a little bit about national security and about the economy.

Now, there is certainly no more important function of the Federal Government than the security of the American people. And Republicans, as everyone knows, have always been committed to national security. Our Nation's defense, our Homeland Security and border control and the global war on terror are not just priorities for this administration, but they are indeed priorities for all House Republicans. And if there were ever any question in anyone's mind about whether or not we are a Nation that remains at risk because of enemies around the world, then all one has to do is look to a very recent activity in England where the United States, along with our good friends in Great Britain and friends in Pakistan, were able to thwart a plan by our enemies, by our enemies who have sworn to make certain they end our way of life. We were able to thwart a plan to bring down many, many airliners that would kill thousands, thousands of innocent civilians.

So it is clear that the global war on terror is indeed a huge priority. It is a priority for us. I would hope that it would be a priority for all Members of the House. However, the Democrats continue to try to obstruct our security plans, and they have been essentially a party of "no," with no alternative plans to meet our security needs. And I would ask, Madam Speaker, folks to remember just the hour that we have just heard by our good friends on the other side of the aisle, and try to recollect one single solution that was offered. Madam Speaker, I suspect that you, like I, can't remember it, because in fact there were no solutions that were offered.

For instance, Democrats have called time and time again for the redeployment of our troops. And there was a commentator or an interviewer on television recently who asked a member of the Democrat Caucus, where do you want them redeployed to? And he couldn't come up with an answer. But occasionally they will come up with an answer, and oftentimes they will say, well, they ought to be able to redeploy to Okinawa. Well, now there is a thought, Madam Speaker, redeploy the troops from Iraq to Okinawa. If you take a look at the globe, the port of Newport News and Norfolk is closer to Iraq than Okinawa. So redeployment of troops to Okinawa makes absolutely no sense whatsoever.

Now, the other side of the aisle, the Democrats are certainly good at saying no, but they are not good at laying forth alternative plans. What they don't seem to understand is the magnitude of the threat of terrorism or indeed what is at stake. Their leader has been quoted as saying, "We don't even have a party position on the war." This is certainly evidenced by their inability to present a plan for combating terrorism in this remarkably difficult and changed post-9/11 world.

There is one Democrat leader who has in fact said that the global war on terror isn't really all that relevant. Can you imagine, Madam Speaker, we have the remarkable activities in England just last month, the knowledge and understanding that our enemy is making plans day in and day out to try to kill innocent civilians across all free nations, to try to do their best to make certain that we end our way of life, that they end our way of life, and we have a Democrat leader in this House who says that the global war on terror isn't really all that relevant. Well, with a stance like that, our leader says, with a stance like that, it is easy to see why Capitol Hill Democrats have no record of accomplishment on national security issues and lack a coherent agenda on the biggest challenge of the day.

Just this month, House Republicans will continue to focus our floor action on important security issues. We will be authorizing the President's Terror Surveillance Program, which is designed to identify and disrupt terror cells planning to attack against the United States. This is the kind of program that was utilized to assist in the activities that foiled the plot in England.

Now, when I go home, Madam Speaker, I don't know about you, but when I go home and I talk to my constituents and they say, what on Earth are you all arguing about? How can it be that anybody in this Nation believes that we as a Nation don't have the responsibility, in fact don't have the absolute imperative to make certain that we are listening and hearing and determining what our enemies are saying if they are outside the United States? I have significant concern on privacy issues when you are talking about communication between a United States citizen in the United States and another United States citizen in the United States. That is a different issue, Madam Speaker. And when individuals confuse and confound those two, they do a disservice to every single American.

□ 2230

The issue is not whether or not that kind of communication is protected. The issue is, in fact, whether or not we, as elected representatives of constituents all across this Nation, will respond to what they believe, our constituents believe, Americans all across this Nation, is an imperative for our government to do, and that is to have a terrorism surveillance program that lets us know what the bad guys are going to do before they do it. Clearly that is the most effective means of combating the war on terror, is to make certain we know what our enemy is going to do before they do it and then stop them before they do it.

In the House this month, we will be authorizing military tribunals for suspected terrorists. These are noncitizens fighting under any flag. These are terrorists. They have proclaimed to kill you and me and end our way of life as a Nation. They are not fighting for a nation. They have never signed the Geneva Accords themselves. These are evil people who must be dealt with by different rules. This is unlike any war the world has ever seen. That is not to say that they ought to be treated inhumanely, but they need to be treated with different rules in order for us to gain the kind of information that we need, in addition to being able to hold these people who are interested in doing us great, great harm, great harm.

This month the House Republicans have passed a resolution to recognize the 5-year anniversary of the 9/11 terrorist attacks. As I go through these, I think it is important for Members of the House as well as Americans all across the Nation to appreciate as these votes come up, watch where the votes go, watch who is supporting these commonsense protections for the American people.

A resolution recognizing the 5-year anniversary of the 9/11 attack, we even had some Members on the other side of the aisle vote against that. They objected strenuously that it came to the floor of the House for a vote.

Strengthening border security. We had a debate on building a fence along the southern border to make sure that our Nation is secure. This week we will deal with some issues that will provide for allowing local law enforcement individuals, both State and local, the right and privilege to detain and retain illegals who come under their jurisdiction until the Federal Government comes and is able to deport them. Right now that is not the case. We will have a bill on the floor that will once and for all end the catch-and-release program that has been operating at the border.

I ask the American people to watch who is voting on these issues. There is no reason on Earth that we ought to apprehend an individual coming across our border illegally and then give him a piece of paper and say, you have to come back in 90 days and we will try you. They just blend into society.

A catch-and-release program does not work. There are over 400,000 individuals who have already in this Nation gone through the process. They were here illegally, they are found to be guilty of another crime and been ordered deported, and yet they are told to come back and report for their deportation date. And the catch-and-release program does not make any sense.

We will have on the floor this week a bill to provide for a catch-and-return policy, which means if they are apprehended coming into our Nation illegally, they are returned to their country of origin.

There was the discovery once again of another tunnel between San Diego or the San Diego area and Mexico. Apparently it was some 400 feet long, and it was used to smuggle drugs and contraband and illegals into the United States. That was just discovered. We will have a bill on the floor to strengthen the laws as it relates to the building of tunnels for the purpose of bringing drugs and smuggling aliens in.

We will have on the floor funding and protecting American troops, the defense authorization conference report, and defense and military quality of life appropriations conference reports, and then homeland security conference reports which will provide that funding for border security and for the barriers that I talked about.

And it is extremely important to watch who is voting for these things and who is opposing them. Oftentimes what we find is that individuals will say one thing at home, and then they come to Washington, and there is something in the air here that makes them do something different. We respectfully request that folks watch and see who is voting for what.

On the issue of border security, maintaining the integrity of our borders is an economic and a security concern. Americans are worried about the vulnerabilities at our borders, and House Republicans have passed several pieces of legislation to strengthen our borders, put more technology and personnel at the borders, and develop systems to ascertain who crosses the border and for what purposes. We need to know who is coming in to our Nation.

The Republican plan for border security focuses on providing more Border Patrol agents, strengthening security through additional fencing and infrastructure, stricter enforcement, and enhancing State and local law enforcement authority. These are the foundations that must be set before we can begin the next step of immigration reforms. It is imperative, the American people are demanding, that we put our priorities first on controlling the border, making certain we know who is coming into our Nation.

It ought not surprise anybody to get a little truth now, and that is that the Democrats have not supported the efforts to secure our borders. We passed the REAL ID Act, the act that provide for an appropriate form of identification for people traveling on an airplane. This would go a long way in identifying individuals here illegally, and 152 Democrats voted "no," including the top two members of their leadership. They voted against the REAL ID Act.

We passed the Border Protection Antiterrorism and Illegal Immigration Control Act, which was the bill that has been proclaimed by those individuals who truly know and appreciate what it is going to take to control and secure our border. They believe it is the most appropriate bill that has come through Congress, certainly more appropriate than the version that came out of the Senate. But on that bill, 164 Democrats oppose that bill, including the top two in their leadership.

So folks may say one thing at home, and when they come to Washington, they oftentimes do something completely different.

On our Nation's defense, people who fight for our freedom must be fully supported. The House Armed Services Committee and our Appropriations Subcommittee on Defense and Military Quality of Life have concentrated their efforts on making certain that we meet those needs, as well as helping transform the Department of Defense to meet the threats for the next century.

In the area of intelligence reform, this is where I talked about making certain that we know what the bad guys are going to do it before they do it. Republicans have worked with the administration and intelligence agencies to help transform our intelligence-gathering capabilities and analyzing system. Rather than accept that we need to focus our efforts on this kind of reform, Democrats instead want to focus on just attacking the administration. You hear it over and over again.

Madam Speaker, it is like a broken record. They have tried to discredit the terrorist surveillance program that we talked about and other policies which have helped protect our Nation from further attack. It is not a mistake or just a happenstance that we as a Nation have not been attacked since 9/11. There are incredible individuals working day and night to make certain that we are safe as a Nation.

The 9/11 Recommendations Implementation Act that was proposed in 2004, these are the recommendations of the 9/11 Commission that you hear people talking about on the other side of the aisle all the time and that we should implement them. We had the bill that implemented a significant portion of those, and what happened? A majority, 125 Democrats, including their leader, voting to oppose it, voted "no" to implement significant recommendations of the 9/11 Commission.

So, Madam Speaker, remember, you are entitled to your own opinions, but are not entitled to your own facts.

The global war on terrorism is truly the most important activity, most important war of our generation, and it is a war like no other, as we have talked about. It is fought on many different levels: military, intelligence, economic, technology, cyberworld, Internet, all corners of the Earth.

Again, this is not a war that we sought. We didn't go out looking for this. It has been brought to our shores and brought to us, and there are terrorists out there who truly want to kill us, and they say that explicitly.

□ 2240

If you don't believe me, you just ought to listen to them. They are interested in murdering and killing innocent civilians and ending our way of life. If we do not take their words seriously and take them at their word, we do so at our peril. It is the simple and horrible truth, Madam Speaker. We must face this fact and employ all efforts, all efforts, to thwart their many attempts.

Oftentimes the Democrats will talk a good game on protecting the homeland; but when push come to shove, they certainly demonstrate that they don't understand the real issues that affect our homeland and our national security. Again, they have been the loud party of "no," with no alternative plans to meet our security needs. And although we still cannot fully understand why the terrorists hate our way of life so much, we do understand this much: that we are in a real war.

Almost 5 years after the attacks on 9/11, Islamic extremist groups, jihadists, continue to represent the most immediate threat to the United States and to our allies and to our interests abroad. And at the urging of Osama bin Laden, every American man, woman, and child has become a legitimate target in their jihad. And, again, this is their words. It is not our conjecture. It is not our opinion. It is truth. It is fact.

Now, we are blessed with an absolutely outstanding military that has taken the battle to the enemy, and it is extremely important that we fight these battles at their point of origin. We have many good and faithful allies all around the globe, and we have taken that fight forward, supporting the governments of Iraq and Afghanistan in rooting out the enemy before he can strike again. And we are cooperating with friendly forces from the Philippines to Africa and from the Middle East to South America. And we are united. We are united against this threat.

But the United States, we remain a Nation at war. We are not safe simply because we have not seen an attack on U.S. soil since 9/11. We are safer today because of the professionals of the worldwide network of intelligence and military and law enforcement officials who continue to pressure and strike al Qaeda and its followers. And we must continue the pressure on these radical organizations until victory for all freedom-loving people of the world is assured. September 11, 2001, showed us the danger of Islamic jihadism, and it also taught us that deficiencies in our own system made it possible for terrorists to operate right under our noses.

Our most important duty, as Members of Congress, is to protect our Nation from ever experiencing that lesson again. And for that reason, we must, we must continue to focus on improving our national security, our homeland security, and our intelligence systems.

But, again, the fact of the matter is the Democrats do not seem to understand that the threat of terrorism exists or even what is at stake. Remember what their leader said, they do not even have a party position on the war and an individual in their leadership said they didn't think the global war on terror was really all that relevant.

Recently, just a couple weeks ago, their leader, in a press conference, made a stunning and contradictory assessment that capturing Osama bin Laden, the leader of al Qaeda, the terrorist organization responsible for numerous attacks against the United States, including those of 9/11, would "not make America any safer." "Even if he's caught tomorrow, she said, "I don't think that makes us any safer."

Now, with a stance like that, it is easy to see why Capitol Hill Democrats have no record of accomplishment on national security or their issues and that they lack a coherent agenda on the biggest challenge of the day for this Congress and, yes, this Nation.

As I mentioned, they have called for implementing the recommendations of the 9/11 Commission. Over and over they have called, but repeatedly Capitol Hill Democrats have opposed legislation implementing the recommendations of the 9/11 Commission meant to strengthen America's national security and to prevent further attacks.

The 9/11 Commission said: "The government has made significant strides in using terrorism financing as an intelligence tool." So what happened on House Resolution 895, the legislation supporting intelligence and law enforcement programs that track terrorists and condemn with proper congressional oversight the publication of any classified information that could potentially impair the fight against terrorism, that is, implementing one of the 9/11 Commission recommendations? What happened? 174 Democrats voted "no." 174 voted "no."

They call for the immediate implementation of the 9/11 Commission recommendations. One of the 9/11 Commission recommendations was: "The READ ID Act has established statute standards for State-issued IDs acceptable for Federal purposes, though

States' compliance needs to be closely monitored." What happened with that bill that the 9/11 Commission said was a wise idea and ought to be adopted? 152 of our friends on the other side of the aisle voted "no." 152.

They talk about immediately implementing the 9/11 Commission recommendations. A quote from the 9/11 Commission: "The House and Senate have taken positive steps, but Secretary Chertoff and his team still report to too many bosses. The House and Senate Homeland Security Committees should have exclusive jurisdiction over all counterterrorism functions of the Department of Homeland Security." That is a recommendation of the 9/11 Commission, a recommendation that our good friends say ought to be immediately implemented. So when the proposal comes up to do just that, a majority, 120 of them, vote "no."

Madam Speaker, you are entitled to your own opinions, but you are not entitled to your own facts.

So in the area of national security, I think it is clear. There is a party, there are leaders in this Congress on the Republican side of the aisle who understand the threat, understand the gravity of the situation, understand and appreciate that we have a real enemy, understand and appreciate that that real enemy is interested in causing significant harm to our Nation and in murdering innocent civilians, and we are taking actions day in and day out, including this week, to make certain that we are more safe and more secure as a Nation.

So I challenge and call on my friends on the other side of the aisle to join us. Don't just talk about it. Don't just come down here and paint doom and gloom. There are people here who are working hard. Remember what Churchill said? "Criticism is easy. Achievement is difficult." "Achievement is difficult." So join us. You might find that being part of the solution instead of just railing against the individuals who are in positions of leadership now is actually beneficial, that your constituents actually appreciate the work that you are doing in a bipartisan manner. Boy, wouldn't that be wonderful? We certainly would welcome you to participate.

Madam Speaker, I talked about the concern that the Official Truth Squad has about all of the disinformation and the misinformation that goes on, and I was looking a little over a year ago for a quote. I am a fan of quotes. I enjoy quotes, and I think that oftentimes individuals in history have given us great perspective on our Nation and great perspective on our principles and the roots of our Nation. And the "politics of division" really irritates me, and I think it does a disservice to our Nation because we are so strong and we are united as a Nation.

But the other side of the aisle seems intent on tearing down, on dividing. You have heard some of it this evening. The extending tax cuts for millionaires you heard tonight and all sorts of remarkable divisive statements. The comment about the contractors in Iraq was a divisive statement, where we have hardworking American citizens who are putting their lives at risk and they get criticized in order for some divisive purpose, to try to gain some political points. Madam Speaker, it is just disheartening to hear that kind of conversation, and it does a disservice to our Nation.

When I attempted to find a quote that would crystallize that emotion, I came across this one, the Reverend William Boetcker, who was a leader and a public speaker in the late 19th and early 20th century. He was trying to crystallize the philosophy of Abraham Lincoln in his social philosophy, and it is one of my favorite quotes. He said: "You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred."

□ 2250

You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. And you cannot help men permanently by doing for them what they could do for themselves.

And so, Madam Speaker, I turn now to addressing the issue of vision and addressing the issue of the economy. House Republicans have realized, certainly do realize the importance of developing and having a vision to focus our efforts and to ensure that we address what is important for the American people. And we came together and highlighted a vision earlier this year that would address this new American century. And we came up with the following vision. We will promote dignity and future of every individual. It is important to talk about the individual. Madam Speaker, often times you hear the folks on the other side of the aisle talk about groups of folks. And again they like to separate people into groups so that they can divide and conquer.

But it is the individual, it is the individual who makes things great. So we will promote the dignity and the future of every individual by building a free society, under a limited, accountable government that protects our liberty, our security, and our prosperity for a brighter American dream.

Now, the Democrats had no such vision. Again, they are the "party of no," they have got no plan to lead the Nation. That is a dangerous way to try to take over the majority of the House of Representatives. And it is clear. We heard it again tonight. Their actions are guided by politics and discrediting the administration over and over again rather than focusing on a positive agenda for the American people.

Again that is the kind of information and the kind of requests that I get at home when I talk to my constituents about a passion for a positive agenda for America. Because, we are a great, great Nation. And we work so well together when we work unified. And that is what folks at home tell me that they would desire, that we move together forward in unity.

Now, I want to talk a little bit about our economy. And I think it is important to appreciate that our economy today is truly remarkably strong. And the numbers prove that. Our Nation has bounced back from the blow that the economy took following the attacks of 9/11. Our unemployment is low. Home ownership across all sectors of our society is the highest it has ever been.

And recently, as I know in your home state, Madam Speaker, the gas prices are falling. Now, we got a lot of criticism for the gas prices going up, so we ought to take a fair amount of credit for them coming down. The most recent economic numbers are truly remarkable.

Although this chart is a little old, the trends are absolutely accurate and correct. Unemployment. The Employment gains continue. 128,000 new payroll jobs were created in August. A total of 5.7 million new jobs since August of 2003.

The unemployment rate is at a point, at a level of 4.7 percent, 4.7 percent. I know that there are some economist amongst our midst who understand and appreciate that full employment is basically 5 percent, used to be 6 percent a number of decades ago, but they revised it downward to 5 percent being full employment. That means that basically folks who are interested having a job have a job.

GDP growth for the second quarter was revised up to 2.9 from an earlier estimate of 2.5 percent. Gasoline prices have fallen recently with the average regular unleaded gasoline falling to below $2.70 a gallon. I know in my area it is $2.22 cents when I drove to the airport this moving to come here.

Oil apparently today was down to less than $62 a barrel, which is a significant move downward. And, Madam Speaker, this is due, these numbers are due to the policies put in place by this Republican Congress and our effort to spur the economy and lay the foundation for the economy of the next century.

Now, elections are coming up. I know that is a surprise to some. But if you heard the kind of comments made earlier on the floor this evening you can tell that elections are coming up. But the American people understand that elections are about choices, and they are about the future. And there is a clear choice between Republicans who are working to enact serious reforms that will grow our economy, and reduce the deficit, and Capitol Hill Democrats who are interested in spending more of America's taxpayer dollars on wasteful Government programs as they see fit.

Now, I want to point out two things on this and the next poster. This poster here has the years down on the lower portion here, 2000–2006. And it has, this blue line here is the number of new jobs created, the number of new jobs created. And since August of 2003, this has 5.3, it is actually 5.7 million new jobs created in that period of time.

There is a vertical dotted green line here. And that vertical dotted green line marks the point where the tax decreases, the appropriate and fair tax decreases for the American people were enacted by this administration and by this Congress. And since that point, what you have seen, again, here is jobs growth going down. Tax decreases put into place, and jobs go up.

These red bars are business investment in these quarters. See business investment down, which means a slower economy, not as many jobs, not as much economic activity or growth. What happens when appropriate, fair tax decreases are put in place? The economy flourishes. No mistake about it. It occurs every time that significant tax reduction is put in place, has been put in place over the last 50 years in our Nation.

President Kennedy knew it. It occurred when he instituted appropriate tax decreases. President Reagan knew it. It occurred when he instituted tax decreases, and occurred with president George W. Bush with the appropriate tax decreases of 2003.

Now, I think it is important to appreciate that the other side truly has no plan for the economy. In fact they have not proposed any plans to address the mandatory programs, Social Security, Medicare, Medicaid, those things that are on automatic pilot that now comprise about 54 percent of the budget, and unless they are addressed in relatively short order they will cause a significantly greater drain on the economy, decrease the economic growth and activity that we have seen.

The other side is literally blind and has not proposed any proposals to improve or to reform those spending programs. In fact, what they have done is to propose in the last fiscal year 2006 budget, these were their proposals, these were the things that they actually did write down and bring to committees and bring to the floor of the House, new spending to the tune of $21.5 billion, and new taxes, new taxes to the tune of $54 billion with again no savings, no savings in Medicare, Medicaid, Social Security, those items that if nothing is doing to those three items by 2030, they will consume the entire budget, the entire budget.

So it is not something that you can just say, well, do not worry about it, we do not have to do anything to those items because they will take care of themselves.

Over the past 4 years, if the Democrats had been in control, they talk about their desire to take control of the House and to lead, well, what would have happened if they would have been in control for the last 4 years and had their proposals put in place?

If they had been in control, discretionary spending would have increased by over $106 billion. Amazingly, although they talk a good game, they have voted consistently against any significant budget reform efforts.

The Deficit Reduction Act, that bill that was passed earlier this bill that saved approximately $40 billion, $40 billion saved, the Democrats unanimously, unanimously voted against that bill, the Deficit Reduction Act.

In fact, one of their leaders was heard to say something like, we are not going to give them a single vote on this, and said it with great pride. Again, that is that politics of division, that desire to not be productive, to not be positive about solutions as they come forward here in the Congress.

□ 2300

What about the line item veto? When I go home, I hear folks talk about budgetary improvements we could make here in Washington. Many of them ask about the line item veto, why can't we allow the administration, any administration, to pick those items in the budget and say no, we ought not be spending money on that specific item. Good idea. I have supported it. The vast majority of my colleagues on the Republican side have supported it.

What happened when the bill came here to the floor for a vote? Well, Madam Speaker, the vote occurred earlier this year, rollcall vote 317, and the number of individuals on their side of the aisle supporting it, 35. The vast majority, 156, voting no.

That is the line item veto. That is one of those proposals that you hear them talk about all the time, wanting to make certain that the line item veto is passed. But when given the opportunity, when given the opportunity to stand up and say yes, that is exactly what we want to do, what do they say? No. "No, we don't believe that we ought to have that kind of reform," even though that is what they say when they go home.

Earmark reform. What about earmark reform? We had the Lobbying Accountability and Transparency Act. These are the special projects put into bills. We have had a couple of votes on this.

The first one that we had earlier, H.R. 4975, 192 Democrats vote no, including their top two members of their leadership.

Recently all it was was a sunshine bill. It said that if you are going to put a special project into the budget, that you ought to put your name beside it. I had a bill that I called "sunshine for earmarks." It said that if you are going to have a special project in an appropriations bill, that you ought to have to put your name beside it so that your constituents know you put it in there and they can look at it and say yes, this is what we want our Member of Congress to do, or no, we don't think that is something that he or she ought to be doing, so the colleagues here, Members' colleagues in the House, can know where these kinds of requests are coming from. It is important. It is important to have that kind of sunshine.

It is a simple, simple proposal. It is important for the press to know so that when they are providing their oversight of the fourth estate, that in fact they know who has put these items in.

So what kind of vote did we get? Again, this is a proposal that they talk about all the time. "If we could just have some earmark reform." So we bring it to the floor, call for a vote, it passes because the vast majority of colleagues on my side of the aisle, our side of the aisle, the Republican side of the aisle supported it. But what did those folks on the other side do? 147 of them, the vast majority voted no, including 15 ranking members. These are Members who are the most senior members on the committees in the United States House of Representatives. These are the individuals, if the other side were to by some chance take over and gain the majority, these are the individuals who would be chairmen. They would be chairs of the committees.

And what do they say with their vote, the vast majority? They say no, we don't want earmark reform. We don't want special project reform. We may say we do, but we really don't. We don't believe it in so much that when given the opportunity to vote for it, they vote no. And the leadership, what did the leadership do? Voted no. That is what they did on the other side of the aisle.

So, Madam Speaker, every single Member, every single individual is entitled to their own opinion, but they are not entitled to their own facts, and these are the facts about who is truly interested in budgetary reform and earmark reform.

To make matters worse, they are more than eager to raise your taxes. You hear the code words, and the code words recently have become "shared sacrifice." Have you heard that, Madam Speaker, "shared sacrifice?"

What that means is raising your taxes, because they believe that they know how to spend your money better than you. That is one of the principles that they have about how they plan to grow the government, how they plan to cover all these special projects and programs that they wish to have adopted. That would have not only a horrible impact on the economy, but it would also give them even more revenue, increased revenue in the government to spend.

Madam Speaker, when I hear the other side talk, if you just listen to them, you get so doggone depressed. But I am optimistic about the future of this Nation. I am optimistic about this economy.

The United States has the number one economy in the world, and in order to assure that vibrant economy in the 21st century, we in the House have focused on a comprehensive set of policies and incentives that will build on a solid economic foundation.

This won't be accomplished by Federal funds though, because Federal funds don't solve that kind of challenge. That is done by private capital. The private sector, not government bureaucrats, know how money should be spent, what resources are needed and what type of training workers will require. Unfortunately, unfortunately, there are way too many government roadblocks that stand in the way of business development and that deter investment, both here and abroad.

There are steps that we can take and we will take to restore our Nation's competitiveness and ensure that America remains the land of opportunity. We are not the status quo party. The Republicans are not the status quo party. We are the party of change, we are the party of vision, we are the party of entrepreneurship, we are the party of individual responsibility, we are the party of success.

So we will work to address health care security, termination of bureaucratic red tape, lifelong learning, trade fairness and opportunity, tax relief and simplification, energy self-sufficiency and security, innovation and investment, and ending lawsuit abuse and litigation management.

I tell you, Madam Speaker, that is an agenda that the American people can be proud of. It is an agenda that the American people can embrace with enthusiasm, with optimism, with passion, not with a dour look on your face and say "woe is me, isn't the world awful."

These are the exciting kind of proposals. These are exciting proposals that we will put forward before the House as we continue our leadership, our strong leadership, to bring about increasing American competitiveness.

For 3 years, House Republicans have promoted the House economic competitiveness agenda. This year alone we have passed over 39 pieces of legislation that will help make America more competitive. We have real solutions. Republicans offer real solutions. We invite our colleagues to join us in moving America forward and providing an opportunity for the United States businesses and working families.

But instead, they have no plan, and instead of working with us at the committee level or on the House floor, the Democrats have tried to undermine the economic competitiveness agenda over and over and over again.

Again, their so-called innovative agenda is not innovative. It is a call for increased government spending, presumably fueled by increased taxes. In response to our economic agenda, at so many different points they have been nothing but obstructionists over and over again.

For example, college access for all. They say they are for expanding access to college, yet they voted against the College Access and Opportunity Act, 181 of them, including the top two leaders in their party, 181 of them voted against the College Access and Opportunity Act.

Energy independence, Democrats say they want to end our dependence on foreign oil, and yet they try to obstruct every single plan to access America's own oil and natural gas reserves, such as tapping into ANWR and the OCS.

The Energy Policy Act, 183 Democrats, including their top two leaders, voted no. Refinery Permit Process Schedule Act, 176 Democrats, including their top two leaders, voted no. And the Deep Ocean Energy Resources Act, 156 Democrats, including their top two leaders, voted no.

Affordable health care, a difficult challenge for so many large and small businesses around our Nation, Democrats say they want to help employers provide health insurance to their employees. But they vote against every single measure to do so. The HEALTH Act, 185 Democrats, including their top two leaders, voted no. Small Business Health Fairness Act, 165 Democrats, including their top two leaders, voted no. And recently, the Health Information Technology Promotion Act, something that would truly streamline health care for our Nation, 139 Democrats, including their top two leaders, voted no. So, Madam Speaker, it truly is a remarkable contrast between the two parties.

I want to put up one more chart, because when you think about what would happen if the other side were in fact to be in the majority, I get questions at home, what would they do? What would they do?

Again, elections are about choices and they are about the future, and to determine what they would do, all you have to do is look at the legislation that they have proposed, the legislation they proposed. I presume that is what they would do, don't you, Madam Speaker?

□ 2310

The top two bills that they have proposed, H. Res. 635 and H. Res. 636, the first step in impeaching President Bush resolution and the second step in impeaching President Bush resolution.

Madam Speaker, I do not believe that the American people are interested in leadership in this House of Representatives that has as its number one priority the impeachment of the President of the United States. That is not what the American people are interested in.

What else are they interested in? H.R. 4683, the Federal Health Care System Government-Run Health Care Act. House Democrats want to create a Federal health care system without choices, which would combine the efficiency of the Department of Motor Vehicles and the compassion of the IRS, and they would tax Americans to get to it. They would amend the Social Security Act, the bill would, to impose on the income of every individual a tax equal to 1.7 percent of wages received, and on every employer an excise tax of 7 percent of the wages paid to each employee, and on the self-employment income of every individual a tax equal to the applicable percentage of the self-employment income for such taxable year. Who cosponsors that? Ranking Democrats, remember, the individuals who would be chairmen of the committees, ranking Democrats and senior members of the Democrat Caucus.

Madam Speaker, I do not think that is what Americans are bargaining for. That is not what I hear my constituents say they want when I go home and talk to them which is every single week. They are not interested in the Federal Government running health care.

H.R. 1018, it is called the Permanent Welfare Housing Act. I call it the welfare reform repeal Act. Public housing, this bill would remove provisions that residents of public housing are required to participate in 8 hours per month of either community service or economic self-sufficiency activities in order to retain their public housing. Who are the sponsors? The ranking Democrats, remember folks who would be chairmen of these committees, and multiple, multiple senior Democrat Members.

Madam Speaker, one of the most incredible and productive and positive pieces of legislation that has passed through this Congress in the past 12 years has been welfare reform. It has put literally millions of Americans back to work, to be productive citizens, to have pride in what they are doing, to believe that they have some worth and they have some input into the productivity of this Nation. What is it that the other side wants to do? Well, they want to repeal portions of it that would provide that kind of sense of accomplishment and sense of participation.

So, Madam Speaker, Republicans understand that it is the American people who built this Nation, American people who built this economy and made this the land of opportunity. Washington's job as the people's representative is to provide national and economic security and to give each individual the freedom and the protection to pursue their American dream.

The imagination and hard work of the American people have built this wonderful and beautiful Nation, and they have made it prosperous. Our task as Members of the United States Congress is to ensure that this remains true for the next century.

Once again, the other side relies on the vague promises and big government programs to solve every perceived problem in the United States. Government is not the answer, and this philosophy, which is truly left over from previous bureaucratic administrations of the 1960s and 1970s, has only slowed down progress in our Nation every single time it has been instituted.

Madam Speaker, we live in a glorious Nation. It is a wondrous Nation, a Nation that is still seen by men and women around the world as a beacon of liberty and repository of hope. I am incredibly proud to serve in the United States House of Representatives and to have the opportunity to share this positive perspective and this positive vision with my colleagues and with the Nation as we have done tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LYNCH (at the request of Ms. PELOSI) for today.

Mr. MCGOVERN (at the request of Ms. PELOSI) for today.

Mr. MOORE of Kansas (at the request of Ms. PELOSI) for the week of September 18 on account of the death of his father.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

Ms. SCHWARTZ of Pennsylvania, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DOYLE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, September 20.

Mr. OSBORNE, for 5 minutes, September 20 and 21.

Mr. BISHOP of Utah, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and September 20.

Mr. BURTON of Indiana, for 5 minutes, today and September 20, 21, and 22.

Mr. POE, for 5 minutes, September 21, and 22.

Mr. MORAN of Kansas, for 5 minutes, today and September 25.

Mr. BOUSTANY, for 5 minutes, September 21 and 22.

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today and September 20, 21, and 22.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2463. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes; to the Committee on Resources; in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on September 18, 2006, she presented to the President of the United States, for his approval, the following bills:

H.R. 866. to make technical corrections to the United States Code.

H.R. 2808. To require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

ADJOURNMENT

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 20, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2006-25150] (RIN: 1625-ZA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9476. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Public Assistance Eligibility [Docket ID FEMA-2006-0028] (RIN: 1660-AA45) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9477. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Establishment of New Port of Entry at Sacramento, California; Realignment of the Port Limits of the Port of Entry at San Francisco, California [CBP Dec. 06-23] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Captain of the Port of Zone Jacksonville, FL [COTP Jacksonville 06-164] (RIN: 1625-AA87) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9479. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Confidentiality of Commercial Information [CBP Dec. 06-24] (RIN: 1651-AA57) received September 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9480. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Yankee Homecoming Fireworks, Newburyport, MA [CGD01-06-037] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9481. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lynch Wedding Fireworks Display, Marblehead, MA [CGD01-06-061] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9482. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vermont Air National Guard 60th Anniversary Air Show, Burlington Bay, Burlington, VT [CGD01-06-098] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9483. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Great Lakes Water Sport Expo, Buffalo Outer Harbor, Buffalo, NY [CGD09-06-117] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9484. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pentwater Homecoming Fireworks, Pentwater, MI [CGD09-06-135] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beverly Homecoming Fireworks, Beverly, MA [CGD01-06-017] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9486. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Erie, Erie, PA [CGD09-06-146] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9487. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New Tacoma Narrows Bridge Construction Project, Construction Vessels and Equipment Under and in Immediate Vicinity of West Span, Tacoma Narrows, Gig Harbor, WA [CGD13-06-025] (RIN: 1625-AA00) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9488. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: Annual Dragon Boat Races, Portland, Oregon [CGD13-06-007] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9489. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [CGD05-06-043] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9490. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; March of Dimes Paddle Erie, Erie, PA [CGD09-06-147] (RIN: 1625-AA00) received August 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9491. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Susquehanna River, Port Deposit, MD [CGD05-06-042] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9492. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Ocean City, MD [CGD05-06-064] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9493. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Event, Bogue Sound, Morehead City, North Carolina [CGD05-06-057] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9494. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; N.E. 14th Street Bridge, Atlantic Intracoastal Waterway, mile 1055.0, Pompano, FL. [CGD07-05-162] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9495. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Duwamish Waterway, Seattle, WA. [CGD13-06-015] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9496. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (Alternate Route), Great Dismal Swamp Canal, South Mills, NC [CGD05-06-017] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9497. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Townsend Gut, Boothbay and Southport, ME [CGD01-06-019] (RIN: 1625-AA09) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9498. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Seattle Seafair, Lake Washington, WA [CGD13-06-038] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9499. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ, Change of Time [CGD05-06-037] (RIN: 1625-AA08) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 5622. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; with an amendment (Rept. 109–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. EHLERS: Committee on House Administration. H.R. 4844. A bill to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes; with amendments (Rept. 109–666). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5811. A bill to implement the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes; with an amendment (Rept. 109–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLATTE: Committee on Agriculture. H.R. 3849. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol (Rept. 109–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5483. A bill to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act (Rept. 109–669). Referred to the Committee of the Whole House on the State of the Union.

Mrs. CAPITO: Committee on Rules. House Resolution 1015. Resolution providing for consideration of the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes (Rept. 109–670). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of September 15, 2006]

H.R. 4777. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 22, 2006.

[The following action occurred on September 18, 2006]

H.R. 6054. Referral to the Committees on the Judiciary and International Relations extended for a period ending not later than September 22, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STEARNS (for himself and Mr. Pence):

H.R. 6092. A bill to provide that no Federal funds may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States unless the President transmits to Congress a certification that the United Nations has adopted internationally-recognized best practices in contracting and procurement; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. Bass, Mr. Campbell of California, and Mr. Brady of Pennsylvania):

H.R. 6093. A bill to amend title 49, United States Code, to direct the National Highway Traffic Safety Administration to require the disclosure of information relating to the fair market value and safety of damaged motor vehicles; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 6094. A bill to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 6095. A bill to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures; to the Committee on the Judiciary.

By Mr. BUYER (for himself, Mr. Evans, Mr. Boozman, and Ms. Herseth):

H.R. 6096. A bill to amend title 38, United States Code, to expand eligibility for the Survivors' and Dependents' Educational Assistance program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PITTS (for himself, Mr. English of Pennsylvania, Mr. Taylor of Mississippi, Mr. Hastings of Florida, Mr. Neugebauer, Mr. Otter, Mr. Holden, Mr. Gerlach, Mr. Platts, Mr. Costa, Mr. Rogers of Michigan, Mr. Peterson of Pennsylvania, and Mr. Hostettler):

H.R. 6097. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. Boswell, Mr. Dingell, Mr. Waxman, Mr. Boucher, Mr. Lewis of Georgia, Mr. Pallone, Mr. Bishop of Georgia, Mr. Brown of Ohio, Mr. Pomeroy, Mrs. Capps, Mr. Marshall, Mr. Scott of Georgia, Mr. Melancon, and Ms. Schwartz of Pennsylvania):

H.R. 6098. A bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. Aderholt, Mr. Akin, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Blunt, Mr. Boehner, Mr. Boozman, Mr. Boustany, Mr. Burgess, Mr. Burton of Indiana, Mr. Cannon, Mr. Cantor, Mr. Carter, Mr. Chabot, Mr. Davis of Kentucky, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Tennessee, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Doolittle, Mrs. Drake, Mr. Ehlers, Mrs. Emerson, Mr. Ferguson, Mr. Fortenberry, Ms. Foxx, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Goode, Mr. Hensarling, Mr. Herger, Mr. Hoekstra, Mr. Hunter, Mr. Istook, Mr. Sam Johnson of Texas, Mr. Kennedy of Minnesota, Mr. King of Iowa, Mr. LaHood, Mr. Latham, Mr. Terry, Mr. Lewis of Kentucky, Mr. Manzullo, Mr. McCaul of Texas, Mr. McCotter, Mr. McHenry, Mr. Melancon, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Neugebauer, Mr. Pence, Mr. Pickering, Mr. Pitts, Mr. Radanovich, Mr. Rahall, Mr. Renzi, Mr. Rogers of Michigan, Ms. Ros-Lehtinen, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Shadegg, Mr. Souder, Mr. Tiahrt, Mr. Westmoreland, Mr. Wilson of South Carolina, and Mr. Gary G. Miller of California):

H.R. 6099. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 6100. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 6101. A bill to amend the Legal Services Corporation Act to provide appropriate removal procedures for the Inspector General, and for other purposes; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. Drake, Mr. Moran of Virginia, Mr. Wolf, Mr. Boucher, and Mr. Scott of Virginia):

H.R. 6102. A bill to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH of Pennsylvania (for himself, Ms. Hart, Mr. Doyle, Mr. Gerlach, Mr. Holden, Mr. Peterson of Pennsylvania, Mr. Weldon of Pennsylvania, Mr. Shuster, Mr. Fitzpatrick of Pennsylvania, Mr. Brady of Pennsylvania, Mr. Murtha, Ms. Schwartz of Pennsylvania, Mr. Murphy, Mr. Platts, Mr. Pitts, Mr. Fattah, Mr. Dent, Mr. Sherwood, and Mr. Kanjorski):

H.R. 6103. A bill to amend the Act establishing the Rivers of Steel National Heritage Area in order to include Butler County, Pennsylvania, within the boundaries of that heritage area; to the Committee on Resources.

By Mr. FARR (for himself and Mr. Saxton):

H.R. 6104. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on International Relations.

By Ms. HERSETH:

H.R. 6105. A bill to amend the Indian Health Care Improvement Act to help ensure that no Service hospital or outpatient health facility is closed unless Congressional reporting requirements regarding the hospital or facility are current; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL (for himself, Mr. Melancon, Mr. Scott of Virginia, Mr. Boustany, Mr. Jefferson, Mr. Schiff, and Mr. Alexander):

H.R. 6106. A bill to extend the waiver authority for the Secretary of Education under title IV, section 105, of Public Law 109-148; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Ms. Woolsey, and Mr. Nadler):

H.R. 6107. A bill to authorize appropriations for the purpose of establishing an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to commercial sex acts, to establish a Whistleblower Office within the Internal Revenue Service, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means.

By Ms. MATSUI (for herself, Mr. Frank of Massachusetts, Mr. Oberstar, Mr. Blumenauer, Mrs. Tauscher, Mr. Taylor of Mississippi, Mr. George Miller of California, and Mr. Shimkus):

H.R. 6108. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to communities to be used for outreach efforts to encourage participation in the national flood insurance program; to the Committee on Financial Services.

By Mr. MURPHY (for himself, Mr. Gerlach, Mr. Platts, Mr. Salazar, Ms. Hart, Mrs. Blackburn, Mr. Bradley of New Hampshire, Mr. McCotter, Mr. Hoekstra, and Mr. LaHood):

H.R. 6109. A bill to amend title 38, United States Code, to provide for enhanced protection of sensitive personal information processed or maintained by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RUPPERSBERGER:

H.R. 6110. A bill to require persons seeking Federal Energy Regulatory Commission approval for a liquefied natural gas facility to identify employees and agents engaged in activities to persuade communities of the benefits of such approval; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER:

H.R. 6111. A bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6112. A bill to authorize the exchange of certain lands in Denali National Park in the State of Alaska; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.J. Res. 95. A joint resolution recognizing the 66th anniversary of the Battle of Attu and the end of Imperial Japanese control of the Aleutian Islands of Alaska during World War II and urging the Secretary of the Interior to work to protect the historic sites associated with the battle and the Aleutian World War II National Historic Area, and for other purposes; to the Committee on Resources.

By Ms. FOXX:

H.J. Res. 96. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture.

By Ms. HARRIS (for herself, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Ms. BORDALLO, Mr. BOSWELL, Mr. BURGESS, Mr. BURTON of Indiana, Mrs. CAPITO, Mrs. CAPPS, Mr. CASTLE, Mr. CLEAVER, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. DREIER, Mrs. EMERSON, Mr. GRIJALVA, Mr. HALL, Ms. HART, Mr. HIGGINS, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mrs. MYRICK, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. RAMSTAD, Mr. REYES, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SIMMONS, Mr. SMITH of Washington, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, and Mr. WYNN):

H. Con. Res. 476. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H. Res. 1014. A resolution recognizing the life of Erskine "Erk" Russell and his outstanding contributions to the University of Georgia, Georgia Southern University, the State of Georgia, and the United States; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H. Res. 1016. A resolution encouraging all offices of the House of Representatives to hire disabled veterans; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. HIGGINS and Mr. WEXLER.

H.R. 339: Mr. BRADLEY of New Hampshire.

H.R. 389: Mr. FRELINGHUYSEN.

H.R. 408: Mr. NUNES.

H.R. 475: Ms. PELOSI.

H.R. 550: Mr. BACA.

H.R. 566: Ms. WASSERMAN SCHULTZ, Mr. FOSSELLA, Mr. HONDA, and Mr. GRIJALVA.

H.R. 583: Mr. DUNCAN.

H.R. 602: Mr. SWEENEY and Mr. BOUSTANY.

H.R. 668: Mr. LIPINSKI.

H.R. 699: Mr. PRICE of North Carolina.

H.R. 759: Mr. CHANDLER, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio.

H.R. 817: Mr. POE.

H.R. 898: Mr. MILLER of North Carolina.

H.R. 910: Mr. RUSH, Mr. HASTINGS of Florida, Mr. CONYERS, and Ms. SCHWARTZ of Pennsylvania.

H.R. 941: Mrs. MYRICK.

H.R. 959: Mr. HOSTETTLER.

H.R. 997: Mr. ROGERS of Michigan.

H.R. 1059: Mr. CONYERS and Mr. NEAL of Massachusetts.

H.R. 1070: Mr. NEUGEBAUER.

H.R. 1227: Mr. CONAWAY.

H.R. 1245: Ms. VELÁZQUEZ, Mr. ORTIZ, Mr. SPRATT, Mr. KUHL of New York, and Mr. LIPINSKI.

H.R. 1298: Mr. MILLER of North Carolina, Mr. BLUMENAUER, and Ms. MOORE of Wisconsin.

H.R. 1310: Ms. ESHOO.

H.R. 1356: Mr. DAVIS of Tennessee.

H.R. 1376: Ms. HERSETH, Mr. BISHOP of New York, and Mr. BLUMENAUER.

H.R. 1415: Ms. WATSON.

H.R. 1426: Ms. ROYBAL-ALLARD.

H.R. 1472: Mrs. MALONEY, Mr. MCNULTY, Mr. OWENS, Ms. SLAUGHTER, Mr. HINCHEY, Mr. ENGEL, Mr. NADLER, Mr. HIGGINS, Mr. SERRANO, Mr. ACKERMAN, and Mr. CROWLEY.

H.R. 1498: Mr. SCOTT of Virginia.

H.R. 1506: Ms. MOORE of Wisconsin, Mr. HIGGINS, and Mr. ETHERIDGE.

H.R. 1517: Mr. FITZPATRICK of Pennsylvania.

H.R. 1554: Mr. PALLONE.

H.R. 1588: Mr. MILLER of North Carolina.

H.R. 1649: Mr. MOORE of Kansas.

H.R. 1688: Mr. MCGOVERN.

H.R. 1694: Ms. BALDWIN.

H.R. 1951: Mr. CASTLE and Mr. KIRK.

H.R. 1994: Mr. BROWN of Ohio.

H.R. 2051: Mr. MILLER of North Carolina and Mr. HOEKSTRA.

H.R. 2052: Mr. MORAN of Virginia.

H.R. 2053: Mr. MORAN of Virginia.

H.R. 2076: Mr. FORTENBERRY.

H.R. 2184: Mr. DEFAZIO and Mr. STARK.

H.R. 2317: Mr. LEVIN.

H.R. 2567: Mr. BAIRD and Mr. WELLER.

H.R. 2631: Ms. HOOLEY.

H.R. 2716: Mr. STRICKLAND.

H.R. 2719: Mr. DELAHUNT.

H.R. 2877: Mr. BAIRD.

H.R. 2939: Mrs. CAPPS.

H.R. 3006: Mr. CONYERS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3248: Mr. WYNN.

H.R. 3326: Mr. COSTA and Mr. TIERNEY.

H.R. 3406: Mr. FRANK of Massachusetts.

H.R. 3715: Ms. BALDWIN and Mr. WYNN.

H.R. 3954: Mr. REYES.

H.R. 4033: Mr. REICHERT.

H.R. 4198: Mr. GRIJALVA.

H.R. 4215: Mrs. MCCARTHY.

H.R. 4217: Mrs. EMERSON.

H.R. 4239: Mr. GRAVES.

H.R. 4597: Ms. WASSERMAN SCHULTZ, Mr. EVERETT, and Mr. GUTIERREZ.

H.R. 4727: Mr. FOLEY.

H.R. 4751: Mr. CARNAHAN and Mr. SHAYS.

H.R. 4824: Mr. OSBORNE.

H.R. 4830: Mr. MCKEON, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mr. BILBRAY, and Mr. DOOLITTLE.

H.R. 4844: Mr. SOUDER.

H.R. 4910: Mr. BURGESS and Mr. PITTS.

H.R. 4924: Mr. KIND, Mr. MELANCON, Mr. THOMPSON of California, Mr. CARDOZA, Mr. WAXMAN, Mr. POMEROY, Mr. BERRY, Mr. ETHERIDGE, Ms. HERSETH, Mr. CARNAHAN, Mr. HONDA, Mr. GOODLATTE, Mr. HOLT, Mr. SPRATT, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. MARSHALL, and Ms. HOOLEY.

H.R. 4992: Mr. BOUCHER and Mr. LOBIONDO.

H.R. 5014: Mr. WEXLER and Ms. HERSETH.

H.R. 5072: Mr. FILNER.

H.R. 5099: Ms. ZOE LOFGREN of California.

H.R. 5108: Mr. MARCHANT and Mr. WESTMORELAND.

H.R. 5148: Mr. CARNAHAN and Mr. RUPPERSBERGER.

H.R. 5150: Mr. ACKERMAN.

H.R. 5171: Mr. VAN HOLLEN, Mr. LEVIN, and Ms. PRYCE of Ohio.

H.R. 5242: Mr. SMITH of Texas, Mr. SENSENBRENNER, and Mrs. CUBIN.

H.R. 5291: Mrs. MCMORRIS RODGERS.

H.R. 5295: Mrs. BIGGERT, Mr. SOUDER, Mr. CARTER, Mr. KENNEDY of Minnesota, Mr. ENGLISH of Pennsylvania, and Mr. SHUSTER.

H.R. 5312: Ms. SOLIS.

H.R. 5313: Mr. TIBERI.

H.R. 5390: Mr. HAYWORTH.

H.R. 5399: Mr. WALSH, Mr. MICA, Mr. KUHL of New York, Mr. WELDON of Pennsylvania, and Mr. PLATTS.

H.R. 5420: Mr. LEACH.

H.R. 5436: Mr. WEXLER.

H.R. 5472: Mr. HALL, Ms. LINDA T. SÁNCHEZ of California, Mr. HOBSON, Mr. OLVER, Mr. MOORE of Kansas, Mr. MCGOVERN, Mr. SIMMONS, and Ms. PRYCE of Ohio.

H.R. 5476: Mr. GARRETT of New Jersey.

H.R. 5483: Mr. TERRY.

H.R. 5519: Mr. SIMMONS.

H.R. 5533: Mr. WYNN.

H.R. 5554: Mrs. BIGGERT.

H.R. 5555: Mrs. KELLY and Mrs. MALONEY.

H.R. 5562: Mr. MATHESON, Ms. WATSON, and Mr. LIPINSKI.

H.R. 5624: Ms. BERKLEY and Mr. KENNEDY of Rhode Island.

H.R. 5635: Mr. CUMMINGS.

H.R. 5685: Mr. RANGEL.

H.R. 5704: Mr. MARSHALL, Mr. KENNEDY of Rhode Island, and Mr. TIBERI.

H.R. 5707: Mr. STRICKLAND.

H.R. 5740: Mr. FITZPATRICK of Pennsylvania.

H.R. 5746: Mrs. JONES of Ohio, Mr. MILLER of North Carolina, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. OTTER, and Mr. DOYLE.

H.R. 5755: Mr. UPTON.

H.R. 5770: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5771: Mr. STUPAK and Mr. LATHAM.

H.R. 5772: Mr. LEACH.

H.R. 5817: Ms. LEE.

H.R. 5834: Mr. RAHALL, Mr. STARK, and Mr. UPTON.

H.R. 5836: Mr. GORDON, Mr. BOUCHER, and Mr. FILNER.

H.R. 5844: Mr. RYAN of Ohio and Mr. JONES of North Carolina.

H.R. 5850: Mr. OSBORNE, Mr. SCHIFF, and Mr. GRIJALVA.

H.R. 5853: Mr. GRIJALVA.

H.R. 5862: Mr. HASTINGS of Washington.

H.R. 5866: Mr. PORTER.

H.R. 5890: Mr. SOUDER.

H.R. 5891: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5916: Mr. OBEY.

H.R. 5929: Mr. EVANS, Mr. LAHOOD, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. WELLER, Mr. JACKSON of Illinois, and Mr. KIRK.

H.R. 5941: Ms. SOLIS.

H.R. 5948: Mr. BERMAN, Mr. PALLONE, and Mr. EVANS.

H.R. 5960: Mr. EVANS, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Ms. HERSETH, Mr. GUTIERREZ, and Ms. CARSON.

H.R. 5965: Mr. LIPINSKI, Mr. FILNER, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. CARNAHAN, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. EMANUEL, Mrs. CHRISTENSEN, Mr. NEAL of Massachusetts, Mr. TOWNS, Ms. ROYBAL-ALLARD, and Mr. KENNEDY of Rhode Island.

H.R. 5983: Mr. KUCINICH.

H.R. 5989: Mr. COSTELLO, Mr. EMANUEL, Mrs. BIGGERT, Mr. KIRK, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. RUSH, Mr. GUTIERREZ, Mr. HYDE, Ms. BEAN, Ms. SCHAKOWSKY, Mr. WELLER, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOD, Mr. SHIMKUS, and Mr. HASTERT.

H.R. 5990: Mr. COSTELLO, Mr. EMANUEL, Mrs. BIGGERT, Mr. KIRK, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. RUSH, Mr. GUTIERREZ, Mr. HYDE, Ms. BEAN, Ms. SCHAKOWSKY, Mr. WELLER, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOD, Mr. SHIMKUS, and Mr. HASTERT.

H.R. 5992: Mr. STARK.

H.R. 6038: Mr. CUMMINGS, Mr. MEEKS of New York, and Mr. STARK.

H.R. 6045: Mrs. KELLY, Mr. HONDA, Mr. WEXLER, and Mr. GRIJALVA.

H.R. 6046: Mr. CONYERS, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 6054: Ms. GRANGER and Mrs. SCHMIDT.

H.R. 6057: Mr. FRANKS of Arizona, Mr. GOODE, Mr. BACHUS, Mr. ISTOOK, Mrs. BLACKBURN, Mr. FORTUÑO, Mr. MACK, Mr. SESSIONS, Mr. PAUL, Mr. KING of Iowa, Mr. CONAWAY, Mr. KNOLLENBERG, Mr. WELDON of Florida, Mr. MCHENRY, Mr. ISSA, Mr. HALL, and Mr. ROGERS of Michigan.

H.R. 6063: Mr. RAMSTAD.

H.R. 6064: Mr. PRICE of North Carolina.

H.R. 6078: Mr. CONAWAY, Mr. CARTER, Mr. NEUGEBAUER, Mr. THORNBERRY, Ms. GRANGER, Mr. POE, Mr. MARCHANT, Mr. GOHMERT, Mr. BONILLA, Mr. BURGESS, Mr. HALL, Mr. SESSIONS, Mr. HENSARLING, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. DOGGETT, Mr. GONZALEZ, Mr. ORTIZ, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. BARTON of Texas, Mr. SMITH of Texas, Mr. CULBERSON, Mr. EDWARDS, Mr. MCCAUL of Texas, and Mr. SAM JOHNSON of Texas.

H.R. 6080: Mr. OBERSTAR.

H.R. 6083: Mr. FATTAH, Ms. CARSON, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. HOLDEN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, and Mr. PAYNE.

H.J. Res. 58: Mr. BONILLA.

H. Con. Res. 174: Mr. CLEAVER, Mrs. MCCARTHY, and Mr. GRIJALVA.

H. Con. Res. 222: Mr. DOYLE.

H. Con. Res. 348: Ms. MOORE of Wisconsin.

H. Con. Res. 452: Ms. CORRINE BROWN of Florida, Mr. STARK, and Mr. CONYERS.

H. Con. Res. 465: Mr. WOLF, Mr. YOUNG of Florida, and Mr. PICKERING.

H. Con. Res. 469: Mr. BISHOP of Georgia.

H. Con. Res. 470: Mr. STARK and Mr. PALLONE.

H. Con. Res. 471: Mr. DICKS, Mr. WICKER, Mr. LATHAM, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Ms. HART, Mr. SULLIVAN, and Mr. GINGREY.

H. Res. 533: Mr. WEXLER.

H. Res. 622: Mr. AL GREEN of Texas, Mr. ROTHMAN, Mr. WEXLER, Mr. FRANKS of Arizona, Mrs. DAVIS of California, and Mr. FITZPATRICK of Pennsylvania.

H. Res. 745: Mr. SHAW, Mr. COBLE, and Mr. KUHL of New York.

H. Res. 759: Mr. FRANKS of Arizona.

H. Res. 825: Mr. MILLER of North Carolina.

H. Res. 874: Mr. BACHUS, Mr. MCCOTTER, and Mr. HINOJOSA.

H. Res. 888: Ms. BALDWIN and Mr. FARR.

H. Res. 940: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. AL GREEN of Texas.

H. Res. 943: Mr. EHLERS.

H. Res. 944: Mr. FORTENBERRY, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, Mrs. BIGGERT, Mr. KIRK, Mrs. MCCARTHY, Mr. SCOTT of Georgia, Mr. SHAYS, Mr. LIPINSKI, Mr. STARK, Ms. MATSUI, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. MURPHY, Mr. MARKEY, Mr. BROWN of Ohio, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. BISHOP of Georgia, Mrs. KELLY, Mr. GREEN of Wisconsin, Mr. KIND, Mr. TERRY, and Mr. POMEROY.

H. Res. 959: Mr. MCCOTTER.

H. Res. 962: Mr. DELAHUNT and Mr. REYNOLDS.

H. Res. 964: Mr. STARK and Mr. DOYLE.

H. Res. 973: Mr. FATTAH.

H. Res. 984: Mr. LEWIS of Georgia, Mr. HONDA, Mr. PAYNE, and Mr. ABERCROMBIE.

H. Res. 988: Mr. MCCOTTER and Mr. PEARCE.

H. Res. 990: Mr. STARK, Mr. LEWIS of Georgia, Mr. HONDA, and Mr. PAYNE.

H. Res. 992: Ms. BORDALLO, Mr. CARNAHAN, Mr. COSTA, Mr. FARR, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LEACH, Mr. LOBIONDO, Ms. LINDA T. SÁNCHEZ of California, Mr. SIMMONS, Mr. SOUDER, and Ms. WATERS.

H. Res. 999: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1001: Mr. KINGSTON.

H. Res. 1012: Mr. BROWN of Ohio, Mr. GREEN of Wisconsin, Ms. ZOE LOFGREN of California, and Ms. LINDA T. SÁNCHEZ of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Mr. RUSH.

EXTENSIONS OF REMARKS

IN HONOR OF THE 25TH ANNIVERSARY OF THE HISPANIC CHAMBER OF COMMERCE OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Hispanic Chamber of Commerce of Ohio (HCCO), as they celebrate 25 years of promotion and support of the economic growth and development for Hispanic business owners.

The HCCO was formed in 1981 to address the glaring absence of Hispanic-owned businesses in American society. Concerned, motivated and determined, a small group of Hispanic business owners united forces to incorporate the HCCO as a recognized non-profit in 1983. The membership and scope of services of the HCCO has grown, yet the mission has remained the same—to focus on providing assistance, services and support to local Hispanic business owners.

Over the past quarter century, HCCO has vastly evolved from its diminutive beginnings to a viable coalition of business owners that represent the interests and memberships of more than 7,500 Hispanic-owned businesses in the State of Ohio. The HCCO provides a wide range of support services, including: the sponsorship of seminars, workshops and networking luncheons and dinners; technical assistance and support; discounts on medical and dental benefits; and a wide range of support services for individuals interested in starting their own business.

Mr. Speaker and colleagues, please join me in honor and recognition of the Hispanic Chamber of Commerce of Ohio, as they celebrate 25 years of service and promotion of economic justice for Americans of Hispanic heritage. As they work together to create avenues of business opportunity for Hispanic Americans, the pathways to economic security and stability for every American is elevated from a vision, to reality.

IN HONOR OF LUIS ALEJO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Luis Alejo on being awarded the 2005 Democrat of the Year for Santa Cruz County, given by the Democratic Central Committee, DCC, of Santa Cruz. Luis is an amazing young man with many attributes that make him a perfect candidate for this special award. He is a passionate, zealous, and intelligent person with a drive to educate and assist those who need it the most.

Luis' academic achievements help him work to better the community and residents of Santa Cruz County. Luis, a native of Watsonville, California, received dual B.A. degrees from UC Berkeley in 1997 and his Juris Doctorate (JD) from UC Davis School of Law in 2001. He received his master's degree in education from Harvard University in 2003. His academic accomplishments led him back home, where he has been an active member of the community.

After graduating from Harvard, Luis came back to Watsonville where he became a staff attorney for California Rural Legal Assistance, CRLA, While working at the CRLA, Luis worked on education, housing, public benefits and civil rights cases on behalf of low-income families and residents. Luis has always been a champion for empowering those who feel their rights have been violated. Luis has also worked to educate people on the rights given to them as laid out in the Constitution.

Luis brought his passion into the classroom as a high school teacher in Watsonville. As a former teacher he continues to inspire Watsonville youth as the director of the Student Empowerment Project. Luis later became a member of the California advisor committee of the U.S. Commission on Civil Rights, of which he was nominated by a former California Supreme Court Justice, Cruz Reynoso. As a civil rights activist, he has been the point person for distributing valuable information to Watsonville residents about the process and requirements to become naturalized citizens.

As a member of the DCC, Luis has worked tirelessly to modify by-laws and endorsement policies and procedures within the organization. He is currently in charge of the endorsement program for all the political races for 2006 in Santa Cruz County. As the Watsonville representative of the DCC, Luis has effectively organized Watsonville residents in order to unite them on Democratic causes through the creation of the Pajaro Valley Cesar Chavez Democratic Club.

Luis is currently the chair of the Pajaro Valley Cesar Chavez Democratic Club. The Pajaro Valley community points to Luis as the key person who has brought inspiration and resources to Watsonville. He also spearheaded a registration drive targeting voters in order to educate them on how to get their voices heard.

Mr. Speaker, for all of these reasons, it is with great pleasure that I acknowledge Luis Alejo. He has proven himself to be a person who works for the people of the community, and his hard work has changed Santa Cruz County for the better. He continues to educate people, and for that I acknowledge him today.

DR. G.S. AULAKH WINS INTERNATIONAL PEACE PRIZE AWARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TOWNS. Mr. Speaker, Dr. Gurmit Singh Aulakh, the President of the Council of Khalistan, whom many of us know, has been awarded the International Peace Prize Award by Dal Khalsa USA. It was awarded for his tireless efforts in support of peace in South Asia and freedom for the Sikh nation. I would like to take this opportunity to congratulate Dr. Aulakh on this prestigious award and congratulate Dal Khalsa on selecting such a worthy honoree. Dr. Aulakh has worked for over 20 years to free the Sikh nation from oppression that has taken the lives of more than a quarter of a million Sikhs and left over 52,000 as political prisoners. He has worked with many of us here in Congress on both sides of the aisle to expose this repression and free his people.

Mr. Speaker, we should help this struggle by declaring our support for a free and fair plebiscite in Khalistan, Kashmir, Nagaland, and wherever they are seeking the kind of freedom that we enjoy, and we should stop giving aid and trade to India until it stops oppressing its people.

I would like to insert the press release on Dr. Aulakh's award into the RECORD.

DR. AULAKH RECEIVES INTERNATIONAL PEACE AWARD

WASHINGTON, D.C., Sept. 12, 2006.—Dr. Gurmit Singh Aulakh. President of the Council of Khalistan, received the International Peace Prize Award on August 27 from Dal Khalsa of America, headed by Sardar Paramjit Singh Sekhon. The award was presented at a ceremony at the Fremont Gurdwara in Fremont, California. He was nominated for this prestigious award by Dr. Awatar Singh Sekhon, Managing Editor of the International Journal of Sikh Affairs. According to a Dal Khalsa USA press release, he was given the award "for his tireless service to preserve peace in South Asia in particular and the world in general." The release cites Dr. Aulakh for "continuing the Sikhs" struggle to regain their lost sovereignty, independence, and political power, by peaceful means."

The award was presented for Dr. Aulakh's continuing efforts to internationalize the peaceful, democratic, nonviolent Sikh struggle for independence and the human rights violations against the Sikhs in India. He has been a tireless worker for the cause of Sikh freedom. Dr. Aulakh has raised awareness of the massive human-rights violations in India.

The Indian government has murdered over 250,000 Sikh infants, children, youth, men, women, and elderly since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Christians and Muslims throughout the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A report by the Movement Against State Repression (MASR) quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the murder of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

The MASR report states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984! There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. "We demand the Immediate release of all these political prisoners," said Dr. Aulakh. "Why are there political prisoners in a democracy?"

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. Missionary Joseph Cooper was beaten so badly that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. Police broke up a Christian religious festival with gunfire.

The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984.

"Sikhs and other minorities cannot live under Indian rule," said Dr. Aulakh. "The actions of the Indian government have made it clear that there is no place for Sikhs or other minorities such as Christians, Muslims, Dalits, and others in India's Hindu theocracy," he said. Dr. Aulakh took note of the charges filed against 35 Sikhs for making speeches and raising the Khalistani flag. "Clearly India is scared of the peaceful, democratic, nonviolent movement for freedom inside and outside Punjab, Khalistan," he said.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Currently, there are 17 freedom movements within India's borders. It has 18 official languages.

"Only a sovereign, independent Khalistan will end the repression and raise the standard of living for the people of Punjab," said Dr. Gurmit Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh.'," Dr. Aulakh said. "We must free Khalistan now."

PAYING TRIBUTE TO JORDAN PITTMAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Jordan Pittman of Littleton, Colorado. Ms. Pittman has been accepted to the People to People World Leadership Forum here in our Nation's Capital. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Pittman has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Jordan Pittman, and wish her the best in all her future endeavors.

VALLEJO SYMPHONY ORCHESTRA'S 75TH ANNIVERSARY TRIBUTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing the Vallejo Symphony Orchestra as it celebrates its 75th season, 2006–2007.

The mission of the Vallejo Symphony Orchestra, VSO, is to present performances of symphonic music of the highest possible artistic excellence for the citizens of Vallejo and all of Solano County; to cultivate and nurture the appreciation and enjoyment of classical music in people of all ages; and to serve and shape the musical, cultural, and educational interests of the people of Vallejo and Solano County. The VSO engages guest artists of national and international renown so Solano County residents can enjoy them in live performance. The VSO sends its musicians to perform in public schools so children may experience and learn about live classical music.

The Vallejo Symphony, seventh oldest symphony orchestra in California, traces its roots to the early days of the Great Depression, when a small group of community leaders determined that local musicians needed a showcase for their talents and that other members of the community would be enriched by attending live performances of timeless music. On February 21, 1931, a 60-piece orchestra conducted by Julius Weyland made its debut in the auditorium of the city's newly dedicated Veterans Memorial Building. Concerts were presented throughout the decade with Mr. Weyland and George Trombley conducting the orchestra during these formative years.

Activity lessened, then ceased during World War II until 1946, when the Vallejo Symphony was revitalized under the auspices of the Vallejo Recreation District and the Adult Education Department. Dr. Orley See became its conductor at that time. In 1951, Virl M. Swan took the conductor's baton to lead the orchestra until 1961, when Dr. George Wargo began his 21-year career as music director and conductor. The sixties saw the independence of the orchestra established, a subscription concert series launched, and supportive fundraising activities begun by the Symphony Association's board of directors. During the following decade, artistic goals for the orchestra were set, and an annual Major Gifts Campaign was established to support a professional orchestra and expand the concert season.

The 1980s saw a dramatic improvement in the quality of the orchestra and programming when David Ramadanoff, a former associate conductor of the San Francisco Symphony and winner of the 1980 Leopold Stokowski Conducting Award, accepted the position of music director and conductor. Under his dynamic leadership, the Vallejo Symphony has developed into an urban orchestra of regional importance, attracting some of the finest musicians in the San Francisco Bay Area. In 1983 the VSO became completely professional. In 1993 the orchestra visited Vallejo's sister city of Akashi, Japan. In 1997 the VSO hosted the West Coast premiere of Hannibal's concert opera "African Portraits." Hannibal spent the week in Vallejo public schools with students.

The Vallejo Symphony now performs a four-concert subscription season and an annual Summer Pops concert each Fourth of July. As part of its commitment to the musical experience of Solano County's children, the orchestra performs youth concerts for the elementary school children of Vallejo, and presents its popular series of intimate, entertaining and educational mini-concerts in elementary schools throughout the county.

Mr. Speaker, it is appropriate that we recognize the Vallejo Symphony Orchestra for its many contributions to the Vallejo community and wish its members many more years of outstanding performances.

REMARKS ON THE DEATH OF SHAMIL BASAYEV

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. FOSSELLA. Mr. Speaker, on July 10, 2006, one of the world's greatest terrorists, Shamil Basayev was killed during a special operation by Russian Security Services. Basayev represented the radical aspect of the Chechen rebel movement. The movement began as a secular fight for independence and has become overrun by Islamic extremists. Russia claims that Basayev's efforts have now been supported by international terror networks like al-Qaeda.

For more than 10 years, Basayev, designated as a terrorist by both the United States and the United Nations, was the mastermind behind the most horrific attacks on the Russian people. His reign of terror includes the seizure of a hospital in Budyonnovsk in southern Russia in 1995 that killed approximately 100. He attacked a theater in Moscow in 2002 where dozens of hostages died. And most tragically and horrific in its cowardice, he abducted a school in Beslan in 2004, where 331 people died, more than half of them schoolchildren.

Basayev was set to strike again, but the Russian government stopped him in his tracks. Russian security officials engaged in a special operation that used information gained from tracking weapons and explosive shipments from abroad. They linked this information to plans for a terrorist attack in southern Russia intended to coincide with a meeting of the Group of 8 leaders.

Before his death, in his last known statement in public, Basayev was said to express "great thankfulness" for the insurgents in Iraq who killed 5 Russian diplomats.

Terrorism is an affront to civilized people the world over. We in New York and the United States know the bloody price of terrorism. This represents a small victory in the global war on terrorism. Civilized society cannot rest until terrorism is stamped out once and for all.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE FIRST UNITED METHODIST CHURCH SANCTUARY OF ROANOKE, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay recognition to the First United Methodist Church of Roanoke, Alabama, which is celebrating the 100th anniversary of their sanctuary on October 1, 2006.

In 1836, the Randolph Mission was created and serves today as the earliest recording of a place for Methodists to worship in Roanoke. In 1870, the church joined the newly organized North Alabama Conference. The First United Methodist Church of Roanoke continues to be a part of the conference today.

From 1906 to 1908, George Stoves served as pastor of the First United Methodist Church of Roanoke during a rapid period of growth in the town and during construction of their present church. Stoves is recognized for designing the beautiful building.

The celebration will include opening the corner stone, memorializing a newly renovated kitchen, and paying off the mortgage of their family life center.

I salute the members of the First United Methodist Church of Roanoke, Alabama, for reaching this important milestone in the history of Roanoke, and congratulate the church family on their sanctuary's 100th anniversary.

IN HONOR OF EMILY STUART

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Emily Stuart. Throughout her lifetime, Mrs. Stuart brightened the lives of family and friends in the community of Parma, Ohio.

As a kind and active citizen, Mrs. Stuart played an integral role in local politics. She was a member of the Parma Democratic Club and the Woman's Democratic Club. Mrs. Stuart revolutionized the process of communication between constituents by devising a system of post cards to collect contact information. In addition, she spent countless hours making phone calls and posting yard signs for local politicians. During her involvement in local politics, she herself rose to the ranks of precinct committeewoman; a position she maintained for more than 20 years.

But Mrs. Stuart is not just an integral part of Parma politics. From her home on Harold Avenue, she has enjoyed 43 years of marriage to her loving husband, Joe Stuart. Together they became involved in committees and clubs across northeast Ohio. Her brothers, Edward and Stephen Mazur and sister Janice Warner along with many nieces and nephews are among the many family members touched by Mrs. Stuart's delightful stories and laughter.

While the world changed dramatically over the course of Mrs. Stuart's lifetime, she believed in maintaining the traditions of her Polish ancestry. Mrs. Stuart contributed to the culture of Parma by joining the Polish Legion of American Veterans. Close friends say she welcomed any and every opportunity to speak her native language.

Mr. Speaker and colleagues, please join me in celebrating the life of Emily Stuart; a beloved family member and friend. Over the years, her dedication to service brought joy to the lives of so many, including mine.

INTRODUCTION OF "RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT ACT"

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. FARR. Mr. Speaker, today, Mr. SAXTON and I are pleased to introduce the House companion bill to S. 3322, the Lugar-Biden bill, "Reconstruction and Stabilization Civilian Management Act," that unanimously passed the Senate in May 2006.

According to the Defense Science Board, since the end of the cold war, the U.S. has begun stabilization and reconstruction operation once every 18–24 months. This frequency of engagement reflects the reality that U.S. national security is more threaten by failing and ungoverned states than traditional threats. We only have to look to Afghanistan and southern Lebanon to see the far-reaching consequences of ungoverned territory.

The complexities of failed states cannot be dealt with by military solution alone. Combating failed states requires a complex combination of political, diplomatic, development assistance and military actions, as well as the ability to respond quickly in the immediate aftermath of crisis. The military plays an extremely important role in stabilizing a country, but civilians play an equally important role and have comparative advantage in helping to develop civil society—judicial systems, law enforcement, health care, economic development, trade promotion and other essential sectors to stabilize a country.

The Reconstruction and Stabilization Civilian Management Act would lay the legislative framework for authorizing this integral civilian capacity. Specifically, the Reconstruction and Stabilization Civilian Management Act would:

Authorize the establishment of the State Department Office of the Coordinator for Reconstruction and Stabilization, S/CRS, and expenditures for a Crisis Response Fund for a Conflict Response Corps, and for educational, training, planning and operational capacity for S/CRS.

Authorize the establishment of a 250 person Civilian Response Corps with both Active-Duty and Reserve components. The corps, made up of both State Department and USAID employees, could be rapidly deployed with the military for both initial assessments and operational purposes. They would be the first civilian team on the ground in post-conflict situations, well in advance of the establishment of an embassy.

Seek to establish personnel exchange programs with other federal agencies designed to enhance stabilization and reconstruction capacity.

Importantly, the bill promotes a stabilization and reconstruction curriculum and the utilization of already existing programs like the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School.

I urge my colleagues to cosponsor this important piece of legislation that would greatly assist in improving the capacity of our government to respond to some of the most important and pressing security threats of our time.

SIKHS CONTINUE TO FIGHT FOR FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TOWNS. Mr. Speaker, the Council of Khalistan recently published an open letter showing that the effort to liberate Khalistan from Indian occupation is closer than ever to success. It took note of the speeches and the raising of the flag in support of Khalistan, of the seminar that was given that promoted Khalistan, and numerous other activities that have moved forward the peaceful effort to liberate Khalistan.

The letter argues that Khalistan is the only issue facing the Sikhs. It cites examples of people living in tyranny who put their differences aside to oust the tyrants and urges the Sikh nation to learn from those examples and do the same. It calls on the political leaders in Punjab, Khalistan, to focus their attention on the issue of liberating Khalistan from Indian occupation rather than the lesser issues that so often command their attention.

I recommend this letter highly, Mr. Speaker. It provides an excellent overview of the situation in Punjab, Khalistan.

Mr. Speaker, we must do our part to ensure freedom to the people of Khalistan and all the oppressed people of south Asia and the world. This is critical if we are proclaiming the American values of freedom, democracy, and human rights, which are cornerstones of American foreign policy. In pursuit of that goal, we should end our aid to India and our trade with India until it respects the basic human rights of all people under its control, treating them fairly, equally, and with dignity. And we should actively support democracy for the people of Khalistan and all the occupied nations, such as Kashmir, Nagalim, and others, in the form of democracy and self-determination. They should have a free and fair vote on their status, the democratic way. Does India have a problem with democracy for the people it rules? If so, it is not worthy of our support.

I would like to put the Council of Khalistan's open letter into the RECORD for the information of my colleagues and the American people.

SIKH LEADERSHIP MUST UNITE TO FREE KHALISTAN

AUGUST 14, 2006.

DEAR KHALSA JI: As I write this letter, we are again approaching Indian Independence Day. Although it is a celebration for the uppercaste Hindus, it is a black day on the calendar for Sikhs and other minorities suffering under the boot of Indian repression. Over 52,000 of our Sikh brothers and sisters remain in illegal Indian custody as political prisoners without charge or trial. More than a quarter of a million of our fellow Sikhs have been murdered by the Indian government. Similar genocide has been inflicted on Christians, Muslims, and other minorities. Is this what India celebrates? Are they celebrating bloodshed, violence, brutality, and tyranny? Unfortunately, that is the way it looks. How does a democracy justify that kind of celebration?

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. The arrests last year and earlier this year of Sikh activists, mostly from Dal Khalsa, merely for raising the Khalistani flag and making pro-Khalistan speeches shows that the movement to free our homeland is on the rise. It has gotten the attention of the world. The seminar organized by former Member of Parliament Sardar Atinder Pal Singh, who has publicly asked why we can't have Khalistan, also moved the cause of freedom for Khalistan forward. We are closer to freedom than ever before, despite the ongoing repression.

Recently, a coalition of Sikh leaders led by Simranjit Singh Mann has come together to oppose both Chief Minister Amarinder Singh and Parkash Singh Badal. While it is good to oppose both of these leaders, who are puppets of the brutal Indian regime, the small, incremental proposals that the Mann-led coalition is making do little to solve the basic problems of the Sikh Nation. The real issue is Khalistan. That is why these 35 Sikhs face charges from the Indian government for raising the Khalistani flag and speaking for Khalistan, not merely for opposition to Badal and Amarinder. As worthwhile as it may be to oppose them, it is diverting the attention of the Sikh Nation from the real issue of Khalistan.

India is trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. We must redouble our efforts to free our homeland, Punjab, Khalistan. That is the only way to keep these atrocities from continuing and to protect the Sikh Nation. This is a direct challenge to the Sikh leadership, irrespective of their party affiliation. Yet the new coalition wants to practice politics as usual, within the Indian system. That will never achieve freedom, dignity, security, or prosperity for the Sikhs of Punjab, Khalistan. They must speak out forcefully for Khalistan or their efforts are useless. Please do not waste the Sikh Nation's time on other issues that divert our attention from liberating Khalistan. Those issues can and should be dealt with after Khalistan is free. But until then, no other issue matters to the future of the Khalsa Panth.

Other nations that have faced repression have taught us the lesson that these politicians need to learn. When Nicaragua suffered under a repressive government in the 1980s, the opposition factions put aside their differences and worked together to free the people from the repression of the Ortega regime. A similar thing is happening in other countries around the world today. They know that these differences, as important as they may be, are for a later day. First, they must secure freedom.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. But we should only support sincere, dedicated, honest leaders. The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 20 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan.

Mr. Mann is not trustworthy. He is conniving with the Indian government. His letter pledging support for "the constitution and territorial integrity of India" is reproduced on page 185 of Chakravyuh: Web of Indian Secularism. Last year, he was escorted around America by Amarjit Singh. At a Vaisakhi celebration in New York in 2000, he called for the Council of Khalistan office to be closed. He has accused Dr. Awatar Singh Sekhon and me of being Indian government agents!

All factions of the Akali Dal are to be viewed with suspicion. The Akali Dal has lost all its credibility. The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikh during June 1984 in Punjab. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali leaders also walked out when I predicted at a seminar around the celebration of Guru Nanak's birthday that Khalistan will soon be free, a prediction that was greeted with multiple enthusiastic shouts of "Khalistan Zindabad." How will these Akalis account for themselves? Remember the words of former Jathedar of the Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh." Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

Never forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! More than a quarter of a million Sikhs have been murdered at the hands of the Indian government. Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo labelling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us work to make certain that 2006 is the Sikh Nation's most blessed year by making sure it is the year that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
President, Council of Khalistan.

PAYING TRIBUTE TO JORDAN APPLEHANS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Jordan Applehans of Parker, Colorado. Ms. Applehans has been accepted to the People to People World Leadership Forum here in our Nation's Capital. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Applehans has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Jordan Applehans, and wish her the best in all her future endeavors.

TRIBUTE TO BERNICE KING-HILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, it was with deep sadness that I learned of the passing of Mrs. Bernice King-Hill on July 18, 2006. For more than 30 years Bernice "Bea" King-Hill faithfully served the community of her church and the city of Richmond, California. For her church group, Mrs. Hill was a social worker and teacher of great capacity and compassion. For the people of Richmond and Contra Costa County, she was a dedicated leader who gave of herself to the community with sincerity, commitment, and strength.

Bernice Hill was born on August 31, 1924, in Mobile, Alabama, and raised, along with her four siblings and their nine cousins, by the late Joe West and Georgia King-West. For her advanced degree, Mrs. Hill attended the Nannie H. Burroughs Religious School in Washington, DC, and the Tuskegee Institute in Tuskegee, Alabama. By 1955, Mrs. Hill had moved to Oakland, California, in the San Francisco Bay Area and begun what was to be a 30-year career of service. Since 1955, Mrs. Hill worked for our community in the various capacities of service, education, non-profit work, administration, and religious counsel.

For 5 years, Mrs. Hill owned and operated B-Nolas Fine Foods which served the schools and the medical centers in the community of Berkeley. Since then, Mrs. Hill held many different positions within the community beginning with her work as founder and director of the non-profit Senior Extension Center in Richmond, California. She was also a manager for the Contra Costa County nutrition program for several years during this period. Mrs. Hill served on the Advisory Council for Aging as well as the Veterans of Foreign Wars, Ladies Auxiliary, 761st Tank Battalion, Post 8399, for which she was the president.

More recently, Bernice Hill served on the Board of Children's Council in Richmond, California, and as the Administrative Assistant to Senior Legislators of California under Carolyn Ashe Stokes. Mrs. Hill was also the Chairperson of the Progressive District Association and Senior Citizen Department as well as a teacher for the California State Baptist Convention.

During these many years, Mrs. Hill pursued her religious service with the same devotion and selflessness that marked her professional work. Her service to the religious community at the Bethlehem Missionary Baptist Church included passionate and dedicated work as a teacher for the church's Sunday School, the Baptist Training Union, and the Ester Circle of the General Missionary Society.

Throughout her many years of service to the people of our district, Mrs. Hill maintained her direction and independence. She was hardworking with a unique honesty and heart yet she was never afraid to challenge those who sought to exploit her or her effort. She believed in self-responsibility and forgiveness and she not only built her work on these values, but also inspired them in others. Her goddaughters Leona Sims and Nola Pyle are fine examples of her commitment and integrity. Her home will go to the Senior Extension Center to continue her legacy.

To Bernice Hill's family and friends, I extend my heartfelt condolences. Their loss is shared not only by those who knew Mrs. Hill but also by all those who have been touched by the work she has done. We will be forever grateful for the courage, compassion, and integrity with which she sought to make our community, and our country, a better place for all of us. We are so grateful to Mrs. Hill's family and church for sharing her with us for so many years.

REMARKS ON CONDEMNING THE ACTIONS OF THE LIBERATION TIGERS OF TAMIL EELAM (LTTE)

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. FOSSELLA. Mr. Speaker, on June 26, 2006, a homicide bomber drove his explosive-laden motorcycle into a car carrying Major General Parami Kulatunga, the Deputy Chief of Staff of the Sri Lanka Army, killing him instantly. While they deny responsibility, this act mirrors many terrorist attacks carried out by the Liberation Tigers of Tamil Eelam (LTTE).

This is another unfortunate event in the constant struggle between the Government of Sri Lanka and the LTTE. Sri Lanka and the United States share a good friendship, with Sri Lanka as Asia's oldest democracy. While on the other hand, the LTTE is a group that the Secretary of State has designated as a Foreign Terrorist Organization.

One possible step in mitigating this violence is for the Government of Sri Lanka and the Tamil Tigers to renegotiate a cease-fire agreement. This must be done in a successful manner so the hostilities do not resume. However, with the LTTE's refusal to renounce violence, this peace process is constantly in jeopardy. Tragically, the number of violent acts the LTTE has committed since the peace agreement with Government of Sri Lanka has only increased.

While it has been the United State's policy to encourage peace through negotiation, if the violence continues, the State Department should consider taking more aggressive steps in aiding the Government of Sri Lanka's fight against the LTTE. It is in the interest of the United States to ensure that the LTTE renounces violence, primarily so all Sri Lankans can live in peace, but also so the LTTE's reign of terror does not spread. Reports have indicated that the LTTE had ties with al Qaeda. Furthermore, the LTTE has at least a dozen oceangoing vessels with which they have honed waterborne terrorist tactics not unlike what occurred with the USS *Cole* bombing.

The Government of Sri Lanka is a friend to the United States, and I stand by the commitment to ensure that friendship lasts well into the future.

IN RECOGNITION OF GARY E. HARVEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay tribute to Mr. Gary E. Harvey, a constituent of mine who has dedicated his life to serving our Nation in uniform. Mr. Harvey was born and raised in Windsor, Ontario, and served from 1958 to 1961 as a member of the Royal Canadian Armored Corps. In May 1961, Mr. Harvey enlisted in the United States Army and was commissioned at the Infantry Officer Candidate School at Fort Benning, Georgia, in 1965.

Mr. Harvey has served two tours in Vietnam. He has also worked as Executive Officer at the Anniston Army Depot; Assistant Professor of Military Science at Marion Military Institute; Operations Officer at the U.S. Army Chemical School; and Deputy Director and Director of Plans, Training, Mobilization, Security and Reserve Component Support and Base Transition Coordinator at Fort McClellan in Alabama.

Mr. Harvey has received numerous awards and decorations including the Bronze Star Medal with "V" device with three oak leaf clusters, Air Medal, Army Commendation Medal with one oak leaf cluster, and Vietnam Campaign Medal with five campaign stars.

I salute Mr. Harvey for his continued efforts today to help serve and protect our country, and for proudly serving our Nation for the past 45 years.

IN HONOR AND RECOGNITION OF RAMON TORRES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Ramon A. Torres upon retiring from his position as Executive Director of the Multilingual Multicultural Education Office in Cleveland, Ohio.

Mr. Torres was raised in Coamo, Puerto Rico where he attended the Barrio Pedro Garcia School from kindergarten to seventh grade. At age 11, he moved to Cleveland to join family members and attend St. Augustine Elementary School. With limited proficiency in English, Mr. Torres overcame many challenges in order to assimilate to life in the United States. His hard work and perseverance enabled him to attend Cleveland State University where he earned a bachelor's degree in Education and a Masters of Education in Secondary School Administration and Supervision.

During his career as an educator, Mr. Torres served and inspired students in the Cleveland Public Schools for 29 years. In the community, Mr. Torres assumed responsibilities such as Project Manager and Education Teacher Consultant of Bilingual Education

Programs and Latin American Cultures. Mr. Torres also served as President of Woodmen of the World Fraternal Lodge and on the Hispanic Steering Council at Cuyahoga Community College.

Mr. Speaker and colleagues, please join me in honor and recognition of Ramon A. Torres. After making many notable contributions to education and the community, may he enjoy a peaceful and rewarding retirement.

DAL KHALSA USA HOLDS SEMINAR ON KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TOWNS. Mr. Speaker, recently, Dal Khalsa USA held a seminar in support of Khalistan, the Sikh homeland. It was a significant demonstration of the continuing support that the Sikh people have for freedom for their homeland. Paramjit Singh Sekhon and Gagandecp Singh, who lead Dal Khalsa USA and organized the seminar, are to be congratulated. Speakers, included Dr. Gurmit Singh Aulakh, Dr. Awatar Singh Sekhon, Dr. Ajit Pal Singh Sandhu, and Dr. Arjinder Singh Sekhorn.

Freedom is a dream that people all over the world share and we should be encouraging it, Mr. Speaker. Both here and in Punjab, support for Khalistan is on the rise and getting more visible.

As the beacon of liberty in the world, it is our duty to encourage people who are reaching for freedom. The essence of democracy is the right to self-determination. But in India, all that elections do for minorities is to change the faces of the oppressors. The time has come to go on record in support of a democratic vote on freedom for Khalistan, Kashmir, Nagaland, and all the minority nations of South Asia. And we should stop our aid to India and our trade until human rights are respected.

Mr. Speaker, the Council of Khalistan issued a press release on the seminar. I would like to add it to the RECORD.

DAL KHALSA USA HOLDS SEMINAR ON KHALISTAN

WASHINGTON, D.C.—Dal Khalsa USA held a seminar on Khalistan In Fremont, California from August 25 to August 27. The seminar focused on the need to liberate Khalistan, the Sikh homeland, from Indian occupation. Khalistan is the Sikh homeland that declared its independence from India on October 7, 1987. Speakers included Dr. Gurmit Singh aulakh, President of the Council of Khalistan, Dr. Awatar Singh Sekhon, Managing Editor of the International Journal of Sikh Affairs, Dr. Ajit Pal Singh Sandhu, Colonel Arjinderpal Singh Sekhon (US Army Reserve), and others, The seminar was organized by Sardar Paramjit Singh Sekhon, President of Dal Khalsa USA, and Sardar Gagandeep Singh, General Secretary of Dal Khalsa USA.

The speakers addressed the need for the Sikh Nation to reclaim it lost sovereignty and escape from the oppression of the Indian government, which has murdered over 250,000 Sikh infants, children, youth, men, women, and elderly since 1984, as well as more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to Justice for the kidnapping and murder of Jaswant Singh Khalra. The only witness to the Khalra kidnapping, Rajiv Singh Randhawa, has been repeatedly harassed by the police, including having been arrested for trying to hand a piece of paper to then-British Home Secretary Jack Straw. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A report by the Movement Against State Repression (MASR) quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian governments murders of Sikhs "worse than a genocide."

The MASR report states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistan flag. "How can making speeches and raising a flag be considered crimes in a democratic society?" asked Dr. Aulakh.

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. Missionary Joseph Cooper was beaten so badly that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. Police broke up a Christian religious festival with gunfire. Recently, militant Hindus from the Bharatiya Janata Yuva (a youth movement affiliated with the BJP and the Fascist RSS) attacked the Convent of Loreto and the school there. 13 Catholic schools remain closed and a spokesman for the BJP, Mr. H. Dikshit, demanded an investigation of the school!

The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs In 1984. The most important mosque in India, the Sabri Mosque, was destroyed by militant Hindu fundamentalists who have never been held responsible for their actions.

"I am honored to be a speaker at this seminar and very pleased that Dal Khalsa USA is holding these activities to focus the attention of America and the world on the plight of the Sikhs in Punjab, Khalistan and the need for a sovereign. Independent Khalistan," said Dr. Aulakh.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Currently, there are 17 freedom movements within India's borders. It has 18 official languages. "We hope that India's breakup will be peaceful like Czechoslovakia's, not violent like Yugoslavia's," Dr. Aulakh said.

Dr. Aulakh stressed his commitment to the peaceful, democratic, nonviolent struggle to liberate Khalistan. "The only way that the repression will stop and Sikhs will live in freedom, dignity and prosperity is to liberate Khalistan," said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh Is not a Khalistani, he is not a Sikh.'," Dr. Aulakh said. "We must free Khalistan now,"

PAYING TRIBUTE TO SHELBY INGLE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Shelby Ingle of Centennial, Colorado. Ms. Ingle has been accepted to the People to People World Leadership Forum here in our Nation's Capital. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Ingle has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Shelby Ingle, and wish her the best in all her future endeavors.

EXPRESSING SOLIDARITY WITH THE INDIAN PEOPLE IN THE WAKE OF THE MUMBAI TERRORIST BOMBINGS

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. FOSSELLA. Mr. Speaker, on July 11, 2006 seven separate bombs were detonated throughout the train network in India's cultural capital, the city of Mumbai. More than 180 people were killed, and over 900 were injured. The bombs exploded simultaneously during the evening rush hour resulting in an entire shut down of the rail network which stranded hundreds of thousands of commuters. The terrorists may have hit a target with high practical and psychological impact, but I am confident that the people of India will again stand tall and not relent to such senseless and unfathomable violence.

Following the attacks, Indian Prime Minister Manmohan Singh described the incidents as a "shocking and cowardly attempt to spread a feeling of hatred." Even Pakistani leaders condemned the blasts as a "despicable act of terrorism."

The tragedy continued even after the bombing, with an eyewitness reporting that some of the dazed survivors who had jumped from the train after the blast were run over by another train coming in the opposite direction.

Undoubtedly, the hospitals in Mumbai were swamped with casualties.

Many parallels can be drawn between Mumbai and New York City. Mumbai is home to 17 million people, and is headquarters to many big Indian companies and foreign multinationals, with property prices among the most expensive in the world. Both Mumbai and New York have been attacked more than once by terrorists. In 1993 New York saw the first bombing of the World Trade Center, and in the same year 250 people were killed in Mumbai from bombings throughout the city.

Mr. Speaker, in closing I would like to remind the people of India, as partners in a civilized world, America will not stand for senseless terrorism and together we can fight this evil until it no longer impedes the advancement of society.

RECOGNIZING GLORIA R. RODRIGUEZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Ms. SOLIS. Mr. Speaker, I rise today to recognize and honor Gloria R. Rodriguez. As a health care professional for over 27 years, Ms. Rodriguez has spent much of her career working to eliminate health disparities in minority and disadvantaged communities. Currently, Ms. Rodriguez serves as the CEO of the Community Clinic Association of Los Angeles County (CCALAC) which represents 43 health centers and clinics throughout the county.

Gloria was born in Culver City, California and raised in the San Fernando Valley. She attended San Jose State University where she received her Bachelor of Science degree in Community Health Education. Ms. Rodriguez later received her Masters of Public Health degree in Public Policy and Administration at the University of Washington's School of Public Health and Community Medicine.

Ms. Rodriguez spent much of her career working with various community health-related organizations in Washington State. She served as CEO for the Washington Association of Community & Migrant Health Centers (W ACMHC), the State's primary care trade/membership association, and founded the Alliance for Multi-Cultural Health in Tacoma. She also served as the Assistant Director for the Washington State Department of Labor and Industries and CEO of the Washington Association of Community & Migrant Health Centers. In each of these capacities, Ms. Rodriguez focused on capacity building, community development and workforce development as means to eliminate healthcare disparities in minority and disadvantaged communities. She also worked to bridge the gap between health care providers and the communities they serve.

Beyond her involvement in community health organizations, Ms. Rodriguez has 15 years experience in direct patient care in a wide range of roles, including cardiology technician, medical assistant, pharmacy technician, and lab technician. She has also worked as a health care educator and has served on a vast array of board and task forces.

Ms. Rodriguez's dedication to eliminating health disparities and providing quality health care services to her community is both admirable and inspiring. I am proud to recognize Ms. Rodriguez and her many accomplishments and wish her the best as she continues to serve the community.

TRIBUTE TO COMMAND SERGEANT MAJOR JAMES HAROLD CHENEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize Command Sergeant Major James Harold Cheney, United States Army, as he completes a distinguished tour of duty in the United States Army.

Command Sergeant Major (CSM) James H. Cheney entered the United States Army on September 8, 1976, at Fort Leonard Wood, Missouri, with the U.S. Army Corps of Engineers. Since joining the U.S. Army, CSM Cheney has completed tours of duty at Fort Leonard Wood, Missouri (on five occasions); Fort Rucker, Alabama; Camp Indian, Korea; Fort Lewis, Washington; Schofield Barracks, Hawaii; Fort Bragg, North Carolina; and Vilseck, Germany. Throughout his military career, CSM Cheney has served the White House Communications Agency where he was the NCOIC of the fabrications department and the Office of the Chief of Engineers at the Pentagon where he fulfilled the responsibilities as the Office of the Chief of Engineer Sergeant Major.

Additionally, CSM Cheney has been recognized for his service to the United States Army having held every Noncommissioned Officer leadership position culminating as the United States Army Garrison, Fort Leonard Wood, Missouri, Garrison Command Sergeant Major.

Highly respected within the Army leadership, CSM Cheney has been awarded the Global War on Terrorism Service Medal, the Armed Forces Service Medal, the National Defense Service Medal, and the Good Conduct Medal. CSM Cheney has also received the Drill Sergeant Badge, the Jungle Expert Badge, the Army Staff Badge, and the Presidential Service Badge. The aforementioned awards and decorations are just a few of the many that CSM Cheney has been given.

Mr. Speaker, it is an honor for me to pay tribute to Command Sergeant Major James H. Cheney. I know my colleagues join me in thanking him for his service to his country and in wishing him well as he concludes his tour of duty with the United States Army.

CELEBRATING THE 125TH ANNIVERSARY OF THE SOUTHAMPTON FIRE DEPARTMENT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BISHOP of New York. Mr. Speaker, I am delighted to rise in honor of a proud and long-serving institution of my district—on the occasion of the 125th anniversary of Southampton Fire Department's creation last Saturday, September 9th. I was honored to participate in this celebration, which included a parade of fire trucks and culminated with the anniversary gala at the Hampton Road Firehouse.

I am privileged to represent the Village of Southampton, New York. A common thread runs through the town's rich history—an all volunteer force that has served and responded bravely since the first firefighters in Southampton consisted of bucket brigades whose fire alarms were sounded by the village blacksmith banging on his rim.

The first company that constitutes today's fire department was the Agawam Engine Company. Founded in 1881, it was widely known for the 415-pound bell used to alert the firefighters and the handpumping hose cart they used to extinguished fires. Like many Long Island families who can proudly claim that generations served as the department, one of my ancestors, James H. Bishop, was a founding member of Agawam Company, and my great grandfather, Benjamin Bishop, later served as its chief between 1893 and 1897.

Since that time, more dangerous fires started by complex fuels and as a result of eastern Long Island's booming population have intensified the demands on the 143 current members of the Agawam Engine, Agawam Hose, Southampton Hook and Ladder, Southampton Fire Patrol, and Southampton Hose Companies. Still, they remain an all-volunteer and highly skilled force whose frequent feats of heroism and selfless dedication remind us of the firefighters who gave their lives at the World Trade Center as we observed the solemn occasion of the fifth anniversary of the September 11th attacks.

Mr. Speaker, I encourage my colleagues to join me in thanking those firefighters who continue to protect our families and communities, and extend our deepest gratitude to volunteers, like those intrepid men and women of the Southampton Fire Department, who risk their lives each day to keep us safe.

HONORING GUNNERY SGT. HAWLEY WALDRON

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor one of our Nation's true heroes, Gunnery Sgt. Hawley Waldron. A decorated and distinguished serviceman, Gunnery Sergeant Hawley Waldron was an inspiration to the men he fought with in the First World War, though not even those closest to him truly understood the extent of his valor. He was a resident of Saratoga County, and I am honored to represent members of the Waldron family who take great pride in Hawley's accomplishments.

Hawley led a selfless life, never speaking of the numerous accolades he received during the war, leaving his family to discover these achievements only after his passing in 1961. Gunnery Sgt. Waldron received several awards and medals during his service including the silver star along with two gold stars signifying three separate awards for valor. He also received two Croix de Guerre decorations given by the government of France for his service. He was decorated following the battle of Belleau Wood, in which he helped the Allied forces turn back the German army advancing on Paris and in doing so paved the way for Germany's ultimate defeat.

America's armed service men and women are held in the highest regard in this Nation and Hawley Waldron was one of our greatest. It is with great joy and respect that I commend the late Gunnery Sgt. Waldron for his accomplishments and the many distinguished honors he received over his 2 years of service in World War I. Our country is truly safer and honored to have had someone of the character, caliber, and courage of Gunnery Sgt. Hawley Waldron. I would like to offer the deepest gratitude on behalf of myself, the United States House of Representatives and all Americans for his dedication to our country.

HONORING DR. OLEH SHAMSHUR, UKRAINE'S AMBASSADOR TO THE UNITED STATES AND THE FIFTEENTH ANNIVERSARY OF UKRAINE'S PROCLAMATION OF INDEPENDENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Honorable Dr. Oleh Shamshur, Ukraine's Ambassador to the United States and extend a warm welcome to him as he visits Cleveland, Ohio to celebrate the Fifteenth Anniversary of Ukraine's Proclamation of Independence with leaders and members of our Ukrainian-American community.

For nearly 80 years, the United Ukrainian Organizations of Greater Cleveland have served as a vital coalition of historical and cultural significance, aimed at preserving and promoting all aspects of Ukrainian culture. These guardians of history have succeeded in keeping alive the rich traditions of their beloved homeland—from Ukraine's religious and social customs, to the artistic, history and world contributions that have left an indelible mark across the globe.

Following the fall of the Soviet Union and the rebirth of Ukrainian statehood, the United Ukrainian Organizations of Greater Cleveland bolstered fundraising and outreach efforts that extended from the shores of Lake Erie to the sands of the Black Sea. Additionally, this organization was instrumental in the creation of the Ukrainian Embassy in Washington, D.C. Here in Cleveland, the Ukrainian Museum-Archives is a monument to the struggles and triumphs of the people of the Ukraine and reflects the passion and dedication of the members of our Ukrainian community who seek to keep the stories, spirit, and history of the Ukraine alive by preserving cultural artifacts, advancements, historical documents. books and photographs to pass along to every new generation.

Mr. Speaker and Colleagues, please join me in honor and welcome of Dr. Oleh Shamshur, Ukraine's Ambassador to the United States, along with the leaders and members, past and present, of the United Ukrainian Organizations of Greater Cleveland. Their vigilant determination to raise awareness of their struggle for liberty serves as a monument to all who have traveled to America seeking freedom and opportunity and reflects the vibrant fabric of diversity of our Cleveland community and our entire nation.

CONVENT ATTACKED IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. TOWNS. Mr. Speaker, on September 11, while we were observing the anniversary of a horrible terrorist attack on America, 13 Catholic schools were closed in Lucknow, India, after the Convent of Loreto, the school there, and the chapel were attacked by the violent Hindu organization the Bharatiya Janata Yuva, a youth arm of the BJP, which is part of the RSS, a Fascist organization that published a book on how to get minorities, including Christians, falsely implicated in criminal cases.

The spokesman for the BJP demanded a high-level inquiry into the school, according to the Tribune newspaper of Chandigarh, saying it engaged in "irrational behavior." Apparently, being a Catholic is irrational behavior and "unscientific activity" in the world of Hindu militants.

Unfortunately, Mr. Speaker, this is not an isolated incident. There has been a wave of attacks against Christians. According to an article that appeared in the Journal of the London Institute of South Asia, some Christian boys were shot while praying. A mob of Hindus burned a missionary, Graham Staines, and his two sons (ages 8 and 10) to death and they have gotten away with it. Another missionary, Joseph Cooper, was severely beaten and then expelled from India. Christians have been arrested for sharing their religious beliefs. Violent Hindu Fascists have raped nuns, murdered priests, burned churches, and committed other acts of violence against Christians. More than 300,000 Christians have been killed by the Indians in Nagaland alone.

This would be bad enough if it were just Christians, Mr. Speaker, but, sadly, it is not. Sikhs, Muslims, and other minorities, such as Dalits, have been similarly repressed. The Muslims had their most revered mosque in India destroyed. Somewhere between 2,000 to 5,000 Muslims were murdered in one pogrom in Gujarat. More than 90,000 have been killed in Kashmir. The government has murdered over a quarter of a million Sikhs. Their most sacred place of worship, the Golden Temple in Amritsar, which has been called the Sikh equivalent of the Vatican, was attacked in June 1984. Hundreds of people were brutally murdered there, and more than 20,000 were killed in the month of June 1984. More than 52,000 Sikhs are political prisoners in India. They have murdered human-rights activists for exposing their secret cremations, murdered religious leaders, murdered toddlers, and paid out more than 41,000 cash bounties to police officers who killed Sikhs.

I would like to thank Dr. Gurmit Singh Aulakh of the Council of Khalistan for bringing the Loreto attack to my attention.

Mr. Speaker, we are at war right now with Fascists using the cover of Islam. Many of us have criticisms of the war policies, but the recent anniversary of September 11 reminds us that we cannot let terrorists carry out their awful deeds with no consequences. So why do we refuse even to raise our voices against Fascists who use the cover of the Hindu religion and oppress and kill Christians, Muslims, Sikhs. and others? At the very least, Mr. Speaker, we should be willing to stop trading with India and cut off our aid, and we should stand for the principles that America represents by seeking a democratic solution to the repression in the form of a free and fair plebiscite on the status of Christian Nagaland, predominantly Sikh Khalistan, Kashmir, and the others who seek their freedom.

Mr. Speaker, I would like to put the Council of Khalistan's press release on the Loreto attack in the RECORD.

CATHOLIC SCHOOLS IN LUCKNOW CLOSED AFTER ATTACK ON CONVENT BY MILITANT HINDUS

WASHINGTON, D.C.—Thirteen Catholic schools were closed today to protest vandalism on the premises of the Loreto Convent, according to the Tribune of Chandigarh. Among the schools that were closed is the Loreto School. Militant Hindus from the Bharatiya Janata Yuva (a youth movement affiliated with the Bharatiya Janata party (BJP) and the Fascist RSS) attacked the Convent of Loreto, Loreto Chapel, and the school there. A spokesman for the BJP. Mr. H. Dikshit, demanded an investigation of the school, saying that it encourages "irrational behavior" and "unscientific activity." Mr. Dikshit said that the state government is "overreacting to breaking a few flower pots."

The attacks are part of a pattern of violence against Christians that has been going on heavily since Christmas 1998, which is in line with similar tyranny against other minorities. Missionary Graham Staines was murdered along with his two sons, ages a and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it. and chanted "Victory to Hannuman," a Hindu god. Missionary Joseph Cooper was beaten so badly that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. None of the people involved has been tried. Several states have enacted anti-conversion laws, which in practice prevent anyone from converting to any religion except Hinduism. Such a law is being considered by the Lok Sabha, the national Parliament. Christians report that they have faced threats, physical attacks, and jail time for sharing their beliefs. The Rashtirya Swayamsewak Sangh (RSS), a Hindu Fascist organization that is the parent organization of the BJP, published a booklet on how to implicate Christians and other minorities in false criminal cases. The people who have murdered priests, raped nuns, forced them to drink their own urine, and burned Christian churches have not been charged or tried. In 2002, the Associated Press reported an attack on a Catholic church on the outskirts of Bangalore in which several people were injured. The assailants threw stones at the church, then broke in, breaking furniture and smashing windows before attacking worshippers. Last year, two young Christian boys were shot at while they prayed. Police broke up a Christian religious festival with gunfire.

Sikhs and Muslims know the same repression that Christians have been experiencing lately. In June 1984, Indian forces invaded and desecrated the most sacred center and seat of the Sikh religion, the Golden Temple in Amritsar, along with 37 other Gurdwaras throughout Punjab. Over 20,00 were killed. Several young Sikh boys were taken into the courtyard of the Darbar Sahib complex and asked if they supported Khalistan (the independent Sikh homeland.) When they answered with the Sikh religious statement. "Bole So Nihal," they were summarily murdered. The Sikh holy scripture, the Guru Granth Sahib, was shot full of bullet holes.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khaira. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A report by the Movement Against State Repression (MASR) quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court cal[ed the Indian government's murders of Sikhs "worse than a genocide."

The MASR report states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches In support of Khalistan and raising the Khalistani flag.

The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984. The most important mosque in India. the Babri Mosque, was destroyed by militant Hindu fundamentalists who have never been held responsible for their actions.

"The attack on the Loreto Convent shows that minorities have no place in India's so-called democracy," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for an independent Khalistan. Khalistan declared its independence on October 7, 1987. History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country: It Is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Currently, there are 17 freedom movements within India's borders. It has 18 official languages. "The only way that the repression of Sikhs, Christians. Muslims, and other minorities will end is to liberate our homelands, such as Khalistan, Nagaland, Kashmir. and the rest, said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh.'," Dr. Aulakh said. "We must free Khalistan now."

IN MEMORY OF ESTHER MARTINEZ

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today with a heavy heart today to honor the memory of a very special New Mexican, Esther Martinez.

Esther Martinez is renowned for her work as an educator, author, and master storyteller. But it is her life story that is very unique.

Born in 1912, her grandson Matthew notes that Esther typically introduced herself by saying she was born the same year New Mexico became a State and the *Titanic* sank. As a young girl, she traveled by covered wagon with her grandparents from her home in the Ute Country of Colorado to what was then known as San Juan Pueblo, now Okay Owingeh.

After arriving at Okay Owingeh, Esther was sent to the Santa Fe Indian Boarding School, as a part of the Federal Government's efforts to assimilate Native Americans into mainstream society. There she was scolded and often punished for speaking Tewa, her native tongue. As a lonely young girl, Esther longed to hear the voices and stories of her grandparents.

Story telling in her native Tewa language would be Esther's greatest legacy. She dedicated herself to maintaining and preserving the various forms of the Tewa language. Among her Pueblo people Esther or Aunt Esther, as many called her, is best known for her storytelling, but also recognized for her linguistic and educational contributions.

Esther taught Tewa at the San Juan Day School and for more than 20 years served as the school's director of bilingual education.

She also published her stories and used them as learning tools in the classroom. As a master of the Tewa language, she compiled Tewa dictionaries in various dialects for the northern New Mexico Pueblos and also translated the New Testament into Tewa.

Last Thursday, Esther was in Washington, DC, where I had the privilege of helping present her with the Nation's highest honor for folk and traditional artists. At the age of 94, Esther was named a 2006 National Heritage Fellow by the National Endowment for the Arts. With members of her family in the audience, Esther rose to be honored and received a standing ovation for her life's work preserving her native Tewa language and traditions.

Tragically, while making her way back home from the airport Saturday evening, Esther was killed in a traffic accident. Two of her daughters traveling with her suffered injuries but survived the crash.

Our hearts weigh heavy with the news of Esther's tragic passing but her legacy will forever live in the contributions she made to our Nation as an educator, linguist, and master storyteller. Her greatest role, however, was as a mother of 10 and grandmother who was loved by many. Our deepest sympathies are with them today.

MEMORIAL TRIBUTE TO TOM VELOZ

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. MCKEON. Mr. Speaker, I rise in sadness today to honor the memory of my friend, Thomas Michael Veloz. A caring and charitable man who was a monumental presence in Santa Clarita, CA, Tom passed away on September 13, 2006, at the age of 69.

Born in New York in 1937, Tom moved to California with his family in the 1950's. He attended the University of Southern California and graduated with a degree in business finance and education in 1960. After graduating, Tom worked in his father's business, Aquafine Corporation. Eventually assuming the role of president, Tom made the company an international success and then began another thriving business, Ultra Violet Devices, Inc. He was well regarded by his peers who held him in high esteem for his leadership, honesty and integrity. Extremely astute and innovative, Tom helped define many of his industry's current manufacturing standards.

Success in business afforded Tom the opportunity to be a generous philanthropist and he was honored several times for his efforts. Tom was a major benefactor to Henry Mayo Newhall Memorial Hospital, College of the Canyons and many other local nonprofit organizations, including local chapters of the

United Way, American Cancer Society and the American Diabetes Association. But helping kids became his passion and he was a driving force behind the Santa Clarita Valley Boys and Girls Club. Tom was also very instrumental in opening the Sheila R. Veloz Breast Imaging Center at Henry Mayo Newhall Memorial Hospital in memory of his second wife, Sheila, and he actively participated on the center's board.

With his contagious sense of fun and enthusiastic love of life, Tom had a genuine affection for others. He was a funny man with a constant smile and a twinkle in his eye, and he made many friends, some of whom became targets of his renowned practical jokes. Always the doting grandfather, Tom enjoyed semi-retirement because it gave him the opportunity to spend more time with his beloved grandchildren.

Although Tom will be remembered as a visionary community leader who generously helped others, his lasting legacy rests in his family. He is survived by his wife, Janet, sons, David and Peter, his first wife, Roberta, brothers, Robert, and his identical twin, Frank, as well as stepdaughters, Sheryl Regan and Janine Jones, and 10 grandchildren. His second wife, Sheila, preceded him in death.

Tom's life personifies Cicero's statement that the memory of a well-spent life never dies. Tom Veloz made a positive and profound difference in the Santa Clarita Valley. He will be remembered as a kind man with a giving heart; one who always strived to make his world a better place.

HONORING MR. RAY L. PERETTI OF KENT, WASHINGTON

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. SMITH of Washington. Mr. Speaker, I rise today to highlight and commend the service of Ray L. Peretti of the Ninth Congressional District of Washington, for his service to his community and the Nation as a member of the National Association of Professional Insurance Agents.

Mr. Peretti recently completed his term as the president of the National Association of Professional Insurance Agents, and has also served in many positions of responsibility in the association. Mr. Peretti has been a member of the board of directors of PIA National since 1995. He was also a member of the board of directors of PIA of Washington/Alaska, which is now part of the PIA Western Alliance, serving as vice president, president-elect and president and on various committees.

Mr. Peretti has served on the State of Washington Property and Casualty Advisory Committee. He was named Agent of the Year by PIA of Washington/Alaska in 1995, received the Hartford/Jonathan Trumball Council's Chairman's Award. Mr. Peretti was also honored by the Insurance Fire Mark Society of the Pacific Northwest with its Presidential Award, and is the recipient of a public relations award from the Insurance Women of South King County.

Active in his community, Mr. Peretti is the owner of the Hub Insurance Agency of Renton, Washington. A lifelong member of the Renton Lions Club, he is also a member of the Renton Chamber of Commerce, serving 6 years as a member of its board of directors, and has been a member of the Renton Arts Commission and the Renton Ethics Board.

As a professional insurance agent, Mr. Peretti's dedication to the highest standards of his profession has earned him the respect of his friends, associates, business colleagues and of the insurance industry as a whole.

Mr. Speaker, I appreciate the opportunity to rise today to recognize the good work that Ray L. Peretti has done throughout his career as a member of the insurance community, and to again congratulate him on the completion of his term as the president of the National Association of Professional Insurance Agents.

TRIBUTE TO M. KRISHNAN AND M. MURALI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. PALLONE. Mr. Speaker, I wish to formally congratulate M. Krishnan and M. Murali for earning the title of Best Businesspersons of the Year and for their receipt of the Fetna Award of Excellence for 2006. This recognition is the culmination of the contributions that these two brothers have made in the Indian and larger communities.

The two businessmen established Sri Krishna Sweets as the premier purveyor of finest sweets in India. While maintaining uncompromising principles and ethical values, they have applied the highest standards of excellence in areas ranging from purchase to fresh delivery of products to creating a new generation of satisfied customers all of the time.

Outside of the business world, they have been well known in their local community for the initiation of community service projects in India, most notably among them being posting of life guards in Chennai beaches, restoration of water bodies, preservation and promotion of art and culture and addressing environmental issues. As an advocate for environmental consciousness and a big admirer of Indian art and culture, I applaud their commitment. Their corporate social responsibility is worthy of emulation by Indian and American companies.

Sri Krishna Sweets began as a single store in 1948 and it has become the leading retailer of specialty sweets in India with over 54 branches across the country. As Sri Krishna Sweets plans to expand its enterprise to the United States, the company will foster a stronger relationship and bring about a better understanding and cooperation between the U.S. and India.

I look forward to seeing Sri Krishna Sweets outlets opening in the US. Again, I commend Krishana and Murali for their notable efforts.

TRIBUTE TO RABBI MOSHE AND LOIS ROTHBLUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Moshe and Lois Rothblum, a dynamic couple that has been involved in the Adat Ari El synagogue community for 35 years. Rabbi Rothblum is celebrating his retirement, and Lois Rothblum is receiving the Adat Ari El Humanitarian Award.

Rabbi Rothblum has long been a part of the Los Angeles community. He attended Fairfax High School and Los Angeles Hebrew High and graduated from UCLA. His parents instilled in him a love of music and musical theater, evident in his role as a counselor and music specialist at Camp Ramah. He went on to direct musical theater at Adat Ari El during his tenure as Rabbi, and his musical compositions for Shabbat and other occasions are still sung in synagogues all over the world. After his retirement, he will continue to stay involved in youth musical theater.

Moshe's love of music is only one of many amazing facets of his personality that he has showcased as Rabbi. He has been an eloquent advocate for Israel in the Jewish community and the larger southern California community. He is a quiet champion of social justice. He met with the late Cesar Chavez to discuss the plight of migrant farm workers. He broke precedent with the Conservative Jewish movement when, in 1985, he appointed Rabbi Leslie Alexander, the first woman to serve a large Conservative congregation. Rabbi Rothblum also met the late Pope John Paul II during his time as president of the Southern California Board of Rabbis. He is a renowned spiritual leader who has touched many lives.

Lois Rothblum is receiving the Adat Ari El Humanitarian Award. She attended New York University and Columbia University Teachers College. Lois was a religious school teacher for 9 years, and her passion and dedication caused her to become a leading Jewish educator. She currently serves as director of teacher education at the Fingerhut School of Education, University of Judaism.

Rabbi Moshe and Lois Rothblum have made lasting impressions on the Adat Ari El community, as well as the larger Los Angeles community. I am proud to call them friends and proud to be a member of their congregation. I ask my colleagues to join me in saluting and honoring Moshe and Lois for all that they have achieved.

THANKING PUBLIC-SPIRITED EMPLOYEES AT GEOEYE IN COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. UDALL of Colorado. Mr. Speaker, I want to acknowledge the assistance of several public-spirited individuals working at GeoEye, the world's largest commercial satellite imagery company.

GeoEye, which acquired another company, Space Imagining, earlier this year, now operates a constellation of three Earth imaging satellites—Orb View-2, Orb View-3 and IKONOS—that contribute to an international network of more than a dozen regional ground stations, an image archive, and advanced geospatial imagery processing capabilities that are among the best in the world.

GeoEye has a strong presence in Colorado's 2nd Congressional District and recently demonstrated the value of their corporate presence in our state.

Last month, the Boulder County Sheriff and others responded to a report that a young Marine was missing after a fall in Eldorado Canyon State Park. This search effort involved hundreds of volunteers and a significant number of law enforcement officials, and of course the missing Marine's parents were deeply concerned about their son's disappearance, and conventional search methods were proving to be ineffective.

As the search was underway, my office was asked to contact GeoEye to see if they might be able to provide imaging data that could be used to find him.

Within moments of my request, GeoEye was offering up satellite imaging of the Eldorado Springs area and other forms of assistance to the Boulder County Sheriff's Department and to the Marine's family. No questions asked. No request for payment in return for services rendered; just a neighborly helping hand.

I want to express my deep public appreciation for the employees at GeoEye, who were quick to offer the company's assistance and who demonstrated a true sense of community spirit in a difficult situation.

While the law says "corporations" are also "persons," I think it is noteworthy when a company responds to a crisis in the way ordinary citizens do. After all, companies are organized—and properly so—for financial profit and economic benefit. We don't expect corporations, particularly large ones, to exhibit the very human qualities that neighbors or friends do. And that is why I want to commend GeoEye and thank the company for their quick response and their offer to help.

I want to particularly thank Mr. Matt O'Connell, the CEO of GeoEye, Mr. Mark Brender, the Vice President for Comms/Marketing at GeoEye, and to Kim Goff, Kerri Rose and Val Webb. They generously gave of their time and expertise to help the community. Ms. Webb called my District Office to follow up on the case several times to offer additional assistance. That kind of personal effort certainly impressed me and my staff.

Please join me in commending these individuals and thanking them for their public-spiritedness. They remind us that with the right leadership, corporations are not necessarily abstract institutions lacking the qualities we look for in good friends and neighbors, but are, at their best, integral parts of the community at-large.

CELEBRATING THE 60TH ANNIVERSARY OF FRENCH HOSPITAL MEDICAL CENTER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to French Hospital Medical Center and acknowledge their 60 years of providing quality healthcare to our community.

Founded by Edison French in 1946, this French Hospital Medical Center brought state of the art medicine to the San Luis Obispo community and continues to do so today. Dr. French, a surgeon, actively encouraged other specialists to settle in the San Luis Obispo area. In 1972, Dr. French moved the hospital to its current location on Johnson Avenue, where it serves residents throughout San Luis Obispo County. Currently, the hospital has working relationships with 320 physicians and employs more than 480 people.

On June 1, 2004, French Hospital was acquired by Catholic Healthcare West (CHW), and joined a network of over 40 medical centers and hospitals in three states. Founded in 1986, CHW is one of our Nation's largest not-for-profit healthcare systems and the largest Catholic healthcare system based in the Western United States. In 2005, French Hospital Medical Center provided more than $5 million in care to the uninsured in our community and to other philanthropic endeavors. The hospital is committed to delivering high-quality, compassionate and affordable healthcare services, with special attention to the poor and underserved.

French Hospital Medical Center has set, and continues to set, a positive example with their passion for the practice of great medicine and their commitment to our local community. I am pleased, Mr. Speaker, to represent this community and the many caring staff and administrators of French Hospital Medical Center and am pleased to celebrate their 60-year anniversary.

IN HONOR AND RECOGNITION OF GEORGE NASHAR FOR RECEIVING THE NORTH OLMSTEAD DEMOCRAT OF THE YEAR AWARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of George M. Nashar, dedicated father and community leader, whose lifelong service has merited him this year's North Olmsted Democrat of the Year Award.

Born in Detroit, Michigan, Mr. Nashar grew with a strong sense of responsibility and family values as the oldest of seven siblings. After graduating from Detroit Institute of Technology and Cuyahoga Community College, he proudly served in the U.S. Army for two years. During his service, Mr. Nashar bore witness to the Berlin Wall crisis, a harsh reality of the Cold War that left a lasting impression upon him, strengthening his democratic values and call to civic duty. Back in America, after his service, Mr. Nashar fell in love with his wife Donna and settled down in Ohio, where the two have been happily married for 41 years and blessed with three beautiful daughters, Nancy, Nicole, and Noelle, and nine lively grandchildren. A devoted husband and father, Mr. Nashar has supported his family throughout the years with his employment at General Motors. After retirement, Mr. Nashar stayed active working for Gerald Fuerst at the Clerk of Courts.

In addition to being a hard-working and warm-hearted family man, Mr. Nashar is an exemplary American citizen because of his enthusiastic involvement throughout his local community of North Olmsted. Actively committed to his children's education, Mr. Nashar served for several years on the St. Richard School Parent Club as President and as Chairman of fun and successful fundraisers, in addition to serving for 12 years on the Magnificat High School Board of Governors. A devote Catholic, Mr. Nashar has been ushering for Sunday Mass at St. Richard Parish for over 20 years and has made many friends within the church community.

Mr. Nashar goes above and beyond his civic responsibility with engagement in the political process. As a member of the North Olmsted Democratic Club, serving as its President for two years and repeatedly sponsoring their annual picnic, he works to foster unity and political awareness. From 1990–2006, Mr. Nashar honorably served as Ward 3 Councilman for the City of North Olmsted, chairing several committees including Streets and Transportation and Safety. During these 16 years he was well-respected and repeatedly re-elected by his constituents because of his steadfast and earnest dedication to their needs as not only a representative, but a friend.

Mr. Speaker and Colleagues, please join me in honor and recognition of George M. Nashar, the 2006 North Olmsted Democrat of the Year, whose unwavering commitment to serving his family, community, and country has left a lasting impression, inspiring those around him.

IN TRIBUTE TO BETTE DEWING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Bette Dewing, a great New Yorker. Bette Dewing is devoted to her community on the Upper East Side of Manhattan, and in recognition of her selfless dedication to the well-being of others and her significant achievements on behalf of the quality of life in New York City, she is being honored this month by the East 79th Street Neighborhood Association.

For decades, Bette Dewing has served on the front lines of the fight to preserve and enhance her fellow New Yorkers' quality of life. A longtime columnist at the premier local newspaper of Manhattan's East Side, Our

Town, Bette Dewing has used her public platform expertly and effectively to become an unparalleled advocate for her fellow New York City residents on a wide range of issues. She has been perhaps the Big Apple's leading champion for enhancing pedestrian safety, focusing the attention of government officials on a host of urban ills, most notably the need to curb traffic lawlessness. No New Yorker has done more to combat illegal bicyclists, skateboarders and motorists, whose careless and often selfish behavior is a menace to city pedestrians, in particular to seniors and persons with physical disabilities. A founder of a community-based advocacy organization, Pedestrian First, Ms. Dewing is perhaps more responsible than any other for starting the drumbeat of protest against those who would encroach on the space and safety of her fellow New Yorkers, a call that has since been echoed by many elected officials and municipal government leaders.

Some of Bette Dewing's most important advocacy occurred when she presciently called for a renewed emphasis on the preeminence of family life, respect for the many contributions to our society by the elderly, and a return to civility. Her wise counsel to younger generations to maintain strong family ties is one that everyone should embrace. Similarly, her manifestoes urging a return to a culture in which a prevailing civic-mindedness—including courtesy and consideration for others—is the rule, not the exception, have since been taken to heart by many New Yorkers.

In being honored by the East 79th Street Neighborhood Association, Bette Dewing's achievements are being recognized by one of the most important civic associations in our Nation's greatest metropolis. Representing the residents of Manhattan's Upper East Side living on or around East 79th Street, the dedicated membership of East 79th Street Neighborhood Association and its distinguished and estimable president, Betty Cooper Wallerstein, have made immeasurable contributions to improving the quality of life of their neighbors and their community.

Mr. Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to the civic life of New York City made by Bette Dewing.

HONORING THE ACCOMPLISHMENTS OF W.D. FARR

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the contributions and life-time achievements of Mr. W.D. Farr.

Mr. Farr was recently inducted into the Hall of Great Westerners, which honors those who have embodied and perpetuated the heritage of the American West through their exemplary lives, careers, and achievements.

Mr. Farr, a man of many talents, excelled in ranching, government, and banking.

After inheriting the family agricultural business, Mr. Farr remained a cattle rancher for many years. During this time Mr. Farr worked to improve livestock and farming methods. His innovative ideas became a catalyst for improved irrigation on the eastern plains and influenced ranching methods throughout the United States.

Mr. Farr was also a statesman. While working for the U.S. Department of Agriculture, Mr. Farr advised three U.S. Presidents and traveled the world as an advocate for the U.S. agricultural industry. His dedication to the agricultural community earned him induction into the Colorado Agriculture Hall of Fame in 1995.

Another one of Mr. Farr's successful endeavors was in the banking industry. He directed banks in Greeley and Denver. He also co-founded and chaired the Affiliated Bankshares of Colorado.

Mr. Farr's life epitomizes the courageous and innovative spirit of Colorado and the greater American West.

Mr. Speaker, I am honored to represent Mr. Farr in Congress. I ask my colleagues to join me in congratulating W.D. Farr for his many accomplishments and his service to the community.

TRIBUTE TO E. MALCOLM FIELD, M.D.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KILDEE. Mr. Speaker, I rise today to honor the service of E. Malcolm Field, M.D. who has served the people of Michigan and our Nation for over 45 years as a neurosurgeon, neuroscience visionary and medical leader. Dr. Field has dedicated his life to healing, personally seeing more than 250,000 patients and performing more than 50,000 neurosurgeries through his practice based in Saginaw, Michigan.

Dr. Field is the founder of Saginaw Valley Neurosurgery, P.C., and a Diplomat of the American Board of Neurological Surgeons. He is a Fellow of both the American College of Neurological Surgeons and the International College of Surgeons. He is also the founder and Medical Director of FNI, the Field Neurosciences Institute. FNI's mission is "the prevention, early diagnosis, care, and cure of neurological diseases, disorders and injuries." Dr. Field's commitment to his patients is to provide compassionate care, technological superiority and a full continuum of neurological services. Under Dr. Field's leadership extensive prevention, research and educational programs are continued. The Field Neurosciences Institute operates in 10 different clinical neurospecialties and has established satellite clinics in 18 communities throughout lower northeastern Michigan.

On September 21, 2006, the Malcolm Field Theatre for the Performing Arts on the campus of Saginaw Valley State University will be dedicated. In addition Dr. Field will be giving the annual James E. O'Neill Jr. Memorial lecture titled "Quest for a Cure".

Mr. Speaker, please join me in congratulating Dr. E. Malcolm Field for the honor Saginaw Valley State University is bestowing on him and for his life long service to the residents of Michigan and the people of our Nation.

CBO ESTIMATE ON H.R. 4844, THE "FEDERAL ELECTION INTEGRITY ACT OF 2006"

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. EHLERS. Mr. Speaker, please find attached the Congressional Budget Office's estimate for the legislation, H.R. 4844, the Federal Election Integrity Act of 2006, as reported by the Committee on House Administration.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 2006.

Hon. VERNON J. EHLERS,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4844, the Federal Election Integrity Act of 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Matthew Pickford (for federal costs), Sarah Puro (for the impact on state and local governments), and Paige Piper/Bach (for the impact on the private sector).

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

H.R. 4844—Federal Election Integrity Act of 2006

Summary: H.R. 4844 would amend the Help America Vote Act of 2002 to require all voters in federal elections to display a valid and current photo identification card issued by a government agency. The requirement would begin with the November 2008 federal election. The legislation would require the photo identification cards to document U.S. citizenship by the 2010 federal election. The legislation would require states to provide photo identification cards to all eligible voters who cannot pay for them, and it would authorize appropriations for the Election Assistance Commission (EAC) to reimburse states for those costs. CBO estimates that implementing H.R. 4844 would cost about $1 million in 2007 and $77 million over the 2007–2011 period, assuming appropriation of the necessary amounts.

H.R 4844 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Beginning in 2008, the bill would:

Require state and local governments to establish a program that would make certain forms of photo identification available to those who currently do not have it;

Prohibit state and local governments from allowing individuals without proper photo identification to vote; and

Prohibit states from charging a fee for such identification if the applicant cannot afford the fee.

While the aggregate costs to state, local, and tribal governments of complying with these mandates is uncertain, CBO estimates that they would far exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation) in at least one of the first five I years after the mandates go into effect. The bill would authorize funds to cover the costs of reimbursing states for providing identification cards to those individuals that cannot afford them, which CBO estimates would total about $70 million over the next few years.

By requiring individuals to have a government-issued identification to vote in a federal election, H.R. 4844 also would impose new private-sector mandates as defined in UMRA. Based on information from government and other sources, CBO estimates that the cost to comply with those mandates would exceed the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4844 is shown in the following table. The cost of this legislation falls within budget function 800 (general government).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Photo Identification Card Reimbursement:					
Estimated Authorization Level	0	50	20	1	1
Estimated Outlays	0	44	26	1	1
Election Assistance Commission:					
Estimated Authorization Level	1	2	2	*	*
Estimated Outlays	1	2	2	*	*
Total Changes:					
Estimated Authorization Level	1	52	22	1	1
Estimated Outlays	1	46	28	1	1

NOTE: * = less than $500,000.

Basis of estimate: For this estimate, CBO assumes that H.R. 4844 will be enacted near the start of fiscal year 2007, that the necessary amounts will be provided for each year, and that spending will follow historical patterns for similar programs.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4844 would cost $1 million in 2007 and $77 million over the 2007–2011 period to reimburse the states for the cost of providing photo identification cards to voters who cannot afford to pay the cost of obtaining a card, and the cost to the EAC to operate the reimbursement program.

Photo Identification Card Reimbursement

Starting in fiscal year 2008, section 3 would authorize the appropriation of such sums as are necessary for the EAC to make payments to states to cover the costs of providing government-issued photo identification cards to voters who state that they cannot afford to pay for the cards. The cost of implementing this provision would depend upon the number of voters who receive identification cards for free, and the cost of producing those cards.

The National Commission on Federal Election Reform estimated in 2001 that up to 10 percent of those eligible to vote do not have official state identification (typically, driver's licenses). The commission assumed that this population consisted of the poor (who may not have cars) and those living in dense urban areas (who may not need cars). Indiana, Georgia, and Missouri currently require voters to have photo identification. Those states estimate that around 7 percent of their registered voters do not have a state-issued driver's license or identification card.

Based on the estimates and experience of those states, CBO estimates that about 4 percent of the nation's registered voters—about 7 million individuals—do not have state identification cards and would likely request free identification cards to vote in federal elections. That estimate reflects the expectation that only those registered voters who intend to vote might seek free identification cards.

States typically charge about $10 to issue an identification card. CBO estimates the cost of providing photo identification for voters who cannot afford them would be about $45 million in 2008 and $72 million over the 2008–2011 period, assuming appropriation of the necessary amounts. That amount includes the cost of providing free ID cards to some newly registered voters over the 2010–2011 period.

Election Assistance Commission

Section 3 would require the EAC to reimburse the states for the cost of providing free photo identification cards, and to promulgate regulations for obtaining reimbursement. Based on information from the EAC, CBO estimates that additional staffing and administrative requirements necessary for those efforts would cost $1 million in 2007 and $5 million over the 2007–2011 period.

Estimated impact on state, local, and tribal governments: H.R. 4844 contains intergovernmental mandates as defined in UMRA. Beginning in 2008, the bill would:

Require state and local governments to establish a program that would make certain forms of photo identification available to those who currently do not have it;

Prohibit state and local governments from allowing individuals without proper photo identification to vote; and

Prohibit states from charging a fee for such identification if the applicant cannot afford the fee.

While the aggregate costs to state, local and tribal governments of complying with these mandates is uncertain, CBO estimates that they would far exceed the threshold established in UMRA ($64 million in 2006, adjusted annually for inflation) in at least one of the first five years after the mandates go into effect. The bill would authorize funds to cover the costs of reimbursing states for providing identification cards to individuals that cannot afford them, which CBO estimates would total about $70 million over the next few years.

Preemption of State Voting Laws

The bill would prohibit state and local governments from allowing individuals without proper photo identification to vote. This requirement would preempt state laws in the 47 states that do not currently require all voters to show photo identification when voting. The preemption, in and of itself, would not impose significant costs on those governments.

Establishing an Outreach Program

The bill would require states to "establish a program" to provide photo identification cards to meet the requirements of the bill. According to government sources, establishing such a program would require some or all of the following: purchasing certain new equipment, hiring additional staff for certain offices, training current employees, providing outreach activities to educate affected voters via pamphlets, television and radio advertisements, and posting information on state and local Web sites. Costs for each state would vary based on the demographics of the population the state without photo identification and the current voting structure in the state. For example, states that conduct voting by mail would not incur costs to train poll workers, while states that do not currently have a Department of Motor Vehicles office in each county would need to purchase equipment for county offices. CBO estimates that, in aggregate, these costs to establish outreach programs would total about $75 million in 2008 and about $50 million in 2010.

Providing Free Identification Cards

The bill also would require, starting in 2008, states to provide voter identification cards for free to citizens who cannot afford to pay for one.

In the three states that currently require voters to show photo identification when voting, states provide such cards for free to those who cannot afford them. CBO expects that those states would comply with this mandate without incurring significant additional costs. The 47 states that do not currently require all voters to show photo identification when voting would be required to issue free cards to indigent citizens. While the costs vary by state, on average, states charge about $10 for identification cards that are not driver's licenses. Based on information from the states that currently have photo identification requirements and on nationwide studies of those without photo identification, CBO expects that about 4 percent of the population likely would apply for and receive a free card as a result of this bill's requirements. CBO estimates that the costs to state, local, and tribal governments would total about $70 million, with most costs occurring in calendar year 2008. The bill would authorize funds to cover these costs.

Issuing Identification Cards for Proof of Citizenship

The bill also would require states to issue, by 2010, identification cards for which applicants would be required to provide proof of citizenship. Under current law, states do not collect or place citizenship status of an applicant on their driver's license or other identification cards, although they will begin collecting such information in May 2008 under the requirements of the REAL ID Act. CBO expects that by 2010, roughly half of the voting-age population will have a driver's license that complies with the terms of the REAL ID Act, although such licenses would not necessarily comply with the requirements of this bill.

States could place the citizenship information they collect on these driver's licenses and would incur only small additional costs to comply with the requirements of this bill.

Of the remaining population (those people whose driver's licenses would not come up for renewal until after November 2010), CBO expects that about 20 percent could vote using a passport to prove citizenship. The remaining population—about 50 million people—would be required to either renew their driver's licenses early or to obtain voter identification cards as authorized by the bill. The costs of processing such a large number of applications by 2010 would be substantial. While the costs to states would vary, they would include providing new licenses or identification cards, establishing new databases, hiring and training new staff, and providing services to a large number of additional residents. CBO cannot estimate the total costs of this mandate, but they likely would far exceed the threshold established in UMRA.

State governments may choose to use revenues received from fees to cover the expenses associated with this mandate. Under UMRA, however, these revenues are considered a means of financing and as such are not counted against the mandate costs of H.R. 4844 for purposes of determining whether costs would exceed the UMRA threshold.

Estimated impact on the private sector: By requiring individuals to have a government-issued identification to vote in a federal election, H.R. 4844 would impose new private-sector mandates, as defined in UMRA. Based on information from government and other sources, CBO estimates that the cost to comply with those mandates would exceed the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.

Under the bill, the requirement for an individual to have a government-issued identification for federal elections would be implemented in two phases. In 2008, the bill would require individuals to provide "a government-issued, current, and valid photo identification" to the appropriate election official when voting in person. Individuals voting other than in person would be required to submit "a copy of a government-issued, current, and valid photo identification" along with their ballot. Certain voters in the uniformed services who are absent from the United States during the election would be exempt from this requirement. Individuals who wish to vote and who do not have an appropriate identification card would have to obtain one. Government identification cards such as a passport, a driver's license, or a state-issued photo identification would meet the requirement for voting in federal elections. On average, the state-issued photo identification would be the least expensive method to comply. For individuals who need to obtain identification, the cost of complying with the first phase of the mandate would be fees charged by states along with other expenses for individuals to obtain the photo identification. The bill would prohibit states from charging a fee to any individual who provides an attestation that they cannot afford the fee for a photo identification. In addition, the incremental costs for individuals voting other than in person would be the expense of making a copy of their identification.

Beginning with the regularly scheduled general election for federal offices held in November 2010 and each subsequent federal election, individuals who want to vote would have to get "a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification." Passports would meet that requirement. Individuals without passports may be able to use drivers' licenses that are issued and compliant with the REAL ID Act, depending on whether those licenses also meet the requirements of this bill. The REAL ID Act requires states to meet minimum standards for the documentation required by applicants for drivers' licenses and identification cards. Under current law, state-issued drivers' licenses are supposed to be compliant with the REAL ID Act by May 2008. Individuals who have obtained driver's licenses between now and when their state becomes compliant with the REAL ID Act would have to renew their licenses early or obtain another state-issued identification in order to vote in 2010. Based on information from government and other sources regarding the percentage of individuals that renew licenses each year, the percentage of individuals with passports; and the number of individuals that vote in federal elections, CBO estimates that the cost to comply with this mandate would exceed UMRA's annual threshold.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Sarah Puro; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PAYING TRIBUTE TO REGINALD B. KNIGHT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. Reginald "Reggie" Knight for his outstanding service to his community.

Reggie graduated from Cass Technical High School in Detroit in 1954. Soon after, he enlisted in the U.S. Marine Corps, serving in Vietnam as a Recon Platoon Sergeant. He became senior enlisted Staff Assistant to the Commanding Officer of Fighter Attack Squadron 323 at the Marine Corps Air Station in El Toro, CA before he retired in 1974 as a Sergeant Major.

After Reggie retired from the Marines, he began working for the Veterans Administration (VA), serving as the representative at Saddleback College, Mission Viejo, CA, where he earned his associates degree in 1977. While earning his bachelor's degree at the University of Redlands in California, Reggie gained access to the VA's regional office in Denver as well as becoming health systems specialist at the VA Hospital in Loma Linda, CA. In 1986, he transferred to the Department of Army, eventually earning the position of senior employment development specialist for the U.S. Army Tank Auto/Command in Warren, MI. When he retired in 1994, he settled in Pahrump, NV, becoming a member of the National Active and Retired Federal Employees Association (NARFE).

Within 5 years of his membership, Reggie helped triple the size of NARFE's Chapter 2276 by initiating a recruiting program, leading members in a highway cleanup, getting NAFRE signs raised on local highways, joining the local Chamber of Commerce, and launching a public relations campaign in order to allow easily-accessible information about the chapter in the local media. Throughout his membership, Reggie has served as chapter vice president (a position he currently holds), legislative officer, chairman of the public relations and membership committees, and, in 2000, he was elected the 10th president of the Nevada NARFE Federation. Recently, he chaired the host committee for two Nevada Federation conventions.

Reggie has also involved himself in a number of efforts to enrich the lives of the Pahrump community. He has worked with the University of Nevada Cooperative Extension Service to offer programs such as 4–H, which help youths develop leadership, citizenship, and life skills. He also assisted in the establishment of the Big Brother/Big Sister program in his town. In 2001, Reggie was appointed Chair of a committee to lobby the State legislature to construct a high-tech center in Pahrump; that same year he was honored with the Golden heart Community Service Award from the United Way. He is also active in the Marine Corps League and Disabled American Veterans.

Mr. Speaker, I am proud to honor Mr. Reginald B. Knight for his admirable efforts to improve the community of Pahrump, Nevada, and for his long record of public service as a Federal employee and retiree. I applaud his efforts and wish him luck in all his future endeavors,

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INTRODUCTION OF A BILL TO AMEND THE INDIAN HEALTH CARE IMPROVEMENT ACT TO ENSURE CURRENT REPORTING REQUIREMENTS

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Ms. HERSETH. Mr. Speaker, today I rise to introduce legislation that will help to protect the health care provided to Native Americans by the Indian Health Service.

Providing quality health care is one of the most important Federal responsibilities in Indian country. Through a network of service units scattered across the country and across South Dakota, the Indian Health Service is the primary, and often the only, access point to that care.

For this reason, any service reduction at any service unit should be preceded by a thorough and thoughtful analysis of the impacts of the reduction proposal, an evaluation of alternative options, and meaningful tribal consultation at every step. Current law recognizes this and already requires that IHS conduct an impact study before implementing a reduction.

Unfortunately, the law contains a critical oversight and specifies only that the study occur at least 1 year before any service reduction. It contains nothing to prevent an outdated study from being inappropriately used to justify a service reduction. This legislation would correct that mistake—mandating that the study occur 1 year, but nor more than 2 years, before the actual service reduction. This will ensure that any analysis will reflect current conditions, not ones that no longer exist.

This is a small and reasonable change that is both consistent with the intent of existing statute and, I think, an important improvement. Though introduced as a stand alone measure today, I am hopeful that my amendment can later be added to Indian Health Care Improvement Act Amendments moving through this Congress.

TRIBUTE TO META JACKSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Meta Jackson for continuously serving the Juniata Township Election Board for the past 50 years. Meta will be honored at a ceremony on November 7 for her service to the community.

Meta started as an election inspector in 1956 during the Dwight Eisenhower-Adlai Stevenson Presidential race. At the time the paper election ballots were counted by hand and the counting often extended into the next day. She has told her current fellow poll workers that in the 1950s they would be up 24 hours straight working to get every ballot counted. Meta has served as the chair of the Election Board for several decades and has witnessed many changes over the years. Today the township uses opti-scan machines and automark loading terminals for the disabled that count the ballots as they run through the system.

In addition to serving as an election official for the past 50 years, Meta is active in the Veterans of Foreign Wars Ladies Auxiliary, Ladies of the Moose, and the Caro Eagles. She has lived in Juniata Township since the age of 5 and graduated from Caro High School. She married the late Walter Jackson in 1953 and moved to the family dairy farm. Meta and Walter have four children and nine grandchildren. Meta continues to help out on the family farm by doing the recordkeeping and running errands.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Meta Jackson for 50 years as an election official and wish her the best as she continues her service to the community.

THE DISABLED WARRIORS' FAMILY EDUCATION ACT OF 2006

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BUYER. Mr. Speaker, today I am proud to introduce H.R. 6096 the Disabled Warriors' Family Education Act of 2006. I am especially pleased that the Ranking Member of the Veterans Affairs Committee Honorable LANE EVANS, and the Chairman and Ranking Member of the Subcommittee on Economic Opportunity Honorable JOHN BOOZMAN and Honorable STEPHANIE HERSETH join me as original cosponsors.

The Disabled Warriors' Family Education Act of 2006 would allow spouses and dependent children to access their Survivors' and Dependents' Education Assistance under chapter 35 of title 38, U.S.C. prior to the severely injured servicemember being discharged from active duty.

Many of our disabled warriors have spouses who find themselves faced with being the breadwinner of the family. It is important that these individuals have access to their education benefits to improve their ability to compete in the job market. Therefore, once the servicemember receives a VA rating stating that their injuries are permanent and total in nature, the servicemember's spouse, and college-aged dependent children may begin their education during the servicemember's convalescence period, which in some instances may be 2 years.

Mr. Speaker, this is an important piece of legislation that will help families of our servicemembers who have sacrificed so much for the safety of our nation in the Global War on Terrorism, and I urge my colleagues to support the Disabled Warriors' Family Education Act of 2006.

DENTON RECEIVES SECOND STORMREADY RECOGNITION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the City of Denton, TX, for receiving its second StormReady recognition. I commend Mayor Perry McNeill and the City of Denton's Office of Emergency Management for their commitment to supporting broader region and State efforts, both in planning and response, to the weather-related challenges we have faced in 2006.

The National Weather Service issues StormReady recognition to cities, such as Denton, that establish a level of preparedness beyond the minimum standards of severe weather operations. These leading cities are selected based on their readiness in six areas, including the receipt of National Weather Service information, local weather and water monitoring, local warning distribution, communication of information to the National Weather Service in Fort Worth, community preparedness, and administrative tools. The City of Denton met or exceeded each of these areas.

Under the capable direction of Denton's Emergency Manager Michael Penaluna, Mayor McNeill and the City of Denton have demonstrated their commitment to protecting and preparing citizens for severe weather emergencies. Thanks to the hard work of these individuals, the City of Denton is a safer place and a model for communities around the nation.

I extend my sincerest congratulations to the City of Denton, Mayor Perry McNeill and the Office of Emergency Management on receiving their second StormReady emergency response recognition.

TRIBUTE TO DR. JOSEPH PATRICK LEE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to celebrate the life and mourn the passing of, Dr. Joseph Patrick Lee, the provost and senior vice president for academic affairs at Barry University in Miami Shores, Florida.

Dr. Lee was an institution at Barry University, known throughout the Barry family and to generations of students. He was an extraordinary scholar and an excellent administrator. He served quietly, competently, and well, helping to develop and expand Barry College into the major University it is today. His passing is a huge loss.

Dr. Lee was also an integral part of the South Florida community for over 25 years. He served on the boards of directors of numerous community groups, including president of the Miami Shores Chamber of Commerce and Rotary Club of Miami Shores. Dr. Lee's many honors included: the Woodrow Wilson National Fellowship; Danforth Foundation National Fellowship; Fulbright Fellowship, Université de Paris; and National Endowment for the Humanities Summer Fellowship. He was elected Commissioner of Florida's Southern Association of Colleges and Schools from 2000–05, and served on its executive council in 2004.

Born November 30, 1942, in Leitchfield, Kentucky, Dr. Lee came to Barry University from Belmont Abbey College in Belmont, North Carolina, where he held the positions of vice president for academic affairs; academic dean; and associate professor of French. His love of language led him to earn his doctor of philosophy from Fordham University in New York, with a major in French, minor in Spanish. He earned his bachelor's degree from Brescia College in Owensboro, Kentucky, majoring in French with minors in English, Spanish and history.

Considered a preeminent scholar of Voltaire and an internationally respected scholar and lecturer, Dr. Lee co-authored "Livre dangereux: Le Dictionnaire philosophique de Voltaire" in 1994, and published book reviews in 10 journals.

Dr. Lee became Barry University's vice president for academic affairs in 1981. As its chief academic officer, Dr. Lee was an integral part of Barry University growing from a small college of just under 2,000 students to today's institution of more than 9,200. Barry University, Florida's fourth-largest private institution of higher education, provides bachelor's, master's, law, and seven doctoral degree programs across the state. Founded in 1940, the university is sponsored by the Dominican Sisters of Adrian, Michigan. Barry University, named one of the most diverse institutions of higher education in the South by US News and World Magazine for the last seven years, possesses a diverse student population from more than 70 countries characterizing Barry's global community.

Dr. Lee's life mirrored the diversity found at Barry University. His research and travels took him to France, England, Switzerland, Belgium, Netherlands and Germany, and his reputation led him to more than 30 locations throughout the United States and the world as a speaker and guest lecturer. Further, he was a member of more than 15 professional organizations, including the American Association of Teachers of French, American Association of University Administrators, American Comparative Literature Association, American Society for Eighteenth-Century Studies, British Society for Eighteenth-Century Studies, Modern Language Association, North American Association for the Study of Jean-Jacques Rousseau, and the South Atlantic Modern Language Association. Dr. Lee also was appointed to the editorial board of the "Complete Works of Voltaire," and was national secretary-treasurer for Delta Epsilon Sigma.

Dr. Joseph Lee's achievements were great, as was his commitment to Barry University's community and the broader community of South Florida. I offer my sincere condolences to his family and all who were touched by his greatness.

TRIBUTE TO OTTAWA TOWNSHIP HIGH SCHOOL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to Ottawa Township High School (OTHS) in Ottawa, Illinois for its remarkable accomplishment of winning the Illinois State Music Championship for the tenth consecutive year.

Much of the credit for this amazing achievement must be attributed to the strong leadership of Mr. Roger Am, Vocal Music Director, and Ms. Sarah Reckmyer, Director of Bands. Clearly, their hard work and commitment to the program over the years have developed an environment of high expectations.

Further credit for the OTHS success is due to the support of the school administration; the work of the music staff at the elementary schools which feed into Ottawa Township High School and the OTHS students themselves who have refused to accept any outcome short of victory in the state music competition.

It is quite refreshing to see a public high school with such a strong commitment to the fine arts. In addition to its obviously outstanding music program, Ottawa Township High School also possesses and displays a truly remarkable multi-million dollar collection of artwork—a fine arts attribute which surely few public high schools in the nation can match.

In closing, let me state just how proud and pleased I am to have this chance to provide my colleagues in the United States House of Representatives with this shining example of a public educational institution which believes so strongly in offering its students this type of fine arts opportunity. I encourage my colleagues to share this example with the high schools in their own congressional districts in hopes of spurring interest in the fine arts in our young citizens across our nation.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, September 14, 2006, I was unavoidably detained due to a prior obligation.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows:

Rollcall No. 448—"no." On Ordering the Previous Question providing for the adoption of the resolution (H. Res. 1000) providing for earmarking reform in the House of Representatives (H. Res. 1003).

Rollcall No. 449—"yes." On Agreeing to the Resolution providing for the adoption of the resolution (H. Res. 1000) providing for earmarking reform in the House of Representatives (H. Res. 1003).

Rollcall No. 450—"yes." On Motion to Suspend the Rules and Pass the Thomas J. Manton Post Office Building (H.R. 6033).

S. 418: MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 418, the Military Personnel Financial Services Protection Act. This act helps to ensure that our military personnel are not vulnerable to immoral and dishonest insurance schemes.

I think the provisions of this bipartisan bill are crucial for the protection of our Armed Forces and their families. While most of America's focus on the military concerns our actions abroad, protecting personnel and their families at home can sometimes be overlooked. But for years now, men and women in the armed services have fallen victim to unscrupulous salespersons pushing high cost and unnecessary financial products and life insurance. This practice must be stopped.

As numerous investigations, studies, and congressional hearings have shown, bad actors within the insurance and financial products industry have been taking advantage of military personnel in order to turn a quick profit. The military personnel they target are often young, inexperienced in financial matters, and particularly vulnerable to the aggressive sales tactics used by some companies. To make matters worse, Department of Defense Directives and state regulations would be violated or completely ignored by these salespersons, without repercussion.

In some cases, servicemen and women were sold life insurance policies with low benefits and premiums as high as fourteen times the amount available to every enlisted person under the Servicemembers' Group Life Insurance program. In other cases, they were sold investments that have all but disappeared from the civilian markets because they can rob investors of years of earnings. But some salespersons found a niche outside of the public mainstream to sell these disreputable investments on our military bases.

It should be noted that there are many upstanding financial and insurance companies that sell very worthwhile investment and insurance products to military personnel and their families. They should be applauded for the fine job that they do in helping our military members and their families. This bill is targeted at the few who abuse the system and prey upon our military.

This bill, the Military Personnel Financial Services Protection Act, will stop these practices by targeting the bad actors, adding much-needed transparency and communication between federal and state agencies. This bill clarifies confusing jurisdictional issues between DoD and state regulators, allowing regulators to better enforce state and federal law on military bases. It would create a registry to track investment advisors, brokers, dealers, and insurance salespersons, and let bases know when a suspicious salesperson has walked through their gates. Finally, the bill would ban the worst types of financial products being sold to our military. These products have disappeared from the civilian market, and they should disappear from our military installations too.

This bill has gained bipartisan support in Congress. I urge you to support this legislation and protect the financial future of our military personnel and their families. During a time when so many of our armed forces are bravely fighting tyranny abroad, we must ensure that they are protected at home.

IN HONOR OF POCAHONTAS' SESQUICENTENNIAL CELEBRATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to the city of Pocahontas in Randolph County, Arkansas, which will celebrate its 150th anniversary this year. This is a significant milestone for the community and for all who helped shape the city's history.

Pocahontas has a long history dating back to the 1700's when the region was occupied by the French and a number of Indian tribes, including the Osage and Cherokee. The city's first settler, Ransom S. Bettis, arrived from Greenville, Missouri, in the early 1800's and is credited with helping establish Pocahontas as the county seat.

Pocahontas began as a significant river port and the first supply stop in Arkansas for travelers coming down Old Southwest Road. Several famous frontiersmen, including Sam Houston, Stephen F. Austin, General Ulysses S. Grant and others, made stops in Pocahontas during this time. Even today, the city continues to serve as a strategic educational and agricultural center for Randolph County and the state.

The city constructed its first courthouse in 1837, a 40 feet by 40 feet two story structure. After the courthouse collapsed in 1870, Pocahontas residents replaced the structure in 1875 with the historic courthouse that remains today. The courthouse is a central landmark in Pocahontas' historic downtown business square with most of the commercial outlets renovated to compliment the building.

Pocahontas served as a major recruiting, training, and supply center during the Civil War. The city housed as many as 10,000 men after Arkansas withdrew from the Union on May 6, 1861. These men helped the state prepare for combat and secure the northern border from invasion. Federal troops even burned a section of the city, including the Pocahontas newspaper office, during the conflict.

The late nineteenth century through the mid-1920s marked a golden age for Pocahontas. The city had seven hotels and forty-three steamboats that navigated the Black River and turned Pocahontas into an important port of commerce. During this time, Pocahontas landed the Hoxie, Pocahontas, and Northern Railroad in 1896, completed the Hauk Railroading Company's connection of Poplar Bluff, Missouri, to Pocahontas in 1902, and watched the San Francisco Railroad construct a new railroad bridge across the Black River in 1911. Other early industries included four button factories, a brick company, Hanauer's cotton gin, the Grafton Stave and Heading Company, and the Pocahontas Bending Works, which made wooden parts for wagon wheels around 1901.

Development slowed during the 1920s and 1930s until several industries began to locate in the area. In 1942, Pocahontas landed a factory that made powdered eggs for the army and employed about 500 residents. Brown Shoe Company came to the area just a few years later, becoming the largest employer in Pocahontas. Other factories came in the 1960s including McGee, Aircraft Engineer, Cinch, and Pro Group, followed by Amerace ESNA in the 1970s.

Pocahontas continues to benefit today from its central location between the hills of the Ozarks to the west and the rich farmland of the Delta to the east. Tourists and residents flock to the region's five rivers year-round for all types of recreational activities including fishing and canoeing. The city is also home to the Black River Technical College which contributes significantly to the region's educated workforce.

This month, friends and residents of Pocahontas will kick-off a three week long celebration honoring the city's 150 years of history. I ask my colleagues to join me in congratulating Pocahontas, Arkansas, on this significant milestone. We send our appreciation to the city's citizens for years of hard work and dedication to their community, and wish Pocahontas many more years as a wonderful place to live and raise a family.

TRIBUTE TO HAL POTE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take his opportunity to recognize and congratulate Hal Pote on the occasion of his 60th birthday.

Hal, a friend of mine, diligently serves as the President of the Spina Bifida Foundation, SBF. As Co-Chair of the Congressional Spina Bifida Caucus, I have had the privilege of working along side Hal and truly appreciate his commitment and dedication to improving the quality of life for individuals living with Spina Bifida.

Mr. Speaker, Spina Bifida—our nation's most commonly permanently disabling birth defect—occurs in the first month of pregnancy when the spinal column does not close completely. Spina Bifida occurs in approximately 7 out of 10,000 live births and currently there are 70,000 men, women, adolescents, and children living with Spina Bifida in the United States.

In addition to Hal's strong professional commitment to improving the lives of those living with Spina Bifida, Hal has a binding personal tie that unites his heart with his expertise. Hal's nephew, Gregory was born with Spina Bifida almost 20 years ago.

Supporting his nephew through more than 20 surgeries, Hal counts it a privilege to share in Gregory's many wonderful moments like in 2004 when Gregory carried the Olympic torch. Hal is dedicated to ensuring that Gregory and all other individuals living with Spina Bifida enjoy a high quality of life. Through Hal's vision and dedication to helping Gregory and the tens of thousands of people like him, he joined with a group of colleagues to form the Spina Bifida Foundation in 1999.

In its 7 years of existence, the Foundation has achieved many amazing things for the Spina Bifida community. Just a few years ago, people born with Spina Bifida did not live past their teenage years and yet today, thanks to the advances in medical research and the dedication of public advocates like Hal Pote, many children with Spina Bifida are living to be adults. With more and more people with Spina Bifida living into adulthood, Hal and the Spina Bifida Foundation are committed to addressing the new challenges these adults now face.

One of the specific projects in which Hal has been instrumental is urging Gruma—one of the world's largest producers of corn flour and tortillas—to begin research and product testing on enriching its corn products with folic acid, a known preventative of Spina Bifida. At the urging of the Foundation and with the full and strong support of the Spina Bifida Caucus, Gruma now has a year-end goal of enriching all its corn products sold within the United States.

This is an outstanding and notable achievement. In fact, studies show that if all women in the United States consumed the recommended amount of folic acid every day before and during early pregnancy, up to 70 percent of neural tube birth defects could be prevented. Members of the Hispanic/Latino Community are at a higher risk of Spina Bifida affected pregnancies than any other ethnic group and this important and commendable action by Gruma has significant implications for improving the health and well-being of the US Hispanic/Latino population.

In conclusion, Mr. Speaker, I would like to commend Hal for his outstanding leadership of the Spina Bifida Foundation and his steadfast commitment to improving the quality of life not just for his nephew Gregory but for all individuals living with Spina Bifida. I wish him the best on the occasion of his 60th birthday and am confident that he will continue to enjoy many successes in all of his charitable and professional endeavors.

H.R. 5450, NOAA REAUTHORIZATION ACT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation to reauthorize NOAA and call on the agency to work to develop an inland warning system. Six years ago I held a Hurricane Summit in the Second District of North Carolina. This was in response to the devastation that was brought to my State by Hurricane Floyd. Hurricane Floyd was one of the most devastating storms to hit the United States in more than 25 years. When Hurricane Floyd roared ashore in North Carolina in September of 1999, the storm took at least 56 lives, and left damages upwards of $6 billion from the Carolinas to New England.

Although the National Weather Service uses the Saffir-Simpson Scale to classify hurricane strength according to wind speed, Hurricane Floyd showed us that much more damage, death, and destruction can be created by unexpected inland flooding. One year ago this fact was displayed again with disastrous intensity during Hurricane Katrina when the damage was not just limited to the immediate coastal areas of the gulf coast. After the storms there were inland areas in Louisiana, Mississippi, and Alabama that were inaccessible for weeks following the severe flooding.

The purpose of my Hurricane Summit was to bring together meteorological experts from universities, the National Hurricane Center, and the National Weather Service to develop a more accurate index for inland flood monitoring. With the information gathered at this summit, I drafted legislation to ensure that NOAA and the National Weather Service make significant improvements to their inland flood warning system. H.R. 2486, the Inland Flood Forecasting and Warning System Act of 2002, was passed in the 107th Congress and enjoyed wide bipartisan support.

Mr. Speaker, this legislation directed NOAA and the National Weather Service to improve the capability to forecast inland flooding associated with tropical storms and hurricanes, to develop a distinctive inland flood warning index for emergency management officials, and to train emergency management officials, National Weather Service personnel, and meteorologists to use these improved forecasting techniques for inland flooding.

An important part of this legislation requires the National Weather Service and NOAA to report annually to Congress on the progress of this new flood index. I would like to continue to work with the members of the Science Committee and the Appropriations Committee to ensure that NOAA provides these reports to the Congress in a timely manner.

Congress must provide the proper oversight to NOAA to ensure that the progress in developing an improved inland flooding index can be put in place to save lives.

TRIBUTE TO EDWARD BEHNE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. PAUL. Mr. Speaker, I wish to take this opportunity to pay tribute to Major Edward Lee Behne, a decorated military veteran, entrepreneur, husband, and father who passed away on September 8. Major Behne served his country by flying UH–1 Hueys in Vietnam from 1967 to 1970. Major Behne is the Vietnam War's second-most decorated army pilot, having received two Distinguished Flying Crosses, a Legion of Merit, a VN Cross of Gallantry with Silver Star and Palm, two Silver Stars, six Bronze Stars, VN Service Medal (9 campaigns), two Meritorious Unit Citations, and 80 Air Medals.

In 1979, Edward Behne retired from the army to return to his home in Texas, in 1988, he founded Tex-Air Helicopters, Inc. Guided by his vision of a company that would provide customers an unprecedented level of quality, service, and performance in helicopter operations, Major Behne worked for over 20 years to build Tex-Air into one of the major providers of helicopter services in the Gulf Coast region. By 2000, the Tex-Air fleet had grown to thirty aircraft and was the most modern and sophisticated helicopter fleet in the United States. Operations ranged from Florida to Mexico with twelve helicopter bases, fifteen offshore refueling platforms, and two major maintenance facilities. Tex-Air established an extensive offshore radio network for operational control and flight following across the entire Gulf of Mexico using repeaters and a central communications base. In 2003, Major Behne retired from Tex-Air to return to his beloved Texas hill country ranch, where he entertained his best friends and family members, worked and hunted.

War hero, entrepreneur, rancher, family man—Major Edward Behne made numerous contributions to the betterment of his country and set an example for us all. I ask my colleagues to join me in paying tribute to Major Edward Lee Behne and extend our condolences to his wife, Mary Lynne; two sons, Mark Behne and Mike Behne; four step children, Jimmy Gonzalez, Mark Gonzalez, Tanya Roland and Robert Hughey; brother, Richard Behne; sister, Gwen Pascal; grandchild, Josephine Behne; and 14 step grandchildren, as well as all of Major Behne's family and friends.

TRIBUTE TO SAMUEL GOMPERS HIGH SCHOOL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Samuel Gompers High School as it celebrates its seventieth anniversary of service in the South Bronx. The first New York School designed to serve as a vocational high school, Samuel Gompers is a trailblazing institution that I am proud to represent in Congress.

Gompers opened its doors on September 12, 1935 and immediately began to make valuable contributions to the nation. After training machinists and welders during World War II, Gompers became one of the first high schools to adopt a technical program and to receive accreditation from the Middle States Atlantic School Association.

As the world evolves, Gompers adjusts its curriculum accordingly, ensuring its students are always a step ahead of rapid advances in technology. Majors such as Computer Pre-Engineering with Cisco Certification, Desktop Publishing, Computer Aided Design, Copier Repair, and Electronic Technician with A+ Certification guarantee that the young men and women of Samuel Gompers will posses the skills necessary to solve the complex technological problems of the 21st century.

The pursuit of excellence shared by the faculty and students of this institution creates an atmosphere that is ripe for achievement. Accordingly, the Gompers students have won numerous awards and competitions, including second place in the New York City All Academy Competition, third place in the New York/New Jersey Regional Botball tournament, and first place in the 2005 high school division of the USA Memory Championship. In addition, the school has graduated numerous students who have gone on to have very successful careers. Some of its more well known alumni include General Robert White, who piloted the X–15, the nation's first rocket aircraft; Damien Radcliffe, of the movie Glory Road; and former Gompers music teacher Alexander Altieri, who performed with legends such as Tito Puente and Eddie Palmieri.

Mr. Speaker, while I am truly impressed by the academic achievements of Gompers, it is the school's commitment to serving the community that makes me most proud. Currently, the school tutors students from neighborhood primary schools, holds food drives for the needy, and plants trees in an effort to beautify the South Bronx. In past years, the school sponsored a shared instruction program for students who attended high schools without trade programs.

"Through a depression and two wars, Samuel Gompers High school in the South Bronx has been supplying skilled craftsmen for the nation's industries," said a New York Post article in January of 1960. Fortunately, forty-six years and three wars later, Gompers continues to provide state of the art vocational and technical training in today's highly technological world.

Mr. Speaker, for its commitment to excellence and tireless efforts to empower those who have the least among us, I ask that my colleagues join me in paying tribute to Samuel Gompers High School on the occasion of its seventieth anniversary.

INTRODUCTION OF LEGISLATION TO COMBAT HUMAN SEX TRAFFICKING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mrs. MALONEY. Mr. Speaker, today, along with Representative LYNN WOOLSEY and Representative JERROLD NADLER, I am introducing legislation that would combat human sex trafficking by using the tax code to put traffickers in prison. Approximately 600,000 to 800,000 people are trafficked across international borders each year. Instead of dreams of better jobs and better lives, they are trapped into a nightmare of coercion, violence, and disease. However, trafficking is not just a problem in other countries. In addition to the men, women, and children from around the world who are brought into the United States for the sole purpose of being bought and sold by American citizens for commercial sex, in many communities, the victims themselves are Americans.

The legislation, which is based on an amendment attached by Senator GRASSLEY to S. 1321, the "Telephone Excise Tax Repeal Act of 2005," would authorize $2 million toward the establishment of an office within the IRS Criminal Investigation division to prosecute sex traffickers for violations of tax laws. This office would coordinate closely with the existing task forces in the Department of Justice that are focused on sex trafficking offenders. The IRS would be directed to focus on the willful failure of traffickers to file returns, supply information, or pay tax where the taxpayer is an "aggravated" non-filer. Additionally, the provision establishes a new felony offense for an aggravated failure to file to include failure to file with respect to income or payments derived from activity which is criminal under Federal or State law. The aggravated failure shall carry a maximum sentence of ten years per failure and shall increase the penalty from $25,000 under current law to $50,000. The legislation also increases other penalties for underpayment or overpayment of tax due to fraud.

The bill works to the benefit of the women and girls that are victimized by the traffickers not only by removing the traffickers from the streets but also by revising the IRS Whistleblower provisions that are currently in place so that the women and girls who choose to participate in the investigation of the trafficker will be eligible to participate in the whistleblower program and may ultimately receive some payment for their participation.

It is important that we protect the victims of the sex trade industry, and punish the predators who exploit them.

REMEMBERING 9/11

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BILBRAY. Mr. Speaker, in a day that will be looked upon as one of the worst days in American history, I remember it as a day where the world saw the best in all of us. Together, we mourned the loss of our fellow countrymen, grieved for the families they left behind and reaffirmed our resolve to cement the lessons of their sacrifice. Today, we celebrate their memory by forging a renewed commitment to never forget the lives lost on September 11th. For every life we lost, there was also a tale of courage and spirit.

I'd like to take a moment to tell you the story of a 53-year-old Catholic priest living in San Diego named Bill Metzdorf who is also a member of the California National Guard. On September 11th, Father Metzdorf was fulfilling his annual National Guard requirements by performing funerals at Arlington National Cemetery. Minutes following the attack on the Pentagon, Father Metzdorf was coordinating an impromptu prayer service. He would later accompany rescue workers into the Pentagon debris and perform blessings over the remains of those who did not survive the attack. He did this for more than two weeks, working 12-hour shifts.

Consoling family members, friends and survivors, Father Metzdorf helped strangers become friends, facing his difficult mission with unshakable resolve and fierce determination. Amidst all of the fear and uncertainty, Father Metzdorf stood with unwavering strength and gave others the gift of comfort. His story is similar to many of the police, fire and emergency responders who went into action, unafraid and unwilling to let cowards win the day.

As we honor those people lost five years ago and the heroes who helped rebuild an injured nation, let us also remember the men and women who are currently serving in our armed forces, who did not expect nor invite what would follow after September 11th. The people living in the San Diego region that I represent understand as well as anyone what kind of sacrifices come with military service. They have agreed to put a greater interest above their own and are the cornerstone of our Republic. They are defending the very thing the terrorists tried to destroy and we will never forget their service or sacrifices.

The truth is—we survived the worst and we still stand tall today. Bound by a common spirit of enterprise and a love of liberty, we have moved beyond the shadows cast by the events of 9–11 and persevered. The terrorists may have succeeded in tearing down structures, but no deed can extinguish the flames of freedom, or the American spirit.

55TH ANNIVERSARY OF AL-ANON

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. RAMSTAD. Mr. Speaker, this month marks the 55th anniversary of Al-Anon Family Groups. As co-chair of the Addiction, Treatment and Recovery Caucus, I want to recognize the tremendous work of this dedicated organization.

For over half a century, Al-Anon and Alateen have been a key source of support and hope for families and friends of alcoholics and addicts all over the world, with over 26,000 groups in 115 different countries.

Policymakers often focus attention on the individual with chemical addiction and forget or underestimate how devastating a loved one's disease can be on friends and family members.

Thankfully, Al-Anon and Alateen have never forgotten and are always there whenever a hurting person reaches out for help. We owe a tremendous debt of gratitude to Al-Anon and Alateen.

This month not only marks the 55th anniversary of Al-Anon, it is also the 17th annual National Alcohol and Drug Addiction Recovery Month. As we celebrate the promise and possibility of recovery this month, we must also remember the loved ones impacted by this devastating disease. As the chemical dependency professionals tell us, chemical addiction is truly a "family disease."

Thanks to Al-Anon, these individuals have a place to go where they can find hope and support. For that we owe this wonderful organization and all of its members our support and gratitude for 55 years of dedicated service.

Thank you, Mr. Speaker, and thank you, Al-Anon and Alateen.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably unable to be on the House Floor for rollcall vote 451, final passage of H. Con. Res. 210—Supporting the goal of eliminating suffering and death due to cancer by the year 2015; rollcall vote 452, final passage of H. Res. 622—To recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; and, rollcall vote 453, final passage of H. Con. Res. 415—Condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is. Had I been present I would have voted: "aye," for rollcall vote 451, "aye" for rollcall vote 452, and "aye" for rollcall vote 453.

HONORING THE REVEREND DR. RAYMOND A. BELL

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to call attention to the accomplishments of a great man and a great Virginian, Dr. Raymond A. Bell, Senior Pastor at Mount Hope Baptist Church.

Dr. Bell celebrates his 20th Anniversary with Mount Hope Baptist Church on September 23, 2006.

Dr. Bell is a true pillar of his community. As a leader in the faith community and an advocate for his congregation, Dr. Bell is a real example of the values held dear by Virginians—hard work, perseverance, and dedication.

Mr. Speaker, Dr. Bell is a true American leader. A successful reverend and public servant who has worked tirelessly for so many years, I wish Dr. Bell many more years to so greatly impact his fellow Virginians.

"FLOOD INSURANCE COMMUNITY OUTREACH GRANT PROGRAM ACT OF 2006"

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Ms. MATSUI. Mr. Speaker, one year after Hurricanes Katrina and Rita, it is clear that more needs to be done to protect and prepare homeowners from future catastrophic flooding. Which is why I have introduced the "Flood Insurance Community Outreach Grant Program Act of 2006." The intent of this legislation is to increase the overall participation in the National Flood Insurance Program (NFIP) while moving the program toward long-term stability and solvency.

My legislation will forge a stronger partnership between the federal government and local floodplain managers. It will: Create a grant program within FEMA to educate property owners about their flood risk and about the importance of flood insurance; and Funds this grant program at $50 million dollars annually over five years.

People at risk of flooding need to know their options and our local floodplain managers are our best partners in this effort. To put it quite simply, with 20,000 participating communities in NFIP—one size does not fit all. Our local partners know the risks, they know the landscape and in many cases they know the people. They know how to reach out to the people in their flood plain.

They can focus on the estimated 20 to 25 percent of property owners who have fallen through the cracks of our flood insurance system. People who are supposed to carry flood insurance, but do not carry it. Or use the money for an educational campaign directed towards people living in areas protected by levees, but not subject to the federal flood insurance requirement. Spreading the message: Levees can fail or overtop in severe weather. So it is common sense to carry flood insurance, even if the federal government no longer requires it.

This program can work.

Last year, with the support of a $162,000 FEMA grant, my local flood protection body, the Sacramento Area Flood Control Agency (SAFCA), conducted just such a flood insurance outreach initiative.

SAFCA reached out to more than 45,000 National Flood Insurance Program (NFIP) policyholders in the American River floodplain. In February 2005, this densely populated region was released from the Federal flood insurance requirement.

SAFCA's efforts yielded impressive results.

More than one year after SAFCA conducted outreach, 74 percent of the 45,000 NFIP policyholders who were removed from the Federal requirement had maintained their flood insurance protection.

Of this group, 43 percent now carry Preferred Risk flood insurance. Preferred Risk Policies provide property owners, who have been released from the federal requirement, but remain at risk of flooding, with full flood insurance protection for about half the price of a Standard flood policy. Because of their lower cost, it is likely that these Preferred Risk Policies will result in a higher level of policy retention over time.

Through this partnership with SAFCA, FEMA was able to retain a high number of flood insurance policies in the Sacramento region—a region that accounts for nearly 1 in 4 of all flood insurance policies in California.

Increasing the number of people who carry and hold on to their flood insurance will only strengthen the National Flood Insurance Program. And as Katrina made painfully clear: We need a strong and functional program to be there for our constituents in times of crisis.

While this grant program would be funded at $50 million annually and authorized for 5 years, I want to emphasize that this grant program has an excellent return on its investment.

For FEMA to recoup its initial grant to SAFCA, 550 Preferred Risk Policies had to be sold to property owners who otherwise would have canceled their flood insurance. SAFCA accomplished this . . . more than 20 times over.

Because of the FEMA and SAFCA partnership, more than 35,000 property owners who did not have to carry flood insurance stayed in the federal flood insurance pool. What is more, nearly 13,000 policyholders in the American River floodplain switched to Preferred Risk Policies.

In short, FEMA got its money's worth. And this says nothing of the Sacramento premiums that will continue to come into the Federal flood insurance pool each year these policyholders maintain their flood insurance.

Again, most of these policyholders no longer have to buy flood insurance. They do so because it is the safe thing to do. Because SAFCA has alerted them to the ongoing flood risk in their community. And because they saw what happened on the Gulf Coast.

If we can have this type of success in Sacramento, I am confident it can be replicated across the country.

These local outreach efforts will augment and benefit FEMA's existing marketing program by targeting property owners who are most likely to leave the NFIP—those who have been or will be released from the Federal flood insurance requirement.

The lesson learned here is that people whose houses, apartments and businesses are vulnerable to flooding are willing to enter and stay in the National Flood Insurance Program when they are informed of the risk they face and the options available to them.

Let me be clear; I speak from experience. When it comes to flood risk, my district of Sacramento is the most at-risk river city in the Nation.

My highest priority is to provide the city of Sacramento, my neighbors and my constituents with the best flood protection possible. We are making strides in strengthening and reinforcing the levees in Sacramento and making improvements to Folsom Dam—but whenever I talk about these efforts, I remind my constituents, "If you live behind a levee, you should purchase flood insurance."

Finally, I am encouraged by the efforts we are making as a Nation to develop a comprehensive flood protection agenda.

FEMA is in the process of implementing their Map Modernization Program that will update our Nation's flood maps.

Additionally, the Army Corps of Engineers is conducting a national levee inventory. When completed, this inventory will provide communities with a greater understanding of their flooding vulnerabilities. It will also provide us with a good indication as a country as to what long-term investments need to be made toward our flood protection infrastructure.

Both the FEMA Remapping Initiative and the levee inventory are important to the long-term safety and economic security of our country. The "Flood Insurance Community Outreach Grant Program Act of 2006" would be an excellent resource for communities to augment these initiatives.

This bill is a step in the right direction in providing for comprehensive flood protection for property owners and communities. I urge my colleagues to support this important legislation.